ental Assessment	Matagorda Ship Channel
	Appendix F
Public Notice Comments a	and Responses

Final Environmental Assessment



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

July 26, 2017

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

PUBLIC NOTICE NO. GUAD-M-2

DRAFT ENVIRONMENTAL ASSESSMENT MATAGORDA SHIP CHANNEL

MATAGORDA AND CALHOUN COUNTIES, TEXAS

PURPOSE

This public notice is to inform interested parties that the U.S. Army Corps of Engineers, Galveston District (USACE) has prepared a draft environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA), Public Law 91-190, and regulations for implementing the procedural provisions of the NEPA, 40 Code of Federal Regulations 1500-1508 for the evaluation of potential impacts associated with the relocation of dredged material placement areas (PA) to the west side of the Matagorda Ship Channel (MSC) in order to significantly reduce channel shoaling in the upper reaches of the Matagorda Bay, and lengthen the time between dredging cycles in this area. The MSC in Matagorda Bay was originally authorized by Congress in 1910. More recently, the authority for project work is contained in House Document 388, 84th Congress, 2nd Session.

This notice is being distributed to interested State, Federal, and local agencies, private organizations, and individuals in order to assist in collecting facts and recommendations concerning the proposed dredged material PA relocations the MSC west side.

PROJECT LOCATION

The general project location is shown on the attached Exhibit A. The project is located in the vicinities of Port O'Connor, Port Lavaca, and Point Comfort in Matagorda and Calhoun Counties, Texas.

PROJECT DESCRIPTION

The MSC is a Federally maintained project. Presently, dredged sediments from channel maintenance are disposed in open water placement areas adjacent to the channel. Critical shoaling in upper reaches of the MSC has caused annual draft restrictions resulting in the need for annual maintenance dredging projects to ensure safe passage of commercial shipping. Based on channel surveys and field data collection in the past, the US Army Engineer Research and Development Center (ERDC) evaluated potential action alternatives to reduce the sediment accretion in the upper MSC, through numerical modeling. The resultant tentatively selected project (TSP) alternative would relocate existing dredged material PAs to three additional placement areas west of the navigation channel.

This TSP alternative would decrease shoaling by an estimated 25 percent (2.89 mcy wet volume) of material during the 6-month period modeled. The relocation of the placement areas should not cause circulation issues in that they are submerged.

NEED FOR WORK

Critical shoaling in upper reaches of the MSC has caused annual draft restrictions resulting in the need for annual maintenance dredging projects to ensure safe passage of commercial shipping.

The excessive shoaling is mainly due to the disposal of dredged sediments into adjacent open water areas from which the material quickly migrates back into the channel. Additionally, sedimentation from the upper Lavaca Bay contributes to the high shoaling rate in the upper reach. Presently, dredging to the authorized depth without advanced maintenance decreases the duration of channel availability to fewer than six months per year. Measures to control shoaling in the MSC would significantly benefit the project by increasing the duration of channel availability to greater than the present six months per year, and conserving limited maintenance funding by increasing the cycle time between dredging.

COMPLIANCE WITH LAWS AND REGULATIONS

This proposed project has been coordinated with the U.S. Fish and Wildlife Service (USFWS) and other Federal, State, and local agencies. Consultation procedures have been initiated with the USFWS in compliance with the Endangered Species Act, as amended. Our initial determination is that the proposed action will not have any adverse impacts on threatened or endangered species.

The proposed project has also been coordinated with the Texas General Land Office's Coastal Coordination Council. The proposed project would not impact any wetlands within the Texas Coastal Management Program, a Coastal Management Program Consistency Determination is not required.

The proposed activity is identified within an executed Programmatic Agreement with the State Historic Preservation Officer. Our initial determination is that the proposed action will not have any adverse impacts on historic or cultural resources.

The following is a list of Federal, State, and local agencies with which these activities are being coordinated:

Federal:

U.S. Fish and Wildlife Service National Marine Fisheries Service U.S. Environmental Protection Agency U.S. Coast Guard

State:

Texas Parks and Wildlife Department Texas General Land Office, Coastal Coordination Council Texas Historical Commission Texas Commission on Environmental Quality

Local:

Matagorda County Navigation District No. 1 Calhoun County Navigation District City of Port Lavaca City of Port Lavaca – Port Commission City of Port O'Conner City of Port Comfort

STATE WATER QUALITY CERTIFICATION

The proposed project will be evaluated with regard to the requirements of Section 404(b)(1) of the Clean Water Act. The Texas Commission on Environmental Quality (TCEQ) is reviewing the proposed project under Section 401 of the Clean Water Act and in accordance with Title 30, Texas Administrative Code Section 279.1-13, to determine if the work would comply with State water quality standards. By virtue of an agreement between the U.S. Army Corps of Engineers and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this work may be submitted to the Texas Commission on Environmental Quality, Attention: 401 Coordinator, (MC-150), P.O. Box 13087, Austin, Texas, 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the project is made available for review in the TCEQ's Austin office.

The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, and telephone number of the person making the request; a brief description of the interest of the requester or of persons represented by the requester; and a brief description of how the project would adversely affect such interest.

EVALUATION FACTORS

The decision whether to proceed with the proposed action will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources, as well as public and environmental safety and economic concerns.

ENVIRONMENTAL DOCUMENTATION

The project described in this notice represents a change to an existing authorized project. A preliminary review of this proposed project indicates that an Environmental Impact Statement (EIS) is not required. This preliminary determination of EIS requirement will be changed if information brought forth in the coordination process is of a significant nature. An Environmental Assessment and the appropriate NEPA compliance documents have been prepared. These documents are available online at:

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

As documented in the EA, the project would avoid significant impacts to the human and natural environment.

PUBLIC COMMENT

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

U.S. Army Corps of Engineers, Galveston District Attention: Ms. Lisa M. Finn P.O. Box 1229 Galveston, TX 77553

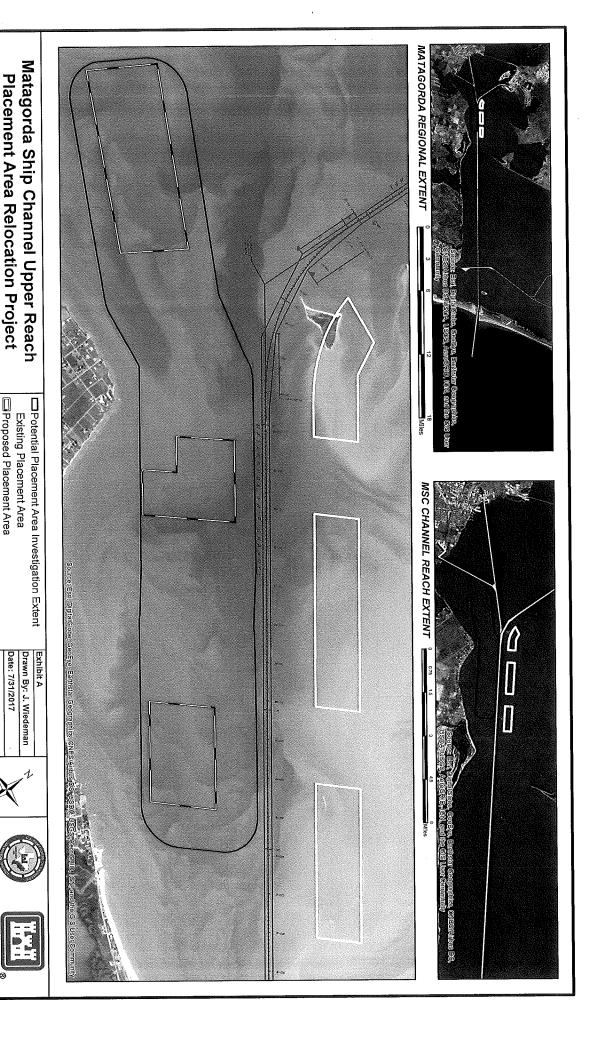
or by email: <u>Lisa.M.Finn@usace.army.mil</u> The comments should make specific reference to Public Notice No. GUAD-M-2.

Any person who has an interest that may be affected by this action may request a public hearing. The request must be submitted in writing within 30 days of the date of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by this activity.

Any questions concerning the proposed action may be directed to Ms. Lisa M. Finn, at (409) 766-3949.

Joe Hrametz, P.E. Chief, Navigation Branch and Operations Division Galveston District

Attachment Exhibit A



Calhoun County, Texas

Proposed Placement Area

U.S. Army Corps of Engineers
Galveston District

Rebecca Hensley Texas Parks and Wildlife Department Fisheries Division 31-Aug-17

Comment Number	Comment	Response
1	In reviewing USACE Permit Application Number 24071 for the Calhoun County Navigation District, TPWD previously commented on the direct and indirect impacts that would result from the proposed continuation of placement of unconfined dredged material in the bay. As stated by letter of June 26, 2007, TPWD continues to strongly recommend that the unconfined placement or open bay disposal of dredge material be discontinued.	The selection of the proposed PAs were based on the Regional Sediment Management Studies of Matagorda Ship Channel and Matagorda Bay System, Texas. The studies, conducted by three research and development (R&D) programs within the US Army Engineer Research and Development Center (ERDC), represented a collaborative investigation of regional sediment management strategies within the Matagorda Bay system, emphasizing the excessive shoaling in the upper reach of the Matagorda Ship Channel (MSC). The three R&D programs were the Regional Sediment Management (RSM) Program, Coastal Inlets Research Program (CIRP), and Dredging Operations and Environmental Research (DOER) Program.
2	TPWD continues to have concerns regarding the potential impact of the placement of unconfined dredge material in close proximity to Gallinipper Reef, as well as the oyster habitat in the vicinity of the proposed PAs. TPWD is concerned the abundance and characterization of oyster habitat in the project area is underestimated.	Several measures would be taken to minimize potential impacts to aquatic resources during dredging and dredged material placement operations; impacts would be minimized by avoiding adverse impacts to aquatic resources to the extent practicable by utilizing appropriate open water disposal techniques. Placement, management and monitoring of PAs would be in compliance with guidelines for open water disposal and Best Management Practices (BMPs) would be detailed in the specifications. Dredged material would be pumped from the dredge through a combination of fully submerged and floating hydraulic pipelines into the PAs. Discharge in these PAs would be made over and beyond the crest of the existing mounds of previous deposits. When the height of a deposit along the back or end limiting lines of discharge would reach -2 ft mean lower low water, the point of discharge would be relocated within PAs as many times as necessary to reduce build-up. The discharge end of the pipe would be held at or near the bottom during placement operations to confine the material within the designated area. A spreader would be used at the submerged end of the discharge pipe to distribute the material evenly and reduce scouring.
3	TPWD is concerned that the subsequent impact of the altered water circulation and currents on the oyster reefs near the placement areas is not analyzed and discussed.	Oyster reef that could potentially be subject to elevated turbidity and minor siltation during disposal of dredge material during and shortly after each dredging event is minimal due to avoidance and minimization measures incorporated into the project's design. The PAs were positioned to avoid impacts to oysters to the maximum extent practicable.

Rebecca Hensley
Texas Parks and Wildlife Department
Fisheries Division
31-Aug-17

31-Aug-17		
Comment Number	Comment	Response
	TPWD offers the following Recommendations: Conduct comprehensive hydrologic analysis of the impact of the proposed Western PA on the existing water circulation and current patterns in Lavaca Bay.	The USACE believes that the Best Management Practices (BMPs) implemented during dredging would negate the need for additional hydrology analysis. Placement, management and monitoring of PAs would be in compliance with guidelines for open water disposal and Best Management Practices (BMPs) would be detailed in the specifications. Dredged material would be pumped from the dredge through a combination of fully submerged and floating hydraulic pipelines into the PAs. Discharge in these PAs would be made over and beyond the crest of the existing mounds of previous deposits. When the height of a deposit along the back or end limiting lines of discharge would reach an elevation of -2 feet mean lower low water, the point of discharge would be relocated within PAs as many times as necessary to reduce build-up. The discharge end of the pipe would be held at or near the bottom during placement operations to confine the material within the designated area. A spreader would be used at the submerged end of the discharge pipe to distribute the material evenly and reduce scouring.
5	Include an analysis of the transport and fate of unconfined dredged material as a result of wind-driven waves, ship wakes, and anticipated water circulation patterns and currents.	Numerical modeling of sediment transport was completed as part of the RSM study by ERDC. No additional modeling was completed.
	·	The USACE believes that the Best Management Practices (BMPs) implemented during dredging would negate the need for additional hydrology analysis. Placement, management and monitoring of PAs would be in compliance with guidelines for open water disposal and Best Management Practices (BMPs) would be detailed in the specifications. Dredged material would be pumped from the dredge through a combination of fully submerged and floating hydraulic pipelines into the PAs. Discharge in these PAs would be made over and beyond the crest of the existing mounds of previous deposits. When the height of a deposit along the back or end limiting lines of discharge would reach an elevation of -2 feet below mean lower low water, the point of discharge would be relocated within PAs as many times as necessary to permit uniform build-up of the PA's to elevation -2 feet mean lower low water. The discharge end of the pipe would be held at or near the bottom during placement operations to confine the material within the designated area. A spreader would be used at the submerged end of the discharge pipe to distribute the material evenly and reduce scouring. Additionally, avoidance measures were employed to reduce the potential impacts to oysters from 25 acres to 0.19 acres. Repositioning the PAs would avoid impacts to oysters to the maximum extent practicable while reducing the dredging. During placement activities, the dredge pipe will keep a 500-foot buffer from oyster resources present within the vicinity of the Western PAs.

Rebecca Hensley Texas Parks and Wildlife Department Fisheries Division 31-Aug-17

Comment Number	Comment	Response
7	Utilize improved hydrographic surveying technologies, such as the SILAS and RHEOTUNE systems described in the RSM, to better determine nautical depth of the channel and improve efficiency of dredge cycles.	Numerical modeling of sediment transport was completed as part of the RSM study by ERDC. No additional modeling was completed.
8	Avoid creation of new unconfined, open bay dredged material disposal areas.	The USACE currently uses open bay disposal for this reach of the MSC. The PAs used for this project were previously authorized and the purpose of this project is to reduce dredging volume and frequency which will result in less environmental impacts.
9	Develop a dredged material management plan (DMMP) that is consistent with the MSCIP FEIS.	The RSM study evaluated multiple dredge material management options and the proposed alternative is a result of the findings of this study, therefore a DMMP is not required for the proposed project.
10	Incorporate beneficial use of dredged material, such as marsh or rookery island creation, in any DMMP.	Beneficial Use (BU) was evaluated in the RSM study shown in Appendix A of the EA and in the alternatives analysis. Based on the results of the RSM Study BU options evaluated did not meet the purpose and need of the project because it did not significantly reduce sediment deposition in the channel reaches.
11	Conduct comprehensive habitat surveys for any area being considered as a new PA.	An oyster survey was conducted and shown in Appendix C of the EA.
12	Provide a platform compensatory mitigation for any proposed direct and indirect impacts to critical habitat, including oysters.	No mitigation is being proposed because the PAs have been repositioned to avoid impacts to oysters to the maximum extent practicable while reducing the dredging. During placement activities, the dredge pipe will keep a 500-foot buffer from oyster resources present within the vicinity of the Western PAs.
13	Calculate permanent and temporal impacts to recreational and commercial harvest of oysters.	Based on the presence of oyster resources found during surveys, avoidance measures were employed to reduce the potential impacts to oysters from 25 acres to 0.19 acres. Repositioning the PAs would avoid impacts to oysters to the maximum extent practicable while reducing the dredging. During placement activities, the dredge pipe will keep a 500-foot buffer from oyster resources present within the vicinity of the Western PAs.
14	Provide a compensation plan for impacts to recreational and commercial harvest of oysters.	Based on the presence of oyster resources found during surveys, avoidance measures were employed to reduce the potential impacts to oysters from 25 acres to 0.19 acres. Repositioning the PAs would avoid impacts to oysters to the maximum extent practicable while reducing the dredging. During placement activities, the dredge pipe will keep a 500-foot buffer from oyster resources present within the vicinity of the Western PAs.



April 13, 2017

Life's better outside."

Commissioners

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Jeanne W. Latimer San Antonio

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Lee M. Bass Chairman-Emeritus Fort Worth

Carter P. Smith Executive Director Ms. Lisa Finn
Environmental Section – Navigation Branch
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

401 Coordinator Mail Code 150 TCEQ P.O. Box 13087 Austin, Texas 73711-3087

Re: Agency Coordination

Matagorda Ship Channel Placement Area Relocation

Texas Parks and Wildlife Department (TPWD) has received notification from the U. S. Army Corps of Engineers (USACE) of the intent to implement the Regional Sediment Management Study (RSM) for the Upper Matagorda Bay prepared by USACE, Galveston District and the Engineer Research and Development Center (ERDC). The RSM recommends relocation of select dredged material placement areas (PA)- specifically PAs 14, 15, and 16 - from the east side of the Matagorda Ship Channel (MSC) to the west side in order to reduce channel shoaling in the upper reaches of the MSC and lengthen the time between dredging cycles in this area. In considering this proposal, TPWD has reviewed the RSM and portions of the Final Environmental Impact Statement for the Proposed Matagorda Ship Channel Improvement Project, Calhoun and Matagorda Counties, Texas (MSCIP FEIS) prepared for USACE Galveston District by PBS&J (2009).

In reviewing USACE Permit Application Number 24071 for the Calhoun County Navigation District, TPWD previously commented on the direct and indirect impacts that would result from the proposed continuation of placement of unconfined dredge material in the bay. As stated by letter of June 26, 2007, TPWD continues to recommend that the unconfined placement or open bay disposal of dredge material be discontinued.

The TPWD data sets, maps prepared for the MSCIP FEIS (from Volume II, Exhibit 4, attached), and Google Earth aerial imagery indicate that portions of the area proposed for the placement of maintenance dredge material on the west side of the MSC are covered by oyster reef, scattered oysters, and shell on mud habitat. The oyster reef off Gallinipper Point is a public reef that is harvested by recreational and commercial oyster fisherman when conditions are suitable, as seen in the attached Google Earth aerial imagery. In addition to having harvest value, oyster reefs provide a number of ecosystem services including stabilization of sediments and the horizontal and vertical stratification of bare bay bottom. The complexity offered by reef structure provides refuge for a number of invertebrates and finfish species, as well as settling habitat for sessile species. Oysters also filter and clarify bay waters, removing bacteria, phytoplankton, and fine sediments. Oyster reefs also provide foraging grounds for numerous aquatic and

Ms. Finn 401 Coordination Page 2 of 3 April 13, 2017

avian species and are, therefore, attractive fishing grounds for recreational anglers. Due to the high productivity and diversity of organisms supported by the reef complex, this area is listed as a Priority Protection Area under the Oil Spill Planning and Response Atlas (2016, see attached Port Lavaca East map). Additionally, oyster reefs are considered critical areas under the Texas Coastal Management Plan (CMP) (31 TAC §501.3). CMP Policies for Development in Critical Areas state that adverse effects on critical areas are to be avoided to the greatest extent possible and it should be demonstrated that no practicable alternative with fewer adverse effects is available (31 TAC §501.23).

According to Figure 35 on page 51 of the RSM, the area with the greatest sediment accumulation is Reach 1, which is adjacent to PAs 17, 18, and 19. Studies conducted in preparation of the MSCIP-FEIS indicate that the potential cross current affecting this part of the channel would be perpendicular to the channel, while the cross current along Reach 2 (which is adjacent to PAs 14, 15, and 16) would be parallel to the channel (from Volume II, Exhibit 2, attached). Therefore, it is not clear how the relocation of PA 14, PA 15, and PA 16 will relieve sedimentation in Reach 1. In fact, the MSCIP FEIS included the elimination of PAs 14, 15, 16, and 17, the expansion of PAs 18 and 19 into a larger, contained placement site and creation of additional contained placement areas along with beneficial use of material along eroding shorelines (from Volume II, Exhibit 13, attached). TPWD supports the beneficial use of contained dredge materials in creating habitat and protecting infrastructure.

TPWD offers the following Recommendations:

- Utilize improved hydrographic surveying technologies, such as the SILAS and RHEOTUNE systems described in the RSM, to better determine nautical depth of the channel and improve efficiency of dredge cycles.
- Avoid creation of new unconfined, open bay dredge material disposal areas.
- Develop a dredge material management plan (DMMP) that is consistent with the MSCIP FEIS.
- Incorporate beneficial use of dredge material, such as marsh or rookery island creation, in any DMMP.
- Conduct comprehensive habitat surveys for any area being considered as a new PA.
- Provide a plan for compensatory mitigation for any proposed direct and indirect impacts to critical habitat.
- Calculate permanent and temporal impacts to recreational and commercial harvest of oysters.
- Provide a compensation plan for impacts to recreational and commercial harvest of oysters.

Ms. Finn 401 Coordination Page 3 of 3 April 13, 2017

TPWD appreciates the opportunity to provide comments for the proposed Matagorda Ship Channel Placement Area Relocation and looks forward to future coordination for the reduction of potential impacts to fishery resources. Questions can be directed to Ms. Colleen Roco (281-534-0139) in the Dickinson Marine Lab.

Sincerely,

Rebecca Hensley

Regional Director, Ecosystem Resources Program

Coastal Fisheries Division

RH:WD:CR

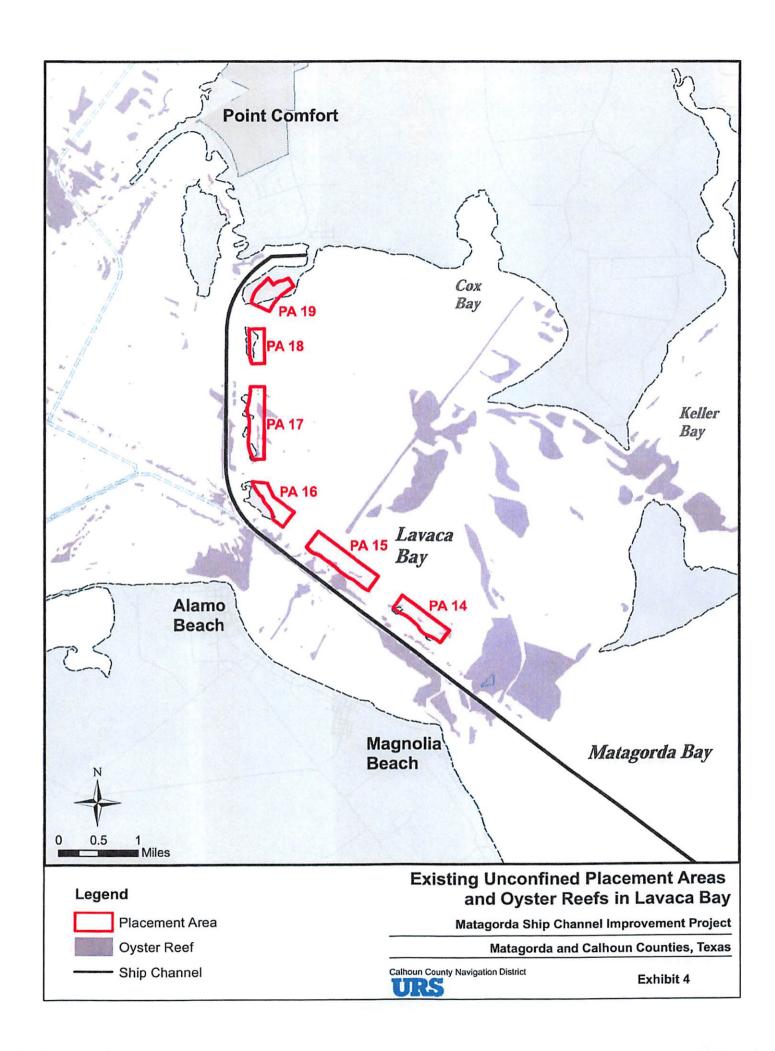
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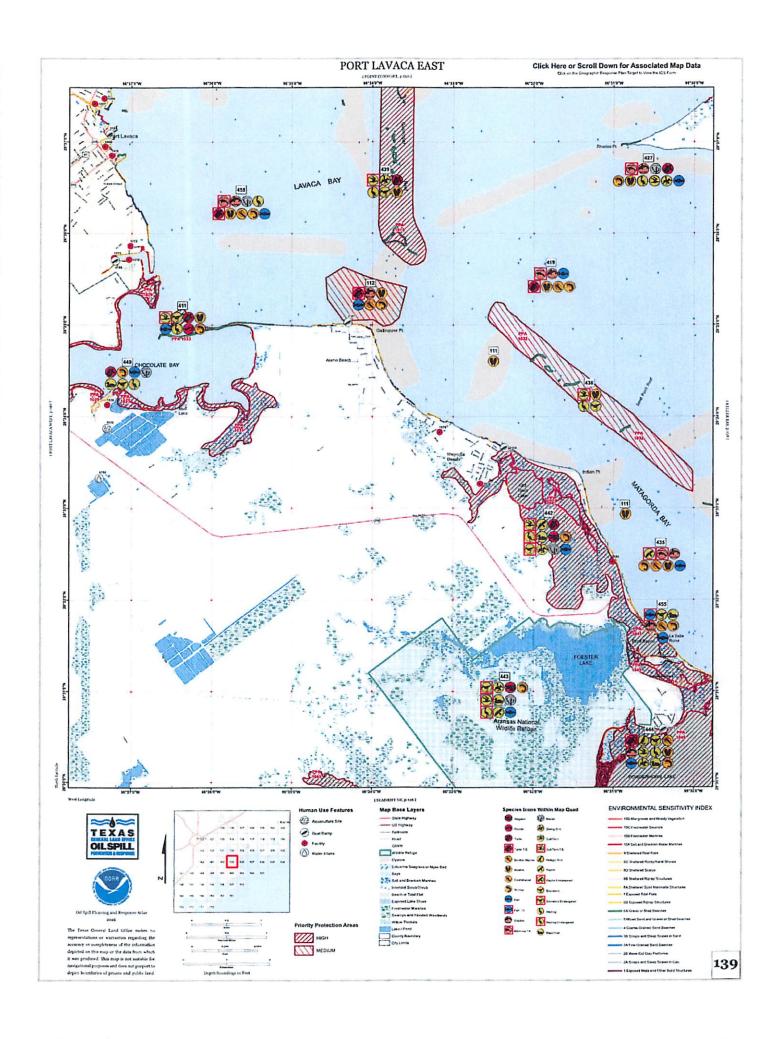
References:

PBS&J. 2009. Final Environmental Impact Statement for the Proposed Matagorda Ship Channel Improvement Project Calhoun and Matagorda Counties, Texas. Document No. 060146. Prepared for U. S. Army Corps of Engineers.

Texas General Land Office. 2016. Oil Spill Planning and Response Atlas. Accessed from the Oil Spill Toolkit on 04/12/2017: http://www.glo.texas.gov/ost/responsemaps/texas/texasesi/matagorda/ESIAtlas_1

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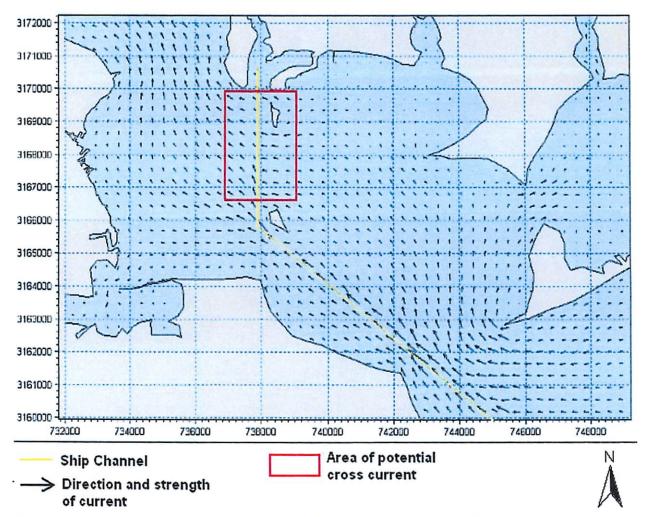
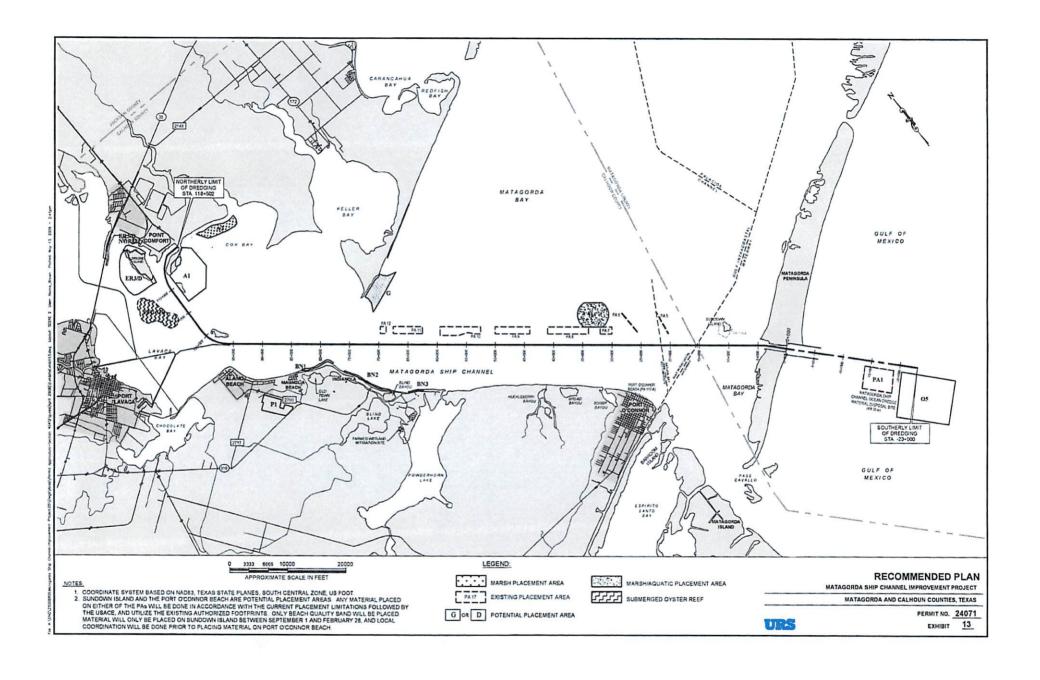


Exhibit 2. Tidal Flood flow currents in Lavaca Bay. Adapted from Moffatt and Nichol (2006).





August 31, 2017

Life's better outside.

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S. Reed Morian Houston

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Kelcy L. Warren Dallas

Lee M. Bass Chairman-Emeritus Fort Worth

Carter P. Smith **Executive Director** Ms. Lisa Finn

Environmental Section - Navigation Branch

U.S. Army Corps of Engineers

P.O. Box 1229

Galveston, Texas 77553-1229

401 Coordinator Mail Code 150

TCEO

P.O. Box 13087

Austin, Texas 73711-3087

Re: Public Notice No. GUAD-M-2

Draft Environmental Assessment Matagorda Ship Channel Upper Reach

Placement Area Relocation Project

Texas Parks and Wildlife Department (TPWD) has reviewed the Public Notice (PN) No. GUAD-M-2, dated July 26, 2017 regarding U. S. Army Corps of Engineers (USACE) preparation of a draft environmental assessment (EA) for the evaluation of potential impacts associated with the relocation of dredged material placement areas (PAs))- specifically PAs 14, 15, and 16 - from the east side of the Matagorda Ship Channel (MSC) to the west side in order to reduce channel shoaling in the upper reaches of the MSC and lengthen the time between dredging cycles in this area. Subsequent to receiving the PN, TPWD has reviewed the EA and supporting documents, including the Regional Sediment Management Study (RSM) for the Upper Matagorda Bay prepared by USACE, Galveston District and the Engineer Research and Development Center (ERDC). The project is located adjacent to a Federally-maintained channel in the vicinities of Port O'Connor, Port Lavaca, and Point Comfort in Matagorda and Calhoun Counties.

In reviewing USACE Permit Application Number 24071 for the Calhoun County Navigation District, TPWD previously commented on the direct and indirect impacts that would result from the proposed continuation of placement of unconfined dredge material in the bay. As stated by letter of June 26, 2007 (copy attached), TPWD continues to strongly recommend that the unconfined placement or open bay disposal of dredge material be discontinued.

Additionally, on 04/13/2017 TPWD submitted comments (attached) on the USACE notice of the intent to implement the RSM recommendation to relocate PAs 14, 15, and 16 from the east side of the MSC to the west side of the channel. TPWD continues to have concerns regarding the potential impact of the placement of unconfined dredge material in close proximity to Gallinipper Reef, as well as other oyster habitat in the vicinity of the proposed PAs. The ecosystem services of oyster reef habitat is discussed in previous comments.

TPWD appreciates that the USACE has modified the location and shape of the proposed PAs in an effort to avoid oyster impacts. However, TPWD is concerned the abundance and characterization of oyster habitat in the project area is

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underestimated. The MSC Oyster Resources Survey (Appendix C) and Oyster Avoidance Map (Figure 4) included in the DEIS categorize Gallinipper Reef as live scattered oysters. TPWD coastal fisheries data shows this to be the most productive reef in the Lavaca Bay system and therefore subject to intense harvest pressure (Harper 2017, personal communication). Due to a combination of several years of suboptimal environmental conditions (including drought, followed by freshwater flooding) and heavy harvest pressure, the reefs of Lavaca Bay do not display the relief and rugosity typically associated with oyster reef (Hartman and Harper 2017, personal communications). Additionally, TPWD is concerned with the methodology used to compute the Catch-per-unit-effort (CPUE) on sampled reefs. Page 2-5 of the Survey report states that CPUE "was calculated for each dredge tow by dividing the total numbers of live oysters collected by the volume of substrate sampled along each dredge transect." The volume is then calculated as a product of the length of the transect, the width of the dredge, and the height of the dredge. However, due to the fact that dredges bounce over shell substrate and do not capture every oyster present, a dredge cannot be used to measure density; rather, quadrat sampling should be conducted (Jensen 2017, personal communication). Quadrat sampling also would capture the true abundance of those reefs located in water too shallow to access with a dredge, which makes them less vulnerable to harvest pressure. TPWD also notes that the oyster survey was conducted in January, February, and March, a time period that is late in the public harvest season and therefore most likely to present a lower abundance of oysters. TPWD recommends oyster surveys be conducted just prior to the beginning of the public harvest season (November 1) to obtain data more representative of the ecologic and economic value of an oyster reef.

TPWD also is concerned that the anticipated impacts of the proposed action that are presented in the DEIS do not sufficiently address the potential indirect, longterm ecological impacts. Page 13 of the DEIS states the western PA alternative would cover shallow, open-water bottoms with dredged material "as a direct impact of each placement event". The DEIS then states the areas "would remain open water, although with shallower depth contours on a temporary basis after each dredging event." This implies that the dredged material is not expected to remain in place. While the alternative analysis states that oyster reef could be subjected to increased turbidity and siltation temporarily during disposal of material, the potential impact of the transport and deposition of re-suspended sediment on oyster habitat in close proximity to the PAs is not discussed. In addition, while Page 5 of the DEIS states that "utilization of the Western PAs should not cause circulation issues because they are submerged", Page 14 of the DEIS states the open-water placement of dredged material "would be expected" to alter the elevation of the substrate and consequently directly impact "water circulation, current pattern, and water fluctuation within the disposal areas and areas adjacent to the proposed" PAs. TPWD is concerned that the subsequent impact of the altered water circulation and currents on the oyster reefs near the placement areas is not analyzed and discussed. As filter feeders, oysters are

Ms. Finn 401 Coordination Page 3 of 4 August 31, 2017 GUAD-M-2

dependent upon water circulation and currents to carry nutrients to the reef. Therefore, the location and orientation of oyster reefs are a direct result of the ambient circulation patterns in a water body. Alteration of these patterns likely will impact the health of a reef and perhaps impact the ability of the reef to survive.

TPWD offers the following Recommendations:

- Conduct comprehensive hydrologic analysis of the impact of the proposed Western PAs on the existing water circulation and current patterns in Lavaca Bay.
- Include an analysis of the transport and fate of unconfined dredged material as a result of wind-driven waves, ship wakes, and anticipated water circulation patterns and currents.
- Provide an analysis of the potential impacts of the alteration of water circulation and currents and the transport and settlement of sediment on reefs and other oyster habitat in close proximity to the proposed Western PAs.

In addition, TPWD stands by the recommendations provided in the comment letter dated July 26, 2017.

- Utilize improved hydrographic surveying technologies, such as the SILAS and RHEOTUNE systems described in the RSM, to better determine nautical depth of the channel and improve efficiency of dredge cycles.
- Avoid creation of new unconfined, open bay dredge material disposal areas.
- Develop a dredge material management plan (DMMP) that is consistent with the MSCIP FEIS.
- Incorporate beneficial use of dredge material, such as marsh or rookery island creation, in any DMMP.
- Conduct comprehensive habitat surveys for any area being considered as a new PA.
- Provide a plan for compensatory mitigation for any proposed direct and indirect impacts to critical habitat, including oysters.
- Calculate permanent and temporal impacts to recreational and commercial harvest of oysters.
- Provide a compensation plan for impacts to recreational and commercial harvest of oysters.

Ms. Finn 401 Coordination Page 4 of 4 August 31, 2017 GUAD-M-2

TPWD appreciates the opportunity to provide comments for the proposed Matagorda Ship Channel Placement Area Relocation and looks forward to future coordination for the reduction of potential impacts to fishery resources. Questions can be directed to Ms. Colleen Roco (281-534-0139) in the Dickinson Marine Lab.

Sincerely,

Rebecca Hensley

Regional Director, Ecosystem Resources Program

Coastal Fisheries Division

RH:CR

References:

Harper, J. 2017. TPWD Upper Coast (Palacios) Coastal Fisheries Biologist. Personal communication with Colleen Roco. August 23, 2017.

Hartman, L. 2017. TPWD Upper Coast (Palacios) Ecosystem Leader. Personal communication with Colleen Roco. August 21, 2017.

Jensen, C. 2017. TPWD Upper Coast (Dickinson) Coastal Fisheries Biologist. Personnel communication with Colleen Roco. August 23, 2017.

PBS&J. 2009. Final Environmental Impact Statement for the Proposed Matagorda Ship Channel Improvement Project Calhoun and Matagorda Counties, Texas. Document No. 060146. Prepared for U. S. Army Corps of Engineers.

Donna Anderson U.S. Fish and Wildlife Service

7-Apr-17

Comment Number	Comment	Response
1	Use the USFWS information (Ipac) to opbatin information regarding fish and wildilfe resoucres	An iPAC survey was completed and added to the EA.
2	Service also recommended the Regional Sedimentation Management (RSM) project not be considered separately but be evaluated during the ongoing overall MSC Improvement Project (Study).	The scope of relocating of the three open water sites equidistant to the west side of the channel from the current locations was an immediate response to the RSM study that could be implemented with the next dredge cycle. This relatively minor change is within the authorities of ongoing operations to existing depths and widths of the navigation channel.

From: Anderson, Donna

To: Finn, Lisa M CIV USARMY CESWG (US); Edwards, Aron S CIV USARMY CESWG (US); Culbertson, Jan; Stokes,

Janelle S CIV USARMY CESWF (US); Biggs, Heather; Hoth, David; Hill Jeff

Subject: [Non-DoD Source] Fwd: FW: Agency coordination - Matagorda Ship Channel Placement Area Relocation

Date: Friday, April 07, 2017 10:59:48 AM
Attachments: MSC-Placement Area Relocation 3-29-17.pdf.

ERDC CHL TR-13-10 Regional Sediment Management Studies of Matagorda Shi....pdf

Good morning Lisa,

The Service recommends the RSM plan be fully coordinated with and evaluated by the resource agencies during the upcoming Matagorda Ship Channel (MSC) Improvement Project (Study). Our understanding is that the dredged material management plan for the MSC will be revisited during the Study and should not be considered separately here. With respect to threatened and endangered species we recommend the following:

In order to obtain information regarding fish and wildlife resources concerning a specific project or project area, we recommend that the Corps first utilize the Service developed Information, Planning, and Conservation (IPaC) System. The IPaC system is designed for easy, public access to information about the natural resources for which the Service has trust or regulatory responsibility such as threatened and endangered species, migratory birds, National Refuge lands, and the National Wetland Index. One of the primary goals of the IPaC system is to provide this information in a manner that assists project proponents in planning their activities within the context of natural resource conservation. The IPaC system can also assist people through the various regulatory consultation, permitting and approval processes administered by the Fish and Wildlife Service, helping achieve more effective and efficient results for both the project proponents and natural resources. The IPaC system can be found at the following website: Blockedhttp://ecos.fws.gov/ipac/.

Please feel free to contact me with any questions.

Donna Anderson Wildlife Biologist United States Fish and Wildlife Service Texas Coastal Ecological Services Office 17629 El Camino Real, Ste. 211 Houston, Texas 77058

Office: (281) 286-8282 Fax: (281) 488-5882 Cell: (713) 542-1861

J	Forwarded	message	
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From: **Jeffrey Hill** < <u>jeffrey_hill@fws.gov</u>>

Date: Thu, Apr 6, 2017 at 12:15 PM

Subject: FW: Agency coordination - Matagorda Ship Channel Placement Area Relocation

To: Donna Anderson < donna_anderson@fws.gov >

fyi

----Original Message----

From: Finn, Lisa M CIV USARMY CESWG (US)

[mailto:Lisa.M.Finn@usace.army.mil] Sent: Thursday, March 30, 2017 3:46 PM

To: Alison Kitto; <u>Amber_Miller@fws.gov</u>; <u>Arturo_Vale@fws.gov</u>; O'Brien, Cherie; Roco, Coleen; Harmon, Dan; Hoth, David; <u>USACEnotice@glo.texas.gov</u>;

Biggs, Heather; Culbertson, Jan; <u>Jeffrey_Hill@fws.gov</u>; Jaynes, Kenneth E CIV USARMY CESWG (US); <u>lbroach@tceq.texas.gov</u>; <u>Mario.Mata@txdot.gov</u>;

Mahoney, Matthew; pat clements@fws.gov; kaspar.paul@epa.gov;

tara.wallace@noaa.gov; 401CERTS@tceq.texas.gov; tom.heger@tpwd.texas.gov;

Nystrom.thomas@epa.gov; D8dpball@uscg.mil;

<u>D08-DG-SecCorpusChristi-Prev-PMD-WWM@uscg.mil</u>; john.trevino@tceq.texas.gov

Cc: Edwards, Aron S CIV USARMY CESWG (US); Willey, Sheridan S (Sheri) CIV

USARMY CESWG (US)

Subject: Agency coordination - Matagorda Ship Channel Placement Area

Relocation

Good afternoon-

The U.S. Army Corps of Engineers (USACE), Galveston District (CESWG) in partnership with the Engineer Research and Development Center (ERDC) undertook a Regional Sediment Management Study (RSM) for the Upper Matagorda Bay (attached). The study concluded with the recommendation of relocation of select dredged material placement areas (PA) to the west side of the Matagorda Ship Channel (MSC) to significantly reduce channel shoaling in the upper reaches of the MSC and lengthen the time between dredging cycles in this area. The navigation project is located in the vicinities of Port O'Connor, Port Lavaca, and Point Comfort in Matagorda and Calhoun Counties, Texas (project map).

CESWG is preparing an Environmental Assessment (EA) to evaluate the potential impacts associated with the implementation of this RSM study. Cultural resources surveys have been initiated pursuant to Section 106 of the National Historic Preservation Act (Texas Antiquities Permit #7897) in consultation with the Texas State Historic Preservation Officer. Field surveys to include investigations for shipwrecks and presence of oysters is ongoing.

Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed

fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

At this time we are sharing our intent to implement the RSM study and await your feedback. We would appreciate any responses by April 15, 2017. A Public Notice will be forthcoming following the completion of the draft EA and all field surveys.

Thank you-

Lisa Finn
U.S. Army Corps of Engineers
Environmental Section - Navigation Branch/ Operations Division P.O. Box 1229, Galveston, TX 77553 Office (409) 766-3949 BB (409) 974-0362

The Galveston District dredges 30-40 million cubic yards annually. If placed on one city block, it would create a mountain 14,000 feet above sea level.

David Galindo Texas Commission on Environmental Quality Water Quality Division 24-Aug-17

Comment Number	Comment	Response
1	If the Aquatic resources cannot be avoided, appropriate and practicable steps should be taken to minimize potential adverse impacts (30 TAC 279.11 c(2)). Please explain wat practicable measures will be taken to minimize potential impacts to aquatic resources during the channel bottom dredging and open water dredge disposal, including best management practices to maintain water quality before and after dredge activity.	USACE response to TCEQ's comments in a letter dated September 19, 2017 and received concurrence from TCEQ on September 26, 2017.
2	Mitigation of impacts is considered for "all unavoidable adverse impacts that remain after all practicable avoidance and minimization has been completed"(30 TAC 279.11 c (3)). With the implementation of the proposed action, it is stated that oyster reefs may be subject to turbidity and siltation during the disposal of dredge material. In the public notice, Western PA Alternative section, it states that avoidance measures were taken to reduce potential impacts to oyster reefs from 25 acres to 0.19 acre and that a 500-foot buffer between the reefs and dredge pipe will be maintained; however, no mitigation has been proposed for these impacts. Please include appropriate mitigation for impacts to oyster reefs or provide a detailed explanation as to why no mitigation is needed.	USACE response to TCEQ's comments in a letter dated September 19, 2017 and received concurrence from the TCEQ on September 26, 2017.
3	The TCEQ recommends that the dredge material be used beneficially when possible. Please provide a list of alternatives for the bottom channel dredged material for beneficial uses or explain why open water disposal is the preferred option.	USACE responded to TCEQ's comments in a letter dated September 19, 2017 and received concurrence from the TCEQ on September 26, 2017.
4	Mimi Wallace is requesting the approximate sizes of the 16A, 15A, and 14A.	Email Response: PA 16-A (Northernmost PA) - Approx. 210 ac., PA-15A (Middle PA) - Approx. 102 ac., PA-14A (Southernmost PA) - Approx. 108 ac.

Bryan W. Shaw, Ph.D., P.E., Chairman Toby Baker, Commissioner Jon Niermann, Commissioner Richard A. Hyde, P.E., Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 24, 2017

Ms. Lisa Finn, Project Manager U.S. Army Corps of Engineers, Galveston District P.O. Box 1229 Galveston, Texas 77553-1229

Re: Draft Environmental Assessment (EA) for Matagorda Ship Channel (MSC) Upper Reach Placement Area (PAs) Relocation Project, GUAD-M-2

Dear Ms. Finn:

This letter is in response to the U.S. Army Corps of Engineers (Corps) Draft Environmental Assessment (EA) for the MSC's Upper Reach PAs Relocation Project (GUAD-M-2) provided to Texas Commission on Environmental Quality (TCEQ) in a Joint Public Notice dated July 26, 2017. The MSC dredged sediments from channel maintenance are currently disposed in open water placement areas (PAs) on the east side of the channel. The public notice and the Regional Sediment Management Studies of Matagorda Ship Channel and Matagorda Bay System, Texas (regional report, 2013) state that the current PAs configurations cause critical shoaling in the upper reaches of the MSC for which annual dredging maintenance is required for the safe passage of commercial shipping. The GUAD-M-2 draft EA, which is supported by numerical modeling, proposes to relocate existing dredged material PAs to three new PAs, 14A-16A, on the west side of the navigation channel to reduce shoaling by an estimated 25 percent. The project is located in the MSC, Matagorda and Calhoun Counties, Texas.

The preferred alternative, referred to as "Western PA Alternative," is described in the regional report as rectangular areas of approximately 0.6 mile by 0.2 mile, which will be submerged to a minimum depth of 2 feet. The other two alternatives include: the construction of an artificial island located on the east side of the upper reach of MSC; and an extension of the geotube of the upper channel to close gaps between existing PAs. The MSC's existing PAs received a water quality certification in 1978 from TCEQ's predecessor agency.

Direct impacts from the placement of dredged material include mortality to immobile benthic organisms such as oysters. The temporary impacts include water quality, turbidity, and disturbance to mobile benthic organisms such as mollusks and crustaceans, as well as ground fish species such as flounder. An oyster survey report was conducted with surveys that extended approximately 1,000 feet beyond the limits of PA 14A-16A, respectively.

In addition to the information contained in the Joint Public Notice, the following information is needed for review of the proposed project. Responses to this letter may raise other questions that will need to be addressed before a water quality certification determination can be made.

Ms. Lisa Finn, Project Manager U.S. Army Corps of Engineers Matagorda Ship Channel - Draft EA Page 2 August 24, 2017

- 1. If the aquatic resources cannot be avoided, appropriate and practicable steps should be taken to minimize potential adverse impacts (30 TAC §279.11(c)(2)). Please explain what practicable measures will be taken to minimize potential impacts to aquatic resources during the channel bottom dredging and open water dredge disposal, including best management practices to maintain water quality before and after dredging activity.
- 2. Mitigation of impacts is considered for "...all unavoidable adverse impacts that remain after all practicable avoidance and minimization has been completed ..." (30 TAC §279.11(c)(3)). With the implementation of the proposed action, it is stated that oyster reefs may be subjected to turbidity and siltation during the disposal of dredge material. In the public notice, Western PA Alternative section, it states that avoidance measures were taken to reduce potential impacts to oyster reefs from 25 acres to 0.19 acres and that a 500-foot buffer between the reefs and dredge pipe will be maintained; however, no mitigation has been proposed for these impacts. Please include appropriate mitigation for impacts to oyster reefs or provide a detailed explanation as to why no mitigation is needed.
- 3. The TCEQ recommends that the dredge material be used beneficially when possible. Please provide a list of alternatives for the bottom channel dredged material for beneficial uses or explain why open water disposal is the preferred option.

The TCEQ appreciates the opportunity to comment and looks forward to receiving and evaluating other agency or public comments. Please provide any agency comments, public comments, as well as the applicant's comments, to Dr. Mary Anne (Mimi) Wallace of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Dr. Wallace may also be contacted by e-mail at *Mimi.Wallace@tceq.texas.gov*, or by telephone at (512) 239-4604.

Sincerely.

David W. Galindo, Director Water Quality Division

Texas Commission on Environmental Quality

aly Millili for

DWG/MAW/evm



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

September 19, 2017

David W. Galindo Water Quality Division Texas Commission on Environmental Quality P.O. Box 13087, Mail Code 145 Austin, Texas 78711-3087

Dear Mr. Galindo,

Thank you for your letter dated August 24, 2017 providing comments on the Draft Environmental Assessment (EA) for the Matagorda Ship Channel (MSC) Upper Reach Placement Area (PAs) Relocation Project, GUAD-M-2. The U. S. Army Corps of Engineers, Galveston District (USACE) is preparing a Final-EA for this project. In preparing the Final-EA, we would like to submit responses to comments received on the Draft-EA and request water quality certification for the recommended plan. It is the same plan that was coordinated with your agency in the Draft-EA.

<u>TCEQ Comment #1 — If the aquatic resources cannot be avoided, appropriate and practicable steps should be taken to minimize potential adverse impacts (30 TAC §279.11(c)(2). Please explain what practicable measures will be taken to minimize potential impacts to aquatic resources during the channel bottom dredging and open water dredge disposal, including best management practices to maintain water quality before and after dredging activity.</u>

<u>USACE Response #1 - Several measures would be taken to minimize potential impacts to aquatic resources during dredging and dredged material disposal.</u> Impacts would be minimized by avoiding adverse impacts to aquatic resources to the extent practicable by utilizing appropriate open water disposal techniques. Placement, management and monitoring of the PAs would be in compliance with guidelines for open water disposal and Best Management Practices (BMPs) would be detailed in the specifications. Dredged material would be pumped from the dredges through a combination of fully submerged and floating hydraulic pipelines into the PAs. Discharge in these PAs would be made over and beyond the crest of the existing mounds of previous deposits. When the height of a deposit along the back or end limiting lines of discharge would reach an elevation of 2 feet above mean low tide, the point of discharge would be relocated within the PAs as many times as necessary to reduce build-up. The discharge end of the pipe would be held at or near the bottom during placement operations to confine the material within the designated areas. A spreader would be used at the submerged end of the discharge pipe to distribute the material evenly and reduce scouring.

Indirect impacts to oyster from turbidity from maintenance dredging are expected to be minimal. Numerous studies indicate that dredge-induced turbidity plumes are, more often than not, localized, spreading less than a thousand meters from their sources and dissipating to ambient water quality within several hours after dredging is completed (Higgins et al., 2004). A literature review performed for the California Coastal Commission found that most studies indicated that in almost all cases, the vast majority of re-suspended sediments resettle close to the dredge within an hour (Anchor Environmental CA L.P., 2003). Observations from this report included that sediment concentrations are greater at the bottom of the water column, and rapidly decrease with distance from the dredge. When properly operated, suspended concentration levels away from the cutterhead dissipate exponentially towards the surface with little turbidity actually reaching surface waters, and in many cases, at concentrations no greater than those generated by commercial shipping operations or during severe storms (Higgins et al., 2004). One recent study measuring total suspended solids (TSS) concentrations during dredging of the Calcasieu Channel and Pass found no discernible differences in concentrations upstream, parallel to, and downstream of the dredge, indicating the dredging operation had no influence on TSS (USACE New Orleans District 2007). Results of earlier densitometry surveys from this study indicated silt suspension during maintenance dredging was confined to the deep parts of the channel. The vast majority of suspended particles would settle close to the dredge, which greatly reduces the volume available for re-deposition at distances from the dredge.

Therefore, the amount of material that would be available for resettling on reef at distance would be expected to be small and only have minimal effects in terms of covering reef. During placement activities, the dredge pipe will keep a 500-foot buffer from oyster resources present within the vicinity of the PAs. Water clarity is expected to return to normal background levels shortly after dredging is completed. In addition, the recommended plan would not cause circulation issues because the PAs are submerged.

TCEQ Comment #2 - Mitigation of impacts is considered for ".all unavoidable adverse impacts that remain after all practicable avoidance and minimization has been completed..." (3 0 TAC §279.11(c)(3)). With the implementation of the proposed action, it is stated that oyster reefs may be subjected to turbidity and siltation during the disposal of dredge material. In the public notice, Western PA Alternative section, it states that avoidance measures were taken to reduce potential impacts to oyster reefs from 25 acres to 0.19 acres and that a 500-foot buffer between the reefs and dredge pipe will be maintained; however, no mitigation has been proposed for these impacts. Please include appropriate mitigation for impacts to oyster reefs or provide a detailed explanation as to why no mitigation is needed.

<u>USACE Response #2 -</u> Oyster reef that could potentially be subject to elevated turbidity and minor siltation during disposal of dredge material during and shortly after each dredging event is minimal due to avoidance and minimization measures incorporated into the project's design. The PAs were positioned to avoid impacts to oysters to the maximum extent practicable while reducing dredging. Surrounding waters would be expected to return to ambient conditions after placement activities are completed and material settles.

In reviewing the Matagorda Ship Channel Oyster Resources Survey dated June 2017, compared to the oyster habitat in the overall Lavaca Bay, reef habitat in this area was mostly scattered shell and had a substantially reduced percentage of live oysters. The area is not highly productive as demonstrated with a very low catch-per-unit-effort (live oysters per cubic foot). The 0.19 acre of habitat that could be impacted is isolated scattered shell reef that is disconnected from other habitat in the vicinity to the north and west.

Based on the present of oyster resources found during surveys, avoidance measures were employed to reduce the potential impacts to oysters from 25 acres to 0.19 acres. Considering the low productivity, isolation, significance and relative abundance of these oyster resources as compared to the overall reef habitat in Lavaca Bay, the project when implemented would have negligible impacts to oyster habitat in the region. As such, formal mitigation is not proposed at this time.

<u>TCEQ Comment #3</u> - The TCEQ recommends that the dredge material be used beneficially when possible. Please provide a list of alternatives for the bottom channel dredged material for beneficial uses or explain why open water disposal is the preferred option.

<u>USACE Response #3</u> - In accordance with existing Federal policy and guidance, the potential for beneficial use (BU) of the dredged generated by construction of the recommended plan was given additional consideration. Alternatives for BU in the vicinity of the project area are very limited because of the dense industrial development in the area. The pumping distance to a viable BU area would be cost prohibitive as opposed to the alternatives evaluated.

USACE is hereby requesting a §401 State Water Quality certification from the State of Texas for this action. The §404(b) (1) Evaluation, which will be included as an appendix of the Final-EA, is provided for your review. It concludes that proposed placement of fill material in conjunction with the recommended plan will comply with Section 404(b)(1) Guidelines. If you have any questions regarding the project, please contact me at the letterhead address or contact my staff, Ms. Lisa M. Finn, by telephone at 409-766-3949 or at Lisa.M.Finn@usace.army.mil.

Sincerely,

Joe Hrametz, P.E.

Chief, Operations Division

Enclosure

Mark Wolfe/Amy Borgens Texas Historical Commission Nautical Archeology 23-Aug-17

Comment Number	Comment	Response
1	THC is requesting that more detailed information provided in response letter dated June 13, 2017 be incorporated into the draft report so that it is clear to all audiences why these where recommended, especially since they were subject to a more intensive close-order survey. To expedite the review it is recommended the draft be revised and submitted electronically via e-Trac.	PAs were shifted to reduce impacts to both cultural resources and oyster communities. These will be included in an addendum to the original report. The original location of the PAs was approved by THC in a response letter dated, August 8, 2017.

TEXAS HISTORICAL COMMISSION

real places telling real stories

June 13, 2017

Lisa Finn
Department of the Army
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77533-1229

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas

Draft Report Review *Marine Archeological Survey of Proposed Placement Areas, Calhoun County, Texas*Texas Antiquities Permit No. 7897, Tracking No. 201707030

USACE, GLO

Dear Ms. Finn:

This letter serves as comment on the proposed federal undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). 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 Amy A. Borgens has reviewed the draft report for Antiquities Permit No. 7897. BOB Hydrographics LLC conducted a marine archeological remote-sensing survey of the locations for proposed new placement areas in Lavaca Bay near the Matagorda Ship Channel. Six anomalies (Anomalies 1-6) were recommended for avoidance by the investigating firm. If Anomalies 1-6 cannot be avoided by the mandated 50-m buffer, additional investigation will be required. The THC concurs with these findings, specific to Anomalies 1-6. However, there are additional inquiries regarding the data published in the report and the change to the proposed project area mentioned in the U.S. Army Corps of Engineers (USACE) transmittal letter. The agency requires additional information before the review can be completed.

The investigators collected additional data over specific magnetic targets, not identified as Anomalies 1-7, to consider if they have the potential to be submerged shipwreck targets. Based upon the magnetometer data (Figures B9-15) more than 40 magnetometer targets had additional information collected over the source, including at least 16 that were the focus of more intensive close-order survey. Based on the author's criteria for eliminating target from consideration, most of these targets are readily understandable as to why they were not selected. Three of these anomalies however, appear to fulfill many of the minimum criteria used to select significant magnetic targets and are similar to more complex magnetometer signatures collected over historic shipwrecks such as wooden-hulled steamships and steel-hulled vessels. The scale of reproduction for the magnetometer data in the report makes it difficult to ascertain the reasons these were not included as recommended targets, and the report does not provide an explanation

or assessment for these anomalies. Please forward additional discussion of these targets (attachment A) to explain/justify their exclusion from the list of recommended targets.

In the transmittal letter, the USACE proposes to shift the northernmost placement area further north. Can the letter's enclosure figure be updated to show the original location of this placement area, and more importantly, the boundary of the surveyed area? We need this information to comment on this proposed change. A figure showing original project, as proposed, and the revised footprint of the area of potential effect needs to be included in the draft report.

Additional comments for the report are included in Appendix A. Dependent upon the response to these inquiries and comments, a revised draft report may need to be submitted. We look forward to additional coordination on this draft report.

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 Amy Borgens at 512-463-9505 or amy.borgens@thc.texas.gov.

Sincerely,

Mark Wolfe

State Historic Preservation Officer

MW/ab

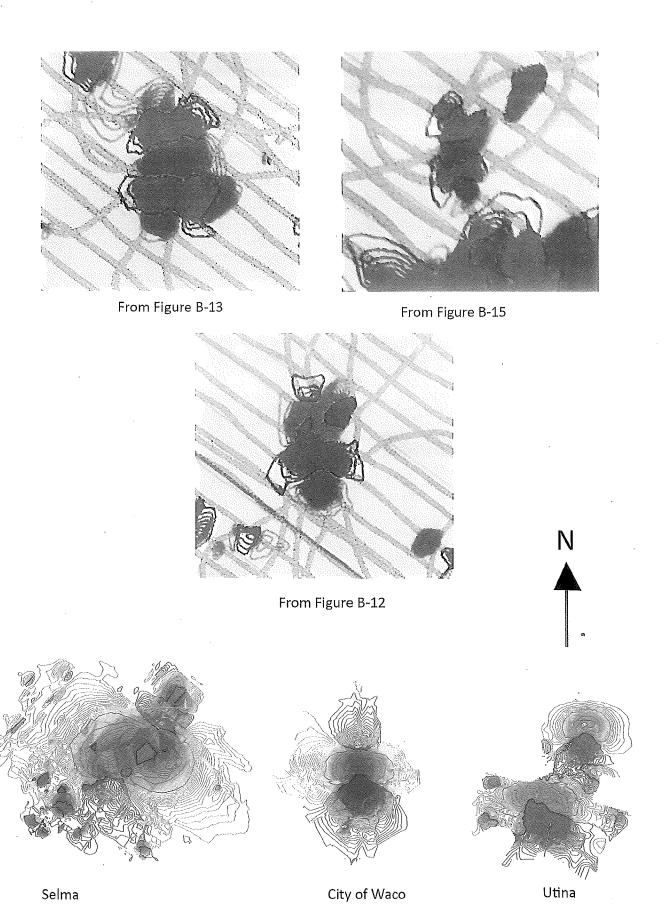
Cc: Jerry Androy, USACE, Galveston District



Appendix A

- 1) In the Abstract and Introduction/Management summary, please revise to include curatorial facility for project documentation and records.
- 2) The Introduction/Management summary needs to include a summary of the staff involved in the field investigation, analysis, and report preparation. The field investigators are included on page 13, but the comprehensive staff summary is to occur in the Introduction/Management summary. Please add this information.
- 3) The required figure showing planned and actual survey lines was not included in the report. Please add this figure.







July 17, 2017

Via email: Amy.Borgens@thc.texas.gov

Amy Borgens State Marine Archaeologist Texas Historical Commission 108 West 16th Street Austin, Texas 78711

RE: Antiquities Permit 7897; response to draft report comments from your letter of June 13, 2017

addressed to Lisa Finn of the U.S. Army Corps of Engineers

Dear Ms. Borgens:

Jerry Androy of the Galveston District Corps of Engineers and Marisa Weber of Lloyd Engineering, shared with me the above-referenced letter, addressed from you to Lisa Finn, and asked that I draft a response. At their request, I'm sending my response directly to you with a copy to Jerry and Marisa. A copy of your original letter to Ms. Finn follows this letter. My response to your comments follows that letter. I look forward to your future comments and direction regarding whether my original recommendations need to be changed.

Please don't hesitate to contact me if you have any questions or concerns. I can be reached any time at 512-517-8564 or by email at BOB.hydrographics@gmail.com.

All my best,

Robert Gearhart President

cc: Marisa Weber, Lloyd Engineering Jerry Androy, USACE

TEXAS HISTORICAL COMMISSION

real places telling real stories

June 13, 2017

Lisa Finn
Department of the Army
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77533-1229

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas

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Additional comments for the report are included in Appendix A. Dependent upon the response to these inquiries and comments, a revised draft report may need to be submitted. We look forward to additional coordination on this draft report.

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 Amy Borgens at 512-463-9505 or amy.borgens@thc.texas.gov.

Sincerely,

Mark Wolfe

State Historic Preservation Officer

MW/ab

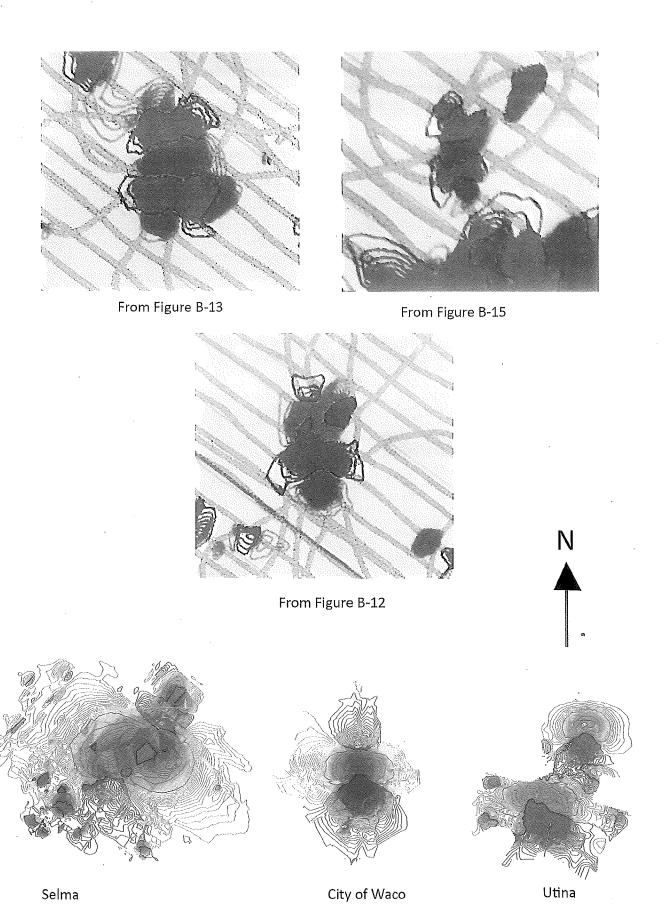
Cc: Jerry Androy, USACE, Galveston District



Appendix A

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- 3) The required figure showing planned and actual survey lines was not included in the report. Please add this figure.





1) BOB's response to THC comment regarding 3 anomalies (illustrated below) not recommended for avoidance:

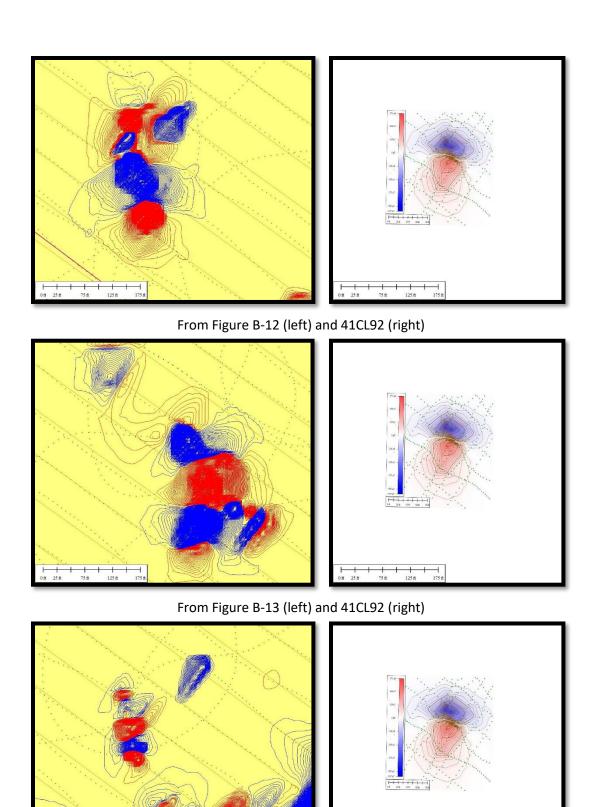
I've provided color illustrations below of the three anomalies questioned by the THC. Beside each (at the same scale) is an illustration of the smallest verified shipwreck anomaly that I'm aware of, from 41CL92. I appreciate the THC's comments regarding these anomalies. Amy is correct that there is some similarity in appearance between the three unidentified anomalies shown below and some verified wreck anomalies. The examples she cited are anomalies from *Selma*, *City of Waco*, and *Utina*.

In my experience, a wreck in this setting should have an anomaly shaped and oriented reasonably like that of 41CL92, exhibiting a negative pole (blue contours) north of a positive pole (red contours) regardless of whether the hull is comprised of wood or ferrous metal. The ship wrecked at 41CL92 had a wooden hull; however, several ferrous examples, from the Galveston North Jetty, are attached to the end of this document, showing that ferrous hull anomalies may look substantially similar to 41CL92. Some wreck anomalies, in similar latitudes, may exhibit an additional, much smaller-amplitude, positive magnetic peak north of the main negative pole. I've only observed this on vessels with ferrous hulls, presumably due to the high amplitude of their anomalies. This can be seen clearly in the *City of Waco* example cited by Amy in her letter, as well as in figures 11, 12 and 15 from the Galveston North Jetty below. Additional, smaller magnetic poles are possible if other debris is deposited near a wreck, including superstructure separated from the main wreckage. This is what we believe happened with the *Utina* (see illustration in THC's letter).

None of the three unidentified anomalies in question have simple dipoles, such as 41CL92; however, all three contain a dipolar pattern (with a negative pole north of a positive pole) embedded within a more complex pattern. When presented with this situation, I believe it is a judgment call on the part of the archaeologist as to whether the anomaly might be associated with a wreck or not. The additional poles, outside of the north-south dipole pattern discussed above, must be accounted for. None of the additional poles fit the pattern typical of ferrous hulls (see attached Galveston North Jetty examples; also, *City of Waco*, MMS 773, and MMS 323 in Figure 2a below) in which a much smaller positive pole occurs north of the main dipole. The large north-south dipole on the Figure B-12 example comes the closest to matching the 41CL92 model used for interpretation. The other two examples, in my opinion are poorer matches for 41CL92.

I cannot definitively say, based on the evidence at hand, that a wreck is not present at one or more of these three locations; however, based on the comparisons provided, I believe the likelihood is quite low. In all three cases, I have followed the maxim that the simplest solution is usually the best one. Given their dissimilarities to 41CL92 and the proximity of all three anomalies to petroleum infrastructure, I interpreted each of these as modern debris. I've provided illustrations of several verified debris anomalies below, from Gearhart (2011), for comparison. I believe that each unidentified anomaly bears a stronger resemblance to verified debris anomalies (typically pipe and/or steel cable) than to the 41CL92 anomaly. I believe the risk that any of these three anomalies might represent a historic site is relatively low as compared with the targets recommended in my report. In conclusion, I stand by my original recommendation that these three anomalies should not require avoidance. If the THC chooses to override my recommendation, I would make the argument that only the B-12 example should be considered, based on the above discussion.

- 2) BOB's response to THC comment regarding need for a figure showing original and revised footprint of APE: Lloyd Engineering is working with USACE to revise the footprints of each APE with the goal of minimizing effects to oysters and cultural resources. BOB's draft report will be revised accordingly once the revised footprint has been finalized.
- 3) BOB's response to THC comments from page 3, Appendix A of their review letter to the Galveston District:
 - a. TARL will be listed as the curatorial facility in the final draft
 - b. Staff involvement will be moved from page 13 to the Introduction
 - c. Planned survey lines are already included in the report. They are shown in Appendix B juxtaposed with actual survey lines (see legend). I did not make this a separate figure, as doing so would add a significant amount of color printing without showing any unique information.



From Figure B-15 (left) and 41CL92 (right)

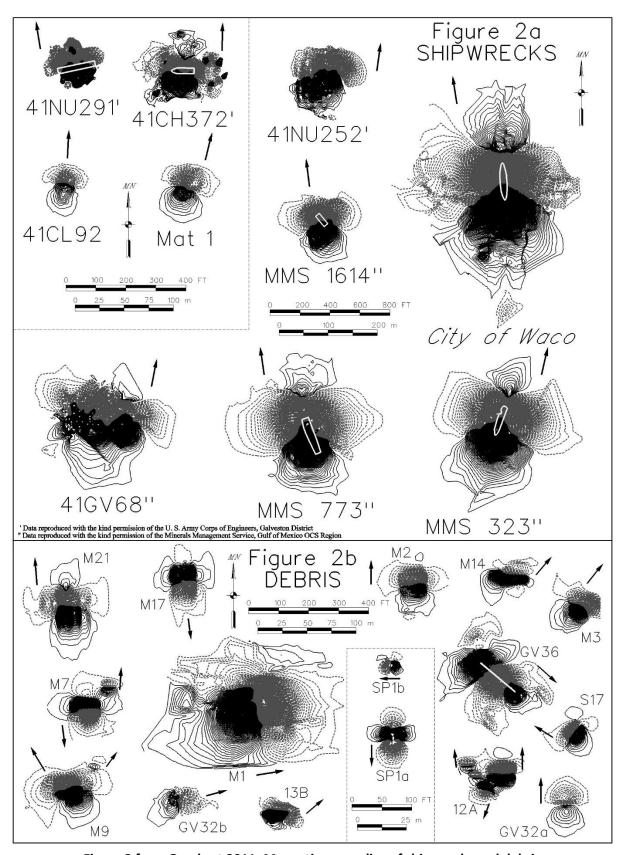


Figure 2 from Gearhart 2011: Magnetic anomalies of shipwrecks and debris

Table 1 from Gearhart 2011 to accompany above Figure 2:

Anomalies of Twenty-Nine Shipwrecks and Sixteen Debris Sources

					Date Lost,
	Magnetic Moment				Hull Material,
	Direction	Min. Ampl.	Max. Ampl.	**Min. Line	Propulsion,
Shipwreck	(deg)*	(nT)	(nT)	Spacing (m)	Dimensions (ft)
41CF125	7	-88	108	est. 20	Unknown, wood, sail, 88x20
41CL92	3	-113	78	22	e.19th-c., wood, sail, est. 50-70
Leaning Mast	15	-77	156	22	c. 1868, wood?, sail?, unknown
41NU291	-9	-1333	3358	23	1845, wood, steam, 125x18
41GV151	4	-839	509	25	1863, wood, steam, 213x34
Mat 1	14	-158	108	28	e.19th-c., wood, sail, est. 50-70
41CH372	1	-3258	4838	31	c. 1970, steel, diesel, 83x18
Perseverance	-11	-1904	4259	32	1856, wood, steam, unknown
41GV165	-10	-314	973	38	c. 1936, wood, unknown, 146x33
MMS Site 344	-9	-267	396	41	1846, wood, steam, 161x23
Mary Conley***	8	-310	705	est. 41	1873, wood, steam, 137x28
41KN10***	-1	-95	125	45	1554, wood, sail, unknown
41JF65	-18	-1893	4123	est. 57	1864, wood, steam, 210x40
MMS Site 1614	-7	-2,698	2,562	69	unknown, steel, barge, 89x30
41NU252	8	-403	653	72	1876, iron, steam, 234x33
MMS Site 417	13	-2757	4726	80	1947, steel, diesel?, 165x47
41NU292	-10	-3148	3253	90	1920, wood, barge, 282x46
41GV143	26	-6,197	9,050	97	1865, wood, steam, 182x23
41GV68	11	-2,425	3,170	109	1863, iron, steam, 210x34
MMS Site 773	-8	-4,691	10,264	135	1954, steel, barge, 240x50
MMS Site 15170	-15	-615	1,845	140	1924, steel, steam screw, 204x32
MMS Site 432	-1	-4,100	11,700	140	1942, steel, diesel, 425x57
MMS Site 323	13	-4,328	5,888	157	unknown, steel, diesel, 220x30
City Of Waco	-9	-7,947	9,031	170	1875, iron, steam, 242
41GV102	21	-4,065	4,843	170	1922, concrete, diesel?, 421
MMS Site 328	10	-5,625	30,425	330	1942, steel, diesel, 574x72
MMS Site 15306	12	-341	347	-	unknown, steel, diesel?, 65x15
King Philip	-	-113	258	-	1878, wood, sail, 182x36
Reporter	-	-93	283	-	1902, wood, sail, 141x34

Table 1 (continued): Anomalies of Twenty-Nine Shipwrecks and Sixteen Debris Sources

Debris (Figur	e 2)		
M21	Pipe; 41x2 ft	12A	1-inch braided cable; >30 ft
M17	Cable; >20 ft long	13B	42x2 ft pipe; 70 ft cable; 3 ft iron
M2	Pipe; 33x2 ft	GV32b	Cable of GV32a; east-west
M14	Pipe; 6 ft x 5 inches	M9	Pipe frame; 41x15 ft
M3	Pipe; 6-inch diameter	M7	Pipe; 32 ft x 6 inches
GV36	Pipe; 150 ft; position overlain	M1	7 dredge pipes; one vertical
S17	Pipe; 17 ft	SP1a	Cable; 4 ft; north-south orientation
GV32a	41x2 ft pipe; multiple cables	SP1b	Cable of SP1a; single coil

^{*}Degrees variance from Magnetic North (negative=west; positive=east). **Minimum survey line interval (m) to guarantee detection on two adjacent transects. ***Not surveyed by PBS&J.

Gearhart, Robert. 2011. Archaeological Interpretation of Marine Magnetic Data, Chapter 4 in *The Oxford Handbook of Maritime Archaeology*, Alexis Catsambis, Ben Ford, and Donny L. Hamilton, editors, pp. 90-113. Oxford University Press, New York, New York.

TEXAS HISTORICAL COMMISSION

real places telling real stories

August 8, 2017

Robert Gearhart BOB Hydrographics, LLC 1315 Fall Creek Loop Cedar Park, Texas 78613

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas
Additional Information, Draft Report. *Marine Archeological Survey of Proposed Placements Areas Calhoun County, Texas*Texas Antiquities Permit No. 7897, Tracking No. 201708764

Dear Mr. Gearhart

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed federal undertaking 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 Amy A. Borgens has reviewed the additional information submitted by BOB Hydrographics in response to a THC letter request dated June 13, 2017. Thank you for clarifying the factors influencing your assessment of the three complex magnetometer targets that were not recommended for avoidance in the draft report. We concur with your original recommendations as presented in the report findings that only anomalies 1-6 be avoided (by the state mandated 50 m) by the proposed work.

The three anomalies that were not recommended and were subject to the THC query (letter dated June 13, 2017) might have been recommended by other investigator using more conservative interpretative models, such as Pearson's amplitude/duration model, if your interpretative model was not applied. Though the THC understands the reasoning behind your recommendations, we ask that the more detailed information provided in your response letter dated June 13, 2017 be incorporated into the draft report so that it is clear to all audiences why these were not recommended, especially since they were subject to a more intensive close-order survey. To expedite this report review, it is recommended the draft be revised and submitted electronically via e-TRAC to review this added content, before proceeding towards finalization of the report.

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 Amy Borgens at 512-463-9505 or amy.borgens@thc.texas.gov.

Page 2 of 2 THC Review Comments Permit 7897

Sincerely,

-for

Mark Wolfe State Historic Preservation Officer MW/ab

Cc: Marisa Weber, Lloyd Engineering Jerry Androy, USACE, Galveston District



Christopher L. Southerland U.S Department of Transportation Federal Aviation Administration 29-Aug-17

Comment Number	Comment	Response
1	From a regularity perspective, you may need to consider if a notice to FAA is required for the effect of the proposed actions on airspace. We encourage you to coordinate with the FAA's OE/AAA office so that we can review the alternatives to provide you with the possible impacts. For information on the requirements for notifying the FAA, instructions for completing the forms, or other information regarding the airspace notification process, please visit the OE/AAA web site at : https://oeaaa.faa.gov/oeaaaEXT/portal.isp	Due to the nature and location of the Project, no effects to Navigable Airspace is excepted to occur.
2	You will need to determine if a formal notice to the FAA is required for the effect of the proposal on airspace. The requirements for this notice may be found in Title 14 of the Code of Federal Regulations, Part 77, Objects Affecting the Navigable Airspace. If any part of the project exceeds notification criteria under FAR Part 77, notice to the FAA is required at least 30 days prior to the proposed construction date. More information may be obtained at the OE/AAA web site.	The USACE has determined that no formal notice to the FAA will be necessary due to the nature and location of the Project.



Air Traffic Organization Central Service Center 10101 Hillwood Parkway Fort Worth, TX 76177

AUG 29 2017

U.S. Army of Corps of Engineers, Galveston District Attention: Ms. Lisa M. Finn P.O. Box 1229 Galveston, TX 77553

Dear Ms. Finn:

Thank you for your letter dated July 26, 2017, addressed to Mr. Kelvin Solco regarding the Draft Environmental Assessment (EA) Matagorda Ship Channel. We normally participate in, and comment on, other federal agency environmental documents only from the perspective of the Federal Aviation Administration's (FAA) areas of responsibility; that is, whether the proposal will have effects on aviation and the National Airspace System. We generally do not provide comments from an environmental standpoint.

From a regularity perspective, you may need to consider if notice to FAA is required for the effect of the proposed actions on airspace. We encourage you to coordinate with the FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) office so that we can review the alternatives to provide you with the possible impacts. For information on the requirements for notifying the FAA, instructions for completing the forms, or other information regarding the airspace notification process, please visit the OE/AAA web site at: https://oeaaa.faa.gov/oeaaaEXT/portal.isp.

You will need to determine if formal notice to the FAA is required for the effect of the proposal on airspace. The requirements for this notice may be found in Title 14 of the Code of Federal Regulations, Part 77, Objects Affecting the Navigable Airspace. If any part of the project exceeds notification criteria under FAR Part 77, notice to the FAA is required at least 30 days prior to the proposed construction date. More information may be obtained at the OE/AAA web site.

Sincerely

Christopher L. Southerland

Manager (A), Operations Support Group

ATO Central Service Center

Carlos Villarreal U.S. Department of Agriculture 23-Aug-17

Comment Number	Comment	Response
1	The proposed activity does not involve conversion of productive agricultural lands and is exempt form provisions of FPPA. The propsoed site does not involve USDA-NRCS floodwater retarding structures (FRS) or Wetland Reserve Program (WRP) conservation easements on or near the project area. We recommend that the entiries developing these areas continue coordination with the Texas Parks and Wildlife Department and the US FWS to advoid adverse impacts to wetland ecosystems and habitats.	



United States Department of Agriculture

Natural Resources Conservation Service

State Office

101 S. Main Street Temple, TX 76501 Voice 254.742.9800 Fax 254.742.9819 August 23, 2017

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

Attention:

Ms. Lisa M. Finn

Subject:

LNU-Farmland Protection

Proposed Relocation of Dredge Material Project

Public Notice No. GUAD-M-2

NEPA/FPPA Evaluation

Matagorda and Calhoun Counties, Texas

We have reviewed the information provided in your correspondence dated July 26, 2017 concerning the proposed sediment relocation proposal located in Matagorda and Calhoun Counties, Texas. This review is part of the National Environmental Policy Act (NEPA) evaluation for the U.S. Army Corps of Engineers (USACE). We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed activity does not involve conversion of productive agricultural lands and is exempt from provisions of FPPA.

The proposed site does not involve USDA-NRCS floodwater retarding structures (FRS) or Wetland Reserve Program (WRP) conservation easements on or near the project area. We recommend that the entities developing these areas continue coordination with the Texas Parks and Wildlife Department and the US Fish and Wildlife Service to avoid adverse impacts to wetland ecosystems and habitats.

If you have further questions, please contact me at 254.742.9836 or by email at carlos.villarreal@tx.usda.gov.

Sincerely,

CARLOS

Digitally signed by CARLOS VILLARREAL

Date: 2017.08.23
09:01:21 -05'00'

Carlos J. Villarreal NRCS Soil Scientist

Attachment: None

Robert Houston Environmental Protection Agency, Region 6 Special Projects Section Compliance Assurance and Enforcement Division 13-Sep-17

Comment Number	Comment	Response
1	Based upon the draft environmental assessment information, EPA has no comments to offer on the proposed project.	No Response Required



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS TX 75202-2733

Joe Hrametz, P.E., Chief Navigation Branch, Operations Division Department of the Army U.S. Army Corps of Engineers, Galveston District P.O. Box 1229 Galveston, TX 77553- 1229

Re: Draft Environmental Assessment for the Matagorda Ship Channel, Calhoun and Matagorda Counties, Texas - Public Notice No. GUAD-M-2

Dear Mr. Hrametz:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Assessment (EA) for the Matagorda Ship Channel (MSC), Calhoun and Matagorda counties, Texas. Our review is in accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA).

Critical shoaling in upper reaches of the MSC has caused annual draft restrictions resulting in the need for annual maintenance dredging projects to ensure safe passage of commercial shipping. The draft EA evaluates the potential impacts associated with the relocation of dredged material placement area to the west side of the MSC in order to significantly reduce channel shoaling in the upper reaches of the Matagorda Bay, and lengthen the time between dredging cycles in this area.

Based upon the draft environmental assessment information, EPA has no comments to offer on the proposed project. Thank you for this opportunity to comment. If you have any questions, please contact Eli Martinez, of my staff, at 214/655-2119 or at martinez.eli@epa.gov for assistance.

Sincerely,

Robert Houston

Chief, Special Projects Section Compliance Assurance and

Enforcement Division

Kevin L. Kyles U.S. Coast Guard 14-Aug-17

Comment Number	Comment	Response
1	Matagorda Ship Channel D Range Front and Rear Light LLNR 27510 and 27520. It is noted	From Aron Edwards (USACE): "Mr. Kyles, I have attached a map showing he distance from the specified Navigation Aids to the proposed Open Water Placement Areas. The minimum distance from the Aids to the Placement Areas is over 600 yards. Please review and let me know if you have any further concerns or questions".

From:

Finn, Lisa M CIV USARMY CESWG (US)

To:

Marisa Weber

Subject:

FW: Public Notice GUAD-M-2

Date:

Thursday, August 24, 2017 8:20:33 AM

Attachments:

Matagorda proposed PAs.pdf

----Original Message----

From: Edwards, Aron S CIV USARMY CESWG (US)

Sent: Wednesday, August 23, 2017 9:43 AM

To: Finn, Lisa M CIV USARMY CESWG (US) <Lisa.M.Finn@usace.army.mil>; Kevin.L.Kyles@uscg.mil

Subject: RE: Public Notice GUAD-M-2

Mr. Kyles, I have attached a map showing the distance from the specified Navigation Aids to the proposed Open Water Placement Areas. The minimum distance from the Aids to the Placement Areas is over 600 yards. Please review and let me know if you have any further concerns or questions.

Thank you,

Aron Edwards
Operations Manager
Navigation Branch
USACE, Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3028 (office)
409-974-0342 (cell)

----Original Message----

From: Finn, Lisa M CIV USARMY CESWG (US)

Sent: Monday, August 21, 2017 9:34 AM

To: Edwards, Aron S CIV USARMY CESWG (US) <Aron.S.Edwards@usace.army.mil>

Ce: Marisa Weber <Marisa@lloydeng.com> Subject: FW: Public Notice GUAD-M-2

Aron-

Can you help us with this one?

----Original Message----

From: Kyles, Kevin L MST1 [mailto:Kevin.L.Kyles@uscg.mil]

Sent: Monday, August 14, 2017 1:19 PM

To: Finn, Lisa M CIV USARMY CESWG (US) <Lisa.M.Finn@usace.army.mil>

Cc: Pickering, Russell T LCDR < Russell.T.Pickering@uscg.mil>

Subject: Public Notice GUAD-M-2

Good Afternoon Ms. Finn,

After review of Public Notice GUAD-M-2, the only concern with the operation found, was in regards to a Range set in the area of the western most proposed placement area (PA). Matagorda Ship Channel D Range Front and Rear Light LLNR 27510 and 27520. It is noted there needs to be barrier maintained of at least 100 yards away from these structures to accommodate an area for rebuilds as the Coast Guard construction tender needs to be able to maneuver around the assigned position to rebuild it.

Very Respectfully, MST1 Kevin Kyles USCG Sector Corpus Christi Waterways Management Division 361-888-3162x527 Raymond Butler City of Port Lavaca Port Commission 23-Aug-17

Comment Number	Comment	Response
1	Requests an extension of the existing deadline for comments for thirty	Deadline for comments extended an additional seven (7) days, until August 31, 2017.
I	(30) days, until September 26 th , 2017.	



202 N. Virginia, Port Lavaca, Texas 77979-0105, www.portlavaca.org

Texas Commission on Environmental Quality Attention 401 Coordinator, (MC-150), P.O. Box 13087 Austin, TX 78711-3087

Mr. Joe Hrametz, P.E.
Chief, Navigation Branch and Operations Division
United States Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Ms. Lisa M. Finn
United States Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

August 23, 2017

Re: Public Notice GUAD-M-2, DRAFT ENVIRONMENTAL ASSESSMENT, MATAGORDA SHIP CHANNEL, MATAGORDA AND CALHOUN COUNTIES

Dear Ms. Finn, Mr. Hrametz, and TCEQ 401 Coordinator as Appropriate,

The City of Port Lavaca Port Commission only yesterday (August 22, 2017) received notification of the above Draft Environmental Assessment. The specified deadline for comments is noted as 30 days from July 26th, 2017, which is 4 days from now. The Port Commission of the City of Port Lavaca has jurisdiction over several areas that will be significantly impacted by this project, but cannot provide adequate review and prepare comments by the specified deadline. Texas Open Meetings Act requires a 72-hour public notice prior to any meeting in which action is anticipated. The Commission needs time to fully review the package, meet as a legal entity, and prepare a response. As Chairman of the City of Port Lavaca Port Commission, I respectfully request an extension of the existing deadline for comments for thirty (30) days, until September 26th, 2017.

Respectfully submitted,

Chairman, City of Port Lavaca Port Commission Raymond Butler

Comment Number	Comment	Response
1	I currently live on Lavaca Bay, with my "back yard" being the proposed new placement areas in question. I am concerned about the foundational planning and projected impacts of the proposed revisions to the authorized project plans.	Foundational planning for the proposed project is based on <i>Regional Sediment Management Studies of Matagorda Ship Channel and Matagorda Bay System, Texas,</i> conducted by USACE Engineer Research and Development Center, Vicksburg, MS. Implementation of the proposed project would beneficially impact the authorized project by extending the interval between maintenance dredging projects to ensure safe passage of commercial shipping.
2	Lavaca Bay currently includes the site of at least one major fishery contamination that has resulted in several hundreds of acres of bay bottom being closed to oyster, shrimp, and recreational harvesting. It also is home to some of the most destructive bay-shore erosion ongoing today on the Texas coast. An immediate question is why were the currently closed-to-fishing areas of the bay not considered for placement areas? It seems this might "kill two birds with one stone" by placing dredge material where it would do no harm to existing currently productive ecosystems.	The impacts to fisheries of the Lavaca and Matagorda Bay systems and surrounding waters were evaluated. The impacts to fisheries in the proposed placement areas (PA) would be minimal, temporary, and localized. Additionally, the discharge of sediments in the proposed PAs would have minimal and temporary impacts on existing water quality. The selection of the proposed PAs was based on Regional Sediment Management Studies of Matagorda Ship Channel and Matagorda Bay System, Texas. The studies, conducted by three research and development (R&D) programs within the US Army Engineer Research and Development Center (ERDC), represented a collaborative investigation of regional sediment management strategies within the Matagorda Bay system, emphasizing the excessive shoaling in the upper reach of the Matagorda Ship Channel (MSC). The three R&D programs were the Regional Sediment Management (RSM) Program, Coastal Inlets Research Program (CIRP), and Dredging Operations and Environmental Research (DOER) Program. The Regional Sediment Management Team recommended the relocation of the PAs as the plan to continue into the implementation phase. This plan decreased shoaling by 25 percent during the 6-month period modeled and would not impact water circulation.
3	I notice no reference to the extreme erosion taking place at the MSC jetties and the ever-increasing current velocities through them. This seems to be a major issue with regard to channel maintenance and navigational safety from what I have seen.	The Regional Sediment Management Team determined it was likely that the excessive shoaling in the upper reaches of the MSC is mainly due to the disposal of dredged sediments into adjacent open water areas from which the material quickly migrates back into the channel.
4	I request that a Public Hearing be held in Calhoun County with adequate notice and local publicity as soon as possible to insure all points of concern are documented and adequately addressed prior to allowing this critical project to move forward.	No public hearing will be conducted as these PAs were part of the initial authorization of the Matagorda Ship Channel in 1958 as well as the Matagorda Ship Channel Environmental Impact Statement in 2007.

BUTLER CONSULTING RAYMOND BUTLER, P.E.

P. O. Box 498 - Port Lavaca, TX 77979 **713.882.9750 - wrbutler@comcast.net**

Texas Commission on Environmental Quality Attention 401 Coordinator, (MC-150), P.O. Box 13087 Austin, TX 78711-3087

Mr. Joe Hrametz, P.E. Chief, Navigation Branch and Operations Division United States Army Corps of Engineers, Galveston District P.O. Box 1229 Galveston, TX 77553-1229

Ms. Lisa M. Finn United States Army Corps of Engineers, Galveston District P.O. Box 1229 Galveston, TX 77553-1229

August 22, 2017

Re: Public Notice GUAD-M-2, DRAFT ENVIRONMENTAL ASSESSMENT, MATAGORDA SHIP CHANNEL, MATAGORDA AND CALHOUN COUNTIES

Dear Ms. Finn, Mr. Hrametz, and Appropriate TCEQ 401 Coordinator,

I am a life-long resident of Calhoun County and have worked in the maritime industry in Calhoun County and along the Gulf Coast of the United States for most of my career. My father piloted the first deep draft vessel across the Matagorda Bar and up the existing newly-completed Matagorda Ship Channel in November of 1966. I made many transits with him during my high school years. As former Director of the Gulf Intracoastal Canal Association, I have 10 years' experience partnering with my friends at the Corps of Engineers on major maritime navigation projects all along the Gulf Coast. I currently live on Lavaca Bay, with my "back yard" being the proposed new placement areas in question. I am concerned about the foundational planning and projected impacts of the proposed revisions to the authorized project plans.

Lavaca Bay currently includes the site of at least one major fishery contamination that has resulted in several hundreds of acres of bay bottom being closed to oyster, shrimp, and recreational harvesting. It also is home to some of the most destructive bay-shore erosion ongoing today on the Texas coast.

An immediate question is why were the currently closed-to-fishing areas of the bay not considered for placement areas? It seems this might "kill two birds with one stone" by placing dredge material where it would do no harm to existing currently productive ecosystems.

I notice no reference to the extreme erosion taking place at the MSC jetties and the ever-increasing current velocities through them. This seems to be a major issue with regard to channel maintenance and navigational safety from what I have seen. Every deep draft channel on the Texas Coast is now carrying more water than originally anticipated, and

every adjacent natural pass is in the process of closing. The deep and shallow-draft maritime industries have jointly just completed installation of a current velocity meter at Marker 19 to help monitor MSC currents in the interest of safety.

While I am a strong proponent of commercial marine transportation and the tremendous advantages it provides, these and several other concerns prompt me to respectfully request that a PUBLIC HEARING be held in Calhoun County with adequate notice and local publicity as soon as possible to insure all points of concern are documented and adequately addressed prior to allowing this critical project to move forward.

Respectfully submitted,

Raymond Butler, P.E.

Comment Number	Comment	Response
1	I respectfully request a public hearing regarding the contents and preliminary conclusions contained within the DEIS, Matagorda Ship Channel, Upper Reach PA Relocation Project.	No public hearing will be conducted as these PAs were part of the initial authorization of the Matagorda Ship Channel in 1958 as well as the Matagorda Ship Channel Environmental Impact Statement in 2007.
2		In accordance with existing Federal policy guidance, the potential for beneficial use of the dredged material generated by construction of the recommended plan was given additional consideration. Alternatives for beneficial use in the vicinity of the project area are very limited due to the dense industrial development in the area. The pumping distance to a viable BU area would be cost prohibitive as opposed to the alternatives evaluated.
3	The sections within the draft document entitled "Recreational Resources" and "Socioeconomics and Environmental Justice" contain major omissions of fact. Those would best be addressed and corrected in a public forum.	No public hearing will be conducted as these PAs were part of the initial authorization of the Matagorda Ship Channel in 1958 as well as the Matagorda Ship Channel Environmental Impact Statement in 2007.
4	There is no discussion of the impact of the proposed new disposal areas on small-craft navigation and safety.	The proposed actions are not expected to impact recreational safety because the new placements areas will be located adjacent to the existing deep draft channel where large vessels transit daily and regularly, and recreational users would already practice safe passage around the existing commercial navigation. The project will not remove more than a negligible amount of waters from recreational use in Lavaca Bay.
5	I also respectfully request that the written comment period be extended substantially.	Deadline for comments extended an additional seven (7) days, until August 31, 2017.

Ed Campbell Concerned Citizen 8-Aug-17

Comment Number	Comment	Response
1	Mr. Campbell: "Exhibit A is somewhat unclear as to the location of the new Proposed PA on the west side of the Matagorda Ship Channel. Can you supply the corners of each proposed area, delineated by latitude and longitude?"	·
	"Can you provide information as to the water depth which will be remaining over the areas after placements are made?" "The minimum allowed under contract is of particular importance, together with details regarding assumed tidal datum."	Email Response: "The current depths are approximately 7 feet. In regard to disposal techniques, our contract will have the same language we currently use for the open water placement areas on the east side of the channel."

William E. Campbell 233 East Main Street Port Lavaca, Texas 77979

Mr. Joe Hrametz, P.E. Chief, Navigation Branch and Operations Division Galveston District, US Army Corps of Engineers P.O. Box 1229 Galveston, Texas 77553-1229

Reference: Public Notice No. GUAD-M-2

Dear Mr. Hrametz:

I respectfully request a public hearing regarding the content and preliminary conclusions contained within the Draft Environmental Assessment, Matagorda Ship Channel, Upper Reach Placement Area Relocation Project. I am a resident of Port Lavaca, Calhoun County, a registered voter and a small craft operator. I will impacted adversely by the ill-formed conclusions in that draft assessment. Additionally, the perpetual nature of the impacts of open-bay spoil disposal will also adversely impact all future citizens and persons with an interest in recreation on Layaca and Matagorda Bay waters.

In particular, the sections within the draft document entitled "Recreational Resources" and "Socioeconomics and Environmental Justice" contain major omissions of fact. Those would best be addressed and corrected in a public forum.

Additionally, while listed as the second most important in "Public Concerns", there is no discussion of the impact of the proposed new disposal areas on small-craft navigation and safety. In the case of moderate-draft vessels operating under sail, the proposed disposal areas will impede safe navigation and force proximity to the deep-draft seagoing vessels transiting the Matagorda Ship Channel. Moreover, the violent action of wakes from transiting ships would present a danger to any small vessel situated on or very near the proposed disposal areas.

Moreover, the disposition of spoil on the west side of the Matagorda Ship Channel, even though submerged. will adversely impact real property values from the Lavaca Bay Causeway south to Indianola, and hence the tax base. and from the same has been able to be a second of the same of the same of the same the same is a same of the same

I also respectfully request that the written comment period be extended substantially. Your letter announcing the publication of this study was dated July 26, 2017; Exhibit A was drawn July 31; envelope postmarked August 1, but delivery was not until August 8. and the second of the second o Very truly yours.

William E. (Ed) Campbell and composite. They are the companies to the control of the contro

problem is the second of the s

From:

Finn, Lisa M CIV USARMY CESWG (US)

To:

Ed Campbell

Subject:

RE: [Non-DoD Source] Reference: Public Notice No. GUAD-M-2

Date: Attachments: Wednesday, August 09, 2017 4:16:34 PM MSC PA"s LatLong Coordnates 08.09.2017.xlsx

Mr. Campbell-

Thank you for your inquiry for the subject public notice. I am attaching a file with the coordinates of the proposed placement areas as requested.

The current depths are approximately 7 feet. In regard to disposal techniques, our contracts will have the same language we currently use for the open water placement areas on the east side of the channel:

"Discharge in these Placement Areas shall be made over and beyond the crest of the existing mounds of previous deposits. When the height of a deposit along the back or end limiting lines of discharge reaches an elevation of 2 feet above mean low tide, the point of discharge shall be relocated within the Placement Areas as many times as necessary to permit uniform build-up of the Areas to Elevation 2 feet above mean low tide."

I hope this answers your questions.

Thank you-

Lisa Finn

U.S. Army Corps of Engineers Environmental Section - Navigation Branch/ Operations Division P.O. Box 1229, Galveston, TX 77553 Office (409) 766-3949 BB (409) 974-0362

The Galveston District dredges 30-40 million cubic yards annually.

If placed on one city block, it would create a mountain 14,000 feet above sea level.

From: Ed Campbell [mailto:edward387@cableone.net]

Sent: Tuesday, August 8, 2017 2:17 PM

To: Finn, Lisa M CIV USARMY CESWG (US) <Lisa.M.Finn@usace.army.mil> **Subject:** [Non-DoD Source] Reference: Publc Notice No. GUAD-M-2

Dear Ms. Finn:

I am in receipt of Public Notice GUAD-M-2 today.

Exhibit A is somewhat unclear as to the locations of the new Proposed Placement Areas on the

west side of the Matagorda Ship Channel. Can you supply the corners of each proposed area, delineated by latitude and longitude?

Also, it is mentioned that the new placement areas will be submerged. Can you provide information as to the water depth which will be remaining over the areas after placements are made? The minimum allowed under contract is of particular importance, together with details regarding assumed tidal datum.

Thank you,

Ed Campbell Port Lavaca, Texas

Comment Number	Comment	Response
1	Ship Channel, Upper Reach Placement Area, Relocation Project, are unacceptable to me. I ask that a public hearing be held as soon as is appropriate.	This project is not affiliated with the Matagorda Ship Channel EIS. This project is based on the RMS study completed by ERDC, as stated in the public notice.
2	Recreational Resources and Socioeconomics and Environmental Justice need to be discussed in a public forum.	No public hearing will be conducted as these PAs were part of the initial authorization of the Matagorda Ship Channel in 1958 as well as the Matagorda Ship Channel Environmental Impact Statement in 2007. Based on the updated field surveys surrounding the new PAs, impacts are expected to be localized, and short term. the impacts are not expected to negatively impact recreational resources, socioeconomics or environmental justice. The overall project area is small in relation to the Matagorda Bay ecosystem, and would benefit navigation and reduce dredging along this section of the channel.
3	There is no discussion of the impact of the proposed new disposal areas on small-craft navigation and safety.	The proposed actions are not expected to impact recreational safety because the new placements areas will be located adjacent to the existing deep draft channel where large vessels transit daily and regularly, and recreational users would already practice safe passage around the existing commercial navigation. The project will not remove more than a negligible amount of waters from recreational use in Lavaca Bay. Additionally, Placement, management and monitoring of PAs would be in compliance with guidelines for open water disposal and Best Management Practices (BMPs) would be detailed in the specifications. Dredged material would be pumped from the dredge through a combination of fully submerged and floating hydraulic pipelines into the PAs. When the height of a deposit along the back or end limiting lines of discharge would reach -2 feet mean lower low water, the point of discharge would be relocated within PAs as many times as necessary to reduce build-up. The discharge end of the pipe would be held at or near the bottom during placement operations to confine the material within the designated area. A spreader would be used at the submerged end of the discharge pipe to
4	The disposition of the spoil on the west side of the Matagorda Ship Channel; even though submerged, will affect the real property values from the Lavaca Bay Causeway south to Indianola, and hence the tax base. There is no way the conclusion can be that, because Calhoun is a minority county, the populace will not be affected by loss of tax base. I expect to be allowed a public discussion of these and other salient points.	distribute the material evenly and reduce scouring. Placement, management and monitoring of PAs would be in compliance with guidelines for open water disposal and Best Management Practices (BMPs) would be detailed in the specifications. Dredged material would be pumped from the dredge through a combination of fully submerged and floating hydraulic pipelines into the PAs. All dredge material would be submerged and would negatively impact aestics. Further, less frequent dredge cycles and reducing the volume of dredging would result than less impacts than the current dredging operations.

August 21, 2017

Janice Regan Pritchett 201 S. Colorado Port Lavaca, Texas 77979

Mr. Joe Hrametz, P.E. Chief, Navigation Branch and Operations Division Galveston District, Corps of Engineers P.O. Box 1229 Galveston, Texas 77553-1229 Reference: Public Notice No. GUAD-M-2

Dear Mr. Hrametz:

The content and preliminary conclusions contained in the Draft Environmental Assessment, Matagorda Ship Channel, Upper Reach Placement Area Relocation Project, are unacceptable to me. I ask that a public hearing on this be held as soon as is appropriate. I live and work in Port Lavaca. I am a registered voter, a Port Lavaca City Council Member, the first third-generation President of the Rotary Club of Port Lavaca, and a fourth-generation citizen of Calhoun County. I will personally be adversely affected by the results of this draft assessment. Citizens of Calhoun County will be harmed in obvious and not so obvious ways if these results are allowed to stand.

"Recreational Resources" and "Socioeconomics and Environmental Justice" need to be discussed in a public forum.

I agree with others that, "while listed as the second most important in "Public Concerns", there is no discussion of the impact of the proposed new disposal areas on small-craft navigation and safety. In the case of moderate-draft vessels operating under sail, the proposed disposal areas will impede safe navigation and force proximity to the deep-draft seagoing vessels transiting the Matagorda Ship Channel. Moreover, the violent action of wakes from transiting ships would present a danger to any small vessel situated on or very near the proposed disposal areas.

The disposition of the spoil on the west side of the Matagorda Ship Channel, even though submerged, will affect the real property values from the Lavaca Bay Causeway south to Indianola, and hence the tax base. There is no way the conclusion can be that, because Calhoun is a minority county, the populace will not be affected by a loss of tax base. I expect to be allowed a public discussion of these and other salient points. I respectfully request a public meeting be held to this end.

Sincerely,

Yapiice Regan Pritchett

Myron A. Spree, Jr. Concerned Citizen 23-Aug-17

Comment Number	Comment	Response
1	Mr. Spree is concerned that the Placement Areas will be a navigational hazard and impacts to estuaries, commercial and recreational fishing.	The proposed actions are not expected to impact recreational safety because the new placements areas will be located adjacent to the existing deep draft channel where large vessels transit daily and regularly, and recreational users would already practice safe passage around the existing commercial navigation. The project will not remove more than a negligible amount of waters from recreational use in Lavaca Bay. Placement, management and monitoring of PAs would be in compliance with guidelines for open water disposal and Best Management Practices (BMPs) would be detailed in the specifications. Dredged material would be pumped from the dredge through a combination of fully submerged and floating hydraulic pipelines into the PAs. Discharge in these PAs would be made over and beyond the crest of the existing mounds of previous deposits. When the height of a deposit along the back or end limiting lines of discharge would reach -2 feet mean lower low water, the point of discharge would be relocated within PAs as many times as necessary to reduce build-up. The discharge end of the pipe would be held at or near the bottom during placement operations to confine the material within the designated area. A spreader would be used at the submerged end of the discharge pipe to distribute the material evenly and reduce scouring.

From: Finn, Lisa M CIV USARMY CESWG (US)

To: Marisa Weber

Subject: Fwd: [Non-DoD Source] Fw: Public Notice GUAD-M-2, DRAFT ENVIRONMENTAL ASSESSMENT, MATAGORDA

SHIP CHANNEL,

Date: Wednesday, August 23, 2017 1:18:44 PM

From: Myron Spree

Sent: Wednesday, August 23, 2017 12:32 PM **To:** "Finn, Lisa M CIV USARMY CESWG (US)"

Subject: [Non-DoD Source] Fw: Public Notice GUAD-M-2, DRAFT ENVIRONMENTAL

ASSESSMENT, MATAGORDA SHIP CHANNEL,

On Wednesday, August 23, 2017 8:52 AM, Myron Spree <spreemyron@yahoo.com> wrote:

MATAGORDA AND CALHOUN COUNTIES

Dear Ms. Finn, Mr. HRAMETZ, AND aPPROPIATE TCEQ 401 COORDINATOR,

I am just hearing about the above modifications to the Matagorda Ship Channel Maintenance Project. I am a 46 year resident Calhoun county and worked as a commercial shrimper in Lavaca and Matagorda bays as as being an avid recreational fisherman for the past 50 years. I am concerned about the proposed revisions to the project.

The proposed placement areas will be submerged, becoming a navigational hazard to both commercial and recreational vessels. the submerged placement areas will impact existing thermoc lines in a very sensitive estuary and become obstacles to existing migration routes for oyster spat, juvenile game fish, and shrimp larva that already on serous decline. Regarding erosion, the chosen locations will do little to impact the current rate of soil loss. I have witnessed the minimal impact of ship wakes in this area and compared with significant ship wake action the Alamo Beach Indianola reaches of the channel. These and several other concerns prompt me to respectfully request that a PUBLIC HEARING be held in Calhoun County with sufficient public notice as soon as possible.

A Concerned Citizen

Myron A. Spree, jr.

Matagorda	Ship	Channel

Appendix G Agency Coordination

Bryan W. Shaw, Ph.D., P.E., *Chairman*Toby Baker, *Commissioner*Jon Niermann, *Commissioner*Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 26, 2017

Ms. Lisa Finn, Project Manager U.S. Army Corps of Engineers, Galveston District P.O. Box 1229 Galveston, Texas 77553-1229

Re:

Environmental Assessment (EA) for Matagorda Ship Channel (MSC) Upper Reach Placement Area (PAs) Relocation Project, GUAD-M-2

Dear Ms. Finn:

This letter is in response to the U.S. Army Corps of Engineers (Corps) request for water quality certification received on September 19, 2017, for the draft EA of the MSC's Upper Reach PAs Relocation Project (GUAD-M-2). The draft EA was provided to Texas Commission on Environmental Quality (TCEQ) in a Joint Public Notice dated July 26, 2017. The EA proposes to relocate dredged sediments to new open water PA on the west side of the channel, in PAs 14-16A, respectively. This project is a modification of a previous permit (1978), which included a water quality certification from the TCEQ's predecessor. The project is located in the MSC, Matagorda and Calhoun Counties, Texas.

The TCEQ commented on the draft EA by letter dated August 24, 2017. The Corps responded to TCEQ's comments by letter dated September 19, 2017. The TCEQ has reviewed the public notice, and the Corps' responses which included the Evaluation of Section 404(b)(1) Guidelines checklist. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards.

Direct impacts from the placement of dredged material include mortality to immobile benthic organisms such as oysters. The temporary impacts include changes to water quality, turbidity, and disturbance of mobile benthic organisms such as mollusks and crustaceans, as well as ground fish species such as flounder.

The Corps is not proposing mitigation for this project and stated in their responses that oyster surveys were conducted to locate the PAs in areas that would not be near oyster reefs.

The TCEQ has reviewed this proposed action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the CMP regulations (Title 31, Texas Administrative Code (TAC), Section (§)505.30) and has determined that the action is consistent with the applicable CMP goals and policies.

This certification was reviewed for consistency with the CMP's development in critical areas policy (31 TAC §501.23) and dredging and dredged material disposal and placement policy (31 TAC §501.25). This certification complies with the CMP goals (31 TAC §501.12(1, 2, 3, 5)) applicable to these policies.

Ms. Lisa Finn

U.S. Army Corps of Engineers

Matagorda Ship Channel Environmental Assessment

Page 2

September 26, 2017 No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

If you require additional information or further assistance, please contact Dr. Mary Anne (Mimi) Wallace, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-4604 or by email at Mimi. Wallace@ tceq.texas.gov, or by telephone at (512) 239-4604.

Sincerely,

David W. Galindo, Director Water Quality Division

Texas Commission on Environmental Quality

DWG/MAW/tc

cc: Mr. Jesse Solis via e-mail at Federal.Consistency@GLO.TEXAS.GOV

UNITED STATES DEPARTMENT OF COMMERCE



National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE Southeast Regional Office 263 13th Avenue South St. Petersburg, Florida 33701-5505

http://sero.nmfs.noaa.gov

September 29, 2017 F/SER46: AC/RS

Colonel Lars N. Zetterstrom District Engineer, Galveston District Department of the Army, Corps of Engineers P.O. Box 1229 Galveston, Texas 77553-1229

Dear Colonel Zetterstrom:

The NOAA's National Marine Fisheries Service Habitat Conservation Division (NMFS HCD) has reviewed the Joint Public Notice and supporting documents for the Matagorda Ship Channel Upper Reach Placement Area Relocation Project dated July 26, 2017. The NMFS HCD appreciates the USACE's efforts to avoid and minimize potential impacts to Essential Fish Habitat (EFH) in the project area. We concur that any adverse impacts that might occur to EFH would be minimal. Therefore, no further EFH consultation is required on this project.

If we may be of further assistance, please contact Mr. Aaron Chastain of our Galveston Facility at (409) 766-3699.

Sincerely,

Virginia M. Fay

Assistant Regional Administrator Habitat Conservation Division

Virgue m. Lay





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS TX 75202-2733

Joe Hrametz, P.E., Chief Navigation Branch, Operations Division Department of the Army U.S. Army Corps of Engineers, Galveston District P.O. Box 1229 Galveston, TX 77553- 1229

Re: Draft Environmental Assessment for the Matagorda Ship Channel, Calhoun and Matagorda Counties, Texas - Public Notice No. GUAD-M-2

Dear Mr. Hrametz:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Assessment (EA) for the Matagorda Ship Channel (MSC), Calhoun and Matagorda counties, Texas. Our review is in accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA).

Critical shoaling in upper reaches of the MSC has caused annual draft restrictions resulting in the need for annual maintenance dredging projects to ensure safe passage of commercial shipping. The draft EA evaluates the potential impacts associated with the relocation of dredged material placement area to the west side of the MSC in order to significantly reduce channel shoaling in the upper reaches of the Matagorda Bay, and lengthen the time between dredging cycles in this area.

Based upon the draft environmental assessment information, EPA has no comments to offer on the proposed project. Thank you for this opportunity to comment. If you have any questions, please contact Eli Martinez, of my staff, at 214/655-2119 or at martinez.eli@epa.gov for assistance.

Sincerely,

Robert Houston

Chief, Special Projects Section Compliance Assurance and

Enforcement Division