Final

Appendix D
Public, Agency, and Tribal Coordination

Sabine Pass to Galveston Bay
Port Arthur and Vicinity
PAV03B and PAV03C

August 2023

Galveston District
U.S. Army Corps of Engineers

Introduction

The U.S. Army Corps of Engineers (USACE) initiated public involvement and agency scoping activities to solicit input on the Port Arthur and Vicinity project Contracts 3B and 3C and identify significant issues related to the project. The USACE, Galveston District, placed advertisements on the USACE webpage and social media to coincide with the public review of the Draft Supplemental Environmental Assessment. USACE provided a public notice to email addresses associated with resource agencies such as Texas Parks and Wildlife Department, Texas Commission on Environmental Quality, Environmental Protection Agency, National Marine Fisheries Service, and the U.S. Fish and Wildlife Service. A summary of categorized comments and USACE responses can be found in Table 1.

Table 1. Comments Received during the Draft Supplemental Environmental Assessment Public Comment Period

Number of Related Comments	Comment Description	USACE Response
Non-profit, Local, State, and Federal Agency/Organization Comments		
National Marine Fisheries Service	NOAA's National Marine Fisheries Service (NMFS) Habitat Conservation Division has reviewed the public notice, the Draft Supplemental Environmental Assessment (SEA), and the Draft Finding of No Significant Impact (FONSI) for the Sabine Pass to Galveston Bay Port Arthur and Vicinity Contracts 3B and 3C, Port Arthur, Jefferson County, Texas dated August 8, 2022. The U.S. Army Corps of Engineers, Galveston District prepared the Draft SEA and Draft FONSI to identify, evaluate, and disclose all impacts from supplemental work associated	USACE appreciates the opportunity to coordinate with NMFS and the comment is noted.

Number of Related Comments	Comment Description	USACE Response
	with this project that were not previously disclosed in the 2017 Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Final Integrated Feasibility Report and Environmental Impact Statement. The following is provided in accordance with essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (Section 600.920; P.L. 104-297) and of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). The NMFS has no objections to changes made to the Port Arthur and Vicinity Contracts 3B and 3C project. We continue to support our original comments made in our letter dated August 16, 2016, regarding the USACE response letter to our EFH Conservation Recommendation letter drafted in response to the Draft Integrated Feasibility Report and Environmental Impact Assessment for the Sabine Pass to Galveston Bay, Texas Coastal Storm	

Number of Related Comments	Comment Description	USACE Response
	Risk Management and Ecosystem Restoration Study. This concludes the EFH consultation with NMFS and no further information is required. We appreciate your coordination with our office on this project.	
U.S. Fish and Wildlife Service	Thank you for the opportunity to comment on the Supplemental Environmental Assessment (SEA) for the proposed environmental impacts due to changes in the Port Arthur and Vicinity Coastal Storm Risk Management (CSRM) Plan for Contracts 3B and 3C (referenced as PAV03B and PAV03C), west of Sabine Lake, in Jefferson County. Please reference 2022-0029016 when responding to these comments. The Port Arthur CSRM was considered one of three distinct project areas in the original 2017 Final Environmental Impact Statement (FEIS) for the Sabine Pass to Galveston Bay (S2G) CSRM Project. However, authorization and funding for the entire S2G CSRM Project was accomplished by the Bipartisan Budget Act of 2018, Public Law 115-123 Title IV Corps of Engineers – Civil Department of	Noted. USACE appreciates the opportunity to coordinate with USFWS.

Number of Related Comments	Comment Description	USACE Response
	Army Construction. Although the 2017 FEIS indicated no wetlands or listed species would be affected by the original Port Arthur project footprint because it followed existing levee and right of way alignments, significant changes were required during Pre-construction, Engineering and Design (PED) Phases that will result in approximately eight acres of coastal prairie and palustrine emergent wetland habitat impacts and may affect two listed species not previously evaluated. The U.S. Army Corps of Engineers (Corps) used the Wetland Value Assessment (WVA) Coastal Marsh Model (version 2.0) to assess eight acres of palustrine emergent wetland impacts, which quantified as three Average Annual Habitat Units (AAHUs) within the Sabine Lake Hydrologic Unit Code (HUC 12020007). The U.S. Fish and Wildlife Service (Service) provides the following comments to assist the Corps in developing environmentally acceptable project alternatives and features for this study. These comments are made in accordance with revised Department of the Interior Manual (503 DM 1), dated August 3, 1973, the Fish and Wildlife	

Number of Related Comments	Comment Description	USACE Response
	Coordination Act ((16 U.S.C. 661-667(e)), the Endangered Species Act (Act) of 1973 (16 U.S.C. 1531 et seq.), Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), and the National Environmental Policy Act (NEPA (42 U.S.C. 4321-4347)).	
	The Corps evaluated two mitigation alternatives to compensate for the eight acres of palustrine emergent marsh habitat loss. The first mitigation alternative was evaluated by the WVA Coastal Marsh Model, and proposed restoration of 70 acres of degraded marsh habitat that had been converted to open water on the Texas Parks and Wildlife Department's (TPWD) J.D. Murphree Wildlife Management Area (WMA). The second mitigation alternative proposed to purchase 36 Functional Capacity Units (FCUs) calculated using the Herbaceous Riverine Interim Hydrogeomorphic (iHGM) Wetland Functional Assessment model. No conversion of the data collected in the field and evaluated using the WVA Coastal Marsh Model could be directly converted to FCUs used in the iHGM model, which is the	Noted. USACE utilized the Herbaceous Riverine Interim Hydrogeomorphic (iHGM) Wetland Functional Assessment model was used for conversion of AAHUs into FCUs. The iHGM model was approved by USACE HQs as a Civil Works model in 2023. A 1.5 multiplier was utilized as outlined in Appendix A. All existing conditions field data collected during the WVA Coastal Marsh Model was used in the Herbaceous Riverine Interim Hydrogeomorphic (iHGM) Wetland Functional Assessment model.

Number of Related Comments	Comment Description	USACE Response
	basis for evaluating credits in the Sea Breeze Mitigation Bank, D. Mayes Middleton II Non-Exempt Trust under Mitigation Banking Instrument (SWG-2016-0086). As the Port Arthur project is located within this mitigation bank's secondary service area, a 1.5 multiplier is required to assess the FCUs used to compensate for wetland habitat losses outside of its primary service area.	
	The Service has concerns that the Corp's rationale for comparing the two mitigation alternatives does not meet the intent of the mitigation framework established by Section 906 of the Water Resources Development Act (WRDA) of 1986 (33 U.S.C. 2283), as amended by Section 2036 of WRDA 2007, Section 1040 of the Water Resources Reform and Development Act (WRRDA) of 2014, and Section 1162 of WRDA 2016; the Council on Environmental Quality's NEPA regulations (40 CFR Sections 1502.14(f), 1502.16(h), and 1508.20); and Section C-3 of Engineer Regulation 1105-2-100. Although the SEA indicates palustrine emergent marsh mitigation	Noted. The Implementation Guidance for Section 1163 of the Water Resources Development Act of 2016 (WRDA 2016), Wetlands Mitigation (Nov 16 2017) says: "All potential mitigation bank and in-lieu fee credits that meet the criteria in 4.c or 4.d shall be considered a reasonable alternative for planning purposes if the Secretary determines that the use of the mitigation bank or in-lieu fee program provides a reasonable assurance that the statutory and regulatory mitigation requirements for a water resources development project are met, including monitoring and the demonstration of ecological success." Using the input from Federal and State resource agencies, data gathered during site visits, and available information, USACE has determined that for this project, the use of the mitigation bank program provides a reasonable assurance that the statutory and regulatory mitigation requirements for a water resources development project are met. The beneficial use of dredge material for S2G-Port Arthur was screened out because the project does not include dredging

Number of Related Comments	Comment Description	USACE Response
	options are limited in the Port Arthur area, the Corps has not provided adequate justifications for selecting the mitigation banking alternative when other areas within the WMA have not been investigated, which may have more accessibility, where transportation costs may be less, or beneficial use of dredge material from a more freshwater system of the waterway might be available. The WMA conserves 25,852 acres of fresh, intermediate, and brackish coastal marsh habitat and offers many potential restoration options in the Big Hill Unit, where the proposed mitigation site is located. The Big Hill Unit extends from the Gulf Intercoastal Waterway to the north along Taylor Bayou and terminates at State Highway 73. The WMA also provides potential palustrine marsh restoration opportunities in the Hildebrandt Unit, located farther north on Hildebrandt Bayou, north of Highway 365.	and linking federal projects creates complex uncertainties regarding schedules and budgets. USACE is in favor of beneficial use of dredge material for habitat restoration and looks forward to continuing to work with the Service on those efforts on Navigation projects. The USACE acknowledges the Service's preference for a mitigation alternative in the J.D. Murphree Wildlife Management Area (WMA), but due to schedule constraints (need for TPWD Commission approval) and logistical risks, this alternative was screened out. For similar reasons, USACE anticipates other alternative mitigation plans on the WMA would also be screened out.
	An additional concern is the SEA Appendix A page 14 discussion regarding the WMA mitigation option requiring clean fill material to be acquired, hauled to the site and upon settlement would be required to be	Noted. Input from state resource agencies, data gathered during site visits guided the incorporation of SAV. Planting SAV, along with emergent wetland vegetation were recommended to fully restore the proposed mitigation site. In addition, 70 acres was the assumed total needed to restore the site. USACE agrees that 70 is over-mitigating the impacts

Number of Related Comments	Comment Description	USACE Response
	planted with submerged aquatic vegetation (SAV) and native emergent wetland vegetation depending on the elevation of the site. The Corps does not provide an explanation for planting SAVs when no SAVs areas are impacted within the action area. The Corps also does not provide an explanation for why 70 acres of marsh restoration was evaluated as compensation for three AAHUs within the WMA when the maximum number of acres required for wetlands mitigation over the 50-year period requires three acres be restored. Although natural recruitment of palustrine emergent vegetation may be difficult to achieve without appropriate site conditions and native seeds present in the sediments, the Service and state agencies have the ability to provide guidance on planting native wetland plants on a smaller scale mitigation site within this watershed (HUC 12020007) to achieve the same mitigation values required by the WVA Coastal Marsh Model.	associated with PAV03B and PAV03C. USACE has reevaluated and reduced the acres for the J.D. Murphee WMA mitigation site.
	The Service recommends the Corps evaluate additional mitigation sites, which meet the requirements for compensating three AAHUs of	Noted. Additional hypothetical mitigation strategies were contemplated by the interagency review team but were screened for various reasons and in the end the two

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	palustrine emergent wetlands using the WVA Coastal Marsh Model and addresses the discrepancy of comparing restoration of 70 acres of palustrine emergent marsh on state lands with purchasing 36 FCUs from a private mitigation bank. The Service also recommends that potential mitigation sites not be required to plant SAVs, and that an adaptive management strategy for preventing invasive species encroachment be included in the monitoring plan to obtain success criteria.	alternatives in the report were put forth for detailed analysis and comparison.
Texas Parks and Wildlife Department	Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Supplemental Environmental Assessment (SEA) and Draft Finding of No Significant Impact (FONSI), dated August 2022, for the Sabine Pass to Galveston Bay Port Arthur and Vicinity Contracts 3B and 3C (PAV03B and PA V03C, respectively). The U.S. Army Corps of Engineers (USACE) prepared the Draft SEA to evaluate environmental impacts from supplemental work that were not previously disclosed in the 2017 Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem	Noted. USACE appreciates the opportunity to coordinate with TPWD. Purchase for credits will be done in parallel to construction and proof will be submitted to the resource agencies.

Number of Related Comments	Comment Description	USACE Response
	Restoration Final Integrated Feasibility Report and Environmental Impact Statement. The Draft SEA project areas are located northeast of the Grannis Avenue and Denbo Avenue intersection (Contract PAV03B) and about 0.35-mile southeast of the West 7th Street and Texaco Island Road intersection (Contract PAV03C) in Port Arthur, Jefferson County, Texas. The Draft SEA states that direct impacts of construction within PA V03B and PA V03C would result in the destruction of eight acres of palustrine emergent wetland habitat, which the draft SEA characterized as wooded coastal prairie and degraded cattail wetland habitat. TPWD does not object to the USACE's proposal to purchase credits from the Sea Breeze Mitigation Bank as compensation for impacts to eight acres of freshwater wetlands. However, TPWD recommends text be added to the Final SEA (Section 6.4, Appendix A, or elsewhere as appropriate) that reads as follows: “USACE purchase of credits from the Sea Breeze Mitigation Bank shall occur prior to any land clearing or other construction activities." This	

Number of Related Comments	Comment Description	USACE Response
	recommendation would ensure timely implementation of compensatory mitigation for permanent wetland impacts and would reduce temporal loss of wetland functions. Also, TPWD requests that the USACE provide the resource agencies with a copy of the signed and dated credit transaction letter from the bank sponsor demonstrating that the purchase of wetland credits was completed.	

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

AUGUST 8, 2022

PUBLIC NOTICE

Sabine to Galveston Port Arthur and Vicinity Supplemental Environmental Assessment

The public is hereby notified of the availability of the Draft Supplemental Environmental Assessment (SEA) and Draft Finding of No Significant Impact (FONSI) for the Sabine Pass to Galveston Bay Port Arthur and Vicinity Contracts 3B and 3C, Port Arthur, Jefferson County, Texas. The U.S. Army Corps of Engineers (USACE), Galveston District prepared the Draft SEA to identify, evaluate, and disclose all impacts from supplemental work associated with this project that were not previously disclosed in the 2017 *Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Final Integrated Feasibility Report and Environmental Impact Statement*.

The USACE has developed and analyzed supplemental work associated with the original coastal storm risk management alternatives, including the "No Action" alternative, to address coastal storm risk in Port Arthur, Texas. Updates to the Recommended Plan include modification in levee and floodwall alignment, relocation of utilities, and installation of staging areas.

A 30-day public comment period begins on Monday, August 8, 2022, and ends Tuesday, September 6, 2022. The Draft SEA and appendices will be available on the Galveston District website starting, August 8, 2022, at:

https://www.swg.usace.army.mil/Business-With-Us/Planning-Environmental-Branch/Documents-for-Public-Review/

Please address any comments by mail to Ms. Justyss Watson, Compliance Section, Environmental Branch, Regional Planning and Environmental Center, U.S. Army Corps of Engineers, 819 Taylor Street, P.O. Box 17300, Room 3A12, Fort Worth, Texas 76102-0300, or by email at justyss.a.watson@usace.army.mil.

Planning and Environmental Documents for Public Review

JOINT PUBLIC NOTICE DRAFT ENVIORNMENTAL ASSESSMENT OF THE PROPOSED BENEFICIAL USE OF DREDGE MATERIAL FROM CORPUS CHRISTI IMPROVEMENT PROJECT

- The Draft Environmental Assessment
- Public Notice

Persons desiring to provide comments on the project are requested to submit their comments in writing 30 days of the date of the notice:

U.S. Army Corps of Engineers Galveston District
Attn: Lisa M. Finn
P.O. Box 1229
Galveston, TX 77553
or by email:
Lisa.M. Finn@usace.army.mil
The comments should make reference to Public Notice No. NUEC-NW-2

MARY RHODES PUMP STATION SHORELINE STABILIZATION PROJECT

- Mary Rhodes Pump Station Public Notice
- Mary Rhodes Pump Station DRAFT FONSI
- Mary Rhodes Pump Station Appendix A Engineering
- Mary Rhodes Pump Station Appendix B Environmental
- Mary Rhodes Pump Station Appendix C - Real Estate Plan
- Mary Rhodes Pump Station Integrated Detailed Report and Environmental Assessment

SABINE TO GALVESTON PORT ARTHUR AND VICINITY SUPPLEMENTAL ENIRONMENTAL ASSESSMENT

- Draft Supplemental Environmental Assessment for PAV03B and PAV03C Report
- Public Notice for PAV03B and PAV03C
- Draft FONSI for PAV03B and PAV03C
- Appendix A Habitat Analysis and Mitigation Plan
- Appendix B Biological Assessment
- Appendix C Clean Water Act 404(b)(1) Short Form

DRAFT REPORT FOR GALVESTON 204 - Proposed project intends to place beach quality material on West end Galveston to delay erosion by beneficially using of dredged materials from the Houston/Galveston Entrance Channel.

- HHGalv204AppxA5may22 - DRAFT
- REPGalvDDPR204AppdxD27May22 - DRAFT
- CostAppdxBGalv204DDPR30Mar22 - DRAFT
- DDPR204Galv8Jul22 - DRAFT
- EconGalvDDPR204AppxE17may22 - DRAFT
- FONSIdrftGALV204DDPR29Jun22 - DRAFT
- GALV204_DDPR_EA_JULY 2022_public notice_signed - DRAFT
- GALV204_DDPR_EnvAppdxC8Jul22 - DRAFT

GULF COAST WATER WAY BUDM, TEXAS, SECTION 204, P2 Number: 455266
MAIN REPORT

DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT (DIFR-EA) FOR THE GIWW COASTAL RESILIENCE STUDY, TX

MAIN REPORT: DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT – GIWW Coastal Resilience Study, TX (Jan. 24, 2022)

- Joint Public Notice
- Appendix A Economics
- Appendix B Real Estate
- Appendix C Engineering
- Appendix D Environmental

Galveston District Planning Section
Mailing Address:
USACE Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Email: SWG-P&E@usace.army.mil
Phone: 409-766-3029
Fax: 409-766-3064

Galveston District Environmental Section
Mailing Address:
USACE Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Email: SWG-P&E@usace.army.mil
Phone: 409-766-3044

Archived Public Notices

US Army Corps of Engineers ® Galveston District

DRAINAGE DISTRICT 7 JEFFERSON COUNTY

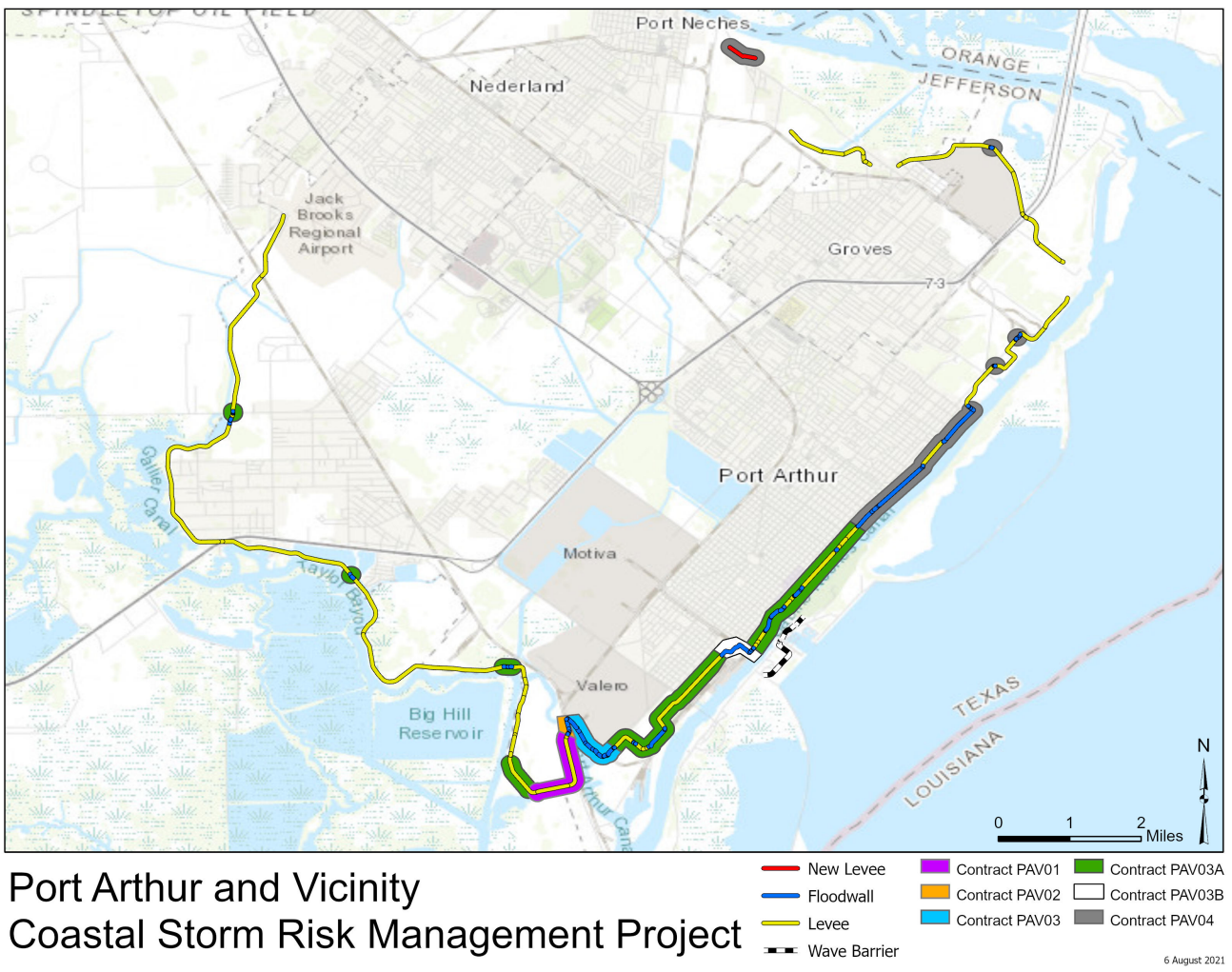
Port Arthur Project

The U.S. Army Corps of Engineer's (USACE) objective of the Port Arthur project is to reduce risk from coastal storm surge and flood damage for residents and businesses within coastal hazard zones in Jefferson County.

This project, at its completion, will help Jefferson County be more resilient to future storm and flood events over the next 50 years. Floodwalls and gate structures are being designed and constructed to endure sea level rise over the next 100 years. While the improved levee system will help further reduce risk of coastal storm surge flooding to its design elevation, no levee or floodwall fully eliminates flood risk.

The main features authorized for the Port Arthur Project include:

- Approximately 5.5 miles of earthen levee construction
- Approximately 5.7 miles of floodwall construction
- Approximately 26 vehicle closure structures
- Erosion protection added throughout the system



Port Arthur and Vicinity
Coastal Storm Risk Management Project

Background

The Port Arthur Hurricane Flood Protection Project (HFPP) is a federally authorized, USACE constructed, and non-federally (locally) operated and maintained project. The current system provides risk reduction to approximately 65 square miles from hurricane surge tides up to 14 feet. The Port Arthur system provides flood risk reduction to an area with large residential communities and major industrial areas with significant infrastructure investment. The area includes the cities of Port Arthur, Groves, and Port Acres, and adjacent major industrial developments. Port Arthur is a nationally important petroleum processing center and deep water port (Ranked #17 among U.S. ports in 2018 tonnage). It's home to the Motiva refinery, the largest in the country, with a production capacity of 603,000 barrels per day. Other large refineries include Valero, Chevron, and Total. Together the large refineries comprise 15-20% of the land area within the levee boundary.

The Project was authorized by the Flood Control Act of October 23, 1962, Public Law 87-874, substantially in accordance with House Document No. 505, 87th Congress, 2nd Session. Construction of the system occurred over the period of 1966 through 1983 the system was designed to provide protection from a hurricane surge of 14 feet above mean sea level.

Upcoming Virtual Public Information Sessions

NEXT Port Arthur Public Open House is:
Thursday, September 22, 2022
4 p.m. – 7 p.m.
Bowers Civic Center
3401 Cultural Center Drive
Port Arthur, Texas 77642

Virtual Public Information Sessions - ARCHIVED

- The U.S. Army Corps of Engineers (USACE) hosted three VIRTUAL public information sessions for the Port Arthur CSRM Project and you can view these sessions below:
  - **VIEW VIDEO:** February 15 - 11:30 AM
  - **VIEW VIDEO:** February 16- 11:30 AM
  - **VIEW VIDEO:** February 17- 11:30 AM
  - **VIEW VIDEO:** October 27, 6:00 p.m.
  - **VIEW VIDEO:** October 28, 11 a.m.
  - **VIEW VIDEO:** October 28, 6 p.m.

Port Arthur Project at a Glance

- **Authority:** Section 1401 (3)3, Water Resources Development Act of 2018 (P.L. 115-270)
- **Congressional Districts:** TX-14
- **Non-Federal Sponsors:** Jefferson County Drainage District 7

- **Project Production Agreement:** Dec 2,

performance and resiliency of the existing Port Arthur Hurricane Flood Protection (HFPP) in Jefferson county. The project includes 13 miles of existing levee system, constructing approximately 6 miles of earthen levees, 6 miles of floodwalls, 1,830 feet of new levees in Port Neches and 26 vehicle structures.

Project Port Arthur Brochure CLICK HERE

Story Map LIVE CLICK HERE

Links of Interest

- Sabine Pass to Galveston Bay Review Plan
  - **What this does:** This Review Plan (RP) for Sabine Pass to Galveston Bay (S2G), TX Coastal Storm Risk Management (CSRM) Project will help ensure a quality-engineering project is developed by the Corps of Engineers in accordance with EC 1165-2-217, "Review Policy for Civil Works". As part of the Project Management Plan this RP establishes an accountable, comprehensive, life-cycle review strategy for Civil Works products and lays out a value added process and describes the scope of review for the current phase of work. (8 July 2020)
- Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management (CSRM) and Ecosystem Restoration (ER) Final Integrated Feasibility Report and Environmental Impact Study, (May 2017)
  - **What this does:** The study identified and screened multiple alternatives to address CSRM and ER problems in the Sabine region, focusing on Orange

The existing Port Arthur HFPP levee system is located in Southeast Texas, approximately 12 miles from the Gulf of Mexico, on the west side of Lake Sabine. The project area is boun Northeast, the Sabine-Neches Deep Draft Channel to the Southeast, and Taylor's Bayou and Rodair

includes thirteen pump stations, eight of which were present prior to the construction of the levee system. The pre-existing levee system was modified and incorporated into the federally authorized levee system.

Jefferson County Drainage District No.7 (DD7) signed on as the local non-federal sponsor by a resolution on January 21, 1963 and reaffirmed by another resolution on December 21, 1964. DD7 remains the local sponsor and is responsible for Operations and Maintenance (O&M). In November 2019, Galveston District and the DD7 signed a project partnership agreement for construction of the Port Arthur Project which included a cost shared 65/35 between the federal government and the non-federal sponsor respectively.

Project Need

USACE is currently evaluating the existing levee system in Port Arthur and it's vicinity and is analyzing the specific repair and replacement needs. With the recent developments in technology, USACE is utilizing advanced modelling capabilities to model severe storm combinations to provide an increased level of protection over the next 50 years.

Project Status & Schedule

Port Arthur Project Timeline

The project area is broken out into 6 separate contracts. Port Arthur Contract 1 is under construction and is expected to completed in September 2021.

For the majority of the project, USACE is in the early stages of Pre-construction Engineering and Design (PED) phase. The project team expects to compete PED by the end of 2023.

The final alignment, based on the existing alignment with some minor additions to the new levees, floodwalls, and gates has not been finalized yet. While there are preliminary alignments drawn on a map to indicate where the work may be constructed the exact location of future levees, floodwalls, gates is still in the design phase and will be communicated as the project progresses.

During the PED phase, the project team is taking into consideration many factors such as engineering best practices, schedule, funding, impacts to residents and business owners, and environmental impacts.

USACE has been working with DD7 to conduct several investigations and surveys to inform the project design. This includes gathering important data on the ground in Jefferson County relating to.

- Geotechnical Investigations
- Topography Surveys
- Storm Surge Modeling
- Wave and Wake Modeling
- Environmental Surveys

and Jefferson Counties, and the
azoria region, focusing on the

Act of 2018) is passed on Feb 9, 2018

- **What this does:** Authorizes $15B for construction (see Title IV for language), this does not specify S2G but makes the funds available for projects with signed Chief's reports.

- Policy Guidance on Implementation of Supplemental Appropriations in the Bipartisan Budget Act of 2018 issued, updated in Jan 2019
  - **What this does:** Provides implementing guidance for the supplemental appropriations, lists S2G under the construction account
- Long Term Disaster Recovery Investment Program (LDRIP) list published June 14, 2019
  - **What this does:** – provides an allocation of a specific dollar amount ($3,957,134,000) for Sabine Pass to Galveston Bay, TX from the $15B in PL 115-123

Contact Information

For public inquiries or information about the Port Arthur Project:

Port Arthur Project
S2GPortArthur@usace.army.mil

For media inquiries:

E-mail: swgpao@usace.army.mil
Phone: 409-766-3004

Follow us!

US Army Corps of Engineers Galveston District Website

From:	charrish stevens - NOAA Federal
To:	Watson, Justyss A CIV USARMY CESWF (USA); NMFS ser HCDconsultations
Cc:	Swafford, Rusty
Subject:	[URL Verdict: Neutral][Non-DoD Source] Re: Draft SEA for Port Arthur and Vicinity Contracts 3B and 3C - Public Review and Availability
Date:	Thursday, August 25, 2022 10:21:24 AM

Dear Ms. Justyss Watson,

NOAA's National Marine Fisheries Service (NMFS) Habitat Conservation Division has reviewed the public notice, the Draft Supplemental Environmental Assessment (SEA), and the Draft Finding of No Significant Impact (FONSI) for the Sabine Pass to Galveston Bay Port Arthur and Vicinity Contracts 3B and 3C, Port Arthur, Jefferson County, Texas dated August 8, 2022. The U.S. Army Corps of Engineers, Galveston District prepared the Draft SEA and Draft FONSI to identify, evaluate, and disclose all impacts from supplemental work associated with this project that were not previously disclosed in the 2017 *Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Final Integrated Feasibility Report and Environmental Impact Statement.* The following is provided in accordance with essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (Section 600.920; P.L. 104-297) and of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

The NMFS has no objections to changes made to the Port Arthur and Vicinity Contracts 3B and 3C project. We continue to support our original comments made in our letter dated August 16, 2016, regarding the USACE response letter to our EFH Conservation Recommendation letter drafted in response to the Draft Integrated Feasibility Report and Environmental Impact Assessment for the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Study. This concludes the EFH consultation with NMFS and no further information is required. We appreciate your coordination with our office on this project. If you have any additional questions or require additional information, please feel free to contact me via email.

Thank you for your coordination,

Charrish Stevens
Fishery Biologist
Habitat Conservation Division
NOAA National Marine Fisheries Service
4700 .Ave U, Galveston, TX 77551

Office Ph: (409) 766-3699
Fax: (409) 766-3575
Email: charrish.stevens@noaa.gov

On Mon, Aug 8, 2022 at 8:57 AM Watson, Justyss A CIV USARMY CESWF (USA)

<Justyss.A.Watson@usace.army.mil> wrote:

> Good Morning,
>
> The U.S. Army Corps of Engineers (USACE) is submitting a Draft Supplemental Environmental Assessment (SEA) for Sabine Pass to Galveston Bay Port Arthur and Vicinity contracts 3B and 3C. The USACE is the lead Federal agency and the non-Federal Sponsor is Jefferson County Drainage District #7. Please see the attached Public Notice for additional information.
>
> A 30-day public comment period begins on Monday, August 8, 2022, and ends Tuesday, September 6, 2022. The Draft SEA and appendices will be available on the Galveston District website starting, August 8, 2022, at:
>
> https://www.swg.usace.army.mil/Business-With-Us/Planning-Environmental-Branch/Documents-for-Public-Review/
>
> Respectfully,
>
> Justyss Watson (she/her)
>
> Biologist
>
> NEPA and Natural Resource Section
>
> Environmental Branch
>
> Regional Planning and Environmental Center
>
> U.S. Army Corps of Engineers
>
> justyss.a.watson@usace.army.mil
>
> Office: 817-886-1828

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Texas Coastal Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, Texas 77058
PHONE: 281/286-8282
FAX: 281/488-5882

In Reply Refer To:
2022-0029016

September 14, 2022

Ms. Justyss Watson
Environmental Branch
Regional Planning and Environmental Center
Galveston District, U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Ms. Watson:

Thank you for the opportunity to comment on the Supplemental Environmental Assessment (SEA) for the proposed environmental impacts due to changes in the Port Arthur and Vicinity Coastal Storm Risk Management (CSRM) Plan for Contracts 3B and 3C (referenced as PAV03B and PAV03C), west of Sabine Lake, in Jefferson County. Please reference 2022-0029016 when responding to these comments. The Port Arthur CSRM was considered one of three distinct project areas in the original 2017 Final Environmental Impact Statement (FEIS) for the Sabine Pass to Galveston Bay (S2G) CSRM Project. However, authorization and funding for the entire S2G CSRM Project was accomplished by the Bipartisan Budget Act of 2018, Public Law 115-123 Title IV Corps of Engineers – Civil Department of Army Construction. Although the 2017 FEIS indicated no wetlands or listed species would be affected by the original Port Arthur project footprint because it followed existing levee and right of way alignments, significant changes were required during Pre-construction, Engineering and Design (PED) Phases that will result in approximately eight acres of coastal prairie and palustrine emergent wetland habitat impacts and may affect two listed species not previously evaluated. The U.S. Army Corps of Engineers (Corps) used the Wetland Value Assessment (WVA) Coastal Marsh Model (version 2.0) to assess eight acres of palustrine emergent wetland impacts, which quantified as three Average Annual Habitat Units (AAHUs) within the Sabine Lake Hydrologic Unit Code (HUC 12020007).

The U.S. Fish and Wildlife Service (Service) provides the following comments to assist the Corps in developing environmentally acceptable project alternatives and features for this study. These comments are made in accordance with revised Department of the Interior Manual (503 DM 1), dated August 3, 1973, the Fish and Wildlife Coordination Act ((16 U.S.C. 661-667(e)), the Endangered Species Act (Act) of 1973 (16 U.S.C. 1531 et seq.), Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), and the National Environmental Policy Act (NEPA (42 U.S.C. 4321-4347)).

The Corps evaluated two mitigation alternatives to compensate for the eight acres of palustrine emergent marsh habitat loss. The first mitigation alternative was evaluated by the WVA Coastal Marsh Model, and proposed restoration of 70 acres of degraded marsh habitat that had been converted to open water on the Texas Parks and Wildlife Department's (TPWD) J.D. Murphree Wildlife Management Area (WMA). The second mitigation alternative proposed to purchase 36 Functional Capacity Units (FCUs) calculated using the Herbaceous Riverine Interim Hydrogeomorphic (iHGM) Wetland Functional Assessment model. No conversion of the data collected in the field and evaluated using the WVA Coastal Marsh Model could be directly converted to FCUs used in the iHGM model, which is the basis for evaluating credits in the Sea Breeze Mitigation Bank, D. Mayes Middleton II Non-Exempt Trust under Mitigation Banking Instrument (SWG-2016-0086). As the Port Arthur project is located within this mitigation bank's secondary service area, a 1.5 multiplier is required to assess the FCUs used to compensate for wetland habitat losses outside of its primary service area.

The Service has concerns that the Corp's rationale for comparing the two mitigation alternatives does not meet the intent of the mitigation framework established by Section 906 of the Water Resources Development Act (WRDA) of 1986 (33 U.S.C. 2283), as amended by Section 2036 of WRDA 2007, Section 1040 of the Water Resources Reform and Development Act (WRRDA) of 2014, and Section 1162 of WRDA 2016; the Council on Environmental Quality's NEPA regulations (40 CFR Sections 1502.14(f), 1502.16(h), and 1508.20); and Section C-3 of Engineer Regulation 1105-2-100. Although the SEA indicates palustrine emergent marsh mitigation options are limited in the Port Arthur area, the Corps has not provided adequate justifications for selecting the mitigation banking alternative when other areas within the WMA have not been investigated, which may have more accessibility, where transportation costs may be less, or beneficial use of dredge material from a more freshwater system of the waterway might be available. The WMA conserves 25,852 acres of fresh, intermediate, and brackish coastal marsh habitat and offers many potential restoration options in the Big Hill Unit, where the proposed mitigation site is located. The Big Hill Unit extends from the Gulf Intercoastal Waterway to the north along Taylor Bayou and terminates at State Highway 73. The WMA also provides potential palustrine marsh restoration opportunities in the Hildebrandt Unit, located farther north on Hildebrandt Bayou, north of Highway 365.

An additional concern is the SEA Appendix A page 14 discussion regarding the WMA mitigation option requiring clean fill material to be acquired, hauled to the site and upon settlement would be required to be planted with submerged aquatic vegetation (SAV) and native emergent wetland vegetation depending on the elevation of the site. The Corps does not provide

an explanation for planting SAVs when no SAVs areas are impacted within the action area. The Corps also does not provide an explanation for why 70 acres of marsh restoration was evaluated as compensation for three AAHUs within the WMA when the maximum number of acres required for wetlands mitigation over the 50-year period requires three acres be restored. Although natural recruitment of palustrine emergent vegetation may be difficult to achieve without appropriate site conditions and native seeds present in the sediments, the Service and state agencies have the ability to provide guidance on planting native wetland plants on a smaller scale mitigation site within this watershed (HUC 12020007) to achieve the same mitigation values required by the WVA Coastal Marsh Model.

The Service recommends the Corps evaluate additional mitigation sites, which meet the requirements for compensating three AAHUs of palustrine emergent wetlands using the WVA Coastal Marsh Model and addresses the discrepancy of comparing restoration of 70 acres of palustrine emergent marsh on state lands with purchasing 36 FCUs from a private mitigation bank. The Service also recommends that potential mitigation sites not be required to plant SAVs, and that an adaptive management strategy for preventing invasive species encroachment be included in the monitoring plan to obtain success criteria.

The Service appreciates the opportunity to review and make comments on the SEA. If you have questions regarding these comments, please contact Dr. Jan Culbertson at 281-212-1516 or jan_culbertson@fws.gov.

Sincerely,

Charles Ardizzone
Field Supervisor

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Carter P. Smith
Executive Director

September 1, 2022

Ms. Justyss Watson
U.S. Army Corps of Engineers
Compliance Section, Environmental Branch, RPEC
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Draft Supplemental Environmental Assessment for the Sabine Pass to Galveston Bay Port Arthur and Vicinity Contracts 3B and 3C

Dear Ms. Watson:

Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Supplemental Environmental Assessment (SEA) and Draft Finding of No Significant Impact (FONSI), dated August 2022, for the Sabine Pass to Galveston Bay Port Arthur and Vicinity Contracts 3B and 3C (PAV03B and PAV03C, respectively). The U.S. Army Corps of Engineers (USACE) prepared the Draft SEA to evaluate environmental impacts from supplemental work that were not previously disclosed in the 2017 Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Final Integrated Feasibility Report and Environmental Impact Statement. The Draft SEA project areas are located northeast of the Grannis Avenue and Denbo Avenue intersection (Contract PAV03B) and about 0.35-mile southeast of the West 7th Street and Texaco Island Road intersection (Contract PAV03C) in Port Arthur, Jefferson County, Texas.

The Draft SEA states that direct impacts of construction within PAV03B and PAV03C would result in the destruction of eight acres of palustrine emergent wetland habitat, which the draft SEA characterized as wooded coastal prairie and degraded cattail wetland habitat. TPWD does not object to the USACE's proposal to purchase credits from the Sea Breeze Mitigation Bank as compensation for impacts to eight acres of freshwater wetlands. However, TPWD recommends text be added to the Final SEA (Section 6.4, Appendix A, or elswhere as appropriate) that reads as follows: "USACE purchase of credits from the Sea Breeze Mitigation Bank shall occur prior to any land clearing or other construction activities." This recommendation would ensure timely implementation of compensatory mitigation for permanent wetland impacts and would reduce temporal loss of wetland functions. Also, TPWD requests that the USACE provide the resource agencies with a copy of the signed and dated credit transaction letter from the bank sponsor demonstrating that the purchase of wetland credits was completed.

Questions can be directed to Mr. Mike Morgan (281-534-0146) at the Dickinson Marine Lab.

Sincerely,

Emma Clarkson, Ph.D.
Program Director, Ecosystem Resources Program
Coastal Fisheries Division

EC:MNM

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From: Leslie Koza <leslie.koza@glo.texas.gov>
Sent: Friday, January 6, 2023 3:28 PM
To: Watson, Justyss A CIV USARMY CESWF (USA) <Justyss.A.Watson@usace.army.mil>
Subject: [Non-DoD Source] RE: 401 Certification letter for Sabine to Galveston project

Justyss,
The TCEQ 401 certification will serve as the consistency review for this project (as the timeline for GLO review had passed before the TCEQ letter was issued).
In the future USACE would submit the consistency request to Federal.Consistency@glo.texas.gov. This could be done in conjuction with the notification e-mail to TCEQ.
Sorry for the delayed response.
Leslie Koza
Federal Consistency Coordinator
leslie.koza@glo.texas.gov
Federal.Consistency@glo.texas.gov