



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

SWG-2023-00289

26 March 2024

25 April 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:** Port of Port Mansfield  
400 W Hidalgo, Suite 200  
Raymondville, Texas 78580  
POC: Mr. Ronald Mills  
Telephone: 956-689-3332  
Email: [mills@portofportmansfield.com](mailto:mills@portofportmansfield.com)

**AGENT:** Stantec Consulting Services, Inc.  
1905 Aldrich Street, Suite 300  
Austin, Texas 78723  
POC: Mr. Luis Maristany  
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**LOCATION:** The project site is located in the Port Mansfield Channel from STA 16+000 to STA -4+000, with the approximate 250-acre placement area within the surf zone of the Gulf of Mexico and along the Padre Island National Seashore (PINS) beach from the Port Mansfield North Jetty, extending 10,770 feet north (including all of the existing Corps Placement Area 2A), in Willacy County, Texas.

The USGS 1:24000-scale topo map is: South of Potrero Lopeno SE, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 26.563495° North; Longitude: 97.276357° West

**PROJECT DESCRIPTION:** The applicant proposes to conduct maintenance dredging of approximately 2 million cubic yards of beach quality sand (<1% silt and clay) from within the federal channel entrance (Port Mansfield Channel) performed in accordance with design drawings from USACE SWG-IWW-1175-276, from STA 16+000 to STA -4+000. Specific requested regulated actions include maintenance dredging of the Port of Port Mansfield federal channel entrance; beneficial use and placement of the dredged material within a 1,082-foot by 10,770-foot (approx. 250-acre) portion of PINS extending northward from the north channel jetty (including all of Corps Placement Area 2); and future maintenance dredging and beneficial use for beach nourishment at the beach nourishment placement site.

The sediment from the channel would be hydraulically dredged from the proposed dredge areas and pumped via floating and submerged dredge pipeline to the proposed placement area. Prior to placement, the shoreline would be evaluated to define current conditions and determine the optimal location for placement to best nourish the beach and avoid adverse impacts to species habitats. The fill would be placed in accordance with a preconfigured fill design template (see plan drawings) to avoid impact to sensitive habitats and prevent any escarpments that would be detrimental to sea turtle nesting activities from forming. The beach nourishment template will include a maximum cross shore slope of 5 degrees (~1H:11.4V) placed longshore in 500-yard long sections with 500-yard gaps in between sections, alternating sections for each event. The dredged material would be placed within an approximate 1,082-foot-wide cross-section and overall fill volume would not exceed an estimated 2 million cubic yards. Only beach-compatible material would be transferred to the shoreline.

The dredged material would be transferred from the channel to the placement area via pipeline, and the pipeline outfall would include an energy dissipator or diffuser to slow discharge velocity and prevent scour immediately beneath the discharge point. Dredging and placement would be coordinated with landowners and pertinent agencies and would be conducted in accordance with best practices to protect sea turtles and birds such as Piping Plover, Black Rail, and Rufa Red Knot (and other local species).

Emergency dredging, as needed, may occur outside of the Mid-October to March timeframe and would be smaller in magnitude (approximately 300,000 cubic yards per event), to allow for safe navigation through the channel after observed shoaling has occurred. During these events, PINS monitoring requirements would be followed by the contractor to allow for PINS personnel to be on site daily for monitoring. Beach closure signs shall be installed by the contractor at locations designated by the National Park Service with text approved in advance by PINS.

The applicant is also requesting a maintenance dredging time period of 10 years.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that the maintenance dredging on this project is occurring in a previously dredged, federal channel. Additional impacts of dredge placement would be avoided by using materials from this previously

dredged site. Impacts at the placement site are being avoided with threatened/endangered species and wetlands surveys of the shoreline and surrounding placement area. Shoreline repairs would be limited to the identified placement area only.

When possible, the work would be coordinated during a six-month timeframe occurring between mid-October and March. If the 6-month work overlaps with biologically productive seasons for benthic infauna, sea turtles, and shore birds (March to Mid-November) PINS personnel would team up with contractors daily to enter the job site and monitor the placement activities. Project logistics and weather windows may necessitate working during sea turtle nesting season (May to August). If work takes place during sea turtle nesting season, biological monitors would be on-site during construction to monitor for nesting turtles, nests, and hatching activity. If a nest is discovered, appropriate measures would be taken to protect the nest and eggs, such as relocating the nests to a safer location or marking the area to prevent accidental disturbance.

**MITIGATION:** No mitigation is proposed for this project.

**CURRENT SITE CONDITIONS:** The project site is currently a 700-foot-wide federal navigation channel regularly maintained to a -17-foot authorized depth. The Corps has historically maintained the channel and channel entrance by dredging, on average, approximately every 1.8 years since 1963. The channel was most recently dredged in 2022 and is projected to be dredged every 1 to 5 years with the potential for spot dredging depending on shoaling conditions. The proposed placement area consists of a 1,082-foot by 10,770-foot (approx. 250-acre) portion of the PINS open beach devoid of vegetation extending northward from the north channel jetty (including all of Corps Placement Area 2). This beach and nearshore shallow water area has substantially eroded at a rate of approximately 10 to 14 feet per year from 1930 to 2019 (per data from the University of Texas, Texas Gulf Shoreline Movement and Beach-Foredune Elevations and Volumes to 2019) and is estimated to continue to erode at the same rate under average annual climatic conditions.

**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 five 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 for 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. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto: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.

**LEAD FEDERAL AGENCY:**

The Corps has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps.

**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 project has the potential to effect historic properties if present. The Corps is currently coordinating the project with the Texas State Historic Preservation Officer (SHPO) to determine if a survey is warranted, if pre- and post-construction monitoring is warranted, or if any action is warranted.

**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 **25 April 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-2023-00289**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RD-R  
U.S. Army Corps of Engineers  
Galveston District  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
361-814-5847 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS