



Public Notice

| | | |
|---|------------------------------|-----------------|
| U.S. Army Corps Of Engineers | Permit Application No: _____ | SWG-2008-00352 |
| | Date Issued: _____ | 1 November 2018 |
| | Comments _____ | |
| Galveston District | Due: _____ | 1 December 2018 |

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposed **modification** 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: Jefferson County Drainage District No. 6
P.O. Box 20078
Beaumont, Texas 77720-0078
Telephone 409-842-1818
POC: Mr. Richard LeBlanc

AGENT: Horizon Environmental Services. Inc.
1507 South IH 35
Austin, Texas 78741
Telephone 512-328-2430
POC: Mr. Lee Sherrod

LOCATION: The project is composed of 4 separate canals along the GIWW, in Jefferson and Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Mud Lake and Whites Ranch, Texas.

LATITUDE & LONGITUDE (NAD 83):

Outfall Structure 1 Start: Latitude: 29.608821° North; Longitude: -094.366404° West
Outfall Structure 1 End: Latitude: 29.605657° North; Longitude: -094.365936° West
Outfall Structure 2 Start: Latitude: 29.627558° North; Longitude: -094.324769° West
Outfall Structure 2 End: Latitude: 29.625132° North; Longitude: -094.324847° West

Outfall Structure 3 Start: Latitude: 29.640178° North; Longitude: -094.307144° West
Outfall Structure 3 End: Latitude: 29.634215° North; Longitude: -094.305344° West
Outfall Structure 4 Start: Latitude: 29.649240° North; Longitude: -094.282795° West
Outfall Structure 4 End: Latitude: 29.644453° North; Longitude: -094.281768° West

PREVIOUS AUTHORIZED PROJECT DISCRIPTION: To impact 5.94 acres of waters of the United States (U.S.) by excavation activities and to impact 10.45 acres of waters of the U.S. by a discharge of fill material during the outfall removal and reconstruction and canal reconstruction project within North Prong Mud Bayou (Canal 1), Barnes Bayou (also known as Barnes Slough, Canal 2), two unnamed bayous (Canals 3 and 4), and the Gulf Intracoastal Waterway (GIWW). To remove four existing outfalls from their current upstream location and reconstruct them in their new location at the confluence of the four bayous (Canals 1-4) and the GIWW. To construct new outfall structures consisting of vinyl sheet and timber pilings, aluminum box culverts, and aluminum flap gates. To construct new access roads over the constructed structures. To discharge riprap along the downstream banks of the new outfall structures and along the shoreline of the GIWW. To reconstruct the existing bayous (Canals 1-4) by using the existing dredged material placement areas (levees) as fill material to reduce the existing bayous (Canals 1-4) width from 80 to 120 feet wide to a final width of 50 feet. To dredge the bayous (Canals 1-4) to a depth of 4 feet below mean sea level. To restore the existing levees to an elevation equivalent to the adjacent coastal marsh elevations, averaging 2-4 feet above mean sea level. To plant the restored coastal marsh areas with native coastal marsh species.

PROPOSED MODIFICATION DESCRIPTION: The applicant's proposed plans are attached on 21 sheets. The applicant proposes to modify the previously authorized permit by:

- Move the outfall structures to within 50 feet of the GIWW in each outfall canal;
- Placement of articulated concrete mat on both sides of each new outfall structure;
- Construct rock breakwaters on both sides of each outfall canal along the GIWW for approximately 700 feet, placed 20-25 feet waterward from the existing bank instead of the originally authorized rip rap;
- Net gain of coastal marsh habitat remains unchanged

AVOIDANCE, MINIMIZATION, AND MITIGATION: The original project and the current proposed amendment will result in a net positive gain of coastal prairie wetland through restoration of previous fills (levees) associated with the canals. Therefore, no mitigation has been proposed.

CURRENT SITE CONDITIONS: The project site is located in four separate canals that currently have existing levees or outfall structures and is surrounded by an undeveloped area.

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).

ALTERNATIVE ANALYSAIS:

The applicant stated the following: “The first alternative considered was the “no action” alternative (implementation of existing permit plans). The original permit authorization allowed for placement of rip rap on the banks of the GIWW for stabilization. Based on observations of other bank stabilization projects along the GIWW since the permit was issued indicates that the breakwater design is far superior to rip rap and additionally allows for the development of marsh behind the breakwater that provides increased habitat benefits that are not afforded by the rip rap design.

The second alternative was the proposed plan that incorporates the breakwater design for a longer distance along the GIWW on either side of the outfall and additionally adds increased stabilization around the outfall structures with articulated concrete mat to reduce erosion and decrease siltation. The preferred alternative (proposed amendment) is believed to have an option for bank stabilization and habitat development with minimal additional impacts to open water habitat.”

OTHER AGENCY AUTHORIZATIONS:

The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP.

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 1500 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 permit area has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected 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 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 **1 December 2018**. 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-2008-00352**, and should be submitted to:

North Evaluation Unit
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