



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2016-00335

Date Issued: 25 August 2016

Comments

Due: 26 September 2016

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**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:** Mr. Larry Childers  
14330 Bluefish Street  
Corpus Christi, Texas 78418-6058

**AGENT:** HDR Engineering, Inc.  
555 North Carancahua, Suite 1600  
Corpus Christi, Texas 78401-0849  
Telephone: 361-696-3300  
POC: Ms. Kimberly McGlaun

**LOCATION:** The project site is located on the north side of Park Road (PR) 22 on an approximately 5.61-acre property adjacent to Packery Channel on North Padre Island, in Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Crane Islands NW, Texas.

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

Latitude: 27.627619 North;

Longitude: 97.222548 West

**PROJECT DESCRIPTION:** The applicant proposes to construct a mixed-use development consisting of a hotel, retail/commercial buildings, and associated roadways and parking lots on the north side of the PR 22 frontage. The project site contains 0.34 acre of jurisdictional wetlands. The proposed project would permanently impact 0.26 acre of these wetlands.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have minimized the environmental impacts by evaluating four development alternatives before selecting the proposed design plan which has the least amount of wetland impacts and meets the need and purpose of the project. The proposed design plan would result in the avoidance of 0.08 acre of wetland impacts.

**MITIGATION:** The applicant proposes to mitigate for the proposed impacts by creating on-site wetland habitat. The applicant proposes to mechanically lower 0.40 acre of uplands that are immediately adjacent to an existing wetland on the north side of the project site. The applicant states that this conversion of uplands to wetlands would expand the size of the existing wetland, offering similar or more ecological function in the form of habitat value and water quality treatment than the three wetlands that would be impacted. The applicant's mitigation plan is enclosed in 6 sheets.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land surrounded by commercial development to the northwest and southeast, a roadway to the west, and a county park to the north and east. The site consists primarily of herbaceous vegetation typical of Gulf Coast Barrier Island Grasslands, including little false bluestem (*Schizachyrium scoparium*), bushy bluestem (*Andropogon glomeratus*), pennywort (*Hydrocotyle bonariensis*), and wild indigo (*Baptisia leucophaea*). A relatively small stand of Brazilian pepper tree (*Schinus terebinthifolius*) and wax myrtle (*Morella cerifera*) also occur on the site. Wetland vegetation consists of Gulf cord grass (*Spartina spartinae*), three-square rush (*Schoenoplectus pungens*), salt-meadow cord grass (*Spartina patens*), and pennywort. The subject wetlands are adjacent to Packery Channel.

This public notice is being issued based on information furnished by the applicant. The wetland delineation has been completed and was verified by the Corps on 12 August 2016. 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 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 permit area is likely to yield resources eligible for inclusion in the National Register of Historic Places. An investigation for the presence of potentially eligible historic properties is justified.

**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 **26 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-2016-00335**, 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