



US Army Corps
of Engineers®

PUBLIC NOTICE

Galveston District
Permit Application
No. SWG-2025-00062

Published: April 14, 2026
Expires: May 14, 2026

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Galveston District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899. The purpose of this public notice is to solicit comments from the public and information necessary to evaluate the probable impact on the public interest regarding the proposed activity as described below and as shown on the enclosed drawings.

APPLICANT: Jay Barrow
9533 Jamaica Beach Road
Galveston, Texas 77554

AGENT: Michael Christley
A&M Wetland Consulting Services, LLC
502 Vivit Road
Angleton, Texas 77515

LOCATION OF PROPOSED ACTIVITY: The project site is located in canal adjacent to West Galveston Bay, at the intersection of Bob Smith Drive and Pelican Road, in Galveston, Galveston County, Texas; at Latitude 29.1921924 and Longitude -94.9843466.

PROPOSED ACTIVITY: The applicant proposes to mechanically dredge 20,835 cubic yards (CY) below the mean high water line in 1.471-acre area of West Bay to create a 50-foot-wide by 414-foot-long canal. The applicant then proposes to discharge 5,460 CY of the dredged material into 0.125 acres of open water and discharge 37,800 CY into 0.868 acres of tidal and non-tidal wetlands for a 21-foot by 65-foot containment berm and residential lots. The applicant also proposes work associated with the construction of a 440-foot concrete bulkhead that will link to an existing bulkhead for bank stabilization.

MITIGATION: The applicant offered the following compensatory mitigation plan offset unavoidable impacts to waters of the US: The applicant will provide funding to the Galveston Island State Park for the creation of 2 acres of wetlands, east of, and adjacent to Jamaica Beach.

HISTORIC PROPERTIES/CULTURAL RESOURCES: Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officers to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places.

The USACE evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act utilizing 36 CFR § 800 and program-specific regulations and procedures found at 33 CFR § 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

The permit area has been so extensively impacted by residential development and previous dredging that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to cause an effect to historic properties.

The USACE's final eligibility and effect determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes, and other interested parties, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the USACE-identified permit area.

ENDANGERED SPECIES: Section 7 of the Endangered Species Act (ESA) (16 U.S.C. § 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat (or critical habitat proposed such designation). USACE's preliminary review indicates the described activity will have no effect on any threatened or endangered species or designated critical habitat. USACE will consider comments from this public notice, including any comments provided by the NMFS and/or USFWS, regarding the need to consult.

ESSENTIAL FISH HABITAT: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. § 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The USACE's preliminary review indicates the described activity would adversely affect EFH at the project location or in the vicinity. This notice initiates the EFH consultation requirements of the MSA. Implementation of the proposed project would directly impact approximately 0.125 acres of open water and 0.868 acres of tidal and non-tidal wetlands. The effects of the project are determined to be minimal and permanent. 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. The applicant is proposing to discharge fill causing a permanent loss of tidal wetland habitat that provides nursery, forage, and refuge sites for estuarine finfish and invertebrate species. The Corps anticipates any adverse effects, which might occur to essential fish habitat, would be minimal, provided the applicant adheres to the best management practices associated with the proposed fill placement in sensitive resources, such as wetlands. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS. The USACE will complete the required consultation under Section 305(b)(2) prior to finalizing a permit decision.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408) because the activity, in whole or in part, would not alter, occupy, or use a USACE Civil Works project.

WATER QUALITY CERTIFICATION: The proposed project 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. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

COASTAL ZONE MANAGEMENT: 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the USACE jurisdiction has been verified by USACE personnel. The applicant's plans are enclosed in 8 sheets.

EVALUATION: 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 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 including cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Tribal Nations; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permit for this proposed activity. 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 and/or an Environmental Impact Statement 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. Any comments or objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested permit. Please note that all comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act.

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 application. 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.

The Galveston District will receive written comments on the proposed activity, as outlined above, until **May 14, 2026**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notices> 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: **SWG-2025-00062**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to **SWG-2025-00062** in your comments.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS