



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2022-00759
	Date Issued: _____	25 April 2023
	Comments _____	
Galveston District	Due: _____	25 May 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: Salvado, LLC
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Houston, Texas 77010
POC: J.P. Bryan
Telephone: 713-294-4317
Email: mbaker@chisosltd.com

AGENT: Bio-West
1625 Cottonwood School Road
Rosenberg, Texas 77471
POC: Matthew Chastain
Telephone: 832-595-9064
Email: mchastain@bio-west.com

LOCATION: The project site is located in West Galveston Bay, approximately 250 feet west of the terminus of Chiquita Road, west of Terramar Subdivision, in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Sea Isle, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.136835° North; **Longitude:** -95.066292° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 6,610 cubic yards of clean rock fill including limestone, crushed concrete rubble, and river rock in the installation of four breakwater structures at a total of 1,740 linear feet in length (700 linear feet; 560 linear feet; 320 linear feet and 160 linear feet respectively), 25 feet in width, and 3.1 feet in height (+1.1 feet above the mean high water line (MHWL)).

The applicant also proposes to discharge approximately 84,750 cubic yards of dredge material from nearby locations including the adjacent community, into 22.86 acres of unvegetated, shallow bay bottom between the proposed breakwaters and the existing shoreline due to historic erosion and for reestablishment of wetland habitat.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts to 21.52 acres of jurisdictional waters of the U.S. to the greatest extent practicable. They stated that the design and location of the breakwater reefs are orientated to avoid impacts to waters of the U.S. as much as possible and are designing the temporary workspace to be as close as possible to where the breakwater reefs will be constructed, yet still be located in unvegetated portions of the bay with no seagrass beds or oyster reefs.

MITIGATION: The applicant is not proposing to mitigate for the proposed impacts stating that the project will greatly reduce or prevent future erosion of vegetated estuarine habitat and the area between the breakwater reefs and the shoreline will be the future site of placement of dredge material, that will be allowed to restore to a more naturalized and native state. Additionally, the installation of a hard substrate will allow for natural colonization and recruitment of oyster reefs.

CURRENT SITE CONDITIONS: The project site is currently submerged, non-vegetated land in West Galveston Bay, surrounded by undeveloped land and residential subdivisions. Substrates found during sampling consisted of coarse to fine-grained sands, soft mud, and firm mud. Water depths averaged -1.83 feet throughout the subject property. No seagrass beds nor oyster were observed within the subject property.

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 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 (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 31 January 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 is likely to contain marine cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct a marine investigation for historic properties.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. 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 and US Fish and Wildlife Service.

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 **may** have an 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 **25 May 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-2022-00759**, 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
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS