



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2010-01047

Date Issued: _____

12 September 2019

Comments _____

Due: _____

11 October 2019

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: TPWD ARTIFICIAL REEF PROGRAM
4200 Smith School Road
Austin, Texas 78744-3218
POC: Mr. J. Dale Shively
Telephone 512-389-4686
Email: dale.shively@tpwd.texas.gov

LOCATION: The project site is located in the Gulf of Mexico at the Outer Shelf Mustang Island Block 775, approximately 10.6 miles east of Packery Channel in the Corpus Christi area, Nueces County, Texas in 73 feet of water. The project site can be located on the USGS 1:100,000-scale map titled: CORPUS CHRISTI, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.64600° North; Longitude: 97.00700° West

PROJECT DESCRIPTION: The applicant proposes to continue to add small profile reef materials to an existing artificial reef site at Corpus Christi Nearshore Reef MU-775 (160-acre site). The proposal is to reef 1,000 tons of concrete railway ties through the formation of 5 mounds approximately 10 feet tall with a radius of 50 feet to Quadrant 4 (SW corner of reef site). Railway ties are 8 feet long by 12 inches wide by 8 inches high and weigh 650 pounds each. All work will occur within the confines of the proposed reef site area (2640 feet x 2640 feet). A minimum clearance of 30 feet, at mean low low water (MLLW), will be maintained above all reef materials as required by the US Coast Guard. All activity associated with placement of artificial reef materials will be done in a manner as not to interfere with current and future lease holders.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by stating the following: All work will be in compliance of any directives from the Corps of Engineers and US Coast Guard. Any anchor sets will be made in bottom areas devoid of historic significance or biological hard bottoms. All precautions will be made to avoid and minimize impacts on marine life during the reefing of MU-775. Workers will monitor the surrounding area for marine mammals and turtles and will pause work if imminent danger to these animals cannot be avoided. No explosives will be used.

MITIGATION: No further compensatory mitigation is proposed.

CURRENT SITE CONDITIONS: The project site is currently a 160-acre tract of open ocean bottom devoid of any biological hard bottom substrate within an area designated as artificial reef, originally permitted in 1995. In subsequent years artificial reef material added included: 470 concrete predesigned pyramids, 566 concrete culvert pipe sections, 203 box culvert sections (1,730 tons), and the 155-foot-long M/V Kinta intracoastal cargo ship.

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 3 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:

No water quality certification is required.

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 project area was previously investigated for historic properties and none were identified as documented in the technical report titled "Archaeological Assessment, Proposed Artificial Reef Site, Block 775, Mustang Island Area, Gulf of Mexico" prepared by Fugro Geoservices, Inc. for Texas Parks and Wildlife and dated August 2014.

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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 **11 October 2019**. 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-2010-01047**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
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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