



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

January 22, 2014

REPLY TO
ATTENTION OF:

Evaluation Section

SUBJECT: Permit SWG-2013-00686; Letter of Permission

Ben Herman
Texas Parks and Wildlife Department
P.O. Box 356
Sabine Pass, Texas 77655-0356

Dear Mr. Herman:

This is in reference to your request to construct a 10-foot by 14-foot observation platform in a small cove of Fence Lake, approximately 5 to 8 feet above the normal high water level. Your request is approved by this Letter of Permission (LOP) pursuant to Section 10 of the Rivers and Harbors Act of 1899. The project site is located in Fence Lake, at 19355 State Highway 87, in Sea Rim State Park, in Sabine Pass, Jefferson County, Texas.

All work is to be performed in accordance with the enclosed plans in 5 sheets and the permit conditions. If the authorized work is not completed by December 31, 2019, this authorization expires. The following special conditions have been added to your authorization:

1. The permittee understands and agrees that if future operations by the United States (U.S.) 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 U.S. No claim shall be made against the U.S. on account of any such removal or alteration.
2. When structures or work authorized by this permit are determined by the District Engineer (DE) to have become abandoned, obstructive to navigation or cease to be used for the purpose for which they were permitted, such structures or other work must be removed, the area cleared of all obstructions, and written notice given to the Chief of Compliance, Galveston District Regulatory Branch, within 30 days of completion.

3. The permittee must install and maintain, at their own expense, any safety lights and signals prescribed by the United States Coast Guard (USCG) through regulations or otherwise on the authorized facilities. In addition, no bright lights that may be erected on the permitted structure shall be directed toward a navigable waterway in a manner that could hinder nighttime users of this waterway. The USCG may be reached at the following address: Commander (dpb), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or by telephone at 504-589-6198.

The impacts to navigable waters of the U.S. associated with this LOP are based upon an approved jurisdictional determination (AJD) under the statute of Section 10 of the Rivers and Harbor Acts of 1899. The determination that the waters on this project site are navigable waters of the U.S. is based upon the fact that they are waters that are subject to the ebb and flow of the tide. This AJD is valid for 5 years, unless new information warrants a revision prior to the expiration date.

If you disagree with this AJD, you may appeal the AJD under the Corps of Engineers Administrative Appeal Process (33 CFR Part 331) by completing Section II of the enclosed Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this AJD, you must submit the completed RFA form to the Southwestern Division Office at 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

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP. It is not necessary to submit an RFA form to the Division Office if you accept this AJD in its entirety.

If you object to the work authorized or the terms and conditions of this LOP, you may request that the LOP be modified (in accordance with 33 CFR 331.6). To object, you must submit a copy of the completed RFA to the DE at the letterhead address. 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 LOP in the future. It is not necessary to submit an RFA form to this office if you accept the LOP's terms and conditions.

If you have any question regarding this LOP or the appeals process, please contact Mr. Brian J. Bader at the letterhead address or by telephone at 409-766-3037. Please notify the Chief of the Compliance Section in the Galveston District Regulatory Branch, in writing at the letterhead address, upon completion of the authorized project.

FOR THE DISTRICT COMMANDER:

A handwritten signature in black ink that reads "Janet Thomas Botello". The signature is written in a cursive style with a large initial "J".

Janet Thomas Botello
Leader, North Evaluation Unit

Enclosures

Copies Furnished:

Eighth Coast Guard District, New Orleans, LA

NOAA/NOS, Coast & Geodetic Survey, Silver Spring, MD

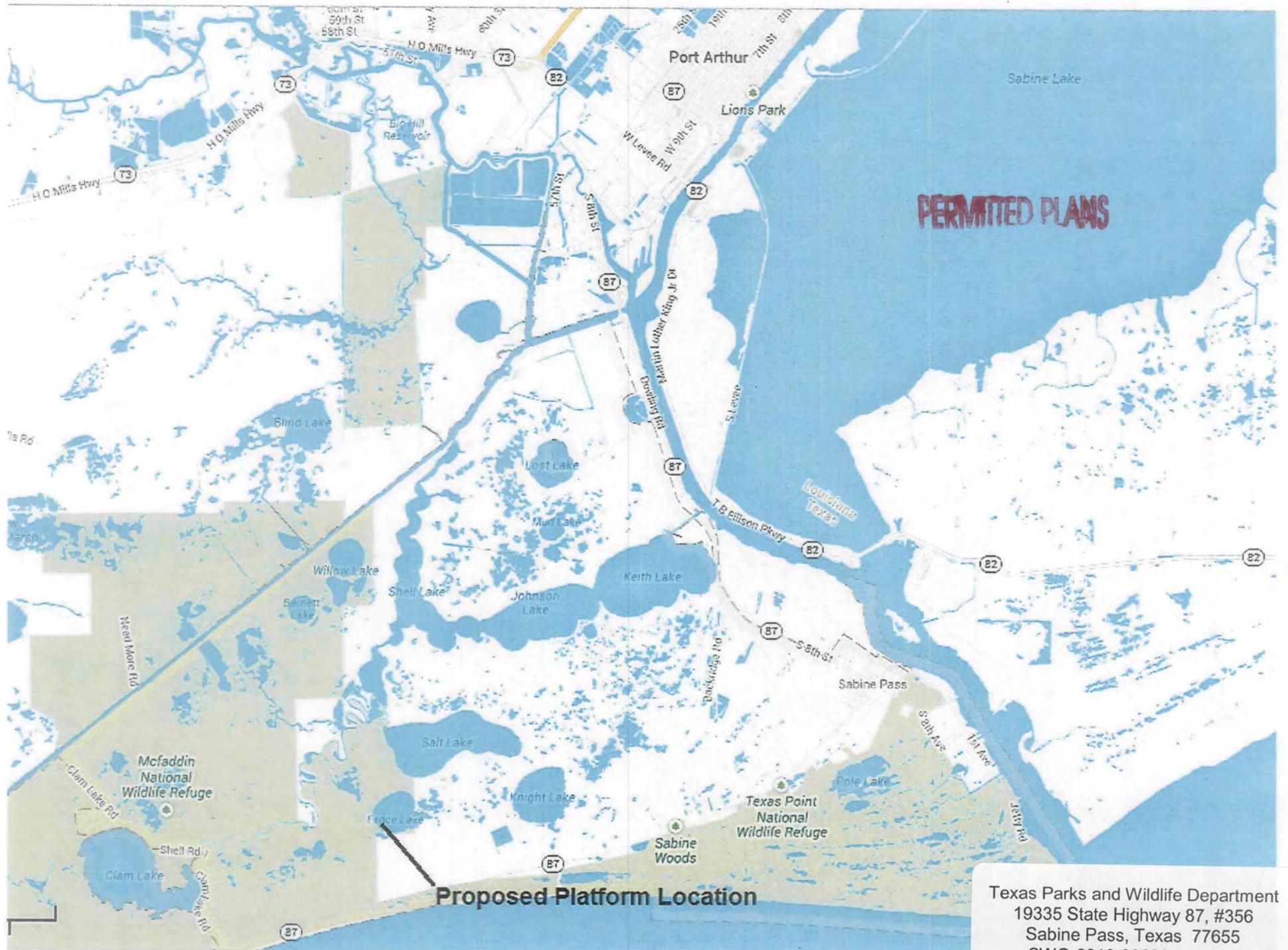
U.S. Environmental Protection Agency, Dallas, TX

Texas General Land Office, La Porte, TX

Texas General Land Office, Austin, TX

U.S. Fish and Wildlife Service, Houston, TX

Port Arthur Area Office, Port Arthur, TX



Texas Parks and Wildlife Department
 19335 State Highway 87, #356
 Sabine Pass, Texas 77655
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Fence Lake

**Proposed Platform
Location**

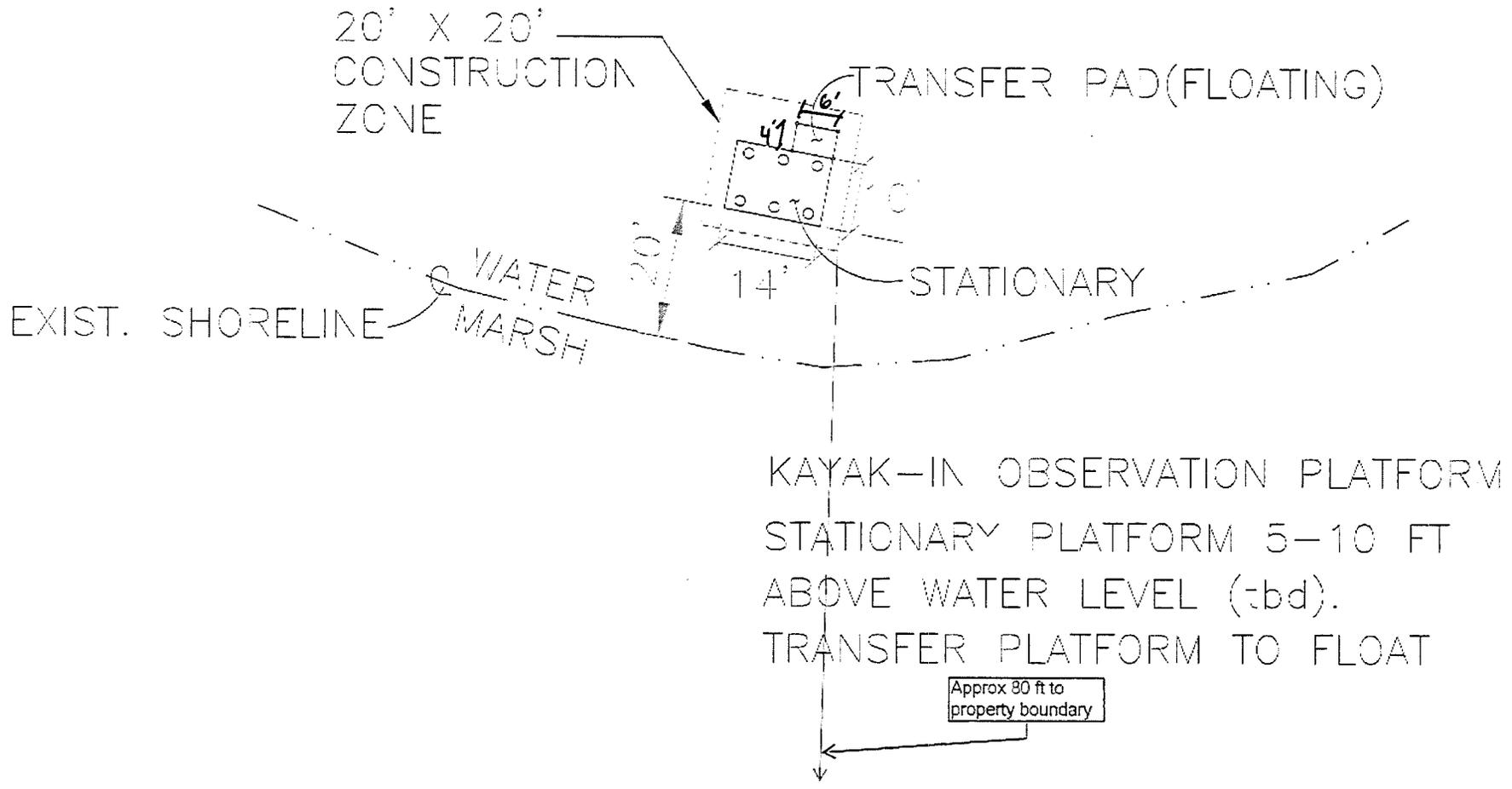
Little
Fence Lake

PERMITTED PLANS

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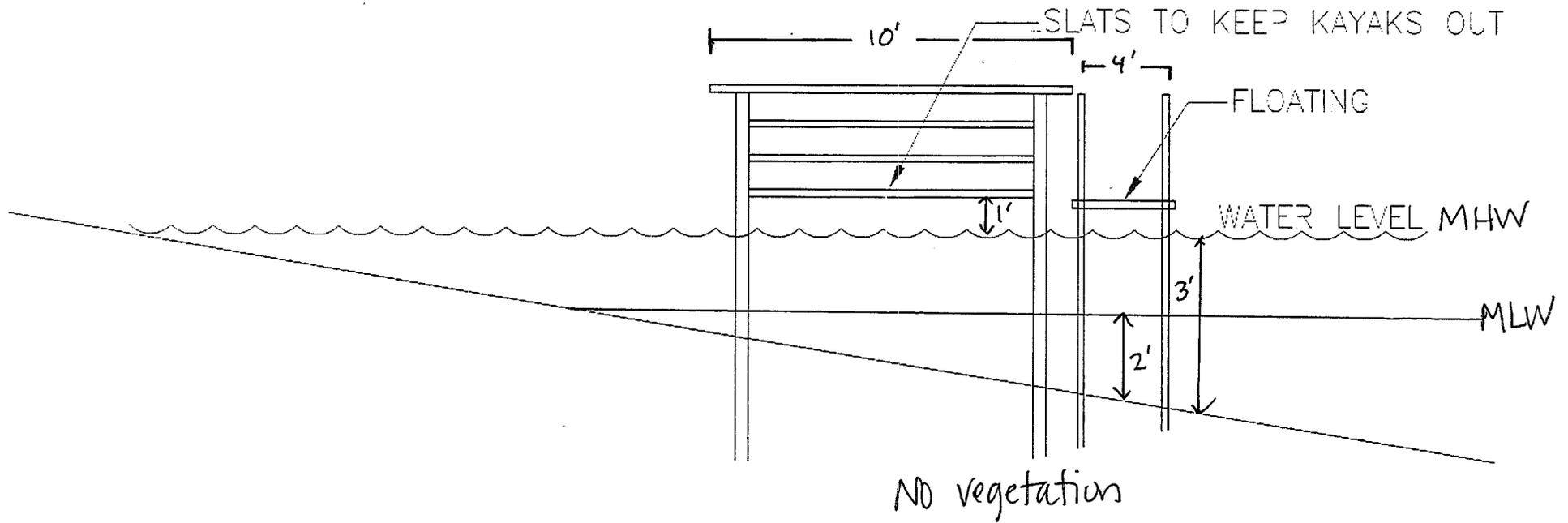


PERMITTED PLANS



PERMITTED PLANS

VIEWS INTO MARSH



PERMITTED PLANS

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