



**PERMIT TO DRILL BORE HOLES IN MEDIAN ALONG SEAWALL BLVD
NEAR 529 SEAWALL BLVD, GALVESTON TX.**

**To Applicant: National Environmental Services (NES)
PO Box 1161
Redlands, Ca 92373**

Permit Number: GALV-SW-25-217

Gentlemen:

You are hereby granted authority to drill two (2) two-inch bore holes approximately twenty-feet deep in the median along Seawall Blvd as shown in Exhibit A and use the Galveston Seawall, Seawall sidewalk, Seawall Blvd., (collectively known as the Permitted Premises) to stage construction activities.

Your authority is granted under the following terms, limitations and conditions.

1. Your use of the Permitted Premises is limited to the construction activity, limits and conditions as submitted by **Terrain Solutions** and approved in the 408 review letter 408-SWG-2024-0041 issued by the United States Army Corps of Engineers (USACE) on March 10, 2025 (Exhibit B). Areas affected by the **NES** drill activities shall be restored to existing or better conditions. Any other use of the Permitted Premises will automatically revoke this Permit.
2. The County does not guarantee or warrant in any capacity that it owns the Permitted Premises in fee simple absolute. This permit is effective only insofar as the rights of the County in the Permitted Premises are concerned. You must obtain such permission or authorization as may be necessary on account of any other existing rights by separate negotiations.
3. The County does not warrant in any manner that any portion of Permitted Premises is suitable for the permitted purposes.
4. This Permit is being given exclusively to you. It is your responsibility to notify any of your employees, representatives, associates, contractors or sub-contractors of the terms and conditions of this permit. It is also your responsibility to ensure that any such person or entities acting on your behalf also abide by the conditions of this permit. You will be responsible for any damage caused by any of your employees, representatives, associates, contractors or sub-contractors.
5. Any matters relating to this permit shall be addressed to Michael Shannon, Galveston County Engineer at 722 Moody, Galveston, TX 77550, 409-770-5399 or michael.shannon@co.galveston.tx.us.
6. The County may permit parties other than you to have use of the Permitted Premises during the permitted period. We will attempt to provide you with the names of such other permitted parties.
7. You are fully responsible for all matters pertaining to vehicular & pedestrian traffic regulations, safety and control on all areas of the Permitted Premises attributed to your operations.

8. Your operations will be performed without cost or expense to the County.
9. You agree to be responsible for all damages to the Permitted Premises caused by your vehicles, equipment of operations or by vehicles, equipment or operations of others acting on your behalf.
10. You will settle, to the County's satisfaction, all claims, damages, demands and causes of action related to the Permitted Premises resulting from your operations or the operations of others acting on your behalf in an expedient manner.
11. Any use of the Permitted Premises other than for the NES requires a new permit.
12. You shall furnish upon Issuance date to the County a copy of your current Certificate of Liability Insurance coverage, insuring against damages, and damages to the person or property of third parties that are caused by vehicles, equipment or your operations; such third party general liability being with bodily injury limits not less than \$250,000 per person, and \$500,000 per accident, and property damage limits of not less than \$100,000 per accident. Galveston County must be named additional insured on the policy.
- 13. YOU AGREE TO PROTECT, INDEMNIFY, DEFEND AND HOLD THE COUNTY OF GALVESTON HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS OF DAMAGE TO PERSONS OR PROPERTY OCCURRING OR IN ANY WAY ARISING OUT OF OPERATIONS UNDER THIS PERMIT.**
14. You are responsible for all other permits and approvals that may be required including the City of Galveston.
15. You will notify the County, 48 hours before beginning and keep the County informed on a weekly basis until the work is complete.
16. You agree to these conditions by signing below.

Dated this 31st day of March, 2025.

National Environmental Services

By: Hani Gabriel
Hani Gabriel, President

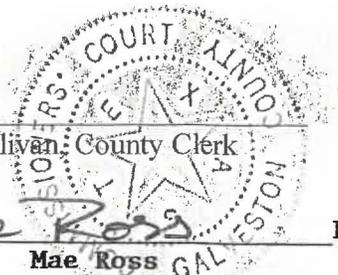
COUNTY OF GALVESTON,

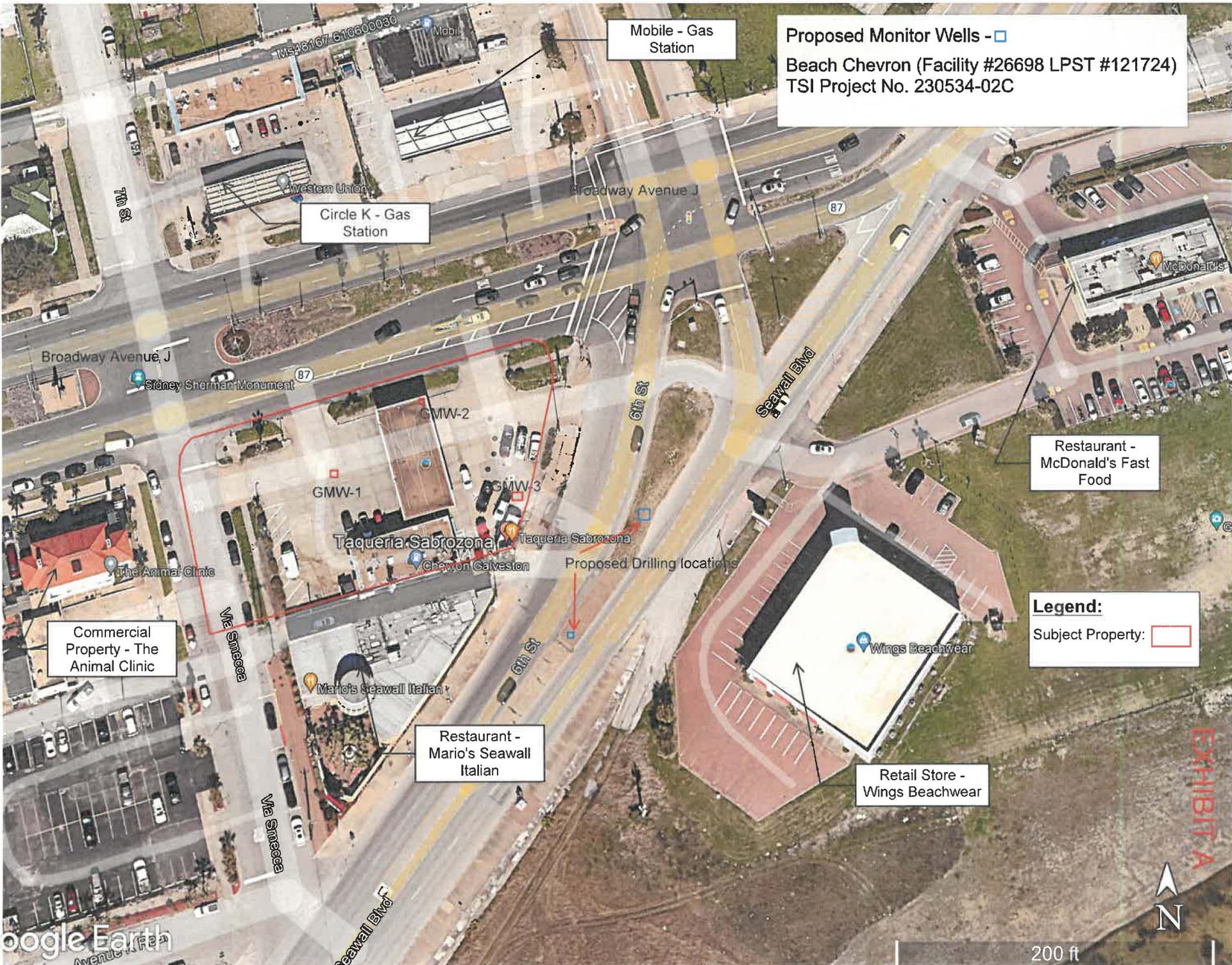
By: Mark Henry
Mark Henry, County Judge

ATTEST:

By: Dwight D. Sullivan
Dwight D. Sullivan, County Clerk

BY Mae Ross Deputy
Mae Ross GAL





Mobile - Gas Station

Proposed Monitor Wells - □
Beach Chevron (Facility #26698 LPST #121724)
TSI Project No. 230534-02C

Circle K - Gas Station

Restaurant -
McDonald's Fast Food

Commercial Property - The Animal Clinic

Legend:
Subject Property: □

Restaurant -
Mario's Seawall Italian

Retail Store -
Wings Beachwear

EXHIBIT A



200 ft



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
2000 FORT POINT ROAD
GALVESTON, TEXAS 77553-1229

3/10/25

Mr. Glenn Lowenstein
Environmental Consultant
Terrain Solutions, Inc.
10103 Fondren Road, Suite 426
Houston, TX 77096

Section 408 Request Number: 408-SWG-2024-0041

Dear Mr. Lowenstein,

The Galveston District of the U.S. Army Corps of Engineers (USACE) has completed its review of your request to drill two 2-inch diameter by 20-foot borings to collect soil and groundwater samples for chemical analysis at Seawall Blvd. under Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. 408 (Section 408). This evaluation was performed consistent with Engineer Circular (EC) 1165-2-220. USACE has performed an evaluation of your assigned Request No. 408-SWG-2024-0041.

Based on the review by my staff, I have determined that the proposed construction will not adversely impact the functionality or the operation and maintenance of the project and is not injurious to the public interest. The Galveston District is granting permission as described in detail in the proposed alteration plans of your application as specified in your request and subject to compliance with the terms and conditions below.

This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work. This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation. Transfer, assignment or modification of this permission is prohibited without prior coordination with an approval of the USACE Galveston District. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE. Willful violation of 33 U.S.C. 408 is a federal crime, punishable by a fine not to exceed \$25,000.00 per day and/or imprisonment not to exceed 1 year. The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of

USACE project authorized design, the requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.

As the Applicant, you shall be responsible for any damage to the project resulting from this construction and will be required to expeditiously repair any damage according to USACE design criteria. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, indemnify, and hold harmless the United States and USACE from any and all such claims, subject to any limitations in law.

The Galveston District is granting permission to the proposed alteration, subject to the following special conditions noted:

1. Coordination with Galveston and Galveston County will be required due to potential access or road obstructions, notably if during hurricane season (June 1 through November 30).
2. Galveston District shall be notified a minimum of thirty (30) days prior to construction sharing the following information: Request ID, Project Description, Construction Contractor, Construction Point of Contact, Designer of Record, Project Engineer, Closest Physical Address, GPS Coordinates, Start Date, Project Duration, Noted Changes or Deviations. Coordination to include but not limited to, scheduling pre-work, post work and onsite inspections.
3. USACE shall be invited to participate in the pre-construction meeting for the subject 408.
4. USACE personnel will have unrestricted access to the construction site and reserves the right to inspect the work at any time during the term of this action as needed, provided reasonable notice is given.
5. In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.

6. If any previously unknown historic or archeological artifacts or remains are discovered while accomplishing the activity authorized by this permit, you must immediately cease and desist and notify the USACE of what you have found. The USACE will initiate the Federal and State coordination required to determine if the artifacts or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
7. You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.
8. Any alterations or changes to the approved plans shall be resubmitted for approval and stamped by a professional engineer before construction.
9. USACE shall be invited for a final inspection within thirty (30) days of construction completion and prior to your use of the structure, to document existing conditions.
10. You are required to provide as-built drawings in PDF format showing the new work as it relates to identifiable features of the federal project to USACE and our Non-Federal Sponsor.
11. Applicant must provide copies of before and after pertinent design, construction, and/or usage submittals/documents.
12. At the End of Construction, the Contractor Shall restore all surfaces used for haul roads staging areas to pre-conditions or better to include regrading, turfing, landscape repair and other work required to restore federal civil works project in accordance with USACE requirements at the expense of the Applicant.

This authorization for work under Section 408 is valid for five years from the date of this letter. 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. For any questions regarding your Section 408 permission decision, please reference 408-SWG-2024-0041 and contact Charlene

Harry, Operations 408 Coordinator at (409) 766-3865 or by e-mail at Charlene.Y.Harry@usace.army.mil. Thank you for your continued coordination of efforts that impact an important Federal Project.

Sincerely,

FRABOTTA.CH
RIS.1011002656

Digitally signed by
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Date: 2025.03.10 13:19:28 -05'00'

Christopher Frabotta
Chief, Operations Division
Galveston District

Cc:
Galveston County
Michael Shannon