



Public Notice

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

Galveston District

Permit Application No: SWG-2005-00522

Date Issued: 8 September 2016

Comments

Due: 23 September 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.

APPLICANT: Revesser, LLC
340 Royal Poinciana, Suite 317-397
Palm Beach, Florida 33480
POC: Mr. Craig Millard

AGENT: HDR Engineering, Inc.
1 Galleria Boulevard, Suite 1920
Metairie, Louisiana 70001
Telephone: 501-920-5257
POC: Mr. Kyle Clark

LOCATION: The project site is located near Corpus Christi Bay, in Mustang Island wetlands, intertidal areas, and uplands at the Newport Landings Property (approximately 205 acres), 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: 27.800969 North;

Longitude: 97.092959 West

PROJECT DESCRIPTION: The applicant is proposing to construct an inland canaled subdivision to meet the growing demand of single-family water front housing on Mustang Island. The applicant is proposing to excavate 11.8 acres of waters of the U.S. and place the dredged material into the upland portion of the project site. Canals will be constructed primarily in the dry (mechanical excavation) with a potentially small volume hydraulically dredged in areas where mechanical excavation is not feasible. No fill in jurisdictional areas is proposed.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by not placing fill into any jurisdictional habitat. The applicant has also revised their project plans (Public Notice dated 28 January 2014) to reduce the impacts to jurisdictional wetlands by 1.6 acres and to exclude all bridges from the original plans eliminating any shading effects the bridges may have on wetlands.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by:

- 1) Mechanically lower uplands in the southwestern corner of the property to create a total of 11.8 acres of tidal flats (a ratio of 1:1);
- 2) Enhance a total of 1.6 acres of existing wetlands (a ratio of 0.14:1).

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of property that is approximately 202 acres in size. The area historically has been altered by man primarily for use as a borrow area. The project site is abutted by Island Moorings Marina to the northeast, State Highway 361 to the southeast, and undeveloped land to the southwest and northwest. Within the central portion of the project site exists an out tract, a golf course known as Newport Dunes at Palmilla Beach (owned by other entity). The project is located on Mustang Island in the Town of Port Aransas, Nueces County, Texas. The Corps verified the wetland delineation (sheet 2/4 of the enclosed plans) on 14 December 2015. Wetland vegetation consists primarily of *Spartina spartinae*, *Spartina patens*, *Salicornia virginica*, *Distichlis spicata*, *Borrchia frutescens*, *Distichlis littoralis*, *Typhs sp.*, *Sporobolus heterolepis*, *Schinus terebinthifolus*, and *Avicennia germinans*. The subject wetlands are adjacent to the Corpus Christi Bay and the Gulf of Mexico.

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 14 December 2015. The applicant's plans are enclosed in 4 sheets and the mitigation plan is enclosed in 9 sheets (Attachment A).

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.

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.

No water quality certification is required.

The return water from the upland contained dredge material placement area requires authorization under Nationwide Permit (NWP) 16. However, we have determined that the conditioned Section 401 certification, placed upon NWP 16 by Texas Commission on Environmental Quality (TCEQ), is not reasonably implementable or enforceable, according to 33 CFR 325.4(c). 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 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:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area. The SHPO provided their concurrence on 14 February 2014.

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. **NOTE:** A biological assessment (BA) was drafted and submitted on 10 March 2010 as part of the coordination of the previous application submittal, Consultation Number: 21410-2005-I-0421. On 6 May 2010 the USFWS submitted a Part IV 3(b) letter in response to the BA. A biological opinion has not been issued.

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 **23 September 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-2005-00522**, 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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