



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Scott Rice
Offatt's Estate LLC

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Galveston District
Permit Application No. SWG-2025-00463

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: Scott Rice
Offatt's Estate LLC
3626 85th Street
Galveston, Texas 77554

AGENT: Justin Wiedman
Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Offatt's Bayou. The project/review area is located at State Tax Parcel ID 115017, south of Airway Lane and east of Travel Air Road; at Latitude 29.2708636 and Longitude -94.8739278; in Galveston, Galveston County, Texas.

EXISTING CONDITIONS: The project area consists of a 27-acre undeveloped area composed primarily of uplands with approximately 8.08 acres of palustrine emergent (PEM) and estuarine emergent (EEM) wetlands mosaiced throughout the property. Residential developments surround the project site to the north and west. A maintained golf course borders to the south and a tributary to Offatt's Bayou to the east. Beyond the tributary lies the Scholes International Airport. The topography is flat and low lying depressional areas are inundated with rainwater.

PROJECT PURPOSE:

Basic: Residential Development

Overall: To construct a 32-lot residential development to accommodate the growing population on Galveston Island.

PROPOSED WORK: The applicant requests authorization to discharge 1,815 cubic yards of clean earthen fill material into 2.25 acres of wetlands for the construction of a residential community. Project components include the discharge of fill material into 1.68 acres of PEM wetlands and 0.58-acre of EEM wetlands. Site development includes the creation of 32 lots and the placement of an access road totaling 19 acres on the 27-acre parcel. The remaining acres within the project boundary will be avoided and set aside as nature preserve 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 designed the project to avoid 5.83 acres of PEM and EEM wetlands within the project boundary and has avoided adverse impacts to waters of the United States (WOTUS) to the maximum extent practicable.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has stated that they intend to purchase either in kind from the secondary service area or out-of-kind compensatory mitigation credits from a primary service mitigation bank for all unavoidable impacts.

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 is primarily composed of low-lying wetlands with no existing or subsided natural levee landforms and has a low potential for containing cultural deposits that may be eligible for inclusion in the National Register of Historic Places. No cultural resource survey is warranted.

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 may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
USFWS ESA-Listed Species/Critical Habitat		
Eastern Black Rail	<i>Laterallus jamaicensis ssp.</i>	Threatened

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 0.57-acre of estuarine emergent wetland. The applicant has proposed the minimal volume of fill material necessary for project completion and will adhere to best management practices for reducing excess sedimentation during fill activities. 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. 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.

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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

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 6 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's 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 **March 5, 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-2025-00463**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the permit application number **SWG-2025-00463** 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
GALVESTON DISTRICT
CORPS OF ENGINEERS