



Public Notice

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

Galveston District

Permit Application No: SWG-2023-00688

Date Issued: 18 June 20244

Comments

Due: 22 July 2024

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: TEXAS GENERAL LAND OFFICE (GLO)
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LOCATION: The Regional General Permit (RGP) is limited to the Gulf of Mexico, within the regulatory jurisdiction of the Galveston District excluding Louisiana waters, at various public beach locations along the Texas Gulf Coast.

PROJECT DESCRIPTION: This single user RGP authorizes the GLO to perform beach nourishment activities along public, Gulf-facing beaches that are currently or historically critically eroding; specifically, Gulf-facing beaches that are accessible by public road or ferry and have a public beach easement experiencing greater than 2 feet of erosion per year. The RGP is intended to provide authorization for nourishment projects only on the public beach easement. Beach quality sand will be placed along the public beach front for beach nourishment. The discharge of beach quality sand within the project area will

create a more stable shoreline, reduce erosion, provide greater environmental and economic benefits, and improve resilience. Eligible RGP activities will either be classified as RGP standard maintenance nourishment or RGP storm response nourishment with their own separate eligibility criteria. RGP standard maintenance nourishment activities will occur on areas that do not currently have an individual permit (IP) for beach nourishment. RGP storm response nourishment may occur at any publicly accessible beach, regardless of whether authorized by an IP or not, based upon a post-storm assessment either using light detection and ranging (LIDAR) elevation data or aerial imagery to demonstrate a substantial erosive event to the shoreline (10 feet or greater loss). This RGP may not be used to authorize the placement of material landward of the south toe of the dune. To be eligible for the RGP, all practicable steps must be followed to avoid and minimize adverse effects to waters of the United States (WOUS) to ensure that the regulated activity results in no more than minimal adverse environmental effects or will not be contrary to the public interest.

Areas without a public beach easement or access by a public road or public ferry will be excluded. There are 12 counties with Gulf-facing beaches along the Texas coast. Aransas county lacks a public beach easement (San Jose Island) and both Calhoun County (Matagorda Island) and a portion of Matagorda County (from the mouth of the Colorado River west towards the Matagorda Ship Channel) lack public access via a public road or ferry; therefore, these areas are not included in this RGP. The remaining 10 counties included in this RGP are Brazoria, Cameron, Chambers, Galveston, Jefferson, Kennedy, Kleberg, Matagorda, Nueces, and Willacy Counties.

RGP RESTRICTIONS: This general permit **does not** authorize - Work on private property; nourishment projects on beaches without public access; any work that may damage dunes or dune vegetation; work associated with the Corps Coastal Texas Program; the use of non-beach quality sand, and other sediments or material not suitable for beach nourishment; the discharge of fill material within wetlands, seagrass or submerged aquatic vegetation (SAV).

AVOIDANCE AND MINIMIZATION: The applicant proposes a maximum annual cumulative coast-wide nourishment length in the RGP not to exceed 18 miles (or <5% of TX Coast) in one (1) calendar year. The proposed beach nourishment projects will impact neither wetlands, nor oysters, nor submerged aquatic vegetation (SAV). The beach nourishment template has been designed to minimize impacts to the greatest extent practicable. Project plans will avoid placing beach quality sand on existing beach vegetation, as well as dunes and dune vegetation. Biological monitors will be on site during all nourishment activities to minimize impacts to foraging bird species and potential nesting turtles, and contractors will clearly mark work areas to minimize access issues for beach users.

Nourishment activities are broken into the following three (3) categories to promote maximum stabilizing benefit while minimizing potential environmental impact.

1. RGP Standard Maintenance Nourishment – Areas experiencing moderate severity erosion, defined as an erosion rate of 2 to 8 feet (ft) per year. Beach quality sand volumes will be limited to 50 cubic yards (CY) per linear foot (LF) and each

- individual nourishment project will be limited to a seven (7) mile maximum length.
2. RGP Standard Maintenance Nourishment – Areas experiencing high severity erosion, defined as an erosion rate of greater than 8 feet per year. Beach quality sand volumes will be limited to 100 CY/LF and each individual nourishment project will be limited to a ten (10) mile maximum length.
 3. RGP Storm Response Nourishment – Areas impacted by a discreet storm event. Beach quality sand volumes will be limited to 100 CY/LF and each nourishment project will be limited to a ten (10) mile maximum length.

Projects subject to the proposed RGP must utilize a permitted sand source authorized in any Corps Individual Permit (IP) held by the GLO (issued before or after issuance of the RGP), a partner-held Corps IP identified in this permit application, or a Federal Beneficial Use of Dredge Material (BUDM) Project. When the sediment source for a nourishment project to be permitted by the RGP is at an offshore submerged site, a separate IP will be used to authorize the borrow area dredging. Federal dredge and maintenance dredge projects and federal DMPAs where suitable material may exist are eligible sand sources. Sand must be compatible with the native beach sediment characteristics and designated as beach quality material, according to the guidelines in Texas Administrative Code (TAC) (13 TAC § 15.11). (Median grain sizes typically range from 0.12 millimeters (mm) to 0.19 mm).

Standard/Maintenance nourishment projects conducted under the RGP within two years of each other (from completion of construction of the first project to commencement of construction of the subsequent project) will require specific spacing along the Gulf-facing shoreline between nourishment templates.

1. If two nourishment projects (except for storm response nourishment) are conducted within a 12-month time span, the gap between project footprints must be at least double the length of the larger of the two nourishment projects (e.g., at least a 14 mi gap if one of the nourishment events was 7 miles (mi), or at least a 4 mi gap for 2 mi nourishments).
2. If two nourishment projects (except for storm response nourishment) are conducted within a 24-month time span, the gap between project footprints must be at least the length of the larger of the two nourishment projects (e.g., at least a 7 mi gap if one of the nourishment events was 7 mi).
3. If the time between projects exceeds 24 months, nourishment templates may be directly adjacent to each other.

Nourishment events cannot occur at the same location more than once every 5 years, unless RGP storm response is triggered.

Work that occurs on federal or state-owned lands (i.e., National Parks, U.S. Fish and Wildlife Service [FWS] National Wildlife Refuges, Texas Parks and Wildlife Department [TPWD] Wildlife Management Areas, and/or TPWD State Parks) requires additional agency authorizations.

Each project conducted under the RGP will require final engineering design, site-specific verification by the Corps to ensure that terms and conditions of the RGP are met and will

include coordination with the Texas Coastal Management Program (CMP), Texas Historical Commission (THC), and Texas Commission on Environmental Quality (TCEQ) Tier I or Tier II 401 Water Quality Certification.

Each project conducted under the RGP will require a site-specific monitoring plan for threatened and endangered species and letter of concurrence with FWS to ensure the proposed project complies with the Endangered Species Act of 1973 through Section 7 consultation.

MITIGATION: The applicant does not propose compensatory mitigation for this project, as this is a shoreline restoration/nourishment activity and provides storm risk management benefits and improved habitat.

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 CMP is required. The applicant has stated that the proposed activity complies with approved Texas CMP goals and policies and will be conducted in a manner consistent with said program. Each RGP project will be submitted for CMP consistency determination.

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 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 Corps 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:

The proposed projects have the potential to effect historic properties if present within the permit area. Each beach nourishment project under this GP will need to be evaluated for potential impacts to historic properties.

THREATENED AND ENDANGERED SPECIES: Each project conducted under the RGP will require a site-specific monitoring plan for threatened and endangered species and letter of concurrence with FWS to ensure the proposed project complies with the Endangered Species Act of 1973 through Section 7 consultation. The application will not be complete until this coordination is concluded.

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 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 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 **14 July 2024**. 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-2023-00688**, and should be submitted to:

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