



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2006-01048

Date Issued: 10 March 2020

Comments

Due: 9 April 2020

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## 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:** CITY OF CORPUS CHRISTI  
1201 Leopard Street  
Corpus Christi, Texas 78401-2120  
POC: Mr. Larijai Francis  
Telephone 361-825-3211

**AGENT:** LJA ENVIRONMENTAL SERVICES  
5350 South Staples, Suite 425  
Corpus Christi, Texas 78411-4687  
POC: Mr. Jay Gardner  
Telephone 361-360-2138  
Email: jgardner@lja.com

**LOCATION:** The project is located adjacent to the Laguna Madre and in Redhead Pond, along Laguna Shores Road at Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Oso Creek, NE, Texas.

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

Project Site: Latitude: 27.636966 North; Longitude: -97.287671 West

Mitigation Site: Latitude: 27.641977 North; Longitude: -97.287880 West

**PROJECT DESCRIPTION:** The applicant proposes to fill approximately 1.32 acres of waters of the United States in association with raising and widening three sections of Laguna Shores Road to 12-foot-wide lanes with 4-foot shoulders. Segment 1 is from South Padre Island Drive to Graham Road. Segment 2 is from Hustlin Hornet to

Caribbean Drive. Segment 3 is from Mediterranean Road to the south terminus. Areas directly adjacent to Section 10 waters would utilize interlocking pavers for slope stabilizations. These pavers have spaces that will be filled with sand and planted with native wetland plants. A living shoreline component is also included in Segment 1 near the intersection of Graham Road. This living shoreline will include construction of low-crested stone breakwaters and geotextile filter fabric with riprap consisting of 160 cubic yards of fill within a 0.134-acre footprint.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by re-aligning the roadway in Segment 2 to avoid impacts to Section 10 waters. Also, culvert replacements along the road will be located in the same footprint.

**MITIGATION:** Mitigation is proposed at Redhead Pond by restoring hydrology by removing an inadequate storm water system, construction of approximately 540 feet of open concrete-lined ditch in the 30-foot utility easement, installing an intake structure with wing-walls, and installing 480 feet of an 8-foot by 3-foot reinforced concrete box. The hydrologic restoration would be towards 9.75 acres of an open water freshwater pond, Redhead Pond, which is adjacent to the project site. This area has been converted from a freshwater source for many wintering duck and shorebird populations to a saline/brackish water pond due to re-routing of stormwater infrastructure changes in the area and rising tides. The property was originally acquired by Texas Parks and Wildlife Department with the purpose to protect and enhance waterfowl habitat and wetland natural resources. The living shoreline component will not be a part of the mitigation plan and is already included in the impact calculations. The applicant's mitigation plan is enclosed in 7 sheets.

**CURRENT SITE CONDITIONS:** The project site was initially developed using mud shell and oyster shell in the 1930's and 1940's. In the 1950's, the road was filled with caliche base and topped with asphalt as a City street. The area around Laguna Shores Road has expanded since with neighborhoods, a marina, and commercial development. The project site is also surrounded by existing wetlands and mud flats adjacent to the Laguna Madre. A wetland delineation has been submitted to the Corps for review.

**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 30 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.

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 1500 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 construction and maintenance of Laguna Shores Road 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.

**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 **9 April 2020**. 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-2006-01048**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RD-R  
U.S. Army Corps of Engineers  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
361-814-5847 Phone  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS