



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

AUG 09 1994

South Evaluation Section

SUBJECT: Permit No. 16639(02), Extension of Time and Modification

Marine Creek Estates Joint Venture
308 Arthur Street
Fort Worth, Texas 76107

Gentlemen:

Your request to extend the time to complete your project and to revise your permit is approved. The revisions are to add periodic maintenance dredging operations in the interior canals, add a disposal area, and to transplant Spartina alterniflora. The time for completing the bulkheads and revisions is December 31, 1997. Maintenance dredging is authorized until December 31, 2004. The project is located in Ransom Channel and in the residential canals of Pelican Cove, connected to Redfish Bay, Aransas Pass, San Patricio County, Texas.

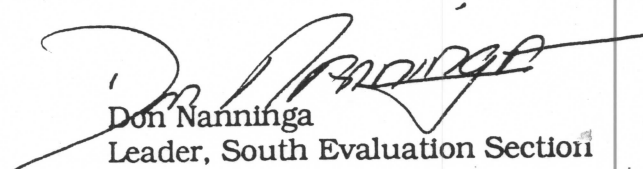
Copies of your plans in eight sheets, are enclosed. All conditions remain in full force and effect, with the exception of a revision to Special Condition d. which now reads as follows:

d. The permittee shall maintain records of the testing date, time of testing and the results of the testing and forward a copy of those materials to the District Engineer and the affected field offices of the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Texas Parks and Wildlife Department, and the U.S. Environmental Protection Agency by November 1 of each year.

In addition, Special Condition m. is reinstated and reads as follows:

m. That the work will be performed in compliance with the enclosed water quality certification from the Texas Natural Resource Conservation Commission.

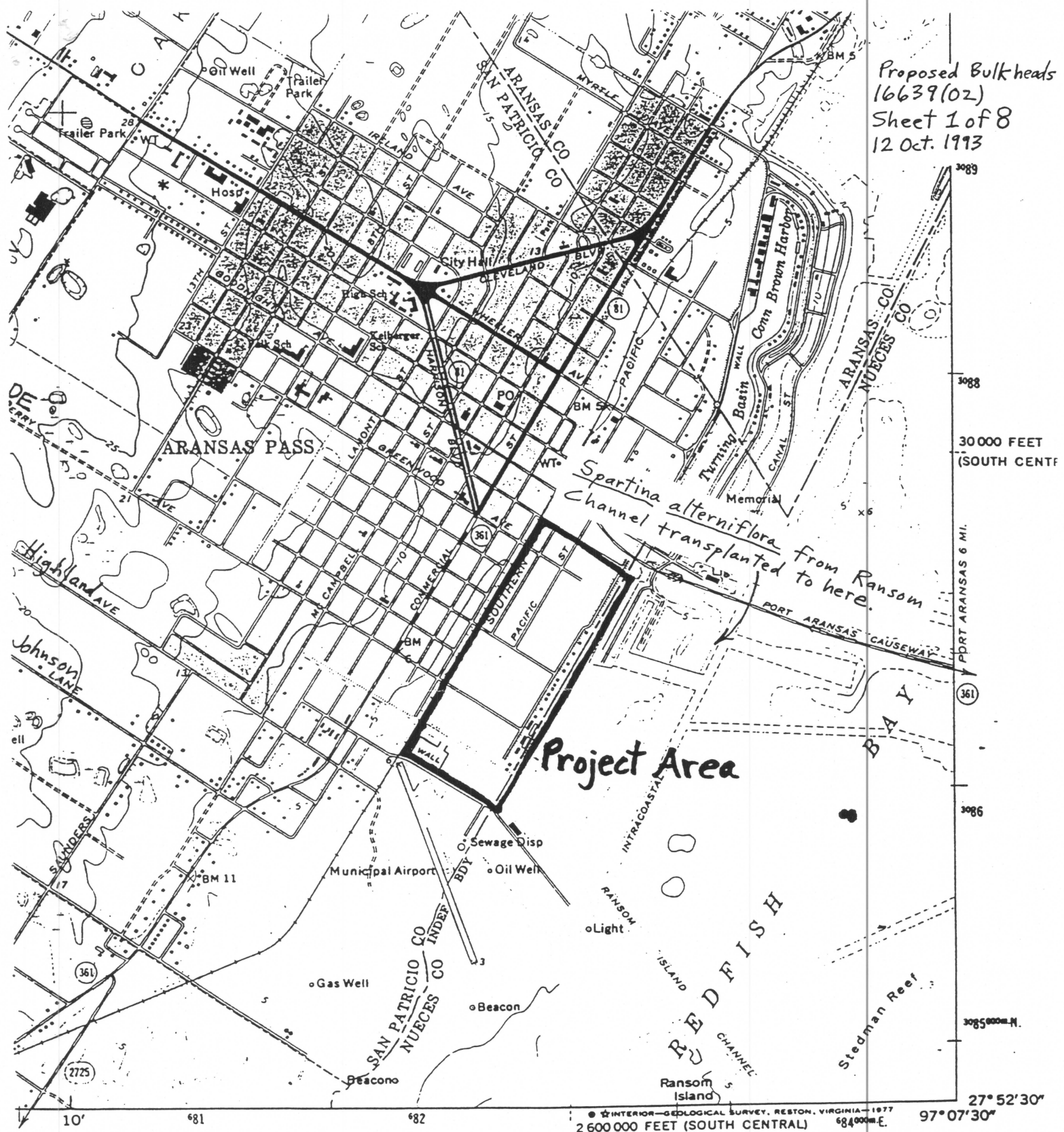
FOR THE DISTRICT ENGINEER:


Don Nanninga
Leader, South Evaluation Section

Enclosures

Copies Furnished:
See page 2

Proposed Bulkheads
16639(02)
Sheet 1 of 8
12 Oct. 1993



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

ARANSAS PASS, TEX.
NW/4 ARANSAS PASS 15' QUADRANGLE
N2752.5—W9707.5/7.5

DE BERRY AVE

MAGNOLIA AVE

EUCLID

CHANNEL

BULMEAD

• No shelves $\rightarrow$

BOAT
CHANNEL

CHANNEL

BLUE FISH COURT

CHANNEL

ANGEL FISH COURT

CHANNEL

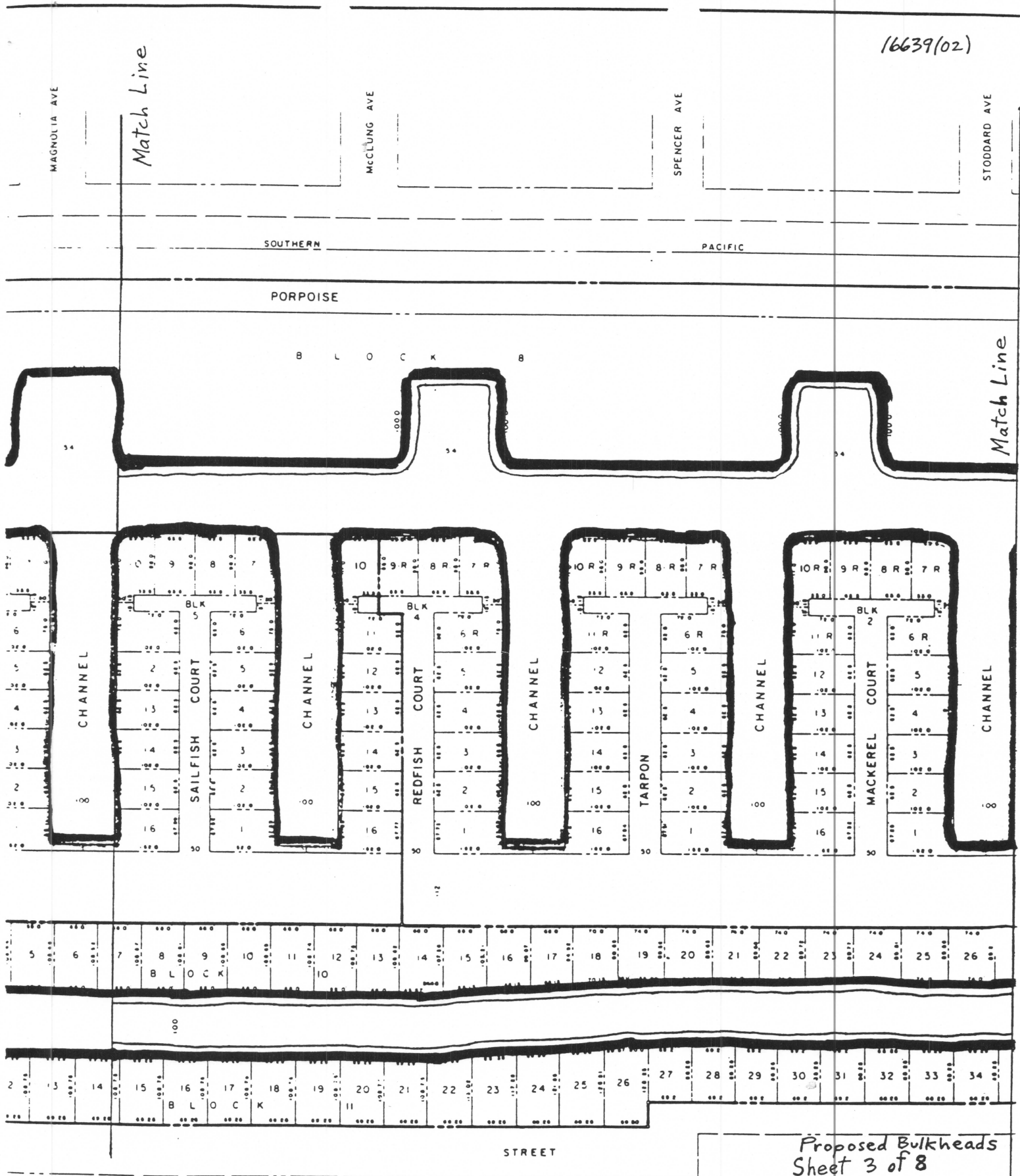
POMPANO
DRIVE

BOAT
CHANNEL

BAY

Proposed Bulkheads
Sheet 2 of 8
12 Oct. 1993
Legend on sheet 3 of 8

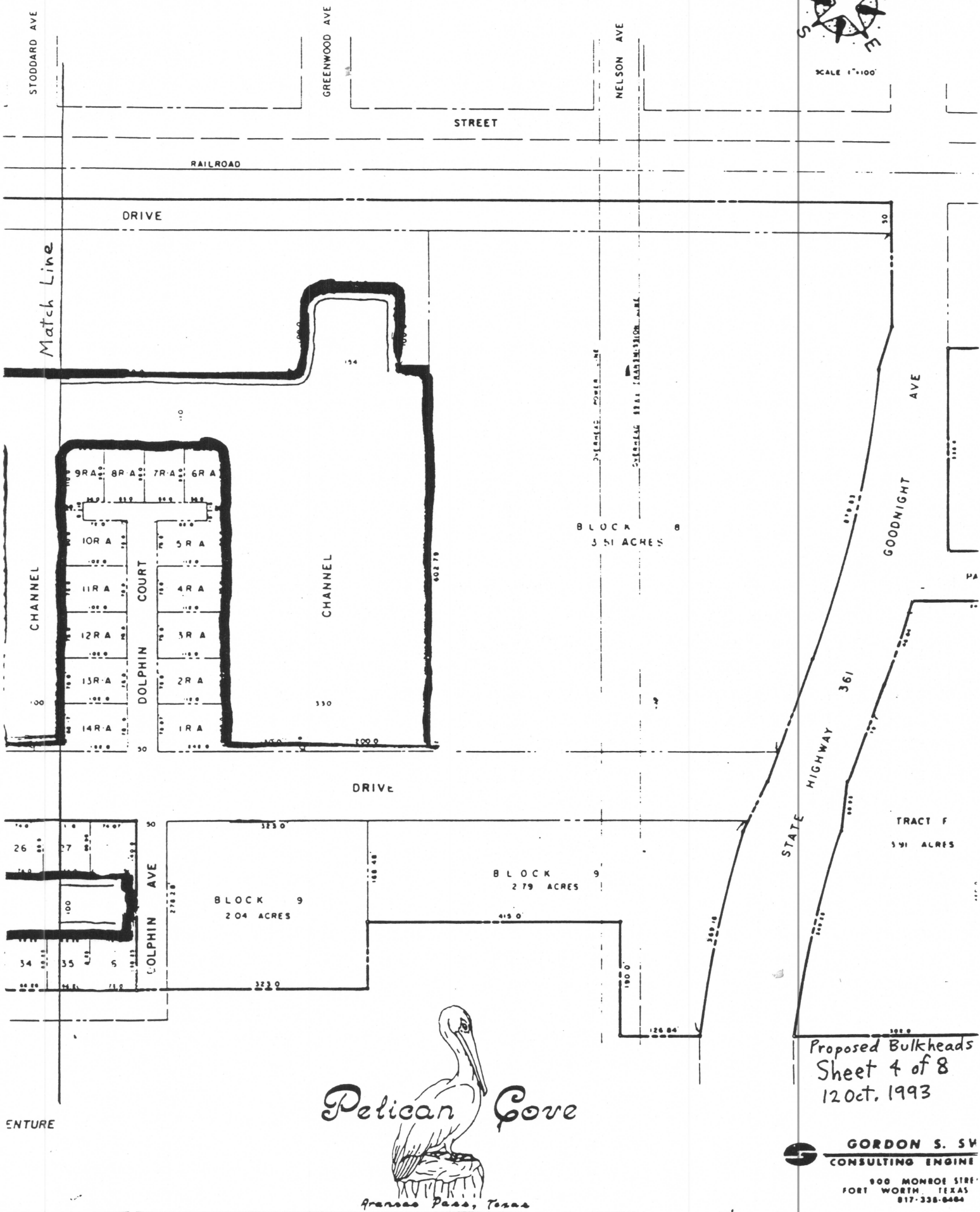
Match
Line



Proposed Bulkheads
Sheet 3 of 8
12 Oct. 1993

MARINE CREEK ESTATES JOINT VENTURE
308 ARTHUR
FORT WORTH, TEXAS 76107
(817) 332-9667

16639(02)



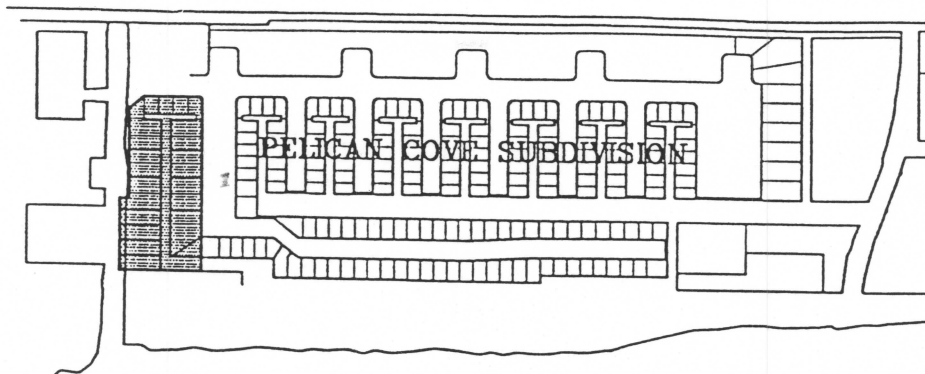
ENTURE

Pelican Cove

Aransas Pass, Texas

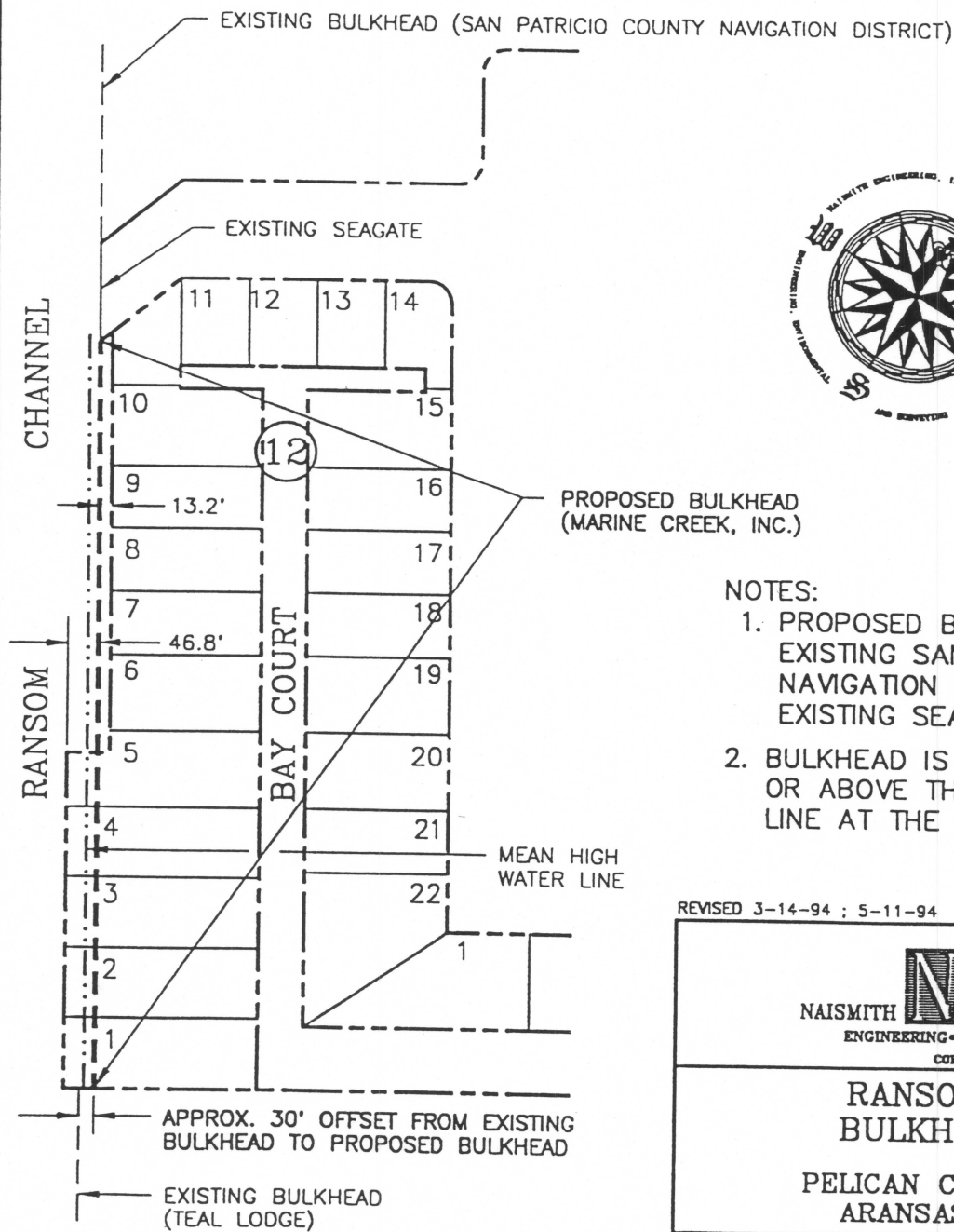
Proposed Bulkheads
Sheet 4 of 8
12 Oct. 1993

GORDON S. SV
CONSULTING ENGINEER
908 MONROE STREET
FORT WORTH TEXAS
817-338-0404



LOCATION MAP

SCALE: 1"=1000'



NOTES:

1. PROPOSED BULKHEAD LINE MATCHES EXISTING SAN PATRICIO COUNTY NAVIGATION DISTRICT WALL AND EXISTING SEAGATE WALL.
2. BULKHEAD IS TO BE LOCATED AT OR ABOVE THE MEAN HIGH WATER LINE AT THE EXISTING CHANNEL BANK.

REVISED 3-14-94 ; 5-11-94

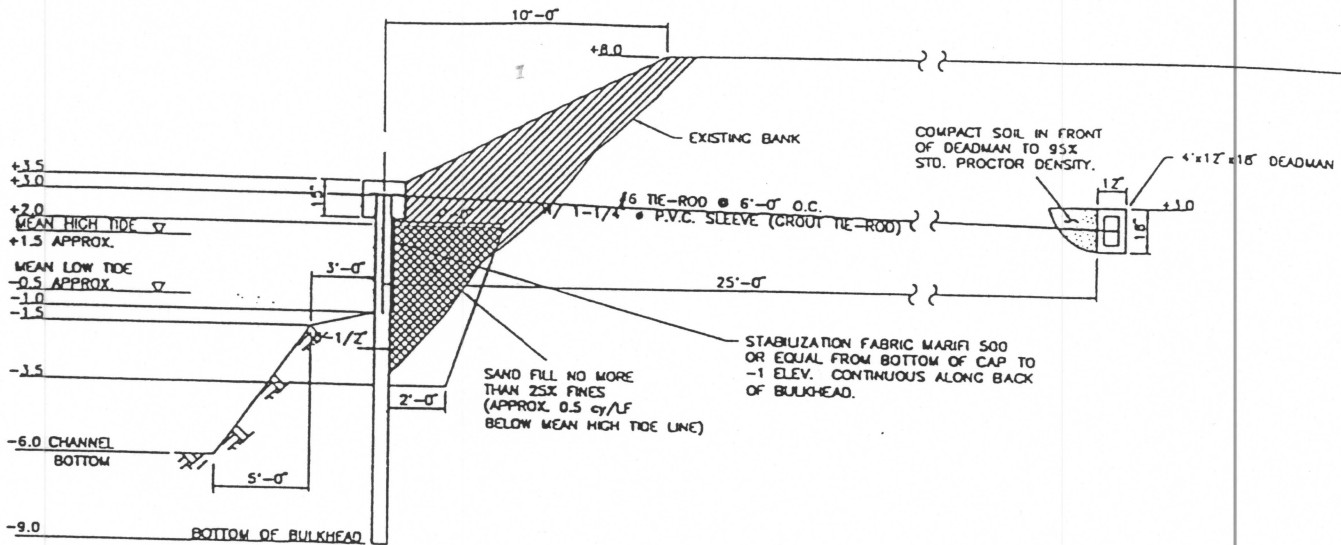
Sheet 5 of 8

NAISMITH **NEI** ENGINEERING, INC.
ENGINEERING • ENVIRONMENTAL • SURVEYING
CORPUS CHRISTI, TEXAS

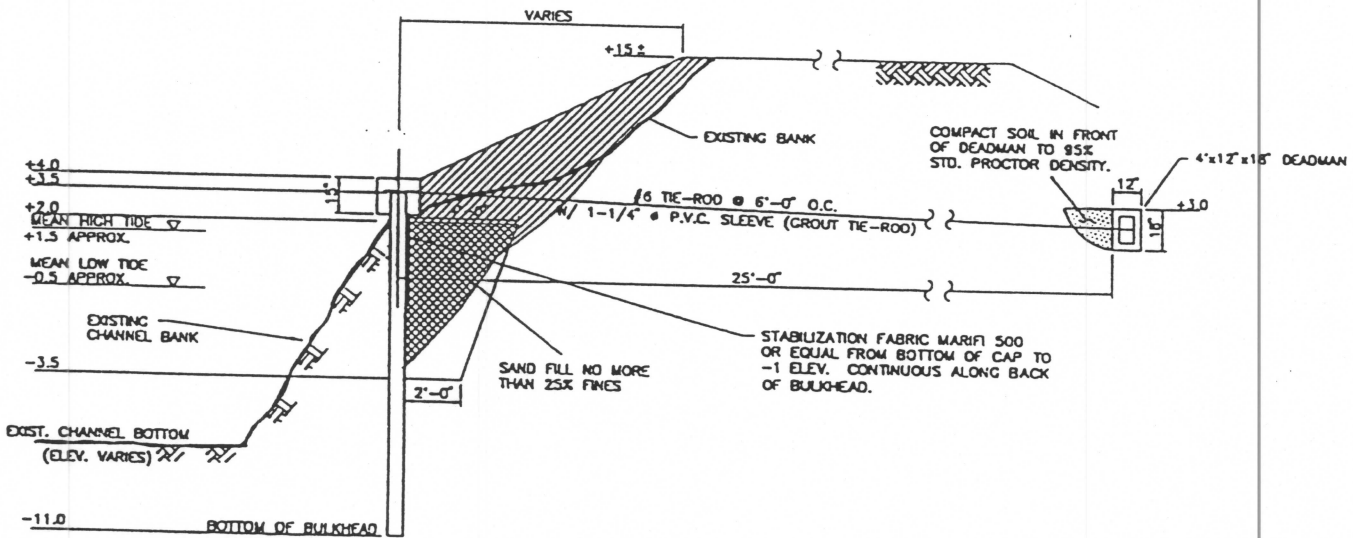
RANSOM CHANNEL BULKHEAD LAYOUT

PELICAN COVE SUBDIVISION
ARANSAS PASS, TEXAS

Drawn By: E. BUSSEY	Appr. By: C. BRIDGES	Scale: 1"=200'	Proj. No.: 4040-002
Checked By: C. BRIDGES	Project No.: 4040	Date: 12/20/93	Rev: 0



INTERIOR BULKHEAD SECTION (TYP.)
N.T.S.



RANDOM CHANNEL BULKHEAD SECTION (TYP.)
N.T.S.

NOTE:

REFER TO NEI DRAWING #4040-002
FOR LAYOUT OF RANSOM CHANNEL
BULKHEAD IN BLOCK 12.

REVISED 3-14-94 ; 5-11-94

Sheet 6 of 8

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ENGINEERING • ENVIRONMENTAL • SURVEYING
CORPUS CHRISTI, TEXAS

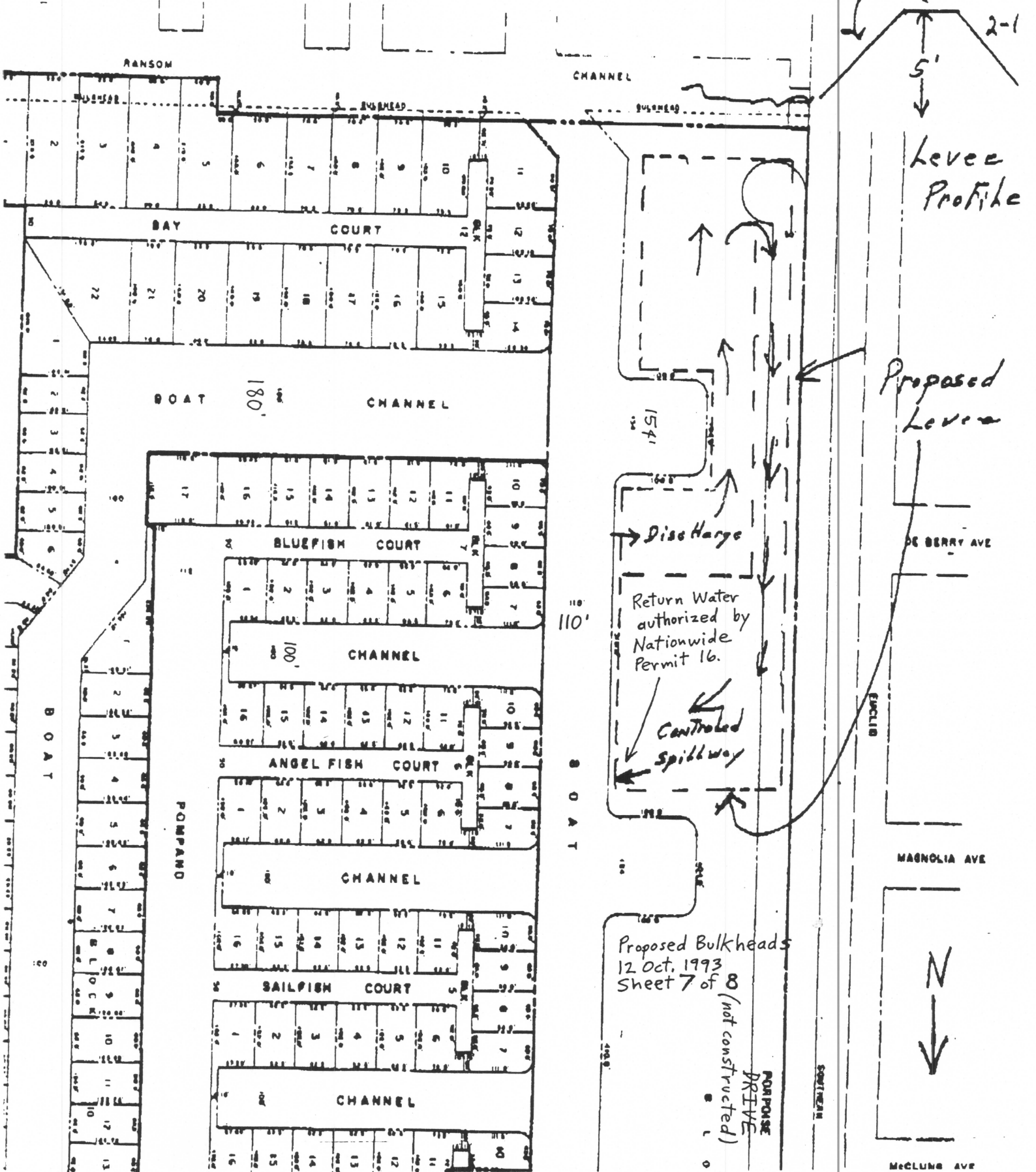
TYPICAL BULKHEAD
CROSS SECTIONS
PELICAN COVE SUBDIVISION
ARANSAS PASS, TEXAS

Drawn By: E. BUSSEY	Appr. By: G. BRIDGES	Scale: NONE	Proj. No.: 4040-001
Checked By: G. BRIDGES	Project No.: 4040	Date: 12/20/93	Rev: 0

16639(02)

Disposal Area
Plan View, 1"=200'

16639(02) 8 mil Plastic Liner



Notes:

1. All the canals have been constructed.
2. All circulation pipes as shown in the plans of the original Permit 16639 have been installed. These include six 36-inch pipes, two 60-inch pipes and the three pipes referred to in special condition (g) of Permit 16639.
3. All special conditions from Permit 16639 will be retained except for special condition (d) which has been revised to read as follows:

The permittee shall maintain records of the testing date, time of testing and the results of the testing and forward a copy of those materials to the District Engineer and the affected field offices of the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Texas Parks and Wildlife Department and U.S. Environmental Protection Agency by November 1 of each year.

4. Maintenance dredging to the original permitted depths will be done for 10 years. This means that the six finger canals will be maintained to a depth of 4 feet below mean low tide (MLT), the remainder of the project will be maintained to a depth of 6 feet below MLT and an 8-foot-wide shelf that tapers down to the permitted depths will be maintained along the bulkheads. Dredging will be done by dragline or hydraulic methods. Material dredged by dragline methods will be placed landward of the bulkheads or in the leveed disposal area and material dredged by hydraulic methods will be placed in the leveed disposal area. Approximately 30,000 cubic yards of material will be dredged initially and a maximum of 5,000 cubic yards of material will need to be dredged each year after that.

5. Before construction of the bulkhead along Ransom Channel, all Spartina alterniflora located at or above MHT along the north shoreline of this channel in the project area will be transplanted to Bay Harbor subdivision as shown on sheet 1 of 8 of the project plans.

6. Thirty days prior to construction of the bulkhead along Ransom Channel, the applicant shall stake the mean high tide line and have this marking of the mean high tide line verified by the Corps of Engineers.

7. No maintenance dredging will be done in Ransom Channel.

8. The mitigation required by Permit 16639(01) is complete and consisted of planting 800 square feet of Spartina alterniflora (smooth cordgrass) adjacent to the mitigation area for Permit 17621.

Proposed Bulkheads
12 October 1993
Sheet 8 of 8

John Hall, *Chairman*
Pam Reed, *Commissioner*
Peggy Garner, *Commissioner*
Anthony Grigsby, *Executive Director*



29 APR 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

April 22, 1994

Mr. Steve Hollenbeck
Galveston District SWGCO-RP
Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

RE: **Minor Ammendment** to Certification for USCOE
Permit Application No. 16639(02)

Dear Mr. Hollenbeck:

Permit application 16639(02) proposes to extend the time of Permit 16639 to complete bulkheads along residential canals connected to Redfish Bay in the Pelican Cove canal development, Aransas Pass, San Patricio County. The applicant, Marine Creek Estates Joint Venture, also proposes to add maintenance dredging for 10 years to the original permitted depths, to add a disposal area and dredge the area along the bulkhead in Ransom Channel. Approximately 9,000 feet of bulkhead remains to be finished and approximately 0.5 cubic yards of fill per linear foot would be placed below the mean high tide line.

In response to the Joint Public Notice dated , December 29, 1993 we **conditionally** certify that the activity should not result in a violation of established Texas Water Quality Standards as required by Section 401 of the Federal Clean Water Act and pursuant to Title 30 Texas Administrative Code, Chapter 279 provided that the special provisions and standard conditions in Attachment 1 are followed to insure against a possible standards violations or wetland impact/loss. Note that the special provisions in Attachment 1 have been revised since our certification on February 24, 1994. In provision number 3, an eight foot shelf, which would run parallel to the interior bulkheads, is being requested instead of a ten foot shelf.

Wetlands are protected by the Texas Surface Water Quality Standards and they play a major role in maintaining water quality standards. We support a goal of no net loss of wetlands. To this end, we believe that wetland impacts/losses can be avoided, minimized, or mitigated when Corps personnel follow their Section 404 Guidelines in determining whether to issue a Section 404 permit.

No review of property rights, location of property lines, nor the distinction between public and private ownership has been made and this certification may not be used in any way with regard to questions of ownership.

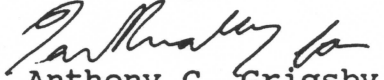
P.O. Box 13087 • Austin, Texas 78711-3087 • 512/908-1000

printed on recycled paper using soy-based ink

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If we may be of further assistance, please contact Mr. Mark Fisher,
Section 401 Coordinator, Environmental Assessment Division at
512/475-2182.

Sincerely,


Anthony C. Grigsby
Executive Director

Attachment No. 1

cc: Marine Creek Estates Joint Venture
308 Arthir Street, Fort Worth, Texas 76107

Texas Natural Resource Conservation Commission (TNRCC)
RE: USCOE Permit No. 16639(02)

Attachment 1, Dredge and Fill Certification
Page 1 of 4

WORK DESCRIPTION: As described in public notice dated December 29, 1993.

SPECIAL PROVISIONS:

- 1) Conditions as outlined in Permit 16639 are to be retained and should remain in force until 3 years after completion of construction, with exception of the monitoring requirements. We feel that it would be adequate for monitoring to be done on a weekly basis and reported to the District Engineer and affected field offices on a monthly basis for as long as construction is underway at the site, but that yearly monitoring reports would be sufficient after construction is complete.
- 2) Monitoring reports must be submitted for TNRCC's review during the proposed construction.
- 3) The bulkhead for the Ransom Channel canal is to be constructed at or above the MHT line, and an eight foot shelf which would run parallel to the interior bulkheads should be shown in the typical bulkhead cross section.

(Note: This is an ammendment to our certification letter sent on February 24, 1994 which requested a ten foot shelf. After discussion with Steve Hollenbeck of the U.S. Army Corps of Engineers, and consultation with other reviewing agencies, we have decided that an eight foot shelf would be sufficient at this site.)
- 4) The 10 year extension should apply only to the maintenance dredging. Bulkhead construction and non-maintenance dredging should only be authorized for 3 years.

GENERAL: This conditional certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the application or joint public notice and shall expire 5 years from the date of issuance of the Corps of Engineer (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The TNRCC reserves the right to require full joint public notice on a request for minor revision. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which

Attachment 1, Dredge and Fill Certification
Page 2 of 4

results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TNRCC or a successor agency.

STANDARD PROVISIONS: These following provisions attach to any permit issued by the Corps of Engineers and shall be followed by the permittee or any employee, agent, contractor or subcontractor of the permittee during any phase of work authorized by a Corps permit.

1. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TNRCC at 1-800-633-9363.
2. (a) Sanitary wastes shall be retained for disposal in some legal manner.
(b) Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and/or federal law.
3. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.
4. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulate.
5. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available.

Attachment 1, Dredge and Fill Certification
Page 3 of 4

If work within a wetland is unavoidable, heavy equipment shall be placed on mats, if necessary, to protect the substrate from gouging and rutting.

6. Dredge Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff (a) onto any adjacent property not owned by the applicant, (2) into wetland or (3) into waters in the state. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed.
7. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TNRCC, Environmental Assessment Division, shall be contacted at (512) 463-9886 during business hours. Dredging activities shall not be resumed until authorized by the Commission.
8. Contaminated water, soil or any other material shall not be allowed to enter a watercourse. Noncontaminated stormwater from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
9. Upon completion of earthwork operations all temporary fills shall be removed from the watercourse/wetland and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely effect the biological, chemical or physical properties of the receiving waters.
10. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
11. Where the control of weeds, insects and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to a waterway/wetland.
12. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.

Attachment 1, Dredge and Fill Certification
Page 4 of 4

13. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms or putrescible sludge deposits or sediment layers which adversely affect benthic biota or any lawful uses.
14. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes and bays.
15. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition, foaming or frothing of a persistent nature is avoided and surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
16. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life or to terrestrial life.
17. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative and Numerical Criteria.
18. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.
19. Stormwater runoff from construction activities (U.S.E.P.A. Category X) are governed by the requirements of the U.S. Environmental Protection Agency. Applications to apply for a general permit are to be obtained from Region 6, U.S.E.P.A. at (214) 655-7185.