



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2023-00181
	Date Issued: _____	15 June 2023
	Comments _____	
Galveston District	Due: _____	17 July 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: CITY OF PORT ARANSAS
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Port Aransas, Texas 78373
POC: David Parsons
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Email: Davidparsons@cityofportaransas.org

AGENT: PERENNIAL ENVIRONMENTAL SERVICES, LLC
13100 Northwest Freeway, Suite #150
Houston, Texas 77040
POC: Lindsey Weil
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Email: Lweil@perennialenv.com

LOCATION: The project site is located in a manmade ditch adjacent to Corpus Christi Bay, approximately 8.9 miles southeast of Aransas Pass, within Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Aransas, TX.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.778934° North; **Longitude:** -97.106960° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 290 cubic yards of clean fill and box culvert system into 0.27 acre (803 linear feet) of manmade intermittent ditch. The applicant plans to install a 7-foot by 3-foot box culvert. Once installed, the box culvert is anticipated to improve the flow of stormwater conveyed from State Highway (SH) 361 and adjacently located residential developments. The proposed project would permanently impact 0.27 acre (803 linear feet) of a manmade intermittent ditch. The ditch currently outfalls into a large manmade canal/lake with connectivity to Corpus Christi Bay through existing piping structures that cross underneath the waterbody's embankment. During construction, the existing pipes would be removed and replaced with a 7-foot by 3-foot box culvert outfall structure. The proposed headwall associated with the outfall structure would match the current grade of the embankment system along the manmade canal/lake and impacts below the ordinary high water mark (OHWM) are not anticipated to occur.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by having all machinery and equipment access from SH 361 and operate from within predominately upland areas. Furthermore, the applicant would implement best management practices (BMPs) during construction of the project to minimize impacts to temporarily disturbed areas and to reduce stormwater runoff of disturbed soils into adjacent non-disturbed areas. Wetlands and drainage ditches located immediately adjacent to SH 361 would be matted prior to construction machinery accessing the project workspace to prevent rutting and minimize disturbance. All temporarily disturbed upland and wetland areas would be restored to pre-construction contours and allowed to revegetate naturally.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by utilizing a permittee responsible mitigation (PRM) solution, prepared by Delta Land Services to offset the impacts resulting in a chance of function. The applicant would compensate for the conversion (fill) of 0.27 acres of waterbody (manmade ditch).

CURRENT SITE CONDITIONS: The project site currently bisects an improved tract of land that borders aquatic environments associated with Corpus Christi Bay to the west and SH 361 along with residential communities to the east. The project site appears to be populated primarily by upland herbaceous vegetation.

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 8 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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 previous excavation of the ditch 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 previous excavation of the ditch that there is no potential for resources of concern to the Native American Tribes to exist within the permit area.

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.

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 **17 July 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-2023-00181**, and should be submitted to:

Southwest Division, Regional Execution Center
Corpus Christi Field Office
Regulatory Division, CESWG-RDR
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Galveston District
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS