



Public Notice

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

Galveston District

Permit Application No: SWG-2021-00198

Date Issued: 23 September 2021

Comments

Due: 25 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.

APPLICANT: Aransas County Navigation District
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Rockport, TX 78382
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AGENT: Belaire Environmental
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LOCATION: The project site is located along existing breakwaters in Aransas Bay in Fulton, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Rockport, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.06036 North; Longitude: 97.032276 West

PROJECT DESCRIPTION: The applicant proposes to rehabilitate the existing Fulton Harbor concrete bulkhead by widening the breakwaters at the base to between approximately 20-feet and 27-feet during the installation of rock riprap along the Aransas

Bay side. Prior to installing rock riprap, shoreline restoration fabric, or filter cloth, will be placed along the vertical face of the existing bulkhead and along the unvegetated bottom where rock riprap is proposed for installation. The average bay bottom elevation at the proposed rock riprap is approximately -4.5 feet NAVD 88. Rock riprap will be installed atop filter cloth to dissipate wind and wave energy and to hold the filter cloth in place. Rock riprap will be stacked vertically against the existing bulkhead with a typical top elevation of +3.4 feet NAVD 88, consistent with the top of current bulkhead. Rock riprap will include an approximately three-foot-wide crest and will extend out from the bulkhead and crest with an approximate 2.5:1 side slope resulting in a base width between approximately 20-feet and 27- feet. The bottom two feet of rock riprap material will consist of core stones. The installation of core stones will serve to establish the desired side slopes and to provide a stable base for the armoring stones to sit. Large armor stones will then be installed atop the core stones to achieve final grades. Installation of the proposed rock riprap would result in the placement of approximately 7,454 cubic yards (CY) of clean fill. Of the 7,454 CY of material, approximately 7,267 CY would be placed below the high tide elevation of +2.65 feet NAVD 88.

Prior to the initiation of construction activities, project materials and supplies will be staged in an upland area currently owned by the applicant near the proposed work area. Materials will then be loaded onto a shallow draft barge and transported to the work area via Aransas Bay. Rock riprap material will be installed mechanically starting at the northernmost portion of the existing bulkhead and progressing towards the south and the access channel of Fulton Harbor. All construction activities will occur from a barge and no land access, or access from the Fulton Harbor side of the existing bulkhead. Ingress/egress to Fulton Harbor is not expected to be impacted by the proposed project.

The original DA Permit 659 was issued 9 April 1948 and authorized a 570-foot bulkhead and to dredge up to -9 feet and the dredged materials used as fill material behind the bulkhead.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by implementing best management practices (BMPs) during construction activities to include silt fencing to minimize turbidity outside of the project area.

MITIGATION: The applicant not proposed to mitigate for the proposed impacts.

CURRENT SITE CONDITIONS: The project site is currently within an existing harbor within open waters of Aransas Bay surrounded by residential housing development subdivision to the west.

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 6 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 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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

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 proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

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 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 **25 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-2021-00198**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
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