
Chapter Five RECREATIONAL CABINS

Summary of Findings

1. *The School Land Board Rules appear to contain a strong statement of GLO authority to control cabin impacts, so the rigidity of cabin regulation is more a matter of administrative priority.*
2. *Resource limitations are constraining an ambitious program for improved cabin management.*
3. *The General Land Office recognizes the problems with the cabin program and is attempting to improve its management under difficult circumstances.*
4. *There is a chance that there will be more recreational cabins in the future, but the scarcity of suitable sites makes this unlikely.*
5. *The General Land Office is attempting to develop uniform criteria for a general permit that would expedite permitting of cabin projects by the U.S. Army Corps of Engineers, but this strategy has some critics.*

The state owns the recreational cabins located in Christmas Bay and elsewhere along the Texas Gulf Coast. It has the authority to remove them at any time rather than lease them. But because the state appears to have no intention of doing so, the challenge for cabin managers is to minimize the negative environmental impacts at existing cabin sites. This has proven to be frustrating. The Texas General Land Office does not have adequate resources to monitor the cabins routinely, and it is rebuffed on nearly every management option it proposes. The most extreme cabin critics see no acceptable alternatives short of complete removal of the intrusive structures. GLO staff believe that their agency will remain in a "Catch-22" situation until it can develop a consensus among the various resource agencies on an acceptable management strategy for the recreational cabins. It is attempting to do this now by drafting a Cabin Management Plan, which is expected later this year.

Action Recommendations

Action: *The School Land Board should adopt an uncompromising approach to approvals and renewals of recreational cabin leases in the Christmas Bay Coastal Preserve.*

Involved Agencies: • Texas General Land Office

Rationale: If the cabin program is ever to have any influence over the behavior of cabin users, then it must demand observance of certain basic policies. Anyone who flagrantly or repeatedly ignores the conditions of a lease allowing him to occupy state-owned property should immediately lose that privilege through lease termination. Evidence of lease violations should be documented to justify the denial of lease renewals, and every new leaseholder should be subject to a probationary period and performance evaluation.

Action: *The School Land Board should re-examine its cabin fee structure to insure that those who benefit from the use of the cabins are paying the bulk, if not the entirety, of the program's administrative costs.*

Involved Agencies: • Texas General Land Office

Rationale: The financing of the cabin program should be based on a "user fee" approach. The Texas Land Commissioner has pointed out that there are 21,000 Texas citizens for every recreational cabin. A program that benefits such a small proportion of the population -- and provides recreational rather than essential services -- should not be financed out of the state's limited general revenue. Those who have secured the privilege of occupying state land should pay the full cost of administering that privilege. Cabin fees should be sufficient to finance routine site inspection visits and other administrative tasks, including lease processing. In addition, the damage deposit already paid by each leaseholder might be supplemented by an additional nominal fee (for cabins in coastal preserve areas) that would fund preservation activities within the coastal preserve. Finally, the actions by cabin users that would result in automatic forfeiture of their damage deposit should be explicitly stated and strictly enforced.

Action: *The General Land Office's cabin program must receive adequate funding to allow it to sponsor periodic meetings with cabin users.*

Involved Agencies: • Texas General Land Office

Rationale: Cabin program administrators hoped to schedule informational meetings along the coast with cabin users, but they could not afford to do so. As the staff has acknowledged, educational meetings of this sort are essential if the polluting behavior of individual cabin users is to be influenced. If public meetings are too costly, then the program's newsletter for leaseholders should be adequately funded and widely circulated. This publication also should be distributed to numerous other agencies and organizations to boost the image of the cabin program. As noted previously, the costs of such tasks should primarily be funded by the cabin users. General Land Office staff should explore how much each individual cabin fee would have to be raised to finance the cost of an annual cabin user meeting. This single meeting could rotate among various coastal locations over a multi-year period to insure that every leaseholder has a reasonable opportunity to attend at least one meeting during the term of his lease. Meeting sites near Christmas Bay and other coastal preserves with significant cabin concentrations should be a high priority of meeting planners.

Action: *The School Land Board should study the feasibility of freezing the number of active cabin sites in Christmas Bay and other coastal preserve areas.*

Involved Agencies: • Texas General Land Office

Rationale: General Land Office staff already are studying relocation and reduction strategies as part of the upcoming Cabin Management Plan. In the meantime, the School Land Board should consider a moratorium on any new cabins or substantial cabin repairs in the Christmas Bay Coastal Preserve until a consensus on appropriate cabin policy has been developed among the relevant agencies. A longer-term goal should be a meaningful reduction in the number of active cabin sites in Christmas Bay, especially where cabins are located directly over water or are known to cause significant problems.

Action: *The upcoming Cabin Management Plan should spell out explicitly the level of resources needed to administer the program effectively, the existing level of funding, and the potential problems to be expected if funding remains inadequate.*

Involved Agencies: • Texas General Land Office

Rationale: Decision-makers and agency managers should be given a precise idea of the potential "costs" of insufficient funding: in what indirect ways will the state pay for what it is not willing to fund

up front? This analysis should especially pinpoint the probable costs of increased field monitoring. It also should indicate how great a concern the recreational cabins are to decision-makers, and whether the funding priority matches the problem priority.

Action: *The General Land Office should coordinate its management planning and administrative activities with the interested resource agencies to pursue a workable consensus on cabin policy.*

Involved Agencies:

- Texas General Land Office
- Resource agencies

Rationale: While the recreational cabins are not considered a significant problem, they apparently still attract the attention and complaints of a number of agencies. These agencies should be included in the General Land Office's planning process so that their concerns may be documented and addressed. This coordination should continue in cabin permitting, monitoring and enforcement. Formal methods for complaint referrals and inter-agency monitoring assistance should be agreed upon. When the Cabin Management Plan is completed, the General Land Office should distribute it broadly. The dilemmas of cabin management involve many of the same issues facing the entire Galveston Bay National Estuary Program.

**Christmas Bay Management Framework:
RECREATIONAL CABINS**

AGENCY	AUTHORITY	POLICY	STRATEGY	ACTORS
GLO	1. Texas Natural Resources Code, Chapter 33 (Coastal Public Lands Management Act of 1973)	1. Texas Natural Resources Code: - statement of public policy 2. School Land Board: - statement of agency policy in Texas Administrative Code - Rules and Regulations 3. Texas Land Commissioner: - agency plans - agency goals	1. Rules for leasing of recreational cabins 2. Annual site inspections and remote monitoring 3. Management planning: - Cabin Management Plan - Coastal Management Plan - Coastal Preserve program 4. Education and outreach to cabin users	1. Resource Management program area (Austin) - cabin program administration 2. Upper Coast Field Office (La Porte) 3. GLO Coastal Preserve Coordinator (Austin)
CORPS	1. Rivers and Harbors Act of 1899, Section 10 2. Federal Water Pollution Control Act amendments, Section 404	1. U.S. Congress 2. Code of Federal Regulations: - Corps Final Rules 3. Corps Regulatory Branch, Washington, D.C.: - Regulatory Guidance Letters	1. Permitting of certain activities in "navigable waters of the United States" 2. Public interest reviews 3. Inter-agency consultation and coordination 4. Field surveillance and inspections 5. Criminal and civil enforcement actions	1. District Engineer, Galveston District 2. Regulatory Branch, Galveston District

Management Concern: RECREATIONAL CABINS

Background

In the early 1900s, duck hunters and commercial and sport fishermen began to build "fishing shacks" in Texas' bays and coastal marshes, despite the fact that these areas were owned by the state. Technically the structures were illegal, and their occupants squatters on public land, because the state never authorized the construction. But the state took no significant action over the next several decades to force their removal.

The recreational cabins were only one of a host of activities in the coastal zone that came under increasing public scrutiny during the 1960s environmental movement. But the cabins were perhaps the most visible sign of human intrusion into an otherwise pristine environment. In addition, their impacts on coastal resources were rarely monitored and never studied closely. Amid nationwide moves to enhance public management of coastal areas, the Texas Legislature in 1973 enacted the Coastal Public Lands Management Act.

Along with numerous other important provisions, the Act authorized the Texas General Land Office to assume and tighten regulation of existing cabins on state-owned coastal lands. Most importantly, the total number of permitted cabins was frozen at the level inventoried that year: 612 cabins. Future permits for these remaining cabins would have to be issued in accordance with new state guidelines. Although no new cabins have been added since 1973, state agency personnel still have only limited ability to monitor activities at cabin sites. Cabin residents are held to an "honor system" for most of the year. For this and other reasons, the state's cabin program has continued to be a target of criticism from various government agencies, conservation groups, and the public. These critics span the entire range of opinion. The most vehement call for the removal of all "private residences" on public lands. Others have concerns but downplay the potential pollution risk from cabins relative to other, more pressing environmental threats.

Nature of the Problem at Christmas Bay

The *Environmental Inventory of the Christmas Bay Coastal Preserve* identified approximately 100 recreational cabins in the Bay itself and in the bayous, passes and cuts leading into it. These cabins tend to be used seasonally, mostly by avid fishermen.

The most prominent concern associated with the cabins is that few of the ones located over water have sanitary facilities (most upland cabin sites have septic tanks or closed systems). As a result, cabin occupants discharge raw sewage directly into the state's sensitive bays and coastal wetlands. The Texas General Land Office intends to address this and numerous other regulatory issues in an upcoming management plan for the cabin program.

In the meantime, program critics and agency staff continue to debate the significance of these relatively small-scale discharges. For instance, it is known that waste from waterfowl increases fecal coliform levels in coastal marshes. Officials in the Shellfish Sanitation Division of the Texas Department of Health say that this natural source, combined with the impacts of upstream point source discharges, is a more significant factor in shellfish contamination. Even though a number of areas where cabins are clustered are closed to shellfish harvesting, the impacts of the cabins themselves are a secondary concern. Nonetheless, it is TDH policy to place a blanket restriction on harvesting within fifty yards of any cabin. (The *Environmental Inventory* warned that recreational fishermen may not be aware of this ban or the associated health risk.)

Aside from the discharge issue, the cabins are also criticized for causing a variety of impacts within the Bay environment. The actual location of the cabins can cut into shellfish harvesting since oyster reefs were a preferred foundation for the original cabin construction. In many places, the cabins and their occupants disturb established or promising nesting sites for colonial waterbirds. Boat traffic associated with the cabins also impacts local habitats through wave action, damage to dwindling seagrasses, and the release of pollutants. Not surprisingly, human presence in the area has also led to dumping and accumulation of trash, although a "carry-in, carry-out" policy now requires that all garbage and construction debris be removed from cabin sites. Finally, opponents of the cabins decry the visual intrusiveness of the cabins, especially those in disrepair.

Key Management Agencies

Texas General Land Office (GLO)

As the chief manager of state-owned submerged lands in Texas, the General Land Office in 1973 was assigned responsibility for overseeing the leasing and private use of the 612 recreational cabins in the state's coastal bays and marshes. This authority was included in the Coastal Public Lands Management Act. Recreational cabins are only one of a variety of private uses of state land that the GLO regulates and for which it negotiates leases, grants of interest, easements and permits.

General Land Office programs are guided by the three-member School Land Board and the elected Texas Land Commissioner, who chairs and is one of the three members of the Land Board. A recent reorganization created eight "program areas" within GLO. Cabin-related activities fall under the Resource Management program area. Administrative staff for the cabin program are based at GLO's Austin headquarters, while field activities are carried out from GLO's Upper Coast and Lower Coast Field Offices. Direct management of the cabins in and around Christmas Bay is performed by Upper Coast field staff based in La Porte.

Chapter 33 of the Texas Natural Resources Code contains a statement of public policy regarding the state's management of coastal public lands. This policy is repeated in much the same language in the portions of the Texas Administrative Code devoted to School

Land Board Rules for Coastal Public Lands. Under state policy, these lands are considered "an important and valuable asset dedicated to the permanent school fund and to all the people of Texas." The policy statement goes on to specify management guidelines for coastal public lands. A number of these apply to cabin management, including:

- an emphasis on conservation of natural resources, including the instruction that "such resources should be construed to include the natural aesthetic values of those areas and the value of such areas in their natural state for the protection and nurture of all types of marine and wildlife. "
- protection of those uses of state-owned lands which benefit the most people
- prevention of unauthorized uses
- protection of the public interest during all uses
- limitation of uses except through proper leasing and permitting procedures, and
- the requirement that uses only be authorized "after weighing the economic benefits against the need to protect and preserve the resources of coastal public lands."

GLO policies and priorities also are established by the Texas Land Commissioner and disseminated through internal documents and agency plans such as the recently-released Texas Coastal Management Plan.

GLO's lease process for recreational cabins is straightforward. The vast majority of application reviews involve 5-year lease renewals since cabin leases tend to be passed down over the years within families or among groups of friends. GLO sends a lease renewal application to the current leaseholder with a copy of the cabin drawing that was included in the previous contract. The leaseholder is asked to note on the drawing any recent or proposed changes to the cabin. The application and cabin plans are then returned with a nominal filing fee. Each application requires a site visit by GLO staff, who report their findings to headquarters staff in Austin. These internal reports tend to be positive unless any significant environmental problems are discovered in the field. Examples of items that the staff check, aside from the cabin's structural integrity, include the impact of cabin use on nearby seagrasses (e.g., by insuring that boat traffic to and from the cabin crosses seagrass beds at the narrowest point, when such crossings cannot be avoided), the care taken by cabin users to carry out all trash and construction debris (no burning or stockpiling is permitted on the site), and any impacts to wetlands, such as the wearing of a path from the dragging of boats. Where concerns are identified, leaseholders can be instructed to pursue alternatives that will reduce impacts, and specific requirements or conditions can be written into the new contract.

Next, the lease renewal is placed on the School Land Board agenda. Most leases are approved routinely by the Board according to staff recommendation. Once the lease is approved, a new cabin contract is sent for the leaseholder to sign and return. At that time, the leaseholder must pay the cabin lease fee, which is calculated based on the cabin's square footage -- excluding piers, docks and walkways -- at sixty cents per square foot. If the current leaseholder does not wish to renew, then the lease is offered to those individuals who were listed on the contract as "associates." This is the mechanism that allows family members or friends to assume a cabin lease. If there are no interested associates, then the lease becomes available to those persons on GLO's cabin waiting list.

GLO field staff make unannounced visits to cabin sites, primarily to check external conditions and identify any contract violations. These inspections may be performed at any time. If a cabin's square footage has been enlarged without GLO knowledge, then the lease fee will be reassessed. The most recent comprehensive inventory of all cabin sites was conducted in the spring of 1990.

GLO does not levy fines in response to violations. Instead, field staff cite any violations, notify the leaseholder either orally or in writing depending on the seriousness of the problem, and give the leaseholder reasonable time to comply. The violation and its resolution are documented in the cabin file both in Austin and at the field office, and this fact will be considered during the next lease renewal. GLO's ultimate compliance tool is termination of the cabin lease, although this rarely occurs.

U.S. Army Corps of Engineers (Corps)

The state's recreational cabins are primarily a single-agency program under the Texas General Land Office, but the Corps also has jurisdiction under Section 10 of the Rivers and Harbors Act of 1899. (Work at cabin sites may require a Corps permit under Section 404 of the Clean Water Act if dredged or fill material is to be discharged into nearby waters.) In Section 10, Congress directed the Corps to "regulate all work or structures in or affecting the course, condition or capacity of *navigable waters of the United States*" (emphasis added). Congress' intent was to protect the navigable capacity of waters important to interstate commerce. Corps regulations define "navigable waters" as those subject to the ebb and flow of the tide, to the mean high water line, including all bays, estuaries, tidal creeks and wetlands inundated up to the mean high water line. The definition also includes waters now or previously used to transport interstate and foreign commerce and waters that may potentially be used to transport such commerce. Activities which require a Corps permit under Section 10 include: structures (piers, wharves, breakwaters, bulkheads, jetties, weirs, transmission lines, pipelines) and dredging, filling, stream excavation, channelization and similar works that modify navigable waters.

Cabin-related activities in Christmas Bay which fall under Corps jurisdiction are regulated by the Corps' Galveston District. The District is one of five in the Southwestern Engineer Division, which covers all of Texas, New Mexico and Oklahoma

and portions of Louisiana, Arkansas, Missouri and Colorado. The Division headquarters is located in Dallas. Each Division and District has an arm of the Corps' nationwide Regulatory Branch. Each Branch within the Corps is comprised of specialized Sections. In the Corps hierarchy, Section Chiefs report to Branch Chiefs, Branch Chiefs to the District Engineer, District Engineers to the Division Engineer, and Division Engineers to the Chief of Engineers in Washington, D.C. The Chief of Engineers manages the entire agency under the direction of the Secretary of the Army. Most of the Corps' permitting authorities have been delegated from the Secretary to the Chief of Engineers and his authorized representatives.

Regulation of activities in U.S. waters from 1890 to the 1960s focused mainly on navigation concerns. More recent environmental legislation and court decision have broadened the Corps' regulatory program. The Corps now performs a full "public interest review" of most projects to balance water protection and water utilization needs. This process requires the Corps to weigh each project's need and benefits against the potential impacts. In doing so, the Corps must take into account all comments it receives, as well as any other relevant factors.

With every application it reviews, the Corps considers the following general criteria:

- the relative extent of the public and private need for the proposed activity
- the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed activity, and
- the extent and permanence of the beneficial and/or detrimental effects which the proposed activity is likely to have on the public and private uses to which the area is suited

The Corps also must examine any specific impacts in a wide range of areas, including: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, food and fiber production, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, the needs and welfare of people, and considerations of private ownership. For this formidable task, the Corps relies not only on its own technical staff, but on the entire network of experts in other federal and state agencies. It is important to note that, aside from the Corps, a host of federal and state resource agencies also can influence the GLO's recreational cabin program indirectly through their comments on Corps permit applications. This inter-agency input and coordination is not only volunteered but often mandatory under such key federal laws as the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, and a number of others.

The Corps' standard permit is one that is processed through typical review procedures and involves a case-by-case evaluation of proposed activities. This process often includes a Public Notice, an opportunity for a public hearing, and consideration of comments received. Under prescribed circumstances, the District Engineer is authorized to use less time-consuming, alternative methods for approving proposed activities in navigable waters. The more well-known is the "general permit," which has been the subject of criticism from those who prefer to see case-by-case evaluations in most all instances. Under a general permit, formal processing of a permit application may not be needed because the Corps already has authorized certain activities in advance by issuing a nationwide or regional permit to the public at large. However, a Public Notice, an opportunity for public hearing, and decision documentation still must be completed by the staff, and some reporting may be required of the project sponsor. For example, the repair or replacement of a previously authorized, currently serviceable structure such as a pier or bulkhead is allowed under a Corps nationwide permit, provided that there are no deviations from the original plan. The rationale behind general permits is that they cover activities that have been found to involve no significant impacts in a particular region or nationwide. The District Engineer also may use a Letter of Permission (LOP) to approve small or routine projects with minor impacts and minimal agency or public objections. LOPs are the fastest alternative to a standard permit because a Public Notice is not required, meaning that the public at large is not notified of the project application.

Listed below are the usual steps for processing a standard individual permit:

1. Optional pre-application consultation
2. Receipt of permit application at District Office
3. Public Notice within 15 days of receiving all information
4. Comment period of 15-30 days, depending on nature of activity
5. Review by Corps, resource agencies, special interest groups and the public
6. Consideration of comments received
7. Inter-agency consultation, if necessary
8. Requests for additional information, if necessary
9. Public hearing, if necessary
10. District Engineer issues permit or denies application with statement of reasons

The Corps urges all who are unsure about Corps jurisdiction to contact the District early in project planning to receive a written determination of whether a Corps permit will be needed. This may include a visit to the project site by Corps personnel. To avoid costly delays and ensure regulatory compliance, the Corps also encourages informal pre-

application meetings between applicants and Corps staff prior to submission of a permit application, especially on large and more complex projects.

The Corps uses a standard application form for all of its permits. The reason for this is that all proposed activities first must be evaluated to determine which of the regulatory programs they fall under and what type of permit will be needed to authorize the work. Additionally, most applications go through the same basic review process, no matter which type of permit is needed. The application requests information on the proposed activity; its sponsor; its purpose; its location; any nearby waterbodies; adjacent property owners; any other federal, state, interstate or local approvals needed; any provisions for discharge of dredged or fill material; and whether any portion of the project is already in progress or completed. The Corps also requires three types of drawings with each application: a vicinity map, a project plan, and an elevation or cross-section view. Although there is no formal deadline for Corps decisions on permit applications, it is agency policy to try to approve or deny an application within 60 days. More complex technical or legal situations may require more time. Reviews of applications involving a Public Notice typically are finished within four months, with most requiring only 60 days. A formal Public Notice involves notification of all relevant federal, state and local agencies, adjacent property owners, and the general public. These groups are given an opportunity for review and comment on the proposal, as well as the chance to request a public hearing on the matter. In comparison, a straightforward Letter of Permission normally takes only 30 days.

The Corps reports that only 3% of all permit requests are denied nationwide. Most disapprovals involve applicants who refuse to change the design, timing or location of the proposed activity in line with Corps recommendations. The sponsors of a disapproved project may redesign their plan and resubmit their application. The Corps often points out regulatory factors for applicants to weigh in the design process, as well as urging consideration of alternatives when conflicts arise. The Corps also suggests ways to eliminate the need for a permit through careful siting of activities near water and minimization of project impacts.

When enforcement action is necessary, either because of a permit violation or failure to obtain a permit, the Corps prefers to pursue a voluntary, mutually agreeable solution with the alleged violator. In some cases this may include requiring him to restore the disturbed site to its pre-project condition or finance the cost of such work. If the violation is not significant and the activity would have been authorized by the Corps under the appropriate procedures, then the project sponsor may be allowed to apply for an "after-the-fact" permit. The Corps' enforcement strategy is tailored to the seriousness of the violation and the cooperativeness of the project sponsor. Litigation, when necessary, is handled by the Corps' Office of Counsel. The most damaging violations or hostile violators are referred to the U.S. Department of Justice for prosecution. Penalties for violation of Corps regulations may range from minimum fines to imprisonment in the most extreme cases.

Management Evaluation Findings

1. *The School Land Board Rules appear to contain a strong statement of GLO authority to control cabin impacts, so the rigidity of cabin regulation is more a matter of administrative priority.*

In the section of the Rules pertaining to School Land Board approval of cabin permits, it states that "the Board may include in its approval any provisions deemed necessary to protect the state's interest in coastal public lands and the public welfare." Another section requires that all structures be maintained "in a clean and sanitary condition acceptable to the state" (emphasis added). A third section states that all applicants must agree "to comply with all regulations which the Board determines to be necessary and proper for the protection, conservation, and orderly development of coastal public lands."

GLO staff agree that the state has considerable authority to regulate activities at recreational cabins. They say it is a matter of how tough the state wants to be. More importantly, they say it also comes down to the level of resources the agency could muster to enforce more restrictive cabin rules. For example, cabin contracts require users to comply with all state and local health regulations, including carrying out sewage if other disposal options are not available, but compliance is nearly impossible to monitor.

2. *Resource limitations are constraining an ambitious program for improved cabin management.*

In nearly all of its efforts regarding the cabin program, the General Land Office is delayed and limited in what it can do by a basic lack of resources. The centerpiece of the program, the upcoming Cabin Management Plan, is expected later this year after being held up by staff time and funding constraints. In addition, GLO has long wanted to increase the frequency of its field inspections, not only for monitoring reasons but also to combat vandalism. GLO staff normally are in the field only on weekdays, but they know that cabin-related activities reach their peak on weekends. Even so, more frequent site visits are unlikely under current funding arrangements. In fact, GLO staff report that the typical five-year lease renewal is being shortened to three or four years for some cabins so that the site inspection process can gradually be brought onto the same cycle for most of the cabins. This will save money and staff time by reducing the number of trips into the field. Staff also point out that a cabin clustering policy is popular within the agency not only for its resource protection benefits but also because it will assist program administration.

One area where GLO has been able to make some strides is in its documentation of cabin sites. Field staff maintain extensive files on each cabin, including maps and aerial photographs. The staff actually use aerial photography as a tool for tracking physical changes at cabin sites. This is another way that the need for field checks has been minimized. But program staff have not yet been able to achieve their

objective of sponsoring twice-a-year informal gatherings with cabin users. The staff had hoped to launch these informational meetings in 1990, either on the mainland or at a coastal site near some of the cabins. They planned to invite staff from various agencies and organizations such as the National Audubon Society and the Gulf Coast Conservation Association. But the only recent meetings that GLO has been able to arrange with cabin users were required public hearings along the coast to accept comments on proposed cabin fee increases.

Delays in improving outreach can be lived with, but, because of budget limitations, the agency also had to wait a number of months before hiring a Coastal Preserves Coordinator. This individual will play a leading role in addressing cabin management concerns in Christmas Bay, yet support for this important resource could not even be counted on in GLO's budget. Even more telling is the fact that GLO only has a handful of field staff to cover 4.5 million acres of state-owned submerged land.

3. *The General Land Office recognizes the problems with the cabin program and is attempting to improve its management under difficult circumstances.*

GLO staff describe the cabin program as "an inherited headache." State statutes which placed this burden on GLO only half-heartedly targeted the illegal "fishing shacks" by authorizing "limited use of previously unauthorized structures." The GLO sees itself as being in a "Catch-22" situation -- the status quo is not acceptable, but the alternatives the GLO has presented, such as upland relocation and clustering, are just as sensitive and have not gained sufficient support to be implemented.

The Land Office is now focusing on the development of its Cabin Management Plan. In addition to studying ways to streamline administrative procedures and clarify GLO cabin policies, the plan is intended to address the concerns raised by other agencies regarding the cabin program. GLO staff have consulted with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the U.S. Coast Guard, the Texas Parks and Wildlife Department, the Gulf Coast Conservation Association, the National Audubon Society, the Sierra Club, and many other organizations during this process.

Some critics of the program see a fundamental conflict between the cabin program and larger resource protection objectives. This tension would only seem to be intensified in Christmas Bay following its designation as a Texas Coastal Preserve. These are the types of dilemmas that confront the GLO. For instance, despite the emphasis on relocation and clustering, these strategies are limited by the difficulty of finding suitable sites (GLO staff note that most relocations are occurring along the Lower Texas Coast). The GLO is targeting artificial islands created by spoil disposal from dredging operations, but many of these are within 1000 feet of private property, which would violate the GLO's own cabin siting criteria. These islands are also considered potential new nesting sites for displaced waterbirds, which once again places the cabin program in an intrusive position. On the controversial subject

of sewage disposal, the agency is working toward a sewage management plan, but the same types of undesirable trade-offs are involved. For example, Austin staff have studied on-site chemical toilets as one disposal option, but they are expensive and contaminant specialists are not convinced that dumping this wastewater would have less of an impact than raw sewage. There is also the internal balancing that the GLO always must do as both a revenue-generating agency and a resource protection agency. The problem of limited knowledge also affects the program. Technical staff are not sure of the extent or significance of the cabin impacts and, due to funding limitations, they are not in the field regularly to monitor such things as fecal coliform.

In the end, some GLO staff believe that the cabin program is simply an easy target for critics because the cabins are visible and create some very clear impacts. But are these impacts overblown? The staff suggest that there are other, more significant threats to Christmas Bay than recreational cabins.

4. *There is a chance that there will be more recreational cabins in the future, but the scarcity of suitable sites makes this unlikely.*

The Coastal Public Lands Management Act of 1973 froze the total number of cabin permits at 612. But GLO staff report that the number of active cabin sites has fallen from roughly 600 to approximately 450. This means that more than 100 additional permits could potentially be issued in coming years. However, the major constraint on the program is the limited number of coastal sites that could meet Corps requirements as well as the GLO's own resource protection standards.

The Land Office considers these inactive permits to be on hold pending the completion of its Cabin Management Plan. Consultations with other resource protection agencies will continue. In the meantime, the GLO has stated that it will not issue any additional permits as long as environmental protection objective cannot be met under the cabin program.

5. *The General Land Office is attempting to develop uniform criteria for a general permit that would expedite permitting of cabin projects by the U.S. Army Corps of Engineers, but this strategy has some critics.*

The Corps of Engineers applies Section 10 of the Rivers and Harbors Act to certain activities at recreational cabin sites in navigable waters. This includes new cabin construction, dock repairs, the addition of "T-heads" to existing piers, and the renovation of damaged cabins. Aside from environmental considerations, the Corps' chief concerns are navigation safety and prevention of conflicts with federal dredging projects.

The GLO has noted two management shortcomings with this approach. First, each individual cabin project requires a separate Corps permit, which is a burden for the leaseholder as well as an administrative burden for the Corps' District Office.

Second, the leaseholder must obtain two separate permits -- one from the Land Office and one from the Corps. Working with the Corps, the GLO hoped to address these concerns by developing standard criteria for all cabin projects that could be included in a general permit. If the Corps were to agree to a general permit, then the burden would shift to the GLO to insure that all Corps requirements are met. The approval of a state cabin contract would mean that both GLO and Corps permitting requirements had been satisfied, and specific guidelines for environmental protection would be written into the GLO contract.

To this point, the GLO and the Corps have not progressed beyond the initial drafting of a possible permit application. The Corps is supportive of the effort, but other agencies are not yet satisfied with the proposed siting alternatives for cabins, including the possibility of upland relocation and clustering. GLO staff suspect that the resource agencies also are uncomfortable with the prospect that all permitting authority for the cabin program would be concentrated under one agency. And there is also the usual opposition to general permits in lieu of case-by-case evaluations. The GLO considers this initiative to be on hold until it completes its Cabin Management Plan. In the interim, cabin projects will continue to require individual review and approval by the Corps.