



Public Notice

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

Galveston District

Permit Application No: SWG-2015-00444

Date Issued: 31 January 2019

Comments

Due: 4 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 (CWA).

APPLICANT: Jefferson County
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Beaumont, Texas 77701
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AGENT: HDR Engineering, Inc.
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Corpus Christi, Texas 78401
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LOCATION: The project site is located in the Gulf of Mexico (GOM), along a 20-mile section of the McFaddin National Wildlife Refuge (NWR). The eastern limit of the project is located approximately 0.35-mile southeast of the McFaddin NWR Headquarters located on Clam Lake Road, in High Island, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: South of Star Lake, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.648077° North;

Longitude: 94.138454° West

PROJECT DESCRIPTION: The applicant proposes to modify the previously authorized work as described below:

The applicant proposes to construct the remainder of this project (approximately 17 miles) in summer 2019 with the inclusion of seven permit amendments:

- (1) To increase the fill density to 50 cubic yards per linear foot;
- (2) To expand the currently permitted borrow area and add two new borrow areas;
- (3) To place unsuitable overburden back into the previously determined Area of Potential Effects (APE);
- (4) To add three new staging areas for construction equipment;
- (5) To implement updated conservation measures based on recent Section 7 Intra-service coordination;
- (6) To include modified archaeological surveys; and
- (7) To modify Special Condition 5 regarding bathymetric survey of the borrow area.

BACKGROUND INFORMATION: Department of the Army Permit SWG-2015-00444 was issued on 3 November 2016. The previously authorized work involved hydraulically dredging 4.1 million cubic yards of sand from an approximately 241-acre borrow site located approximately 1.5 miles offshore of the project area, and discharge of the dredged material on the shoreline to reestablish 104,150 linear feet of beach/dune complex.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have designed the project to avoid and minimize the environmental impacts.

MITIGATION: The purpose of the project is habitat restoration, as such no compensatory mitigation is proposed.

CURRENT SITE CONDITIONS: The shore face at McFaddin NWR consists generally of clay overlain by a thin sand veneer. In recent history, the beach ridge separating the Gulf from interior marshes was sufficiently high preventing sea water inundation from the GOM, with the exception of storm surge episodes associated with significant tropical storms or hurricanes. The frequency of such inundation was on the order of years to a decade or more. Unlike that of a more typical sand beach, the upper portions of the clay shore face above the water line cannot be regenerated by the action of non-storm waves, due to the small cliff-type (vertical) profiles formed by wave-clay interaction. In addition, removal of the sand veneer from these clay ridges has resulted in increased turbidity within the water column due to direct wave interaction with the clay.

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 7 sheets. The previously authorized plans, in Attachment A, in 13 sheets, are also enclosed.

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.

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 permit area was investigated for historic properties and four magnetic anomalies were identified that could be historic shipwrecks as documented in the report titled "McFaddin Beach Restoration Offshore Material Borrow Area, Cultural Resource Remote-Sensing Survey, Jefferson County, Texas," prepared by Tidewater Atlantic Research, Inc. and dated August 2015. All four anomalies will be avoided by project impacts.

A subsequent investigation titled "Geoarcheological Assessment of 31 Vibracores from the McFaddin Sand Search Project" prepared by Moore Archeological Consulting and dated October 2018 which reported on the subsurface examination of seafloor as a potential source for the artifacts that have been washing up on McFaddin Beach. The report concluded the permit area did not contain paleosols likely to be the source of the artifacts.

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 GOM. 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 **4 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-2015-00444**, and should be submitted to:

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