NOTICE OF SHORELINE TASK FORCE REGULAR MEETING CITY OF SOUTH PADRE ISLAND

TUESDAY, JANUARY 11, 2022 3:00 PM AT THE MUNICIPAL COMPLEX BUILDING 2ND FLOOR CITY COUNCIL CHAMBERS 4601 PADRE BOULEVARD SOUTH PADRE ISLAND, TX 78597

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comments and Announcements

This is an opportunity for citizens to speak to the Task Force relating to agenda or non-agenda items. Speakers are required to address the board at the podium and give their name before addressing their concerns. [Note: State law will not permit the Shoreline Task Force to discuss, debate or consider items that are not on the agenda. Citizen comments may be referred to City Staff or may be placed on the agenda of a future Shoreline Task Force meeting]

- 4. Regular Agenda
 - 4.1. Discussion and action to approve the minutes from the workshop on December 14, 2021. (Hughston)
 - 4.2. Discussion and action to approve the minutes from the regular meeting on December 14, 2021. (Hughston)
 - 4.3. Discussion and possible action to provide recommendations to City Council regarding vehicle and trailer parking along Gulf Boulevard. (Nixon)
 - 4.4. Discussion and action to provide a recommendation to City Council on a beach and dune permit to construct an at-grade beach access path for 4000 Gulf Boulevard. (Hughston, Boburka)
 - 4.5. Recognition of Chairman Virginia Guillot for her time and dedication to the Shoreline Task Force. (Boburka)
- 5. Adjourn

NOTE:

One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

DATED JANUARY 7, 2022

ecretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE SHORELINE TASK FORCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON JANUARY 7, 2022, AT/OR BEFORE 3:00 PM AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, GEORGE MARTINEZ AT (956)761-8103.



Agenda: JANUARY 11, 2022

CITY OF SOUTH PADRE ISLAND SHORELINE TASK FORCE AGENDA REQUEST FORM

MEETING DATE: January 11, 2022

NAME & TITLE: Kristina Boburka, Shoreline Director

DEPARTMENT: Shoreline Department

ITEM

Discussion and action to approve the minutes from the workshop on December 14, 2021. (Hughston)

ITEM BACKGROUND Meeting minutes from the workshop that took place on December 14, 2021.

BUDGET/FINANCIAL SUMMARY

None

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: Approved by Legal:

RECOMMENDATIONS/COMMENTS:

MINUTES OF WORKSHOP MEETING CITY OF SOUTH PADRE ISLAND SHORELINE TASK FORCE

Tuesday, December 14th, 2021

I. CALL TO ORDER.

The Shoreline Task Force of the City of South Padre Island, Texas, held a workshop meeting on Tuesday, December 14th, 2021, at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Chairman Virginia Guillot called the meeting to order at 1:34 p.m. A quorum was present with Task Force Chairman Virginia Guillot, Task Force Members Robert Nixon, Norma Trevino, and Stormy Wall. Absences were excused Abbie Mahan and unexcused Michael Sularz.

City Council members present were: Ken Medders and Lydia Caballero. City staff members present were: City Manager Randy Smith, City Attorney Edmund Cyganiewicz, Chief of Police Claudine O'Carroll, City Secretary Nikki Soto, Shoreline Director Kristina Boburka, and Coastal Coordinator Erika Hughston.

II. PLEDGE OF ALLEGIANCE.

Chairman Virginia Guillot led the Pledge of Allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS:

No public comments were given at this time.

IV. REGULAR AGENDA

I. DISCUSSION REGARDING VEHICLE AND TRAILER PARKING ALONG GULF BOULEVARD. (NIXON)

Task Force Member Nixon brought forward the need for clarification on parking regulations for beach access parking on Gulf Boulevard. City Attorney Cyganiewicz presented a draft proposal of language to be incorporated into the Code of Ordinances. Task Force Members opened discussion on the pros and cons of restricted trailer or oversized vehicle parking. Comments were given from community member Tommy Saenz, Chief of Police O'Carroll, and City Manager Smith. Task Force Members' discussion was finalized and the workshop concluded.

V. ADJOURNMENT.

There being no further business, Chairman Guillot adjourned the meeting at 2:31 p.m.

Erika Hughston, Coastal Coordinator

Robert Nixon, Vice Chairman

CITY OF SOUTH PADRE ISLAND SHORELINE TASK FORCE AGENDA REQUEST FORM

MEETING DATE: January 11, 2022

NAME & TITLE: Kristina Boburka, Shoreline Director

DEPARTMENT: Shoreline Department

ITEM

Discussion and action to approve the minutes from the regular meeting on December 14, 2021. (Hughston)

ITEM BACKGROUND Minutes from the regular meeting that took place on December 14, 2021.

BUDGET/FINANCIAL SUMMARY

None.

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: Approved by Legal:

RECOMMENDATIONS/COMMENTS:

MINUTES OF REGULAR MEETING CITY OF SOUTH PADRE ISLAND SHORELINE TASK FORCE

Tuesday, December 14th, 2021

II. CALL TO ORDER.

The Shoreline Task Force of the City of South Padre Island, Texas, held a regular meeting on Tuesday, December 14th, 2021, at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Chairman Virginia Guillot called the meeting to order at 3:00 p.m. A quorum was present with Task Force Chairman Virginia Guillot, Task Force Members Robert Nixon, Norma Trevino, Michael Sularz, and Stormy Wall. Absences were excused Abbie Mahan.

City Council members present were: Ken Medders and Lydia Caballero. City staff members present were: City Manager Randy Smith, City Attorney Edmund Cyganiewicz, Chief of Police Claudine O'Carroll, City Secretary Nikki Soto, Shoreline Director Kristina Boburka, and Coastal Coordinator Erika Hughston.

III. PLEDGE OF ALLEGIANCE.

Chairman Virginia Guillot led the Pledge of Allegiance.

IV. PUBLIC COMMENTS AND ANNOUNCEMENTS:

No public comments were given at this time.

V. REGULAR AGENDA

I. DISCUSSION AND ACTION TO APPROVE THE MINUTES FROM THE REGULAR MEETING ON NOVEMBER 9TH, 2021. (HUGHSTON)

Task Force Member Nixon made a motion to approve the minutes seconded by Task Force Member Trevino. Motion carried unanimously.

II. DISCUSSION AND ACTION TO APPROVE THE MINUTES FROM THE REGULAR MEETING ON NOVEMBER 30TH, 2021. (HUGHSTON)

Task Force Member Wall made a motion to approve the minutes seconded by Task Force Member Nixon. Task Force Member Trevino abstained. Motion carried.

III. DISCUSSION AND POSSIBLE ACTION TO PROVIDE RECOMMENDATIONS TO CITY COUNCIL REGARDING VEHICLE AND TRAILER PARKING ALONG GULF BOULEVARD. (NIXON)

Task Force Member Nixon brought forward the need for clarification on parking regulations for beach access parking on Gulf Boulevard. Task Force Members collaborated at the December 14th, 2021 Shoreline Task Force Workshop and presented the following ideals to be amended to beach access parking.

- No overnight parking
- No trailers at any time on Gulf Boulevard and beach access cul-de-sacs
- No oversized parking on Gulf Boulevard

Task Force Member Nixon made a motion for City Attorney Cyganiewicz to amend the aforementioned parking regulations and their legalities to the current beach access parking ordinances and to bring back the language to the Shoreline Task Force before providing a recommendation to City Council. Motion was seconded by Task Force Member Trevino. Motion carried unanimously.

V. ADJOURNMENT.

There being no further business, Chairman Guillot adjourned the meeting at 3:06 p.m.

Erika Hughston, Coastal Coordinator

Robert Nixon, Vice Chairman

CITY OF SOUTH PADRE ISLAND SHORELINE TASK FORCE AGENDA REQUEST FORM

MEETING DATE: January 11, 2022

NAME & TITLE: Kristina Boburka, Shoreline Director

DEPARTMENT: Shoreline Department

ITEM

Discussion and possible action to provide recommendations to City Council regarding vehicle and trailer parking along Gulf Boulevard. (Nixon)

ITEM BACKGROUND

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

LEGAL REVIEW Sent to Legal: Approved by Legal:

RECOMMENDATIONS/COMMENTS:

CITY OF SOUTH PADRE ISLAND SHORELINE TASK FORCE AGENDA REQUEST FORM

MEETING DATE: January 11, 2022

NAME & TITLE: Kristina Boburka, Shoreline Director

DEPARTMENT: Shoreline Department

ITEM

Discussion and action to provide a recommendation to City Council on a beach and dune permit to construct an at-grade beach access path for 4000 Gulf Boulevard. (Hughston, Boburka)

ITEM BACKGROUND

The applicant is proposing to construct an at-grade path that would run from the property at 4000 Gulf Boulevard to the line of vegetation ($265' \times 3.75'$).

The application packet, GLO comment letters, GLO comment emails, and an updated project description are all attached

BUDGET/FINANCIAL SUMMARY None.

COMPREHENSIVE PLAN GOAL None.

LEGAL REVIEW Sent to Legal: Approved by Legal:

RECOMMENDATIONS/COMMENTS:



Beach & Dune Application

City of South Padre Island 4601 Padre Blvd. South Padre Island, TX 78597 Phone: (956) 761-3044 Fax: (956) 761-3898

122	A LAND	Site for Pro	posed Work	
	Legal Description:	SO PADRE IS - PADRE BEACH SECTION VIII LOT & BLK 106	Physical Address:	4000 PADRE BLVD. SOUTH PADRE ISLAND, TX 78597

12.60	Property Or	wher information				Applicant / Agent for Owner	
Name:	GORGES, M	ATT, PATRICIA & MICH	AEL	Name;		THOREN THORBJORNSEN	
Malling	Address:	1275 N Stuart Place Re	1	Mailing Address:	:	6809 Padre Blvd. PO BOX	40000
City:	Harlingen		State: Texes	City:	So	with Padre Island	State: Texas
Zip:	78662-4290 0	Country: United States		Zip:	78597	Country: United States	
Phone I	lumber:	956-357-3157		Phone Number:		703-434-1444	
Fax Nur	nber:			Fax Number:			
E-Mail A	Address: micha	nel@gorgesinvestment	LCOM	E-Mail Address:		teebs.thorbjornsen@gma	il.com
i / We, i construi Owner(i	owners of the above-mention ction proposed below. (owner s) Signature(s):	ned property, suthort	ze the applicant stated	Applicant Signate	wre:	in order to acquire a Beach an	d Dune permit for the
Date:	3-8-21			Date:	3	18/21	

Barris and	March 1 all and	
Project	Description	

Describe with as much se detail as possible, the construction proposed. If more room is needed, please includ kinds of fences, whether footings endfor retaining walks will be installed, and locations of proposed landsceping a	ie an additionsi page. Include the number of habitable units, ementies, awamming pools, fences and parking.			
Construct a 265 X 3.75 foot footpath from the buildhead states of 4000 Guil Bivd east towards the Guil of Madoo by removing approximately 993.75 equare feet of dune vegetation.				
The impacted dure vegetation will be transplanted into a mitigation area 20X50 feet (~1000 af) to mitigate the tr	ose of dune vegetation from the footpath construction.			
Additional dure vegetation will supplement the mitigation site in accordance with Texas GLO guidelines to creat	te a vegetative area equivalent to the area of the footpath.			
An existing irrigation line at the buildness of 4000 Gulf will extended to the mitigation alls for watering by burying the Irrigation line along the cleared footpath and installing two				
pop up sprinkiers and a temporary faucet at the mitigation site.				
Total Square Footage of Footprint of Habitable Structure:	993.75 af			
Total Area of Impervious Surface (I.e. retaining walts, walkways, drives, petios, etc.):	NA			
Percentage Impervious Surface [(impervious surface / habitable footprint)* 100]:	NA			
Hease Note: the percentage of impervious surface cannot exceed 5% in an eroding area.				
Approximate Duration of Construction:	Three weeks			

Financial Plan for the Removal of All Hard Structures
All properties which are allowed to build retaining walls on their property are allowed to do so with the condition that a financial plan for the removal of the retaining wall is submitted to the Public Works Department of the City of South Padre Island. Removal of the retaining wall at the owner's expense may be required if/once the retaining wall comes into regular contact with wave action for twenty (20) out of thirty (30) consecutive days. The City accepts the submission of a Retaining Wall Covenant, or other financial guarantee, insuring the removal of the retaining wall if the required conditions are met.
Type of Plan Submitted: Date Submitted:
impacts to Beach / Dune System
Answer each question as completely as possible in narrative form.
1. What damage will this proposed construction have on the dune vegetation located at the project site?
No damage to dune vegetation whatsoever.
The proposed construction will impact% of the dune vegetation site. (An explanation of the "impact" will be required.)
The proposed construction will require the removal and relocation of% of the dune vegetation on site. (The submission of a mitigation plan will be required.)
Explanation / Other Information: The toopeth requires the removal of 7.5% of the dune vegetation from the dune area in front of 4000 Guil to be mitigated in an equivalent area at the foot of the dune.
2. How will the proposed construction alter the dune size/shape at the project site?
No change to dune size/shape whatsoever.
The proposed construction will change% of the size/shape of dunes on site. (Details will be required.)
The proposed construction will require the removal and relocation of% of the dunes on site. (The submission of a mitigation plan will be required.)
Explanation / Other Information:
3. Now will the proposed construction change the hydrology of the dunes at the project site?
It is processed construction will import during hydrology on site. (Details will be required)
4. Describe alternatives to the proposed construction or method of construction which will cause fewer or no adverse effects on dunes and dune vegetation.
Other methods of construction cause greater impacts on dune vegetation.
The relocation of dune vegetation will help with low impact construction.
5. Describe alternatives to the proposed construction or method of construction which will cause fewer or no adverse impairment to beach access.
The proposed footpath has the least impact on dune vegetation compared to other dune access methods like walkovers or mobi mats.

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Describe the methods which	you will use to avoid,	minimize, mitigate	and/or compensate for	any adverse effects o	n dunes or dune vegetation.

Explanation / Other Information: A mitigation area of approximately 1000 sf equivalent to the area disturbed by the footpath construction will be restored with dune vegetation at

the toe of the dune in front of 4000 Gulf which currently has little to no vegetation. Dune vegetation from the footpath will be transplanted to the migration site and supplemented

as needed with dune vegetation (ex. bitter panicum, sea cats, etc.) from the Native Plant Center and other sources in accordance with Texas GLO Dune Protection Manual

Financial Plan for Dune Mitigation:

If required by the City Council, a financial guarantee (irrevocable letter of credit or a performance bond, etc.) may be necessary to insure the mitigation of dunes/dune vegetation takes place as proposed and required of the applicant.

Type of Plan Submitted:

1. 1

Checklist of Additional Required Application Information

An accurate map, plat or site plan showing:

P	5	1.	Legal description of the property (lot, block, subdivision) and the immediately adjoining property.
Σ	3	2.	Location of all existing structures - including the habitable and inhabitable structures, swimming pools, decks, fences, parking areas, landscape areas, etc.
Σ	<u>(</u>	3.	Location of the Historical Building Line on the subject property and the extension of the line on the properties immediately adjoining the subject property to the north and to the south.
C	3	4.	Location and elevation of existing retaining walls - both on the subject property and those properties immediately adjoining the subject property to the north and to the south.
]	5.	Location of proposed structure(s) - if proposing the construction of a retaining wall, please also include the proposed elevation of the retaining wall.
		6.	Location of proposed driveways, parking areas (showing the # of proposed parking spaces) and landscape areas.
Σ	<[] ·	7.	Location of all existing and proposed beach access paths and/or dune walkovers.
Γ]	8.	Location and extent of any man-made vegetated mounds, restored dunes, fill activities, or any other pre-existing human modifications on the tract.
Γ]	9.	Topographical survey of the site identifying all elevations, existing contours of the project area (including dunes and scales) and the proposed contours of the final grade.
Other	requ	ire	d application information:
E]	1.	A grading and layout plan showing proposed contours for the final grade.
] :	2.	The floor plan(s) and elevation(s) of the structure proposed to be constructed or expanded.
\geq	(3.	Photographs of the site which clearly show the current location of the vegetation line & existing dunes on the tract within the last 6 months.
×		4.	Copy of the Flood Rate Map showing the location of the subject property. (FEMA.GOV - Map Search)
\geq	{	5.	Copy of the Historical Erosion Rate Map as determined by the University of Texas at Austin, Bureau of Economic Geology. (beg.utexas.edu)
\geq	(6.	Application Fee of \$180 for Staff Approved applications and \$300 for City Council Approved applications.

Your application is not complete unless all information requested above is submitted.

Application submissions require only three (3) copies of the complete information plus a digital copy.

Mitigation Plan

Date of Submission:



Mitigation Area (Green)





Footpath (Yellow) & Mitigation Site (White)



4000 Gulf Step Landing (~4'X6')



Building Line



Existing Paths & Walkovers

4000 Gulf Blvd Mitigation Site: 20'X50' (~1000 sf)

Facing South

Facing North





4000 Gulf Blvd Proposed Footpath: 3.75'X265' (Dune Vegetation Displacement 993.75 sf)

Facing East from porch

Facing West

West from Mitigation Site





Flood Rate Map



Erosion Map

Matt & Patricia Gorges 4000 Gulf Boulevard South Padre Island, TX 78597

March 8, 2021

The Seville Condominiums Condominium Manager 122 E Lantana St South Padre Island, TX 78597

JCJJI LTD 4004 Gulf Blvd c/o PO Box 1986 McAllen, TX 78505-1986

Dear Neighbors:

We are preparing to construct a sand foot path from the back of our steps to the beach. The project will not include construction of a walkover or mobi mat, but will require the removal of approximately 1000 square feet of dune vegetation.

As part of the project, we will mitigate the removal of dune vegetation in the pathway by enhancing dune vegetation in a 1000 square foot area (20'X50') along the beach edge toe of our dune line with 1,000 dune plants (primarily native bitter panicum).

Dune plants removed from the foot path will be preserved and used in the mitigation area. Additional dune plants will be provided by the Native Plant Center on South Padre Island and other sources to augment the mitigation site as needed. We expect the project to begin as soon as a permit has been approved by the South Padre Island Shoreline Task Force hopefully mid-March and be completed this spring in approximately 30 days. Plantings and plant maintenance will continue through the summer.

Please contact me or the Native Plant Center <u>teebs.thorbjornsen@gmail.com</u> (703-434-1444) if you have any questions. The entire project will be conducted with assistance from the Native Plant Center on South Padre Island and in compliance with the SPI Shoreline Department and Texas General Land Office coastal dune protection guidelines.

Sincerely,

Michael Corgeo

Michael Gorges 956-357-3157

Gorges Footpath Beach Access: 4000 Gulf Blvd (GLO ID No. BDSPI-21-0097)

Topographic Survey

A topographic survey of the project area was conducted by Mejia & Rose and is attached. The project does not involve any changes in elevation of the dunes and no grading, cutting or direct removal of sand is proposed for the pathway. A general path (265' length x 3.75' width) of least resistance with regard to dune elevations is illustrated as a blue line which follow the existing utility easement for the property. Due to scale of the topographic survey finer variations in the path elevation are not illustrated but will be flagged on site for review and approval by the SPI Shoreline Department to ensure that the pathway does follow the path of least resistance.

Plant Mitigation

Existing plants in the proposed footpath will be relocated to the mitigation site within the project area at the edge of the vegetation line. The mitigation plan is described in the permit document. Mitigation of plant removals in the footpath will compensated for on a 1:1 ratio by planting an equal amount of plants in the mitigation site. Impacts of compression from foot traffic under the proposed footpath is discussed below.

Sand Volume Impact

No sand will be removed from the project site directly as part of this project. Indirect sand removed by plant extraction will be minimal. All plants will be removed by hand, not by machinery. The soil on the footpath site is primarily sand which is not retained by the root system as the soil does not have a high clay content and is well drained and dry. From our experience, when dune plants are removed by hand very little sand is transferred as the root systems of dune plants on South Padre Island are shallow, not deep and well drained with low moisture content in the root ball of the sand upper surfaces. Furthermore, our method of transplanting by hand includes shaking the plant roots to dislodge excess sand. We estimate that less than 1/2 inch of sand is retained in the transplanted root system.

The plant root ball coverage of the proposed path is less than 50% of the pathway area. The pathway following the dune elevation of least resistance is 265 feet long and 3.75 feet wide. The total area of the new proposed path is therefore 993.75 sf. Given that the plant root ball coverage is less than 50% the total area of plant root removal is 496.875 sf. If each root transfers less than half an inch of sand or 0.041665 feet, the maximum sand volume moved from the path to the mitigation site within the property is 20.7 cubic feet calculated by pathway width, length and depth. All sand will stay within the system and all sand and plant removal will be transferred to the mitigation area.

