



## Sand and Gravel Permit Application Instructions

This is a complete form set for applying for a Sand and Gravel Permit, including a checklist of the Attachments and Supplemental Materials required for an application to be considered administratively complete. An application that is not administratively complete will be returned unprocessed.

### A. Fees

The application processing fees for a Sand and Gravel Permit are as follows:

Individual Permit if the materials are to be sold (revenue permit): \$1,200 [31 TAC § 69.114(a)(1)],

Individual Permit if the materials will not be sold: \$500 [31 TAC § 69.114(a)(2)],

General Permit: \$250 [31 TAC § 69.119].

Projects proposing to disturb or remove 1,000 cubic yards or more of material must be processed as an Individual Permit. Projects under 1,000 cubic yards may be processed as an Individual Permit, depending upon project details, at TPWD discretion.

Fees are required for renewal applications. Application processing fees are nonrefundable, even if your application is denied.

Please make your check or money order payable to Texas Parks and Wildlife Department.

### B. Section I: Applicant Information (line numbers 1 – 8)

1. If Applicant is an individual, provide the Applicant's full legal name. Provide the entity or company's name if it is a d/b/a, partnership, or corporation. If the Applicant is a governmental entity, use the agency name, and include the parent political subdivision. For example, if the Applicant is a municipal water department, give the name of the city as well as the department. SSN, Date of Birth, and Driver's License information are required for applicants that are individuals or sole proprietorships in order to complete mandatory background checks [*Texas Family Code, Section 231.302 and Federal Statute 42 U.S.C. §666.*]
2. Provide the Applicant's physical mailing address. If you use a P.O. Box, it will not be possible for the Department to use a commercial overnight express service.
3. Provide the Applicant's contact information, including email, business telephone numbers, and any applicable cellular and telefax numbers.
4. Provide the Applicant's Comptroller's ID number or Federal Employers Identification Number (FEIN). This is necessary to track payments from revenue permits.
5. If the Applicant has a current Texas Parks and Wildlife Department (TPWD) permit for the same site and is renewing that permit, fill in that permit number.
- 6-8. If an agent, consultant, or attorney is acting on behalf of an Applicant, fill in his or her name and contact information. TPWD will generally contact the agent before contacting the Applicant.

### **C. Section II: Location of Proposed Activities (line numbers 9 – 14)**

9. Provide the name of the river, creek, bayou or other water body where the disturbance or removal will take place.
10. Provide the name of the county or counties where the disturbance or removal will take place.
11. Provide the name of the nearest city or town to the project location that has a post office. If the city or town is in a different county, please state that fact.
12. Provide the name of the nearest upstream public road crossing (bridge or low-water) from the project location and state how far away it is from the proposed location.
13. Provide the name of the nearest downstream public road crossing (bridge or low-water) from the project location and state how far away it is from the proposed location.
14. Provide the latitude and longitude of the project or a point within the project. If there are several project areas, provide a latitude and longitude for each.

### **D. Section III: Description of Proposed Activity (line numbers 15 – 29)**

15. Provide a narrative description of the proposed activity including a description of the methods and equipment to be used. Attach additional sheets as necessary to provide a full description. Design drawings, engineering plans, or restoration plans should be attached, and may be required, depending on the project.
16. How much sedimentary material (in cubic yards) will be disturbed or removed within the streambed during each month of the year? If the project is a one-time activity, please indicate that fact and provide the maximum volume of material proposed to be disturbed or removed.
17. How much sedimentary material (in cubic yards) will be disturbed or removed within the streambed during each year?
18. Describe what will be done with all disturbed and removed sedimentary material? [e.g. removed from the 100-year floodplain and stabilized with native vegetation, contoured and stabilized within the channel, etc.]
19. How much of the surface area of the waterbody bottom (in square feet) will be disturbed? Include access areas and equipment activity areas within the channel.
20. List the desired start date of permitted disturbance or removal. This date is considered tentative; jurisdictional activity is not authorized until a permit is received from TPWD.
21. How long is the operation proposed to take once it begins? This will be considered in setting the expiration date of the permit. The maximum length of a General Permit is one year; the maximum length of an Individual Permit is three years.
22. List any State or Federal listed threatened or endangered species known to be or anticipated to be in the project vicinity and whether any might be affected by the project.
23. List proposed measures that will be taken to avoid or minimize harm to aquatic and riparian habitat within the project area during, and after, the proposed project.

24. Do you have, or are you relying upon, a U.S. Army Corps of Engineers (USACE) Permit? If so, what is the permit number?
25. If you do not yet have a USACE Permit, when did you apply for one and which USACE office is reviewing your application?
26. Parks and Wildlife Code chapter 86, §86.003(c)(3) requires that all applications include a Sedimentation Impact Assessment approved by TPWD. This assessment must be completed for the river reach or waterbody proposed for disturbance at your own expense and must be approved by TPWD before a permit may be issued.
27. Are you applying as a Texas corporation? If so, you must provide a written statement from: (a) the Secretary of State called a "Certificate of Authority"; and (b) from the Comptroller a "Certificate of Account Status" ("Certificate of Good Standing"), which states that the corporation is not delinquent in any tax required by Tax Code chapter 171.
28. If you are not applying as a corporation, list the full names of all of the equity owners of your business.
29. Parks and Wildlife Code chapter 86, §86.003(c)(4) requires that all applications for renewal of an existing permit must provide information about any amendments being requested to the existing permit.

#### **E. Section IV: Public Notice and Requirements (line numbers 30 – 36)**

Public notification of a permit application and a subsequent public comment hearing are required. Notice is required: 1) in the newspaper of greatest circulation in the county, 2) in the newspaper from the community closest to the project, if any, 3) by certified mail to alongshore landowners within one mile upstream and downstream of the project, and 4) in the *Texas Register*. The Public Notice must be approved by TPWD before being published or mailed. Coordinate approval with the TPWD Sand and Gravel Program. TPWD will publish notice in the *Texas Register* after receiving documentation that the newspaper and mailed notices have been completed. Notice requirements are found in Parks and Wildlife Code §86.003 and 31 Texas Administrative Code §69.105. Public comment hearing procedures are governed by 31 TAC § 69.106.

30. Identify the newspaper with greatest circulation in the county that will be used for the public notice and provide contact information.
31. Identify the newspaper, if any, published for the community closest to the proposed project and provide contact information.
32. Prepare and submit a draft public notice using the available template (see below).
33. Provide the landowner and address list to be used for mailing the public notice to alongshore property owners as required by Parks and Wildlife Code chapter 86, §86.003(c)(2). If a parcel of property has multiple owners, list all of them. Provide a map, such as from the appraisal district, showing the land tracts and ownership for the required mile upstream and downstream from all project areas.
34. Please be sure to request a U.S. Postal Service Certified Mail Receipt of Mailing for each address and provide to TPWD as required by §86.003(c)(2) and Item #35 of the application form.
35. Following approval of the Public Notice, the applicant must have the notice published in three consecutive issues of the newspaper in Item #30 above and in one issue of the newspaper in Item #31 above, and provide to TPWD copies of publisher's affidavits or other acceptable documentation of publication for all newspaper notices.
36. If this is a renewal of an existing permit, are there any proposed changes to your permit? If so, please describe them.

**REMEMBER TO SIGN AND HAVE NOTARIZED THE SIGNATURE PAGE AND SIGN THE PERMISSION TO ENTER AND CROSS. THANK YOU.**

**Notice of Application for a Sand and Gravel Permit**

[**Applicant's name, including full trade or corporate name**] has applied to the Texas Parks and Wildlife Department (TPWD) for a(n) [**General or Individual**] Permit pursuant to Texas Parks and Wildlife Code chapter 86 to remove or disturb [**amount**] cubic yards of sedimentary material within [**name of water body**] in [**name of county**] County. The purpose is [**brief description of proposed activity**]. The location is [**distance from nearest upstream and downstream public road crossing OR distance and direction from named geographic landmark**]. Notice is being published and mailed pursuant to Title 31 Texas Administrative Code section 69.105(b).

Within 30 days of the receipt of an administratively complete application, TPWD will publish notice of a public comment hearing regarding the application in the *Texas Register* at least 20 days prior to the date of the public comment hearing. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted at the hearing.

Written comments may also be submitted directly to TPWD and must be received no later than 30 days after the date of newspaper publication of this notice or the *Texas Register* notice publication, whichever is later. Submit written comments, questions, or requests to review the application to: Sand and Gravel Program, TPWD, by mail: 4200 Smith School Road, Austin, TX 78744; or e-mail [sand.gravel@tpwd.texas.gov](mailto:sand.gravel@tpwd.texas.gov).