



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-1991-01026
	Date Issued: _____	10 November 2020
	Comments _____	
Galveston District	Due: _____	14 December 2020

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: University of Texas at Austin
1301 E. Dean Keeton, Rm 2.102
Austin, TX 78722-2454
POC: Sang Lee
Telephone 512-769-5671
Email: sang.lee@austin.utexas.edu

AGENT: LJA Engineering, Inc.
5656 South Staples Street Suite 230
Corpus Christi, Texas 78411
POC: Victor M. Gutierrez Jr., P.E.
Telephone: 361-991-8550
Email: vgutierrez@lja.com

LOCATION: The project site is located along the Corpus Christi Ship Channel on the south jetty approximately 340 feet to the southeast of the University of Texas Marine Science Institute (UTMSI) in Port Aransas, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Aransas, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.837911 North; Longitude: 97.050547 West

PROJECT DESCRIPTION: The applicant proposes to amend (previous permit number 19588) a previously authorized structure (UTMSI) pier by shifting the footprint approximately 44-feet to the west of the original footprint due to geotechnical limitations. The proposed research pier improvements will consist of precast concrete elements (piles, pile caps double "tee" beams, timber handrails, octagon pier head, octagon shaped instrument building, etc.) using the same dimensions as the previous research pier, over the jetty system and out into the ship channel. The purpose of the pier is to collect meteorological, and marine scientific data and specimens at the Marine Science institute's campus.

The Research Pier is approximately 312-feet by 8-feet wide located on the south side of Corpus Christi Ship Channel and extends 184 feet north from the U.S. Army Corps of Engineer's Jetty, also known as the Port Aransas Jetty. A timber walkway connected the research pier to the institute's Teaching Laboratory on land. Both the Research Pier and Teaching Laboratory will be constructed with a floor elevation at +15 feet mean low tide (MLT) for protection from storm tides with ADA accessibility to both. Two pre-cast concrete piles or cast-in-place piles will be installed within the jetty system foundation rocks in close proximity to the jetty walkway as in the previous research pier. The applicant will use precast forms for the pilings with the placement of concrete (fill material) within the forms and remove the forms once the concrete has hardened. On the upland side, the elevated timber walkway will have a new dog-leg configuration that will terminate at the existing elevated Teaching lab building.

The previous portion of the Research Pier over the water was constructed of a concrete double "tee" beam walkway and an octagon shaped pier head supported by square concrete piles and a concrete pile cap. The previous octagon shaped pier head spanned 36-foot and the walkway spanned 12-foot wide in both the concrete portion over the water and timber portion on land. The UTMSI did receive an authorization on 12 February 2018 under Nationwide Permit 3 to repair the damages caused during Hurricane Harvey.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by using standard best management practices (BMPs).

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

CURRENT SITE CONDITIONS: During Hurricane Harvey, the impact of an unmoored drill ship severely damaged the UTMSI research pier, instrument building and related appurtenances. Immediately after Hurricane Harvey, the site of the former research pier at UTMSI, along the south side of the Corpus Christi Ship Channel, consisted of a debris field at the bottom of the ship channel and the upland portion located south of the existing jetty system. All underwater and above ground debris has been removed.

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 6 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The TCEQ will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification process, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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 was initiated and

the Corps received a concurrence letter from NOAA, dated 13 September 2019, stating that the proposed action is not likely to adversely affect the NMFS ESA-Listed species or designated critical habitat.

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 **14 December 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-1991-01026**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
5151 Flynn Parkway, Suite 306
Corpus Christi, TX 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS