

Testimony to the
Committee on Natural Resources
U.S. House of Representatives
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Washington, D.C. 20515
from
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Subcommittee on Fisheries, Wildlife and Oceans
South Padre Island, Texas

I want to thank you for this opportunity to speak to you today. I am the Chairman of the Surfrider Foundation Texas Chapter. One of four chapters in Texas, and over sixty chapters nationwide and more than 50,000 members. Surfrider Foundation is a 501(c)3 non-profit coastal conservation organization.

Two-thirds of the Texas coast is eroding at two to ten or more feet per year. This is chronic erosion, independent of storm or hurricane events.

Texas is fortunate to have the Open Beaches Act. This law guarantees public access to beaches between the Gulf of Mexico and the continuous line of vegetation. In 1959, Texas legislators had the foresight to create a "public beach easement" that naturally moved as the shore did. Pretty smart thinking. Maybe they realized they couldn't pass a law that Mother Nature would follow and chose a more reasonable solution that would serve the public in the future.

Nearly everyone wants to live on the coast. The problem is, every day there is less beach front land and more people who want it. Many have no knowledge of local erosion rates or storm risks to low-lying areas. Others know this risk but are willing to "take a chance", often with the statement, "That's what insurance is for".

You can buy life, health, fire, disability, storm, and flood insurance, but insurance companies won't sell erosion insurance. Most coastal banks in Texas will not make a 30 year mortgage loan on front-row beach property. They usually suggest land "a few rows back". An applicant must go to an inland bank or mortgage company, less informed of the level of risk. If you can't purchase insurance, or get a loan - well, that's called a bad business plan. Maybe you just shouldn't do it. High-risk plans like this put not only your money, but the public money needed to clean up the mess developers and unwitting customers created. I'm reminded to PT Barnum's reference to "suckers". The unfortunate coastal corollary is that tax money is usually used to pay for someone else's risky behavior.

Developers approach local politicians with "billion dollar" projects to increase property tax revenues. Politicians think this is the answer to their money problems. Businesses want the highest return on investment, which is a good thing. Unfortunately, this usually leads to planning based on dollar-per-square-foot, not longevity and safety of a project. Consequently, over the long term (or short term depending on the erosion rate) the tax revenue generated is not adequate to maintain, repair, replace, or possibly remove the infrastructure and private property damaged by chronic erosion, not to mention catastrophic

storm damage.

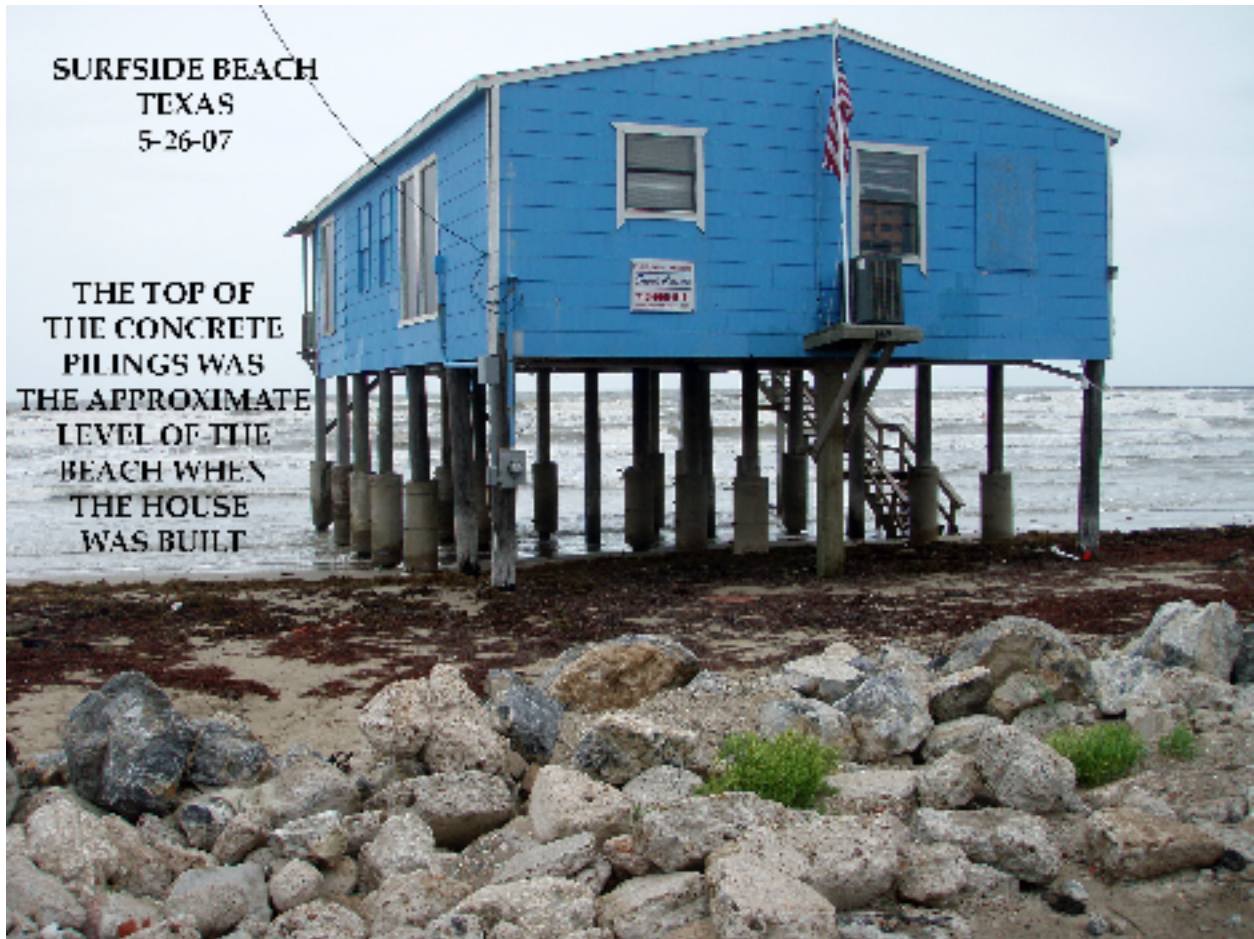
The Federal CBRA statutes have thus far been beneficial in reducing risky development. However there is a move afoot to reclassify certain areas to allow the government to subsidize high risk private projects. This should not be allowed. How many more Homestead Floridas or New Orleans do you want to create? I am not talking about the loss of life or property, which is a tragedy. I am talking about the tax liability we all will incur. This is just “bad business” and should not be done. Any change to CBRA designation that increases the risk of public funds should not be allowed, not in Texas on Padre Island, nor any other state.

Below are some examples of houses on the public beach in Texas. They were built legally, but they were located too close to an eroding shore. CBRA and other regulations should be strengthened to reduce this in the future.



**SURFSIDE BEACH
TEXAS
5-26-07**

**THE TOP OF
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THE HOUSE
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