



Public Notice

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

Galveston District

Permit Application No: SWG-2000-02888

Date Issued: 5 December 2024

Comments

Due: 6 January 2025

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 (CWA).

APPLICANT: The Park Board of Trustees of the City of Galveston
601 Tremont Street
Galveston, Texas 77550
POC: Kimberly Danesi
Telephone: 409-797-5141
Email: kdanesi@galvestonparkboard.org

AGENT: AtkinsRealis
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LOCATION: The project site is located along the shoreline of the Gulf of Mexico beginning at the South Jetty and extending westward for approximately 59,265 linear feet to the terminus of the seawall, in Galveston, Galveston County, Texas. The reach between 47th Street to 51st Street will be excluded to avoid the seawater intake system maintained by the National Oceanic and Atmospheric Administration (NOAA).

LATITUDE & LONGITUDE (NAD 83):

Begin Beach Fill Template: Latitude: 29.331535° North; Longitude: 094.726217° West
End Beach Fill Template: Latitude: 29.241835° North; Longitude: 094.868599° West

PROJECT DESCRIPTION: The applicant is proposing beach nourishment activities which will result in the permanent placement of a maximum of 2 million cubic yards of beach quality sand material along 59,265 linear feet of Gulf of Mexico shoreline for the purpose of re-establishing a degraded section of shoreline to provide a more stable and resilient coast and reduce erosion. The scope of work includes (1) the removal of sand either by hydraulic cutterhead dredge or hopper dredge methods from submerged borrow sources or by excavating sand from upland borrow sources as depicted on the project plans, (2) the transportation of sand by either pumping sand through a temporary offshore pipeline (submerged at the approximate -15 foot depth contour and resting on the sea shore) from submerged borrow sources or by trucks which will be used to haul the sand from the upland borrow sites to the beach nourishment template, and (3) the placement and redistribution of sand within the template using heavy equipment. The temporary pipelines used to transport the dredge sand material could be located either upland, offshore (extending from either from the hydraulic cutterhead dredge or the hopper dredge and submerged and resting on top of the sea floor), or a combination of upland and offshore at the locations depicted on the project plans. The temporary pipeline will extend from either the hydraulic cutterhead dredge or the hopper dredge to the designated beach placement area within designated corridors and will run parallel to the beach from the South Jetty Borrow Area until it is directed towards the beach. Temporary crossings will be placed over groins to allow vehicular traffic to pass unimpeded. These temporary bridges will be constructed of an approximate 3-foot, compacted sand pad covered with timber mats as depicted in the project plans.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have designed the project to avoid impacts to wetlands, oyster reefs, submerged aquatic vegetation, and existing beach and dune vegetation. Additionally, biological monitors will be onsite during all beach nourishment activities to minimize impacts to foraging bird species and potential nesting sea turtles, the use of night lights will be minimized and directed toward the construction activity area, equipment will be staged in upland areas, the number of vehicles traveling from upland areas will be kept to a minimum and will utilize the same pathways confined to the closest access point to the immediate work area.

MITIGATION: The applicant is not proposing any mitigation.

CURRENT SITE CONDITIONS: The project site consists of unvegetated public beaches and rock groins bounded by the Gulf of Mexico to the south and a vegetated dune system and concrete seawall to the north. The Galveston Entrance Channel, a natural inlet, is located at the northeastern terminus of the project and the San Luis Pass, a natural inlet, is located at the southwestern terminus of the project. The majority of Galveston Island has been declared a developed barrier island under the Coastal Barrier Island Resources Act.

PROJECT HISTORY: Department of the Army Permit SWG-2000-02888 (formerly 14721) was initially issued 12 May 1984, and authorized the applicant to conduct beach nourishment activities between 10th Street and 103rd Street using dump trucks. Amendments (01), (02), and (03) authorized an extension of time to perform the work for a period of 3 years. Additionally, Amendment (03) authorized the use of beach quality sand from previously authorized borrow areas known as R.A. Apffel Park Borrow Site, the Big Reef Borrow Site, and Stewart Borrow Site. Amendment (04), issued on 30 June 1993, authorized an extension of time for a period of 3 years until 31 December 1996. Amendment (05), issued on 20 July 1994, authorized the use of a submerged borrow site located in the Gulf of Mexico for a one-time use and was conditioned that the work be performed between 15 August 1994 and 30 April 1995. Amendment (06) authorized a brief extension of time to complete the work authorized in the previous amendment. Amendment (07), issued 24 February 1997, authorized an extension of time until 31 December 2000. Amendment (08), issued on 3 October 2000, authorized an extension of time until 31 December 2005. Amendment (09), issued on 27 June 2003, authorized the excavation of 1 million cubic yards of sand annually from an accreting borrow source area located at Stewart Beach, Apffel Park, and Boddecker Channel/Big Reef. Amendment (10) authorized the use of six upland sites as borrow sources. Amendment (11), issued on 9 April 2009, allowed for an extension of time and authorized the addition of two submerged borrow sources; Borrow Area 2 and South Jetty Borrow Area. The permit was extended and modified on 31 January 2013 to include the addition of Borrow Area 3 as a sand source, the addition of a temporary Dredge Material Placement Area at Apffel Park as a sand source, the addition of hopper dredging as a method to obtain source beach quality sand from submerged borrow areas, the addition of using temporary pipe to transport dredged beach quality sand to nourishment areas, and permission to conduct work during sea turtle nesting season, if necessary, provided the work was conducted in accordance with the conservation measures outlined in the U.S. Fish and Wildlife Service's Biological Opinion and a waiver from Texas Commission on Environmental Quality standard threshold of dredge effluent to less than 300 milligrams per liter for Total Suspended Solids. Amendment (12), issued on 10 August 2016, authorized the modification of the pipeline route running from the South Jetty to 14th Street and to relocate the 3.5-mile section of pipe to a submerged alignment to a depth of 15 feet below the water surface. Amendment (13), issued 10 December 2018, authorized an extension of time and modification of previously authorized borrow site. In addition to the previously authorized activities, this amendment authorized the use of beneficial use beach quality sand from Federal projects along the Houston-Galveston Navigation Channel as they become available. Amendment (14), issued on 27 October 2021, authorized the proposed Texas International Terminals sediment stockpile site to an approved sediment borrow site. Amendment (15), issued on 19 September 2022, authorized a one-time use to extend the beach nourishment template for activities along a 1,665-linear-foot section of beachfront, from 103rd Street to the end of the Seawall.

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 14 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 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 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 contacted Texas Commission on Environmental Quality and initiated the Section 401 CWA process, on 19 April 2024. 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>.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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:

Continued use of the pipeline routes, Borrow Area 3, and the South Jetty Borrow Area has the potential to adversely affect significant magnetic anomalies/sonar targets that have the potential to be determined eligible for inclusion in the National Register of Historic Places (historic property). A marine archeological survey is warranted to determine if the documented resources are historic properties.

THREATENED AND ENDANGERED SPECIES: Threatened and endangered species and their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife Service and 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, 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 EIS 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 **6 January 2025**. 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-2000-02888**, and should be submitted to:

Central Unit / Evaluation Branch
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DISTRICT ENGINEER
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