

# CONSISTENCY WITH THE TEXAS COASTAL MANAGEMENT PROGRAM

JAN 10 2020

THE APPLICANT SHOULD SIGN THIS STATEMENT AND  
RETURN WITH APPLICATION PACKET TO:  
COASTAL PERMIT SERVICE CENTER  
602 N. STAPLES STREET, SUITE 240  
CORPUS CHRISTI, TX 78401  
FAX: (361) 888-9305

## FOR USACE USE ONLY:

PERMIT #: \_\_\_\_\_

PROJECT MGR: \_\_\_\_\_

## APPLICANT'S NAME AND ADDRESS (PLEASE PRINT):

Title  First  Last  Suffix   
Mailing Address  Home   
City  State  Zip Code  Work   
Country  Email  Mobile   
Fax

The Texas Coastal Management Program (CMP) coordinates state, local, and federal programs for the management of Texas coastal resources. Activities within the CMP boundary must comply with the enforceable policies of the Texas Coastal Management Program and be conducted in a manner consistent with those policies. The boundary definition is contained in the CMP rules (31 TAC §503.1).

• To determine whether your proposed activity lies within the CMP boundary, please contact the Permit Service Center at [permitting.assistance@glo.texas.gov](mailto:permitting.assistance@glo.texas.gov)

## PROJECT DESCRIPTION:

Is the proposed activity at a waterfront site or within coastal, tidal, or navigable waters?  Yes  No

If Yes, name affected coastal, tidal, or navigable waters:

Is the proposed activity water dependent?  Yes  No (31 TAC §501.3(a)(14))

<http://tinyurl.com/CMPdefinitions>

Please briefly describe the project and all possible effects on coastal resources:

See Section 1.1, Nature of Activity - Project Summary. The proposed project area totals approximately 79.81 acres and includes estuarine emergent wetlands, submerged aquatic vegetation, and unvegetated bay bottom.

Indicate area of impact:   acres or  square feet

## ADDITIONAL PERMITS/ AUTHORIZATIONS REQUIRED:

- Coastal Easement - Date application submitted: \_\_\_\_\_
- Coastal Lease - Date application submitted: \_\_\_\_\_
- Stormwater Permit- Date application submitted: \_\_\_\_\_
- Water Quality Certification - Date application submitted:
- Other state/federal/local permits/authorizations required:

U.S. Army Corps of Engineers Sections 404 and 10 permit.

The proposed activity must not adversely affect coastal natural resource areas (CNRAs).

JAN 10 2020

**PLEASE CHECK ALL COASTAL NATURAL RESOURCE AREAS THAT MAY BE AFFECTED:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Coastal Barriers            | <input type="checkbox"/> Critical Erosion Areas | <input checked="" type="checkbox"/> Submerged Lands              |
| <input type="checkbox"/> Coastal Historic Areas      | <input type="checkbox"/> Gulf Beaches           | <input checked="" type="checkbox"/> Submerged Aquatic Vegetation |
| <input type="checkbox"/> Coastal Preserves           | <input type="checkbox"/> Hard Substrate Reefs   | <input type="checkbox"/> Tidal Sand or Mud Flats                 |
| <input type="checkbox"/> Coastal Shore Areas         | <input type="checkbox"/> Oyster Reefs           | <input type="checkbox"/> Waters of Gulf of Mexico                |
| <input checked="" type="checkbox"/> Coastal Wetlands | <input type="checkbox"/> Special Hazard Areas   | <input checked="" type="checkbox"/> Waters Under Tidal Influence |
| <input type="checkbox"/> Critical Dune Areas         |   |  |

*The applicant affirms that the proposed activity, its associated facilities, and their probable effects comply with the relevant enforceable policies of the CMP, and that the proposed activity will be conducted in a manner consistent with such policies.*

**PLEASE CHECK ALL APPLICABLE ENFORCEABLE POLICIES:**

<http://tinyurl.com/CMPpolicies>

<input type="checkbox"/>	§501.15 Policy for Major Actions
<input type="checkbox"/>	§501.16 Policies for Construction of Electric Generating and Transmission Facilities
<input type="checkbox"/>	§501.17 Policies for Construction, Operation, and Maintenance of Oil and Gas Exploration and Production Facilities
<input type="checkbox"/>	§501.18 Policies for Discharges of Wastewater and Disposal of Waste from Oil and Gas Exploration and Production Activities
<input type="checkbox"/>	§501.19 Policies for Construction and Operation of Solid Waste Treatment, Storage, and Disposal Facilities
<input type="checkbox"/>	§501.20 Policies for Prevention, Response and Remediation of Oil Spills
<input type="checkbox"/>	§501.21 Policies for Discharge of Municipal and Industrial Wastewater to Coastal Waters
<input type="checkbox"/>	§501.22 Policies for Nonpoint Source (NPS) Water Pollution
<input checked="" type="checkbox"/>	§501.23 Policies for Development in Critical Areas
<input checked="" type="checkbox"/>	§501.24 Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands
<input checked="" type="checkbox"/>	§501.25 Policies for Dredging and Dredged Material Disposal and Placement
<input type="checkbox"/>	§501.26 Policies for Construction in the Beach/Dune System
<input type="checkbox"/>	§501.27 Policies for Development in Coastal Hazard Areas
<input type="checkbox"/>	§501.28 Policies for Development Within Coastal Barrier Resource System Units and Otherwise Protected Areas on Coastal Barriers
<input type="checkbox"/>	§501.29 Policies for Development in State Parks, Wildlife Management Areas or Preserves
<input type="checkbox"/>	§501.30 Policies for Alteration of Coastal Historic Areas
<input type="checkbox"/>	§501.31 Policies for Transportation Projects
<input type="checkbox"/>	§501.32 Policies for Emission of Air Pollutants
<input type="checkbox"/>	§501.33 Policies for Appropriations of Water
<input type="checkbox"/>	§501.34 Policies for Levee and Flood Control Projects

Please explain how the proposed project is consistent with the applicable enforceable policies identified above. Please use additional sheets if necessary. *For example: If you are constructing a pier with a covered boathouse, then the applicable enforceable policy is: §501.24 Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands. The project is consistent because it will not interfere with navigation, natural coastal processes, and avoids/minimizes shading.*

**§501.23 Policies for Development in Critical Areas:**

The project is consistent because all impacts to critical areas has been avoided to the greatest extent practicable. Compensatory mitigation for unavoidable impacts to estuarine emergent wetlands and submerged aquatic vegetation (i.e. critical areas) will be mitigated for with a combination of preservation and creation. Preservation proposed by the applicant includes obtaining the appropriate conservation easements and land management plans to preserve approximately 50-acres of forested land that includes a mosaic of pothole wetlands (5.90:1 mitigation ration). Creation proposed by the applicant is currently under development. However, the creation of a 13.3-acre submerged aquatic vegetation habitat is proposed within the Port of Corpus Christi's (PCCA) 1,600-acre dedicated habitat enhancement/creation area along the shoreline of Indian Point. Once the applicant and PCCA determine the precise location of the mitigation site, a 12-Step Mitigation Plan will be provided to conform with all regulatory guidance and regulations.

**§501.24 Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands:**

The project is consistent because the project components have been minimized to the maximum extent practicable and compensatory mitigation will occur for all wetland and submerged aquatic vegetation impacts.

**§501.25 Policies for Dredging and Dredged Material Disposal and Placement:**

The project is consistent because dredging and dredge material disposal and placement will not interfere with navigation. The dredge placement plan includes only previously approved dredge material placement areas. Compensatory mitigation will occur for all wetland and submerged aquatic vegetation impacts.

BY SIGNING THIS STATEMENT, THE APPLICANT IS STATING THAT THE PROPOSED ACTIVITY COMPLIES WITH THE TEXAS COASTAL MANAGEMENT PROGRAM AND WILL BE CONDUCTED IN A MANNER CONSISTENT WITH SUCH PROGRAM

  
Signature of Applicant/Agent

1-10-2020

Date

***Any questions regarding the Texas Coastal Management Program should be referred to:***

Jesse Solis  
Texas General Land Office  
602 N. Staples St., Suite 240  
Corpus Christi, Texas 78401  
Phone: (361) 886-1630  
Fax: (361) 888-9305  
[permitting\\_assistance@glo.texas.gov](mailto:permitting_assistance@glo.texas.gov)

Texas General Land Office  
Coastal Protection Division  
1700 North Congress Avenue, Room 330  
Austin, Texas 78701-1495  
Toll Free: 1-800-998-4GLO  
[federal\\_consistency@glo.texas.gov](mailto:federal_consistency@glo.texas.gov)