



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2000-01591

9 November 2023

11 December 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: Estes Pointe Development, LLC
518 People Street
Corpus Christi, Texas 78401
POC: Doug Mooreland
Telephone: 512-698-7957
Email: doug@morelandcapitalpartners.com

AGENT: Coastal Environments, Inc.
525 South Carancahua Street
Corpus Christi, Texas 78401
POC: Sandi Hart
Telephone: 361-854-4885
Email: chart@coastalenv.com

LOCATION: The project site is located adjacent to Aransas Bay, south of the intersection of TX-35 and TX-188, in Aransas Pass, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Aransas Pass, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.956268 North; **Longitude:** 97.105689 West

PROJECT DESCRIPTION: The applicant proposes to construct a 68-lot subdivision with homesites, two marinas (Community Marina A and Community Marina B), and finger piers for boat slips. The proposed subdivision road for the subdivision would be approximately 24-foot-wide with all utilities installed in upland areas.

Community Marina A (220-foot-long by 95-foot-wide) would be dry excavated to accommodate 26 small boat slips with 13 finger piers to a fixed accessed deck. Community Marina A would be created by excavating approximately 9,000 cubic yards of uplands and would be approximately mean lower low water (MLLW) -5 feet. The excavated material will be spread into uplands within the review area. Proposed seawalls would be connected to the existing ones. The northern seawall would be approximately 675 linear feet. The fixed pier system would be approximately 8-foot-wide, and the finger piers would be approximately 3-foot-wide. The finger piers would be supported by 66, 10-inch pilings and would create 26 boat slips. Boat lifts would be constructed and supported by 78, 8-inch pilings (144 pilings total).

Approximately 100 cubic yards of material would be dredged from the opening of the proposed Community Marina A to connect it to the channel to Aransas Bay. The dredged material would be placed on-site on lots 50-52.

Community Marina B would be located at the existing boat ramp and would include a fixed pier system with 18 boat slips with 10 finger piers. The fixed pier system would be approximately 8-foot-wide, and the finger piers would be approximately 3-foot-wide. The finger piers would be supported by 50, 10-inch pilings and would create 26 boat slips. Boat lifts would be constructed and supported by 54, 8-inch pilings (104 pilings total).

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding palustrine emergent wetlands.

MITIGATION: No mitigation is proposed.

CURRENT SITE CONDITIONS: The project site is currently a partially developed tract of land surrounded by residential development to the north, the Gulf Intracoastal Waterway (GIWW) to the east, and a lake with existing mitigation banks to the south. The project site has an existing boat ramp and existing bulkhead. The wetland vegetation consists of black mangroves (*Avicennia germinans*), bushy seaside-tansy (*Borrichia frutescens*), salt meadow cord grass (*Spartina patens*), shore grass (*Monanthochloe littoralis*), and coastal salt grass (*Distichlis spicata*). The subject wetlands are adjacent to the GIWW and Redfish Bay.

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 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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process. 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 has been so extensively impacted by previous dredging, placement of dredged material and residential development that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties. The permit area has been so extensively impacted by previous dredging, placement of dredged material and residential development that there is no potential for resources of interest to the Native American Tribes to exist.

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/or 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 **11 December 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-2000-01591**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RDR
U.S. Army Corps of Engineers
Galveston District
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