



Public Notice

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

Galveston District

Permit Application No: SWG-2024-00119

Date Issued: 22 October 2024

Comments

Due: 22 November 2024

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.

APPLICANT: DIAMOND BEACH HOLDINGS
1200 San Bernardo Avenue
Laredo, Texas 78040-6301
POC: Ms. Jennifer Hoff
Telephone 713-332-6803

AGENT: LJA ENVIRONMENTAL SERVICES
5350 S. Staples, Suite 425
Corpus Christi, Texas 78411
POC: Mr. Jay Gardner
Telephone 361-658-7159
Email: jgardner@LJA.com

LOCATION: The project sites are located on North Padre Island at (1) Commodores Drive between Compass Street and E Cabana Street between the ends of two residential canals, (2) Crown Royal Drive at a location approximately 180 feet southeast of its intersection with Dasmarrinas Drive, and (3) along Aquarius Street approximately 1,175 feet west of its intersection with Commodores Drive (south terminus), and 380 feet southwest of the intersection of Primavera Drive and A La Entrada Calle (north terminus) in Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Crane Islands SW, Texas.

LATITUDE & LONGITUDE (NAD 83):

Commodore's Drive Bridge: Latitude: 27.61818° North; Longitude: 97.22426° West
Crown Royal Drive Culvert: Latitude: 27.61123° North; Longitude: 97.22915° West
Aquarius Aqueduct N End: Latitude: 27.62282° North; Longitude: 97.23319° West
Aquarius Aqueduct S End: Latitude: 27.61728° North; Longitude: 97.22931° West

PROJECT DESCRIPTION: The applicant proposes to construct a bridge and culverts in three (3) locations, and an open water ditch in order to connect waters within several residential canal systems in order to increase water circulation within the current residential developments and alleviate water quality issues within the residential canals.

1. Commodores Bridge: The applicant proposes to construct a bridge "in the dry" along Commodores Drive and then excavate a canal extension below the bridge to link two residential canals. A bypass road would be constructed around the bridge construction area in dry land, and utilities moved out from under the current roadway and re-routed. The area would be excavated, and sheet pile driven for the proposed roadway and abutment. The abutments would then be armored with concrete. The bridge (standard Texas Department of Transportation design) will be constructed, and the area under the bridge will be armored for future scour protection. After construction of the bridge and abutments to the adjacent existing canal systems, double silt curtains would be placed on either side and adequately anchored. The material under the bridge and between the two existing canal ends (consisting primarily of sand) would be excavated and the connection would be made between the north canal system and the applicant's canals. The canal section below the bridge would be 44.5 feet wide with a -6 foot depth. The total length of the proposed canal segment is approximately 350 feet. A total of approximately 5,819 cubic yards of material will be excavated from 63,462 square feet of uplands to connect the canal system. Once construction activity has ceased, the silt curtains would be removed.
2. Crown Royal Drive Culvert: Crown Royal Drive would be excavated one lane at a time to install 120 feet of 9-foot by 9-foot reinforced concrete box (RCB) culvert to connect two ditches extending from two sections of residential canal to allow for water circulation. An 80-foot-wide concrete headwall would be installed on either side of Crown Royal Drive, and the culvert tied into each headwall. The ditch would then be excavated in both directions from Crown Royal Drive, following the path of the existing ditch to a point where the ditch ties into the residential canals. Each section of ditch would have parallel bulkheading installed "in the dry" approximately 64 feet apart at +5 ft elevation as measured from Mean Lower Low Water (MLLW), then the ditch would be excavated out at a 3:1 slope to a depth of -6 feet MLLW, effectively creating a 64-foot-wide residential canal extending either direction from Crown Royal Drive. Excavated material (primarily sand) would be placed in upland areas. After construction of the culvert and bulkheads, double silt curtains would be placed on either side and adequately anchored to minimize turbidity into the canal system caused by construction activities. Once construction activity has ceased, the silt curtains would be removed.

3. Aquarius Aqueduct: Aquarius Drive would be excavated one lane at a time to install approximately 120 feet of 10- by 7-foot RCB box culvert, and approximately 2,200 linear feet of 60-foot-wide open ditch would be mechanically excavated through uplands, palustrine wetlands currently authorized for fill or excavation (Permit SWG-2018-00965), and an unspecified amount of fringe estuarine wetlands adjacent to the Laguna Madre to a point along its shoreline 380 feet southwest of the intersection of Primavera Drive and A La Entrada Calle, to a bottom depth of -6 feet MLLW to allow for water circulation within the residential canals. The excavated material would be placed in a disposal area as shown on sheets 8 and 9 of the plan drawings. Double silt curtains would be placed at either side of the RCB box culvert ends and the open ditch, and adequately anchored to minimize turbidity caused by construction activities. Once construction activity has ceased, the silt curtains would be removed.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts with the following statement: “The bridge and the culvert systems will be constructed “in-the-dry” in uplands which reduces the potential for any suspended solids from entering the adjoining waterways. This also precludes any fill from being placed in Section 10 Waters.” The applicant also stated that double silt curtains would be adequately anchored and placed on either side of each location, including the proposed Aquarius Aqueduct ditch/canal, to minimize sediment discharge into the adjacent waterbodies.

MITIGATION: No mitigation is proposed for this project.

CURRENT SITE CONDITIONS: The project sites under existing roads are currently surrounded by tracts of land under development for, and surrounded by, residential development on North Padre Island, and interspersed with existing residential canals subject to the ebb and flow of the daily tide. The proposed Aquarius Aqueduct is routed primarily through uplands and palustrine wetlands currently authorized to be filled or excavated under SWG-2018-00965 (expiring December 31, 2025) and ending in estuarine fringe wetlands and open waters of the Laguna Madre. Aerial photographs of the area where the proposed canal ties into the Laguna Madre appear to contain a narrow line of black mangrove (*Avicennia germinans*) and seagrasses located outside of the area proposed to be excavated. The remainder of the estuarine wetland areas proposed for excavation appear to be vegetated primarily with saltmeadow cordgrass (*Spartina patens*).

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 9 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission for 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. 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>.

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 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.

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 and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

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 **CLOSEDATE**. 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-2024-00119**, and should be submitted to:

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