



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Jerry Shaddon
Trinity Bay Conservation District

Published: December 9, 2025
Expires: January 9, 2026

Galveston District
Permit Application No. SWG-2012-00810

TO WHOM IT MAY CONCERN: The Galveston District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Jerry Shaddon
Trinity Bay Conservation District
2500 State Highway 124
Winnie, Texas 77665

AGENT: Scott Flesher
Horizon Environmental Service
1507 South IH-35
Austin, Texas 78741

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Mayhaw Bayou. The project/review area is located approximately 1,531 linear feet northwest of the intersection of Le Blanc Road and Highway 124; at Latitude 29.8154079 and Longitude -94.3797281; in Winnie, Chambers County, Texas.

EXISTING CONDITIONS: The project area consists of an unnamed intermittent tributary (Mayhaw Ditch) flowing into Mayhaw Bayou. A residential development lies to the north. Undeveloped pastureland lies to the west and south. A forested area lies to the east. The ditch runs through the property beginning in the northwest portion and exiting in the southeast. The top portion of Mayhaw Ditch consists of residential properties with maintained fences and yards. The topography is flat and allows for the collection of rainwater, resulting in flooding of the neighboring community. The project site is maintained and mowed to allow for maximum amount of floodway pass through. There are no wetlands or special aquatic sites within the project footprint.

PROJECT PURPOSE:

Basic: Reduce Flooding

Overall: To achieve erosion control and reduce flooding of the community of Winnie through the improvements to existing drainage infrastructure.

PROPOSED WORK: The applicant requests authorization to excavate 612 cubic yards (CY) of material from below the ordinary high-water mark (OHWM) of Mayhaw Ditch followed by the discharge of 258 CY of fill material in the form of articulated mats into a 0.16-acre, 900-linear-foot area of the ditch to increase flow rate and reduce flooding of nearby community areas.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has avoided and minimized impacts to waters of the United States (WOTUS) by excavating the minimum amount of material necessary to enhance the flow of the ditch to achieve project completion.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: A functional assessment was conducted per the USACE Galveston District's Stream Condition Assessment. The project qualifies to be assessed based on the Level 2 Stream Assessment. The reaches of the project are located within 900 feet of the previously authorized permit. The project compared pre- and post-construction levels, and it was determined that the project is self-mitigating.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 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 was investigated for historic properties as documented in the report titled *Intensive Cultural Resources Survey of the Proposed Mayhaw Ditch Improvements Project, Winnie, Chambers County, Texas* prepared by Horizon Environmental Services. Cultural resources that have been determined not eligible for inclusion in the National Register of Historic Places are present within the Corps' permit area; therefore, there will be no historic properties affected by the proposed work. The Corps has received concurrence from the SHPO.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

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 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps 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 contacted TCEQ and initiated the Section 401 CWA process, on October 24, 2025. If you have comments or questions on this proposed project's State water quality certification, please contact 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>.

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.

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 Corps jurisdiction has not been verified by Corps personnel. The applicant's plans are enclosed in 11 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, esthetics, 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, 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 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 work, as outlined above, until **January 9, 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: **SWG-2012-00810**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the permit application number **SWG-2012-00810** 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 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.

DISTRICT ENGINEER
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