



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2011-01237
	Date Issued: _____	24 January 2012
	Comments	
<b>Galveston District</b>	Due: _____	24 February 2012

## 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 United States 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 (CWA).

**APPLICANT:** Aransas County  
301 North Live Oak  
Rockport, Texas 78382  
Telephone 361-729-6661

**AGENT:** Naismith Engineering, Inc.  
4501 Gollihar Road  
Corpus Christi, Texas 78411  
Telephone 361-814-4401  
POC: Ms. Sandi Hart

**LOCATION:** The project site is located in Aransas Bay just east of Fulton Beach Road in Fulton, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Rockport, Texas.

**LATITUDE & LONGITUDE (NAD 83):**  
Latitude: 28.067115 North; Longitude: -97.035015 West

**PROJECT DESCRIPTION:** The applicant proposes to construct a series of approximately 46 overlapping angled breakwaters measuring 70 feet in length and 26 feet in width (at the base) with a crest measuring approximately 4 feet in width and 4.5 feet in height with a 2:1 slope, for a total of 3,220 linear feet of breakwater over 1.30 acres, located approximately 20-30 feet bayward of Aransas Bay. The proposed breakwaters would be constructed by relocating existing concrete rip-rap along the shoreline and combining it with a mix of limestone and crushed concrete as well as oysters shell and spat when feasible. The areas located along the shoreline

behind the proposed breakwaters that are currently at suitable elevations for sprigging will be planted with a mix of smooth cordgrass at lower elevations and marsh hay cordgrass and shoregrass at higher elevations. The applicant stated that it was estimated that the southern half of the project, from station 0 to 2000, would not require additional fill. Areas that are not currently at suitable elevations (approximately 0.52 acres) will be filled to appropriate elevations with a sandy soil that will come from a commercial source and be similar in composition to those in Aransas Bay, then sprigged. The northern half of the project, from station 4000 to 7000, would require approximately 0.55 cubic yards of material per linear foot. The applicant's request is to add fill in cases where there isn't currently at least ten feet of ground width that is approximately even with the top of road (labeled as the shoulder in the typical section). The other aspect of the fill amount determination was to ensure a slope of 1:3 from the shoulder to flatter bay bottom. Additionally, cabled articulated block mat may be utilized in addition to (on top of the earthen fill) or in place of earthen fill as an option if necessary for additional stability. Plants will be obtained through a commercial source, likely Cove Harbor wetlands, and planted on 3-foot centers and will be single stem. Low marsh vegetation (smooth cordgrass) will be planted from +0.2 feet NAVD88 up to +1.7 foot NAVD88. High marsh vegetation (marsh hay grass and shoregrass) will be planted from +1.7 feet NAVD88 up to the existing grade of the Fulton Beach Road Shoulder. Furthermore, the applicant has proposed an Alternative B as an optional layout for the breakwater construction, wherein the alignment varies from that proposed in Alternative A and would result in approximately 25% less stone quantity. Construction along the shoreline will be conducted primarily from land. Construction of the breakwaters will be accomplished via land, and shallow draft water barges as necessary. The applicant stated that silt curtains and temporary fencing will be placed along the shoreline to prevent sediment from entering the water column. The purpose of the project is to prevent further erosion to the shoreline and existing coastal wetlands and bay areas while providing habitat enhancement and restoration while utilizing living shoreline technology.

**MITIGATION:** The applicant did not propose to mitigate. The applicant stated that no mitigation has been proposed as the proposed project involves shoreline protection as well as restoration and enhancement due to the living shoreline's potential to provide increased essential fish habitat and by avoiding existing seagrass and wetland vegetation while creating shoreline wetlands and marsh.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by avoiding impacts to wetlands.

**CURRENT SITE CONDITIONS:** The applicant stated that the entire shoreline along Fulton Beach Road has been developed and consists of either a bulkhead or concrete rip-rap zone to prevent further shoreline erosion. Any wetlands that were historically present along Fulton Beach Road shoreline have been lost to coastal erosion. The applicant further stated that very sparse scattered wetland vegetation is present along the shoreline/bulkhead at the proposed project site.

**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 10 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 CWA.

**OTHER AGENCY AUTHORIZATIONS:**

Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement-fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

**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 work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

**THREATENED AND ENDANGERED SPECIES:** Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

**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, 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 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 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 EIS 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 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 **24 February 2012**. 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 be submitted to:

Desireé Wilson  
Regulatory Branch, CESWG-PE-RCC  
U.S. Army Corps of Engineers  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
361-814-5847, ext. 130 Phone  
361-814-5912 Fax

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS