



Public Notice

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

Galveston District

Permit Application No: SWG-2021-00652

Date Issued: 8 February 2022

Comments

Due: 11 March 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 and Section 404 of the Clean Water Act.

APPLICANT: ARANSAS COUNTY
2840 Highway 35 N
Rockport, Texas 78382-5711
POC: The Honorable C.H. Mills
Telephone: 361-790-0100
Email: thecountyjudge@aransascounty.org

AGENT: MOTT MACDONALD
110 Wild Basin Road, Suite 100
Austin, Texas 78746-3339
POC: Mr. Luis Maristany
Telephone 512-777-3066
Email: luis.maristany@mottmac.com

LOCATION: The project is located in Aransas Bay in Rockport, Texas, specifically at three locations including Blevins Channel, Leggett Channel, and Key Allegro Bridge. The project can be located on the U.S.G.S. quadrangle map entitled: Rockport, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.038166 North; Longitude: -97.036726 West (Center Coordinates)

PROJECT DESCRIPTION: The applicant proposes to impact approximately 2 acres of bay bottom in association with the construction of scour protection, repairing vinyl sheet piling, and dredging where scour protection will be placed.

Approximately 5,000 cubic yards of dredge material would be mechanically dredged from Blevins Channel, Leggett Channel, and Key Allegro Bridge within the scour protection construction footprint in order to accommodate the installation of scour protection materials. The dredged material would be placed on a barge and de-watered on a barge. The barge would then dock at the staging area shown on the permit drawings and the de-watered material would be unloaded via excavator and stockpiled at the staging area.

The scour protection would include installing a geotextile layer on the bay bottom along the breakwaters on both sides of the Blevins and Leggett Channels and would not extend more than 20 feet inward of the breakwaters. A geotextile layer would also be installed on the bay bottom of the Key Allegro Bridge area, spanning between the toes of the existing riprap and extending past the bridge to the north and south. Either marine mattresses or riprap would be placed on top of the geotextile layer in all three locations and would not exceed more than 2 feet in height from the bay bottom at the two channels and match the existing height of riprap at the Key Allegro Bridge.

Approximately 800 linear feet of vinyl sheet pile would be installed along Blevins and Leggett Channels to replace missing or damaged sheet pile bulkheads.

PURPOSE AND NEED: The applicant's stated purpose and need is to provide scour protections and repair bulkheads at three channelized areas within Aransas Bay.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the project to the minimal footprint necessary to provide repair and protection of structures in the three above locations.

MITIGATION: The applicant proposed no mitigation for the proposed impacts because the activity consists of construction of a structure that would not adversely impact aquatic resources.

CURRENT SITE CONDITIONS: The project site is currently within three developed portions of Aransas Bay that have been previously impacted through dredging and continued navigational usage. The breakwaters within Blevins and Leggett Channels do not have scour protection, and erosion has undermined the breakwaters in several locations resulting in structural failure. The Key Allegro Bridge is currently undergoing construction due to abutment failure. The scour protection presented in this permit application is included in the new design of the Key Allegro Bridge that is being installed by Texas Department of Transportation (TXDOT). TXDOT has been consulted and its bridge design is used in the attached permit drawings. Although all three locations have been worn from age, the damage from Hurricane Harvey significantly increased the timeline at which these structures needed to be repaired, improved, and/or replaced.

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 Clean Water Act (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 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. 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>.

This public notice will serve as the notification to the Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 401(a)(2). The Regional Administrator is responsible for performing a review of the application/certification to determine if there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

LEAD FEDERAL AGENCY:

The Corps has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps.

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 dredging and residential development that there is no potential for resources of concern to the Native American Tribes to exist within the permit area has been so extensively impacted by previous dredging and residential development that there is no potential for resources of concern to the Native American Tribes to exist within the permit area.

THREATENED AND ENDANGERED SPECIES: We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described 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 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 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 **11 March 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-2021-00652**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
Galveston District
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS