



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: SWG-2018-00456

Date Issued: 30 April 2024

Comments

Due: 31 May 2024

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 U.S. 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:

Holiday Harbor Community Association (HHCA)
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Point Blank, Texas 77364
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Phone: 832-514-8666
Email: bryndall@gmail.com

AGENT:

Holiday Harbor Community Association (HHCA)
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Katy, Texas 77450
POC: Charles Borland
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LOCATION: The project site is located in Lake Livingston, immediately adjacent to 310 Marina Drive, in Coldspring, San Jacinto County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Stephen Creek, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.705437° North; **Longitude:** 095.176378° West

PROJECT DESCRIPTION: The applicant proposes the permanent discharge of approximately 900 cubic yards of fill material (below 131' normal pool elevation) into approximately 0.5 acres of Lake Livingston associated with the construction and installation of two breakwater structures aimed at addressing sedimentation issues and enhancing safe and adequate navigational access to Holiday Shores Cove. Breakwater structure 1 is proposed to measure 1,754 linear feet in length, involving the discharge of approximately 750 cubic yards of dredged material into roughly 0.45 acre, while breakwater structure 2 is proposed to measure 180 linear feet in length, involving the discharge of approximately 150 cubic yards of dredged material into approximately 0.05 acre.

AVOIDANCE AND MINIMIZATION: The applicant has carefully chosen locations for the breakwater structures that capitalize on previously disturbed areas with water depths less than two feet, ensuring minimal impact on aquatic habitats. The design of these structures is strategically optimized to cover the smallest feasible area necessary to achieve effective functionality, thereby reducing the volume of fill material used and limiting impacts on the lakebed. Furthermore, materials dredged from the lake during construction will be responsibly managed, placed in adjacent upland areas or securely contained within the breakwater structures as backfill to prevent them from reentering the lake.

MITIGATION: The applicant is not proposing mitigation for this project as there are no anticipated impacts to special aquatic sites.

CURRENT SITE CONDITIONS: The current site conditions reveal sedimentation issues near the mouth of the Holiday Harbor cove, where an existing peninsula has led to the accumulation of silty and sandy sediment, reducing water depths and hindering navigational access. Recent tropical events, including Hurricanes Ike and Harvey, have exacerbated sediment deposition along the western shoreline of Lake Livingston. Despite periodic dredging efforts, sediment continues to impact safe navigation in the area, necessitating the proposed construction of breakwater structures to mitigate these ongoing challenges.

PROJECT HISTORY: Department of the Army (DA) Permit SWG-2018-00456, issued 3 August 2018, and expired 3 August 2020, authorized the applicant to dredge 450 cubic yards of material from Lake Livingston and place the dredged material onto adjacent uplands.

DA Permit SWG-2018-00456, issued 23 June 2020, and expired 18 March 2022, authorized the discharge of approximately 4 cubic yards of fill material below the 131' normal pool elevation of Lake Livingston to facilitate the construction of a new 165-linear-foot bulkhead. The distance between the existing bulkhead and the proposed bulkhead varied between 45 feet at the north side of the lot and 50 feet near the south side of the lot. The applicant proposed to use the dredge material from a neighboring dredge project (SWG-2020-00340) as native backfill for the bulkhead.

DA Permit SWG-2018-00456, issued 3 July 2023, and expires 31 December 2028, authorized the permittee to mechanically dredge approximately 1,500 cubic yards of material from a 30-foot-wide by 400-foot-long area (12,000-square-foot) in Lake Livingston to a depth of -4 feet normal pool elevation to restore safe navigational depths in an existing access channel. The dredged material was temporarily placed onto immediate adjacent uplands to allow the material to dewater. This temporary placement area was surrounded by silt fencing and straw bales to confine the material and prevent any sediment from discharging back into Lake Livingston. The dewatered dredged material was then hauled off by truck to an upland placement area located approximately 0.38 miles southwest of the project site at 3911 TX-156, Coldspring, Texas.

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 6 sheets. In addition, the applicant's alternatives analysis, comprising 8 sheets, is provided as Attachment A.

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:

The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

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. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov

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 project is of such limited nature and scope that it has no potential to affect historic properties, even if present within the project 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.

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 **31 May 2024**. 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 reference our file number, **SWG-2018-00456**, and should be submitted to:

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CORPS OF ENGINEERS