



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2021-00230  
Date Issued: 18 November 2021  
Comments  
Due: 20 December 2021

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## 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:** Coastal Bend Bays & Estuaries Program  
615 North Upper Broadway, Suite 1200  
Corpus Christi, Texas 78401  
POC: Mr. Leo Trevino  
Telephone: 361-336-0306  
Email: [ltrevino@cbbep.org](mailto:ltrevino@cbbep.org)

**Agent:** HDR Engineering, Inc.  
555 North Carancahua, Suite 1600  
Corpus Christi, Texas 78401  
POC: Ms. Nicole Davis  
Email: [Nicole.davis@hdrinc.com](mailto:Nicole.davis@hdrinc.com)

**LOCATION:** The project site is located around Triangle Tree Island, Upper Laguna Madre, Kleberg County. The project can be located on the U.S.G.S. quadrangle map titled: Pita Island, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 27.554243° North; **Longitude:** 97.286061° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 2,400 cubic yards of 1.5-foot diameter rock into 0.75 acres of the Upper Laguna Madre and below the high tide line to construct one approximately 1,200 linear-foot near-shore rock breakwater around the north, east, and west sides of Triangle Tree Island (Island). The

breakwater will have a crest elevation of approximately +3.5 feet NAVD88 and approximately 2H (minimum):1V side slopes. The breakwater will be approximately 10 feet wide at the top of the crest and will have an average width of 24 feet at the base. To reduce settlement, approximately 1,200 linear feet of geotextile fabric will be placed on the bay bottom under the breakwater prior to its installation. The project will include the discharge into and permanent loss of approximately 0.23 acres of seagrass and the potential for 0.44 acres of temporary impacts to seagrass. The crest of the breakwater will be very visible to vessel traffic even during high tide, and navigation markers and signs will be installed around the perimeter of the proposed breakwater. No excavation of the bay bottom or dredging activities is proposed for this project. Rock will be provided from an outside source and brought to the Island on shallow-draft barges that can draft 1 to 2 feet. Shallow draft barges will access the Island using a single corridor through the existing channel remnant on the southeast side of the Island.

**PURPOSE AND NEED:** The applicants stated purpose and need is to protect the Island from additional erosion and create resiliency against relative sea level rise so the Island can continue to provide rookery habitat.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by designing the placement of the breakwater avoided and minimized impacts to the extent practical.

**MITIGATION:** The applicant has not proposed compensatory mitigation.

**CURRENT SITE CONDITIONS:** The Island is located west of the GIWW and situated between two relic channels north and south of the Island. The south side of the Island has the highest elevations (+3.0 feet NAVD) associated with what appears to be a berm possibly added during previous dredge material placement events. A small unvegetated sandspit extends from the southwestern corner of the Island whereas the rest of the Island is primarily vegetated. A seagrass and oyster survey was conducted on 19 May 2020 by HDR staff to identify areas of seagrass within an approximate 36-acre survey area around the Island. No live oyster or shell were found within the survey area. Four species of seagrass were identified in water depths from 0.5 to 4.5 feet covering approximately 75 percent of the survey area. However, seagrass within the western portion of the study area was patchy with less than 10 percent cover and consisted of mostly shoal grass (*Halodule wrightii*) with short leaf lengths.

Bathymetric and magnetometer surveys were conducted by Naismith Marine Services, Inc. (NMS) in May 2020. Several anomalies were identified around the Island. Using available data from the Railroad Commission of Texas (RRC), anomalies were determined to include 3 plugged gas wells and 2 abandoned pipelines. According to the RRC two wells were plugged in 1977, the third well is plugged with no documented plug date, and the pipelines are abandoned in place with no documented abandonment or capped information. Additional coordination was conducted with the TGLO Energy Division and it was determined there are no active oil and gas leases in the project site. One additional anomaly from the magnetometer survey appears to be a probable pipeline, however the pipeline is not documented in the RRC data viewer. Since the proposed

project does not include excavation and the RRC shows the 2 pipelines as abandoned, it is not anticipated the project will affect active pipelines. In addition, the proposed construction access corridor avoids identified plugged wells and, therefore, it is not anticipated the proposed project will affect plugged wells.

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 5 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 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 submitted a pre-filing meeting request, on October 20, 2021. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto: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>.

**LEAD FEDERAL AGENCY:** The Corps 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 Fisheries Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps.

**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 dredging and the placement of dredged material that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to affect historic properties.

**THREATENED AND ENDANGERED SPECIES:** We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described 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 **20 December 2021**. 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-2021-00230**, 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  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS