



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Michael Greenfield
TXDOT – Pharr District

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Galveston District
Permit Application No. SWG-2025-00370

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: Michael Greenfield
TXDOT – Pharr District
600 West IH-2
Pharr, Texas 78577

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with South Bay. The project site is located within the right-of-way (ROW) to established Texas State Highway 4, between Brownsville and Starbase, Cameron County, Texas; at Latitude 25.94799 and Longitude -97.287068.

EXISTING CONDITIONS: The project site is largely confined to the existing ROW located immediately adjacent to Texas State Highway 4. This area shows portions of dry land as well as areas of both palustrine and estuarine wetland which are associated with the nearby traditionally navigable South Bay.

PROJECT PURPOSE:

Basic: The basic project purpose is to improve transportation efficiency and safety along Texas State Highway 4.

Overall: The overall purpose of the proposed Project is to improve mobility, improve safety, and increase operational efficiency along State Highway 4 between Oklahoma Boulevard in Brownsville and LBJ Boulevard in Starbase, Texas.

PROPOSED WORK: The applicant requests authorization to permanently impact approximately 24.090 acres of emergent wetlands, 0.789 acres of scrub-shrub wetlands, 3.216 acres to tidal mud flats, 1.846 acres of estuarine wetlands, 3.216 acres to tidal sand flats, and 0.004 acres of open water. Temporary impacts include 22.728 acres of emergent wetland, 0.272 acres of scrub-shrub wetland, 10.055 acres to tidal mud flats, and 0.217 acres to open waters. The Project proposes widening approximately 13 miles of Texas State Highway 4 (SH 4) from the existing 2-lane roadway to a 4-lane divided roadway with two, 12-foot travel lanes and an 8-foot paved shoulder in each direction, with a 12-foot flush paved median separating opposing traffic. At the western end of the project, the 2-lane roadway would transition into a 3-lane roadway for a length of approximately 1,500 feet, with two, 12-foot lanes in the westbound direction and one, 12-24-foot lane in the eastbound direction, separated by a 12-14-foot median, before transitioning into the 4-lane roadway. Existing culverts would be extended to accommodate the widened typical section and turn lanes would be added at some intersections. The Project would be fully located within the existing SH 4 ROW. An 8-foot bike path with a 4- to 6-foot grass separation from the outside travel lane would be constructed on the south side of SH 4 for approximately 3.75 miles from Quicksilver Avenue (the southern end of the Rio West development) to LBJ Boulevard (the northern end of Boca Chica Village).

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 proposed roadway improvements have been sized and sited to make the best use of the limited area available within the existing ROW.
- The Project design has tightened and steepened fill slopes to the extent allowable in order to reduce additional wetland impacts.
- The Project design has incorporated approximately 2.2 miles of retaining walls to accommodate the proposed 4-lane typical section and further reduce impacts to wetlands and adjacent properties that would result from extended fill slope.
- Where feasible, the Project has proposed asymmetrical widening, giving preference to the side of road containing uplands and non-jurisdictional wetlands.
- Rather than flattening curves to accommodate the proposed speed limit, the Project has incorporated some non-standard features, such as retaining walls and guard rails, to minimize impacts to adjacent WOTUS and the USFWS Lower Rio Grande Valley National Wildlife Refuge.
- The Project is designed to minimize vegetation removal and impacts to the adjacent National Wildlife Refuge by limiting construction to the existing previously disturbed ROW.

- After evaluating offsite alternatives, TxDOT has intentionally located the proposed SH 4 widening along the existing roadway corridor to make use of previously disturbed areas to the extent practicable and to completely avoid impacts to the adjacent USFWS Lower Rio Grande Valley National Wildlife Refuge.

The applicant's supplied alternatives analysis is provided in 11 sheets.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: TxDOT has proposed to purchase wind-tidal flat credits, mangrove forest credits, and emergent wetland credits from the currently under review Rockhands Mitigation Bank (SWG-2025-00405) to offset the 3.216 acres of wind-tidal flat impacts, 0.789 acres of scrub-shrub wetland impacts, and 24.090 acres of emergent wetland impacts. TxDOT is in the process of completing the Uniform Mitigation Assessment Method (UMAM) forms for the aquatic resources that would be impacted by the project and will provide these to the Corps upon completion to determine the amount of mitigation credits needed to offset the proposed project impacts. The applicant's supplied mitigation plan is provided in 2 sheets.

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 determines that:

The permit area was investigated for historic properties, and none were identified as documented in the report titled "Mechanical Scraping near 41CF51, a Historic Cemetery along Boca Chica Boulevard (State Highway 4), Cameron County, Texas," prepared by Texas Department of Transportation and dated February 2025. No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO.

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) and National Marine Fisheries Service (NMFS) Southeast Region Section 7 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 and critical habitat listed in Table 01. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 01: 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	Critical Habitat
USFWS ESA-Listed Species/Critical Habitat			
Gulf Coast Jaguarundi	<i>Puma yagouaraoundi cacomitli</i>	Endangered	
Ocelot	<i>Leopardus pardalis</i>	Endangered	
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	
Cactus Ferruginous Pygmy-owl	<i>Glaucidium brasilianum cactorum</i>	Threatened	
Eastern Black Rail	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Threatened	
Northern Aplomado Falcon	<i>Falco femoralis septentrionalis</i>	Endangered	
Piping Plover	<i>Charadrius melodus</i>	Threatened	X
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	X
South Texas Ambrosia	<i>Ambrosia cheiranthifolia</i>	Endangered	
Texas Ayenia	<i>Ayenia limitaris</i>	Endangered	
Monarch Butterfly	<i>Danuas plexippus</i>	Proposed Threatened	

This notice serves as request to the U.S. Fish and Wildlife 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: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

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). The effects of the project are determined to be minimal and permanent. 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. 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. 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>.

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 been verified by Corps personnel. The applicant's plans are enclosed in 35 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 January 11, 2026. 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-2025-00370**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the permit application number **SWG-2025-00370** 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
GALVESTON DISTRICT
CORPS OF ENGINEERS