



Public Notice

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

Galveston District

Permit Application No: SWG-2012-00631

Date Issued: 29 October 2020

Comments

Due: 30 November 2020

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 404 of the Clean Water Act (CWA).

APPLICANT: Texas Parks and Wildlife
4200 Smith School Road
Austin, Texas 78744
POC: Melissa Caldwell
Telephone: 512-389-4660
Email: Melissa.Caldwell@tpwd.texas.gov

AGENT: BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
POC: Jim Gregory
Telephone: 713-488-8205
Email: JGregory@bgeinc.com

LOCATION: The project site is located in wetlands, approximately 11.8 miles southwest of the city of Galveston, within Galveston Island State Park, within Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Lake Como, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.191622° North; **Longitude:** 094.958151° West

PROJECT DESCRIPTION: The applicant proposes to modify their existing permit in order to fit within the available budget, minimize wetland impacts, and accommodate emergency vehicles. As a component of this modification, the applicant requests authorization to permanently fill an additional 0.127 acres of palustrine emergent wetlands, consisting of 0.095 acres of roadside ditch (Wetlands 05 and 34) and 0.032 acres of emergent wetlands (Wetlands 10, 24, and 41).

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by modifying their original revised layout to avoid impacts to Wetland 12. In the initial application materials, the applicant proposed to construct an earthen berm within Wetland 12 to block disruptive headlights from the camping area. Upon coordination with the Corps, the applicant was able to revise the location of the berm to entirely avoid Wetland 12.

MITIGATION: The applicant proposed to mitigate for the increased impacts by increasing their previously authorized mitigation acreage from 13.20 to 13.52 acres. Thereby changing their proposed mitigation to impacts ratio from 6.98:1 to 6.69:1, which remains well over the original mitigation ratio of 4:1. Additionally, please note that amount of new impact will be compensated for with an equal amount of new mitigation. The applicant has proposed a combination of permittee responsible wetland creation and enhancement within the project site boundary.

CURRENT SITE CONDITIONS: Galveston Island State Park spans the width of Galveston Island from West Galveston Bay to the Gulf of Mexico. Galveston Island is part of the Texas Barrier Island system that separates much of the Texas mainland from the Gulf of Mexico. Most of the undeveloped portions of the island are characterized by coastal prairies, marshlands and coastal dunes. The project area consists of sandy soils with limited silts and clays. The Galveston County soils survey depicts the area as Mustang soils. These soils are deep, very poorly drained, very slowly permeable soils formed in sandy sediments on barrier flats subject to occasional flooding due to high storm surge and are ponded after heavy rainfall. This State Park is the only area on Galveston Island where the bay to beach barrier island profile is preserved.

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 13 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 (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 initiated the Section 401 CWA process on 20 October 2020. If you have comments or questions on this proposed project's State water quality certification process, 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>.

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 Texas Parks and Wildlife Department has conducted a historic properties investigation of the permit area. The results of the investigation are summarized in the technical report titled, *Archeological Survey of 50 acres at Galveston Island State Park, Galveston County, Texas*, by Prewitt and Associates, Inc. and dated October 2012. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area. The results of the investigation were coordinated with the Texas State Historic Preservation Officer on 28 November 2012.

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.

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 **30 November 2020**. 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-2012-00631**, and should be submitted to:

North Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS