Sand and Gravel Permit Application

This application will not be considered unless fully completed and all fees are received. For assistance with this form, email sand.gravel@tpwd.texas.gov.

Section I. Applicant Information

Effective September 1, 2015, Texas Parks and Wildlife is required to collect Social Security numbers of individual applicants and sole proprietorship applicants for the purpose of child support enforcement under the Texas Family Code, Section 231.302 and Federal Statute 42 U.S.C. §666. Missing or incomplete information may delay application processing time.

1. Applicant Name: _____

   Social Security Number: _____ Date of Birth: _____

   Driver License No.: _____ Driver License State: _____
2. Mailing Address: _____

   City: _____ State: _____ Zip: _____
3. Contact Information: Email: _____

   Voice: _____ Cell: _____ Fax: _____
4. Comptroller's ID Number or Federal Employer's Identification Number (FEIN) _____
5. Previous or current Permit Number: _____
6. Agent or other person acting on behalf of Applicant: _____
7. Mailing address if different from Applicant: _____

   City: _____ State: _____ Zip: _____
8. Contact Information if different from Applicant: Email: _____

   Voice: _____ Cell: _____ Fax: _____

Section II. Location of Proposed Activity

9. Name of water body: _____
10. County of proposed activity: _____
11. Nearest city or town with a post office: _____
12. Nearest upstream public road crossing: _____

    Distance from proposed activity: _____
13. Nearest downstream public road crossing: _____

    Distance from proposed activity: _____
14. Latitude/Longitude: _____

Section III: Description of Proposed Activity

15. Description of proposed activity, including equipment to be used (attach additional sheets as necessary):

    _____

16. Volume of sedimentary material to be disturbed monthly (Cubic yards per month): _____
    If total volume disturbed during the permit is 1,000 cubic yards or more, it would be considered an individual permit and would require a bond.
17. Volume of sedimentary material to be disturbed annually (Cubic yards per year): _____
18. Intended final disposal area for disturbed and removed materials:

19. Surface area of bottom to be disturbed (in square feet): _____
20. Date that project is proposed to begin: _____
21. Duration of disturbance period: _____
22. Are any species listed as State or Federal threatened or endangered found in the vicinity of the project; or might any listed species be affected by the project? _____
    If so, please explain:

23. Provide a description of measures proposed to minimize harm to aquatic and riparian habitat:
    _____
24. U.S. Army Corps of Engineers (USACE) Permit Number, Individual, General, or Nationwide:
    _____
25. If USACE permit application is pending, state application date and USACE office reviewing application:
    _____
26. Attach the required Sediment Impact Assessment conducted pursuant to Parks and Wildlife Code Chapter 86 § 86.003(c)(3).
27. Is the applicant a corporation subject to the Texas Business Corporation Act?
    ☐ Yes ☐ No
    a) If so, attach a statement provided by the Comptroller of Public Accounts that the applicant is not delinquent in any tax owed pursuant to Tax Code chapter 171 (Certificate of Account Status / Certificate of Good Standing).
28. If the applicant is not a corporation, and is a sole proprietorship or partnership, list the full name(s) of the proprietor(s) and/or general partners. _____
29. If this is an application for the renewal of an existing permit, are there any amendments requested to the current permit? ☐ Yes ☐ No
    If yes, list requested amendments. _____

Section IV: Public Notice Requirements

30. Name and contact information of daily or weekly newspaper of greatest circulation in the county or counties to be affected by issuance of the permit:

    Newspaper name: _____

    Newspaper telephone number: _____

    Newspaper Web site: _____

    Address: _____

    City, State, Zip: _____

31. Name and contact information of local newspaper in the community nearest the proposed area of disturbance:

    Newspaper name: _____

    Newspaper telephone number: _____

    Newspaper Web site:_____

    Address: _____

    City, State, Zip: _____

32. Attach a draft Public Notice. Refer to the public notice template in the accompanying Sand and Gravel Permit Application Instructions. For additional assistance, contact the Sand and Gravel Permit Program sand.gravel@tpwd.texas.gov. **Public notice must be approved by TPWD prior to publication or mailing**.

33. Attach a list of alongshore property owners on both sides of the stream, and their mailing address information, for one river mile above and below the proposed area of disturbance.

34. Following approval of the draft Public Notice, item 32 above, the applicant must send the approved Public Notice via certified mail to all property owners identified in item 33 above.

35. Following approval and mailing of Public Notice, provide copies of U.S. Postal Service Certified Mail Receipts of Mailings to all property owners identified in item 33 above to TPWD Sand and Gravel Permit Program by mail or email at sand.gravel@tpwd.texas.gov

36. 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.

Sand and Gravel Permit Application
Signature Page

Signature on Application: The person who signs the application form should be the Applicant. When another person signs on behalf of the applicant his/her title or relationship to the Applicant should be stated. In all cases the person who signs the form must be authorized to do so by the Applicant. A person who signs an application must provide proof of authorization. A copy of the authorization letter must be included in the application package. An application submitted by a corporation must be signed by a principal executive officer of at least the level of vice-president or by a duly authorized representative, if such representative is responsible for the overall operation of the facility that will conduct the activities authorized by the permit requested. In the case of a partnership or sole proprietorship, the application must be signed by a general partner or the proprietor, respectively. In the case of a municipal, state, federal or other public facility, the application must be signed by a principal executive officer, a ranking elected official or another duly authorized employee.

I _____certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, this information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for known violations. I understand that issuance of a Sand and Gravel Permit is not guaranteed, and that the proposed work is not authorized until such time that a permit is received from Texas Parks and Wildlife Department.

_____ _____ _____

Date Signature Title

Subscribed and sworn to before me by the said_____ on this

_____day of _____, 20_____.

My commission expires on the _____ day of _____, 20_____.

notary seal

_____

Notary Public

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 552.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected.

Sand and Gravel Permit Application
Permission to Enter and Cross

Applicant's Name: _____

My name is _____and I am over the age of 18 years.

I am the owner or otherwise have the authority to control access to the property described in this document. I hereby grant permission to employees of the Texas Parks and Wildlife Department to enter and/or cross my property for the purposes of inspecting the bed and banks of public waters, in conjunction with, and for the purposes of, reviewing the Applicant's request for a Sand and Gravel Permit from the Department. I understand that Department employees may take photographs and make drawings or maps of my property where it has a common boundary with public waters and that such photographs, drawings or maps will become public records.

_____ _____

Date Owner or Authorized Representative

Sand and Gravel Permit Application
Attachments and Supplemental Materials

The following are required for an application to be considered complete for review:

1. Completed application including signed and notarized signature, pages 1 through 4;
2. Completed and signed Permission to Enter and Cross document, page 5;
3. A map showing the vicinity of the proposed site, such as a county map;
4. A scale drawing of the proposed project area that indicates:
    a) The location of the operation, identified by prominent landmarks and showing the limits of the proposed project (show distances in miles, feet, etc.);
    b) The name of the waterway;
    c) Graphic scale of the drawing;
    d) The direction of north by arrow;
    e) The direction of flow in streams and the direction of ebb and flow in tidal waters;
    f) The mean high and low waterlines in tidal areas and the ordinary high and low waterlines in a lake or stream;
    g) The property lines and names of adjacent property owners;
    h) If the waterway separates two or more counties, show the county lines and the names of the counties;
    i) The location of associated activities such as access routes, staging areas, sorting and washing sites, settling ponds, etc.;
    j) The average depth in feet and/or inches of the water at 200-feet intervals;
    k) Location of stockpiles, temporary placement, etc., if applicable.
5. At least four color photographs of the site adequately illustrating where the operation will be conducted:
    a) One from each side of the river at the work area, showing the banks, river, and vegetation;
    b) One from the downstream and upstream ends of the project area, showing river and banks from close to the elevation of the water.
6. Sediment Impact Assessment per Item 26;
7. Draft Public Notice per Item 32;
8. List of landowners per Item 33;
9. Documentation of mailing of Public Notice per Item 35;
10. Documentation of publications of Public Notice per Item 36.

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.