



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2006-01397

13 September 2018

13 October 2018

**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: Dagger Island Partners, Ltd.
800 North Shoreline Drive, Suite 1010
Corpus Christi, TX 78401-3712
POC: Mr. Raymond F. Wetegrove
Telephone: 361-855-6615

AGENT: Belaire Environmental, Inc.
P.O. Box 741
Rockport, Texas 78381-0741
POC: Ms. Rebecca Muckleroy
Telephone: 361-729-1241 ext 2#

LOCATION: The project is located in wetlands adjacent to Redfish Bay, at the intersection of Farm-to-Market Road (FM) 1069 and FM 2725, approximately 3 miles southeast of Ingleside, San Patricio County, Texas. The site can be located on the U.S.G.S. quadrangle map entitled: Port Ingleside, TX.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.84198 North; Longitude: 97.18486 West

PROJECT DESCRIPTION: This request is for an amendment and extension of time (EOT) for a permit originally issued 21 October 2010, which authorized Corpus Development, LP, to construct a large marina complex on a 568-acre site that includes

docks, launch ramps, dry stack storage of vessels, and a boat repair facility. The permit was transferred to Dagger Island Partners, Ltd., on 15 August 2018. No work has been performed under the existing permit prior to the request for this EOT, and it was determined that an updated wetland delineation would be necessary prior to continuation with this request. The updated delineation was received on 6 August 2018 and is currently under review for completion and accuracy.

The permit authorized the use of a combination of hydraulic and mechanical dredging to excavate a total of 52 acres, which would include construction of a 40-acre marina complex and two access channels totaling an additional 12 acres. The bulkheaded marina complex would consist of three different groups of slips. The authorized overall dimension of the northernmost marina basin is 748 feet long by 415 feet wide and the southern basin is 791 feet long by 392 feet wide. The center semi-circle is 587 feet long by 386 feet wide. The marina complex would include 312 floating boat slips secured in place with pilings with double-floating docks. An additional 31 slips dedicated for vessels 40 to 50 feet in length would be constructed around the perimeter of the central basin area.

The marina complex would be connected to the Gulf Intracoastal Waterway (GIWW) via hydraulic and mechanical excavation of two access channels approximately 1,700 feet and 1,550 feet long and have a 150-foot top width and approximate 100-foot bottom width. Articulated block concrete revetment would be placed along the side slopes of the authorized access channels. The excavation/dredging involves placement of approximately 1,000,000 cubic yards of material from excavation of the marina complex and access channels into confined on-site uplands to bring those areas to the appropriate elevation for construction. The marina and channel depths will range from -7 feet Mean Low Tide (MLT) (-9 feet Mean Lower Low Water (MLLW)) to -12 feet MLT (-14 feet MLLW) within the marina complex to -12 MLT (-14 feet MLLW) at the channels and intersection with the GIWW.

Per the updated wetland delineation dated 6 August 2018 (under review), the authorized work would impact a total of 40.84 acres of jurisdictional waters within an updated 53.53-acre dredging footprint (from the originally permitted 52 acres), including wetlands and/or special aquatic sites. An additional 0.67 acre of impacts would occur from the placement of fill material outside of the dredge area footprint. The impacted areas within the dredge area footprint consist of 0.07 acre of low marsh habitat, 5.15 acres of sand/algal flats, 8.32 acres of high marsh habitat, 0.95 acre of vegetated flats, 25.78 acres of semi-permanently inundated shallow unvegetated water habitat, and 0.57 acre of seagrass. An additional 12.69 acres of upland would be converted to open water within the dredge area footprint.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by reducing the amount of proposed impacts within jurisdictional waters to the minimum amount necessary to ensure project practicability, and proposed compensatory mitigation for those impacts that would provide appropriate conditions for the natural re-establishment of seagrass, salt flats, vegetated flats, shallow water habitat, and low and high marsh habitats more representative of site

conditions that existed prior to the dredging of the GIWW and subsequent placement of dredge material onsite, which altered the natural conditions of this area.

MITIGATION: The permit originally included a compensatory mitigation plan that involved natural recruitment and re-establishment of 123.7 acres of previously impacted habitats, enhancement of 102.5 acres of existing, semi-permanently inundated habitat, and creation of 23.65 acres of new habitats (20.5 acres of seagrass and 3.15 acres of high marsh). The updated proposed mitigation plan would include 345.4 acres, of which approximately 50 acres are existing upland areas created from dredge placement and would not be protected in perpetuity. Sensitive resources between these upland areas and the GIWW would also not be preserved in perpetuity. The proposed mitigation plan depicts approximately 295.05 acres of preservation in perpetuity via a conservation easement, deed restriction, or comparable instrument. The proposed mitigation plan would include the following by habitat type and method: creation of 3.15 acres of high marsh from upland, re-establishment of 8.7 acres of low marsh habitat, natural recruitment (enhancement) of 115 acres of seagrasses in shallow water habitat, and preservation of 1.7 acres of vegetated flats, 103.5 acres of sand/algal flats, and 63 acres of high marsh.

CURRENT SITE CONDITIONS: The site is located adjacent to the GIWW and consists of 568 acres of upland, salt flat, previously constructed land bridges, and islands created from placement of dredged material. The project site includes 132 acres sand/algal flats, 2 acres of vegetated flats, and 129 acres of semi-permanently inundated shallow water habitat (typically open water except for periods of extended drought). The property includes uplands (native and spoil), low-marsh, mid-marsh, high-marsh, and sand/algal flats. Uplands on the western portion of the property consist mostly of *Quercus pungens*, *Quercus virginiana*, *Schizachyrium scoparium*, and *Opuntia spp.* Uplands on the east side of the site (created by spoil disposal) consist of *Schizachyrium scoparium*, *Opuntia spp.*, and *Prosopis glandulosa*. Low-marsh is confined to the area immediately adjacent to the GIWW. This area is dominated by *Avicennia germinans* and *Spartina alterniflora*. Mid-marsh areas consist of *Monanthachloe littoralis* and *Batis maritima*. High marsh species consist of *Paspalum vaginatum*, *Spartina spartinae*, *Andropogon glomeratus*, *Fimbristylis castanea*, *Distichlis spicata*, and *Borrchia frutescens*. Sand/algal flats are found interspersed throughout the center of the property. The site's present day condition is largely the result of previous impacts from dredging of the GIWW and subsequent placement of dredge material on the subject site, which altered the natural landscape and hydrology.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 10 sheets, and the proposed mitigation plan is enclosed in 21 sheets as Attachment A.

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 would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

The return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). The applicant must obtain a Section 401-water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401-certification must also be furnished to the Corps of Engineers prior to the Corps making a decision on the proposed project.

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 "Cultural Resources Assessment of the Ingleside Marina, San Patricio County, Texas" prepared by TAS, Inc. and dated 2007.

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.

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 **13 October 2018**. 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-2006-01397**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS