

## **Appendix E**

### **Public and Agency Coordination**

## **Agency Correspondence**



TEXAS  
HISTORICAL  
COMMISSION

*The State Agency for Historic Preservation*

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

August 30, 2005

461073.00

Mr. Doug Jones  
PBS&J  
6504 Bridge Point Parkway, Suite 200  
Austin, TX 78730

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas  
Draft Report, *Phase I Cultural Resources Nautical Archaeological Survey for the Proposed Widening and Deepening of the Freeport Ship Channel, Barzori County, Texas*. THC Permit #3682

Dear Mr. Jones:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed project from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission. As the state agency responsible for administering the Antiquities Code of Texas, these comments also provide recommendations on compliance with state antiquities laws and regulations.

The review staff, led by State Marine Archeologist Steven D. Hoyt, has completed its review. We concur with the findings and recommendations of the report's authors regarding anomaly avoidance or additional investigation as presented on pages 27-35. Please modify the title page to include the ~~THC Permit Number~~.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal and state review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Steve Hoyt at 512/463-7188.**

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Hoyt", written over a horizontal line.

for  
F. Lawrence Oaks, State Historic Preservation Officer



TEXAS  
HISTORICAL  
COMMISSION

*The State Agency for Historic Preservation*

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

February 2, 2006

Mr. Robert Gearhart  
PBS&J  
6504 Bridge Point Parkway, Suite 200  
Austin, TX 78730

Re: Project review under the Antiquities Code of Texas  
Final Report: *Phase I Cultural Resources Nautical Archaeological Survey for the  
Proposed Widening of the Freeport Ship Channel, Brazoria County, TX*  
(Document No. 050118)  
Texas Antiquities Permit #3682  
**COMPLETED PERMIT**

Dear Colleague:

Thank you for your correspondence describing the above referenced project. This letter presents the comments of the Executive Director of the Texas Historical Commission, the state agency responsible for administering the Antiquities Code of Texas.

The Archeology Division is in receipt of twenty copies of the final report and a completed *Abstracts in Texas Contract Archeology* form for the above referenced permit. The submission of twenty copies of the final report and abstract form demonstrates completion of your permit requirements under Permit #3682.

Thank you for your cooperation in this state review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Lillie Thompson at 512/463-1858.**

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Lawrence Oaks".

for  
F. Lawrence Oaks, State Historic Preservation Officer

FLO/ft

441591.00



TEXAS  
HISTORICAL  
COMMISSION

*The State Agency for Historic Preservation*

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

February 6, 2006

Ms. Amy Borgens  
PBS&J  
6504 Bridge Point Parkway, Ste. 200  
Austin, TX 78730

Re: Project review under the Antiquities Code of Texas  
Freeport Ship Channel Widening Close Order Survey, Brazoria County  
Texas Antiquities Permit #4024

Dear Colleague:

Thank you for your Antiquities Permit Application for the above referenced project. This letter presents the final copy of the permit application from the Executive Director of the Texas Historical Commission, the state agency responsible for administering the Antiquities Code of Texas.

Please keep this copy for your records. Additionally, please note that the Antiquities Permit investigations require production of 20 copies of the final report and verification that any artifacts recovered and records produced during the investigations are curated at the repository listed in the permit.

**If you have any questions concerning this permit or if we can be of further assistance, please contact Lillie Thompson at 512/463-1858. The reviewer for this project is Steve Hoyt, (463-6096).**

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Lawrence Oaks".

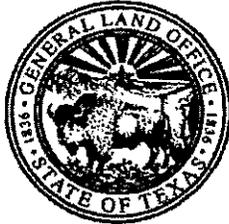
for  
F. Lawrence Oaks, State Historic Preservation Officer

FLO/lft

Enclosure

Cc: Lisa McMichael, Brazos River Harbor Navigation Dist.  
Larry Laine, GLO

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

December 29, 2005

Via Electronic Mail

Bryan Herczeg  
U.S. Army Corps of Engineers Galveston District  
P.O. Box 1229  
Galveston, Texas 77553-1229

re: Comments on proposed scope of the EIS for widening the Freeport Harbor Channel

Dear Mr. Herczeg:

The General Land Office has reviewed the proposed scope for the Environmental Impact Statement (EIS) to be prepared for the planned widening of the Entrance and Jetty Channel of the Freeport Harbor Channel.

Based on the information provided, discussions in the public scoping meeting, and interagency coordination meetings on this matter, we have the following comments:

- The Gulf of Mexico shoreline adjacent to the Freeport jetties at Surfside and Quintana experience some of the highest erosion rates on the Texas coast with long-term rates ranging from 9 to 16 feet per year. Although there are multiple causes of shoreline erosion in this area, vessel generated wakes and the presence of the channel and jetties are significant factors that contribute to the impacts of erosion. The EIS should address the shoreline erosion to determine the impact the proposed channel improvements will have on the surrounding shorelines. Recent EIS's for the improvements of the Corpus Christi Ship Channel and the Sabine-Neches Waterway have addressed this issue.
- It is our understanding that the Port of Freeport is attempting to construct the widening of the channel with Port and private funds. It is expected that USACE will perform the deepening of the channel at a later time as a federally cost-shared project. USACE Galveston District Planning Division indicated that an interagency coordination team (ICT) would be formed to address the deepening portion of the project. Although you have taken steps to form a coordination team for the widening EIS and development of a dredged material management plan, I urge USACE Galveston to coordinate between the Regulatory and Planning Divisions and form a single ICT to assist with all channel improvement aspects. A single ICT would reduce cost and redundancy for the Port, USACE and the resource agencies, and it would help ensure that the cumulative impacts for both the widening and deepening are adequately addressed in a streamlined manner.

If you have any questions or need additional details on this matter, please call me at (512) 475-3624 or email at [ray.newby@glo.state.tx.us](mailto:ray.newby@glo.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Newby".

Ray Newby

Coastal Stewardship Division

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495

Post Office Box 12873 • Austin, Texas 78711-2873

512-463-5001 • 800-998-4GLO

[www.glo.state.tx.us](http://www.glo.state.tx.us)



*An employee-owned company*

February 1, 2006

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

RE: Port of Freeport Project  
PBS&J Job Number 441591

Dear Mr. Swafford:

PBS&J is preparing an Environmental Impact Statement (EIS) for a permit application filed by the Brazos River Harbor Navigation District for the Port of Freeport Project (project) located in Brazoria County, Texas. The Brazos River Harbor Navigation District is engaged in a potential widening of portions of the Freeport Harbor Ship Channel.

PBS&J is collecting data for the preparation the EIS for the project. The level of detail for our assessment will be as necessary to describe existing conditions and to provide analysis of future conditions due to project impacts. The project study area is in the vicinity of Freeport, Quintana, and Surfside, Texas and encompasses that portion of the Gulf of Mexico along the north side of the Freeport Harbor Channel between the Coast Guard Station and the offshore 51-foot contour and surrounding areas. The project potentially includes beach nourishment and offshore placement of construction and maintenance material.

PBS&J is submitting this letter to request information on Essential Fish Habitat occurring in the project area, which should be addressed for the project, and any conservation recommendations you may have. I am enclosing a copy of the permit application for your review. Please call me at (512) 342-3389 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa Vitale'.

Lisa Vitale, FP-C  
Marine/Aquatic Biologist  
LDV/lv

enclosure



An employee-owned company

February 1, 2006

Andreas Mager  
National Marine Fisheries Service  
Southeast Regional Office  
9721 Executive Center Drive North  
Saint Petersburg, Florida 33702-2449

RE: Port of Freeport Project  
PBS&J Job Number 441591

Dear Mr. Mager:

PBS&J is preparing an Environmental Impact Statement (EIS) for a permit application filed by the Brazos River Harbor Navigation District for the Port of Freeport Project (project) located in Brazoria County, Texas. The Brazos River Harbor Navigation District is engaged in a potential widening of portions of the Freeport Harbor Ship Channel.

PBS&J is collecting data for the preparation the EIS for the project. The level of detail for our assessment will be as necessary to describe existing conditions and to provide analysis of future conditions due to project impacts. The project study area is in the vicinity of Freeport, Quintana, and Surfside, Texas and encompasses that portion of the Gulf of Mexico along the north side of the Freeport Harbor Channel between the Coast Guard Station and the offshore 51-foot contour and surrounding areas. The project potentially includes beach nourishment and offshore placement of construction and maintenance material.

PBS&J is submitting this letter to request information on threatened and endangered species occurring in the project area, which should be addressed for the project, and any conservation recommendations you may have. I am enclosing a copy of the permit application for your review. Please call me at (512) 342-3389 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa Vitale'.

Lisa Vitale, FP-C  
Marine/Aquatic Biologist  
LDV/lv

enclosure



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February 1, 2006

Carlos Mendoza  
U.S. Fish and Wildlife Service  
Division of Ecological Services  
17629 El Camino Real, Suite 211  
Houston, Texas 77058

RE: Port of Freeport Project  
PBS&J Job Number 441591

Dear Mr. Mendoza:

PBS&J is preparing an Environmental Impact Statement (EIS) for a permit application filed by the Brazos River Harbor Navigation District for the Port of Freeport Project (project) located in Brazoria County, Texas. The Brazos River Harbor Navigation District is engaged in a potential widening of portions of the Freeport Harbor Ship Channel.

PBS&J is collecting data for the preparation the EIS for the project. The level of detail for our assessment will be as necessary to describe existing conditions and to provide analysis of future conditions due to project impacts. The project study area is in the vicinity of Freeport, Quintana, and Surfside, Texas and encompasses that portion of the Gulf of Mexico along the north side of the Freeport Harbor Channel between the Coast Guard Station and the offshore 51-foot contour and surrounding areas. The project potentially includes beach nourishment and offshore placement of construction and maintenance material.

PBS&J is submitting this letter to request information on threatened and endangered species occurring in the project area, which should be addressed for the project, and any conservation recommendations you may have. I am enclosing a copy of the permit application for your review. Please call me at (512) 342-3389 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa Vitale'.

Lisa Vitale, FP-C  
Marine/Aquatic Biologist  
LDV/lv

enclosure



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May 2, 2006

Miles Croom  
Assistant Regional Administrator  
National Marine Fisheries Service  
Habitat Conservation Division  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701-5511

RE: Port of Freeport Project  
PBS&J Job Number 441591

Dear Mr. Croom:

PBS&J is preparing an Environmental Impact Statement (EIS) for a permit application filed by the Brazos River Harbor Navigation District for the Port of Freeport Project (project) located in Brazoria County, Texas. The Brazos River Harbor Navigation District is engaged in a potential widening of portions of the Freeport Harbor Ship Channel.

PBS&J is collecting data for the preparation the EIS for the project. The level of detail for our assessment will be as necessary to describe existing conditions and to provide analysis of future conditions due to project impacts. The project study area is in the vicinity of Freeport, Quintana, and Surfside, Texas and encompasses that portion of the Gulf of Mexico along the north side of the Freeport Harbor Channel between the Coast Guard Station and the offshore 51-foot contour and surrounding areas. The project potentially includes beach nourishment and offshore placement of construction and maintenance material.

PBS&J is submitting this letter to request information on threatened and endangered species occurring in the project area, which should be addressed for the project, and any conservation recommendations you may have. I am enclosing a copy of the permit application for your review. Please call me at (512) 342-3389 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa Vitale'.

Lisa Vitale, FP-C  
Marine/Aquatic Biologist  
LDV/lv

enclosure



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, FL 33701  
(727) 824-5312, Fax 824-5309  
<http://sero.nmfs.noaa.gov>

MAY 10 2006

Dear Colleague:

Pursuant to section 7(a)(2) of the Endangered Species Act (ESA), the Protected Resources Division of NOAA's National Marine Fisheries Service (NMFS) has reviewed your letter regarding the proposed project to widen portions of the Freeport Harbor Ship Channel (PBS&J Job Number 441591).

     **There are no ESA-listed species** or designated critical habitat under our purview in the action area.

     **We cannot determine** impacts to threatened or endangered species, or designated critical habitat, under NOAA Fisheries purview because the letter lacks sufficient information to evaluate the project.

**Enclosed are guidelines** to conduct a proper biological evaluation.

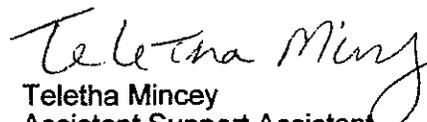
     **Please provide a letter** from the lead federal action agency designating you to conduct ESA section 7 consultation with this office.

  X   **Enclosed is a list** of federally-protected species under the jurisdiction of NMFS for the Gulf of Mexico. Biological information on federally-protected species and candidate species can be found at the following website addresses: [http://www.nmfs.noaa.gov/prot\\_res/prot\\_res.html](http://www.nmfs.noaa.gov/prot_res/prot_res.html); <http://www.ccturtle.org>; <http://noflorida.fws.gov/SeaTurtles/seaturtle-info.htm>; <http://endangered.fws.gov/wildlife.html#Species>; <http://www.cmc-ocean.org/main.php3>; <http://floridaconservation.org/psm/turtles/turtle.htm>; [http://obis.env.duke.edu/data/sp\\_profiles.php](http://obis.env.duke.edu/data/sp_profiles.php); [www.mote.org/~colins/Sawfish/SawfishHomePage.html](http://www.mote.org/~colins/Sawfish/SawfishHomePage.html); [www.floridasawfish.com](http://www.floridasawfish.com); [www.flmnh.ufl.edu/fish/sharks/InNews/sawprop.htm](http://www.flmnh.ufl.edu/fish/sharks/InNews/sawprop.htm); Gulf sturgeon critical habitat rule and maps (<http://alabama.fws.gov/gsf/>).

     **It is NMFS' opinion that the project will have no effect** on listed species or critical habitat protected by the ESA under NOAA Fisheries purview. No further consultation with NOAA Fisheries pursuant to section 7(a)(2) of the ESA is required unless the project description changes.

Consultation with NMFS' Habitat Conservation Division (HCD), pursuant to the Magnuson-Stevens Fishery Conservation and Management Acts requirements for essential fish habitat consultation, may be required. Please contact HCD at (727) 824-5317. If you have any ESA questions, please contact consulting biologist, \_\_\_\_\_, (727) 824- 5312 or by e-mail at \_\_\_\_\_ or our ESA section 7 coordinator, Eric Hawk, at the same number or by e-mail at [eric.hawk@noaa.gov](mailto:eric.hawk@noaa.gov).

Sincerely,

  
Teletha Mincey  
Assistant Support Assistant  
Protected Resources Division

File: 1514-22 b





Endangered and Threatened Species and Critical Habitats  
under the Jurisdiction of the NOAA Fisheries



**Gulf of Mexico**

Listed Species	Scientific Name	Status	Date Listed
<b>Marine Mammals</b>			
blue whale	<i>Balaenoptera musculus</i>	Endangered	12/02/70
finback whale	<i>Balaenoptera physalus</i>	Endangered	12/02/70
humpback whale	<i>Megaptera novaengliae</i>	Endangered	12/02/70
sei whale	<i>Balaenoptera borealis</i>	Endangered	12/02/70
sperm whale	<i>Physeter macrocephalus</i>	Endangered	12/02/70
<b>Turtles</b>			
green sea turtle	<i>Chelonia mydas</i>	Threatened <sup>1</sup>	07/28/78
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	Endangered	06/02/70
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Endangered	12/02/70
leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	06/02/70
loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	07/28/78
<b>Fish</b>			
Gulf sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Threatened	09/30/91
smalltooth sawfish	<i>Pristis pectinata</i>	Endangered	04/01/03

**Designated Critical Habitat**

Gulf Sturgeon: A final rule designating Gulf sturgeon critical habitat was published on March 19, 2003 (68 FR 13370) and 14 geographic areas (units) among the Gulf of Mexico rivers and tributaries were identified. Maps and details regarding the final rule can be found at [alabama.fws.gov/gs](http://alabama.fws.gov/gs)

**Species Proposed for Listing**

*Acropora palmata* (elkhorn coral)  
*Acropora cervicornis* (staghorn coral)

**Proposed Critical Habitat**

None

<sup>1</sup> Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered



## Gulf of Mexico

Candidate Species <sup>2</sup>	Scientific Name
none	

Species of Concern <sup>3</sup>	Scientific Name
<b>Fish</b>	
Alabama shad	<i>Alosa alabamae</i>
dusky shark	<i>Carcharhinus obscurus</i>
goliath grouper	<i>Epinephelus itajara</i>
largetooth sawfish	<i>Pristis pristis</i>
night shark	<i>Carcharhinus signatus</i>
saltmarsh topminnow	<i>Fundulus jenkinsi</i>
sand tiger shark	<i>Odontaspis taurus</i>
speckled hind	<i>Epinephelus drummondhayi</i>
Warsaw grouper	<i>Epinephelus nigritus</i>
white marlin	<i>Tetrapturus albidus</i>
<b>Invertebrates</b>	
ivory bush coral	<i>Oculina varicosa</i>

<sup>2</sup> The Candidate Species List has been renamed the Species of Concern List. The term "candidate species" is limited to species that are the subject of a petition to list and for which NOAA Fisheries has determined that listing may be warranted (69 FR 19975).

<sup>3</sup> Species of Concern are not protected under the Endangered Species Act, but concerns about their status indicate that they may warrant listing in the future. Federal agencies and the public are encouraged to consider these species during project planning so that future listings may be avoided.

## Velasquez, Ruben I

---

**From:** Wade.Peggy@epamail.epa.gov  
**Sent:** Tuesday, August 22, 2006 9:52 AM  
**To:** Velasquez, Ruben I  
**Cc:** Riley.Jeffrey@epamail.epa.gov; kgathrig@tceq.state.tx.us  
**Subject:** Port of Freeport emissions analysis

Hi Ruben,

Thanks for providing the emissions analysis information for the Port of Freeport plan to widen the ship channel. Sorry for my delayed response.

I've reviewed the emission factors and methodology used to estimate the impact the Houston-Galveston-Brazoria airshed and have no specific comments on the data or assumptions used.

Please keep in mind a few things that we discussed at the interagency meeting held here at EPA on July 12, 2006:

1. Although the applicable SIPs for the HGB nonattainment area is currently the 2004 Rate of Progress SIP and 2000 Attainment Demonstration SIP (both of which contain inventories for 2007), EPA is finalizing our action on the HGB Mid-Course Review SIP and we anticipate publishing our action in the Federal Register soon. Once published, the HGB Mid-Course Review SIP will become the applicable SIP for purposes of general conformity; please keep an eye on this as you progress with the preparation of the conformity determination for this project.

2. Also, please keep in mind that EPA is concerned over the preliminary modeling conducted by TCEQ in preparation for the required 8-hour ozone SIP, which is due to EPA on June 15, 2007. If the state fails to meet this deadline and/or they cannot demonstrate attainment by the statutory date of 2009, the area may be subject to a "bump-up" where the classification may change from moderate to serious or even severe.

Because the general conformity de minimis levels are based on the area's classification, any "bump-up" action by EPA could affect the conformity determination for this project.

Also, on another note, I will be turning over the Port of Freeport files to my colleague, Jeff Riley. Jeff has been with EPA for a number of years and recently joined the Air Planning Section. Jeff is now the EPA lead for general conformity issues, with the exception of LNG projects.

I'll retain the lead for those, and will also be Jeff's backup, of course. Once the conformity determination for this Port of Freeport project is complete, please forward it to Jeff's attention. His email is riley.jeffrey@epa.gov and his telephone is 214-665-8542.

Thanks,  
-Peggy  
214-665-7247

## **Scoping Meeting**



# Public Announcement

28 October 2005

## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**INTRODUCTION:** Notice is hereby given of a public workshop and scoping meeting to be conducted by the Galveston District, Corps of Engineers (Corps), at 5:00 PM on Tuesday, November 29, 2005 at the Freeport Community House, 130 W. 2<sup>nd</sup>, Freeport, Texas 77541.

**BACKGROUND:** The Corps is preparing an Environmental Impact Statement (EIS) for Department of the Army permit application 23752 for the Brazos River Harbor Navigation District's (Port of Freeport) proposed widening of the Freeport Harbor Ship Channel. The project involves widening the jetty and entrance channels of the Freeport Harbor Ship Channel. Port of Freeport proposes to widen the existing channel width of 400 feet to 600 feet in width.

Please see the attached "Information Paper" and proposed project plans for additional details on the proposed project.

To address the complex issues associated with the proposed project, we have invited the following Federal and state agencies to provide technical advice during preparation of the EIS:

- National Marine Fisheries Service
- United States Coast Guard
- United States Fish and Wildlife Service
- Environmental Protection Agency
- Texas Commission on Environmental Quality
- Texas General Land Office
- Texas Parks and Wildlife Department
- Texas Department of Transportation

**PURPOSE OF THE WORKSHOP & SCOPING MEETING:** An informal open house will be conducted between 5:00 PM and 7:00 PM, prior to the scoping meeting. The open house is to provide basic information to the public on the proposed project and the EIS process. The formal scoping meeting will begin at 7:00 PM and is to help the Corps identify environmental concerns, study efforts needed, and meet the National Environmental Policy Act requirements for preparing an EIS. Therefore, this meeting is to provide an opportunity for all interested persons to comment and provide information to the Corps for use in identifying problems associated with the project, conducting additional studies, and preparing the EIS.

Every effort will be made to address concerns/issues identified in the draft EIS. Following the issuance of the draft EIS the Corps plans to hold a public hearing where there will be an additional opportunity for the public to express their views. Please bring this notice to the attention of others known to be interested in the subject of the meeting.

If you need additional information or have questions concerning this notice, please contact Mr. Bryan Herczeg at 409-766-6389, or by e-mail at [bryan.a.herczeg@usace.army.mil](mailto:bryan.a.herczeg@usace.army.mil) or you may write to U.S. Army Corps of Engineers, Regulatory Branch, ATTN: Mr. Bryan Herczeg, P.O. Box 1229, Galveston, Texas 77553-1229.

**CONDUCT OF THE PUBLIC SCOPING MEETING:** The District Engineer, Galveston District, Corps of Engineers, will serve as the presiding officer at the public scoping meeting. The District Engineer will take all actions necessary to conduct a fair, impartial, and orderly meeting. To this end, powers of the District Engineer include, but are not limited to the following:

- a) To regulate the course of the meeting and conduct of the parties, their counsel, and the public in attendance.
- b) To establish reasonable time limits for oral statements of parties, their counsel, or representatives.
- c) To receive into evidence all written statements, charts, tabulations, and similar data.
- d) To ask questions of speakers for purposes of clarification.

All persons will be given an opportunity to present oral and written statements, including documentary materials, at the public meeting. Any person will be entitled to be represented by, or speak through, legal counsel or other representative, to call witnesses who may present oral statements, and to present recommendations as to an appropriate study, or other considerations. Prior to the opening of the meeting, each person will be requested to complete an attendance card. The attendance card will contain information blocks on which persons attending the public meeting can give their name, address, and whether they wish to present an oral statement during the public meeting.

Statements and information may be provided without restriction by formal procedures and rules of evidence; however, all statements and information provided must concern the subject matter of the meeting.

All statements shall be addressed to the District Engineer. Cross-examination of any person addressing the public meeting, by any person in attendance, will not be allowed

The District Engineer or representative will be given the first opportunity to speak and will be allowed the necessary time to complete their oral statement. Other persons intending to address the public meeting will be called upon and should come prepared to complete their oral statement in not more than five minutes (subject to change based on attendance). Statements by any person that cannot be completed within the time allotment should be summarized orally, and the full text submitted in writing.

Written statements or information materials for inclusion in the record, including documentary materials, may be presented during the public meeting or may be mailed to the District Engineer, Galveston District, Corps of Engineers, at the following address:

U.S. ARMY ENGINEER DISTRICT, GALVESTON  
ATTENTION: CESWG-PE-RB  
P.O. BOX 1229  
GALVESTON, TEXAS 77553-1229

All statements, both oral and written, will become part of the official record of the public scoping meeting and will be made available for public examination. Mailed statements to be included in the record must be mailed on or before December 29, 2005.

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS



systems with fourteen drainage structures, and nine closure structures, six of which incorporate limited road raisings.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeff Trulick, Study Manager, (410) 962-6715 or (800) 295-1610 or via e-mail at [jeff.trulick@usace.army.mil](mailto:jeff.trulick@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The Town of Bloomsburg, PA, is located in Columbia County within the Middle Susquehanna River sub-basin. The Susquehanna River forms the Town's southern boundary, and Fishing Creek forms the northern and western boundary.

The primary water resources problem along the Susquehanna River at Bloomsburg is recurrent flooding. Recurrent flooding that occurs in the Bloomsburg study area is a result of the morphology of the Susquehanna River and the regional topography. When the Susquehanna River and a local tributary, Fishing Creek, simultaneously rise above flood stage, overbank flooding can cover up to 33 percent of the landmass within the Town of Bloomsburg's boundaries.

Flood damages are attributable to overbank flooding from the Susquehanna River and to flooding along Fishing Creek. Past flood events have resulted in extensive damages to structures and their contents and have threatened public safety. The Bloomsburg study area includes approximately 525 residential structures and 75 businesses.

The recommended flood damage reduction plan is the National Economic Development (NED) Plan with a Tropical Storm Agnes (440-year) level of protection from Susquehanna River flooding, and 100-year level of protection from Fishing Creek flooding. The alignment of the line of protection was refined based on physical, environmental, and economic criteria.

The project consists of a system of earthen levees, mechanically stabilized earth (MSE) floodwalls, concrete floodwalls, railroad and road closure structures and roadway relocations to provide ramps over the line of protection. Earthen levees are proposed for the majority of the line of protection, though MSE walls will be required along portions of Fishing Creek in both Bloomsburg and Fernville and a concrete floodwall (H-Pile wall) will be required along portions of Fishing Creek in Bloomsburg. Limited riprap will be used to protect the steep banks of Fishing Creek from bank crest to below the stream invert along the lower project reaches along Fishing Creek.

Permanent environmental impacts will include restricted views by the levee/floodwall system of Fishing Creek from Bloomsburg and Fernville, excavation and off-site disposal of approximately 4,500 cubic yards of hazardous, toxic and radioactive waste materials, conversion of approximately 11.5 acres of farmland designated as Prime Farmland or Additional Farmland of Statewide Importance to non-agricultural use, long-term loss of nearly 3,000 linear feet of riparian habitat along Fishing Creek, the loss of less than one acre of wetlands, and taking of residential homes and business structures within the levee/floodwall footprint.

USACE has distributed copies of the Final Integrated Feasibility Report and EIS to appropriate members of Congress, State and local government officials, Federal agencies, and other interested parties. Copies are available for public review at the following locations:

- (1) Bloomsburg Public Library, 225 Market Street, Bloomsburg, PA 17815
- (2) Bloomsburg University Library, 400 E. Second Street, Bloomsburg, PA 17815

You may also view the Final Integrated Feasibility Report and EIS in addition to related information on our Web page at [http://www.nab.usace.army.mil/publications/non-reg\\_pub.htm](http://www.nab.usace.army.mil/publications/non-reg_pub.htm).

The Final Integrated Feasibility Report and EIS has been prepared in accordance with (1) The National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508), and (3) USACE regulations implementing NEPA (ER-200-2-2).

**Jeff Trulick,**  
Study Manager, Civil Project Development  
Branch, Planning Division.

[FR Doc. 05-21522 Filed 10-27-05; 8:45 am]

BILLING CODE 3710-41-M

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Public Scoping Meeting and Preparation of Draft Environmental Impact Statement for Widening of the Freeport Ship Channel in Freeport, Brazoria County, TX

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers, Galveston District intends to prepare a Draft Environmental Impact Statement (DEIS) to assess the social, economic and environmental effects of the proposed widening of portions of the Freeport Harbor Entrance and Jetty Channels. The DEIS will assess potential impacts of a range of alternatives, including the No Action and preferred alternatives. The Federal action is consideration of a Department of Army Permit application for work under section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), section 404 of the Clean Water Act (33 U.S.C. 1344) and section 103 of the Marine Protection Research and Sanctuary Act (33 U.S.C. 1413).

**DATES:** A public scoping meeting will be held on November 29, 2005 at 7 p.m.

**ADDRESSES:** The meeting will be held at the Freeport Community House, 1300 W. 2nd, Freeport, TX 77541.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bryan Herczeg, Project Manager, by letter at U.S. Army Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553, by telephone at (409) 766-6389, or by e-mail at [bryan.a.herczeg@usace.army.mil](mailto:bryan.a.herczeg@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The Galveston District intends to prepare a DEIS on the proposed channel widening of portions of the Freeport Harbor Channel, which leads to Freeport Harbor, Freeport, Brazoria County, TX. The Brazos River Harbor Navigation District (Port of Freeport) proposes this project.

1. *Description of the Proposed Project:* The Port of Freeport is proposing to widen the Freeport Harbor Channel as follows:

- a. From Channel Station 63+35, near the U.S. Coast Guard Station, to Channel Station 45+00, the channel will be widened gradually an additional 0 to 150 feet;
- b. From Channel Station 45+00 to Channel Station 40+00, the Channel will be widened an additional 150 to 200 feet;
- c. From 40+00, in the Jetty Channel to the end of the existing Entrance Channel, the channel will be widened by 200 feet, from the existing channel width of 400 feet to 600 feet;
- d. The depth of the channel will be as at present, 47 feet in the Jetty Channel (45 feet project depth plus 2 feet advanced maintenance) and 49 feet in the Entrance Channel (45 feet project depth plus 2 feet advanced maintenance plus 2 feet allowable overdraft);
- e. Approximately 3.2 million cubic yards (mcy) of dredged material will be

generated from the widening project; and

f. Approximately 300,000 cubic yards of dredged material will be used beneficially for beach nourishment on Quintana Beach and the remainder of the dredged material will be placed offshore approximately 2.5 miles off Quintana in approximately 40 feet of water.

2. *Scoping and Public Involvement Process:* A scoping meeting to gather information on the subjects to be studied in detail in the DEIS will be conducted on (see DATES). An informal open house, allowing for review of the proposed project and questions and answers, will be conducted between 5 and 7 p.m., prior to the scoping meeting.

3. *Significant Issues:* Issues associated with the proposed project to be given significant analysis in the DEIS are likely to include, but may not be limited to, the potential impacts of the proposed dredging, dredged material placement, the beneficial uses of dredged material, water quality, fish and wildlife values including threatened and endangered species; air quality; environmental justice; socioeconomic environment; archaeological and cultural resources; recreation and recreational resources; energy supply and natural resources; hazardous waste and materials; aesthetics; public health and safety; navigation; shoreline erosion and accretion; cumulative impacts, and the needs and welfare of the people.

4. *Technical Review and Consultation:* Several State and Federal Agencies will be invited to provide technical review of the DEIS. Those agencies include: The Environmental Protection Agency, National Marine Fisheries Service, United States Fish and Wildlife Service, the United States Coast Guard, Texas Commission on Environmental Quality, Texas General Land Office, Texas Parks and Wildlife Department and the Texas Department of Transportation.

5. *Additional Review and Consultation:* Additional review and consultation that will be incorporated into the preparation of this DEIS will include: Compliance with the Texas Coastal Management Program; protection of cultural resources under Section 106 of the National Historic Preservation Act; protection of navigation under the Rivers and Harbors Act of 1899; protection of water quality under section 401 of the Clean Water Act; protection of air quality under the Clean Air Act; and protection of endangered and threatened species under section 7 of the Endangered Species Act.

6. *Availability of the DEIS:* The Draft Environmental Impact Statement is projected to be available in September 2006. At this time the Galveston District plans to conduct a Public Hearing following the release of the DEIS.

Brenda S. Bowen,  
Army Federal Register Liaison Officer.  
[FR Doc. 05-21521 Filed 10-27-05; 8:45 am]  
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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

### ENVIRONMENTAL PROTECTION AGENCY

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining

### Fish and Wildlife Service

### Final Programmatic Environmental Impact Statement for Mountaintop Mining and Valley Fills

**AGENCIES:** U.S. Army Corps of Engineers, Department of the Army, DOD; Environmental Protection Agency; Office of Surface Mining and Fish and Wildlife Service, Interior; and West Virginia Department of Environmental Protection.

**ACTION:** Announcement of availability of Final Programmatic Environmental Impact Statement (FPEIS).

**SUMMARY:** The above agencies announce the availability of the FPEIS that considers developing policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the United States and to fish and wildlife resources affected by mountaintop mining operations, and to environmental resources that could be affected by the size and location of excess spoil-disposal sites in valley fills within the Appalachian study area in West Virginia, Kentucky, Virginia, and Tennessee. This FPEIS was prepared as part of a settlement agreement that resolved the Federal claims brought in *Bragg v. Robertson, Civ. No. 2:98-0636 (S.D.W.Va.)*.

This FPEIS was prepared consistent with the provision set forth in 40 CFR 1503.4(c) of the Council on Environmental Quality regulations implementing NEPA, which allow the agencies to attach an errata sheet to the statement instead of rewriting the draft statement and to circulate the errata,

comments, responses, and the changes, rather than the entire document. The agencies are filing the entire statement with a new cover sheet as the FPEIS. The FPEIS is being made available by mail and can be viewed on the Internet at <http://www.epa.gov/region3/mntnpt/index.htm>. The FPEIS can also be viewed at local offices of the above agencies and at selected local libraries. Copies of the FPEIS may be obtained by writing to the address listed below.

**ADDRESSES:** Send written requests for copies of the FPEIS to John Forren, U.S. Environmental Protection Agency (3EA30), 1650 Arch Street, Philadelphia, PA 19103.

**FOR FURTHER INFORMATION CONTACT:** John Forren, U.S. Environmental Protection Agency, at (215) 814-2705; Katherine Trott, U.S. Army Corps of Engineers, at (202) 761-5542; Mike Robinson, U.S. Office of Surface Mining, at (412) 937-2882; Cindy Tibbott, U.S. Fish and Wildlife Service, at (814) 234-4090; or Russell Hunter, West Virginia Department of Environmental Protection, at (304) 926-0499.

Dated: October 20, 2005.

Gerald W. Barnes,  
Chief, Operations, Directorate of Civil Works.

David Evans,  
Director, Wetlands Division, Environmental Protection Agency.

Glenda H. Owens,  
Deputy Director, Office of Surface Mining.

Marshall P. Jones, Jr.  
Deputy Director, Fish and Wildlife Service.

[FR Doc. 05-21474 Filed 10-27-05; 8:45 am]  
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## DEPARTMENT OF DEFENSE

### Department of the Navy

### Notice of Public Hearings for a Draft Overseas Environmental Impact Statement/Environmental Impact Statement for the Undersea Warfare Training Range

**AGENCY:** Department of the Navy, DOD.  
**ACTION:** Notice.

**SUMMARY:** Pursuant to Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, and Section 102(2) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500-1508), the Department of the Navy (Navy) has prepared and filed with the U.S. Environmental Protection Agency a Draft Overseas Environmental Impact Statement/Environmental Impact Statement (Draft

**INFORMATION PAPER**

**DEPARTMENT OF ARMY PERMIT APPLICATION # 23752**

**PROPOSED FREEPORT CHANNEL WIDENING PROJECT**

**APPLICANT:** Brazos River Harbor Navigation District (Port of Freeport)  
P.O. Box 615  
Freeport, Texas 77542-0615  
Telephone: 979-233-2667, ext. 4257  
POC: David Knuckey

**AGENT:** Shiner Moseley and Associates, Inc.  
555 North Carancahua Street, Suite 1650  
Corpus Christi, Texas 78478-0010  
Telephone: 361-857-2211  
POC: Joe Moseley

**PROJECT PURPOSE:** The Port of Freeport stated purpose is to widen the channel to eliminate existing operation constraints that include: a) one-way traffic, b) daylight operations only for larger vessels, and c) restrictions that do not allow the larger vessels, requiring waivers to enter port when winds exceed 20 knots or cross-currents exceed 0.5 knots.

**PROJECT NEED:** The Port of Freeport's need for the project is to eliminate of the operational constraints to avoid delays, thereby reducing shipping costs and logistical problems.

**LOCATION:** The project is located in the Gulf of Mexico along the north side of the Freeport Harbor Channel between the lower turning basin and the offshore 51-foot contour, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Freeport, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 276374; Northing: 3202462.

**PROJECT DESCRIPTION:** Port Freeport proposes to widen of the Freeport Harbor Ship Channel from the outer turning basin to the sea buoy, a distance of approximately 5.6 miles. The proposed project involves widening the jetty and entrance channels from the existing 400-foot channel width up to 600-foot in width. The project will involve widening the Freeport Harbor Ship Channel as follows:

- a. From Channel Station 63+35, near the U.S. Coast Guard Station, to Channel Station 45+00, the channel will be widened gradually an additional 0 to 150 feet;
- b. From Channel Station 45+00 to Channel Station 40+00, the Channel will be widened an additional 150 to 200 feet;
- c. From 40+00, in the Jetty Channel to the end of the existing Entrance Channel, the channel will be widened by 200 feet, from the existing channel width of 400 feet to 600 feet;
- d. The depth of the channel will be as at present, 47 feet in the Jetty Channel (45 feet project depth plus 2 feet advanced maintenance) and 49 feet in the Entrance Channel (45 feet project depth plus 2 feet advanced maintenance plus 2 feet allowable overdraft).

A pipeline dredge and/or a hopper dredge will be used to perform the dredging. Approximately 3.2 million cubic yards of dredged material will be generated from the widening project. If economically recoverable quantities of beach quality material are located during dredging operations, up to 300,000 cubic yards of dredged material may be used beneficially for beach nourishment on Quintana Beach. The Port of Freeport proposes to construct an underwater berm offshore approximately 2.5 miles off Quintana in approximately 40 feet of water with the remainder of the dredged material. The dredge material will be used to build a berm approximately 8,000 feet long by 2,000 feet wide and 15 feet high. The Port of Freeport states that the primary benefit of the berm will be for fish habitat as a topographic feature and relatively hard substrate in an area that is very flat and has very soft bottom conditions.