



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2005-02375

17 September 2024

18 October 2024

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: Isla Del Sol Property Owners' Association
18 August Pines Drive
Spring, Texas 77389
POC: Paul Stewart
Telephone: 281-782-9831
Email: paul.stewart1@hotmail.com

AGENT: Gahagan & Bryant Associates, Inc
2911 South Shore Boulevard, Suite 107
League City, Texas 77573
POC: Sara Fuglestad
Telephone: 832-341-3146
Email: safuglestad@gba-inc.com

LOCATION: The project site is located in West Galveston Bay, northwest of the Isla Del Sol Subdivision, in Galveston, Galveston County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.142133 North; **Longitude:** -95.057948 West

PROJECT DESCRIPTION: The applicant proposes to modify an existing permit by hydraulically dredging a 7.03-acre boating channel and utilizing 30,700 cubic yards (CY) of the sand/silt that is dredged as beneficial use (BU). The dredge footprint will be approximately 3,634-foot by 80-foot to a depth of 6 feet (with a 1-foot over depth). The BU material is proposed to be discharged into a 5.1-acre marsh adjacent to the shoreline west of the dredged channel. The applicant proposes to mechanically construct four berms using 9,300 CY of sandy material from within the original BU placement site to help contain material during placement and provide protection from wind and wave impacts while the marsh undergoes initial settlement and growth after construction. The berms will be placed over existing geotubes at 4 feet above NAVD88 with a 5-foot crown width, a 3H:1V interior slope and a 7H:1V exterior slope. The berms will cover approximately 1.55 acres. All of the proposed project elements are within the originally authorized footprint.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by staying within the footprint of the originally authorized work. The applicant stated that the proposed four berms will be placed over the previously constructed geotubes to help contain material during placement and provide protection during the initial settlement and growth of the marsh. BMPs will be implemented during construction to minimize potential impacts outside the project area. During construction, buoys will mark the location of the dredge pipe to warn small boaters of its location.

MITIGATION: The applicant is not proposing mitigation as there are no impacts to special aquatic sites located within the project area, and components of the project are beneficial in nature.

CURRENT SITE CONDITIONS: The project site is an existing channel and BU site located north of a residential community. The existing land use is undeveloped, additional residential communities and open water habitat. A 3.2-acre marsh was created by BU in 2007 and included the construction of four geotubes for shore protection. The proposed project would use the same borrow source from the channel and place material behind the existing geotube boundary in the deeper water where marsh vegetation has not been able to establish. The proposed renourishment area is currently submerged non-vegetated with soft silty sediment and firm sandy sediment. The project area contains two emergent marsh habitats, one with dense vegetation at higher elevations (E2EM1P) and another with sparse vegetation at lower elevations (E2EM1N).

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 wetland delineation has been completed and was verified by the Corps on 26 August 2024. 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 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 13 September 2024. 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 proposed project, maintenance dredging and use of a previously authorized beneficial use area, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project area.

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 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 **18 October 2024**. 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-2005-02375**, and should be submitted to:

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