## Galveston Island Coastal Erosion CAP 204 Project

**Public Comment Appendix F FINAL** 

Gulf of Mexico Galveston, Texas

October 2022

Appendix F

## Public Comments and USACE Responses

for

## Galveston Island Coastal Erosion CAP 204 Project Galveston, Texas

Matrix of Public Comments and USACE Responses

Letter Attachments

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
1	Matt Bomberger	Citizen	7/21/2022	Email	Y	Raven, As a new homeowner in Spanish Grant, I humbly support efforts to restore the dunes! Keep up the great work!	Concur
2	Melissa Dramberger	Citizen	7/21/2022	Email	Y	I have a home on Bermuda Beach Rd and strongly support all efforts to replace our beach that has been greatly eroded over the years Thanks	Concur
3	Alexia & Antonio Benavides	Citizen	7/21/2022	Email	Y	Dear Mr. Blakeway, We are very blessed to own a beachfront home in Bermuda Beach. We used to have a beautiful dune in front of our house, that got pretty much wiped out in 2019 during 3 smaller hurricanes, and has not come back. There used to be wildlife – bunnies, snakes and even a coyote living in front of the house. It would be great to restore some of the natural beauty of the gulf shoreline. To us – there is nothing like coming to the island, and being so close to nature and the elements. Since these hurricanes, we have done everything we could to "grow"/ restore the dunes in front of our house, but it is a very slow process, and any help is much much appreciated. Thank you for all your efforts in preserving the island for future generations.	Concur
4	Tammy Childress	Citizen	7/21/2022	Email	Y	My name is Tammy Childress. I live at Bermuda Beach on the West end of Galveston. We are in desperate need of beach replenishment. I have been out here for over 50 years. I remember when residents paid to replace the sand and plant sea oats. The last 2 years have been brutal for our beaches due to storms. I'm all for this project. Please help us.	Concur
5	June Boler	Citizen	7/21/2022	Email	Y	To dr raven blackwell I have a house on john reynolds rd and am in favor of your proposal.	Concur
6	Monte & Donna Vincent	Citizen	7/21/2022	Email	Y	Dr. Blakeway, As a homeowner since 2003 in Spanish Grant Beach Side, I have over the years become very concerned with the erosion problem on the West End. I am now a permanent resident of Galveston Island West End. I feel very strongly that the Nourishment program be continued. I know Brandon Hill and his team have worked very hard to find solutions to the existing situation. Discontinuing the nourishment program would undermine a lot of their efforts. This is very true after the serious erosion issues we have experienced here in the past two years at Spanish Grant. Thank you for your support in this matter.	Concur

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7	Katherine Stetzer	Citizen	7/22/2022	Email	Y	Dear Dr. Blakeway, I am writing to you personally regarding the Galveston Island Coastal erosion, CAP 204 project. Galveston is a historic community largely economically dependent on tourism and the ship channel business. They are inextricably linked. The beaches are eroding due to the many causes are all familiar with. But there are solutions, things can be done and I am glad to hear that you are part of that effort. I would like to add my personal support. Infrastructure: The island invests seriously in its infrastructure, roads, power, water etc. If these investments are to be secured, we need to build the beaches. Ecology: The island is a treasure trove of ecological specie. If we are to protect the animal and plant life of the island, we need to build the beaches. Economics: The island, as stated is dependent on tourism. If people are to travel to Galveston, we need to build the beaches. Also, the home owners in Galveston fund, by taxation the feasibility of Galveston. The home owners of the west end in particular are threatened by beach erosion. They will be forced to abandon structures, lose their investments, New builds will be impossible if the beaches are not available and preserved. The taxes collected from these properties is a significant percentage of the annual Galveston budget. The individuals and communities of the West End are ready and available to participate in the effort to preserve, rebuild the beaches. We pay hefty taxes and deserve the chance to survive on the island as we are significant participants in its economic future. We hope you will give your maximum effort to this project. I am including a link to an article I just read in the Rolling Stone Magazine about 4 women who were tasked with destroying 1200 tons of poison gas from Syria. An impossible task, that got done https://www.rollingstone.com/politics/politics- features/syria-war-chemical-weapons-sarin-1296374/ - How Four Women Destroyed 1,200 Tons of Poison	Concur

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8	Greg & Teddi Wilson	Citizen	7/22/2022	Email	Y	Dear Dr. Blakeway, We are home owners in Spanish Grant on Galveston West End. We are writing to let you know that we enthusiastically support CAP 204 Project. The water surges since 2020 have done damage all along our beach area. We need this project to begin protecting our ROADS and Homes!	Concur
9	Rick Josselet	Citizen	7/23/2022	Email	Y	Good morning Raven. I am imploring you to please approve the dredge and move sand from the channel to the west end of Galveston Island. This has been identified as an urgent need by the city and the Corps of Engineering " The erosion at the west end of the Galveston seawall has been highlighted in the Beaches and Dunes Coastal Texas Study as an erosion hotspot. Resulting in the recommendation of the proposed 18- mile long beach and dune system along the Gulf- facing side of West Galveston Island. The GLO Sediment Budget builds upon the scaffolding created in the USACE SWG 50-year sediment management plan. Its updated modeling results show continued erosion on the west end (particularly cells 20 and 21) and should be incorporated into current and future efforts. " Please move this project forward. We own a home on the front row of Bermuda Beach. We know this is an urgent need. Erosion is bad for the city the county and its citizens. Let me know if you have questions or reservations. Thank you very much!	Concur

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10	Carolyn Cerny Bilski	Citizen	7/24/2022	Email	Y	As the President of the Spanish Grant Beach Civic Association, and on behalf of our Board and Homeowners/Taxpayers, we respectfully request operations personnel to move forward with this proposed project to SAVE our coastal beaches, public infrastructure and our homes which contribute to the overall prosperity of Texas. AS part of the public comment process we once again request approval of this project and find no reason it should not move forward as soon as possible. Your attention to this matter is needed and appreciated. Respectfully,	Concur

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11	Peggy Zahler	Citizen	7/24/2022	Email	Y	Dr. Blakeway, As a property owner in Spanish Grant Beach and President of the Civic Association during and after Ike, I respectfully request that my strong support for this project be considered and the project be approved by the USACE. I am Vice President of the West Galveston Island Property Owners Association and a member of the Park Board Beach Maintenance Advisory Committee. I have committed my time for several years to understand erosion issues and work toward protecting the West End property and infrastructure. Spanish Grant Beach (SGB) is now a subdivision of 67 properties. Since the 1960's we have lost several rows of properties to erosion. After Ike, I was not sure we could become a viable subdivision with our loss of infrastructure and 16 properties. With the strong commitment of some, we survived. I doubt we will be this fortunate in the future with lack of protection. I believe we are at the critical point of determining our future—survival or retreat and give up. The weather events are becoming more extreme thus SGB becomes more at risk. A different way of assessing options needs to be considered as well as regional assessments. With the ongoing supply chain issues, our ports are continually demonstrating their impact on the survival of our economy. To consider decisions that would limit cargo ship access to the Houston Port seems very short sighted. It is imperative that we explore all opportunities to protect ourselves and work together as a team. I request that you take the step to assess projects differently and support the Galveston West End CAP 204 proposed project. Please contact me if I can answer any questions or be of assistance.	Concur

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12	David & Cindy Hansen	Citizen	7/25/2022	Email	Y	Good morning Dr. Raven Blakeway, My wife and I recently learned of this effort and are in full support of it. We purchased a home in the Bermuda Beach community in April of 2018. It is our fulltime residence. We have experienced the degradation of the beach over the last few years and it is concerning, to say the least. The storms during 2020 / 2021 were particularly damaging, with the resulting damage including removal of any dunes that existed between our entry roadway (Bermuda Beach Road) and the beach. There are now times where the road is impassable to residents as well as emergency vehicles, and that can occur just during high tides, without the further impact of high winds or flooding. Much of the sand on the beach was also carried away in the erosion, as were the wooden walkways that once were needed to pass over the dunes without damaging them. We welcome any efforts in place or planned to restore the level of the beaches in our area and offer to help those efforts as we can.	Concur

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13	Jeff Thompson	Citizen	7/25/2022	Email	Y	Hi Raven, I am writing to you about the importance of fixing our beaches and to support the Galveston Island Coastal Erosion Project. I am over 40 years old and have been going down to Galveston my whole life and now have a beach house in Spanish Grant. During that time, I have seen a lot of change and beach (sand) erosion, with the land gone and so many houses gone permanently. Most of the erosion has been caused by man, dredging the ship channel, the sea wall, and dikes/jetties. It's defiantly caused by man otherwise 1000s of years ago we wouldn't have any intercoastal areas the beach would be right up on Tiki Island and were Kemah is for example and Galveston Island would be long gone. I see the best option is to constantly go up and down all the Island (Galveston) from San Luis Pass to the ship channel East of Galveston and keep adding sand year-round and building up sand dunes. To protect people, homes, rode's, and wildlife/ecosystem to support life. I liked the suggestion someone said of a cement wall, like those down the middle of the highway, burry those halfway in the sand and pile sand over those to make a sand dune, from the sea wall to San Luis Pass. Put a couple of nice walkways over them. Currently there isn't anything west of Galveston that you can call a sand dune. Basically non-existent, the two-foot-high sand dune in just part of Spanish Grant, was all but taken out by the CAT 1 Hurricane last September, and that was just about a 1-to-2-foot storm surge. From Spanish to Pirates there is no Sand Dunes to protect the land and homes. I know people are trying to capture sand with Christmas trees and appreciate the effort, but let's be honest that doesn't do anything, since the water/high tide comes right up to them. The jetties/dikes maybe doing more harm than good, probably making the water more turbulent and speeding up the erosion. Not sure it would work but what about a few huge barriers like dikes that can better hold the sand in or at least slow it down. Also, the barriers that were created	Concur

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14	Jen Spills	Citizen	7/27/2022	Email	Y	Good afternoon I am a homeowner in the Spanish Grant neighborhood on the West End of Galveston Island. My house is located at 12610 W. Buena Vista Dr. This is my full time residence and I work from home full time. I currently have no dunes on the public beach directly in front of my home and the small dune that I have in my yard is no match for high water and wind. I am begging for assistance and protection of my home, my investment, our beachfront. I urge you to please consider all options in expanding the sand dune beach restoration project to include our neighborhoods and to help us to protect our properties. This request is specifically asking for the placement of sand dregged from the Houston ship channel entrance on the west end of the island to our beachfront communities. The number of wildlife, visitors and property owners that this project will impact is great and I urge you to please	Concur

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15	Sandra & Mike Chambers	Citizen	7/28/2022	Email	Y	Dear Dr. Blakeway, As a homeowner in the Spanish Grant Beach subdivision, we respectfully request operations personnel to move forward with this proposed project to SAVE our coastal beaches, public infrastructure and our homes which contribute to the overall prosperity of Texas. The tropical storms of recent years have done so much damage to our roads and the infrastructure which protects and provides safe access to and from our subdivision homes and beach. Our property taxes for our home have doubled, while the access roads around it have deteriorated and allowed water up under our houses. We need the dunes and beaches to protect our roads which provide safe access to and from our homes in addition to creating safe access to the public beach. In addition to safe access, we feel the obligation to restore the natural resources of Texas, that so many people enjoy all year long. It is painful to watch the tides wash our shorelines out to sea and take the hope of our community with it. That is why we are asking for the approval of this project request that it move forward as soon as possible. Your attention to this matter is needed and greatly appreciated.	Concur

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16	Kim Van Camp	Citizen	7/31/2022	Email	Y	<ul> <li>Dr. Raven Blakeway</li> <li>I and my family have been regular visitors to the Island since the mid 1980s. At first it was just summer get togethers with kids, then once they grew up and got married with kids of their own, we started renting a house on the West End, at least once every summer.</li> <li>Watching your children and grandchildren enjoying themselves on the beach never gets old. Nine years ago my wife and I purchased a condo along the stretch of beach where a replenishment program has been proposed. Specifically we live in the Riviera II Condominium. Taken together the Riviera I, Riviera II and West Beach Grand form a close knit community of 101 units. Fifteen of the units house permanent residents. The long standing policy of the condos prohibiting short term rentals makes it unique environment, with lots of neighboring, little crime, little noise and plenty of family activity. I've observed over the years, and especially these last nine years, the beach erode to the point where there's far less room for beach goers to spread out. In some places the beach has narrowed to the point where high tides make movement up and down the beach difficult. At the current rate I foresee the water eventually lapping up to FM3005. Not so many years ago the beach was wide enough to support a good size well established dune in front of the condos. That has gone away. Now the water laps up to the building edges during a strong tide event, exposing parts of the buildings' foundations. The Continuing Authority Program Project known as "Galveston Island Coastal Erosion" is crucial to the continued safety and connectivity of the West End of the Island. The West End of the Island contains some of the most at-risk properties in Galveston thanks to erosion rates between -5 and -11 feet per year. It's not just the condos. Many of the adjacent neighborhoods have lost public streets, and now have rows of homes only accessible by driving on the beach. This project addresses a problem long acknowledged in USACE and ERDC</li></ul>	Concur

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			Date			a 50-year sediment management plan for Galveston Island • 2019: GLO Coastal Resiliency Master Plan Project R1-22 calls for shoreline stabilization and a feeder beach from end of seawall to 8-mile road citing "Many of the Galveston Island beaches are experiencing heavy rates of erosion with shoreline losses ranging from 1.6 feet to 11.5 feet per year since the year 2000". • 2021: USACE SWG Coastal Texas Study and GLO Sediment Budget Analysis and Modeling of the Texas Coast; The erosion at the West End of the Galveston seawall has been highlighted in the Beaches and Dunes Coastal Texas Study as an erosion hotspot. Resulting in the recommendation of the proposed 18- mile-long beach and dune system along the Gulf- facing side of West Galveston Island. The CAP 204 team has embraced the tenets of adaptive management and opened the door to future efforts which may finally explore the full breadth of recommendations contained throughout the publications above. The alternative (2) that was selected places material directly in front of some of the most vulnerable residences on Galveston Island, which lie approximately 5 miles from the current BUDM site. I understand that this project has exceeded the 1.0 benefit to cost ratio requirement achieving a BCR of 5.62 and has both the State General Land Office and the City of Galveston's support to address the incremental cost associated with the BUDM. The community support to address the erosion crisis on the West End of Galveston Island is extensive. I say that as a full time Galveston resident. Galveston is where we attend church, have friends, pay taxes and engage in community dialog. We acknowledge the additional hurdles moving the material further west presents which must be overcome. We understand that in the discussions of this project thus far USACE SWG Operations has raised concern that the proposed placement of material on the West End could result in restriction of the dredge plants. Regardless, we sincerely hope practical solutions can be found to mitigate these co	

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						fact is paramount, however, the erosion crisis on the West End is just as absolute and something must be done. Thank you.	

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17	Saba Bou- Chebl	Citizen	7/31/2022	Email	Y	For over 25 years, I have been a homeowner in the Bermuda Beach Subdivision. I have a vested interest in the Galveston Island Costal Erosion Project. Therefore, I am writing to you to include my two cents worth of input. The way I see it, this project would be a win-win-win for all parties concerned. First, it would be a great benefit for homeowners like me. We need the additional protection that this project would provide. In my 25 years of ownership, I have seen 2 rows of houses that have washed away due to erosion and hurricanes. Second, it would be a great benefit for the City of Galveston. Every time that a row of houses is washed away, Galveston's tax base is greatly decreased. Also, by dredging ship channel and using the spoils for this project, allows for larger tankers/cargo ships to go to the port of Houston. Lastly, this project would benefit USACE. USACE was set up to oversee large projects that help the American public and communities. This project would do exactly that and would be included on the long list of USACE achievements. To wrap up this E-mail, I implore you to look favorably on this project. If you have any questions or concerns, please contact me.	Concur

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18	Bermuda Beach Improvement Committee (BBIC) Board of Directors	Committee Board	8/1/2022	Email	Y	Dr. Blakeway, The Board of Directors of the Bermuda Beach Improvement Committee (BBIC) would like to submit this letter of support for the movement of sand to the west end of Galveston Island. Our neighborhood and the surrounding neighborhoods have not been able to recover from the loss of the dry sand on the beaches that existed prior to Hurricane Ike. Our neighborhood has continually had wave impacts to our public streets since Hurricane Ike demolished the pre-existing dune system. Our neighborhood has been trying to rebuild the dune system since this initial devastation, but has not had enough dry sand on the beaches in order to accumulate sand to a height of more than 2-4' above the mean high tide line. Our continued efforts are permitted by the City of Galveston, but fully funded by our neighborhood. These dunes also are the last line of protection before the roads and rows of homes along Bermuda Beach. The proposed project would slow the coastal erosion process and thus provide a level of protection to the public infrastructure and private properties along Bermuda Beach. The Draft Detailed Project Report and Environmental Assessment (DDPR-EA) and Finding of No Significant Impact (FONSI) indicated the project is feasible, environmentally acceptable, and economically justified. Again, we support the beneficial reuse of this sand source on the beaches of the west end of Galveston island.	Concur

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19	Marvin J. Schneider	Citizen	8/1/2022	Email	Y	Dr. Blakeway, This message is to encourage you to assist in breaking the log jam that is evidently holding up a go forward decision on the USCAE Project to place dredge sand on the Galveston Island beaches. I am a Spanish Grant Beach long time homeowner. For over 20 years now I have been an active supporter of Galveston Island beach protection program proposals. For a time I served on the SGB Beachfront Protection Committee. There have been some halting successes over that time. But there have been significant failures too, notably the Jerry Patterson effort to renourish the beach from the Seawall to Jamaica Beach. When the idea to use Houston Ship Channel dredge material to periodically renourish GI beaches was introduced, I was really impressed that such a logical, productive and sustainable proposal was being brought forward. But I'm told by GI community leaders that the effort is in danger of failing again. And for reasons I don't quite understand. The need for the Project is so obvious that I won't comment further on justification. I'm told that you have an important role in trying to wedge the project forward. Please do everything in your power to make this important proposal come to fruition.	Concur

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20	Yuxuan Wang	Citizen	8/2/2002	Email	Y	Dear Dr. Blakeway, Hope this email finds you well. We are the Wangs, owners of 12636 W Ventura Dr, Galveston in the Spanish Grant neighborhood. Our house is at the end of the street next to the beach, and because of its beachfront location, we have personally witnessed the erosion crisis on the west end, not only from normal tidal movements but also devastating storms. For example, the natural dune system seaward of our house was completely wiped out in 2020 due to storm surges by Hurricane Laura, Tropical Storms Beta and Delta. After the storms, we obtained dune restoration permit and spent tens of thousands of dollars importing beach quality sands and restored the dune in late 2020. To our sadness, the restored dune was slowly eroded away by tidal wave inundation, and it was completely wiped out by Hurricane Nicolas in September 2021. It has become clear to us that individual homeowner's effort to fight with erosion is simply unsustainable in our area of the shoreline due to the high rates of erosion and frequent wave inundation. We are in urgent need of the the Army Corps' expertise and help to protect our neighborhood and homes from the erosion. We are delighted to learn the proposed CAP 204 project to import sands to nourish the west end. This program is much needed in our area to protect public roads and private houses which contributes to both Galveston's history and future. We enthusiastically support the CAP 204 project and hope for its approval. If any more information is needed, do not hesitate to contact us.	Concur

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21	Barbara Hammer	Citizen	8/2/2022	Email	Y	I have had a house on Bermuda Beach since the early 70. My family house was on the front when we bought it. We replenished in front of our house 4 times. We rebuilt after Alicia, we had some damage after Jerry, rebuilt the dunes. In 2000 we decided to more our house back across the street in hopes of saving it. When we moved back, there were houses in front of us but now they are gone. Our community has worked hard to do everything we can to replenish the dunes but we need help. Please help us with the sand from the ship channel. My whole family loves Galveston and it's beaches. Please help us keep our beloved Bermuda Beach. Thank you	Concur

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22	Jason Stark	Citizen	8/3/2022	Email	Y	Dr. Raven Blakeway, I am writing to you to support CAP 204 Project which would result in the placement of 530,000 cubic yards of material from the Sands of Kahala Beach Subdivision (Sun Bather Ln.) to just past the Bermuda Beach Subdivision. I have owned a condo at West Beach Grand for the past ten years and have watched the erosion take its toll on our beach, previous dunes, and now our building. As you may be aware, the erosion is so great that we cannot keep dunes in front of our property. This puts us at significant risk for not only a storm event, but even a heavy rain or anything else that may cause a high tide. Without protection our electrical system to our entire building can easily be wiped out. I have grave concerns as we continue to attempt to maintain the property at high costs. The building itself has 32 units that all contribute to the health of Galveston. My family personally tries to get to the island at least 2 times a month and we do bring economic contribution beyond our taxes. There are also full-time residents at West Beach Grand that have communicated that they do not have anywhere else to go should something happen to our building. We pride ourselves on taking care of each other and our building, however the erosion events has made this difficult and quite costly. If this project were approved, we could breathe a sigh of relief and continue to focus on bettering our property to attract more to the island, increase property values, and continue to add to the engine of the Galveston economy. I have noticed great results with the nourishment project for Babe's Beach and I hope that it will come to fruition for West Beach as well. There are many communities from the seawall past Bermuda beach that are at risk of literally falling into the ocean. Please consider these people, their property, and their quality of life when making decisions such as this. I would be happy to discuss this further and answer any questions you may have.	Concur

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23	Jerry Mohn	Citizen	8/4/20022	Email	Y	Dr. Raven Blakeway – please allow me to introduce myself, I am President of the West Galveston Island Property Owners Association, which consist of 40 property owner associations on West Galveston Island. We have been in existence since 1993 and our main focus is to protect and preserve the natural resources and quality of life on the west end. We are very supportive under the Continuing Authorities Program Section 204 for the Galveston Island Coastal Erosion Project. The proposed project intends to place beach quality sand on the west end, approximately 530,000 cubic yards of sand dredged from the Houston ship channel entrance and nourish the beaches from the Sands of Kahala Beach subdivision to just pass the Bermuda Beach subdivision. The hurricanes from 2021 caused extensive damage to the beaches and dunes on West Galveston Island and this program will certainly help in restoring and stabilizing the beaches. An aggressive nourishment program is the most viable solution to help minimize further losses and CAP Section 204 will certainly be beneficial to West Galveston Island.Thank you for this opportunity and please let me know where I can be of assistance or to provide information	Concur

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24	Robyn Carlson	Citizen	8/4/2022	Email	Y	Hello, We are the CarlsonsRichard, Robyn, and Jacob. We are writing to you in support of the CAP 204, the Galveston Island Coastal Erosion plan. Our family has owned our condo at West Beach Grand for the last eight years. It has always been our dream to own a home on the beach and when my mother passed away in 2013, we used my small inheritance to make our dream come true. We do not rent our condo to vacationers, but use it ourselves every weekend we can. We have made lifelong friends there also. We have watched our son and his friends grow up on the beach and even have the annual beach picture with his two besties hanging in his room. We hope to continue this tradition and one day see my grand babies here too, but we have seen an extreme amount of beach erosion during our eight years in Galveston. We are in dire need of your support to replenish the sand on the West End in order to ensure all families with the same dream as ours will have their opportunity to enjoy Galveston and all its wonders and entertainment. We love studying birds, little creatures and shells and also exploring new restaurants in town. We don't want our time on Galveston to end! We truly appreciate your time and attention and, hopefully, your support of the replenishment program.	Concur

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25	Tri Vu	Citizen	8/6/2022	Email	Y	Dear Dr. Blakeway, First of all I wish you happy weekend and end of summer. I want to express my gratitude as a property owner of a beachfront property when I hear about your project of beach nourishment. After last year hurricanes, the sand has been washed away as well as the dunes was damage. Many properties were destroyed in my neighborhood. We tried to repair but we met extreme resistance from the GLO and city of Galveston. As Once beautiful beach is now looks ugly.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
26	Beatrice (Dee) Pipes	Citizen	8/6/2022	Email	Y	Dear Dr. Blakeway: The Continuing Authority Program Project known as "Galveston Island Coastal Erosion" is crucial to the continued safety and connectivity of the West End of the Island. The west end of the Island contains some of the most at-risk properties in Galveston thanks to erosion rates between -5 and -11 feet per year. You know this. I have a condo in the Riveria II unit. We have NO beach at normal high tide. We are in danger of losing our foundation at abnormally high tide. Riviera II condominium tower is defenseless without dunes or adequate beach seaward of us. We now stand with the foundation exposed. We desperately need you to approve and begin work on the CAP 204 project. The CAP 204 team has embraced the tenets of adaptive management and opened the door to future efforts which could support the long-standing City of Galveston efforts. The alternative that was selected places material directly in front of some of the most vulnerable residences on Galveston Island, which lie approximately 5 miles from the current BUDM site. This project has exceeded the 1.0 benefit-to-cost ratio requirement achieving a BCR of 5.62 and has both the State General Land Office and the City of Galveston's support to address the incremental cost associated with the BUDM. My email illustrates the enormous community support to address the erosion crisis on the west end of Galveston Island. I acknowledge the additional hurdles moving the material further west presents which must be overcome but urge the beginning of the project in parallel with resolving the material movement question. Thank you for the wonderful work that you and the Regional Planning and Environmental Planning Center do. Thank you for your consideration.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
27	Volker and Christine Neugebauer	Citizen	8/6/2022	Email	Y	Dear Dr. Blakeway, My wife and I are residents at the Riviera II, 11947 San Luis Pass Rd, Unit 207, Galveston, TX 77554. As you may know, this property boarders on the beach directly. Due to the massive loss of shoreline over the past few years and especially since the 2020 storm season, the building is directly affected by and exposed to the elements, especially safety, during times of high water and storms. This jeopardizes our property, our livelihood, and our wellbeing. We have been Galveston residents for nearly 30 years, though our primary residency for the past few years has been in Lubbock, TX, but we plan to retire in Galveston at the Riviera II in a few years. That is why in 2015 we bought this property that we fell in love with the moment we saw it. Ours is not the only property affected. The West End of Galveston Island in general has many at-risk properties because of the significant annual erosion rates, resulting in the loss of public streets, rows of houses, and houses now only accessible from the beach side. We are located between the Spanish Grant and Bermuda Beach neighborhoods, and this area is defenseless without protective measures such dunes or adequate beach. The situation is urgent. The foundations of many, if not most of these houses, are exposed. Therefore, the proposed project is needed urgently. An aggressive nourishment program is the most viable solution to protect our homes and neighborhoods, to minimize further losses, and importantly, to assure the safety and connectivity of the West End of Galveston Island. It is our understanding that the proposed project meets the requirements of a cost benefit ratio analysis, and is supported by the General Land Office and the City of Galveston as well as by the Community. We pray that USACE go forward with this project to mitigate the erosion crisis here. Please accept this letter as an expression of our unconditional support and urgent request for the proposed project. Please let us know if additional information is need or if there I any	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
28	Suzanne & Steve Harter	Citizen	8/6/2022	Email	Y	My husband and I are in favor of the CAP 204 Project which would result in the placement of sand dredged from the Ship Channel to our beach home at 11827 Sunbather. Because of the 2020 Storms most of the beach and dune protecting my home is now gone, leaving my home with little protection from additional storm events. I have lost approximately 50 feet of bulkhead and dunes in front of my home in the past two years. I have attached an excerpt from our November 2020 proposal for dune restoration. Since this picture we have lost more of our yard. We urge the Galveston District to support this concept as the erosion crisis continues to grow.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
29	Terri Muniz	Citizen	8/6/2022	Email	Y	Mr. Blakeway, As a permanent homeowner beachside Galveston in Spanish Grant I implore that the "Galveston Island Coastal Erosion" facilitated under the Continuing Authorities Program Section 204 (CAP 204) be approved and implemented as soon as possible. Since purchasing my home, in the last 8 years, the beach adjacent to my residence has endured the constant erosion from storms impacting Louisiana but whose storm surges have wiped away our dunes, beach elevation and beach width. Most concerning is that the beach erosion will very soon have the Gulf flowing through my house. We need sand urgently. I live at 12428 E. Ventura Dr. and your records will verify how very vulnerable I am at loosing my home due to the beach erosion, not 25 years from now, but most likely in the next couple of years if the project does not get authorized and implemented. There is the human element of loosing your home and there are also the economic impacts that I trust you understand. As recommended by the City of Galveston Development Services Coastal Resources Division Memo, I also we implore that Colonel Blackmon instruct the USACE SWG staff to facilitate the direct placement of dredged material from the Houston Ship Channel on the west end of Galveston Island in the 2025 channel maintenance cycle.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
30	Marc Feldman	Citizen	8/7/2022	Email	Y	Dr. Blakeway, This letter is sent to you in support of the current efforts to 'renourish' the beaches on the western end of Galveston Island, particularly from the end of the Seawall west to 13 Mile Road. This effort is essential to the safety and continuity of the western side of the Island and to curtail the present erosion crisis being experienced all along the Gulf side. A significant amount of beach was washed away during Hurricane Ike and in the succeeding years leading to the current situation where there is nearly NO sand or vegetation buffering and protecting the side of the Island facing the Gulf and much less land mass protecting FM 3005 or providing homes to beach centered nature. This lack of beach surface has allowed wave action to remove many of the dunes previously in place protecting structures and roads in the last several years. The loss of beach has also greatly affected the flora and fauna populations of the area, reducing what used to be plentiful amounts of plants, birds and other wildlife. The beach renourishment projects that have already taken place to the east have greatly benefited those locations with increased tourist and leisure activity, but there is little room for wildlife or lateral expansion in those areas. Increasing the beach size west of the Seawall will encourage more biota and recreation in the public beach areas to the west. As it is now, most of those areas are near capacity on the weekends and typically well used during the rest of the week on any sunny day. New Island housing will certainly be constructed towards the West End in any event and additional beach will help alleviate crowding and encourage responsible development and use. The benefits of the project to replenish beaches to the west will certainly significantly outweigh the cost in the long term in both revenue and environmental protection. Loss of buildings and infrastructure is definitely not in the best interest of the many Island Communities and will assuredly not	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
31	Christopher Criner	Citizen	8/8/2022	Email	Y	<ul> <li>Dear Dr. Blakeway,</li> <li>I am Christopher Criner, a resident of Spanish Grant (Beachside) subdivision at 12436 E. Ventura Dr. Galveston, 77554.</li> <li>My wife and I have had our house since just after Hurricane Alicia in 1983. Since that time, we have gone from using our home as a weekend retreat to becoming full time residents in the mid 1990's.</li> <li>As you can imagine, we are intimately familiar with the loss of homes and property as well as the significant loss of beach that continues every year along the West End of Galveston. Throughout these decades we have made every effort available to us to try and slow down the erosion and restore and maintain sand dunes and our neighbor's property lines. As you are undoubtedly well aware, we on the West End continue the fight but sadly, Mother Nature is inevitably the victor.</li> <li>The proposed beach renourishment project is something we have been hoping and praying would come to fruition someday. This program is our last resort, and we want you to be aware of just how badly we want and need your help.</li> <li>I can list all of the benefits of this program ad nauseum and if you think it will help then please let me know and I will gladly do so. However, the main thing is that this is the only effort put forth that will really accomplish the task of protecting the West End.</li> </ul>	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
32	Andy Vorster	Citizen	8/8/2022	Email	Y	Re: Galveston Island Coastal Erosion CAP204 project. I'm a resident in Bermuda Beach at 13204 bermuda beach drive Galveston. My email to you as a plea for help. My community and I need massive help. In fact we are in dire need, as we face a crisis that with help from you I believe could be avoided. For the last 12 years we have been fortunate enough to call Bermuda Beach our home. It's a beautiful place we raise our kids and our grandkids. Our lives are here, here our homes are here but now we live with the threat, every year, of possibly losing our homes completely. Each summer as the storms roll through tremendous beach erosion occurs. So much so it is now an erosion crisis. When I first moved here to Bermuda Beach there was a beautiful wide beach and the sea was a long way from our homes. There were wide luscious dunes that protected our homes from the sea and were a beautiful ecosystem Now, every year, every summer with storm season the sea gets closer and closer and the beach gets narrower and narrower. I never envisioned when I first moved here the sea would be such a threat to my community and our homes. As I'm sure you're well aware, the dunes that we're in front of our homes on Bermuda Beach drive and once protected us were finally washed away completely last year. And last year Galveston did not even suffer a direct hit from a hurricane- we just happened to be on the dirty side of several storms and yet so much damage was done and beach eroded that we now have no protection at all for our homes and have a very real risk of losing them. There is now nothing between us and the sea to protect us and the sea is getting dangerously close. Although we have started trying to rebuild the dunes again ourselves it will take several years to establish them sufficiently for them to be able to protect our homes from the sea in the summer months. This is why we desperately need your help. We need an aggressive beach replenishment program such as the one proposed that will bring in massive amounts of beach quality	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
						community's homes in the west end of Galveston and so Galveston's tax dollars but using sand dredged from the ship channel. I'm not an engineer or a microbiologist and so I don't propose to continue by tolling to you the benefits of the proposed project on the ecosystem or to the finances of the city. I am a home owner, a wife, a neighbor, a member of a community that makes our home in Bermuda Beach Galveston and all I want to do is impress upon you our dire need for this project to go ahead and to please plead with you to find a way to help us. September used to be my favorite month of the year. I love spending time with family at home and enjoying join the beach but now I live in fear from mid August to the end of September that we will lose our home and way of life. Time is running out for us without your help. We all know too well we might not even make it through this years storm season. We could lose everything this year but if we do make it through we plead with you to please help us by supporting the project and making sure it goes ahead to aggressively bring in sand and replenish the beach as proposed. This is critically urgent. I beg you, please do not think of Bermuda beach as just an another area on the map. We are a community. This is where we live. this is where we raise our kids and our grandkids . These are our lives and our homes that are in jeopardy unless the beach restoration project can go ahead .Please make the erosion crisis in the west end of Galveston a priority and see the project is approved to go ahead.	

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
33	Dan Kellog	Citizen	8/8/2022	Email	Y	My family is a longtime owner of beach front property on west Galveston Island. It has been a nightmare of worry concerning when erosion from the next storm will undermine our home. The GLO and City have not been friendly parties in giving approval of preferred methods of protecting the beach from erosion - due to extreme unjustified restrictions of what method is allowed to protect the beach from erosion. Property owners have been and are continuing to be sitting ducks knowing that their time will come to loose property to a future storm as many many have in the past. Beach erosion of West Galveston Island is an obvious financial loss to the City of Galveston and to the State of Texas from reduced tourism and tax revenue, let alone the lack of providing enjoyment to Texas' families. We are in favor of the CAP 204 Project and desperately want to have sand placed from Sands of Kahala Beach Subdivision to Bermuda Beach Subdivision. We look forward to the approval of and the initiation of the project.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
34	Nancy Ho	Citizen	8/9/2022	Email	Y	My name is Nancy Ho. Along with Thang Duong (my husband), Trung Ho (my brother), and and Tammy Ha (his wife), we are the owners of the "Sunbather By The Sea" LLC. We have recently acquired our beach front property, but the house is very dear to us. As such, we only wish for the well being of not only our property, but the whole of the beach community as well. We are so glad to hear about your project regarding beach nourishment especially since hearing about the damages that resulted from previous storms. Hearing from our neighbors about the idleness the City of Galveston has shown, we are worried about what could happen in the future if no action is taken. That being said, we are in full support of the CAP 204 Project and having better protection, such as sea walls, placed from Sands of Kahala Beach Subdivision to Bermuda Beach Subdivision. Please let us know what we could do to further our support. Thank you	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
35	Jill VonOsten	Citizen	8/9/2022	Email	Y	I am writing to express our families support of the CAP 204 Project – sand renourishment from Sands of Kahala Beach Subdivision to Bermuda Beach Subdivision. My family has owned our house at 11819 Sunbather Lane for more than 15 years now. We rebuilt our home and property following Hurricane Ike, and then again after Hurricane Harvey. Since losing our neighborhood's Geo tube during Ike, each year we have lost property and had damage from even the smallest storms and high tides because there is no dune left, no sea wall, no beach renourishment, no protection from the surf. Our ability to protect our property has been severely limited by city and GLO restrictions on homeowners and there seems to be little interest in helping this part of the Galveston community. The devastating loss of our home seems inevitable if action is not taken soon. We love our home and support any project that will preserve it and the beach we have left. Please, please take action on the CAP 204 project. And please let us know what more we can do to protect our home and support this initiative. Thank you.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
36	Lisa Brogdon	Citizen	8/10/2022	Email	Y	Good Morning, Question- This is a pasted comment of where the placed sand will take on West end of our beach. It mentions just past Bermuda Beach but not in front of Spanish Grant which has all the public traffic. Why not cover Spanish Grant Beach too? We need the build up so bad! See below It will facilitate the placement of approximately 530,000 cubic yards of beach-quality sand dredged from the Houston Ship Channel Entrance on the West end of the Island. This template is predicted to stretch from the Sands of Kahala Beach Subdivision to just past the Bermuda Beach Subdivision. I am a full time retired resident.	Concur
37	Lisa Brogdon	Citizen	8/10/2022	Email	Y	Never mind I thought the Kahala beach is running from west to east! Thank I feel stupid, lol I'm so happy to have our dunes restored! It's been a long time coming!	Concur

No	Name Affiliati	on Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response	
38	Port of Houston Authority Industr	v 8/11/2022	Email	Conditional	Attached letter	The USACE determined the proposed action responds to the need to provide beneficial use of dredged material (BUDM) as described in Section 204 of the Water Resources Development Act of 1992, as amended. • The USACE concurs there should be no impact that would threaten or extend draft restrictions for the Galveston Bay entrance channel. The current action does not intend to impose or extend draft restrictions for the Galveston Bay entrance channel during dredging as this would require the project's BUDM to be delayed or reduced as described in Section 12.2 and 1.9.2 of the Detailed Project Report and Environmental Assessment (DPR-EA). • Under the Section 204 authority, the Federal project cost limit and cost apportions between the Federal and non-Federal sponsors are detailed in Chapter 9 "Costs and Cost Sharing" of the DPR-EA. Additionally, the USACE Galveston District will perform market research to determine if capable dredging equipment is available to execute the work prior to requesting the Section 204 project funding as described in the Executive Summary and Section 12.1 of the DPR-EA. • The City of Galveston, the project's Non-Federal sponsor, will enter into agreements with the Department of the Army and the Texas General Land Office to ensure all regulatory, lands, easements, and rights of way are approved prior to project implementation. Additional details on real estate requirements for this action can be found in Section 12 and Appendix D of the DPR-EA. • Section 204 provides the USACE authority to place material "in connection with dredging for	
No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
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							construction and maintenance of an existing authorized federal navigation project". Thus, if material cannot be obtained from the Galveston Entrance Channel, the USACE does not have authority to complete the project at that time. The authorization and approvals for the project would remain valid until conditions allow use of the channel material or the project is terminated. • The Galveston District's Operations Division initiates the contracts to dredge during operations and maintenance and emergency dredging, thus would approve the project before implementation.
39	City of Galveston	Government	8/12/2022	Email	Y	Attached letter	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
40	Shannon McCann	Citizen	8/13/2022	Email	Y	Dear Mr. Blakeway, My family has owned a beach house on Sunbather Lane in the Sands of Kahala for 15 years. All of the cousins and brothers and sisters take turns sharing the house during the summer, but the best times are when we overlap. Our house has been the site for many family and friend gatherings, so it's a place full of great memories. The beach house and Galveston are like a second home to me. We have lost so much beach since lke and Harvey, and it will take the dunes years to rebuild themselves. We are all in favor of beach nourishment and will do whatever we can to help. Thank you.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
41	Stephenie Cox	Citizen	8/14/2022	Email	Y	<ul> <li>Dear Dr. Blakeway,</li> <li>I have been a visitor to Galveston Island for many years. We often visit our friends at their home in Bermuda Beach. Before Hurricane Ike, Bermuda Beach had nice dunes and a relatively large beach. In 2008 Hurricane Ike took the front row of houses, the dunes, and much of the beach.</li> <li>The Bermuda Beach residents have tried diligently to slow the erosion crisis in the neighborhood by planting dune grass and plants, building sand fencing, and reducing the foot traffic across where the dunes should be. Unfortunately, even the smallest of storms wipes away years of progress. My family and I plead with the US Army Corps of Engineers to move forward with the project of using dredge material measures for the beaches.</li> <li>We love Galveston Island and its beaches. Please help to protect this treasure.</li> </ul>	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
42	Shane Smith	Citizen	8/14/2022	Email	Y	Dear Dr. Blakeway, I have been a visitor to Galveston Island for many years. We often visit our friends at their home in Bermuda Beach. Before Hurricane Ike, Bermuda Beach had nice dunes and a relatively large beach. In 2008 Hurricane Ike took the front row of houses, the dunes, and much of the beach. The Bermuda Beach residents have tried diligently to slow the erosion crisis in the neighborhood by planting dune grass and plants, building sand fencing, and reducing the foot traffic across where the dunes should be. Unfortunately, even the smallest of storms wipes away years of progress. My family and I plead with the US Army Corps of Engineers to move forward with the project of using dredge material measures for the	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
43	Stephenie Cox	Citizen	8/15/2022	Email	Y	Dear Dr. Blakeway, I have been a visitor to Galveston Island for many years. We often visit our friends at their home in Bermuda Beach. Before Hurricane Ike, Bermuda Beach had nice dunes and a relatively large beach. In 2008 Hurricane Ike took the front row of houses, the dunes, and much of the beach. The Bermuda Beach residents have tried diligently to slow the erosion crisis in the neighborhood by planting dune grass and plants, building sand fencing, and reducing the foot traffic across where the dunes should be. Unfortunately, even the smallest of storms wipes away years of progress. My family and I plead with the US Army Corps of Engineers to move forward with the project of using dredge material measures for the beaches west of the seawall, including Bermuda Beach. We love Galveston Island and its beaches. Please help to protect this treasure.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
44	Tammy Kidd	Citizen	8/14/2022	Email	Y	Dear Dr. Blakeway, I am a property owner in Bermuda Beach, Galveston, Texas. When we bought our home in 2004, Bermuda Beach had some dunes and beach. Unfortunately, over the years, storms and hurricanes have taken many yards of the beach. In 2008 Hurricane Ike took the front row of houses and the most seaward street, Bermuda Beach Drive. Bermuda Beach Dr. is now a beach sand road and is the only ingress and egress for the homes on the front row. Our community is one of the most at-risk areas on Galveston Island. We and other neighborhoods, such as Spanish Grant and the West Grand and Riviera condominiums, are defenseless without dunes or adequate beach. Over the years, our subdivision has done everything it can to try to slow the erosion crisis in our neighborhood. We have made it a priority to do what we can to save our beach and our homes. With our own funding and volunteer hours, we have joined with Artist Boat and planted dune grass and plants, we have built sand fencing, and we have tried to protect the dunes that we have by posting signs and roping off walk areas. Unfortunately, many years we have watched our countless hours of hard work and money disappear when the dunes are washed away. The last couple of years, they were washed away, not with a hurricane hitting us directly, but only with high tides and small storms. Our neighborhood is defenseless to even mild storms. During bad storms, Bermuda Beach Dr. is sometimes inaccessible. The risk to lives in our neighborhood when emergency vehicles cannot access homes must be taken into consideration. We plead with the US Army Corps of Engineers to move forward with the project of using dredge material measures for the beaches west of the seawall, including Bermuda Beach. I, and my family and friends, love Galveston Island. The people, the city and the beaches hold a special place in my heart. I have been going to Galveston since I was a child and consider myself beyond lucky to have a home on the island. I sincerely	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
45	Kelli Layden	Citizen	8/15/2022	Email	Y	Dear Dr. Blakeway, I have been a visitor to Galveston Island for many years. We often visit our friends and family at their home in Bermuda Beach. Before Hurricane Ike, Bermuda Beach had nice dunes and a relatively large beach. In 2008 Hurricane Ike took the front row of houses, the dunes, and much of the beach. The Bermuda Beach residents have tried diligently to slow the erosion crisis in the neighborhood by planting dune grass and plants, building sand fencing, and reducing the foot traffic across where the dunes should be. Unfortunately, even the smallest of storms wipes away years of progress. My family and I plead with the US Army Corps of Engineers to move forward with the project of using dredge material measures for the beaches west of the seawall, including Bermuda Beach. We love Galveston Island and its beaches. Please help to protect this treasure.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
46	Mary Jan Lantz	Citizen	8/15/2022	Email	Y	<ul> <li>Dear Dr. Blakeway,</li> <li>Bermuda Beach, as well as most of Galveston Island, has experienced an average annual erosion rate of approximately 3 to 5 feet. This erosion rate not only affects homes, it also affects critical infrastructure including FM3005, the main hurricane evacuation route for the west end of the Island. Other threatened public safety interests include Galveston fire stations, clean water holding tanks, recreational activity areas, and local wildlife nesting grounds.</li> <li>As a resident of Galveston Island, I strongly support the use of dredged materials for shoreline stabilization, especially for Bermuda Beach. Following Hurricane Ike, the Bermuda Beach neighborhood lost Bermuda Beach Drive, which is the only access to many homes. Water and sewer lines were also destroyed.</li> <li>As you can see it is imperative the USACE SWG staff facilitate the direct placement of dredged material from the Houston Ship Channel to the west end of Galveston Island for the protection of all these things mentioned above. Furthermore, most coastal communities in the United States maintain beach nourishment programs and we celebrate your decision to finally mitigate the ongoing erosion of Galveston Island and the Bermuda Beach coastline.</li> <li>We sincerely thank you for your consideration.</li> </ul>	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
47	Derek Hollingsworth	Citizen	8/15/2022	Email	Y	Dear Dr. Blakeway, I have been a visitor to Galveston Island for many years. We often visit our friends at their home in Bermuda Beach. Before Hurricane Ike, Bermuda Beach had nice dunes and a relatively large beach. In 2008 Hurricane Ike took the front row of houses, the dunes, and much of the beach. The Bermuda Beach residents have tried diligently to slow the erosion crisis in the neighborhood by planting dune grass and plants, building sand fencing, and reducing the foot traffic across where the dunes should be. Unfortunately, even the smallest of storms wipes away years of progress. My family and I plead with the US Army Corps of Engineers to move forward with the project of using dredge material measures for the beaches west of the seawall, including Bermuda Beach. We love Galveston Island and its beaches. Please help to protect it!	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
48	Port of Texas City	Industry	8/15/2022	Email	Conditional	August 15, 2022 Re: Proposed U.S. Army Corps of Engineers Galveston Island Coastal Erosion, Galveston, Texas Study (Study) Dear Dr. Blakeway: Regular maintenance dredging to avoid draft restrictions or emergency dredging to resolve draft restrictions must be a priority to the Galveston District. The Port of Texas City, like many others, is a proponent of beneficially using dredged material and recognizes the value of beach renourishment to the economy of Galveston Island. However, our concern is that expanding the scope of beach renourishment will negatively impact safety and waterborne commerce along the Houston Ship Channel due to the logistics of moving the material further. The expansion of scope for beach renourishment to western Galveston Island would require an additional 20-30% of time to perform the required maintenance dredging per the Study. This is an undue burden on the dredging fleet, which will cause delays to the maintenance and emergency dredging of the main channel, including the Inner Bar Section. Draft restrictions limit the import and export cargo that vessels can carry, and can cause the following issues: 1. Increases safety risk due to unexpected shoaling. 2. Increases the number of vessel movements required to carry the same cargo, which bears both a safety and emissions burden. 3. Increases the costs to consumers for imports and decreases the global competitiveness of exports, harming the region's economy. We respectfully ask the Army Corps to consider the safety and economic harm to the region that would be caused by expanding beach renourishment to western Galveston Island.	The current action cannot increase costs or schedule to the existing Federal operations and maintenance dredging contracts to avoid disruption to navigation (Section 12.2 and 1.9.2 of the DPR-EA). Please review the response to the Port of Houston Authority for additional details.

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
49	Greater Houston Port Bureau	Industry	8/15/2022	Email	Conditional	Attached letter	The current action cannot increase costs or schedule to the existing Federal operations and maintenance dredging contracts to avoid disruption to navigation (Section 12.2 and 1.9.2 of the DPR-EA). Please review the response to the Port of Houston Authority for additional details.
50	Tammy Kidd	Citizen	8/15/2022	Email	Y	Dear Dr. Blakeway, After sending my last letter, I realized that I did not explain that Bermuda Beach expects the erosion on our beaches to worsen, even more than its usual amount, due to the fact that the City and the GLO has recently widened our on beach parking area by over 200'. If the City and State expect our small neighborhood to handle a larger influx of the public for parking, more should be done to help minimize the erosion that will undoubtedly be multiplied due to the vehicles that are allowed to drive onto the beach. Additionally, every year the buffer between the beachfront of Bermuda Beach and FM 3005 is decreasing due to erosion. FM 3005 is the main evacuation route for the West End. This project is needed not only for the protection of Bermuda Beach infrastructure but also for 3005. We again plead with the Army Corps of Engineers to move forward with this project. Thank you for your consideration.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
51	Kathryn Kidd Organ	Citizen	8/15/2022	Email	Y	<ul> <li>Dear Dr. Blakeway,</li> <li>I have been a visitor to Galveston Island for many years. We often visit our friends at their home in Bermuda Beach. Before Hurricane Ike, Bermuda Beach had nice dunes and a relatively large beach. In 2008 Hurricane Ike took the front row of houses, the dunes, and much of the beach.</li> <li>The Bermuda Beach residents have tried diligently to slow the erosion crisis in the neighborhood by planting dune grass and plants, building sand fencing, and reducing the foot traffic across where the dunes should be. Unfortunately, even the smallest of storms wipes away years of progress. My family and I plead with the US Army Corps of Engineers to move forward with the project of using dredge material measures for the beaches west of the seawall, including Bermuda Beach.</li> <li>We love Galveston Island and its beaches. Please help to protect this treasure.</li> </ul>	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
52	Michael Cox	Citizen	8/15/2022	Email	Y	Dear Dr. Blakeway, I thank you in advance for your time and consideration. For most of my life, like many of the millions of Texans, I have been a frequent visitor of the West nd of Galveston. I have watched as the beaches that I remember as a child have been lost to the gulf and continue to erode. Some of our friends in Bermuda beach shared with us that the USACE is considering a beach renourishment program for that portion of the island. I am excited to hear that the program will build back part of what we have lost and hopefully give our current and future generations the opportunity to experience the treasure that is Galveston and the Gulf. Please consider this short note a sincere request and encouragement for the Corp to proceed with the proposed renourishment program on behalf of the millions of Texans that have come to cherish this special environment. Again I thank you for your time and I thank you in advance for your efforts. Michael Cox	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
53	Lara Hudgins Hollingsworth	Citizen	8/15/2022	Email	Y	Dear Dr. Blakeway, My family and I have been enjoying Galveston for my whole life (50+ years!). We were lucky enough to have friends that introduced us to Bermuda Beach. Before Hurricane Ike, Bermuda Beach had beautiful dunes and a relatively large beach. Unfortunately, Hurricane Ike did considerable damage to the beach (and many of the homes). Because my friends live there, I have been acutely aware of the herculean efforts of the Bermuda Beach residents to try and slow the erosion crisis. They have planted dune grass and plants, built sand fencing, and reduced the foot traffic across where the dunes should be. Unfortunately, even the smallest of storms wipes away years of progress. I have heard that you all are contemplating including Bermuda Beach in a renourishment program and I desperately hope that you will do so. Undoubtedly it will make a substantial difference for all Texans enjoyment of Galveston beaches if the US Army Corps of Engineers moves forward with the project of using dredge material measures for the beaches west of the seawall, including Bermuda Beach. We love Galveston Island and its beaches. Please help to protect this treasure!	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
54	B.K. Layden	Citizen	8/15/2022	Email	Y	I am a 4th generation Houstonian and we love going to Galveston, in particular the west end. We took our children for their first beach visit to the west end pocket park that was there before Ike. We have a granddaughter on the way and I would love to be able to take her to the west end beaches for her first beach visit just like her Dad did. Also I have a family member that has a home in Bermuda Beach, which we use on a regular basis. I can not imagine not being able to enjoy the beach. Having dunes would help save the homes on the west end. The Bermuda Beach residents have tried diligently to slow the erosion crisis in the neighborhood by planting dune grass and plants, building sand fencing, and reducing the foot traffic across where the dunes should be. Unfortunately, even the smallest of storms wipes away years of progress. My family and I plead with the US Army Corps of Engineers to move forward with the project of using dredge material measures for the beaches west of the seawall, including Bermuda Beach. We love Galveston island and its beaches please help to protect them so other generations can enjoy them the way I have.	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
55	Donald Kidd	Citizen	8/15/2022	Email	Y	Dear Dr. Blakeway, I am a property owner in Bermuda Beach, Galveston, Texas. When we bought our home in 2004, Bermuda Beach had some dunes and beach. Unfortunately, over the years, storms and hurricanes have taken many yards of the beach. In 2008 Hurricane Ike took the front row of houses and the most seaward street, Bermuda Beach Drive. Bermuda Beach Dr. is now a beach sand road and is the only ingress and egress for the homes on the front row. Our community is one of the most at-risk areas on Galveston Island. We and other neighborhoods, such as Spanish Grant and the West Grand and Riviera condominiums, are defenseless without dunes or adequate beach. Over the years, our subdivision has done everything it can to try to slow the erosion crisis in our neighborhood. We have made it a priority to do what we can to save our beach and our homes. With our own funding and volunteer hours, we have joined with Artist Boat and planted dune grass and plants, we have built sand fencing, and we have tried to protect the dunes that we have by posting signs and roping off walk areas. Unfortunately, many years we have watched our countless hours of hard work and money disappear when the dunes are washed away. The last couple of years, they were washed away, not with a hurricane hitting us directly, but only with high tides and small storms. Our neighborhood is defenseless to even mild storms. Our neigh	Concur

No	Name	Affiliation	Comment Date	Туре	Support (Y/N/Other)	Comment	USACE Response
56	Port of Texas City; Jason Hayley	Industry	8/18/2022	Email	Conditional	Attached letter	The current action cannot increase costs or schedule to the existing Federal operations and maintenance dredging contracts to avoid disruption to navigation (Section 12.2 and 1.9.2 of the DPR-EA). Please review the response to the Port of Houston Authority for additional details.
57	Sonya Porretto	Individual	8/15/2022	Mail	Ζ	Attached letter	All the lands, easements, rights-of- way, relocations, and disposal areas required to construct, operate, and maintain the project were considered during plan formulation. Additional information on the role of the City of Galveston and Texas General Land Office can be found in the Real Estate Plan, Appendix D, particularly sections 6.1 through 6.3 and Section 9.4. Erosion rates for the project area were obtained from the University of Texas Bureau of Economic Geology, a well-established research unit, that is an industry standard for measuring erosion rates along the Texas coast. Erosion rate estimates for the project area can be reviewed in section 2.3.7 in the Detailed Project Report and Environmental Assessment. The individual's objection to the project is noted.
58	Albert Slechten	Individual	8/8/2022	Mail	Y	Attached letter	Concur



August 11, 2022

via email: Raven.Blakeway@usace.army.mil

Dr. Raven Blakeway Biologist, Environmental Branch Regional Planning and Environmental Center Southwestern Division U.S. Army Corps of Engineers 2000 Fort Point Rd Galveston, TX 77550

# Re: Proposed U.S. Army Corps of Engineers Galveston Island Coastal Erosion, Galveston, Texas Study (Study)

Dear Dr. Blakeway:

The Port of Houston Authority (Port Houston) appreciates the opportunity to comment on the *Proposed U.S. Army Corps of Engineers (USACE) Galveston Island Coastal Erosion, Galveston, Texas Study,* and the Tentatively Selected Plan (Plan), and to share our concerns about potential consequences for the Galveston Bay area navigation system and our Houston Ship Channel customers and industrial partners.

Port Houston is a proponent of beneficially using dredged material and can support the Plan with the conditions outlined below. We have partnered with the USACE Galveston District (District) for many years and were instrumental in implementing the successful and very beneficial application of material removed for the Houston Galveston Navigation Channel, HGNC, for coastal protection and beach nourishment along the eastern portions of Galveston Island. While availability of beach-quality material is limited within the navigation channel, its benefit to Galveston beaches is evident over the last decade.

However, we are concerned that without several conditions, expanding or extending the use of this limited resource to western portions of Galveston Island will add costs and delays that negatively impact the District's ability to maintain navigation safety and efficiency for the Houston-Galveston Bay navigation system. Since 2012, the HSC Inner Bar section (between Station 0+000 to 21+752.821) has been responsible for 4 out of 6 of the Houston Ship Channel's major draft restrictions, spanning a total of 765 days. These restrictions and the funds required to relieve them make it imperative that the Plan does not adversely affect the entrance channel's maintenance dredging cycle. These draft restrictions limit the quantity of commerce that ships can carry to and from the entire Galveston Bay Port complex and its customers and industry partners, which imposes



significant burdens on the region's economy and increases strains on the nation's supply chain. Avoiding and removing these draft restrictions for the region's navigation system is an urgent necessity on a constant basis that cannot be compromised.

Unless the Army Corps imposes several conditions and careful reviews for each dredging procurement, transporting and placing dredge material on the western portions of Galveston Island will increase the cost and time needed to maintain the Galveston Bay entrance channel for navigation. The draft Study recites dredging contractor estimates that the increased sail time for placement in West Galveston would add 20-30% to the time needed to perform the required navigation maintenance dredging, with corresponding cost increases and reductions in daily production. If the Army Corps adds the additional transport and placement of dredge material on West Galveston as a contract option, a dredging contractor would typically load the bulk of its increased mobilization costs and other risks up front in its bid for the basic contract for dredging the ship channel.

The requirement may also reduce competition for the maintenance dredging contract. As mentioned in the draft Study, dredging contractors indicated that only large dredges or two small dredges could meet the time frame indicated in the Plan. In addition to raising prices, this requirement would place additional demands on valuable dredging assets for the nation's system, which is already stretched.

Operations and Maintenance funding for the Galveston District is currently insufficient to ensure full utilization of the Texas coast's authorized navigation channel dimensions. Extending dredge placement distances will place additional strain and limit the cost-effective use of the Gulf and East Coast dredging fleet, which is already responding to increased demand from Bipartisan Infrastructure Law funding, emergency supplemental work in response to storms impacting the Mississippi River region, and state, community, and private demands for additional work for beaches and coastal port channels. The Army Corps must take great care to ensure that the Galveston District's comprehensive maintenance dredging program for the region does not bear the burdens of this additional dredge asset time, expense, and demand.

Because of these concerns about the potential impacts on the entire Galveston Bay area navigation system, Port Houston, and our Houston Ship Channel industry partners, Port Houston can only support the Study and Plan if they include the following conditions:

- 1. There should be no impacts that would threaten to impose or extend draft restrictions for the Galveston Bay entrance channel.
- 2. Through an appropriate market test for each procurement, all incremental costs of dredging and disposal above the Federal Standard of disposal at the Ocean



Dredged Material Disposal Site should be funded from the account for construction of the West Galveston project and its state and local sponsors, so that there are no cost impacts on the already oversubscribed Galveston Operations and Maintenance program for the region's navigation.

- 3. In addition to demonstrated funding capability, the City of Galveston must ensure that all regulatory, lands, easements, and rights of way are approved and secured prior to any request to utilize the material from the regularly planned or emergency O&M of the entrance channel.
- 4. The Plan should include a backup plan for the West Galveston Project to secure alternative sources of sediment material in instances when impacts to the cost or schedule of dredging the Galveston Bay entrance channel would be unavoidable.
- 5. The Plan must require Galveston District Operations Division approval before proceeding with each regular or emergency dredging cycle.

Sincerely,

Roger Guenther Executive Director

Cc: Garry McMahan Charlie Jenkins Rich Byrnes

Comment Entry No: 39



# **City of Galveston**

OFFICE OF THE MAYOR & CITY COUNCIL PO Box 779 | Galveston, TX 77553-0779 citycouncil@galvestontx.gov | 409.797.3510

Col. Rhett A. Blackmon US Army Corps of Engineers Galveston District 2000 Fort Point Road Galveston, TX 77550

Dear Colonel Blackmon,

We are writing to express our strong support for the Continuing Authority Program (CAP) Project known as Galveston Island Coastal Erosion CAP 204 ("CAP 204 Project") to address urgent beach erosion needs along the west end of Galveston Island.

With the Water Resources Development Act of 2022 (WRDA 2022) near final passage, Congress will send a strong directive prioritizing the critical importance of building, restoring, and maintaining coastal dunes and beaches for essential storm surge and environmental protection. When WRDA 2022 legislation is signed by the President, the Coastal Texas Study Recommended Plan authorization included in the bill will position the US Army Corps of Engineers (USACE) to receive funds appropriated by Congress for this historic multi-defense storm surge protection and beach dune system and restoration project.

Future congressional funding for the Coastal Texas Study project could take several years while severe beach and dune erosion continues escalating damage along Galveston west end beaches. The CAP 204 Project is crucial to the continued public safety and connectivity of the west end of Galveston Island.

In 2021, the USACE Coastal Texas Study and Texas General Land Office (GLO) Budget Analysis and Modeling of the Texas Coast highlighted the west end of Galveston as an erosion hot spot. Galveston Island's west end contains some of the most at-risk properties due to erosion rates between five (5) and eleven (11) feet per year. Neighborhoods have lost public streets, and now have rows of homes only accessible by driving on the beach. The Spanish Grant and Bermuda Beach neighborhoods and West Grand and Riviera condominium towers are defenseless without dunes or adequate beach.

As Congress prepares to make historic investments in storm surge protection along the upper Texas Gulf coast, including Galveston's west end, it is critical that additional beach is not lost in the interim. The CAP 204 Project enables action necessary to mitigate accelerating beach erosion to take place now. Embracing the tenets of adaptive management, the CAP 204 Project is a crucial effort which the USACE Galveston District ("the district") currently has underway. This project addresses the long-acknowledged erosion crisis on the west end of Galveston and remains consistent with and advances the beach and dune system goals of the Coastal Texas Study.

The CAP 204 project has exceeded the 1.0 benefit to cost ratio (BCR) requirement achieving a BCR of 5.62 and has both GLO and the City of Galveston support to address the incremental cost associated with the beneficial use of dredge material. The community support to address the erosion crisis on the west end of Galveston Island is innumerous. We acknowledge the additional hurdles moving the material further west presents which must be overcome. However, allowing accelerated erosion to



continue along the west end only adds significant challenges and costs when proceeding with Coastal Texas Study project beach and dune system construction.

We write to urge the district to push forward with the CAP 204 project. We know that no project can jeopardize the districts mission of maintaining an unencumbered channel, this fact is paramount, however, the erosion crisis on the west end is just as absolute and something must be done.

We greatly appreciate the unique partnership the City of Galveston shares with the district. Your continued support and work on the CAP 204 project will demonstrate the tremendous benefits of this partnership to our community and the environment.

Sincerely, Mayor

Han Boken

Sharon B. Lewis Councilmember, District 1

William Schuster Councilmember, District 2

David Collins Councilmember, District 3

CC:

U.S. Senator John Cornyn U.S. Senator Ted Cruz U.S. Representative Randy Weber, 14<sup>th</sup> District State Senator Larry Taylor, 11<sup>th</sup> District State Representative Mayes Middleton, 23rd District

Michael Bouvier Councilmemper, District 4

John Paul Listowski

Councilmember, District 5

Marie Robb Councilmember, District 6



August 15, 2022

Dr. Raven Blakeway Biologist, Environmental Branch, Regional Planning and Environmental Center, Southwestern Division U.S. Army Corps of Engineers 2000 Fort Point Rd Galveston, TX *via email: Raven.Blakeway@usace.army.mil* 

Re: Proposed U.S. Army Corps of Engineers Galveston Island Coastal Erosion, Galveston, Texas Study (Study)

Dear Dr. Blakeway:

Regular maintenance dredging to avoid draft restrictions or emergency dredging to resolve draft restrictions must be a priority to the Galveston District.

The Greater Houston Port Bureau (Port Bureau) is a proponent of beneficially using dredged material and recognizes the value of beach renourishment to the economy of Galveston Island. However, our concern is that expanding the scope of beach renourishment will negatively impact safety and waterborne commerce along the Houston Ship Channel due to the logistics of moving the material further.

The expansion of scope for beach renourishment to western Galveston Island would require an additional 20-30% of time to perform the required maintenance dredging per the Study. This is an undue burden on the dredging fleet, which will cause delays to the maintenance and emergency dredging of the main channel, including the Inner Bar area.

Draft restrictions limit the import and export cargo that vessels can carry, and can cause the following issues:

- 1. Increases safety risk due to unexpected shoaling.
- 2. Increases the number of vessel movements required to carry the same cargo, which bears both a safety and emissions burden.
- 3. Increases the costs to consumers for imports and decreases the global competitiveness of exports, harming the region's economy.

We respectfully ask the Army Corps to consider the safety and economic harm to the region that would be caused by expanding beach renourishment to western Galveston Island.

To continue the dialog with industry leaders about these concerns, please contact CAPT Bill Diehl (USCG), Ret., P.E. at (713) 678-4300 or bdiehl@txgulf.org.

Sincerely,

Bernt Netland Chairman, Greater Houston Port Bureau



# TEXAS CITY TERMINAL RAILWAY COMPANY

## SENT VIA EMAIL

August 15, 2022

Dr. Raven Blakeway
Biologist, Environmental Branch, Regional Planning and Environmental Center, Southwestern Division
U.S. Army Corps of Engineers
2000 Fort Point Rd
Galveston, TX
<u>Raven.Blakeway@usace.army.mil</u>

Re: Proposed U.S. Army Corps of Engineers Galveston Island Coastal Erosion, Galveston, Texas Study (Study)

Dear Dr. Blakeway:

Regular maintenance dredging to avoid draft restrictions or emergency dredging to resolve draft restrictions must be a priority to the Galveston District.

The Port of Texas City, like many others, is a proponent of beneficially using dredged material and recognizes the value of beach renourishment to the economy of Galveston Island. However, our concern is that expanding the scope of beach renourishment will negatively impact safety and waterborne commerce along the Houston Ship Channel due to the logistics of moving the material further.

The expansion of scope for beach renourishment to western Galveston Island would require an additional 20-30% of time to perform the required maintenance dredging per the Study. This is an undue burden on the dredging fleet, which will cause delays to the maintenance and emergency dredging of the main channel, including the Inner Bar Section.

Draft restrictions limit the import and export cargo that vessels can carry, and can cause the following issues:

- 1. Increases safety risk due to unexpected shoaling.
- 2. Increases the number of vessel movements required to carry the same cargo, which bears both a safety and emissions burden.



# PORT OF TEXAS CITY

# TEXAS CITY TERMINAL RAILWAY COMPANY

3. Increases the costs to consumers for imports and decreases the global competitiveness of exports, harming the region's economy.

We respectfully ask the Army Corps to consider the safety and economic harm to the region that would be caused by expanding beach renourishment to western Galveston Island.

Sincerely,

Ramiro Barba Executive Director

Cc: Jason Hayley

Case 3:21-cv-00359 Document 77 Filed on 08/15/22 in TXSD Page 1 of 15

Comment entry no: 57

# IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

Sonya Porretto,	§
Plaintiff,	§
	§
v.	§ CIVIL ACTION NO. 3:21-cv-00359
	§
The City of Galveston Park Board of	§
Trustees, et al.,	§
Defendant.	§

# NOTICE OF RESERVATION OF RIGHTS, OBJECTION, AND PRESERVING ALL CLAIMS RELATED TO PENDING LITIGATION

Since this litigation has been filed, the Defendants continue to take actions related to the pending causes of action and allegations in the Third Amended Complaint. Ms. Porretto has already removed one case related to this proceeding which is styled *City of Galveston v. Sonya Porretto*, Civil Action No. 3:22-CV-00256.

Despite this pending litigation and numerous specific allegations in the Third Amended Complaint regarding the Defendants' use of false erosion ratings and improper scraping of the beachfront, the Defendants are participating in further actions to perpetuate the false and/or misleading information in order to obtain Federal funding.

Ms. Porretto recently learned the U.S. Army Corps of Engineers Galveston District ("COE"), in partnership with the Defendant, the City of Galveston, has prepared a Draft Detailed Project Report and Environmental Assessment (DDPR-EA) and Finding of No Significant Impact (FONSI) for the Galveston Island Coastal Erosion, Galveston, Texas, continuing authorities study as authorized by Section 204 of the Water Resources Development Act of 2016 ("Joint Public Notice") which was open for public comment with such comments due on August 15, 2022.

In addition, the materials for the Joint Public Notice show that other defendants are also involved and that the Joint Public Notice is inadequate.<sup>1</sup> While the Joint Public Notice states that it is on behalf of the COE and City of Galveston, that is inconsistent with the documents linked in the Joint Public Notice. The documents linked with the Joint Public Notice are inconsistent:

 One document states the Non-Federal Sponsor is the City of Galveston in partnership with the Texas General Land Office ("GLO") (emphasis added) <u>https://www.swg.usace.army.mil/Portals/26/DDPR204Galv8Jul22%20-</u> <u>%20DRAFT\_1.pdf</u> (p. ES-4); and,

2) Another document shows that the Galveston Park Board of Trustees ("Park Board") was the original Non-Federal Sponsor, despite the fact that the Park Board owns no beach property.

<u>https://www.swg.usace.army.mil/Portals/26/REPGalvDDPR204AppdxD27May22%2</u> <u>0-%20DRAFT\_1.pdf</u>) (p. 11). That document states the Non-Federal Sponsor is solely the City of Galveston and suggests the GLO participated only in the feasibility portion of the project.

The Joint Public Notice documents include a letter dated November 23, 2020<sup>2</sup> from the Park Board specifically noting that the proposed project has an impact on the Seawall area. Ms. Porretto's beachfront property which is the subject of this case is along the Seawall. The Park Board states "Although the Seawall was designed to stand alone, it is susceptible to flanking. The presence of a wide beach seaward of the Seawall helps protect this infrastructure and preserve the residential, commercial, environmental and other assets located behind the structure." The Park Board did not provide anything to support these conclusory allegations and the letter is cited to merely to show that the Park Board acknowledges a project on the west side impacts the property on the Seawall.

The Joint Public Notice includes environmental assessments ("EA's") and findings of no significant impact ("FONSI") which Ms. Porretto asserts fails to comply with the requirements for a joint public notice, EA or FONSI.

<sup>2</sup> The full letter is not included in the Joint Public Notice. <u>https://www.swg.usace.army.mil/Portals/26/DDPR204Galv8Jul22%20-%20DRAFT\_1.pdf</u> (See, p. 61 of sog.)

<sup>&</sup>lt;sup>1</sup> In a letter dated May 3, 2022, the Galveston City Manager represented that the City "remains willing and able to facilitate the funding of incremental cost which may arise through future approvals by our Industrial Development Corporation" ("IDC"). <u>https://www.swg.usace.army.mil/Portals/26/DDPR204Galv8Jul22%20-%20DRAFT\_1.pdf</u> (p.65). A quick search of the Galveston City Council meeting agenda action items and IDC meeting agenda action items did not find where this position was approved if it was approved. The majority of the IDC Board members are councilmembers, including Galveston Mayor Brown, Councilmember Collins, Councilmember Robb, and Councilmember John Listowski. Notably, the August 16, 2022 Agenda for the IDC includes an agenda item to support the extension of a 4b Sales Tax which, in part, funds beach nourishment and according to the materials does not currently expire until April 1, 2029. <u>https://galvestontx.gov/AgendaCenter/ViewFile/Agenda/4410?html=true</u>

For example, the Joint Public Notice documents fail to disclose the manmade alterations by scraping and excavation which altered the topography and created erroneous erosion/accretion rates as acknowledged by a 2015 Judgment in Ms. Porretto's favor where it was decided by final judgment that Porretto's property was accreting for the 24 years prior to the judgment. The continued use of uncorrected data after the 2015 Judgment shows a lack of good faith, especially given this pending litigation where the Third Amended Complaint specifically raises concerns with erosion data.

In an abundance of caution, Ms. Porretto is submitting the attached preliminary objection to the Joint Public Notice without waiving any rights, specific objections, and claims in the pending litigation with a full reservation of rights. A copy of the objection is attached as **Exhibit A**.

## **RESERVATION OF RIGHTS**

Ms. Porretto reserves all rights to amend or supplement the objection to the Joint Public Notice in all respects, as may be necessary or appropriate, but shall be under no obligation to do so. Nothing contained in this Notice or attached objection shall constitute a waiver or release of any claims or rights. Further, nothing in the objection shall be deemed an admission or denial related to the pending litigation and all responses related to the pending litigation are reserved, preserved, and shall not be prejudiced.

/s/Deirdre Carey Brown

Deirdre Carey Brown, pllc Texas Bar No. 24049116 FORSHEY & PROSTOK, LLP 1990 Post Oak Blvd., Suite 2400 Houston, Texas 77056 Ph 832-536-6910 Fax 832-310-1172 <u>dbrown@forsheyprostok.com</u> Counsel for Ms. Porretto

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice with attached Preliminary Objection was served via ECF to the parties identified below and via email to the parties listed below on August 15, 2022:

Via ECF

Autumn Dawn Highsmith autumn.highsmith@oag.texas.gov

Barry Abrams babrams@BlankRome.com, mhindman@blankrome.com, pljohnson@BlankRome.com

Catherine Bennett Hobson katie.hobson@oag.texas.gov

Deirdre Carey Brown dbrown@forsheyprostok.com, brown.hsllp@gmail.com, calendar@forsheyprostok.com, dcbfirm@gmail.com, deirdrecbrown@yahoo.com

Jason Bradley Binford jason.binford@oag.texas.gov

Jessica Amber Ahmed amber.ahmed@oag.texas.gov, erynn.campesi@oag.texas.gov, laura.courtney@oag.texas.gov

Shelly Magan Doggett shelly.doggett@oag.texas.gov, david.laurent@oag.texas.gov, laura.courtney@oag.texas.gov

### Via E-Mail

Raven Blakeway, Regional Planning and Environmental Center 2000 Fort Point Rd Galveston, TX 77550 Raven.Blakeway@usace.army.mil

Federal Emergency Management Agency Mitigation Division – Region 6 Attn: Charles Cook, Floodplain Mgmt. & Ins. Branch Chief 800 North Loop 288 Denton, TX 76209 <u>Charles.Cook4@fema.dhs.gov</u>

National Oceanic and Atmospheric Administration Office for Coastal Management Attn: Heidi Stiller, South Regional Director 2234 South Hobson Ave. Charleston, SC 29405-2413 <u>Heidi.Stiller@noaa.gov</u> U.S. Army Corps of Engineers Galveston District, Regulatory Division Attn: Joseph McMahan, Chief P.O. Box 1229 Galveston, TX 77553-1229 Joseph.A.Mcmahan@usace.army.mil

U.S. Fish and Wildlife Services Clear Lake Ecological Services Field Office Attn: Amber Bearb 17629 El Camino Real #211 Houston, TX 77058 amber\_bearb@fws.gov

U.S. Fish and Wildlife Services Clear Lake Ecological Services Field Office Attn: Amber Bearb 17629 El Camino Real #211 Houston, TX 77058 amber bearb@fws.gov

Texas Commission on Environmental Quality Attn: NEPA Coordinator P.O. Box 13087 Austin, TX 78711-3087 NEPA@tceq.texas.gov

Ms. Marie Archambeault Texas Historical Commission P.O. Box 12276 Austin, Texas 78711 reviews@thc.state.tx.us

Texas Parks and Wildlife Department Attn: Laura Zebehazy 4200 Smith School Rd. Austin, TX 78744 <u>WHAB@tpwd.texas.gov</u>

IDC Board Member Bill Coltzer <u>bill@z6consulting.com</u>> and <u>bcoltzer@zgconsulting.com</u>>;

IDC Board Member Terrilyn Tarlton-Shannon < terrilyn@sbcglobal.net>;

/ s/ Deirdre Carey Brown Deirdre Carey Brown

# **EXHIBIT A**



Galveston Island, Texas (6th to 10th, 11th to 12th, 14th to 16th, 26th to 27th 'On the Beach')

August 15, 2022

Sonya M. Porretto c/o Porretto Beaches Mailing Address: 7 East Dansby Drive Galveston, Texas 77551 (281) 808-3431 <u>smpbeach@aol.com</u> VIA: Email (10 Pages)

Dr. Raven Blakeway, Biologist, Environmental Branch Regional Planning and Environmental Center 2000 Fort Point Rd, Galveston, TX 77550, Raven.Blakeway@usace.army.mil.

## Re: <u>OBJECTION</u> TO JULY 15, 2022, JOINT PUBLIC NOTICE DRAFT DETAILED PROJECT REPORT AND ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED U.S. ARMY CORPS OF ENGINEERS GALVESTON ISLAND COASTAL EROSION, GALVESTON, TEXAS STUDY

Dear Dr. Raven Blakeway,

Please allow this communication to serve as:

An **Objection** to the project identified in July 15, 2022, Public Notice of the "Draft Detailed Project Report and Environmental Assessment for the Proposed US Army Corps of Engineers Galveston Island Coastal Erosion Galveston Texas Study"

## 1. Establishing Timely Response For Objection

This objection has been delivered by email to your posted email address and copy mailed to your office located at 2000 Fort Point Rd Galveston, TX 77550, on August 15, 2022.

## 2. Establishing "Standing" and "Stakeholder" For Objection

The Law Dictionary defines a *Stakeholder* as, "A group organization <u>or person</u> who has a stake that can be affected by the organizations objective – policies and actions."

- I am a U.S. citizen, fourth generation resident of Galveston Island, Texas, and one of the largest historical accreting, dry, stable private beachfront real property owners along the east end of the original planned Galveston Island.
- My properties, rights, uses, characteristics, factual data, and ability to protect are required by local, state, and federal law thus, this objection serves as such exercised right.
- My historical properties and business operations upon these properties are located south of the original Seawall. The "legal" property descriptions as filed in Galveston County real estate records for over 100 years are attached in Exhibit 'A'.
- The Galveston County Central Appraisal District property identification numbers <u>and</u> Galveston County Tax Accessor Property identification numbers are also on record with Galveston County for over 60 years.

3. My Objection is based on one or more of the following omitted, contradicting, inconsistent and missing information required within the Public Notice therefore, the proposed project cannot be considered complete for comment until necessary data, documents and information is provided within the Public Notice. Until the necessary information is included complete within the Public Notice my objection stands based on the following:

# 33 CFR § 325.3 Public notice.

(a) *General.* The public notice is the primary method of advising all interested parties of the proposed activity for which a permit is sought and of soliciting comments and information necessary to evaluate the probable impact on the public interest. The notice must, therefore, include sufficient information to give a clear understanding of the nature and magnitude of the activity to generate meaningful comment. The notice should include the following items of information:

(1) Applicable statutory authority or authorities;

(2) The name and address of the applicant;

(3) The name or title, address and telephone number of the Corps employee from whom additional information concerning the application may be obtained;

(4) The location of the proposed activity;

(5) A brief description of the proposed activity, its purpose and intended use, so as to provide sufficient information concerning the nature of the activity to generate meaningful comments, including a description of the type of structures, if any, to be erected on fills or pile or float-supported platforms, and a description of the type, composition, and quantity of materials to be discharged or disposed of in the ocean;

(6) A plan and elevation drawing showing the general and specific site location and character of all proposed activities, including the size

relationship of the proposed structures to the size of the impacted waterway and depth of water in the area;

(7) If the proposed activity would occur in the territorial seas or ocean waters, a description of the activity's relationship to the baseline from which the territorial sea is measured;

(8) A list of other government authorizations obtained or requested by the applicant, including required certifications relative to water quality, coastal zone management, or marine sanctuaries;

(9) If appropriate, a statement that the activity is a categorical exclusion for purposes of NEPA (see paragraph 7 of Appendix B to <u>33 CFR part 230</u>);

(10) A statement of the district engineer's current knowledge on historic properties;

(11) A statement of the district engineer's current knowledge on endangered species (see § 325.2(b)(5));

(12) A statement(s) on evaluation factors (see § 325.3(c));

(13) Any other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any, on factors affecting the public interest;

(14) The comment period based on § 325.2(d)(2);

(15) A statement that any person may request, in writing, within the comment period specified in the 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;

(16) For non-federal applications in states with an approved CZM Plan, a statement on compliance with the approved Plan; and

(17) In addition, for section 103 (ocean dumping) activities:

(i) The specific location of the proposed disposal site and its physical boundaries;

(ii) A statement as to whether the proposed disposal site has been designated for use by the Administrator, EPA, pursuant to section 102(c) of the Act;

(iii) If the proposed disposal site has not been designated by the Administrator, EPA, a description of the characteristics of the proposed disposal site and an explanation as to why no previously designated disposal site is feasible; (iv) A brief description of known dredged material discharges at the proposed disposal site;

(v) Existence and documented effects of other authorized disposals that have been made in the disposal area (e.g., heavy metal background reading and organic carbon content);

(vi) An estimate of the length of time during which disposal would continue at the proposed site; and

(vii) Information on the characteristics and composition of the dredged material.

(b) *Public notice for general permits.* District engineers will publish a public notice for all proposed regional general permits and for significant modifications to, or reissuance of, existing regional permits within their area of jurisdiction. Public notices for statewide regional permits may be issued jointly by the affected Corps districts. The notice will include all applicable information necessary to provide a clear understanding of the proposal. In addition, the notice will state the availability of information at the district office which reveals the Corps' provisional determination that the proposed activities comply with the requirements for issuance of general permits. District engineers will publish a public notice for nationwide permits in accordance with <u>33 CFR 330.4</u>.

(c) *Evaluation factors.* A paragraph describing the various evaluation factors on which decisions are based shall be included in every public notice.

(1) Except as provided in <u>paragraph (c)(3)</u> of this section, the following will be included:

"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 benefit 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 the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic 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."

(2) If the activity would involve the discharge of dredged or fill material into the waters of the United States or the transportation of dredged material for the purpose of disposing of it in ocean waters, the public notice shall also indicate that the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, (<u>40 CFR part 230</u>) or of the criteria established under authority of section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (<u>40 CFR parts 220</u> to 229), as appropriate. (See <u>33 CFR parts 323</u> and <u>324</u>).

(3) In cases involving construction of artificial islands, installations and other devices on outer continental shelf lands which are under mineral lease from the Department of the Interior, the notice will contain the following statement: "The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on navigation and national security."

# (d) Distribution of public notices.

(1) Public notices will be distributed for posting in post offices or other appropriate public places in the vicinity of the site of the proposed work and will be

sent to the applicant, to appropriate city and county officials, to adjoining property owners, to appropriate state agencies, to appropriate Indian Tribes or tribal representatives, to concerned Federal agencies, to local, regional and national shipping and other concerned business and conservation organizations, to appropriate River Basin Commissions, to appropriate state and areawide clearing houses as prescribed by OMB Circular A-95, to local news media and to any other interested party. Copies of public notices will be sent to all parties who have specifically requested copies of public notices, to the U.S. Senators and Representatives for the area where the work is to be performed, the field representative of the Secretary of the Interior, the Regional Director of the Fish and Wildlife Service, the Regional Director of the National Park Service, the Regional Administrator of the Environmental Protection Agency (EPA), the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA), the head of the state agency responsible for fish and wildlife resources, the State Historic Preservation Officer, and the District Commander, U.S. Coast Guard.

(2) In addition to the general distribution of public notices cited above, notices will be sent to other addressees in appropriate cases as follows:

(i) If the activity would involve structures or dredging along the shores of the seas or Great Lakes, to the Coastal Engineering Research Center, Washington, DC 20016.

(ii) If the activity would involve construction of fixed structures or artificial islands on the outer continental shelf or in the territorial seas, to the Assistant Secretary of Defense (Manpower, Installations, and Logistics (ASD(MI&L)), Washington, DC 20310; the Director, Defense Mapping Agency (Hydrographic Center) Washington, DC 20390, Attention, Code NS12; and the National Ocean Service, Office of Coast Survey, N/CS261, 1315 East West Highway, Silver Spring, Maryland 20910-3282, and to affected military installations and activities.

(iii) If the activity involves the construction of structures to enhance fish propagation (e.g., fishing reefs) along the coasts of the United States, to the Director, Office of Marine Recreational Fisheries, National Marine Fisheries Service, Washington, DC 20235.

(iv) If the activity involves the construction of structures which may affect aircraft operations or for purposes associated with seaplane operations, to the Regional Director of the Federal Aviation Administration.

(v) If the activity would be in connection with a foreign-trade zone, to the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, Washington, DC 20230 and to the appropriate District Director of Customs as Resident Representative, Foreign-Trade Zones Board.

(3) It is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning Regional Director of the Federal Aviation Administration.

(v) If the activity would be in connection with a foreign-trade zone, to the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, Washington, DC 20230 and to the appropriate District Director of Customs as Resident Representative, Foreign-Trade Zones Board.

(3) It is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. A copy of the public notice with the list of the addresses to whom the notice was sent will be included in the record. If a question develops with respect to an activity for which another agency has responsibility and that other agency has not responded to the public notice, the district engineer may

request its comments. Whenever a response to a public notice has been received from a member of Congress, either in behalf of a constitutent or himself, the district engineer will inform the member of Congress of the final decision.

(4) District engineers will update public notice mailing lists at least once every two years.

Thank you for your attention to this matter and please add me to your list of further public notices regarding this and other Galveston beach permitting applications submitted by the City of Galveston and Park Board of Trustees.

Regards,

Sonya M. Porretto

cc: db, an, nn

### EXHIBIT A

## Porretto Properties (3 Pages)

#### Tract B:

Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14), in Block Six (6), in the City and County of Galveston County, Texas and only being all of those portions of the subject property lying South of the Seawall, together with that portion of the adjacent Street(s) and Alleys abandoned as set forth in Ordinance No. 78-46.

#### Tract C:

The Southerly portion of Lot Ten (10) of Block Sixty-seven (67), all in the City and County of Galveston, Texas and only being all of those portions of the subject property lying South of the Seawall.

#### Tract D:

Lots One (1), Two (2), Three (3), in Block Seven (7), in the City and County of Galveston, Texas, and only being all of those portions of the subject property lying South of the Seawall.

#### Tract E:

Lots Eight (8), Nine (9), and Ten (10), in Block Seven (7), in the City and County of Galveston, Texas and only being all of those portions on the subject property lying South of the Seawall.

#### Tract F:

Lots Eight (8), Nine (9), Ten (10) and Eleven (11), in Block Eight (8), in the City and County of Galveston, Texas, Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), in the Northeast Quarter of Out Lot Twentyfour(24), One (1) through Fourteen (14), inclusive, in the Southeast Quarter of Out Lot Twenty-four (24), Lots One (1), an interest in Lot Two (2), Three (3) through Fourteen (14), inclusive, in the Northwest Quarter of Out Lot Twenty-Five (25), Lots One(1), Through Fourteen (14), inclusive in the Northeast Quarter of Out Lot Twenty-five (25), Lots One (1), Through Fourteen (14), inclusive, in the Southwest Quarter of Out Lot Twenty-five (25) and Lots One (1), Through Fourteen (14), inclusive, in the Southeast Quarter of Out Lot Twenty-five (25), Lots One (1), through Fourteen (14) in the Northwest Quarter of Out Lot Fifty (50) and the entire Northeast Quarter of Out Lot Fifty (50), all in the City and County of Galveston, Texas, and only being all of those portions of the subject property lying South of the Seawall, together with that portion of the adjacent Street(s) and Alleys abandoned as set forth in Ordinance No. 78-46.

#### Tract G:

The Southeast Quarter, of Out Lot Forty-nine (49), all in the City and County of Galveston only being all of those portions of the subject property lying South of the Seawall.

#### Tract H:

The Southwest Quarter of Out Lot Forty-nine (49), all in the City and County of Galveston only being all of those portions of the subject property lying South of the Seawall.

#### Tract I:

Lots Eight (8), through Ten (10), inclusive, and the East one-half (1/2) of Lot Eleven (11), in the Northeast Quarter of Out Lot Forty-eight (48) all in the City and County of Galveston and only being all of those portions of the subject property lying South of the Seawall.

#### Tract J:

The Northwest Quarter of Out Lot Seventy-two (72), all in the City and County of Galveston and only being all of those portions of the subject property lying South of the Seawall, based on the Map of the City of Galveston in common use.

#### Tract K:

The Southwest Quarter of Out Lot Seventy-two (72), all in the City and County of Galveston and only being all of those portions of the subject property lying South of the Seawall, based on the Map of the City of Galveston in common use.

#### Tract L:

The Southeast Quarter, of Out Lot Seventy-One (71), all in the City and County of Galveston and only being all of those portions of the subject property lying South of the Seawall, based on the Map of the City of Galveston in common use.

#### Tract M:

The Northeast Quarter of Out Lot One hundred-nineteen (119), all in the City and County of Galveston and only being all of those portions of the subject property lying South of the Seawall, based on the Map of the City of Galveston in common use.

#### Tract N:

The Southeast Quarter, of Out Lot One hundred-nineteen (119), all in the City and County of Galveston and only being all of those portions of the subject property lying South of the Seawall, based on the Map of the City of Galveston in common use.

#### Tract O:

Part of Lots Eight (8) through Thirteen (13), inclusive, of the Northwest Quarter of Out Lot One hundred forty-one (141), all in the City and County of Galveston

and only being all of those portions of the subject property lying South of the Seawall, based on the Map of the City of Galveston in common use.

#### Tract P:

Lots One (1) through seven (7), inclusive, of the Southwest Quarter of Out Lot One hundred forty-one (141), all in the City and County of Galveston and only being all of those portions of the subject property lying South of the Seawall, based on the Map of the City of Galveston in common use.

#### Tract Q:

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Lots Eight (8) through Fourteen (14), inclusive, of the Southwest Quarter of Out Lot One hundred forty-one (141), all in the City and County of Galveston and only being all of those portions of the subject property lying South of the Seawall, based on the Map of the City of Galveston in common use.

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Comment entry no: 58 8/7/22 Dear BRANDON Hill KE. Noticement for the WESTEND H. MT NAME is AL bert ShechTen, I'Live AT 11947 SAN LUIS PAST ROL #307, GALVESTON TX 12554. I AM WRITING TO COMMENTIN FAVOR OF THE GAP 204 Protect. I AM A retires 734 ROLD Disabled VeterAN, Living right on The batch AT RIVIEVAIL. SINCE T MOVED here IN 2017 I've seen much of The beach erode Along with The dunes which have Dis Appeared. We desported -Neep Your help to move Abead with The Novishment of the West, ento especially our 3 CONDO BUILDINGS. WE really Need Your help. THANK You For Your Attontion. AL ShechTen 11947 SAN Luis VASS Rd # 307 GALVESTON TX 77554 409-443-6883