



Public Notice

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

Galveston District

Permit Application No: SWG-2024-00539

Date Issued: 20 February 2025

Comments

Due: 24 March 2025

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. Army Corps of Engineers
Galveston District, Regulatory Division
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Galveston, Texas 77550
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LOCATION: The project site is located within tidal and adjacent non-tidal waters of the US located in the SWG Area of Responsibility, excluding only those areas located in the State of Louisiana.

PROJECT DESCRIPTION: This general permit authorizes the discharges of dredged or fill material below the high tide line (HTL) of tidal and ordinary high water mark (OHWM) of adjacent non-tidal waters of the US up to 1 acre for the construction of shoreline stabilization and/or restoration of eroded uplands for single family residential properties adjacent to the GIWW.

AVOIDANCE AND MINIMIZATION: Each permit application proposed under this general permit will require a pre-construction notification (PCN) to be submitted to the Corps. Each PCN will be reviewed on a case-by-case basis. In accordance with the Federal Mitigation Rule (33 CFR part 332), the Section 404(b)(1) guidelines (40 CFR part 230), and current Corps policies and guidelines for compensatory mitigation, regulated activities must be designed and constructed to avoid and minimize (mitigate) adverse effects, both temporary and permanent, to waters of the US to the maximum extent practicable at the project site (i.e., onsite). Mitigation includes actions which may avoid, minimize, rectify, reduce, or compensate for adverse environmental effects or activities which may otherwise be contrary to the public interest.

MITIGATION: After all practicable steps to avoid and minimize adverse effects to waters of the US have been considered, the Corps may require additional mitigated measures and/or compensatory mitigation to ensure that the regulated activity results in no more than minimal adverse environmental effects or will not be contrary to the public interest. In reviewing the complete PCN for the proposed activity, the Corps will determine whether the activity authorized by the permit will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest.

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:

Each permit application proposed under this general permit will require a PCN to be submitted to the Corps which will then be coordinated for consistency with the State of Texas Coastal Management Plan. The applicant must ensure 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.

Each PCN will be coordinated for review under Section 401 of the Clean Water Act (CWA) and Title 30, Texas Administrative Code Section 279.1-13 with the Texas Commission on Environmental Quality (TCEQ) to determine if the work would comply with State water quality standards. The applicant will coordinate as needed with the TCEQ to complete 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: Each PCN will be coordinated internally with the Galveston District staff archeologist who will review the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information on a case-by-case basis (in accordance with the National Historic Preservation Act and 33 CFR 325 Appendix C) (*refer to GC E(7-9) of the proposed general permit*).

THREATENED AND ENDANGERED SPECIES: Each PCN will be reviewed on a case-by-case basis for impacts to Federally listed threatened and/or endangered Species or their critical habitat; and if required, will consult with the responsible agencies in accordance with the Endangered Species Act (*refer to GC E(12-14) of the proposed general permit*).

ESSENTIAL FISH HABITAT: Each PCN will be reviewed on a case-by-case basis for potential impacts to Essential Fish Habitat (EFH) if it's applicable to that specific project. EFH impact determinations relative to specific projects and their impacts that will have the need to implement mitigation measures is subject to review by and coordination with the National Marine Fisheries Service (*refer to GC E(10-11) of the proposed general permit*).

PUBLIC INTEREST REVIEW FACTORS: Each PCN 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 **24 March 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-2024-00539**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notice> OR

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DISTRICT ENGINEER
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