

DEPARTMENT OF THE ARMY PERMIT

Permittee Fort Bend County

Permit No. SWG-2015-00247

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 discharge 24,482 cubic yards of fill material into 2.26 acres of palustrine forested wetlands and 0.53 acre of a pond, and install new reinforced box culverts (RBCs) in 680 linear feet of streams, for a 5.3-mile-long roadway expansion project. The applicant will also replace 504 linear feet of existing culverts with RBCs. The project will be conducted in accordance with the attached plans, in 14 sheets.

Project Location: In waters of the United States (US), including but not limited to, an unnamed tributary to Fulshear Lake, an unnamed tributary to Bessies Creek, a pond, and PFO wetlands, from approximately 0.6-mile west of Farm-to-Market Road (FM) 723/Spring Green Boulevard to FM 359 in Fulshear, with a transition to the existing section at James Lane west of FM 359, for the extension of the existing Westpark Tollway (four-lane controlled access tollway with continuous non-toll frontage roads, in Fulshear, Fort Bend County, Texas.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2022. 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 will purchase 0.77 functional capacity units (FCUs) for temporary storage of water, 1.04 FCUs for maintenance plant and animal, and 0.99 FCUs for removal of elements from Danza del Rio Wetland Mitigation Bank.
2. The permittee will submit written documentation to the Corps, verifying that 0.77 FCUs for temporary storage of water, 1.04 FCUs for maintenance plant and animal, and 0.99 FCUs for removal of elements from Danza del Rio Wetland Mitigation Bank, prior to the start of jurisdictional activities in the project area.
3. The permittee will purchase 3,666 stream compensation debit credits from the Katy Prairie Stream Mitigation Bank.
4. The permittee will submit written documentation to the Corps, verifying that 3,666 stream compensation debit credits from the Katy Prairie Stream Mitigation Bank, prior to the start of jurisdictional activities in the project area.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () 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)
FORT BEND COUNTY

(DATE)

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

(DISTRICT ENGINEER)
**KRISTI N. MCMILLAN, LEADER
CENTRAL EVALUATION UNIT
FOR COLONEL LARS N. ZETTERSTROM**

(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.

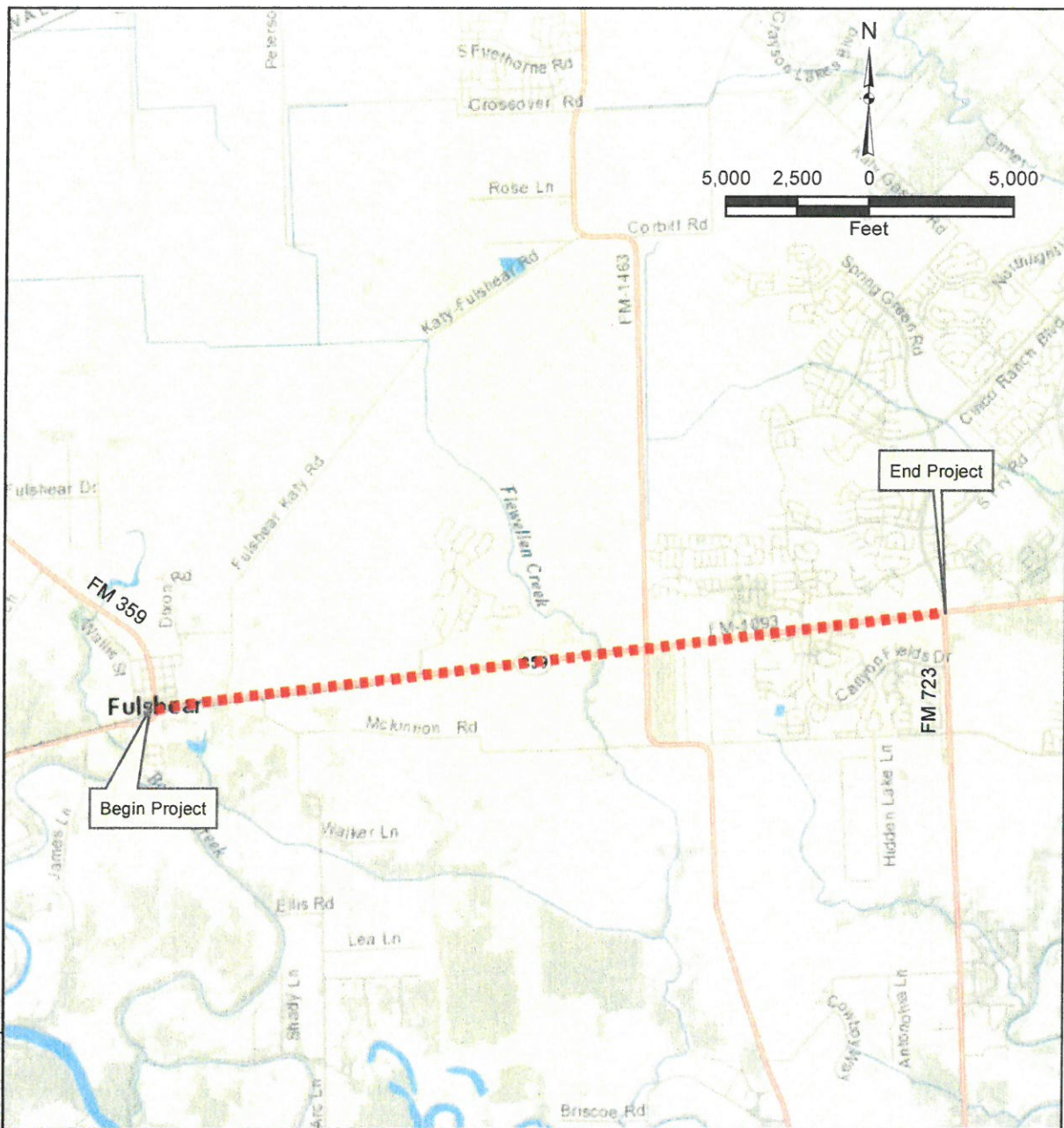
(TRANSFEEE – Typed/Printed Name)

(DATE)

(TRANSFEEE - Signature)

(Mailing Address)

PERMITTED PLANS



J:\11048.001.001\107.00.CADD\GIS\Maps\Exh A-Project Location Map.mxd



Legend

- Project Limit

klotz associates

Project Location Map

FM 1093 / WESTPARK TOLLWAY
Phase 2

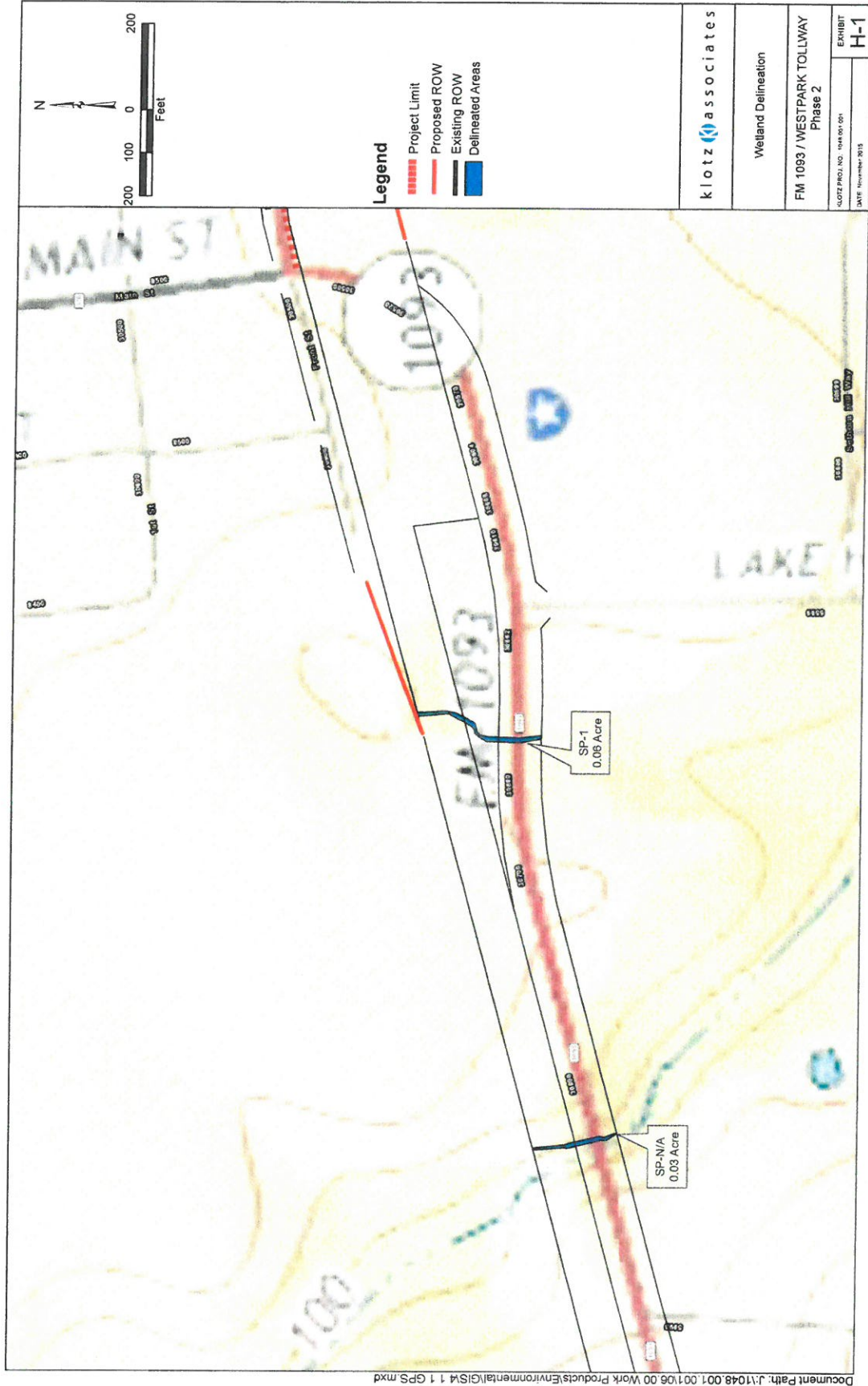
KLOTZ PROJ. NO.: 1048.001.001

DATE: November 2014

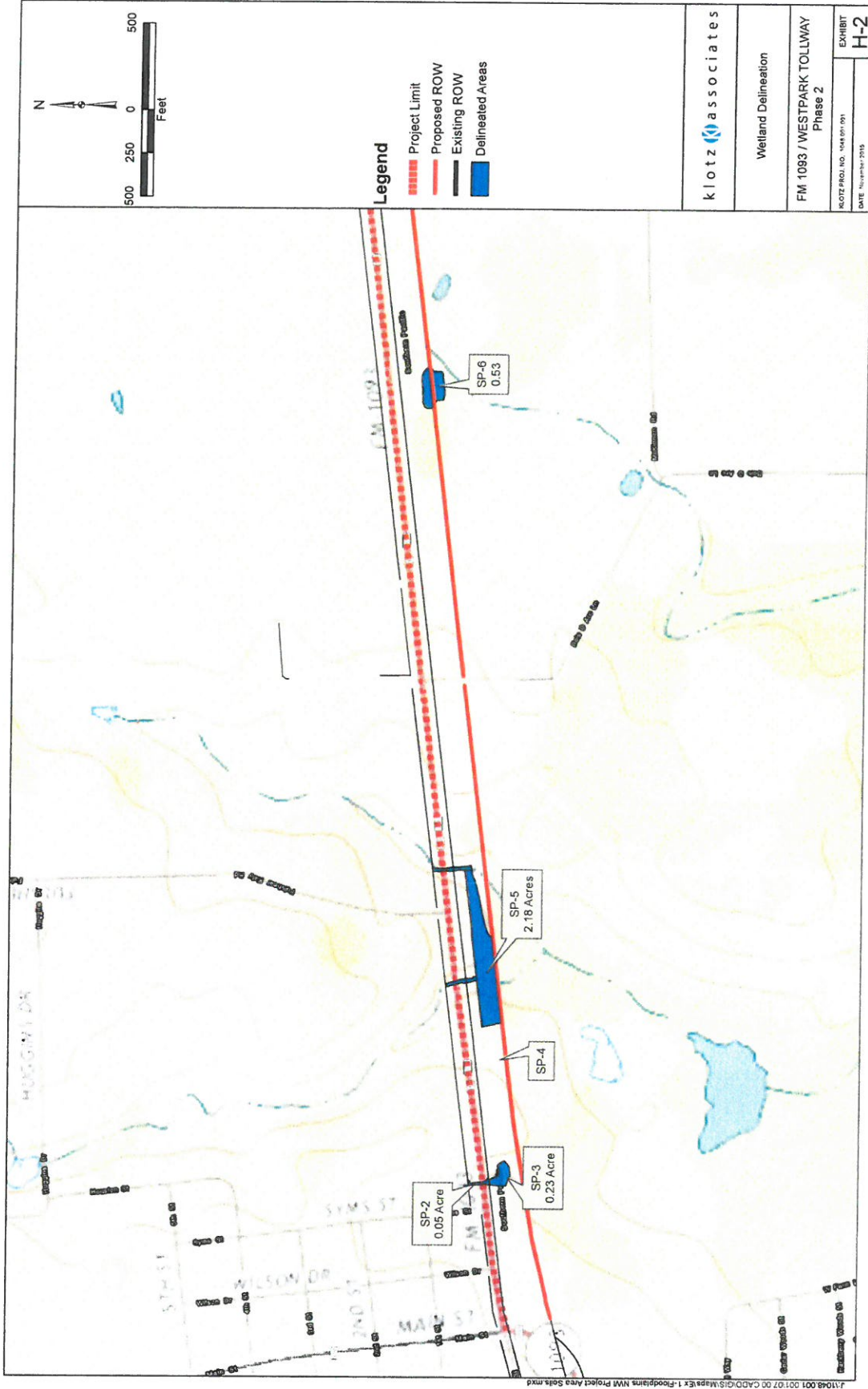
EXHIBIT
A

Source: National Geographic, ESRI (2011)

PERMITTED PLANS



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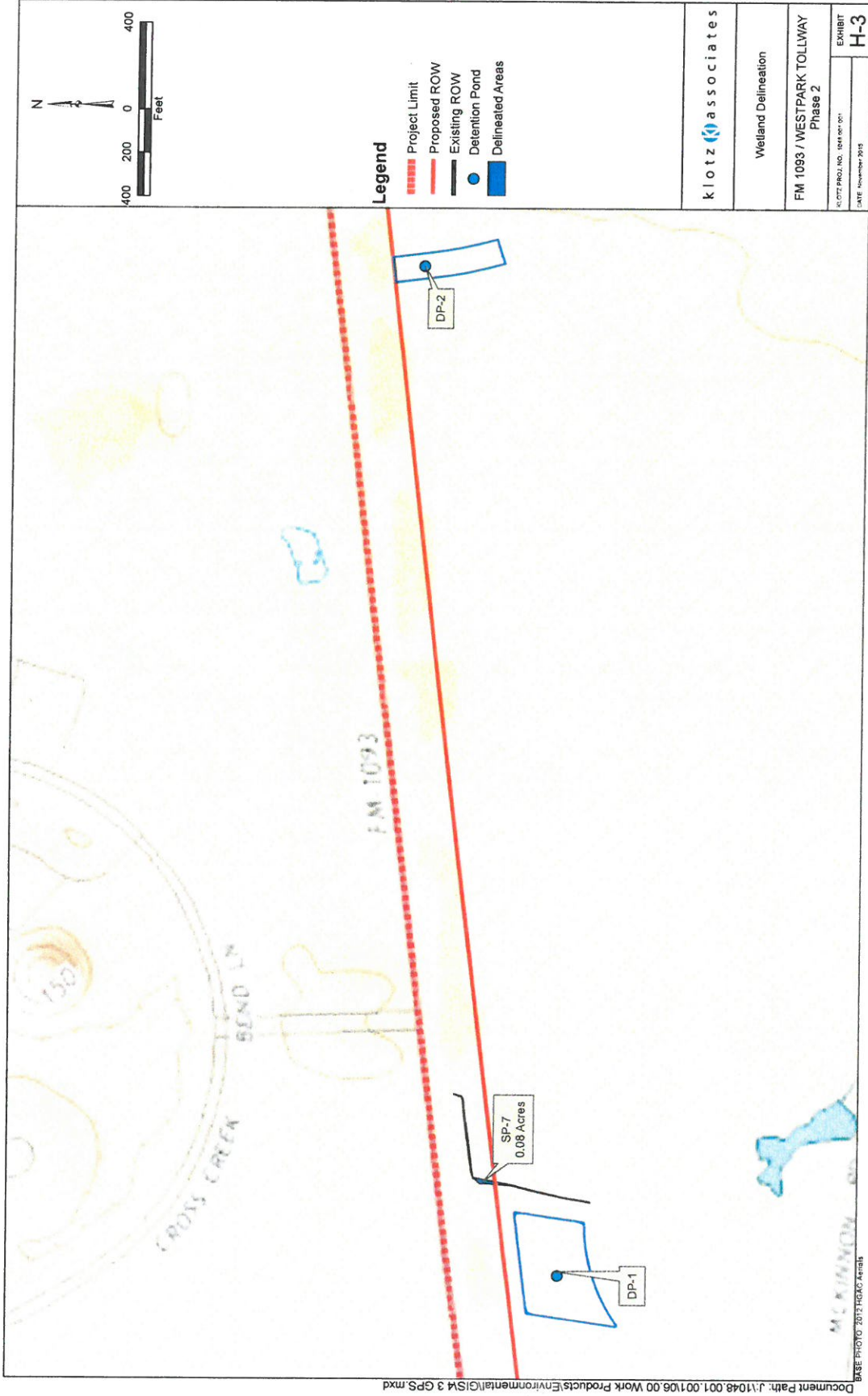
klotz associates

Wetland Delineation

FM 1093 / WESTPARK TOLLWAY
Phase 2

NOTES: PROJ. NO. 1544 (01/10/11)
DATE: 10/16/2015

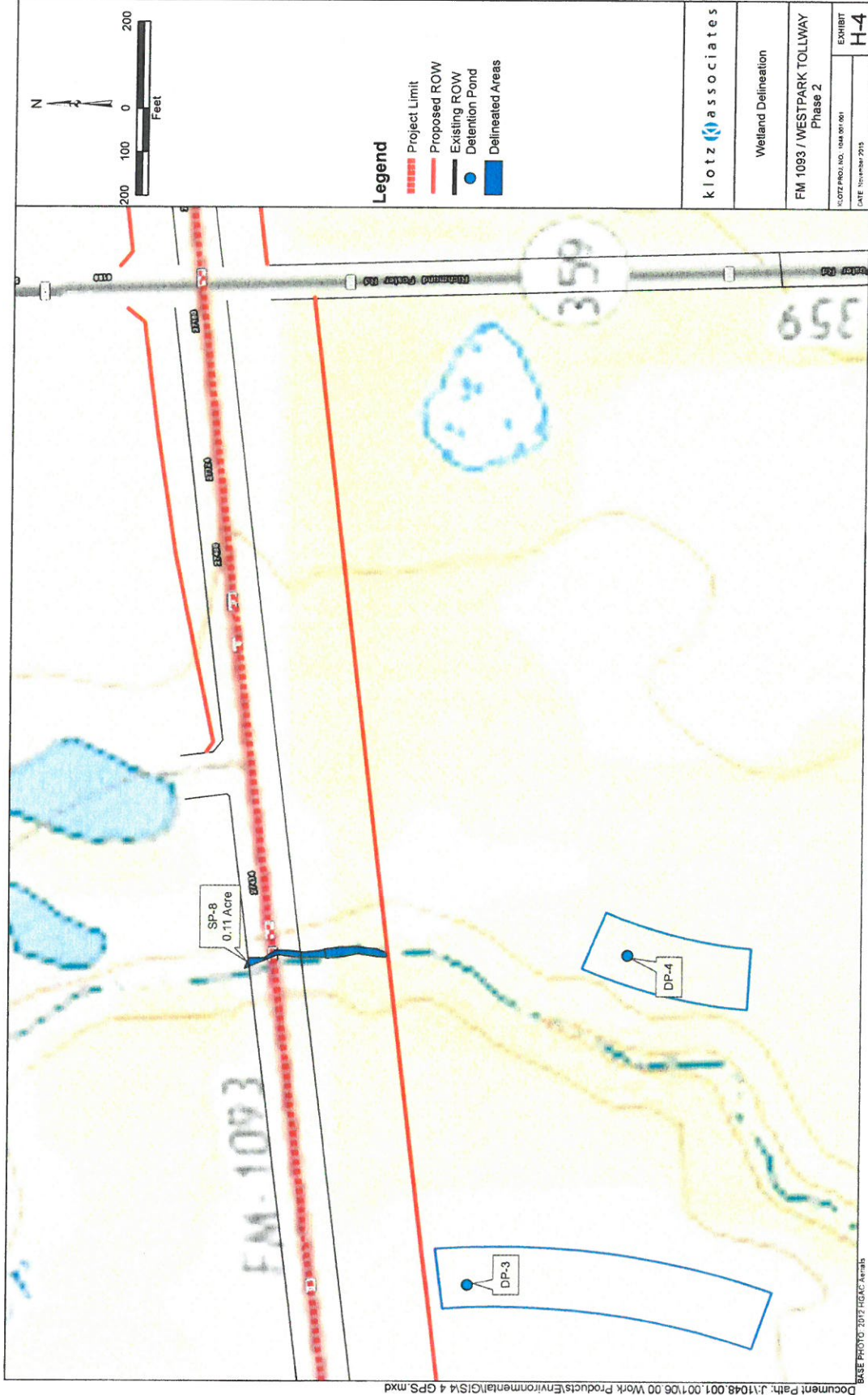
EXHIBIT
H-2

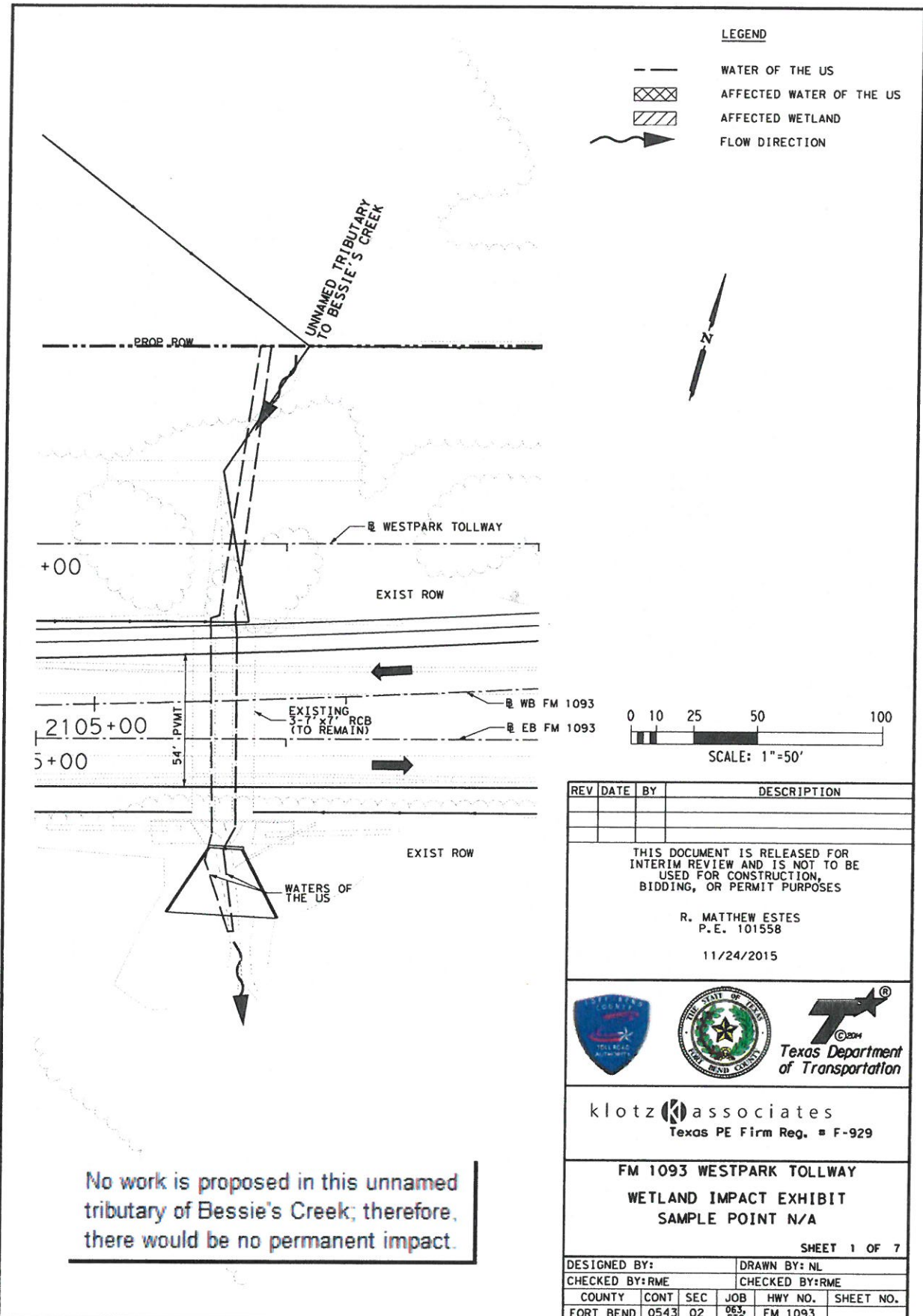


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BASE PHOTO: 2012 HGAC Aerials

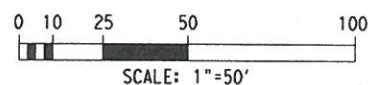
PERMITTED PLANS





LEGEND

- WATER OF THE US
- AFFECTED WATER OF THE US
- AFFECTED WETLAND
- FLOW DIRECTION



REV	DATE	BY	DESCRIPTION

THIS DOCUMENT IS RELEASED FOR INTERIM REVIEW AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES

R. MATTHEW ESTES
P.E. 101558

11/24/2015



klotz associates
Texas PE Firm Reg. # F-929

FM 1093 WESTPARK TOLLWAY
WETLAND IMPACT EXHIBIT
SAMPLE POINT N/A






SHEET 1 OF 7

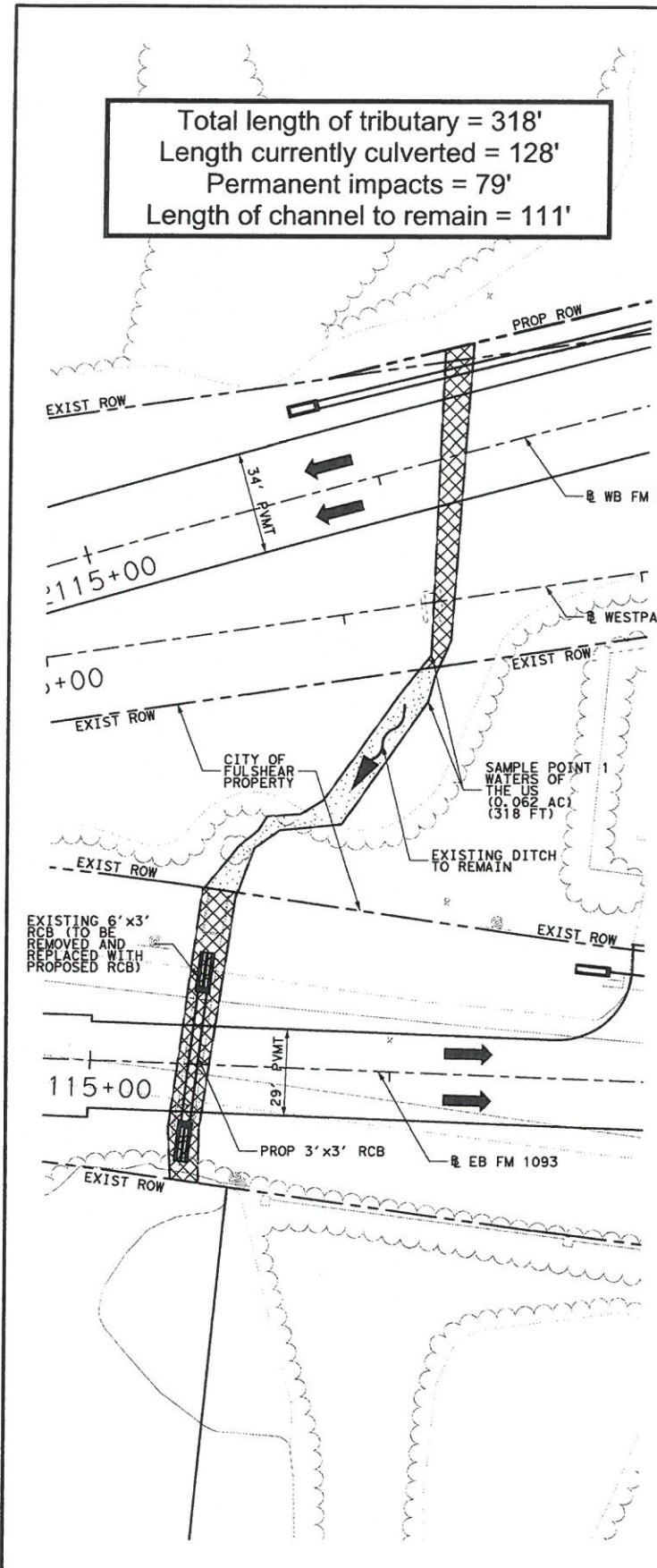
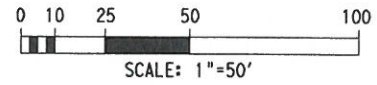
DESIGNED BY:		DRAWN BY: NL	
CHECKED BY: RME		CHECKED BY: RME	
COUNTY	CONT	SEC	JOB
FORT BEND	0543	02	063, ETC
HWY NO.		SHEET NO.	
FM 1093			

No work is proposed in this unnamed tributary of Bessie's Creek; therefore, there would be no permanent impact.

Total length of tributary = 318'
Length currently culverted = 128'
Permanent impacts = 79'
Length of channel to remain = 111'

LEGEND

-  WATER OF THE US
-  AFFECTED WATER OF THE US
-  AFFECTED WETLAND
-  NO CONSTRUCTION IMPACT
NO DISCHARGE OF FILL
-  FLOW DIRECTION



REV	DATE	BY	DESCRIPTION

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R. MATTHEW ESTES
P.E. 101558
2/9/2017

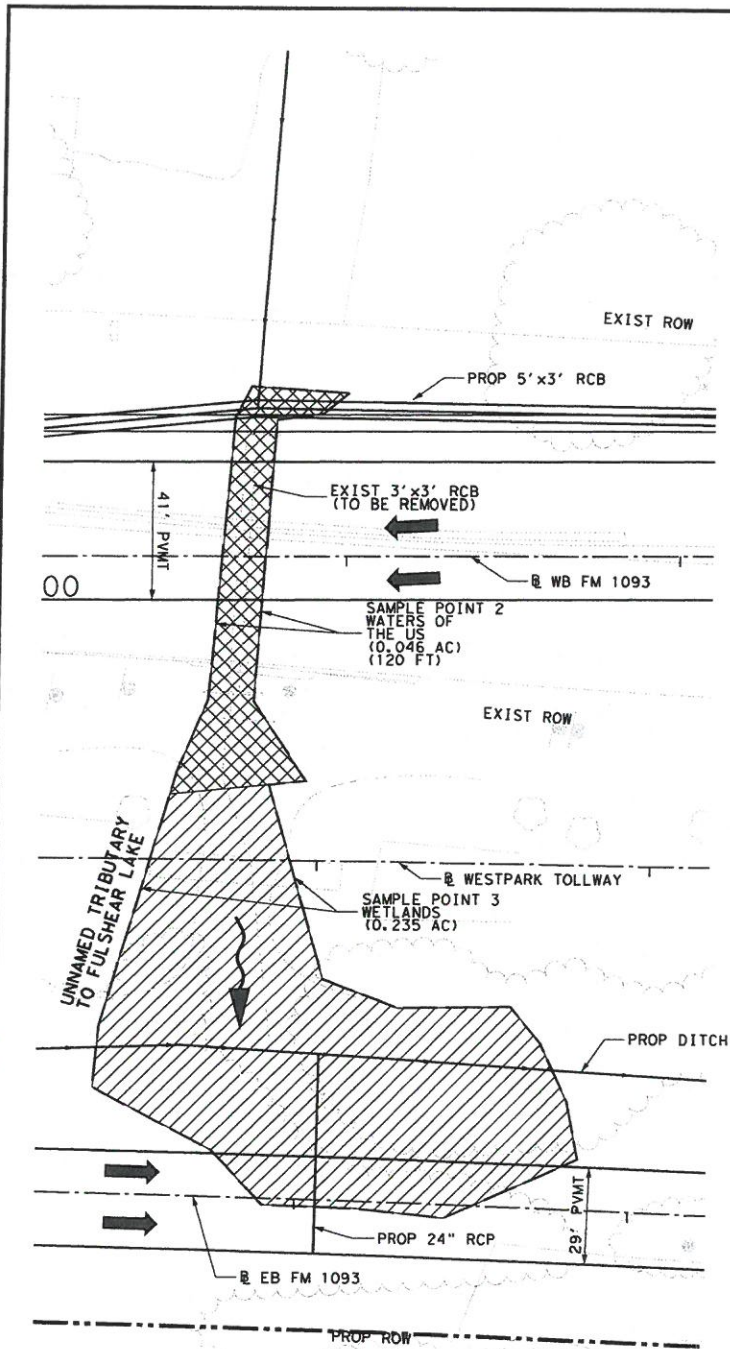


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**FM 1093 WESTPARK TOLLWAY
WETLAND IMPACT EXHIBIT
SAMPLE POINT 1**

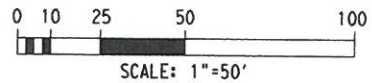
SHEET 2 OF 7

DESIGNED BY:			DRAWN BY: NL		
CHECKED BY: RME			CHECKED BY: RME		
COUNTY	CONT	SEC	JOB	HWY NO.	SHEET NO.
FORT BEND	0543	02	083, ETC	FM 1093	



LEGEND

- WATER OF THE US
- AFFECTED WATER OF THE US
- AFFECTED WETLAND
- FLOW DIRECTION



Total length of tributary = 120'
Length currently culverted = 77'
Total new permanent impact = 43'

REV	DATE	BY	DESCRIPTION

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P.E. 101558

11/24/2015

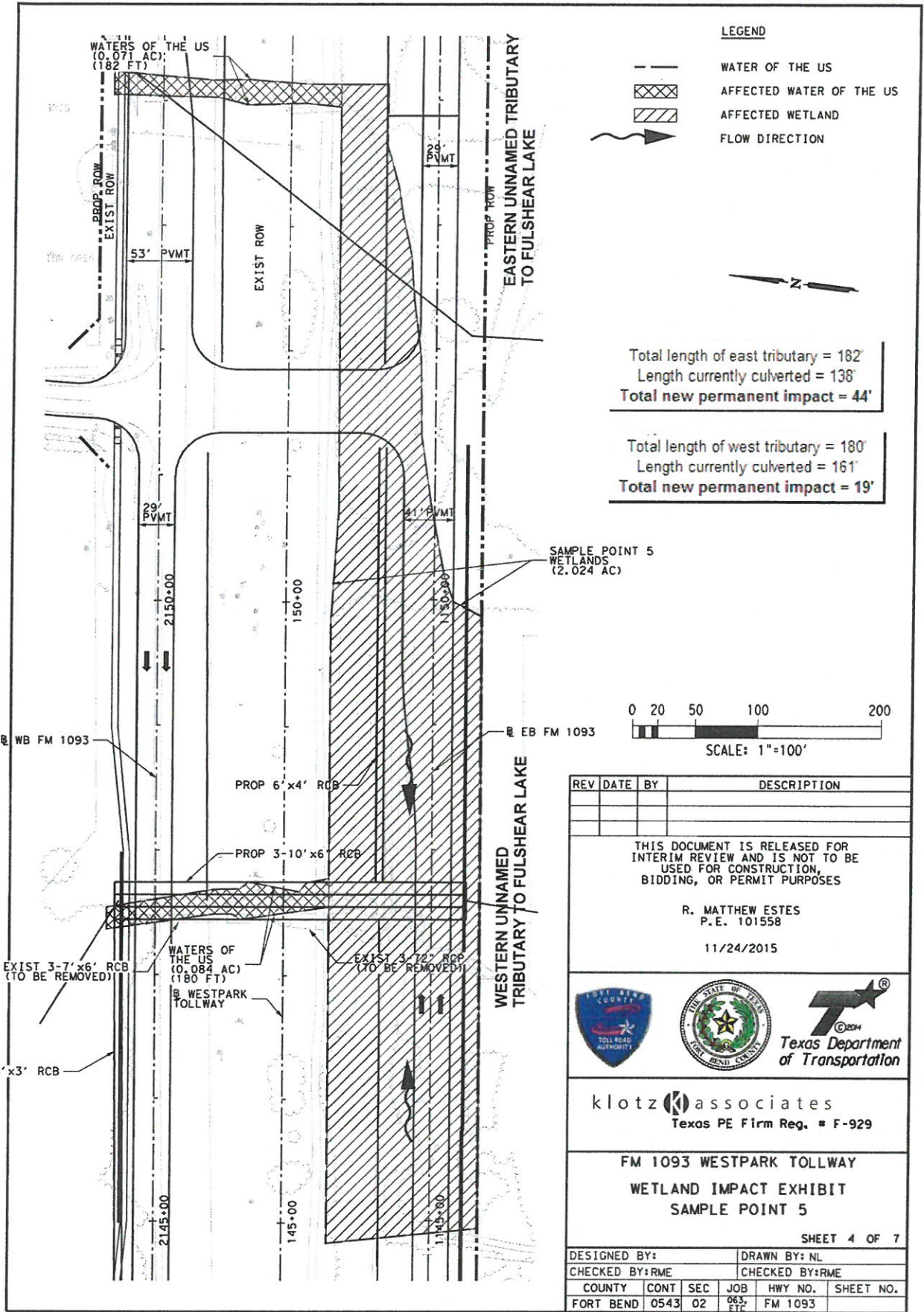


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FM 1093 WESTPARK TOLLWAY
WETLAND IMPACT EXHIBIT
SAMPLE POINTS 2 AND 3

SHEET 3 OF 7

DESIGNED BY:		DRAWN BY: NL			
CHECKED BY:RME		CHECKED BY:RME			
COUNTY	CONT	SEC	JOB	HWY NO.	SHEET NO.
FORT BEND	0543	02	063, ETC	FM 1093	



REV	DATE	BY	DESCRIPTION

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R. MATTHEW ESTES
P.E. 101558

11/24/2015



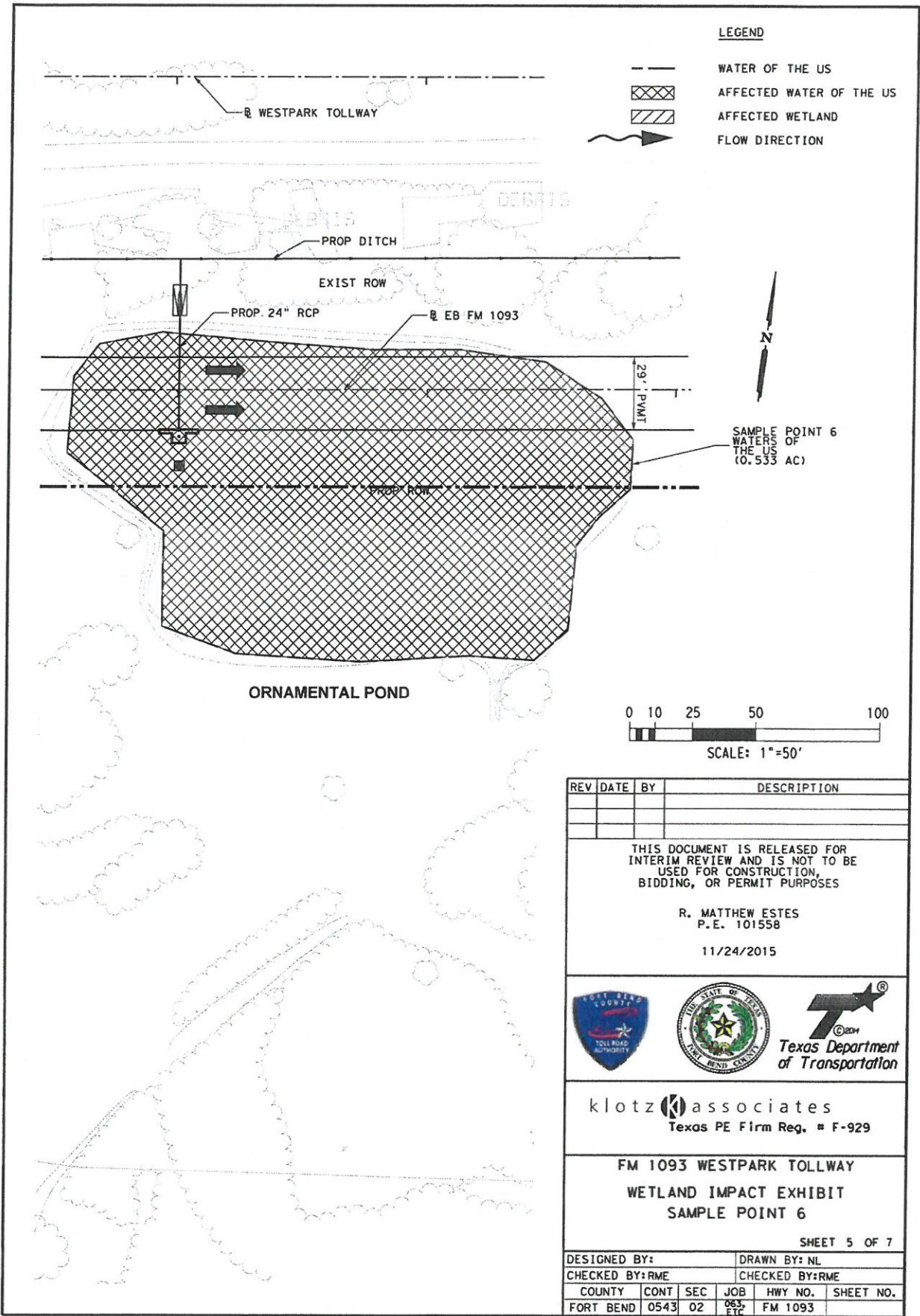
klotz associates
Texas PE Firm Reg. # F-929

FM 1093 WESTPARK TOLLWAY
WETLAND IMPACT EXHIBIT
SAMPLE POINT 5

SHEET 4 OF 7

DESIGNED BY:		DRAWN BY: NL			
CHECKED BY: RME		CHECKED BY: RME			
COUNTY	CONT	SEC	JOB	HWY NO.	SHEET NO.
FORT BEND	0543	02	063, ETC	FM 1093	

PERMITTED PLANS



REV	DATE	BY	DESCRIPTION

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R. MATTHEW ESTES
P.E. 101558
11/24/2015

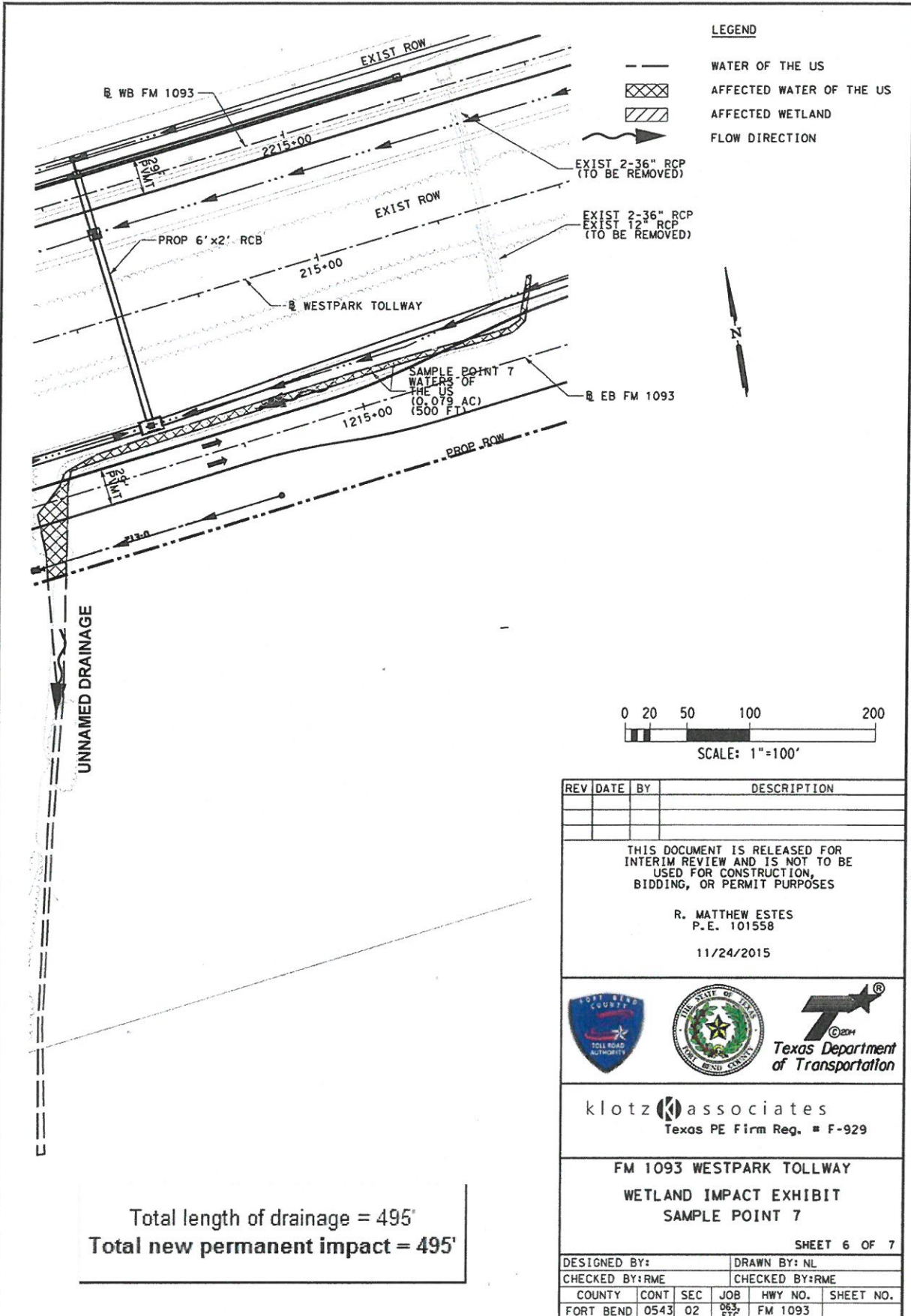


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Texas PE Firm Reg. # F-929

FM 1093 WESTPARK TOLLWAY
WETLAND IMPACT EXHIBIT
SAMPLE POINT 6

SHEET 5 OF 7

DESIGNED BY:		DRAWN BY: NL			
CHECKED BY: RME		CHECKED BY: RME			
COUNTY	CONT	SEC	JOB	HWY NO.	SHEET NO.
FORT BEND	0543	02	063, ETC	FM 1093	



Total length of drainage = 495'
Total new permanent impact = 495'

REV	DATE	BY	DESCRIPTION

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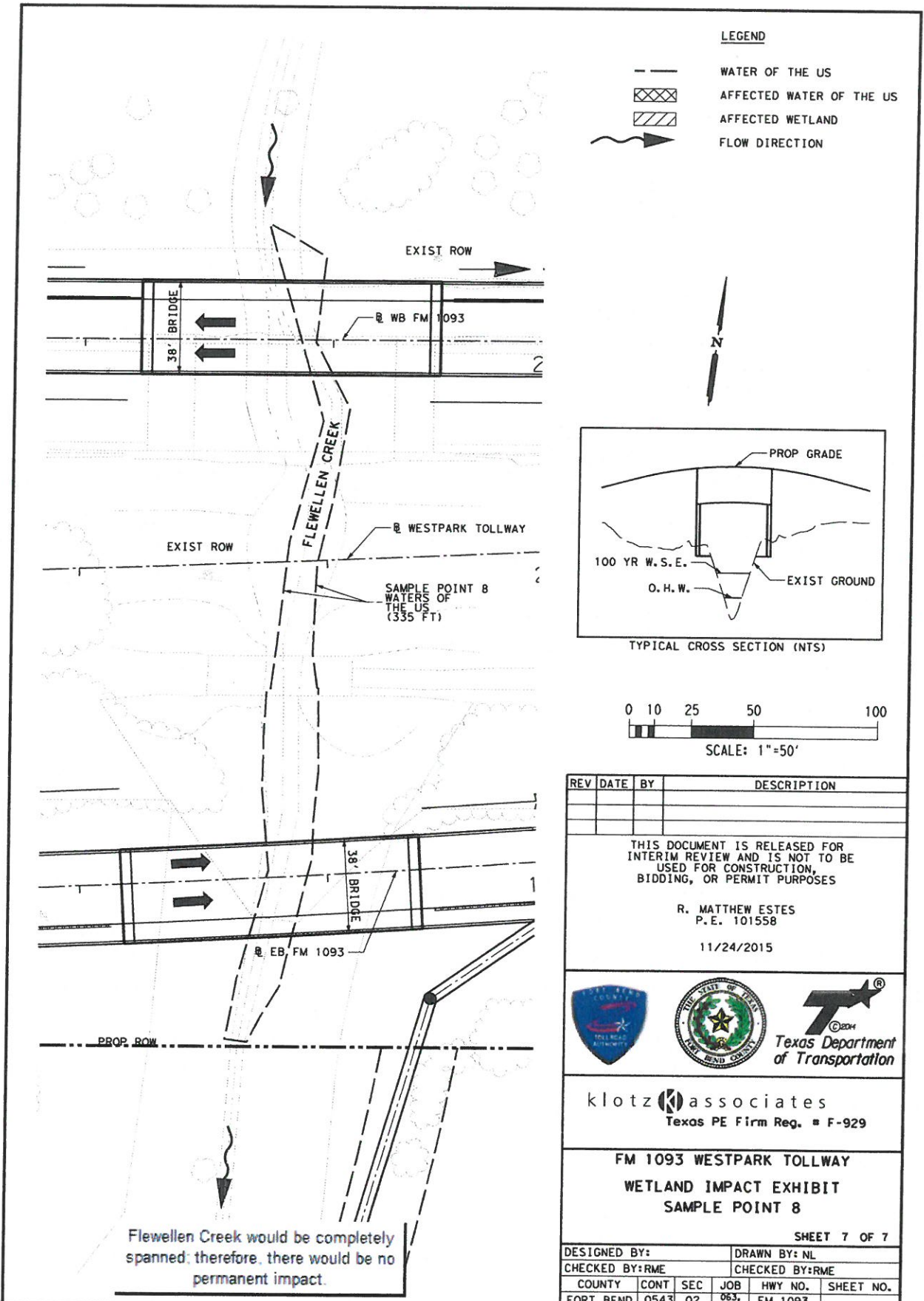
R. MATTHEW ESTES
P.E. 101558
11/24/2015



klotz associates
Texas PE Firm Reg. # F-929

FM 1093 WESTPARK TOLLWAY
WETLAND IMPACT EXHIBIT
SAMPLE POINT 7
SHEET 6 OF 7

DESIGNED BY:		DRAWN BY: NL			
CHECKED BY: RME		CHECKED BY: RME			
COUNTY	CONT	SEC	JOB	HWY NO.	SHEET NO.
FORT BEND	0543	02	063, ETC	FM 1093	



Flewellen Creek would be completely spanned; therefore, there would be no permanent impact.

REV	DATE	BY	DESCRIPTION

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R. MATTHEW ESTES
P.E. 101558

11/24/2015



klotz associates
Texas PE Firm Reg. # F-929

**FM 1093 WESTPARK TOLLWAY
WETLAND IMPACT EXHIBIT
SAMPLE POINT 8**

SHEET 7 OF 7

DESIGNED BY:		DRAWN BY: NL			
CHECKED BY: RME		CHECKED BY: RME			
COUNTY	CONT	SEC	JOB	HWY NO.	SHEET NO.
FORT BEND	0543	02	063, ETC	FM 1093	

PERMITTED PLANS

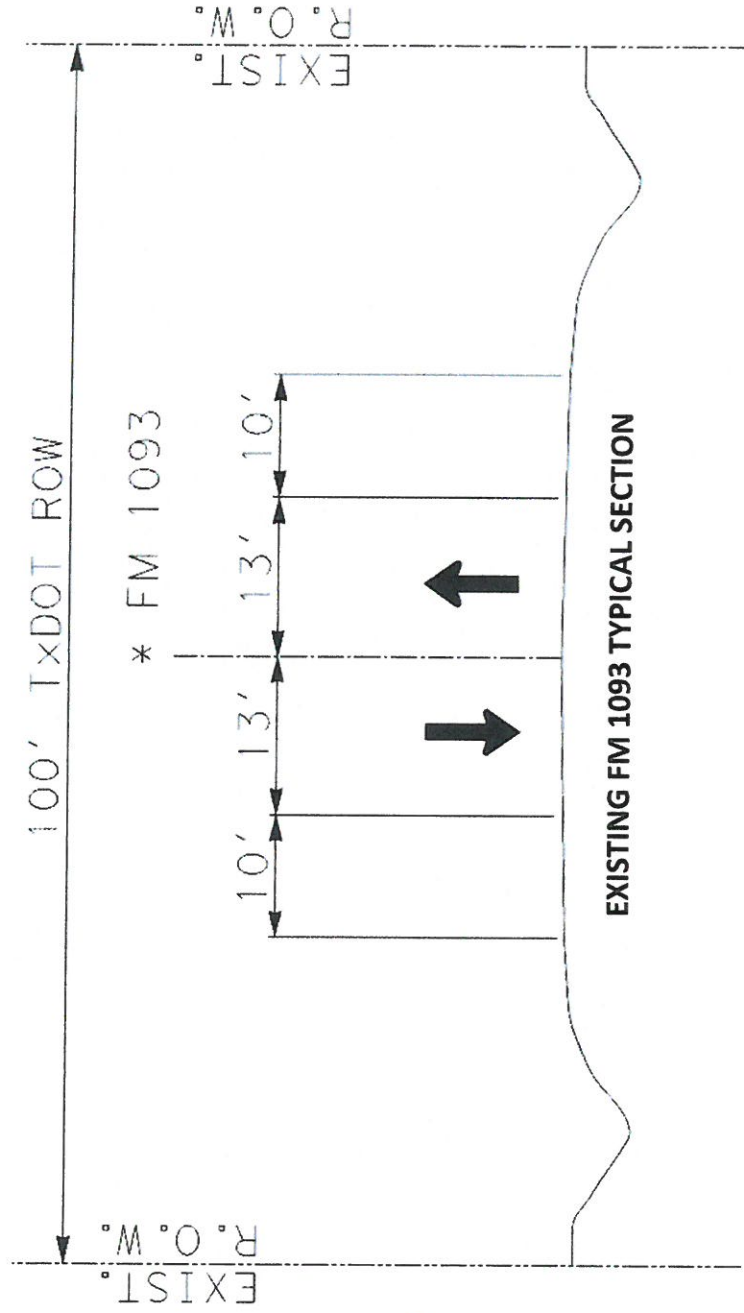


EXHIBIT C: EXISTING TYPICAL SECTION

PERMITTED PLANS

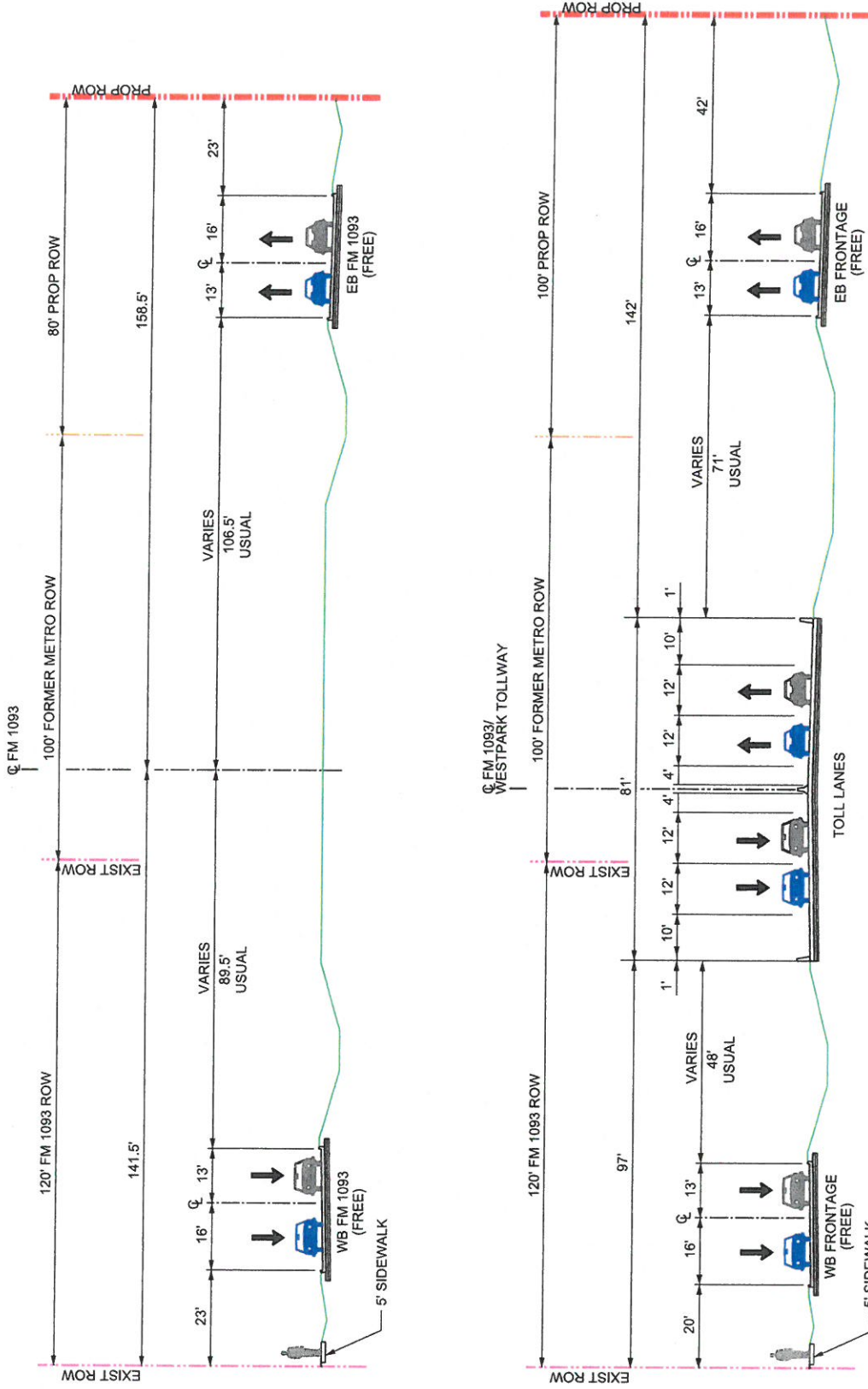
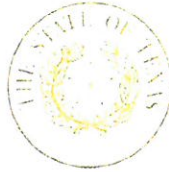


EXHIBIT D: PROPOSED TYPICAL SECTIONS

MAY 16 2017

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 16, 2017

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

Re: USACE Permit Application No. SWG-2015-00247

Dear Ms. Farmer:

This letter is in response to the Statement of Findings (SOF) dated May 8, 2017, for the Joint Public Notice dated February 18, 2016, on the Fort Bend County project proposal to discharge fill material to expand a segment of Farm to Market (FM) 1093. The project is located in Fulshear, Fort Bend 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 proposed project is a roadway improvement project approximately 5.3 miles in length and will extend the Westpark Tollway and associated frontage roads from 0.6 miles west of FM 723/Spring Green Boulevard to Cross Creek Ranch Boulevard. The proposed impacts are to 680 linear feet of multiple streams, 2.26 acres of forested wetlands, and 0.53 acre to other waters.

The applicant proposes to mitigate for the proposed impacts by purchasing credits from both Katy-Prairie Stream Mitigation Bank and Danza del Rio Mitigation Bank.

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.

MAY 16 2017

Ms. Kristy Farmer, Project Manager
U.S. Army Corps of Engineers
USACE Permit Application No. SWG-2015-00247
Page 2
May 16, 2017

If you require additional information or further assistance, please contact Mrs. Brittany Lee, Water Quality Assessment Section-Matrix, 14250 Judson Road, San Antonio, Texas 78233-4480, at (210) 403-4048 or by email at Brittany.Lee@tceq.texas.gov.

Sincerely,



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

DWG/BL/tc

Attachment

cc: Mr. Richard Stolleis, P.E., Fort Bend County, 301 Jackson Street, 4th Floor,
Richmond, Texas 77649

MAY 16 2017

Ms. Kristy Farmer, Project Manager
USACE Permit Application No. SWG-2015-00247
Attachment - Dredge and Fill Certification
Page 1 of 3
May 16, 2017

WORK DESCRIPTION: As described in the public notice dated February 18, 2016, and the May 8, 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 May 8, 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 joint public notice on a request for minor revision.

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.
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.

MAY 16 2017

Ms. Kristy Farmer, Project Manager
USACE Permit Application No. SWG-2015-00247
Attachment - Dredge and Fill Certification
Page 2 of 3
May 16, 2017

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 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 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 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.

MAY 16 2017

Ms. Kristy Farmer, Project Manager
USACE Permit Application No. SWG-2015-00247
Attachment - Dredge and Fill Certification
Page 3 of 3
May 16, 2017

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.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Fort Bend County	File Number: SWG-2015-00247	Date: 05/17/2017
-----------------------------	-----------------------------	------------------

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

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** 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.
- **OBJECT:** 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.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** 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.
- **APPEAL:** 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.

C: PERMIT DENIAL: 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.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** 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.
- **APPEAL:** 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.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: 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.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (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.)

ADDITIONAL INFORMATION: 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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Ms. Kristy Farmer, Regulatory Specialist
CESWG-RD-E, P.O. Box 1229
Galveston, Texas 77553-1229
Telephone: 409-766-3935; FAX: 409-766-6301

If you only have questions regarding the appeal process you may also contact:

Mr. Elliott Carman
Administrative Appeals Review Officer (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
469-487-7061

RIGHT OF ENTRY: 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.