Public Notice

U.S. Army Corps Of Engineers

Galveston District

Permit Application No: SWG-2020-00839

Date Issued: 6 January 2021

Comments Due: 5 February 2021

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: Port of Corpus Christi Authority
222 Power Street
Corpus Christi, Texas 78401
POC: Ms. Sarah Garza
Telephone: 361-885-6163
Email: sarah@pocca.com

AGENT: Mott MacDonald
711 North Carancahua Street, Suite 1610
Corpus Christi, Texas 78401
POC: Mr. Luis Maristany
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LOCATION: The project site is located in Corpus Christi Bay at Indian Point, Portland, Nueces and San Patricio Counties, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Portland, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.85109° North; **Longitude:** -97.35711° West

PROJECT DESCRIPTION: The applicant proposes the placement of a maximum of 5,000 cubic yards (cy) of sand along approximately 3 acres of the Indian Point shoreline to stabilize the soil, help absorb low-energy waves, and increase intertidal habitat conditions by establishing a stable slope for the shoreline. The sand fill would be placed along the shoreline below the High Tide Line (HTL) within the unvegetated bay bottom. Fill would not be placed within any existing seagrass areas. Nearshore segmented breakwaters placed in approximately 2 acres of bay bottom would further absorb wave energy offshore and create a low-energy environment in the lee area; they may be constructed of approx. 10,000 cy of material or units composed of concrete, rock, steel, mesh, geotextile, geogrid, bedding stone, piles, chains, anchors, floating platforms, oyster shell, or similar placed within unvegetated bay bottom below the HTL. Oyster reefs would be constructed to provide new marine habitat; they would be composed of approximately 2,000 cy of shell hash, shell bags, live oysters, or similarly placed material within unvegetated bay bottom below the HTL in an approximate 1.5-acre area.

The offshore breakwaters would be constructed using heavy construction equipment such as barge-mounted excavators, marsh excavators, or similar. The rock would be selectively placed to meet the designed breakwater parameters, elevations, and slopes. The beach fill would likely be constructed using land-based earthwork equipment such as loaders, mini excavators, and similar. The oyster reefs may be installed by hand and/or with heavy equipment such as an excavator. Construction material may be stockpiled on land away from any sensitive habitats and/or on barges anchored within the work area limits. Silt curtains or approved equal Best Management Practices (BMPs) would be placed adjacent to existing seagrasses. The water depths are shallow where the silt curtains would be placed, but stakes may be used to secure the curtain if needed. Stakes would be either installed by hand or pushed into the bottom using an excavator. Operations requiring sound mitigation such as impact driving are not proposed as part of this project. As the breakwaters are constructed, wave energy in the lee area (i.e., where the silt curtains would be located) would reduce. It is anticipated that the silt curtains would be stable, and the contractor would be required to monitor and maintain the curtains throughout construction to ensure their placement remains stable, and they function as needed.

PURPOSE AND NEED: The Indian Point Causeway shoreline located adjacent to Corpus Christi Bay in Portland, TX, has been experiencing erosion due to wave impact and lack of engineered shoreline stabilization. Thus, the current conditions of the shoreline leave the existing habitat and upland causeway and infrastructure vulnerable to damage during daily and storm conditions. This proposed living shoreline and breakwater project has been designed to improve these conditions by reducing onshore wave energy, increasing stabilization along the shoreline, introducing new intertidal and marine habitat areas.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding seagrasses or wetlands and keeping the proposed project to the smallest footprint necessary while still completing the projects proposed purpose. BMPs such as silt curtains and/or silt fence would be utilized during placement of fill and breakwater construction to avoid any impacts to adjacent seagrasses and marsh habitat.

MITIGATION: The applicant does not propose any mitigation for the proposed project.

CURRENT SITE CONDITIONS: The Indian Point project site is a section of shoreline located on Corpus Christi Bay, between the Highway 181 bridge (Nueces Bay Causeway) and the armored groin at the end of the Indian Point Park parking lot. This section of shoreline is very dynamic; erosion, beach morphology, and reduction to vegetation and habitat coverage and density has been observed over the past few decades. In its present state, there is minimal sandy beach with exposed sections of marsh vegetation. A recent habitat survey showed that there are minimal oysters present and a lack of substantial aquatic vegetation habitat. The existing shoreline is vulnerable to direct wave impact. Furthermore, the offshore bathymetry has been observed to be deepening, allowing greater wave energy to propagate further inshore, leading to more erosive conditions. Without an engineered protection project, this stretch of shoreline can be expected to continue eroding until the wetlands located behind the remaining beach become fully exposed to Corpus Christi Bay, at which point further erosion and wetlands damage would only intensify. The eroded conditions of the shoreline and marsh would also increase the vulnerability of the Nueces Bay Causeway and adjacent roadways.

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 5 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 Texas Commission on Environmental Quality (TECQ) 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 submitted a pre-filing meeting request, on January 5, 2021. If you have comments or questions on this proposed project's State water quality certification process, 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 proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

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 **5 February 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-2020-00839**, and should be submitted to:

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