



Public Notice

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

Galveston District

Permit Application No: SWG-2018-00308

Date Issued: 8 October 2020

Comments

Due: 9 November 2020

**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.

APPLICANT:

United States Section, International Boundary and Water
Commission
4191 N. Mesa Street
El Paso, Texas 79902
POC: Gilbert Anaya
Telephone: 915-832-4702
Email: gilbert.anaya@ibwc.gov

LOCATION: The project site is located along approximately 6.3 miles of the Arroyo Colorado. The specific reach is located south and east of Harlingen, Cameron County, Texas between the Arroyo Colorado bridge crossings of Business 77 (South 77 Sunshine Strip) and Highway 574 (Cemetery Road). The project can be located on the U.S.G.S. quadrangle map titled Harlingen and Rio Hondo, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 26.183424 North; Longitude: -97.6504040 West

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Placement Area: Latitude: 26.193340 North; Longitude: -97.626706 West

Placement Area: Latitude: 26.186123 North; Longitude: -97.622710 West

PROJECT DESCRIPTION: The applicant will use a hydraulic dredge to dredge approximately 6.3 miles to restore the full flood conveyance capacity of the Arroyo Colorado at Harlingen, Texas. The applicant will dredge to approximately -3 feet below the existing bed elevation and maintain a 3:1 side slope to the base of the existing banks. The total dredged volume is 300,000 cubic yards and will be placed in a confined placement area.

Dewatering of accumulated dredge material at the four staging sites will be accomplished via geotextile tubes. Flow of water draining from tubes and discharging back into the Arroyo Colorado will be controlled to prevent erosion of flood plain or banks. Dried sediment will be loaded and hauled by truck from the staging sites to the upland disposal sites. Permanent disposal of the dewatered sediment is proposed at two adjacent upland locations also shown in Figure 3. The dredge material to be permanently deposited on the adjacent upland sites is expected to consist of silt and clay mixture totaling 300,000 cubic yards. The applicant's plans are enclosed in 7 sheets.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding shoreline impacts by dredging the side of the bank to minimize impacts and disturbance to vegetation. Best management practices (BMP's) will be used such as silk curtains, geotextile tubes for dewatering before sediment is placed in placement area, avoiding wetland signage silk fencing around the perimeter of the wetland approximately 2.05 acres.

Discharge of sediment into the Arroyo Colorado is expected to be minimized by the use of hydraulic dredge to minimize turbidity in the water column and the use of geotextile filter material and flocculants in the onshore slurry dewatering process. The applicant will also incorporate a Storm Water Permit and Storm Water Pollution Prevention Plan for the staging area.

MITIGATION: Compensatory mitigation is not proposed. Hydraulic dredging from a narrow specialty barge with floating pipeline will be used to minimize impacts to Arroyo Colorado banks and flood plain wetlands. Four flood plain locations for staging and dewatering have been selected that avoid wetlands. Sediment disposal locations are located on adjacent uplands where limited identified wetlands will be avoided.

CURRENT SITE CONDITIONS: The Arroyo Colorado may not provide adequate flood protection to adjacent properties and because its reduced capacity may affect function in other parts of the LRGFCP system. Arroyo Colorado is a natural waterway that serves as part of the LRGFCP's interior floodway system. Increases in vegetation and sediment in Arroyo Colorado decrease its capacity to carry floodwaters. Mature woody vegetation growing in the floodplain slows floodwater velocities, decreases flood conveyance, and raises water surface elevations. Additionally, slower floodwater velocities result in increased sediment deposition, which further reduces capacity. Flood models indicate that more than 50 percent of its capacity had been lost due to vegetation and sediment buildup.

Current land use within sediment placement site 1 is primarily agricultural, though the areas closest to E Harrison Avenue appear to have been used as an unregistered dump. The south sediment placement site 2 is primarily undeveloped except for several large pits that appear to be evidence of sand mining activities. The margin of the Arroyo Colorado is undeveloped and covered with riparian vegetation along its entire length.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation. 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:

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.

Although this project would result in a direct impact to less than three acres of waters of the state or less than 1500 linear feet of streams, the project would impact certain types of rare or ecologically significant wetlands. Therefore, the project is not eligible for inclusion in the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria and an individual water quality certification is required, even though the project is below the Tier I thresholds. Concurrent with U.S. Army Corps of Engineers (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 the 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: Texas Historical Commission (THC) stated, on 17 September 2020, No historic properties present or affected.

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 **9 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-2018-00308**, 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