



Public Notice

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

Galveston District

Permit Application No: SWG-2007-00720

Date Issued: 21 November 2022

Comments

Due: 22 December 2022

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.

PERMITTEE: GENERAL PUBLIC

ISSUING OFFICE: U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
2000 Fort Point Road
Galveston, Texas 77550

LOCATION: The project area is Lake Livingston, an impoundment of the Trinity River, in Polk, San Jacinto, Walker and Trinity Counties, Texas

PROJECT DESCRIPTION: The U.S. Army Corps of Engineers, Galveston District (Corps) proposes to re-issue a Programmatic and Regional General Permit to authorize structures and work limited to single-family and multi-family recreational piers. Authorized structures associated with piers shall include, boat houses/shelters, storage buildings, lifts, hoists, personal watercraft ramps/platforms and dry hydrants on Lake Livingston. Structures will be limited to a maximum of 2500 square feet in gross plan view.

BACKGROUND: Programmatic and Regional General Permits are a type of general permit (GP) designed to authorize certain activities that have no more than minimal individual and cumulative adverse environmental effects and generally comply with the related laws cited in 33 CFR 320.3. Activities that result in more than minimal individual and cumulative adverse environmental effects cannot be authorized by Programmatic and Regional GPs. Individual review of each activity authorized will be performed. Potential adverse impacts and compliance with the laws cited in 33 CFR 320.3 are controlled by the terms and conditions of each Programmatic and Regional GP that is undertaken during the development of the Programmatic and Regional GP.

In 2008, the Trinity River Authority (TRA) entered into a Cooperative Agreement with the Corps to administer the Regional GP as a Programmatic General Permit (PGP) through their Lake Livingston Project office for projects that meet the permit conditions and are on TRA-owned submerged land. PGP SWG-2007-00720 was last re-issued on October 17, 2018, and will expire December 31, 2022 (attached).

CURRENT SITE CONDITIONS: Lake Livingston is a reservoir located in the East Texas Piney Woods. Lake Livingston was built, and is owned and operated, by the Trinity River Authority of Texas (TRA) under contract with the City of Houston for water-supply purposes. The lake is the second-largest lake located wholly within the state of Texas. The Livingston Dam, constructed across the Trinity River, is approximately 7 miles southwest of the city of Livingston, is 2.5 miles in length, and has an average depth of 55 feet. The earth-fill dam with concrete spillway was completed in 1969. Lake Livingston has a surface area of 83,000 acres and impounds 1,750,000-acre feet of water at its normal pool elevation of 131 feet above mean sea level. The average depth of the lake is 23 feet with a maximum depth of 90 feet. Lake Livingston has more than 450 miles of shoreline extending into San Jacinto, Polk, Walker, and Trinity Counties, Texas.

OTHER AGENCY AUTHORIZATIONS:

The General Permit is not valid in waters subject to Texas' approved Coastal Management Program.

The General Permit does not authorize discharges regulated by the State of Texas' Section 401 program.

Proposed activities requiring permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project will be evaluated on a case-by-case basis.

NATIONAL REGISTER OF HISTORIC PLACES: Pre-construction notification will allow the Corps, on a case-by-case basis, to evaluate each proposed project site for National Register of Historic Places. No structures, work, or fill authorized by this General Permit may affect historic properties listed or eligible for listing in the National Register of Historic Places is authorized until the Corps and applicant has complied with the provisions of Section 106 of the National Historic Preservation Act. In addition, if any previously unknown historic or archeological remains are discovered while constructing the structure authorized by this permit, the permittee must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

THREATENED AND ENDANGERED SPECIES: The General Permit has been conditioned to prohibit the take of a listed species. Pre-construction notification will allow the Corps, on a case-by-case basis, to evaluate effects to federally listed threatened and endangered species and their critical habitat.

ESSENTIAL FISH HABITAT: The General Permit is not valid in waters with Essential Fish Habitat.

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 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 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 **22 December 2022**. 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-2007-00720**, and should be submitted to:

Regulatory Division, CESWG-RD-P
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS