



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2007-01222

Date Issued: 16 August 2016

Comments

Due: 16 September 2016

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## **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:** S & G Marina LLC  
3 North Sandalwood Street  
Wichita, Kansas 67230-6611  
Telephone: 316-644-8919  
POC: Mr. David Grainger

**LOCATION:** The project site is located in, and adjacent to, the Laguna Madre, at 101 Skipper Lane, in Corpus Christi, Nueces County, Texas. The proposed placement area is located on the east side of the property in uplands. The project can be located on the U.S.G.S. quadrangle map titled: OSO CREEK NE, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 27.67203 North;

Longitude: 97.27028 West

**PROJECT DESCRIPTION:** This review is for an amendment to Standard Permit SWG-2007-01222, originally issued 2 July 2009 and expired 31 December 2014. None of the work or mitigation authorized under the previous permit authorization was conducted. The applicant has amended his permit request to construct new marina facilities and maintenance dredge an existing marina basin and entrance channel located on the Laguna Madre. Project site facilities will include a 79,000-square-foot boat dry stack storage facility, a 3,200-square-foot office/retail/restroom building, a 2,500-square-foot maintenance building, a 3,000-square-foot caretaker residence, a fish cleaning station, parking areas, and an entrance gate structure, all to be constructed within uplands on the property. The existing marina basin covers approximately 1.1 acres and both the marina basin and channel will be mechanically dredged to a depth of -4 feet mean lowest low water (MLLW). The marina entrance and channel will be improved to a width of 30 feet along the entire channel length of approximately 1,800 feet. Existing water depths within the channel range from approximately -3 to greater than -5 feet MLLW. The primary area of dredging is located between the beginning of the channel at the basin and out to 900 feet from the basin. Between 900 and 1,600 feet from the basin, the depth is greater than -4 feet MLLW except in small, isolated areas that may require a small amount of dredging. Between 1,600 and 1,800 feet from the basin, the depth is slightly less than -4 feet MLLW and may require more extensive dredging. Approximately 3,300 cubic yards of material will be removed from the basin and 1,000 cubic yards from the entrance channel. Seagrass beds are located adjacent to the existing channel but no seagrasses were noted in the marina basin or channel based on a survey performed by the agent. Turbidity curtains will be used during dredging operations to protect adjacent seagrass beds. Dredging is planned to be conducted between October and January to coincide with seagrass dormancy. All dredged material will be placed in an onsite dredge material placement area (DMPA) located on the east end of the project site. Future maintenance of the marina will require the removal of 2,000 cubic yards of material from the marina basin every 4 years and the removal of approximately 3,700 cubic yards of material from the channel every 8 years. An existing bulkhead along the marina's west shoreline will be replaced with a new bulkhead. Portions of the northern and southern shorelines of the marina will also be bulkheaded and a concrete boat ramp will be installed at the northwest corner of the marina basin. The 53-foot-long by 24-foot-wide ramp will serve two purposes: seagrass wrack will stack up in this area and the marina personnel will be able to collect the wrack in this area for disposal, and the ramp will be used by marina personnel to launch and retrieve boats that will be stored in the dry stack storage facility. Temporary timber matting will be installed between the wetlands at the north end of the marina and the proposed new bulkhead during construction and dredging operations. Construction of the boat storage facility and associated structures will require that the project site grade be raised 1 to 2 feet above existing elevation. Approximately 2.5 acres of the site (uplands) will be covered with a 6-inch base material and 8 inches of concrete, the remaining 2 acres of the site (uplands) will be covered with gravel for parking lots.

Approximately 147 square feet of wetlands are proposed to be filled at the project site to construct a roadway as a Nationwide Permit authorization, separate from the project under review within this public notice. The remaining wetlands on the property are proposed to be avoided.

**AVOIDANCE AND MINIMIZATION:** In addition to the use of Best Management Practices such as silt curtains during mechanical dredging operations, the applicant has stated that they have avoided and minimized the environmental impacts by rearranging the proposed facilities from the originally permitted project in order to reduce wetland impacts from 1.18 acres to 147 square feet.

**MITIGATION:** No mitigation is proposed for this project.

**CURRENT SITE CONDITIONS:** The project site is located along the western shoreline of the upper Laguna Madre. Current conditions at the site include upland areas, a ditch that bisects the property and jurisdictional wetlands that are adjacent to the Laguna Madre. Wetland areas on the property account for 1.56 acre and consist of emergent wetland containing a mix of vegetated and unvegetated areas dominated by concrete rubble. Dominant plant species found in these wetland areas include Betony-leaf thorough-wort (*Eupatorium betonicifolium*), marsh Fimbry (*Fimbristylis castanea*), sea oxeye daisy (*Borrchia frutescens*), saltmeadow cordgrass (*Spartina patens*) and Virginia glasswort (*Salicornia virginica*). A sizable portion of the wetland area is a drainage ditch that bisects the property with about half of that consisting of open water. The edges of the ditch are dominated by saltwort (*Batis maritima*), *Borrchia frutescens*, seashore dropseed (*Sporobolus virginicus*) and *Salicornia virginica*. Also growing along the edge of the northern end of the ditch are cattails (*Typha sp.*) and scattered along the ditch edge on the southern end are black mangroves of varying sizes. This ditch connects to a roadside ditch along Jester Road that eventually empties into the Laguna Madre. Large stands of Brazilian pepper grow on the project site adjacent to this roadside ditch.

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 12 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.

#### **OTHER AGENCY AUTHORIZATIONS:**

The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

No water quality certification is required.

**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 has been so extensively modified 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:** 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, 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 **16 September 2016**. 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-2007-01222**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RD-CC  
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