



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

SWG-2003-02165

5 September 2023

5 October 2023

## 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:** TEXAS DEPARTMENT OF TRANSPORTATION  
1701 South Padre Island Drive  
Corpus Christi, Texas 78416  
POC: Kimberly Amy  
Telephone: 361-808-2509  
Email: Kimberly.Amy@txdot.gov

**AGENT:** None

**LOCATION:** The project site is located in the Corpus Christi Ship Channel, at the two ferry landings for State Highway 361. One landing is located on Mustang Island on the northwest side of Port Aransas, and the other is on Harbor Island, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Aransas, Texas.

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

**Latitude:** 27.83957 North; **Longitude:** 97.069149West

**PROJECT DESCRIPTION:** The applicant proposes to repair and upgrade the existing ferry facility which would include work on bulkheads, breakwaters, mooring dolphins, and ferry slips. Approximately 1,016 linear feet (LF) of steel sheet pile bulkhead would be placed approximately 1.5 feet in front of the existing bulkhead. The bulkheads would include A-frame anchor walls that have concrete piles driven on land. The existing breakwater on Mustang Island would be extended approximately 107 feet and would consist of steel sheet pile combined with steel pipe. The existing breakwater on Harbor Island would be extended by constructing the bulkhead approximately 40 feet away from the existing bulkhead, resulting in the permanent loss of 0.3 acre of Section 10 waters. At the base of the new bulkhead and breakwaters, approximately 1.46 acres of 15-inch and 18-inch stone riprap would be placed. At the Mustang Island landing, approximately 2,500 cubic yards of material would be dredged at slips 11 and 6. The dredge material will be placed in an upland location outside of the Texas Department of Transportation (TxDOT) right-of-way (ROW). At the Harbor Island landing, the 27 existing mooring dolphins would be replaced with 24 monopile mooring dolphins. At the Mustang Island landing, the 36 existing cluster pile dolphins would be replaced with 40 monopile mooring dolphins. New monopile dolphins would be a combination of 36-, 40-, and 60-inch-diameter monopiles.

**AVOIDANCE AND MINIMIZATION:** The existing breakwater on Harbor Island will be extended approximately 40 feet to provide additional protection to that ferry landing. This extension was recommended based on an assessment of how a deeper channel and adjacent oil and gas facility could impact the ferry facility. The planned extension is the minimum recommended to provide additional protection to the landing.

**MITIGATION:** No mitigation proposed.

**CURRENT SITE CONDITIONS:** The project review area is approximately 17.17 acres and includes the existing ferry facility, upland undeveloped habitat, open water with associated estuarine mud/soft bottom habitat, and sandy beach. In front of the ferry landings, water depths range from 17 to 40 feet on the Harbor Island side of the channel and 10 to 28 feet on the Mustang Island side; the substrate within the channel consists of soft sand and clay. There is a small section of sandy beach at both the Mustang Island side and Harbor Island side, which gently slopes down from mean high water (MHW) to between 10 and 20 feet once in-line with the existing ferry slips. There is no oyster reef or seagrass present. The depth, turbidity, and high wave energy of this area do not support either seagrass or oyster habitat. In upland undeveloped habitat, vegetation is typical of disturbed south Texas coastal prairie and includes saltgrass (*Distichlis spicata*), largeleaf pennywort (*Hydrocotyle bonariensis*), sandbur (*Cenchrus incertus*), Bermuda grass (*Cynodon dactylon*) and red lovegrass (*Eragrostis secundiflora*).

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 20 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 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.

**LEAD FEDERAL AGENCY:**

The TxDOT has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the TxDOT.

**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 construction and maintenance of the ferry landings 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 permit area has been so extensively impacted by construction and maintenance of the ferry landings that there is no potential for resources of concern to the Native American Tribes to exist within the permit area.

**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. TxDOT's 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 **5 October 2023**. 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-2003-02165**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RDR  
U.S. Army Corps of Engineers  
Galveston District  
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