



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2012-00602
	Date Issued: _____	16 November 2023
	Comments _____	
Galveston District	Due: _____	18 December 2023

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Texas International Terminals LTD (TXIT)
4800 Port Industrial Road
Galveston, Texas 77554
POC: Bill Bevers
Phone: 832-330-4489
Email: BBevers@titerminals.com

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401
POC: Courtney Gerken
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Email: courtney@lloydeng.com

LOCATION: The project site is located in the Galveston Ship Channel, east of the Pelican Island Causeway, at 4800 Port Industrial Road, in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Galveston, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.307877° North; **Longitude:** 094.822815° West

PROJECT DESCRIPTION: The applicant proposes modification to previously authorized Permit SWG-2012-00602 to authorize additional dredging of approximately 160,000 cubic yards (CY) of new work material from the TXIT Berth to create an 11-acre siltation basin within the existing, previously authorized 33-acre TXIT Berth that would be dredged to -51 feet mean lower low water (MLLW). Previously authorized placement areas are onsite: PA50, San Jacinto, Pelican Island DMPA, five Port of Galveston (POG) former ship slips(#12, #14, #37, #39, and #41) and the POG PA. Additionally, the applicant is requesting authorization to place the dredge material at the USACE Pelican Island Beneficial Use (BU) Site and the continued authorization for 10 years of maintenance dredging from the berth, including the siltation basin within the berth. Annually, approximately 250,000 CY of maintenance material is proposed to be placed in any of the previously authorized areas and in addition of Pelican Island BU area. The purpose of the proposed siltation basin is to capture sediment that leads to the excessive accumulation of silt in the berth, resulting in unsafe navigation conditions.

PROJECT/PERMIT HISTORY: A file history review revealed the original permit associated with this site was issued to Westport Galveston, Inc. in 1983 (Permit #16709). This permit authorized the dredging of an area and construction of mooring dolphins, walkways, bulkheads, and a dock for a ship and barge bulk handling terminal. It had four additional actions in the Corps database, some of which were withdrawals 16079 (1-4). The Corps tracking database has permit numbers of SWG-1994-00497, SWG-1997-02241, SWG-1998-00166 and SWG-1998-01822 for the original permit modifications. Permit #21478 (SWG-1998-02523) is also associated with this same location. Permit 21478 was issued in 1999 to AIMCOR to perform maintenance dredging for their operations at the site. Permit Amendment 21478(1) was an Extension of Time (EOT) issued 17 April 2003, and expired 31 December 2013. The EOT required the permittee to obtain an individual Section 401 water quality certification prior to dredging and for the effluent or return water associated with the project. Also, the EOT conditioned that the Disposal Area #2 would need to be certified structurally sound by a state-licensed engineer. In 2013, a name change was finalized from Galveston Bulk Terminals to Texas International Terminals.

SWG-2012-00602 was issued on 20 March 2014 and expired 13 December 2019 and authorized the permittee to construct two additional ship berthing facilities to be used for import and export of bulk cargo, oil, and petrochemical products. Work involves the construction of a 1,500-foot by 109-foot dock supported by 1,837, 24-inch-square pre-cast concrete pilings. The north and west sides of the dock would be reinforced with a 1,850-linear-foot combi-wall breakwater. A protective fender, braced with a 12-inch-square concrete pile, would be located on the eastern dock face. Four 48-inch monopole protective mooring dolphins, lined with tires, would be installed, two along the northern dredge project boundary and two immediately north of the existing dock. An additional 220-linear-foot of combi-wall would be constructed at the terminal end of the existing dry-bulk dock to the east of the proposed project.

Prior to initiating new fill activities, the riprap-lined bulkhead would be removed from the existing shoreline. A new 539-linear-foot combi-wall bulkhead and a 539-linear-foot riprap bulkhead would be installed with 110 CY of clean supportive sand backfill along the northern and western boundaries of the fill area. Approximately 100,000 CY of clean fill material would be discharged behind that bulkhead into 4.61 acres of unvegetated waters adjacent to the existing bay and Galveston Ship Channel to fill the area to 12.00 feet above existing grade. An associated supportive sheet pile tie-back wall would be installed shoreward of this fill, requiring an additional 1,000 CY of backfill, and matching the final grade of the new fill area to that of the existing shoreline.

To provide deep-water access to the new berthing areas, a 10.37-acre area located between the proposed ship loading facility and the existing dock on the other side of the basin, would be dredged to a minimum depth of 40 feet below mean low tide (MLT) with a 2-foot over dredge, and an ultimate depth of 45 feet below MLT with a 2-foot over dredge when and if the depth within and adjacent to the channel is lowered due to the Federal dredging project. Approximately 293,842 CY of material would be hydraulically dredged to facilitate the minimum dredge depth. An additional 36,730 CY of material would be hydraulically dredged to facilitate the ultimate project depth. Dredged material would be placed into two private existing upland dredged material placement areas located at 4800 Port Industrial Road and at 5600 Port Industrial Road, in Galveston, Galveston County, Texas.

SWG-2020-00602 was issued on 14 July 2020 and expires 31 December 2025 and authorized the permittee to modify and extend the existing permit (expired in December 2019) increasing the previously authorized dredge footprint from 18.22 acres to a total dredge area of 33 acres, and reduce the previously authorized fill placement of 101,110 CY of fill within 4.61 acres of unvegetated open water area to 4,700 CY of sand fill material within 0.67 acre of unvegetated open water habitat below the mean high water (MHW) line. As a result of the reduction of fill area, the permittee also proposes to entirely remove the formerly approved 4.4-acre proposed wetland mitigation project that was required as under the initial permit (SWG-2012-00602). Construction work is associated with the following:

- Construction of a ship berthing facility (Berth #2: 825-foot-long by 90-foot-wide dry bulk dock; Berth #3: 89-foot-long by 40-foot-wide liquid cargo dock; pipe and access trestle: 1,374-foot-long by 35-foot-wide.
- Construction of a total of 1,441 linear feet (LF) of combi-wall structure: 852 LF to the south of the berth (of which 211 LF will be supported by grouted soil anchors or battered pile tiebacks located parallel to the existing shoreline); 345 LF to the west side entrance of the berth; and 244 LF to the east side entrance of the berth.
- Construction of 1,986 LF of sheet pile wall with a 3-foot-wide concrete cap (serving as a break water) parallel to the Pelican Island Causeway.

- Placement of three hundred 24-inch-diameter pre-cast ground-driven concrete pilings and five hundred fifty 36-inch-diameter concrete (or steel) pre-cast ground-driven pilings to support Berths #2 and #3.
- Placement of one hundred 36-inch-diameter ground-driven steel (or concrete) piles for 10 berthing/mooring dolphins.
- Placement of two 60-foot-diameter cell-structure turning dolphins.
- Dredging approximately 1.41 million cubic yards (mcy) of new cut material within the new dredge footprint to a minimum depth of -45 feet mean lower low water (MLLW), with a 2-foot over dredge (additional 98,562 CY).
- Utilization of federally authorized and constructed upland confined dredged material placement areas, including the 5600, San Jacinto and Pelican Island DMPA, as well as introducing the utilization of five Port of Galveston (POG) former ship slips (#12, #14, #37, #39, and #41) and the POG PA to receive dredged materials from the construction phase of the project.
- Maintenance dredging of the approximately 33-acre area for a period of 10 years.

On 11 May 2022, the permittee submitted an application to the Corps with a request for authorization to maintenance dredge the existing TXIT Berth to maintain authorized depths of -45 feet mean lower low water (MLLW) with a 2-foot over dredge and dispose of the dredged material in the Ocean Dredged Material Disposal Site (ODMDS) located approximately 3.7 nautical miles offshore Galveston, Texas. Based on sedimentation studies, TXIT estimates approximately 200,000 CY of maintenance dredge material will be dredged annually. TXIT plans to utilize hydraulic suction and mechanical dredging for the proposed maintenance dredge activities within the project area. Other dredging methods considered for the project include hopper dredging. Although not the preferred alternative at this time, hopper dredging is a dredging method that may be used in the future if deemed most feasible by TXIT. Hopper dredging would utilize a hopper barge with an attached trailing drag head to dredge the material directly from the subsurface into the hopper barge. The application was withdrawn on 30 November 2022 for lack of applicant response to a request for additional information.

A modification to SWG-2012-00602 was issued on 8 August 2023, and expires 31 December 2028, and authorized the one-time use of the Federal open water placement area (PA) 50 for the placement of up to 200,000 CY of maintenance material to be mechanically or hydraulically dredged from the Texas International Terminals LTD TXIT Berths 2 & 3. The purpose of the maintenance dredging is to prevent unsafe navigation conditions within the Berth due to high rates of siltation predicted to occur due to the geomorphic position of the Berth. The applicant will be required to adhere to any terms and conditions associated with the use of PA 50 via Letter of Permission authorized by the Corps' Galveston District, Operation Division - Navigation Branch (OD-N).

AVOIDANCE AND MINIMIZATION: The applicant has stated that an extensive sedimentation modeling study and sediment material sampling and analysis have been conducted for the project. Results of these studies have indicated that the material would be suitable for beneficial use placement and there are no material quality concerns. Only temporary impacts including localized increases in turbidity are anticipated to occur as a result of the proposed dredging and material placement activities. Industry standard best management practices will be utilized during dredging and placement activities to minimize temporary impacts to the maximum extent practicable and will be conducted in a manner consistent with the goals and policies of the Texas Coastal Management Program.

MITIGATION: The applicant is not proposing mitigation as the proposed work is only associated with dredging activities and the placement of the dredge material for beneficial use.

CURRENT SITE CONDITIONS: The project site consists of a ship loading/offloading facility and two ship berthing facilities surrounded by commercial/industrial developments to the east, the Galveston Ship Channel to the north, Galveston Bay to the west, and a railway to the south.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 12 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS:

Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant contacted the TCEQ and initiated the Section 401 CWA process via email on 26 October 2023. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

This public notice will serve as the notification to the Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 401(a)(2). The Regional Administrator is responsible for performing a review of the application/certification to determine if there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the District Engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the District Engineer will assume EPA has made a negative determination with respect to Section 401(a)(2).

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area has been so extensively impacted by previous dredging and placement of dredged material that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **18 December 2023**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2012-00602**, and should be submitted to:

North Unit Evaluation
Regulatory Division, CESWG-RDE
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DISTRICT ENGINEER
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CORPS OF ENGINEERS