



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

MAY 15 2006

Dear Reviewer:

In accordance with provisions of the National Environmental Policy Act of 1969 (NEPA) the Final Programmatic Environmental Impact Statement and Management Plan (FPEIS/FMP) for the Proposed Mission Aransas National Estuarine Research Reserve (reserve) in the coastal bend of Texas was sent to you for your review.

Several corrections have been made to Section 5.2.2.3 of the FPEIS to clarify U.S. Army Corps of Engineer permit requirements. The enclosed errata sheet contains these corrections and should be attached to the FPEIS/FMP.

Sincerely,

Laurie McGilvray
Chief, Estuarine Reserves Division
Office of Ocean and Coastal
Resource Management

Enclosure

06 JUN - 11 AM 9:43

STP

SUNSI Review Complete



STP-006 Template
RIDS: STP02

Reserve. Although exact estimates of the economic benefits to the area are not available, it is not expected to be large due to the rural character of the area and the increased draw of tourism.

5.2.2.3 US Army Corps of Engineer Permits

Reserve designation can potentially impact a few proposed future activities if they require federal permits, issued by the USACE in wetlands and waterways.

There are three permits that one can use to carry out construction-like activities: nationwide permit (NWP), general permit, or individual permit. NWPs are pre-approved permits for activities that have already been approved by state and federal levels. Designation of a NERR will affect some NWPs, because under General Condition 25, a NERR site is defined as a "designated critical resource water." Designation of a NERR will not affect general or individual permits. General permits are pre-approved permits for specific activities that have already been approved at the state level. Some of these include permits for piers 14392(05), and spur jetties 17466(02), 14533(04) (<http://swg.usace.army.mil/reg/permitgp/general.asp>). Individual permits are required for those activities that exceed the thresholds of NWP or when the District Engineer, after reviewing the NWP preconstruction notification (PCN), determines that the adverse effects of the proposed work are more than minimal. Agency coordination is only required for those PCNs that would result in a loss of greater than 1/2 acre of waters of the US. In addition, special regional conditions apply in Galveston District that require agency coordination with the National Marine Fisheries Service for all discharges into tidal waters under NWPs 14 and 18. The individual permit requires that a public notice be sent to organizations, such as TCEQ, which can comment on the permit within 30 days of the notice. Once the NERR is designated, a representative from the NERR will likely be on this mailing/notification list (Lloyd Mullins, personal communication).

Designation of a NERR will mean that some NWP activities will require a PCN to the District Engineer (Federal Register / Vol. 67, No. 10 / January 15, 2002 / Notices, <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/2002nwps.pdf>). A PCN requires that the permittee submit notification to the District Engineer before construction. Submittal of the PCN may include several requirements, such as delineation of affected aquatic sites. The District Engineer has 30 days to ask for additional requirements and can only do so once. If the permittee does not receive written notice from the District Engineer within 45 days, the permittee can proceed with the activity. After the PCN requirements are approved by the District Engineer, there is a 45-day waiting period. The 45-day waiting period begins upon the District Engineer's receipt of a complete PCN. Federal and state resource agency coordination is required for those PCN that would result in the loss of greater than 1/2 - acre of waters of the US. In addition, special regional conditions apply that require agency coordination to National Marine Fisheries Service for all discharges into tidal waters under NWP 14 and 18. The District Engineer will consider any comments from Federal and state agencies concerning compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. If the activity will result in a loss of greater than 1/2-acre of waters of the U.S., the District Engineer will personally notify appropriate agencies (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS) When this occurs, these agencies have 10 days to indicate that they intend to provide substantive, site-specific comments. If contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. A decision by the District Engineer may include modification of the activity or mitigation. The following activities are those that will require a PCN with the designation of a NERR:

- NWP 3 - Maintenance
- NWP 8 - Oil and Gas Structures
- NWP 10 - Mooring Buoys
- NWP 13 - Bank Stabilization
- NWP 15 - U.S. Coast Guard Approved Bridges
- NWP 18 - Minor Discharges
- NWP 19 - Minor Dredging
- NWP 22 - Removal of Vessels
- NWP 23 - Approved Categorical Exclusions
- NWP 25 - Structural Discharges
- NWP 27 - Stream and Wetland Restoration Activities
- NWP 28 - Modifications of Existing Marinas
- NWP 30 - Moist Soil Management for Wildlife

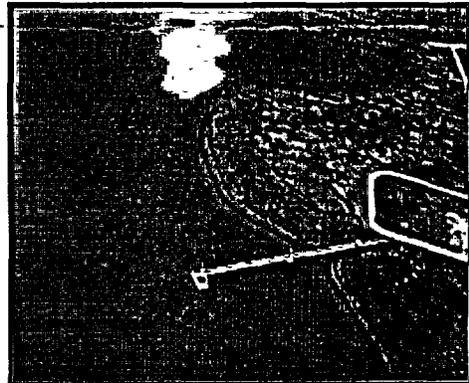


Figure 39. Oil and gas related facilities in estuary .



Mission-Aransas NERR
 THE UNIVERSITY OF TEXAS AT AUSTIN

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