



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2008-01272

12 February 2024

9 March 2024

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: NUECES COUNTY COASTAL PARKS DEPARTMENT
15820 Park Road 22
Corpus Christi, Texas 78418
POC: Mr. Scott Cross
Telephone 361-960-6302
Email: scott.cross@nuecesco.com

AGENT: BALCONES FIELD SERVICES
14493 SPID, Suite A #572
Corpus Christi, Texas 78418-5939
POC: Ms. Christine Magers
Telephone 214-460-5962
Email: cmagers@bfsusa.com

LOCATION: The project is located at four non-contiguous beach zones of the Gulf of Mexico within Nueces and Kleberg Counties on Mustang and North Padre Islands. The project can be located on the U.S.G.S. quadrangle maps titled: "Port Aransas" "Crane Islands NW" and "Crane Islands SW", Texas.

LATITUDE & LONGITUDE (NAD 83):

- Zone 1: 1.0-mile stretch of beach extending from Lantana Dr., Pt. Aransas, to the Pt. Aransas south jetty in Nueces County; **Latitude:** 27.8295 North; **Longitude:** 97.0510 West.
- Zone 2: 0.79-mile stretch of beach extending from Newport Access Road south to Marker 203 in Nueces County; **Latitude:** 27.6284 North; **Longitude:** 97.1955 West.

- Zone 3: 1.19-mile stretch of beach extending from Access Road 4 to Access Road 6 in Nueces County; **Latitude:** 27.5869 North; **Longitude:** 97.2176 West.
- Zone 4: 1.79-mile stretch of beach extending from Access Road 6 south to Marker 253 in Kleberg County; **Latitude:** 27.5656 North; **Longitude:** 97.2286 West.

PROJECT DESCRIPTION: This project is for the cleaning and maintenance of beach zones along the Gulf of Mexico. The beach maintenance activities include:

- Removal of all non-natural material (lumber, plastic bottles, cans, etc.) from the beach to an off-site sanitary landfill.
- Movement of sand from above the annual high tide line (AHT) with subsequent placement on the beach between AHT and the mean high waterline (MHW). Activity is for beach grooming and to improve the aesthetics of the beach and to provide safe public drive lanes.
- Re-positioning of sand from the toe of the dune line to just above AHT for beach roadway maintenance.
- Re-positioning of sand/sargassum from drive lanes to base of the fore dunes or above MHW.
- Conduct leveling of the beach, sand placement, and sargassum collection above the MHW.

The applicant proposes an extension of time to continue conducting the previously permitted beach maintenance practices and an amendment to add one additional maintenance area zone, Zone 4, that would be south from the current Zone 3 and reduce the habitat monitoring and beach width measurements in the maintenance zones to only twice a year instead of the currently permitted four times a year. The stated purpose of the project is to conduct beach maintenance activities associated with the periodic removal of sargassum and non-natural items (such as lumber, plastic bottles, cans, etc.) from the public beach and to preserve public vehicular access to the beach.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they would avoid and minimize the environmental impacts by: conducting maintenance operations during daylight hours; having a monitor on site during all heavy equipment operation during sea turtle nesting season.

MITIGATION: No mitigation is proposed.

CURRENT SITE CONDITIONS: The four sections of beach where maintenance is proposed are all heavily used for recreational purposes, especially in the spring and summer. The areas are wide expanses of sand beach between the mean high water (MHW) and the base of the dunes landward of the MHW. The exception is the area around the Bob Hall Pier where the beach is narrower, but still heavily used for recreation.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 11 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: The proposed project is of such limited nature and scope that it has no potential to affect historic properties, even if present within the project areas.

The proposed project is of such limited nature and scope that it has no potential to impinge upon resources of interest to the Native American Tribes.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps of Engineers,

and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **9 March 2024**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2008-01272**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R

U.S. Army Corps of Engineers
Galveston District
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS