

Draft Finding of No Significant Impact

MATAGORDA SHIP CHANNEL PROJECT DEFICIENCY STUDY MATAGORDA COUNTY, TEXAS ENVIRONMENTAL ASSESSMENT

The U.S. Army Corps of Engineers, New Orleans District (Corps), has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The Corps assessed the effects of the following actions in the Draft Environmental Assessment, dated August 2018, for the Matagorda Ship Channel Project Deficiency Study. The final recommendation is contained in the Project Deficiency Report, dated XXX. These reports are incorporated herein by reference. The recommended plan consisted of the following:

The plan includes removing the existing rock dike on both sides of the channel and reusing the stone to construct a new 2,800-foot dike on the west bank and 3,800-foot dike on the east bank of the MSC (Figure 3). A barge canal would be mechanically dredged to a depth of -14 Mean Lower Low Water (MLLW) from the bay side and material would be placed in the permanent placement area (PA) behind the new dikes and in the temporary PA to be hydraulically dredged later. A 3-foot blanket of stone would be placed for armoring the new channel slopes from elevation +4.0 to -17 ft. MLLW. The bottleneck between the jetties would be removed. Dredging would be performed using a hydraulic cutterhead dredge to a depth of 40 feet MLLW. Approximately 2,454,000 cubic yards (cy) would be dredged on the west channel side and placed in a 344-acre PA (Figure 4). The material would be discharged in the surf zone adjacent to the west jetty for beach restoration. Approximately 2,454,000 cy would be dredged on the eastern channel side; half would be placed in the surf zone adjacent to the west jetty. The other half would be placed adjacent to Sundown Island on the northwestern side creating a 51-acre island expansion with a 73-acre water bottom footprint (Figure 5). Three areas of existing large jetty stone, 1,950 linear feet (1.4 acres) would be removed and reused for construction of the flare on the bay side. The flare extensions from the foreshore dikes are approximately 850 feet on the west side and 860 feet on the east side. Under the Proposed Action, the water velocity would be reduced, navigation would be safer and vessels would no longer need to wait, and channel scouring would be reduced. Thus, the Proposed Action would provide for more efficient movement of vessels transporting commodities through the MSC. There are several aids to navigation that may require relocation in order to implement the Proposed Action. These include a light near channel Station 0+000 and lighted buoys near Channel Station 3+800.

In addition to the “no action” alternative, two alternatives were evaluated, including the Proposed Action. The Proposed Action is the environmentally preferable

alternative. All practicable means to avoid and minimize adverse environmental effects have been incorporated into the Proposed Action.

The recommended plan would not result in any impacts to federally-listed threatened or endangered species or their designated critical habitat, would have no impact to sites listed on or eligible for inclusion on the National Register of Historic Places, and would not significantly affect any wetlands or water of the U.S., nor any important wildlife habitat. Therefore, no compensatory mitigation is required.

In accordance with section 7 of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service/National Marine Fisheries Service issued a biological opinion, dated XXX, that determined that the recommended plan will not jeopardize the continued existence of federally listed species or adversely modified designated critical habitat. All terms and conditions resulting from these consultations shall be implemented in order to minimize take of endangered species.

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the Texas Commission on Environmental Quality.

A determination of consistency with the State of Texas Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 will be obtained from the Texas Commission on Environmental Quality.

The Coastal Barrier Resources Act (CBRA) of 1982 established the Coastal Barrier Resources System (CBRS) to minimize the loss of human life, wasteful Federal expenditures, and damage to fish, wildlife, and other natural resources associated with coastal barriers. The Coast Barrier Improvement Act of 1990 was enacted to reauthorize the CBRA of 1982. The act defines coastal barriers as “bay barriers, barrier islands, and other geological features composed of sediment that protect landward aquatic habitats from direct wind and waves.” As part of the program, the Federal government refrains from spending money that encourages development on designated undeveloped coastal barriers. The Proposed Action includes features that are located within portions of CBRS units T-07 and T-07P Appendix F. With implementation of the Proposed Action Plan, 82 acres 40.07 Average Annual Habitat Units (AAHUs) of CBRS unit T-07 would be directly impacted by removing the bottleneck between the jetties. The Proposed Action would directly restore 300 acres 17.01 AAHUs of CBRS unit T-07 adjacent to the west jetty. The placement of dredged material would directly create a 51-acre 30.58 AAHUs subaerial island in CBRS unit T-07P, adjacent to Sundown Island. A federal expenditure is allowable within the CBRS, if it meets any of the exceptions (16 U.S.C. § 3505(a)(1)-(5)). The Proposed Action meets the following 6(a)(2) exception:

- The maintenance or construction of improvements of existing federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction. A federal navigation channel or a related structure is an existing

channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the CBRS.

The Proposed Action also satisfies the three purposes of the CBRA; which are to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife and other natural resources associated with coastal barriers. The proposed project would provide a safer navigation channel, reduce potential vessel collisions and oil spills, and benefit wildlife habitat. The proposed project is not intended to and will not encourage development in the coastal zone.

The MSC was authorized by the River and Harbor Act of 1958. The USACE has determine that the proposed MSC Deficiency Proposed Action meets the above referenced exception and is consistent with the CBRA. The USACE continues to coordinate with USFWS and will consider USFWS comments and take all appropriate steps necessary to assure CBRA compliance.

Technical criteria used in the formulation of alternative plans were those specified in the Water Resource Council's 1983 Economic and Environmental Principles for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in the evaluation of the alternatives. It is my determination that the recommended plan does not constitute a major federal action that would significantly affect the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date: _____

Lars N. Zetterstrom
Colonel, Corps of Engineers
District Commander