



# Public Notice

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| <b>U.S. Army Corps<br/>Of Engineers</b> | Permit Application No: _____ | SWG-2019-00743   |
|   | Date Issued: _____           | 19 November 2019 |
|   | Comments _____               |                  |
| <b>Galveston District</b>               | Due: _____                   | 20 December 2019 |

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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.

**APPLICANT:** Aransas County  
2840 Texas 35 Business  
Rockport, Texas 78382  
POC: John Strothman  
Telephone: 361-790-0194  
Email: [jstrothman@aransascounty.org](mailto:jstrothman@aransascounty.org)

**AGENT:** Mott MacDonald  
711 North Carancahua Street Suite 1610  
Corpus Christi, Texas 78401  
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**LOCATION:** The project site is located in Saint Charles Bay along the Lamar Beach Road waterfront. Lamar Beach Road is located east of Palmetto St. and extends from 12th St. at the northern end to Main St. at the southern end in Rockport, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Saint Charles Bay, Texas.

Latitude: 28.145051 North; Longitude: 96.974469 West

**PROJECT DESCRIPTION:** The applicant proposes shoreline restoration and planting components to stabilize the soil, help absorb low-energy waves, and provide new habitat conditions. The planting will establish approximately 1.1 acres of new marsh vegetation along approximately 3,600 linear feet of the Lamar Beach Road shoreline, which will include, but not be limited to smooth cordgrass (*Spartina alterniflora*), marshay cordgrass (*Spartina patens*), and/or sea ox-eye daisy (*Borrchia frutescens*). The majority of this planting will be located above the mean higher high water (MHHW) line, as shown in the attached drawings. A total of 200 cubic yards of fill material (sand) will be placed along the shoreline (to establish the stable slope) below the MHHW line, and is designed to have a volume less than 1 cubic yard per linear foot. Fill will not be placed within any existing seagrass beds. The offshore breakwaters will be constructed with approximately 16,700 cubic yards of stone riprap mixed with reused concrete riprap (removed from the project shoreline), which will be incorporated into the core or bedding layer of the breakwaters where possible. Excess or unusable concrete will be disposed of offsite at an upland waste disposal area. The offshore breakwaters will be constructed to an approximate elevation of +4.0 feet NAVD88 with 2H:1V side slopes and a 3-foot crest width and will have a total footprint of approximately 3 acres. The breakwaters will be segmented, having gaps between them ranging from 30 feet to 135 feet wide as shown in the attached permit drawings. The gaps have been incorporated and designed to allow for proper tidal flushing and water circulation, while also ensuring property owners can access their piers via boat. The navigable gap widths were set based on applicable design standards for safe navigation.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by placing the breakwaters in deeper waters where seagrass beds are not present and the use of best management practices to include silt curtains and silt fencing to minimize turbidity during the construction activities.

**MITIGATION:** The applicant has not proposed to mitigate for the proposed impacts.

**CURRENT SITE CONDITIONS:** The action area consists of open water and the shoreline of Lamar Beach Road which is experiencing heavy erosion along the shoreline. This portion of Aransas Bay is highly developed and experiences heavy vessel traffic. There are numerous structures such as piers, boat lifts, aids to navigation, boat ramps, etc. There are special aquatic sites located within the vicinity along the shoreline of the action area.

**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 7 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps 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.

**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 impacted by previous construction of similar projects that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

**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 **20 December 2019**. 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-2019-00743**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RD-R  
U.S. Army Corps of Engineers  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
361-814-5847 Phone  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS