



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2011-01140
	Date Issued: _____	30 June 2020
	Comments _____	
Galveston District	Due: _____	31 July 2020

**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: Grand Beach Development, LLC
16401 Country Club Drive, Building B
Crosby, Texas 77532
POC: Mr. Richard Anderson
Telephone: 713-223-4610
Email: randerson@falcongroup.com

AGENT: Berg Oliver Associates, Inc.
14701 St. Mary's Lane, Suite 400
Houston, Texas 77079
POC: Mr. Keith Morgan
Telephone: 281-589-1981
Email: kmorgan@bergoliver.com

LOCATION: The project site is located in palustrine emergent wetlands, within a 33.76-acre site, located south of East Beach Drive, in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Galveston, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.312611° North; Longitude: 094.759872° West

PROJECT DESCRIPTION: The applicant proposes to amend Department of the Army (DA) Permit SWG-2011-01140 to change the authorized purpose and need of the permit from construction of a single-family residential development to a mixed-use commercial and residential development. The applicant proposes to relocate the previously authorized roadway entrance and discharge 12 cubic yards of fill material into 0.007 acre of adjacent wetlands during the placement of a 40-foot-long by 3-foot-wide by 5-foot-tall reinforced concrete box culvert.

BACKGROUND: DA Permit No. SWG-2011-01140, issued on 10 April 2014 and expired on 31 December 2019, authorized the discharge of approximately 1,113 cubic yards of select fill into a 0.47 acre of palustrine emergent, dune-swale wetlands for the construction of a 10-lot residential beachfront subdivision. The plan includes infrastructure and beach access to Galveston Island East Beach.

All previously authorized impacts to 0.47 acre of palustrine emergent wetlands have been completed to date excepting the authorized impacts for the proposed relocated roadway crossing. The single-family residential development was not constructed.

The required mitigation had been completed, in August 2019, for the permitted impacts to 0.47 acre of palustrine emergent wetlands by successfully implementing a permittee-responsible on-site mitigation plan. The applicant created 1.016 acre of palustrine emergent wetlands contiguous with or adjacent to the permitted areas. The mitigation was designed to compensate for the impacts at a 2.2:1 ratio. The created wetlands are palustrine emergent dune-swale wetlands situated adjacent to the Gulf of Mexico. The mitigation area has been determined to be in compliance with all terms and conditions of the previously authorized permit.

AVOIDANCE AND MINIMIZATION: The applicant avoided impacts to a total of 1.093 acres of palustrine emergent wetlands.

MITIGATION: The proposed impacts to 0.007 acre of wetlands for the relocated roadway crossing will have been compensated by previously completed permittee-responsible on-site mitigation plan. No additional mitigation is proposed for this amendment.

CURRENT SITE CONDITIONS: The project site is 33.76 acres located adjacent to the Gulf of Mexico, landward of the existing dune line, near the eastern end of Galveston Island. The project site is an undeveloped non-forested area bordered by an adjacent roadway development, East Beach Drive, utilized by the developments Palisade Palms and Beachtown that are situated to the east of the project site. The project site was comprised of 1.58 acre of wetlands, and 32.18 acres of uplands. The wetlands that occurred on the interior of the property were separate depressions in the landscape. The project site has evidence that the entire area may have been influenced by past human manipulation. The project site appears to have two existing culverts within the wetlands adjacent to East Beach Drive.

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 compliance inspection has been completed and was verified by the Corps in June 2020. The applicant's plans are enclosed in 6 sheets and the previously authorized plans in 13 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 proposed project, an extension of time and change in the type of buildings being constructed, 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: 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 **31 July 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-2011-01140**, and should be submitted to:

Central Unit/Evaluation Branch
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