



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Sergio Cantu
The Alebrije Investments LLC

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Expires: April 30, 2026

Galveston District
Permit Application No. SWG-2024-00108

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 404 of the Clean Water Act (33 U.S.C. §1344) **and** 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: Sergio Cantu
The Alebrije Investments LLC
501 N Bridge Street
Hidalgo, Texas 78557

AGENT: Yara Cantu
Del Bosque Projects
2033 E 29th Street
Mission, Texas 78574

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with the Laguna madre. The project/review area is located on Lots 6A, 6B, 7A, and 7C on W Hibiscus Street; at Latitude 26.115073 and Longitude -97.172703; in South Padre Island, Cameron County, Texas.

EXISTING CONDITIONS: The project site contains four individually platted undeveloped residential lots. Collectively, the lots contain 0.055 acres of uplands and 0.232 acres of tidal wetlands dominated by black mangrove (*Avicennia germinans*).

PROJECT PURPOSE:

Basic: Residential development.

Overall: To construct vacation homes in South Padre Island, Texas with convenient access to coastal recreation.

PROPOSED WORK: The applicant requests authorization to construct four residential townhomes. The project would result in a total of approximately 0.027 acres of permanent impacts to wetlands associated with the discharge of fill material, installation

of pilings, and installation of a retaining wall. Permanent fill would result in approximately 0.024 acres of impacts. Fill material would be composed of clean structural select fill, sand, or crushed limestone base. All fill material would be sourced from licensed commercial suppliers and free of contaminants, debris, hazardous substances and organic waste. The townhomes would be supported by 18-inch round concrete columns and 8-inch by 12-inch square columns. The retaining wall would be 12-inches wide and 100-linear feet long. The ground level would be an open terrace with a grated deck to maximize sunlight penetration. The ground level would be elevated approximately 6 feet above the surface near the retaining wall, and approximately 8 feet 8 inches above the surface at the far edge. The project would result in approximately 0.086 acres of temporary impacts associated with temporary construction access. Temporarily impacted areas would be restored to preconstruction conditions.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Impacts have been avoided and minimized by using pile-supported foundations instead of slab-on-grade construction. Fill has been limited to the smallest practicable footprint. The proposed retaining walls have been designed to reduce grading impacts.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: Impacts have been limited to the greatest extent practicable. The total permanent wetland impacts would be approximately 0.028 acres, which is below the typical 0.10-acre threshold for compensatory mitigation.

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 is primarily 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. 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) 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		
Eastern Black Rail	<i>Laterallus jamaicensis jamaicensis</i>	Threatened
Piping Plover	<i>Charadrius melodus</i>	Threatened
Red Knot (Rufa)	<i>Calidris canutus rufa</i>	Threatened

This notice serves as request to the U.S. Fish and Wildlife 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 and indirectly impact approximately 0.232 acres of tidal wetlands. 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. The proposed activity would cause a permanent loss of 0.028 acres of tidal wetlands, indirect shading impacts to 0.118 acres of tidal wetlands, and temporary construction impacts to .086 acres of tidal wetlands. 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: The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant contacted TCEQ and initiated the Section 401 CWA process, on February 4, 2026. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

COASTAL ZONE MANAGEMENT PROGRAM: The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Commission on Environmental Quality will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

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 30, 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-2024-00108**, at 5151 Flynn Parkway, Suite 306, Corpus Christi, Texas 78411. Please refer to the permit application number **SWG-2024-00108** 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