



**US Army Corps
of Engineers®**

PUBLIC NOTICE

**Galveston District
Permit Application
No. SWG-2026-00314**

Published: May 28, 2026
Expires: June 27, 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 (33 U.S.C. § 403). 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: Jefferey Vinklarek
Texas Department of Transportation
Yoakum District
403 Huck Street
Yoakum, Texas 77995

LOCATION OF PROPOSED ACTIVITY: The project site is located within a tidal waterway directly adjacent to the Colorado River and Farm to Market Road 2031, next to Matagorda Bay Nature Park, 25 miles south of Bay City, in Matagorda County, Texas; at Latitude 28.616826 and Longitude -95.973006.

PROPOSED ACTIVITY: The applicant (TXDOT) proposes to impact approximately 0.85-acres of tidal open water to stabilize an existing roadway, Farm to Market Road 2031, along its interface with a tidally influenced open water. More specifically the project will stabilize approximately 0.68-mile of shoreline along the east side of FM 2031 through the installation of stone riprap at a 4:1 (horizontal: vertical) slope, cement stabilized sand, concrete traffic barriers, and rock gabions for erosion protection. The riprap slope would dissipate tidal and wave energy across a sloped, flexible surface, reducing the potential for scour and long-term erosion while accommodating minor settlement and shoreline movement. Stone riprap, cement stabilized sand, and portable concrete traffic barriers will be installed at a 4:1 (horizontal: vertical) slope to provide erosion protection. This will be constructed along the entire 0.68-mile length of the area of concern, the east bank alongside FM 2031. Approximately 90 feet of rock gabions would be installed on the north end of the project to allow recreational access. Approximately 646.5 cubic yards (CY) of stone riprap and 3.03 CY of fill will be discharged.

MITIGATION: The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by limiting the length of the project and the footprint of work within tidal waters to the minimum necessary to achieve the projects' purpose. The applicant has not proposed any compensatory mitigation because the projects' impacts are limited to the tidal open-water with no associated special aquatic site impact. The USACE will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

LEAD FEDERAL AGENCY: The Texas Department of Transportation (acting on behalf of Federal Highways Administration) has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and (if needed) Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Texas Department of Transportation.

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 contacted TCEQ and initiated the Section 401 CWA process, on May 19, 2026. 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: 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 not been verified by USACE personnel. The applicant's plans are enclosed in 14 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 **June 27, 2026**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notice> 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-2026-00314**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to **SWG-2026-00314** in your comments.

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