



# Public Notice

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| <b>U.S. Army Corps<br/>Of Engineers</b> | Permit Application No: _____ | SWG-2000-02968   |
|   | Date Issued: _____           | 20 November 2018 |
|   | Comments _____               |                  |
| <b>Galveston District</b>               | Due: _____                   | 20 December 2018 |

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**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 Port Aransas  
710 West Avenue A  
Port Aransas, Texas 78373-4128  
Telephone 361-749-4111  
POC: Mr. David Parsons

**AGENT:** Perennial Environmental  
13100 Northwest Freeway, Suite 150  
Houston, Texas 77040-6343  
Telephone 713-462-7121  
POC: Mr. Josh Melnar

**LOCATION:** The approximately 72.16-acre project site is located in and adjacent to the Corpus Christi Ship Channel within an area known as Charlie's Pasture 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: 27.835804 North; Longitude: 97.076960 West

**PROJECT DESCRIPTION:** The applicant proposes to construct an approximate 56.42-acre marina adjacent to the Port Aransas Nature Preserve at Charlie's Pasture. To initiate construction of the project, sheet pilings and batter pilings will be driven along each side of the 220-foot-wide entrance channel to create the marina jetties. This phase of the project is anticipated to take approximately 4 to 6 months to complete. The next phase of the project will consist of excavating/mechanical dredging the approximate 16.80 acre marina basin to a depth of 8 to 10 feet below mean lower low water (MLLW), which will result in 265,000 cubic yards of material. The approximately 5,782.61 feet of bulkhead associated with the project will also be constructed at this time. Excavated dredge from the marina will be placed and contained within the 37.25-acre on-site dredge material placement area. This phase of the project is anticipated to take approximately 4 to 6 months to complete. Once the marina is excavated the next phase of the project will involve hydraulically dredging approximately 36,000 cubic yards of material (2.34 acres) from deep and shallow water habitats present within the entrance channel between the jetties to a depth of 11 feet below MLLW. Dredged material associated with construction of the entrance channel will also be placed within the on-site dredge material placement area. This phase of the project is anticipated to take approximately 3 to 5 months to complete.

To minimize offsite sediment flow, a temporary dike will be constructed around the perimeter of the bulkhead and silt fence will be placed around the perimeter of the dredge material placement area for the life of the project until permanent stabilization is achieved. The purpose of both erosion and sedimentation control devices is to contain dredge material to the project footprint and reduce sediment flow into the Corpus Christi Ship Channel. Additionally, a water outlet weir will be installed to allow excess water to drain offsite. The weir will be adjusted to prevent runoff from exceeding 300 milligrams/liter for total suspended solids.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized environmental impacts by avoiding approximately 2.63 acres of estuarine emergent wetlands, 4.67 acres of mudflats, 0.29 acre of palustrine wetland, and a 1.87 acre pond within their 72-acre project site.

**MITIGATION:** Since the project will result in a loss of less than 0.10 acre of wetlands and no impacts to other special aquatic sites, the applicant does not proposed compensatory mitigation for the proposed project.

**CURRENT SITE CONDITIONS:** The 72.16- acre project site is currently an undeveloped tract of land surrounded by residential development to the east, a city road and the Corpus Christi Ship Channel to the north, and undeveloped barrier island habitat within the Charlie's Pasture Nature Preserve to the west and south. The project area includes approximately 0.5 acre of shallow water and 1.84 acres of deep water habitat adjacent to the Corpus Christi Ship Channel. Approximately 62.47 acres of the project site consists of uplands. These uplands consist primarily of herbaceous vegetation, including gulfdune paspalum (*Paspalum monostachyum*), annual ragweed (*Ambrosia artemisiifolia*), little bluestem (*Schizachyrium littorale*), and gulf cordgrass (*Spartina spartinae*), with scattered trees and shrubs, including honey mesquite (*Prosopis glandulosa*) and Brazilian

peppertree (*Schinus terebinthifolius*). Two palustrine emergent wetlands occur within the footprint of the proposed dredge placement area. These wetlands comprise approximately 0.03 acres, and dominant vegetation consists of flat-stemmed spikerush (*Eleocharis compressa*), small spikerush (*Eleocharis minima*), and sea ox-eye daisy (*Bothriochloa ischaemum*). A third palustrine emergent wetland occurs along the northeast border of the project site. This wetland (WP1NU003) is bordered by a berm and extends northeast outside of the property boundary. An approximately 1.87-acre man-made pond/wetland feature occurs on the southeastern portion of the property. Additionally, an approximately 2.63-acre estuarine emergent wetland occupies the southern extent of the property. This wetland feature borders an extensive mudflat that continues southward outside of the property boundary. The subject wetlands are adjacent to the Corpus Christi Ship Channel.

**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 wetland delineation has been completed and was verified by the Corps. 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.

The return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). 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 the Corps making a decision on the proposed project.

**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 likely to contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. An investigation for the presence of potentially eligible historic properties is justified.

**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 **20 December 2018**. 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-2000-02968**, 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