

## **6.0 PERMITS AND APPROVALS REQUIRED**

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A list of permits and approvals that may be required for the proposed project is presented in Table 6.0-1. This EIS was initiated as a result of Port Freeport's application to the USACE for a Section 10/404 permit for dredge and fill activities. This application also initiates the permitting process for Clean Water Act Section 401 Water Quality Certification by the TCEQ and a TCMP Consistency Determination (described below).

The Coastal Zone Management Program (CZM) was created by the Coastal Zone Management Act of 1972. The TCMP is a State entity that participates in the Federal CZM. The TCMP coordinates local, State, and Federal programs for the management of Texas coastal resources. The Coastal Coordination Council (CCC), composed of several State agencies and local officials, administers the TCMP. The TCMP reviews all Federal actions that may affect any natural resource in the coastal zone for consistency with the Federal goals and objectives of the Federal CZM. Federal actions include direct Federal actions (i.e., performed by or for a Federal agency) and indirect Federal actions (i.e., activities requiring Federal permits, approval, or financial assistance). The responsibility for these reviews belongs to the lead agency—the GLO. A Section 404 or Section 10 permit application will automatically trigger a review by the GLO for consistency with TCMP. As part of the original permit application to the USACE, the permittee would submit a TCMP consistency statement. Any concerns expressed by the GLO would be addressed before the permit is granted. Additional information regarding the TCMP for the proposed Freeport Harbor Channel widening project is provided in Appendix H.

EPA is charged with developing ocean dumping criteria to be used in evaluating permit applications under Section 102(a) of the Marine Protection and Sanctuaries Act (MPRSA). EPA also is responsible for designating recommended sites for ocean dumping under Section 102(c) of the MPRSA. Modeling indicates the existing maintenance material ODMDS is large enough to accommodate maintenance material from the widened channel (see Appendix C). Therefore, redesignation by EPA of the ODMDS would not be required for placement of maintenance dredged material from the widened channel since no modification to the ODMDS would be required. Additionally, future maintenance material is expected to have the same properties as existing maintenance material (see Appendix C).

Section 103 of the MPRSA authorizes the USACE to permit the placement of dredged material within an ODMDS, subject to EPA concurrence and use of EPA's dumping criteria. USACE would need to issue a Section 103 permit to allow for the placement of new work (virgin) dredged material at the one-time use ODMDS. This ODMDS was a one-time use site for placement of new work material for the 45-ft project. The site would be redesignated by USACE under Section 103 for one-time placement of new work material associated with the proposed channel widening.

TABLE 6.0-1

PERMITS/APPROVALS POSSIBLY REQUIRED

Activity Permitted	Permitting Authority	Name of Permit or Filing	When Required
<b>AIR</b>			
Air emissions for activities subject to USACE jurisdiction	USACE (consultation w/ TCEQ & EPA)	Conformity ruling as part of USACE permit	Prior to issuance of USACE permit
<b>WATER</b>			
Placement of fill or dredged material in waters of U.S.	USACE	Section 404 permit of CWA	Pre-construction
Navigable waters	USACE	Section 10	Pre-construction
Construction and operation in waters of U.S.	TCEQ	Section 401 certification (to show compliance with TX surface water quality standards)	Prior to issuance of USACE permit
Placement of dredged material in ODMDS	USACE	Section 103 MPRSA Permit	Concurrent with issuance of USACE permit
<b>OTHER COMPLIANCE</b>			
Section 7 of Endangered Species Act	FWS/NMFS	Biological Assessment/Biological Opinion	Prior to issuance of USACE permit
Designation ODMDS Redesignation	EPA	Section 102 MPRSA	Prior to issuance of USACE permit