



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2003-00924

Date Issued: 11 July 2023

Comments

Due: 10 August 2023

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## 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 404 of the Clean Water Act (CWA).

**APPLICANT:** City of LaPorte  
1322 S. Broadway  
LaPorte, Texas 77571  
POC: Mr. Tim Miller  
Telephone: 281-470-5136  
Email: [millert@laportetx.gov](mailto:millert@laportetx.gov)

**AGENT:** AECOM  
19219 Katy Freeway, Suite 100  
Houston, Texas 77094  
POC: Mr. Chris Levitz  
Telephone: 281-384-7500  
Email: [chris.levitz@aecom.com](mailto:chris.levitz@aecom.com)

**LOCATION:** The project site is located in Galveston Bay, at Sylvan Beach Park, at 636 North Bayshore Drive, in LaPorte, in Harris and Chambers Counties, Texas. The fill material will be obtained from the Arcosa Rye Borrow Pit, located at 28125 Highway 146 North, in Cleveland, Texas 77327.

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

**Latitude:** 29.652851° North; **Longitude:** 095.008693° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge a total of 2,800 cubic yards of beach quality sand fill material over a total of 970 linear feet within Galveston Bay. The project components are separated into northern and southern cell. A total of 1,700 cubic yards of material will be placed in Galveston Bay to the maximum seaward extent from 5 to 80 feet at a 10:1 beach slope in the northern cell. The northern cell measures 490 feet along the shoreline by 75 feet wide and is bordered by two existing groins. A total of 1,100 cubic yards of material will be placed in Galveston Bay to the maximum seaward extent from 0 to 65 feet at a 10:1 beach slope in the southern cell. The southern cell measures 480 feet along the shoreline by 75 feet wide and is bordered by two existing groins. The fill material will be obtained from the Arcosa Rye Borrow Pit located at 28125 Highway 146, in Cleveland, Texas 77327.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by designing the project as the minimum necessary to accomplish the project purpose of restoring the eroded shoreline to its pre-Hurricane Harvey design, function, and capacity. Additional avoidance and minimization activities include proper storage of construction materials and equipment within the project work areas outside of waters of the US. The applicant has stated that construction activities would occur from the shoreline and the frequency and numbers of vehicles will be minimized and not staged overnight on the beach. Access to the construction area will be within designated ingress/egress routes that are clearly delineated. The applicant stated that turbidity at the construction site will be controlled by either a temporary wave break and/or silt curtain.

**MITIGATION:** The applicant does not propose to impact any special aquatic sites and therefore does not offer compensatory mitigation.

**CURRENT SITE CONDITIONS:** The project site is bordered on the west by a mixture of commercial and residential development along the shoreline of Galveston Bay, and on the north, east, and south by the waters of Galveston Bay. The shoreline along this portion of Galveston Bay at this location contains an existing pier structure and four previously authorized groin structures that contain an engineered sandy beach along the shoreline. The shoreline beyond these groin structures contain existing rock riprap as bank stabilization.

Department of the Army Permit 23069 was issued on 7 November 2003 and expired on 31 December 2008 and authorized stabilization of 1,700 feet of the shoreline by constructing a revetment and 4 groins. The revetment will consist of 4,500 cubic yards of crushed stone, riprap, and cellular concrete mattress within 0.75-acre area along the shoreline of Galveston Bay. The groins will consist of 4,200 cubic yards and be 200 feet long, each, covering a total of 0.75-acre within Galveston Bay. Located between the two groins, two separate beach areas, totaling 3.5 acres, measuring 500 feet long by 150 feet wide, will be created by placing 25,000 cubic yards of sand. Temporary barge access channels will be utilized to facilitate removal of existing dilapidated timber piles and for construction of the revetment and groins. The stockpiled dredge material will be protected from erosive wave forces by a temporary wave break.

The material dredged for the temporary barge channel will be reused to backfill the channels upon completion of the project. The total area of fill associated with this project will be 5 acres.

DA Permit SWG-2003-00924, formerly 23069, was issued on 15 December 2008 and expired on 31 December 2014 authorized an extension of time to conduct the previously authorized work.

The current proposed project is funded by a FEMA Disaster Recovery Public Assistance Grant as administered through the Texas General Land Office and Texas Department of Public Safety, Texas Division of Emergency Management.

**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 8 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) 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 contacted TCEQ and initiated the Section 401 CWA process, on 4 May 2023. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto: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 permit area has been so extensively impacted by previous recreational development and beach nourishment activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

**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 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 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 **10 August 2023**. 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-2003-00924**, and should be submitted to:

Southwest Division, Technical Regional Execution Center  
North Unit/Evaluation Branch  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS