



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2011-00880
	Date Issued: _____	4 October 2016
	Comments	
Galveston District	Due: _____	4 November 2016

**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 (CWA).

APPLICANT: Mr. John Nau
3690 Inwood Drive
Houston, Texas 77019-3024

AGENT: Belaire Environmental, Inc.
P.O. Box 741
Rockport, Texas 78381-0741
Telephone: 361-729-0741
POC: Andi Binion

LOCATION: The project site is located in Aransas Bay at 1 Finisterre Street in the Key Allegro Subdivision, in Rockport, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Rockport, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.031787 North;

Longitude: -97.026465 West

PROJECT DESCRIPTION: The applicant proposes to construct a new bulkhead in front of a failed, existing bulkhead for erosion control and to reclaim land that has eroded into waters of the United States (U.S.). Approximately 889 cubic yards (cy) of material would be placed below the annual high tide elevation (481 cy of fill behind the proposed bulkhead, 118 cy of concrete fill, and 290 cy of riprap at a 3:1 slope), which would fill approximately 0.22 acre of unvegetated jurisdictional waters of the U.S. The bulkhead would be approximately 230 feet long and would be located approximately 35 feet in front of the existing shoreline. The proposed site is sandy bay bottom with water depths that range from -0.4 to -3.0 feet mean high water. The applicant states the project is needed to “provide long-term protection from shoreline erosion and temporary stabilization structure failure.” The applicant further states that impacts to the residential street (Finisterre Street) will continue until the shoreline is properly stabilized. An Alternatives Analysis for the project has not yet been submitted.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by utilizing construction material that will not cause any adverse effects on coastal waters. The applicant also stated that the bulkhead and riprap shall be limited to the minimum necessary to serve the project purpose, and that the project would not significantly interfere with public navigation or the natural coastal processes that supply sediments to shore areas, or otherwise exacerbate erosion of shore areas.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by construction of a 0.22-acre living shoreline at Goose Island State Park as part of a larger living shoreline project underway by Texas A&M University at Corpus Christi. A copy of the draft plan is available for review.

CURRENT SITE CONDITIONS: Currently, the site includes a temporary sakrete bulkhead located approximately 23 feet from the centerline of a residential road, Finisterre Street. The sakrete bulkhead crests at an elevation of +4.8 feet NAVD 88 while the centerline of Finisterre Street is at +5.7 feet NAVD 88. An old, derelict bulkhead is located approximately 13.5 feet from the toe of sakrete bulkhead. As shown on the plan view drawing submitted in the permit application package, a survey conducted by Belaire Environmental, Inc. on 15 September 2013 found no presence of seagrass, wetlands, or oyster beds within the survey area. The survey not only included the immediate project area but also the entire bay bottom between the two bulkheads situated perpendicular either side of the applicant’s property. The sandy bay bottom ranges in elevation from +1.5 feet NAVD 88 at the toe of the sakrete bulkhead to -0.8 feet NAVD 88 at the toe of the proposed rip rap. Overall bay bottom elevations ranged from +1.5 feet NAVD 88 to -2.4 feet NAVD 88.

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 3 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.

Although this project would result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold), the best management practices (BMPs) available on the BMP checklist form are not applicable to this project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with 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 proposed work and/or structures are of such limited nature and scope 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, 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 **4 November 2016**. 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-2011-00880**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-CC
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
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