



# Public Notice

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

**Galveston District**

Permit Application No: SWG-1991-01789

Date Issued: November 29, 2023

Comments

Due: December 30, 2023

## **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:** Aransas County Navigation District  
Mr. Keith Barrett  
911 Navigation Circle  
Rockport, TX 78382  
Email: [aransasnavl@yahoo.com](mailto:aransasnavl@yahoo.com)  
Telephone: 361-385-0525

**AGENT:** Lockwood, Andrews & Newnam  
Mr. Scott Harris  
500 North Shoreline Boulevard, Suite 905  
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Telephone: 361-882-2257

**LOCATION:** The project is located within the Aransas Bay, at Aransas Beach, Rockport, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Rockport, Texas.

### **LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 28.029145° North; **Longitude:** -97.040526° West

**PROJECT DESCRIPTION:** The applicant proposes to conduct a beach nourishment project along Rockport Beach to return the beach to a previously permitted designed

condition. Specifically, the applicant plans to place sand on the beach above and below the high tide line for periodic beach maintenance and to replace lost material from hurricanes Harvey and Hanna. The applicant proposes to place 3.3 acres (5,296 cubic yards) of sand below the high tide line within waters; an additional ~6,000 cubic yards will be placed on dry land above the high-tide line. Beach quality sand is planned to be obtained from the Briggs Plant in Victoria, Texas. The only in-water work will be the placement and grading of sand at and below the high-tide line with heavy machinery.

**PROJECT HISTORY:** The placement of sand along Aransas Beach has been previously permitted in 1987, 1991, 2003 and 2014. The proposed placement is ~0.7-acres (1,232 cubic yards) greater in breadth within waters than the latest (2014) permit approved for beach renourishment.

**AVOIDANCE AND MINIMIZATION:** The applicant states this project avoids and minimizes impacts to aquatic resources the best extent practical. The applicant has supplied an alternatives analysis comparing the feasibility of potential alternatives to meet the project goals and believes the proposed project is the least environmentally damaging practical alternative. Heavy equipment, including wheeled dump trucks and tracked and/or wheeled grading equipment (front end loaders, bulldozers, etc.) will be used for the placement of fill on the beach, above and below waters. Monitoring construction activities, equipment, and utilizing established truck routes and limits will minimize impacts on the beach. The fill will be placed from the dry beach towards open waters, and care will be taken to minimize impacts to aquatic vegetation adjacent to the proposed fill locations during construction. Turbidity and water quality impacts will be minimized during construction with the implementation of erosion control and best management practices, utilizing actions such as silt fences. No excavation or dredging activities within waters are proposed for this project.

**MITIGATION:** The applicant does not propose compensatory mitigation.

**CURRENT SITE CONDITIONS:** The project site consists of dry beach and open nearshore environment that has been filled multiple times with sand for beach nourishment. The project site is not known to contain wetlands, seagrass, or other sensitive aquatic habitat.

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 sheets 1-9.

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 of 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.

**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: There are no historic properties within permit area and immediate vicinity. No further action is recommended.

**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 **December 30, 2023**. 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-1991-01789**, and should be submitted to:

Southwest Division, Technical Regional Execution Center  
Corpus Christi Field Office  
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](mailto:swg_public_notice@usace.army.mil)

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS