



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2010-00866

Date Issued: 28 September 2021

Comments

Due: 28 October 2021

## 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 (CWA).

**APPLICANT:**

Matagorda County  
P.O. Box 571  
Matagorda, Texas 77457  
POC: Commissioner Kent Pollard, Precinct 2  
Telephone: 979-479-9584  
Email: [kpollard@co.matagorda.tx.us](mailto:kpollard@co.matagorda.tx.us)

**AGENT:**

Atkins North America, Inc.  
200 Westlake Park Boulevard, Suite 1100  
Houston, Texas 77079  
POC: Rhonda Gregg-Hirsch  
Telephone: 281-529-4194  
Email: [rhonda.gregg-hirsch@atkinsglobal.com](mailto:rhonda.gregg-hirsch@atkinsglobal.com)

**LOCATION:** The project site is located in the Gulf of Mexico, along an approximate 2.2-mile segment of beachfront, running 1-mile north and 1-mile south of its intersection with Highway 457, in Sargent, Matagorda County, Texas. The project can be located on the U.S.G.S. quadrangle maps entitled: Sargent and Cedar Lakes, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 28.769076 North; Longitude: -95.615905 West

**PROJECT DESCRIPTION:** The applicant proposes to discharge 381,500 cubic yards of beach quality sand along 2.2 miles of Gulf of Mexico frontage during beach nourishment activities. The beach nourishment template is approximately 250-foot-wide and extends from the existing federal revetment (approximate +4.5-foot contour) to the approximate -4.0-foot contour seaward. It is an approximate 81.3-acre area, with 63.1 acres seaward of the Gulf of Mexico mean high water line. Eleven sand source sites are identified; the preferred sources for the first nourishment cycle are Federal DMPA No. 108, Federal DMPA No. 100, and the Weidman property. Geotechnical and material testing has been completed or is in progress for each of the three preferred sand sources. The proposed project was previously authorized by two expired permits, SWG-2010-00866 (eastern reach) and SWG-2009-01133 (western reach). Attachment 1 contains additional project details.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that the beach nourishment template has been designed to minimize impacts to the greatest extent practicable. Existing beach vegetation and dunes will be avoided during nourishment activities and best management practices, including use of turbidity curtains, silt fences, and containment levees, will be implemented at appropriate stages during construction.

**MITIGATION:** The applicant is not proposing compensatory mitigation for the proposed impacts.

**CURRENT SITE CONDITIONS:** The project site consists of a 2.2-mile shoreline segment of the Matagorda Peninsula and the adjacent open waters of the Gulf of Mexico. The beach face is composed of sandy beach habitat devoid of vegetation and is bounded to the north by an exposed federal revetment wall. Beach sand in the open areas consists of fine sand ranging in color from white to pale brown. The submerged, nearshore substrate in the western end of the site consists of moderately consolidated fine sand; moving easterly the substrate becomes more clayey without sand and the water depth increases. Matagorda Peninsula is a low-lying barrier island that is experiencing rapid erosion, which has intensified in recent years due to impacts from frequent tropical storm systems. There are no wetland, oyster, or seagrass resources located within the project site.

**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 8 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 Environment 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 submitted a pre-filing meeting request, on 7 September 2021. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto: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>.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

**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 Corps and the Texas State Historic Preservation Officer have determined that an archeological survey is not needed for this project. Should any potential historic properties be encountered during execution of the project, the permittee shall contact the SHPO and the Corps per General Condition 3 of the Standard Permit ENG FORM 1721.

The Corps has notified the Apache Tribe of OK, the Comanche Nation of OK, the Coshatta Tribe of LA, the Kiowa Indian Tribe of OK, the Mescalero Apache Tribe, the Northern Arapaho Tribe, the Tonkawa Tribe of OK, and the Wichita and Affiliated Tribes of the project and invited them to participate in consultation.

**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, 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 **28 October 2021**. 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-2010-00866**, and should be submitted to:

Central Evaluation Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS