



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2024-00852

Date Issued: 6 May 2025

Comments

Due: 6 June 2025

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## 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:** DKRS, Driftwood Shores, LLC  
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San Marcos, Texas 78666  
POC: David Kilgore  
Telephone: 210-241-9445  
Email: [jdavidkilgore@gmail.com](mailto:jdavidkilgore@gmail.com)

**AGENT:** D&P Marine Construction, LLC  
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Palacios, Texas 77465  
POC: Dray Acuna  
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**LOCATION:** The project site is located in Carancahua Bay, at 1005 Shoreline Lane, in Port Lavaca, Calhoun County, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 28.713032 North; **Longitude:** 096.414309 West

**PROJECT DESCRIPTION:** The applicant is proposing work at two separate Lots within a coastal residential community known as Driftwood Shores at Wolf Point. At Lot 34, the applicant proposes work associated with the construction of a pier and kayak launch, dredging a new channel and existing pond, and installation of rip rap along the proposed new channel in Carancahua Bay. The pier structure consists of a 200-foot-long by 6-foot-wide walkway with an 8-foot-wide by 50-foot-long L-Head. The overall structure will encompass a total area of 1,200-square-foot and extend 208 feet into Carancahua Bay. The applicant proposes to mechanically dredge a total of 725 cubic yards (CY) of material from Carancahua Bay to a maximum depth of -1.5 feet mean high water for the purpose of constructing a new channel and deepening an existing pond. The dredged material will be placed onsite in uplands on Lot 34. The rip rap consists of the discharge of a maximum of 10 CY of concrete fill into Carancahua Bay below mean high water for the construction of two 20-foot-long by 5-foot-wide structures that will extend 20 feet into Carancahua Bay. At Lots 75 & 76, the applicant proposes work associated with the installation of a bulkhead, construction of a boat ramp, and construction of a marina in Carancahua Bay. The applicant proposes to discharge 1.5 CY of concrete fill material into 0.01 acre below the mean high water of Carancahua Bay to construct an 80-foot-long by 14-foot-wide boat ramp. The marina consists of a 100-foot-long by 6-foot-wide walkway, 180-foot-long by 6-foot-wide walkway, one 374-foot-long by 66-foot-wide covered boathouse, and one 374-foot-long by 76-foot-wide covered boathouse. The overall marina, including the 12-inch roof overhang, will encompass a total area of 55,508-square-foot (1.27 acres) and extend 480 feet into Carancahua Bay. The applicant has stated that the discharge of 2.5 CY of vinyl fill material into 0.01 acre to install 186 linear feet of bulkhead will be above the mean high water of Carancahua Bay.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that the proposed structures will not interfere with navigation or natural coastal processes and avoids and minimizes shading by incorporating 1-inch deck spacing and constructing the decking of structure 4 feet above mean high water with the roof a minimum of 10 feet above the decking. Fill into waters of the U.S. is the minimum amount necessary to stabilize the bank and impacts to wetlands will be avoided. Additionally, the applicant has designed the placement of the bulkhead to be above the mean high water.

**MITIGATION:** The applicant is not proposing mitigation.

**CURRENT SITE CONDITIONS:** The project area is tidally influenced and consists of estuarine unconsolidated water bottom of Carancahua Bay. The project area is located on an undeveloped peninsula where there are no structures such as piers, boat lifts, aids to navigation, boat ramps, etc. There are no seagrasses or oyster beds present within the project area.

**NOTES:** 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 16 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality 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 has not yet reached out to the Texas Commission on Environmental Quality to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto: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>.

**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 proposed project is of such limited nature and scope that it has no potential to affect historic properties, even if present within the project 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.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. 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.

**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 **6 June 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-2024-00852**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notices> OR

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