



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2000-01109
	Date Issued: _____	9 June 2016
	Comments	
<b>Galveston District</b>	Due: _____	24 June 2016

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## 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:** John Johnson  
P.O. Box 922  
Fulton, Texas 78358-0922  
Telephone: 361-557-7735

**LOCATION:** The project site is located in the Fulton Harbor on Aransas Bay at 112 South Casterline Drive, in Fulton, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Rockport, Texas.

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

Latitude: 28.0606 North;

Longitude: 97.0334 West

**PROJECT DESCRIPTION:** The applicant proposes to construct finger piers for boat berths along the sides of a commercial marina basin. On the outside of the southeast side of the basin, a 40-foot-long by 6-foot-wide pier would be located at the southeast corner of the marina with four 30-foot-long finger piers. A 40-foot pier will be constructed at the southeast corner. On the interior of the south side of the basin, seven 10-inch-diameter mooring pilings would be placed, along with eight 24-foot-long finger piers and a 60-foot-long by 46-foot-wide deck located in the southwest corner of the basin and adjacent to an existing deck. On the west side interior, 10-inch-diameter pilings would be placed in front of the bait stand, and two 20-foot-long finger piers would be constructed. On the north side interior, ten 20-foot-long finger piers would be constructed. On the outside of the northeast side of the basin, there would be four 20-foot-long finger piers, and a 40- by 20-foot fishing deck. Maintenance dredging will be conducted for a 10-year period at the site using mechanical methods to maintain a depth of -6 feet mean low low water. Dredged material would be contained in a leveed area located on the north side of the property. Dredged material would be allowed to dry in place and then be removed to suitable upland locations or sold to contractors. Proposed bulkhead repairs at the site are being evaluated under Nationwide Permit 13 as a separate action.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by constructing the project within a previously dredged marina harbor.

**MITIGATION:** No mitigation is proposed.

**CURRENT SITE CONDITIONS:** The project site is located within an area shared with the Fulton Harbor Turning Basin. The site has been previously dredged and has been in use as a marina since at least 1979. Hydrophytic vegetation and oysters are not present at the site. Water depths range from -2 feet near the bulkhead to -10 feet along the entrance channel into Fulton Harbor.

**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 4 sheets, plus 2 sheets of construction notes.

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.

No water quality certification is required.

**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 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 **24 June 2016**. 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-2000-01109**, and should be submitted to:

Mark Pattillo  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS