



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2005-00804
	Date Issued: _____	4 December 2018
	Comments _____	
Galveston District	Due: _____	7 January 2019

**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: Preserve Sweetwater Partners, LP
1811 Bering Drive, Suite 125
Houston, Texas 77057
Telephone: 713-850-1822
POC: Wade Kilpatrick

AGENT: Crouch Environmental Services, Inc.
402 Teetshorn Street
Houston, Texas 77009
Telephone: 713-868-1043
POC: Ally Altemose

LOCATION: The project site is located in and adjacent to Sweetwater Cove, and West Galveston Bay, immediately northeast and northwest of the intersection of 8 Mile Road and Sportsman Road, in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: VIRGINIA POINT, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.264555 North; Longitude: 94.896683 West

BACKGROUND: Impacts to waters of the United States (US) associated with the construction of the residential development with an associated marina area, referred to as the “Preserve at Sweetwater Cove,” were previously authorized on 1 June 2009. The permit expired 31 December 2014. Authorized impacts included the permanent fill of 4.39 acres of wetlands, excavation of 2.01 acres of unvegetated bay bottom, the construction of bulkheads, the construction of 732 square feet of docks and finger piers, the excavation of an approximate 1,600-foot-long drainage canal connecting Sweetwater Cove to Sweetwater Lake, and temporary impacts to 2.28 acres of wetlands during the installation of utilities. To date, the following authorized impacts have been completed: 1) temporary impacts to 2.28 acres of wetlands associated with utility installation, 2) permanent impacts to 0.18 acre of wetlands during construction of an access road, and 3) excavation of 278 linear feet of the originally authorized 1,600-foot-long drainage canal. A 1-acre wetland mitigation area to compensate for permanent impacts to 0.18-acre wetlands during construction of an access road has also been completed. No other work was completed prior to permit expiration.

The originally proposed size of the overall residential development was approximately 108 acres. The applicant has reduced the proposed size of the overall development to approximately 39 acres. Total project impacts to waters of the US have thus been reduced and the construction of the 1,600-foot-long drainage channel connecting Sweetwater Cove to Sweetwater Lake is no longer proposed. However, the portion of the drainage canal that has been completed will remain, with an additional segment proposed to be excavated as described below.

PROJECT DESCRIPTION: The applicant proposes the discharge of fill material and dredging activities that will impact 2.08 acres of wetlands and 2.01 acres of unvegetated bay bottom. The applicant also proposes the construction of approximately 3,950 linear feet of bulkhead, the construction of 732 square feet of docks finger piers, and future maintenance dredging within the proposed marina area. The applicant also proposes the excavation of an additional 4-linear-foot segment at the northern end of a previously authorized drainage canal in order to connect the drainage channel to Sweetwater Cove.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they explored many alternatives when developing the project design, including off-site locations, site configuration, and a no action alternative. The proposed plan avoids impacting 3.19 acres of wetlands, in addition to the proposed 14.15 acres included in a proposed compensatory mitigation plan. Best Management Practices will be implemented, including short-term measures to stabilize disturbed soils and the installation of silt fencing to prevent sediment from flowing into adjacent waters and protected wetland areas during storm events.

MITIGATION: The applicant proposes to compensate for the unavoidable loss of wetlands through the preservation of 14.15 acres of wetlands through on-site Permittee Responsible Mitigation. The proposed mitigation will include the creation of 0.18 acre of estuarine wetlands located adjacent to Sweetwater Cove and the enhancement of 6.96 acres of existing wetlands. There are 7.01 acres of established estuarine marsh that will be preserved and utilized as an ecological reference for the proposed enhancement activities. A total of 13.97 acres will be deeded over to the Galveston Bay Foundation for long-term preservation, conservation, management, and educational opportunities. The 0.18 acres of created wetlands adjacent to the residential section of the project will be protected by deed restriction and managed by the homeowners association in perpetuity.

CURRENT SITE CONDITIONS: The project site consists of open water areas, tidal and freshwater wetland areas, and partially developed uplands.

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 15 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.

Although this project would 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), the best management practices (BMP's) available on the BMP checklist form are not applicable to this project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description

of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application, a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted would adversely affect such interest.

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 impacted by previous residential development that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

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 **7 January 2019**. 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-2005-00804**, and should be submitted to:

U.S. Army Corps of Engineers
Regulatory Division, CESWG-RDE
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS