



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2023-00293

Date Issued: 28 April 2025

Comments

Due: 29 May 2025

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## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**PURPOSE OF PUBLIC NOTICE:** To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

**AUTHORITY:** This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** TNI Investments, LTD  
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**LOCATION:** The project site is located in wetlands and open waters adjacent to Gangs Bayou, Sweetwater Lake, and West Bay, at 11314 Homrighaus Road, in Galveston, Galveston County, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 29.252473 North; **Longitude:** 094.897818 West

**PROJECT DESCRIPTION:** The applicant proposes to permanently discharge fill material into 3.81 acres of emergent and scrub shrub intertidal estuarine wetlands and into 0.16-acre of other surface waters for the purpose of constructing berms and berm pumpouts, to perform elevation improvements, and to install three culvert configurations. The applicant proposes to permanently excavate material from 1.34 acres of emergent and scrub shrub intertidal estuarine wetlands, 34.77 acres of existing ponds, and 0.10-acre of other surface waters for the purpose of constructing swales and deepening four existing ponds. Additionally, the applicant proposes to temporarily impact 18.83 acres of emergent and scrub shrub intertidal estuarine wetlands and 9.94 acres of other surface waters for the above referenced fill and excavation activities in addition to constructing temporary access paths and temporary placement of a pipeline for thin layer placement activities. The purpose of the project is to restore, enhance, create, and protect freshwater and estuarine wetland habitat, open waters, and uplands within a 327-acre property known as the Legacy Wetlands at Sullivan Ranch. The applicant's proposed project consists of multiple components and are detailed below.

#### Excavation of Ponds and Swales

The applicant proposes to excavate a total of four existing Ponds. Ponds 1 and 2 are proposed to be excavated to a maximum depth of 20 feet, Pond 3 to a maximum depth of 10 feet deep, and Pond 4 to a maximum depth of 5 feet deep. The side slopes for all four ponds have been designed to allow for wetland plantings and Pond 4 will contain gently sloping for vegetative shelves to add habitat to the site and provide substrate for beneficial wetland functions.

The applicant proposes to permanently excavate 1.34 acres of emergent and scrub shrub intertidal estuarine wetlands and 0.10-acre open waters for the purpose of constructing two swales (eastern and western boundary) totaling 4,189 linear feet which are intended to avoid drainage impacts to adjoining properties due to the proposed berms.

#### Constructing Berms, Berm Pump-out, and Culvert Configurations

The applicant proposes to permanently discharge 13,752 cubic yards (CY) of excavated non-beach quality sand material into 3.8 acres of emergent and scrub shrub intertidal estuarine wetlands and 0.16-acre of open waters to construct 8,004 linear feet of berms and a berm bumpout for the purpose of preventing frequently reoccurring high tide flooding from intrusion to freshwater zones on the property and for retaining freshwater to allow management for both wetlands and wildlife. Additionally, the applicant proposes to temporarily impact 4 acres of wetlands and 0.18-acre of open waters.

The applicant proposes to permanently discharge 444 CY of fill material into 0.01-acre of the proposed new eastern and western boundary swales for the purpose of installing three culvert configurations. Culvert one consists of two 25-foot-long 12-inch-diameter HDPE pipes, Culvert 2 consists of three 22-foot-long 12-inch-diameter HDPE pipes, and Culvert 1 consists of one 30-foot-long 24-inch-diameter HDPE pipe. Additionally, a manual water level control structure is proposed to be installed on the berm outlet culvert and will avoid any impacts to waters of the US.

### Temporary Access Paths

The applicant proposes to temporarily discharge fill material into 6.36 acres of emergent and scrub shrub intertidal estuarine wetlands and 0.04-acre of open waters for the purpose of installing temporary access paths for the overall project.

### Thin Layer Placement

The applicant proposes to discharge 26,886 CY of non-beach quality sand material into 22 acres of tidal marsh for the purpose of thin layer placement for marsh restoration and resilience.

### Wetland and Upland Planting Plans

The applicant proposes to plant a mixture of wetland planting groups totaling 14.74 acres consisting of 1.98 acres of floating and submerged, 4.86 acres of marsh margin, 2.44 acres of shallow emergent marsh, 2.35 acres of tall emergent marsh, 1.26 acres of vegetative edge fringe marsh and 1.85 acres of vegetative swales.

The applicant proposes to conduct upland planting in three zones totalling 22.24 acres consisting of 11.43 acre of coastal prairie, 1.52 acres of neotropical migrant bird habitat, and 9.29 acres of oak mottes.

### Upland Enhancement

The applicant proposes to discharge 18,507 CY of non-beach quality sand material into 2.92 acres of upland prairie and 5.55 acres of oak mottes for the purpose of upland enhancement.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated they considered multiple design alternatives and construction methods to achieve the overall purpose and need and have avoided and minimized to the maximum extent practicable. The applicant has stated they will be avoiding 156.89 acres of existing wetlands, 35.1 acres of sand flats/shorebird habitat, and 14.36 acres of open waters.

**MITIGATION:** The applicant proposes to compensate for the unavoidable impacts of wetland functions and values through like and in-kind permittee responsible mitigation at one onsite location and two offsite locations at a 1:1 ratio, as detailed in the attached Permittee Responsible Mitigation Plan. In summary, the applicant proposes to mitigate for permanent impacts to 38.64 acres of emergent intertidal estuarine wetlands, 1.28 acres of scrub shrub intertidal estuarine wetlands, and 0.26-acre of other surface waters by improving, enhancing, restoring, and protecting estuarine wetlands and by creating 39.23 acres of other surface waters on Galveston Island. Additionally, the applicant proposes habitat improvements over 327 acres, planting herbaceous, native aquatic plant species over 14.74 acres along the ponds and swales and creating 11.43 acres of coastal prairie, 1.52 acres of neotropical migrant bird habitat, and 9.29 acres of oak mottes, as detailed in the attached Habitat Creation Plan.

**CURRENT SITE CONDITIONS:** The project site is located in the 100-year floodplain and encompasses multiple tracts of land totaling 379 acres. The project site consists of approximately 254 acres of estuarine intertidal emergent wetlands and estuarine intertidal scrub shrub wetlands and approximately 15 acres of open waters situated adjacent to Gangs Bayou, Sweetwater Lake, and West Bay. The dominant vegetative species identified in the wetlands consisted of Jesuit's bark (*Iva frutescens*), saltcedar (*Tamarix ramosissima*), seashore dropseed (*Sporobolus virginicus*), bushy seaside-tansy (*Borrchia frutescens*), herb-of-grace (*Bacopa monnieri*), salt-meadow cord grass (*Spartina patens*), Roemer's rush (*Juncus roemerianus*), shoregrass (*Monanthochloe littoralis*), and dwarf saltwort (*Salicornia bigelovii*). The hydric soil indicators observed in the wetlands were 1 cm Muck (A9), sandy redox (S5), depleted matrix (F3), and loamy gleyed matrix (F2). The project site is bordered on the north by Sportsman Road with residential development along this roadway and the waters of West Bay, on the east by 8 Mile Road (Anderson Ways Road) and the waters of Sweetwater Lake, on the south by Homrighaus Road, and by 8 1/2 Mile Road on the west and the waters of Gangs Bayou.

**BACKGROUND:** The proposed project was initially coordinated via public notice on 26 September 2023. This public notice reflects the modified project plans with reduced impacts and the newly proposed mitigation component.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 33 sheets, the Permittee Responsible Mitigation Plan is enclosed in 174 sheets, and the Habitat Creation Plan is enclosed in 42 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

#### **OTHER AGENCY AUTHORIZATIONS:**

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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality 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. The applicant contacted Texas Commission on Environmental Quality and initiated the Section 401 CWA process, on 5 September 2023. If you have comments or

questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto:401certs@tceq.texas.gov). You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

**NATIONAL REGISTER OF HISTORIC PLACES:** The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area has been so extensively impacted by previous earth moving activities (as seen in aerial photos between 1/2006 and 10/2012) that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

**THREATENED AND ENDANGERED SPECIES:** Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. 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.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 benefits, 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: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

**SOLICITATION OF 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 decision, comments are used to assess impacts on 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 Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

**PUBLIC HEARING:** The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this public notice must reach this office on or before **29 May 2025**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2023-00293**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notice> OR

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