



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2007-00391

Date Issued: 4 February 2021

Comments

Due: 8 March 2021

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**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:** Galveston County  
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Galveston, Texas 77510  
POC: Mark Henry  
Telephone: 409-766-2244  
Email: [mark.henry@co.galveston.tx.us](mailto:mark.henry@co.galveston.tx.us)

**AGENT:** HDR Inc.  
555 North Carancahua, Suite 1600  
Corpus Christi, Texas 78401  
POC: Nicole Davis  
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Email: [Nicole.davis@hdrinc.com](mailto:Nicole.davis@hdrinc.com)

**LOCATION:** The proposed beach nourishment project is located on Bolivar Peninsula and the proposed near-shore sand borrow area designated as the North Jetty Borrow Area is located approximately 6,500 feet offshore of the County beach and approximately 675 feet north of the North Jetty of the Galveston Entrance Channel, within the Gulf of Mexico, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Frozen Point, Texas.

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

Sand Borrow Area: 29.359028 North; 94.712758 West  
Beach Nourishment Beginning: 29.487201 North; 94.550168 West  
Beach Nourishment End: 29.555401 North; 94.372559 West

**PREVIOUSLY AUTHORIZED WORK:** The Corps authorized Department of the Army (DA) Permit SWG-2007-00391 to Galveston County on 23 September 2011 for beach nourishment activities along approximately extending 3 miles east and west of Rollover Pass (totaling approximately 6 miles) on Bolivar Peninsula. The permit expired on 31 December 2016. The permit authorized the County to borrow sand from an area located within Rollover Bay at Rollover Pass and two upland borrow areas located on State Highway (SH) 87 on Bolivar Peninsula. The applicant requested an Extension of Time (EOT) in 2016; however, was withdrawn due to lack of information.

**CURRENT PROPOSED PROJECT DESCRIPTION:** The applicant is requesting authorization to perform beach nourishment activities that consists of the following:

- 1) A near-shore sand borrow area designated as the North Jetty Borrow Area;
- 2) Modifications to the width of the previously authorized beach nourishment area that includes the dune corridor, beach berm, fore-slope, and seaward slope areas from 500 feet to a maximum of 800 feet; and
- 3) Modifications to the length of the previously authorized beach nourishment area from 6 miles to 12 miles.

The volume of sand to be excavated from the North Jetty Borrow Area for beach nourishment is approximately 2.5 million cubic yards (mcy). Material would be dredged with a cutter head dredge and will be transported to the nourishment area on the County beach through a temporary placed pipeline and booster system. The North Jetty Borrow Area will measure 8,300-foot-long with varying width (1,000- to 2,500-foot-wide), totaling approximately 338 acres.

The increase in width and length of the proposed nourishment area is warranted in order to accommodate the increased size of the beach berm and dune corridor. The increased size of these features is to provide increased protection and resiliency to the beach/dune system along the project site.

Any previous version of this permit has expired. We are only reviewing the activities associated with this proposed permit application.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by removing the previously authorized sand borrow area at Rollover Pass located within Rollover Bay to eliminate potential impacts to the endangered piping plover (*Charadrius melodus*) and red knot (*Calidris canutus*).

**MITIGATION:** The applicant has not proposed to mitigate for the proposed impacts because the regulated work in waters of the US does not take place in a special aquatic site.

**CURRENT SITE CONDITIONS:** The proposed North Jetty Borrow Area consists of beach quality sand suitable for beach nourishment and overburden material. The proposed borrow area is located offshore approximately 6,500 feet from the shoreline in Gulf of Mexico navigable waters ranging from -14 feet to -27 feet mean tide line (MTL). The proposed nourishment area is currently a sandy beach surrounded by residential housing along SH 87 on Bolivar Peninsula that eventually slopes into the Gulf of Mexico.

**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 41 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 would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

Pursuant to 33 USC 408, the proposed project will 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 applicant conducted a marine archeological investigation of the permit area which resulted in the identification of 17 magnetic anomalies/sonar targets that may represent historic shipwrecks eligible for inclusion in the National Register of Historic Place and need to be avoided as documented in the technical report titled “Marine Archaeology Survey of Proposed North Jetty Sand Search, Galveston County, Texas” prepared by SAM Surveying + Aerial Mapping + Engineering and dated August 2016. The Texas State Historic Preservation Officer concurred with the avoidance plan by letter dated 23 November 2016. The Corps will place a special condition on the permit to ensure avoidance of the magnetic anomalies/sonar targets.”

**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, 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 **8 March 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-2007-00391**, 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  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS