Public Notice

U.S. Army Corps Of Engineers

Galveston District

Permit Application No: SWG-2015-00444

Date Issued: 14 April 2016

Comments Due: 16 May 2016

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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT:
Jefferson County Engineering Department
1149 Pearl Street, 5th Floor
Beaumont, Texas 77701

AGENT:
LJA Engineering, Inc.
323 23rd Street
Galveston, Texas 77550
Telephone: 409-291-5346
POC: Ms. Victoria Jones

LOCATION: The project site includes approximately 20 miles of beach along the McFaddin National Wildlife Refuge (NWR), 1,021 acres of marsh, and a borrow site approximately 1.5 miles offshore from the NWR in Chambers and Jefferson Counties, Texas. The project can be located on the U.S.G.S. quadrangle map titled: TX-SOUTH OF STAR LAKE, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.61166° North; Longitude: 094.21978° West

PROJECT DESCRIPTION: The proposed project consists of restoring approximately 104,150 linear feet of dune ridge and beach face by hydraulically pumping sediment from a 241-acre borrow site located in the Gulf of Mexico (GOM) approximately 1.5 miles offshore from the project location. The proposed beach widths would range from 200-300 feet in width and the dune crest heights would be approximately +6- to +9-foot NAVD88. The beach nourishment and dune creation portion of the project would involve the discharge of approximately 4.1 million cubic yards of sandy material into 1,004.16 acres of tidally influenced beach and open water. The applicant is proposing to place an unknown volume of fine-grained material (silt and clay) that would have to be dredged to get to the sand source for grade restoration in 1,021 acres of marsh shoreward of the proposed beach nourishment. Any excess fine-grained material not used for grade restoration would be placed in the secondary 564-acre placement area just offshore from the proposed borrow site shown in the project plans. The sediment would be excavated and hydraulically pumped to the shoreline through temporary pipeline corridors between the source and the beach, and then along the beach. This method reduces the time-stamp any single pipeline is in place to approximately 180 days or fewer. The borrow area is in existing water depths of 18 to 27 feet. The design criterion for dune elevation and beach height and width is intended to reduce inundation events into the NWR marshes, reduce shoreline retreat rates, and return sandy sediment to the littoral system.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have designed the project to avoid and minimize the environmental impacts. Further discussion is included in the attached Alternatives Analysis.

MITIGATION: The purpose of the project is habitat restoration, as such no compensatory mitigation is proposed.

CURRENT SITE CONDITIONS: The shore face at McFaddin NWR consists generally of clay overlain by a thin sand veneer. In recent history, the beach ridge separating the Gulf from interior marshes was sufficiently high preventing sea water inundation from the GOM, with the exception of storm surge episodes associated with significant tropical storms or hurricanes. The frequency of such inundation was on the order of years to a decade or more. Unlike that of a more typical sand beach, the upper portions of the clay shore face above the water line cannot be regenerated by the action of non-storm waves, due to the small cliff-type (vertical) profiles formed by wave-clay interaction. In addition, removal of the sand veneer from these clay ridges has resulted in increased turbidity within the water column due to direct wave interaction with the clay.

The dune system has been decimated over the years by ongoing annual erosion, seasonal storm events, and hurricanes. Shoreline retreat has accelerated from historic rates around -20 feet per year, to as much as -40 feet per year in places. Hurricane Ike flattened much of the remaining beach ridge separating the GOM from the interior marshes, moving a significant amount of sand outside the active profile either seaward onto the submerged continental shelf or landward into the marsh. The loss of sand from the active beach system has eroded the dune crest, thus reducing elevations to the extent sea water now routinely inundates the formerly fresh and brackish marsh in the NWR interior. The results will be marsh loss on a massive scale and Gulf shoreline retreat measured in miles, rather than in feet, until it reaches one of the busiest segments of the Gulf Intracoastal Waterway.

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. The applicant's Alternatives Analysis is enclosed in 7 sheets and the applicant's Adaptive Management Plan is enclosed in 3 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 McFadden Beach site is a popular and well known archeological site. The site is located offshore and appears to be a large Paleoindian campsite. Additionally, there are numerous Archaic age archeological sites on shore in the marsh. Artifacts from the Paleoindian site continually wash on shore and artifacts from the Archaic site continually wash down from the marshes. This makes the beach a popular location for artifact collectors. Both Professional Archeologists and the public may have issues with this project.

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 GOM. 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 **16 May 2016**. 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-2015-00444**, and should be submitted to:

Jeffrey F. Pinsky
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Galveston, Texas 77553-1229
409-766-3087 Phone
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DISTRICT ENGINEER
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