Sand Compaction

The proposed foot path is 3.75 feet wide by 265 feet long covering a total area of 993.75 square feet that will be used by pedestrian foot traffic. Based on information from the SPI Shoreline Department the compaction of sand in a footpath usually amounts to a few inches of surface sand. Thus, the compaction volume equals 165.56 cubic feet (993.75x0.1666 feet). The typical compaction factor of sand is 0.88 (<u>https://www.loadscan.com/bulking-compaction/</u>). Based on the cubic volume of the pathway the sand compaction volume is 145.69 cubic feet. This is the maximum volume of sand compaction over time. The actual impact of foot traffic is minimal given the weight of individuals using the path and the compaction of sand from the size of feet and the frequency of trips per day.

The foot path provides beach access to a single-family home that is owned and traditionally occupied by senior citizen couple from Harlingen. Based on interviews with the family, the SPI beach house is used an average of 110 days each year. The average weight of men over 60 is 194.7 lbs.

(<u>https://www.medicalnewstoday.com/articles/320917</u>) and is 166.5 lbs for women over 60 (<u>https://www.medicinenet.com/weight women/article.htm</u>) generating an average weight of 181.1 lbs per pathway use. Daily use is estimated to be two trips a day for two individual's roundtrip from the home to the beach or a total foot traffic trips of 8 trips per day of use.

SPI Erosion Response Plan

The SPI Erosion Response Plan "recommends" elevated dune walkovers be constructed instead of beach access pathways at grade and "suggests" property owners construct boardwalks parallel to the shore that connect with existing public beach access walkovers. There are no City dune walkovers in close proximity to the property. Constructing a boardwalk parallel to the shore will add significant costs for the owners of the 4000 Gulf Blvd property and cut across a condo beachfront. More importantly, a constructed dune walkover is much more invasive and damaging to the dune ecosystem in terms of area of impact and construction impacts than a single-family footpath. We feel a simple footpath is the least impactful option. The SPI Erosion Response Plan applicable sections are not mandated, but recommendations and suggestions and therefore would ask that the SPI Shoreline Task Force be allowed to consider this project.



MEMORANDUM

TO:	Natalie Bell, General Land Office
FROM:	Kristina Boburka, Shoreline Director
DATE:	October 11, 2021
RE:	Preliminary determination on proposed Beach Access Path at 4000 Gulf Blvd, South Padre Island, TX 78597

The enclosed application materials present plans to create a beach access path that is located at the midpoint of Gulf Boulevard. There is no access currently only a stair path leading down to dune vegetation. This project will allow for the creation of a path for household members to access the beach. The path will be 265 feet in length and 3.75 feet wide and will begin at the existing stairs.

With consideration given to conformance with TAC regulations our preliminary determination is that:

- 1. The proposed activity will not reduce the size of the public beach. [TAC 15.5 (b)(1)]
- 2. The proposed activity does not appear to involve construction upon the public beach. [TAC 15.5 (c)(1)]
- 3. The proposed activity will not encroach upon the public beach. [TAC 15.5 (c)(1)]

With consideration given to the City's *Dune Protection and Beach Renourishment and Access Plan* [B&D Ord. Section 22-10]:

- 1. The proposed activity will not result in the potential for increased flood damage to the subject property or adjacent properties.
- 2. The proposed activity will not result in run-off or drainage patterns that aggravate erosion on and off the site.
- 3. The proposed activity will cause no changes to the existing dune hydrology east of the Historic Building Line.
- 4. The proposed activity will result in no adverse effects on dune complexes of vegetation.
- 5. The proposed activity will not significantly increase the potential for washover or blowouts.

Kristina Boburka Shoreline Director



TEXAS GENERAL LAND OFFICE GEORGE P. BUSH, COMMISSIONER

March 22, 2021

Via Electronic Mail

Kristina Boburka Director, Shoreline Management Department City of South Padre Island 321 Padre Blvd. South Padre Island, Texas 78597

Beachfront Construc	tion Certificate & Dune Protection Permit in the City of South Padre Island
Site Address:	4000 Gulf Boulevard
Legal Description:	Lot 6, Block 106, Padre Beach Section VIII
Lot Applicant:	Michael Gorges
GLO ID No.:	BDSPI-21-0097

Dear Ms. Boburka:

The General Land Office (GLO) has reviewed the application materials submitted for a dune protection permit and beachfront construction certificate for the above-referenced location. The permit application is administratively incomplete with the following information not found:

- The applicant must provide a topographic survey or elevation data for project area with a grading and layout plan identifying all existing and proposed elevations, existing contours of the project area (including the location of dunes and swales), and proposed contours for final grade.¹ The applicant should use the elevation information to calculate dune volume adversely affected by the proposed cutting of the pathway.
- If dunes will be adversely impacted by the cutting of the pathway, the applicant must submit a comprehensive mitigation plan that details how any adverse impacts to dunes will be mitigated or compensated for on a 1:1 ratio, including for impacts under the proposed pathway.²
- The applicant must demonstrate why it is not feasible to comply with the City of South Padre Island's Erosion Response Plan, which recommends elevated dune walkovers be constructed instead of beach access pathways at grade, and also discourages duplicative dune cuts by suggesting property owners construct a boardwalk parallel to the shore that connects with an existing public beach access dune walkover.³ Two City dune walkovers are located in close proximity to the property.

Please forward the requested information to our office for review. Reference should be made to the GLO ID number listed above If you have any questions, please contact me at (512) 463-0413 or at natale.bell@glo.texas.gov.

¹ 31 Tex. Admin. Code § 15.3(s)(4)(A)(ix).

² 31 Tex. Admin. Code § 15.4(f)(3).

 $^{^3}$ City of South Padre Island Erosion Response Plan, Section 4.

March 22, 2021 Page 2 of 2

Sincerely, Matatt atatt Bel

Natalie Bell Manager, Beach Access & Dune Protection Program Coastal Resources Division Texas General Land Office



Kristina Boburka <kboburka@myspi.org>

GLO comments on beachfront construction

Michelle Culver <Michelle.Culver@glo.texas.gov> To: Kristina Boburka <kboburka@myspi.org> Cc: Erika Hughston <ehughston@myspi.org> Mon, Oct 11, 2021 at 2:55 PM

Hi Kristina,

Confirming receipt.

The mitigation plan states that the applicant will only be mitigating for approximately 497 square feet of dune vegetation because the plant root ball cover is less than 50% of the pathway area, but no supporting information regarding plant density was provided and the photographs included in the application materials are small and blurry. Please have the applicant provide current color photographs of the entire length of the area where the pathway is proposed which clearly demonstrate the density of existing dune vegetation.

It also looks like the area where mitigation proposed is already partially vegetated. What is the approximate existing plant density of the mitigation area and/or what is the square footage of the mitigation area where there is room for new dune vegetation to be planted?

Also, without a mobi-mat or heavy foot traffic, it is likely that dune vegetation with migrate into the footprint of the proposed pathway. Does the applicant have a maintenance plan for the pathway?

Best,

Michelle Culver

Beach Access & Dune Protection Program

Texas General Land Office

(512) 463-5232

[Quoted text hidden]

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CAUTION: This email originated from OUTSIDE of the Texas General Land Office. Links or attachments may be dangerous. Please be careful clicking on any links or opening any attachments.



TEXAS GENERAL LAND OFFICE George P. Bush, Commissioner

October 21, 2021

Via Electronic Mail

Kristina Boburka Director, Shoreline Management Department City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597

Beachfront Construct	ction Certificate & Dune Protection Permit in the City of South Padre Island
Site Address:	4000 Gulf Boulevard, South Padre Island
Legal Description:	Lot 6, Block 106, Padre Beach Section VIII
Lot Applicant:	Michael Gorges
GLO ID No.:	BDSPI-21-0097a

Dear Mr. Hill:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The application remains administratively incomplete with the following information not found:

- The applicant is required to submit a comprehensive mitigation plan demonstrating that all adverse impacts to exiting dune vegetation will be mitigated or compensated for on a 1:1 ratio.¹ The mitigation plan states that the applicant will only be mitigating for adverse impacts to dune vegetation for 50% of the pathway area because plant root ball cover is less than 50% of the pathway area. However, supporting information regarding plant density has not been provided, and the photographs included in the application are small and blurry. The applicant must provide current color photographs of the entire length of area where the pathway is proposed which clearly demonstrate the density of the existing dune vegetation.²
- Based on the photographs included in the application materials, it appears that the area where mitigation is proposed is already partially vegetated. The applicant must provide information regarding the existing plant density of the proposed mitigation area or the square footage of the proposed mitigation area that is unvegetated.
- Without heavy foot traffic or placing a mobility mat within the proposed pathway, dune vegetation will likely migrate into the footprint of the pathway. Once the pathway is constructed, the applicant is prohibited from adversely impacting any additional dune vegetation that migrates into the footprint of the pathway without obtaining a new or amended beachfront construction

¹ 31 Tex. Admin. Code § 15.4(f)(3).

² 31 Tex. Admin. Code § 15.3(s)(4)(A)(x).

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certificate and dune protection permit from the City demonstrating mitigation for those additional impacts.³ The applicant should submit a maintenance plan detailing how the pathway will be maintained to avoid future additional impacts caused by dune vegetation migration into the pathway.

The requested information must be provided to the GLO for review and comment before the City is able to issue a permit. Reference should be made to the GLO ID number listed above. If you have any questions, please contact me at (512) 463-5232 or at <u>michelle.culver@glo.texas.gov</u>.

Sincerely,

llichelle un helle Culver

Beach Access & Dune Protection Program Coastal Resources Division Texas General Land Office

³ Tex. Nat. Res. Code § 63.051.

Gorges Footpath Project:

Sand Volume Impact

All plants will be removed by hand, not by machinery. Thus, the amount of sand removed when plants are dug up from the pathway will be minimal.

The soil on the footpath site is primarily sand which is not retained by the root system as the soil does not have a high clay content and is well drained and dry. From our experience, when dune plants are removed by hand very little sand is transferred as the root systems of dune plants on South Padre Island are shallow, not deep and well drained with low moisture content in the root ball of the sand upper surface. Furthermore, our method of transplanting by hand includes shaking the plant roots to dislodge excess sand. We estimate that less than 1/2 inch of sand is retained in the transplanted root system.

The plant root ball coverage of the proposed path is one plant per square foot based on a recent November 2021 measurement of the plant density. The pathway following the dune elevation of least resistance is 265 feet long and 3.75 feet wide. The total area of the new proposed path is therefore 993.75 sf.

If each root transfers less than half an inch of sand, the maximum sand volume moved from the path to the mitigation site within the property is 41.37 cubic feet calculated by plant density per sf of pathway. All sand will stay within the system and all sand and plant removal will be transferred to the mitigation area.

Mitigation & Maintenance Plan

The mitigation site is approximately 1000 square feet of unvegetated sand dune at the east side of the property where it interfaces with the dune slope to the beach front (see photos). The existing plant density is zero. It is bare sand with only a few runners of railroad vine runners as shown in the photos none of which have rooted. The base of the mitigation site is 50 feet wide parallel to the water interface. The west boarder of the unvegetated sand is curves into the boarder of vegetation 20', 25', 15' and 30' from the base of the eastern mitigation site boundary for an average of 22.5 feet wide along the east-west boundary for a total estimated unvegetated area of 1,125 square feet which exceeds the area required for a 1:1 plant replacement for mitigation (993.75 sf).

The plant density in the beach access pathway is one plant per square foot. The leaf foliage covers the entire square foot as the plants are mature. The attached photo illustrates the plant density of the proposed pathway. These plants will be transferred and planted at a density of one plant per square foot.

The owner will install 3.25 foot wide Mobi-mat to maintain the beach access pathway and prevent plant overgrown into the path made out of all weather-resistant, heavy-duty, recycled, textured, UV resistant polyester (https://shop.mobi-mat.com/collections/home/products/3-25-ft-wide-wood-like-roll-up-walkway).

Sand Compaction

The proposed foot path is 3.75 feet wide by 265 feet long covering a total area of 993.75 square feet that will be used by pedestrian foot traffic. Based on information from the SPI Shoreline Department the compaction of sand in a footpath usually amounts to a few inches of surface sand. Thus the compaction volume equals 165.56 cubic feet (993.75x0.1666 feet). The typical compaction factor of sand is 0.88 (<u>https://www.loadscan.com/bulking-compaction/</u>). Based on the cubic volume of the pathway the sand compaction volume is 145.69 cubic feet. This is the maximum volume of sand compaction over time. The actual impact of foot traffic is minimal given the weight of individuals using the path and the compaction of sand from the size of feet and the frequency of trips per day.

The foot path provides beach access to a single-family home that is owned and traditionally occupied by senior citizen couple from Harlingen. Based on interviews with the family, the SPI beach house is used an average of 110 days each year. The average weight of men over 60 is 194.7 lbs.

(<u>https://www.medicalnewstoday.com/articles/320917</u>) and is 166.5 lbs for women over 60 (<u>https://www.medicinenet.com/weight_women/article.htm</u>) generating an average weight of 181.1 lbs per pathway use. Daily use is estimated to be two trips a day for two individuals roundtrip from the home to the beach or a total foot traffic trips of 8 trips per day of use.

Photos:



Back Stair Landing

Pathway



Plant Density ~ One Mature Plant/Square Foot





Mitigation Site



Large Unvegetated Area (1,125 Square Feet)



Unvegetated Area Only Railroad Vine Present





Kristina Boburka <kboburka@myspi.org>

GLO comments on beachfront construction

Kristin Halley <kristin.halley@glo.texas.gov>

Thu, Dec 16, 2021 at 2:05 PM To: "kboburka@myspi.org" <kboburka@myspi.org>, "ehughston@myspi.org" <ehughston@myspi.org> Cc: Natalie Bell <Natalie.Bell@glo.texas.gov>

Good morning,

It appears there may have been confusion with Michelle's requested for a maintenance plan. Our experience with mobi mats is that over time, wind blown sand accumulated on the mat and vegetation tends to grow over the mat if maintenance activities are not performed. Attached are pictures that show sand accumulating and vegetating beginning to grow over a mobi mat placed on dunes in Port Aransas after just a couple of months. If the dune sand and dune vegetation overtake a mat, then removal of that sand and/or vegetation would be considered dune impacts and require further mitigation. A mobi mat that serves a single family residence that is only occupied part of the year is likely to be overtaken by sand and vegetation rather quickly. Therefore, we request a "maintenance plan" to detail what activities will be undertaken to prevent the dune sand and dune vegetation from overtaking the mobi mat.

Activities that have been proposed in the past are things such as sweeping the mat on a regular basis, rolling the mat up prior to any storm events, perhaps rolling the mat up when the homeowners are gone for extended periods of time, taking care of to ensure dune vegetation is not damaged during the maintenance activities.

If the applicant sends a written description of the proposed maintenance to keep their mobi mat clear of dune sand and vegetation, I can move forward with reviewing the application and sending comments. Please let me know if you have any questions.

Sincerely,

Kristin Halley

Beach Access & Dune Protection Program

Coastal Resources Division

Texas General Land Office

(512) 463-1278

From: Michelle Culver < Michelle.Culver@glo.texas.gov> Sent: Tuesday, December 14, 2021 9:09 AM To: Kristin Halley <kristin.halley@glo.texas.gov> Subject: FW: [EXTERNAL] GLO comments on beachfront construction From: Erika Hughston <ehughston@myspi.org>
Sent: Monday, December 13, 2021 3:54 PM
To: Kristina Boburka <kboburka@myspi.org>
Cc: Michelle Culver <Michelle.Culver@glo.texas.gov>; Natalie Bell <Natalie.Bell@GLO.TEXAS.GOV>

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[Quoted text hidden]

3 attachments



Photo+3.jpg 1150K



Photo+4.jpg 1274K



PXL_20211018_181916874.jpg 631K



TEXAS GENERAL LAND OFFICE George P. Bush, Commissioner

December 22, 2021

Via Electronic Mail

Kristina Boburka Director, Shoreline Management Department City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597

Beachfront Construe	ction Certificate & Dune Protection Permit in the City of South Padre Island
Site Location:	4000 Gulf Blvd, South Padre Island
Legal Description:	Lot 6, Block 106, Padre Beach Section VIII
Applicant:	Michael Gorges
GLO ID No.:	BDSPI-21-0097b

Dear Ms. Boburka:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to remove existing dune vegetation to create a sand walkway in the dunes and mitigate for the impacts to the dune vegetation. According to the most recent data from the Bureau of Economic Geology, the area is accreting.

Based on the materials forwarded to our office for review, we have the following comments:

- The applicant should conduct periodic maintenance to preserve accessibility of the walkway as long as no dune vegetation is damaged during the maintenance process. If additional adverse impacts occur, the applicant must submit a new or amended beachfront construction and dune protection permit with a mitigation plan detailing how impacts to dunes and dune vegetation will be mitigated or compensated for on a 1:1 ratio.¹
- The mitigated dunes must be continuous with any surrounding naturally formed dunes and must approximate the natural position, contour, volume, elevation and vegetative cover of any naturally formed dunes in the restoration area.²

¹ 31 Tex. Admin. Code § 15.4(f)(3).

² 31 Tex. Admin. Code § 15.7(e)(3).

Ms. Boburka December 22, 2021 Page 2 of 3

- The City must require that the applicant restore dunes to approximate the naturally formed dune position or location, contour, volume, elevation, vegetative cover, and sediment content in the area.³
- The applicant must restore or repair dunes using indigenous vegetation that will achieve the same protective capability or greater capability as the vegetation on surrounding natural dunes.⁴
- The City must require the applicant to begin compensation for any adverse effects to dunes and dune vegetation prior to or concurrent with the commencement construction.⁵
- The City must require the applicant to conduct mitigation and compensation efforts continuously until the repaired, rehabilitated, and restored dunes and dune vegetation are equal or superior to the pre-existing dunes and dune vegetation. These efforts shall include preservation and maintenance pending completion of mitigation.⁶
- The applicant has not provided the contact information for the adjacent landowners. Since a mitigation plan is required, the applicant must provide landowners immediately adjacent to the tract with notice of the hearing on the permit at least 10 days prior to the hearing.⁷
- The proposed construction activities must not result in the material weakening of critical dunes or dune vegetation and must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, disturb unique flora and fauna, or adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.⁸
- The City shall determine a mitigation or compensation project is complete when the dune restoration project's position, contour, volume, elevation, and vegetative cover have reached a level that matches or exceeds the surrounding naturally formed dunes.⁹
- The permittee shall be deemed to have failed to achieve mitigation and compensation if a 1:1 ratio has not been achieved within three years after beginning compensation efforts.¹⁰
- The City shall provide written notification to the GLO after determining that the mitigation and compensation is complete. The GLO may conduct a field inspection to verify compliance.¹¹ If the City does not receive objection from the GLO within 30 working days after the GLO is notified in writing, the City may certify that the mitigation and compensation is complete.¹²

³ Port Aransas CMP, Section VI(F)(3)(a)(1).

⁴ 31 Tex. Admin. Code § 15.4(f)(3)(A)(iv).

⁵ 31 Tex. Admin. Code § 15.4(g)(1) & Port Aransas Coastal Management Plan § VI(F)(5)(a).

⁶ 31 Tex. Admin. Code § 15.4(g)(2) & Port Aransas Coastal Management Plan § VI(F)(5)(b).

⁷ 31 Tex. Admin. Code § 15.4(f).

⁸ 31 Tex. Admin. Code § 15.4(d) & Port Aransas Coastal Management Plan § VI(E)(1).

⁹ 31 Tex. Admin. Code § 15.4(g)(3) & Port Aransas Coastal Management Plan § VI(F)(5)(c).

¹⁰ 31 Tex. Admin. Code § 15.4(g)(5) & & Port Aransas Coastal Management Plan § VI(F)(7).

¹¹ 31 Tex. Admin. Code § 15.4(g)(4) & Port Aransas Coastal Management Plan § VI(F)(6).

¹² 31 Tex. Admin. Code § 15.4(g)(4) & Port Aransas Coastal Management Plan § VI(F)(6).

Ms. Boburka December 22, 2021 Page 3 of 3

• The proposed construction activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach.¹³

If you have any questions, please contact me at (512) 463-1278 or at kristin.halley@glo.texas.gov.

Sincerely,

Kustu Halley

Kristin Halley Beach Access & Dune Protection Program Coastal Resources Division Texas General Land Office

¹³ 31 Tex. Admin. Code § 15.6(g).

CITY OF SOUTH PADRE ISLAND SHORELINE TASK FORCE AGENDA REQUEST FORM

MEETING DATE: January 11, 2022

NAME & TITLE: Kristina Boburka, Shoreline Director

DEPARTMENT: Shoreline Department

ITEM

Recognition of Chairman Virginia Guillot for her time and dedication to the Shoreline Task Force. (Boburka)

ITEM BACKGROUND

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

LEGAL REVIEW Sent to Legal: Approved by Legal:

RECOMMENDATIONS/COMMENTS: