



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Jennifer Hoff
Diamond Beach Holdings

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Galveston District
Permit Application No. SWG-2024-00119

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: Jennifer Hoff
Diamond Beach Holdings
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Laredo, Texas 78040-6301
Telephone: 713-332-6803

AGENT: Jay Gardner
LJA Environmental Services
5350 S. Staples Street, Suite 425
Corpus Christi, Texas 78411
Telephone: 361-658-7159

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 within the approximate 229.87-acre former Padre Isles Golf Course, to an existing tidally influenced residential canal system on North Padre Island, Corpus Christi, Nueces County, Texas

LATITUDE & LONGITUDE (NAD 83):

Commodore's Drive Bridge: Latitude: 27.61818° North; Longitude: 97.22426° West
Whitecap Preserve Marina: Latitude: 27.60975° North; Longitude: 97.22277° West
Boat Ramp: Latitude: 27.60464° North; Longitude: 97.22381° West
Central Canal Connection: Latitude: 27.61041° North; Longitude: 97.22445° West
South Canal Connection: Latitude: 27.60463° North; Longitude: 97.22564° West

Proposed Pedestrian Bridge Locations:

Bridge P1: Latitude: 27.61127° North; Longitude: 97.22487° West
Bridge P2: Latitude: 27.60669° North; Longitude: 97.22536° West

Proposed Vehicle Bridge/Cofferdam Locations:

Bridge 1: Latitude: 27.61488° North; Longitude: 97.22511° West

Bridge 2: Latitude: 27.60648° North; Longitude: 97.22873° West

Bridge 3: Latitude: 27.60606° North; Longitude: 97.22963° West

Bridge 4: Latitude: 27.60472° North; Longitude: 97.22731° West

Bridge 5: Latitude: 27.60296° North; Longitude: 97.22854° West

EXISTING CONDITIONS: The project site consists of approximately 48.834 acres of newly excavated canals which were dug within uplands and non-jurisdictional waters within the approximate 229.87-acre Diamond Beach Holdings development. The project area also includes the approximate 2.47-acre expansion of a canal previously authorized to a different permittee under Corps Permit SWG-2000-02743, for the installation of a marina. Excavation and connection of these canals resulted in the connection and extension of tidal waters of the US through existing, previously authorized residential canal systems. The prior work included the construction of the canal systems with bulkheading, two vehicular bridges, culverts, a marina, connecting culverts under Crown Royal Drive, and widening of the existing entrance canal. The affected areas consist of unvegetated sandy bottoms that does not support submerged aquatic vegetation, emergent wetlands, oyster reefs, or other special aquatic sites.

PROJECT PURPOSE:

Basic: Residential development, construction of a marina, and water quality improvement within existing canals.

Overall: The applicant's stated primary purpose of the requested authorization is to connect the upland excavated residential canal system at the Commodores Drive Bridge with waters of the United States is to provide tidal connectivity and hydraulic balance throughout the canal network in order to relieve unsafe hydraulic pressures that threaten the Whitecap Boulevard and Gypsy Street bridges, to improve circulation and water quality within the canal system, and to protect adjacent public and private infrastructure from scour and storm-related damage. Establishing another pathway for water to flow between Laguna Madre and Lake Padre through the Commodores Drive connection will help ensure stability at those two bridges, maintain public safety and ingress/egress during storm events, preserve the integrity of essential public infrastructure and adjacent private structures, and provide long-term water quality benefits to the overall canal system.

A secondary purpose of the canal connection, and the primary purpose of the after-the-fact authorization for the Commodores Drive Bridge cofferdam removal and the proposed bridges, docks, boat ramp, and scour protection is to support safe recreational and water access infrastructure serving the Whitecap Preserve mixed-use residential development. These features will provide functional public and private water access, stabilize canal shorelines, and enhance the long-term use and enjoyment of the development while maintaining hydraulic and structural stability within the connected canal system.

PROPOSED WORK: The applicant requests an after-the-fact authorization for work consisting of the removal of sand plugs and a cofferdam which resulted in the connection and extension of tidal waters of the US through existing, previously authorized residential canal systems into approximately 48.834 acres of newly excavated canals which were dug within uplands and non-jurisdictional waters to a depth of -6 feet NAVD88 within the approximate 229.87-acre Diamond Beach Holdings development and the approximate 2.47-acre expansion of a canal previously authorized to a different permittee under Corps Permit SWG-2000-02743, for the installation of a marina.

The applicant installed the following components prior to connection of the canals to jurisdictional waters:

- Three vehicular bridges consisting of the Commodore's Drive Bridge, the Willet Way Bridge, and the Turnstone Way Bridge.
- 120 feet of 9-foot by 9-foot reinforced concrete box (RCB) culvert with an 80-foot-wide concrete headwall under Crown Royal Drive to connect two ditches extending from two sections of residential canal to allow for water circulation.
- Approximately 30,500 linear feet (LF) of vinyl bulkhead with concrete cap along the canal shorelines.
- Placement of approximately 2,500 LF of limestone rip rap instead of bulkheads along some of the canal shorelines to provide for aquatic habitat.

In addition to previously installed features, the applicant requests the following proposed work:

- Connection of the canal system at Commodore's Bridge. Approximately 5,819 cubic yards (CY) of material would be excavated by mechanical means from 63,462 square feet (SF) of uplands to connect the canal system to a depth of -6 feet NAVD88.
- Construction of an additional two pedestrian and five vehicular bridges spanning the extent of the canals. For the proposed vehicular bridges, there would be temporary dewatering via a cofferdam for the footings that would be constructed at the existing canal bulkheads.
- Installation of a 102- by 40-foot boat ramp to include scour protection, which would be installed at the toe of the boat ramp where it meets the water's edge. The scour pad will measure approximately 40 feet × 10 feet × 1 foot, covering 400 SF and resulting in the placement of about 15 CY of stone or concrete mattress.
- Construction of a marina, to include the following:
 - Installation of approximately 22,770 SF of floating docks, installed in multiple dock runs. These floating docks will be supported by 178 12-inch-square concrete piles installed on 20-foot centers with two piles at each centerline, for a combined permanent footprint of about 178 SF for the piles.
 - Installation of five pile-supported fixed access platforms, totaling approximately 960 SF, which would provide transitions from the upland promenade to the floating docks. Each platform would be supported by four piles, resulting in twenty piles (~20 SF). Access from the platforms to the docks would be provided

by six 6-foot by 40-foot gangways (1,440 SF) and one ADA-compliant 6-foot by 80-foot gangway (480 SF). These gangways would be supported by ~30 piles (~30 SF).

- Dry stack boat storage facility constructed in adjacent uplands. The number of vessels projected to be stored in the facility has not yet been determined.
- A pile-supported elevated launch and conveyor system, spanning approximately 100 feet by 60 feet over the marina basin, constructed to move vessels between the upland dry stack facility and the floating docks.
- Dockside gas pumps and sewer pump-out facilities.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has avoided and minimized impacts by proposing excavation to connect the residential canal with waters of the United States at the Commodores Drive Bridge, and work associated with the docks and boat ramp, so as to avoid any special aquatic sites and to be the minimum amount of excavation and fill needed to achieve project purposes, stabilize the area, and ensure structural integrity. The applicant has also designed the vehicle and pedestrian bridges to span the water body from upland abutment to upland abutment avoiding the need for any permanent fill of waters (temporary fill for cofferdams).

The applicant states that temporary turbidity should be kept to a minimum and no damage to fish and wildlife habitat or other biota is expected. The Applicant agrees to use Best Management Practices (BMP's) during construction activities and follow the National Pollutant Discharge Elimination System (NPDES) permit requirements.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: No compensatory mitigation is proposed. The marina basin was excavated, and the boat ramp will be excavated from uplands, thereby minimizing fill or dredging in waters of the United States. The cofferdams for the bridge footings would be temporary. As a result, ecological impacts are confined to very limited benthic disturbance and shading directly beneath over-water structures. Permanent impacts to jurisdictional waters are minimal, consisting of approximately 244 SF of pile footprint and approximately 400 SF (15 CY) of scour protection, totaling approximately 644 SF of permanent impact (less than 0.015 acre), with all other elements pile-supported and shading-only. The premature removal of the Commodores cofferdam resulted in a net increase in Section 10 waters. The cofferdams for bridge footings will be temporary in nature. These are net zero impacts. The project has been designed to minimize in-water effects while providing essential marina functions.

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 determined that: The permit area has been so extensively impacted by residential development and construction and use of a placement area that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect 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 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
Eastern Black Rail	<i>Laterallus jamaicensis jamaicensis</i>	Threatened
NMFS ESA-Listed Species/Critical Habitat		
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Threatened
Loggerhead Sea Turtle	<i>Caretta caretta</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: 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 indirectly impact approximately 51.3 acres of unvegetated sandy canal bottom. The effects of the project are determined to be minimal and temporary. 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. Construction activities would cause temporary disturbance to benthic habitat. 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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

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 19 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 December 17, 2025. 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-2024-00119**, at 5151 Flynn Parkway, Suite 306, Corpus Christi, Texas 78411. Please refer to the permit application number **SWG-2024-00119** 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
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CORPS OF ENGINEERS

