



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2008-00309
	Date Issued: _____	31 August 2021
	Comments _____	
Galveston District	Due: _____	1 October 2021

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: Village of Tiki Island
802 Tiki Drive
Galveston, Texas 77554
POC: Mayor Vernon Teltschick
Telephone: 409-935-1427
Email: tikimayor@comcast.net

AGENT: Atkins North America
200 Westlake Park Boulevard, Suite 1100
Houston, Texas 77079
POC: Rhonda Gregg Hirsch
Telephone: 281-529-4194
Email: rhonda.gregg-hirsch@atkinsglobal.com

LOCATION: The project site is located in the tidal waters of Jones Bay, West Bay, and the residential canals surrounding the Village of Tiki Island, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Virginia Point, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.297887 North; **Longitude:** -94.91674 West

PROJECT DESCRIPTION: The applicant proposes to hydraulically dredge approximately 165,882 cubic yards of sandy, non-vegetated material from approximately 50,000 linear feet of existing canals, and perimeter and access channels for canal maintenance; install approximately 1,415 linear feet of wooden breakwater to reduce siltation in the canal immediately west of the Galveston Causeway; and fill approximately 22.1 acres of a 26.90-acre Beneficial Use of Dredged Material (BUDM) Placement Area (PA) for the Village of Tiki Island. The applicant will construct the 4,829-linear-foot BUDM PA containment berm using approximately 38,000 cubic yards of non-vegetated bay bottom material borrowed from the BUDM PA site and armor it with approximately 9,200 cubic yards of limestone rock. The containment berm is to be constructed using marsh crane and dozer methodology. The breakwater construction will include installation of approximately 354 pilings that are 15-inch-diameter and 45-foot-long.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by implementing best management strategies.

MITIGATION: The applicant proposes to beneficially use the dredged material from the project site for marsh and other habitat creation within the BUDM PA. Compensatory mitigation is not proposed.

CURRENT SITE CONDITIONS: The project site includes the residential canals and access channels for the Village of Tiki Island, the open water BUDM PA, and the breakwater area adjacent to an existing access channel near Canal J.

The residential canals and associated access channels consist of sandy, non-vegetated waters that surround the community. Land use in the area is associated with privately owned, residential lots with bulkhead secured shorelines.

The BUDM PA area is in the open water of West Galveston Bay to the southwest of the Village of Tiki Island and north of the Gulf Intracoastal Waterway. The BUDM PA area consists of non-vegetated shallow, open-water habitat with scattered shell (40 percent live). The existing riprap in the BUDM PA has oyster growth over the submerged areas with approximately 30 percent live. One emergent wetland is also present within the limits of the BUDM PA.

The breakwater area is in the open water of Galveston Bay adjacent to the southeast shoreline of the Village of Tiki Island, from the area south of the Galveston Causeway to the northern limits of the Navigation South access channel. The area exhibits a generally flat contour with a consistent elevation of approximately 1 to 3 feet above mean sea level. Scattered oyster habitat and emergent wetlands are located to the north of the channel.

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 22 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:

The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP.

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 contacted TCEQ and submitted a pre-filing meeting request on 29 June 2021 but has not yet reached out to submit the water quality certification request. If you have comments or questions on this proposed project's State water quality certification process, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

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 authorized placement area, 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 **1 October 2021**. 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-2008-00309**, and should be submitted to:

Central Unit
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