



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-1992-01693

[21 November 2017](#)

[22 December 2017](#)

**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: Skipjack Properties, LLC
1900 North Akard Street
Dallas, Texas 75201-2300
Telephone 214-978-8761
POC: Mr. Todd Watson

AGENT: HDR Engineering, Inc,
4828 Loop Central Drive, Suite 800
Houston, Texas 77081-2220
Telephone 713-576-3664
POC: Ms. Brooke Savant

LOCATION: The project is located in the Lower Laguna Madre, between West Swordfish Street and West Amberjack Street on South Padre Island, Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Isabel, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 26.10438 North; Longitude: 97.17028 West

PROJECT DESCRIPTION: The applicant proposes:

1. The demolition of existing piers, docks, and boat ramps.

2. The construction of 89 boat slips and associated piers and docks. New docks and piers would be constructed with pre-fabricated aluminum framing with thru-flow composite decking, supported by 16-inch diameter composite pilings. Top elevation of new docks and piers would be approximately +2.0 feet above the mean low tide (MLT).
3. The installation of approximately 639 linear feet of new sheet pile bulkhead. The new bulkhead would be situated 2 feet in front (elevation +4.5 feet above MLT) of the existing bulkhead, which would remain in place. Aggregate backfill, approximately 600 cubic yards (cy), would be placed behind the new sheet pile bulkhead for support.
4. The installation of a new boat ramp. A temporary coffer dam would be used to install the 38-foot-wide by 65-foot-long boat ramp. Structural fill to construct the ramp will total approximately 75 cy, rock base will total approximately 60 cy, and concrete will measure approximately 80 cy.
5. Hydraulic and/or mechanical dredging to accommodate dock/boat ramp configuration and construction activities is proposed to a depth of -3.5 feet MLT (0.24-acre area; approximately 300 cy) plus advanced maintenance dredging to a depth of -4.5 MLT (0.43-acre area; approximately 300 cy). Mechanical dredging activities will include excavating material using an excavator located on land or a barge. Hydraulic dredging will include a suction dredge head connected by a cable to an excavator located on land or on a barge.
6. The dredged material would be either placed in a hopper barge, or would be deposited into dewatering boxes located on shore in upland areas. Dredge material placed in the hopper barge would be transported to a designated upland area located north of South Point Avenue and east of Industrial Drive in Port Isabel, Texas. The water would be pumped onto the upland site, and the excavated material would be removed from the hopper barge and placed on the upland site. Dredge material from the dewatering boxes would be transported via dump truck to the same upland site once dewatered (Permit Drawings, Sheets 30-31 of 31).
7. Oyster clumps that could not be avoided would be relocated (approximately 0.01 acre) to oyster habitat located south of the site.
8. The types of material being discharged into the waters of the United States and the amount of each type in cy includes: concrete 80 cy, crushed stone 60 cy, riprap 60 cy, aggregate 600 cy, and structural 75 cy.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding seagrass identified south of the proposed project site and best management practices such as silt fencing, would be installed to minimize potential impacts to seagrass areas. Oyster clumps that could not be avoided would be relocated (approximately 0.01 acre) to oyster habitat located south of the site; therefore, minimizing impacts to oysters. No wetlands would be impacted from the project. Furthermore, the proposed boat ramp, bulkhead, and piers were designed within the general footprint of the existing marina.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by relocating approximately 0.01 acre of oysters to the oyster habitat located south of the site.

CURRENT SITE CONDITIONS: The project site is currently a developed marina that has begun to show signs of deterioration. The project site is composed of three existing private boat ramps and a boat marina. The existing boat ramps have experienced significant damage and undermining, and no longer meet the size and structural requirements for boat launching. The existing bulkhead, docks, and piers have been found to be deteriorating, and unsafe conditions, such as exposed rebar, were identified.

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 31 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.

The return water from the upland contained dredge material placement area requires authorization under Nationwide Permit (NWP) 16. Prior to the performance of hydraulic dredging, the applicant must obtain a Section 401-water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401-certification must also be furnished to the Corps of Engineers prior to performing hydraulic dredging.

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 effect historic properties, even if present within the project 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 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 **22 December 2017**. 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-1992-01693**, and should be submitted to:

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