



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

May 8, 2020

Evaluation Branch

SUBJECT: Permit SWG- 2001-01549; Letter of Permission and Nationwide Permit Verification

Mr. Michael Shannon
Galveston County
722 Moody
Galveston, Texas 77550

Dear Mr. Shannon:

This is in reference to your request, dated February 12, 2020, to remove an existing dock and install a 330-square foot wood dock and a 600-square foot wood dock in the Gulf Intracoastal Waterway (GIWW). In addition, you requested to discharge 164 cubic yards of rip rap and concrete for the installation of a 50-foot wide boat ramp. You also requested to discharge 289 cubic yards of rip rap into 693 linear feet below the Mean High Tide line of the GIWW for bank stabilization and 30 cubic yards of fill material for the installation of an 81-linear feet bulkhead. The project site is located in the GIWW at Yacht Basin Road in Gilchrist, Galveston County, Texas.

Your request is approved by this Letter of Permission (LOP) pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Nationwide Permit (NWP) 13 and NWP 36 pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. All work is to be performed in accordance with the enclosed plans in 6 sheets and the permit conditions. In addition, the activity must be in compliance with the NWP General/Regional Conditions, Section 401 Water Quality Certification, and the Coastal Management Program, which can be found at: <http://www.swg.usace.army.mil/Business-With-Us/Regulatory/Permits/Nationwide-General-Permits/>, a hard copy can be provided to you upon request.

NWP 13. Bank Stabilization: Authorizes activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of other methods.

NWP 36. Boat Ramps: Activities required for the construction of boat ramps.

We have determined the proposed activity would comply with all the terms and conditions of NWP 13 and NWP 36 and that the adverse environmental effects of the proposed project would be minimal both individually and cumulatively. Therefore, in this case, we are waiving 500-linear feet threshold of NWP 13 and 20-foot width threshold of NWP 36.

The NWP verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

The time limit for completing the work authorized ends on December 31, 2025. 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. The following special condition(s) has/have been added to your authorization:

- 1) 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.
- 2) When structures or work authorized by this permit are determined by the District Engineer to have become abandoned, obstructive to navigation or cease to be used for the purpose for which they were permitted, such structures or other work must be removed, the area cleared of all obstructions, and written notice given to the Corps of Engineers, Galveston District, Regulatory Division, Chief of the Compliance Branch within 30 days of completion.
- 3) The permittee must install and maintain, at the permittee's expense, any safety lights, signs and signals required by U.S. Coast Guard, through regulations or otherwise, on the permittee's fixed structures. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, at no later than 30 days prior to installation of any fixed structures in navigable waters and/or prior to installation of any floating private aids to navigation, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, (504) 671-2328 or via email to: D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation please visit the Eighth Coast Guard District web site at: <http://www.uscg.mil/d8/waterways/PATON.Home.asp>

4) Prop/wheel washing is not authorized by this permit. A minimum of 2 feet of clearance must be maintained between the shallowest point on the lake bottom in the access channel, and the deepest draft of any construction vessel while underway to and from the project site. If the minimum 2-foot clearance cannot be achieved, then the permittee is required to contact the Corps of Engineers, Galveston District, Regulatory Division, Chief of the Compliance Branch (Corps) for further evaluation of the permit action.

If you object to the work authorized or the terms and conditions of this LOP, you may request that the LOP be modified (in accordance with 33 CFR 331.6). To object, you must submit a copy of the completed RFA to the District Engineer (DE) at the letterhead address. 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 LOP in the future. It is not necessary to submit an RFA form to this office if you accept the LOP's terms and conditions.

If, after review by the DE, you are still unsatisfied with the LOP because of certain terms and conditions therein, you may appeal under the Corps of Engineers Administrative Appeal Process by completing Section II of the attached RFA form and sending it 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 verification does not address nor include any consideration for geographic jurisdiction on aquatic resources and shall not be interpreted as such. If you have any question regarding this LOP, please contact Kelsey McCraw at the letterhead address or by telephone at 409-766-3151. Please notify the Chief of the Compliance Branch in the Galveston District Regulatory Division in writing at the letterhead address, upon completion of the authorized project.

FOR THE DISTRICT COMMANDER:

Andria Davis
Leader, North Evaluation Unit

cc w/Encl.

Michael Shannon, Galveston County, by electronic email:
Michael.shannon@co.galveston.tx.us

Mark Bedgood, HNTB, by electronic email: mbedgood@HNTB.com

Eighth Coast Guard District, New Orleans, LA

National Oceanic and Atmospheric Administration (NOAA), National Ocean Service
(NOS), Coast & Geodetic Survey, Silver Spring, MD

Texas General Land Office

Conditions for Letter of Permission:

General Conditions:

1. The time limit for completing the activity authorized ends on **31 December 2025**. 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:

See Authorization Letter

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 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 time limit.

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.

(TRANSFeree – Typed/Printed Name)

(DATE)

(TRANSFeree - Signature)

(Mailing Address)

FEB 12 2020

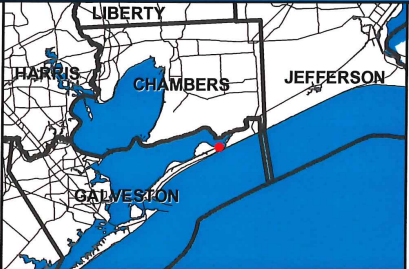
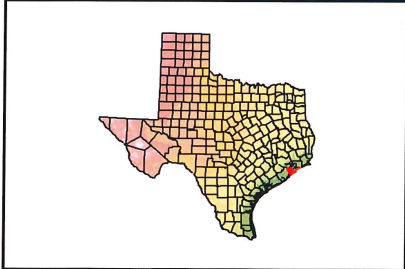


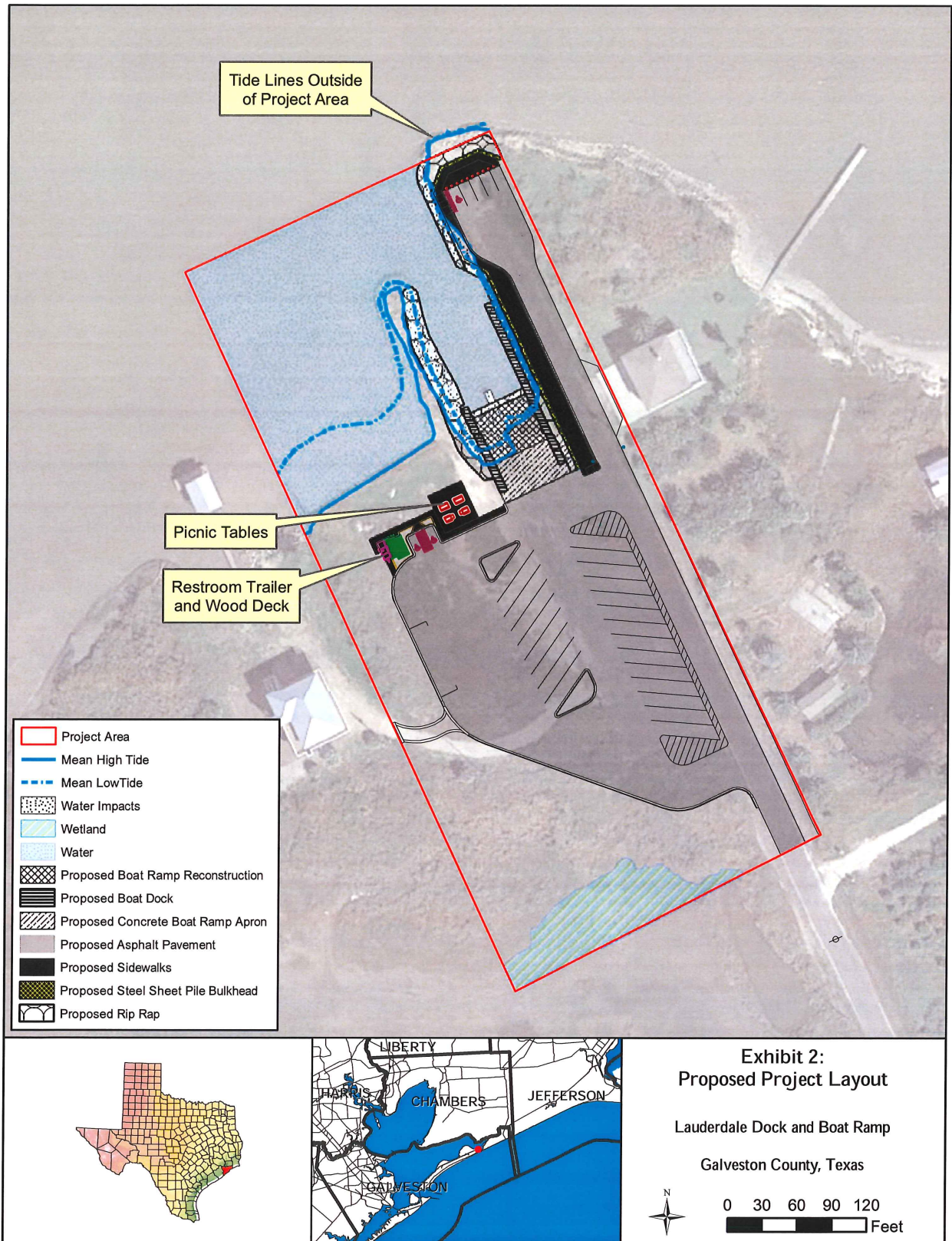
Exhibit 1: Project Location Map

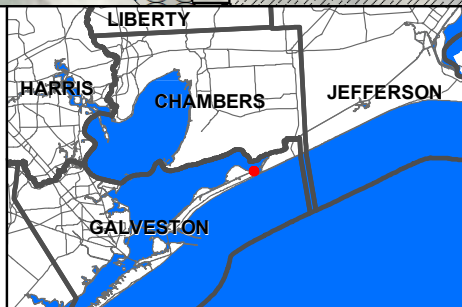
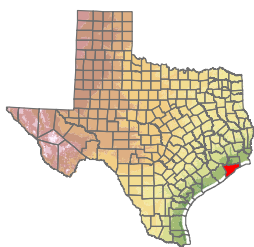
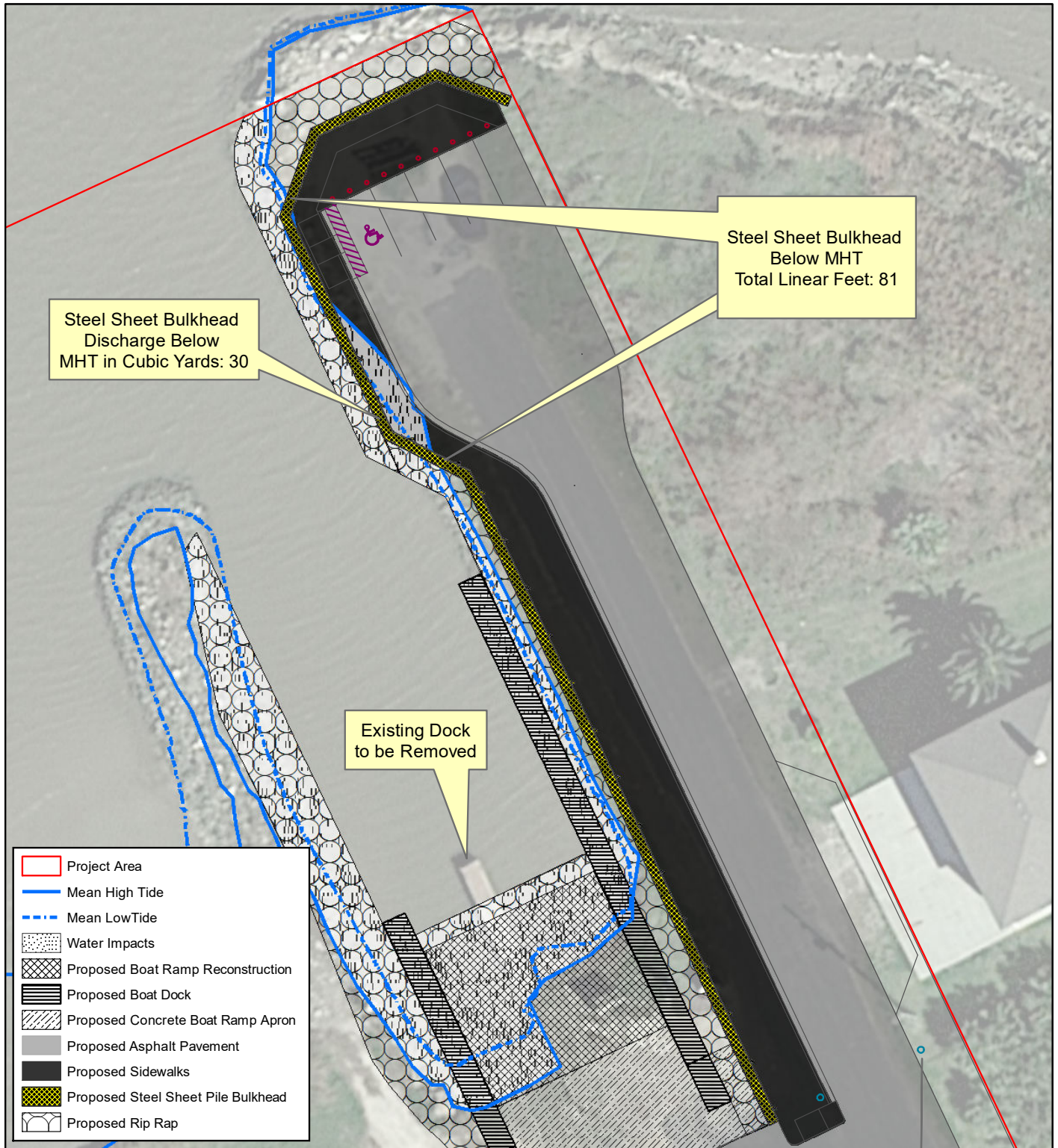
Lauderdale Dock and Boat Ramp

Galveston County, Texas



FEB 12 2020

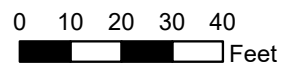


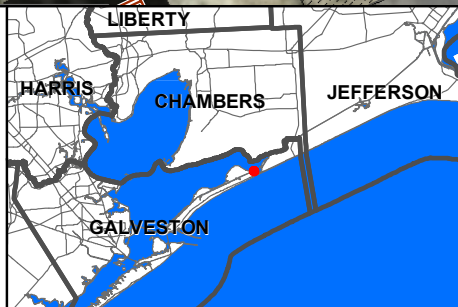
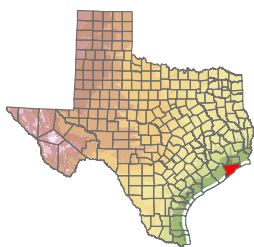
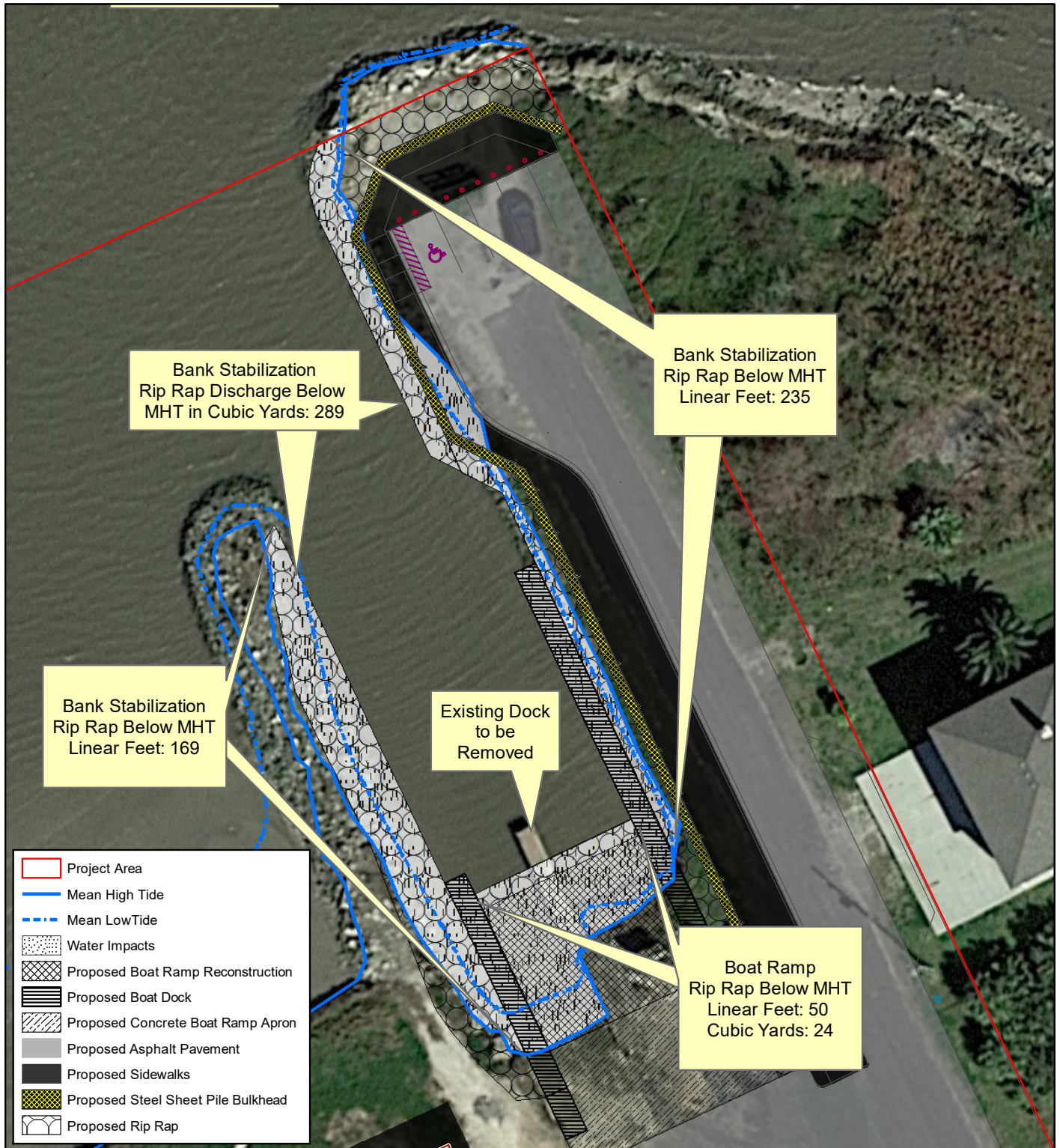


Proposed Project Steel Sheet Bulkhead

SWG-2001-01549-Additional Information
Lauderdale Dock and Boat Ramp

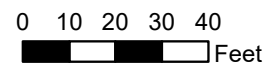
Galveston County, Texas

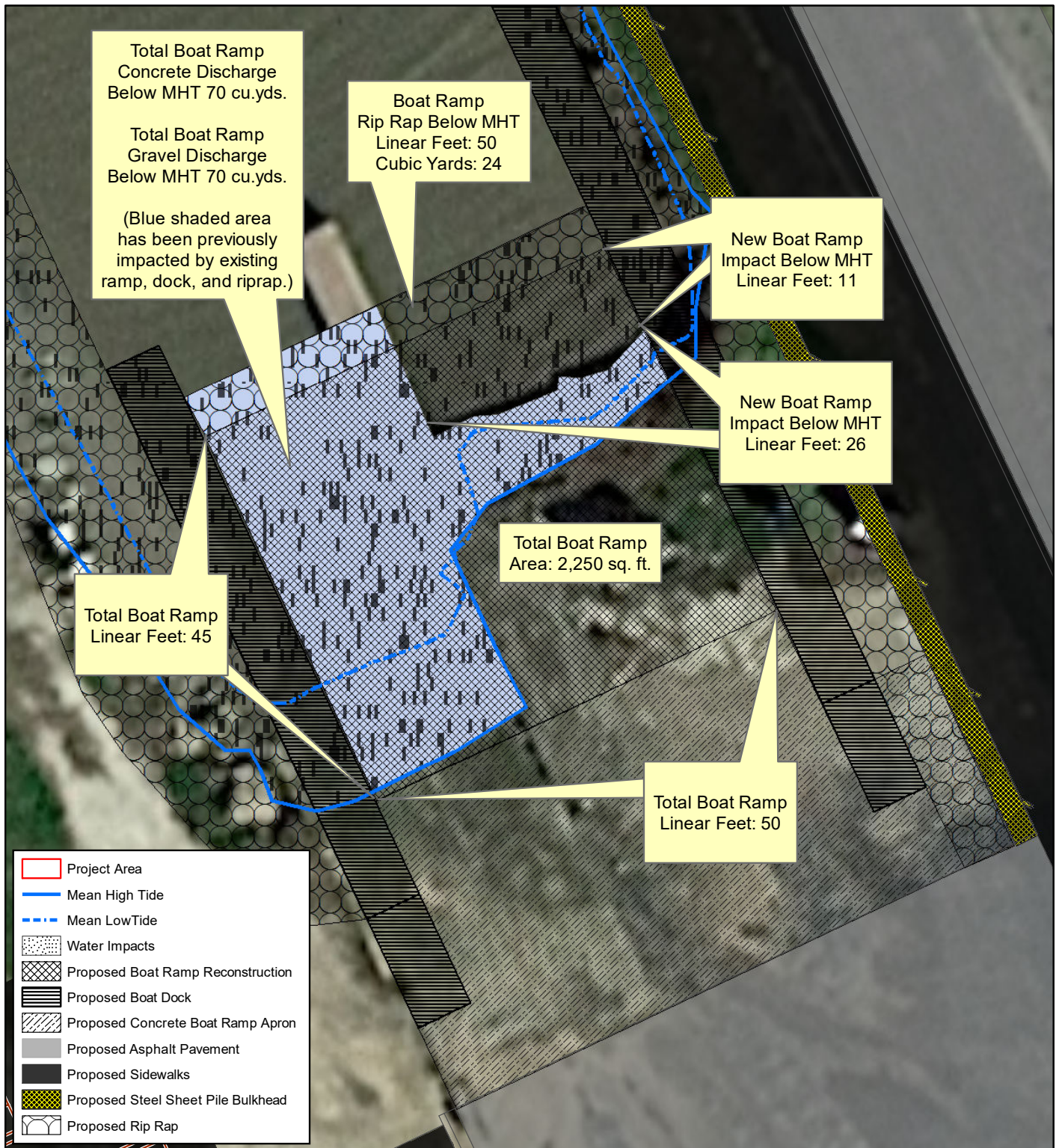















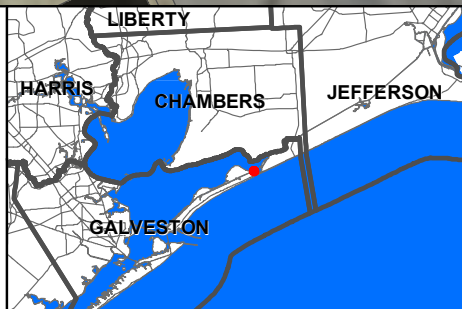
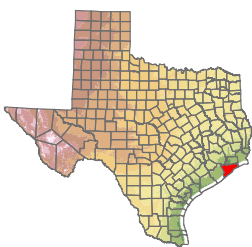
**Proposed Project
Rip Rap Along Shoreline**
SWG-2001-01549-Additional Information
Lauderdale Dock and Boat Ramp

Galveston County, Texas



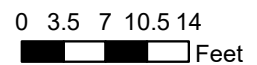


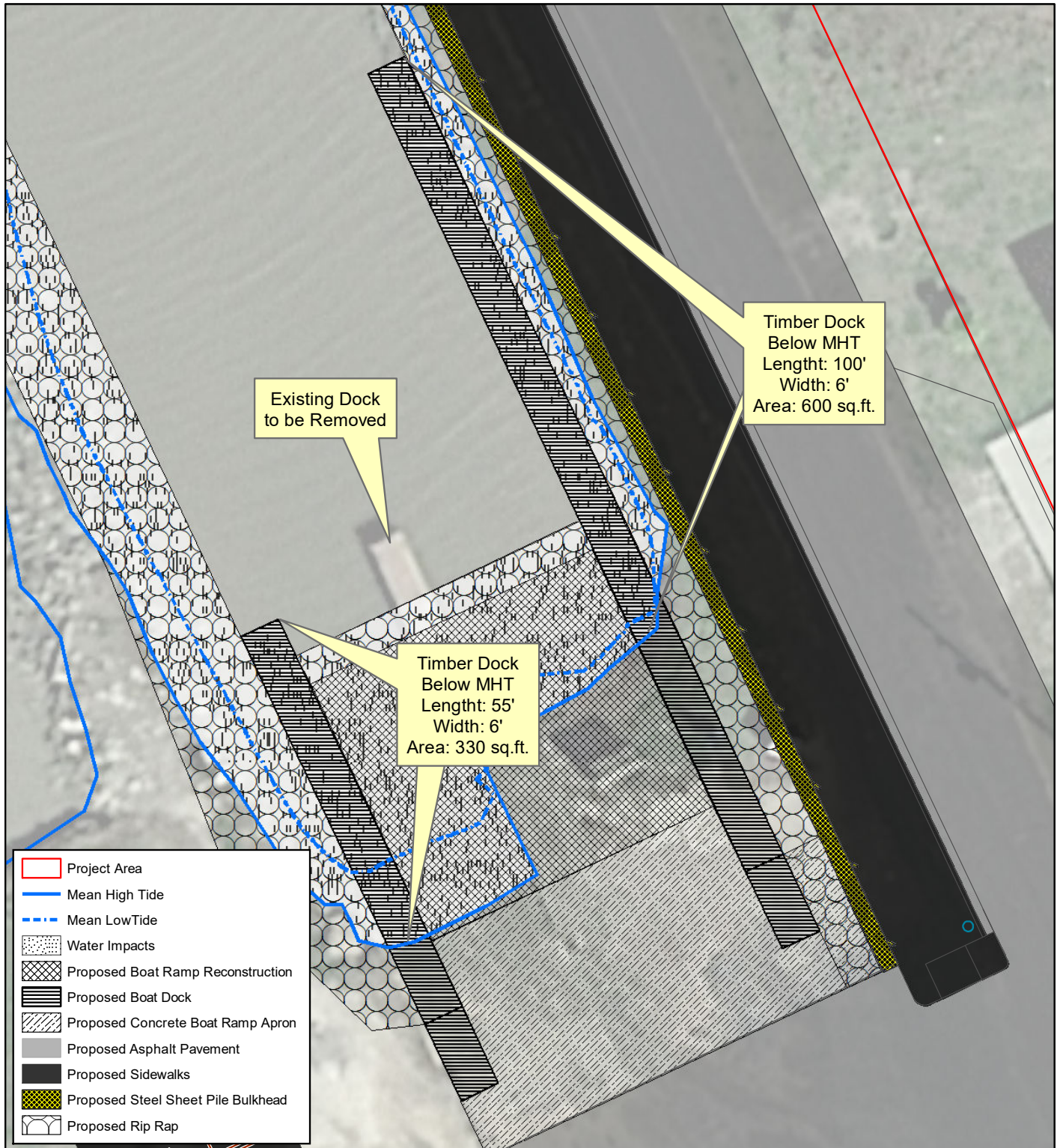
-  Project Area
-  Mean High Tide
-  Mean Low Tide
-  Water Impacts
-  Proposed Boat Ramp Reconstruction
-  Proposed Boat Dock
-  Proposed Concrete Boat Ramp Apron
-  Proposed Asphalt Pavement
-  Proposed Sidewalks
-  Proposed Steel Sheet Pile Bulkhead
-  Proposed Rip Rap



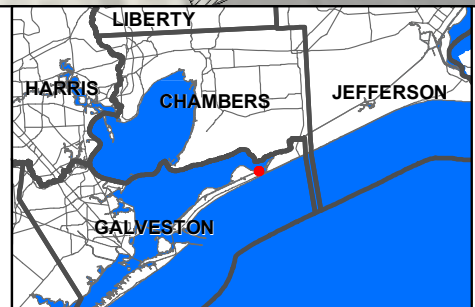
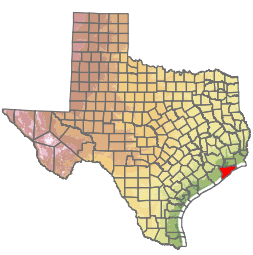
Proposed Project Boat Ramp Dimensions
SWG-2001-01549-Additional Information
Lauderdale Dock and Boat Ramp

Galveston County, Texas





- Project Area
- Mean High Tide
- Mean Low Tide
- Water Impacts
- Proposed Boat Ramp Reconstruction
- Proposed Boat Dock
- Proposed Concrete Boat Ramp Apron
- Proposed Asphalt Pavement
- Proposed Sidewalks
- Proposed Steel Sheet Pile Bulkhead
- Proposed Rip Rap



**Proposed Project
Timber Dock Dimensions**
SWG-2001-01549-Additional Information
Lauderdale Dock and Boat Ramp
Galveston County, Texas

0 5 10 15 20
Feet