



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2023-00813

February 7, 2024

March 9, 2024

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: HOLIGAN INVESTMENTS
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Dallas, Texas 75248-2867
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Telephone 972-743-9778
Email: brandon@holigan.com

AGENT: ANCHOR QEA
1217 Highway 35 South
Rockport, Texas 78382-3913
POC: Chris Belaire
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LOCATION: The project site is located at two locations in Copano Bay. The north site (Costa Palms) is located approximately 0.25 mile west of the terminus of Allen M. Parks Drive and the south site (Pura Vida Palms) is located approximately 0.08 mile southwest of the terminus of Jaco Drive in Rockport, Aransas County, Texas. The locations can be found on the USGS topographical map titled: Rockport, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.0611 North; Longitude: 97.1114 West; North Pier

Latitude: 28.0574 North; Longitude: 97.1182 West; South Pier

PROJECT DESCRIPTION: The applicant proposes to construct two community piers at two separate locations being developed for residential housing. Each pier would consist of an approximate 300-foot-long by 6-foot-wide walkway with an approximate 60-foot long by 6-foot-wide terminal T-head. Each pier would cover a total area of approximately 2,160 square feet (0.05 acre). In total, approximately 4,320 square feet (0.1 acre) of pile-supported pier would be constructed. Deck boards would be spaced 1-inch apart to allow light penetration. Pier piles would be 10-inch-diameter treated timber and installed by pile driving where possible and jetting method where driving is not possible. No boat mooring dolphins are proposed. The purpose of the project is to provide water-based recreational opportunities to each community, including, but not limited to, avian and other wildlife viewing and fishing.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by the following: Best management practices (BMPs) would be implemented to protect sensitive resources located in the vicinity of the Project. Pier construction would be completed by a licensed pier contractor. Construction equipment and supplies would be trucked to the site and staged in uplands situated above the high tide line at the Applicant's property in an upland area adjacent to each pier structure. To minimize impacts to benthic habitat and other sensitive resources, each pier would be constructed from the land, using the piers themselves as work platforms, or using small boats with outboard motors while exercising extreme care to assure no prop washing occurs. Where necessary, special shallow water equipment (i.e., march excavator, drag barge) would be used to support construction activities. Pile installation would be via pile-driving, where possible. If pile-driving is not possible in all areas, low-pressure jetting methods that do not result in the formation of sedimentary deposits around newly installed piles may be used. If jet installation is required, the Applicant would install and maintain silt curtains when working within 100 feet of seagrass beds to localize any temporary increase in turbidity. Both piers would be constructed from non-toxic material (marine-treated wood), and decking would be installed with gapping of approximately 1-inch, as possible, to minimize shading impacts to underlying habitats.

Prior to the initiation of construction activities, the applicant would install and implement all appropriate BMPs to avoid potential impacts to federally listed marine mammal, sea turtles, and other listed species. BMPs would be implemented and maintained during all design, construction, and maintenance activities and would remain in place until all construction activities are complete.

MITIGATION: No permanent impacts are anticipated so no mitigation is proposed.

CURRENT SITE CONDITIONS: The two piers would be in littoral area and cover a total area of approximately 0.1 acre that consists of mosaic of upland, wetland, unvegetated bay bottom, and seagrass habitat. The north pier would be over approximately 436 square feet of wetlands and 1,361 square feet of seagrass bed. The south pier would be over approximately 1,113 square feet of wetland and 297 square feet of seagrass. Water depth is approximately -1.5 feet at the terminal structure of each proposed pier.

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 six 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.

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 project is of such limited nature and scope that it has no potential to affect historic properties, even if present within the project area, or impinge upon resources of interest to the Native American Tribes

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

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 **March 9, 2024**. 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-2023-00813**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS