



Public Notice

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

Permit Application No: SWG-2016-00416
Date Issued: 31 August 2017
Comments Due: 02 October 2017

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: Dale Alan Corkran
4706 Share Lane
Orange, TX 77630
Telephone: (409) 670-6669

AGENT: M&R Marine Construction
P. O. Box 8658
Bacliff, TX 77518
POC: Mr. Randy Ross
Telephone: (903) 563-2375

LOCATION: The project site is located in Cow Bayou at 4706 Share Lane, near the City of Orange, in Orange County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Orangefield, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.053771° North; **Longitude:** 093.833129° West

PROJECT DESCRIPTION: The applicant proposes to construct a 4-foot wide by 14-foot long walkway, a 12-foot wide by 30-foot long deck above a 10-foot wide by 24-foot long boat slip, with an 8-foot wide by 16-foot long "L"-head pier with an 11-foot wide covered boat slip with a second 2-foot wide by 24-foot long walkway. The total dimensions for the structure is 44-feet long by 28-feet wide.

AVOIDANCE AND MINIMIZATION: The applicant has designed this project to avoid and minimize environmental impacts to waters of the United States. The project does not propose any discharge of dredged or fill material into any water of the United States or any special aquatic site.

MITIGATION: No loss of waters of the United States is proposed by this project, therefore no compensatory mitigation is required.

CURRENT SITE CONDITIONS: The project site lies within a small residential area along Cow Bayou. Cow Bayou at this location is approximately 210 feet wide from bank to bank. This segment of Cow Bayou is part a congressionally authorized federal navigation project and is part of the Sabine Neches Waterway (SNWW). The stretch of the SNWW has been identified as a high hazard area by the Standard Operating Procedure (SOP) - Permit Setbacks along the Sabine-Neches Waterway. <http://www.swg.usace.army.mil/Portals/26/docs/Navigation/Media/Executed%20SNWW%20SOP.pdf>. This SOP requires that projects located within high hazard areas to be coordinated via a 30 day Public Notice.

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 3 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.

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.

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 proposed work and/or structures are of such limited nature and scope 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 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 **02 October 2017**. 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-2016-00416**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS