



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No:	SWG-1998-02486 Formerly (04761(02))
	Date Issued:	21 December 2017
<b>Galveston District</b>	Comments	
	Due:	23 January 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 (CWA).

**APPLICANT:** Port Aransas Marina Association  
501 Channelview Drive  
Port Aransas, Texas 78373-5008  
Telephone: 512-569-0098  
POC: Mr. Bill Strieber

**AGENT:** Mott MacDonald  
711 North Carancahua Street, Suite 1610  
Corpus Christi, Texas 78401-0532  
Telephone: 361-661-3061  
POC: Mr. Aaron Horine

**LOCATION:** The project site is located at the confluence of the Corpus Christi Ship Channel and the Aransas Pass Channel, at 750 Channelview Drive, in Port Aransas, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Aransas, Texas.

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

Latitude: 27.841460 North;

Longitude: 97.057318 West

**PROJECT DESCRIPTION:** The applicant is proposing to install a sheetpile breakwater extension that connects to the northern end of the existing concrete panel breakwater on the west side of the inlet to the marina and extending approximately 70 linear feet east. The applicant is also proposing to install riprap or marine mattress around the existing concrete panel breakwater and proposed sheetpile extension for scour protection. Additional riprap or marine mattress will also be installed for scour protection in front of approximately 130 linear feet of the concrete bulkhead on the east side of the inlet opposite of the breakwater. The installation of riprap or marine mattress scour protection involves placing approximately 1,475 cubic yards of fill material below the mean high water line; which totals 0.26 acres of fill material proposed to be placed in unvegetated bay bottom.

**MITIGATION:** The applicant has not proposed any mitigation for the proposed project impacts.

**AVOIDANCE AND MINIMIZATION:** To avoid and minimize environmental impacts, the applicant will establish the best location of the riprap revetment in order to minimize impacts from fill on the Waters of the U.S. and apply industrial standard Best Management Practices (BMPs) to the project site. All materials used for this project will be selected to be suitable and structurally stable using engineering BMPs. The applicant will have all contracted personnel trained by persons with expertise in sea turtle and manatee species and work stoppage measures.

**CURRENT SITE CONDITIONS:** The project site conditions consist of bulkheads with no natural shoreline within an open water estuarine and marine habitat with no wetland vegetation occurring at the proposed location. Developed residential property with manicured lawns occur on the east and west banks of the bulkheads. The project site sits at the opening of a residential canal. The applicant received a permit to retain riprap materials at the toe of a failing bulkhead along the canal under Application Number 04761(02) issued on 1 December 2004. The applicant also received another permit for the dredging of the entrance canal shoreward from the basin and the construction of bulkheads under Permit Number W-N-243-41-4761 dated 9 March 1960.

**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 5 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 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 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 **23 January 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-1998-02486**, 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