



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Abed Besaiso

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**Galveston District  
Permit Application No. SWG-2025-00289**

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:** Abed Besaiso  
15343 Meadow Village Drive  
Houston, Texas 77095

**AGENT:** Mike Christley  
A&M Wetland Consulting Services, LLC  
502 Vivit Road  
Angleton, Texas 77515

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with estuarine marine wetlands (E2EM) adjacent to Swan Lake. The project/review area is located at 212 Beachcomber Avenue; at Latitude 28.965397 and Longitude -95.272122; in Surfside, Brazoria County, Texas.

**EXISTING CONDITIONS:** The project site is currently an undeveloped tract of land surrounded by E2EM wetlands in a moderately developed coastal community. The wetland vegetation consists of primarily of saltmarsh cordgrass (*Spartina alterniflora*). The subject tidal wetlands are adjacent to Swan Lake.

**PROJECT PURPOSE:**

**Basic:** To provide residential housing.

**Overall:** To provide a single-family residence on privately owned property in the community of Surfside, Texas.

**PROPOSED WORK:** The applicant proposes to discharge 110 cubic yards of fill material into a 5,330-square-foot area (0.12-acre) of E2EM wetlands for the construction of a single-family home. The home components include a 1,200-square-foot home and 360-square-foot deck, supported by timber pilings. Additional components include a 2,080-square-foot driveway and 900-square-foot septic system. For construction, the soil fill will be placed in the 2,080-square-foot driveway beneath the 1,200-square-foot home and in the 900-square-foot septic system footprint. The driveway will be topped with six inches of crushed concrete. During the piling installation, temporary impacts will occur within the same footprint as the permanent impact area. The pilings that are placed behind the home and deck will be installed using a mechanical pile driving hammer. The fill material will be placed and the septic system installed with a backhoe, or skid steer.

**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 reduced the size of the residence from their preferred 1,500-square-foot single family home to a 1,200-square foot single family home to minimize impacts to tidal wetlands.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: The initially desired project would have had an impact of 0.13 acre of impacts to tidal wetlands, but the applicant reduced the square footage of the home such that impacts are near threshold for the Nationwide Permit program, with only 0.12 acre of impacts. Due to the minimized footprint, no compensatory mitigation is proposed.

**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 of such limited nature and scope that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to cause an effect to historic properties.

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 0.12 acre of E2EM wetlands. 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 applicant is proposing discharge of fill causing a permanent loss of tidal wetland habitat that provides nursery, forage, and refuge sites for estuarine finfish and invertebrate species. However, the fill area is sited immediately next to an existing roadway that minimizes impacts to the greater surrounding wetland complex. The Corps anticipates any adverse effects, which might occur to essential fish habitat, would be minimal, provided the applicant adheres to the best management practices associated with the single-family home construction in sensitive resources, such as 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 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:**

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 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 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 29, 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](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-2025-00289**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the permit application number **SWG-2025-00289** 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