



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2006-01273

Date Issued: 15 December 2020

Comments

Due: 19 January 2021

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**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT  
AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**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:** Travis Material Land Port O'Connor, LP  
2016 FM 969  
Elgin, Texas 78621-6102  
POC: Michael Weynand  
Telephone: 512-212-1660  
Email: Mike@travismaterials.com

**AGENT:** Belaire Environmental, Inc.  
P.O. Box 741  
Rockport, Texas 78381-0741  
POC: Laura Fox  
Telephone: 361-729-1241 ext. #2  
Email: laurafox@belaireenv.com

**LOCATION:** The project site is located along the Gulf Intracoastal Waterway (GIWW), on the Fisher Tract, approximately 2,000 feet west of Scurlock Road, in Port O'Connor, Calhoun County, Texas. The project can be located on the USGS quadrangle map titled: Port O'Connor, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 28.428629° North; Longitude: 96.447900° West

**BACKGROUND:** Department of the Army (DA) Permit SWG-2006-01273 was issued on 19 August 2008, and authorized construction of a 42-acre subdivision with 14.58 acres of canals that connect to the GIWW installation of 9,700 linear feet of concrete bulkheading along the interior shoreline, a marina with associated boat slips, a fishing deck, and a boat ramp. This authorization also included 8 separate “T”-head piers to be constructed into the GIWW. This authorization expired 31 December 2013. DA Permit SWG-2006-01273 was reissued 28 May 2015 and authorized construction of a 40-acre residential development and marina along the shoreline adjacent to the GIWW, construction of piers, dredging of canals, stabilization of the canal entrance channel, and construction of a breakwater. DA Permit SWG-2006-01273 was transferred to Travis Material Land Port O’Connor Ltd. on 23 December 2019.

**PROJECT DESCRIPTION:** The applicant proposes to modify the previously authorized permit by eliminating the 8 piers previously proposed along the GIWW, widening the entrance channel, shortening the inland overall length of the canal, utilizing the dredged material onsite, and adding a commercial dock. The proposed project will impact approximately 0.16 acres of wetlands and 0.87 acre of shallow open waters.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by removing the 8 piers along the shoreline of the GIWW, decreasing the dredging footprint, not utilizing the previously authorized offsite dredged material placement area, avoiding dredging of seagrass beds, tapering the bottom of the canal toward the GIWW, and incorporated circulation culverts at the end of the dead end canals and decreasing environmental impacts from the previously authorized permitted plans.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts through an onsite permittee-responsible mitigation plan. The onsite plan will create approximately 8,540 sq ft of smooth cordgrass marsh as well as 2,376 sq ft of estuarine high marsh is in-kind with proposed impacts and is also onsite and within the same watershed as that of which proposed impacts will occur. The proposed mitigation wetlands will also be situated to abut existing smooth cordgrass stands and estuarine marsh and, along with the proposed breakwater, will collectively create and protect 10,936 sq ft (0.25 Ac) of smooth cordgrass marsh and 5,313 sq ft (0.12 Ac) of estuarine high marsh in perpetuity. The proposed breakwater and mitigation wetlands will also help stabilize the existing shoreline and will serve to protect avoided wetlands and landward uplands from continued erosion. The existing proposed mitigation plan is the same as previously authorized by the previous permit.

**CURRENT SITE CONDITIONS:** The project site is currently a tract with partially excavated canal that is not connected to the GIWW. The project tract is bounded by an existing marine facility to the west, and undeveloped tracts to the north and east.

**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 23 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:**

The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP.

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 permit area has been so extensively impacted by previous earth moving activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

**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 **19 January 2021**. 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-2006-01273**, and should be submitted to:

Central Evaluation Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS