



Public Notice

**U.S. Army Corps
Of Engineers**

Date Issued: January 30, 2026

Comments

Galveston District

Due: February 28, 2026



**LETTERS OF PERMISSION PROCEDURES
FOR
DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED
STATES WITH MINIMAL OR LESS THAN SIGNIFICANT IMPACTS ON THE HUMAN
ENVIRONMENT**

The U.S. Army Corps of Engineers (Corps), Galveston District, proposes to establish procedures for issuing a Letter of Permission (LOP) to efficiently authorize activities under both Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (RHA) which have minimal or less than significant impacts on the human environment under the National Environmental Policy Act (NEPA). The purpose of this public notice is to solicit comments from the public regarding several proposed LOPs detailed below.

AUTHORITY: Section 404 of the Clean Water Act (CWA) for the discharge of dredged or fill material in waters of the U.S., including Section 10 of the Rivers and Harbors Act (RHA) of 1899 for structures or work in or affecting navigable waters of the U.S., only when the proposed activity requires authorization under both CWA and RHA.

LOCATION: The LOPs will be valid within tidal and non-tidal waters adjacent to tidal waters of the U.S. located in Galveston District Area of Operations, excluding Louisiana.

BACKGROUND: In accordance with Title 33 of the Code of Federal Regulations (CFR) Part 325, district engineers are authorized to use alternative procedures, including LOPs, to authorize activities under the Corps Regulatory Program. LOPs are a type of individual permit issued through an abbreviated processing procedure which includes coordination with federal and state fish and wildlife agencies, as required by the Fish and Wildlife Coordination Act, and a public interest evaluation, but without publishing an individual public notice. In accordance with 33 CFR Part 325.2(e)(1), LOPs may be used in those cases subject to CWA 404 when:

1. The district, through consultation with federal and state fish and wildlife agencies, the Regional Administrator, Environmental Protection Agency, and the state water quality certifying agency, develops a list of categories of activities proposed for authorization under LOP procedures.

2. The district issues a public notice advertising the proposed list and the LOP procedures, requesting comments and offering an opportunity for public hearing; and,
3. A CWA 401 water quality certification (WQC) has been issued or waived and, if appropriate, Coastal Zone Management (CZM) consistency concurrence obtained or presumed either on a general or individual basis.

Most discharges of dredged or fill material into waters of the U.S. with no more than minimal impact are authorized under one or more general permits (nationwide, regional, or programmatic). Proposed discharges that could result in significant effects on the human environment require the preparation of an Environmental Impact Statement under the National Environmental Policy Act (NEPA). This procedure covers activities that cannot be authorized under a general permit but have less than significant individual and cumulative impacts on the human environment.

Under NEPA, the lead federal agency determines whether a federal action has the potential to have significant effects on the human environment.

CATEGORIES OF ACTIVITIES:

<u>LOP</u>	<u>Activities</u>	<u>Mitigation</u>
Dredge Material Beneficial Use	Discharge of dredge material for habitat creation/enhancement, shoreline stabilization and erosion control.	Commensurate with impacts.
Beach Nourishment	Dredging/excavation, transport, and discharge of suitable material for beach nourishment activities along Gulf-facing beaches that are currently or were historically critically eroding as defined in Tex. Nat. Res. Code § 33.601 and 31 Tex. Admin. Code (TAC) § 15.41 as an area experiencing an erosion rate of greater than 2 feet per year based on the most recent data.	Commensurate with impacts.
Harris County Flood Control Disaster Recovery Program and Sediment Removal Program	Excavation activities associated with returning engineered projects or facilities to the existing as-built physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.).	Commensurate with impacts.
Port of Corpus Christi Authority (PCCA) Inner Harbor (IH) Dock Improvements	Dredging, discharge of fill material, and structure removal and/or construction at existing PCCA IH docks to match the -60 feet mean lower low water (MLLW) approved	Commensurate with impacts.

	federal channel depth.	
Maintenance Dredging of Federal Navigation Channels	Maintenance dredging of federal navigation channels and placement of dredged material in federally authorized, operational Dredged Material Placement Areas (DMPAs).	N/A. Does not authorize impacts to special aquatic sites.

EXCLUSIONS: Each LOP is subject to specific exclusions (see attachments).

TERMS: Each LOP is subject to specific terms (see attachments).

MITIGATION: Each LOP is subject to specific mitigation requirements. Regardless of specific requirements 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 Corps may require additional mitigated measures and/or compensatory mitigation to ensure that the regulated activity results in no more than minimal adverse environmental effects or will not be contrary to the public interest.

For permanent or temporary impacts (exceeding one growing season) to special aquatic sites, such as wetlands and submerged aquatic vegetation, the amount of compensatory mitigation required must be, to the extent practicable, sufficient to replace lost aquatic resource functions and services (see 33 CFR Part 332.3(f)). If a functional or condition assessment or other suitable metric is not used to determine how much compensatory mitigation is required, a minimum one-to-one acreage or linear foot compensation ratio must be used. Compensatory mitigation proposals must comply with the applicable provisions of 33 CFR Part 332.

PROCEDURES: Applications must be submitted through the Corps Regulatory Request System (<https://rrs.usace.army.mil>) using the "Apply for a Permit" function. To be considered for authorization under the LOP procedures, applications must include all information required for a standard permit application, pursuant to 33 CFR Part 325.1. In addition to standard permit application requirements, each LOP is subject to specific procedural requirements (see attachments).

REVIEW AND DECISION:

1. The Corps will review each application package to determine if it is complete within 30 calendar days of receipt. If the application is not complete, the Corps will notify the project proponent within 45 calendar days of the information that is missing. If the applicant does not respond to the request for additional information within 45 calendar days, the application will be withdrawn.
2. When the Corps determines an application is complete, but the activity cannot be authorized by a LOP, the Corps will notify the project proponent within 15 calendar days of the determination with guidance on a potential alternate permit type (general permit or standard permit) and the application will be withdrawn.
3. If at any time during the process the Corps determines the activity does not meet the requirements for authorization under a LOP, the Corps will immediately notify the applicant, terminate the LOP process, and proceed to an alternate permitting process. Reasons for terminating the LOP process include the potential for the proposed activity to result in significant impacts on the human environment, non-compliance with U.S. EPA's 404(b)(1) Guidelines, public interest, appreciable opposition, or controversy.
4. If the application is determined complete and appears to meet the requirements for authorization under a LOP, the Corps will notify the applicant that the proposed activity is being evaluated for a LOP.
5. The Corps will notify the applicable state and federal resource and permitting agencies of the proposed application for a LOP and request comments within 5 calendar days of receipt of the email notice. The Corps may extend the comment period at the request of a reviewing agency due to extenuating circumstances, by no more than seven (7) calendar days. Concurrently, the Corps will initiate consultation(s) as necessary under Section 106 of the NHPA, Section 7 of the ESA, and/or Section 305(b)(2) of the MSA with the appropriate state and federal agencies and/or Tribal governments. Any concerns identified during the notification process with the state and federal review agencies and/or Tribal governments will be resolved before a decision on the LOP application is made.
6. The Corps will notify the project proponent of any additional information needed to complete its evaluation, including sufficient information to initiate any required consultation(s) under Section 106 of the NHPA, Section 7 of the ESA, and/or Section 305(b)(2) of the MSA. If the project proponent does not respond to the request for additional information within 30 calendar days, the application will be withdrawn.
7. In most circumstances, the Corps will make an LOP decision within 120 days of receipt of a complete application. If consultation is required and extends the evaluation schedule past 120 days, the Corps will make the LOP decision within 30 days of consultation conclusion. The decision will be based on whether the activity meets the

terms of this procedure, complies with USEPA's 404(b)(1) Guidelines and with other applicable laws, and would not be contrary to the public interest. To ensure less than significant effects and compliance with applicable laws, the Corps may add special conditions to the LOP.

NATIONAL REGISTER OF HISTORIC PLACES: The LOPs require pre-construction notification. During this review, the staff archaeologist will review the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information and make a determination on presence or absence of historic properties and the effects of the undertaking upon these properties.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species and their critical habitat may be affected by the work evaluated in the LOP. The LOP requires pre-construction notification. During this review, consultation with the U.S. Fish and Wildlife and the National Marine Fisheries Service will be completed to assess the effect on endangered species.

WATER QUALITY CERTIFICATION: The LOP will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards.

COASTAL ZONE MANAGEMENT PROGRAM: Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. These habitat(s) are utilized by the following species and their various life stages: red drum, triggerfishes (*Balistidae*), jacks (*Carangidae*), wrasses (*Labridae*), snappers (*Lutjanidae*), tilefishes (*Malacanthidae*), groupers (*Serranidae*), and coastal migratory pelagic species, shrimps, stone crabs, and spiny lobsters. Our initial determination is that activities evaluated under the LOPs may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). The primary adverse effects to EFH involve direct and indirect physical, chemical, and biological alterations to the habitat (physical habitat destruction, water quality degradation, and life function disruptions). To minimize EFH impacts the LOPs will require the following: 1) utilization of construction best management practices (BMPs) to limit turbidity; 2) avoidance of sensitive habitats such as submerged aquatic vegetation (SAV) and wetlands to the maximum extent practicable; 3) requiring clean suitable fill (matching physical characteristics as necessary and free from contaminants); 4) disallowing water flow blockage; and 5) requiring compensatory mitigation for unavoidable impacts to special aquatic sites. The temporary and permanent LOP effects to EFH will be minimal. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Galveston District will receive written comments on the proposed LOP procedures, as outlined above, until **February 28, 2026**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to the Regulatory Division at swg_public_notice@usace.army.mil. Alternatively, you may submit comments in writing to the Regulatory Division, U.S. Army Corps of Engineers, Galveston District, Attention: **404 LOPs**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the Proposed Letters of Permission in your comments.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the proposed letters of permission. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS