



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

September 10, 2014

NEPA/Cultural Resources Section

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

PUBLIC NOTICE NO. CB-14-01

CEDAR BAYOU, TEXAS, DRAFT DREDGED MATERIAL MANAGEMENT PLAN AND ENVIRONMENTAL ASSESSMENT (CHANNEL FROM MILE -2.5 TO MILE 3.0), CHAMBERS COUNTY, TEXAS

PURPOSE

This public notice is to inform interested parties that the U.S. Army Corps of Engineers (USACE), Galveston District (the District) has prepared a Draft Environmental Assessment (DEA) 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. 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 tentatively selected plan (TSP). The TSP that includes the continued maintenance of the lower Cedar Bayou Navigation Channel (CBNC) with continued placement into Placement Area (PA) 6, and the proposed construction and placement of maintenance material into a new PA, (hereafter referred to as PA 7).

PROJECT LOCATION

The lower CBNC is located approximately five miles southeast of Baytown, Texas and includes the downstream 5.8-mile segment of the Cedar Bayou Navigation Channel, Texas, navigation channel beginning at its junction with the Houston Ship Channel (HSC), extending eastward across Galveston Bay to the mouth of Cedar Bayou and then continuing upstream for approximately three miles. This segment of Cedar Bayou is federally authorized and currently maintained at 10 feet deep at mean low tide (MLT) by 100 feet wide by the Galveston District. The proposed PA 7 is situated on the west side of Cedar Bayou opposite the existing PA 6, approximately two miles north/northwest from the mouth of Cedar Bayou. The proposed PA is within an approximate 110-acre property that was previously developed to be used as an RV park. The site is bounded by Tri-City Beach Road to the southwest, Houston Light and Power (HL&P) canal to the northwest, Cedar Bayou to the east and north, and vacant property to the southeast.

PROJECT DESCRIPTION

The District completed a preliminary assessment (Cedar Bayou Navigation Channel, Texas Final Preliminary Assessment, dated February 2010) which resulted in a determination that due to current capacity, engineering, and environmental issues with the existing PAs, a new Dredged Material Management Plan (DMMP) should be developed to identify a new base dredged material placement plan for a minimum of 20 years of capacity for future maintenance of the lower 5.8 miles of channel. USACE policy requires environmentally sound dredging and placement or management of dredged material as defined by applicable laws and policies. This can best be achieved through the development of a long-term management strategy for dredged material as delineated in a DMMP.

NEED FOR WORK

The tentatively selected plan would address the need for a DMMP that would accommodate at least 20-year placement of dredged material associated with maintenance dredging of the lower portion of the CBNC. A DMMP is needed because the six PAs for the lower portion of the CBNC no longer have dredged material placement capacity sufficient to accommodate 20 years of maintenance dredging since only one of the six previously authorized PAs (PA 6) is currently available for placement of dredged material. Environmental concerns and limitations (e.g. presence of oyster reef habitat, intertidal marsh, etc.) have rendered PAs 1 through 5 unusable. Current estimates show that the remaining capacity of PA 6 is 738,138 cubic yards (CY) which is insufficient to handle the estimated 967,978 CY of material that would be generated from the first dredge cycle to return the lower CBNC to the authorized depth of 10 feet.

PROPOSED WORK

The TSP includes the continued maintenance of the lower CBNC with continued placement into PA 6 and the proposed construction of PA 7 for future placement of maintenance material. All access to construct and maintain the proposed PA 7 would be from existing land within the site and from Tri-City Beach Road. Containment dikes would be constructed to an elevation of approximately +32 feet (NAVD 88) with a 10-foot crown width, and side slopes of 1 vertical to 3 horizontal. Material to construct the proposed containment dikes would be borrowed from areas located on the inside of the proposed PA footprint, generally just inside the limits of the proposed toe of the dike. Thus, the proposed containment dike toe would be the limit of maximum disturbance of within the proposed PA 7 footprint. The containment dike footprint and proposed borrow areas within the site would be cleared of vegetation and any remaining infrastructure associated with previous development in preparation for dike construction. Infrastructure debris removed from the footprint of the proposed containment dikes and borrow areas would be stockpiled on site and later buried within the existing man-made

canals located at the north end of the proposed PA only after these areas have been confined by containment dikes constructed across these canals to isolate the debris from contact with the waters of Cedar Bayou. Abandoned storm sewers associated with previous development of the site would be grouted and the sanitary sewer and water pipes would be capped prior to containment dike construction. An effluent drop-outlet structure (spill box and outfall pipeline) would be constructed at the northeast end of the proposed PA 7 with discharge into Cedar Bayou. The structure would be positioned far enough away from the containment dikes to allow future containment dike raisings as required over the life of the proposed PA. During dredging operations, dredged material would be discharged into the new PA near the southwest corner to provide the greatest possible ponding time and distance between influent and the outlet structure. The drop-outlet weir structure would be composed of wooden stop-logs to control ponding levels and promote sedimentation within the proposed PA 7. Clean water would be discharged into Cedar Bayou through the drop outlet structure discharge pipe which would be buried beneath the containment dike.

The current maintenance plan for the lower portion of the CBNC is to dredge the channel every 5-years. The estimated dredged material volumes generated over the next 20-years from maintenance of the lower Bay and Bayou reaches of the CBNC would be approximately 2,855,578 cubic yards; this estimate includes the Federal maintenance dredged material volumes from the CBNC as well as permitted dredging volumes. Of this total, due to limited capacity, only 738,138 cubic yards of maintenance dredged material would be placed into PA 6 over the next three 5-year maintenance dredging cycles, which would fulfill PA6 by year 2026. The proposed PA7, if constructed, would receive the remaining 2,117,440 cubic yards generated from maintenance dredging the lower Cedar Bayou Navigation Channel over the next 20 years. The maximum design capacity of the proposed PA 7 would be 4.5 million CY.

COMPLIANCE WITH LAWS AND REGULATIONS

This proposed plan is being coordinated with the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and other Federal, state, and local agencies. Informal consultation with the USFWS and NMFS in compliance with the Endangered Species Act, as amended, has resulted in our initial determination that the proposed action will not have any adverse impacts on threatened or endangered species.

Essential Fish Habitat: This notice initiates Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action will 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 NMFS.

Texas Council on Environmental Quality (TCEQ) Water Quality Certification: The proposed dredged material placement plan will also be evaluated with regard to the

requirements of Section 404(b)(1) of the Clean Water Act. Water quality certification has been requested from the Texas Commission on Environmental Quality (TCEQ).

Other Agency Authorizations: It is also our preliminary determination that the proposed action is consistent with the Texas Coastal Management Program (TCMP) to the maximum extent practicable. The proposed activity is being coordinated with the State Historic Preservation Officer (SHPO). The District is seeking the SHPO's concurrence with our determination that no additional survey is needed in the area of the proposed project.

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

- U.S. Environmental Protection Agency, Region 6
- U.S. Department of Commerce
- U.S. Department of the Interior
- Eighth Coast Guard District
- Budget and Planning Office, Office of the Governor of Texas
- Texas Historical Commission
- Texas Parks and Wildlife Department
- Texas Commission on Environmental Quality
- Texas General Land Office
- The Texas Office of State-Federal Relations
- Texas Department of Transportation
- Texas Water Development Board
- Cedar Bayou Navigation District

STATE WATER QUALITY CERTIFICATION

TCEQ certification is required. The TCEQ is reviewing the proposed project under Section 401 of the Clean Water Act and in accordance with Title 31, 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: Water Quality Division 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 work 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 the protection and utilization of important resources as well as public and environmental safety and economic concerns.

ENVIRONMENTAL DOCUMENTATION

The work described in this notice represents a change to the existing project. A preliminary review of this proposed plan 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. Based on this determination, a DEA has been prepared. The DEA assesses potential impacts to the human and natural environment that would result from the proposed project. The document is available online at <http://www.swg.usace.army.mil/BusinessWithUs/PlanningEnvironmentalBranch/DocumentsforPublicReview.aspx>.

PUBLIC COMMENT

The USACE is soliciting comments from the public, Federal, state, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments will be considered in the evaluation of impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments will be used in preparation of the Final EA pursuant to NEPA. Comments are also used to determine the overall public interest of the proposed activity.

Persons desiring to express their views or provide information to be considered in evaluating the impact of this work and the future maintenance operations are requested to mail their comments to:

U.S. Army Corps of Engineers, Galveston District
ATTN: CESWF-PEC-TN
P.O. Box 1229
Galveston, Texas 77553-1229

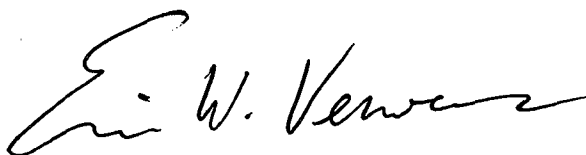
The comments should make specific reference to Public Notice No. CB-14-01

The Galveston District will accept written public comments on the DEA from September 10, 2014 through October 30, 2014. Comments on the DEA must be postmarked by October 30, 2014.

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.

FOR FURTHER INFORMATION CONTACT

Questions about the proposed action and the DEA may be referred to Ms. Andrea Catanzaro at (409) 766-6346, or by email at andrea.catanzaro@usace.army.mil.



Eric W. Verwers
Director, Regional Planning and
Environmental Center