



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2023-00292

Date Issued: _____

December 26, 2023

Comments _____

Due: _____

January 28, 2023

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.

APPLICANT: Coastal Bend Bays & Estuaries Program
Ms. Leigh Perry
1305 North Shoreline Boulevard
Suite 205
Corpus Christi, 78401
Email: lperry@cbbep.org

AGENT: Triton Environmental Solutions
Ms. Andi Binion
P.O. Box 1755
Rockport TX, 78381
Email: abinion@tritonenv.com
Telephone: 361-205-7655

LOCATION: The project site is located within open waters of the Corpus Christi Bay, adjacent to the USS Lexington Museum and the community of North Bay, in Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Oso Creek NE, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.823538° North; Longitude: -97.382233° West;

PROJECT DESCRIPTION: The applicant proposes to armor an existing jetty and install

breakwater islands. Specifically, the applicant proposes to place 1,000 linear feet of fill (stone) to armor an existing jetty located west of the U.S.S. Lexington Museum and install five (5) breakwater islands east of North Beach consisting of armor stone and beneficial use dredged material (BUDM). Each island is proposed to have a maximum footprint of approximately 1,120-foot long by 650-foot wide. The applicant proposes a total of 81 acres of impacts below the High Tide Line. Fill material to create the breakwater islands is planned to be either harvested from a nearby DMPA owned by the applicant (DMPA No. 14) or an adjacent dredging project within the Corpus Christi Ship Channel or Inner Harbor. A temporary pipeline will be utilized to transport material from proposed BUDM No. 14 to the project site. Except for the Rincon Channel crossing, the pipeline is proposed to be floating; within the Rincon Channel the pipeline is proposed to be along the seafloor. The applicant anticipates requiring the pipeline to be in place 12 months. The pipeline will be secured by clump weights where floating and anchor collars where submerged. The applicant is amicable to utilizing a floating pipeline in the nearshore environment to decrease potential impacts to sea grass beds and other sensitive resources. The placed material is planned to be graded, shaped, and planted with native vegetation species to provide additional habitat benefits to the project and aid in the stabilization of the material.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following statement declaring the project has been designed to avoid and minimize impacts to the environment: “The project has been designed to avoid impacts to jurisdictional wetlands and special aquatic sites including seagrass and oysters. Best Management Practices (BMPs) such as silt curtains and silt fencing will be utilized during placement of fill material for the Lexington Breakwater stone and Breakwater Islands stone to minimize impacts to adjacent wetlands and special aquatic sites.”

MITIGATION: The applicant has not proposed compensatory mitigation.

CURRENT SITE CONDITIONS: The project site consists of open tidal waters. The applicant has completed an aquatic resource survey and the nearest known sea grass beds to the project are approximately 100 feet from the pipeline corridor adjacent to the BUDM retrieval site.

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 1-11 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 Clean Water Act (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 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. 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 state tracts proposed for work under this permit are included in the Texas Historical Commission's list of Sensitive state tracts. Additionally, the scope and magnitude of the project is such that a marine archeological investigation is warranted.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 **January 28, 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-2023-00293**, and should be submitted to:

Southwest Division, Technical Regional Execution Center
Corpus Christi Field Office
U.S. Army Corps of Engineers
Galveston District
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS