



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2023-00562
	Date Issued: _____	27 March 2023
	Comments	
<b>Galveston District</b>	Due: _____	26 April 2023

## 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.

**APPLICANT:** COASTAL BEND BAY AND ESTUARIES PROGRAM  
1305 N. Shoreline Blvd, Suite 205  
Corpus Christi, Texas 78401-1537  
POC: Rosario Martinez  
Telephone 361-336-0308  
Email: [rmartinez@cbbep.org](mailto:rmartinez@cbbep.org)

**AGENT:** HDR ENGINEERING, INC  
555 N. Carancahua, Suite 1600  
Corpus Christi, Texas 78401-1537  
POC: Harrison McNeil  
Telephone 361-696-3320  
Email: [Harrison.McNeil@hdrinc.com](mailto:Harrison.McNeil@hdrinc.com)

**LOCATION:** The project is located in Aransas Bay, at Deadman's Island (the Island) approximately 1.7 miles northwest of San Jose Island and approximately 1,700 feet south of the Gulf Intercoastal Waterway. The project can be located on the U.S.G.S. quadrangle map entitled: Saint Charles Bay SW, Texas.

**LATITUDE & LONGITUDE (NAD 83):**  
Latitude: 28.066317 North; Longitude: 96.962798 West

**PROJECT DESCRIPTION:** The applicant proposes to construct a breakwater and expand the Island for the development of a rookery island. The applicant proposes to construct a 1,750-foot traditional breakwater and fill in approximately 4.63 acres of open water to construct a colonial waterbird rookery. The 1,750-foot breakwater would have a crest elevation of approximately 4.5 feet and would have a 4:1 horizontal to vertical side slope. The breakwater would be constructed with graded riprap that would be approximately 7 feet wide at the crest and have an average width of 60 feet. Approximately 2.09 acres of imported sand fill material would be placed within the breakwater footprint. In addition, approximately 0.90 acre of oyster reef (approximately 45 feet wide by 650 feet long) would be created adjacent to the breakwater footprint. The proposed oyster reef would total approximately 1,700 cubic yards of approximately 6-inch-diameter rock.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by avoiding all submerged aquatic vegetation and other special aquatic sites.

**MITIGATION:** No mitigation is proposed.

**CURRENT SITE CONDITIONS:** The project site is currently an approximately 100- to 200-foot-long island within Aransas Bay. The Island sits approximately 4 feet above sea level and is made up of shell fragments. The water adjacent to the Island has a shells and sand substrate bottom. Beyond this, the water depth is approximately -8 to -10 feet deep and the substrate is silty sand. Scattered oyster clutches were found surrounding the Island; however, they were not observed in the silt and mud flats. There are no wetlands or seagrass beds within or adjacent to the project site.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation. 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 (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>.

**LEAD FEDERAL AGENCY:**

The National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the NOAA Office for Coastal Management.

**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 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 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 **26 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-2023-00562**, 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  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS