



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

SWG-2004-00003

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.

**APPLICANT:** CITY OF ARANSAS PASS  
600 West Cleveland Boulevard  
Aransas Pass, Texas 78336-3638  
POC: Mr. Gary Edwards  
Telephone: 361-758-5301, Ext. 1101  
Email: gedwards@aptx.gov

**AGENT:** ANCHOR QEA  
1217 Highway 35 South  
Rockport, Texas 78382-3913  
POC: Mr. Chris Belaire  
Telephone: 361-450-6934  
Email: cbelaire@anchorqea.com

**LOCATION:** The project site is located in Conn Brown Harbor, which is connected to Redfish Bay and is adjacent to Bigelow Street, east of its intersection with Huff Street in Aransas Pass, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Aransas Pass, Texas.

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

**Latitude:** 27.9060 North;      **Longitude:** -97.1352 West

**PROJECT DESCRIPTION:** The applicant proposes to construct the docking capacity within the existing harbor consistent with the original authorization, creating the same 432 boat slips, but dependent upon vessel size is expected to accommodate up to approximately 544 boat vessels on approximately 103,255 square feet of floating and/or piling-supported docks extending from the western harbor bulkhead and an additional approximately 27,902 square feet of piling support docks extending from the eastern harbor bulkhead. Piles would be placed by either jetting, vibratory, or pile-driving methods. No dredge activities, bulkhead construction/repair, or terrestrial development is proposed as part of this project. Construction of dock facilities would occur throughout the duration of the permit authorization (five years). No mitigation is proposed. The stated purpose and need of the project is to enhance use of the existing Conn Brown Harbor by satisfying the public need for additional pleasure craft facilities and services, to help improve the marina facilities, as well as to maintain and improve use by commercial shrimping and fishing operations.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they will avoid and minimize the environmental impacts by implementing best management practices (BMPs) to protect nearby sensitive resources, where applicable. Dock construction would start from the harbor bulkhead and work towards the interior portion of the harbor using the docks as work platforms when possible. During mobilization and construction activities, care would be taken to avoid wetland areas adjacent to the existing harbor. If wetland areas cannot be sufficiently avoided, silt fences would be installed surrounding nearby wetlands during all mobilization and construction activities. During dock construction, the applicant would install turbidity curtains around the delineated seagrass beds, where applicable, prior to initiating work. Further the applicant proposes to minimize the use of barges and/or small boats during the construction of the proposed dock to the greatest extent practicable. BMPs would be maintained and remain in place until all temporary and localized turbidity has completely settled.

**MITIGATION:** No mitigation is proposed.

**CURRENT SITE CONDITIONS:** Conn Brown Harbor was originally constructed by the City of Aransas Pass in 1946, was further developed as a federal project in the 1950s, and later expanded in the 1970s. The harbor consists of an inner harbor approximately 49 acres in size with a dredged depth ranging from -16 to -20 feet mean low tide (MLT) and an outer harbor approximately 42 acres in size with depths that range from -8 to -12 feet MLT. Approximately 95 acres of upland fill compose the harbor peninsula. The harbor includes approximately 16,900 linear feet of bulkheaded shoreline with some rip rap waterfront, and its access channel opens into the Channel to Aransas Pass. Undredged water depths outside the harbor area range from -1 to -2 feet MLT and consist of an approximate 50-foot-wide band of *Halodule wrightii* and *Ruppia maritima* seagrass running parallel to the harbor's southern outer bulkhead, and open-water between the seagrass band and Channel to Aransas Pass.

The proposed project is an amendment to Permit SWG-2004-00003 (formerly 23284), issued 10 March 2005, which authorized development activities for Conn Brown Harbor, including: bulkhead repair; waterfront facilities; new bulkhead construction; floating docks; over-water dock structures; public boat ramp; and waterfront access improvements. The (01) amendment, issued 27 January 2009, authorized additional floating dock facilities, a maritime service facility, and relocation of the city dock. Amendment (02), issued 25 October 2011, authorized addition of a dual boat ramp approach, dredging, and associated loading pier/docking structures. Amendment (03), issued 8 March 2012, authorized reversal of the locations of the northernmost set of floating docks with the adjacent large vessel dock. Amendment (04) issued 6 September 2018, authorized retention of unauthorized work conducted within jurisdictional waters of Redfish Bay and the creation of an additional of 2,010-square-foot of seagrass in the project's existing permitted mitigation site as compensation for the additional impacts.

**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 10 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.

#### **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.

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 has been so extensively impacted by dredging, placement of dredged material, and other industrial 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.

**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-2004-00003**, 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