



# Public Notice

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

**Galveston District**

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

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

Comments \_\_\_\_\_

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

**SWG-2018-00232**

**26 March 2025**

**10 April 2025**

---

## 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 404 of the Clean Water Act.

**APPLICANT:** CITY OF SOUTH PADRE ISLAND  
321 Padre Boulevard  
South Padre Island, Texas 78597-6502  
POC: Ms. Kristina Boburka  
Telephone: 956-761-3837  
Email: [kboburka@myspi.org](mailto:kboburka@myspi.org)

**AGENT:** HDR, INC.  
555 N. Carancahua, Suite 1600  
Corpus Christi, Texas 78401-0849  
POC: Mr. Harrison McNeil  
Telephone: 361-696-3320  
Email: [Harrison.McNeil@hdrinc.com](mailto:Harrison.McNeil@hdrinc.com)

**LOCATION:** The project site is located on a 107-acre parcel of land, wind tidal flats, and salt marsh contiguous with the Laguna Madre above the Mean High Water (MHW) line, approximately 0.32 mile north of Beach Access Road 4 along Ocean Boulevard (Park Road 100), South Padre Island, Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Isabel NW, Texas.

**LATITUDE & LONGITUDE (NAD 83):**  
Latitude: 26.158169° North; Longitude: 97.175903° West

**PROJECT DESCRIPTION:** This proposed project was initially submitted for public notice 30 July 2020. The applicant is currently submitting modified project plans and a proposed mitigation plan. The applicant proposes the placement of 13,350 cubic yards (CY) of clean aggregate fill within 1.11 acres of sparsely vegetated algal flats and estuarine salt marsh adjacent to the Laguna Madre, above the MHW line, for the construction of the Wind and Water Sports Venue (WWSV) on property currently leased by the City and accessed by the South Padre Island Windsurfing Organization (SPIW).

From Park Road 100 (PR-100), a 27-foot-wide permeable access road would extend towards the Laguna Madre to an approximate 235-foot by 117-foot equipment unloading and vehicle turnaround (Parking Area A [PAA]). The proposed PAA site is located closest to the Laguna Madre and is intended for users to drop off their gear from their vehicles before parking in other designated parking areas. PAA is planned to contain five handicapped parking spots to accommodate ADA access to the Laguna Madre. Additionally, PAA is designed with a 50-foot turning radius, which is required to accommodate emergency vehicles that may need to access the WWSV. A mobi-mat would extend from PAA to serve as an equipment rigging area. A mobi-mat is a portable and removable beach access mat made of 100% recycled materials that provide a firm, stable surface for increased access in dynamic environments like beaches and shorelines. While PAA would result in wetland and tidal flat impacts, it is sited to take advantage of an upland mound within the project area near the Laguna Madre, minimizing the total wetland impacts of the project.

Located primarily in uplands, Parking Areas B and C (PAB and PAC) are designed to serve as parking for the WWSV users once they have dropped their gear at PAA. PAB is planned to be approximately 240 feet by 117 feet and provide 38 regular parking spaces and 24 oversized parking spaces for full-sized vans often driven by windsurfers. Sufficient parking capacity could not be designed with one parking lot alone, so the applicant proposes a second parking area, PAC, to meet the capacity demand. By dividing the parking lots into two separate areas, PAB and PAC, the applicant would configure these areas to minimize wetland impacts. PAC would be approximately 290 feet by 36 feet and provide 53 regular-sized parking spaces.

Finally, to prevent further habitat degradation from illegal vehicular access from offset, the applicant plans to install bollards along the north and south boundaries of the leased property. The bollards would run east to west from the uplands to the MHW line of the Laguna Madre to prevent access to the project location from other locations on the island.

Approximately 11,050 cubic yards would be placed in 0.69 acre of tidal flats to construct the access road between PAA and PAB. To construct PAA and PAB, approximately 2,100 CY of fill would be placed in 0.33 acre of estuarine wetlands and approximately 200 CY of fill in 0.09 acre of palustrine wetlands.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by reducing the components of the WWSV to those necessary to meet the project's purpose and need. Initial iterations of the project by the SPIW proposed a recreational compound sprawling over 400 acres dominated by

tidal flats and coastal wetlands. The applicant worked with SPIW to reduce the project footprint and provide access to the SPIW's current membership and potential future users of the WWSV while preventing further environmental impacts. The applicant purposefully avoided seagrass impacts by siting all WWSV fill above the MHW line and the proposed placement of bollards will help minimize rutting in adjacent mud flats.

**MITIGATION:** To offset unavoidable wetland and tidal flat impacts, the applicant purchased a property to preserve via deed restriction (See Attachment A – Permittee Responsible Mitigation Plan). The PRMP will preserve a 12.42-acre parcel of land, resulting in an approximate 11 to 1 ratio of compensatory mitigation for unavoidable project impacts. The PRMP is located offsite from the project area and will preserve both in-kind and out-of-kind resources compared to the project impacts. The Corps has determined that preservation is warranted as a compensatory mitigation method for this project per the regulations as set forth in 33 CFR § 332.3(c).

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land consisting of a vast expanse of sparsely vegetated tidal algal flats and portions of an upland lobe fringed with estuarine salt marsh. This area is traditionally used by the general public to access the Laguna Madre, immediately to the west of the project site, from Ocean Boulevard (Park Road 100) to the east. The area is rutted with various vehicle tracks cutting across the property. To the north are large undeveloped tracts of terrain similar to the project site. To the south is a partially completed residential development. The wetland vegetation consists of saltgrass (*Distichlis spicata*), sea ox-eye daisy (*Borrchia frutescens*), salt meadow cordgrass (*Spartina patens*), saltwort (*Salicornia bigelovii*), glasswort (*Salicornia maritima*), and black mangrove (*Avicennia germinans*). The subject wetlands and flats are adjacent to the Laguna Madre.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 12 sheets, with the proposed Mitigation Plan (Attachment A), in 12 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 Clean Water Act (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.

When initially reviewed under Public Notice 30 July 2020, this project had incorporated 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 1500 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.

**LEAD FEDERAL AGENCY:**

The Corps has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act and National Historic Preservation Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps.

**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 is composed of low-lying wetlands with no existing or subsided natural levee landforms and has a low potential for containing cultural deposits that may be eligible for inclusion in the National Register of Historic Places. No cultural resource survey is warranted.

**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 will be initiated to assess the effect on endangered species.

**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 **10 April 2025**. 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-2018-00232**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notice> OR

Corpus Christi Regulatory Field Office  
Regulatory Division, CESWG-RD-R  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS