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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 29, 2026

Kevin Mannie
U.S. Army Corps of Engineers
Galveston District Regulatory Division
2000 Fort Point Road,
Galveston, Texas 77550

Re: USACE Letters of Permission Process

Dear Mr. Mannie:

This letter is in response to the 401 Certification Request dated February 20, 2026, for the Public Notice dated January 30, 2026, on five Letter of Permission (LOP) Processes proposed by the U.S. Army Corps of Engineers (USACE). These LOPs would be available for use within tidal and non-tidal waters adjacent to tidal waters of the U.S. located in the USACE Galveston District Area of Operations, excluding Louisiana.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the Public Notice and related information along with the 401 Certification Request. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards. General information regarding this water quality certification, including special conditions and standard provisions of the certification, is included as an attachment to this letter.

The USACE Galveston District proposes to create five Section 404 LOPs to expedite the evaluation of common activities that are not expected to have a significant effect on the human environment. The five proposed LOPs include: dredged material beneficial use, beach nourishment, Harris County Flood Control Disaster Recovery Program and Sediment Removal Program, Port of Corpus Christi Authority Inner Harbor dock improvements, and maintenance dredging of federal channels.

Draft LOPs provided by USACE indicate that prospective permittees are responsible for ensuring the proposed activity is designed to avoid and minimize effects to the aquatic environment to the maximum extent practicable. After all practicable steps to avoid and minimize adverse effects to waters of the U.S. have been considered, the USACE may require additional mitigation measures and/or compensatory mitigation to ensure that the

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regulated activity results in no more than minimal adverse environmental effects or will not be contrary to the public interest.

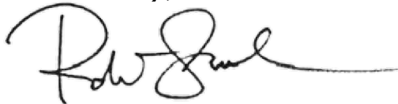
TCEQ has reviewed this proposed action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the CMP regulations (Title 31, Texas Administrative Code (TAC), Section (§)505.30) and has determined that the action is consistent with the applicable CMP goals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

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

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

If you require additional information or further assistance, please contact Mr. Peter Schaefer, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-4372 or by email at Peter.Schaefer@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Sadlier", with a long horizontal flourish extending to the right.

Robert Sadlier, Deputy Director
Water Quality Division
Texas Commission on Environmental Quality

RS/PS

Attachment

ccs: Mr. Kevin Mannie, U.S. Army Corps of Engineers via email at
Kevin.S.Mannie@usace.army.mil

Ms. Leslie Koza, Texas General Land Office via e-mail at
Federal.Consistency@GLO.TEXAS.GOV

WORK DESCRIPTION: As described in the Public Notice dated January 30, 2026, and the 401 Certification Request dated February 20, 2026.

SPECIAL CONDITIONS: All decant water from confined dredge disposal areas associated with these LOPs shall not exceed 300 mg/L total suspended solids. This condition is necessary to ensure that return water discharges will comply with water quality requirements in accordance with Texas Water Code §26.003 and antidegradation policy in 30 TAC §307.5, and not result in violations of general water quality criteria in 30 TAC 307.4(b)(2)-(5).

GENERAL: This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the February 20, 2026, 401 Certification Request and shall be concurrent with the Corps of Engineers (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TCEQ or a successor agency.

STANDARD PROVISIONS: These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit. These conditions are necessary to ensure that the project is conducted in a way that will comply with water quality requirements in accordance with Texas Water Code §26.003 and antidegradation policy in 30 TAC §307.5, and not result in violations of general water quality criteria in 30 TAC 307.4(b)(2)-(5).

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall

provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.

5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.
6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.
7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.
8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.
9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.
10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated stormwater from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Stormwater runoff from construction activities that result in a disturbance of one or more acres or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at:

<http://www.tceq.texas.gov/permitting/stormwater/construction> or by contacting the TCEQ Stormwater Team at (512) 239-4671.

12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.
13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.
15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.
16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.
17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.
18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.