



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
John Street
Sand on the Floor, Inc.

Published: September 25, 2025
Expires: October 9, 2025

**Galveston District
Permit Application No. SWG-2007-00485**

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: John Street
Sand on the Floor, Inc.
1520 West 29th Street
Austin, Texas 78703

AGENT: Claire Garvin
Holloway Environmental + Communications Services
2500 Summer Street
Suite 1130
Houston, Texas 77007

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Gulf of America. The project is located in coastal dune swale wetlands adjacent to the Gulf of America at 12083-12135 at Bluewater Highway; at Latitude 29.068941 and Longitude -95.128453; in Freeport, Brazoria County, Texas.

EXISTING CONDITIONS: The project site is an undeveloped tract, 49.55 acres of land bordered on the north by the waters of Cold Pass, on the south by the waters of the Gulf of America, and on the east by residential development at the northernmost tip of San Luis Island, and on the west by undeveloped land. The undeveloped tract is comprised of 11.66 acres of wetlands adjacent to Cold Pass, 9.35 acres of coastal dune swale wetlands, 3.13 acres of tidal beach below the high tide line of the Gulf of America, and 25.41 acres of uplands.

PROJECT PURPOSE:

Basic: Residential development

Overall: The overall project purpose is to prepare individual residential lots and to provide safe vehicular access and utilities to service a future residential development.

PROPOSED WORK: The applicant proposes to discharge fill material into a total of 2.51 acres, 0.44 acre temporary and 2.07 acres permanently, of coastal dune swale wetlands adjacent to the Gulf of America during the construction of a residential development. Of the 0.44 acre of temporary impacts, 0.21 acre is due to utility installation and stormwater conveyance and 0.23 acre is due to roadway construction. Of the 2.07 acres of permanent impacts, 0.16 acre is due to utility installation and stormwater conveyance, 0.77 acre is due to roadway construction, and 1.14 acres is due to the residential development.

AVOIDANCE AND MINIMIZATION: The applicant has stated they have avoided and minimized the environmental impacts by constructing the various project components, utilities, roadway, and residential lots, in an orientation and placement that will result in the least amount of permanent impacts. The applicant stated that no lots will be constructed north of the roadway. The applicant also stated the roadway will be designed with a V-shape to direct stormwater flow down the middle of the street to the perpendicular stormwater conveyance ditches. This design feature minimizes the need for roadside ditches on the proposed main roadway. The roadside ditches will be constructed only on the portion of the main entrance roadway. The applicant stated that a single roadway proposed to be constructed parallel to the highway will provide connectivity to all residential lots avoiding the need for multiple perpendicular roads.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant proposes to mitigate for the permanent loss of 2.23 acre of impacts by purchasing 16.665 E2EM credits from the Gulf Coastal Plains Mitigation Bank. The applicant proposes a 3:1 ratio for the purchase of the credits as they will be in kind and out of the secondary service area for the impact area.

CULTURAL RESOURCES: 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 flooding and erosion in the 1940s 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.

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. The determinations made by the Corps were coordinated with the USFWS and a concurrence letter dated July 24, 2025 was received.

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.

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 July 9, 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 been verified by Corps personnel. The wetland delineation and approved jurisdictional determination has been completed and was verified by the Corps on November 13, 2017. The applicant's plans are enclosed in 9 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 **October 9, 2025**. 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-2007-00485**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the permit application number **SWG-2007-00485** 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