



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2007-00818
	Date Issued: _____	14 November 2019
	Comments _____	
<b>Galveston District</b>	Due: _____	16 December 2019

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**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT  
AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**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.

**APPLICANT:** Franke Realty, Inc.  
8605 Padre Boulevard  
South Padre Island, Texas 78597-7728  
Telephone: 956-761-2606  
POC: Mr. Richard Franke, Sr.

**AGENT:** Raba Kistner Environmental, Inc.  
12821 West Golden Lane  
San Antonio, Texas 78269-2232  
Telephone: 210-694-3691  
POC: Mr. Sam Blanco  
Email: sblanco@rkci.com

**LOCATION:** The project is located on a 247-acre parcel of land adjacent to the Laguna Madre, north of Andy Bowie Park, at 8605 Padre Boulevard, 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: 26.150496 North; Longitude: 97.177344 West

**PROJECT DESCRIPTION:** The applicant proposes to reauthorize development activities to complete construction of a multi-use canal subdivision that would include a marina and condominiums. The remaining portions of the project to be completed include bulkheading, bridges, and boat docks. Approximately 20,000 linear feet of bulkheading would be installed along the original permitted lines to complete shoreline stabilization around the seven islands of the project site and in the northwest portion of the project. These would be constructed of fiberglass panels similar to those for the bulkhead already constructed. Area behind the bulkheading would be backfilled with sand to reclaim approximately 8.6 acres of non-wetland waters that have developed as a result of shoreline erosion. Also to be constructed are seven bridges that would link the development area, and five floating concrete docks in the proposed marina. At some point in the future, individual small boat docks would also be constructed in this area as new houses are built along the marina; however, those will be evaluated as separate permit actions. The canals have already been dredged; however, an additional 0.8 acre of upland material between the islands and the Laguna Madre would be removed and placed in upland areas onsite.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by limiting fill to only that required to recover areas lost to erosion. Also, since the area was previously uplands created under a previous permit authorization, impacts would be minimal, no wetlands would be impacted, and water circulation would be improved.

**MITIGATION:** No mitigation is proposed.

**CURRENT SITE CONDITIONS:** The project site is approximately 187 acres of coastal land along the Laguna Madre with seven existing manmade islands in a primarily residential area of South Padre Island, Texas. The adjacent properties consist of undeveloped land to the north and south; residential development to the east; and the Laguna Madre to the west. This area is located in the far northern section of the Gulf Coast Prairies and Marshes ecoregion. This ecoregion is characterized by sandy soils and live oak trees. Grasses such as big blue stem, eastern gammagrass, and sugarcane plumegrass can be found throughout the region. Trees and shrubs, including mesquite, Texas persimmon, and hackberry can be found throughout with larger hardwoods such as pecan and Texas sugarberry in low lying areas near rivers and creeks.

**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 17 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

**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 has been so extensively impacted by previous dredging, placement of fill material, 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 effect historic properties.

**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 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 **14 December 2019**. 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-2007-00818**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RD-R  
U.S. Army Corps of Engineers  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
361-814-5847 Phone  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS