



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2012-00425
	Date Issued: _____	05 November 2012
	Comments _____	
Galveston District	Due: _____	10 December 2012

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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 404 of the Clean Water Act (CWA).

APPLICANT: Mr. Joe Farrugla
White Oak Operating Company, LLC
12941 North Freeway, Suite 550
Houston, Texas 77060

AGENT: Mr. Mitch D. Killough
Carr Environmental Group, Inc.
504 Spring Hill Drive, Suite 300
Spring, Texas 77386
281-872-9300
mitchk@ceg-group.com

LOCATION: The project site is located in wetlands adjacent to Chocolate Bayou, approximately 9 miles west of Hitchcock, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Hoskins Mound, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.29.21231; Longitude: -95.12866

PROJECT DESCRIPTION: The applicant proposes to place 1,950 cubic yards of fill material into 0.675 acre of wetlands during the construction of a 138-foot by 224-foot (on its longest length) well pad, measuring approximately 29,500 square feet. Roca-Negra SWD No. 1 will be located adjacent to an existing pad, Roca-Negra No. 1. The well pad will be utilized for the installation of a saltwater disposal well at the project site. The purpose of the proposed activity is to dispose of produced saltwater from the Roca-Negra No. 1 well into the proposed injection well.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by moving the project out of wetlands to the maximum extent practicable.

MITIGATION: Mitigation will be conducted with a permittee-responsible plan. A specific mitigation plan has yet to be submitted.

CURRENT SITE CONDITIONS: The project area is located in southeast Brazoria County, approximately 16 miles southeast of Alvin, Texas. Land surrounding the project area has been primarily utilized for oil and gas production and agriculture. Area topography consists of flat, level terrain with an average elevation of 5 feet above mean sea level. The tidally-influenced estuarine wetland is located approximately 6,000 feet north of Chocolate Bayou and 5,500 feet easterly of New Bayou. The vegetation consists of perennial glasswort (*Salicornia virginica*), smooth cordgrass (*Spartina alterniflora*), and saltgrass (*Distichlis spicata*).

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. This project will be verified under a preliminary jurisdictional determination. The applicant's plans are enclosed, in 5 sheets, and the alternatives analysis is available online for download, in 2 sheets. A hard copy of the alternatives analysis may also be requested from the project manager.

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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

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.

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 10 December 2012. 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-2012-00425**, and should be submitted to:

Kristy Farmer
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3935 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
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