



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

28 MAY 1996

CECW-PC (10-1-7a)

SUBJECT: Gulf Intracoastal Waterway - Aransas National Wildlife Refuge, Texas

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on measures recommended to be constructed on the Gulf Intracoastal Waterway (GIWW) to protect critical habitat of the whooping crane, a federally-listed endangered species, near the Aransas National Wildlife Refuge, Aransas and Calhoun Counties, Texas. It is accompanied by the report of the district and division engineers. These reports address results of studies conducted under authority of Section 216 of the 1970 Flood Control Act. Section 216 provides for review of completed U.S. Army Corps of Engineers projects to assess the need for modification due to changes in physical or economic conditions. Preconstruction engineering and design activities for the recommended modifications to the GIWW will be continued under authority of this Act.
2. Approximately 31 miles of the existing GIWW bisect the designated critical habitat of the endangered whooping crane located in and adjacent to the Aransas National Wildlife Refuge. Critical wintering habitat is being lost at a rate of about 2 acres per year due to erosion caused by a combination of vessel traffic and natural currents and wave action. The shoreline recession destroys wetland habitat and the shallow potholes that are the cranes' preferred feeding areas. The problem is compounded by the fact that the cranes are territorial and return to the area. Other concerns associated with the operation and maintenance of the waterway include the impacts of dredging and dredged material disposal on aquatic resources and the possibility of a chemical or petroleum spill that would contaminate crane habitat. The recommended erosion abatement and spill protection measures are necessary to comply with the provisions of the Endangered Species Act of 1973, as amended. The Act requires that each Federal agency insure that no action it authorizes, funds, or conducts is likely to jeopardize the continued existence of any listed species or destroy or adversely modify critical habitat.
3. The reporting officers considered several alternatives to reduce erosion-caused loss of critical habitat and to minimize potential adverse impacts from contaminant spills that could occur from waterway traffic. The study results and recommendations have been fully coordinated with the various Federal and State resource agencies. The recommended plan consists of providing 75,500 feet (14.3 miles) of bank protection for erosion control and installing permanent facilities for ready deployment of spill containment measures. The

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recommended plan is justified based on the significant non-monetary benefits associated with protecting critical habitat of a federally-listed endangered species. No monetary benefits have been computed. The recommended plan is the least costly method of protecting the critical habitat of the endangered whooping crane. A plan for long-term management of dredged material that addresses future maintenance activities along this reach of the GIWW is associated with the current recommendation, but is not part of the recommendation for congressional authorization. The long-term management plan for dredged material provides for beneficial use of dredged sediments from channel maintenance to create 1,614 acres of new marsh over a 50-year period. This plan will be implemented under the existing project authority using operations and maintenance funding.

4. At the October 1995 price level, the first cost of the recommended plan, including detailed design costs, is estimated to be \$18,283,000. The estimated average annual costs, reflecting a 50-year period of economic analysis and a 7.625 percent discount rate, are \$ 1,633,000, including equivalent annual maintenance, repair, rehabilitation, and replacement (MRR&R) costs estimated to be \$50,000. All initial construction costs, including planning, design, engineering, lands, easements, rights-of-way, relocations, contract administration, and construction inspection and supervision, are 100 percent Federal. Under current policy, non-Federal interests are responsible for the MRR&R of restoration measures. The State of Texas and other Federal agencies (U.S. Fish and Wildlife Service and U.S. Coast Guard) have declined to accept responsibility for MRR&R. Corps assumption of MRR&R responsibility, as an exception to policy, is warranted to achieve compliance with the Endangered Species Act and ensure continued operation of the GIWW. As an exception to Corps policy, all future MRR&R costs associated with the recommended erosion protection and spill containment features will also be a 100 percent Federal responsibility. Spill response and operation of the spill containment features is the responsibility of the responsible party, U.S. Coast Guard, U.S. Fish and Wildlife Service, and the State of Texas (Texas General Land Office).

5. Washington level review indicates that the proposed plan is technically sound, economically justified, and environmentally acceptable. Excluding the policy exception cited above, the proposed project complies with applicable U.S. Army Corps of Engineers planning procedures and regulations. Also, the views of interested parties, including Federal, State, and local agencies have been considered.

6. Accordingly, I recommend implementation of the proposed project generally in accordance with the reporting officer's recommended plan, with such modifications as in the discretion of the Chief of Engineers may be advisable.

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7. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the State of Texas, interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

  
ARTHUR E. WILLIAMS  
Lieutenant General, USA  
Chief of Engineers