



Public Notice

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

Galveston District

Permit Application No: SWG-2012-00493

Date Issued: 5 December 2017

Comments

Due: 8 January 2018

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: Calhoun County Precinct 3
24627 State Highway 172
Port Lavaca, Texas 77979
Telephone: 361-893-5346
POC: Commissioner Clyde Syma

AGENT: Freese and Nichols, Inc.
10431 Morado Circle, Suite 300
Austin, Texas 78759
Telephone: 512-617-3140
POC: Mr. Thomas Dixon

LOCATION: The project site is located in Carancahua Bay, at County Road 307, in Port Alto, Calhoun County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Olivia, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.666378° North;

Longitude: -96.406896° West

PROJECT DESCRIPTION: First, the applicant proposes to perform maintenance dredging of 5,000 cubic yards of sediments from two immediately adjacent boat channels and entrances. Second, a total of 5,000 cubic yards of maintenance material will be placed on eastern side of the adjacent 0.24 acres of the McGee Beach marsh complex. Third, the first and second actions will be repeated at a rate of approximately 2,500 cubic yards as needed in order to prevent and address issues like shoreline erosion. Finally, the existing standard permit time limit for completing work which will expire December 2018 will be extended from 2018 to 2023. In this pre-existing permit, the applicant proposed to place fill material (e.g., clean sand, rock for groin, and rock/riprap for a breakwater) below the high tide line into Carancahua Bay in order to continue Port Alto beach nourishment, and to reinforce the existing berm that protects the wetlands from saltwater intrusion.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by acquiring the material sources from previously dredged boat channels immediately adjacent to the project site. And, shoreline repairs will be limited to previously identified contours and extents, which are outside of wetlands. The purpose of this project is to protect and maintain the geomorphic and ecological conditions of the marsh and shoreline complex. Overall, the dredging and placement of localized material sources will repair the existing breach, prevent further loss of intertidal marsh, and restore the shoreline profile.

MITIGATION: No mitigation is proposed for this project.

CURRENT SITE CONDITIONS: The project site consists of approximately 350 linear feet of shoreline on the Port Alto – McGee Beach marsh and shoreline complex that is located on the west side of Carancahua Bay. The shoreline, which been breached due to erosion, surrounds and protects over 10 acres of tidal wetlands and shoreline habitat. Historically, portions of the marsh and shoreline complex have been restored with beach nourishment and filling to protect wetlands from saltwater intrusion (e.g., a standard permit granted in 2013). The project site is surrounded by residential development and numerous structures such as piers, boat lifts, aids to navigation, boat ramps, etc. The northwestern portion of the project site consists of two boat channels that will be the sources of dredged materials needed to fill the proposed shorelines and uplands.

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 4 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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 placement of material in a 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 **8 January 2018**. 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-2012-00493**, and should be submitted to:

Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS