



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2018-00232

30 July 2020

31 August 2020

**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.

APPLICANT: City of South Padre Island
4601 Padre Boulevard
South Padre Island, Texas 78597-7325
POC: Mr. Randy Smith
Telephone: 956-761-8108
Email: kboburka@myspi.org

AGENT: Hanson Professional Services, Inc.
4501 Gollihar Road
Corpus Christi, Texas 78411-2909
POC: Mr. Harrison McNeil
Telephone: 361-814-9900
Email: hmneil@hanson-inc.com

LOCATION: The project site is located on a 107-acre parcel of land, wind tidal flats, and salt marsh contiguous with the Laguna Madre, approximately 0.32 mile north of Beach Access Road 4 along Ocean Boulevard (Park Road 100), South Padre Island, Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Isabel NW, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 26.15995° North; Longitude: 97.17984° West

PROJECT DESCRIPTION: The applicant proposes to place approximately 13,423 cubic yards of “Geoweb” stabilizing material and crushed stone into 2.332 acres of tidal flats (0.16 acre), estuarine marsh (1.98 acres) and palustrine wetlands (0.192 acre) in order to construct a permeable vehicular path from Park Road 100 to the Laguna Madre in order to improve recreational access for non-motorized wind and water-based activities (wind surfing, kayaking, fishing, etc.). Four permeable parking areas would be constructed, one of which would also include a permeable vehicle unloading zone and two equipment set-up/rigging areas. The four parking areas would provide parking for up to 309 vehicles both within and outside of jurisdictional waters. A “Green Flush” restroom facility would be constructed in an upland area to avoid direct impacts.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts with the following statement:

“Multiple alternatives were considered including alternative-locations, layouts, and a no-build alternative. The location of the project was selected because its proximity to ideal wind sport physical characteristics (water depth, prevailing winds, etc.) had resulted in the greatest historic use and resulted in the greatest habitat degradation. Hanson developed three layouts to minimize impacts to wetlands and ecologically sensitive habitats that would still suit the needs of the wind sport users. Following a wetlands delineation, a layout was selected and further modified to reduce overall impacts on wetlands and tidal waters. Compensatory mitigation will include both on-site in-kind preservation and creation.”

MITIGATION: The applicant has stated that a draft mitigation plan is under development and would be submitted for review at a later time. This draft mitigation plan would include approximately 80.5 acres of tidal flats to be preserved onsite from further degradation as a result of unrestricted vehicular traffic. In addition, 0.28 acre of salt marsh habitat and 0.23 acre of brackish marsh habitat would be planted on the slopes of the vehicular access path and parking areas, as mitigation for impacts to 0.53 acre of salt marsh habitat and 0.05 acre of brackish marsh habitat.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land consisting of a vast expanse of sparsely vegetated tidal algal flats and portions of an upland lobe fringed with estuarine salt marsh. This area is traditionally used by the general public to access the Laguna Madre, immediately to the west of the project site, from Ocean Boulevard (Park Road 100) to the east. The area is rutted with various vehicle tracks cutting across the property. To the north are large undeveloped tracts of terrain similar to the project site. To the south is a partially completed residential development. The wetland vegetation consists of saltgrass (*Distichlis spicata*), sea ox-eye daisy (*Borrchia frutescens*), salt meadow cordgrass (*Spartina patens*), saltwort (*Salicornia bigelovii*), glasswort (*Salicornia maritima*), and black mangrove (*Avicennia germinans*). The subject wetlands are adjacent to the Laguna Madre.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 9 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.

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 1500 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 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: 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 **31 August 2020**. 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-2018-00232**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
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