



Public Notice

| | | |
|---|------------------------------|------------------|
| U.S. Army Corps Of Engineers | Permit Application No: _____ | SWG-2018-00945 |
| | Date Issued: _____ | 24 January 2019 |
| | Comments _____ | |
| Galveston District | Due: _____ | 25 February 2019 |

**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 404 of the Clean Water Act (CWA).

APPLICANT: Howard Street Condos
140 Bluewater, #1
Surfside Beach, Texas 77541
Telephone: 832-419-2878
POC: Larry Davison

AGENT: Allen Engineering and Science
6360 I-55 North, Suite 330
Jackson, Mississippi 39211
Telephone: 225-301-7167
POC: Brad Marler

LOCATION: The project site is located on the Gulf of Mexico, on the south side of Surf Drive, in Surfside Beach, Brazoria County, Texas. The property is bordered on the north side by Surf Drive, to the west by Starfish Drive, to the south by Surfside Beach, and to the east by Texas State Highway 332. The project can be located on the U.S.G.S. quadrangle map titled: Freeport, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.95012 North; Longitude: -95.2864 West

PROJECT DESCRIPTION: The applicant proposes to excavate and fill approximately 0.23 acre of waters of waters of the U.S. (palustrine emergent wetlands) in order to construct a mixed-use development consisting of condominiums, roadways, and parking lots on the south side of Surf Drive.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding the maximum extent of wetlands (0.69 acre) of wetlands. No jurisdictional areas will be used to enter the project area or to store materials. The structures will be elevated greater than four feet off the ground allowing sun to penetrate as it crosses the horizon. The applicant will use silt fences to minimize impacts from stormwater runoff. And, temporary construction laydown or staging areas will be located outside any jurisdictional areas.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by restoring 0.32 acre of the non-tidal emergent wetlands. The existing emergent non-tidal wetland the adjacent upland areas to be excavated will be used as reference elevations. Please refer to the attached mitigation plan.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of property that is approximately 3.5 acres in size. The site is located in Austin-Oyster Watershed and is adjacent to the Gulf of Mexico. The project site is bordered by residential units to the southwest and southeast. There are three condominiums along the southwest corner of the tract on Starfish Street. The site is bordered by disturbed open-space to the northwest and northeast. The site contains a 0.914 acre potentially jurisdictional non-tidal emergent wetland.

With respect to vegetation, the herbaceous upland habitat generally consists of Indian blanket (*Gaillardia pulchella*), annula ragweed (*Ambrosia artemisiifolia*), partridge pea (*Chamaecrista fasciculata*), torpedo grass (*Panicum repens*), largeleaf pennywort (*Hydrocotyle bonariensis*), bushy bluestem (*Andropogon glomeratus*), saltmeadow cordgrass (*Spartina patens*), saltgrass (*Distichlis spicata*), spikerush (*Eleocharis* sp.), and sturdy bulrush (*Bolboschoenus robustus*). The herbaceous non-tidal wetland habitat generally consists of torpedo grass, largeleaf pennywort, spikerush, sturdy bulrush, saltgrass, Gulf cordgrass, bushy seaside tansy, and turtleweed.

With respect to soil characteristics, the site is underlain with Galveston fine sand, 0 to 3 percent slopes, occasionally flooded and Madre fine sand, 0 to 1 percent slopes, occasionally flooded and frequently ponded. The topography of the review area is relatively flat. Elevations on the site range from approximately zero to five feet above mean sea level. Site drainage generally is directed to the non-tidal wetland.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans and mitigation plans are enclosed in 10 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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 permit area has been so extensively impacted by erosion, subsidence, and other earth moving activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

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.

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 **25 February 2019**. 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-2018-00945**, and should be submitted to:

Central Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS