



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2020-00096
	Date Issued: _____	10 March 2020
	Comments _____	
Galveston District	Due: _____	9 April 2020

**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.

APPLICANT: Texas Parks & Wildlife Department
10 Parks and Wildlife Drive
Port Arthur, Texas 77640

POC: Stephen McDowell
Telephone: 409-736-2551

AGENT: Texas Parks & Wildlife Department
10 Parks and Wildlife Drive
Port Arthur, Texas 77640

POC: Michael Rezsutek
Telephone: 409-736-2551

LOCATION: The project site is located in East Galveston Bay, 200 feet off the existing shoreline near Smith Point, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Smith Point, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.524914° North; **Longitude:** 094.766581° West

PROJECT DESCRIPTION: The applicant proposes to discharge 4,000 cubic yards of 18-inch graded rock in 0.70 acres of East Galveston Bay to facilitate the construction of a 2,500-linear-foot breakwater. The breakwater is proposed to be constructed in two sections to avoid placing rock on an existing underground pipeline. The smaller length of breakwater will be 186 feet in length and consist of approximately 298 cubic yards (CY) of 18-inch graded rock. The larger breakwater will be 2,314 linear feet and consist of approximately 3,702 CY of 18-inch graded rock. The crown will be set at an elevation of +3.5 NA VD88 with a width of 2-foot, a slope of 1.25:1 on the shoreline side, and a 1.5:1 on the bay side of the breakwater. The applicant is also proposing to install five day beacons consisting of a 10-inch-diameter by 25-foot-long timber post either driven or jetted into place with a 3-foot by 3-foot sign. The proposed 2,500-linear-foot breakwater is designed to reduce the impacts of wave energy on the shoreline and accrete sediments so that new fringe marsh habitat may be formed.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by not proposing impacts to wetlands during the construction of the breakwater. The applicant also states that due to the strength of current and historic erosional forces, no wetlands are present with the project area.

MITIGATION: The applicant stated that no mitigation would be required due to the ecological restoration function of the project.

CURRENT SITE CONDITIONS: The project site is open water of East Galveston Bay, 200 feet offshore on the Candy Abshier Wildlife Management Area.

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.

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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 effect historic properties, even if present within the project area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

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 **9 April 2020**. 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-2020-00096**, and should be submitted to:

North Unit
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P.O. Box 1229
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS