



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-1997-01041
	Date Issued: _____	26 August 2021
	Comments _____	
Galveston District	Due: _____	27 September 2021

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: City of Portland, Texas
1900 Billy G. Webb Drive
Portland, Texas 78374-3705
POC: Mr. Randy Wright
Telephone: 361-777-4513
Email: rwright@portlandtx.com

AGENT: HDR Engineering, Inc.
555 N. Carancahua Street, Suite 1600
Corpus Christi, Texas 78401-0849
POC: Nicole Davis, PhD.
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LOCATION: The project site is located adjacent to the existing parking lot at Indian Point Park south of TX-35 N/US-181 N and along the northern shoreline of Corpus Christi Bay. The project can be located on the U.S.G.S. quadrangle map titled: Portland, Texas.

LATITUDE & LONGITUDE (NAD 83):

Project Site:	Latitude: 27.851122° North;	Longitude: 97.354796° West
Mitigation Site:	Latitude: 27.865136° North;	Longitude: 97.335248° West

PROJECT DESCRIPTION: The applicant proposes to place permanent fill material into 0.221 acre of wetlands and temporary impacts to an additional 0.009 acre of wetlands for

the expansion of a parking lot at Indian Point Pier. The project would add an additional 25 parking spaces. The new parking area would be graded and cleared of vegetation for the placement of 1 foot of compacted subgrade, 6 inches of flexible base (limestone), 2 inches of base coarse, and 1 inch of asphalt overlay, for a total of approximately 650 cubic yards of fill. Construction of the expanded parking lot would occur from previously paved areas of the existing parking lot and road. The proposed expanded parking lot is part of additional parking lot improvements proposed for the entire Indian Point Park area, also referred to as the new Indian Point Pavilion. Additional improvements and parking lot enhancements would occur within the existing parking lot located outside Corps jurisdiction. As such, this permit application applies to only the parking lot expansion activities located within jurisdictional areas.

AVOIDANCE AND MINIMIZATION: Best management practices such as silt fence would be used to prevent additional impacts to wetlands and open waters adjacent to the project site. Clearing and grading may occur within the temporary work buffer on the north and west sides of the project site. The temporary work buffer would be restored to pre-construction contours and elevations after construction activities have been completed. Vegetation impacted within the temporary work buffer is anticipated to restore naturally. Additional fencing or bollards would be installed to reduce further impacts to wetlands adjacent to the expanded parking lot area. The additional fencing or bollard would reduce vehicular access to unpaved, natural areas.

MITIGATION: As compensatory mitigation for permanent impacts from the proposed project, the City proposes to create approximately 0.70 acre of estuarine wetland areas in disturbed uplands adjacent to existing estuarine emergent wetlands and tidal flats in Sunset Lake Park. The City proposes to create three specific estuarine wetland types: sand flat (0.03 acre), emergent low marsh (0.38 acre), and emergent mixed marsh (low to high marsh; 0.31 acre). The City is not proposing the creation of mangrove habitat given the minimal amount of impacts to mangrove habitat from the proposed project. In addition, the City is proposing a 3 to 1 mitigation ratio (mitigation acres to impact acres) to compensate for impacts to wetlands at the project site. The proposed mitigation is expected to provide increased ecological function to the proposed mitigation site as well as the region.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped 0.73-acre tract neighboring Indian Point Pier Road to the north and east, Corpus Christi Bay to the south, and mangrove marsh to the west. The site is located within Indian Point Park, which is managed by the City of Portland. Based on review of historical aerial imagery (Google Earth, 1955), Indian Point Pier Road was developed along the eastern boundary of the project site sometime before 1955 to provide access to Indian Point Pier. Since 1955 there has been minor development at Indian Point Pier including shoreline protection, additional walkways, and rock breakwaters within Corpus Christi Bay to further protect the eastern shoreline. The wetland vegetation consists of smooth cordgrass (*Spartina alterniflora*), marshhay cordgrass (*Spartina patens*), coastal saltgrass (*Distichlis spicata*), little bluestem (*Schizachyrium scoparium*), common reed (*Phragmites australis*), soilbind morning-glory (*Ipomea pecaprae*), sweetbay (*Magnolia virginiana*), redbay

(*Persea borbonia*), and black mangrove (*Avicennia germinans*). The subject wetlands are adjacent to Corpus Christi Bay.

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 five sheets, with Draft Mitigation Plan (Attachment A) enclosed in 17 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 Environmental 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 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, 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 is composed of low-lying wetlands with no existing or subsided natural levee landforms and has a low potential for containing cultural deposits that may be eligible for inclusion in the National Register of Historic Places. No cultural resource survey is warranted.

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 **27 September 2021**. 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-1997-01041**, 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, TX 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS