

# WEST GALVESTON ISLAND PROPERTY OWNER'S ASSOCIATION

## MINUTES OF THE BOARD OF DIRECTORS MEETING

August 16, 2008

Jerry Mohn, President, called the Board of Directors meeting for the West Galveston Island POA to order at 9:05 a.m. Directors making up the quorum were, Lin Thompson – Bermuda Beach; Sidney McClendon – Pirates Beach; Marty Bilek – Dunes of the West Beach; Deborah Phelps – Pointe San Luis; James DeFord – Spanish Grant Bayside; Peggy Zahler – Spanish Grant Beach; Clay Lewis – Sportsman Road; Tom Booth – Condos; and Ed Nadalin – Terramar Beach.

In attendance was Karen Mahoney – District 6 City Council Member; Galveston Parks Board Chair – Jeri Kinnear; and, Brandon Wade – Assistant City Manager. Corporate sponsors recognized were Peggy Zahler - Johnson Space Center Federal Credit Union.

**MINUTES:** Minutes of the July 19, 2008 meeting were sent by email and reviewed by the Board. Upon motion duly made by Peggy Zahler and seconded by Marty Bilek, the following resolution was adopted by unanimous vote. **RESOLVED THAT**, the minutes of July 19 meeting were approved as presented.

**TREASURER REPORT:** Cash on hand \$42,163.28. Total assets: \$44,098.40. Upon motion duly made by Tom Booth and seconded by Lin Thompson, the following resolution was adopted by unanimous vote. **RESOLVED THAT**, the financial report as presented.

**REAL ESTATE STATISTICS** – Alice Melott advised January to July this year, there were 14 less sale closing on properties. The real estate market is just plodding along and the west end is consistent.

**INFRASTRUCTURE:** Brandon Wade advised the following for the west end:

- Terramar: The sewer lines are in and 15% of the road paving with asphalt is complete. The bulk of the drainage is also complete.
- Sea Isle: Will be completed by late September
- Palm Beach: The sewer project is ready to go and the pipes have been delivered
- Nottingham Campsite: Work on the road will begin shortly.
- Ostermeyer and 9 Mile Road: Sewer project design is finalized. Plan to bring to City Council in 2-3 weeks for approval of certificates of obligation for the project.
- Jamaica Beach Water Tower – it is out for bids. Estimated cost is \$6 million. This will be a City of Galveston water storage tank for the west end.
- Bay Harbor: The funds are in the bank and ready to begin construction.
- 11 Mile Road: From Stewart to FM 3005: The right of way issue has been settled where Marquette dedicated it to the City. There will be two weeks of paper work but the money is in the bank for the road widening and waiting for the Corps permit to start.
- 11 Mile Road: North end and Settegast Road: The lift station for sewer up to the northern end of Settegast Road will cost between \$50-75,000.
- Sportsman Road: the lift station for the Sweetwater Development is 75% complete. The bridges for Sportsman Road and 10 mile road are under design, which will take three months. A Corp permit has been applied to put in box culverts so traffic can get around during construction of the bridges.

**DISTRICT 6:** City Council Member Karen Mahoney reviewed City Council activities.

- The Council approved the comments made for the HB 2819 proposed changes recommended by the

GLO. They requested also that the Galveston County Beach Erosion Task Force and the GLO work together on the rules.

- The Council approved the extension of the 4B sales tax for the November election. 1/8 cent will be directed for beaches, 1/8 for infrastructure; 1/8 for parks; and, 1/8 for economic development
- The Council will go on a 3 day budget retreat the next week. If any property owner associations needs some item to be added to the budget to let her know soonest.
- Drainage: The problems at Karankawa, Gulf Palms, and Acapulco Village are being addressed such as pot holes.
- Fire Hydrants: If a fire hydrant in any area has a yellow tag, they are not functioning and to please call the City to fix.
- Civilian Review Board: This was passed and the City is looking for people to serve.
- The City will focus on a wetlands ordinance.
- Horses on the beach: The City is working on this.
- Golf Carts: Concern that the City will stop processing licenses for golf carts as of 9/1. Karen will investigate. Golf carts are considered motor vehicles and not allowed on the beach. A change in legislation is needed to allow golf carts with licensed drivers on the beach. Karen also wants golf carts to be used on the beach for the disabled.

**US ARMY CORPS OF ENGINEERS:** Colonel David Weston, Commander of the Galveston District, presented the responsibilities of the District. Before the presentation was begun, Jerry Mohn read the biography of the Colonel and all the decorations and awards he has received to date. The audience gave the Colonel a standing ovation. If any member would like a copy of Colonel Weston's biography to please let us know at: [mohn@msn.com](mailto:mohn@msn.com)

### **Galveston District Responsibilities**

- 50,000+ sq mi, 700 miles coastline, 150 miles deep
- Rio Grande River to Sabine River, LA
- 48 counties, 2 LA parishes
- 16 congressional districts
- 343 full-time employees
  
- Maintenance of the navigational channels
- District HQ/Jadwin facility, Northern, Southern Area Offices
- FY'07 budget \$287 million

### **Mission Areas**

- Navigation
- Flood Risk Mitigation
- Environmental Restoration
- Shoreline Protection
- Regulatory
- Military Construction / Support for Others
- Emergency Management

### **Navigation Mission**

- More than 1,000 miles of channels
  - 750 deep draft channels
  - 271 shallow draft channels
- 28 Ports

- 30-40 million cubic yards dredged annually
- Intercoastal Waterway in Texas - Texas leads all other states in total tonnage handled: 487,100,000 tons out of 2,527,622,000 tons total for the entire system.

### **Navigation – Shallow Draft Channels include**

- Adams Bayou
- Cow Bayou
- Trinity River to Liberty
- Anahuac Channel
- Double Bayou
- Smith Point
- Offatts Bayou
- Chocolate Bayou
- Colorado River (Channel to Bay City)
- Channel to Palacios
- Victoria Barge Canal (Channel to Victoria)
- Lydia Channel to Port Aransas
- Channel to Aransas Pass
- Channel to Port Mansfield
- Arroyo Colorado (Channel to Harlingen)
- Port Isabel Small Boat Harbor & Side Channels

### **Navigation – Deep Draft Channels include**

- Freeport Harbor
- Matagorda Ship Channel
- LaQuinta Channel
- Corpus Christi Ship Channel
- Brazos Island Harbor – BIH
- (*Brownsville Ship Channel*)
- & Port Isabel Deep-Draft Channel & Turning Basin *Waterway*:
- Galveston Harbor
- Texas City Ship Channel
- Channel to Orange (Sabine River)
- Houston Ship Channel

### **Dredging Activity**

- 2007 DREDGING
  - Deep Draft 7 Contracts (new) \$21,978,110
  - 5 Contract Mods \$11,047,345
  - Shallow Draft 5 Contracts \$23,530,380
- 2008 DREDGING
  - Deep Draft 12 Contracts (new) \$48,895,123
  - 4 Contract Mods \$ 8,840,230
  - Shallow Draft 5 Contracts \$15,190,265

### **Fiscal Year 2007 Highlights**

- Galveston Channel Deepening PCA
- Texas City Deepening GRR

- MRGO "interim draft" report to ASA(CW)
- Sims Bayou reach 6 (3.2 mi/\$31M)
- N. Padre Island/Packery Channel
- Port Isabel INS Detention Facility
- Ft. Bliss MILCON Support
- Ellington Field Reserve Center
- PH225 Border Security Initiative
- Internal Restructuring

### **Opportunities - \$2 billion of construction**

- Every TX deep-draft channel authorized/under study for deepening
- Galveston – Construction Start in FY08
- Corpus Christi – Deepening authorized in WRDA 07
- Texas City – FY 08 Construction Start
- Sabine Neches Water Way – Feasibility Report Complete in 3QFY09
- Freeport
  - Federal Project Feasibility Study in DEC 08
  - Permit Decision in MAY 08
- Matagorda Ship Channel
  - Turning Basin – Assumption of Maintenance Approved
  - Deepening and Widening – Permit Decision in DEC 08
- Matagorda Bay ReRoute – In WRDA 07
- High Island to Brazos – In WRDA 07
- Cedar Bayou – PED Complete in 1QFY08

### **Regulatory Budget Allocation**

- FY 2005 \$5.2 million
- FY 2006 \$5.5 million
- FY 2007 \$5.5 million
- FY 2008 \$6.2 million

### **Regulatory Program Goals**

- Protect the aquatic environment
- Make fair and reasonable decisions
- Provide for efficient decision making

### **Regulatory Program - Purposes and authority**

- Protect Navigation
- Restore and maintain the physical, chemical and biological integrity of the Nation's waters
- Section 10 of the Rivers and Harbors Act
  - Regulated Activities - Work in navigable waters:
    - Dredging or disposal of dredged material, excavation, filling, or other modification of the bottom contours of a navigable water
    - Structures in navigable waters: any potential obstacle or obstruction such as piers, docks, boat ramps, pilings, breakwaters, bulkheads, riprap, power and water transmission lines, permanently moored vessels, aids to navigation, etc.
- Section 404 of the Clean Water Act - Regulates the discharge of dredged or fill material into waters

of the United States, including wetlands

- Waters of the United States
  - Surface water tributary systems, including intermittent streams, and associated water bodies
  - Adjacent Wetlands
  - Special Aquatic Sites (e.g., Sand, Mud and Algal Flats)
  - Vegetated Shallows (e.g., Seagrass Meadows, vegetated flats)
- Regulated Activities – Examples
  - road fills, poured concrete, backfill, beach nourishment, levees, breakwaters, rip-rap, dams, dikes, artificial islands, certain piling supported structures, fill behind bulkheads, boat ramps, mechanized land clearing, and some types of grading.
  - Fill Material - Any material which has the effect of displacing any volume of a water of the US, or changing the bottom elevation of any non-inundated, jurisdictional water of the U.S.
- Geographic Limits of Jurisdiction
  - Tidal waters: High Tide Line
  - Non-tidal waters (fresh waters):
    - Ordinary High Water Mark
  - Wetlands
  - Meets definition of "Waters of the United States" in 33 Code of Federal Regulations 328.3(a)

## **Elements of Permit Evaluation**

- Corps role is only with water but if other agencies find a problem with land then the Corp enters the picture to offer alternatives. This holds up the application to show other alternatives.
- 404(B)(1) Guidelines
  - Alternatives Analysis
  - least damaging practicable alternative (avoid, minimize, mitigate)
- Impacts to Aquatic Resources (FWS, NMFS, TPWD)
- Impacts to Essential Fish Habitat (NMFS)
- Impacts to Fish and Wildlife, or their habitat (FWS, NMFS, TPWD)
- Impacts to Threatened or Endangered Species (FWS)
- 401 Water Quality Certification (TCEQ/TRRC)
- Cultural & Historic Resources (SHPO)
- Coastal Zone Management Compliance (administered by Coastal Coordination Council)

## **Corps Role in Land Use, Planning/Zoning (33 Code of Federal Regulations 320.4(j) (2))**

- The Corp will only look at the piece of property that touches the waterway unless state and local agencies regulate the area.
- Primary Responsibility for determining zoning and land use matters rests with state, local, tribal governments
- Balance between the environment and development
- Corps will normally accept decisions by such govts on those matters unless there are significant issues of "overriding national importance"
  - Examples: national security, navigation, national economic development, water quality,

preservation of special aquatic areas (including wetlands), national energy needs

## **End of Public Interest Review**

- Corps generates an Environmental Assessment (evaluates environmental impacts, concludes with a "significance" determination)
- Environmental Impact Statement may or may not be required
  - There are no funds from Congress to do an EIS. If necessary, the applicant will have to do it.
  - The Corp can issue a cease and desist
  - Cumulative Impact Statement (CIS) – with Judge Kent's decision for the Lafittes Cove area in 2006, one was done that year and it is updated all the time. You should be able to obtain this on the Corp website. Required by law now to use a CIS for the west end.
- Corps generates a decision document which results in a decision to issue, issue with conditions, or deny permit application
- Corp looks at a project if it is a valid one and can it be built in a way to mitigate it.
- The system is not designed to achieve perfection

**Feasibility Study** – Sabine Pass to San Luis Pass. Still progressing. The House has approved of the FY08 funding but the Senate has not and we wait.

## **Galveston District Contact information**

Regulatory Branch: (409)766-3930

Galveston District Regulatory Home Page

[www.swg.usace.army.mil/reg/](http://www.swg.usace.army.mil/reg/)

Galveston District website

[www.swg.usace.army.mil](http://www.swg.usace.army.mil)

Galveston District Public Affairs

[swgpao@usace.army.mil](mailto:swgpao@usace.army.mil)

The Colonel will obtain information on questions raised during the meeting that were not answered, which include:

- Status of English Bayou
- Use of Galveston Geohazards map in permit evaluations
- Status of cumulative impact analysis for West End

The Colonel provided the following information to the above questions raised at the meeting:

**1Q. What is the status of the English Bayou permit? Were they investigated for compliance, and if so what was the result?**

1A. A permit was issued to Mr. Lamson Nguyen on April 11, 2006, and the time limit for completing the authorized work ends on Dec. 31, 2011. A compliance inspection was performed on June 21, 2008, and the project is currently in compliance. We plan to conduct future compliance inspections.

**2Q. Do we use the Galveston Geohazard map for assessing permit applications?**

2A. We use the information in the Geohazard map in our evaluation of permit applications. We require applicants to

provide us site specific geohazard information if the map indicates they are in a hazard area.

**3Q. What is the status of the Cumulative Impact Assessment for the West End?**

3A. We evaluate cumulative impacts on all permit applications, including developments on the West End of Galveston Island. We will continue to assess the cumulative impacts of additional proposed West End development that requires a permit from us in accordance with the requirements of the National Environmental Policy Act and the Clean Water Act Section 404(b)(1) Guidelines.

We did complete a more detailed cumulative impact assessment for the West End in the fall of 2006, as directed by a Federal District Court. This document is updated as permit decisions are made on the West End.

**4Q. Will the Cumulative Impact Assessment for the West End be available on the SWG web site? If not, how do they obtain it?**

4A. There is no requirement to publish regulatory environmental assessments, which routinely include cumulative impact assessments. However, any Corps document can be requested through a Freedom of Information Act request once a decision is made.

**EIS:** The WGIPOA Board earlier in the week approved a letter that was sent to the Galveston District to request an Environmental Impact Statement on cumulative impacts of residential and commercial development for the west end.

**APPROVALS:** After the meeting the Board met and a motion made by Sidney McClendon and seconded by Tom Booth, approved the following, which are budgeted items.

\$500 as a sponsor for the ASBPA Chicano Fall Conference

\$500 for the WGIPOA to continue as a sustaining member in FOGISP

There being no further business to come before the members and the Board the meeting was adjourned at 12:00 noon.

Susan Gonzales - Recording Secretary

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