



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2002-02907

Date Issued: 28 July 2022

Comments

Due: 29 August 2022

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## 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  
202 South Ann Street  
Port Lavaca, Texas 77979  
POC: Commissioner David Hall  
Telephone: 361-552-9242  
Email: david.hall@calhouncotx.org

**AGENT:** AECOM Technical Services, Inc.  
19219 Katy Freeway, Suite 100  
Houston, Texas 77094  
POC: Ms. Taylor Nordstrom  
Telephone: 281-675-3535  
Email: taylor.nordstrom@aecom.com

**LOCATION:** The project site is located in Matagorda Bay, along approximately 2,039 linear feet of beachfront that runs north from the intersection of Texas Highway 316 and North Ocean Drive (FM 2760), in Indianola, Calhoun County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Lavaca East, Texas.

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

**Latitude:** 28.56355° North; **Longitude:** 096.51442° West

**PROJECT DESCRIPTION:** The applicant is proposing to discharge 3,411 cubic yards of beach quality sand within a 1.02-acre area of engineered beach during beach nourishment activities. The project area covers a 2,039-linear-foot section of beach that is divided into eight segments by existing rock groins. Sand will be sourced from the Fordyce Murphy Borrow Site at 15201 North US Highway 87 in Victoria, Texas, and hauled by truck to the construction site. Construction will be confined to a 500-foot active work area and will occur linearly along the project area. The applicant will use funds associated with the Federal Emergency Management Administration (FEMA) Public Assistance Grant Program to carry out the proposed project.

**BACKGROUND:** The construction of the groins forming the engineered beach area and the initial nourishment activities were authorized by DA Permit 22787 in 2003 and completed the same year. Subsequent amendments authorizing extensions of time were approved in 2006 and 2012. The last nourishment cycle was conducted in June 2017 prior to permit expiration. The damage caused by storm surge associated with Hurricane Harvey in August 2017 removed material from the shoreline and prevented redeposition.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that the proposed project is the minimum necessary and would avoid and minimize adverse environmental impacts to the greatest practical extent while still accomplishing the intended purpose. Additionally, standard construction best management practices will be employed, and the applicant will adhere to recommended measures agreed upon by FEMA and U.S. Fish and Wildlife Service (USFWS).

**MITIGATION:** The applicant is not proposing compensatory mitigation for the proposed impacts.

**CURRENT SITE CONDITIONS:** The project site is currently maintained as an active, public beach and consists of an engineered beachfront area and the adjacent open waters of Matagorda Bay. The site is devoid of vegetation and is compartmentalized by nine rock groins. The eight segmented beach areas are highly eroded, with a steep scarp ranging from 1.5 feet to 3.0 feet deep.

**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 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.

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 has not yet reached out to the TCEQ to initiate 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](mailto: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 is of such limited nature and scope that it has no potential to affect historic properties, even if present within the project area.

The proposed project is of such limited nature and scope that it has no potential to affect resources of concern to the Native American Tribes.

**THREATENED AND ENDANGERED SPECIES:** Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the USFWS was initiated by FEMA on 31 January 2019. The USFWS issued concurrence dated 19 March 2019 (02ETTX00-2019-I-1062). The Corps is reviewing the consultation documentation to ensure the scope of FEMA's review adequately covers the Corps defined action area.

**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 **29 August 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-2002-02907**, and should be submitted to:

Central Unit  
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