

DEPARTMENT OF THE ARMY PERMIT

Permittee Brazoria County Engineering Department

Permit No. SWG-2015-00603

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To hydraulically dredge 9,600 linear feet of the San Bernard River to a depth of -11.5 feet mean high water (MHW), or -10 feet mean low tide (MLT), within a 34.14-acre area to restore historic hydraulic flow from the mouth of the San Bernard River to the Gulf of Mexico. The project will increase the width of dredging near the river mouth to 200 feet, fanning out 850 feet into the Gulf, to enhance flow and sediment transport capacity. Approximately 300,000 cubic yards (CY) of dredged material will be dredged from the river mouth. Suitable sand material will be discharged into the designated Surf Zone Placement Area via pipe from the dredge unit for down shore beach nourishment. Material not suitable for beach nourishment will be transported inland and properly disposed of at an upland site or approved landfill. The project will be conducted in accordance with the attached plans, in 7 sheets.

Project Location: The project is located in the San Bernard River and the Gulf of Mexico, approximately 8 miles southwest of Freeport, in Brazoria County, Texas.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2030. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. When structures or work authorized by this permit are determined by the District Engineer to have become abandoned, obstructive to navigation or cease to be used for the purpose for which they were permitted, such structures or other work must be removed, the area cleared of all obstructions, and written notice given to the Corps of Engineers, Galveston District, Regulatory Division, within 30 days of completion.
3. The permittee must install and maintain, at the permittee's expense, any safety lights, signs and signals required by US Coast Guard, through regulations or otherwise, on the permittee's fixed structures. To receive a US Coast Guard Private Aids to Navigation marking determination, at no later than 30 days prior to installation of any fixed structures in navigable waters and/or prior to installation of any floating private aids to navigation, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, (504) 671-2328 or via email to: [D8oanPATON@uscg.mil](mailto:D8oanPATON@uscg.mil). For general information related to Private Aids to Navigation please visit the Eighth Coast Guard District web site at: <https://www.atlanticarea.uscg.mil/District-8/District-Divisions/Waterways/PATON/>
4. This Corps permit does not authorize you to take an endangered species, in particular the Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Eastern black rail (*Laterallus jamaicensis jamaicensis*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*). In order to legally take a listed species, you must have separate authorization under the ESA (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed FWS BO contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory term and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit; The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.
5. Pursuant to the enclosed FWS BO, no more than two maintenance dredging events are authorized during the five-year permit period. Any additional dredging events beyond two maintenance dredging events shall require reinitiation of consultation with the FWS under Section 7 of the ESA.
6. The Permittee shall comply with the Endangered Species Act and implement all of the mitigating measures identified in the enclosed National Marine Fisheries Service Letter of Concurrence (SERO-2024-01063, dated October 17, 2024, Attachment C) and U.S. Army Corps of Engineers (Corps) Request for Initiation of Expedited Informal Consultation Letter, including those ascribed to the Corps therein. If you are unable to implement any of these measures, you must immediately notify the Corps, the National Marine Fisheries Service so we may consult as appropriate, prior to initiating the work, in accordance with Federal law.
7. During preconstruction and construction activities, the permittee shall establish the following avoidance zones (Attachment A on sheet 7):

Table A: THC Approved Avoidance Areas		
Zone	Site/Anomaly	Avoidance Area
1	41BO205	50-meter buffer of -95.4461, 28.86857
2	41BO170 (Ducroz Cemetery)	Extending 50 meters from the outside boundary (fence) of the cemetery
3	41BO81	NW corner -95.44076, 28.86793 NE corner -95.44011, 28.86794

		SW corner -95.44076, 28.86537 SE corner -95.44014, 28.86532
4	Anomaly A2*	65-meter buffer of -95.44005, 28.86476
5	Anomaly C1	NW corner -95.43905, 28.86405 NE corner -95.43862, 28.86418 SW corner -95.43857, 28.86284 SE corner -95.43814, 28.86298
6	Anomaly A3*	65-meter buffer of -95.43991, 28.86315
7	Anomaly A4*	75-meter buffer of -95.438, 28.8611
8	Anomaly A5*	90-meter buffer of -95.4379, 28.85838
9	Anomaly A6*	62-meter buffer of -95.43732, 28.85517
10	41BO99	50-meter buffer of -95.46467, 28.859
11	Anomaly A1*	72-meter buffer of -95.43884, 28.86724
*Note the avoidance zones do not go into the existing channel		

The avoidance zones shall be placed on all project maps and identified as “Environmentally Sensitive Areas.” During preconstruction and construction activities all avoidance zones on land shall be clearly marked. Upon completion of the work, all markings shall be removed. The applicant shall be responsible for ensuring no project activities occur within the boundaries of the avoidance zones.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)  
**MATT SEBESTA**  
**BRAZORIA COUNTY ENGINEERING DEPARTMENT**

\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
(DISTRICT ENGINEER)  
**JAYSON HUDSON, LEADER**  
**POLICY ANALYSIS BRANCH**  
**FOR COLONEL DAVID W. DAKE**

\_\_\_\_\_  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

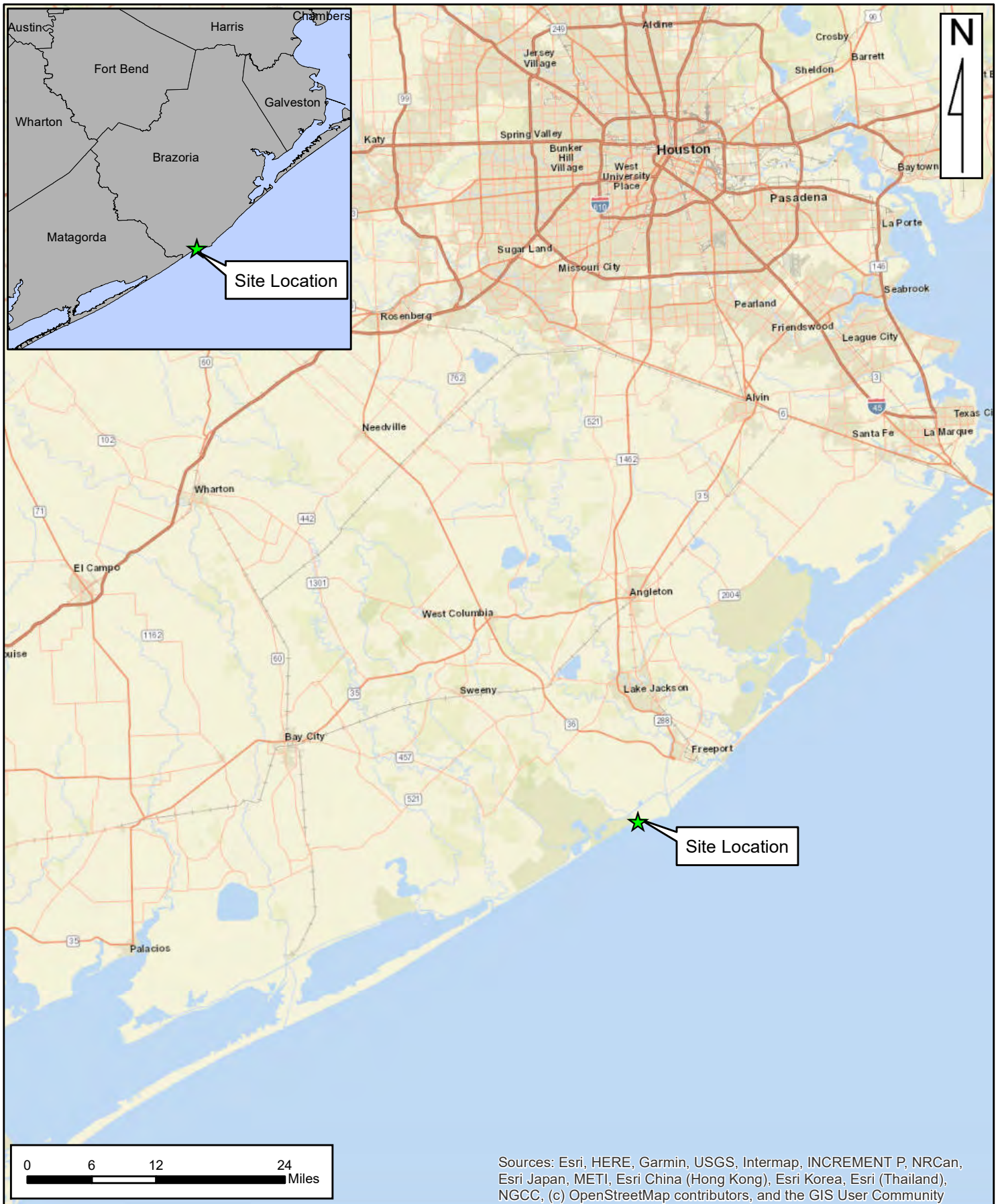
\_\_\_\_\_  
(TRANSFeree – Typed/Printed Name)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(TRANSFeree - Signature)

\_\_\_\_\_  
(Mailing Address)





### SITE VICINITY MAP

Project #: 9335N-IP  
 For: Brazoria County Engineering Department  
 Location: San Bernard River and GICWW  
 Brazoria County, Texas

REVISIONS	
April 28, 2017 by MDE	

### BERG•OLIVER ASSOCIATES

ENVIRONMENTAL SCIENCE & LAND USE CONSULTANTS  
 14701 ST. MARY'S LANE, SUITE 400  
 HOUSTON, TEXAS 77079 PHONE (281)589-0898 <http://www.bergoliver.com>







### SITE LOCATION MAP

Project #: 9335N-IP  
 For: Brazoria County Engineering Department  
 Location: San Bernard River and GICWW  
 Brazoria County, Texas

REVISIONS  
 April 28, 2017 by MDE

**BERG•OLIVER ASSOCIATES**

ENVIRONMENTAL SCIENCE & LAND USE CONSULTANTS  
 14701 ST. MARY'S LANE, SUITE 400











HOUSTON, TEXAS 77079 PHONE (281)589-0898 <http://www.bergoliver.com>

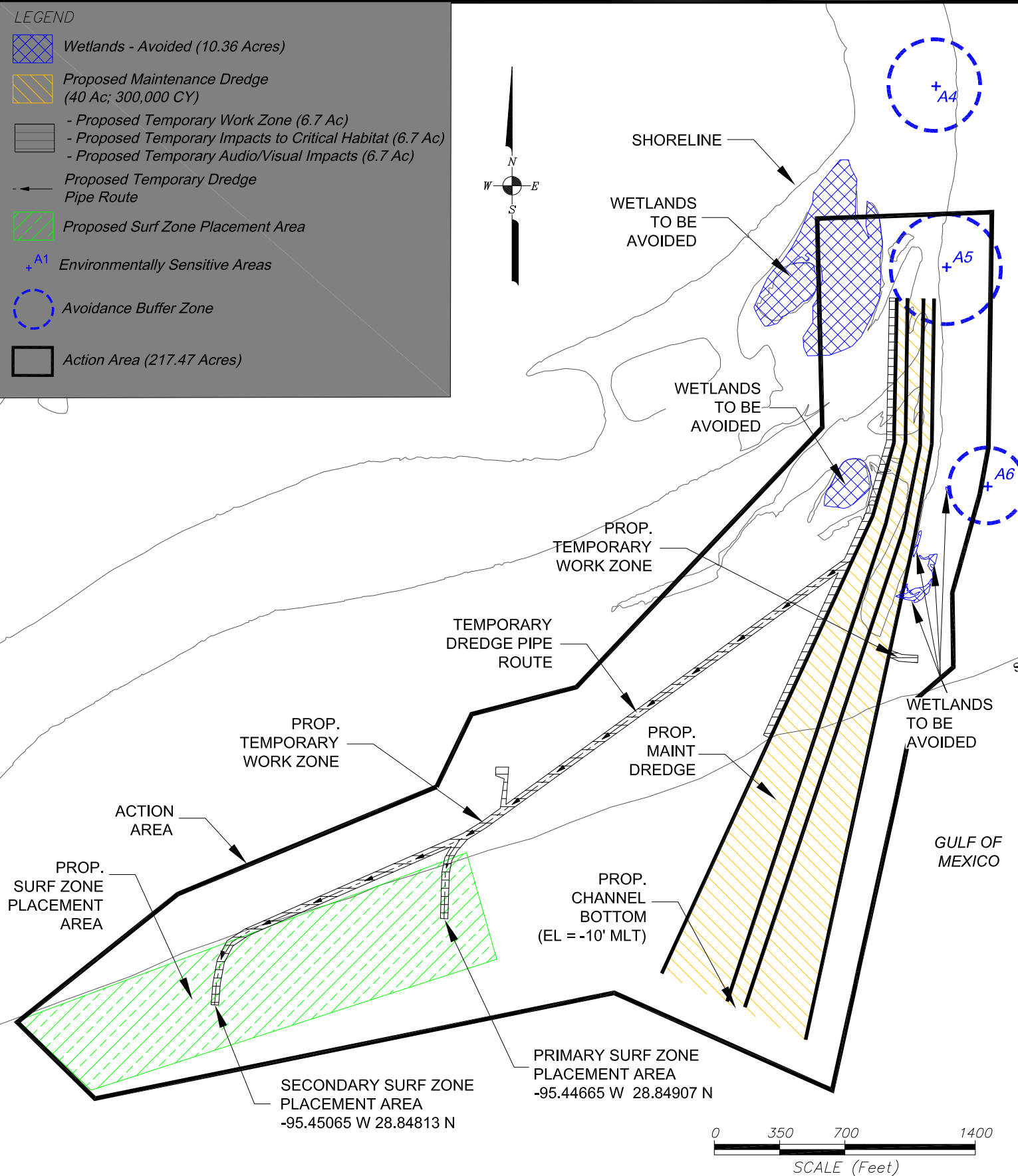






LEGEND

-  Wetlands - Avoided (10.36 Acres)
-  Proposed Maintenance Dredge (40 Ac; 300,000 CY)
-  - Proposed Temporary Work Zone (6.7 Ac)
-  - Proposed Temporary Impacts to Critical Habitat (6.7 Ac)
-  - Proposed Temporary Audio/Visual Impacts (6.7 Ac)
-  Proposed Temporary Dredge Pipe Route
-  Proposed Surf Zone Placement Area
-  +A1 Environmentally Sensitive Areas
-  Avoidance Buffer Zone
-  Action Area (217.47 Acres)



## PROPOSED SAN BERNARD RIVER RESTORATION PLAN VIEW

PROJECT #: 9335N-IP

FOR: Brazoria County Engineering Department

LOCATION: San Bernard River and GICWW

Brazoria County, Texas

REVISIONS:

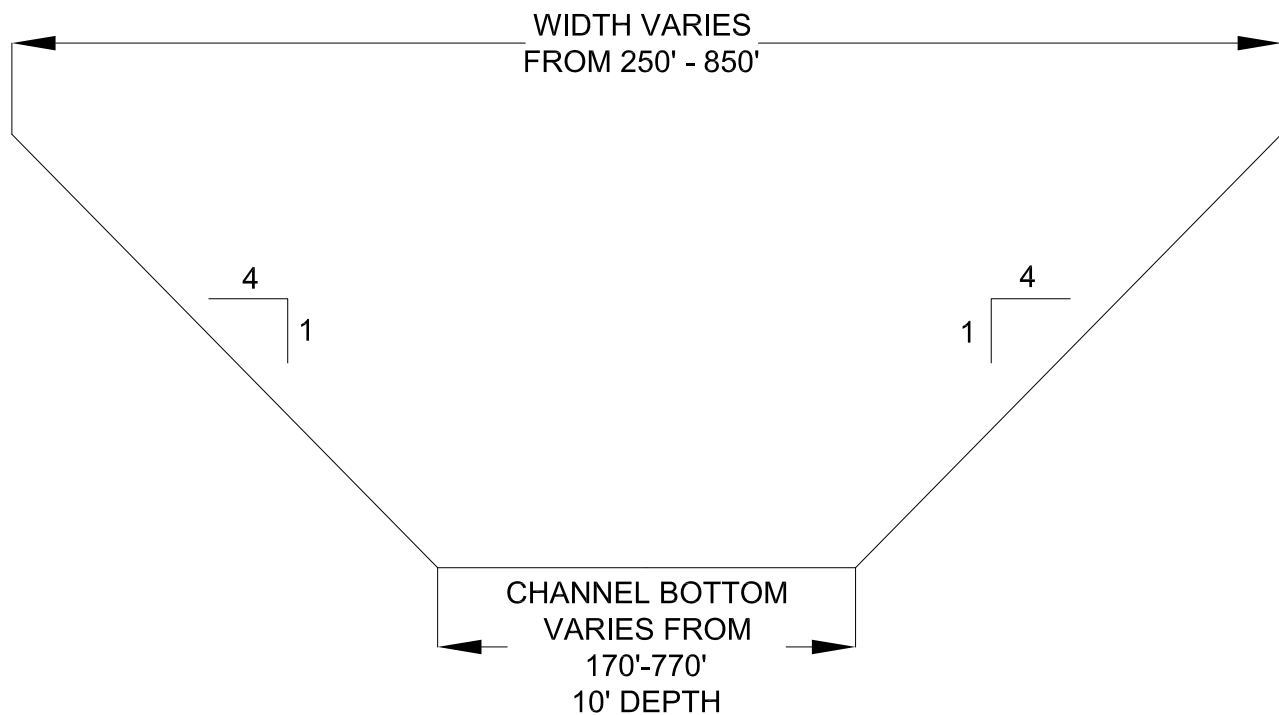
Sep 5, 2023 by MBaker

### BERG & OLIVER ASSOCIATES

ENVIRONMENTAL SCIENCE &  
LAND USE CONSULTANTS

14701 ST. MARY'S LANE, SUITE 400 HOUSTON, TX 77079  
PHONE (281) 589-0898 <http://www.bergoliver.com>





*TYPICAL CROSS SECTION OF PROPOSED MAINTENANCE DREDGE*

PROJECT #: 9335N-IP  
 FOR: Brazoria County Engineering Department  
 LOCATION: San Bernard River and GICWW  
Brazoria County, Texas

REVISIONS:

**BERG ♦ OLIVER ASSOCIATES**  
 ENVIRONMENTAL SCIENCE &  
 LAND USE CONSULTANTS

14701 ST. MARY'S LANE, SUITE 400 HOUSTON, TX 77079  
 PHONE (281) 589-0898 <http://www.bergoliver.com>





**WETLAND IMPACT EXHIBIT - DETAIL VIEW**

Project #: BOA034-9335-23.IP

For: Dannenbaum Engineering Corp.

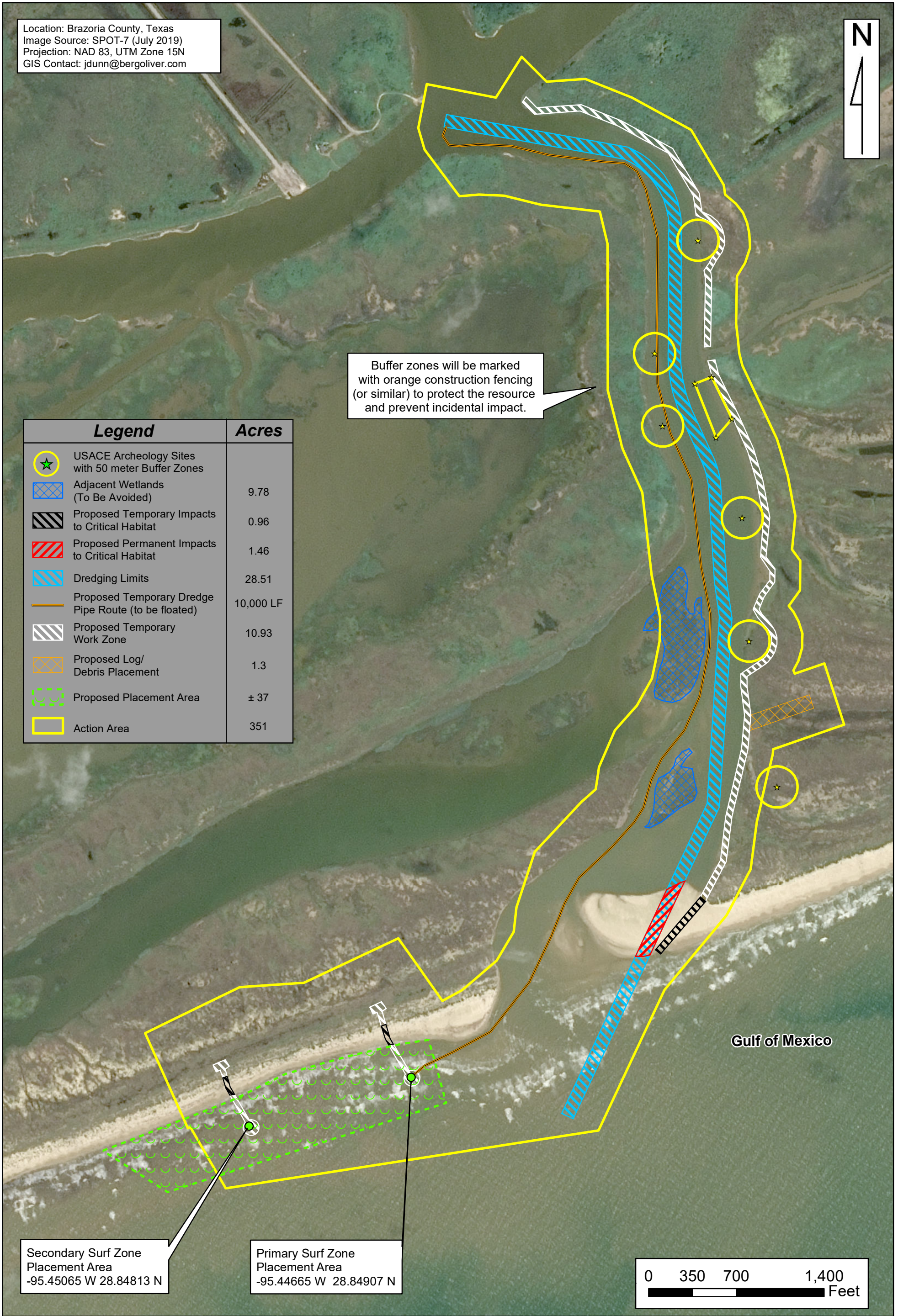
Location: Mouth of the San Bernard River  
Brazoria County, Texas

Study Boundary

79.5 acres

**BERG ♦ OLIVER ASSOCIATES**ENVIRONMENTAL SCIENCE & LAND USE CONSULTANTS  
14701 ST. MARY'S LANE, SUITE 400 HOUSTON, TEXAS 77079  
PHONE (281)589-0898 <http://www.bergoliver.com>





PROPOSED WORK ZONE MAP w/ PLACEMENT AREA  
SITE LOCATION MAP

<b>Project #:</b> 9335 <b>For:</b> Dannenbaum Engineering <b>Location:</b> Mouth of the San Bernard River Brazoria County, Texas	REVISIONS	<b>BERG ♦ OLIVER ASSOCIATES, INC.</b> ENVIRONMENTAL SCIENCE & LAND USE CONSULTANTS 14701 ST. MARY'S LANE, SUITE 400 HOUSTON, TEXAS 77079 PHONE (281)589-0898 <a href="http://www.bergoliver.com">http://www.bergoliver.com</a>	
	JD 12/18/19		
	JD 2/10/20		
	JD 4/6/21		





**United States Department of the Interior**  
**FISH AND WILDLIFE SERVICE**

Texas Coastal and Central Plains Ecological Services Office  
Houston Sub-Office  
17629 El Camino Real, Suite 211  
Houston, Texas 77058  
PHONE: 281/286-8282  
FAX: 281/488-5882



In Reply Refer To:  
2025-0111969

August 18, 2025

Gerry Hidalgo  
U.S. Army Corps of Engineers  
Galveston District, Regulatory Division  
P.O. Box 1229  
Galveston, Texas 77553-1229

Subject: Section 7 Consultation for the U.S. Army Corps of Engineers, SWG-2015-00603, modification and renewal for Brazoria County Engineering Department, Brazoria County, Texas.

Dear Mr. Hidalgo:

This letter constitutes the U.S. Fish and Wildlife Service's (Service) response to your request for section 7 consultation under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), for the renewal of U.S. Army Corps of Engineers (Corps) permit SWG-2015-00603 issued to the Brazoria County Engineering Department, and the extension of time for the Service's biological opinion (BO) dated August 4, 2020 (previous consultation # 02ETCP00-2020-F-0035). The project is located where the San Bernard River meets the Gulf, approximately 8 miles southwest of Freeport, in Brazoria County, Texas. The Service received your request on June 8<sup>th</sup>, 2025 with project plans dated October 31, 2023. Additional revisions and updated project plans were received on July 10<sup>th</sup> and August 5<sup>th</sup>, 2025 along with an updated IPaC species list dated June 20, 2025 (consultation # 2025-0111969).

The Corps designated the applicant Brazoria County Engineering Department and their agent Berg Oliver and Associates (BOA) as the non-federal representative for the purposes of conducting section 7 consultation under the Act, in an e-mail dated June 18, 2025. Per the designation request, the Service has been working directly with the applicant's agent, BOA.

The Service provides the following comments and recommendations in accordance with the Act, the instructions contained within the revised Department of the Interior Manual (503 DM 1), dated August 3, 1973; the Fish and Wildlife Coordination Act ((16 U.S.C. 661-667(e)); the



Migratory Bird Treaty Act (16 U.S.C. 703 et seq.); and, the National Environmental Policy Act (42 U.S.C. 4321-4347).

The renewal of permit SWG-2015-00603 will authorize Brazoria County Engineering Department to perform dredging activities along the mouth of the San Bernard River.

The applicant proposes to modify the project as follows (attachment A):

- Reduce distance of dredging to 4,000 linear feet (previously 9,600 linear feet).
- Increase width of dredging near mouth to 200 feet fanning out 850 feet at mouth of San Bernard River (previously 100 feet entire route).
- Proposed modifications increase potential impacts to piping plover critical habitat, Texas Unit 32, to 3.8 acres (from the previous 1.46 acres).

The following currently permitted project activities will remain unchanged:

- Hydraulically dredge to a depth of -11.5 feet mean high water (MHW).
- Suitable sand material will be discharged along 600 linear feet, slightly off shore in surf zone, approximately 1500 linear feet southwest of the mouth of San Bernard River.
- The proposed dredging activities would be conducted on an as-needed basis, every 3-5 years, and not more than twice over the five-year permit term of the Corps permit.

Previously the Corps made species determinations (as outlined in the Services 2022 BO). These determinations have not changed for the renewal. The determinations and associated species are summarized below.

#### No Effect

Whooping crane (*Grus Americana*). West Indian manatee (*Trichechus manatus*), green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*) and the proposed monarch butterfly (*Danaus plexippus*).

#### Not Likely to Adversely Affect

Eastern black rail (*Laterallus jamaicensis jamaicensis*), red knot (*Calidris canutus rufa*), and Kemp's ridley sea turtle (*Lepidochelys kempii*).

#### Not Likely to Adversely Modify

Piping plover Critical Habitat Texas Unit 31 and Unit 32. While impacts to piping plover critical habitat TX 32 increased by 2.34 acres, the determination remains as not likely to adversely modify piping plover critical habitat.

#### Likely to Adversely Affect

Piping plover (*Charadrius melodus*). The likely to adversely affect determination for the piping plover has not changed from the previous determinations for the original issuance of SWG-2015-00603 and are consistent with these species' assessments in the existing 2020 BO. All conservation measures remain in place.

The Service is granting a time extension to work under the current 2020 BO for the renewal of permit SWG-2015-00603. This decision is based on the Services' review of the updated project descriptions and discussions with the applicant's agent. The basis for the time extension of the existing 2020 BO is provided below.

- 1) The Service's evaluation of the proposed project modification does not change our analysis of each species in terms of effects of the action, incidental take statement or the conclusion that the project is not likely to jeopardize the continued existence of the species or adversely modify critical habitat, as outlined in the existing 2020 BO.
- 2) Information provided by BOA (email dated August 7, 2025) confirms that no incidental take has occurred. The Brazoria County Engineering Department will continue to submit annual reports throughout the permit period to track all project activities, including implementation of CMs and any incidental take. For guidance, see Galveston Parks Board example (attachment B).
- 3) The Corps along with the Brazoria County Engineering Department will implement all conservation measures as outlined in the 2020 BO and the updated BOA species letter dated August 5, 2025.
- 4) Brazoria County Engineering Department will complete the attached updated species wildlife daily monitoring checklist during construction activities (attachment C).

The Service is extending the time period for use of the Services' existing 2020 BO (02ETCP00-2020-F-0035) to cover the proposed activities under the Corps renewal of permit of SWG-2015-00603 for an addition 5 years from permit renewal issuance date. For future reference, as provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect the species or critical habitat in a manner or to an extent not considered in the biological opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in the biological opinion; or 4) a new species is listed or critical habitat designated that may be affected by the action.

Please refer to the consultation code 2025-0046615 and consultation number 02ETCP00-2020-F-0035 in future correspondence concerning this project. Should you require further assistance or if you have any questions, please contact Moni Belton at 281-286-2105 or [Moni\\_Belton@fws.gov](mailto:Moni_Belton@fws.gov).

Sincerely,

CATHERINE  
YEARGAN

Digitally signed by  
CATHERINE YEARGAN  
Date: 2025.08.18  
14:31:10 -05'00'

Catherine Yeargan  
Field Supervisor

CC. Jayson Hudson, U.S. Army Corps of Engineers  
Jeff Dunn, Berg Oliver and Associates  
Matt Sebesta, Brazoria County Engineering Department











Legend	Acres
	42.1
	8.6
	30
	3.8
	5.3
	225
	

Image Source: Nearmap 12/20/2024  
 Projection: NAD 83 UTM Zone 15N  
 GIS Contact: jlum@bergoliver.com



Attachment B: Example Annual Report

SWG-2015-00603

Galveston Park Board of Trustees U.S. Army Corps of Engineers Beach Nourishment / Dune Restoration Permit Summary Table 2019 – 2024 Authorization Period	
U.S. Army Corps of Engineers Permit Number:	SWG-2000-02888
U.S. Army Corps of Engineers Authorization Date:	December 10, 2018
U.S. Army Corps of Engineers Permitted Authorization Term:	Five (5) Years
U.S. Army Corps of Engineers Permitted Activities Date Range:	January 01, 2019 to December 31, 2024
U.S. Army Corps of Engineers Authorized Permit Area:	Galveston Island, Texas beaches along the Galveston seawall between 10 <sup>th</sup> street to 103 <sup>rd</sup> street in Galveston, Galveston County, Texas.
Annual Report of Activities USACE Permit #SWG-2000-02888 (2023 Calendar Year Update)	

2019 01/31 to 12/31/2019	Ms. Moni Belton (USFWS)/Reuben Trevino (PB) PowerPoint Orientation for Protection of Sea Turtles, Piping Plovers and Ruffia Red Knots	07/31/2019 & 08/01/2019 9:00 a.m. PB Plaza	Babe's Beach BUDM West side of 61 <sup>st</sup> Street rock groin to west ~423,027 yds <sup>2</sup> 5.350LF of beach 300ft. width- Project Report previously submitted	Park Board of Trustees of the City of Galveston (PB); USACE; Texas General Land Office (GLO) City of Galveston Industrial Development Corp. (IDC)	<u>Mobilization:</u> 08/06/2019 <u>Beach Placement begins:</u> 09/02/2019 <u>Placement ends:</u> 09/20/2019	BUDM Hopper dredge, discharge onto beach for placement, safety fences, species monitoring, grade beach contour increase beach length / width	Yes USACE authorized Special Conditions were followed per USACE Permit #SWG-2000-02888	Yes	None -0- Please See marine contact log	None resulting from construction. However, TS Imelda required additional work to be done after landfill.	BUDM project resumed Babe's Beach original footprint, increased beach length and width with an incremental beach placement cost of \$201.5
2020 01/01 to 12/31/2020	Dr. Metz PowerPoint Orientation for Protection of Sea Turtles, Piping Plovers and Ruffia Red Knots	02/28/2020	No projects were undertaken during 2020	N/A	N/A	N/A	N/A	N/A	None -0- Please See marine contact log	N/A	No projects were undertaken during 2020 within the permitted area
2021 01/01 to 12/31/2021	The Division of Sea Turtle Science and Recovery - Webinar Training for monitoring, protection, and standard procedure  Dr. Metz PowerPoint Orientation for Protection of Sea Turtles, Piping	02/25/2021 & 03/06/2021  07/09/2021	Babe's Beach BUDM West side of 61 <sup>st</sup> Street rock groin toward west 608,948yds 9,800LF of Beach 300LF width	Park Board of Trustees of the City of Galveston (PB) Texas General Land Office (GLO) City of Galveston Industrial Development Corp. (IDC) Resources and Ecosystems Sustainability, and Tourist Opportunities, and	<u>Mobilization:</u> 07/13/2021 <u>Beach Placement begins:</u> 07/30/2021 <u>Placement ends:</u> 11/10/2021	BUDM Hopper dredge, discharge onto beach for placement, safety fences, species monitoring, grade beach contour increase beach length /	Yes. USACE authorized Special Conditions were followed per USACE Permit #SWG-2000-02888	Yes	None -0-	N/A	BUDM project resumed Babe's Beach original 2015 footprint, increased beach length and width with an incremental beach placement cost

6 of 7

**Project Name:** \_\_\_\_\_

**Objective:** Report sightings of protected species- piping plover, red knot, and various species of sea turtles (dead or alive), hatchlings, tracks, eggs or nests. In addition to reporting any birds observed injured or nesting.

**DO NOT DISTURB OR TOUCH A SEA TURTLE. PIPING PLOVER  
OR RED KNOT.**

Date: \_\_\_\_\_ Start Time: \_\_\_\_\_ am/pm Finish Time: \_\_\_\_\_ am/pm

Weather: ☐ Sunny ☐ Fair ☐ Partly Cloudy ☐ Cloudy ☐ Windy ☐ Calm ☐ Rain

Reach of Beach Monitored: GPS Lat/Long coordinates \_\_\_\_\_

**Observations:** If present (foraging/roosting) document Lat/Long coordinates:

**Piping Plover;** ☐ Not Present in area ☐ Foraging ☐ Roosting (resting) \_\_\_\_\_

**Red Knot;** ☐ Not Present in area ☐ Foraging ☐ Roosting (resting) \_\_\_\_\_

Injured Birds (any species) ☐ Document location and report: \_\_\_\_\_

Nesting Birds (any species) ☐ Document nest location and report \_\_\_\_\_

- Report **injured** Piping Plovers or Red Knots to USFWS LE: (844)-397-8477
- Report any injured or nesting birds in Galveston County to: (646)-585-0490

**Sea Turtles:** DO NOT TOUCH - If present document Lat/Long coordinates:

- **Immediately Call 1-866-TURTLE5 (1-866-887-8535)**, wait for instructions and/or for officials to arrive
- **ALWAYS** document location (via GPS), take photos (from a distance), and wait for instructions

Species and/or common name(s): \_\_\_\_\_

☐ Leaving Water ☐ Entering Water ☐ Laying Eggs ☐ Dead on Beach

Check turtles for following if possible without disturbance:

☐ Metal Flipper Tag Identification: \_\_\_\_\_ (Letters and/or Numbers);

☐ Living Tissue Tag (White Mark on one Scute of Shell); Take Photographs,

☐ If Laying Eggs; Turtle is Facing: ☐ North ☐ South ☐ East ☐ West

- Mark Nest, (do not penetrate sand with objects)

☐ Hatchlings/Eggs/Nest present; Await Arrival of Officials, Guard against predators, humans, and vehicles.

☐ Tracks; Measure Width: \_\_\_\_\_, Take Photographs,

- Call **1-866-TURTLE5 (1-866-887-8535)** for Instructions, Await Arrival of Officials.

**Stranded Marine Mammals** if observed call Texas Marine Mammal Stranding Network at

- **1-800-9MAMMAL (1-800-962-6625)** for instructions

☐ No Sightings; None of the Above

Additional Comments: \_\_\_\_\_

**Monitor Name:** \_\_\_\_\_

Please Print Clearly

**Telephone:** \_\_\_\_\_

(Area Code) and Phone Number

**Fill out Monitoring Checklist form completely if a listed species is observed or an injured animal found.**

**Special Note:** All sea turtles, piping plovers and red knots are protected by law as threatened or endangered species. No one, unless permitted, can remove sea turtle eggs, handle turtles, or disturb any of these species. Otherwise, one may be liable to fines up to \$20,000 and criminal sentencing.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701-5505  
<https://www.fisheries.noaa.gov/region/southeast>

10/17/2024

F/SER31:CB  
SERO-2024-01063

Sam J. Watson  
Regulatory Project Manager  
Galveston District Corps of Engineers  
Department of the Army  
2000 Fort Point Road  
Galveston, TX 77550

Ref.: SWG-2015-00603, San Bernard River Mouth Dredging, Mouth of the San Bernard River,  
Brazoria County, Texas – EXPEDITED TRACK

Dear Sam Watson,

This letter responds to your October 7, 2024, request pursuant to Section 7 of the Endangered Species Act (ESA) for consultation with the National Marine Fisheries Service (NMFS) on the subject action.

We reviewed the action agency's consultation request document and related materials. Based on our knowledge, expertise, and the action agency's materials, we concur with the action agency's conclusions that the proposed action is not likely to adversely affect the NMFS ESA-listed species and/or designated critical habitat.

Updates to the regulations governing interagency consultation (50 CFR part 402) were effective on May 6, 2024 (89 Fed. Reg. 24268). We are applying the updated regulations to this consultation. The 2024 regulatory changes, like those from 2019, were intended to improve and clarify the consultation process, and, with one exception from 2024 (offsetting reasonable and prudent measures), were not intended to result in changes to the Services' existing practice in implementing section 7(a)(2) of the Act. 84 Fed. Reg. at 45015; 89 Fed. Reg. at 24268. We have considered the prior rules and affirm that the substantive analysis and conclusions articulated in this letter of concurrence would not have been any different under the 2019 regulations or pre-2019 regulations.

This concludes your consultation responsibilities under the ESA for species and/or designated critical habitat under NMFS's purview. Reinitiation of consultation is required and shall be requested by the action agency where discretionary Federal action agency involvement or control over the action has been retained or is authorized by law and: (a) take occurs; (b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in this consultation; (c) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not previously considered in this consultation; or (d) if a new species is listed or critical habitat designated that may be affected by the action.



We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Christopher Bond, OAI Contractor and Consultation Biologist supporting NMFS and OPR by email at [chris.bond@noaa.gov](mailto:chris.bond@noaa.gov).

Sincerely,

WUNDERLICH.MA  
RY.JANE.14003454  
88

Digitally signed by  
WUNDERLICH.MARY.JANE.140  
0345488  
Date: 2024.10.17 11:07:43 -04'00'

for

David Bernhart  
Assistant Regional Administrator  
for Protected Resources

File: 1514-22.f.8



Brooke Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 27, 2025

The Honorable L.M. "Matt" Sebesta  
Brazoria County Courthouse  
111 E. Locust St.  
Angleton, TX 77515

Re: USACE Permit Application No. SWG-2015-00603

Dear Judge Sebesta:

This letter is in response to the 401 Certification Request dated May 7, 2025, for the Public Notice dated November 9, 2023, on the Brazoria County proposed hydraulic maintenance dredging to restore the mouth of the San Bernard River in its historical location. Approximately 300,000 cubic yards of material is planned to be dredged in order to increase the depth of the channel to 10 feet. The total dredge footprint of this project will be 34.14 acres. The project is located at the San Bernard River mouth, approximately eight miles southwest of Freeport, in Brazoria County, Texas.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the Public Notice and related application information along with the 401 Certification Request. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards. General information regarding this water quality certification, including special conditions and standard provisions of the certification, is included as an attachment to this letter.

The proposed impacts to wetlands do not exceed 0.1 acre, and no fill material is being placed in wetlands or other special aquatic sites. Therefore, no mitigation is proposed for this project. The applicant will use Best Management Practices to minimize impacts to water quality throughout the duration of the project.

The TCEQ has reviewed this proposed action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the CMP regulations (Title 31, Texas Administrative Code (TAC), Section (§)505.30) and has determined that the action is consistent with the applicable CMP goals and policies.

This certification was reviewed for consistency with the CMP's development in critical areas policy (31 TAC §501.23) and dredging and dredged material disposal and placement policy

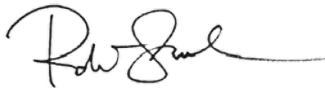
Judge L.M. "Matt" Sebesta  
Brazoria County  
USACE Permit Application No. SWG-2015-00603  
Page 2

(31 TAC §501.25). This certification complies with the CMP goals (31 TAC §501.12(1, 2, 3, 5)) applicable to these policies.

No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

If you require additional information or further assistance, please contact Ms. Michelle Labrie, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-4535 or by email at [Michelle.Labrie@tceq.texas.gov](mailto:Michelle.Labrie@tceq.texas.gov).

Sincerely,



Robert Sadlier, Deputy Director  
Water Quality Division  
Texas Commission on Environmental Quality

RS/ML

Attachment

ccs: Judge L.M "Matt" Sebesta, Brazoria County via email at  
[matts@brazoria-county.com](mailto:matts@brazoria-county.com)

Mr. Gerry Hidalgo, U.S. Army Corps of Engineers via email at  
[Gerardo.L.Hidalgo@usace.army.mil](mailto:Gerardo.L.Hidalgo@usace.army.mil)

Ms. Leslie Koza, Texas General Land Office via e-mail at  
[Federal.Consistency@GLO.TEXAS.GOV](mailto:Federal.Consistency@GLO.TEXAS.GOV)

Judge L.M. "Matt" Sebesta  
USACE Permit Application No. SWG-2015-00603  
Attachment - Dredge and Fill Certification  
Page 1 of 3

**WORK DESCRIPTION:** As described in the Public Notice dated November 9, 2023, and the 401 Certification Request dated May 7, 2025.

**SPECIAL CONDITIONS:** None.

**GENERAL:** This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the May 7, 2025, 401 Certification Request and shall be concurrent with the Corps of Engineers (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision. If this application is a modification of an original permit or any modification thereof for which a special condition was cited by the Commission or a predecessor agency, such conditions shall remain valid. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TCEQ or a successor agency.

**STANDARD PROVISIONS:** These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit. These conditions are necessary to ensure that the project is conducted in a way that will comply with water quality requirements in accordance with Texas Water Code §26.003 and antidegradation policy in 30 TAC §307.5, and not result in violations of general water quality criteria in 30 TAC 307.4(b)(2)-(5).

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of

Judge L.M. "Matt" Sebesta  
USACE Permit Application No. SWG-2015-00603  
Attachment - Dredge and Fill Certification  
Page 2 of 3

sewage from a marine sanitation device to waters in the state is a violation of state and federal law.

5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.
6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.
7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.
8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.
9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.
10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated stormwater from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Stormwater runoff from construction activities that result in a disturbance of one or more acres or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at:  
<http://www.tceq.texas.gov/permitting/stormwater/construction> or by contacting the TCEQ Stormwater Team at (512) 239-4671.

Judge L.M. "Matt" Sebesta  
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Attachment - Dredge and Fill Certification  
Page 3 of 3

12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, ripped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.
13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.
15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.
16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.
17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.
18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.