



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2010-00632
	Date Issued: _____	25 October 2016
	Comments	
Galveston District	Due: _____	28 November 2016

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: Mr. Harry Schulz, Jr.
231 Tamana
Galveston, Texas 77554

AGENT: Shelmark Engineering, LLC
921 Farm-to-Market Road 517 East
Texas City, Texas 77591
POC: Mr. Marcus Michna
Telephone: 409-935-9986

LOCATION: The project site is located in Offatts Bayou, at 715 Broadway, in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: GALVESTON, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 28.2845°North; Longitude: - 94.8561° West

PROJECT DESCRIPTION: The applicant is proposing to amend Permit SWG-2010-00632 to include construction of a 400-foot-long bulkhead. The bulkhead would be steel sheet pile capped with concrete. The bulkhead would be placed at the approximate mean high water mark, at or near the toe of existing riprap, with minor variances needed because of existing shoreline irregularities.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding wetlands, and placing the new structure at the base of existing riprap.

MITIGATION: There are no impacts to special aquatic sites. Impacts to the aquatic environment are minimal and no compensatory mitigation is proposed.

BACKGROUND: The original permit, SWG-2010-00632 was issued on 13 December 2010 for Phase 1, a commercial marina with one 2,460-square-foot pier extending to two 2,688-square-foot piers with twenty 248-square-foot finger piers. The permit also included dredging of 2,200 cubic yards of material disposed on adjacent uplands. The second modification, Permit SWG-2011-00322, was a regional general permit issued on 25 May 2011 for an additional pier. A modification to Permit SWG-2010-00632, permitted marina expansion 23 February 2012. A nationwide permit for bank stabilization was issued on 22 March 2012. On 07 August 2014, the permit was modified to expand the existing marina by 18,912 square feet. The permitted structure connects to the existing marina and will not connect to uplands on the site. The permitted expansion created an additional 34 mooring spaces. The new mooring spaces are 20-foot-wide by 35-foot-long on the eastern edge and 20-foot-wide by approximately 50-foot-long. An approximately 100-foot-long by 9-foot-wide floating breakwater was permitted at the southern entrance to protect the slips. Additionally, the permit was modified to retain the previously constructed marina infrastructure, issued in 2010, and modified in 2012, as well as the 4-foot-wide by 280-foot-long walkway leading to a 10-foot-wide by 30-foot-long t-head, issued in 2011. Finally, the applicant was permitted to retain the riprap structure and reef balls, issued by a nationwide permit on 22 March 2012.

CURRENT SITE CONDITIONS: The project site is located within an existing marina, surrounded by residential property and the Sea Scout facility. The property in the vicinity is almost entirely developed.

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 6 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.

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 1,500 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.

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: 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, 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 November 2016**. 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-2010-00632**, and should be submitted to:

Steve Walls
Regulatory Branch, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS