



Public Notice

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

Galveston District

Permit Application No: SWG-2006-00647

Date Issued: 6 October 2020

Comments

Due: 5 November 2020

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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: City of Corpus Christi
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Corpus Christi, Texas 78469-9277
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AGENT: HDR Engineering, Inc.
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LOCATION: The project site is located along 8 miles of Gulf of Mexico beach of varying width within Nueces and Kleberg Counties, Texas. The Project Area totals approximately 370 acres of Gulf beach from the southern boundary of the City of Port Aransas at Beach Marker 62 on Mustang Island to Beach Marker 103 (4.17 miles), between Beach Marker 203 and Access Road 4 (Viento del Mar) (1.95 miles), and between Beach Markers 236 and 253 (1.79 miles) located approximately 3 miles south of the Nueces-Kleberg County boundary. The project can be located on the U.S.G.S. quadrangle maps titled: Crane Islands NW, Crane Islands SW, and Pita Island, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.613492° North; Longitude: 97.202432° West

PROJECT DESCRIPTION: This request is for a standard permit amendment with an extension of time for a permit issued 13 February 2015 and due to expire 31 December 2020. The City proposes to continue mechanical removal of sand and seaweed to create safe access to public beaches as outlined in permit SWG-2006-00647. The current permit authorizes the following activities:

- Removal of all non-natural material such as lumber, plastic, bottles, cans, etc. from the beach and disposing in a sanitary landfill;
- Use of mechanical means to trench and bury seaweed (Sargassum and other natural material) above (landward of) the mean tide line (MTL) and/or relocate seaweed and sand from the driving lanes to other areas above the MTL;
- Repositioning of sand from the seaward edge of the base of the foredune area to areas across the beach, stopping short of the MTL in order to maintain clear driving lanes along the beach for public access;
- For a 4.17-mile section of beach between Beach Marker 103 on the north side of Mustang Island State Park to Beach Marker 62 at the southern boundary of the City of Port Aransas, trenching and burial of seaweed below (seaward of) the MTL;
- Maintenance of a safety lane for the ingress and egress of emergency vehicles within a heavy tourist area between Newport Pass Beach Access Road and the north jetty of Packery Channel for 2 weeks every March (during Spring Break) and one additional week between June 1 and September 15. The safety lane includes an approximate 20-foot-wide bermed (two rows) traffic way located between the MTL and the annual high tide (AHT) line. Berms are smoothed out to heights no greater than 2 inches after these special events.

Additionally, the City conducts sargassum management and debris removal following the adopted procedures as outlined in the City of Corpus Christi Beach Adaptive Management Plan.

In addition to continuing the above-mentioned maintenance practices, the applicant is requesting to amend their permit to include mechanically moving sand from staging areas located at the seaward dune toe to a placement area located in front of the North Padre Island (NPI) Seawall and south to Access Road 4. The applicant is required to maintain a minimum beach width of 200 feet in front of the NPI Seawall and prohibit vehicular traffic in front of the seawall when the beach width is less than 150 feet. The applicant also proposes to relocate excess sand that historically accumulates immediately north and south of the Packery Channel jetties (identified as Sand Removal Areas [SRAs]) to historically eroding areas in front of the NPI Seawall and south to Access Road 4 (identified as a Sand Placement Area [SPA]). Re-nourishment of the beach along the NPI Seawall is planned to occur primarily with dedicated sand sourcing from cyclic dredging of Beneficial Use of Dredge Material (BUDM) from Packery Channel, as outlined in more detail in the North Padre Island Storm Damage Reduction and Environmental Restoration Project Final Environmental Impact Statement (USACE, 2003).

Furthermore, the applicant proposes to include moving a total of up to approximately 11,000 cubic yards of beach quality sand, which is compatible with existing material on the beach, to an approximately 5,700-foot stretch of beach in front of the seawall and south to Access Road 4 annually to meet the purpose of the project. The proposed design would maintain a beach width of 150 to 200 feet along the seawall. Coordination with the Texas General Land Office (GLO) on the proposed sand redistribution alongshore was initiated on 3 March 2020 following a Joint Evaluation Meeting. As a result, the proposed SRAs and SPA have been limited to accreting and eroding areas of beach, respectively, as recognized by the GLO. No sand would be imported from, or exported to, offsite locations.

Staged sand from the SRAs would be hauled by truck to the SPA in front of the NPI Seawall and south to Access Road 4. Trucks would utilize existing roads for access, including Zahn Road, Highway 361, Park Road 22, Whitecap Boulevard, Windward Drive, Access Road 3A, and Access Road 4.

As part of formal Section 7 consultation with USFWS, the permit amendment issued on 24 November 2008 for beach maintenance included conservation measures. The Habitat Monitoring Effort was determined complete after Year 5 monitoring and was no longer required in the previous permit extension request issued on 13 February 2015. The most recent authorization by the Corps included the removal of the habitat monitoring effort specified in the former Special Condition 3 and the former *Attachment B – Habitat Monitoring Effort*, as stated in the permit letter issued on 13 February 2015, *Attachment A – Provisions for Sea Turtle and Piping Plover Monitoring*. However, it still references habitat monitoring and the submittal of habitat monitoring reports to the Corps in other parts of the amendment. The City requests that language throughout the amended permit be updated to reflect that no habitat monitoring or habitat monitoring reports are required.

AVOIDANCE AND MINIMIZATION: In regard to beach maintenance activities, the City would avoid and minimize impacts to water quality by conducting mechanized removal of seaweed activities at the minimum frequency necessary to maintain safe beach access within specific sections of the 8-mile long beach extents. Frequency would be higher during the peak-season months (March- September) in highly visited areas but would then significantly decrease during the off-season months (October-February).

To minimize potential impacts to federally listed species, such as sea turtles and bird species, during beach maintenance activities, the City would implement a seaweed mat threshold level for beach maintenance activities. The wrack of recent seaweed landings must meet a minimum threshold of natural seaweed wrack at least 6 inches in height occurring in conjunction with a contiguous patch/span measuring 8 feet in width perpendicular (from swash zone towards inland) to the shoreline along any portion of beach. Wrack within a 3-foot buffer from the swash zone would be left in place. The City would continue to place seaweed and other natural debris in staging areas located at the toe of the dune. This relocation area coincides with areas beyond Section 10/404 water line boundaries.

MITIGATION: The applicant did not provide a mitigation plan for this project.

CURRENT SITE CONDITIONS: The project site consists of 8 miles of Gulf of Mexico beach of varying width from 150 to 470 feet, within Nueces and Kleberg Counties, Texas. Wind-driven dunes border on the landward side of the project area and the open waters of the Gulf of Mexico border the waterward side. The beach is naturally shaped by twice-daily tidal influxes and aeolian (wind-driven) processes and is regularly maintained in varying degrees throughout the year. Except for developed portions fronting the North Padre Island Seawall and within Mustang Island State Park, the beach is kept open for motor vehicle access per the Texas Open Beaches Act.

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 17 sheets, with the current sea turtle and piping plover monitoring plan (Attachment A) in 4 sheets, and the proposed sand management plan (Attachment B) in 14 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice.

The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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 placement of dredged material and erosion that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to affect historic properties.

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 **5 November 2020**. 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-2006-00647**, and should be submitted to:

Corpus Christi Field Office
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U.S. Army Corps of Engineers
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Corpus Christi, Texas 78411-4318
361-814-5847 Phone
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