



Public Notice

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

Galveston District

Permit Application No: _____ SWG-2020-00745

Date Issued: _____ 27 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Audubon Texas
7700 West Highway 71, Suite 330
Austin, Texas 78735
POC: Mr. Romey Swanson
Telephone: 512-667-8124
Email: romey.swanson@audubon.org

AGENT: AECOM Technical Services, Inc.
19219 Katy Freeway, Suite 100
Houston, Texas 77904
POC: Mr. Taylor A. Nordstrom, P.E.
Telephone: 281-675-3535
Email: taylor.nordstrom@aecom.com

LOCATION: The project site is located in the Laguna Madre at the Laguna Vista Spoil Island approximately 3 miles north-northeast of Laguna Vista, Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: La Coma, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 26.143° North; Longitude: 97.279° West

PROJECT DESCRIPTION: The applicant proposes placement of approximately 2,300 cubic yards (CY) of limestone or clean concrete riprap breakwater within shallow open water adjacent to approximately 1,700 linear feet (LF) of the 11-acre Laguna Vista Spoil Island shoreline. The applicant also proposes placement of approximately 700 CY

of limestone or clean concrete riprap along approximately 550 LF of the island's southern shoreline. In addition, the applicant proposes removal of an old culvert, placement of 5,000 CY of fill material within approximately 1.5 acres of upland in the island's interior (above the mean high water line), and shoreline restoration and planting. The project purpose is to provide shoreline protection measures to address active erosion and restore colonial and migratory bird habitat that has been lost due to continuous erosion from winds and wave action. Minor shoreline regrading of in-situ material could generate fill material of up to 330 CY total for project use (80 CY for revetment and 250 CY for planting).

Construction activities would require creation of a flotation channel to allow barge access. The footprint of the channel would be approximately 50 feet wide by 4 feet deep, extending approximately 1,800 LF and generating 15,000 CY of dredged material. The total area of the channel would be a maximum of 2.3 acres and could affect up to 1.4 acres of submerged aquatic vegetation.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts with the following summarized statement:

The combined 2 acres of identified submerged aquatic vegetation (SAV) would be unavoidably impacted by construction of the proposed breakwater system. The 3,000 cubic yards of limestone riprap to be placed in 0.56 acre of SAV are the minimum necessary to provide erosion protection and provide benefit to the rookery island habitat. As this is a restoration project, the benefits of the project are expected to outweigh any unavoidable impacts to the SAV. It is expected that construction of the breakwater would benefit the surrounding area's SAV by reducing the exposure of the SAV to turbidity from the continual erosion of the Laguna Vista Spoil Island shoreline and promote further expansion of the SAV after construction is completed.

MITIGATION: No mitigation is proposed for this habitat restoration project.

CURRENT SITE CONDITIONS: The project site consists of an approximate 11-acre island in the Laguna Madre constructed from the placement of dredged material sometime prior to 1995. In addition, the project area encompasses the northwestern and southern nearshore areas surrounding the island up to approximately 130 feet seaward of the island's shoreline, and portions of the island's uplands. Within the site are approximately 79 acres of SAV and some scattered small oyster reefs of varying viability (0.3% live oysters). The island serves as a critical bird rookery in the Central Flyway Migration Corridor used by migratory and colonial nesting birds. The northeastern portion of the island, roughly 4.8 acres, is maintained as an active bird rookery by the U.S. Fish and Wildlife Service (USFWS) and Coastal Bend Bays and Estuaries Program (CBBEP), and the western portion is generally non-vegetated flats used by ground-nesting birds. The northern shoreline of the island is subject to erosive wave energy; review of recent aerial imagery indicates that the island erodes approximately 10 feet of the northern shoreline annually, eroding both vegetated and non-vegetated portions of the island.

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 9 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 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 October 5, 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 permit area is likely to contain marine cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct a marine investigation for historic properties.

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 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 **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-2020-00745**, 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