

**INDEX OF SHEETS**

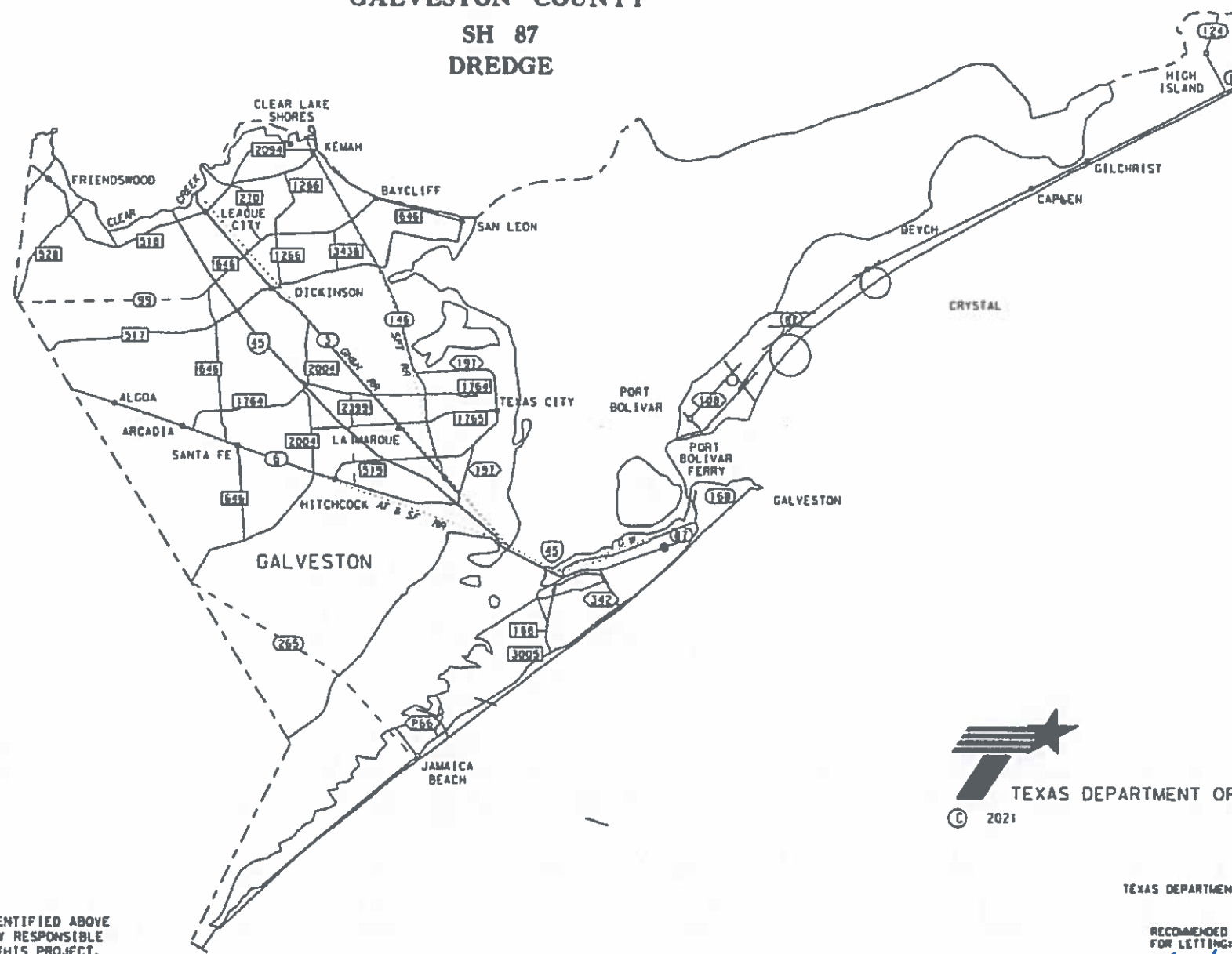
SHEET NO.	DESCRIPTION
1	TITLE SHEET.
2-2A-E	GENERAL NOTES.
3	ESTIMATE AND QUANTITY.
4	SUMMARY OF QUANTITY SHEET.
5	BUSINESS PLANS (SHEET 1-B).
6-65	ACOE PERMIT NO. SWG-2007-00173 (SHEET 1 OF 19).

**STATE OF TEXAS  
DEPARTMENT OF TRANSPORTATION**

FED. DIST. NO.	MAINTENANCE PROJECT NO.	SHEET NO.	
	RMC 6369-77-001	1	
STATE	STATE DIST.	COUNTY	
TEXAS	HOU	GALVESTON	
CONT.	SECT.	JOB	HIGHWAY NO.
6369	77	001	SH 87

**PLANS OF PROPOSED  
STATE HIGHWAY IMPROVEMENT  
ROUTINE MAINTENANCE CONTRACT -  
GALVESTON COUNTY**

**SH 87  
DREDGE**



N. T. S.



THE STANDARD SHEETS SPECIFICALLY IDENTIFIED ABOVE HAVE BEEN SELECTED BY ME OR UNDER MY RESPONSIBLE SUPERVISION AS BEING APPLICABLE TO THIS PROJECT.

*Mark D. Wooldridge* PE 12-11-2020  
DATE

SPECIFICATIONS ADOPTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, November 1, 2014 AND SPECIFICATION ITEMS LISTED AND DATED AS FOLLOWS, SHALL GOVERN ON THIS PROJECT:

EXCEPTIONS: NONE  
EQUATIONS: NONE

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TEXAS DEPARTMENT OF TRANSPORTATION

TEXAS DEPARTMENT OF TRANSPORTATION

RECOMMENDED FOR LETTING: 12-11-2020  
*Mark D. Wooldridge, PE*  
DIRECTOR OF MAINTENANCE

APPROVED FOR LETTING: 12-17-2020  
*Walter C. Paul, PE*  
DISTRICT ENGINEER

COUNTY GALVESTON PROJ. NO. RMC 6369-77-001  
HWY. NO. SH 87 LETTING DATE  
DATE ACCEPTED

Project Number: RMC 6369-77-001

Sheet 2

County: GALVESTON

Control: 6369-77-001

Highway: SH 87

**General Notes:**

Supervision:

Plans are required. Refer questions to:

Mr. William P. Mallini  
Galveston Ferry Office  
1000 Ferry Road North  
Galveston, Texas 77550  
(409) 795-2231

This Project will be managed by, and requests for payment addressed to:

Capt. John Suayan  
Galveston Ferry Office  
1000 Ferry Road North  
Galveston, Texas 77550  
(409) 795-2251

**General:**

Contractor questions on this project are to be addressed to the following individual(s):

*Mark D. Wooldridge, P.E.; Mark.Wooldridge@txdot.gov*  
*William B. Mallini; Bill.Mallini@txdot.gov*

Contractor questions will be accepted through email, phone, and in person by the above individuals. Contractor questions will be reviewed by the Area Engineer or Assistant Area Engineer. Once a response is developed, it will be posted to TxDOT's Public FTP at the following address:

<https://ftp.dot.state.tx.us/pub/txdot-info/Pre-Letting%20Responses/>

Questions submitted that generate a response will be posted through this site. The site is organized by District, Project Type (Construction or Maintenance), Letting Date, and CCSJ/Project Name.

Project Number: RMC 6369-77-001

Sheet 2

County: GALVESTON

Control: 6369-77-001

Highway: SH 87

This is a Routine Maintenance Site Specific Contract.

This will be a 60 Working Day project dredging 300,000 cubic yards of sediment from the Bolivar Ferry Harbor and removed to Beneficial Use Site One (BU1). Dredging operations must not interfere with any of the United States Army Corps of Engineers projects.

**The utilization of BU1 has a strict usage time window of May 15<sup>th</sup> to July 15<sup>th</sup>. No usage can commence prior to May 15<sup>th</sup> and all activity at the site must be completed and all equipment removed no later than July 15<sup>th</sup>.**

**Any work conducted beyond July 15th shall require a wildlife monitor to be present during working hours. TxDOT will be responsible for obtaining the wildlife monitor. The wildlife monitor's responsibilities are outlined in the General Permit SWG-2007-00173.**

**Due to sand grain size restrictions for the use of BU1, sediment extracted must come from areas specified during the pre-dredge conference.**

**Any dredging after July 15 must be performed during daylight hours only.**

Place dredge material in beneficial use site to the lines and elevation located on the plans or as directed.

Construction of BU1 will be divided into location zones as indicated on the plans A1 through E2 and beginning with zones A1 to C2 or as directed.

Construction of zones A-1 to C-2 will be from the existing beach area or riprap shore line seaward to the grade indicated on the plans.

Shore side construction equipment shall be kept to a minimum, utilizing one path of entry and exit. Equipment will be removed at the end of daily use or as applicable and stored off the site or as directed.

If sea turtles are evident on the beach or turtle tracks or signs of turtles are evident, all work must stop and TxDOT notified.

The Bolivar harbor channel will remain open to all marine traffic during operations.

Do not dredge within 10 feet of any structure. Contractor assumes liability for damage(s) to any structures.

Dredging operations will be coordinated with the Department to ensure two ferry landings are open and operational at all times during this dredging cycle.

The Contractor will review the attached Army Corp of Engineers permits and ensure all applicable requirements are met when on site.

Project Number: RMC 6369-77-001

Sheet 2

County: GALVESTON

Control: 6369-77-001

Highway: SH 87

Each month Contractor will submit an invoice indicating the accurate amount removed during that month supported by the daily depth sounding surveys.

50% of the mobilization costs will be paid after mobilizing into the site. The other 50% of the mobilization will be paid after final mobilization is complete. Payment will be no more than 10% of the cost of the project unless equipment is removed.

This project is on a hurricane evacuation route. Provide at the pre-construction meeting a written plan outlining procedures to suspend work and secure the job site.

#### Item 7: Legal Relations and Responsibilities

Do not initiate activities in a Project Specific Location (PSL), associated with a U.S. Army Corps of Engineers (USACE) permit area, that have not been previously evaluated by the USACE as part of the permit review of this project. Such activities include those pertaining to, but are not limited to, haul roads, equipment staging areas, borrow and disposal sites. Associated defined here means materials are delivered to or from the PSL. The permit area includes the waters of the U.S. or associated wetlands affected by activities associated with this project. Special restrictions may be required for such work. Assume responsibility for consultations with the USACE regarding activities, including PSLs that have not been previously evaluated by the USACE. Provide the Department with a copy of consultations or approvals from the USACE before initiating activities.

Do not store any material in Waters of the United States inside the right of way without written approval.

If the Contractor elects to use an area not permitted and determined to be within Jurisdictional Waters of the United States during the prosecution of the work, the Contractor will hold the Department harmless for delays caused by procuring the necessary permits from the United States Army Corps of Engineers.

No significant traffic generator identified.

#### Item 8: Prosecution and Progress

Working days will be computed and charged in accordance with Section 8.3.3.1.6.

Working days will be charged Monday through Sunday, including national holidays, regardless of weather conditions. Contractor must adhere to the permit guidelines.

Surveys will not be paid for directly but are considered incidental to the Dredging bid item.

#### Item 7250: Dredging

General Notes

Sheet C

Project Number: RMC 6369-77-001

Sheet 2A

County: GALVESTON

Control: 6369-77-001

Highway: SH 87

The dredge depth and location of spoil removal will be determined after the initial bottom survey is conducted by the Contractor and will best eliminate potential hazards to navigation within the ferry harbor, but will not exceed 22 feet with 2 feet allowable overdraft.

Deposit all dredged materials within the United States Army Corps of Engineers Disposal Area BUI located between the coordinates indicated within the attached Plans.

The contractor will be required to provide all necessary equipment and resources to transverse up to BUI and will deposit no more than 300,000 cubic yards into the designated site.

**The Contractor will be required to continuously relocate the discharge pipe within the placement area to prevent emergent spoil at mean low water as per the U.S. Army Core of Engineers policy.**

The contractor will provide a written plan on how the discharge pipe will be routed at the pre dredge conference. Routing behind the ferry landings may be allowed.

All pipe crossings under navigable channels shall require complete bottom soundings to ensure the crossing area has adequate depth for vessel traffic after the pipe is installed. USCG required notification shall be made if applicable.

All side slopes of the dredge area will be 1 vertical on 4 horizontal, unless otherwise directed.

Project datum is Mean Low Tide (MLT). Dredge pipe traversing the inner harbor must be submerged allowing for 24-hour ferry traffic.

One half of the harbor shall remain clear for ferry traffic at all times. Anchor buoys shall be in painted green, yellow or red and be lighted during reduced visibility. Buoys shall be spaced at maximum separation and their mooring line length minimized to prevent excessive drift.

The Contractor will provide the Department with a complete pre-and post-bottom survey of the Bolivar Ferry Harbor this will include a distance out past both break walls to 200 feet or until the water depth exceeds 22 feet.

For the purpose of depth verification, weather permitting, the contractor will provide a daily sounding survey showing the depths of the areas dredged, provide an accurate assessment of spoil removed during that period and periodically provide a sounding and estimated volume remaining within the disposal site.

At the end of each work day the Contractor will provide daily dredging reports to the Department that include, accurate dredge amounts removed according to the daily bottom surveys for the previous 24 hours, dredge spoil removed to date, location of dredge advance in relation to each cut, a list of Supervisors, Skilled Labors and Non-Skilled Laborers, each categories work hours, equipment, any down time with explanation, brief of daily activities, and on scene weather.

General Notes

Sheet D

**Project Number:** RMC 6369-77-001

**Sheet 2B**

**County:** GALVESTON

**Control:** 6369-77-001

**Highway:** SH 87

For the final survey of the dredged area and disposal site an overlay of surveys is authorized, however a real time final survey will be required.

**Item 7256: Mobilization for Dredging**

50% of the mobilization costs will be paid after mobilizing into the site. The other 50% of the mobilization will be paid after final mobilization is complete. Payment will be no more than 10% of the cost of the project unless equipment is removed.

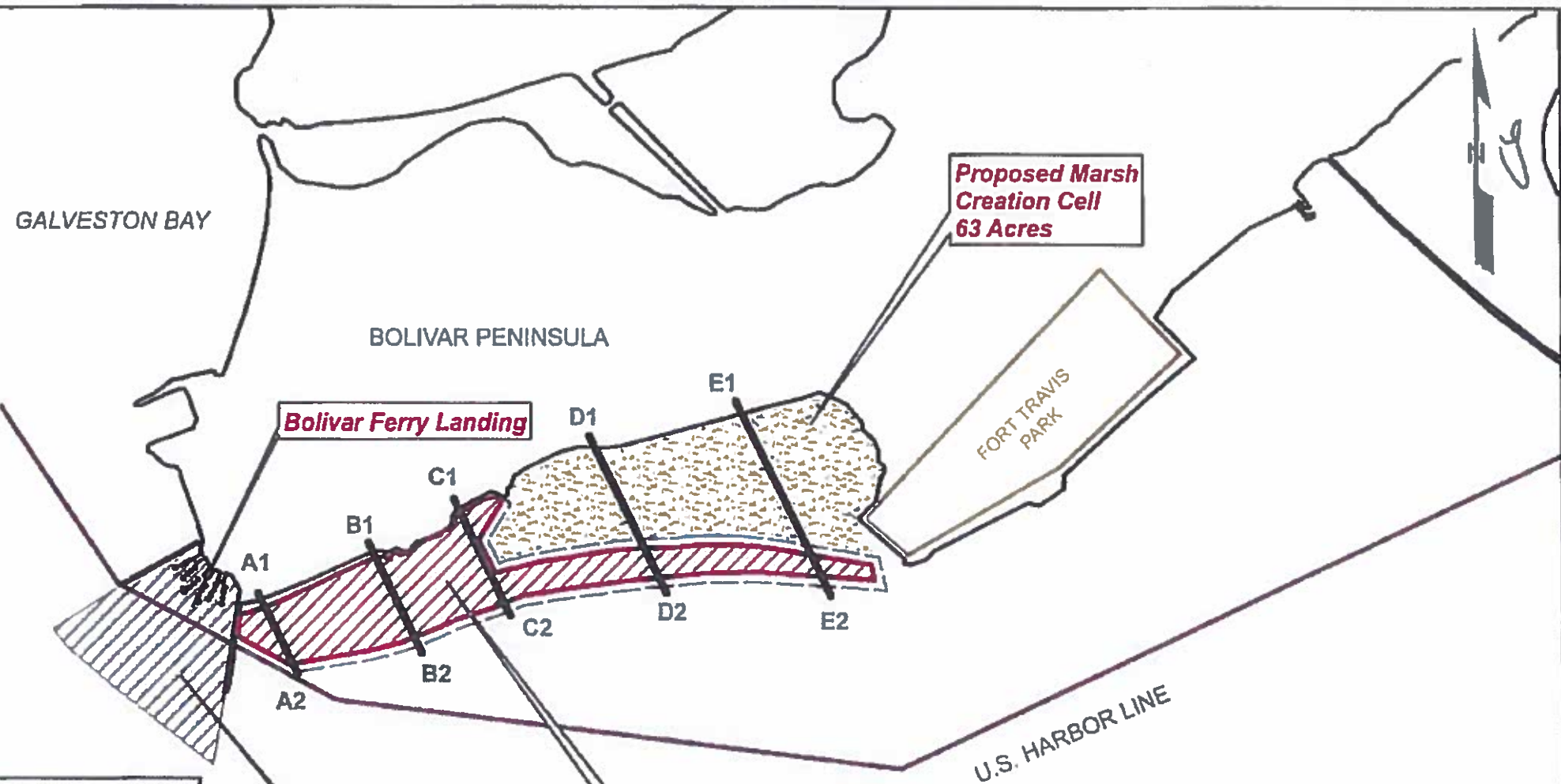


# QUANTITY SUMMARY SHEET.

ITEM NO.	7250	7256
DESC. CODE	6001	6001
DESCRIPTION	DREDGING.	MOBILIZATION FOR DREDGING
UNIT	CY	LS
RMC# 6369-77-001	300,000.00	1.00
<b>TOTALS</b>	<b>300,000.00</b>	<b>1.00</b>

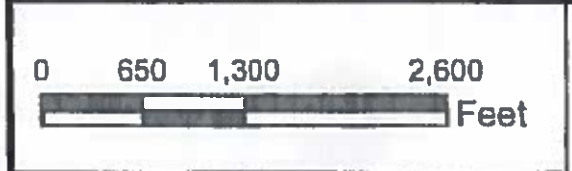
## SUMMARY SHEET © 2021 TxDOT

<small>FED. RD. DIV. NO.</small>	<small>MAINTENANCE PROJECT NO.</small>		<small>SHEET NO.</small>
	RMC 6369-77-001		4
<small>STATE</small>	<small>STATE DIST. NO.</small>	<small>COUNTY</small>	
TEXAS	12	GALVESTON	
<small>CONT.</small>	<small>SECT.</small>	<small>JOB</small>	<small>HIGHWAY NO.</small>
6369	77	001	SH 87



**Legend**

- Cross Section Locations
- Proposed Beneficial Use Site
- US Harbor Line
- Fort Travis Park
- Proposed Marsh Creation Cell
- Permitted Dredge Area
- Limits of Discharge



**BOLIVAR FERRY**  
SECTION 10/404 PERMIT MODIFICATION  
USACE NO. SWG-2007-00173

Texas Department of Transportation

EXHIBIT 3

GALVESTON COUNTY, TEXAS

PREPARED BY:  
 ECOSYSTEM PLANNING & RESTORATION

DATE:  
FEB. 2016

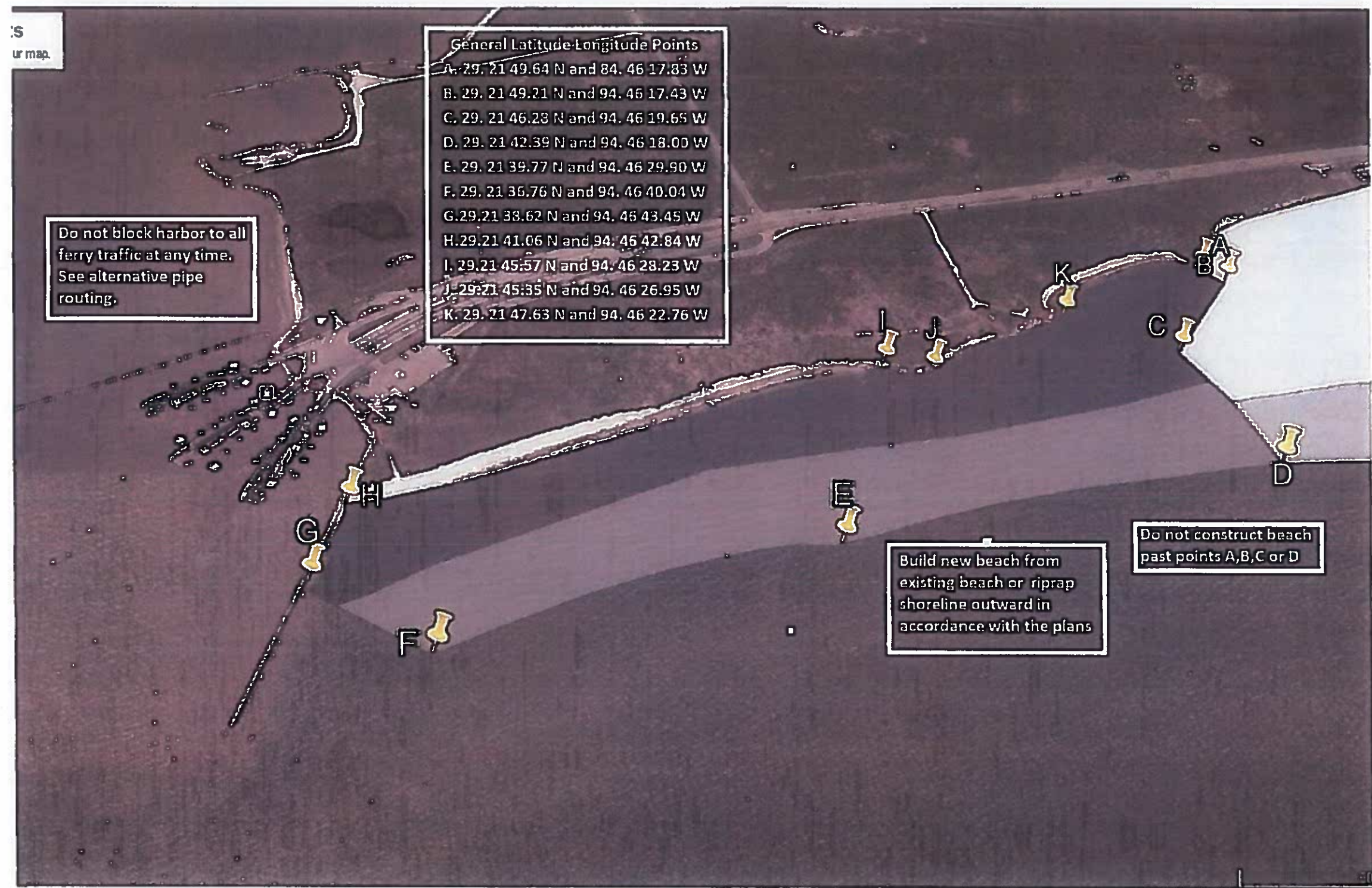
NOT TO SCALE

**DREDGE  
BOLIVAR FERRY LANDING**  
SHEET 2 OF 8

Texas Department of Transportation  
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FED. RD. DIST. NO.	PROJECT NO.		SHEET NO.
6			
STATE	DIST.	COUNTY	
TEXAS	12	GALVESTON	
CONT.	SECT.	JOB	HIGHWAY NO.
6369	77	001	SH 87

S  
ur map.



General Latitude-Longitude Points  
 A. 29. 21 49.64 N and 94. 46 17.83 W  
 B. 29. 21 49.21 N and 94. 46 17.43 W  
 C. 29. 21 46.28 N and 94. 46 19.65 W  
 D. 29. 21 42.39 N and 94. 46 18.00 W  
 E. 29. 21 39.77 N and 94. 46 29.90 W  
 F. 29. 21 36.76 N and 94. 46 40.04 W  
 G. 29.21 33.62 N and 94. 46 43.45 W  
 H. 29.21 41.06 N and 94. 46 42.84 W  
 I. 29.21 45:57 N and 94. 46 28.23 W  
 J. 29.21 45:35 N and 94. 46 26.95 W  
 K. 29. 21 47.63 N and 94. 46 22.76 W

Do not block harbor to all  
 ferry traffic at any time.  
 See alternative pipe  
 routing.

Build new beach from  
 existing beach or riprap  
 shoreline outward in  
 accordance with the plans

Do not construct beach  
 past points A,B,C or D

NOT TO SCALE









**DREDGE  
 BOLIVAR FERRY LANDING**  
 SHEET 3 OF 8

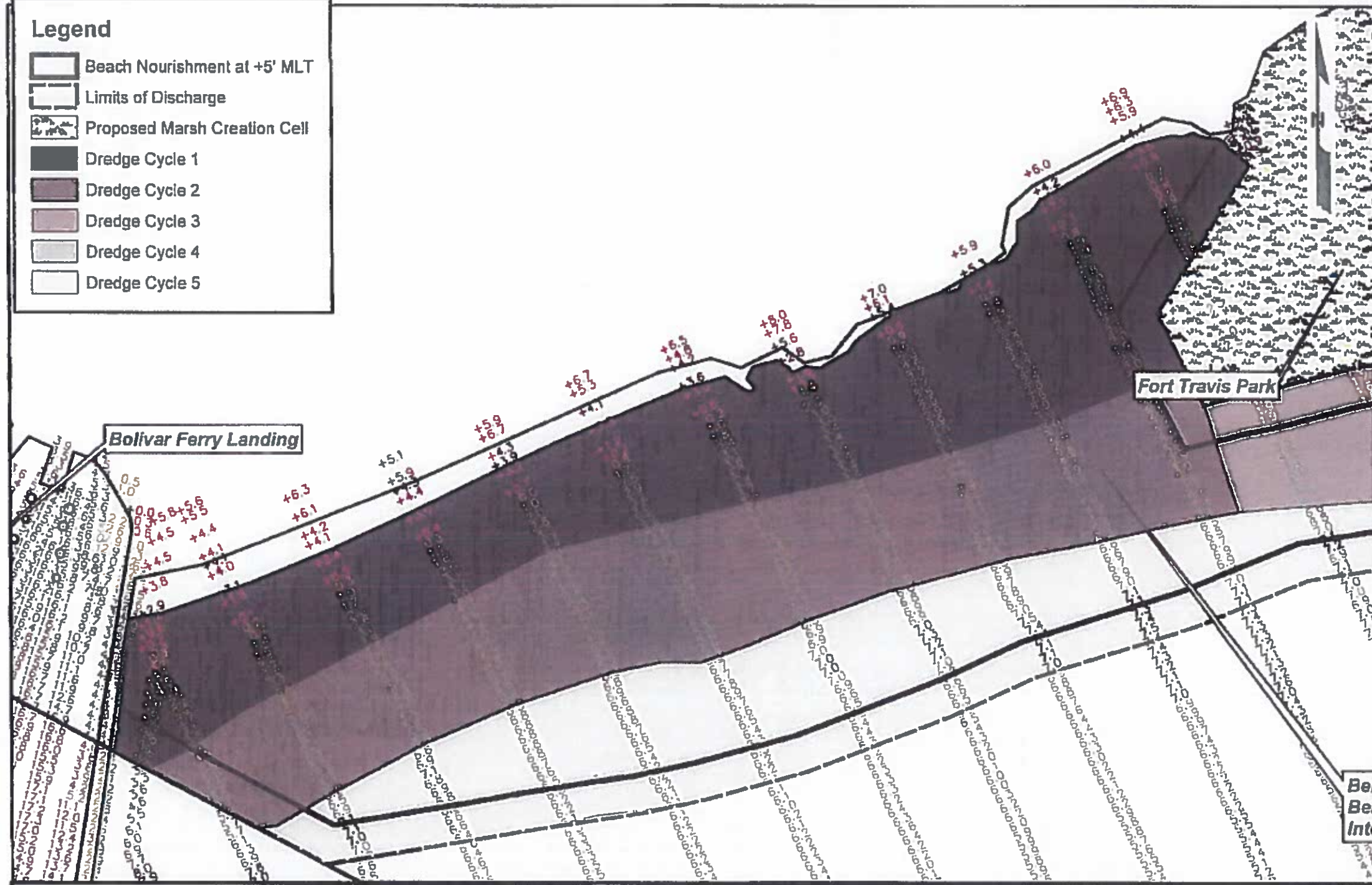
Texas Department of Transportation  
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FED. RD. DIV. NO.		PROJECT NO.		SHEET NO.	
6		6		6	
STATE	DIST.	COUNTY			
TEXAS	12	GALVESTON			
CONTR.	SECT.	JOB	HIGHWAY NO.		
6369	77	001	SH 87		



**Legend**

-  Beach Nourishment at +5' MLT
-  Limits of Discharge
-  Proposed Marsh Creation Cell
-  Dredge Cycle 1
-  Dredge Cycle 2
-  Dredge Cycle 3
-  Dredge Cycle 4
-  Dredge Cycle 5



**BOLIVAR FERRY**  
APPROXIMATE LIMITS OF ANNUAL DREDGE CYCLE



EXHIBIT 5

GALVESTON COUNTY, TEXAS

PREPARED BY:  
 ECOSYSTEM  
PLANNING &  
RESTORATION

DATE:  
FEB.  
2016

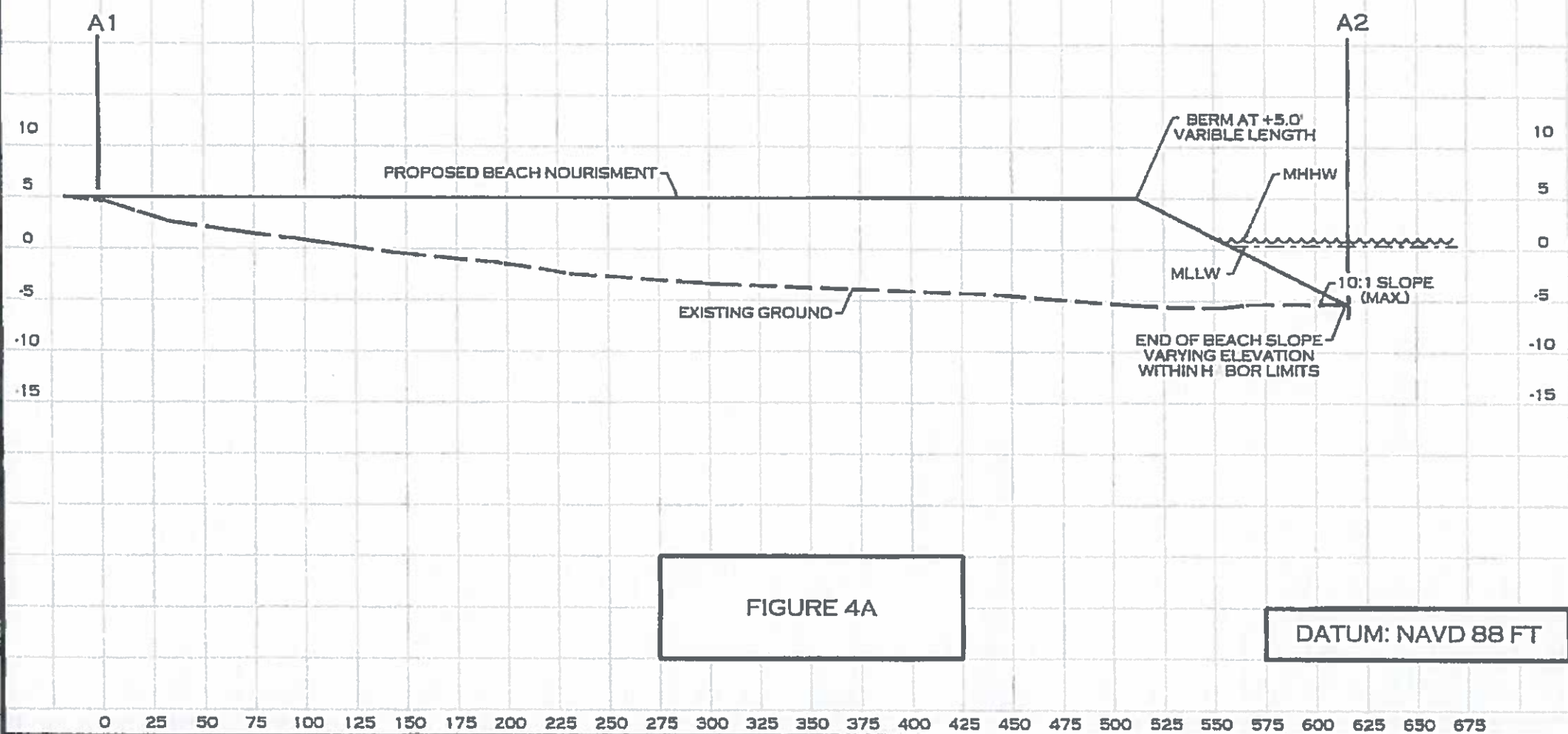
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**DREDGE**  
**BOLIVAR FERRY LANDING**  
SHEET 4 OF 8



FED. RD. DIV. NO.	PROJECT NO.		SHEET NO.
6			
STATE	DIST.	COUNTY	
TEXAS	12	GALVESTON	
COUNT.	SECT.	JOB	HIGHWAY NO.
6369	77	001	SH 87

PROJECT # 15 SHEET NO 1  
**CROSS SECTION A1-A2**



**FIGURE 4A**

**DATUM: NAVD 88 FT**

0 25 50 75 100 125 150 175 200 225 250 275 300 325 350 375 400 425 450 475 500 525 550 575 600 625 650 675

K:\GIS\2021\BOLIVAR\_FERRY\Drawings\BOLIVAR\_FERRY\A1-A2.dwg, 08/11/2021

REVISIONS			
NO.	DESCRIPTION	DATE	BY

PREPARED FOR

Texas Department of Transportation

BOLIVAR FERRY  
 GALVESTON COUNTY, TEXAS

HORIZONTAL

VERTICAL

PREPARED IN THE OFFICE OF

ECOSYSTEM  
 PLANNING &  
 RESTORATION

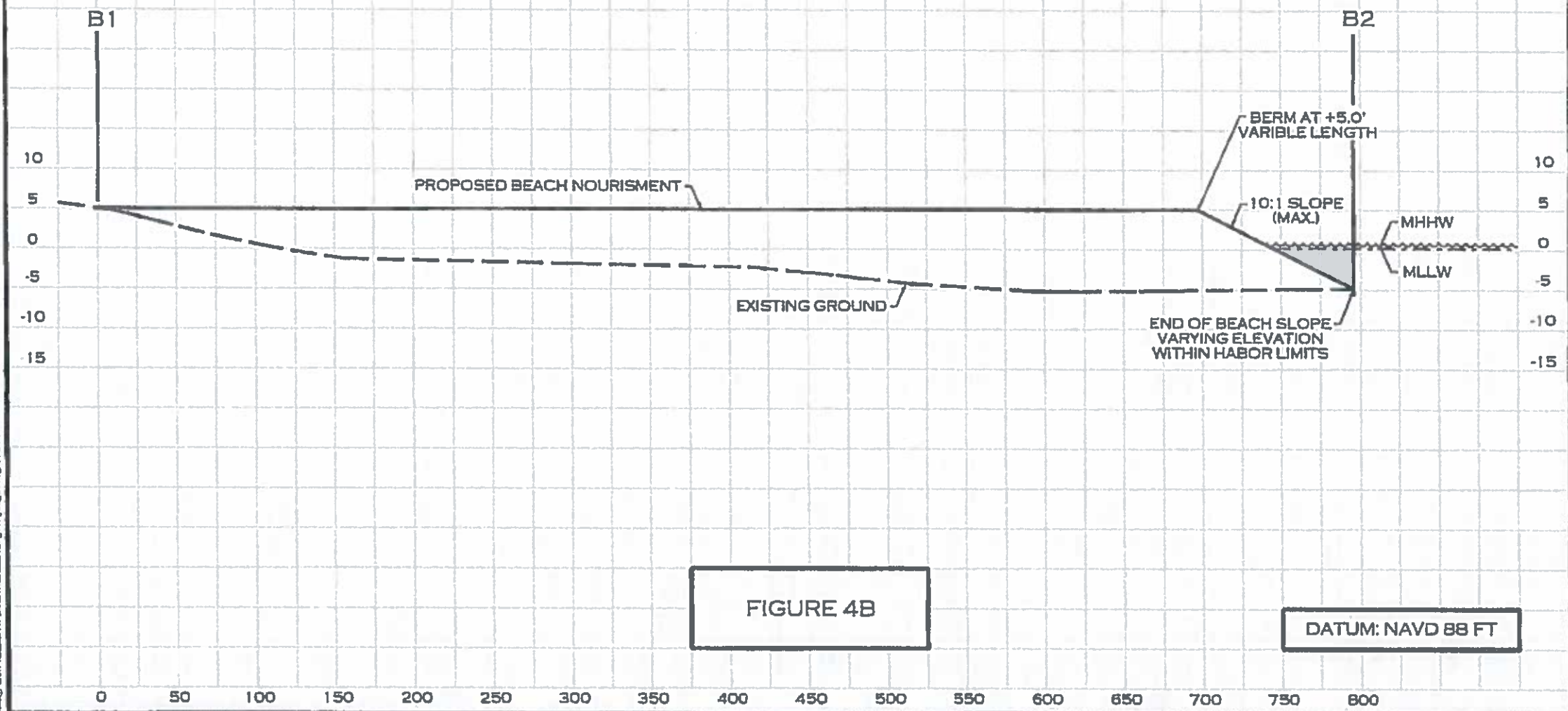
PROJECT ENGINEER

**PRELIMINARY PLANS**

NOT TO SCALE

<b>DREDGE          BOLIVAR FERRY LANDING</b>			
SHEET 5 OF 8			
© 2021 <span style="float: right;">8</span>			
FED. RD. DIST. NO.	PROJECT NO.	SHEET NO.	
6			
STATE	DIST.	COUNTY	
TEXAS	12	GALVESTON	
CONT.	SECT.	JOB	HIGHWAY NO.
6369	77	001	SH 87

PROJECT NO. 15 SHEET NO. 2  
**CROSS SECTION B1-B2**



**FIGURE 4B**

**DATUM: NAVD 88 FT**

P:\Projects\11-06-0015\_Dredging\Drawings\PLANS\Information\IFR\_11-02-01-11\_11-07-001.dwg

REVISIONS			
NO.	DESCRIPTION	ENGR.	DATE

PREPARED FOR:

BOLIVAR FERRY  
 GALVESTON COUNTY, TEXAS

HORIZONTAL

VERTICAL

PREPARED IN THE OFFICE OF:

**ECOSYSTEM  
 PLANNING &  
 RESTORATION**

PROJECT ENGINEER

**PRELIMINARY PLANS**

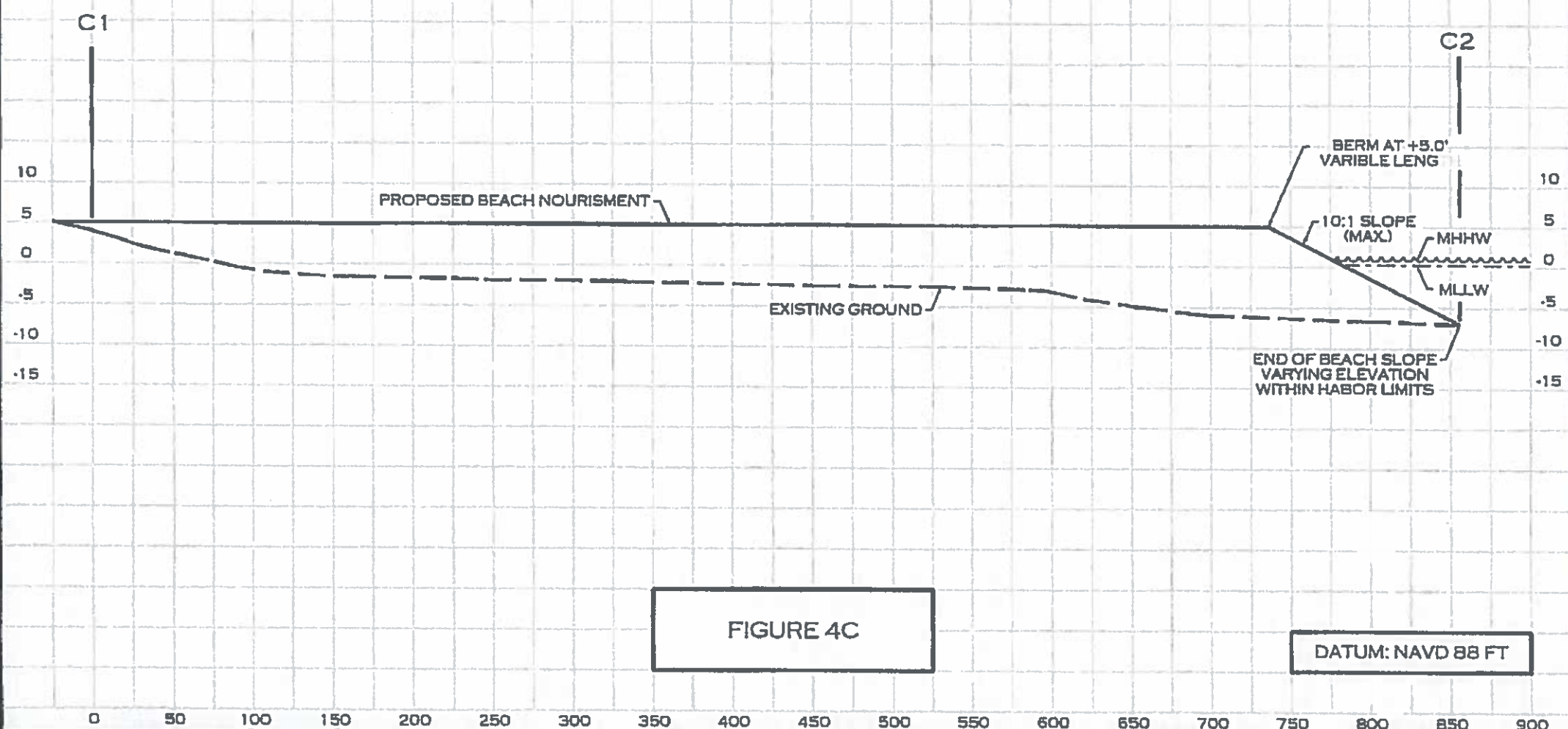
NOT TO SCALE

**DREDGE  
 BOLIVAR FERRY LANDING**  
 SHEET 6 OF 8

Texas Department of Transportation  
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FIG. NO. 6	PROJECT NO.	SHEET NO.
STATE TEXAS	DIST. 12	COUNTY GALVESTON
CONT. 6369	SECT. 77	JOB 001
		HIGHWAY NO. SH 87

PROJECT # 18 SHEET NO 3  
**CROSS SECTION C1-C2**



**FIGURE 4C**

DATUM: NAVD 88 FT

0 50 100 150 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900

REVISIONS			
NO.	DESCRIPTION	ENGR. APPROV.	DATE

PREPARED FOR  
 Texas Department of Transportation

BOLIVAR FERRY  
 GALVESTON COUNTY, TEXAS  
  
 HORIZONTAL  
  
 VERTICAL

PREPARED IN THE OFFICE OF:  
 ECOSYSTEM PLANNING & RESTORATION

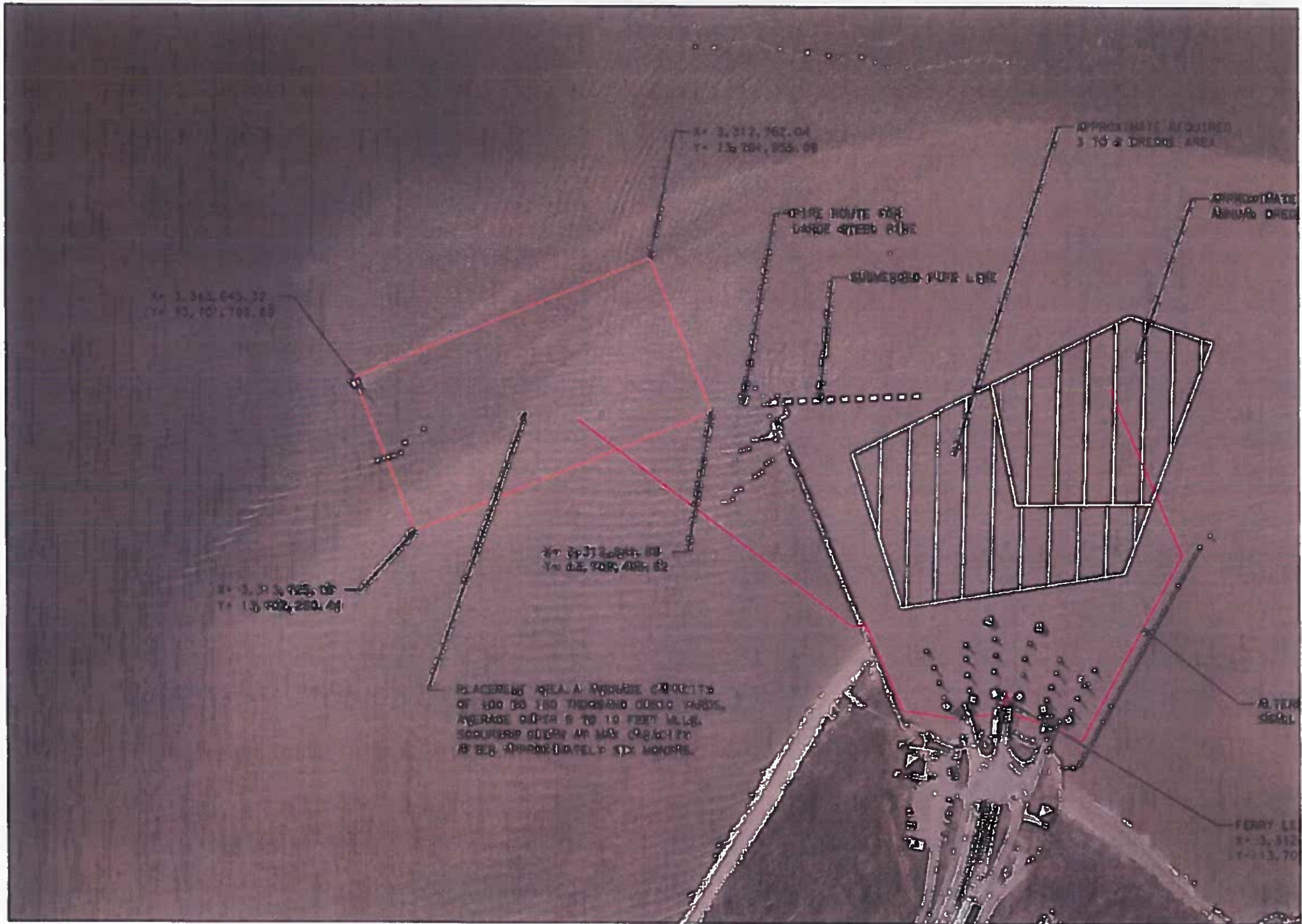
PROJECT ENGINEER  
 PRELIMINARY PLANS  
GENERAL CONTRACTOR

NOT TO SCALE

**DREDGE BOLIVAR FERRY LANDING**  
 SHEET 7 OF 8

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FIG. NO.	PROJECT NO.	SHEET NO.
6		
STATE	DIST.	COUNTY
TEXAS	12	GALVESTON
CONT.	SECT.	JOB HIGHWAY NO.
G369	77	001 SH B7



NOT TO SCALE

**DREDGE  
BOLIVAR FERRY LANDING**  
SHEET 8 OF 8

Texas Department of Transportation  
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FED. RD. DIST. NO.		PROJECT NO.		SHEET NO.	
6				11	
STATE	DIST.	COUNTY			
TEXAS	12	GALVESTON			
CONT.	SECT.	JOB	HIGHWAY NO.		
6369	77	001	SH 87		



OFFICE OF  
EVALUATION

DEPARTMENT OF THE ARMY  
GALVESTON DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 1229  
GALVESTON, TEXAS 77552-1229

October 11, 2017

NOTICE TO PERMITTEES

Department of the Army Permits for Work in Navigable Waters require attention to administration and policies which are often misunderstood or disregarded. To avoid possible misinterpretations and to expedite procedures, permit post-authorization requirements and pertinent information are outlined as follows:

1. Permits remain in effect until revoked, relinquished, or the structures are removed. An extension of time for completion of structures or work may be granted provided that a public notice is issued and that evidence is furnished of the bona fide intention of the permittee to complete the work within a reasonable time. If work or structures are not completed within the time provided in the permit, it is the permittee's responsibility to request an extension of time at least 4 months before the expiration date.
2. Maintenance of authorized completed structures may be done at any time without extending the completion period. It is, however, required that the District Commander be notified prior to commencement of maintenance.
3. SPECIAL REGULATIONS GOVERN MAINTENANCE WORK INVOLVING DREDGING OR FILL. This maintenance is not authorized by the original permit and specific prior approval is required before such work is commenced in navigable waters. Your request for authorization should be submitted in time for public notice requirements and coordination with other agencies.
4. If ownership of structures or work covered by a permit is transferred, the District Commander must be notified immediately. The notification will provide information so that permit responsibilities can be changed to the new owner or assignee.
5. Permittees are reminded that the Area Engineer must be notified as soon as possible of the time for commencement of construction or work, and immediately upon completion. If pipelines across Federal project channels are covered by the permit, the Area Engineer should be informed of the date the pipelines are to be placed in time for him to arrange for an inspector to be present.
6. All material changes in location or plans must be submitted promptly to the District Commander for approval before construction is begun.
7. Permits should not be considered as an approval of design features of any structure authorized or an implication that such structure is adequate for the purpose intended.

DISTRICT COMMANDER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS

SWG FL 279  
24 April 85

Evaluation Branch

SUBJECT: Permit Application - SWG-2007-00173

Mr. Pat Henry  
Texas Department of Transportation - Houston District (TxDOT)  
P.O. Box 1386  
Houston, Texas 77351

Dear Mr. Henry:

The above numbered permit has been approved and a signed copy is enclosed for your retention.

Also enclosed are ENG Form 4336, and a copy of "Notice to Permittee" which provides important information for permit administration. You should notify the District Engineer, in writing, upon completion of the authorized work. To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

*Janel Thomas Bolelio*  
For Janel Thomas Bolelio  
Chief, Evaluation Branch

Enclosures

Copies Furnished w/ encl:

Commander (dpc), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396

Director, National Ocean Service, Coast & Geo. Sur., Mapping & Charting Branch, Source Data Unit, Attn: N/CG2211, Station 7317, SSMC3, 1315 East-West Highway, Silver Spring, Maryland 20910-3233

U.S. Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2750

65A



ADPLS TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
GALVESTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1228  
GALVESTON, TEXAS 77553 1225

October 11, 2017

-2-

Evaluation Branch

SUBJECT: Permit Application - SWG-2007-00173

Mr. Pat Henry  
Texas Department of Transportation - Houston District (TxDOT)  
P.O. Box 1388  
Houston, Texas 77351

Dear Mr. Henry,

Enclosed for your review and signature are two copies of an initial proffered permit for activities conducted in waters of the United States.

Enclosed you will find a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you decline the terms and special conditions of this initial proffered permit, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. To initiate the appeal process, you must submit a completed RFA to the District Engineer (DE) at the letterhead address. In addition to the RFA, enclose the unsigned initial proffered permit and a letter to the DE explaining your objections to the initial proffered permit. Your objections must be received by the DE within 60 days of the date of this notice, or you will forfeit your right to appeal the initial proffered permit in the future. The DE will render his decision, and a proffered permit will be sent to you. It is not necessary to submit an RFA form to this office if you accept the initial proffered permit terms and conditions.

If, after reviewing the proffered permit, you are still unsatisfied with the proffered permit because of certain terms and conditions therein, you may appeal under the Corps of Engineers Administrative Appeal Process by completing Section II of the RFA form enclosed with your proffered permit. Send the RFA to the following address

Mr. Elliott Carman  
Regulatory Appeals Officer  
Southwest Division USACE (CESWD-PD-O)  
1100 Commerce Street, Suite 831  
Dallas, Texas 75242-1317  
Telephone: 469-487-7061; FAX: 469-487-7199

This form must be received by the division engineer within 60 days of the date of this notice or you will forfeit your right to appeal. It is not necessary to submit an RFA form to the Division Office if you accept this proffered permit in its entirety.

A detailed description of the appeal process can be found at <http://1.usa.gov/1x0Q72N>.

If you accept the initial proffered permit, sign and date both copies in the spaces provided. Within ten days, both original copies of the accepted permit should be returned to us for approval. Once countersigned, one copy of the signed permit will be returned to you. The permit is not valid until signed by us.

We are ready to assist you in whatever way possible. If you have any questions, please contact Ms. Kristy Farmer at the letterhead address or by telephone at 409-766-3935.

Sincerely,

Janet Thomas Boteño  
Chief, Evaluation Branch

Enclosures

6-B

DEPARTMENT OF THE ARMY PERMIT

Permittee: Texas Department of Transportation

Permit No.: SWG-2007-00173

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 perform long-term maintenance dredging of Bolivar Ferry Landing, for a period of ten years, within 3 feet Bolivar Ferry Slips and approach ways per Department of the Army Permit SWG-2007-00173 and its previously authorized plans, to a maintained depth of 22 feet below mean low tide or 22 feet below mean lower low water. Approximately 350,000 cubic yards of dredged material would be removed annually.

Previously authorized DMPAs included all federally authorized DMPAs as indicated on the plans.

**New DMPAs:** To discharge dredge material into one of two open water DMPAs (DMPA 2A and DMPA 2B) and/or Beneficial Use 1 (BU 1). BU 1 is a 125-acre area, comprised of a 63-acre marsh tail, a 15-acre tidal flat, and a 46-acre beach.

The project will be conducted in accordance with the attached plans, in 10 sheets.

**Project Location:** In Galveston Bay, at the western tip of Bolivar Peninsula and the end of State Highway (SH) 87, in Galveston County, Texas. The associated dredge material placement areas (DMPAs) are located as follows: BU 1 is located in front of Fen Travis, along the beach, and adjacent to the dredge area. DMPA 2 A and DMPA 2 B are located along the Texas City Channel.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized ends on 31 December 2022 for BU 1 activities and 31 December 2022 for maintenance dredging. 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.

6c



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. The permittee shall not include activities in the permit area associated with this permit, which have not previously been evaluated by the Corps of Engineers (Corps) as part of the permit review for this project, until such work has been submitted to and approved by the Corps. Such activities include, but are not limited to, haul roads, equipment staging areas, and borrow and disposal sites. The permit area includes all waters of the United States affected by activities associated with the project, as well as any additional area(s) of non-waters of the United States in the immediate vicinity of, directly associated with, and/or affected by, activities in waters of the United States. Special restrictions may be required for such work. The permittee shall develop procedures to ensure that contractors are aware of this condition and encourage contractors to coordinate their selection of these sites with the permittee as soon as possible to avoid construction delays. The permittee, or its designated agent/contractor, may coordinate with the Corps on compliance with this special condition.

3. The permittee shall conduct a meeting with the construction contractor or contractors detailing the terms and conditions of this permit prior to commencing construction activities of the project. The permittee shall notify the Galveston District of the pre-construction meeting at least two weeks in advance of the scheduled meeting. Within two weeks following the meeting, the permittee will also provide written confirmation to the Corps that the meeting was held.

4. The project construction of the Bellair Ferry Maintenance Dredging Project will be completed in accordance with Beneficial Use plan, provided in Attachment A, in 3 sheets.

5. The placement of dredge material will be determined in accordance with the Dredge Material Placement Plan, in Attachment B, in 2 sheets.

6. The work will be performed in accordance with the Endangered Species Act - conservation measures outlined in Attachment C, in 4 sheets.

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 relieve 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 324.7 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.

Guiney Allen  
(PERMITTEE)  
TEXAS DEPARTMENT OF TRANSPORTATION  
GUINEY ALLEN, P.E.

10/12/2017  
(DATE)

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

Janet Thomas Botello  
(DISTRICT ENGINEER)  
JANET THOMAS BOTELLO  
CHIEF, EVALUATION BRANCH  
FOR COLONEL LARS N. ZETTERSTROM

17 OCT 2017  
(DATE)

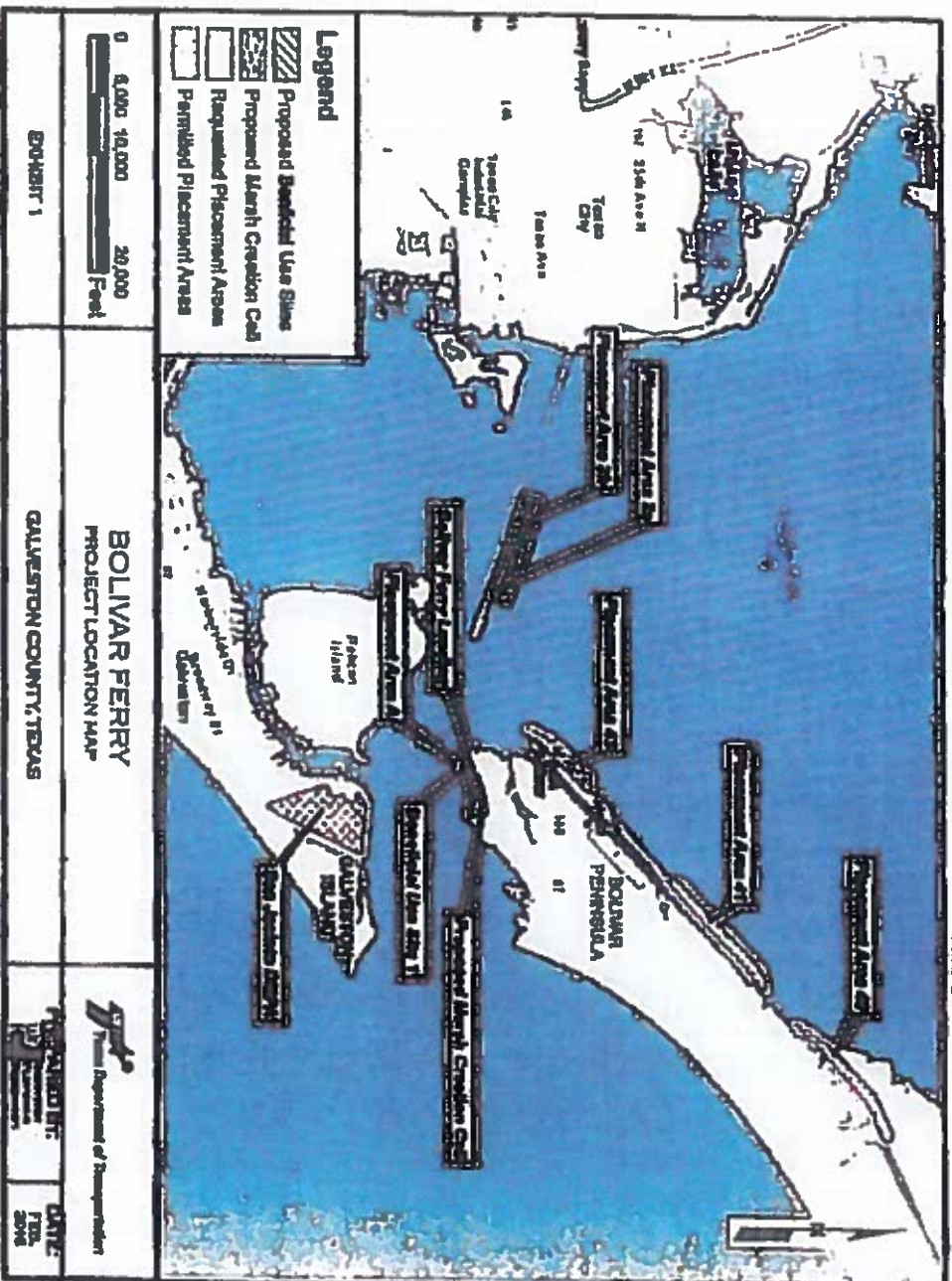
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

\_\_\_\_\_  
(TRANSFEREE - Typed/Printed Name)

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

\_\_\_\_\_  
(TRANSFEREE - Signature)

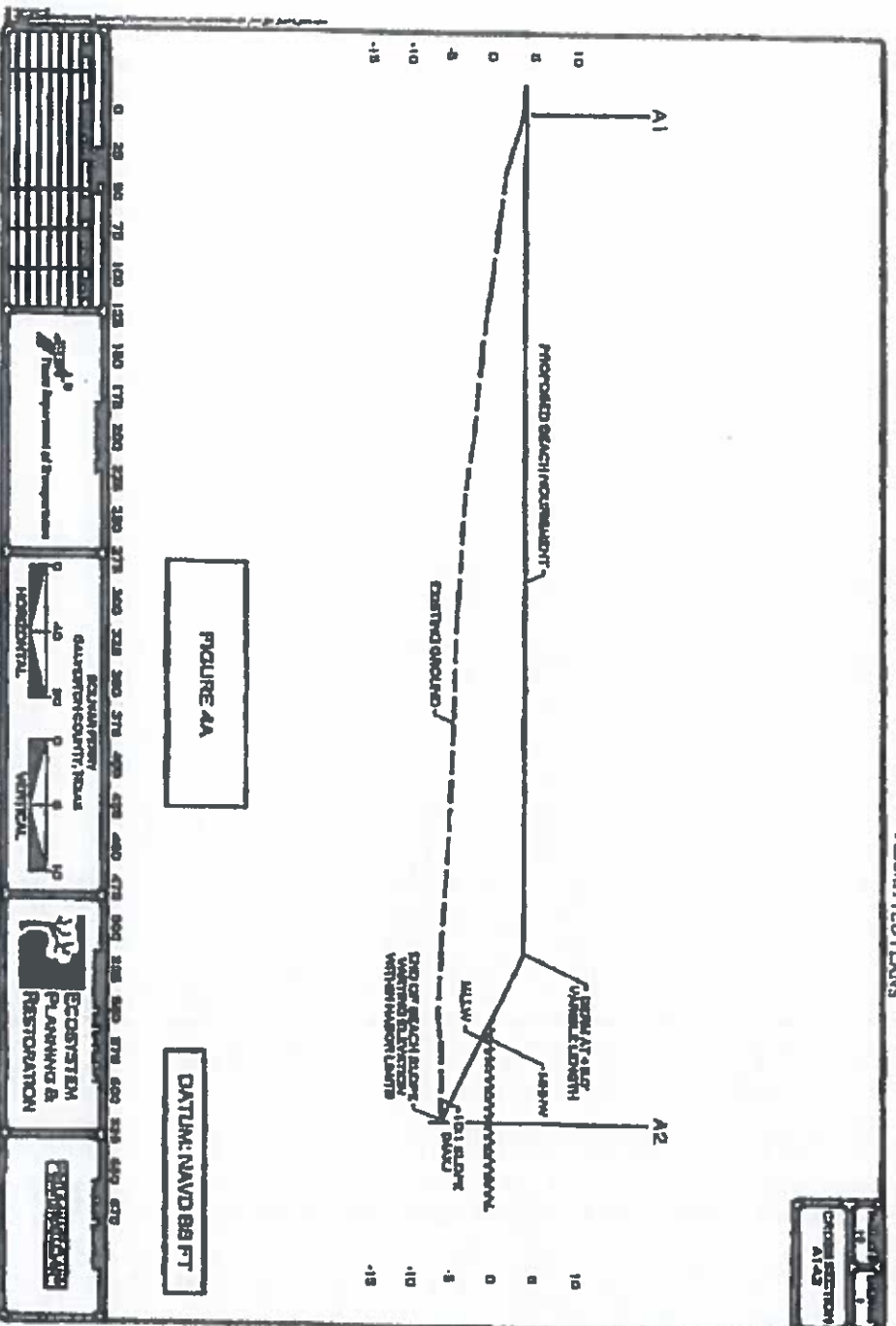
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(Mailing Address)



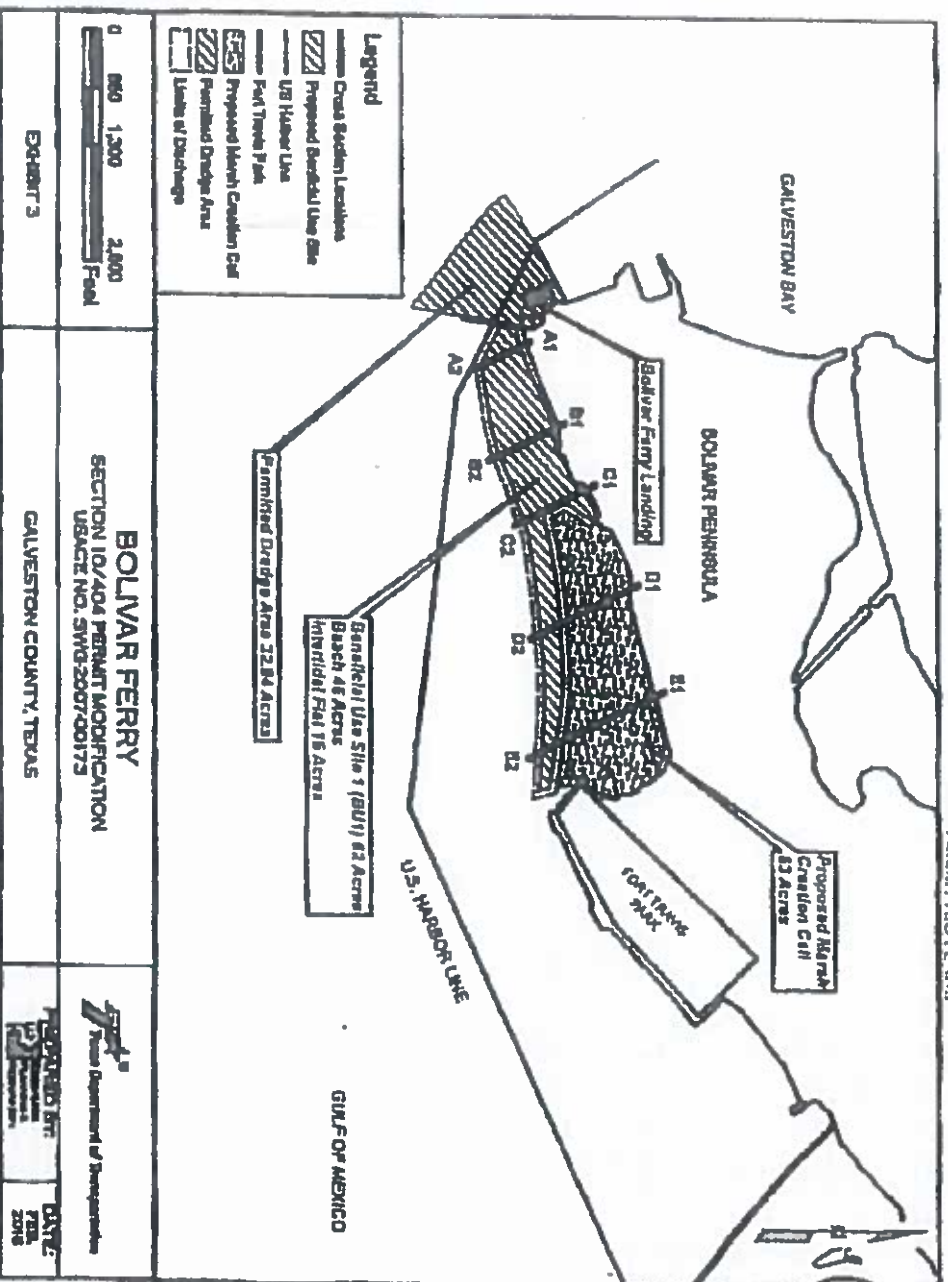
**BOLIVAR FERRY PROJECT LOCATION MAP**  
 GALVESTON COUNTY, TEXAS

PREPARED BY: Texas Department of Transportation  
 DATE: FEB. 2008





66



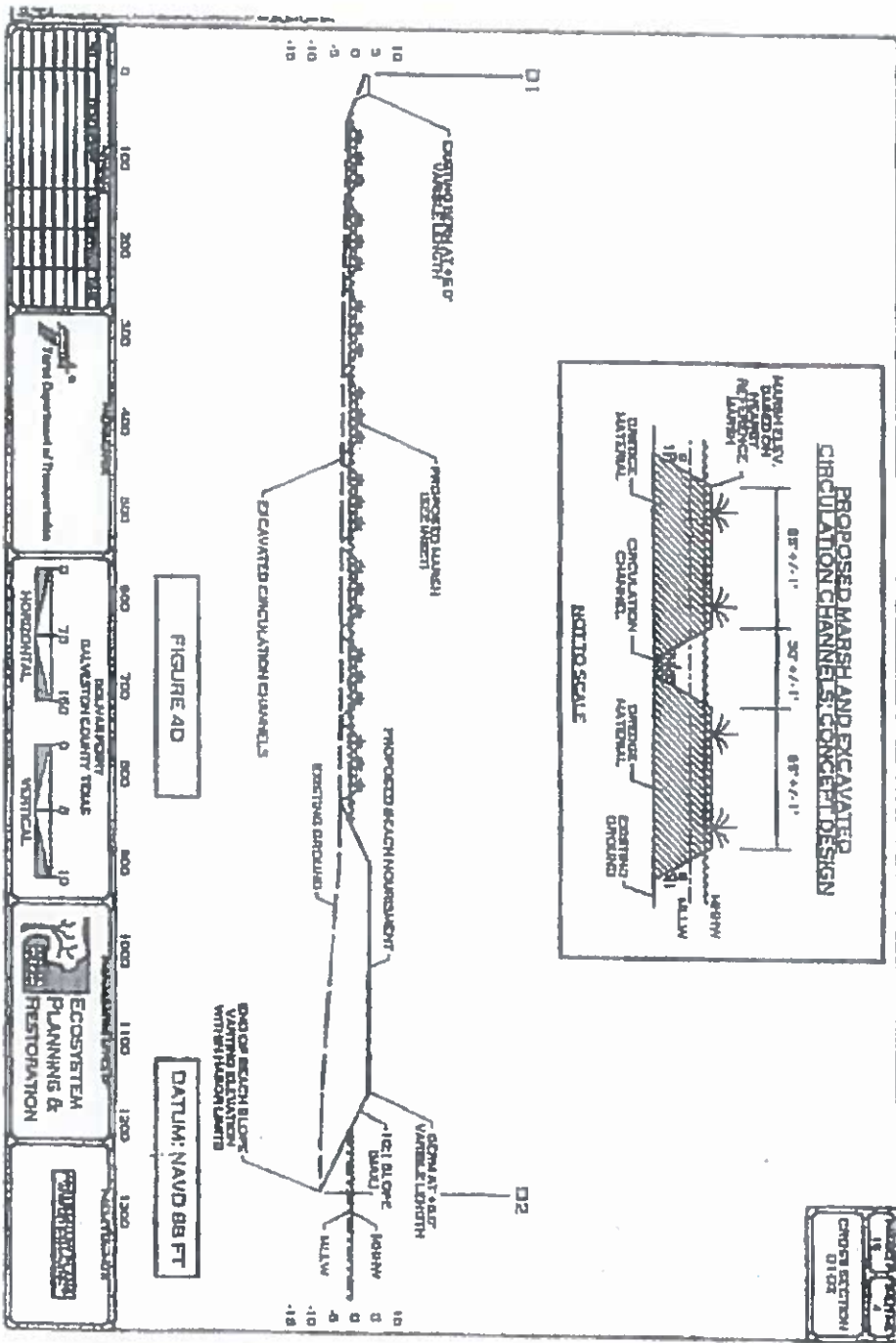


FIGURE 4D

DATUM: NAVD 88 FT

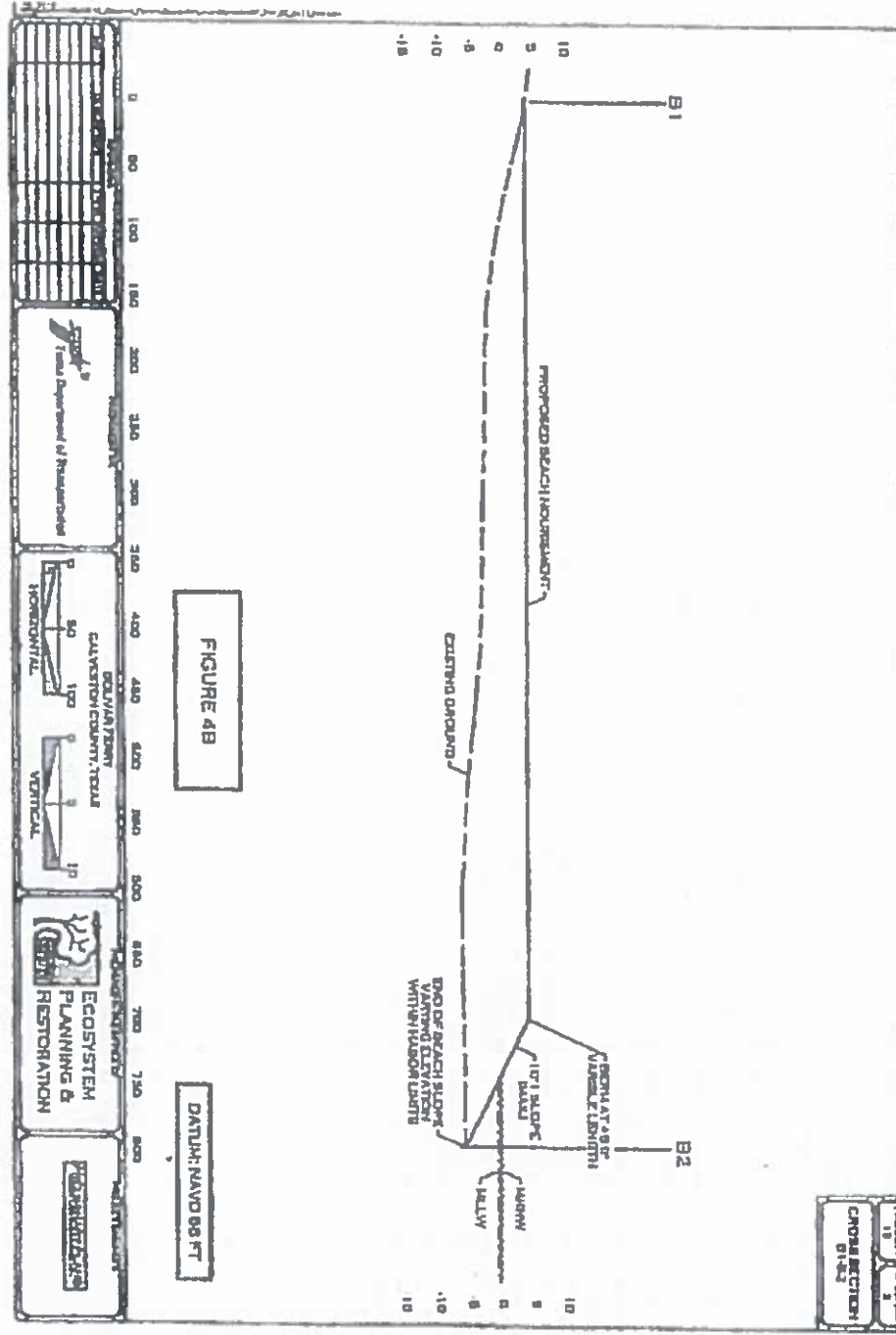


FIGURE 4B

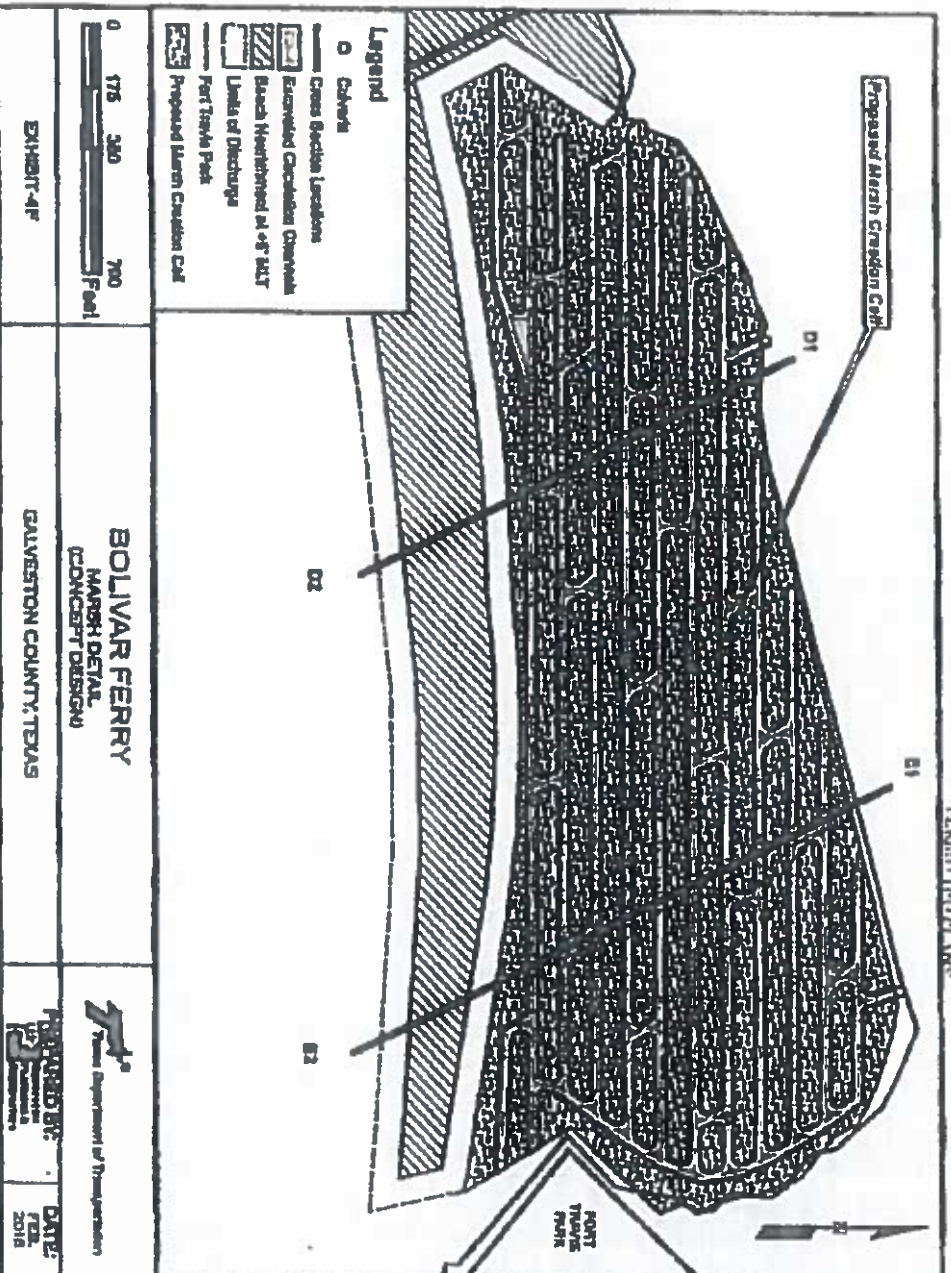
DATUM: NAVD 88 FT

BU PLAN

B of 10

SMG-2007-00173

DETAIL PLAN A

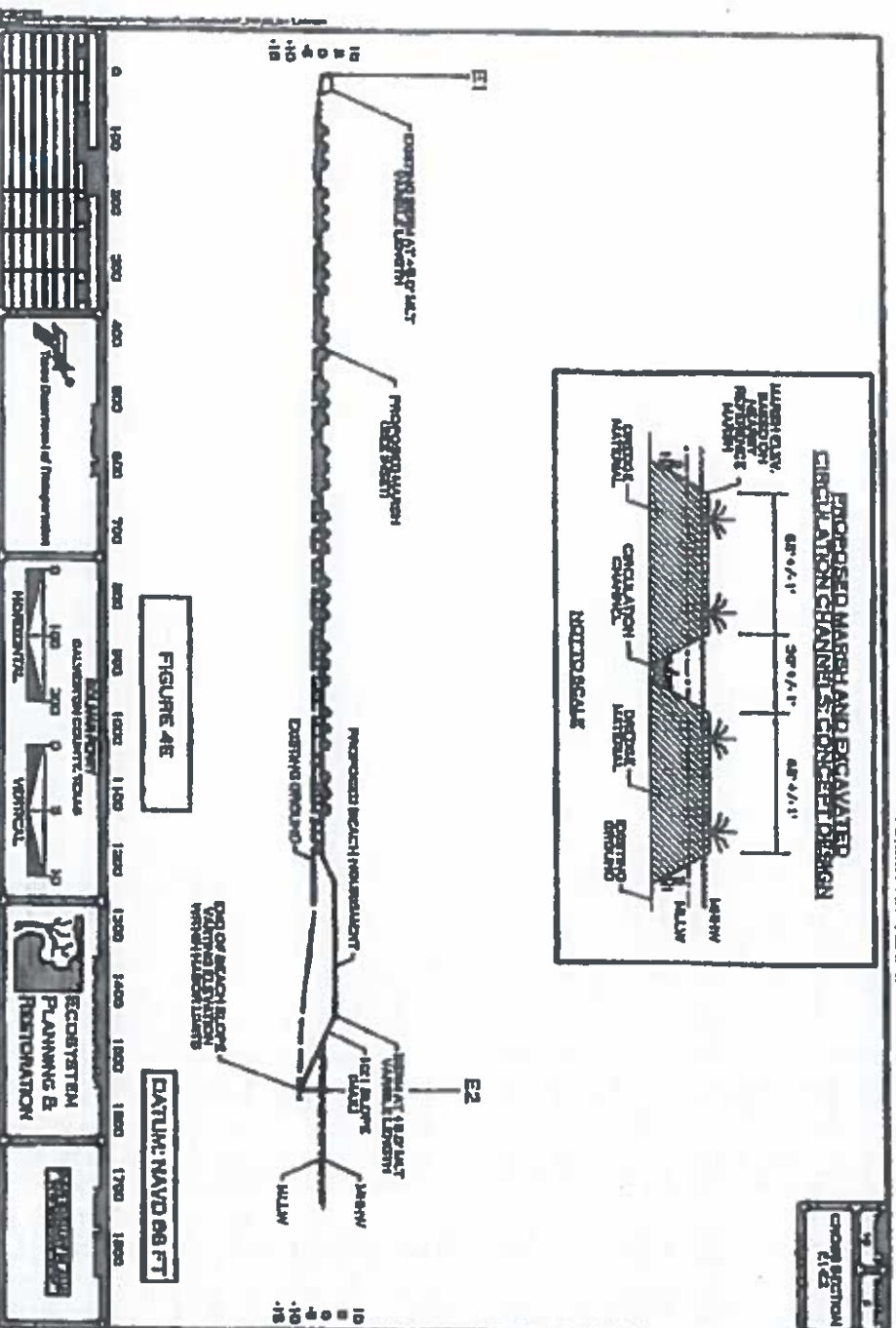


BU PLAN

B of 10

SMG-2007-00173

REMITTED PLANS



**BENEFICIAL USE PLAN**

Bolivar Ferry Maintenance Dredging Project  
USACE SWG 2007-00173  
CSJ 7100-00-001  
Galveston County, Texas

The Texas Department of Transportation - Houston District (TxDOT) is requesting authorization to amend an existing Section 10/404 Individual Permit that authorizes the placement of dredged materials into one beneficial use area, Beneficial Use Site 1 (BUI). Proposed BUI is comprised of a 42-acre beach and 16-acre intertidal flat. The placement of materials in these areas will affect a total of approximately 63 acres of waters of the United States (U.S.). BUI is an open water site and is not considered a special aquatic site. The dredge events will take place annually, for a total of approximately five years.

The proposed BUI area is located south of the existing TxDOT Bolivar Ferry Landing, along State Highway (SH) 87. BUI is located on the western boundary of Fort Travis along the Bolivar Peninsula in Galveston County, Texas. The project is located on the U.S. Geological Survey (USGS) topographic quadrangle map titled Galveston, Texas. The approximate UTM coordinates in NAD 83 (meters) for this area is:

- BUI - Easting: 328,238.737, Northing: 3,249,452.273

Site Selection

The BUI Site location was selected based on multiple factors outlined in the attached Individual Permit modification supplemental materials. The main contributing factors included (1) distance to the Bolivar Ferry Landing, (2) capacity of dredged materials and long-term maintenance dredging needs, and (3) protection of existing and future infrastructure on the Bolivar Peninsula.

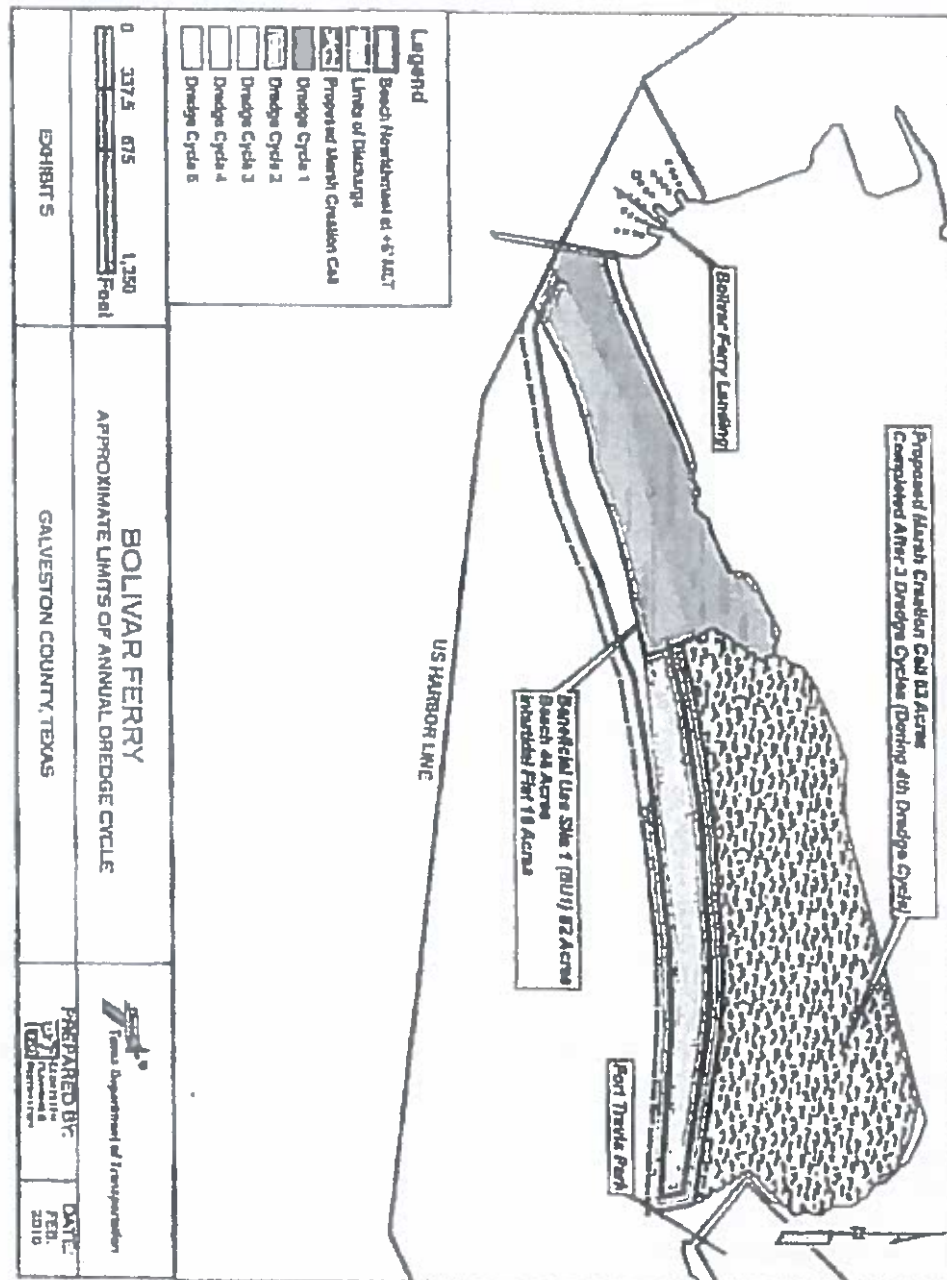
The area designated as BUI and the marsh creation cell are currently state submerged lands and would be leased from the Texas General Land Office for a period of 20 years. The TGLD surface lease will be renewed by TxDOT after the initial lease has expired.

Essential Fish Habitat Offsets

In order to offset the unavoidable impacts to Essential Fish Habitat (EFH), TxDOT is proposing to create a 63-acre marsh cell adjacent to the BUI. Table 1 below summarizes the amount of EFH in acres for the BUI. Intertidal flat habitat creation would result in temporary impacts to EFH and marsh creation is not proposed for these temporary impacts.

Table 1: EFH Compensation Areas for BUI

Beneficial Use Area	Marsh Habitat (acres)	Intertidal Flat Habitat (acres)	Emergent Beach Habitat (acres)
BUI	63	16	46



BU PLAN

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SWG-2007-00173

6-3

The area impacted by BUI is a shallow open water site with approximately 2,500 linear feet in edge habitat, which is primarily beach or rip-rap-water interface. The conceptual designed marsh cell as shown in Exhibit 4F contains approximately 54,000 linear feet of edge habitat (marsh-water interface). The conceptual marsh cell design would have over 900 linear feet of edge per acre compared to 54 linear feet per acre of edge within the impacted BUI. Edge created within the marsh cell would be at a ratio of approximately 17:1 compared to edge within the impacted BUI site.

The EFH impacts would be spread throughout five dredge cycles to reduce temporal impacts. Table 2 shows the acres of EFH impacted during each dredge cycle and when the marsh cell would be created to offset these impacts.

Table 2: EFH Impacts per year

Dredge Event	Project Year	EFH Impact (acres)	EFH Offsets created (acres)
1	1	13	0
2	2	11	0
3	3	14	0
4	4	0	63
5	5	8	0

The created marsh would consist of a 63-acre marsh cell. The entire proposed marsh cell is considered an offset and improvement to the current open water site with high wave energy. The 63-acre marsh cell will provide a low energy environment with a greater amount of marsh-shallow water edge habitat than the impacted site. Impacts would be spread over a minimum of five years and offsets would begin during the fourth dredge cycle, as early as the fourth year of the project, before all impacts have occurred.

#### Implementation: Site Preparation and Planting

##### *Marsh Creation*

The marsh will be constructed during the fourth dredge event, contingent upon dredge material suitability and approval from the USACE. The first three dredge placement events (contingent upon dredge material suitability and USACE approval) create the beach and peninsula which will provide wave protection for the marsh. The marsh area will be filled with approximately 250,000 cubic yards of dredge material. The final elevation of the marsh will be determined during final design through coordination with resource agencies to provide reference elevations for successful low marsh habitat. A temporary containment levee may be constructed of dredge material between the eastern tip of the constructed BUI peninsula and Fort Travis during construction of the marsh cell. Circulation to the adjacent TxDOT revetment marsh culverts will be maintained during construction and after construction of the marsh.

After dredge placement materials have consolidated, a series of circulation channels will be excavated within the dredge material. Circulation channels will be approximately 30 feet in width and 2-3 feet in depth. The material excavated from the circulation channels would be applied to the top of the marsh area to establish final elevations. The target percentage for open water for the marsh site will be 30%. The open water portion of the site would consist of transitional slope between the bottom elevation and the emergent marsh. Marsh areas would be approximately 65 feet maximum width, and the emergent portions of the marsh would be equal to approximately 70% of the area within the 63-acre marsh cell. After sediment consolidation and circulation channel excavation, the marsh would be seeded or planted with native vegetation such as Smooth cordgrass (*Spartina alterniflora*). Final planting plans would be submitted for review and advice prior to planting or seeding.

The vegetation would be obtained either from approved transplant locations and/or approved nurseries or seed sources. Planting or seeding would occur in spring or fall to ensure the highest success of establishment and survival within the planting areas. The seeding or planting methodology will be at the discretion of the Design Engineer and approval from TxDOT.

##### *Intertidal Flat Creation*

The placement of dredged materials will be to an elevation of +5 feet to mean high tide (MHT) at a 10:1 slope, creating approximately 16 acres of intertidal flat at BUI. Wave and current forces will be allowed to shape the beach profiles.

##### *Beach Creation*

Dredge materials will be placed (contingent upon dredge material suitability and USACE approval) from the existing shoreline at an elevation of +5 feet above mean low tide to create an emergent beach of approximately 46 acres. The placement area from the beach to the toe of slope would have a total footprint of 62 acres (beach + intertidal flat). Open space between the beach and Fort Travis will remain to allow flushing to a previously constructed area adjacent to SH 87 (performed under a separate project). The dredged materials will extend towards the 5-foot contour in subsequent dredged material placement events. Wave and current forces will be allowed to shape the beach profiles. The beach will be created in an area that has experienced significant shoreline erosion. The shoreline is eroding at an approximate rate of 5-8 feet per year. The beach will offset shoreline erosion and restore a former beach to its previous limits.

##### Monitoring Plan and Performance Standards:

##### *Beach Nourishment:*

Beach nourishment and tidal flat areas will be monitored by review of high quality geo-rectified aerial photographs. Houston-Galveston Area Council releases high quality geo-rectified aerial photographs on a biennial basis. TxDOT will review available aerial photographs and compare the fill footprint with the proposed project footprint and record the percent complete in a monitoring report. If aerial photographs are not available on an annual basis, site visit would be conducted and beach limits may be mapped using GPS. This beach monitoring report will be



submitted in conjunction with the first marsh monitoring report. The combined beach/marsh monitoring report would be submitted following final beach and marsh creation.

After the final dredging event is complete and the final beach footprint is complete, aerial photographs would continue to be reviewed every two years for beach erosion. Based on preliminary calculations, beach erosion of approximately 100 feet of the outermost beach would allow capacity for another dredge placement to return the beach to its ultimate footprint limits. This additional event would allow for the continued protection of the shoreline and created marsh. TxDOT expects to add additional material to the outermost limits of the BU1 footprint approximately every 10 years to maintain the protective beach. Shoreline losses of over 100 feet would trigger another dredge event placed on the outermost beach to maintain the shoreline.

Results of the biennial beach monitoring would be included in the marsh monitoring reports to the USACE.

#### Marsh Creation:

TxDOT would perform monitoring 60 calendar days after construction and completion of seeding to assess survival of plantings. If less than 50% of the plants have sprouted, a second seeding or planting of mature plants would occur within 90 days.

The initial monitoring report would be performed within 30 days of completion of the initial survival survey and any subsequent replanting effort and it would document the following:

- Number, sizes, and spacing of marsh species planted;
- Estimated percent vegetative cover within the planting area;
- Qualitative assessment of the health and quality of the species planted;
- Photographic documentation at the BU1 and marsh site; and
- Recommendations and/or corrective actions, if needed, for the following monitoring period.
- Aerial photographs showing the baseline limits of the beach and marsh creation area and the percent of the marsh area covered with emergent marsh mounds.

After initial monitoring, TxDOT would perform annual monitoring for a minimum of 5 years after completion of construction. Monitoring would assess erosion or subsidence of the marsh and vegetative cover. Using geo-rectified aerial photographs, marsh would be evaluated for aerial coverage. At least 50% of the created marsh should remain emergent 3 years after construction of the marsh. Onsite inspection of vegetation would ensure that the marsh has at least 70% vegetative cover. A monitoring report, including site photographs and sampling methodology would be prepared and submitted to the USACE annually within year after submittal of the first monitoring report.

This 5-year monitoring would consist of one initial monitoring report and 4 subsequent annual monitoring reports. The annual monitoring reports would be performed annually within the same month for consistency and it would document the following:

- Estimated percent of the 63-acre marsh cell covered by emergent marsh;

- Estimated percent vegetative cover within the planting area;
- Qualitative assessment of the health and quality of the species planted;
- Photographic documentation at BU1 and marsh site; and
- Recommendations and/or corrective actions, if needed, for the following monitoring period.

#### Success Criteria

- Beach within BU1 would fill at least 80% of the permitted beach footprint. The permitted footprint is 46 acres and the 80% success criterion is 37 acres.
- Marsh creation areas shall have emergent marsh covering at least 50% of the marsh cell. Vegetative cover within these emergent marsh cells would be at least 70%. At least 50% of the vegetative cover would be comprised of *S. alterniflora*.
- Once success criteria for the beach and marsh creation areas are attained and the 5-year monitoring reporting is complete, the areas will continue to be periodically monitored. However, no additional monitoring reports would be submitted to the USACE.
- If success criteria are not reached within 5-years after completion of the marsh cell, corrective actions and additional monitoring would be proposed for the site.

#### Long-term Management:

The long-term management of the site is the responsibility of the applicant. The applicant will monitor and report for five years. Once monitoring and reporting are complete and success of the beneficial use area is documented, the site will continue to be monitored and used by TxDOT for placement of dredge materials as needed. After 20 years, another lease with the TGLD would be secured for an additional 20 years.

#### Adaptive Management and Financial Assurance:

The beneficial use site and the marsh cell are located in a coastal area prone to hurricanes and other related weather and/or catastrophic events. If such an event occurs the applicant will work with the USACE to formulate a plan for restoration of mitigation site specific to the level of damage and restoration requirements.

If the beach front erodes more than 100 feet from its outermost limits, additional dredge material will be placed on the shoreline to offset erosion and protect the marsh. If the emergent marsh surface area falls below 50% of the 63-acre marsh cell, due to subsidence, erosion, or sea level rise, additional dredge material would be added to restore marsh to target elevations in relation to MHT. If erosion rates along the shorefront increase or are greater than anticipated, and the protective peninsula cannot be maintained with regular placement of dredge material adaptive management for hardened shore protection would be considered as part of an adaptive management plan.

The applicant assumes the immediate and long-term financial responsibility for the site to ensure success criteria are met.



## PROJECT CONSERVATION MEASURES

August 2017

## General Requirements

Work should be scheduled for May 15-July 15. Work on the project will not begin before May 15. If for any reason the work schedule extends past July 15, TxDOT will implement the piping plover and rufa red knot monitoring measures, or cease work until the measure can be properly implemented.

Piping plover and rufa red knot

The following avoidance and minimization measures must be implemented in order to conserve and protect potential wintering piping plovers and red knots. These measures include:

## A. General Requirements

- The United States Fish and Wildlife Service (USFWS) will be notified at least two weeks prior to the start of each construction cycle and within one business day following the completion of each construction cycle.
- All work activities will occur during daylight hours only.
- Only sand that meets the specifications of local beach quality (e.g. grain size, color, mineral content) will be used for the project. Sand used in the project will meet the requirements specified in the *Decision Making Flowchart Dredged Material Placement Plan Bolivar Ferry Landing Maintenance Dredging* included in the United States Army Corps of Engineers (USACE) Permit SWG-2007-00173.

## B. Proposed Work Area Requirements

- Sand, equipment, vehicles, and/or construction materials will not be stock-piled/stored/staged on the beach or within waters of the United States. All equipment must be removed from the beach at the end of each work day. Staging areas must be designated before work begins. Equipment may be fenced within these staging areas.
- Access to the beach for construction activities will be via designated routes, pre-approved by the USFWS.
- Monitors, contractors, and other project staff will adhere to a reduced speed of 15 miles per hour (mph) while on the beach.
- Texas Department of Transportation (TxDOT) will coordinate with USFWS a list of approved equipment to be used within the active work area prior to start of construction. Upon the completion of each work day, disturbed areas of the beach (e.g. ruts) will be smoothed out and loosened.
- A site-specific buffer of 300 feet will be established around any locations where piping plovers or red knots are observed. All activities will be restricted within the buffer zone. If piping plovers or red knots are observed within 300 feet of the active work zone, all work will stop until the birds move to a new location beyond the buffer zone, without the aid of harassment. The buffer zone will be clearly marked with signs around the perimeter, as long as the installation of signs does not disturb the birds. If birds appear to be disturbed by work activities outside of the 300-foot buffer, the restricted-work zone may be increased temporarily.
- The contractor will coordinate and sequence the work to minimize the frequency and

density of vehicular traffic on the beach to the greatest extent practicable. Construction crews and vehicles will avoid the swash zone and the wrack line, wherever possible. The swash zone is defined as the area of the beach which is intermittently covered and uncovered by wave run-up.

- Work activities will be confined to a maximum 500 ft. long segment within the active work corridor. Work will occur and be linear (run parallel with shoreline) along the work corridor and the 500 ft. active work area will shift linearly along the work corridor as sections of the BU 1 template are completed to allow for birds to migrate to undisturbed portions of the beach. The boundaries of the 500 ft. long (maximum) active work area will be clearly marked with orange barricades. Barricades will be shifted as work is completed.

## C. Monitoring Requirements

- A wildlife monitor (monitor) will survey the beach adjacent to and along work areas and under equipment and vehicles for piping plovers and rufa red knots at the beginning of each work day and/or when resuming construction activities.
- All construction crew members will attend a training session prior to their initial participation in project work activities. TxDOT (or a designated representative) will coordinate training efforts, including qualifications of the trainer and training topics, with USFWS Texas Coastal Ecological Services Field Office prior to the start of work.
- A monitor will be present during the active construction of the project. A minimum of one monitor will be assigned to each active work area. The monitor will inspect the active work areas after sunrise, prior to the start of work, and continuously throughout the work day. No equipment will be powered on and/or working unless the monitor assigned to that particular work corridor is present. Monitoring should be conducted by a party with the appropriate expertise and knowledge of the approved monitoring protocols identified in *Newstead and Vale (2014)*. Monitors must fill out daily reports that include: date and time of monitoring, weather conditions, anthropogenic factors (people, dogs, vehicles, etc.), behaviors (feeding or roosting), and any other findings.
- At the beginning of each work day, the monitor will hold a meeting with all contractors/employees to cover appropriate implementation of conservation measures for the work planned for that day.
- Monitors will coordinate with the project site manager to ensure that the active work area is sufficiently marked on a daily basis. As the active work area shifts along the work corridor, the project site manager will ensure that orange barricades marking the ends of the active work area are in place and not exceeding the maximum distance of 500 ft. Monitors are the single point of contact responsible for communicating and reporting endangered species sightings/issues throughout construction and post-construction phases of the project. All sightings/issues will be recorded and included in the monitor's daily activity log. Project site managers will be bound to act on recommendations made by the monitor(s).
- Monitors are responsible for reporting all observations of piping plover or rufa red knot in the project area to the Texas Coastal Ecological Services Field Office within 48 hours of the observation.

## D. Post-construction

- When dune planting is necessary, only Texas native coastal dune vegetation will be

used (seeded and/or sprigged) to assist in stabilizing the sand or dune system. Replanting vegetation covered and/or destroyed during construction is acceptable on a one-time basis, per dredge cycle.

- b. The planting contractor will only utilize a light duty four-wheel drive truck, ATV, and/or flatbed trailers to transport plant materials, unless alternative equipment is coordinated with USFWS.
- c. If beachfront and bay habitat usage by wintering piping plovers, red knots, and other shorebirds has not been previously monitored, TxDOT (or a designated representative) will conduct pre-project baseline monitoring to determine if birds are using the habitats to be disturbed by the project. Post-construction, TxDOT (or a designated representative) will monitor changes to the project area and/or species usage so that potential adverse effects from construction can be identified. Monitoring methods outlined in Newstead and Vale (Galveston study area pp. 17-19) will be used.

#### Sea Turtles

##### A. Avoidance and Minimization Measures

- a. Sea turtle nesting season in Texas extends from March 15 to October 1. Currently the project area is not suitable habitat for nesting sea turtles, therefore no sea turtle monitoring will take place prior to or during the first construction cycle. At least one month prior to initiating subsequent construction cycles, TxDOT will coordinate in writing (email acceptable) with Texas Coastal Ecological Services Field Office to evaluate if suitable habitat has been created for nesting sea turtles. Texas Coastal Ecological Services Field Office will respond in writing (email acceptable) in a timely manner after the initial request, to inform TxDOT if there is a need to monitor for sea turtles. If Texas Coastal Ecological Services Field Office responds with concerns that the proposed phase of the project may affect sea turtles, TxDOT will implement the monitoring provisions listed below to ensure the project does not adversely affect sea turtles.

##### B. Monitoring Plan

- a. During sea turtle nesting season, the monitor will conduct a survey for nest and juvenile turtles entrained in Sargassum on the beach each morning prior to the start of construction. In the event a sea turtle, nest, or tracks are found, the monitor will inform the construction crew of the sighting, halt activities within the immediate area (300 feet), and notify the NOAA turtle nesting hotline so the nest can be recovered. If a sea turtle is discovered during active nesting, no one will approach within 300 feet until the nesting attempt is complete. Turtle tracks will also be avoided by 300 feet until investigated by a trained responder.
- b. Existing dune vegetation will be disturbed to the minimum extent necessary to complete the project. All areas of disturbed vegetation must be replanted with salt-tolerant Texas coastal native plant species.
- c. During sea turtle nesting season, dredge material placement and other work activities will be confined to daylight hours only. If activities will extend beyond daylight hours, exterior lights must be low pressure sodium and cannot exceed 40 watts. All exterior lights must be shielded, or hooded from illuminating the beach.

PERMITTED USE

- d. In the event that the sea turtle nesting season begins earlier than anticipated and a sea turtle, tracks, hatchlings, or nests are encountered, the bio monitor will stop construction work immediately and notify all of the following contacts:
  - 1) NOAA turtle nesting hotline 1-866-TURTLE-5 (1-866/887-8535)
  - 2) Texas Sea Turtle Stranding Coordinator Dr. Donna Shaver (361/949-8173) ext. 236
  - 3) Texas Coastal Ecological Services Field Office (281/286-8282) or CCEFSO - Tom Shearer (361-574-3005)
- e. If at any time a deceased sea turtle is encountered, the monitor will stop work within 100 feet of the deceased sea turtle and immediately notify the above contacts. The monitor has the responsibility to ensure that the evidence of the specimen is not disturbed during project implementation.

##### C. Post Construction Public Education

- a. Public education signs will be installed at beach access points within the project area if it is determined that the project may affect sea turtles. After the first construction cycle but before subsequent construction cycles, TxDOT (or a designated representative) will collaborate with the USFWS Texas Coastal Ecological Services Field Office regarding the need for signs and the content of each sign and its placement.

Byron H. Stone, PhD, U.S. Chairman  
Toby Baker, Commissioner  
Jon Hernandez, Commissioner  
Richard A. Hyde, Ph.D., Executive Director

OCT 09 2017

OCT 09 2017

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 9, 2017

Ms. Kristy L. Farmer, Project Manager  
Galveston District CESWG-FE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: USACE Permit Application No. SWG-2007-00173

Dear Ms. Farmer:

This letter is in response to the Statement of Findings (SOF) dated September 27, 2017, for the Joint Public Notices dated June 24, 2014 and October 21, 2014. The Texas Department of Transportation (TXDOT) proposes to modify their current permit to add additional capacity for the long-term maintenance hydraulic dredging of Bolivar Ferry Landing. The project is located in Galveston Bay at the western tip of Bolivar Peninsula, Galveston County, Texas.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the public notice and related application information along with the SOF. 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 standard provisions of the certification, is included as an attachment to this letter.

The project includes maintenance hydraulic dredging for a period of ten years, within three previously authorized Fort Bolivar Ferry slips and approach ways, to maintain a depth of 22 feet below mean low tide or 22 feet below mean lower low water. TXDOT proposes to remove 350,000 cubic yards of material annually and place it within placement areas PA 2A, PA 2B, and beneficial use site BU 1.

No compensatory mitigation is proposed.

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 (5) 505.30) and has determined that the action is consistent with the applicable CMP goals and policies.

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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 (31 TAC §501.25). This certification complies with the CMP goals (31 TAC §501.12(i), 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 Brittany M. Lee, Water Quality Assessment Section, Water Quality Division-Matrix, 14250 Judson Road, San Antonio, Texas 78233-4480, at (210) 403-4048 or by email at [Brittany.Lee@tceq.texas.gov](mailto:Brittany.Lee@tceq.texas.gov).

Sincerely,



David W. Galindo, Director  
Water Quality Division  
Texas Commission on Environmental Quality

DWG/BL/ic

Attachment

cc: Texas Dept. of Transportation - Houston District, P.O. Box 1386, Houston, Texas 77351  
Ms. Allison Buchdien via e-mail at [Federal.Consistency@GLD.TEXAS.GOV](mailto:Federal.Consistency@GLD.TEXAS.GOV)

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**WORK DESCRIPTION:** As described in the public notices dated June 24, 2014 and October 21, 2014, and the September 27, 2017, Environmental Assessment and Statement of Findings.

**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 September 27, 2017, Environmental Assessment and Statement of Findings 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 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.

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

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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. Non-contaminated storm water from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Storm water 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/wq\\_construction.html](http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html) or by contacting the TCEQ Storm Water & Pretreatment Team at (512) 239-4671.
12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil

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- 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.

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CORPS DISTRICT ADMINISTRATIVE APPEAL PROCESS		
Applicant: Texas Department of Transportation	File Number: SWG-2007-00173	Date: 10/11/2017
Attached is:	See Section below	
<input checked="" type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/> PERMIT DENIAL	C	
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION	E	
<p><b>SECTION I:</b> The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <a href="http://www.usace.army.mil/Missions/Civil%20Works/Regulatory%20Programs/Permits/Permits%20Appeals.aspx">http://www.usace.army.mil/Missions/Civil Works/Regulatory Programs/Permits/Permits Appeals.aspx</a> or Corps regulations at 33CFR Part 331.</p>		
<p><b>A: INITIAL PROFFERED PERMIT:</b> You may accept or object to the permit.</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.</li> <li><b>OBJECT:</b> If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.</li> </ul>		
<p><b>B: PROFFERED PERMIT:</b> You may accept or appeal the permit</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.</li> <li><b>APPEAL:</b> If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.</li> </ul>		
<p><b>C: PERMIT DENIAL:</b> You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.</p>		
<p><b>D: APPROVED JURISDICTIONAL DETERMINATION:</b> You may accept or appeal the approved JD or provide new information.</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.</li> <li><b>APPEAL:</b> If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.</li> </ul>		

<p><b>E: PRELIMINARY JURISDICTIONAL DETERMINATION:</b> You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.</p>		
<p><b>SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT</b></p> <p><b>REASONS FOR APPEAL OR OBJECTIONS:</b> (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)</p>		
<p><b>ADDITIONAL INFORMATION:</b> The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.</p>		
<p><b>POINT OF CONTACT FOR QUESTIONS OR INFORMATION:</b></p> <table border="0"> <tr> <td> <p>If you have questions regarding this decision and/or the appeal process you may contact:</p> <p>Mr. Kirby Farmer, Regulatory Specialist CESWG-RD-E, P.O. Box 1239 Galveston, Texas 77551-1239 Telephone: 409-766-3935; FAX: 409-766-6301</p> </td> <td> <p>If you only have questions regarding the appeal process you may also contact:</p> <p>Mr. Elliot Cannon Administrative Appeals Review Officer (CCSWD-PD-O) U.S. Army Corps of Engineers 1100 Commerce Street, Suite 1311 Dallas, Texas 75242-1317 469-487-7061</p> </td> </tr> </table>	<p>If you have questions regarding this decision and/or the appeal process you may contact:</p> <p>Mr. Kirby Farmer, Regulatory Specialist CESWG-RD-E, P.O. Box 1239 Galveston, Texas 77551-1239 Telephone: 409-766-3935; FAX: 409-766-6301</p>	<p>If you only have questions regarding the appeal process you may also contact:</p> <p>Mr. Elliot Cannon Administrative Appeals Review Officer (CCSWD-PD-O) U.S. Army Corps of Engineers 1100 Commerce Street, Suite 1311 Dallas, Texas 75242-1317 469-487-7061</p>
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<p><b>RIGHT OF ENTRY:</b> Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.</p>		