



Public Notice

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

Galveston District

Permit Application No: SWG-2010-01134

Date Issued: 28 March 2019

Comments

Due: 29 April 2019

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.

APPLICANT: Brazoria County Parks
111 East Locust Street
Angleton, Texas 77515
POC: Bryan Frazier
Telephone: 979-864-1114
Email: bryanf@brazoria-county.com

AGENT: Mott MacDonald
10415 Morado Circle, Building 1, Suite 300
Austin, Texas 78759
POC: Luis Maristany
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LOCATION: The project site is located in Cold Pass, at 14001 County Road 257, in Freeport, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Christmas Point, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.078091 North; Longitude: - 95.130203 West

PROJECT DESCRIPTION: The applicant proposes to periodically hydraulically and/or mechanically dredge for 10 years no more than 6,000 cubic yards per event for the maintenance dredging of an existing entrance channel to the boat ramp at San Luis Pass County Park. The channel will be dredged to -6 feet NAVD88 with 4H:1V side slopes to the existing ground. The alignment of the entrance channel extends from Cold Pass to the San Luis Pass County Park. The material dredged from the channel is to be placed in an upland placement area (PA). The applicant also proposes to improve and maintain the upland PA as necessary to allow a maximum capacity to contain approximately 12,000 cubic yards of dredged material.

BACKGROUND: The channel was most recently dredged in 2013 under DA Permit No. SWG-2010-01134 as a Letter of Permission on 18 April 2011, which expired on 21 December 2016. The dredge material placement area was previously authorized site under Department of the Army (DA) Permit No. 12017 and DA SWG-2010-01134 (Nationwide Permit 16) on 3 October 2011.

AVOIDANCE AND MINIMIZATION: The effluent from the contained upland dredge material placement area shall not exceed a TSS concentration of 300 MG/L. Construction times will vary depending on the degree of sedimentation at the time construction but are anticipated to be less than 6 months per dredging event. No wetlands will be impacted. Dredging will not occur during turtle nesting season (March 15th through September), in accordance with an informal EFH coordination.

CURRENT SITE CONDITIONS: The project site is located in a channel that empties into Cold Pass and San Luis Pass. The channel is surrounded by San Luis Pass Park to the north, a boat ramp to the east, residential housing and Cold Pass to the west, and residential development along Anchor Drive to the south.

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 Clean Water Act.

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 return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). The applicant must obtain a Section 401 water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401 certification must also be furnished to the Corps prior to the Corps making a decision on the proposed project.

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, maintenance dredging and use of an existing placement area, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project area.

THREATENED AND ENDANGERED SPECIES: The following threatened and/or endangered species or their critical habitat may be affected by the proposed work: the piping plover and the whooping crane. 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 **29 April 2019**. 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-2010-01134**, and should be submitted to:

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U.S. Army Corps of Engineers
P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS