



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2024-00098

Date Issued: 30 July 2024

Comments

Due: 29 August 2024

---

## 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 404 of the Clean Water Act.

**APPLICANT:** CITY OF ROCKPORT  
2751 SH 35 Bypass  
Rockport, Texas 78382-5710  
POC: Mayor Tim Jayroe  
Telephone 361-729-2213  
Email: mayor@cityofrockport.com

**AGENT:** ANCHOR QEA, LLC  
P.O. Box 741  
Rockport, Texas 78382-0741  
POC: Chemaine Koester  
Telephone 361-450-6939  
Email: ckoester@anchorqea.com

**LOCATION:** The project is located in waters and wetlands of Tule Lake in Rockport, Aransas County, Texas. Dredged material would be temporarily placed on-site to dewater and then transferred to one of two upland dredged material placement areas (DMPA). DMPA 1 is located at the corner of Verne Street and Orleans Street in Rockport, Aransas County, Texas. DMPA 2 is located at the corner of 4th Street and Kossuth Street in Rockport, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Rockport, Texas.

LATITUDE & LONGITUDE (NAD 83):

Project Site Latitude: 28.051363 North;  
DMPA 1 Latitude: 28.029585 North;  
DMPA 2 Latitude: 28.006903 North;

Longitude: 97.043847 West  
Longitude: 97.061407 West  
Longitude: 97.069721 West

**PROJECT DESCRIPTION:** The applicant proposes to expand the footprint of Tule Lake to increase stormwater detention times, promote sediment settling, and reduce downstream transport of sediment and nutrients. The lake would be expanded from 1.71 acres to approximately 4.2 acres and dredged to a depth of -4.0 feet NAVD88. Finger dikes and wetland benches would be created to route flow through the lake and prevent areas of stagnant water. Two sediment forebays would be created where Tule Creek and Tule North Ditch enter the wetlands surrounding Tule Lake. The forebays would hold stormwater runoff and slow flow velocities to allow suspended sediment to settle, which would reduce sediment and nutrient concentrations to Tule Lake and Little Bay. The project would result in 1.71 acres of temporary impacts to open waters of Tule Lake, 1.12 acres of temporary impacts to palustrine emergent wetlands, and 0.6 acre of permanent impacts to palustrine emergent wetlands.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by using best management practices, which may include silt fencing, turbidity curtains, sediment traps, straw/hay bales, filter socks, and fiber rolls.

**MITIGATION:** Approximately 1.1 acres of impacted wetlands will be re-established as high-quality fringing palustrine emergent wetland benches. Proposed wetland benches would include higher functional value plant species than the current wetland vegetation community, including nutgrass (*Cyperus rotundus*), soft rush (*Juncus effusus*), sand spike rush (*Eleocharis montevedensis*), seashore dropseed (*Sporobolus virginicus*), and American bulrush (*Schoenoplectus americanus*). No compensatory mitigation has been proposed at this time.

**CURRENT SITE CONDITIONS:** The project site is currently undeveloped land surrounded by residential development to the west, State Highway 35 and residential development to the east, commercial development to the north, and undeveloped land and commercial development to the south. The site is comprised of approximately 1.71 acres of open waters of Tule Lake, 1.7 acres of palustrine emergent wetlands, and 6.79 acres of herbaceous upland vegetation. The wetland vegetation consists of Guinea grass (*Megathyrsus maximus*), broad-leaf cattail (*Typha latifolia*), and buttonbush (*Cephalanthus occidentalis*).

**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 17 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 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 permit area is likely to contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to investigate for historic properties.

**THREATENED AND ENDANGERED SPECIES:** Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife will be initiated to assess the effect on endangered species.

**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 **29 August 2024**. 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-2024-00098** 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 78411-4318  
361-814-5847 Phone  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS