



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2003-01445
	Date Issued: _____	4 March 2021
	Comments _____	
Galveston District	Due: _____	4 April 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 and Section 404 of the Clean Water Act.

APPLICANT: Kirby Hotel Management, Inc.
510 Hearn Street, Suite 200
Austin, Texas 78703-4516
POC: Mr. Tim E. Kirby
Telephone: 512-332-9779
Email: tkirby@hotelemeraldbeach.com

AGENT: Mott MacDonald
711 N. Carancahua, Suite 1610
Corpus Christi, Texas 78401-0532
POC: Ms. Chemaine S. Koester
Telephone: 361-203-6920
Email: chemaine.koester@mottmac.com

LOCATION: The project site is located on the shoreline of Corpus Christi Bay at the Emerald Beach Hotel, 1102 Shoreline Boulevard, Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Corpus Christi, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.78135° North; Longitude: 97.39334° West

PROJECT DESCRIPTION: The applicant proposes to deposit approximately 4,900 cubic yards (CY) of beach quality sand, compatible with existing material on the beach, along an approximate 600-foot long by 160-foot wide section (2.3 acres) of unvegetated open

water and shoreline below the high tide line, in front of the Emerald Beach Hotel per beach nourishment event. The land placement would begin at a point just north of an existing breakwater adjacent to the Emerald Beach Hotel parking lot, located at the southern end of the project area. Sand placement would end at a point just south of an existing groin located along the southern border of McGee Beach. Clean river sand would be hauled to the beach via dump trucks (323 trucks, 15.2 CY of capacity/truck). Trucks would enter the parking lot of the Emerald Beach Hotel via Shoreline Boulevard. Trucks would deposit sand on the south end of the beach from the parking lot above, then would be placed upon the beach by the use of small tracked skid-steer equipment. The proposed beach nourishment operations should take three to four days to complete per nourishment event. Because the beach nourishment area is confined on three sides and since the fill material is comprised of 95% coarse sand, the applicant does not propose silt control measures.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the proposed beach nourishment footprint to be the minimum necessary to provide adequate sand supply to nourish this section of beach.

MITIGATION: No mitigation is proposed for this project.

CURRENT SITE CONDITIONS: A beach nourishment permit for this location was originally authorized to the City of Corpus Christi under Corps permit 12540 and subsequent amendments (01), (02), and (03). Department of the Army permit 23147 was issued to the Holiday Inn-Emerald Beach Hotel (now the Emerald Beach Hotel) on 26 February 2004, for a similar beach nourishment project. Permit 23147 authorized placement of clean river sand on the beach within a footprint measuring 600 feet long by 140 feet wide in front of the hotel for period of 10 years. Approximately 3,400 CY of sand was placed on the beach via dump trucks accessing the site via the hotel parking lot. Permit 23147 expired 31 December 2019.

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 four 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 contacted TCEQ and initiated the Section 401 CWA process on 29 January 2021. If you have comments or questions on this proposed project's State water quality certification process, 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 permit area has been so extensively impacted by previous beach nourishment projects that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

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 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 **4 April 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-2003-01445**, and should be submitted to:

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