



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2012-00961
	Date Issued: _____	14 February 2013
	Comments Due: _____	18 March 2013

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.

APPLICANT: Texas Parks and Wildlife Department – Artificial Reef Program
4200 Smith School Road
Austin, Texas 78744-3218
Telephone: 512-389-4686
POC: Dale Shively

AGENT: Texas Parks and Wildlife Department
1502 FM 517 East
Dickinson, Texas 77539-8647
Telephone 281-534-0113
POC: Christopher Ledford, Artificial Reef Specialist

LOCATION: The project site is located in the Gulf of Mexico, in Outer Continental Shelf Block North Padre A-42, approximately 37 nautical miles northeast of the Port Mansfield jetties, in Kenedy County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Potrero Cortado OE E, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.020600 North; Longitude: -96.793503 West

PROJECT DESCRIPTION: The applicant proposes to create a 40-acre artificial reef to augment natural fisheries habitat for juvenile reef fish and public benefit. The new reef site is located in a strategic location within a Bureau of Safety and Environmental Enforcement approved planning zone and meets the criteria of the Texas Artificial Reef Plan. The proposed reef is greater than two nautical miles distance away from any safety fairway, will have at least 85-foot clearance over the structure, is more than three miles distance away from any existing reef sites, is more than one nautical mile distance away from all known natural hard bottom areas, and will be at least 1,000 feet away from any active pipelines. Obsolete oil and gas production structures, obsolete or surplus vessels and other approved artificial reef materials will be placed within the confines of a designated 1,320- by 1,320-foot area. All floatable materials will be removed prior to placement. All tanks, compartments and enclosures will be cleaned to EPA standards prior to placement.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by locating the proposed project more than three miles distance away from any existing reef sites and more than one nautical distance away from all known natural hard bottom areas.

MITIGATION: The applicant did not propose to mitigate for the proposed project as the purpose of the project is to develop artificial reefs in the Gulf of Mexico to augment natural fisheries habitat for juvenile reef fish and public benefit.

CURRENT SITE CONDITIONS: The project site is currently an unencumbered 40-acre tract of ocean floor. The water depth at the proposed reef site is 220 feet.

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 3 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.

OTHER AGENCY AUTHORIZATIONS:

The project site is not located within the Texas Coastal Zone and, therefore, does not require certification from the Texas Coastal Management Program.

No water quality certification is required.

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 Galveston District Staff Archaeologist has no information regarding the potential presence of properties eligible for inclusion in the National Register of Historic Places within the permit area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

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, 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 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 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 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 **18 March 2013**. 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-2012-00961**, and should be submitted to:

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DISTRICT ENGINEER
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