



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2015-00111

7 September 2023

10 October 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: GOLDEN POINTE, LLC
P.O. Box 114
Yorktown, Texas 78164-0114
POC: John Golden
Telephone: 361-564-2702
Email: jgoldenland@sbcglobal.net

AGENT: ARDURRA GROUP, INC
801 Navigation Boulevard, Suite 300
Corpus Christi, Texas 78408-2600
POC: Amy Hesseltine
Telephone: 361-883-1984
Email: ahesseltine@ardurra.com

LOCATION: The project site is located in Packery Channel, approximately 0.3-mile northeast of the intersection of Aquarius Street and South Padre Island Drive, in Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Crane Island NW, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.631449 North; **Longitude:** 97.222392 West

PROJECT DESCRIPTION: The applicant proposes to develop approximately 40 residential lots and the associated infrastructure (roads, sidewalks, utilities, etc.) on approximately 16.92 acres. The proposed project includes construction for future lot development, entry road and culverts, interior road with a cul-de-sac, and an elevated board walk that transverses the outer edges of the proposed development along Packery Channel. The proposed project would permanently affect approximately 1.037 acres and temporarily affect 0.61 acre of estuarine wetlands from fill activities. Fill associated with the entry road and culverts would permanently impact approximately 0.515 acre of wetlands. Temporary impacts associated with the entry road development would be approximately 0.61 acre. Fill associated with the interior roads would be approximately 0.522 acres of permanent impacts. The proposed boardwalk would be located within estuarine wetlands along the outer edge of the proposed development on Packery Channel. The proposed boardwalk will be approximately 4 feet high with 2-inch by 4-inch decking spaced 1-inch apart.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by developing in predominately upland areas.

MITIGATION: The applicant proposes to mitigate for the proposed impacts by mechanically lowering uplands to create a total of 0.68 acre of shallow water, tidally influenced estuarine wetlands and to preserve 6.968 acres of existing tidally influenced estuarine wetlands and mudflats.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land surrounded by commercial development to the southwest, and Packery Channel to the north, east, and west. The wetland vegetation consists of shoregrass (*Monanthochloe littoralis*), camphor daisy (*Rayjacksonia phyllocephala*), Gulf cord grass (*Spartina spartinae*), and coastal salt grass (*Distichlis spicata*). The subject tidal wetlands are adjacent to Packery Channel, a Section 10 maintained small craft navigation channel.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. 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 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 for 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 TCEQ and initiated the Section 401 CWA process, on 5 May 2023. 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 placement of dredged material 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 placement of dredged material that there is no potential for resources of concern 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 **10 October 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-2015-00111**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RDR
U.S. Army Corps of Engineers
Galveston District
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Corpus Christi, Texas 78411-4318
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS