



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_ SWG-2000-02904

Date Issued: \_\_\_\_\_ 23 May 2017

Comments

Due: \_\_\_\_\_ 23 June 2017

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**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:** Matagorda County Navigation District No. 1  
P.O. Box 834  
Bay City, Texas 77414  
POC: Mr. Barrett Franz  
Telephone: 979-245-6751

**AGENT:** Jones Carter  
6415 Reading Road  
Rosenberg, Texas 77471  
POC: Mr. Charles Kalkomey  
Telephone: 281-342-2033

**LOCATION:** The project site is located within the Caney Creek Cut, at the intersection of Caney Creek Cut and the Gulf Intracoastal Waterway, in Matagorda County, Texas. Proposed dredged material placement areas (PAs) are located in adjacent upland areas and within the surf zone of the Gulf of Mexico. The project can be located on the U.S.G.S. quadrangle map titled: SARGENT, Texas.

LATITUDE & LONGITUDE (NAD 83):

<b>Dredging Start:</b>	<b>Latitude: 28.769620 North;</b>	<b>Longitude: 95.646872 West</b>
<b>Dredging Stop:</b>	<b>Latitude: 28.763379 North;</b>	<b>Longitude: 95.653050 West</b>
<b>Currently Permitted PA:</b>	<b>Latitude: 28.764101 North;</b>	<b>Longitude: 95.649126 West</b>
<b>Surf Zone PA #98:</b>	<b>Latitude: 28.765361 North;</b>	<b>Longitude: 95.623088 West</b>
<b>PA # 101:</b>	<b>Latitude: 28.761511 North;</b>	<b>Longitude: 95.666511 West</b>
<b>PA # 101A:</b>	<b>Latitude: 28.766419 North;</b>	<b>Longitude: 95.659410 West</b>
<b>PA # 100:</b>	<b>Latitude: 28.760097 North;</b>	<b>Longitude: 95.652197 West</b>
<b>PA # 99:</b>	<b>Latitude: 28.763967 North;</b>	<b>Longitude: 95.639595 West</b>

**PROJECT DESCRIPTION:** Permit SWG-2000-02904 was issued on 1 October 2013, and authorized hydraulic maintenance dredging of approximately 1 mile within Caney Creek Cut, with placement of dredged material in an upland disposal location. The dredging of approximately 50,000 cubic yards of silty clay material is proposed. The applicant has experienced difficulty in obtaining and/or constructing the upland disposal site for this work. The applicant desires to retain the option of constructing the currently permitted upland disposal site. The applicant also requests the use of Corps placement area (PA) #99 but also requests permission to have access to PAs #101A, 100, or 101, if necessary. The applicant also requests the use of surf zone PA #98 should the previously mentioned PAs not be available for use.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by utilizing berms in upland placement areas contain dredged material.

**CURRENT SITE CONDITIONS:** The proposed dredging location is within Caney Creek Cut which has accumulated a large amount of silt that decreased the channel depth. The proposed placement areas are placement areas that have been previously utilized by the Corps, with the exception of the currently permitted placement area owned by Matagorda County Navigation District No. 1.

**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 12 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.

Although this project would 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), the best management practices (BMP's) available on the BMP checklist form are not applicable to this project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with 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.

The return water from the upland contained dredge material placement areas requires authorization under Nationwide Permit (NWP) 16. Prior to the performance of hydraulic dredging, 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 performing hydraulic dredging.

**NATIONAL REGISTER OF HISTORIC PLACES:** The staff archaeologist has not reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information.

**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 **23 June 2017**. 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-2000-02904**, and should be submitted to:

U.S. Army Corps of Engineers  
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