



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2010-00891
	Date Issued: _____	14 February 2013
	Comments Due: _____	18 March 2013

**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.

APPLICANT: SPI Bayside Ventures
4300 South Bridge Avenue
Weslaco, Texas 78596-2008
Telephone: 956-607-7872
POC: Ben Cherry

AGENT: Mike Gonzalez
P.O. Box 3061
South Padre Island, Texas 78597-3061
Telephone: 956-761-8750

LOCATION: The project is located in the Laguna Madre and its adjacent wetlands, at 1201 Padre Boulevard, on 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: 26.093537 North; Longitude: -97.166147 West

PROJECT DESCRIPTION: The applicant proposes to discharge 21,000 cubic yards of fill material over 2.238 acres of jurisdictional wetlands in order to bring the project area to elevations suitable for development. The applicant proposes to then construct on the filled area and the adjacent uplands a high-end, 111-room hotel with meeting and event space with amenities such as pools/Jacuzzis, tennis courts, and a parking area, including approximately 164 parking spaces. The hotel development will also include a 17,000-square-foot retail space. The hotel building and retail space will be constructed over existing uplands, while the pools/Jacuzzis, tennis courts, parking spaces and connecting drives will be constructed in jurisdictional waters. The applicant further proposes to construct an 800-foot-long retaining wall located 350 feet west of their property boundary fronting Padre Boulevard. The purpose of the project is to provide temporary lodging and retail facilities for tourists and residents within the developed portion of the Town of South Padre Island, extending between Boca Chica Pass and the South Padre Island Convention Centre.

AVOIDANCE AND MINIMIZATION: The applicant has stated that avoidance would result in either no further development on the tract or a kind of development the owners are currently not interested in pursuing. The applicant has also stated that they have minimized their impacts by considering various project layouts.

MITIGATION: The applicant proposes to mitigate for the proposed impacts by enhancing the existing jurisdictional sand flat by planting freshwater and mangrove wetlands onsite at a 1:1 ratio. The applicant proposes to expand the existing drainage pipe located at the north end of the property to just past the proposed retaining wall and plant a 0.067-acre area with cattails. The applicant also proposes to plant mangroves on 3-foot centers on a 0.573-acre existing jurisdictional sand flat area, located immediately west of the proposed retaining wall. No mitigation is proposed for the 1.598 acres of sand flats to be filled.

Additionally, the applicant proposes to enhance a 12-acre tract they own offsite, located just east of the Lower Rio Grande National Wildlife Refuge, in Hidalgo County, Texas. The 12-acre site currently consists of 3.70 acres of drainage/wet area and 8.30 acres of upland area. The applicant proposes to revegetate the area to create more freshwater wetland habitat.

CURRENT SITE CONDITIONS: The project site currently consists of 1.850 acres of uplands, 0.573 acres of mangroves, 1.598 acres of sand flats, and 0.067 acres of freshwater wetlands. The upland portion of the project site is currently developed and was used as a race-car track entertainment venue. The project site borders Padre Boulevard to the east, and the Laguna Madre to the west. A residential condominium exists to the north, and an undeveloped tract of land surrounded by commercial development is located to the south of the proposed development.

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 7 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 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 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 may have adverse impacts 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: 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 **18 March 2013**. 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-2010-00891**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS