



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Joseph Bell  
Texas Historical Commission

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**Galveston District  
Permit Application No. SWG-1995-02237**

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) **and** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Joseph Bell  
Texas Historical Commission  
3523 Independence Parkway South  
La Porte, Texas 77571

**AGENT:** Matt Chastain  
Compass Environmental Solutions, LLC  
1625 Cottonwood School Road  
Rosenberg, Texas 77471

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with Buffalo Bayou. The project/review area is located at Buffalo Bayou, within the former berth of Battleship TEXAS and San Jacinto Museum and Battleground, northwest of the intersection of Independence Parkway and Park Road 1836; at Latitude 29.756203 and Longitude -95.089693; in La Porte, Harris County, Texas.

**EXISTING CONDITIONS:** This project location consists of the former historic Battleship TEXAS berth adjacent to Buffalo Bayou. This portion of Buffalo Bayou consists of an estuarine system that contains unconsolidated bottom sediments and is sub-tidally influenced. Buffalo Bayou is developed, and experiences frequent to heavy vessel traffic. The surrounding area is characterized by industrial, commercial, residential, and recreational activities and infrastructure, including the San Jacinto Battleground State Historic Site in Harris County, Texas. There are no special aquatic sites, critical habitats, submerged aquatic vegetation, or oysters present within the immediate vicinity of the project site. The project site consists of open water and berth bottom within Buffalo Bayou.

## **PROJECT PURPOSE:**

**Overall:** Project purpose and need for the project as provided by the applicant on 1 October 2025 and reviewed by the Corps: The applicant stated “the purpose of this project is to reestablish a wetland in the berth previously occupied by the Battleship TEXAS through the construction of a bulkhead and the settling or placement of fill within the closed berth to reestablish a tidal wetland. This project will result in the permanent conversion of tidal waters to tidal wetlands, restoring the land to near its original 1830’s era condition and providing ecologically beneficial habitat”.

**PROPOSED WORK:** The Applicant is proposing to construct an A-frame bulkhead to close and reclaim the berth previously occupied by Battleship TEXAS within the San Jacinto Battleground State Historic Site in Harris County, Texas. The proposed bulkhead is approximately 377 feet in length, extending straight across the mouth of the berth. In order to maintain this bulkhead and protect it from vessel impacts 22,000 cubic yards (CY) of rip-rap would be installed on the channel side of the bulkhead. Due to the nature of the loose substrate where this rip-rap would need to be placed approximately 6,690 CY of material would be dredged most likely through hydraulic means and placed on site within the wetland restoration area. In order to reestablish a native tidal wetland within the berth approximately 134,310 CY of clean earthen fill material will need to be allowed to settle or placed within the now bulkheaded berth. The target elevation of +0.04 foot (NAVD 88) will be used for this wetland.

**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 and minimize impacts to waters of the U.S., including wetlands, to the greatest extent practicable, while still achieving the needs of the project. Impacts to jurisdictional wetlands or other special aquatic sites have been avoided. Impacts to the project site would be minimized to the greatest extent practicable. The proposed project involves construction within an existing ship slip. Impacts to existing bottom/open water habitat within project site resulting from construction activities would be permanent. Best Management Practices (BMPs) would be utilized during construction activities to reduce potential temporary impacts.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: The applicant has designed the project to avoid and minimize impacts to waters of the U.S., including wetlands, to the greatest extent practicable, while still achieving the needs of the project. Impacts to jurisdictional wetlands or other special aquatic sites have been avoided. Impacts to project site would be minimized to the greatest extent practicable. The proposed project involves construction within a previously disturbed waterbody. Impacts to existing open water habitat within the project site resulting from construction activities would be permanent. Best Management Practices (BMPs) would be utilized during construction activities to reduce potential temporary impacts. This project avoids 42.47 acres of tidally influenced open water and 0.05-acre of palustrine emergent wetland within the project boundary. This project will also increase the amount of tidal wetlands within the project area. No mitigation is proposed due to the nature of this project and the increase in wetland function.

**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 proposed project is of such limited nature and scope that it has no potential to affect historic properties, even if present within the project area.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**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), National Marine Fisheries Service (NMFS) Southeast Region Section 7 Mapper, and the NMFS Critical Habitat Mapper 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.

**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 5.01 acres of open tidal water. 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 proposed project would cause temporary disturbance to benthic habitat during dredging activities. The discharge of fill material would result in loss of open tidal waters but would result in the conversion of open tidal waters to tidal wetlands. 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 located in the vicinity of a federal navigation channel.

**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 December 23, 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:** The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Commission on Environmental Quality will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

**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 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, 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 February 4, 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](mailto: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-1995-02237**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the permit application number **SWG-1995-02237** 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