



Joint Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2023-00231

21 May 2024

21 June 2024

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
BUREAU OF OCEAN ENERGY MANAGEMENT**

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: U.S. Fish and Wildlife Service
P.O. Box 278
Anahuac, Texas 77514
POC: Tim Cooper
Telephone: 409-267-3337
Email: tim_cooper@fws.gov

AGENT: DESCO Environmental Consultants, LP
P.O. Box 1490
Magnolia, Texas 77353
POC: Tanya Matcek
Telephone: 281-252-9799
Email: tmatcek@descoenv.com

LOCATION: The project site is located along the shoreline of the Gulf of Mexico within the Texas Point National Wildlife Refuge, approximately 1.35 miles southeast of the intersection of Texas 87 and Sea Rim Estates Road, in Sabine Pass, Jefferson County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Begin Beach Fill Template: **Latitude:** 29.683834° North; **Longitude:** 093.937538° West
End Beach Fill Template: **Latitude:** 29.679168° North; **Longitude:** 093.841707° West

PROJECT DESCRIPTION: The applicant is proposing beach and dune nourishment activities which will result in the permanent placement of a maximum of 4.2 million cubic yards (CY) of offshore sand material within a 5.8-mile-long by 700-foot-wide beach and dune nourishment template along the Gulf of Mexico frontage for the purpose of reducing saltwater intrusion into interior freshwater marshes in Texas Point National Wildlife Refuge and to slow shoreline retreat along the refuge coastline. The proposed project will result in permanent impacts to approximately 25 acres of wetlands and approximately 433 acres of waters and temporary impacts to approximately 5 acres of wetlands and approximately 23 acres of waters. The scope of work also includes the following: (1) construction of an approximate 500-foot by 250-foot western staging area next to Sea Rim Estates Road, (2) construction of an approximate 1.4-mile-long by 60-foot-wide western access corridor, (3) construction of an approximate 900-foot by 400-foot eastern access corridor and staging area, (4) two separate mooring area options on each side of Sabine Pass, each approximately 1,000-foot-long by 350-foot-wide, to allow the construction contractor flexibility, (5) potential construction of an approximate 0.3-mile-long by 150-foot-wide temporary pipeline corridor (if the eastern Sabine Pass mooring area is utilized) resulting in excavation of a maximum of 10,000 CY of channel bottom for the purpose of temporarily installing the transport pipe at least 2 feet below the authorized channel depth, (6) construction of an approximate 250-foot-long by 150-foot-wide temporary access channel along the western shoreline of Sabine Pass resulting in excavation of a maximum of 5,000 CY of channel bottom for the purpose of allowing shallow draft barges and construction boats access to the project site, and (7) excavation, at a conservative 1.3:1 cut to fill ratio, of a maximum of 4.2 million CY of sand material from two offshore borrow areas within the Sabine Banks; excavation methods will be trailing suction hopper dredges (hoppers) and/or hydraulic cutterhead dredges (cutterhead). Outer Continental Shelf (OCS) offshore Borrow Area 1 is approximately 462 acres located at approximately 29.469441°, 093.735081° and Offshore Borrow Area 2 is approximately 470 acres located at 29.471028°, 093.710691°.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have designed the project to be the minimal footprint necessary to provide adequate shoreline protection and supply to nourish this section of the Texas Point National Wildlife Refuge shoreline. Additionally, throughout the construction process, the applicant stated that best management practices will be implemented to minimize environmental impacts as needed.

MITIGATION: Post-construction, the applicant is proposing to plant approximately 122,000 plants on the back dune, dune crest, and foredune. Plant species will consist of the following: Bitter panicum, Sea Oats, Marshhay Cordgrass, Beach morning glory, Sea purslane.

CURRENT SITE CONDITIONS: The proposed project is located wholly within the Texas Point National Wildlife Refuge and consists almost entirely of estuarine and marine wetlands and estuarine and marine deep water, with an intermittent upland beach ridge between the open water of the Gulf of Mexico and the marsh habitat behind the ridge.

BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM): A lease for use of Federal sand resources from the OCS Offshore Borrow Areas 1 and 2 (see Project Description section above) is required from BOEM. If you have any questions concerning the lease application, you may contact Ana Rice at Ana.Rice@boem.gov. Please furnish BOEM a copy of all public notice comments. BOEM has sole regulatory authority over the use of OCS sand resources and conveyance on the OCS under the OCS Lands Act. The Corps requires a permit for all other aspects of the project, including dredging of any state water bottom areas, as well as conveyance and placement of sand resources. BOEM and the Corps are working collaboratively to ensure effective implementation of the required National Environment Policy Act (NEPA) process, the required Endangered Species Act (ESA) Section 7 consultations, the Magnuson-Stevens Fishery and Conservation Management Act Essential Fish Habitat consultation (Section 305), the National Historic Preservation Act Section 106 process, and the Coastal Zone Management Act Section 307 consistency determination.

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 16 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality 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 Texas Commission on Environmental Quality 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. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

LEAD FEDERAL AGENCY: The U.S. Fish and Wildlife Service 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 U.S. Fish and Wildlife 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 **21 June 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-2023-00231**, and should be submitted to:

Central Unit / Evaluation Branch
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS