



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-1998-02298
	Date Issued: _____	17 September 2019
	Comments _____	
Galveston District	Due: _____	18 October 2019

**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 404 of the Clean Water Act (CWA).

APPLICANT: Texas Parks and Wildlife Department
1502 Farm-to-Market Road 517 East
Dickinson, Texas 77539
POC: Cherie O'Brien
Telephone: 281-534-0132
Email: Cherie.obrien@tpwd.texas.gov

AGENT: N/A

LOCATION: The project site is located in West Bay as well as Dana Cove, Carancahua, Butterowe, and Oak Bayous, north of Galveston Island State Park, in 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: 29.21277° North; Longitude: 094.975067° West

PROJECT DESCRIPTION: The applicant proposes to dredge approximately 67,000 cubic yards of sediment from 15,800 linear feet of optional construction flotation/access channels to facilitate the construction of a rock breakwater. The channel bottom width would range from 60 ft. - 100 ft., totaling a maximum of approximately 37 acres. The dredged material would be temporarily side cast directly adjacent to the construction access channels and returned to the access channels after the rock breakwater is constructed. Upon completion of work, dredged material shall be placed back into the channels. The proposed project would place approximately 31,250 cubic yards of graded rock riprap to construct 7,550 linear feet of breakwater. The bottom width range of the breakwater would range from 21 ft. - 34 ft. and would cover a maximum of approximately 5.9 acres of bay bottom. The rock breakwater will be constructed to elevation ~3.5 NAVD 88.

The rock breakwaters would be constructed at the mouths of Oak Bayou, and Dana Cove. The breakwaters would follow the alignment of deteriorated geo-textile tubes that were constructed in 1998-1999. A backhoe on a barge will also be used to dredge the optional flotation channel and then place the dredged material in the temporary stockpile area and return the dredged material to the flotation channels after the breakwater is constructed.

The purpose of the project is to protect existing estuarine habitat, approximately 87 acres of emergent marsh, approximately 12 acres of mud and sand flats from erosion and to protect and enhance approximately 311 acres of shallow open water including seagrass beds. The proposed project would also complement other restoration projects that have been completed at this area; the most recent being the Recovery Act: Restoring Estuarine Habitat in West Galveston Bay constructed in 2010 and the Galveston Island State Park Marsh Restoration and Protection in Carancahua Cove and Dana Cove Project in 2017 (SWG-2009-00292).

This project has received funding through the National Fish and Wildlife Foundation (NFWF) Gulf Environmental Benefit Fund (GBEF). This funding source was created out of the criminal settlements associated with the Deepwater Horizon (DWH) oil spill. The project is being jointly managed by the Texas General Land Office and Texas Parks and Wildlife Department.

BACKGROUND: Department of the Army (DA) Permit 21456 was issued to Texas Parks and Wildlife (TPWD) on 25 February 1999, and authorized placement of 13,500 linear feet of sediment-filled geotextile tubes (geotubes) to create a protective breakwater. The permit authorized the geotubes to be placed over 20-foot-wide mats anchored by smaller geotubes, with borrow areas located immediately bayward of the geotubes. The dredging of approximately 20,250 cubic yards of sediment to fill the geotubes, and construction of 4 marsh terrace fields landward of the geotubes, was authorized. Approximately 18,000 cubic yards of material would be removed from borrow areas adjacent to the terraces. Each terrace would end 20 feet from the end of the next, creating an open-ended, "checkerboard" pattern, and allowing circulation between the newly created marsh ponds. In addition, the entrance and circulation channels at Pirate's Cove would be dredged. Approximately 18,000 cubic yards of material would be removed from 4,500 linear feet of existing channel. The material would be deposited to

create marsh islands in the shallow, unvegetated flats landward of the eastern-most geotube (Geotube E). *Spartina alterniflora* would be planted on the terraces and the marsh islands. In addition, 2 acres of *Halodule wrightii* would be planted landward of the geotubes. The total project footprint would be 44.1 acres. DA Permit Amendment 21456(01), issued 31 August 2000, authorized the construction of two new terrace fields, No. 5 and No. 6, adjacent to the original Terrace Fields No. 1 and No. 3, as part of the marsh restoration and enhancement project. The change was necessary due to the discovery of seagrass at the site of previously authorized Terrace Field No. 4. The permit site is located in Dana Cove, West Galveston Bay, near Pirates Cove, Galveston County, Texas.

Department of the Army (DA) Permit amendment 21456(02) was issued to TPWD on 10 August 2001 to change the configuration of marsh habitat that is to be created behind "Geotube E", authorized by DA Permit 21456(01), was approved pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA. A continuous marsh island was to be created directly behind the eastern most geo11.1be (Geotube E) using material that was to be deposited to create 20, 130-foot-diameter marsh islands under the original permit.

AVOIDANCE AND MINIMIZATION: The construction of the flotation/access channels and associated temporary stockpiling of the material was designed to the minimal size possible and still be able to accommodate the necessary equipment that can complete the installation/construction of the rock breakwater. The sidecast material will be placed in temporary stockpiles that will remain below the waterline to help reduce impacts from waves breaking directly on the stockpiles and suspending the sand.

Dredging will be restricted to mechanical methods keeping the dredged material more cohesive reducing suspended solids from dredging. On the landward (south) side of the temporary flotation channel, a turbidity barrier (silt fence or silt curtain) will be installed between the channel and existing seagrass during excavation of the channel and during breakwater construction. Completed sections of the breakwater will also act as a turbidity barrier. Upon completion of work, dredged material shall be placed back into the channels. The temporary stockpile areas would be reworked to within approximately 6" of original grade. Final top surface of backfilled channel is required to be relatively uniformly grade and manipulated so that it is reasonably smooth and free of voids and abrupt humps or depressions. Construction time is estimated to be about 4 to 6 months. The construction of the flotation access channels and associated temporary stockpiling of the material will be presented as optional in the construction documents and verbally presented during the pre-bid meeting that it is the preference of the project owners (GLO and TPWD) that the flotation/access channels not be constructed. Access/flotation channel was handled the same way in the completed portion of the project and they were not constructed.

MITIGATION: Due to the purpose of the project, environmental benefits of the proposed break water and the temporary nature of the flotation/access channel and stockpile of its dredge material, compensation is not being proposed.

CURRENT SITE CONDITIONS: The project site consists of approximately 87 acres of emergent marsh, 12 acres of mud and sand flats, and 311 acres of shallow open water, including seagrass beds in Galveston Bay.

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 18 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with 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 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 permit area was investigated for marine historic properties and none were identified as documented in the technical report titled "Marine Archaeology Survey in Support of Galveston Island State Park Marsh Restoration and Protection Project, Galveston County, Texas," prepared by BOB Hydrographics, LLC. and dated May 2019. The SHPO concurred with the Corps determination of no historic properties present by letter dated June 3, 2019.

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 **18 October 2019**. 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-1998-02298**, and should be submitted to:

North Unit Evaluation
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS