



Public Notice

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

Galveston District

Permit Application No: SWG-2012-00493

Date Issued: 21 March 2024

Comments

Due: 22 April 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 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
POC: Joel Behrens
Telephone: 361-893-5346
Email: joel.behrens@calhouncotx.org

AGENT: Stantec Consulting Services, Inc.
1905 Aldrich Street, Suite 300
Austin, Texas 78723
POC: Stephanie Rogers
Telephone: 512-236-6844
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LOCATION: The project site is located in Carancahua Bay, approximately 725 feet southeast of the intersection of County Road 307 and Curlew Street, in Port Alto, Calhoun County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.665367 North; **Longitude:** 096.407617 West

PROJECT DESCRIPTION: The applicant is proposing to perform maintenance dredging of 8,700 cubic yards of sediment from an existing recreational boat canal, to excavate 1,200 cubic yards of sediment from the existing recreational boat canal for the purpose of constructing two new circulation channels to provide tidal exchange from the marsh complex to the canal, to place 40,000 cubic yards of beach quality sand for the purpose of restoring 1,750 feet of shoreline along Carancahua Bay, and to discharge 7,100 cubic yards of breakwater material that will be used to construct three offshore breakwaters in Carancahua Bay and to extend an existing riprap groin. Permanent impacts to approximately 0.29 acre of estuarine emergent wetlands will occur as a result of dredging/excavation activities.

AVOIDANCE AND MINIMIZATION: The applicant stated they will avoid impacts to fringe wetlands by implementing appropriate best management practices during project activities and the applicant will avoid impacts to oyster beds by implementing the proposed Aquatic Resources Relocation Plan.

MITIGATION: The proposed project will result in the restoration of up to 1.8 acres of estuarine emergent wetlands within the enclosed wetland complex and is expected to provide approximately 0.32 acre of low-lying area, adjacent to the marsh, creating an environment conducive to spartina growth. Therefore, the applicant is not proposing mitigation.

CURRENT SITE CONDITIONS: The project site is an approximate 11-acre park owned by Calhoun County and consists of approximately 1,750 feet of Carancahua Bay shoreline, approximately six acres of marsh complex, three groins, and a recreational boating canal. The marsh complex consists primarily of estuarine wetlands dominated by smooth cordgrass with small patches of turtleweed, saltmarsh cordgrass, and sea oxeye daisy. The applicant conducted an aquatic resources survey which identified no seagrass beds and a total of 0.26 acre of oyster beds which are proposed to be relocated. The project site is surrounded by Port Alto residential community and experiences moderate boat traffic.

PERMIT HISTORY: Department of Army (DA) Permit SWG-2012-00493 was issued 5 March 2013 and authorized the placement of 46,384 cubic yards of fill material below the high tide line, into approximately 2.18 acres of Carancahua Bay for the purpose of a shoreline restoration project. The scope of work included the placement of 40,000 cubic yards of clean sand from Fordyce Materials, Murphy Plant in Nursery, Texas, the placement of 2,659 cubic yards of rock for a groin, and 3,725 cubic yards for rock/riprap for a breakwater into Carancahua Bay. An amendment to DA Permit SWG-2012-00493 was issued 24 January 2018 and authorized the dredging of approximately 5,000 cubic yards of sediment from two adjacent boat channels, the placement of 5,000 cubic yards of maintenance material on the eastern side of the adjacent 0.24 acre of the McGee Beach marsh complex, and the repetition of the two previous activities at a rate of approximately 2,500 cubic yards as needed in order to prevent shoreline erosion.

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 8 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 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 Texas Commission on Environmental Quality 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. 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 state tracts proposed for work under this permit are not included in the Texas Historical Commission's list of Sensitive state tracts. Additionally, the scope and magnitude of the project is so minimal that a marine archeological investigation is not needed.

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

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 **22 April 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-2012-00493**, and should be submitted to:

Central Unit / Evaluation Branch
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS