



Public Notice

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

Galveston District

Permit Application No: SWG-2007-01847

Date Issued: 4 February 2021

Comments

Due: 8 March 2021

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: City of Port Aransas
710 W. Ave A
Port Aransas, TX 78373
POC: David Parsons
Telephone: 361-749-4111
Email: davidparsons@cityofportaransas.org

AGENT: Perennial Environmental Services, LLC
13100 Northwest Freeway, Suite 150
Houston, TX 77040
POC: Josh Melnar
Telephone: 713-462-7121
Email: jmelnar@perennialenv.com

LOCATION: The project site is located in the Gulf of Mexico along an approximate 7-mile stretch of beach spanning from the southern end of the Port Aransas city limits north to Lantana Drive at the Horace Caldwell Pier in Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Aransas, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.263194 North; Longitude: 94.831257 West

PROJECT DESCRIPTION: The applicant proposes to continue the routine maintenance of the beaches along the Gulf of Mexico within the City of Port Aransas, Texas. The project work entails the following: (a) removing all non-natural material such as lumber, plastic, bottles, cans, etc. from the beach and disposing them in a sanitary landfill, (b) relocation of sand/sargassum from the beach area located between the high tide line (HTL) and below the mean high tide line (MTL) to beach maintenance storage areas located above the HTL, (c) the subsequent placement (non-burial) of decomposed sargassum to areas at or below the MTL, (d) burial of decomposing seaweed on the beach above the mean high tide only during periods when there is an abundance of material in the dunes, (e) repositioning of sand from the toe of the dune or other areas above the annual HTL to areas on the beach between the HTL and MTL in order to maintain clear driving lanes along the beach for public access, and (f) the temporary placement of large piles of sand below the HTL for sand sculptures associated with the Sand Fest Festival, and for a temporary 20-foot-wide berm in order to establish a safety lane located between the MTL and the HTL for ingress and egress of emergency vehicles during the Sand Fest Festival.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by abiding to the conservation measures outlined in the original permit (SWG-2007-01847) and ensure the project area will not be adversely affected by the beach maintenance activities.

MITIGATION: The applicant has not proposed to mitigate for the proposed project activities as no permanent impacts to special aquatic sites are anticipated.

CURRENT SITE CONDITIONS: The project site is currently an ongoing maintenance area along an approximate 7-mile stretch of beach spanning from the southern end of the Port Aransas city limits, north to Lantana Drive at the Horace Caldwell Pier in Nueces County, Texas.

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 7 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 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 process, please contact 401certs@tceq.texas.gov or leslie.savage@rrc.state.tx.us. 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 permit area has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

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 **8 March 2021**. 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-2007-01847** and should be submitted to:

Corpus Christi Field Office
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U.S. Army Corps of Engineers
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361-814-5847 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS