



**DEPARTMENT OF THE ARMY  
REGIONAL GENERAL PERMIT:  
SWG-2010-00605**



**A. AUTHORIZATION:**

**Permit:** Debris Removal

**Issuing Office:** Department of the Army (DA), US Army Corps of Engineers (USACE), Southwest Division (SWD), Galveston District (Corps)

**Effective Date:** 25 May 2023

**Expiration Date:** 25 May 2028

**Permittee:** Texas General Land Office (GLO)

**Project Description:** This regional general permit (RGP) authorizes the GLO to conduct work, and temporarily excavate and/or place dredged and/or fill materials for the purpose of removing debris that presents a physical hazard in Waters of the United States (US). Such hazards include storm debris, derelict vessels, derelict structures, and abandoned pipelines

**Geographic Limits:** The RGP is limited to waters of the US, within the Galveston District, under the authority of the GLO, including state owned submerged land and tidally influenced reaches of jurisdictional wetlands and Waters of the US, within the state of Texas.

**Completion of Activity:** Work authorized under this permit for a project-specific verification must be completed by the RGP expiration date. However, if a project-specific verification is issued within two years prior to the RGP expiration date, the verification expires two years from the verification date.

**Notification to Agencies:** Copies of each verification issued under this permit will be furnished to the US Coast Guard (USCG), National Oceanic and Atmospheric Administration (NOAA) – National Ocean Service (NOS), and the Bureau of Safety and Environmental Enforcement (BSEE).

**B. PERMIT TERMS:**

This permit authorizes work, temporary excavation, and placement of dredged and/or fill materials for the purpose of removing debris that presents a physical hazard from Waters of the US. Such hazards include storm debris, derelict vessels, derelict structures, and abandoned pipelines.

- 1. Regulatory Authority:** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403, Section 10) regulating the authorization of certain structures or work in or affecting navigable waters of the US, and Section 404 of the Clean Water Act (33 U.S.C. 1344), regulating placement of fill material in wetlands or waters of the US.

- 2. Activity Limitations/Restrictions:** The following limitations and restrictions apply to the activities authorized under this permit.
- a. This RGP only applies to projects in the GLO area of responsibility, managed, performed, and contracted by the GLO for the removal of debris that presents a physical hazard, derelict structures, or derelict vessels. The GLO area of responsibility can be found under “Land Lease Map Viewer” at <https://glo.texas.gov/land/land-management/gis/index.html>.
  - b. This RGP authorizes temporary excavation necessary to expose debris that presents a physical hazard, derelict structures, or derelict vessels for removal. Material excavated to expose debris that presents a physical hazard, derelict structures, or derelict vessels will be replaced, and the original pre-construction elevation counters restored as closely as possible.
  - c. Emergency removal activities are limited to those activities necessary for the removal of those debris, derelict structures, or derelict vessels that pose an imminent threat to human health and safety, or the environment.
    1. Removal activities that require temporary fill must be restored to the contours that existed prior to the removal.
    2. Excavation is limited to the amount necessary to remove hazardous derelict structures, debris, or derelict vessels, and the bottom contour restored to the surrounding elevation.
    3. The GLO will submit notification of the work to the District Engineer (DE), including all information required in Item C (Preconstruction Notification), within 45 days of commencement of the emergency work.
  - d. Any dredged or excavated material not used during the project shall be deposited and confined in an upland area such that sediment will not re-enter the water or wetlands and shall not interfere with natural drainage.
  - e. Ingress/egress routes and staging sites used to access debris that presents a physical hazard, derelict structures, or derelict vessel removal sites will avoid any areas, as determined by the DE, in which plant or animal life or their habitats are either rare or especially valuable, and will utilize the minimum tree and vegetation removal necessary for all other sites. In the event that a rare or especially valuable species would potentially be impacted, the GLO will coordinate with Texas Parks and Wildlife Department (TPWD) to develop avoidance, minimization, and/or mitigation measures for the species.
  - f. To minimize impacts to wildlife circadian rhythms and migration, RGP activities shall be limited to daylight hours to the extent possible. If nighttime work is required, lighting should be down shielded, aimed only at the work zone, and turned off when not needed. Lighting should be the lowest intensity needed to illuminate the work zone.
  - g. Temporary structures, work, and discharges, including but not limited to cofferdams, linear transportation crossings, utilities, low-water crossings, and portable spans necessary for construction activities and access or dewatering of construction sites are authorized provided that the associated primary removal activity is authorized under this permit and provided the following criteria are met:
    1. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding.

2. Fill must consist of suitable materials placed in a manner that are not expected to be eroded by expected high flows.
  3. Following completion of construction, all temporary structures, fill, or discharges shall be removed, and the site returned to pre-construction elevation contours.
  4. Cofferdams cannot be used to dewater jurisdictional wetlands to change their use. In the event that placement of a cofferdam or dewatering activities might adversely affect fish, shellfish, or aquatic resources, the GLO will coordinate with the appropriate TPWD Kills and Spills team to develop mitigation measures at the site.
- 3. Excluded Activities:** The following activities are ineligible for authorization by this permit.
- a. This RGP does not authorize any permanent excavation or dredging in waters of the US.
  - b. This RGP does not authorize any permanent discharge of dredged or fill material into waters of the US.
  - c. This RGP does not authorize permanent dredging or the creation of access channels.
  - d. Prop/wheel washing is not authorized by this RGP.
  - e. No structure or fill that may affect historic properties listed or eligible for listing in the National Register of Historic Places is authorized until the Corps and applicant has complied with the provisions of Section 106 of the National Historic Preservation Act.
    1. The Corps will review all proposed activities for cultural resources requirements, and, when appropriate, coordinate these activities with the Texas Historical Commission (THC). If potential historic properties are located in the project area, they shall be avoided by a sufficient margin as designated by the Corps and the THC. If avoidance of the potential historic properties is not feasible, further archeological investigations shall be required.
    2. If any previously unknown historic or archeological remains are located while accomplishing the activity authorized by this permit, you must immediately cease and desist and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
  - f. No structure or fill will be authorized that is likely to jeopardize the continued existence of a threatened or endangered species or which is likely to destroy or adversely modify critical habitat of such species as identified under the federal Endangered Species Act (ESA). Work located in Federally listed or proposed threatened or endangered species habitat and/or critical habitat will comply with the following requirements:
    1. Any work on gulf beaches conducted between March 15 and October 1 will be coordinated with the appropriate US Fish and Wildlife Service (FWS) Ecological Field Office as appropriate, prior to authorization to minimize impacts during the peak of sea turtle nesting activity. Sea turtles occur year-round in coastal waters. As stated in item 4 below, there will be an independent qualified environmental monitor on site during all removal

activities in identified threatened and endangered species suitable habitat and/or critical habitat. If sea turtles are noted to be in the work area, coordination with National Marine Fisheries (NMFS) will be initiated. The application will not be complete until this coordination is concluded. If dead, injured, cold-stunned, or nesting sea turtles are encountered, the encounter should immediately be reported to the Texas Sea Turtle Hotline at 866-887-8535 (866-TURTLE5).

2. Any work in wintering whooping crane (*Grus americana*) habitat in San Patricio, Refugio, Aransas, Calhoun, Kleberg, Nueces, Brazoria, and/or Matagorda Counties conducted between October 15 and April 30 will be coordinated with the appropriate FWS Ecological Field Office prior to authorization to minimize impacts during the peak of winter whooping crane activity. Non-migratory breeding whooping cranes have established in Jefferson and Orange counties and may expand their habitat into other counties. Any sightings of whooping crane in a project area shall be reported to the FWS. The application will not be complete until this coordination is concluded.
3. Any work on designated piping plover (*Charadrius melodus*) critical habitat, red knot (*Calidris canutus*) proposed or designated critical habitat, or suitable habitat for eastern black rail (*Laterallus jamaicensis*) will be coordinated with the appropriate FWS Ecological Field Office prior to authorization to minimize impacts. The application will not be complete until this coordination is concluded.
4. In order to maintain compliance with the ESA, there will be an independent qualified environmental monitor on site during all removal activities in identified threatened and endangered species suitable habitat and/or critical habitat. The monitor will serve as the single point of contact for endangered or threatened species requirements. The monitor will conduct a daily visual inspection of the work site prior to any work commencing to ensure there has been no recent turtle nesting activity or piping plovers on site. If the monitor observes a piping plover, sea turtle, whooping crane, red knot, eastern black rail, or other threatened or endangered species, work will stop immediately. Contractors will be informed that there may be piping plovers, sea turtles, whooping crane, red knot, eastern black rail, or other threatened or endangered species at the site, and the contract prohibits work when these species are present.
5. Wintering piping plovers and red knot are especially vulnerable during cold temperatures (below 40° F), high winds (above 15-20 MPH), and precipitation. No work authorized by this RGP may be performed in suitable habitat for piping plover or red knot when the temperature is, or is predicted by the National Weather Service to be, below 40° F and winds are, or are predicted to exceed, 20 MPH.

Prior to authorizing work and/or a discharge which may affect any listed species not previously mentioned or its critical habitat, the DE will check the FWS Information for Planning and Consultation web site (<https://ipac.ecosphere.fws.gov/>), and may consult or confer with the FWS or the NMFS, as appropriate. The application will not be complete until this consultation is concluded.

- 4. Mitigation:** The following factors will be considered when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects of the proposed activity are no more than minimal.
- a. Proposed activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the US to the maximum extent practicable at the project site.
  - b. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) may be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.
  - c. If the determination is made that the adverse effects of the proposed work are more than minimal, then the applicant will be notified that either:
    1. That the project does not qualify for authorization under the RGP and instruct the applicant on the procedures to seek authorization under an individual permit;
    2. That the project is authorized under the RGP subject to the applicant's submission of an approved mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or
    3. That the project is authorized under the RGP with specific modifications or conditions.
  - d. Where the determination is made, that mitigation is required to ensure no more than minimal adverse environmental effect, the activity may be authorized with project-specific special conditions stating the mitigation requirements. The conditions will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal.
  - e. When compensatory mitigation is required, no work in waters of the US may occur until a specific mitigation plan has been approved, or it has been determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.
  - f. Work located within a special aquatic site, as defined in 40 CFR Part 230, will comply with the following requirements:
    1. Special aquatic sites shall be avoided to the greatest extent practicable. The GLO shall submit a delineation of all special aquatic sites within the project area both before and within 60 days after removal of debris that presents a physical hazard, derelict structures, or derelict vessels.
    2. If the DE determines that special aquatic sites cannot be avoided, this RGP authorizes the temporary placement of wooden mats into special aquatic sites for the purpose of minimizing impacts associated with the removal of debris that presents a physical hazard, derelict structures, or derelict vessels. Wooden mats shall be placed when tracked vehicles are used in mud flats and tidal flats. Wooden mats shall only be authorized when removal by water, by hand, or with low ground pressure vehicles is not possible. If tracked vehicles and/or wooden mats are required to access and remove debris in areas containing submerged aquatic vegetation, the GLO will coordinate with TPWD to develop an access plan. Any permanent change in elevation greater than 6 inches resulting from the use

of wooden mats must be restored to pre-project conditions using suitable material, and be replanted if the site does not re-vegetate naturally with native, non-invasive species within 2 years. A monitoring report, in accordance with Regulatory Guidance Letter 08-03 will be submitted to the DE by the second anniversary of completion of the removal of debris that presents a physical hazard, derelict structures, or derelict vessels. Disturbances in mud flats and tidal flats should be avoided to the maximum extent practicable. Any permanent change in elevation greater than 2 inches resulting from the use of wooden mats must be restored to pre-project conditions using suitable material. If the site does not return to pre-project conditions within 2 years, the application will coordinate with the Corps to develop adaptive management strategies and corrective measures at the site.

3. If the DE determines that the adverse effects of the proposed work are more than minimal, then the DE will notify the applicant either: (1) That the project does not qualify for authorization under the RGP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the RGP subject to the applicant's submission of a DE approved compensatory mitigation and monitoring plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the RGP with specific modifications or additional special conditions.

5. **Regulatory Discretion:** If the determination is made that the applicant's proposed activity would result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest, the applicant will be notified that either:
  - a. The proposed activity does not qualify for authorization under this permit and instruct the applicant on the procedures to seek authorization under an Individual Permit; or,
  - b. The proposed activity is authorized under this permit subject to the applicant's submission of an approved mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or,
  - c. The proposed activity is authorized under this permit with specific modifications or conditions that reduce the adverse environmental effects so that they are no more than minimal.

#### **C. PRECONSTRUCTION NOTIFICATION:**

All activities authorized by this permit require the GLO to provide notification to DE by submission of a pre-construction notification (PCN) as early as possible. A determination of completeness will be made within 30 calendar days of receipt. If it is determined that the PCN is incomplete, the GLO will be notified within this 30-day period with a request for the additional information necessary to make the PCN complete. As a general rule, additional information necessary to make the PCN complete will only be requested once. However, if all the information requested is not provided, then the GLO will be notified that the PCN is still incomplete and the PCN

review process will not commence until all the requested information has been received. Written verification by the DE is required prior to commencing activities authorized by this permit. The PCN shall include the following information:

1. **Timeline:** GLO will submit notification to the DE for all projects authorized by this permit and, with the exception of emergency removals, no work shall be performed until GLO has received written authorization by the DE, or if 45 calendar days have passed from the DE's receipt of the complete notification, unless specific coordination or action is needed prior to an authorization being concluded. If specific coordination is needed, the application will not be complete until this coordination is concluded.
2. **Required Information:** Notification will be in accordance with the Special Conditions and General Conditions of this permit. GLO will submit notification as follows. The notification shall include:
  - a. A completed and signed DA application (ENG Form 4345) or a letter containing the required information may also be used, stating the number of the RGP under which the work is to be conducted.
  - b. A copy of DA authorizations previously issued for the removal site if available.
  - c. A statement that the work will be conducted in compliance with the terms and conditions of this permit and any additional special conditions issued with the project-specific verification.
  - d. A statement of estimated start and completion dates.
  - e. For projects proposing to discharge dredged material, a comprehensive analysis of all existing and readily available physical, chemical, and biological monitoring data and testing for both the dredged material excavation site and the proposed disposal site shall be provided.
  - f. A vicinity map, typical plan view, typical cross-section, and a description of the proposed removal method. Drawings shall include:
    1. A vicinity map with the precise location of the project so that its geographic coordinates can be determined. This map shall also include all ingress and egress routes and staging locations.
    2. A plan view drawing showing each the property, its owner(s), specific project location, and showing the areas to be temporarily excavated or filled, and their relative location to the waters of US, including a delineation of special aquatic sites if applicable.
    3. A cross-section drawing showing the areas to be excavated and/or filled, the cubic yards of material to be removed and/or added, method of removal, plans for restoration, access route to the project, and any other relevant information and data required in the Special Conditions.
3. **Water Quality Certification:** For the project to satisfy the Texas Commission on Environmental Quality's (TCEQ) water quality certification requirements, the Applicant shall agree to use Best Management Practices (BMPs) and shall submit a signed statement that the applicable BMPs will be used. If an applicant fails to implement these provisions and BMPs, the permit is subject to enforcement. Applications that do not incorporate all the provisions of the checklist into their project or use other alternatives are not authorized under this RGP.

Descriptions of the BMPs may be obtained from the Corps web site at: <https://www.swg.usace.army.mil/Missions/Regulatory/> or the TCEQ web site at <https://www.tceq.texas.gov/permitting/401certification> or by calling TCEQ at 512-239-4671.

4. **Agency Coordination:** The DE will coordinate with state and federal agencies, through 15-day interagency coordination notice, if proposed locations are in a special aquatic site, as defined in 40 CFR Part 230, or in a designated Superfund Site (P.L. 96-510). The application will not be complete until this coordination is concluded.
5. **ESA:** If any ESA listed species, species proposed for listing, designated critical habitat, or habitat proposed for such designation, or any species or habitat noted above in Section 3 (Excluded Activities), item f, might be affected, or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or habitat proposed for such designation) that might be affected by the proposed activity. If coordination is required for ESA, the application will not be complete until this coordination is concluded.
6. **Nesting and Rookery Habitat:** For work conducted within 1000 feet of colonial waterbird nests and/or an identified bird rookery between February 14<sup>th</sup> and September 15<sup>th</sup>, the PCN must include the nesting or rookery location(s), species name(s) that may be affected, an explanation of work proposed to be conducted in or near nesting areas, and the timeline proposed. The work will be coordinated with the appropriate FWS and TPWD offices prior to authorization to minimize impacts. The application will not be complete until this coordination is concluded.
7. **Historic Properties:** If the proposed activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity and/or include a vicinity map indicating the location of the historic property. If coordination is required for historic properties, the application will not be complete until this coordination is concluded.

#### **D. GENERAL CONDITIONS:**

1. **Navigation:** No activity authorized by this permit may cause more than a minimal adverse effect on navigation.
  - a. Aids to navigation shall be permitted and placed in accordance with USCG regulation 33 CFR 66.



- b. Any safety lights and signals prescribed by the USCG, through regulation or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the US.
  - c. The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.
  - d. When structures or work authorized by this permit are determined by the DE to have become abandoned, or obstructive to navigation, or cease to be used for the purpose for which they were permitted, such structures or other work must be removed and the area cleared of all obstructions, and written notice given to the Chief of Compliance, Galveston District Regulatory Branch within 30 calendar days of completion.
- 2. Historic Properties:** No activity is authorized under this permit that may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. When reviewing PCNs, the DE will comply with the current procedures for addressing the requirements of Section 106. The DE shall determine whether the proposed activity has the potential to cause effects on the historic properties. If it is determined that Section 106 consultation is required, the DE will notify the prospective permittee within 45 days of receipt of a complete PCN that consultation is required. As a result of consultation, the DE may impose special conditions on individual project verifications to avoid historic properties by a sufficient margin. If avoidance of the potential historic property is not feasible, further archeological investigations shall be required prior to authorization. An activity shall not be authorized under this permit until the DE has notified the permittee that the activity has no potential to cause effects to historic properties or that Section 106 consultation has been completed.
- 3. Discovery of Previously Unknown Remains and Artifacts:** If any previously unknown historic, cultural, or archeological remains and artifacts are discovered while accomplishing the activity authorized by this permit, the permittee shall immediately notify the DE of what was found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The DE will initiate the Federal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

- 4. Endangered Species:** No activity is authorized under this permit that “may affect” a listed species or designated critical habitat unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. When reviewing PCNs, the DE will comply with the requirements of the ESA. The DE will determine whether the proposed activity “may affect” or will have “no effect” to threatened or endangered listed species and designated critical habitat. If it is determined that ESA section 7 consultation is required, the DE will notify the prospective permittee within 45 days of receipt of a complete PCN that consultation is required. As a result of formal or informal consultation, the DE may add species-specific permit conditions to individual verifications. An activity shall not be authorized under this permit that “may affect” a listed species or designated critical habitat until the DE has notified the permittee that ESA section 7 consultation has been completed.
- 5. Migratory Birds:** The permittee is responsible for ensuring their activity complies with the Migratory Bird Treaty Act (MBTA). The permittee is responsible for contacting the appropriate local office of the FWS to determine applicable measures to reduce impacts to migratory birds. There are currently no incidental take permits for birds protected by the MBTA. For more information see <https://www.fws.gov/regulations/mbta/>. To avoid or minimize impacts to birds protected by the MBTA, bird surveys should be conducted no more than five days prior to ground disturbing activities or mechanical clearing of brush and trees if work will occur during peak nesting season.
- 6. Proper Maintenance:** Any authorized structure shall be properly maintained by the permittee, including maintenance to ensure public safety and compliance with the terms and conditions of this permit, as well as any special conditions added to project-specific authorizations. The permittee shall only be relieved of this requirement if the permittee makes a good faith transfer to a third party in compliance with General Condition 10 of this permit. Should the permittee wish to cease to maintain the authorized activity/structure(s) for the use described in Part A of this permit or abandon without a good faith transfer, the permittee shall seek alternative authorization from the Corps.
- 7. Texas Coastal Management Program Consistency:** Work authorized under this RGP shall be conducted to remain consistent with the Texas Coastal Management Program’s Goals and Policies outlined in the Texas Administrative Code Title 31, Part 16, Chapter §501, Subchapter B.
- 8. Activities Affecting Structures or Works Built by the US:** If an activity authorized under this RGP also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project (a “USACE project”), the activity is not authorized by this permit until the appropriate Corps office issues the Section 408 permission or completes its review to alter, occupy, or use the USACE project.

- 9. Compliance:** The permittee shall be responsible for ensuring compliance with all the terms and conditions of this permit, including the following:
- a. The permittee shall notify the Corps, in writing, of the date that the work authorized herein commences.
  - b. The permittee shall be responsible for ensuring that whoever performs, supervises, or oversees any portion of the work associated with the construction of the project has a copy of and is familiar with all the terms and conditions of this permit and any special conditions included in the project-specific verification.
  - c. The permittee shall allow representatives from the Corps to inspect the authorized activity to ensure that it is, or has been, accomplished in accordance with the terms and conditions of the permit.
  - d. The GLO must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. The GLO is not relieved of this requirement if the permitted activity is abandoned, although they may make a good faith transfer to a third party in compliance with General Permit Condition 10 below. Should the GLO wish to cease to maintain the authorized activity or desire to abandon without a good faith permit transfer, they must obtain a modification of this permit from the Corps, which may require restoration of the area.
  - e. When structures, work or fill authorized by this permit are still in existence at the time they are transferred to new ownership, the GLO must obtain and submit to the Corps a signed statement from the new owner(s), as noted in General Permit Condition 10 (Transfer of Permit) below, stating that they agree that the terms and conditions of this permit will continue to be binding on the new owner(s).

- 10. Transfer of Permit:** If the permittee sells the property associated with this permit verification, the permittee may transfer the permit verification to the new owner by submitting a letter to the Corps to validate the transfer. A copy of the permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

---

(Transferee)

---

(Date)

**E. FURTHER INFORMATION:**

- 1. Limits of this Authorization:**
  - a. This permit does not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
  
- 2. Limits of Federal Liability:** In authorizing a project under this RGP, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the US in the public interest;
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
  - d. Design or construction deficiencies associated with the permitted work; or,
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
  
- 3. Reliance on Applicant's Data:** The determination to authorize the activity under this RGP as not contrary to the public interest will be made in reliance on the information provided by the applicant.
  
- 4. Re-evaluation of Permit Decision:** The Corps may re-evaluate its decision to authorize an activity under this RGP at any time the circumstances warrant. Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7. Circumstances that may warrant a re-evaluation include, but are not limited to, the following:
  - a. The applicant fails to comply with the terms and conditions of this permit;
  - b. The information provided by the applicant to support their permit application proves to have been false, incomplete, or inaccurate; and/or,
  - c. Significant new information surfaces that this office did not consider in reaching the original public interest decision.
  
- 5. Enforcement:** The Corps will, at its discretion, take reasonable measures to inspect permitted activities, as required, to ensure that these activities comply with the specified terms and conditions herein. If the Corps determines that a permittee has violated the terms and conditions of this permit, such noncompliance may result in a determination that it is appropriate to use the enforcement procedures contained in 33 CFR 326.4. In accordance with these procedures, attempts to resolve the non-compliance state of the permit may take the form of the permitted project being voluntarily brought into compliance by the permittee or a permit modification (33 CFR 325.7(b)). The referenced enforcement procedures also provide for the issuance of a written order requiring compliance. However, issuance

of an order is not a prerequisite to legal action. If the permittee fails to comply with the order, the Corps may consider using the suspension/revocation procedures in 33 CFR 325.7(c) and/or recommend legal action in accordance with 33 CFR 326.5.

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

**FOR THE DISTRICT ENGINEER:**

*Robert W. Heinly*  
\_\_\_\_\_  
**ROBERT W. HEINLY**  
**CHIEF, POLICY ANALYSIS BRANCH**  
**REGULATORY DIVISION, GALVESTON DISTRICT**  
**FOR COLONEL RHETT A. BLACKMON**

25 May 2023  
\_\_\_\_\_  
Date