



Public Notice

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

Galveston District

Permit Application No: SWG-2014-00485

Date Issued: 15 June 2021

Comments

Due: 19 July 2021

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 and Section 404 of the Clean Water Act.

APPLICANT: SPI Carmen, LLC
3300 Padre Boulevard
South Padre Island, Texas 78597
POC: Mr. Menashe Amoyal
Telephone: 956-455-4917
Email: blueskyspi@gmail.com

AGENT: Terracon Consultants, Inc
6911 Blanco Road
San Antonio, Texas 78216
POC: Ms. Jennifer Peters
Telephone: 210-907-76448
Email: Jennifer.peters@terracon.com

LOCATION: The project site is located in the Lower Laguna Madre across from 6502 Padre Boulevard, South Padre Island. The project can be located on the U.S.G.S. quadrangle map titled: Rio Hondo, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 26.12841° North; Longitude: -97.526132° West

PURPOSE: The applicant's stated purpose is to provide a medium spaced retail space within walkable access to the expanded sea turtle rehabilitation and birding centers on South Padre Island (SPI).

PROJECT DESCRIPTION: The applicant proposes to construct one (1) approximately 15,000 square foot retail space on 0.75-acre portion of tax parcel 113152 and discharge fill material into 0.398 acres of emergent wetlands. The fill would include the construction of one (1) approximately 301-foot bulkhead and approximately 296 cubic yards of clean clay-loam fill.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the project to utilize the upland portions of the property to the maximum extent practicable while still meeting their purpose and need.

MITIGATION: The applicant proposed to mitigate the proposed impacts by providing environmental lift by conducting permittee responsible mitigation. The mitigation would be creating high and low marsh habitat on-site adjacent to the proposed new bulkhead utilizing both the upland areas and adjacent tidal flats.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land surrounded by commercial and residential development to the north and south, a county road to the east, and a housing subdivision to the east across state park road 100. The project site consists of approximately 0.75 acres of uplands in a narrow odd shaped band along state park road 100. The remainder of the property delineated in 2018 is approximately 12.73 acres of tidal flats, 3.63 acres of estuarine open water wetland surrounded by black mangrove (*Avicennia germinans*), and 1.53 acres of vegetated estuarine wetlands consisting of morning Glory (*Ipomoea lindheimeri*), Mexican hat (*Ratibida columnifera*), glasswort (*Salicornia virginica*), marsh elder (*Iva frutescens*), saltgrass (*Distichlis spicata*), saltwort (*Batis maritima*), sea ox-eye daisy (*Borrchia frutescens*), bushy bluestem (*Andropogon glomeratus*), smartweed (*Polygonum pennsylvanicum*), sea rocket (*Cakile edentula*), prickly pear (*Opuntia littoralis*), smooth cordgrass (*Spartina alterniflora*), gulf cordgrass (*Spartina spartinae*), sea lavender (*Limonium carolinianum*), and sedge (*Carex tetrastachya*).

According to the Ecological Mapping Systems of Texas, tidal flats occur on flats influenced by tidal fluctuation in water level, primarily driven by winds rather than diurnal or semidiurnal tidal fluctuations. Due to the nearly level condition of these flats, small fluctuations in tidal level may result in extensive changes in inundation patterns. Some tidal flat areas may have sparse vegetation consisting of but not limited to glasswort (*Salicornia virginica*), saltwort (*Batis maritima*), and saltgrass (*Distichlis spicata*), but are typically unvegetated or covered by a layer of blue-green algae (*Lyngbya spp.*).

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The wetland delineation has been completed and was verified by the Corps on December 13, 2018. The applicant's plans are enclosed in 4 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 certifications 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 proposed work and/or structures are of such limited nature and scope 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: We have determined the described activity may affect the threatened or endangered species. There is no designated critical habitat within the project area. The Corps will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described 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 **19 July 2021**. 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-2014-00485**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RDR
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