

APPENDIX E

AGENCY AND TRIBAL COORDINATION BRAZOS ISLAND HARBOR CHANNEL IMPROVEMENT PROJECT CAMERON COUNTY, TEXAS

U.S. Army Corps of Engineers, Galveston District
2000 Fort Point Road
Galveston, Texas 77550

July 2014

Appendix E
Agency and Tribal Coordination
Brazos Island Harbor Channel Improvement Project
Table of Contents

	PDF Page
Coordination with NMFS-EFH Existing Conditions (Mar-May 2013).....	3
Coordination of Technical Report & DIFR-EA with EPA (Sep 2013-Jun 2014)	8
Coordination of DIFR-EA with NMFS-EFH (Dec 2013)	17
Coordination of DIFR-EA with USFWS (Dec 2013).....	19
Coordination of Coastal Consistency with TX GLO (Dec 2013-Mar 2014).....	20
Coordination of DIFR-EA with TX CEQ-Air and Water Quality (Dec 2013-Jan 2014).....	22
Coordination of DIFR-EA with TPWD (Dec 2013).....	26
Tribal Coordination of DIFR-EA (Dec 2013)	27



REPLY TO
ATTENTION OF

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

March 18, 2013

Environmental Section

Mr. Rusty Swafford
National Marine Fisheries Service
Habitat Conservation Division
4700 Avenue U
Galveston, Texas 77551

Dear Mr. Swafford:

This letter is in regard to proposed modification of the Brazos Island Harbor Navigation Project in Cameron County, Texas. The existing project is shown on the enclosed figure. The project is expected to include deepening and possibly widening of the Entrance Channel and Brownsville Ship Channel, to allow larger vessels and offshore oil rigs to more efficiently navigate to the Turning Basin located near Brownsville, Texas.

To facilitate compliance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, we are requesting information on essential fish habitat or managed species that may be present in the area of the proposed action.

If you or your staff have any questions regarding this activity, please contact Janelle Stokes at (409) 766-3039 or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Murphy".

Carolyn Murphy
Chief, Environmental Section

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

Southeast Regional Office
263 13th Avenue S
St. Petersburg, Florida 33701-5505

May 22, 2013

Ms. Carolyn Murphy
Environmental Section
Department of the Army, Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Ms. Murphy:

The NOAA National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD) has received your letter dated March 18, 2013, requesting information on Essential Fish Habitat and federally managed fish species that may be present near the proposed Brazos Island Harbor Navigation Project. It is expected the project will include deepening and widening of the Entrance Channel and the Brownsville Ship Channel to allow larger vessels and offshore oil rigs to more efficiently navigate to the Turning Basin located near Brownsville, Texas. The U.S. Army Corps of Engineers (USACE) is preparing an Environmental Assessment which will include EFH information, presumably including the USACE's determination of whether this project may have an adverse effect on essential fish habitat (EFH).

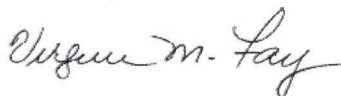
Submerged soft bottom habitats near the project are identified as EFH by the Gulf of Mexico Fishery Management Council (GMFMC) and NMFS for multiple species. A table providing a list of these species is enclosed to assist you in assessing whether the project would have an adverse effect on EFH. Detailed information on federally managed fisheries and their EFH is provided in the 2005 Generic Amendment of the Fishery Management Plans for the Gulf of Mexico prepared by the GMFMC and in the 2009 Amendment 1 to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan prepared by NMFS as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (P.L. 104 – 297). In addition to being designated as EFH, the open water soft bottom areas that could be impacted provide habitat that supports various economically important marine fishery species, such as spotted seatrout (*Cynoscion nebulosus*), flounder (*Paralichthys spp.*), Atlantic croaker (*Micropogonias undulates*), black drum (*Pogonias cromis*), gulf menhaden (*Brevoortia patronus*), striped mullet (*Mugil cephalus*), and blue crab (*Callinectes sapidus*). Such estuarine dependent organisms serve as prey for other fisheries managed under the Magnuson-Stevens Act by the GMFMC (e.g., red drum, mackerels, snappers, and groupers) and highly migratory species managed by NMFS (e.g., billfishes and sharks).



This project will generate a significant amount of new work dredge material and future work maintenance dredge material over the life of the project. Therefore, NMFS HCD recommends the USACE work with the project's local sponsor to evaluate whether there are nearby opportunities to beneficially utilize any suitable dredge material. Disposal of the dredge material into upland confined placement areas and offshore dredge material disposal sites would remove sediment from the estuary and nearshore systems and waste this valuable natural resource. NMFS HCD views beneficial use and wise regional sediment management as critical components of environmentally acceptable federal projects.

Thank you for contacting us. We look forward to further coordination with the USACE regarding this project. If we may be of further assistance, please contact Ms. Heather Young of our Galveston Facility at (409) 766-3699.

Sincerely,

A handwritten signature in cursive script that reads "Virginia M. Fay".

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

Enclosure

Enclosure

Reef Fish that utilize soft bottom Essential Fish Habitat near the Brazos Island Harbor Navigation Project		
Species	Life Stage	Function
Gray Snapper (<i>Lutjanus griseus</i>)	Adults	feeding
Lane Snapper (<i>Lutjanus synagris</i>)	Early Juvenile Late Juvenile Adults	growth, feeding growth, feeding growth, feeding

Red Drum that utilize soft bottom Essential Fish Habitat near the Brazos Island Harbor Navigation Project		
Species	Life Stage	Function
Red Drum (<i>Sciaenops ocellatus</i>)	Larval Post Larval Early Juvenile Subadult Adults	growth, feeding growth, feeding growth, feeding growth, feeding feeding

Shrimp that utilize soft bottom Essential Fish Habitat near the Brazos Island Harbor Navigation Project		
Species	Life Stage	Function
Brown Shrimp (<i>Farfantepenaeus aztecus</i>)	Post Larval Early Juvenile Late Juvenile	growth, feeding growth, feeding growth, feeding
White Shrimp (<i>Litopenaeus setiferus</i>)	Post Larval Early Juvenile Late Juvenile	growth, feeding growth, feeding growth, feeding
Pink Shrimp (<i>Farfantepenaeus duorarum</i>)	Post Larval Early Juvenile Late Juvenile	growth, feeding growth, feeding growth, feeding

EFH information used to create this table was obtained from:

Gulf of Mexico Fishery Management Council. 2004. Final environmental impact statement for the generic amendment to the following fishery management plans of the Gulf of Mexico: Shrimp Fishery of the Gulf of Mexico, United States Waters; Red Drum Fishery of the Gulf of Mexico; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Spiny Lobster in the Gulf of Mexico and South Atlantic; Coral and Coral Reefs of the Gulf of Mexico. Gulf of Mexico Fishery Management Council. Tampa, FL.

Enclosure

Highly Migratory Species With Essential Fish Habitat near the Brazos Island Harbor Navigation Project	
Species	Life Stage
Scalloped Hammerhead (<i>Sphyrna lewini</i>)	neonate/young of year juvenile
Blacktip Shark (<i>Carcharhinus limbatus</i>)	neonate/young of year juvenile adult
Bull Shark (<i>Carcharhinus leucas</i>)	neonate/young of year juvenile
Lemon Shark (<i>Negaprion brevirostris</i>)	juvenile
Spinner Shark (<i>Carcharhinus brevipinna</i>)	neonate/young of year juvenile
Bonnethead Shark (<i>Sphyrna tiburo</i>)	neonate/young of year juvenile adult
Atlantic Sharpnose Shark (<i>Rhizoprionodon terraenovae</i>)	neonate/young of year juvenile adult
Finetooth Shark (<i>Carcharhinus isodon</i>)	juvenile adult

EFH information used to create this table was obtained from:

NMFS. 2009. Final Amendment 1 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan, Essential Fish Habitat. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Sustainable Fisheries, Highly Migratory Species Management Division, Silver Spring, MD. Public Document. pp. 395.



REPLY TO
ATTENTION OF

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

September 4, 2013

Environmental Section

Ms. Karen McCormick, Chief
Marine and Coastal Protection Section
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Region VI, Mail Code 6WQE
Dallas, Texas 75202-2733

Dear Ms. McCormick:

Reference is made to the feasibility study to deepen and widen the Brazos Island Harbor Project in Cameron County, Texas that is being conducted by Galveston District and the Brownsville Navigation District. The study is evaluating deepening the Entrance Channel to a required depth of 54 feet mean low tide (MLT) plus 2 feet of allowable overdepth (AO). The deepening would result in a 5,000 foot extension of the Entrance Channel. The majority of the Entrance Channel could also be widened to a maximum of 350 feet. It is proposed that virgin material from the initial deepening would be placed in the New Work Ocean Dredged Material Disposal Site (ODMDS) that was used for the 42-foot deepening project. This site was designated for construction material from the BIH Entrance Channel with an indefinite period of use. It is anticipated that maintenance material would continue to be placed in the existing Maintenance ODMDS, the existing Berm Site, and at established beach nourishment locations on South Padre Island.


In fulfillment of testing requirements related to ODMDS placement of dredged material, bioassay and bioaccumulation testing of the channel sediments was performed. The initial report was submitted for review on February 25, 2013. After review of the report, your office provided comments via a memo dated March 19, 2013. The report was revised per these comments and observations. Please find the final report of these studies enclosed.

The overall conclusions are that there is nothing in the chemical analyses, Suspended Particulate Phase Bioassays, or Solid Phase Bioassays that would indicate a concern, and that the Limiting Permissible Concentration is met. Also, the dredged material evaluated for bioaccumulation potential is not predicted to be toxic to benthic organisms and is not likely to have an unacceptable adverse effect on survival, growth, or reproduction of aquatic organisms due to bioaccumulation.

Please review the dredged material evaluation to determine suitability for proposed disposal. In accordance with our Regional Implementation Agreement, we would ask that we receive any additional information requests that are necessary to determine compliance with the

ocean dumping criteria within 15 days of receipt. This determination of suitability is required prior to the preparation of the draft Site Management Plan for the proposed project. Should you need additional information or have any questions, please call Lisa Finn at (409) 766-3949.

Sincerely,


for Carolyn Murphy
Chief, Environmental Section

Enclosure:
Brazos Island Harbor – Entrance Channel
Contaminant Assessment Report



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

December 2, 2013

Environmental Section

SUBJECT: Draft Environmental Assessment for Brazos Island Harbor Channel Improvement Project, Cameron County, Texas

Mr. Mike Jansky
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Mail Code 6 ENXP
Dallas, Texas 75202-2733

Dear Mr. Jansky:

Enclosed please find three CD's of the Draft Integrated Feasibility Report and Environmental Assessment for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your agency in conformance with the National Environmental Policy Act.

The public comment period closes on January 7, 2014, and we would appreciate receipt of your agency's comments by that date. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Murphy".

Carolyn Murphy
Chief, Environmental Section

Enclosure



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

December 2, 2013

Environmental Section

SUBJECT: Draft Environmental Assessment for Brazos Island Harbor Channel Improvement Project, Cameron County, Texas

Ms. Karen McCormick
Chief, Marine and Coastal Protection Section (WQEC)
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Ms. McCormick:

Enclosed please find a CD of the Draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your agency review of the Ocean Dredged Material Disposal Site (ODMDS) analysis, attached as Appendix F to the DIFR-EA in Appendix B, in accordance with Section 102 of the Marine Protection, Research, and Sanctuaries Act. The Tentatively Selected Plan proposes to utilize previously designated New Work and Maintenance ODMDS for dredged material from the Entrance and Jetty Channels. Neither of the existing sites would need to be enlarged and no new ODMDS are proposed. This draft report was prepared in accordance with the National Environmental Policy Act of 1969, as amended, and as implemented by the Council on Environmental Quality (40 CFR Parts 1500-1508).

We understand that preparation and approval of a Site Management and Monitoring Plan will be required before the ODMDS may be used. We plan to begin development of this plan in the Pre-Construction, Engineering and Design Phase and will coordinate with your agency to determine requirements as early as possible in this process.

The public comment period closes on January 7, 2014, and we would appreciate receipt of your agency's comments by that date. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Murphy".

Carolyn Murphy
Chief, Environmental Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

January 7, 2014

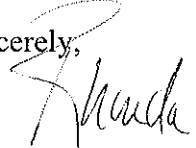
Col. Richard P. Pannell
U.S. Army Corps of Engineers
Attn: CESWG-PE-PR
P.O. Box 1229
Galveston, Texas 77553-1229


In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) Region 6 has reviewed the Draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) titled Brazos Island Harbor Channel Improvement Project. The tentatively selected plan will deepen the existing authorized 42-foot mean lower low water channel to 52-feet, and extend the offshore portion of the channel 4,000 feet farther into the Gulf of Mexico.

- EPA has concerns regarding information presented in Appendix F, Ocean Dredged Material Disposal Site (ODMDS) Analysis. The ODMDS analysis is based on information presented to EPA from the Brazos Island Harbor (BIH) Contaminant Assessment Report (Report). The BIH Report contained errors necessitating major revisions, and therefore, should not be used as the basis for the ODMDS analysis. The Corps of Engineers (COE) advised EPA they are working on final revisions to the BIH Report, but they could not provide an expected completion date. EPA cannot fully assess the adequacy of the ODMDS analysis until we review a final copy of the BIH Report. The text of Appendix F should note the information provided is from a "draft" report. EPA will make an independent assessment as to the suitability of the "new work" dredged material for ocean disposal once we receive the final report. In addition, Appendix F should be updated when the Revised Final BIH Report becomes available.
- EPA has concerns over the modeling for the new work and maintenance material. The grain size used in the modeling for the new work and maintenance material is not in agreement with the grain size information presented in Table 5. EPA recommends the maximum percentages for the maintenance material be used in the modeling. It is uncertain how much change in mound height would occur using the correct percentages provided in Table 5.

We appreciate the opportunity to provide comments for the Draft EA. Please send the Final EA to my attention. Should you have any questions or concerns regarding this letter, do not hesitate to call me at 214-665-8006, or contact Keith Hayden of my staff, at 214-665-2133 or hayden.keith@epa.gov for assistance.

Sincerely,


Rhonda Smith
Chief, Office of Planning
and Coordination





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

June 09, 2014

Carolyn Murphy
Chief, Unit A
NEPA/Cultural Resources Section
Galveston District Corps of Engineers
P. O. Box 1229
Galveston, TX 77553-1229

Dear Ms. Murphy:

This letter is written in regard to your September 4, 2013, request for concurrence on the suitability for ocean disposal of new work material as part of the Brazos Island Harbor (BIH) Channel Improvement Project and of maintenance material from future maintenance dredging projects for the BIH Jetty and Entrance Channels. The *Brazos Island Harbor-Entrance Channel Contaminant Assessment* (herein after "Report") (Section 103 Evaluation) was initially received by the U.S. Environmental Protection Agency (EPA) on February 28, 2013. EPA provided comments via memo dated March 19, 2013. A revised Report was received by EPA on September 6, 2013. The EPA requested additional information on September 10, 2013. A final revised Report, supporting documents, and letter addressing EPA's comments was received on May 2, 2014. EPA requested and received additional information via emails, phone conversations, and letters from May 2 through June 5, 2014. As described in the Appendix F of the December 13, 2014 *Brazos Island Harbor Channel Improvement Project Cameron County, Texas Draft Integrated Feasibility Report and Environmental Assessment* (DIFR-EA) the project consists of deepening the Entrance and Jetty Channels from Stations -17+000 to 0+000 to a required depth of 54 feet mean low lower water (MLLW), plus 2 feet advanced maintenance and 2 feet of allowable overdepth (AO). The deepening would result in a 0.75 mile extension of the Entrance Channel. Dredging is expected to be conducted by mechanical (hopper) dredge. Total volumes to be disposed at the Brazos Island Harbor New Work Ocean Dredged Material Disposal Site (ODMDS) are expected to be approximately 2,066,000 cubic yards. Additionally, an estimated 0.7 million cubic yards of maintenance material from the BIH Entrance and Jetty Channels would continue to be placed in the existing BIH Maintenance ODMDS, the existing nearshore Feeder Berm site, and at established beach nourishment locations on South Padre Island every 1.5 years. Maintenance dredging is expected to be conducted by hopper dredge.

We have completed our review of your Section 103 Evaluation Report (*Brazos Island Harbor-Entrance Channel Contaminant Assessment*, March 2014) and supporting documents and have completed an independent evaluation of the dredged material. EPA concurs with your determination that the proposed dumping at the BIH Maintenance and BIH New Work ODMDSs will comply with the criteria set forth in 40 CFR Part 227. A brief discussion of the compliance of the material with the criteria is provided below.

1. Exclusion Criteria – 40 CFR § 227.13 (b)

New work and maintenance dredged material from BIH Entrance and Jetty Channels does not meet the criteria of paragraph (b) of this section and therefore further testing was required as discussed in the following paragraphs.

2. Water Column and Suspended Phase Determinations – 40 CFR § 227.6(c)(1&2) and 227.27 (a&b)

For these tests, only Cyanide exceeded the Federal Marine Water Quality Criteria (WQC) at all channel stations prior to any dilution. Lab data is reported as total cyanide while the Federal Marine WQC is for free cyanide. Comparing total cyanide values to free cyanide WQC is a very conservative approach.

Bioassays on three appropriate sensitive marine organisms were conducted. The lowest Limiting Permissible Concentration with a required dilution of 1% was met in 100 minutes at the edge of the BIH Maintenance ODMDS and everywhere for a disposal volume of 10,300 cubic yards or less using STFATE water quality modeling. The lowest Limiting Permissible Concentration with a required dilution of 1% was met in 70 minutes at the edge of the BIH New Work ODMDS and everywhere for a disposal volume of 10,300 cubic yards or less using STFATE water quality modeling. Accordingly, it is concluded that the liquid phase of the material is in compliance with 40 CFR § 227.6(c)(1&2) and 227.27 (a&b).

3. Benthic Determinations – 40 CFR § 227.6(c) and 227.27(b)

Solid phase toxicity evaluation: Ten-day tests were conducted on the maintenance and new work sediments using mysids (*Americamysis bahia*), and amphipods (*Leptocheirus plumulosus*). These organisms are appropriate sensitive benthic marine organisms and are good predictors of adverse effects to benthic marine communities. The mysid toxicity was within 10% of the reference and the amphipods toxicity was within 20% of the reference.

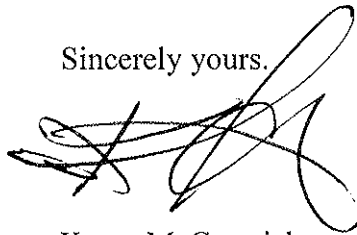
Solid phase bioaccumulation evaluation: Twenty-eight day bioaccumulation tests were conducted on maintenance and new work sediments using two appropriate sensitive benthic marine organisms, *Nereis virens* and *Macoma nasuta*. These species are considered to be good representatives of the phylogenetically diverse base of the marine food chain. Tissue concentrations were compared to Food and Drug Administration (FDA) Action Levels. None of the contaminants, for which there are FDA Action Levels, exceed such thresholds in the tissues of organisms exposed to maintenance and new work sediments. Concentrations of contaminants in tissue of organisms exposed to maintenance and new work sediments were then compared to concentrations in tissues of organisms exposed to a reference sediment. Copper was found to be statistically higher in the organisms exposed to maintenance dredged material than the reference material. Nickel was found to be statistically higher in the organisms exposed to maintenance and new work dredged material than the reference material. When the bioaccumulation of contaminants in tissues exposed to dredged material exceeds that exposed to reference sediments, general risk-based evaluations must be conducted to evaluate compliance with

227.13(c)(3). EPA conducted such an evaluation and determined that there is little to no potential for undesirable effects due to bioaccumulation as a result of the presence of individual chemicals or of the solid phase of the dredged material as a whole. Accordingly, it is concluded that the solid phase of the material proposed for disposal meets the ocean disposal criteria at 40 CFR § 227.6(c) and 227.27(b).

Pursuant to MPRSA Section 104(a)(4), ocean disposal permits must be conditioned to assure consistency with approved Site Management and Monitoring Plans (SMMP). The BIH Maintenance ODMDS SMMP was reviewed and revised in 2008. Management and monitoring requirements for the BIH Maintenance ODMDS consists of 1) observance of a 500-foot wide no-discharge zone immediately inside the boundaries of the ODMDS, 2) collection of Dredge Quality Management data (DQM) and 3) pre and post project bathymetric surveys to monitor mounding height and movement of sediment outside the boundary of the ODMDS. The 1992 BIH New Work ODMDS SMMP is out of date and a revised SMMP is under development. It is expected that the revised SMMP will have the same monitoring requirements as the older SMMP in addition to the collection of DQM data.

Should you have any questions regarding this determination or management of the BIH Maintenance or New Work ODMDS, please contact Dr. Jessica Franks at 214-665-8335 or by e-mail at franks.jessica@epa.gov.

Sincerely yours.

A handwritten signature in black ink, appearing to read 'Karen McCormick', with a large, stylized flourish extending upwards and to the right.

Karen McCormick
Chief
Marine and Coastal Section (6WQ-EC)



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

December 2, 2013

Environmental Section

SUBJECT: Draft Environmental Assessment for Brazos Island Harbor Channel Improvement Project, Cameron County, Texas

Mr. Miles Croom
Assistant Regional Administrator
National Marine Fisheries Service
Habitat Conservation Division
263 13th Avenue South
St. Petersburg, Florida 33701-5511

Dear Mr. Croom:

Enclosed please find a CD of the Draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your agency review and concurrence of the evaluation of essential fish habitat (EFH) in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. Sections 2.3.4 and 7.4.2 of the DIFR-EA provide information regarding the existing environment and potential EFH impacts, respectively.

The results of your review are requested by the end of the public comment period, January 7, 2014. I would appreciate your timely review of these documents. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Murphy".

Carolyn Murphy
Chief, Environmental Section

Enclosure



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

December 2, 2013

Environmental Section

SUBJECT: Draft Environmental Assessment for Brazos Island Harbor Channel Improvement Project, Cameron County, Texas

Mr. Rusty Swafford
National Marine Fisheries Service
Habitat Conservation Division
4700 Avenue U
Galveston, Texas 77551-5997

Dear Mr. Swafford:

Enclosed please find a CD of the Draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your agency review and concurrence of the evaluation of essential fish habitat (EFH) in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. Sections 2.3.4 and 7.4.2 of the DIFR-EA provide information regarding the existing environment and potential EFH impacts, respectively.

The results of your review are requested by the end of the public comment period, January 7, 2013. I would appreciate your timely review of these documents. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Murphy".

Carolyn Murphy
Chief, Environmental Section

Enclosure



REPLY TO
ATTENTION OF

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

December 2, 2013

Environmental Section

Edith Erfling
Field Supervisor
U.S. Fish and Wildlife Service
Clear Lake Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, Texas 77058

Dear Ms. Erfling:

Enclosed please find a CD of the Draft Integrated Feasibility Report and Environmental Assessment for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your agency in conformance with the National Environmental Policy Act.

The public comment period closes on January 7, 2014, and we would appreciate receipt of your comments by that date. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Murphy".

Carolyn Murphy
Chief, Environmental Section

Enclosure



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

December 2, 2013

Environmental Section

SUBJECT: Draft Environmental Assessment for Brazos Island Harbor Channel Improvement Project, Cameron County, Texas

Ms. Kate Zultner
Texas General Land Office
Coastal Management Program
P.O. Box 12873
Austin, Texas 78701-2873

Dear Ms. Zultner:

Enclosed please find a CD of the Draft Integrated Feasibility Report and Environmental Assessment for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your review of the Consistency Determination pursuant to §506.20, Consistency Determination for Federal Agency Activities and Development Projects of the Texas Coastal Management Program.

The public comment period closes on January 7, 2014, and we would appreciate receipt of your comments by that date. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Murphy". The signature is written in a cursive style with a large initial "C" and a stylized "M".

Carolyn Murphy
Chief, Environmental Section

Enclosure



March 10, 2014

Colonel Richard P. Pannell
District Commander
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

**Re: Consistency Determination for the Brazos Island Harbor Channel Improvement Project,
Cameron County, Texas
CMP#: 14-1310-F2**

Dear Colonel Pannell:

Pursuant to Title 31 Natural Resources and Conservation, Part 16 Coastal Coordination Council rules, the project referenced above has been reviewed for consistency with the Texas Coastal Management Program (CMP).

It has been determined that there are no significant unresolved consistency issues with respect to the project. Therefore, this project is consistent with the CMP goals and policies.

Please note that this letter does not authorize the use of Coastal Public Land. No work may be conducted or structures placed on State-owned land until you have obtained all necessary authorizations, including any required by the General Land Office and the U.S. Army Corps of Engineers.

If you have any questions or concerns, please contact me at (512) 475-3624 or at ray.newby@glo.texas.gov

Sincerely,

Ray Newby, P.G.
Coastal Geologist
Coastal Resources
Texas General Land Office

email cc: Janelle Stokes, USACE



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

December 2, 2013

Environmental Section

SUBJECT: Draft Environmental Assessment for Brazos Island Harbor Channel Improvement Project, Cameron County, Texas

Ms. Susana M. Hildebrande, P.E.
Air Quality Planning Section
Texas Commission on Environmental Quality
P.O. Box 13087, Mail Code 168
Austin, Texas 78711-3087

Dear Ms. Hildebrande:

Enclosed please find a CD of the Draft Integrated Feasibility Report and Environmental Assessment for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your agency review of projected air quality impacts of the Tentatively Selected Plan in accordance with the Clean Air Act and the National Environmental Policy Act.

The public comment period closes on January 7, 2014, and we would appreciate receipt of your comments by that date. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Murphy". The signature is written in a cursive style with a large, stylized initial "C".

Carolyn Murphy
Chief, Environmental Section

Enclosure



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

December 2, 2013

Environmental Section

SUBJECT: Draft Environmental Assessment for Brazos Island Harbor Channel Improvement Project, Cameron County, Texas

Mr. Gregg Easely
Water Quality Team Leader
Texas Commission on Environmental Quality
P.O. Box 13087, Mail Code 150
Austin, Texas 78711-3087

Dear Mr. Easely:

Enclosed please find a CD of the Draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your agency review under Section 401 of the Clean Water Act. The U.S. Army Corp of Engineers is requesting a §401 State Water Quality certification from Texas for this action. The §404(b)(1) Evaluation is provided in Appendix G of the DIFR-EA.

The public comment period closes on January 7, 2014, and we would appreciate receipt of your comments by that date. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Murphy".

Carolyn Murphy
Chief, Environmental Section

Enclosure

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 21, 2014

Ms. Janelle Stokes
U.S. Army Corps of Engineers
Galveston District CESWG-PE-PR
P.O. Box 1229
Galveston, Texas 77553-1229

Re: Brazos Island Harbor Channel Improvement Project

Dear Ms. Stokes:

This letter is in response to the U.S. Army Corps of Engineers (Corps) December 2013 Draft Environmental Assessment (DEA) for the Brazos Island Harbor (BIH) Channel Improvement Project, which was provided to the Texas Commission on Environmental Quality (TCEQ) on December 2, 2013. The project is described in the Joint Public Notice issued on December 2, 2013. The channel improvement project is located in the Gulf of Mexico coast about three miles north of the United States-Mexico border and east of the City of Brownsville, in Cameron County, Texas.

As described in the Joint Public Notice, the Tentatively Selected Plan (TSP) would provide channel improvements to the BIH by deepening the existing authorized channel depth of 42-foot mean lower low water (MLLW) to 52 feet MLLW. The TSP would also extend the offshore portion of the channel 4,000 feet farther into the Gulf of Mexico. The proposed work would increase efficient movement of deep draft vessels and offshore oil rigs using the channel to access the Port of Brownsville. The TSP would generate approximately 14.1 million cubic yards (MCY) of new work dredged material from initial construction and approximately 61.7 MCY of maintenance dredged material over the 50 year period of analysis. The dredged material would be distributed among the existing New Work Ocean Dredged Material Disposal Site, a nearshore Feeder Berm, and existing upland, confined placement areas 2, 4A, 4B, 5A, 5B, 7 and 8.

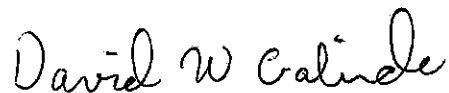
The TCEQ has reviewed the DEA. Based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards.

Ms. Janelle Stokes
U.S. Army Corps of Engineers
Brazos Island Harbor Channel Improvement Project
Page 2

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 Mr. John Trevino, Water Quality Assessment Section, Water Quality Division (MC-150), by email at John.Trevino@tceq.texas.gov, or by phone at (512) 239-4600.

Sincerely,

A handwritten signature in cursive script that reads "David W Galindo".

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

DWG/JT/gg



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

December 2, 2013

Environmental Section

SUBJECT: Draft Environmental Assessment for Brazos Island Harbor Channel Improvement Project, Cameron County, Texas

Ms. Rebecca Hensley
Texas Parks and Wildlife Department
1502 FM 517E
Dickinson, Texas 77539-8687

Dear Ms. Hensley:

Enclosed please find a CD of the Draft Integrated Feasibility Report and Environmental Assessment for the Brazos Island Harbor Channel Improvement Project, Cameron County, Texas. This draft report is provided for your agency's review in conformance with the National Environmental Policy Act.

The public comment period closes on January 7, 2014, and we would appreciate receipt of your comments by that date. If you have any questions, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Murphy".

Carolyn Murphy
Chief, Environmental Section

Enclosure

CF:
Randy Blankinship
Texas Parks and Wildlife Department
95 Fish Hatchery Road
Brownsville, Texas 78520



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

November 21, 2013

Environmental Section

SUBJECT: Proposed Programmatic Agreement for the Brazos Island Harbor Channel Improvement Project.

Mr. Jimmy Arterberry
Tribal Historic Preservation Officer
Comanche Nation of Oklahoma
P.O. Box 908
Lawton, OK 73502

Dear Mr. Arterberry:

The U.S. Army Corps of Engineers (USACE) proposes to initiate a Programmatic Agreement (PA) pursuant to 36CFR800.14 (b) for the Brazos Island Harbor (BIH) Channel Improvement Project in Cameron County, Texas. Because effects on historic properties cannot be fully determined prior to approval of the undertaking, we find it necessary to initiate this PA to address the potential effects upon historic properties that may be discovered as a result of construction activities, and to address potential effects during operation and maintenance of the existing and proposed project. A Draft PA is enclosed for your review (Enclosure 1).

The purpose of the project is to improve navigation efficiency within the BIH Channel. As part of a feasibility study of the project, the USACE produced a Draft Integrated Feasibility Report - Environmental Assessment (DIFR-EA) and has conducted archival research and historic properties investigations in compliance with Section 106 of the National Historic Preservation Act. A CD copy of the DIFR-EA is provided with this letter for your review. The feasibility study produced a Tentatively Selected Plan (TSP) (the 52-foot deep by 250-foot wide project) that would include extending and deepening the offshore BIH Entrance Channel and deepening the BIH Jetty Channel and Main Channel. No widening of the existing channel widths is proposed. Dredged material would be placed in existing upland dredged material placement areas, a nearshore feeder berm and offshore dredged material disposal sites.

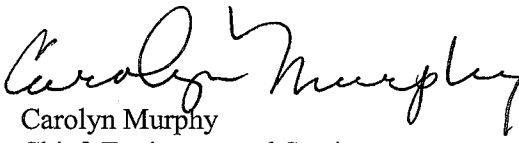
The Area of Potential Effects (APE) includes all areas to be directly affected by channel dredging and dredged material placement and subsequent maintenance activities. This includes the existing footprint of the BIH channel and the Entrance Channel extension to the proposed depths and the existing dredged material placement areas (New Work Offshore Dredged Material Disposal Sites (ODMDS), Maintenance ODMDS, Feeder Berm, and PAs 2, 4A, 4B, 5A, 5B, 7, and 8). A detailed description of the TSP and the APE is provided in the enclosed "Cultural Resources and Project Summary for the Programmatic Agreement" (Enclosure 2).

Six historic properties investigations have been conducted directly within the project area for both terrestrial and submerged resources. For the present undertaking, the USACE conducted a historic properties investigation of the BIH channel in 2012 and the results of this investigation were coordinated with the Texas State Historic Preservation Officer (SHPO). As a result of this recent investigation and the five previous investigations within the APE, the USACE determined, in consultation with the Texas

SHPO, that no historic properties will be affected by the proposed undertaking. Although, no historic properties have been identified within the APE, there is a potential for unanticipated discovery of cultural materials, particularly as a result of maintenance dredging. Unanticipated discoveries are covered by this PA and the perpetual curation of any cultural materials recovered during the course of construction or maintenance activities will be the responsibility of the Port of Brownsville.

We request your review and comment on the DIFR-EA and draft PA and welcome any comments or concerns you may have regarding the PA. The public comment period for the DIFR-EA report will end on January 7, 2014 and we will need all comments regarding the DIFR-EA or PA in by that date. Thank you for your cooperation in this review process. If you have any questions concerning this project or if we can be of further assistance, please contact John A. Campbell at 409-766-3878.

Sincerely,


Carolyn Murphy
Chief, Environmental Section

Enclosures



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

November 21, 2013

Environmental Section

SUBJECT: Proposed Programmatic Agreement for the Brazos Island Harbor Channel Improvement Project.

Amie Tah-Bone
Museum Director
Acting NAGPRA Representative
Kiowa Indian Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015-0369

Dear Ms. Tah-Bone:

The U.S. Army Corps of Engineers (USACE) proposes to initiate a Programmatic Agreement (PA) pursuant to 36CFR800.14 (b) for the Brazos Island Harbor (BIH) Channel Improvement Project in Cameron County, Texas. Because effects on historic properties cannot be fully determined prior to approval of the undertaking, we find it necessary to initiate this PA to address the potential effects upon historic properties that may be discovered as a result of construction activities, and to address potential effects during operation and maintenance of the existing and proposed project. A Draft PA is enclosed for your review (Enclosure 1).

The purpose of the project is to improve navigation efficiency within the BIH Channel. As part of a feasibility study of the project, the USACE produced a Draft Integrated Feasibility Report - Environmental Assessment (DIFR-EA) and has conducted archival research and historic properties investigations in compliance with Section 106 of the National Historic Preservation Act. A CD copy of the DIFR-EA is provided with this letter for your review. The feasibility study produced a Tentatively Selected Plan (TSP) (the 52-foot deep by 250-foot wide project) that would include extending and deepening the offshore BIH Entrance Channel and deepening the BIH Jetty Channel and Main Channel. No widening of the existing channel widths is proposed. Dredged material would be placed in existing upland dredged material placement areas, a nearshore feeder berm and offshore dredged material disposal sites.

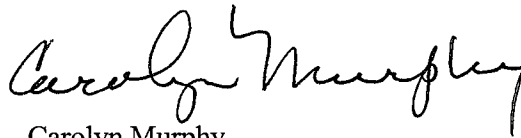
The Area of Potential Effects (APE) includes all areas to be directly affected by channel dredging and dredged material placement and subsequent maintenance activities. This includes the existing footprint of the BIH channel and the Entrance Channel extension to the proposed depths and the existing dredged material placement areas (New Work Offshore Dredged Material Disposal Sites (ODMDS), Maintenance ODMDS, Feeder Berm, and PAs 2, 4A, 4B, 5A, 5B, 7, and 8). A detailed description of the TSP and the APE is provided in the enclosed "Cultural Resources and Project Summary for the Programmatic Agreement" (Enclosure 2).

Six historic properties investigations have been conducted directly within the project area for both terrestrial and submerged resources. For the present undertaking, the USACE conducted a historic properties investigation of the BIH channel in 2012 and the results of this investigation were coordinated with the Texas State Historic Preservation Officer (SHPO). As a result of this recent investigation and the

five previous investigations within the APE, the USACE determined, in consultation with the Texas SHPO, that no historic properties will be affected by the proposed undertaking. Although, no historic properties have been identified within the APE, there is a potential for unanticipated discovery of cultural materials, particularly as a result of maintenance dredging. Unanticipated discoveries are covered by this PA and the perpetual curation of any cultural materials recovered during the course of construction or maintenance activities will be the responsibility of the Port of Brownsville.

We request your review and comment on the DIFR-EA and draft PA and welcome any comments or concerns you may have regarding the PA. The public comment period for the DIFR-EA report will end on January 7, 2014 and we will need all comments regarding the DIFR-EA or PA in by that date. Thank you for your cooperation in this review process. If you have any questions concerning this project or if we can be of further assistance, please contact John A. Campbell at 409-766-3878.

Sincerely,

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Carolyn Murphy
Chief, Environmental Section

Enclosures



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

November 21, 2013

Environmental Section

SUBJECT: Proposed Programmatic Agreement for the Brazos Island Harbor Channel Improvement Project.

Holly Houghton
Tribal Historic Preservation Officer
Mescalero Apache Tribe
P.O. Box 227
Mescalero, NM 88340

Dear Ms. Houghton:

The U.S. Army Corps of Engineers (USACE) proposes to initiate a Programmatic Agreement (PA) pursuant to 36CFR800.14 (b) for the Brazos Island Harbor (BIH) Channel Improvement Project in Cameron County, Texas. Because effects on historic properties cannot be fully determined prior to approval of the undertaking, we find it necessary to initiate this PA to address the potential effects upon historic properties that may be discovered as a result of construction activities, and to address potential effects during operation and maintenance of the existing and proposed project. A Draft PA is enclosed for your review (Enclosure 1).

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Sincerely,

A handwritten signature in cursive script that reads "Carolyn Murphy". The signature is written in black ink and is positioned above the printed name and title.

Carolyn Murphy
Chief, Environmental Section

Enclosures



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

November 21, 2013

Environmental Section

SUBJECT: Proposed Programmatic Agreement for the Brazos Island Harbor Channel Improvement Project.

Miranda "Nax'ce" Allen
Tonkawa Tribe of Oklahoma
1 Rush Buffalo Road
Tonkawa, OK 74653

Dear Ms. Allen:

The U.S. Army Corps of Engineers (USACE) proposes to initiate a Programmatic Agreement (PA) pursuant to 36CFR800.14 (b) for the Brazos Island Harbor (BIH) Channel Improvement Project in Cameron County, Texas. Because effects on historic properties cannot be fully determined prior to approval of the undertaking, we find it necessary to initiate this PA to address the potential effects upon historic properties that may be discovered as a result of construction activities, and to address potential effects during operation and maintenance of the existing and proposed project. A Draft PA is enclosed for your review (Enclosure 1).

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Sincerely,

A handwritten signature in black ink that reads "Carolyn Murphy". The signature is written in a cursive, flowing style.

Carolyn Murphy
Chief, Environmental Section

Enclosures