



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2012-00963
	Date Issued: _____	9 August 2018
	Comments _____	
Galveston District	Due: _____	24 August 2018

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.

APPLICANT: Clayton's Beach Bar and Grill
6900 Padre Blvd.
South Padre Island, Texas 78597
Telephone: 956-761-5900
POC: Clayton Brashear

LOCATION: The project is located in the Gulf of Mexico at 6800/6900 Padre Boulevard in South Padre Island, Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled Port Isabel, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 26.137194 North; Longitude: 97.167403 West

PROJECT DESCRIPTION: The applicant is requesting to amend the currently authorized recreational public use pier that consists of a 15-foot-wide by 200-foot-long walkway that leads to the 60- by 100-foot concession area, which leads to a 15- by 650-foot walkway that terminates at the 50- by 50-foot T-Head. This authorization included the installation of approximately 240 pilings to support the pier for improved structural strength (engineer recommendation). The total authorized footprint of the pier is approximately 21,250 square feet (or 0.49 acre). This permit was issued on 9 February 2018.

This amendment request consists of:

- 1) widening the walkway of the pier to 16 feet wide;
- 2) increasing the concession area to 60-foot-wide by 175-foot-long;

- 3) increasing the footprint to 26,368 square feet (0.61 acre);
- 4) the addition of a 10-foot-wide by 50-foot-long boardwalk from the 40- by 50-foot covered deck area at the base of the pier (located in non-jurisdictional areas);
- 5) changing the concession area to a fully functioning food preparation area or kitchen;
- 6) increasing the number of bathrooms from 1 multi-gender use to 2 separate gender bathrooms; and
- 7) the addition of appropriate utilities such as plumbing, electrical, waste, etc.

No changes are being proposed to the construction techniques, materials to be used, or the timeframe of when to do the work.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by stating: "Previous site surveys found no seagrass, oyster reefs, or wetlands in the area of the proposed location of the fishing pier. No adverse impacts to aquatic resources are anticipated by the construction of the pier."

MITIGATION: The applicant has not proposed to mitigate for the proposed impacts.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land surrounded by commercial development to the north and condominiums to the south. Half of the undeveloped tract of land is planned to eventually be a parking lot with a gift shop, and the other half of the undeveloped tract is planned to be a hotel. The proposed pier extends out from over the shoreline or beach area, and then out over the Gulf of Mexico, which is categorized as marine open water aquatic habitat.

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 2 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.

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.

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 project is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project 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. The previous action resulted in USFWS conservation measures (consultation number: 02ETCC00-2013-I-0068) to be added to the authorization. NMFS issued a Biological Opinion (SER-2013-12597) requiring reasonable and prudent measures. We will initiate consultation with the agencies to amend the current Biological Opinion to include the proposed changes described in the project description above.

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 **24 August 2018**. 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-2012-00963**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RDR
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
361-814-5912 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS