



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2018-00279
	Date Issued: _____	19 May 2022
	Comments _____	
Galveston District	Due: _____	21 June 2022

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: US Fish and Wildlife Service (FWS)
P.O. Box 100
Austwell, Texas 77950-0100
POC: Mr. Joe Saenz
Telephone 361-349-1139
Email: joe_saenz@fws.gov

AGENT: Anchor QEA, LLC
9797 Timber Circle, Suite B
Daphne, Alabama 36527-5459
POC: Ms. Renee Robertson
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LOCATION: The project site is on San Antonio Bay along the eastern shoreline of the Aransas National Wildlife Refuge (ANWR) in its Blackjack Unit. The Blackjack Unit is bounded by St. Charles Bay on the west, San Antonio Bay on the east, and the Gulf Intracoastal Waterway along the south. It is 10 miles long northeast to southwest and 2 to 7 miles wide northwest to southeast. The site is approximately 8 miles south southeast of Austwell, in Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Tivoli SE, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 28.275503 North; Longitude: 96.798161 West

PROJECT DESCRIPTION: Construct a shoreline protection and bluff stabilization project for the eroding shoreline of the Aransas National Wildlife Refuge (ANWR) along San Antonio Bay, particularly along Dagger Point. Project would include a continuous breakwater (BW) around Dagger Point and a series of segmented rock BWs on the northern and southern alignments parallel and offshore of the existing shoreline and provide toe protection to the eroding bluffs. A low-crested rubble-mound (rock) structure is proposed for the BWs and as toe protection for the high bluff areas. The proposed design of the BW structures includes a max. crest elevation between +3.0 to +4.0 feet (ft) North American Vertical Datum of 1988 (NAVD88) with a crest width of 10 ft. The bayward face of the BW would have a slope of 1-ft vertical drop for every 5 ft of horizontal run (5H:1V) with the landward slope of 3H:1V. Approx. 4,200 ft of armored toe protection will be constructed at the base of the high bluffs including a series of near shore BWs and groins with sand fill constructed along a 1,300 ft section of high bluffs at Dagger Point. Sand of similar grain size and mineralogy to native sediment will be obtained from either a commercial source or from material dredged from the GIWW. Low bluffs would be regraded to reduce the angle of the slope and then planted with vegetation.

AVOIDANCE AND MINIMIZATION: Depending on the contractor's means and methods and the feasibility of construction, landside access of equipment, materials, and personnel may be used for construction of the high bluff protection and regrading of low bluffs. If needed, upland staging areas and temporary access ramps to the shoreline would be established near the fishing pier located 6,500 feet to the northwest of Dagger Point or from near the observation tower 9,300 feet to the south. Heavy equipment would travel along the beach during low tide periods and mats would be used to minimize impacts to sensitive areas. Reshaping and stabilization of areas affected by construction activities would be performed as part of demobilization activities.

MITIGATION: No mitigation is proposed. The project would protect the existing shoreline by reducing wave energy and erosion to preserve the remaining estuarine marsh and coastal bluff habitats.

CURRENT SITE CONDITIONS: The affected environment under the proposed action is associated with the 5-mile length of the eastern shoreline of the Blackjack Unit on San Antonio Bay. The eastern shoreline of the Blackjack Unit along San Antonio Bay is exposed to erosive forces due to water and wind acting on the shoreline. In general, the wave climate in San Antonio Bay consists of locally generated waves that are the result of seasonal wind patterns as well as tropical and extratropical storms. The primary wind and wave direction at the project area is from the southeast. Construction activities would be in a 210-acre area that consists of exposed shoreline, low and high estuarine marsh, SAV, open water, low and high bluffs, and red bay-live oak forest.

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 11 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 contacted TCEQ and initiated the Section 401 CWA process, on 24 January 2022. If you have comments or questions on this proposed project's State water quality certification, please contact 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>.

This public notice will serve as the notification to the Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 401(a)(2). The Regional Administrator is responsible for performing a review of the application/certification to determine if there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

LEAD FEDERAL AGENCY:

The FWS (applicant) 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 FWS.

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 **CLOSEDATE**. 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-2018-00279**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
Galveston District
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Corpus Christi, Texas 78411

361-814-5847 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS