



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2015-00603
	Date Issued: _____	9 November 2023
	Comments _____	
Galveston District	Due: _____	11 December 2023

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:

Brazoria County
111 East Locust Street, Suite 102a
Angleton, Texas 77515
POC: Judge L.M. "Matt" Sebesta
Telephone: 979-864-1200
Email: matts@brazoria-county.com

AGENT:

Berg Oliver Associates
14701 St Mary's Lane, Suite 400
Houston, Texas 77079
POC: Jeff Dunn
Telephone: 281-582-9367
Email: jdunn@bergoliver.com

LOCATION: The project site is located at the San Bernard River Mouth, approximately 8 miles southwest of Freeport, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Cedar Lakes East, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.86211 North; Longitude: -95.43907 West

PROJECT DESCRIPTION: The applicant proposes to perform hydraulic maintenance dredging to restore the mouth of the San Bernard River at its historic location. Approximately 300,000 cubic yards of material is planned to be dredged in order to increase the depth of the channel to 10 feet. The total dredge footprint of this project will be 34.14 acres. The applicant proposes to discharge suitable sand material into the surf zone for down shore beach nourishment.

AVOIDANCE AND MINIMIZATION: The applicant has avoided several large wetland islands, and reduced the scope of the project to the minimum amount necessary based on preliminary engineering review to provide the river with adequate flushing volume to prevent rapid post-project shoaling.

MITIGATION: The proposed impacts to wetlands do not exceed 0.1 acre, and no fill material is being placed in wetlands or other special aquatic sites. Therefore, no mitigation is proposed for this project.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped estuarine system where the San Bernard River meets the Gulf of Mexico. As a result of longshore drift sediment accumulation from the relocated Brazos River Mouth and diverted flow via the Gulf Intracoastal Waterway, the San Bernard River Mouth has been experiencing rapid shoaling and has again become closed off. This sand flat is slowly being colonized by upland plant species typical for this area such as camphor weed (*Heterotheca subaxillaris*), and bitter panicum (*Panicum amarum*).

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 6 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 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 reached out to the Texas Commission on Environmental Quality to initiate the Section 401 CWA process on 11 October 2023. 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: 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 for the dredging was previously investigated for historic properties and two (A5 and A6) were identified in the immediate area as documented in the report titled "Remote Sensing Survey of Proposed Channel Creation for Historic Properties Investigations GIWW to Mouth of the San Bernard River, Brazoria County, Texas" prepared by PBS&J and dated 2009. Both anomalies are being avoided as previously agreed on by the Corps and the Texas State Historic Preservation Officer. The portion of the pipeline where the pipelines will be laid and beach placement will be conducted have been impacted by accretion and erosion of beach sands so much that there is no potential for historic properties to exist within those areas.

The proposed project was previously coordinated with the Native American Tribes who have an interest in the project area and none of the Tribes expressed an interest in engaging in consultation. No additional project coordination or consultation is warranted.

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 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 **11 December 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-2015-00603**, and should be submitted to:

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Regulatory Division, CESWG-RDR
U.S. Army Corps of Engineers
Galveston District
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS