



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
GALVESTON DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 1229  
GALVESTON TX 77553-1229

May 3, 2012

Evaluation Section

SUBJECT: Permit Application – SWG-2010-00264

Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Gentlemen:

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. P. Boren".

Douglas P. Boren  
Leader, Central Evaluation Unit

Enclosures

Copies Furnished w/ encl:

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

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

DEPARTMENT OF THE ARMY PERMIT

Permittee Texas Parks and Wildlife Department

Permit No. SWG-2010-00264

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 expand the currently permitted George Vancouver Liberty Ship Artificial Reef. The expansion would increase the reef size from 40 acres to 160 acres for deployment of additional reef material. Concrete culverts, obsolete oil and gas production structures, obsolete or surplus vessels and other materials will be placed within the confines of a designated 2,640-foot by 2,640-foot area. The proposed expansion site is greater than 7 nautical miles from any safety fairway and will have a minimum 33-foot clearance over structures and will be a minimum, 1,000 feet away from any active pipelines. The project will be conducted in accordance with the attached plans, in 2 sheets.

Project Location: The project site is located in the Gulf of Mexico, at Brazos 336 OCS Block, in Brazoria County, Texas.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2017. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

Special Conditions:

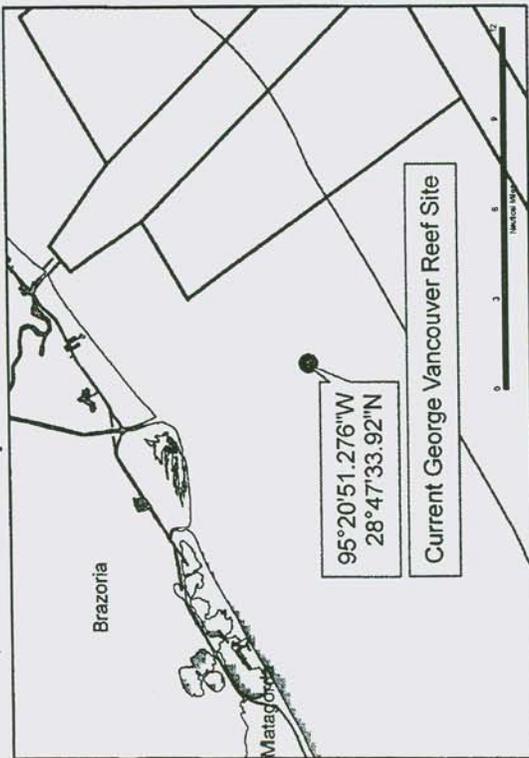
1. The permittee understands and agrees that if future operations by the United States require the removal, relocation or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. The permittee understands and agrees that a 50-meter avoidance zone shall be established around the wreck of the George Vancouver. No reef building material shall be placed within this avoidance zone.

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).
  - ( ) 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.

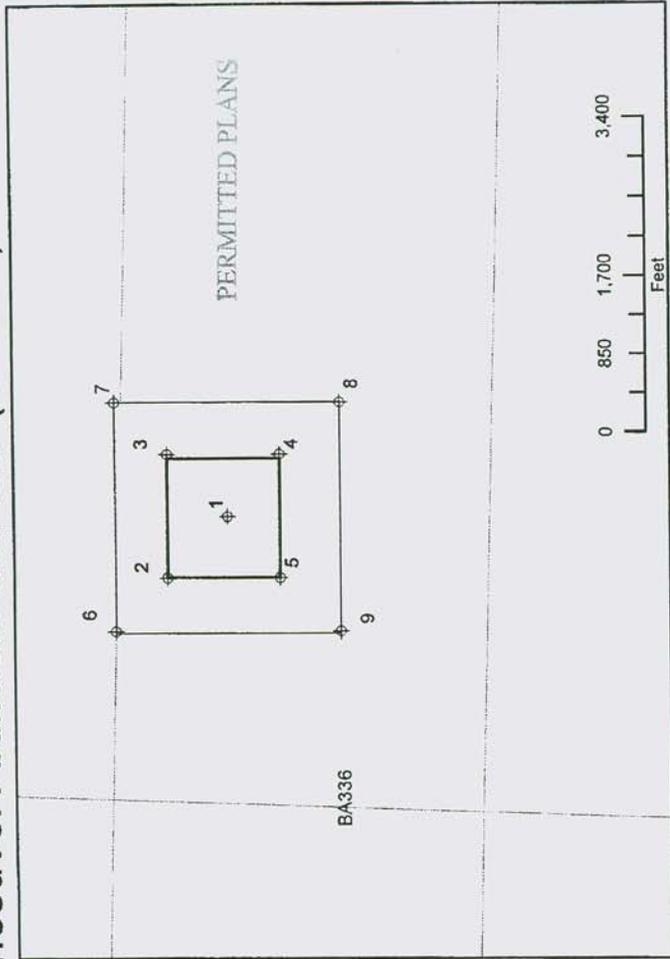


# Proposed Expansion to Vancouver Artificial Reef Site (BA-336)



### Nearest Point to Point Distances:

- Safety Fairways: 6.75 Nautical Miles
- Oil and Gas Pipelines: 1,805 Feet
- State and Federal Boundary: 3.40 Nautical Miles
- Obstruction or Platforms: 5.50 Nautical Miles



Current	Label	DMS 83_X	DMS 83_Y	DMS 27_X	DMS 27_Y	SPSC 83_X	SPSC 83_Y	SPSC 27_X	SPSC 27_Y
	Midpoint	95° 20' 52.06" W	28° 47' 34.83" N	95° 20' 51.28" W	28° 47' 33.92" N	3138059.94	13490542.85	3169655.71	367106.51
	NW Corner	95° 20' 59.47" W	28° 47' 41.35" N	95° 20' 58.68" W	28° 47' 40.44" N	3137380.83	13491180.44	3168976.61	367744.08
	NE Corner	95° 20' 44.63" W	28° 47' 41.35" N	95° 20' 43.85" W	28° 47' 40.44" N	3138700.15	13491221.64	3170295.91	367785.30
	SE Corner	95° 20' 44.63" W	28° 47' 28.28" N	95° 20' 43.85" W	28° 47' 27.37" N	3138741.37	13489902.50	3170337.14	366466.16
	SW Corner	95° 20' 59.47" W	28° 47' 28.28" N	95° 20' 58.68" W	28° 47' 27.37" N	3137422.00	13489861.20	3169017.80	366424.85

Proposed	Label	DMS 83_X	DMS 83_Y	DMS 27_X	DMS 27_Y	SPSC 83_X	SPSC 83_Y	SPSC 27_X	SPSC 27_Y
	Midpoint	95° 20' 52.06" W	28° 47' 34.83" N	95° 20' 51.28" W	28° 47' 33.92" N	3138059.98	13490542.91	3169655.75	367106.51
	NW Corner	95° 21' 7.01" W	28° 47' 48.22" N	95° 21' 6.23" W	28° 47' 47.31" N	3136772.49	13489158.23	3168284.19	368416.59
	NE Corner	95° 20' 37.32" W	28° 47' 48.22" N	95° 20' 36.54" W	28° 47' 47.31" N	3139412.80	13489240.71	3170924.25	368499.10
	SE Corner	95° 20' 37.32" W	28° 47' 21.53" N	95° 20' 36.54" W	28° 47' 20.61" N	3139328.53	13491935.41	3171008.56	365804.41
	SW Corner	95° 21' 7.01" W	28° 47' 21.53" N	95° 21' 6.22" W	28° 47' 20.61" N	3136688.41	13491852.94	3168368.31	365721.90

Geographic Coordinates (Degrees Minutes Seconds) and State Plane Texas South Central FIPS\_4204 in NAD27 and NAD83 (Feet).



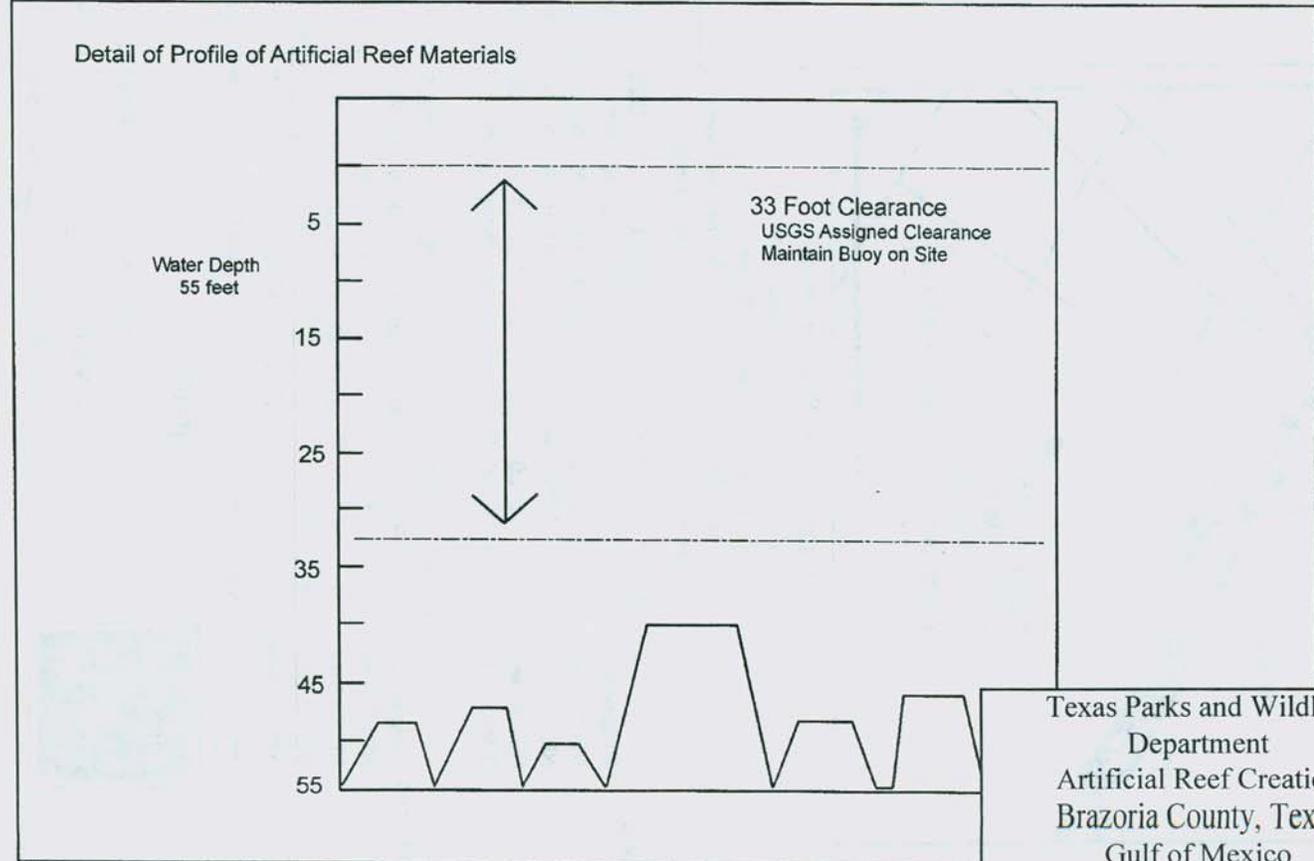
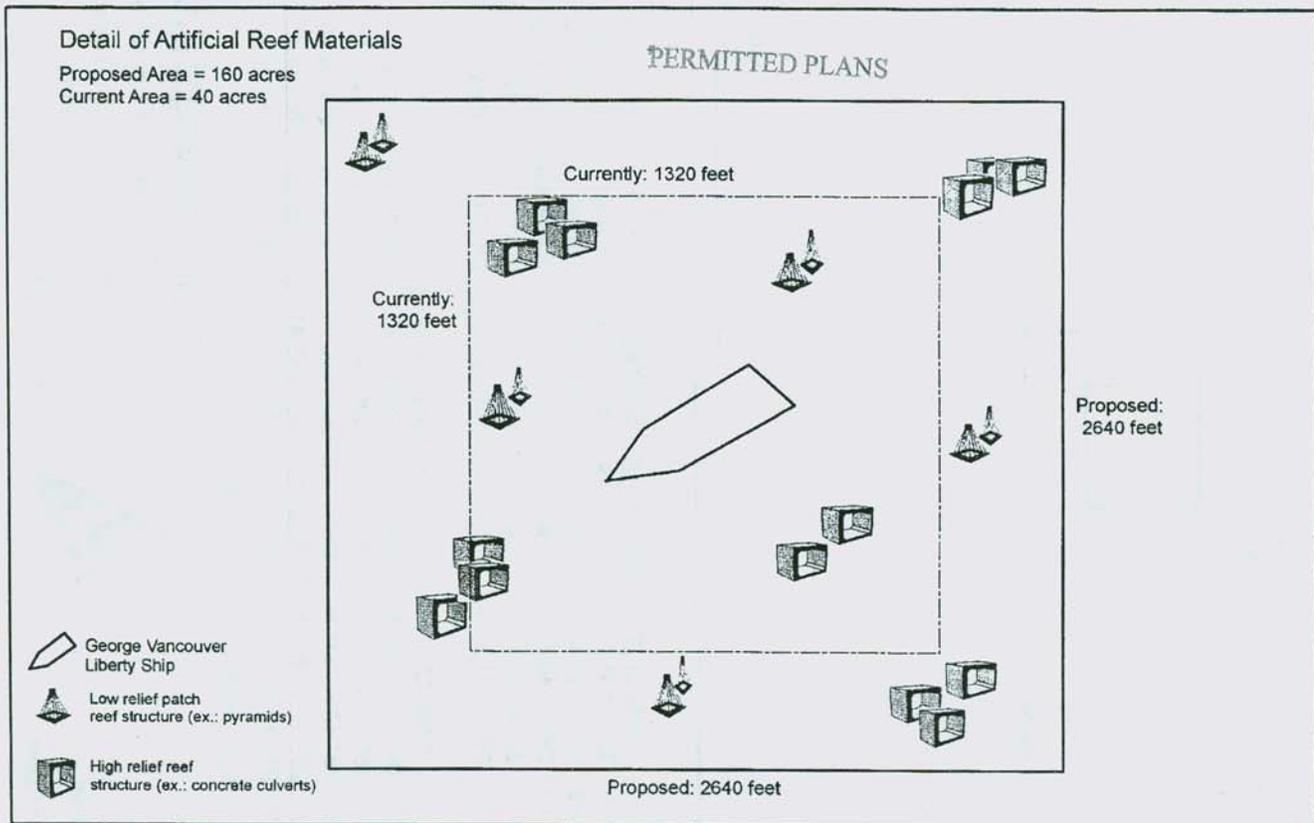
### Legend

- State/Fed Line
- Safety Fairways
- OCS Blocks
- 40 Acre Current
- 160 Acre Proposed
- Reef Site Control Points



Texas Parks and Wildlife Department  
 Artificial Reef Creation  
 Brazoria County, Texas  
 Gulf of Mexico  
 SWG-2010-00264 P. 1 of 2

# Proposed Expansion of Vancouver Artificial Reef Site (BA-336)



Texas Parks and Wildlife  
 Department  
 Artificial Reef Creation  
 Brazoria County, Texas  
 Gulf of Mexico  
 SWG-2010-00264 P. 2 of 2

## 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

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Texas Parks and Wildlife Department		File Number: SWG-2010-00264	Date: 05/03/2012
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
	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/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.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. Natalie Rund, Regulatory Specialist  
CESWG-PE-RE, P.O. Box 1229  
Galveston, Texas 77553-1229  
Telephone: 409-766-6384; 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-PDO)  
U.S. Army Corps of Engineers  
1100 Commerce Street, Suite 831  
Dallas , Texas 75242  
469-487-7061 (phone)

**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.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number: