



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_ SWG-2020-00833

Date Issued: \_\_\_\_\_ 7 February 2023

Comments

Due: \_\_\_\_\_ 10 March 2023

## 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 404 of the Clean Water Act.

**APPLICANT:** MOORE HARKIN CUD  
1572 Hajek Road  
West, Texas 76691-2523  
POC: Mr. Greg Moore  
Telephone: 254-722-3867  
Email: [Gregmoore0@gmail.com](mailto:Gregmoore0@gmail.com)

**AGENT:** COASTAL ENVIRONMENTS, INC  
525 South Carancahua Street  
Corpus Christi, Texas 78401-3437  
POC: Ms. Sandi Hart  
Telephone: 361-633-9463  
Email: [chart@coastalenv.com](mailto:chart@coastalenv.com)

**LOCATION:** The project is located on a 0.912-acre lot containing approximately 0.508 acre of palustrine wetlands at 3107 11th Street in Port Aransas, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Aransas, Texas.

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

Project Site Location: Latitude: 27.80724° North; Longitude: 97.07846° West

Mitigation Site Location: Latitude: 27.83285° North; Longitude: 97.05177° West

**PROJECT DESCRIPTION:** The applicant proposes to place approximately 4,840 cubic yards (CY) of sand/fill base material into 0.508 acre of palustrine wetlands in order to develop six residential lots with a private access road that will include a firetruck turnaround.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by limiting adverse effects to the greatest extent practicable, from construction and maintenance and direct release of pollutants to coastal waters. Construction would occur at times that have the least adverse effects within critical resource areas. The project would not impound or drain coastal wetlands and the project would be constructed of materials that would not cause adverse effects of coastal waters or critical areas.

**MITIGATION:** As compensatory mitigation for proposed impacts, the applicant proposes to:

- A. Enhance and restore freshwater (open/emergent) habitat and function to a silted-in freshwater emergent detention pond via mechanical excavation and reshaping to remove silt, as well as the clearing and removal of *Typha domingensis* inundation:
  - 0.77 acre (33,624 sq.ft./ 1,089 cy) freshwater emergent habitat.
- B. Enhancements to the primary outfall ditch and small 62' lateral ditch by mechanically cutting and reshaping to remove silt, as well as placement of weir:
  - 0.30 acre (12,780 sq.ft./ 1,135 cy) salt marsh, freshwater emergent habitat.

The proposed mitigation site is the detention pond, associated weir, and primary outfall ditch located on Mustang Island in Port Aransas within the I.B. Magee Beach Park, between Beach Street and East Cotter Avenue, southeast of the Aransas Pass Channel and approximately 2.5 miles northeast of the project site. All enhanced areas, including the detention pond, weir, and primary outfall ditch, associated with the proposed mitigation will be protected in perpetuity by a deed restriction, conservation easement, or an equivalent legal instrument.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land surrounded by residential development to the northeast and southwest, a city street to the northwest, and undeveloped land containing a retention pond fringed with palustrine wetlands to the southeast. The project site receives regular mowing, allowing mainly herbaceous vegetation to grow. The wetland vegetation consists of cattail (*Typha domingensis*), saltmarsh morning glory (*Ipomoea sagittata*), and salt-meadow cordgrass (*Spartina patens*). The subject barrier island wetlands are considered adjacent to the Gulf of Mexico by way of a predictive hydrologic connection.

**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 four sheets, and draft mitigation plan (Attachment A) in 12 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 for 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](mailto: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.

**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 **10 March 2023**. 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-2020-00833**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RD-R  
U.S. Army Corps of Engineers  
Galveston District  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
361-814-5847 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS