



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Richard Franke
Shores Development

Published: April 6, 2026
Expires: April 20, 2026

Galveston District
Permit Application No. SWG-2007-00818

TO WHOM IT MAY CONCERN: The Galveston District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Richard Franke
Shores Development
8605 Padre Island Boulevard
South Padre Island, Texas 78597

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Laguna Madre. The project/review area is located The Shores, 8605 Padre Boulevard; at Latitude 26.1526364 and Longitude -97.1726102; in South Padre Island, Cameron County, Texas.

EXISTING CONDITIONS: The project site is approximately 187 acres of coastal land along the Laguna Madre, featuring seven existing manmade islands in a primarily residential area of South Padre Island, Texas. Adjacent properties consist of undeveloped land to the north and a county park to the south. To the east, residential developments border the Gulf of Mexico. The Laguna Madre borders the property to the west. The review area has existing bulkheads and several docks with finger piers. One bridge has been constructed from the mainland to Island #2. The applicant has stated there is no seagrass within the review area.

PROJECT PURPOSE:

Basic: Construction of waterfront amenities for residential development.

Overall: To develop waterfront amenities for the 187-acre The Shores residential development in South Padre Island.

PROPOSED WORK: The applicant requests an extension of time and proposes to modify an existing permit to six bridges, 13 docks with boat slips and boatlifts, and maintenance dredging. The six bridges would be supported by a total of 115, 18-inch

square concrete pilings that are 80 feet long and would be installed by impact hammer. Each bridge would be approximately 40 feet wide and vary in length of 315 feet (bridge 1), 160 feet (bridge 2), 100 feet (bridge 3), 104 feet (bridge 4), 85 feet (bridge 5), and 130 feet (bridge 6). Each bridge would take approximately 30 – 60 days to construct. The 13 docks would each contain 20 boat slips. Each dock would utilize approximately 163, 8-inch and 12-inch round pilings that would be vibrated in. The total pilings for the 13 docks would be 2,119, 12-inch pilings and 1,820 8-inch pilings. Approximately 40 boatlifts would be installed on two docks using a total of 320, 12-inch concrete pilings that would be installed by impact hammer. Maintenance dredging would remove approximately 400 – 800 cubic yards (CY) by mechanical dredging. The dredge material would be placed within the upland portions of the project area away from any waters of the U.S. The final dredge depth would be -4 feet mean low water (MLW) with a 2-foot overdredge equaling -6 feet MLW.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: During dredging navigational markers will be used to direct boat traffic. The mechanically dredged material will be placed on a barge and deposited in the noted upland area. Silt screens will be utilized to keep water disturbance to a minimum.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: There will be no impacts to special aquatic sites.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

The permit area has been so extensively impacted by previous dredging and residential development that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to cause an effect to historic properties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation

(IPaC), National Marine Fisheries Service (NMFS) Southeast Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
USFWS ESA-Listed Species/Critical Habitat		
West Indian manatee	<i>Trichechus manatus</i>	Threatened
NMFS ESA-Listed Species/Critical Habitat		
Green (North Atlantic)	<i>Chelonia mydas</i>	Threatened
Kemp's ridley	<i>Lepidochelys kempii</i>	Endangered
Loggerhead (Northwest Atlantic [NWA] DPS)	<i>Caretta caretta</i>	Threatened
Giant manta ray	<i>Mobula birostris</i>	Threatened

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 60 acres of shallow open water comprised of sandy clay. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages: red drum, triggerfishes (Balistidae), jacks (Carangidae), wrasses (Labridae), snappers (Lutjanidae), tilefishes (Malacanthidae), groupers (Serranidae), and coastal migratory pelagic species, shrimps, stone crabs,

and spiny lobsters. Proposed work would permanently impact approximately 60 acres of soft bottom, open water through maintenance dredging and placement of pilings. Sessile organisms within this area would be killed, though recolonization is anticipated in adjacent areas once construction ceases. Once constructed, the physical presence of the pilings, boat slips, and increase in boating activities may alter local hydrodynamics, changing the species composition; however, this effect is expected to be minor and would be similar to the existing structures. Dredging and structure installation activities would cause short-term, localized increases in turbidity and resuspension of potential contaminants buried in the sediment, which can negatively affect fish gills and behavior. Additionally, pile driving and heavy machinery operations would generate increased underwater noise, potentially disturbing marine mammals and fish species that rely on sound for communication and navigation. The applicant would implement the NMFS Southeast Regional Office (SERO) Vessel Strike Avoidance Measures and the Protected Species Construction Conditions. 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.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION:

No water quality certification is required.

COASTAL ZONE MANAGEMENT PROGRAM:

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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel. The applicant's plans are enclosed in 7 sheets.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

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 determination, comments are used to assess impacts to 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 Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Galveston District will receive written comments on the proposed work, as outlined above, until April 20, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to the Regulatory Division at swg_public_notice@usace.army.mil. Alternatively, you may submit comments in writing to the Regulatory Division, U.S. Army Corps of Engineers, Galveston District, Attention: **SWG-2007-00818**, at 5151 Flynn Parkway, Suite 306, Corpus Christi, Texas 78411. Please refer to the permit application number **SWG-2007-00818** in your comments.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

DISTRICT ENGINEER
GALVESTON DISTRICT

CORPS OF ENGINEERS