



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2023-00238

Date Issued: 12 October 2023

Comments

Due: 13 November 2023

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## 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:** Port of West Calhoun  
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Seadrift, Texas 77983  
POC: Jack Campbell  
Telephone: 361-482-0330  
Email: [jack@portofwestcalhoun.com](mailto:jack@portofwestcalhoun.com)

**AGENT:** Compass Environmental Solutions, LLC  
1625 Cottonwood School Road  
Rosenberg, Texas 77471  
POC: Matthew Chastain  
Telephone: 832-595-9064  
Email: [mchastain@compassenvs.com](mailto:mchastain@compassenvs.com)

**LOCATION:** The project site is located in the Gulf Intracoastal Waterway (GIWW), south of Highway 185 and west of Scurlock Drive, in Port O'Connor, Calhoun County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port O'Connor, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 28.430325 North; **Longitude:** -96.443543 West

**PROJECT DESCRIPTION:** The applicant is proposing to construct a public marina. The applicant proposes to hydraulically dredge and mechanically excavate approximately 156,250 cubic yards, 7.35 acres of open water, wetlands and uplands to create an open water marina. The dredge material will be placed onsite and used to grade the project to the required contours for parking and transit lanes. The applicant also proposes to discharge approximately 43,365 cubic yards of clean fill (also some backfill from dredging) associated with the construction of a marina basin including boat ramps, breakwaters, bulkhead, parking lot/roads and associated grading into approximately 8.76 acres of WOTUS; 8.44 acres of wetlands and 0.32 acre of open water. Total impacts including excavation/dredging and fill are as follows: 13.73 acres wetland impacts and 2.38 acres of open water impacts. The applicant is proposing Permittee Responsible Mitigation (PRM) for impacts to WOTUS. Additionally, the applicant proposes to construct approximately 80 floating boat slips on concrete driven pilings within the open water marina.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by proposing to implement best management practices (BMPs) to prevent additional discharges into WOTUS through the use of silt fencing and other storm water flow prevention mechanisms as needed including hay bale structures, filter socks, and coir logs. Additionally, the applicant has stated that the marina basin will be excavated and constructed prior to the connection of the basin to the tidal waters and the access channel will be created last.

**MITIGATION:** The applicant proposes to mitigate for the proposed impacts by implementation of a PRM.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land surrounded by commercial and residential development to the north and east, undeveloped land to the west, and the GIWW to the south, a county road to the east, a housing subdivision to the west, and undeveloped land to the south. Onsite wetland vegetation observed consists of Brownseed paspalum (*Paspalum plicatulum*), Narrowleaf marsh-elder (*Iva angustifolia*), Sand spike-rush (*Eleocharis montevidensis*), Anglestem beaksedge (*Rhynchospora caduca*), Yaupon (*Ilex vomitoria*), Hogwart (*Crotun capitatus*), Dwarf palmetto (*Sabal minor*), Fringed greenbrier (*Smilax bona-nox*), Dwarf saltwort (*Salicornia bigelovii*), Gulf cord grass (*Spartina spartinae*), Salt-meadow cord grass (*Spartina patens*), Coastal salt grass (*Distichlis spicata*), Shore grass (*Distichlis littoralis*) Bushy seaside-tansy (*Borrchia frutescens*), Carolina sea-lavender (*Limonium carolinianum*), and Marshy fimbry (*Fimbristylis castanea*).

**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 on 22 July 2023. The applicant's plans are enclosed in 24 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 the TECQ and initiated the Section 401 CWA process, on 25 May 2023. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto: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>.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

**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. The applicant needs to investigate for historic properties.

**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.

**COMMENT PERIOD:** All comments pertaining to this public notice must reach this office on or before **13 November 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-2023-00238**, and should be submitted to:

Evaluation Branch  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS