



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Joel Behrens
Calhoun County

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Expires: December 5, 2025

**Galveston District
Permit Application No. SWG-2025-00508**

TO WHOM IT MAY CONCERN: The Galveston District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Joel Behrens
Calhoun County
24627 State Highway 172
Port Lavaca, Texas 77979

AGENT: Katie Hutschenreuter
Coast and Harbor Engineering
1100 North Fayette Street
Alexandria, Virginia 22314

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Lavaca Bay. The project/review area is located along the Magnolia Beach shoreline at Matagorda Inlet; at Latitude 28.5603446 and Longitude -96.5379816; in Calhoun County, Texas.

EXISTING CONDITIONS: The project area encompasses a 38.25-acre area extending landward to Ocean Drive and approximately 800 feet offshore of Magnolia Beach into Lavaca Bay. The project area includes Magnolia Inlet, which connects Lavaca Bay to Old Town Lake and is crossed by 'Crabbin Bridge'. Estuarine wetlands lie within the project area on the western side of an existing rock groin and an area of unconsolidated live oysters is located adjacent to the proposed jetty system. The project area lacks seagrasses. There are rock groins, piers, and bulkheads within the immediate vicinity of the project. The surrounding areas include residential neighborhood, public beach park, and undeveloped marshland adjacent to Old Town Lake.

PROJECT PURPOSE:

Basic: Shoreline Stabilization

Overall: To achieve shoreline stabilization of Magnolia Beach through the construction of a jetty system intended to prevent sedimentation within Magnolia Inlet and enhance water circulation between Lavaca Bay and Old Town Lake.

PROPOSED WORK: The applicant requests authorization to discharge 5,000 cubic yards (CY) of fill material below the high tide line (HTL) of a 0.4-acre area of Lavaca Bay to construct a 790-linear-foot jetty system in two segments. The northern jetty (398 linear feet) and southern jetty (392 linear feet) will border Magnolia Inlet and maintain a crest elevation of +5 feet NAVD88. The stone jetties will be constructed using land-based construction methods and be placed in areas devoid of any special aquatic sites. The project includes mechanical dredging of 2,000 CY of material from 1.1-acre area of Magnolia Inlet to achieve a depth of -3 feet NAVD88. All dredged material will be hauled by truck and placed within the limits of an adjacent beach nourishment project authorized by Permit SWG-2022-00561.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has designed the jetty system to avoid any impacts to existing wetlands, seagrasses, or oysters. The project will not interfere with navigation, natural coastal processes, and will not negatively impact critical habitat. The jetties will not be constructed of any material that may cause adverse effects on coastal waters or critical areas. BMPs will be utilized to manage turbidity and prevent sedimentation. The applicant will adhere to Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands and Policies for Dredging and Dredged Material Disposal Placement. The marsh creation will utilize native sediments, and construction will not take place within critical areas and will be constructed as to not affect threatened and endangered species.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: No compensatory mitigation is proposed.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

The permit area was investigated for historic properties, and none were identified as documented in the report titled "Cultural Resources Survey for the Proposed Crabbin Bridge Project, Calhoun County, Texas" prepared by Gray & Pape and dated March 2025. The Texas State Historic Preservation Officer concurred with the Corps determination on April 29, 2025.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Southeast Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
NMFS ESA-Listed Species/Critical Habitat		
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Green Sea Turtle: Critical Habitat (TX01)	<i>Chelonia mydas</i> (Critical Habitat)	Proposed

This notice serves as request to the National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 0.4-acre of shallow water benthic habitat. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages: red drum, triggerfishes (*Balistidae*), jacks (*Carangidae*), wrasses (*Labridae*), snappers (*Lutjanidae*), tilefishes (*Malacanthidae*), groupers (*Serranidae*), and coastal migratory pelagic species, shrimps, stone crabs, and spiny lobsters. The applicant is proposing discharge of fill causing a permanent loss of estuarine habitat that provides nursery, forage, and refuge sites for estuarine finfish and invertebrate species. The Corps anticipates that any adverse effects which may occur to EFH would be minimal, provided the applicant adheres to best management practices associated with construction in open

waters. 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.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

COASTAL ZONE MANAGEMENT PROGRAM: 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel. The applicant's plans are enclosed in 9 sheets.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

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 determination, comments are used to assess impacts to 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 Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Galveston District will receive written comments on the proposed work, as outlined above, until **December 5, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to the Regulatory Division at swg_public_notice@usace.army.mil. Alternatively, you may submit comments in writing to the Regulatory Division, U.S. Army Corps of Engineers, Galveston District, Attention: **SWG-2025-00508** at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the permit application number **SWG-2025-00508** in your comments.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS