



Public Notice

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

Galveston District

Permit Application No: SWG-2018-00862

Date Issued: 5 February 2019

Comments

Due: 8 March 2019

**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.

APPLICANT: National Park Service (NPS)
Padre Island National Seashore (PINS)
12795 W Alameda Parkway
Lakewood, Colorado 80228-2838
Telephone: 303-969-2838
POC: Steven Splitek
Email: steven_splitek@nps.gov

AGENT: HDR Engineering, Inc.
555 N Carancahua, Suite 1600
Corpus Christi, Texas 78401-0849
Telephone: 361-696-3341
POC: Christine Magers
Email: Christine.magers@hdrinc.com

LOCATION: The project site is located in the Laguna Madre on NPS-PINS property at Bird Island Basin in Kleberg County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: South Bird Island, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.468968 North; **Longitude:** -97.313205 West

PROJECT DESCRIPTION: The applicant proposes to stabilize the PINS Bird Island Basin shoreline by constructing 1600 linear feet of riprap revetment along the shoreline between elevations 0.46 feet above mean lower low water (MLLW) and 3.46 feet above MLLW.

The revetment would be constructed by excavating a small area along the shoreline and bay bottom to prepare the subgrade for the placement of the revetment. Excavation is expected to be minimal. The revetment would then be placed in the excavated area along the shoreline and would extend approximately 15 feet from the top of the existing shoreline into shallow open-water within the Laguna Madre. Temporary workspaces would be located in the parking lot area and/or access roads. The excavated material would then be placed back over the revetment to settle in between the gaps. The revetment will include a gap at the northern end at the existing culvert and will not be impacted in order to maintain the hydrologic connection between the bay and estuarine wetlands behind the camping area. The revetment material will be provided from an offsite source and will be hauled in by truck. Construction of the revetment will be from the land side of the shoreline.

Approximately 0.6 acres of unvegetated shoreline that is subject to both the daily ebb and flow of the tide and seasonal high tides would be impacted. Total volume of material to be placed along the shoreline would be approximately 2,200 cubic yards, (835 cubic yards of sand and 1,365 cubic yards of riprap).

AVOIDANCE AND MINIMIZATION: The proposed project would result in short term water turbidity. Due to the proximity of seagrass beds west of the project site in the Laguna Madre, the applicant will implement Best Management Practices (BMPs) such as turbidity curtains and silt fences where applicable to minimize suspended sediment in the water column. As stated above, excavation would be minimal and the implementation of BMPs would result no lasting adverse impact to the aquatic environment including special aquatic sites.

The applicant evaluated five different alternatives including the currently proposed preferred alternative. They consisted of: the no action alternative, a natural shoreline stabilization alternative, a block mat revetment along the shoreline alternative, a riprap berm along the shoreline alternative, and the preferred alternative currently proposed. Siting criteria consisted of minimizing the environmental impacts while keeping the project site in the most natural setting possible while still being able to meet the purpose and need to stabilize the shoreline while preventing future erosion. The no action alternative and the natural shoreline stabilization alternative would have resulted in future adverse environmental impacts by not stabilizing the shoreline causing long term sediment runoff and long term turbidity in the water which would eventually lead to accretion in adjacent special sites adjacent to the shoreline; therefore, they did not meet the purpose and need. The block mat revetment and riprap berm alternative met all the siting criteria but the applicant's preferred alternative resulted in lower environmental impacts while keeping the area in the most natural setting practicable.

MITIGATION: As stated above, excavation would be minimal and the implementation of BMPs would result in no lasting adverse impact to the aquatic environment including special aquatic sites. Further, the proposed revetment would prevent future sediment runoff and turbidity that has historically resulted from erosion. No compensatory mitigation is being proposed.

CURRENT SITE CONDITIONS: The project area is located on the Laguna Madre side of the NPS – PINS Bird Island Basin Recreational Area. It occupies a recreational windsurfing commercial business, parking areas, picnic areas, campgrounds, and a shallow open water bay system. Estuarine wetlands are located just east of the shoreline and are hydrologically connected by a culvert located along the northern section of the shoreline. Seagrass beds are also located west of the project site but are not expected to be impacted by the proposed activity due to the distance between the two along with the implementation of BMPs. The shoreline occupies an access road that has experienced significant erosion since 1995 and is evident with the receding shoreline and scarping along the northern end. This impact area is unvegetated and the base material consists of gravel and caliche. In October 2018, PINS placed approximately 500 linear feet of rock material on the edge of the shoreline above the mean high water line (MHWL) to improve safety conditions of the access road that has eroded severely from tidal activity as well as storm events.

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 4 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.

This project would result in a direct impact of less than 3 acres of waters of the state; however, it would impact greater than 1500 linear feet of shoreline. As such, the proposed project 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.

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 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 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 **8 March 2019**. 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-2018-00862**, and should be submitted to:

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