



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2011-00362

Date Issued: 28 October 2021

Comments

Due: 29 November 2021

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## 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:** Cameron County  
1100 E. Monroe Street  
Brownsville, Texas 78520  
POC: Mr. Eddie Trevino, Jr.  
Email: [etrevino@co.cameron.tx.us](mailto:etrevino@co.cameron.tx.us)  
Phone: 956-761-3700

**AGENT:** GDJ Engineering  
2805 Fountain Plaza Boulevard, Suite A  
Edinburg, Texas 78539  
POC: Ms. Corina Argullin  
Email: [corina@gdjeng.com](mailto:corina@gdjeng.com)  
Phone: 956-603-2025

**LOCATION:** The project site is located in Gulf of Mexico at South Padre Island and South Brazos Island beaches in Cameron County. The project can be located on the U.S.G.S. quadrangle map titled: Port Isabel, Texas.

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

Latitude: 26.003399° North; Longitude: -97.150725° West

**PROJECT DESCRIPTION:** Cameron County proposes to conduct beach maintenance activities along 13.7 miles of non-contiguous beach by relocating and raking seaweed (i.e. sargassum), and removal of other trash/debris by non-mechanical and mechanical means. The applicant proposes the discharge of approximately 373 cubic yards of sand and other beach material below the High Tide Line (HTL) over a 5-year period and no dredging below the Mean High Water (MHW). The sargassum, along with minimal amounts of sand, would be moved from the area between the MHW line and HTL of the Gulf of Mexico to the toe of the adjacent dunes. The relocation of seaweed would occur between February and August, as needed. Between September and January, the material would be relocated from the toe of the dunes back to the beach, as needed, to maintain beach access. The sargassum would be raked below the HTL, after the sea turtle patrols have surveyed the areas. Blading would be conducted with a motor-grader and front-end loader to maintain a drivable lane just above the Mean High Tide line. Blading & raking would not exceed two inches in depth, typically. Maintenance to remove/fill man-made depressions & piles by beach users will be performed mechanically to maintain safe conditions along the beach. This would be performed and documented on an as needed basis. Entrances to Beach Access numbers 5 and 6 would require periodic maintenance due to windblown deposits by moving built-up sand to the toe of the adjacent dunes, as needed, to maintain egress and ingress to the beaches.

Section	Beach Section	From	To	Miles
1	Boca Chica Beach	Mouth of the Rio Grande	South Jetties	7.48
2	Isla Blanca Park Beach	North Jetties	South Padre Island City limits (South)	0.93
3	North County Beach	South Padre Island City limits (North)	Shores Development (South)	0.59
4	None	Shores Development (north)	Beach Access #6	3.7
5	None	Beach Access #6	1 mile north	1
			<b>Total</b>	<b>13.7</b>

**PURPOSE AND NEED:** The applicants stated purpose and need is to provide safe, accessible beaches for the public, first responders, and law enforcement.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by keeping impacts to jurisdictional waters to the greatest extent practicable by limiting actions within the proposed project area.

**MITIGATION:** The applicant has not proposed any mitigation for the proposed project.

**CURRENT SITE CONDITIONS:** The project area is 13.7 miles of non-contiguous beach from the mouth of the Rio Grande to one mile north of beach access number six on South Padre Island, Cameron County, Texas. All beach areas are accessible to the public and allow vehicular traffic; these areas vary in width, from 20 to 120 feet, depending on the tides. The requested beach maintenance activities have been authorized in the past, and

the public continuously utilizes the beach for recreational activities. Except for Brazos Beach, the area between North County Beach and Beach access #6, the areas have been developed for residential, commercial, and recreational use.

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 15 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 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 submitted a pre-filing meeting request, on 12 October 2021. 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>.

**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 is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project area.

**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 **29 November 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-2011-00362**, 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  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS