

CESWG-RD-CC

Application: SWG-2012-00591

**MEMORANDUM FOR THE RECORD - Amendment**

**SUBJECT:** Department of the Army Environmental Assessment and Statement of Findings for the Above – Numbered Permit Application

This document constitutes the Environmental Assessment, Section 404(b)(1) Guidelines Evaluation (attached), Public Interest Review, and Statement of Findings for the subject application.

1. Applicant: Coastal Bend Bays and Estuaries Program  
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Corpus Christi, Texas 78401-1500  
Telephone: 361-885-6162  
POC: Ray Allen

Agent: HDR Engineering, Inc.  
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POC: Gary McCoig

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

Latitude: 27.85150° North; Longitude: 97.35472°West

2. Corps Authority. The U.S. Army Corps of Engineers, Galveston District (Corps) will evaluate the proposed activity under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. §1344) and (33 U.S.C. §403).

3. Project and Site Description. The applicant proposes to amend the authorized permit by adding an additional 250 linear feet (approximately 750 CY) of graded rip-rap revetment along the south shoreline of Indian Point, the addition of an alternate revetment style to construct the revetment above the mudline, and the addition of an option to connect a breakwater (via a 100 foot extension) with the revetment near the north corner of the parking lot. Impacts are expected to total an additional discharge of 1050 cubic yards of fill material to be placed within 0.7 acre of jurisdictional waters. The project is located in Corpus Christi Bay, along the southwestern shoreline of Indian Point, Portland, San Patricio County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: PORTLAND, Texas.

Avoidance and Minimization Information: The applicant has stated that multiple alternatives, including beach fill and onshore revetments were considered. These alternatives would result in filling of shoreline wetlands and submerged aquatic vegetation (SAV). The least damaging alternative was determined to be a rock

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breakwater offset from and parallel to the shoreline, seaward of existing SAV beds. The applicant selected this alternative (rock breakwater) with the belief that it does not impact wetlands, SAV, or any other aquatic resource of importance.

**Compensatory Mitigation:** - The project itself is intended to be a habitat enhancement and/or creation project; as such, no additional mitigation is proposed.

**4. Purpose and Need.**

**Applicant's Stated Purpose and Need:** The applicant's stated purpose is, "to reduce or halt the shoreline retreat that is reducing valuable wetland habitat and impacting public infrastructure." The Corps has accepted this statement as the overall project purpose.

**Basic Project Purpose and Water Dependency Determination**

The basic project purpose is shoreline/wetland protection and enhancement; thus, the project is water dependent.

**Overall Project Purpose**

The purpose of the project is to provide protection to a demonstrably eroding shoreline containing estuarine wetlands and seagrass.

**5. Existing Conditions.** The shoreline of Indian Point Park has experienced significant erosion in the past 60 years, drastically reducing the acreage of wetland, according to a technical report submitted by the applicant. The project area experiences the brunt of the prevailing wind as it traverses the entirety of Corpus Christi Bay. There is patchy seagrass in the water adjacent to the shoreline and emergent wetlands behind the shore face.

**6. Background.** This permit was first issued 21 August 2013 and authorized construction of a combination of graded rip-rap breakwaters and graded rip-rap revetment for shoreline protection as a form of bank stabilization. The shoreline protection included a combination of both segmented breakwaters and revetment. The total length of the authorized shoreline protection structure was 2,800 feet. This length included 8 segmented breakwaters and a revetment. The breakwaters were to be placed a minimum of 20 feet away from the nearest seagrasses. Each breakwater was to be between 200 and 500 feet in length with approximately 30-foot gaps between each segment.

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7. Scope of Analysis.

a. NEPA: The determination of what is the appropriate Scope of Analysis governing the Corps' permit review and decision is guided by the Corps' National Environmental Policy Act (NEPA) regulations for the regulatory program: 33 CFR Part 325, Appendix B. The Scope of Analysis should be limited to the specific activity requiring a Department of the Army (DA) permit and any additional portions of the entire project over which there is sufficient Federal control and responsibility to warrant NEPA review. Appendix B states that factors to consider in determining whether sufficient "control and responsibility" exist include: 1) whether or not the regulated activity comprises "merely a link" in a corridor type project; 2) whether there are aspects of the upland facility in the immediate vicinity of the regulated activity which affect the location and configuration of the regulated activity; 3) the extent to which the entire project will be within Corps jurisdiction; and 4) the extent of cumulative Federal control and responsibility. Generally, the Corps' area of responsibility includes all waters of the U.S. as well as any additional areas of non-jurisdictional waters or uplands where the district determines there is adequate Federal control and responsibility to justify including those areas within the Corps' NEPA scope of analysis. This normally includes upland areas in the immediate vicinity of the waters of the U.S. where the regulated activity occurs (Standard Operating Procedures for the U.S. Army Corps of Engineers Regulatory Program – July 2009).

(1) Factors.

(i) With regard to the first factor that must be considered in the determination of sufficient Federal control and responsibility, the regulated activities associated with this breakwater construction proposal do not comprise a link in a corridor type of project.

(ii) With regard to the second factor, the design of upland portions of the breakwater construction (no upland components) occurring in the immediate vicinity of the regulated activities do not affect the location and configuration of the regulated activities.

(iii) With regard to the third factor, the extent to which the entire project will be within Corps jurisdiction, the proposed breakwater construction will directly impact approximately 2 acres of jurisdictional non-vegetated saltwater and tidal waters (approximately 100% of the total acreage of the project site). The entire footprint of the project is within the Corps' jurisdiction; thus this project does meet the third factor.

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(iv) With regard to the fourth factor that must be considered in the determination of sufficient Federal control and responsibility, during our consideration of the extent of cumulative Federal control and responsibility for this project, we appropriately relied on and fully considered, information and reports from Federal agencies pursuant to their responsibilities under the Fish and Wildlife Coordination Act, the Endangered Species Act (ESA), and Essential Fish Habitat (EFH) regulations (National Marine Fisheries Service-NMFS). ESA threatened or endangered species consultation with the FWS was not required for this permit action; EFH consultation was successfully completed with the NMFS. The FWS provided comments which are discussed in detail, in Section 8 - Coordination and Resolution of Comments of this document. No further coordination was required pursuant to our responsibilities under 33 CFR Part 325, Appendix C.

(2) Determined Scope. In conclusion, based on our examination of NEPA (33 CFR Part 325, Appendix B) and applicable program guidance (e.g. CEQ's Considering Cumulative Effects Under the National Environmental Policy Act and the Standard Operating Procedures for the U.S. Army Corps of Engineers Regulatory Program – July 2009), we have determined that the appropriate scope for this project is over the entire project site.

b. National Historic Properties Act (NHPA) "Permit Area". The determination of what is the appropriate Scope of Analysis governing the Corps' permit review and decision is guided by the Corps' NHPA regulations for the regulatory program: 33 CFR Part 325, Appendix C.

(1) Tests. Activities outside waters of the United States are not included because all of the following tests are not satisfied: Such activity would not occur but for the authorization of the work or structures within the waters of the United States; Such activity is integrally related to the work or structures to be authorized within waters of the United States (or, conversely, the work or structures to be authorized must be essential to the completeness of the overall project or program); and such activity is directly associated (first order impact) with the work or structures to be authorized.

(2) Determined Scope. We have determined that the appropriate scope for this project is within the delineated water.

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c. Endangered Species Act (ESA) "Action Area." The determination of what is the appropriate Scope of Analysis governing the Corps' permit review and decision is guided by the Endangered Species Act of 1973.

(1) Action area means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.

(2) Determined Scope. We have determined that the appropriate ESA action area for this project is within the delineated water.

8. Environmental Assessment. – This will reflect the Amendment only.

a. Alternatives. There are no unresolved conflicts concerning alternatives.

b. Environmental Setting. The Nueces-Corpus Christi Bay system is one of the seven major estuarine systems in the State of Texas. The largest bay in this system is Corpus Christi Bay at 95,997 acres, Nueces Bay is next largest at 19,518 acres, Oso Bay covers 17,095 acres, and Redfish Bay is the smallest bay in this system at 5,258 acres. Freshwater inflow, which strongly influences estuarine productivity, enters into the Corpus Christi Bay system from the Nueces River and Oso Creek. Corpus Christi Bay is the deepest of these four bays, with an average depth of 11 feet. The three other bays average about two to three feet in depth. The Corpus Christi Ship Channel (CCSC) is a dominant feature south of the project site and is a 45-foot deep shipping channel approximately 32 miles long that crosses Corpus Christi Bay to connect the Gulf of Mexico. The CCSC enters from the Gulf of Mexico through two rubble stone jetties at Port Aransas, traverses Corpus Christi Bay and is the largest navigation channel located in Corpus Christi Bay. It enhances the exchange of water between both Corpus Christi Bay and Aransas Bay (via the Lydia Ann Channel) and the Gulf of Mexico through tidal currents.

c. Environmental Impacts. The possible consequences of this proposed work were studied for environmental concerns, social well-being, and the public interest, in accordance with regulations published in 33 C.F.R. 320-332. All factors, which may be relevant to the proposal, must be considered. The following factors were determined to be particularly relevant to this application and were evaluated appropriately, as they relate to the least environmentally damaging practicable alternative described in the alternative analysis section.

(1) Historic and Cultural Resources. We reviewed the project site for cultural resources and found that 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

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property, even if present within the affected area.

(2) Water Quality. Temporary turbidity is probable during construction operations, resulting in minimal damage to fish and wildlife habitat and other biota. No lasting water pollution will occur.

(3) Endangered Species. The proposed project will have no effect because no species exist within the project area. During its' evaluation, the project was coordinated with the U.S. Fish and Wildlife Service (FWS) and the Corps' "no effect" determination was conveyed to the FWS. The FWS made a statement that, while they do not provide concurrence on No effect determinations, the Corps fulfilled its Section 7 responsibilities.

(4) Fish and Wildlife Values. Approximately 1050 total cubic yards of graded rip-rap will be placed to harden an additional 250 linear feet of the Indian Point shoreline, along with an additional 100 feet of breakwaters within a total of 0.7 acre of jurisdictional waters. The placement of the revetment and breakwaters in the project site/area will create a hard habitat, which will be utilized by reef-dwelling organisms. This structure provides a surface for the attachment of the organisms and enhances the benthic habitat. Also, it is expected that the breakwaters will help seagrasses propagate at a faster rate behind the breakwaters; thus increasing the value for fish and wildlife.

(5) Essential Fish Habitat (EFH). Approximately 30,000 square feet (0.7 acre) of impacts to EFH will occur as a result of breakwater construction associated with the proposed Amendment. However, we have determined, through our coordination with the National Marine Fisheries Service, that the adverse effects to EFH are minimal.

(6) Wetlands/Special Aquatic Sites. The project purpose is to enhance wetlands and/or submerged aquatic vegetation.

(7) Shoreline Erosion and Accretion. The purpose of the breakwaters and the overall project is to decrease and/or reverse the erosion of the shoreline in the project area. The project will provide additional shoreline stabilization.

(8) Recreation. The recreational value of the area will be enhanced as a result of the proposed project.

(9) Aesthetics. During the construction activity, there would be a generation of noise. However, it is expected that the activities would be performed during daylight hours, be temporary, and be within normal ranges for construction equipment.

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(10) Land Use. There are no known land use classifications or coastal zone management plans that would adversely affect the project.

(11) Navigation. Navigation occurring in the area will not be adversely affected by this project.

(12) Federal Projects. The project will not adversely impact any Federal Project.

(13) Other Federal, State, or Local Requirements. All required Federal, State, and/or local authorization or certifications necessary to complete processing of this application have been obtained except for water quality certification and coastal zone consistency certification. The TCEQ will provide both prior to permit issuance.

The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program (CMP) and will be conducted in a manner consistent with such program. The Texas General Land Office submitted a letter, dated 9 July 2014, stating that it has been determined that there are no significant unresolved consistency issues with respect to the project, therefore the project is consistent with the CMP goals and policies.

The project is considered a Tier I project. The applicant has agreed to use the Best Management Practices (BMP's) for Tier I projects. Based on the applicant's signed statement that the applicable BMP's will be used, no further review is required by Texas Commission on Environmental Quality (TCEQ). Therefore, we presume a waiver of the 401 certification pursuant to 33 CFR 325.2(b).

(14) Other Factors Considered. The following factors were considered during the evaluation process but were determined to not be particularly relevant to this application: general environmental concerns, conservation, floodplain values, safety, energy needs, flood hazards, economics, water supply and conservation, air pollution, food and fiber production, and mineral needs.

d. Cumulative & Secondary Impacts. An assessment of cumulative impacts takes into consideration the consequences that past, present, and reasonably foreseeable future projects had, have, or will have on an ecosystem. Every permit application must be considered on its own merits. Its impacts on the environment must be assessed in light of historical permitting activity, along with anticipated future activities in the area. Although a particular project may constitute a minor impact in itself, the cumulative impacts that result from a large number of such projects could cause a significant impairment of water resources and interfere with the productivity and water quality of

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existing aquatic ecosystems.

Cumulative impacts can result from many different activities including the addition of materials to the environment from multiple sources, repeated removal of materials or organisms from the environment, and repeated environmental changes over large areas and long periods. More complicated cumulative effects occur when stresses of different types combine to produce a single effect or suite of effects. Large, contiguous habitats can be fragmented, making it difficult for organisms to locate and maintain populations between disjunctive habitat fragments. Cumulative impacts may also occur when the timings of perturbations are so close in space that their effects overlap.

Impacts resulting from the proposed project will be felt along the eastern edge of the peninsula that extends south from Portland, TX. A project similar to this was constructed in 2006 on the northwest portion of Shamrock Island in the eastern portion of Corpus Christi Bay. Additionally, in 2010 the same applicant received authorization (SWG-2007-00576) for the construction of either an earthen or stone berm around a 148-acre area in order to restore a marsh complex and create habitat behind it in phases. The work on that project is largely complete, but ongoing.

The impacts that are expected in that area from the proposed project include the enhancement of emergent wetlands and seagrasses adjacent to the shoreline on the east side of Indian Point by making conditions more favorable for their growth. Avoidance and minimization methods proposed for this project are to provide breaks in the breakwaters at various intervals to allow for fish passage and water circulation. Compensatory mitigation is not being proposed since the project itself is designed to mitigate adverse impacts to the area.

Other past actions that have had impacts in the same area are BOPCO, LP (SWG-2007-00538) that authorized expansion of an existing well pad, near Sunset Lake. This well pad expansion involved placement of approximately 4,020 cubic yards of sand, gravel and/or caliche below the plane of the Annual High Tide Line in approximately 1.66 acres of jurisdictional area. As of the date of this writing, the expansion of the well pad has not taken place. The impacts from these actions are the removal of 1.66 acres of vegetated and un-vegetated sandflats from productivity and an increase in noise and light pollution from the attendant features of the well pad expansion.

Future conditions within the study area are expected to be fairly constant since much of the Indian Point peninsula is jurisdictional and there are efforts afoot to protect and enhance both sides of the peninsula. Reasonably foreseeable future actions that could affect these conditions/aquatic resources include additional expansion of the created marsh on the west side of Indian Point and additional shoreline protection efforts north

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of the project area; however, in each case no new work has been proposed or contemplated to our knowledge. The overall impact that can be expected if these impacts are allowed to accumulate is the protection and enhancement of wetland and aquatic conditions around Indian Point.

When considering the overall impacts that will result from this project, in relation to the overall impacts from similar past, present, and reasonably foreseeable future projects, their cumulative impacts are not considered to be significantly adverse. Associated compensatory mitigation requirements for projects requiring a DA permit will help offset such losses. It is likely we will receive similar projects in the future, which will go through a comparable review process. Overall, the project will result in minimal environmental impacts and minimal impacts on fish and wildlife values.

**9. General Evaluation Criteria Under the Public Interest Review.**

- a. The relative extent of the public and private need for the proposed work: There are not any private benefits associated with this project. The public benefits include a decrease in the rate that the shoreline is eroding adjacent to a public park. Other benefits include all those associated with the enhancement of the seagrasses and emergent vegetation behind the proposed breakwaters.
- b. The practicability of using reasonable alternative locations and/or methods to accomplish the objective of the proposed structure or work: There are no unresolved conflicts regarding resource use.
- c. The extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public and private uses which the area is suited: The beneficial effects associated with the utilization of the water/property would be permanent.

**10. Coordination and Resolution of Comments.**

- a. Corps Internal Review Concerns. The proposed action was coordinated with Corps offices by Internal Review notice dated 13 May 2014. The South Area Office, Operations and Real Estate Division responded, stating they had no comment regarding the proposed project. No comments were received from any other office.
- b. Public Notice Coordination. In the evaluation of this permit application, it was determined that the proposed work would be minor, would not have significant individual or cumulative impacts on environmental values, and should encounter no appreciable opposition; therefore, in accordance with 33 C.F.R. 325.2(e)(1), a Public Notice was not

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required. An Interagency Coordination Notice was mailed and electronically mailed on 6 June 2014. These entities included but are not limited to the following:

U.S. Fish and Wildlife Service (FWS)  
National Marine Fisheries Service (NMFS)  
Environmental Protection Agency (EPA)  
U.S. Coast Guard (USCG)  
Texas Commission on Environmental Quality (TCEQ)  
Texas Parks and Wildlife Department (TPWD)  
Texas Coastal Coordination Council (CCC)  
General Land Office (GLO)  
National Ocean Survey, Atlantic Marine Center (NOS)

c. Response to the Interagency Coordination Notice.

(1) Federal Agencies.

The FWS submitted a statement by electronic mail, dated 13 June 2014, stating that significant adverse effects on fish and wildlife, their habitats, or human uses thereof are not expected to result from the proposed work or activities. Therefore, the Service has no objection from the standpoint of fish and wildlife to the issuance of a permit related to this notice.

The NMFS submitted a statement by electronic mail, dated 6 June 2014, stating that they anticipate that any adverse effects that might occur on marine and anadromous fishery resources would be minimal, therefore, NMFS does not object to the issuance of the permit.

No response was received from the EPA.

(2) Federally Recognized Native American Tribes and Affiliated Groups.

No response was received from any federally recognized Native American Tribes and/or affiliated groups.

(3) State and Local Agencies. The Texas Parks and Wildlife Department (TPWD) submitted a letter, dated 17 June 2014, stating that the project plans do not identify the landward limit of seagrass within the proposed revetment area, and that the agent stated that the proposed revetment would essentially be placed within the same footprint as the existing rip-rap. In response to concerns for potential indirect impacts to adjacent seagrass and marshes, the agent stated that the indirect effect of the proposed

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revetment on adjacent habitats would be no different than that of the existing rip-rap. In order to water quality and adjacent habitats, the TPWD recommended the use of turbidity curtains during all construction activities associated with the project. In addition, TPWD stated that according to the proposed project plans, the authorized revetment structure that follows the natural spit feature at the tip of Indian Point is no longer depicted, and the proposed project description does not state that this feature would be removed from the authorized plans. TPWD recommended that the applicant should clarify if the authorized structure should remain as part of the authorized project and revise plans accordingly; otherwise the removal of this feature from the project plans may be assumed.

The Texas General Land Office (GLO) responded by letter, dated 9 July 2014, stating that it has been determined that there are no significant unresolved consistency issues with respect to the project; therefore, the project is consistent with the CMP goals and policies.

No response was received from the Texas Commission on Environmental Quality (TCEQ).

(4) Individual and Organized Groups. No response was received from any individual or organized group.

d. Applicant's Response to Comments. The comment letter received during the Interagency Coordination comment period was forwarded to the applicant by electronic letter dated 23 June 2014. The applicant responded to the comments by electronic letter, dated 23 June 2014.

In response to the comment received from TPWD, the applicant stated that the authorized revetment structure that follows the natural spit feature at the tip of Indian Point is no longer depicted because it is no longer going to be constructed (i.e. no longer part of the project plans); therefore the permit drawings do not need to be revised since they show the currently proposed project submitted for authorization under the recent amendment request.

e. Corps's Consideration of Substantive Comments. With regard to the TPWD comments that turbidity curtains should be used during all construction activities associated with the project, the applicant agreed to this measure as part of the original permit authorization.

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11. Compensation and Other Mitigation Actions.

a. Compensatory Mitigation.

(1) Is compensatory mitigation required for unavoidable impacts to jurisdictional aquatic resources to reduce the individual and cumulative adverse environmental effects to a minimal level?  yes  no: The proposed permit amendment to add an additional 250 linear feet (approximately 750 CY) of graded rip-rap revetment along the south shoreline of Indian Point, add an alternate revetment style to construct the revetment above the mudline, add of an option to connect a breakwater (via a 100 foot extension) with the revetment near the north corner of the parking lot which will provide further protection to a currently eroding shoreline. In addition, the placement of this shoreline protection will add hard substrate to serve as habitat for those organisms which benefit from this type of material. No further mitigation is required.

(2) Is the impact in the service area of an approved mitigation bank?

yes  no

(i) Does the mitigation bank have appropriate number and resource type of credits available?  yes  no

(3) Is the impact in the service area of an approved in-lieu fee program?

yes  no

(i) Does the in-lieu fee program have appropriate number and resource type of credits available?  yes  no

(4) Check the selected compensatory mitigation option(s):

- mitigation bank credits
- in-lieu fee program credits
- permittee-responsible mitigation under a watershed approach
- permittee-responsible mitigation, on-site and in-kind
- permittee-responsible mitigation, off-site and out-of-kind

(5) If a selected compensatory mitigation option deviates from the order of the options presented in §332.3(b)(2)-(6), explain why the selected compensatory mitigation option is environmentally preferable. Address the criteria provided in §332.3(a)(1) (i.e., the likelihood for ecological success and sustainability, the location of the compensation site relative to the impact site and their significance within the watershed, and the costs of the compensatory mitigation project): N/A

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(6) Other Mitigation Actions. N/A

**12. Determinations.**

a. Public Hearing. No request to hold a public hearing for the proposed project was received during the public interest review.

b. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed project has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR PART 93.153. Any later indirect emissions are generally not within the Corps continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons, a conformity determination is not required for this individual permit.

c. Relevant Presidential Executive Orders.

(1) EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians. Through our coordination with the federally recognized Native American Tribes, affiliated groups, and Corps staff archaeologist we have determined that this action has no substantial direct effect on one or more Indian Tribes.

(2) EO 11988, Floodplain Management. The proposed project is not located within the floodplain.

(3) EO 12898, Environmental Justice. In accordance with Title III of the Civil Right Act of 1964 and EO 12898, it has been determined that the project would not directly or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin nor would it have a disproportionate effect on minority or low-income communities.

(4) EO 13112, Invasive Species. There were no invasive species issues involved.

(5) EO 13212 and 13302, Energy Supply and Availability. The proposed project is not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

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d. The below special conditions supersede all previous permit special conditions.

- 1) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- 2) When structures or work authorized by this permit are determined by the District Engineer to have become abandoned, obstructive to navigation or cease to be used for the purpose for which they were permitted, such structures or other work must be removed, the area cleared of all obstructions, and written notice given to the Corpus Christi Regulatory Field Office within 30 days of completion.

Rationale: In accordance with 33 325.4 Conditioning of permits, the district engineer will add special conditions to Department of Army permits when such conditions are necessary to satisfy legal requirements or to otherwise satisfy the public interest requirements. The above special conditions are required for fulfillment of the public interest requirements specified according to 33 CFR 320.4(o)(3) Navigation.

e. Findings of No Significant Impact. There have been no significant environmental effects identified resulting from the proposed work. The impact of this proposed activity on aspects affecting the quality of the human environment has been evaluated and it is determined that this action does not require an Environmental Impact Statement.

f. Compliance with 404(b)(1) guidelines. We have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application, as well as the stated views of other interested Federal and non-Federal agencies and the concerned public, relative to the proposed work in navigable waters of the United States. This evaluation is in accordance with the guidelines contained in 40 C.F.R. 230 pursuant to Section 404(b)(1) of the Clean Water Act. We have determined that the proposed discharge complies with the 404(b)(1) guidelines.

g. Public Interest. We find that issuance of a Department of the Army permit is not contrary to the public interest.

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**FOR THE COMMANDER:**

**PREPARED BY:**

mat k  
Matthew Kimmel  
Regulatory Project Manager

Date: 7/16/14

**REVIEWED/APPROVED BY:**

Nicholas Laskowski  
NICHOLAS LASKOWSKI  
Supervisor, Corpus Christi Regulatory Field Office  
Regulatory Division, Galveston District

Date: 7/16/14