



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2024-00766

Date Issued: 10 December 2024

Comments

Due: 13 January 2025

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## 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:** U.S. Fish and Wildlife Service  
Post Office Box 358  
Sabine Pass, Texas 77655  
POC: Douglas Head  
Telephone: 409-971-2909  
Email: douglas\_head@fws.gov

**AGENT:** DESCO Environmental Consultants  
26902 Nichols Sawmill Road  
Magnolia, Texas 77355  
POC: Misti Little  
Telephone: 281-252-9799  
Email: mlittle@descoenvr.com

**LOCATION:** The project site is located in the Gulf Intracoastal Waterway (GIWW), within McFaddin National Wildlife Refuge (NWR), approximately 16 miles north of High Island, in Port Arthur, Jefferson County, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 29.6891742 North; **Longitude:** -94.1687429 West

**PROJECT DESCRIPTION:** The applicant proposes work associated with construction of a siphon system to connect Big Reservoir to Star Lake, restoring freshwater flow to the southern portion of the Salt Bayou watershed. The project includes permanent impacts to 0.1-acre of the GIWW to construct an upstream siphon control structure. The project would also include permanent impacts to 0.007-acre of tidal wetlands and 3.8 acres of non-tidal wetlands to install sheet pile, filter fabric, cement, fill material, and articulated concrete block mats (ACBM) for the construction of siphon structures and a water conveyance ditch discharging into Star Lake to the south. Temporary impacts include 2.9 acres of impacts to non-tidal wetlands for staging and access.

The system would consist of four 36-inch-diameter high density polyethylene pipes totaling 850 linear feet directionally drilled under the GIWW at a minimum depth of 20 feet. The upstream siphon structure would consist of a ditch measuring 87-foot-long and 36-foot-wide lined with articulated concrete block mats with filter fabric feeding into the siphon openings. Sheet pile would stabilize the southern edge of this structure, with gaps around the four siphon openings. Each opening would be reinforced with 6-inch by 6-inch posts and fill material.

A 2,600-foot-long conveyance ditch would be created to connect the siphon outlet to an outfall discharging into Star Lake. The northern edge of the structure would be lined with 65 feet of sheet pile, with gaps around the four siphon openings backfilled and reinforced with 6-inch by 6-inch posts. An existing 72-inch-diameter corrugated metal pipe discharge structure would be removed from the north side of the GIWW and replaced with two 60-inch-diameter pipes with an overflow weir at the upstream intake and flap gates on the discharge area into the GIWW. A 10-foot-wide and 73-foot-long articulated concrete block mat with filter fabric slab would be placed directly downstream of the siphon discharge points to prevent scouring. The water distribution ditch would be tied into this slab.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by designing the project to have the minimal footprint necessary to restore water flow from wetlands north of the GIWW to Star Lake and surrounding wetlands to the south.

**MITIGATION:** The applicant did not propose mitigation for the project as wetland impacts would be offset by preservation and enhancement of wetlands within the Salt Bayou system.

**CURRENT SITE CONDITIONS:** The project site consists of brackish to estuarine wetlands, uplands, and open water bisected by the GIWW. Local topography is generally flat, with exceptions including levees, the GIWW, and adjacent canals. A majority of the soils within the project site are poorly drained hydric soils with high shrink-swell potential. Wetland species present include annual marsh-elder (*Iva annua*), salt-meadow cordgrass (*Spartina patens*), and saltgrass (*Distichlis spicata*).

The proposed project would restore historic freshwater flow between areas separated by the GIWW. Construction of the GIWW in 1933 disrupted this hydrologic connection and altered the salinity gradient. Marsh conditions on the south side have deteriorated over time as a result of saltwater intrusion and exacerbated by construction of the GIWW. The project site has been historically utilized by ESA threatened species Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*), but recent wildfires and subsequent mowing have made this habitat unsuitable. Mowing will continue on a regular basis until construction is complete.

**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 38 sheets.

A preliminary review of this application indicates 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.

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 initiated the Section 401 CWA process, on 4 December 2024. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto: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>.

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.

**LEAD FEDERAL AGENCY:**

The U.S. Fish and Wildlife Service (USFWS) has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the USFWS.

**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 **13 January 2025**. 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-2024-00766**, and should be submitted to:

Central Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS