



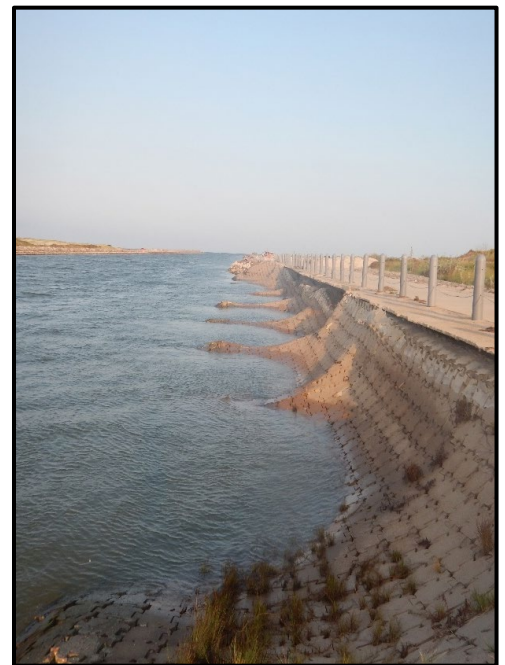
# PACKERY CHANNEL REPAIR AND RESTORATION

## Background

- Prior to dredging of the Corpus Christi Ship Channel at Port Aransas there was a tidal inlet connecting the Laguna Madre with the Gulf of Mexico known as the Corpus Christi Pass. After construction of the Corpus Christi Ship Channel at Port Aransas in 1923, the Corpus Christi Pass closed and only opened intermittently after major storm events. For many years, local citizens fought for a project to re-open the Corpus Christi Pass.
- Federal funding for the “Packery Channel” project at the location of the former Corpus Christi Pass was approved in the Water Resources Development Act (WRDA) authorization of 1999. The construction was funded as a joint effort between federal, state, and local stakeholders. The federal/state/local cost-sharing arrangement was 65%/4%/31% of the \$30M original project cost.
- A project cooperation agreement between the USACE and City of Corpus Christi for construction of the project was executed in May 2003. The project name that time was the “North Padre Island Storm Damage Reduction and Environmental Restoration Project”. The project title was indicative of the two main functions of the project as documented in the May 2003 Record of Decision that determined the project to be technically sound and environmentally acceptable. The two main project features were re-opening the historic water exchange between two ecosystems and placement of the excavated sand in an area south of the channel that had experienced significant beach erosion. **Per the contract between the City and USACE, the City would be responsible for any subsequent operation, maintenance, repair, or replacement costs.**

## Hurricane Harvey

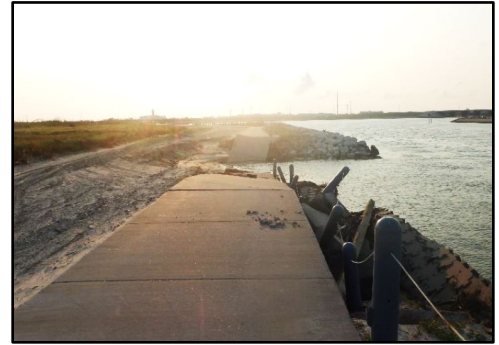
- Hurricane Harvey made landfall in the vicinity of Rockport, TX as a Category 4 storm on August 25th, 2017.
- As the hurricane approached, the westerly winds caused gulf waters to flow into Corpus Christi Bay through the Port Aransas and Packery Channels. As the eye of the storm passed to the north of Corpus Christi, the winds increased in intensity and reversed to an easterly direction. The wind reversal caused a sudden and intense flow reversal in the Packery Channel. The high velocity flow reversal caused extensive erosion, undermined the channel’s articulated block mat revetment system, undermined the walkways and displaced rip rap and armor stones in the jetties.
- The president made a major disaster declaration for the State of Texas. Aug. 26, 2017 opening the door for federal public assistance. The damage to the Packery Channel was immediately obvious, was included in the City’s Preliminary Damage Assessment and was included in all subsequent discussions with FEMA about permanent work. FEMA conducted their own damage assessment of Packery Channel in March of 2018.



*Hurricane Harvey Damage to Packery Channel Revetment*

## FEMA Public Assistance (PA) and Packery Channel

- In 2007, the City sought USACE assistance to repair some damage to the beach.
- In a letter dated July 11, 2007, USACE denied the request based on the terms of the Project Cooperation Agreement that placed responsibility for operation, maintenance, repair, replacement, and rehabilitation of the entire project with the City of Corpus Christi, once the USACE notified the City that the work had been accepted in February of 2007.
- The City also reached out to USACE after Hurricane Ike caused damage to the channel revetment in 2008. The USACE declined to provide repair assistance at that time, as well.
- **At that time, the USACE made the decision to stop inspecting the Packery Channel.**
- Since Hurricane Harvey, there have been regular meetings and communication with FEMA regarding the Packery Channel restoration project.
- By late 2019 in the final review stage, FEMA began to signal their belief USACE should be responsible for the Packery Channel repair. The 2003 Project Cooperation Agreement made it clear that the USACE had no ongoing responsibility for Packery Channel or the beach after the original construction was complete. Communication with the USACE about damage repair from storms prior to Harvey further emphasized that USACE would not provide repair assistance.



*Hurricane Harvey Damage to Packery Channel*

## Teleconference with FEMA and USACE – January 30, 2020

- FEMA representative announced determination that USACE has authority to **restore** the Packery which renders FEMA unable to fund the repairs to Packery Channel due to CFR 44 CFR § 206.226 which says, “generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster”
- A USACE Galveston District Representative stated that “technical” authority existed under the Flood Control and Coastal Emergency Act, Public Law 84-99 (PL 84-99), but the project was classified as “inactive” because Packery Channel project had not been inspected since Hurricane Ike. Additionally, the MOA with USACE seemed to preclude any future cost participation from USACE
- FEMA’s determination and the decision by USACE to stop inspecting Packery Channel, has left the City of Corpus Christi without an avenue to obtain funding to repair Packery Channel after Hurricane Harvey.

## Next Steps

- The City is seeking to get WRDA language that will establish clear authority for the USACE to make repairs to Packery Channel in the event of a natural disaster to solve the current duplication of authority gap between the USACE and FEMA PA.
- The City is also asking for \$15 million-dollar authorization of funding to make the current needed repairs based on a 65/35 Federal/local split equal to the original authorization language.

Sec. \_\_\_ NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT—. Section 556 of the Water Resources Development Act of 1999 (P.L. 106-53) (113 STAT. 353) is amended by

(1) Renumber the existing paragraph as “(a)”; and

(2) Insert the following new paragraph (b):

“(b) Notwithstanding the provisions of 33 U.S.C. § 701n(a)(2), the Secretary is directed to repair or restore the project defined in paragraph (a) from damages incurred from Hurricane Harvey or any natural disaster if the Secretary determines the repairs are technically sound and environmentally acceptable.”