



Public Notice

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

Galveston District

Permit Application No: SWG-2003-01790

Date Issued: 25 January 2022

Comments

Due: 25 February 2022

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: SUNSET ISLAND, LLC
2110-B Boca Raton Drive, Suite 100
Austin, Texas 78747
POC: Mr. Mitchell D. Kalogridis
Telephone 512-282-6060
Email: mitchell@mkdevelopments.com

AGENT: MUNOZ ENGINEERING
1608 South Brownlee Boulevard
Corpus Christi, Texas 78404
POC: Mr. Ramiro Munoz
Telephone 361-946-4848
Email: ram@munozengrg.com

LOCATION: The project site is located at 13317 S Padre Island Dr, Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Corpus Christi, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.631169 North; Longitude: 97.239599 ° West

PROJECT DESCRIPTION: This is an after the fact permit request to modify the permit to keep the following structures that either had dimensional/configuration modifications or

were not previously authorized. The following are the requested items to be added or modified:

1. Widening the 7-ft wide by 325-ft long section of the dock to 33 ft and tapering down to 23 ft.
2. Addition of six (6) 6-ft by 10-ft finger piers.
3. Widening the 7-ft by 600-ft long section of the dock to 12 ft max.
4. Addition of two (2) 55-ft by 24-ft concrete boat ramps, both structures sitting on select fill material.
5. Addition of five (5) 6-ft by 10-ft finger piers in a different location than the previously authorized piers.
6. Addition of covered boat slips (24 10-foot by 25-foot and 7 10-foot by 23-foot) and lifts attached to the bulkhead on the northeast side of the marina and the conversion of one (1) boat slip into a t-shirt shop.
 - a. The majority of the boat slips were authorized as non-covered slips.
7. Addition of a 12-ft by 6.5-ft kayak launch at the end of the 600-ft long section of the pier.

The majority of the changes are reconstruction activities related to severe damage caused in 2017 by Hurricane Harvey. All of the footprint changes except for the kayak launch are within the marina's main channel.

AVOIDANCE AND MINIMIZATION: This is an after the fact permit process and no avoidance and minimization measures were taken during construction related activities. One additional structure (Jet Ski Ramp/storage) was removed from the 90° corner of the pier due to its location over existing seagrass beds and potential negative impacts to the seagrass due to the jet skis traveling over the seagrass.

MITIGATION: The applicant has not proposed to mitigate for potential impacts from the historic construction related activities.

CURRENT SITE CONDITIONS: The current project site is an active marina and restaurant in the configuration listed in the project description. A seagrass survey was conducted in 2018 and again in 2021 to compare potential loss of special aquatic sites. In 2018 the site contained a large bed of primarily shoalgrass (*Halodule wrightii*) and manatee grass (*Syringodium filiforme*) and other submerged aquatic vegetation. The 2021 survey identified the same primary species; however, it also identified peanut grass (*Halophilla engelmanni*) and oyster shell hash. The results of the comparison of the two (2) surveys identified approximately 0.187 acres of seagrass loss; however, some of the loss of seagrass was replaced by oyster hash. The primary area of loss of seagrass was under or adjacent to the Jet Ski launch. It should be noted the 2021 survey was conducted a few days after Hurricane Nicholas impacted the Corpus Christi area with picture evidence of large volumes of seagrass floating in the water column. Adjacent to the current dock are three small tidally influenced islands covered in black mangroves (*Avicennia germinans*), and adjacent to the main building, restaurant, and parking lot is an undisturbed tidal flat that includes additional black mangroves and other tidal vegetation. The 2021 seagrass survey is enclosed in 30 pages.

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 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.

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.

LEAD FEDERAL AGENCY: The Corps has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps.

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 constructed project is of such limited nature and extent that an archeological survey would not have been requested. The constructed project had no potential to affect historic properties even if present within the permit area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat would have been 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 **25 February 2022**. 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-2003-01790**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS