



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2023-00817
	Date Issued: _____	11 Apr 2024
	Comments _____	
Galveston District	Due: _____	11 May 2024

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: BAY LTD.
P.O. Box 4858
Corpus Christi, Texas 78469-4858
POC: Mr. Randy Feikls
Telephone 361-693-2212
Email: feiklsr@bayltd.com

AGENT: WHITENTON GROUP, INC.
3413 Hunter Road
San Marcos, Texas 78666-5864
POC: Mr. Matthew Haverland
Telephone 512-353-3344
Email: mhaverland@whitentongroup.com

LOCATION: The project is located in wetlands adjacent to the Intracoastal Waterway (ICWW) in Redfish Bay at 1124 County Road 4692, approximately 1.9 miles southeast of Ingleside, San Patricio County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Ingleside, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.863995 North; Longitude: 97.173830 West

PROJECT DESCRIPTION: The applicant proposes to expand an existing commercial facility. The proposed expansion project is located on approximately 15.0 acres of land owned by the applicant. Approximately 9.553 acres of wetlands would be filled using a variety of limestone, concrete, and earthen materials totaling approximately 57,653 cubic yards. The purpose of the expansion is to provide area for material storage, parking, and an approximately 300-foot x 100-foot warehouse.

The purpose of the proposed project would be to meet the ongoing and growing needs of the applicant's facility by providing additional parking and storage areas.

AVOIDANCE AND MINIMIZATION: The proposed expansion project would require development and use of the entire 15-acre site to meet the commercial needs at the applicant's adjacent facility to the north.

MITIGATION: A conceptual mitigation plan for the project is currently being developed by the applicant. Potential exists to utilize permittee-responsible mitigation (PRM) for compensatory mitigation for this project. The applicant has access to potential sites that are nearby, but not immediately adjacent to, the existing facility. The type of mitigation used will be determined during discussions with the Corps.

CURRENT SITE CONDITIONS: The project area is located within the mid-coast barrier islands and coastal marshes of the Western Gulf Coastal Plain ecoregion. The geologic formations found in the area are mostly fine-grained sand deposits of the Beaumont Formation from the Pleistocene Epoch of the Quaternary Period. The project site is currently an undeveloped tract of land consisting of a mosaic of uplands and tidal flats and wetlands. A commercial development is present along the northern property boundary. Residentially developed uplands and wetland areas are present along the western property boundary. Tidal flats and wetlands are present to the east and south. Typical wetland vegetation includes *Spartina patens* (marshhay cordgrass), *Distichlis spicata* (coastal saltgrass), *Borrchia frutescens* (bushy seaside tansy), *Juncus roemerianus* (needlegrass rush), and *Batis maritima* (turtleweed). Dominant species observed in the undeveloped grassland includes *Andropogon virginicus* (broomsedge bluestem) and *Ambrosia psilostachya* (western ragweed). Other species observed included brush seaside tansy, *Schinus terebinthifolius* (Brazilian peppertree), *Andropogon glomeratus* (bushy bluestem), and *Monanthochloe littoralis* (shoregrass).

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 three 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 Texas Commission on Water Quality (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 contacted TCEQ and initiated the Section 401 CWA process, on 21 March 2024. If you have comments or questions on this proposed project's State water quality certification, 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>.

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 permit area was investigated for historic properties and none were identified as documented in the report titled "An Intensive Cultural Resources Survey of the Proposed 15.0-acre Bay North Expansion Project in Aransas Pass, San Patricio County, Texas", prepared for Whiteman Group by Horizon Environmental Services, and dated August 2023. The results of this investigation are currently being coordinated with the Texas State Historic Preservation Officer.

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 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 11 May 2024. 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-2023-00817**, and should be submitted to:

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Regulatory Division, CESWG-RD-R
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Corpus Christi, Texas 78411-4318
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS