



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2015-00603

6 March 2018

5 April 2018

**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: Brazoria County Engineering Department
451 North Velasco, Suite 230
Angleton, Texas 77515
Telephone: 979-864-1265
POC: Mr. Matthew Hanks

AGENT: Berg-Oliver Associates, Inc.
14701 St. Mary's Lane
Houston, Texas 77079
Telephone: 281-589-0898
POC: Ms. Alyse Yeager

LOCATION: The project site is located in the San Bernard River and the Gulf of Mexico, approximately 8 miles southwest of Freeport, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: CEDAR LAKE EAST, Texas.

LATITUDE & LONGITUDE (NAD 83):

Dredge Start:	Latitude: 28.86999 North;	Longitude: 95.44506 West
Dredge Stop:	Latitude: 28.84807 North;	Longitude: 95.44278 West
Surf Placement Area:	Latitude: 28.83449 North;	Longitude: 95.48025 West

PROJECT DESCRIPTION: The applicant proposes to perform hydraulic dredging to restore and maintain the mouth of the San Bernard River. Approximately 400,000 cubic yards of material would be dredged within approximately 9,600 linear feet of the waterway to a depth of -10 Mean Low Tide. The channel bottom would be 100 feet in width. The total proposed dredging footprint is 28.51 acres. Suitable sand material would be discharged into the surf zone for down shore beach nourishment. Material not suitable for beach nourishment would be transported inland and properly disposed of at an upland site or approved landfill; the location of the upland disposal site is to be determined at a later date. The applicant also proposes future maintenance dredging in order to keep the mouth of the San Bernard River open to the Gulf of Mexico.

HISTORY: The applicant previously proposed dredging to open the mouth of the San Bernard River and a public notice describing this work was issued on 15 August 2017. The public notice described that the proposed dredging would impact 0.17 acre of beach area, 0.59 acre of dune area, and 0.35 acre of marsh. Since the time of the initial public notice, flooding associated with Hurricane Harvey has resulted in the natural restoration/opening of the mouth of the San Bernard River. The applicant has since revised the proposed project such that the area to be dredged would follow the path of the river that resulted from the flooding that occurred. No special aquatic sites exist within the footprint of the proposed dredging and will therefore not be impacted.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by proposing to dredge the existing path of the San Bernard River which would not result in impacts to wetlands or beach areas.

MITIGATION: The applicant proposes no impacts to special aquatic sites. Therefore, no mitigation is proposed.

CURRENT SITE CONDITIONS: The project site is within the San Bernard River, south of the Gulf Intracoastal Waterway and in the Gulf of Mexico. The project site is surrounded by open water habitat, undeveloped land, and areas containing marsh.

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 10 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 work associated with the placement of dredged material within the Gulf of Mexico surf zone would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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 was investigated for historic properties and six significant anomalies and one historic site were identified, as documented in the report titled "Remote-Sensing Survey of Proposed Channel Creation for Historic Properties Investigations GIWW to Mouth of the San Bernard River, Brazoria County, Texas," dated February 2009 and prepared by PBS&J. The proposed dredging will be confined to the area previously dredged and will avoid all significant anomalies.

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 and/or the 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 **5 April 2018**. 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-2015-00603**, and should be submitted to:

Central Unit – Evaluation Branch
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS