



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2000-00995,

formerly 22065

20 August 2020

21 September 2020

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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: US Fish and Wildlife Service
P.O. Box 100
Austwell, Texas 77950
POC: Mr. Felipe Prieto
Telephone: 361-649-4427
Email: felipe_prieto@fws.gov

AGENT: Delta Coast Consultants
4924 Highway 311
Houma, Louisiana 70360
POC: Mr. Gregory Chatelain
Telephone: 985-655-3115
Email: gregc@deltacoastllc.com

LOCATION: The project site is located in Espiritu Santo Bay starting at a point (28.409214° North; 096.479264° West) and continuing to a point (28.332152° North; 096.463007° West) on Matagorda Island, near Port O'Connor, in Calhoun County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: Port O'Connor and Pass Cavallo, Texas.

LATITUDE & LONGITUDE (NAD 83):

Centerpoint Latitude: 28.365265° North; **Longitude:** 096.481988° West

PROJECT DESCRIPTION: The applicant proposes to perform hydraulic dredging to a uniform depth of -10 feet mean low water removing a total of 381,327 cubic yards of material starting at the Gulf Intracoastal Waterway (GIWW), through Espiritu Santo Bay, and terminating at the Matagorda Island boat dock within the USFWS Aransas National Wildlife Refuge. The hydraulic dredging will be performed in phases.

In Phase 1, the applicant proposes to start at the confluence of the GIWW at a point (28.409214° North; 096.479264° West) to dredge a channel, 3,715 linear feet by 125-feet-wide, into Espiritu Santo Bay. The applicant also proposes to start at the Matagorda Island boat dock within the USFWS Aransas National Wildlife Refuge at a point (28.332152° North; 096.463007° West) to dredge a channel 835 linear feet by 272-feet-wide which will then narrow to 100-feet-wide at the entry to Matagorda Island. The Phase 1 hydraulic dredging will remove a total of 113,560 cubic yards of material. A total of 65,382 cubic yards of material will be pumped by pipe equally into the Eastern and Western USACE dredged material placement areas (DMPAs) also known as Dewberry and Blackberry Islands which are located adjacent to the GIWW. A total of 48,178 cubic yards will be pumped by pipe into the upland DMPA located on Matagorda Island, authorized by SWG-1998-01075, formerly D-9406.

In Phase 2, the applicant proposes to start at terminus of Phase 1 dredging limits to dredge a channel, 27,459 linear feet by 125-feet-wide, within Espiritu Santo Bay. The Phase 2 hydraulic dredging will remove a total of 267,767 cubic yards of material. This dredged material will be pumped by pipe into the upland DMPA located on Matagorda Island, authorized by SWG-1998-01075, formerly D-9406.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by using the footprint of the Air Force channel and previously authorized dredged material placement areas to minimize impacts.

MITIGATION: The applicant does not propose any mitigation.

CURRENT SITE CONDITIONS: The project site is currently the waters of Espiritu Santo Bay from the start at the intersection of the GIWW continuing through the bay to the terminating point at the Matagorda Island boat dock within the USFWS Aransas National Wildlife Refuge.

BACKGROUND: SWG-1998-01075, formerly D-9406, was issued on 17 February 1999 and expired on 17 February 2001, verified a Nationwide Permit (NWP) 35 for maintenance dredging and a NWP 3 for bulkhead repair and replacement. The maintenance dredging to -12 feet mean low tide for a 60-foot by 1,320-foot entrance channel and placement of the material on an abandoned runway on Matagorda Island.

SWG-1998-01075, formerly D-9406, was issued on 2 August 1999 and expired 17 February 2001, verified the relocation of the dredged material placement area from the runways to the upland location between the runways. This NWP 35 verification had project plans that supersede the previously verified plans.

SWG-2000-00995, formerly 22065, was withdrawn on 25 October 2000. The proposed project was to hydraulically maintenance dredge 5,000 feet to a depth of -9 feet, and remove and estimated 76,000 cubic yards of material to be placed within a USACE dredged material placement area.

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 16 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: 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.

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.

Pursuant to 33 USC 408, the proposed project may require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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, maintenance dredging and use of an existing placement area or beneficial use areas, is of such limited nature and scope that it has no potential to effect 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.

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 **21 September 2020**. 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-2000-00995**, and should be submitted to:

Central Unit/Evaluation Branch
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS