



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

August 27, 2013

REPLY TO  
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: Permit No. SWG-2012-00591



Leo Trevino  
Coastal Bend Bays and Estuaries Program  
1305 N. Shoreline Blvd., Ste. 205  
Corpus Christi, TX 78401-1500

Dear Mr. Trevino:

The above numbered permit has been approved and a signed copy is enclosed for your retention. In addition, also enclosed are ENG Form 4336 and a copy of "Notice to Permittee" which provides important information for permit administration. You should notify the Corpus Christi Regulatory Field Office, in writing, upon completion of the authorized work. To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

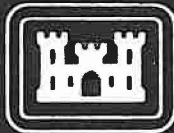
Lloyd Mullins, Supervisor  
Corpus Christi Regulatory Field Office

Enclosures  
Copies Furnished:

Joseph Moake, HDR Engineering, Inc.

Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 500  
Poydras Street, New Orleans, Louisiana 70130-3319 (w/encl)

Director, National Ocean Service, Coast & Geo. Sur., Mapping & Charting Branch,  
Source Data Unit, Attn: N/CG2211, Station 7317, SSMC3, 1315 East-West Highway,  
Silver Spring, Maryland 20910-3233



**This notice of authorization must be  
conspicuously displayed at the site of work.**

**United States Army Corps of Engineers**

2000 Fort Point Road  
Galveston, Texas 77550

2013

A permit to construct breakwaters and revetment

at southwest shoreline of Indian Point in Corpus Christi Bay

has been issued to Coastal Bend Bays & Estuaries Program on 27 Aug 2013

Address of Permittee 1305 N Shoreline, Ste 205, Corpus Christi, TX 78401

**Permit Number**

SWG-2012-00591

**District Commander**

Lloyd Mullins

for COL. RICHARD P. PANNELL

DEPARTMENT OF THE ARMY PERMIT

Permittee Coastal Bend Bays and Estuaries Program

Permit No. SWG-2012-00591

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The permittee is authorized to a construct a combination of graded rip-rap breakwaters and graded rip-rap revetment for shoreline protection as a form of bank stabilization. The shoreline protection includes a combination of both segmented breakwaters and revetment. The total length of the shoreline protection structure is 2,800 feet. This length includes 8 segmented breakwaters and a revetment. The breakwaters would be placed a minimum of 20 feet away from the nearest seagrasses. Each breakwater would be between 200 and 500 feet in length with approximately 30-foot gaps between each segment. The structures would impact approximately 2 acres of non-vegetated bay-bottom in which approximately 3- to 4-cubic yards per linear foot of segmented breakwater graded riprap will be placed below mean high water (MHW) and approximately 2- to 3-cubic yards per linear foot of revetment graded riprap will be placed below MHW. The permittee is authorized to have the option of protecting the shoreline in the southernmost portion of the project area with either rip-rap revetment or two additional off-shore breakwaters. The project will be conducted in accordance with the attached plans, in 6 sheets.

Project Location: The project is located in Corpus Christi Bay, along the southwestern shoreline of Indian Point, Portland, San Patricio County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Portland, TX.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2018. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

The permittee understands and agrees that if future operations by the United States require the removal, relocation or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.



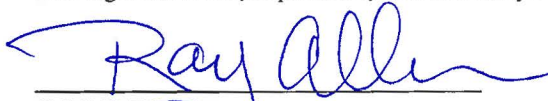
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

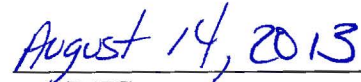
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

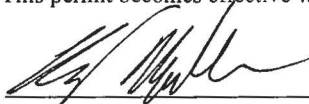


\_\_\_\_\_  
(PERMITTEE)  
**COASTAL BEND BAYS AND ESTUARIES**  
RAY ALLEN

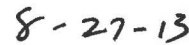


\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



\_\_\_\_\_  
(DISTRICT ENGINEER)  
**LLOYD MULLINS, SUPERVISOR**  
**CORPUS CHRISTI REGULATORY FIELD OFFICE**  
**FOR COLONEL RICHARD P. PANSELL**



\_\_\_\_\_  
(DATE)

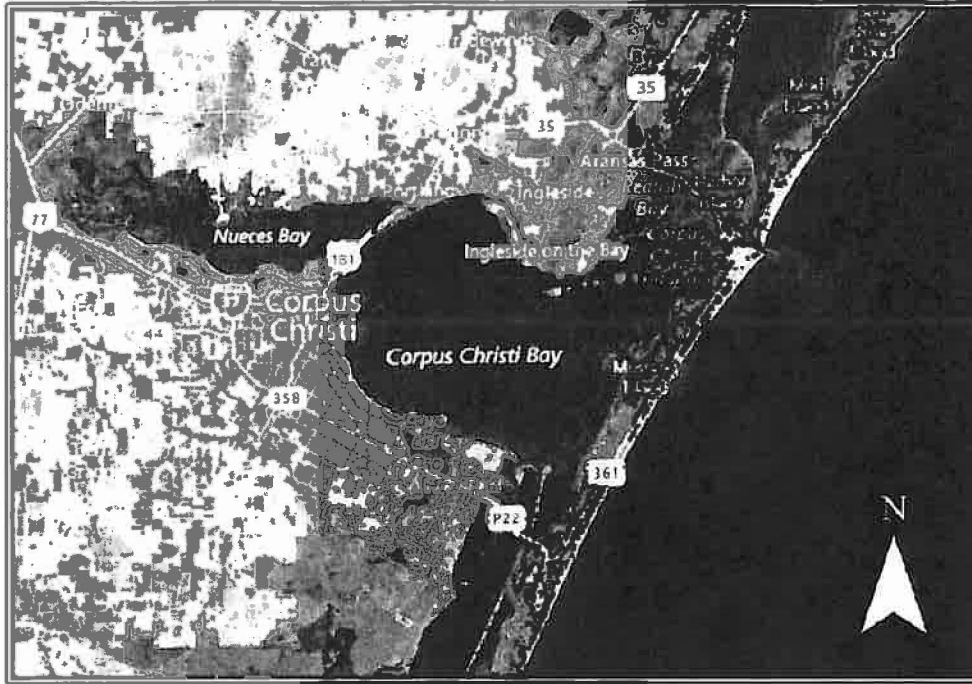
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEEE – Typed/Printed Name)

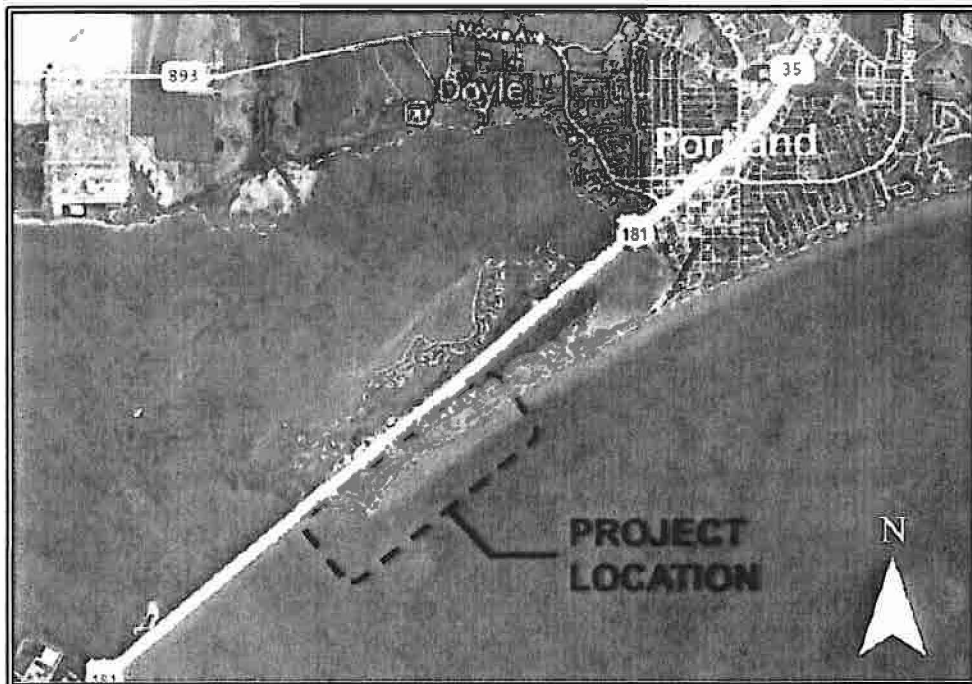
\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(TRANSFEEE - Signature)

\_\_\_\_\_  
(Mailing Address)



VICINITY MAP



LOCATION MAP

# PERMITTED PLANS

**FOR COE USE ONLY**

Permit Application No.: \_\_\_\_\_  
 Applicant Name: \_\_\_\_\_  
 Sheet \_\_\_\_\_ of \_\_\_\_\_



HDR Engineering Inc.

Texas P.E. Firm  
 Registration No. 754

ACTIVITY: INDIAN POINT SHORELINE PROTECTION

APPLICANT: COASTAL BEND BAYS & ESTUARIES PROGRAM

DATUM: NAVD ' 88

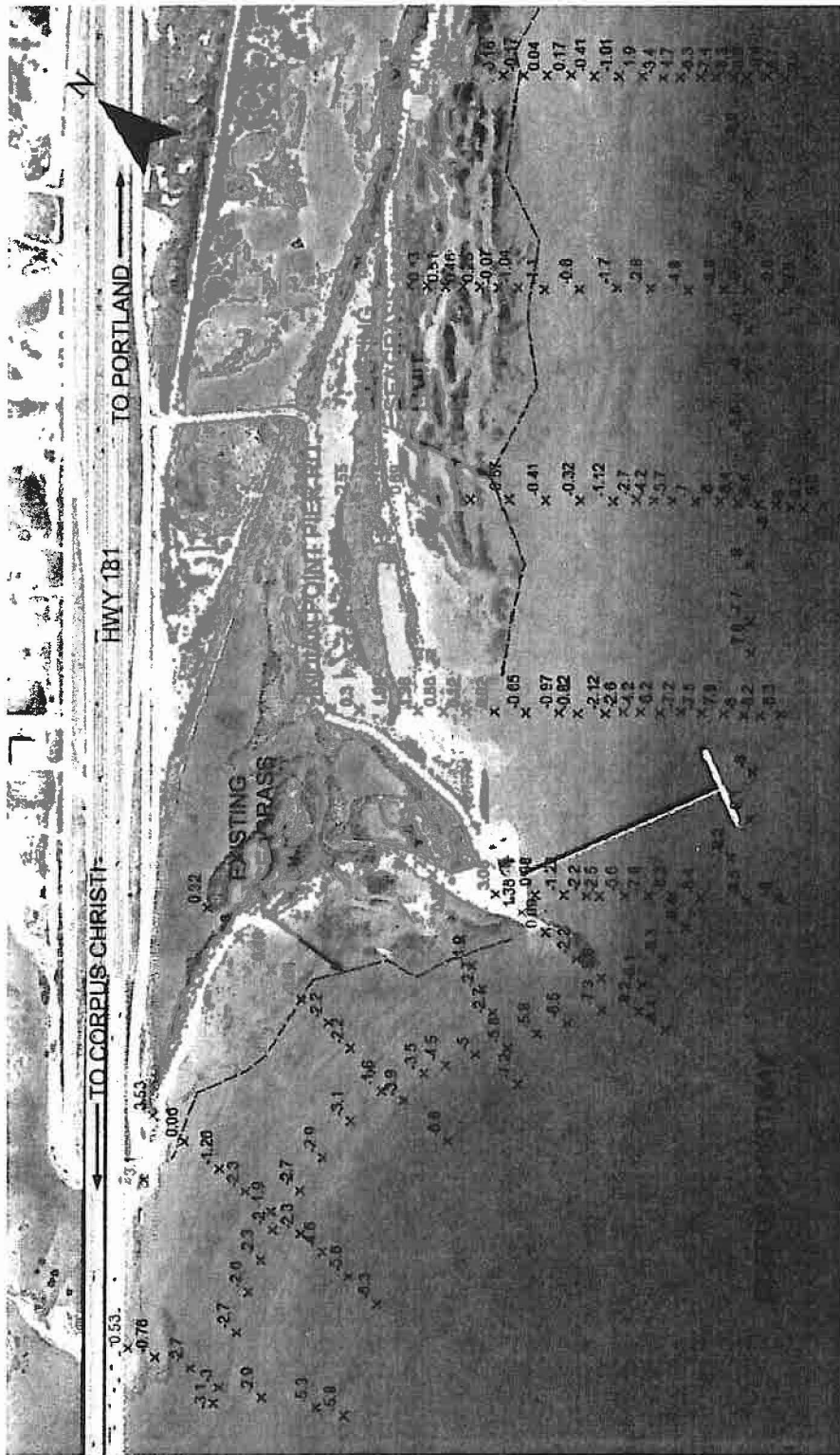
DATE: 09-14-2012

REV. DATE:

HDR JOB NO.: 185186

SWG-2012-00591

SHEET 1 of 6



LEGEND:

X 0.2 SPOT ELEVATION

NOTES:

1. ALL SPOT ELEVATIONS WERE OBTAINED BY NAISMITH MARINE SERVICES IN MAY 2012.
2. AERIAL PHOTOGRAPH SHOWN WAS OBTAINED FROM GOOGLE EARTH AND REPRESENTS CONDITIONS DURING NOVEMBER 2011.

EXISTING SITE CONDITIONS



SCALE: 0' 300' 600'

PERMITTED PLANS

FOR COE USE ONLY

Permit Application No.: \_\_\_\_\_  
 Applicant Name: \_\_\_\_\_  
 Sheet \_\_\_\_\_ of \_\_\_\_\_



HDR Engineering Inc.

Texas P.E. Firm  
 Registration No. 754

ACTIVITY: INDIAN POINT SHORELINE PROTECTION

APPLICANT: COASTAL BEND BAYS & ESTUARIES PROGRAM

DATUM: NAVD ' 88

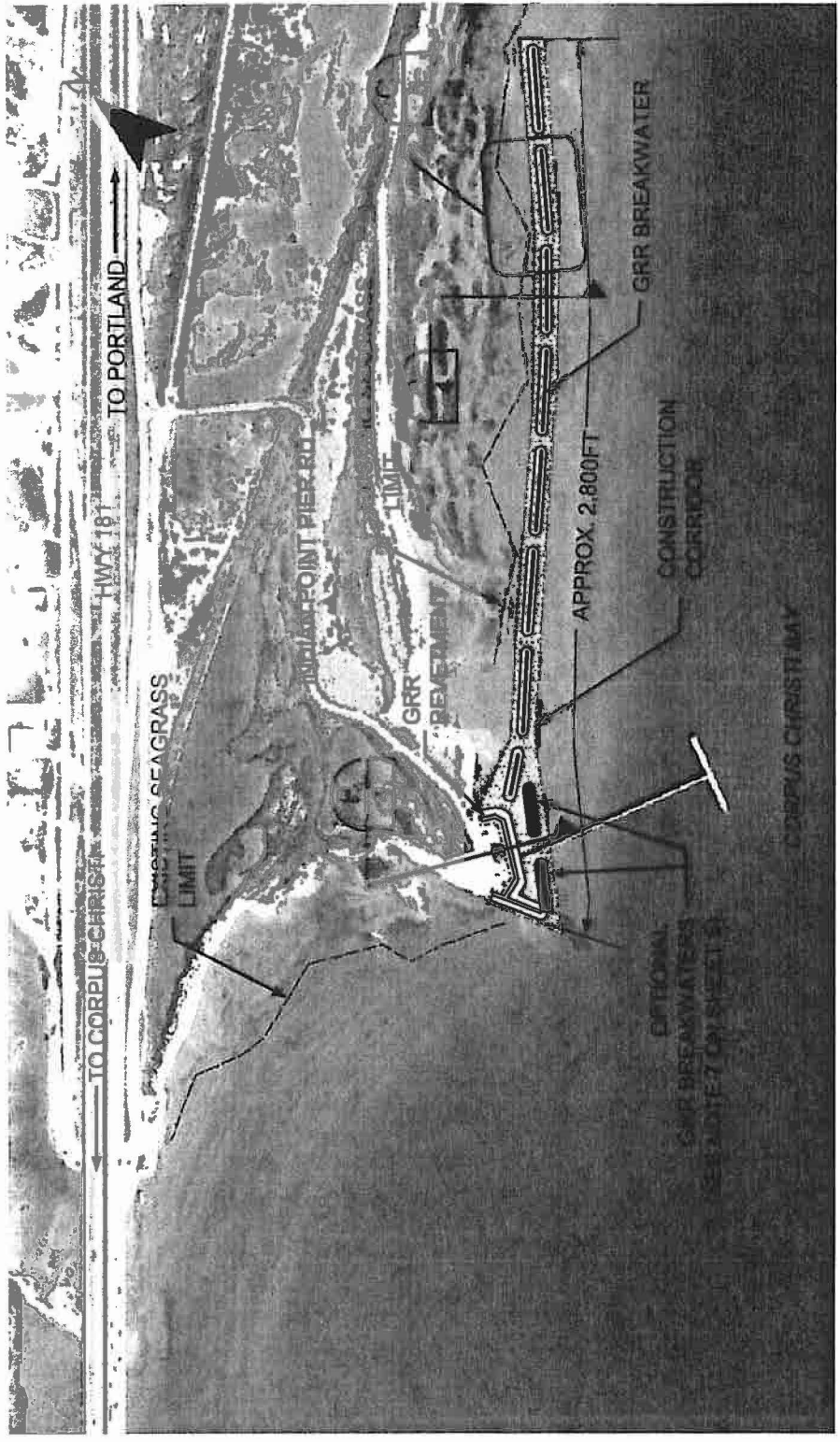
DATE: 09-14-2012

REV. DATE:

HDR JOB NO.: 185186

SWG-2012-00591

SHEET 2 of 6



LEGEND:

GRR GRADED RIPRAP

NOTES:

1. BREAKWATER CIRCULATION GAP SPACING MAY VARY FROM EVERY 200FT TO 500FT.
2. CONSTRUCTION COORIDOR IS LOCATED SEAWARD OF EXISTING SEAGRASS BEDS.



# PERMITTED PLANS

FOR COE USE ONLY

Permit Application No.: \_\_\_\_\_  
 Applicant Name: \_\_\_\_\_  
 Sheet \_\_\_\_\_ of \_\_\_\_\_



HDR Engineering Inc.

Texas P.E. Firm  
 Registration No. 754

ACTIVITY: INDIAN POINT SHORELINE PROTECTION

APPLICANT: COASTAL BEND BAYS & ESTUARIES PROGRAM

DATUM: NAVD ' 88

DATE: 09-14-2012

REV. DATE:

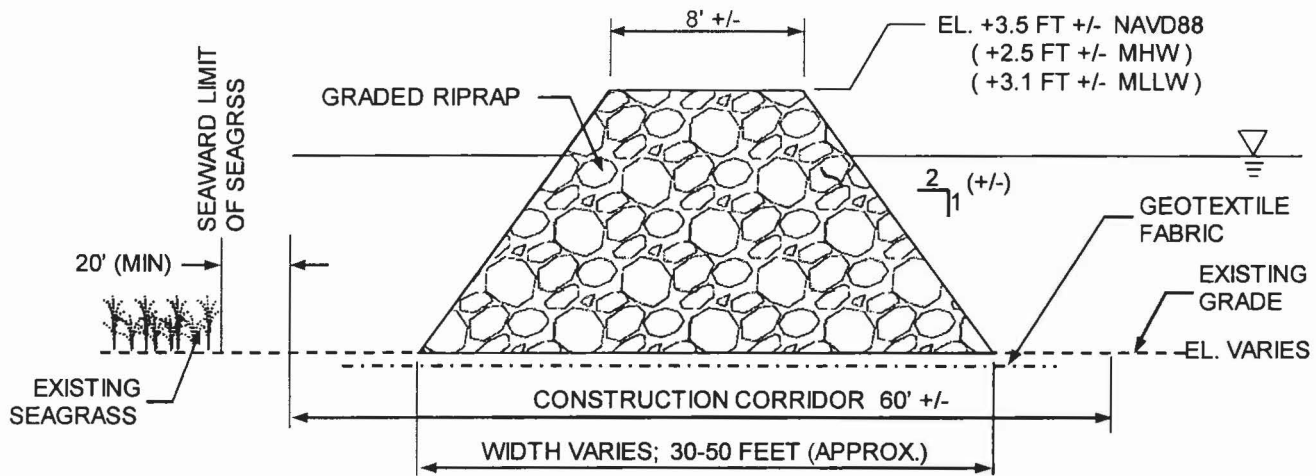
HDR JOB NO.: 185186

SWG-2012-00591

SHEET 3 of 6



CORPUS CHRISTI BAY →

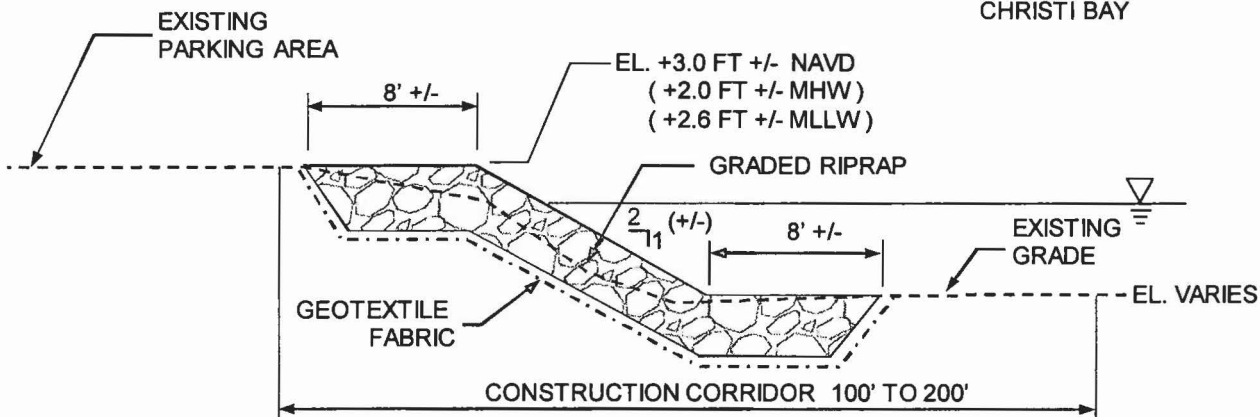


**BREAKWATER SECTION**

SCALE: NTS



CORPUS CHRISTI BAY →



**REVETMENT SECTION**

SCALE: NTS



**NOTES:**

1. NO SEAGRASS PRESENT IN REVETMENT CONSTRUCTION CORRIDOR.
2. AIDS TO NAVIGATION WILL BE COORDINATED WITH USCG.
3. IF REQUIRED FOR STABILITY, BEDDING MATERIAL WILL BE PLACED BELOW ARMOR STONE IN GRR LAYER.

DERMITTED PLANS

**FOR COE USE ONLY**

Permit Application No.: \_\_\_\_\_  
 Applicant Name: \_\_\_\_\_  
 Sheet \_\_\_\_\_ of \_\_\_\_\_

**HDR**

HDR Engineering Inc.

Texas P.E. Firm  
 Registration No. 754

ACTIVITY: INDIAN POINT SHORELINE PROTECTION

APPLICANT: COASTAL BEND BAYS & ESTUARIES PROGRAM

DATUM: NAVD ' 88

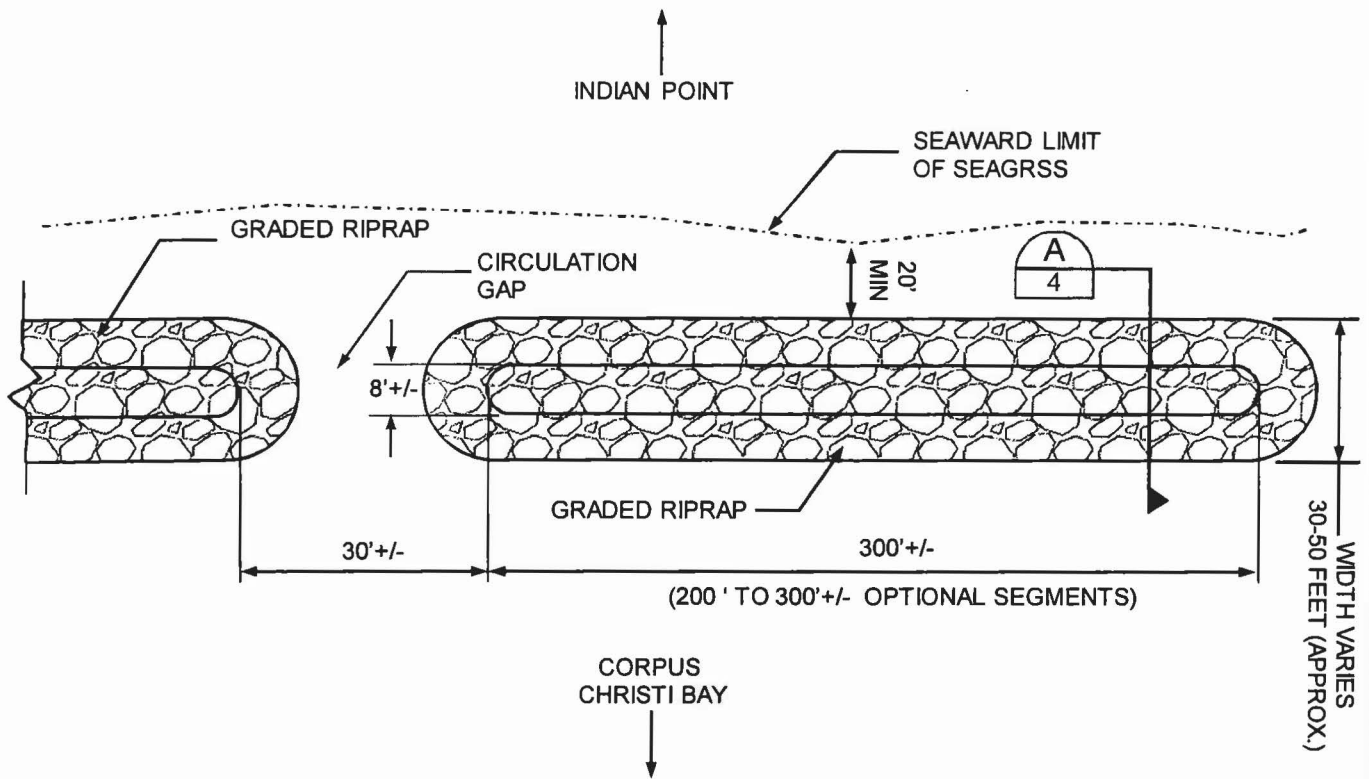
DATE: 09-14-2012

REV. DATE: 7-18-13

HDR JOB NO.: 185186

SWG-2012-00591

SHEET 4 of 6



### BREAKWATER PLAN

SCALE: NTS



**NOTES:**

1. CIRCULATION GAP DISTANCE IS APPROXIMATE AND MAY VARY TO IMPROVE DESIGN FUNCTION.
2. BREAKWATER SEGMENT LENGTH IS APPROXIMATE AND MAY VARY TO IMPROVE DESIGN FUNCTION.

**PERMITTED PLANS**

**FOR COE USE ONLY**

Permit Application No.: \_\_\_\_\_  
 Applicant Name: \_\_\_\_\_  
 Sheet \_\_\_\_\_ of \_\_\_\_\_



HDR Engineering Inc.

Texas P.E. Firm  
 Registration No. 754

ACTIVITY: INDIAN POINT SHORELINE PROTECTION

APPLICANT: COASTAL BEND BAYS & ESTUARIES PROGRAM

DATUM: NAVD ' 88

DATE: 09-14-2012

REV. DATE: 7-18-13

HDR JOB NO.: 185186

SWG-2012-00591

SHEET 5 of 6

NOTES:

1. TOTAL NUMBER OF BREAKWATER SEGMENTS IS 8 WITH AN ADDITIONAL 2 OPTIONAL BREAKWATERS. SEE NOTE 7.
2. TOTAL LENGTH OF SHORELINE PROTECTION IS APPROXIMATELY 2,800 FT.
3. SHORELINE PROTECTION STRUCTURES WILL IMPACT APPROXIMATELY 2 ACRES OF UNVEGETATED BAY BOTTOM.
4. NO DREDGING IS PROPOSED.
5. LOCATION OF BREAKWATER/REVTMENT IS DEPENDENT ON FINAL DESIGN. BREAKWATER/REVTMENT IS TO BE CONSTRUCTED WITHIN CONSTRUCTION CORRIDOR IDENTIFIED ON SHEET 3.
6. STRUCTURE HAS NO IMPACT TO WETLANDS, SUBMERGED AQUATIC VEGETATION, OR OTHER SPECIAL AQUATIC SITES.
7. OPTIONAL BREAKWATERS TO BE CONSTRUCTED IN LIEU OF GRADED RIPRAP REVTMENT.

PERMITTED PLANS

FOR COE USE ONLY

Permit Application No.: \_\_\_\_\_  
 Applicant Name: \_\_\_\_\_  
 Sheet \_\_\_\_\_ of \_\_\_\_\_



HDR Engineering Inc.

Texas P.E. Firm  
 Registration No. 754

ACTIVITY: INDIAN POINT SHORELINE PROTECTION

APPLICANT: COASTAL BEND BAYS & ESTUARIES PROGRAM

DATUM: NAVD ' 88

DATE: 09-14-2012

REV. DATE:

HDR JOB NO.: 185186

SWG-2012-00591

SHEET 6 of 6



Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 29, 2013

Mr. Reagan Richter  
Galveston District CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: USACE Permit Application Number SWG-2012-00591

Dear Mr. Richter:

This letter is in response to the Statement of Findings (SOF) dated July 18, 2013, for the Joint Public Notice dated October 22, 2012, on the Coastal Bend and Bays Estuaries Program proposal to construct a combination of graded riprap breakwaters and graded riprap revetment for shoreline protection as a form of bank stabilization. The project is located in Corpus Christi Bay, along the southwestern shoreline of Indian Point, in Portland, San Patricio County, Texas.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the public notice and related application information along with the SOF. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards.

The purpose of the project is to provide protection to a demonstrably eroding shoreline containing estuarine wetlands and seagrass. The total length of the shoreline protection structure is 2,800 feet. This length includes eight segmented breakwaters and a revetment. The project itself is intended to be a habitat enhancement and/or creation project; as such, no additional mitigation is proposed.

The TCEQ has reviewed this proposed action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the CMP regulations (Title 31, Texas Administrative Code (TAC), Section (§)505.30) and has determined that the action is consistent with the applicable CMP goals and policies.

This certification was reviewed for consistency with the CMP's development in critical areas policy (31 TAC §501.23) and dredging and dredged material disposal and placement policy (31 TAC §501.25). This certification complies with the CMP goals (31 TAC §501.12(1, 2, 3, 5)) applicable to these policies.

No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)

printed on recycled paper using vegetable-based ink

Mr. Reagan Richter  
U.S. Army Corps of Engineers  
USACE Permit Application Number SWG-2012-00591  
Page 2

If you require additional information or further assistance, please contact Mr. Brad Caston, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-4711.

Sincerely,



David W. Galindo  
Water Quality Division Director  
Texas Commission on Environmental Quality

DWG/CBC /gg

Attachment

ccs: Coastal Bend and Bays Estuaries Program, 1305 North Shoreline Boulevard, Suite 205,  
Corpus Christi, Texas 78401-1500  
Ms. Sheri Land, Texas General Land Office, P. O. Box 12873, Austin, Texas 78711-28733

**WORK DESCRIPTION:** As described in the public notice dated October 22, 2012, and the July 18, 2013, Environmental Assessment and Statement of Findings.

**SPECIAL CONDITIONS:** None

**GENERAL:** This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the July 18, 2013, Environmental Assessment and Statement of Findings and shall be concurrent with the Corps of Engineers (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision.

**STANDARD PROVISIONS:** These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.
5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.
6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.
7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work

within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.

8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.
9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.
10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated storm water from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Storm water runoff from construction activities that result in a disturbance of one or more acres, or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at: [http://www.tceq.texas.gov/permitting/stormwater/wq\\_construction.html](http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html) or by contacting the TCEQ Storm Water & Pretreatment Team at (512) 239-4671.
12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.
13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.
15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish

including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.

16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.
17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.
18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.

## NOTICE TO PERMITTEES

Department of the Army Permits for Work in Navigable Waters require attention to administration and policies which are often misunderstood or disregarded. To avoid possible misinterpretations and to expedite procedures, permit post-authorization requirements and pertinent information are outlined as follows:

1. Permits remain in effect until revoked, relinquished, or the structures are removed. An extension of time for completion of structures or work may be granted provided that a public notice is issued and that evidence is furnished of the bona fide intention of the permittee to complete the work within a reasonable time. If work or structures are not completed within the time provided in the permit, it is the permittee's responsibility to request an extension of time at least 4 months before the expiration date.
2. Maintenance of authorized completed structures may be done at any time without extending the completion period. It is, however, required that the District Engineer be notified prior to commencement of maintenance.
3. SPECIAL REGULATIONS GOVERN MAINTENANCE WORK INVOLVING--  
DREDGING OR FILL. This maintenance is not authorized by the original permit and specific prior approval is required before such work is commenced in navigable waters. Your request for authorization should be submitted in time for public notice requirements and coordination with other agencies.
4. If ownership of structures or work covered by a permit is transferred, the District Engineer must be notified immediately. The notification will provide information so that permit responsibilities can be changed to the new owner or assignee.
5. Permittees are reminded that the Area Engineer must be notified as soon as possible of the time for commencement of construction or work, and immediately upon completion. If pipelines across Federal project channels are covered by the permit, the Area Engineer should be informed of the date the pipelines are to be placed in time for him to arrange for an inspector to be present.
6. All material changes in location or plans must be submitted promptly to the District Engineer for approval before construction is begun.
7. Permits should not be considered as an approval of design features of any structure authorized or an implication that such structure is adequate for the purpose intended.

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS





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

August 6, 2013

REPLY TO  
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: Permit No. SWG-2012-00591

Leo Trevino  
Coastal Bend Bays and Estuaries Program  
1305 N. Shoreline Blvd., Ste. 205  
Corpus Christi, TX 78401-1500



Dear Mr. Trevino:

Enclosed for your review and signature are two copies of an initial proffered permit for activities conducted in waters of the United States, including wetlands.

Enclosed you will find a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you decline the terms and special conditions of this initial proffered permit, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. To initiate the appeal process, you must submit a completed RFA to the District Engineer (DE), at the letterhead address. In addition to the RFA, enclose the unsigned initial proffered permit, and a letter to the DE explaining your objections to the initial proffered permit. Your objections must be received by the DE within **60 days** of the date of this notice, or you will forfeit your right to appeal the initial proffered permit in the future. It is not necessary to submit an RFA form to this office if you accept the initial proffered permit terms and conditions. The DE will render his decision, and a proffered permit will be sent to you.

If, after reviewing the proffered permit, you are still unsatisfied with the proffered permit because of certain terms and conditions therein, you may appeal under the Corps of Engineers Administrative Appeal Process by completing Section II of the RFA form enclosed with your proffered permit. Send the RFA to the following address:

Mr. Elliott Carman  
Regulatory Appeals Officer  
Southwest Division USACE (CESWD-PD-O)  
1100 Commerce Street, Suite 831  
Dallas, Texas 75242-1317  
Telephone: 469-487-7061; FAX: 469-487-7199



This form must be received by the division engineer within **60 days** of the date of this notice or you will forfeit your right to appeal. It is not necessary to submit an RFA form to the Division office if you accept this proffered permit in its entirety.

If you accept the initial proffered permit, sign and date both copies in the spaces provided. Within ten days, both original copies of the accepted permit should be returned to us for approval. Once countersigned, one copy of the signed permit will be returned to you. The permit is not valid until signed by us.

A detailed description of the appeal process can be found at: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx> . We are ready to assist you in whatever way possible. If you have any questions, please contact Reagan Richter at the letterhead address or by telephone at 361-814-5847, ext. 1005. To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Lloyd Mullins, Supervisor  
Corpus Christi Regulatory Field Office

Enclosures

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Coastal Bend Bays and Estuaries Program	File #: SWG-2012-00591	Date: 6-Aug-13
Attached is:		See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> Or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Lloyd Mullins, Supervisor  
U.S. Army Corps of Engineers, CESWG-PE-RCC  
Corpus Christi Regulatory Field Office  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
Telephone 361-814-5847; FAX 361-814-5912

If you only have questions regarding the appeal process you may also contact:

Elliott Carman, Appeal Review Officer  
US Army Engineer Division, Southwestern  
1100 Commerce Street, Suite 831  
Dallas TX 75242-1317  
Telephone: 469-487-7061; FAX: 469-487-7189  
Email: Elliott.n.carman@usace.army.mil

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or authorized agent.

Date:

Telephone number: