



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
5151 FLYNN PARKWAY #306
CORPUS CHRISTI, TX 78411-4318

June 28, 2011

REPLY TO
ATTENTION OF:

Corpus Christi Regulatory Office

INTERAGENCY COORDINATION NOTICE
FOR
LETTER OF PERMISSION

SUBJECT: Permit Application No: SWG-2009-00846

APPLICANT: Texas Parks and Wildlife
715 S. Hwy 35
Rockport, TX 78382
Telephone: 361-790-0325
POC: Kendal Keyes

The applicant proposes to repair and/or replace damaged or missing traffic control bollards and cable, and install new traffic control bollards and cable, and accompanying gates and signage, in five locations at Mustang Island State Park. The five locations and their proposed work is described as follows:

- Location 1 - Fish Pass Bayside North (Sheet 2 of 6) from grassland into intertidal/subtidal zone, perpendicular to shoreline, install approximately 200 linear feet of new bollards and cable, and repair and/or replace existing bollards and cable as needed.
- Location 2 - Day Use Area Gulfside (Sheet 3 of 6) from Gulf beachside sand dunes into bayside intertidal/subtidal zone, approximately perpendicular to shoreline, repair and/or replace existing bollards and cable as needed.
- Location 3 - Corpus Christi Pass Bayside (Sheet 4 of 6) along the sides of the existing unpaved free, public access road and into intertidal/subtidal zone, perpendicular to shoreline, install approximately 6,000 linear feet of new bollards and cable.
- Location 4 - Corpus Christi Pass Gulfside (Sheet 5 of 6) at the sand dune line at Corpus Christi Pass, parallel to the shoreline, install approximately 875 linear feet of new bollards and cable.
- Location 5 - Access Road 3 Gulfside (Sheet 6 of 6) approximately 20 feet north of Access Road 3, from sand dunes into intertidal/subtidal zone, perpendicular to shoreline, install approximately 400 linear feet of new bollards and cable.

Bollards in intertidal/subtidal areas would be installed at 5-foot spacing with galvanized cable. The applicants would provide for utility vehicle access, vehicle gates for park personnel, reflectors, and signage as needed. The purpose of the project is reduce impacts to sensitive bayside and Gulf beachside natural resources (i.e., shoreline habitat, tidal flats, washover passes, bird use areas) caused by unmanaged vehicular traffic. The applicant has reported that off-road driving, dumping, hunting, and other activities are seriously impacting the ecological integrity of the area. Following installation of bollards and cable, non-pedestrian access on the bayside would be limited to within the bollard and cable areas. Vehicular access and pedestrian access to

the Gulf beachside area north of Beach Access Rd. 3 would be managed through the State Park entrance. No impacts to wetlands or other aquatic sites are proposed; thus, no mitigation is proposed. The overall purpose of the project is to mitigate and/or deter impacts to sensitive habitats including waters of the U.S. the applicant has stated that they have avoided and minimized the environmental impacts by using a bollard and cable design to minimize impacts to sensitive areas.

The project is located in the Gulf of Mexico and Corpus Christi Bay at five locations within the Mustang Island State Park, Corpus Christi, Nueces County, Texas. All five sites can be located on the U.S.G.S. quadrangle map entitled: Crane Islands, NW, TX. The five locations are described as follows (NAD 83):

Location 1 - Fish Pass Bayside North: Latitude: 27.68379 N; Longitude: 97.17557W

Location 2 - Day Use Area Gulfside: Latitude: 27.67070 N; Longitude: 97.17194W

Location 3 - Corpus Christi Pass Bayside: Latitude: 27.65582 N; Longitude: 97.19366W

Location 4 - Corpus Christi Pass Gulfside: Latitude: 27.64551 N; Longitude: 97.18632W

Location 5 - Access Road 3 Gulfside : Latitude: 27.64313 N; Longitude: 97.18720W

A copy of the plans, in 6 sheets, is enclosed for your review. Please respond within 15 days from the date of this letter.

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. Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work. The State of Texas Coastal Management Plan consistency 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 coordination letter 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.

The Project Manager is Reagan Richter and may be reached at 361-814-5847 Ext 129.


Lloyd Mullins/Supervisor
Corpus Christi Regulatory Field Office

THESE AGENCIES SHOULD RECEIVE THIS NOTICE:

U.S. Fish and Wildlife Service, Corpus Christi, TX

Texas Parks and Wildlife Department, Corpus Christi, TX

Texas Parks and Wildlife Department, Austin, TX

National Marine Fisheries Service, Galveston, TX

Texas General Land Office, Austin, TX

Texas General Land Office, Corpus Christi, TX

Permitting Assistance Group (Jessie Solis), GLO, Corpus Christi, TX

Area Engineer, Southern Area Office, Corpus Christi, TX

JUL 14 2011



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
c/o TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

July 12, 2011

Reagan Richter
Regulatory Branch, CESWG-PE-RCC
U. S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, TX 78411-4318

Dear Mr. Richter:

The revised Department of the Interior Manual Instructions (503 DM 1), dated August 2, 1973, assigned responsibility for Department of the Interior coordination and review of Department of the Army permit applications to the U.S. Fish and Wildlife Service. In accordance with these instructions, we submit the following Departmental comments on the Public Notice listed below. Significant adverse effects on fish and wildlife, their habitats, or human uses thereof are not expected to result from the proposed work or activities. Therefore, the Service has no objection from the standpoint of fish and wildlife to the issuance of a permit related to this notice.

<u>Notice No.</u>	<u>Applicant</u>	<u>Date Issued</u>	<u>Date Due</u>	<u>CE</u>
SWG-2009-00846	Texas Parks and Wildlife Dept.	06/28/2011	07/13/2011	RR

Sincerely,

Patricia Bacak-Clements
Staff Biologist

cc:

P. Silva, Coastal Fisheries, TPWD, Corpus Christi, TX
R. Swafford, Habitat Conservation Division, NOAA Fisheries, Galveston, TX
J. Herrington, Region 6, EPA, Temple, TX
M. Freytes, Field Operations, TGLO, Corpus Christi, TX
S. Land, Coastal Mgmt. Div., TGLO, Austin, TX
M. Horrocks, 401 Coordinator, TCEQ, Austin, TX
S. Weikum, Permit Service Center, TGLO, Corpus Christi, TX

Richter, Reagan R SWG

From: Amy Nunez [Amy.Nunez@GLO.STATE.TX.US]
Sent: Tuesday, July 12, 2011 2:35 PM
To: Richter, Reagan R SWG
Cc: Manuel Freytes; Tony Williams
Subject: Request for Extension of Time SWG-2009-00846

Good afternoon,

The General Land Office would like to formally request a 10 day extension of time to evaluate this above referenced letter and provide comments. We are requesting this extension due to delays associated with determining the extent of state owned submerged land dedicated to the Permanent School Fund that is associated with the project.

Please let me know if this sufficient or if you need additional information. Thank you for your assistance with this. Amy

Amy Nuñez
Asset Inspection
Texas General Land Office
361.825.3038
amy.nunez@glo.texas.gov
cabins@glo.texas.gov

JUL 14 2011

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector Corpus Christi

8930 Ocean Drive Hgr 41
Corpus Christi, TX 78419
Staff Symbol: (spw)
Phone: (361) 888-3162 x534
Fax: (361) 888-3115

16671

JUL 13 2011

Galveston District, Corps of Engineers
ATTN: Lloyd Mullins
Corpus Christi Regulatory Office
5151 Flynn Parkway, Suite 306
Corpus Christi, TX 78411

Dear Mr. Mullins:

This letter is in response to Public Notice No SWG-2009-00846 for the Texas Park and Wildlife request to construct traffic control bollards and cable near Mustang Island State Park, Texas.

In accordance with the June 02, 2000 Memorandum of Understanding between the Coast Guard and Army Corps of Engineers, my staff has conducted an evaluation of the proposed site on July 06, 2011. After conducting an initial risk assessment of the proposal, we found the proposed project does not indicate an unacceptable level of risk with regard to waterway safety. Therefore, I have no comments or objections with this project. In order for the Coast Guard to give proper notice to the maritime community, the applicant shall contact the Waterways Management Division 60 days prior to performing the proposed action if there will be a need for a Broadcast Notice to Mariners or Safety Zone.

If you have further questions concerning this matter or the applicant wishes to meet directly with a representative of the Captain of the Port, please contact me at (361) 888-3162 ext 534.

Sincerely,

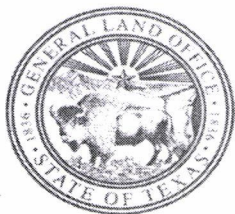
A handwritten signature in blue ink, appearing to read "W. M. Geyer".

W. M. GEYER
Lieutenant, U.S. Coast Guard
By Direction

Copy: Commander, Eighth Coast Guard District (dpw)

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TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

July 20, 2011

Reagan Richter
Galveston District, Corps of Engineers
5151 Flynn Parkway #306
Corpus Christi, TX 78411-4318

RE: Interagency Coordination for Permit Application No: SWG-2009-00846

Dear Mr. Richter:

The General Land Office (GLO) is in receipt of the above-referenced Interagency Coordination Notice dated June 28, 2011. The GLO appreciates the opportunity to comment on the proposed application to conduct certain activities within Mustang Island State Park (State Park).

Based on the initial review, the GLO has determined that a lease will be required for the portions of the project located below mean high water. An application has been received by the GLO and is currently being reviewed, but no lease has been issued at this time.

The GLO is also the Agency charged with implementing and enforcing the Texas Open Beaches Act, which protects the public's right to access and enjoy beaches in our state. One of the primary methods of ensuring the public has adequate access to the beach is authorizing the use of motor vehicles on the public beach. The State Park is subject Subchapter B of the Open Beaches Act relating to protecting the public's access to the beach.¹ Therefore, the GLO recommends that if bollards are placed at Location 5, a section of the existing bollards located approximately 0.4 miles north be removed, so vehicles may continue to access that stretch of beach to the newly placed bollards after entering the State Park.

If the State Park wishes to close a section of the beach to vehicular access between the previously existing and the new bollards at Location 5, the GLO recommends that the Park provide access points at least every half mile and provides at least one parking space for every fifteen linear beach that is closed to vehicular access.

The GLO has no objection to the placement of bollards in a parallel direction at the base of the dunes at Location 4, to prevent vehicles from damaging the dune system. Also, GLO has no objection to the repair and replacement of the existing bollards and cables at Location 2 on the Gulfside.

¹ Texas Natural Resources Code § 61.0211.

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The GLO also strongly supports bay access along the Texas Coast. The proposed bollards on the bay side of Mustang Island, will be located in an area, that is currently used by fisherman, kayakers, and swimmers, who access the bay with their vehicles. While, GLO agrees with bollarding to protect sensitive habitats, the placement of the proposed bollards at Location 3 would effectively eliminate the existing bay access for some users.

A distance of approximately 375 feet was measured to access the bay from the proposed parking area by GLO staff, which will create difficulty for a single person dragging a kayak or for a family to access the water. The proposed parking area, does not appear to be sufficient in size to support multiple vehicles and also allow vehicles to turn around as vehicles that often use this area are larger to allow hauling kayaks and fishing gear. This area is adjacent to the TPWD Mustang Island Paddling Trail, and the current proposal, appears to hinder the ability of kayakers to access the water.

The GLO acknowledges the need to deter impacts to sensitive habitats, including park land and state-owned submerged land; however, the GLO strongly favors beach and bay access for all Texans within Mustang Island State Park. GLO staff looks forward to meeting with TPWD staff to discuss potential bollard options and additional grant funding options to protect habitat, while still providing beach and bay access. If you have any questions please contact Amy Nunez (361-825-3038).

Sincerely,



Tony Williams
Environmental Review

Electronic CC:

Kendal Keyes - TPWD Project Manager

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

September 16, 2011

Texas Parks and Wildlife Department
Kendal Keyes
715 South Highway 35
Rockport, TX 78382

RE: Bollard Addition at Mustang Island State Park

Dear Mrs. Keyes:

Thank you for taking the time to meet with us and discuss our concerns for the proposed bollard project at Mustang Island State Park. The GLO acknowledges the need to deter impacts to sensitive habitats, including park land and state owned submerged land; however, the GLO strongly favors beach and bay access for all Texans within Mustang Island State Park.

All GLO concerns on the gulfside bollards were addressed at our on-site meeting and, as discussed, removal of the old bollards located 0.4 miles north of Location 5 will alleviate public access issues. Removal of the old bollards will allow vehicles to access the stretch of beach north of the newly placed bollards after entering the state park. This will satisfy the Texas Open Beaches Act and protect the public's right to access and enjoy the beaches in this area. As previously stated, the GLO has no objection to the placement of bollards in a parallel direction at the base of the dunes at Location 4 and no objection to the repair and replacement of the existing bollards and cables at Location 2 on the gulfside.

As discussed in your meeting with Amy Nunez and Jason Zeplin, the GLO strongly supports bay access along the Texas Coast and the proposed bollards will be located in an area that is currently used by fisherman, kayakers, and swimmers, who access the bay with their vehicle. While the GLO agrees with bollarding to protect sensitive species, public access concerns must also be addressed.

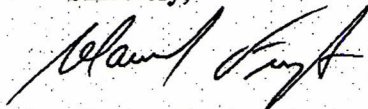
The GLO has no objection to the repair of existing bollards in the Fish Pass area (Location 1). Extension of this bollard line to the northwest and onto State owned submerged land would require a lease from the GLO and is not recommended. As discussed, extension of these bollards to the southwest and into the dredged portion of Fish Pass would not require a GLO lease and is a preferred alternative.

The proposed bollards in the Corpus Christi Pass area (Location 3) will eliminate vehicular access to approximately 2.5 miles of bay shoreline that is currently used by numerous bay user groups. As discussed in our meeting, extending the bollards to encumber the large sandy beach area to the north of the proposed termination point will increase parking and ease of access for fishermen, kayakers, and families who use the area. This extension would also facilitate public use of the TPWD Mustang Island Paddling Trail.

Finally, the GLO would encourage TPWD to increase public shoreline access in this area through the installation of additional bollards and cable along the established roads to the North. The GLO understands that funding to increase the scope of this project may not be available at this time but successive phases could be added at a later date to increase shoreline access and parking areas. Installation of educational signage, bird blinds, picnic tables, and restroom facilities would also increase public enjoyment of the natural habitats in Mustang Island State Park. Additional funding for a project of this type is available through numerous grant programs, including Coastal Management Program grants.

We appreciate the opportunity to work with TPWD to increase public use and enjoyment of Mustang Island State Park. If you have any questions please contact Amy Nunez (361-825-3038) or Jason Zeplin at (361-825-3037).

Sincerely,



Manuel Freytes
Director, Lower Coast Field Office