



Public Notice

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

Galveston District

Permit Application No: SWG-2023-00179

Date Issued: 27 June 2023

Comments

Due: 28 July 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: City of Port Aransas
710 West Avenue A
Port Aransas, Texas 78373
POC: Mr. David Parsons
Telephone: 361-749-4111
Email: davidparsons@cityofportaransas.org

AGENT: Perennial Environmental Services, LLC
13100 Northwest Freeway, Suite 150
Houston, Texas 77040
POC: Ms. Lindsey Weil
Telephone: 713-462-7121
Email: lweil@perennialenv.com

LOCATION: The project site is located in wetlands and open water adjacent to Corpus Christi Bay, at a point near 1002 TX-361, 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):

Latitude: 27.826752° North; **Longitude:** 097.070084° West

PROJECT DESCRIPTION: The applicant proposes to mechanically excavate a total of 1,333 cubic yards of material to create a drainage channel, Outfall 12B, that is at a maximum of 62-foot-wide at the top, 28-foot-wide at the bottom, and 3-foot deep. The excavation will temporarily impact a total of 0.92 acre and permanently impact a total of 0.41 acre of estuarine intertidal marsh and open water.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by operating from uplands to the greatest extent possible and accessing the project location with all machinery and equipment from construction access route located perpendicular to State Highway 361 (Alister Street). The applicant also stated they will utilize best management practices such as silt fencing or curtains during construction to minimize impacts to temporarily disturbed areas and reduce stormwater runoff of disturbed soils into avoided areas. The applicant stated the machinery will operate on timber matting within wetland areas and disturbed areas will be restored to pre-construction contours and allowed to revegetated naturally.

MITIGATION: The applicant proposed to mitigate for impacts occurring from this Outfall 12B project and the Outfall 3 project, SWG-2023-00181, at the same permittee responsible tract. The permittee responsible tract is located at a point, 27.865966° North, 097.341019° West, which is 1.2 miles southwest of Portland, Texas situated adjacent to Nueces Bay, in the North Corpus Christi Bay watershed (HUC 12110201). The location of the permittee responsible tract is illustrated on Pages 10-12 of the enclosed project plans.

The impacts from Outfall 3 (0.68-acre) and Outfall 12B (0.41-acre) is a total loss of 0.68 acre of estuarine intertidal marsh. The applicant proposes to restore 1 acre of smooth cordgrass marsh for the loss of estuarine marsh. To protect the plant community and project site from off-road vehicle trespass, bollards will be installed at 30-foot intervals along the boundary line. The applicant stated that the 0.25 acre of excavation within the existing open water canals or ditches is not proposed for mitigation as no loss of function would occur.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land consisting of a mosaic of uplands, estuarine intertidal emergent wetlands, and open water within a marsh area considered part of the East Flats of Mustang Island. The project site is located within South Corpus Christi Bay watershed (HUC 12110202) and is adjacent to Corpus Christi Bay and the Gulf of Mexico. The project site is bordered on the north, east, and south by a mixture of residential and commercial development and on the west by the waters of the East Flats. The characteristic vegetation in the upland areas is dominated by Brazilian peppertree (*Schinus terebinthifolia*), coral bean (*Erythrina herbacea*), little bluestem (*Schizachyrium scoparium*), saltmeadow cordgrass (*Spartina patens*), desert saltgrass (*Distichlis spicata*), Cuman ragweed (*Ambrosia psilostachya*), bushy bluestem (*Andropogon glomeratus*), yellow bluestem (*Bothriochloa ischaemum*), Mexican devilweed (*Chloracantha spinosa*), crabgrass (*Digitaria sanguinalis*), smutgrass (*Sporobolus indicus*), dollarweed (*Hydrocotyle umbrellata*), torpedograss (*Panicum repens*), camphor daisy (*Rayjacksonia phyllocephala*), and scutch grass (*Cynodon dactylon*).

The characteristic vegetation in the estuarine intertidal marsh areas is dominated by desert saltgrass (*Distichlis spicata*), seacoast tuberous bulrush (*Bolboschoenus maritimus*), and sea ox-eye (*Borrchia frutescens*).

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 and maps of the permittee responsible mitigation tract are enclosed 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 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 on 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 contacted TCEQ and initiated the Section 401 CWA process, on 29 April 2023. If you have comments or questions on this proposed project's State water quality certification, please contact 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 primarily 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 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, 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 **28 July 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-2023-00179**, and should be submitted to:

Southwestern Division, Technical Regional Execution Center
Corpus Christi Field Office
Regulatory Division, CESWG-RD-CC
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Galveston District
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DISTRICT ENGINEER
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CORPS OF ENGINEERS