



Public Notice

U.S. Army Corps Of Engineers March	Permit Application No:	SWG-2009-00833
	Date Issued:	11 March 2010
	Comments Due:	12 April 2010

**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.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

APPLICANT: Texas General Land Office
1700 North Congress Avenue, Suite 935
Austin, Texas 78701-1496
Telephone: 512-936-1927
POC: Larry Laine

AGENT: Taylor Engineering, Inc.
10151 Deerwood Park Boulevard, Suite 300
Jacksonville, Florida 32256-0555
Telephone: 904-731-7040
POC: Michael Trudnack

LOCATION: The project is located in Rollover Pass adjacent to the Gulf of Mexico, off State Highway (SH) 87 and near Gilchrist, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: High Island and Frozen Point, Texas. Approximate UTM Coordinates in NAD 83 (meters): Zone 15; Easting 354612.138 Northing: 3265251.64; Latitude: 29.5084 Longitude: -94.5000.

PROJECT DESCRIPTION: The applicant proposes to impact approximately 11 acres of tidal waters during the discharge of approximately 140,000 cubic yards of sand to fill Rollover Pass. Approximately 11 acres of tidal waters of the United States, including one tidal pool created by Hurricane Ike, would be impacted as a result of the proposed filling activities. The proposed project will use a hydraulic dredge connected to a floating pipeline to pump material to Rollover Pass. Heavy equipment would be used to grade and infill the pass to meet elevations of adjacent land.

The specified construction methodology will use a combination of permanently installed sheet pile walls and geotextile bags to close the pass. The existing SH 87 Bridge and all utilities would remain intact after construction. Demolition and/or removal of the existing steel and concrete walls throughout the pass would occur after stabilization of the fill. One of the following three sand sources, local Dredged Material Placement Areas (DMPAs), Rollover Bay (Department of the Army Permit 21755 and amendments) or the Gulf Intracoastal Waterway (GIWW), would provide the needed sand. The use of DMPA 36 (see sheet 7 of 8) would require that sand would be pumped from the DMPA to Rollover Pass. Booster pumps placed in the GIWW would be required to relocate dredged material from the DMPA to Rollover Pass. The stated purpose of the project, based upon studies, is to reduce U.S. Army Corps of Engineers (Corps) maintenance dredging requirements within the GIWW. Additionally, according to studies and modeling performed by the applicant, closure of the pass may reduce accelerated beach erosion caused by the pass. No special aquatic sites will be impacted and no compensatory mitigation for losses to impacted waters is being proposed. To mitigate the loss of recreational fishing area, the applicant is considering several options, including the construction of a fishing pier adjacent to Rollover Pass. Those plans are being discussed with residents and are not final at this point (see sheet 8 of 8).

The applicant has considered both a no-build and preferred alternative for this project. According to the applicant, the no-build option does not provide needed erosion protection for local beachfront areas.

BACKGROUND: Rollover Pass was created in 1955 to enhance recreational fishing opportunities. The pass provides a tidal connection between the Gulf of Mexico and Rollover Bay. The site has become a popular, recognized recreational fishing spot which attracts many fishermen to the area.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified. 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 Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: The project site is located within the Texas Coastal Zone and requires certification from the Texas Coastal Management Program.

STATE WATER QUALITY: This project would result in a direct impact of greater than three acres of waters of the state or 1500 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. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing 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 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: 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 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 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: 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 whether the issues are substantial and should be considered in the permit decision. 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 **12 April 2010**. 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 be submitted to:

Steven Walls
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3125 Phone; 409-766-6301 Fax

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