



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2004-00188

Date Issued: 20 December 2023

Comments

Due: 22 January 2024

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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:** HSD Tiki Holdings, LP  
2101 Lakeway Boulevard, Suite 100  
Austin, Texas 78734-5265  
POC: Randy Hughes  
Telephone: 512-848-2702  
Email: rhughes@legendcommunitiesinc.com

**AGENT:** Terracon  
6911 Blanco Road  
San Antonio, Texas 78216-6164  
POC: Jennifer Peters  
Telephone: 210-907-7648  
Email: Jennifer.peters@terracon.com

**LOCATION:** The project site is located in Galveston Bay, southeast of the intersection of Tiki Drive and Commander, at 400 Tiki Drive, in Tiki Island, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Virginia Point, Texas.

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

**Latitude:** 29.299917° North; **Longitude:** 094.903747° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 1,072 cubic yards of fill material below the high tide line into 0.2 acre of waters of the United States to back fill behind 1,048 linear feet of new sheet pile bulkhead. The project also includes the placement of 386 pilings, 406 precast panels, floating walkways and piers within the breakwaters of an existing marina. Dock A is a 465-linear-foot-long by 8-foot-wide pier, with 10, 8-foot-wide by 60-foot-long finger piers. Dock B is a 540-linear-foot-long by 8-foot-wide centerline pier with 24, 8-foot-wide by 35-foot-long finger piers on the east side and 21, 8-foot-wide by 45-foot-long finger piers on the west side of the centerline pier. Dock C is a 500-foot-long by 8-foot-wide pier with 22, 8-foot-wide by 35-foot-long finger piers.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by avoiding all impacts to special aquatic sites. There is no proposed discharge of fill material into wetlands as part of this project.

**MITIGATION:** The applicant has stated that the proposed fill is backfill behind the new bulkheads within open water. No permanent loss of special aquatic sites is proposed as part of this project. No compensatory mitigation is proposed for the permanent loss of 0.2 acre of open water.

**CURRENT SITE CONDITIONS:** The project site is a former marina, boat launch, and floating marine boat dock storage facility. The existing breakwater and bulkheads were damaged during multiple storms. These structures are critical infrastructure for flood control and protecting the property from damage in the event of a storm. The current bulkhead has been compromised and cannot be structurally repaired. The soils behind the bulkhead consist of unconsolidated fill that have scoured and eroded from the numerous breaches in the shoreline protection.

**BACKGROUND:** Department of the Army (DA) Permit 15938 was issued on 26 May 1982 and authorized maintenance dredging of approximately 13,678 cubic yards of material to a depth of 6 feet below mean sea level. This permit expired 31 December 1985. An Amendment 15938(01) of this permit was issued 11 August 1983 and authorized the use of a dragline to perform maintenance dredging and maintenance of a concrete boat ramp and 150 feet of bulkhead. Amendment 15938(02) was issued 31 July 1985 and authorized expansion of the marina by dredging 32,333 cubic yards of material and the construction of floating piers and docks. This authorization expired 31 December 1988. Amendment 15938(03) was issued 10 April 1986 and authorized maintenance dredging of a portion of the entrance channel to a depth of 8 feet below mean sea level and expand the existing disposal area. Amendment 15938(04) was issued 20 December 1988, and extended the time to perform the previously authorized work until 31 December 1992 and the performance of maintenance dredging until 31 December 1999. DA Permit 15938 as amended was transferred to Century Savings on 24 March 1989. DA Permit 15938 as amended was transferred to A.D. Marina doing business as Teakwood Marina 20 September 1989. Amendment 15938(05) was issued 11 January 1990, and authorized the replacement of a timber sheet pile breakwater with a double-wall timber breakwater filled with tire bundles.

This amendment did not extend the time to perform previously authorized work therefore this authorization expired 31 December 1992.

**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 13 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 (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. 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 residential and commercial development and dredging 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:** Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

**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 **22 January 2024**. 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-2004-00188**, and should be submitted to:

North Evaluation Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS