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Galveston District

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VOLUME II

FINAL

ENVIRONMENTAL IMPACT STATEMENT

FREEPORT HARBOR CHANNEL
IMPROVEMENT PROJECT
BRAZORIA COUNTY, TEXAS

U.S. Army Corps of Engineers, Galveston District
2000 Fort Point Road
Galveston, Texas 77550

September 2012

Volume I Contents for Final Environmental Impact Statement

1.0 NEED FOR AND OBJECTIVES OF ACTION
2.0 ALTERNATIVES
3.0 AFFECTED ENVIRONMENT
4.0 ENVIRONMENTAL CONSEQUENCES
5.0 MITIGATION
6.0 CUMULATIVE IMPACTS
7.0 COMPLIANCE WITH TEXAS COASTAL MANAGEMENT PROGRAM
8.0 CONSISTENCY WITH OTHER STATE AND FEDERAL REGULATIONS
9.0 ANY ADVERSE ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED SHOULD THE PREFERRED ALTERNATIVE BE IMPLEMENTED
10.0 ANY IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES INVOLVED IN THE IMPLEMENTATION OF THE PREFERRED ALTERNATIVE
11.0 RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY
12.0 ENERGY AND NATURAL OR DEPLETABLE RESOURCE REQUIREMENTS AND CONSERVATION POTENTIAL OF VARIOUS ALTERNATIVES AND MITIGATION MEASURES
13.0 PUBLIC INVOLVEMENT, REVIEW, AND CONSULTATION
14.0 LIST OF PREPARERS
15.0 REFERENCES
16.0 INDEX

Volume II Contents for Final Environmental Impact Statement Appendices:

Appendices:

A Public and Agency Coordination
- A-1 Scoping Meeting
- A-2 Endangered Species Act Coordination
- A-3 Cultural Resources Coordination
- A-4 Agency Coordination
- A-5 Fish and Wildlife Coordination Act
- A-6 General Correspondence
- A-7 Comments and Responses for the DEIS

B Ocean Dredged Material Disposal Site Analysis

C General Conformity Determination and Air Emissions Estimates

D Hazardous, Toxic, and Radioactive Waste Analysis and Data
- D-1 Hazardous, Toxic, and Radioactive Waste Report
- D-2 TelALL Historic Aerial Photo Search
- D-3 Hazardous, Toxic, and Radioactive Waste Interviews
- D-4 TelALL Data Summaries
- D-5 Site Reconnaissance Photos

E Programmatic Agreement

F Socioeconomic Baseline Conditions

G Clean Water Act Section 404(b)(1) Evaluation

H Mitigation and HEP/Cost Analysis Report
- H-1 Mitigation and HEP/Cost Analysis Report
- H-2 Mitigation Monitoring and Contingency Plans

I Draft Biological Assessment

J Compliance with the Texas Coastal Zone Management Programs

K Cross Sections for 45-Foot Project, NED, LPP, and Jetty Stability

L Relative Sea Level Rise

M Field Survey for the Presence of Nesting Colonial Waterbirds

N Greenhouse Gas Emissions and Climate Change

Appendix A

Public and Agency Coordination

Appendix A-1

Scoping Meeting

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for Improvements to the Freeport Harbor Navigation Project, Brazoria County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers, Galveston District, is issuing this notice to announce its intent to prepare a Draft Environmental Impact Statement (DEIS), for the proposed deepening and widening of the deep-draft Freeport Harbor Navigation Project, connecting port facilities in Freeport to the Gulf of Mexico. The District will conduct a study to evaluate deepening and widening alternatives, and dredged material disposal options, which will include both upland confined disposal and ocean disposal at designated sites in the Gulf of Mexico.

The Freeport Harbor Navigation Project study area is located on the mid to upper Texas coast in Brazoria County, TX, extending from approximately 3 miles offshore at the 60-foot depth contour in the Gulf of Mexico, through the jettied Freeport Harbor entrance channel upstream to the Stauffer Channel Turing Basin. Depths and widths of up to 60-feet and 600-feet respectively are being considered from seaward, along with varying dimensions for upstream reaches and basins. The non-federal sponsor is the Brazos River Harbor Navigation District.

ADDRESSES: U.S. Army Corps of Engineers, Galveston District, P.O. Box 1229, Galveston, TX 77553–1229.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Bragg, Project Manager—Project Management Branch, (409) 766–3979; or Mr. George Dabney, Environmental Lead—Planning and Environmental Branch, (409) 766–6345.

SUPPLEMENTARY INFORMATION: The existing navigation project, completed in 1996, is approximately 8.6 miles in length. The project's primary reaches and basins include a 47-foot deep, 400-foot wide entrance channel; a 45-foot deep, 400-foot wide main channel; 45-foot deep turning basins (with 750, 1,000 and 1,200-foot diameters); and a 36-foot deep, 750-foot diameter Brazos Harbor Turning Basin. The existing project encompasses numerous industrial and shipping facilities, located in or adjacent to the Port of Freeport, TX. The non-federal sponsor, the Brazos River Harbor Navigation District, seeks to increase navigation safety and efficiency, and to enhance its competitiveness by improving the existing project to attract larger, deeper draft vessels including LNG tankers, crude carriers and container ships.

To explore the feasibility of proposed project improvements, the non-federal sponsor has partnered with the U.S. Army Corps of Engineers, Galveston District, to conduct a feasibility study for determining optimum depths and widths necessary to safely accommodate current and projected navigation needs. Section 216 of the Flood Control Act of 1970, Public Law 91–611, authorizes the proposed deepening and widening improvements of the existing navigation project.

Project alternatives under evaluation include maintaining primary channel reaches at their existing dimensions (No Action Alternative), or, deepening and widening reaches to either 60 x 540 feet or 55 x 600 feet respectively. The remaining project reaches and basins will be deepened, widened or expanded to compatible dimensions.

The scoping process for public input will involve Federal, State, and local agencies, along with other interested parties and entities. Coordination with natural resources and environmental agencies will be conducted under the Fish and Wildlife Coordination Act, Endangered Species Act, Clear Water Act, Clean Air Act, National Historic Preservation Act, Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act. Public scoping meetings will also be held to discuss environmental issues associated with proposed channel improvements.

Issues to be considered during the public review and input process include: water and sediment quality, air and noise quality, hazardous, toxic and radiological waste, dredged material disposal, economics, threatened and endangered species, wetlands, historic properties, aesthetics, recreation, cumulative impacts, impact mitigation for natural resources, and other issues affecting public health and welfare. Any person or organization wishing to provide information on issues or concerns should contact the Galveston District Corps of Engineers at (see **ADDRESSES**).

It is estimated the DEIS will be available for public review and comment in April 2008.

Richard Medina,

Chief, Planning and Environmental Branch.

[FR Doc. 07–3817 Filed 8–2–07; 8:45 am]

BILLING CODE 3710–52–M

DEPARTMENT OF DEFENSE

Department of the Navy

Public Hearings for the Draft Environmental Impact Statement/ Overseas Environmental Impact Statement for the Hawaii Range Complex, HI

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and regulations implemented by the Council on Environmental Quality (40 CFR parts 1500–1508), and Presidential Executive Order 12114, the Department of the Navy (Navy) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (EIS)/Overseas EIS on July 19, 2007, to evaluate the potential environmental effects of conducting current and emerging Navy Pacific Fleet training and defense-related research, development, test, and evaluation (RDT&E) operations within the Hawaii Range Complex (HRC) and to upgrade or modernize range complex capabilities (including hardware and infrastructure). A Notice of Intent for this DEIS/OEIS was published in the **Federal Register**, 71 FR 51188, on August 29, 2006.

The Draft EIS/OEIS was distributed to Federal, State, and Local agencies, elected officials, as well as other interested individuals and organizations on July 20, 2007. On July 27, 2007, Navy issued a revision to the Draft EIS/OEIS that was filed with the U.S. Environmental Protection Agency on July 19, 2007. Errata sheets and a corrected Draft EIS/OEIS were distributed to all Federal, State, and local agencies, elected officials, and other interested individuals and organizations on Navy's distribution list. To allow for the full 45-day review of the Draft EIS/OEIS, the public comment period has been extended from September 10, 2007 to September 17, 2007.

The Navy will conduct four public hearings to receive oral and written comments on the Draft EIS/OEIS. Federal agencies, state agencies, and local agencies and interested individuals are invited to be present or represented at the public hearings. This notice announces the dates and locations of the public hearings for this Draft EIS/OEIS.

Dates and Addresses: An open house session will precede the scheduled public hearing at each of the locations listed below and will allow individuals

NOTICE OF PUBLIC WORKSHOP/SCOPING MEETING FOR THE EVALUATION OF NAVIGATION SOLUTIONS FOR FREEPORT HARBOR, TEXAS (FREEPORT HARBOR FEASIBILITY REPORT)

Interested parties are hereby notified of a public scoping meeting to be conducted by the Galveston District of the U. S. Army Corps of Engineers (Corps) on:

JANUARY 15, 2004
7:00-9:00 PM
LAKE JACKSON CIVIC CENTER
LAKE JACKSON, TEXAS

The purpose of this scoping meeting will be to inform interested parties about the Freeport Harbor navigation study and outline the study process. The meeting will provide an opportunity for all persons to comment and provide information to help ensure that significant issues relating to the Freeport Harbor navigation study are addressed as required by the National Environmental Policy Act.

Information on the Freeport Harbor navigation study will be presented and an overview of the Feasibility evaluation process will be provided. Corps staff will be available to answer questions.

Those unable to attend the meeting may mail written comments no later than February 6, 2004 to:

MR. MIKE BRAGG
PROJECT MANAGER
U. S. ARMY CORPS OF ENGINEERS
GALVESTON DISTRICT
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229
PHONE: 409-766-3979

NOTICE OF PUBLIC WORKSHOP FOR
THE EVALUATION OF NAVIGATION SOLUTIONS
FOR FREEPORT HARBOR, TEXAS
(FREEPORT HARBOR FEASIBILITY REPORT)

Interested parties are hereby notified of a public workshop is to be conducted by the Galveston District of the U. S. Army Corps of Engineers (Corps) on:

FEBRUARY 22, 2006
5:00-7:00 PM
LAKE JACKSON CIVIC CENTER
333 HIGHWAY 332 EAST
LAKE JACKSON, TEXAS

The purpose of this public workshop will be to inform interested parties about the Freeport Harbor navigation study and progress of the study. The workshop will provide an opportunity for all persons to review and discuss significant issues relating to the Freeport Harbor navigation study.

Information on the Freeport Harbor navigation study will be presented at workstations and Project Delivery Team members will be available to answer questions.

Those unable to attend the meeting may mail written comments no later than March 24, 2006 to:

MR. MIKE BRAGG
PROJECT MANAGER
U. S. ARMY CORPS OF ENGINEERS
GALVESTON DISTRICT
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229
PHONE: 409-766-3979

NOTICE OF PUBLIC INFORMATION MEETING
FOR FREEPORT HARBOR, TEXAS
(FREEPORT HARBOR IMPROVEMENT PROJECT FEASIBILITY REPORT)

Interested parties are hereby notified of a public information meeting is to be conducted by the Galveston District of the U. S. Army Corps of Engineers (Corps) and Port Freeport on:

FEBRUARY 27, 2008
6:00-8:00 PM
FREEPORT COMMUNITY HOUSE

FREEPORT, TEXAS

The purpose of this public information meeting will be to inform interested parties about the Freeport Harbor Improvement Project navigation study and progress of the study. The information meeting will provide an opportunity for all persons to review and discuss issues relating to the Freeport Harbor navigation study.

Information on the Freeport Harbor Improvement Project navigation study will be presented at workstations and Project Delivery Team members will be available to answer questions.

PUBLIC WORKSHOP/SCOPING MEETING

FOR THE

EVALUATION OF NAVIGATION SOLUTIONS

FOR FREEPORT HARBOR, TEXAS

(FREEPORT HARBOR FEASIBILITY REPORT)

ON

JANUARY 15, 2004

7:00 P.M.

AT

LAKE JACKSON CIVIC CENTER

333 HIGHWAY 332 EAST

LAKE JACKSON, TEXAS

INDEX

	Page
Statement by Dr. Lloyd Saunders.....	3
Remarks by Mr. David Knuckey.....	3
Statement by Mr. A.J. "Pete" Reixach, Jr.....	3
Remarks by Dr. Lloyd Saunders.....	7
Statement by Mr. Robert VanHook.....	9
Remarks by Dr. Lloyd Saunders.....	13
Statements by the Public.....	14
Adjournment by Dr. Lloyd Saunders.....	21

P R O C E E D I N G S

DR. SAUNDERS: Good evening. On behalf of Colonel Waterworth, I'd like to welcome you to this public scoping meeting on the Freeport Harbor Feasibility Study.

I apologize. My voice may come and go as we go through this statement.

I'm Dr. Lloyd Saunders, chief of Planning and Environment and Regulatory Division of Galveston District, the U.S. Army Corps of Engineers. At the head table with me is Mr. David Knuckey, director of engineering Port of Freeport; Mr. Robert VanHook, the Galveston District, who is planning this particular piece of the feasibility study.

Right now I'd like to call on David to make a few comments.

MR. KNUCKEY: Just about the time I stand up things get kicked off.

I'd like to welcome everybody here this evening on behalf of the port and, basically, turn this over to my boss, the executive port director, Mr. Pete Reixach and let him make some comments on behalf of the port.

Pete.

MR. REIXACH: Thank you.

Good evening. I'll read this statement, brief as it is. My name is Pete Reixach. I'm the executive director for the Brazos River Harbor Navigation District, commonly known as the Port of Freeport; and, again, on behalf of the board of commissioners of the district, I welcome you and the public to this scoping meeting for the Freeport Harbor Improvement Project.

Port of Freeport is committed to the economic growth of the region. As stated in the Port's mission statement, Port of Freeport serves its customers and stakeholders in the -- machine over there -- through the development and marketing of competitive world-class navigational capabilities, technically advanced -- technically advanced marine and multi-modal terminal services and port-related industrial facilities -- that's scary when your voice goes out.

DR. SAUNDERS: Tell me about it.

MR. REIXACH: I got the same thing you've got.

-- terminal services and port-related industrial facilities while achieving profits and creating jobs as a leading economic catalyst for the district and the Texas Gulf Coast. We are looking at this project to achieve part of our mission; that being

the development of world-class navigational capabilities.

The proposed channel improvements will allow for decreased vessel downtime due to the current daylight-only sailing restrictions on the larger vessels and the current restriction of one-way vessel traffic through the entrance in the jetty channel. Furthermore, increased channel depth is needed to allow for the larger crude carriers, which make up the bulk of the 3,000 plus deep-draft vessels plying the Port of Freeport harbor channel system annually, to come straight to the terminals thus eliminating the need for offshore lightering.

Based on the information provided in the Reconnaissance Report Section 905(b) analysis, the project appears to be primarily a dredging issue. To widen and deepen the channels will require little additional real estate acquisition, no pipeline relocations and only minor impact on the existing public and private terminals. Port of Freeport also stands committed to provide upland confined dredge material placement sites either existing or proposed to meet the dredging demands of the project and future maintenance.

We feel the project will have only minimal negative impacts on the environment and those impacts

will be short term in nature. Without the bay and estuary systems that exist at many other Gulf Coast ports, which seem to be the major impediment for widening and deepening of navigation channels, Freeport is blessed from a navigation standpoint. We encourage the Corps to investigate every possible avenue for the beneficial use of the vast quantity of dredge material that will be generated by the project. Port of Freeport has and is currently utilizing the 4.5 million plus cubic yards of dredge material generated by the 45-foot project for industrial structural fill in the expansion of the public facilities as well as road improvements witnessed by the recently completed high-span bridge to Quintana Island. As a member of the Brazoria County Shoreline Restoration Task Force, we encourage the use of placement of beach quality dredge material on the beaches wherever possible.

In conclusion, we at Port of Freeport stand ready to work side by side with the Corps of Engineers to see this project to its successful conclusion. We thank you for allowing our comments and those of other members of the navigation district community to be heard and entered into the project design process.

I'd like to introduce the rest of the Port

of Freeport staff that's here. We have Commissioner Tobey Davenport back over here. Phyllis Saathoft, I'm not sure if she made it here yet or not. Mike Wilson is our director of trade development; Mike Lumsden, director of finance. Amber Roberson is our marketing representative. Pat Younger is our lobbyist in Washington, and signing in is none other than Al, Al Durel, the director of operations.

Thank you very much.

DR. SAUNDERS: Thank you very much.

Additionally, I'd like to introduce those that are with me from the Corps of Engineers this evening. Colonel Waterworth, district commander, Galveston District; Mike Bragg, project manager; Marilyn Uhrich, public affairs officer; Ashley Jones, public affairs; Diane Laird, planning; and George Dabney, environmental.

We are currently conducting a feasibility study that will consider the economic, engineering and environmental feasibility of navigation improvements to the Freeport Harbor channel. Environmental considerations are an integral part of the study. This meeting is about Freeport Harbor, not maintenance issues, not complaints about the city's plans on the Stauffer Channel.

I hope you had an opportunity this evening to take advantage of the displays out in the hall. I encourage you to read all the information that's available in that area. If you'd like to take -- I suppose there's some information on the table back here. If you'd like to take additional copies with you to share with your family and friends, we encourage you to do that.

Everyone attending should have filled out an attendance card or put their name on the roster. If you want to speak, it's absolutely essential that you fill out a speaker's card. If you have not done so, please raise your hand and someone will bring you a card.

We also have provided some comment cards. These can either be filled out and left in the foyer or they can be mailed to us. They're franked and addressed to come back to us. We encourage you to take as many of these as you would like and share them with your friends and neighbors.

The purpose of the meeting is to provide an opportunity to present issues, views, opinions, recommendations and environmental concerns. Your comments will help us in formulating the federal project. We're interested in the diversity of opinion

that's out there, both pro and con. We're interested in hearing your ideas.

Let me discuss the format for tonight's meeting. Mr. Robert VanHook from the Corps will provide an overview of the study process. Following his presentation, I will open the floor for public comments.

We have a court reporter with us this evening. The meeting will be recorded verbatim. I will first recognize those Federal and state officials that have requested to make a statement. Then Federal and state resource agencies can make a statement. Finally, I will recognize each individual who has indicated that they wish to make a statement. Everyone who has indicated on the registration cards a desire to comment will have an opportunity to do so. If anyone needs to turn in a card, please raise your hand and someone will collect your card.

Please give all speakers the courtesy of not making any comments during their presentation. All individuals have an equal right to be heard.

Now we'll hear from Mr. Robert VanHook, who is the planning lead of the feasibility study.

Robert.

MR. VANHOOK: Good evening. I'm Robert VanHook the planning lead on the Freeport Harbor

Feasibility Study. I'd like to take this opportunity to also welcome you to this public scoping meeting.

The aerial photograph shows the Freeport Harbor overview. During this study we will be evaluating the main channel from outside the jetties up through the Brazos Harbor Turning Basin, also part of the Stauffer Channel. The Port has asked us to evaluate deepening and widening the Freeport Harbor channel. The Port's objectives for this study are to remove daylight-only use of the channel, accommodate deep-draft, large crude carriers and, finally, to reauthorize and deepen and widen part of the Stauffer Channel for container ship use.

This evening I'd like to give you a short overview of the feasibility study. The slide shows that the study team is made up of the Corps and the Port. As some of you probably saw among our displays in the foyer outside, there is a planning process that we in the Corps are required to follow. This slide depicts this planning process. We have, essentially, performed the first step, specify problems and opportunities. We're into the second step of inventory and forecast conditions, and we'll be performing step three, formulate alternative plans, following this public scoping meeting.

Since we began the study in July last year, we have had many study team coordination meetings with the Port of Freeport. We then began the process of defining the study parameters and activities required, the schedule and costs for the study. We established an interdisciplinary study team for the evaluation. The study team has developed preliminary alternative measures. The study will evaluate alternative deepening/widening options up to and include deepening to 60 foot, widening to 600 foot. The existing channel is, essentially, 45-foot deep and 400-foot wide.

The study is projected to be completed in December of '07. Then, if an acceptable project can be found, it will be implemented as soon as possible thereafter. Following this scoping meeting and your input, we will be developing the first set of new alternatives for further evaluation. We will develop the scenarios for ship simulation modeling, establish environmental concerns and any issues, develop preliminary cost to benefits for the alternatives and screen these alternatives. The two or three most promising alternatives will then be further evaluated with more detailed engineering design and benefit analysis. This will also include addressing environmental issues and concerns relative to the

project alternatives.

In the feasibility report we will recommend implementation of the alternative plan with the highest net benefits. This plan is called the National Economic Development or NED plan. The NED plan is not necessarily the plan with the highest benefit-to-cost ratio, or BCR, but the plan that has the most benefits for the Federal dollars invested. If the Port has another more preferred plan, we will carry this plan through as the locally preferred plan of the feasibility report.

This slide depicts the schedule of significant events and projected study schedule. As the study progresses, we will keep you-all informed about the study's progress by periodic articles in the Port's newsletter, mailouts to the project mailing list. We also plan to create a website for the project. When this website is posted, we will inform you, the public.

There will be another public meeting scheduled at the latter part of the study process to inform you of the study results. In 2007 we will finalize the feasibility report and the environmental impact statement and begin Washington-level project review to obtain Assistant Secretary of the Army for Civil Work's approval.

We're very serious about wanting your input into this study process. If you filled out an attendance card tonight, we will include you on subsequent direct mails -- mailings. Please pick up comment cards for yourself, as well as suggested, and take them to your friends and neighbors. These cards solicit input about navigation concerns, asks for written comment on alternative ideas, areas of environmental concern, et cetera. Fill them out at your leisure; but in order for them to be part of the public record for this meeting, they must be returned to us by February 6th of 2004.

As I mentioned earlier, if no acceptable beneficial plan can be developed, the study team may recommend that the Corps take no action; and the no-action alternative is required to be examined by us at the Corps.

That concludes my overview of the feasibility study. I'll turn the meeting back over to Dr. Saunders for public comments.

Thank you.

DR. SAUNDERS: Thank you, Robert.

At this time we'd like to recognize some public officials or their representatives who might care to speak. Diana Kile, district manager for Congressman

Ron Paul.

MS. DIANA KILE: Good afternoon -- or good evening. How are y'all doing? I don't have anything to say, other than the Congressman sent me here to represent him and to find out a little bit more about this project.

DR. SAUNDERS: Thank you very much.

MS. DIANA KILE: Thank you.

DR. SAUNDERS: Mr. Ron Bottoms, city manager for Freeport.

MR. RON BOTTOMS: Just here to listen.

DR. SAUNDERS: Okay, fine. Thank you.

I'll now call on those other folks who registered to speak. I would remind you that the purpose of the meeting is to provide you with the opportunity to present your views, opinions and recommendations. If you desire to submit a written statement for the record, you may take your statement to the table at the back of the room over here. I guess it's on the side of the room.

So, when you're -- when you're called, please come forward and state your name, who you represent and make your statement.

Mr. Ed Zingleman.

MR. ED ZINGLEMAN: I didn't really want to

speak, but I just wanted to listen. In case I did want to ask something, I could. I guess I -- of course, I mainly came here to learn what was going on -- okay. As far as representing, I mainly represent myself at this time as an individual taxpayer and just trying to figure out what's going to happen in the future to the Port, you know. And concerned about taxes is one thing. Of course, sounds like, I guess, the Government will be financing most of this or all of this.

That may be my one question is: Would the Port be responsible for any of this alone, the study period or is this all Corps of Engineers? I guess that's one question.

DR. SAUNDERS: That -- the Port's responsible for 50 percent of the study cost and construction costs.

MR. ZINGLEMAN: Fine.

DR. SAUNDERS: And the O & M cost.

MR. ZINGLEMAN: Excuse me?

DR. SAUNDERS: And the operations and maintenance cost.

MR. ZINGLEMAN: Oh, yes. I understood that. Okay.

The other thing is I just -- again, that was the main thing. Just to see what the future plans

were for the Port. I know they have to keep on growing. You can't become stagnant, and that's -- that's it.

DR. SAUNDERS: Okay. Thank you very much.

Mr. Jim Morrison.

MR. JIM MORRISON: Thank you, Mr. Chairman.

My name is Jim Morrison. I'm vice-president of the West Gulf Maritime Association. We represent stevedores, agents and carriers from Lake Charles to Brownsville. We're also a member of the United States Maritime Association, which represents carriers from Maine to Brownsville and the United States.

What the Port is embarking on is something that is very important to Texas and it's important to the movement of commerce and containers and to maritime traffic in Texas. What the Port is establishing is -- is -- the only other comment is we have to move forward. Containers is where we need to be, special niche cargoes, that Mr. Reixach and the Commissioner are working on to make Freeport a viable, strong port, is extremely necessary.

The widening and deepening and the specific portion where Brazoria County is, as its relations to the Port of Houston and the other ports in

Texas, the NAFTA Charter, all these other issues are very fundamental to this widening and deepening. It means jobs to Brazoria County. It means this port will be in the forefront in the future and we look forward to looking more into the progress of this -- this widening and deepening project.

We also, as a -- as an industry, are concerned with the environmental issues and we understand from the Port they very well look at that and I know the Colonel looks at these issues and we will be supporting this project in the future.

Thank you, Mr. Chairman.

DR. SAUNDERS: Thank you very much.

Sharron Stewart.

MS. SHARRON STEWART: Hi. I'm Sharron Stewart, a local environmental activist; and I'm a founder and executive committee member of the Galveston Bay Foundation.

The last time the Port went for a wider and deeper channel, I testified for them before Congress and showed both Congress and several people in the Government who were against this proposal why it had a significant national interest with the strategic petroleum reserve almost next door to the port.

At the time I chaired a task force for

Texas Environmental Coalition on all deepwater port issues. Therefore, I read every environmental impact statement of every proposal, Corpus Christi, Houston, Galveston and Freeport. And the task force came to the conclusion that Freeport is the one place on the Texas coast where you can have deepwater access with the least amount of environmental harm and that's still true today because it does not go through a bay margin.

But if they're going for 60 feet, the environmental community would have some reservations. As I recall when Galveston wanted 60 feet -- and it was for a considerable way out -- we estimated that the amount of dredged material to be used to be dug up just for the creation of the channel, not talking at all about maintenance dredging, would equal the amount of material moved to create the Panama Canal.

So, we need to think about how deep ports go in the United States, how deep they really need to be. When you build big vessels, there comes a point where the economy of scale goes beyond the profitable. I recall tankers and oboes in '79 and '80 and '81 that were commissioned and went straight to the scrapyard before ever getting a bareboat charter or operating for any company. You know, there's only so big.

Freeport and most of the Gulf ports

generally have trading partners primarily with -- I know they come from all over the world -- but with Mexico and Central and South America. This is where the new growth area is. They're not going to need 60 feet or 55 or 50 or even 45.

Freeport's problems are safety issues. I don't know how they get around if they're going for a deeper port, not having to take off the thumb at Dow that creates the safety problem.

At the same time they're looking at a deeper port, they're also looking at an LNG facility right on the channel at Quintana and I think you need to look at that safety issue. If you're going to widen the jetties, are you going to widen it on the Quintana side like you did last time? You'd have to move that port. You know, how long -- if you get 55 or 60 feet, what difference is it going to be made if at least every other day there's an LNG ship coming in and tying up the harbor and the intercoastal?

Anyway, I think that at the moment they have competitive projects that are bad for each other. I would hope that what they would really go after is the deeper, wider channel; but, again, the economy of scale is only so deep, so wide. You go beyond what's necessary.

Freeport had approval for 50 feet in, what was it, '84 when they -- they got to the 45 foot. At the time that was when Congress and the Corps changed the ratio of what the port had to pay. So, they only went for 45. They got approval for 50. I don't think it would be a problem for them to get approval for 50 feet again, but I think you do have to look at the three issues I've mentioned, the spoil issue, the amount of spoil, the LNG facility and even initially, with their total capacity already taken by two local companies -- the LNG ships will be here at least every other day.

And -- right now I've forgotten what the third one is, but I assume it'll be -- that your court reporter will have that.

So, are there any questions?

Okay.

DR. SAUNDERS: Thank you for your comment.

Okay. That's -- those are all the folks that indicated a desire to speak. Let me eat those words.

Leo Mencacci.

MR. LEO MENCACCI: Leo Mencacci, yes. I couldn't stand by and listen. I had to make some positive statements and comments. First of all I'd like to tell you that hats off to Pete Reixach and staff for

taking this to the next level.

Shipping is all about depth, width. Ships are being built right now to transit 55- and 60-foot channels. They're being built right now. If the Gulf of Mexico, if a port is going to compete in the shipping business today for additional cargoes, they have to have the depth and the Port of Freeport is ripe. And if we can get a 55-, 60-foot of channel in here, the business is going to come.

I'm with Bay Houston Towing Company. We operate and nullify in major ports in Texas. I office in Galveston, Texas; but the Port of Freeport is where I spend most of the time. It's my responsibility; but the point is is we come in contact day in and day out with principals around the world regarding ports, information. And I'd have to say that the big topic today is -- is deeper and wider and you hear that talk amongst all the industry.

If we don't do it here, it's going to be done elsewhere, probably New Orleans, maybe Tampa. So, I say to Texas folks we need to get this project going.

Thank you very much.

DR. SAUNDERS: Thank you, sir.

Okay. Anyone else like to make a statement?

If there are no further comments, let me say for the record that this public scoping meeting was convened at Lake Jackson Civic Center, 333 Highway 332 East, Lake Jackson, Texas, on the 15th of January, 2004. The official record will remain open until 6 February. That means until 6 February we will still accept written comments from the public. So, again, I encourage you, your friends, neighbors to supply comments by 6 February.

I'd like to thank the Port for participating in the study and joining us tonight. I'd like to thank all the staff of the Corps, the Port of Freeport and everyone else who helped with the publicity and logistics of the meeting. I'd like to thank everyone who came out tonight in the rain for being here.

I would like -- again, I'd just like to thank everyone for being here. With that, this meeting is adjourned.

(Meeting adjourned)

STATE OF TEXAS

I, Stephanie J. McClure, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of the above-referenced public comments to be included in the transcript of said public comment section, and were reported by me.

Given under my hand and seal of office on the 19th day of January, 2004.

Stephanie J. McClure, CSR, RPR
CSR No. 3483, Expiration: 12-31-05
1010 Lamar, Suite 1400
Houston, Texas 77002
(713) 739-1400

Appendix A-2

Endangered Species Act Coordination

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Ave. South
St. Petersburg, FL 33701
(727) 824-5312, FAX (727) 824-5309
http://sero.nmfs.noaa.gov

F/SER3:TM

OCT - 2 2007

Ms. Carolyn Murphy
Chief, Environmental Branch
Department of the Army
Galveston District, Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Dear Ms. Murphy:

This correspondence responds to the Department of the Army's letter dated September 20, 2007, regarding an Environmental Assessment Statement to address proposed improvements to the Freeport Harbor 40-Foot Navigation Project located on the mid to upper Texas coast in Brazoria County, Texas.

As requested, enclosed is a list of federally-protected species under the jurisdiction of the National Marine Fisheries Service for the state of Texas.

We look forward to continued cooperation with the Army in conserving our endangered and threatened resources. If you have any questions regarding the ESA consultation process, please contact Mr. Robert Hoffman, fishery biologist, at (727) 824-5312, or by e-mail at Robert.Hoffman@noaa.gov.

Sincerely,

David M. Bernhart
Assistant Regional Administrator
Protected Resources Division

Enclosure

File: 1514-22.F.1.TX

Endangered and Threatened Species and Critical Habitats
under the Jurisdiction of the NOAA Fisheries Service

Texas

Listed Species	Scientific Name	Status	Date Listed
Marine Mammals			
blue whale	*Balaenoptera musculus*	Endangered	12/02/70
finback whale	*Balaenoptera physalus*	Endangered	12/02/70
humpback whale	*Megaptera novaengliae*	Endangered	12/02/70
sei whale	*Balaenoptera borealis*	Endangered	12/02/70
sperm whale	*Physeter macrocephalus*	Endangered	12/02/70
Turtles			
green sea turtle	*Chelonia mydas*	Threatened[1]	07/28/78
hawksbill sea turtle	*Eretmochelys imbricata*	Endangered	06/02/70
Kemp's ridley sea turtle	*Lepidochelys kempii*	Endangered	12/02/70
leatherback sea turtle	*Dermochelys coriacea*	Endangered	06/02/70
loggerhead sea turtle	*Caretta caretta*	Threatened	07/28/78
Fish			
smalltooth sawfish	*Pristis pectinata*	Endangered	04/01/03

Designated Critical Habitat
None

Species Proposed for Listing
None

Proposed Critical Habitat
None

[1] Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered

Texas

Candidate Species[2]	Scientific Name
none	

Species of Concern[3]	Scientific Name
Fish	
dusky shark	*Carcharhinus obscurus*
largetooth sawfish	*Pristis pristis*
night shark	*Carcharhinus signatus*
saltmarsh topminnow	*Fundulus jenkinsi*
sand tiger shark	*Carcharias taurus*
speckled hind	*Epinephelus drummondhayi*
Warsaw grouper	*Epinephelus nigritus*
white marlin	*Tetrapturus albidus*
Invertebrates	
ivory bush coral	*Oculina varicosa*

[2] The Candidate Species List has been renamed the Species of Concern List. The term "candidate species" is limited to species that are the subject of a petition to list and for which NOAA Fisheries Service has determined that listing may be warranted (69 FR 19975).

[3] Species of Concern are not protected under the Endangered Species Act, but concerns about their status indicate that they may warrant listing in the future. Federal agencies and the public are encouraged to consider these species during project planning so that future listings may be avoided.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Division of Ecological Services
17629 El Camino Real #211
Houston, Texas 77058-3051

February 2007

This responds to your request for threatened and endangered species information in the Clear Lake Ecological Services Field Office's area of responsibility. According to Section 7(a)(2) of the Endangered Species Act and the implementing regulations, it is the responsibility of each federal agency to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any federally listed species. Therefore, we are providing information to assist you in meeting your obligations under the Endangered Species Act.

A county by county listing of federally listed threatened and endangered species that occur within this office's work area can be found at http://www.fws.gov/southwest/es/EndangeredSpecies/lists/ListSpecies.cfm. You should use the county by county listing and other current species information to determine whether suitable habitat for a listed species is present at your project site. If suitable habitat is present, a qualified individual should conduct surveys to determine whether a listed species is present.

After completing a habitat evaluation and/or any necessary surveys, you should evaluate the project for potential effects to listed species and make one of the following determinations:

No effect – the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Is not likely to adversely affect – the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. You should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation you used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect – adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires formal Section 7 consultation with this office.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Endangered Species Act requirements for your projects at http://endangered.fws.gov/consultations/s7hndbk/s7hndbk.htm.

If we can further assist you in understanding your obligations under the Endangered Species Act, please contact Kathy Nemec, Edith Erfling, or Catherine Yeargan at 281/286-8282.

Sincerely,

Stephen D. Parris

Stephen D. Parris
Field Supervisor, Clear Lake Field Office

U.S. Fish & Wildlife Service

Endangered Species List

Back to Start

List of species by county for Texas:

Counties Selected: Brazoria

Select one or more counties from the following list to view a county list:

Anderson
Andrews
Angelina
Aransas
Archer

View County List

Brazoria County

Common Name	Scientific Name	Species Group	Listing Status	Species Image	Species Distribution Map	Critical Habitat	More Info
bald eagle	*Haliaeetus leucocephalus*	Birds	DM				P
brown pelican	*Pelecanus occidentalis*	Birds	DM, E				P
green sea turtle	*Chelonia mydas*	Reptiles	E, T				P
hawksbill sea turtle	*Eretmochelys imbricata*	Reptiles	E				P
Kemp's ridley sea turtle	*Lepidochelys kempii*	Reptiles	E				P
leatherback sea turtle	*Dermochelys coriacea*	Reptiles	E				P
loggerhead sea turtle	*Caretta caretta*	Reptiles	T				P
piping Plover	*Charadrius melodus*	Birds	E, T				P
whooping crane	*Grus americana*	Birds	E, EXPN				P

Last Revision: 8/14/2007 2:21:00 PM

BRAZORIA COUNTY

BIRDS

		Federal Status	State Status
American Peregrine Falcon	*Falco peregrinus anatum*	DL	E

year-round resident and local breeder in west Texas, nests in tall cliff eyries; also, migrant across state from more northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.

Arctic Peregrine Falcon	*Falco peregrinus tundrius*	DL	T

migrant throughout state from subspecies' far northern breeding range, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.

Bald Eagle	*Haliaeetus leucocephalus*	DL	T

found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds

Black Rail	*Laterallus jamaicensis*		

salt, brackish, and freshwater marshes, pond borders, wet meadows, and grassy swamps; nests in or along edge of marsh, sometimes on damp ground, but usually on mat of previous year's dead grasses; nest usually hidden in marsh grass or at base of Salicornia

Brown Pelican	*Pelecanus occidentalis*	LE	E

largely coastal and near shore areas, where it roosts and nests on islands and spoil banks

Eskimo Curlew	*Numenius borealis*	LE	E

historic; nonbreeding: grasslands, pastures, plowed fields, and less frequently, marshes and mudflats

Henslow's Sparrow	*Ammodramus henslowii*		

wintering individuals (not flocks) found in weedy fields or cut-over areas where lots of bunch grasses occur along with vines and brambles; a key component is bare ground for running/walking

Peregrine Falcon	*Falco peregrinus*	DL	E T

both subspecies migrate across the state from more northern breeding areas in US and Canada to winter along coast and farther south; subspecies (F. p. anatum) is also a resident breeder in west Texas; the two subspecies' listing statuses differ, thus the species level shows this dual listing status; because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level; see subspecies for habitat.

Piping Plover	*Charadrius melodus*	LT	T

wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats

Reddish Egret	*Egretta rufescens*		T

resident of the Texas Gulf Coast; brackish marshes and shallow salt ponds and tidal flats; nests on ground or in trees or bushes, on dry coastal islands in brushy thickets of yucca and prickly pear

BRAZORIA COUNTY

BIRDS

Federal Status State Status

Snowy Plover *Charadrius alexandrinus*

formerly an uncommon breeder in the Panhandle; potential migrant; winter along coast

Sooty Tern *Sterna fuscata* T

predominately 'on the wing'; does not dive, but snatches small fish and squid with bill as it flies or hovers over water; breeding April-July

Southeastern Snowy Plover *Charadrius alexandrinus tenuirostris*

wintering migrant along the Texas Gulf Coast beaches and bayside mud or salt flats

Western Snowy Plover *Charadrius alexandrinus nivosus*

uncommon breeder in the Panhandle; potential migrant; winter along coast

White-faced Ibis *Plegadis chihi* T

prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats

White-tailed Hawk *Buteo albicaudatus* T

near coast on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March-May

Whooping Crane *Grus americana* LE E

potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties

Wood Stork *Mycteria americana* T

forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960

FISHES

Federal Status State Status

American eel *Anguilla rostrata*

coastal waterways below reservoirs to gulf; spawns January to February in ocean, larva move to coastal waters, metamorphose, then females move into freshwater; most aquatic habitats with access to ocean, muddy bottoms, still waters, large streams, lakes; can travel overland in wet areas; males in brackish estuaries; diet varies widely, geographically, and seasonally

Sharpnose shiner *Notropis oxyrhynchus* C

endemic to Brazos River drainage; also, apparently introduced into adjacent Colorado River drainage; large turbid river, with bottom a combination of sand, gravel, and clay-mud

MAMMALS

Federal Status State Status

Jaguarundi *Herpailurus yaguarondi* LE E

BRAZORIA COUNTY

MAMMALS

		Federal Status	State Status

thick brushlands, near water favored; 60 to 75 day gestation, young born sometimes twice per year in March and August, elsewhere the beginning of the rainy season and end of the dry season

Louisiana black bear *Ursus americanus luteolus* LT T

possible as transient; bottomland hardwoods and large tracts of inaccessible forested areas

Ocelot *Leopardus pardalis* LE E

dense chaparral thickets; mesquite-thorn scrub and live oak mottes; avoids open areas; breeds and raises young June-November

Plains spotted skunk *Spilogale putorius interrupta*

catholic; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie

Red wolf *Canis rufus* LE E

extirpated; formerly known throughout eastern half of Texas in brushy and forested areas, as well as coastal prairies

West Indian manatee *Trichechus manatus* LE E

Gulf and bay system; opportunistic, aquatic herbivore

MOLLUSKS

		Federal Status	State Status

False spike mussel *Quincuncina mitchelli*

substrates of cobble and mud, with water lilies present; Rio Grande, Brazos, Colorado, and Guadalupe (historic) river basins

Pistolgrip *Tritogonia verrucosa*

stable substrate, rock, hard mud, silt, and soft bottoms, often buried deeply; east and central Texas, Red through San Antonio River basins

Rock pocketbook *Arcidens confragosus*

mud, sand, and gravel substrates of medium to large rivers in standing or slow flowing water, may tolerate moderate currents and some reservoirs, east Texas, Red through Guadalupe River basins

Smooth pimpleback *Quadrula houstonensis*

small to moderate streams and rivers as well as moderate size reservoirs; mixed mud, sand, and fine gravel, tolerates very slow to moderate flow rates, appears not to tolerate dramatic water level fluctuations, scoured bedrock substrates, or shifting sand bottoms, lower Trinity (questionable), Brazos, and Colorado River basins

Texas fawnsfoot *Truncilla macrodon*

little known; possibly rivers and larger streams, and intolerant of impoundment; flowing rice irrigation canals, possibly sand, gravel, and perhaps sandy-mud bottoms in moderate flows; Brazos and Colorado River basins

BRAZORIA COUNTY

REPTILES

		Federal Status	State Status
Alligator snapping turtle	*Macrochelys temminckii*		T

perennial water bodies; deep water of rivers, canals, lakes, and oxbows; also swamps, bayous, and ponds near deep running water; sometimes enters brackish coastal waters; usually in water with mud bottom and abundant aquatic vegetation; may migrate several miles along rivers; active March-October; breeds April-October

Atlantic hawksbill sea turtle	*Eretmochelys imbricata*	LE	E

Gulf and bay system

Green sea turtle	*Chelonia mydas*	LT	T

Gulf and bay system; shallow water seagrass beds, open water between feeding and nesting areas, barrier island beaches; adults are herbivorous feeding on sea grass and seaweed; juveniles are omnivorous feeding initially on marine invertebrates, then increasingly on sea grasses and seaweeds

Gulf Saltmarsh snake *Nerodia clarkii*

saline flats, coastal bays, and brackish river mouths

Kemp's Ridley sea turtle	*Lepidochelys kempii*	LE	E

Gulf and bay system

Leatherback sea turtle	*Dermochelys coriacea*	LE	E

Gulf and bay system

Loggerhead sea turtle	*Caretta caretta*	LT	T

Gulf and bay system

Texas diamondback terrapin *Malaclemys terrapin littoralis*

coastal marshes, tidal flats, coves, estuaries, and lagoons behind barrier beaches; brackish and salt water; burrows into mud when inactive; may venture into lowlands at high tide

Texas horned lizard	*Phrynosoma cornutum*		T

open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September

Timber/Canebrake rattlesnake	*Crotalus horridus*		T

swamps, floodplains, upland pine and deciduous woodlands, riparian zones, abandoned farmland; limestone bluffs, sandy soil or black clay; prefers dense ground cover, i.e. grapevines or palmetto

PLANTS

		Federal Status	State Status
Coastal gay-feather	*Liatris bracteata*		

endemic; black clay soils of prairie remnants; flowering in fall

Giant sharpstem umbrella-sedge	*Cyperus cephalanthus*		

BRAZORIA COUNTY

PLANTS

Federal Status State Status

remnant coastal prairies in poorly to moderately drained sites

Texas meadow-rue *Thalictrum texanum*

endemic; mesic woodlands or forests, including wet ditches on partially shaded roadsides; flowering March-May

Texas windmill-grass *Chloris texensis*

endemic; sandy to sandy loam soils in open to sometimes barren areas in prairies and grasslands, including ditches and roadsides; flowering in fall

Threeflower broomweed *Thurovia triflora*

endemic; black clay soils of remnant grasslands, also tidal flats; flowering July-November

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

REPLY TO
ATTENTION OF

December 15, 2010

Environmental Section

David M. Bernhart
Assistant RA for Protected Resources
Southeast Regional Office
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701

Dear Mr. Bernhart:

Enclosed please find a paper copy and CD of the Draft Environmental Impact Statement (DEIS) for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas. This draft report is provided for your agency review pursuant to coordination required under the Endangered Species Act. DEIS Sections 3.15, 4.13 and Appendix I (Draft Biological Assessment) provide information specifically related to existing endangered species in the project area and potential project impacts.

We have prepared a Biological Assessment (BA) for the proposed work as listed species are present within the project area. A description of the proposed project is provided in the BA. We have concluded that the proposed project is likely to adversely affect the federally-listed endangered Hawksbill, Kemp's ridley and Loggerhead sea turtles, the threatened Green sea turtle, and may affect but is not likely to adversely affect the threatened Leatherback sea turtle. The likelihood of adverse effects (incidental take) of sea turtles due to hopper dredging activities would be greatly reduced by implementation and adherence to conservation measures. Adverse effects are not expected to jeopardize the continued survival or recovery of the species. The proposed project will have no effect on federally-listed endangered whales or the endangered Smalltooth sawfish.

Since the proposed project may affect Federally-listed species, we request initiation of formal consultation pursuant to 50 CFR 402.14, to evaluate the effects of the proposed project on threatened and endangered sea turtles. In accordance with Section 402.14(g)(5), we also request that a draft biological opinion be prepared.

We appreciate your continued cooperation in allowing us to fulfill our responsibilities under the Endangered Species Act. Should you require any additional information during review of the enclosed BA, please call Ms. Janelle Stokes at 409/766-3039.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

CF:
Mr. Rusty Swafford
National Marine Fisheries Service
Habitat Conservation Division
4700 Avenue U
Galveston, Texas 77551

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

REPLY TO
ATTENTION OF

Environmental Section

December 15, 2010

Edith Erfling
U.S. Fish and Wildlife Service
Clear Lake Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, Texas 77058

Dear Ms. Erfling:

Enclosed please find a CD of the Draft Environmental Impact Statement (DEIS) for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas. This draft report is provided for your agency review pursuant to coordination required under the Endangered Species Act. DEIS Sections 3.15, 4.13 and Appendix I (Draft Biological Assessment) provide information specifically related to existing endangered species in the project area and potential project impacts. A paper copy and CD of the DEIS are also being sent to Ms. Donna Anderson for review and comment in accordance with the National Environmental Policy Act.

We have prepared a Biological Assessment (BA) for the proposed work as both listed species and critical habitat are located within the affected area. We have concluded that the proposed project will have no effect on the federally-listed, threatened Piping plover and its designated critical habitat, or the endangered Whooping crane. No other federally-listed species are likely to occur, and no other designated critical habitat is located in the project area.

We are hereby requesting your written concurrence, pursuant to the informal consultation procedures prescribed in 50 CFR 402.13, that the proposed action is not likely to adversely effect federally-listed species or designated critical habitat. We appreciate your continued cooperation in allowing us to fulfill our responsibilities under the Endangered Species Act.

The results of your review are requested by February 5, 2011. I would appreciate your timely review of these documents. If you have any questions, or if you would like additional copies, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosure

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

REPLY TO
ATTENTION OF

December 15, 2010

Environmental Section

Donna Anderson
U.S. Fish and Wildlife Service
Clear Lake Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, Texas 77058

Dear Ms. Anderson:

Enclosed please find a paper copy and CD of the Draft Environmental Impact Statement (DEIS) for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas. This draft report is provided for your agency review pursuant to coordination required under the National Environmental Policy Act. A CD is also being sent to Ms. Edith Erfling of your office for review and comment on the DEIS in accordance with the Endangered Species Act.

The results of your review are requested by February 5, 2011. I would appreciate your timely review of these documents. If you have any questions, or if you would like additional copies, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

Appendix A-3

Cultural Resources Coordination

TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

September 14, 2006

Ms. Jenna J. Enright
PBS&J
206 Wild Basin Rd., Suite 300
Austin, TX 78746

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas
Draft Report, *Remote-Sensing Survey of Proposed Channel Modifications for Historic Properties, Freeport Harbor Navigation Channel Improvement Project, Freeport Harbor, Brazoria County, Texas*. THC Permit #4023
COE-VD

Dear Ms Enright:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed project 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 Steven D. Hoyt, has completed its review. Thank you for your fine report. We concur with the findings of the report's authors regarding avoidance or further investigations of identified sonar targets. The proposed project may proceed without further archeological investigations if identified targets can be avoided.

Please include larger sonar images of vessels 1, 2 and 3 illustrated in figures 2 and 3. At the scale presented, details of the wrecks are not visible

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 Steve Hoyt at 512/463-7188.**

Sincerely,

for F. Lawerence Oaks, State Historic Preservation Officer

cc: Nicole Minnichbach, US Army Corps of Engineers, Galveston

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

REPLY TO
ATTENTION OF:

October 11, 2007

Policy Analysis Section

SUBJECT: Brazos River Channel

James E. Bruseth, Ph.D.
Deputy State Historic Preservation Officer
Division of Archaeology
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Dear Dr. Bruseth:

The Brazos River Harbor Navigation District has proposed plans to temporarily bury a dredge pipe across the bottom of the Brazos River Channel. The pipe would cross at an undetermined location between stations 20+00 and 50+00 (Enclosure 1). The highest point of the pipe will not be higher than 49 feet below Mean Low Tide. A maximum of 10,000 cubic yards will be excavated to construct a trench to bury the dredge pipe and this material will be placed offshore at Placement Area No. 1.

The permit area has been surveyed by PBS&J and is described in the report entitled "Phase I Cultural Resources Nautical Archeological Survey for the Proposed Widening of the Freeport Ship Channel, Brazoria County, Texas," dated October 2005, and prepared by Amy Borgens. Four anomalies were located within the current project area and recommended for testing. These anomalies were: M6/S1, M7, M8, and M9. The anomalies were subsequently tested by PBS&J and the testing was described in the report entitled "Marine Close-Order Remote-Sensing Survey and Diving for the Freeport Ship Channel Widening, Brazoria County, Texas," dated May 2007, and prepared by Amy Borgens. The testing concluded that none of the anomalies were significant (Enclosure 2). The State Historic Preservation Officer concurred that none of the anomalies were historic properties on April 2, 2007.

It is the position of the USACE that no historic properties will be affected by the proposed project. Therefore we request your concurrence with a determination of "No Effect" for the proposed project.

Thank you for your cooperation. If you have any questions or require additional information, please call staff archeologist Nicole Minnichbach at (409) 766-3878.

Sincerely,

Casey Cutler
Chief, Policy Analysis Section

Enclosures

✓Copy Furnished: w/enclosures

Nikki Minnichbach PE-PR

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229
DECEMBER 3, 2007

Environmental Section

James E. Bruseth, Ph.D.
Deputy State Historic
Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Dr. Bruseth:

The US Army Corps of Engineers, Galveston District (USACE), proposes to initiate a Programmatic Agreement (PA) pursuant to 36CFR800.6 and 36CFR800.14 (b)(3) to address impacts associated with improving navigation on the existing Freeport Harbor Navigation Channel (FHNC), Brazoria County, Texas. A Draft Environmental Impact Statement (EIS) of the proposed improvements is planned to be released for public comment in late July 2008. We find it necessary to negotiate a PA because effects on historic properties cannot be fully determined prior to approval of this complex undertaking. A draft PA is Attachment 1.

The FHNC consists of 10 reaches. Beginning at the seaward end of the project area and proceeding upstream, they include: the Entrance Channel Extension, the Entrance Channel, the Jetty Channel, the Lower Turning Basin, the Channel to Brazosport Turning Basin, the Brazosport Turning Basin, the Channel to Upper Turning Basin, the Upper Turning Basin, the Channel to Stauffer Turning Basin, and the Stauffer Turning Basin. Attachment 2 includes: maps of the areas to be affected by widening and deepening (Figures 1 to 11); a table of the existing and proposed dimensions of the FHNC (Figure 12); and, maps of the proposed dredged material placement areas 8 & 9 (Figures 13 and 14).

All areas to be impacted by construction of the proposed Federal project have been surveyed and assessed for historic properties with the exception of three submerged vessels located during the initial marine remote-sensing surveys (Enright et al. 2005; Enright et al. 2007) and two proposed dredged material placement areas. An historic properties investigation will need to be conducted on the proposed dredged material placement areas 8 & 9 (Figures 13 and 14). A dive assessment will need to be conducted on the three anomalies/targets to identify potentially eligible shipwrecks which may be affected by proposed improvements to the FHNC.

The USACE proposes negotiation of a PA which outlines procedures to be followed to complete identification, evaluation and assessment investigations of the area of potential effects. We are proposing a three-party PA to be negotiated among the USACE, Port Freeport (Port), and the Texas State Historic Preservation Office (SHPO). The draft PA is being coordinated

concurrently with all consulting parties and the Advisory Council on Historic Preservation (ACHP). The intent of the PA is to avoid or mitigate impacts to historic properties in areas directly affected by new dredging and channel construction, construction staging and access areas, new or extensions of existing placement areas, areas affected by the beneficial uses of dredged material, and ongoing maintenance dredging activities related to the FHNC improvement project in accordance with 36 CFR 800.6.

In summary, the USACE requests your review of the enclosed PA. Please provide a copy of your comments to all of the consulting parties (addresses provided below). Public coordination required by 36 CFR 800.3 (a) will be accomplished by inclusion of the revised draft PA in the Draft EIS, which will be made available for public review and comment. If you have any questions, please don't hesitate to call Ms. Nicole Minnichbach at 409-766-3878.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures:
1 Draft PA
2 Figures 1 – 14 Project Maps and Channel Dimensions

CF w/ Enclosures
Mr. David Knuckey
Port Freeport
P.O. Box 615
Freeport, Texas 77542-0615

Mr. Don Klima
Advisory Council on Historic Preservation
Office of Federal Agency Programs
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

CF w/o Enclosures
Mr. Robert VanHook
CESWG-PE-PL

CONCUR
by _____
for F. Lawerence Oaks
State Historic Preservation Officer
Date 1/15/08
Track# _____

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

Executive Office

Mr. James F. Brown Jr.
Chairman of the Board of Commissioners
Port Freeport
200 West 2nd Street
Freeport, Texas 77541-5773

Dr. F. Lawerence Oaks
State Historic Preservation Officer
Texas Historical Commission
1511 Colorado Street
Austin, TX 78701

Dear Signatories:

The US Army Corps of Engineers, Galveston District (USACE) is pleased to enclose for your signature, three final copies of the Programmatic Agreement (PA) for the management of historic properties that may be affected by the construction and maintenance of the proposed Federal Freeport Harbor Navigation Channel Improvement Project (FHNC IP), Brazoria County, Texas.

I greatly appreciate your time and effort in working with us to negotiate this agreement. To expedite the finalization of the PA, we have provided pre-paid FedEx envelopes. We request that Port Freeport sign each of the three copies of the PA and send them, along with this cover letter and the FedEx envelope addressed to the USACE, to the Texas State Historic Preservation Officer (SHPO). The SHPO, as the final signatory, is requested to retain one fully executed original and send the remaining two originals of the PA via enclosed FedEx envelope to the USACE for final distribution. Port Freeport will receive a fully executed original of the document for their records.

Please contact Ms. Nikki Minnichbach at 409-766-3878 if you have any questions concerning this request. Again, thank you for your cooperation in this coordination.

Sincerely,

David C. Weston
Colonel, Corps of Engineers
District Commander

Enclosures

CF w/out Encls:

Mr. David Knuckey
Chief Engineer
Port Freeport
P.O. Box 615
Freeport, Texas 77542-0615

Dr. James E. Bruseth
Deputy State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78771-2276

TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

April 8, 2008

Nicole Minnichbach
Corps of Engineers Galveston District
Regulatory Branch, CESWG-PE-PR
PO Box 1229
Galveston, Texas 77553-1229

Re: Project Review under the Antiquities Code of Texas
Report of Field Work: Summary of Field Work for the Geo-Archeological Survey of Proposed Dredge Material Placement Areas at Freeport, Brazoria County, Texas
(COE-VD)

Dear Ms. Minnichbach:

Thank you for providing our agency the above field work summary. This letter serves as comment on the report and associated undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission. The review staff has completed its review.

We concur that 41BO226 may be eligible for the National Register of Historic Places and that a 100 meter construction buffer should be maintained around the site until more information about the site becomes available. Small diameter core boring should be able to proceed as planned. Please contact our office again if access roads or drilling pads need constructing during the undertaking.

We look forward to receiving a draft survey report. Thank you for your cooperation in this 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 may be of further assistance, please contact Mr. Ed Baker at 512/463-5866.**

Sincerely,

for
F. Lawerence Oaks, Sate Historic Preservation Officer
FLO/elb

cc: Doug Boyd, Prewitt and Associates, Austin

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

October 5, 2005

REPLY TO
ATTENTION OF:

Evaluation Section

SUBJECT: Project Review of 23752
Freeport Harbor Channel Widening

Dr. James Bruseth
Deputy State Historic Preservation Officer
Division of Archeology
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

Dear Dr. Bruseth:

The Corps of Engineers Staff Archeologist has reviewed the draft report entitled, *Draft: Phase I Cultural Resources Nautical Archaeological Survey for the Proposed Widening and Deepening of the Freeport Ship Channel, Brazoria County, Texas,* prepared for Shiner Moseley and Associates, Inc. by PBS&J, dated July 2005. The draft report was reviewed in response to our initial request for a cultural resource investigation of the permit area. A copy of the draft report is enclosed for your review.

The proposed permit action is to widen the jetty and entrance channels along the north side of the existing Freeport Harbor Navigation Channel (FHNC) From 400 feet to 600 feet. The applicant proposes to use the dredge material to build a berm approximately 8,000 feet long by 2,000 feet wide and 15 feet high as a beneficial use (BU) area for fisheries (Enclosures 1-7). As documented in the report, eleven magnetic anomalies and two sonar targets have been found and interpreted as potentially significant cultural resource sites. Both Sonar targets (S1 and S2) and seven of the anomalies are located along the north side of the jetty channel (M2, M3, M4, M6, M7, M8 and M9). Three anomalies were found on the south side of the jetty channel (M5, M10, and M11) as shown in Enclosure 8. The remaining anomaly (M1) is located in the proposed offshore BU area (Enclosure 9). No construction will be conducted on the south side of the channel; therefore, anomalies M5, M10, and M11 will not be affected by the proposed by the proposed permit action. If avoidance of anomalies M1, M2, M3, M4, M6, M7, M8 and M9 and sonar targets S1 and S2 is not possible, a close-order remote-sensing survey is recommended.

We request your concurrence in our conclusions that:

1. There will be no effect to anomalies M5, M10 and M11 and therefore require no additional investigations in compliance with Appedix C of 33 CFR Part 325 (7)(a); and

2. If avoidance is not feasible, additional marine investigations in the form of close-order remote-sensing survey should be conducted on sonar targets S1 and S2 and magnetic anomalies M2, M3, M4, M6, M7, M8 and M9 in compliance with appendix C of 33 CFR Part 325 (5)(d).

Thank you for your cooperation in this review process. If you have any questions concerning our review or if we can be of further assistance, please contact Nicole Cooper Minnichbach at 409-766-3878.

Sincerely,

Fred Anthamatten
Chief, Policy Analysis Section

Enclosures

Copy furnished with enclosures:

√ PE-PR - N.C. Minnichnach

Copy Furnished:

Brazos River Harbor Navigation District
P.O. Box 615
La Marque, Texas 77568-0624

TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

September 14, 2006

Ms. Amy Borgens
PBS&J
206 Wild Basin Rd., Suite 300
Austin, TX 78746

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas
Draft Report, *Marine Close-Order Remote-Sensing Survey for the Freeport Ship Channel Widening, Brazoria County, Texas.* THC Permit #4024
COE-VD

Dear Ms Borgens:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed project 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 Steven D. Hoyt, has completed its review. Thank you for a your fine report. We concur with the findings of the report's authors regarding avoidance or further investigations of identified magnetic anomalies and sonar targets. The proposed project may proceed without further archeological investigations if identified targets can be avoided. In the final report, please include on the figures the standard avoidance margin (50 meters) for each magnetic anomaly as defined in state regulations. If the normal avoidance margin is too large for these confined waters, further consultation with this office will be necessary

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 Steve Hoyt at 512/463-7188.**

Sincerely,

Steven D. Hoyt

for F. Lawerence Oaks, State Historic Preservation Officer

cc: Nicole Minnichbach, US Army Corps of Engineers, Galveston

JAN 1 1 2006

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

REPLY TO
ATTENTION OF:

December 15, 2006

Policy Analysis Section

SUBJECT: Project review of 23752; Freeport Harbor Channel Widening, Close-Order Remote-Sensing Investigation Report Review

Dr. James Bruseth
Deputy State Historic Preservation Officer
Division of Archaeology
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

CONCUR
Officer
by
for F. Lawerence Oaks
State Historic Preservation Officer
Date 1/4/07
Track# 200703991

RECEIVED
DEC 2 7 2006
Texas Historical Commission

Dear Dr. Bruseth:

The U.S. Army Corps of Engineers, Galveston District (USACE) Staff Archeologist has reviewed the draft report entitled, *Marine Close-Order Remote-Sensing Survey for the Freeport Ship Channel Widening, Brazoria County, Texas,* prepared for the Brazos River Harbor Navigation District by PBS&J, dated August 2006. The draft report was reviewed in response to our request for a close-order remote-sensing survey on sonar targets S1 and S2 and magnetic anomalies M2, M3, M4, M6, M7, M8 and M9 in compliance with Appendix C of 33 CFR Part 325 (5)(d).

The proposed permit action is to widen the jetty and entrance channels along the north side of the existing Freeport Harbor Navigation Channel (FHNC) from 400 feet to 600 feet. As documented in the report, six magnetic anomalies, one of which is associated with a sonar target, have been assessed and interpreted as potentially significant cultural resource sites. Three of the six anomalies (M6/S1, M8 and M9) presented attributes significant to historic shipwreck sites, and four of the six anomalies (M3, M4, M7 and M8) could be associated with historic waterfront developments in Velasco and Surfside.

The data recovery of the Townsite of Old Velasco (41BO125) was conducted by Prewitt and Associates, Inc. for the USACE during 1992 and 1993 to mitigate the adverse effects to the site resulting from activities associated with the Freeport Harbor 45-foot Navigation Improvement Project, as per 36 CFR Part 800.6(b)(1)(i). The results of the data recovery effort are found in the report titled, *Testing and Data Recovery at the Townsite of Old Velasco (41BO125), Brazoria County, Texas, Reports of Investigations, Number 94* dated 1996. The report was accepted by your office in a letter dated January 30, 1995.

We request your concurrence in our conclusions that:

1. Anomalies M6/S1 and M9 have magnetic signatures similar to those of historic shipwreck sites and are recommended for avoidance.

2. Anomalies M3, M4 and M7 associated with the Townsite of old Velasco (41BO125) do not require further assessment since the aforementioned data recovery is sufficient to mitigate the adverse effects to the site; however, the fourth anomaly (M8) associated with site 41BO125 displays a signature similar to historic shipwreck sites and is recommended for avoidance.

3. If avoidance of anomalies M6/S1, M8 and M9 is not possible, additional marine investigations in the form of dive investigations and/or ground truthing should be conducted in compliance with Appendix C of 33 CFR Part 325 (5)(d).

Thank you for your cooperation in this review process. If you have any questions concerning our review or if we can be of further assistance, please contact Nicole Cooper Minnichbach at 409-766-3878.

Sincerely,

Fred L. Anthamatten
Chief, Regulatory Branch

(Copies Furnished – See Page 3)

TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

March 14, 2007

Ms. Amy Borgens
PBS&J
6504 Bridge Point Parkway, Suite 200
Austin, TX 78730

Re: Project review under Section 106 of the National Historic Preservation Act of 1966 and the Antiquities Code of Texas
Modified Draft Report, *Marine Close-Order Remote-Sensing Survey and Diving for the Freeport Ship Channel Widening, Brazoria County, Texas.* THC Permit #4024
COE-VD

Dear Ms Borgens:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed project 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 Steven D. Hoyt, has completed its review. We concur with the findings of the report's authors. The proposed project may proceed without further archeological investigations in the areas cleared by this 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 Steve Hoyt at 512/463-7188.**

Sincerely,

for F. Lawerence Oaks, State Historic Preservation Officer

cc: Nicole Minnichbach, US Army Corps of Engineers, Galveston

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

REPLY TO
ATTENTION OF:

March 21, 2007

Policy Analysis Section

SUBJECT: Project review of 23752; Proposed Freeport Ship Channel Widening, Brazos River Harbor Navigation District, Brazoria County, Texas

Dr. James Bruseth
Deputy State Historic Preservation Officer
Division of Archaeology
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

CONCUR
by _____
for F. Lawerence Oaks
State Historic Preservation Officer
Date 4/12/07
Track# 2007 07022

Dear Dr. Bruseth:

The U.S. Army Corps of Engineers, Galveston District (USACE) Staff Archeologist has reviewed the draft report titled, *Marine Close-Order Remote-Sensing Survey and Diving for the Freeport Ship Channel Widening, Brazoria County, Texas,* prepared for the Brazos River Harbor Navigation District by PBS&J, dated March 2007. The draft report was submitted in response to our initial request for a cultural resource investigation of three potentially significant close-order survey anomalies, M6/S1, M8 and M9, located during a previous survey. The applicant was requested to provide a copy of this report to you.

As documented in the report: 1) Anomaly M6/S1 was found to be a large modern object; 2) Anomaly M8 was found to be associated with a pipeline; and, 3) Anomaly M9, after extensive probing was not located.

Therefore no historic properties were found in the permit area and further investigation is not justified. We request your review of the referenced report and your concurrence in our conclusion that no historic properties will be affected by the proposed permit action in compliance with Appendix C of 33 CFR Part 325 (7)(b).

Thank you for your cooperation in this review process. If you have any questions concerning our review or if we can be of further assistance, please contact Nicole Cooper Minnichbach at 409-766-3878.

Sincerely,

Fred L. Anthamatten
Chief, Regulatory Branch

Copies Furnished:

PE-PR - N.C. Minnichbach

David M. Knuckey, P.E.
Port of Freeport
P.O. Box 615
Freeport, Texas 77542-0615

Joe C. Moseley, Ph.D., P.E.
Shiner Moseley and Associates, Inc.
555 N. Carancahua, Suite 1650
Corpus Christi, Texas 78478

Martin Arhelger
PBS&J
6504 Bridge Point Parkway, Suite 200
Austin, Texas 78730

S HOYT

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

REPLY TO
ATTENTION OF

Environmental Section

January 22, 2010

Dr. James Bruseth
Deputy State Historic Preservation Officer
Division of Archaeology
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Dear Dr. Bruseth:

The U.S. Army Corps of Engineers, Galveston District (USACE) Staff Archeologist has reviewed the enclosed letter regarding cultural resource recommendations for the report titled "*Remote-Sensing Survey of Proposed Channel Modification for Historic Properties, Freeport Harbor Navigation Channel Improvement Project, Freeport Harbor, Brazoria County, Texas*" prepared by PBS&J, and dated January 2010 (Enclosed). The USACE is seeking your concurrence on the recommendation that all three anomalies described in the letter be considered Not Eligible for inclusion in the National Register of Historic Properties.

Thank you for your cooperation in this review process. If you have any questions concerning our review or if we can be of further assistance, please contact Jerry Androy at 409-766-3821.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

CF w/o enclosures
PE – Jerry Androy

CONCUR
by Steven D. Hoyt
for Mark Wolfe
Executive Director, THC
Date 2/1/2010
Track# 201006292

PBS&J

An employee-owned company

January 12, 2010

Jerry Androy
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, Texas 77553

Subject: Cultural resources recommendations for report titled: *Remote-Sensing Survey of Proposed Channel Modifications for Historic Properties, Freeport Harbor Navigation Channel Improvement Project, Freeport Harbor, Brazoria County, Texas*. Contract DACW64-03-D-0001, Task Order No. 0003. Texas Antiquities Permit No. 4023.

Dear Mr. Androy:

At the request of the U.S. Army Corps of Engineers, Galveston District, PBS&J recently began preliminary preparations for diver investigation of potential cultural resource sites in the Freeport Ship Channel, for the above referenced Freeport Harbor Navigation Channel Improvement Project. As part of that effort, PBS&J revisited the Phase I survey results and recommendations presented in the subject archeological report (Borgens et al. 2007). That report identified three sonar targets (Vessel 1, Vessel 2, and Vessel 3) that were indicative of potential historic shipwrecks, and subsequently recommended for avoidance or diver investigation. Upon further review of the data, however, PBS&J no longer considers these targets to be culturally sensitive. Rather than being evidence of shipwrecks, the sonar imagery for Vessels 1 and 2 (Figures 1 and 2) is in fact the result of acoustic reflections off the hulls of floating vessels. Aerial photographs of the target locations further show a dock structure for two vessels adjacent to the survey area (Figure 3).

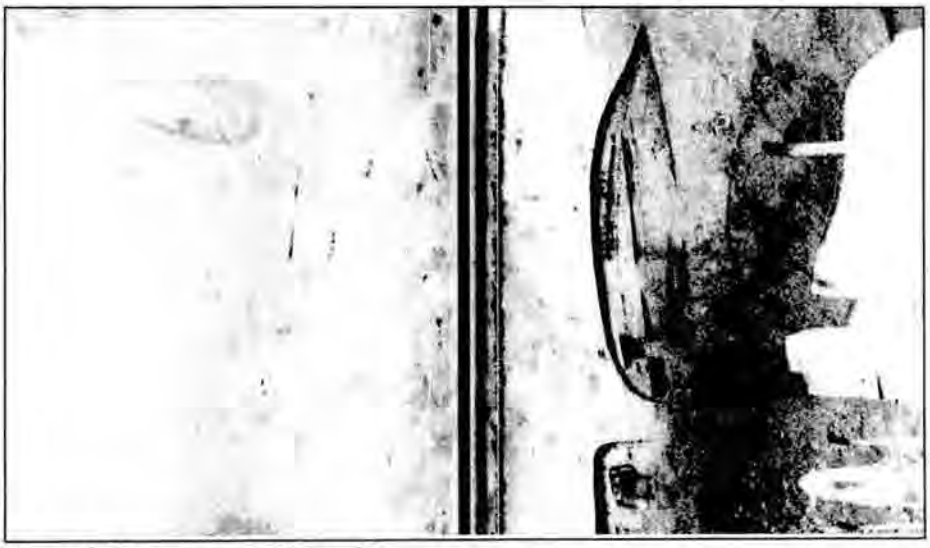


Figure 1: Sonar image of Vessel 1.

6504 Bridge Point Parkway • Suite 200 • Austin, Texas 78730 • Telephone: 512.327.6840 • Fax: 512.327.2453 • www.pbsj.com

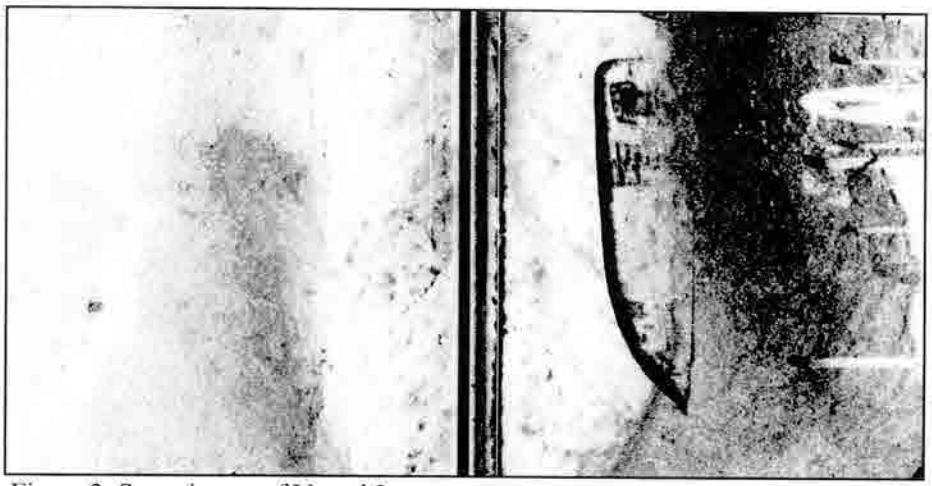


Figure 2: Sonar image of Vessel 2.

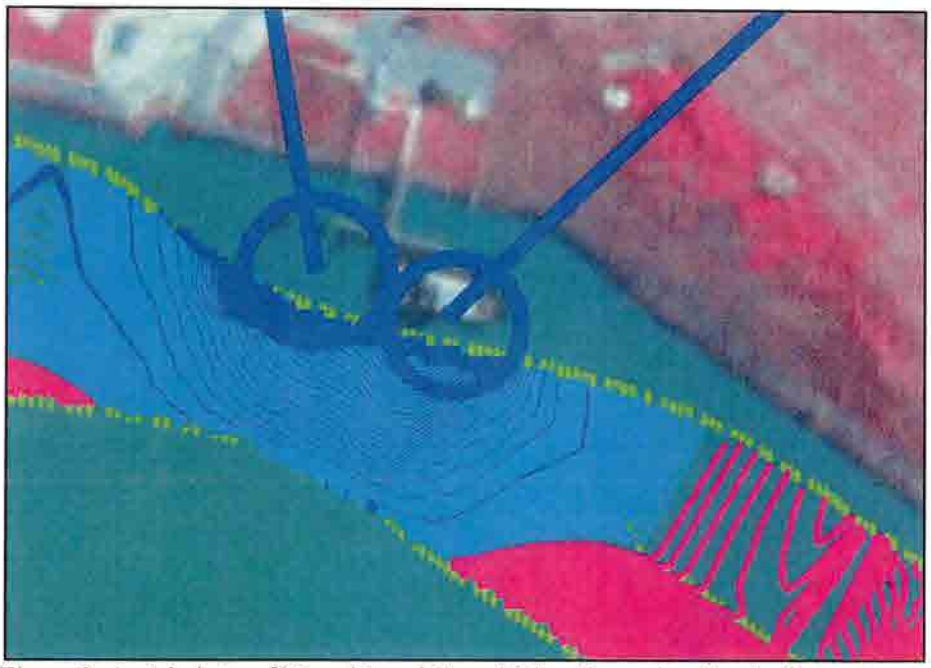


Figure 3: Aerial photo of Vessel 1 and Vessel 2 locations, showing dock structure with a docked vessel (Borgens et al. Appendix B).

For Vessel 3 (Figure 4), the sonar imagery shows an acoustic shadow on the inboard side of the target, indicating that the source is a depression rather than a protrusion from the seabed, and, therefore, not evidence of a shipwreck. This target is also located at the entrance to an industrialized deepwater slip (Figure 5), indicating that the area has likely been dredged out to the ship channel. Though the source for sonar image Vessel 3 is unknown, one possible explanation is the temporary placement area of a jack-up platform spud, which is a common occurrence in industrial harbors along the Texas coast.

Figure 4: Sonar image of Vessel 3.

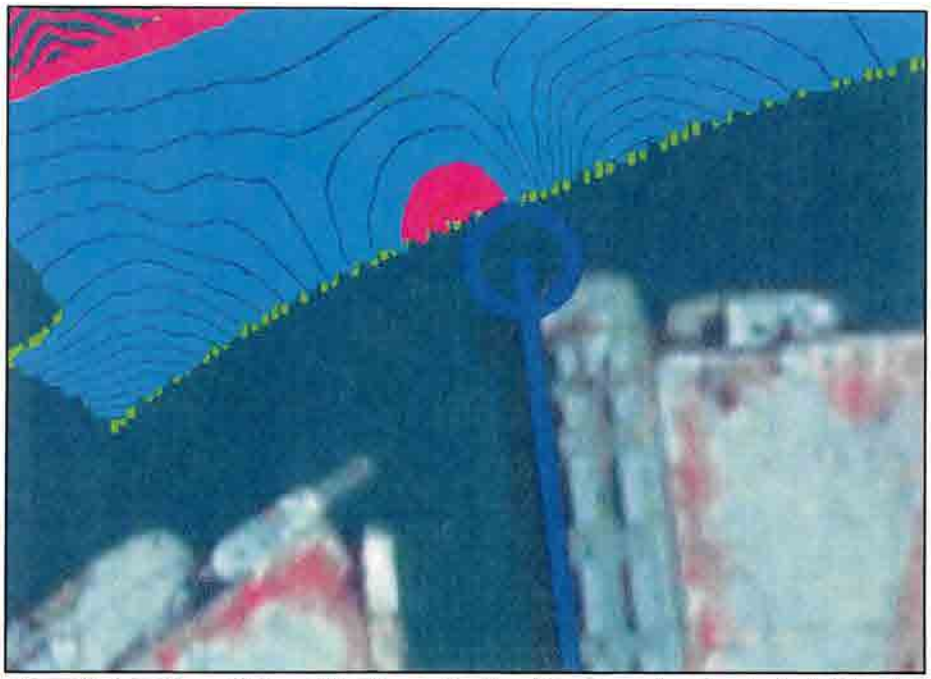


Figure 5: Location of Vessel 3, adjacent to the ship channel and an industrialized slip

Based on this analysis, PBS&J would like to alter our previous recommendation of avoidance for Vessels 1, 2, and 3, to one of full cultural resources clearance for the proposed project. A copy of email correspondence with State Marine Archeologist Steve Hoyt concerning this issue has been included with this letter. If you concur with these recommendations please notify Mr. Hoyt in writing (by letter or email) at your earliest convenience.

PBS&J sincerely apologizes for any inconveniences this modification has caused. Should you have any questions or wish to discuss the matter further, please contact me at 512-342-3347 or by email at dsjones@pbsj.com.

Sincerely,

Douglas Jones
Nautical Archaeologist

cc: Steve Hoyt, Texas Historical Commission

References Cited:

Borgens, Amy, Sara Hoskins, Jenna Enright, and Robert L. Gearhart II

2007 *Remote-Sensing Survey of Proposed Channel Modifications for Historic Properties, Freeport Harbor Navigation Channel Improvement Project, Freeport Harbor, Brazoria County, Texas.* Document No. 060218. PBS&J, Austin, Texas.

Appendix A-4

Agency Coordination

NRCS
Natural Resources Conservation Service
101 South Main Street
Temple, Texas 76501-7602

November 14, 2007

PBS&J
6504 Bridge Point Parkway, Suite 220.
Austin, Texas 78730-5091

Attention: James P. Killian, PG, Senior Geologist

Subject: LNU-Farmland Protection-
Proposed Freeport Harbor Deepening and Widening
Brazoria County, Texas

We have reviewed the information provided concerning the proposed Freeport Harbor Deepening and Widening Project in Brazoria County, Texas as outlined in your letter of November 13, 2007. This is part of NEPA evaluation for the U.S Army Corps of Engineers. We have evaluated the proposed area as required by the Farmland Protection Policy Act (FPPA).

The proposed project does contain soils classified as Important Farmland at the site of the proposed spoil placement area and is subject to the FPPA. We have developed a composite rating for the soils in the project area and completed the AD-1006 you submitted. The project had a total point score in Part VII of 147. The FPPA law states that sites with a rating less than 160 will need no further consideration. The project area is adjacent to an urban area. We urge you to use accepted erosion control methods during construction.

I have attached the completed AD-1006 (Farmland Conversion Impact Rating) form for this project indicating the approval status. Thanks for the resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960, Fax (254)-742-9859.

Thanks,

James M. Greenwade
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 11-13-2007
Name of Project Freeport Harbor Deepening and Widening	Federal Agency Involved USACOE
Proposed Land Use Spoil Placement	County and State Brazoria County, Texas
PART II *(To be completed by NRCS)*	Date Request Received By NRCS 11-13-2007 / Person Completing Form: James Greenwade

Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES	NO	Acres Irrigated	Average Farm Size
	x	☐	128	318

Major Crop(s)	Farmable Land in Govt. Jurisdiction	Amount of Farmland As Defined in FPPA
Grain Sorghum	Acres: 752,100 % 83	Acres: 909,538 % 78

Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS
LESA	NONE	11-14-2007

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	253.7			
B. Total Acres To Be Converted Indirectly	0			
C. Total Acres In Site	253.7			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	253.7			
B. Total Acres Statewide Important or Local Important Farmland	0			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.001			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	20			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)	87			

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)	10			
2. Perimeter In Non-urban Use	(10)	10			
3. Percent Of Site Being Farmed	(20)	15			
4. Protection Provided By State and Local Government	(20)	0			
5. Distance From Urban Built-up Area	(15)	5			
6. Distance To Urban Support Services	(15)	10			
7. Size Of Present Farm Unit Compared To Average	(10)	5			
8. Creation Of Non-farmable Farmland	(10)	0			
9. Availability Of Farm Support Services	(5)	5			
10. On-Farm Investments	(20)	0			
11. Effects Of Conversion On Farm Support Services	(10)	0			
12. Compatibility With Existing Agricultural Use	(10)	5			
TOTAL SITE ASSESSMENT POINTS	160	60			
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	87			
Total Site Assessment *(From Part VI above or local site assessment)*	160	60			
TOTAL POINTS *(Total of above 2 lines)*	260	147			

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐

Reason For Selection:

Name of Federal agency representative completing this form:	Date:

Bryant, Bob W

From: Killian, James P
Sent: Wednesday, April 23, 2008 11:31 AM
To: 'Kiniry, Laurie - Temple, TX'
Cc: Bulger, Angela G
Subject: RE: USACE Freeport Harbor Deepening and Widening; Brazoria County, Tx

April 23, 2008

Ms. Laurie Kiniry
Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501

Dear Ms. Kiniry,

On behalf of the USACE, please find attached an additional farmland conversion impact rating form AD 1006 for a proposed mitigation area (Site 1 - 131.8 acres) located near placement area PA-9, west of Freeport, Texas. Also attached are two figures showing the location of this proposed mitigation area immediately north of PA-9 and affected soil series. Please disregard proposed mitigation Sites 2 and 3. If you have any questions, please contact me.

Sincerely,

James P. Killian, PG
Senior Geologist
PBS&J
6504 Bridgepoint Parkway, Suite 200
Austin, Texas 78730
(512) 342-3359 Direct
(512) 925-0460 Cell
(512) 327-6840 Receptionist
(512) 327-2453 FAX
jpkillian@pbsj.com

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 4/23/07
Name Of Project Freeport Harbor Deepening and Widening	Federal Agency Involved USACE
Proposed Land Use Mitigation	County And State Brazoria County, Texas
PART II *(To be completed by NRCS)*	Date Request Received By NRCS

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply -- do not complete additional parts of this form).*	Yes ☐	No ☐	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %		Amount Of Farmland As Defined in FPPA Acres: %	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System		Date Land Evaluation Returned By NRCS	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	131.8			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	131.8	0.0	0.0	0.0
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value				
PART V *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	0	0	0	0

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points				
1. Area In Nonurban Use		10			
2. Perimeter In Nonurban Use		10			
3. Percent Of Site Being Farmed		15			
4. Protection Provided By State And Local Government		0			
5. Distance From Urban Builtup Area		5			
6. Distance To Urban Support Services		10			
7. Size Of Present Farm Unit Compared To Average		5			
8. Creation Of Nonfarmable Farmland		0			
9. Availability Of Farm Support Services		5			
10. On-Farm Investments		0			
11. Effects Of Conversion On Farm Support Services		0			
12. Compatibility With Existing Agricultural Use		5			
TOTAL SITE ASSESSMENT POINTS	160	65	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or a local site assessment)*	160	65	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	65	0	0	0

Site Selected: A	Date Of Selection 4/23/07	Was A Local Site Assessment Used? Yes ☐ No ■

Reason For Selection: Proposed mitigation area (Site 1) near PA-9 for Freeport Harbor Deepening and Widening by USACE.

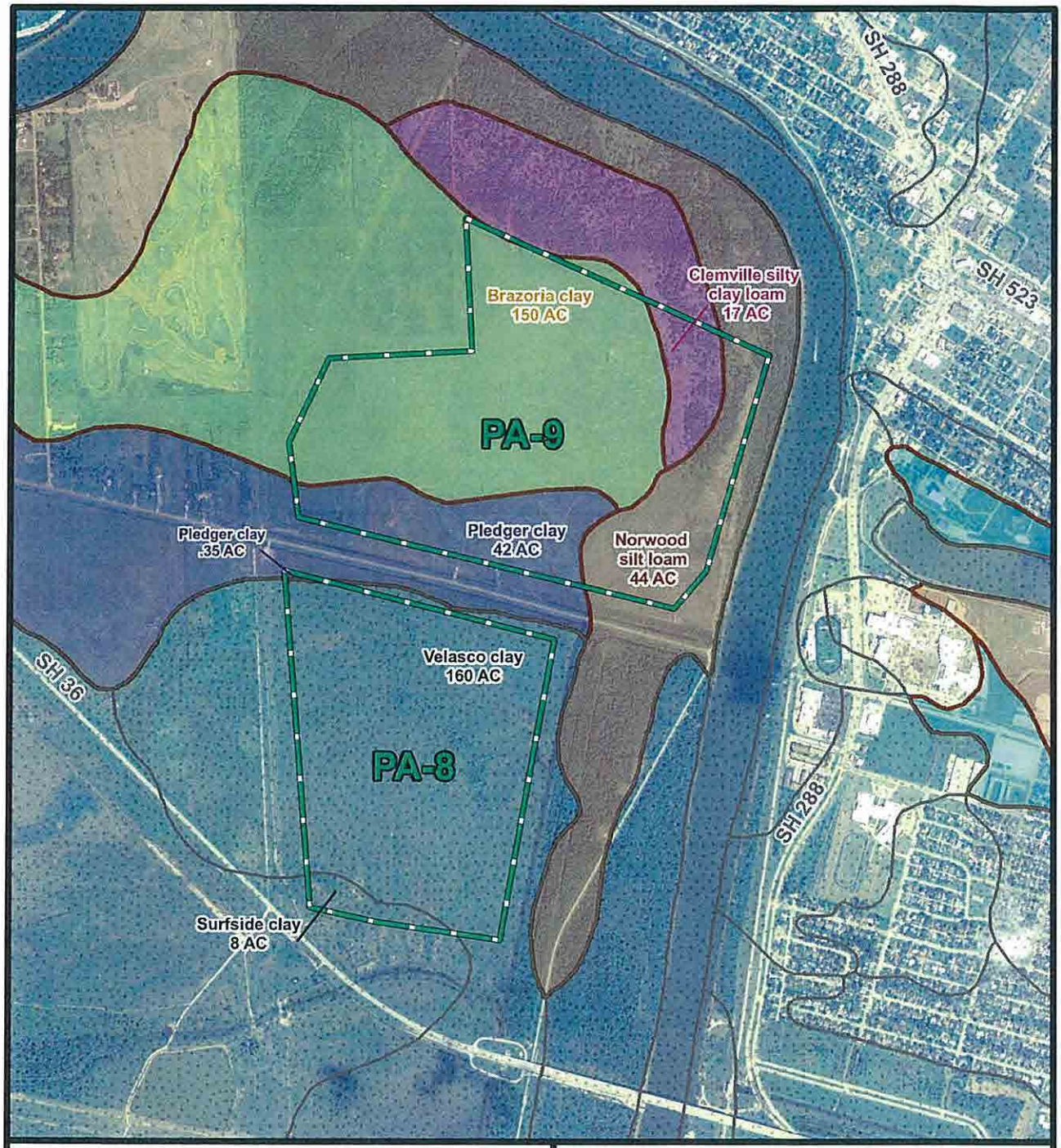
Site A: 131.8 acres (Site 1)

(See Instructions on reverse side)

Form AD-1006 (10-83)

This form was electronically produced by National Production Services Staff

Figure 2 - FHCIP: Potential Mitigation Areas



NRCS Soil Types within Placement Areas:

Prime Farmland Areas:

- 10, Brazoria clay, 0 to 1 % slopes
- 12, Clemville silty clay loam
- 33, Norwood silt loam, 0 to 1 % slopes
- 36, Pledger clay
- 2, Asa silt loam

- Placement Areas
- Non-Prime Farmland Areas

N W E S

0 500 1,000 1,500 2,000

Feet

PBS&J
6504 Bridge Point Pkwy, Ste. 200
Austin, Texas 78730
Phone: (512) 329-8342 Fax: (512) 327-2453

Figure 3-7-1

Prime Farmland Areas
Freeport Deepening & Widening Project

Prepared for: USACE Galveston	
Job No.: 441901.00	Scale: 1inch equals 1,500 feet
Prepared by: A.Christiansen	Date: 11-2-2007
File: N:\44190100\projects\Figures\Fig 3-7-1 vr2.mxd	

United States Department of Agriculture
NRCS
Natural Resources Conservation Service

101 S. Main Street
Temple, TX 76501-6624
Phone: 254-742-9861
FAX: 254-742-9859

April 24, 2008

PBS&J
6504 Bridge Point Parkway, Suite 220.
Austin, Texas 78730-5091

Attention: James P. Killian, PG, Senior Geologist

Subject: LNU--Farmland Protection
Freeport Harbor Deepening and Widening Mitigation Area
Brazoria County, Texas

We have reviewed the information provided concerning the Freeport Harbor Deepening and Widening Mitigation Area in Brazoria County, Texas, as outlined in your email of April 23, 2008. This is part of the National Environmental Policy Act (NEPA) evaluation for the U.S. Army Corps of Engineers. We have evaluated the proposed area as required by the Farmland Protection Policy Act (FPPA).

The proposed project does contain soils classified as Important Farmland, and we have completed Parts II, IV, and V of the Farmland Conversion Impact Rating form (AD-1006) that you provided to us. The combined rating of the site is 147. The FPPA law states that sites with a rating less than 160 will need no further consideration.

We have attached the completed AD-1006 form. Thank you for the resource materials you submitted to help in our evaluation. If you have any questions please call Laurie Kiniry at (254) 742-9861, Fax (254)-742-9859.

Sincerely,

Laurie Kiniry

Laurie N. Kiniry
Soil Scientist

Enclosure

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 4/23/07
Name Of Project Freeport Harbor Deepening and Widening	Federal Agency Involved USACE
Proposed Land Use Mitigation	County And State Brazoria County, Texas
PART II *(To be completed by NRCS)*	Date Request Received By NRCS

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply -- do not complete additional parts of this form).* Yes ☑ No ☐		Acres Irrigated 17,138	Average Farm Size 250 acres
Major Crop(s) Grain sorghum	Farmable Land In Govt. Jurisdiction Acres: 752,100 %84%	Amount Of Farmland As Defined in FPPA Acres: 709,538 %79%	
Name Of Land Evaluation System Used LESA	Name Of Local Site Assessment System NONE	Date Land Evaluation Returned By NRCS 4/24/08	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	131.8			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	131.8	0.0	0.0	0.0
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	131.8			
B. Total Acres Statewide And Local Important Farmland	0			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	.02			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	76			
PART V *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	~~0~~ 82	0	0	0

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points				
1. Area In Nonurban Use		10			
2. Perimeter In Nonurban Use		10			
3. Percent Of Site Being Farmed		15			
4. Protection Provided By State And Local Government		0			
5. Distance From Urban Builtup Area		5			
6. Distance To Urban Support Services		10			
7. Size Of Present Farm Unit Compared To Average		5			
8. Creation Of Nonfarmable Farmland		0			
9. Availability Of Farm Support Services		5			
10. On-Farm Investments		0			
11. Effects Of Conversion On Farm Support Services		0			
12. Compatibility With Existing Agricultural Use		5			
TOTAL SITE ASSESSMENT POINTS	160	65	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	~~0~~ 82	0	0	0
Total Site Assessment *(From Part VI above or a local site assessment)*	160	65	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	~~65~~ 147	0	0	0

Site Selected: A	Date Of Selection 4/23/07	Was A Local Site Assessment Used? Yes ☐ No ■

Reason For Selection: Proposed mitigation area (Site 1) near PA-9 for Freeport Harbor Deepening and Widening by USACE.

Site A: 131.8 acres (Site 1)

(See Instructions on reverse side)

Form AD-1006 (10-83)

This form was electronically produced by National Production Services Staff

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
101 South Main Street
Temple, Texas 76501-7602

January 18, 2011

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

Re: COMMENT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED FREEPORT HARBOR CHANNEL IMPROVEMENT PROJECT, BRAZORIA COUNTY, TX

Dear Ms. Stokes:

We have reviewed the Draft Environmental Impact Statement (DEIS) regarding the referenced project. Please accept our comments below.

Placement Area 8 (PA-8)

Depositing dredge material in PA-8 may constitute a wetland conversion according to the Food Security Act of 1985, as amended, if the activity has the effect of making possible the production of an agricultural commodity. Such a conversion would render the landowner ineligible for certain USDA benefits associated with all their operations and may affect the USDA benefits of any affiliated persons.

According to Web Soil Survey (http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx), PA-8 is planned in an area where the soils are mapped as Surfside and Velasco clays. Both are saline soils found in the marshes of Brazoria County. The county Hydric Soils list describes both soils as completely hydric, including inclusions, due to the fact that they are poorly drained and a water table can be found one foot or less below the surface during the growing season.

Considering its position on the landscape and the inherent characteristics of the mapped soils, there is a good chance that significant portions of PA-8 could be considered wetlands according to the Food Security Act of 1985, as amended.

Placement Area 9 (PA-9)

According the Web Soil Survey, all soils mapped in PA-9 are considered *Prime Farmland.* As part of our DEIS review, we examined the prime farmland calculations associated with PA-9 and presented in Appendix A-4.

According to our analysis, the Land Evaluation Criterion Relative Value of Farmland to be "Converted" to be entered in Part V of the Farmland Conversion Impact Rating (Form AD-1006) should be 96. Our calculations are presented below. Also, we noticed in Part VI that the Total Site Assessment Points sum should have been 65 as opposed to the 60 reported. A Land Evaluation Criterion Relative Value, in this case 96, added to the Total Site Assessment Points, in this case 65, gives PA-9 a Farmland Conversion Impact rating of 161 which makes the site subject to the Farmland Protection Policy Act (FPPA).

Thank you for the opportunity to comment.

Soils mapped in FHCIP placement area 9

Soil map unit		Acres in		
Symbol	Name	AOI	NIRR	Score
10	Brazoria clay, 0-1 % slopes	150.9	100	15,090
12	Clemville scl	16.3	90	1,467
33	Norwood silt loam, 0-1 % slopes	41.5	90	3,735
36	Pledger clay	40.9	90	3,681
	Total	249.6		23,973
	Land evaluation criterion relative value	⟶	**96**	

Thank you for the opportunity to comment. If we can be of further assistance do not hesitate to contact Susan Baggett at 254-742-9805 or susan.baggett@tx.usda.gov.

Sincerely

Salvador Salinas

SALVADOR SALINAS
Acting State Conservationist

cc: Susan Baggett, SRC, NRCS, Temple, TX

October 6, 2005

Mr. George Dabney
Environmental Lead
U.S. Army Corps of Engineers-ERB
P.O. Box 1229
Galveston, Texas 77553-1229

Re: Freeport Harbor- Proposed Upland Placement Areas

Dear Mr. Dabney,

Provided below are Texas Parks and Wildlife Department's comments and recommendations regarding the use of two potential disposal areas for the placement of maintenance dredge material from the Freeport Harbor.

Parcel 9 is a 442-acre parcel adjacent to a designated placement area ("spoil easement Reserved by U.S.A.") and to the Brazos River. The majority of Parcel 9 is over grazed cow pasture vegetated with Seacoast sumpweed, Carolina wolfberry, frog fruit, carpet grass, Bermuda grass, and smutgrass. The designated placement area encompasses a 2.29-acre wooded area at the northern most portion directly adjacent to the Brazos River. Parcel 9 also encompasses a wooded area at its northern most portion adjacent to the Brazos River. The 2.29-acre area is vegetated with a diverse range of species including; hackberry, cedar elm, toothache tree, pecan, red mulberry, honey locust, gum bumelia, Jerusalem tree, Chinaberry, yaupon holly, palmetto, green briar, peppervine, trumpet creeper, poison ivy, dewberry, native chili peppers, iron weed, turk's cap, frog fruit, basketgrass, and unknown grasses sedged and rushes. The wooded are at the northern potion of Parcel 9 is also vegetated with some of these same species but not as mature.

Wooded areas along the coast provide important habitat to migrating songbirds particularly during spring migration when exhausted from their flight across the Gulf of Mexico songbirds flock to wooded areas along the Gulf of Mexico to rest and refuel. Wooded areas such as the two described above provide important habitat for and are used as a "fall out area" by Neotropical migrating birds. Dr. Sidney Gauthreaux's radar studies of Neotropical migrant songbirds have identified the area between Matagorda Bay and east of Sabine Lake into Louisiana as one of the most important migration corridors in North America.

Parcel 8 is 254.5-acre parcel located northeast of State Highway 36. This parcel is also utilized as a grazing pasture but does not show signs of being overgrazed as parcel 9. There are two stock ponds vegetated with common arrowhead, Walteri millet, rattle bush, Seacoast sumpweed, and Chinese tallow. An

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512-389-4800

www.tpwd.state.tx.us

additional wetland exists in the southern portion of the parcel between SH 36 and a barbed wire fence. The wetland is vegetated with knotroot bristlegrass, Gulf cordgrass, Carolina wolfberry, seashore paspalum, sea-ox daisy eye, frog fruit, and marsh elder. This wetland swale which has 100 percent vegetative cover conveys runoff to Tobey Ditch. Tobey Ditch is a tidally influenced ditch which parallels the Brazos River and drains into the Gulf Intracoastal Water Way. The margins of Tobey Ditch are vegetated with Gulf cordgrass, marshhay cordgrass, smooth cordgrass, saltglass, saltwort, sea-ox daisy eye, and coastal saltgrass.

Wetland swales such as these provide important feeding and cover habitat for amphibians, reptiles, and small mammals and feeding habitat for the for predator bird species such as Marsh Hawks (Northern harrier) and Black-shouldered Kites. Shallow vegetated swale wetlands also provide feeding habitat for numerous wading birds such as yellow-crowned and black-crowned night herons, American bitterns, great blue herons, and great egrets. The wetlands and adjacent upland provided feeding, breeding, and cover habitat for resident and migrating waterfowl and prairie songbirds. They also protect and improve water quality by retaining freshwater runoff and associated pollutants from adjacent areas. This particular wetland improves the quality of runoff from the adjacent cow pastures before discharging into Tobey Ditch and eventually the GIWW.

For years dredge material, particularly maintenance dredge material, was considered to be a useless by-product of dredging projects and stockpiled in dredged spoil areas. But today dredge material is considered to be a resource that, if suitable, can be used beneficially to restore and enhance fish and wildlife habitat. Texas Parks and Wildlife Department advocates and supports the beneficial use of dredge material. If stored in an upland disposal unit, this particular project will require approximately 300-350 acres.

Texas Parks and Wildlife Departments first recommends, if suitable material exists, the Corps and local sponsor consider the beneficial use of the dredge material to restore and enhance fish and wildlife habitat.

If the material is not suitable TPWD does not object to the upland disposal on parcel 8 or 9 but recommends that the entire wooded areas on Parcel 9 and 2.29-acre wooded area directly adjacent described above be avoided. Additionally we recommend the wetlands swale on Parcel 8 with an upland buffer component also be avoided. An appropriate upland buffer for this wetland would be the upland between the wetland and SH 36 and the uplands between the wetland and the barbed wire fence dividing the pasture.

As always, Texas Parks and Wildlife Department is willing to assist in the protection and restoration of fish and wildlife habitat. If additional assistance,

including technical guidance regarding fish and wildlife habitat, its restoration, or beneficial use of dredge material please don't hesitate to contact us.

We appreciate the opportunity to provide comments and to be involved in the planning and selection of potential disposal for the Freeport Harbor.

Questions can be directed to Cherie O'Brien in Dickinso n at 281-534-0132.

Sincerely,

Jarrett (Woody) Woodrow
Coastal Conservation Program Director

JOW:COB

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue S
St. Petersburg, Florida 33701-5511

May 3, 2006

Ms. Lisa Vitale
PBS&J
6504 Bridge Point Parkway
Austin, Texas 78730

Dear Ms. Vitale:

The NOAA's National Marine Fisheries Service (NMFS) has received two information requests from you concerning essential fish habitat (EFH) occurring within the Freeport Channel area. One of the projects is a permit application by Brazos River Harbor Navigation District to widen the Freeport Harbor Ship Channel and the other is a proposed Corps of Engineers federal project with the Brazos River Harbor Navigation District to widen and deepen the Freeport Harbor Ship Channel. The information requested is to be used in the preparation of an Environmental Impact Statement.

EFH potentially impacted by the proposed navigation projects include, estuarine emergent wetlands, estuarine mud and sand substrates, estuarine water column, marine column and marine non-vegetated bottoms. Additional information on EFH and associated fisheries may be found in the Gulf of Mexico Fishery Management Council's Final Environmental Impact Statement[1] and Final Generic Amendment[2] to the fishery management plans for the Gulf of Mexico and the highly migratory pelagic fishery management plan[3] developed by NMFS.

---

1 Gulf of Mexico Fishery Management Council. 2004. Final environmental impact statement for the generic amendment to the following fishery management plans of the Gulf of Mexico: Shrimp Fishery of the Gulf of Mexico, United States Water; Red Drum Fishery of the Gulf of Mexico; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Spiny Lobster in the Gulf of Mexico and South Atlantic; Coral and Coral Reefs of the Gulf of Mexico. Gulf of Mexico Fishery Management Council. Tampa, FL.

2 Gulf of Mexico Fishery Management Council. 2005. Final generic amendment number 3 for addressing Essential Fish Habitat requirements, Habitat Areas of Particular Concern, and adverse effects of fishing in the following fishery management plans of the Gulf of Mexico: Shrimp Fishery of the Gulf of Mexico, United States Waters; Red Drum Fishery of the Gulf of Mexico; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Spiny Lobster in the Gulf of Mexico and South Atlantic; Coral and Coral Reefs of the Gulf of Mexico. Gulf of Mexico Fishery Management Council. Tampa, FL.

3 National Marine Fisheries Service. 1999. Fishery management plan for Atlantic tunas, swordfish, and sharks. National Marine Fisheries Service. Silver Spring, MD. 2 vols.

Thank you for the opportunity to provide you the requested information on EFH. If we may be of further assistance, please contact Mr. Rusty Swafford of our Galveston Facility at (409) 766-3699.

Sincerely,

for Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

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

REPLY TO
ATTENTION OF

Environmental Section

July 30, 2008

Jane B. Watson, Ph.D.
Chief, Ecosystems Protection Branch
U.S. Environmental Protection Agency – Region 6
1445 Ross Avenue
Dallas, Texas 77202-2733

Dear Dr. Watson:

This letter is in reference to our proposed deepening and widening improvements to the Freeport Harbor Channel, located in Brazoria County, Texas. We propose to conduct ocean disposal of new work and maintenance dredged material from the Freeport Harbor Entrance and Jetty Channels into two existing Ocean Dredged Material Disposal Sites (ODMDSs), located within the project area. The balance of new work and maintenance material from the proposed project will be placed in confined, upland placement areas. No feasible beneficial uses were identified for the material.

The two existing ODMDSs were designated by EPA for the Freeport Harbor Channel 45-Foot Project (FH-45). One site is presently used for maintenance dredged material from the existing federally maintained FH-45, and the other was used for disposal of virgin material when the FH-45 was initially constructed. EPA has also approved new work and maintenance disposal activities into these sites for the Freeport Harbor Channel Widening Project (USACE Permit Application 23752).

The Galveston District seeks EPA's concurrence that dredged material from the proposed deepening and widening project is suitable for disposal at the two ODMDSs, and that disposal activities would be in compliance with all ocean dumping criteria in accordance with the provisions of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401, *et seq.*). The Galveston District is currently preparing a DEIS for the proposed action. Appendix-B of the DEIS contains a thorough regulatory and environmental evaluation of ocean disposal issues, modeling of proposed disposal activities to include associated height of mounding and dredged material dispersal patterns, and Site Management and Monitoring Plans (SMMPs) for the maintenance and new work ODMDSs. During our conference call with Mr. Stephen Bainter on July, 25, 2008, the Galveston District agreed to forward Appendix-B for EPA's review in formulating a response to our request for concurrence for use of the existing ODMDSs. A copy of Appendix-B is enclosed with this correspondence.

We appreciate your cooperation in assisting us with this request. If you have any questions, please contact George Dabney at 409-766-6345, or by email at george.dabney@usace.army.mil.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

August 7, 2008

Carolyn Murphy
Chief, Environmental Section (CESWG-OD-N)
Galveston District Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Re: Freeport Harbor Channel Widening Project

Dear Ms. Murphy:

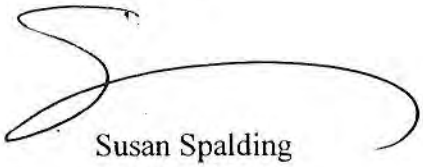
This is written in response to your July 30, 2008 correspondence requesting the Agency's concurrence that dredged material from the proposed deepening and widening project is suitable for disposal at the two Ocean Dredged Material Disposal Sites. The District also requests the Agency's concurrence that disposal activities will be in compliance with all ocean disposal criteria, in accordance with the provisions of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401, *et seq.*).

Our review of Appendix-B of the Draft EIS, included in your correspondence, has provided sufficient documentation and evaluation of alternatives to allow Region 6, Environmental Protection Agency to independently make a determination of the project's compliance with the provisions of the Marine Protection, Research, and Sanctuaries Act (MPRSA). Information found in Appendix-B includes a proposed Site Management and Monitoring Plan, also referred to as a Site Management Plan, MDFATE modeling of dredged material dispersion and a regulatory and environmental evaluation; all of which were reviewed by this Office.

Therefore, based on the information provided, we concur with your determination and conclude that the work and activities described in the Draft EIS complies with the MPRSA and applicable subparts of 40 CFR 220-229.

Should you have any questions, please contact Stephen Bainter, of my staff, by telephone at (214) 665-8081, or by e-mail at bainter.stephen@epa.gov .

Sincerely,



Susan Spalding
Acting Chief,
Ecosystems Protection Branch (6WQ-E)

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

December 15, 2010

Environmental Section

SUBJECT: Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas.

Ms. Kate Zultner
Texas General Land Office
Coastal Management Program
P.O. Box 12873
Austin, Texas 78701-2873

Dear Ms. Zultner:

Enclosed please find a paper copy and CD of the Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas. This draft report is provided for your review of the Consistency Determination pursuant to §506.20, Consistency Determination for Federal Agency Activities and Development Projects of the Texas Coastal Management Program.

The public comment period closes on February 5, 2010, and we would appreciate receipt of your comments by that date. If you have any questions, or if you would like additional copies, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

CF:
Mr. Tom Calnan
Texas General Land Office
Coastal Management Division
P.O. Box 12873
Austin, Texas 78701-2873

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

December 15, 2010

Environmental Section

SUBJECT: Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas.

Mr. Miles Croom
Assistant Regional Administrator
National Marine Fisheries Service
Habitat Conservation Division
263 13th Avenue South
St. Petersburg, Florida 33701-5511

Dear Mr. Croom:

Enclosed please find a paper copy and CD of the Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas. This draft report is provided for your agency review and concurrence of the evaluation of essential fish habitat (EFH) in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. Sections 3.14.2 and 4.12.2 of the DEIS provide information regarding the existing environment and potential EFH impacts, respectively.

The results of your review are requested by February 5, 2011. I would appreciate your timely review of these documents. If you have any questions, or if you would like additional copies, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

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

December 15, 2010

Environmental Section

SUBJECT: Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas.

Mr. Rusty Swafford
National Marine Fisheries Service
Habitat Conservation Division
4700 Avenue U
Galveston, Texas 77551-5997

Dear Mr. Swafford:

Enclosed please find a paper copy and CD of the Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas. This draft report is provided for your agency review and concurrence of the evaluation of essential fish habitat (EFH) in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. Sections 3.14.2 and 4.12.2 of the DEIS provide information regarding the existing environment and potential EFH impacts, respectively.

The results of your review are requested by February 5, 2011. I would appreciate your timely review of these documents. If you have any questions, or if you would like additional copies, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

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

December 15, 2010

Environmental Section

SUBJECT: Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas.

Mr. Charles Maguire
Director, Water Quality
Texas Commission on Environmental Quality
12100 Park 35 Circle, Mail Code 150
Austin, Texas 78753

Dear Mr. Maguire:

Enclosed please find a paper copy and CD of the Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas. This draft report is provided for your agency review under Section 401 of the Clean Water Act. The U.S. Army Corp of Engineers is requesting a §401 State Water Quality certification from Texas for this action. The §404(b)(1) Evaluation is provided in Appendix G of the DEIS.

The results of your review are requested by February 5, 2011. I would appreciate your timely review of these documents. If you have any questions, or if you would like additional copies, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

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

December 15, 2010

Environmental Section

SUBJECT: Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas.

Ms. Susana M. Hildebrande, P.E.
Texas Commission on Environmental Quality
P.O. Box 13087, Mail Code 168
Austin, Texas 78711-3087

Dear Ms. Hildebrande:

Enclosed please find a paper copy and CD of the Draft Environmental Impact Statement for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, Texas. This draft report is provided for your agency review and concurrence with the Draft General Conformity Determination (DGCD) in accordance with the Clean Air Act. The DGCD and air emission estimates are provided in Appendix C of the DEIS.

The results of your review are requested by February 5, 2011. I would appreciate your timely review of these documents. If you have any questions, or if you would like additional copies, please contact Ms. Janelle Stokes at the letterhead address, by telephone at 409-766-3039, or by email at Janelle.S.Stokes@usace.army.mil.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

Appendix A-5

Fish and Wildlife Coordination Act

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Division of Ecological Services
17629 El Camino Real #211
Houston, Texas 77058-3051
281/286-8282 / (FAX) 281/488-5882

April 5, 2007

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

Dear Colonel Weston:

This Draft Fish and Wildlife Service (Service) Planning Aid Letter (PAL) provides Service analysis of impacts and mitigation for important fish and wildlife resources related to the proposed land disposal plan for the Freeport Channel Deepening and Widening Project. It is in fulfillment of our joint Scope of Work (SOW) on this project dated August 2005.

We analyzed existing resources at terrestrial disposal sites Placement Area (PA) 9 and PA 8, which lie immediately north of the State Highway (SH) 287 and immediately west of the Brazos River at the SH 287 bridge. We have also provided a recommended mitigation plan for unavoidable damages to wet coastal prairie and riparian forest habitat at these sites, and have quantified damages and habitat compensation values using Habitat Evaluation Procedure (HEP) methodology. Data for HEP procedures were gathered during joint agency field trip by Galveston District Corps of Engineers (COE), Texas Parks and Wildlife Department (TPWD), and Service biologists in September and December 2006. This Draft PAL and recommendations are also being reviewed by Texas Parks and Wildlife Department (TPWD).

PA 9 lies immediately north of State Highway 36 and west of the Brazos River (Figure 1). The portion within the proposed PA boundaries is approximately 168 acres. It is lightly grazed pastureland bisected by a shallow wetland swale and at least three manmade or altered semi-permanent ponds. Total wetland acreage, as estimated using GIS data from 2004, 1:24:000 aerial quads, was 100 acres. However, field inspections during our December, 2006 interagency field trip showed this to be an overestimate. Although drier than previously categorized, for purposes of the HEP analysis, the Service considered the entire tract as wet coastal prairie. The species list (primarily native herbaceous species), vegetation type, and wildlife observed support this classification.

Prairie identified during our two interagency field trips included Gulf cordgrass (*Spartina spartinae*), marsh-hay cordgrass (*Spartina patens*), sedges (*Juncus* sp.), Indian blanket (*Gaillardia* sp.), false indigo (*Baptisia australis*), wooly croton (*Croton capitatus*), marsh fimbry (*Fimbristylis* sp.), saltgrass (*Distichls spicata*), and groundsel bush (*Iva spicata*). Wetland plants found in the ponds and swale included common arrowhead (*Sagttaria latifolia*), sedges (*Juncus* sp.), spikerush (*Echinocholoa* sp.), smartweed (*Polygonum* sp.), rattlebox (*Sesbania drummondi*), seacoast sumpweed (*Iva annua*), bulrush (*Juncus californicus*), narrowleaf cattail (*Typha augustafolia*).

Prospective PA 8 lies immediately north of the small county road bisecting the two PA's and west and south of the Brazos River. The 254-ac. tract was classified as having 21 acres of riparian forest and 229 acres of wet coastal prairie, including 16 wetland acres, in our original GIS assessment. Field inspection showed the site to be drier and more heavily overgrazed than previously thought, which is reflected by the HEP analysis. Herbaceous plants identified were similar to PA 9 but ground cover was more sparse. Invasive non-native pasture grasses were also present though they were not dominant.

The 21-acre forested portion of PA 9 consists of second-growth woods and is contiguous with a larger woodland to its north. It is a mixed-species woodlot, approximately 40 years in age, somewhat open with a grazed understory. Primary tree and brush species are sugar hackberry (*Celtis laevigata*), cedar elm (*Ulmus crassifolia*), Chinese tallow (*Sapium sabiferum*), red mulberry (*Morus rubra*), honey locust (*Gliditsia triacanthos*), pecan (*Carya illinoiensis*), toothache tree (*Xanthoxylum fracineum*), gum bumelia (*Sideroxylon lanuginosum*) , yaupon holly (*Ilex vomitorum*), and palmetto (*Serenoa repens*). Primary understory shrubs and vines are, palmetto, greenbriar (*Smilax* sp.), peppervine (*Ampelopsis brevipedunculata*), trumpet creeper (*Campsis radicans*), poison ivy (*Toxicodendron radicans*), dewberry (*Rubus eubatus*), blackberry (*Rubus* sp.), ironweed (*Iva* sp.), and turk's cap (*Malvaviscus arboreus*). The height of this mixed species canopy reaches 35 feet. Its density, maturity, diversity, and location (along the Brazos River very near the Gulf of Mexico) add to its values as a Neotropical migrant songbird "fallout" site.

Wildlife species identified at one or both prairie sites included the northern bobwhite (*Colinus virginianus*), marsh harrier (*Circus aeruginosus*), black-shouldered kite (*Elaenus axillaris*), great egret (*Egretta alba*), snowy egret (*Egretta garzetta*), great blue heron (*Ardea herodias*), eastern meadowlark (*Sturnella magna*), red-winged blackbird (*Aegelaeus phoenicius*), and others. Species seen in the forested portion include the red-shouldered hawk (*Buteo lineatus*), black-crowned night heron (*Nycticorax nycticoras*), northern mockingbird (*Mimus polyglottos*), northern cardinal (*Cardinalis cardinalis*), white-eyed vireo (*Vireo griseus*), tufted titmouse (*Baelophus bicolor*), and common blackbird (*Euphagus cyanocephalus*).

The Service has developed a hypothetical Project Mitigation Plan for purposes of comparing project impacts and compensation. Criteria used were: 1) practicability (proximity, availability, etc.), 2) habitat type (high-priority, i.e. wetlands, prairie, riparian forested, etc.), and 3) habitat quality/value. In this case, we selected the immediately-adjacent partially wooded tract immediately north of PA 9, lying between the proposed northern levee alignment and the Brazos River (Figure 1). Preliminary calculations (which have not been thoroughly reviewed by COE and TPWD) indicate that approximately 172 acres may be available in this tract, approximately 140 of which are lightly forested and 32 of which could be classified as wet prairie/grazed pasture (Figure 1). In terms of general value to native fish and wildlife populations, the Service considers the riparian forest portion of the study area to be of higher value than the wet coastal prairie portion, because of its potential as high-quality Neotropical migrant songbird habitat. While coastal prairie is considered a valuable and declining wildlife resource, the overgrazed condition (particularly of PA 9) and its fragmentation diminish its value.

Potential management measures for the hypothetical mitigation habitats are outlined as follows. These management measures are reflected in assumptions made in the hypothetical HEP Mitigation Area runs. Habitat improvements are assumed to manifest themselves by altering habitat variables in years 1 – 15 and to accelerate in years 16 – 50 for the prairie and wetland components (of both the prairie and forest) and for the forest.

Prairie. Disk the area, plant/mulch native prairie seed, and treat invasive plants (herbicide, burning, cutting, or a combination). Follow-up invasive plant treatment at one, three, and 10 years, and mow or burn every five years. Create three 1.5-ac. ephemeral depressions, planted in native-prairie/wetland mix.

Forest. Initial invasive tree/brush removal and a follow-up invasive removal at five years. Plant a 7-species riparian/bottomland hardwood seedling mix at 10 stems/ac. at year 1, follow-up re-planting at year 3 to insure 70% survival to 5 ft. height. Create three, 1-acre ephemeral depressions in selected (poorly-forested) sites within or at edge of forest, plant with flood-tolerant hardwoods such as green ash, planar tree, water hickory, bald-cypress, and willow oak.

Appendix I shows the results of the HEP runs, including the hypothetical Mitigation Plan runs. According to the HEP results:

1. Losses to coastal wet prairie habitat in PA's 8 and 9 are only partially recouped in the mitigation area under the hypothetical mitigation plan.
2. Losses to riparian forest in PA 9 are recouped, plus substantial habitat gains, in the mitigation area under the hypothetical mitigation plan.

We consider Neotropical migrant songbird habitat in the upper Texas coastal zone to be of highest conservation priority, and because the existing wet coastal prairie habitat is of medium to low quality, we have determined that this type and amount of compensation for the project is acceptable.

Thank you for the opportunity to provide input to assist the Corp of Engineers in planning projects which protect and restore these important native Texas coastal fish and wildlife habitats. Please contact me or Phil Glass at 281/286-8282 if you have questions concerning these recommendations.

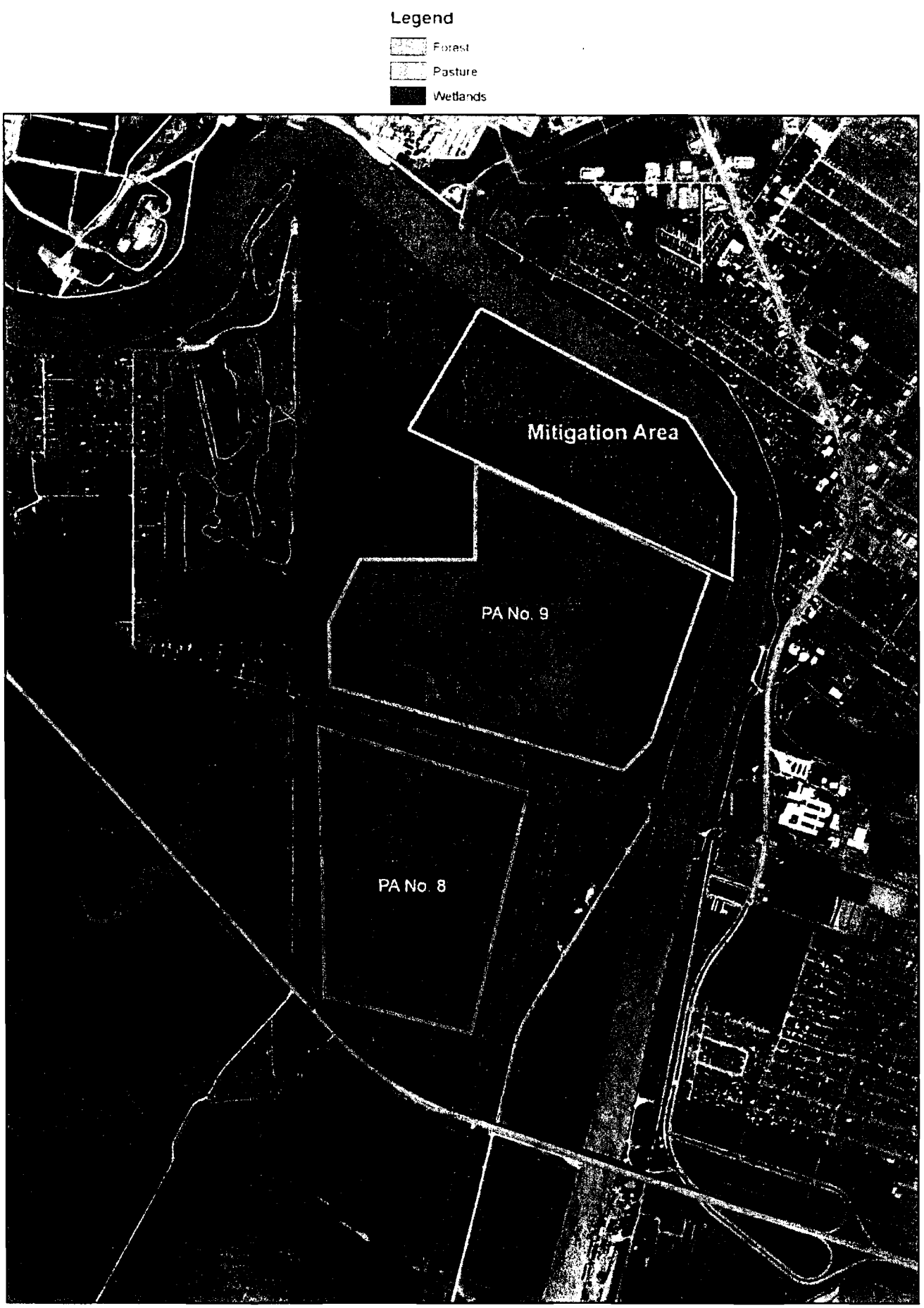
Sincerely,

Stephen D. Parris

Stephen D Parris
Field Supervisor, Clear Lake Ecological Services

Enclosures

cc:
Woody Woodrow, Texas Parks and Wildlife Dept, Dickinson, Texas
Gary McMahon, Texas General Land Office, LaPorte, Texas
Mark Fisher, Texas Commission On Environmental Quality, Austin, Texas
Jim Herrington, Environmental Protection Agency, Dallas, Texas



Freeport Study: Proposed Placement Areas No. 8 & 9 and Mitigation Area

Appendix I. HEP Tables for Freeport Harbor Deepening and Widening Land Disposal Plan

Mottled Duck HEP, Freeport Harbor, Dec 2006

1(N) PA9	*COE*	*TPWD*	*FWS*	AVG	SI	COMPONENTS
V1	0	0	0	0	1	NHC = .1
V2	0	3	2	1.7	.95	HBC = 0
V3	-	.55	.14	.35	.35	CS = 0
V4	0	0	0	0	0	CR = 0
V5	0	0	0	0	0	C = 0
V6	100	100	100	100	0	
V7	0	0	0	0	0	F = 0
V8	.7	.7	.7	.7	.7	O = .7
						HSI (1N) = 0

2(N) PA9	*COE*	*TPWD*	*FWS*	AVG	SI	COMPONENTS
V1	0	0	0	0		
V2	4	2	6	4		
V3						
V4						
V5						
V6	100	100	100	100		
V7	0	0	0	0	0	F = 0
V8	.7	.7	.7	.7		O = .7
						HSI (2N) = 0

Avg. HSI for mottled duck, PA 9 = 0
0 (HSI) X 50 (proj. yr.) X 229 (hab. ac.) = 0 HU's in PA9

3(S) PA8	*COE*	*TPWD*	*FWS*	AVG.	SI	COMPONENTS
V1	5	3	4	4	.95	NHC = .77
V2	25	10	15	17	.5	HBC = .35
V3	.45	.49	.47	.47	.47	CS = .35
V4	50	50	50	50	1	CR = .1
V5	.13	-	.11	.12	.12	
V6	97	95	96	96	.1	C = .23
V7	65	50	60	58	.58	F = .58
V8	.7	.75	.8	.75	.75	O = .75
						HSI (3S) = .23

5(S) PA8	*COE*	*TPWD*	*FWS*	AVG.	SI	COMPONENTS
V1	1	1	3	1.7	.96	NHC = .67
V2	1	1	5	2.3	.98	HBC = .4
V3	.36	.26	.35	.32	.32	CS = .4
V4	50	70	50	57	1	CR = .1
V5	.13	-	.18	.16	.16	C = .25
V6	.97		.96	.96	.1	F = .7
V7	85	80	50	72	.7	O = .7
V8	.8	.7	.9	.8	.8	**HSI (5S) = .25**

Avg. HSI for mottled duck, PA 8 = .24
.24 (HSI) X 50 (proj. yr.) X 168 (hab. ac.) = 2016 HU's in PA 8

2,016 (HU's in PA 8) + 0 (HU's in PA 9) = **2,016 TOTAL HU's, mottled duck**

GREAT EGRET HEP, Freeport Harbor Dec. 2006

1(N) PA9	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	0	0	0	0	0	F = .05
V2	.1	.1	.1	.1	.1	**HSI (1N) = .05**

2(N) PA9	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	0	0	0	0	0	F = .05
V2	.1	.1	.1	.1	.1	**HSI (2N) = .05**

Avg. HSI for great egret, PA 9 = .05
.05 (HSI) X 50 (proj. yr.) X 229 (hab. ac.) = 572 HU's in PA 9

3(S) PA8	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	.03	.02	.04	.03	.03	F = .52
V2	60%	50%	50%	53%	1	
						HSI 3 (S) = .52

5(S) PA8	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	.03	.02	.04	.03	.03	F = .52
V2	70%	40%	60%	57%	1	**HSI 5 (S) = .52**

Avg. HSI for great egret, PA 8 = .52
.52 (HSI) X 50 (proj. yr.) X 168 (hab. ac.) = 4,368 HU's in PA 8

4,368 (HU's in PA 8) + 572 (HU's in PA 9) = **4,940 TOTAL HU's, great egret**

EASTERN MEADOWLARK HEP, Freeport Harbor, December 2006

1(N)	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	86%	100%	91%	92%	1	F/R = .39
V2	80%	61%	85%	75%	.5	
V3	2.7"	2.2"	3.3"	2.7"	.3	
V4	150'	26'	27'	67'	1	
V5	3%	2%	4%	3%	1	**HSI 1(N) = .39**

2(N)	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	32%	95%	86%	71%	.65	F/R = .50
V2	61%	80%	80%	74%	.79	
V3	3.3"	2.2"	4"	3.2"	.5	
V4	100'	28'	35'	54'	1	
V5	3%	2%	6%	3.7%	1	**HSI (2N) = .42**

Avg. HSI eastern meadowlark, PA 9 = .40
.40 (HSI) X 50 (proj. yr.) X 229 (hab. ac.) = 4,580 in HU's PA 9

3(S)	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	83%	87%	83%	84%	.95	F/R = .60
V2	87%	86%	62%	78%	.98	
V3	18"	11"	15"	15"	1	
V4	45'	38'	44'	42'	.6	
V5	5%	10%	14%	10%	.8	**HSI 3(S) = .60**

4(S)	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	72%	87%	80%	80%	.82	F/R = .25
V2	33%	43%	52%	43%	.38	
V3	13"	8.7"	20.2"	14"	1	
V4	200'	148'	450'	266'	.2	
V5	1%	1%	5%	2.3%	1	**HSI 4(S) = .25**

5(S)	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	35%	67%	58%	53%	.43	F/R = .25
V2	27%	47%	60%	45%	.4	
V3	11"	10"	12"	11"	1	
V4	100'	177'	246'	174'	.38	
V5	1%	1%	5%	2.3%	1	**HSI 5(S) = .25**

Avg. HSI eastern meadowlark, PA 8 = .37
37 (HSI) X 50 (proj. yr.) X 168 (hab. ac.) = 3,108 HU's in PA 9

4,580 (HU's in PA8) + 3,108 (HU's) in PA9) = **7,688 TOTAL HU's, eastern meadowlark**

GRAY SQUIRREL HEP, Freeport Harbor, December 2006

	COE	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	0%	0%	3%	1%	.1	Fw = .11
V2	1	1	2	1.3	.12	CR = .5
V3	50%	80%	60%	63%	1	
V4	10"	8"	7"	8.3"	.25	
V5	20%	40%	25%	28%	1	**HSI (1F) = .11**

2(F)	*COE*	*TPWD*	*FWS*	Avg.	SI	COMPONENTS
V1	8%	2%	10%	6.7%	.2	Fw = .32
V2	2	2	2	2	.5	CR = .62
V3	55%	75%	65%	65%	1	
V4	10"	8"	9"	9"	.39	
V5	30%	50%	25%	35%	1	**HSI (2F) = .32**

Avg. HSI gray squirrel, PA 9 forest = .22
.22 (HSI) X 50 (proj. yr.) X 21 (hab. ac.) = **231 TOTAL HU's gray squirrel (all in PA 9)**

Veery HEP, Freeport Harbor, January 2007

1 (F)	*COE*	*TPWD*	*FWS*	Avg.	SI	Components
V1	5%	---	6%	6%	.98	C/R(nw) = .5
V2	b	b	b	b	.5	*or* = .4
V3	8%	30%	15%	18%	0	
V4	3'	9'	6'	6"	1	
V5	70%	90%	70%	77%	.8	
V6	12"	6"	12"	10"	.8	**HSI 1(F) = .4**

2(F)	*COE*	*TPWD*	*FWS*	Avg.	SI	Components
V1	5%	---	5%	5%	.96	C/R(nw) = .5
V2	b	b	b	b	.5	*or* = .71
V3	5%	50%	25%	27%	.1	
V4	4'	10'	5'	6.3'	1	
V5	50%	98%	60%	69%	.61	
V6	24"	4"	10"	13"	1	**HSI 2(F) = .5**

Average HSI veery, PA9 = .45

.45 (HSI) X 50 (proj. yr.) X 21 (hab. ac.) = **472 HU's (all in PA9)**

MOTTLED DUCK HEP. Freeport Harbor, Mitigation Run *, January 2007

Mitigation (wet prairie)	*FWS* (est.)	SI	COMPONENTS
V1	0	1	NHC = .78
V2	15%	.8	HBC = .77
V3	.3	.6	CS =.77
V4	40%	1	CR = .3
V5	3	.6	C = .56
V6	14%	.3	F = .85
V7	85%	.85	O = .7
V8	3.5	.7	**HSI = .56**

HSI for mottled duck, hypothetical mitigation run = .56
.56 (HSI) X 50 (proj. yr.) X 32 (hab. ac.) = **896 HU's mottled duck, hypothetical mitigation area**

* Note: Hypothetical mitigation area = 32-ac. wet prairie and forest edge with three (3) 1.5-ac. shallow wetland swales

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GREAT EGRET HEP, Freeport Harbor, mitigation run, Jan. 2007

Mitigation (wet prairie)	*FWS* (est.)	SI	COMPONENTS
V1	16%	.13	F = .56
V2	50%	1	**HSI = .56**

HSI for great egret, hypothetical mitigation run = .56
.56 (HSI) X 50 (proj. yr.) X 32 (hab. ac.) = **896 HU's great egret, hypothetical mitigation area**

EASTERN MEADOWLARK HEP, Freeport Harbor, mitigation run, January 2007

Mitigation (wet prairie)	*FWS* (est.)	SI	COMPONENTS
V1	83%	.95	F/R = .60
V2	75%	.98	
V3	15"	1	
V4	44'	.6	
V5	14%	.8	**HSI = .60**

HSI for eastern meadowlark, hypothetical mitigation run wet prairie = .60
.60 (HSI) X 50 (proj. yr.) X 32 (hab. ac.) = **960 HU's eastern meadowlark, hypothetical mitigation area**

GRAY SQUIRREL HEP, Freeport Harbor, mitigation run, January 2007

Mitigation (forest, years 1-15)	*FWS* (est.)	SI	COMPONENTS
V1	15%	.22	Fw = .26
V2	1.5	.3	CR = .55
V3	65%	1	
V4	10"	.3	
V5	20%	1	**HSI = .26**

.26 (HSI) X 15 (proj. yr) X 140 (hab. ac.) = 546 HU's, gray squirrel, hypothetical mitigation run, years 1-15

Mitigation (forest, years 16-50)	*FWS*	SI	COMPONENTS
V1	50%	1	Fw = 1
V2	4	1	CR = 1
V3	75%	1	
V4	15"	1	
V5	20%	1	**HSI = 1**

1 (HSI) X 35 (proj. yr.) X 140 (hab. ac.) = 4,900 HU's gray squirrel, hypothetical mitigation run years 16-50

546 (HU's years 1-15) + 4,900 (HU's years 16-50) = **5,446 HU's gray squirrel, hypothetical mitigation run**

Veery HEP, Freeport Harbor, mitigation run, January 2007

Mitigation (forest, years 1-15)	*FWS*	SI	Components
V1	8%	.96	C/R(nw) = .75
V2	a/b	.75	*or* = 1
V3	30%	.15	
V4	6'	1	
V5	70%	.8	
V6	12"	1	**HSI (years 1-15) = .75**

.75 (HSI) X 15 (proj yr.) X 140 (hab. ac.) = 1,575 HU's veery, hypothetical mitigation run years 1-15

Mitigation (forest, years 16-50)	*FWS*	SI	Components
V1	8%	.96	C/R(nw) = .8
V2	a/b	.8	*or* = 1
V3	40%	.4	
V4	6'	1	
V5	65%	.5	
V6	12"	1	**HSI (years 16-50) = .8**

.8 (HSI) X 35 (proj. yr.) X 140 (hab. ac.) = **3.920 HU's veery, hypothetical mitigation run**

HEP Habitat Units (HU's) Summary for all species. With and Without Project Impacts and With Hypothetical Mitigation Plan

	HU's PA8	**HU's PA9**	**Total HU's lost**	**HU's gained, Hypo. Mitig. Plan**	**Hypo. Mitig. Plan net change**
Mottled duck	2,016	0	2,016	896	-1,120
Great egret	4,368	572	4,940	896	-4,044
Eastern meadowlark (weighted X .2)	916	620	1,536	192	-1,344
Total wet coastal prairie HU's			**8,492**	**1,984**	-6,508
Gray squirrel		231	231	5,446	+5,215
Veery		472	472	3,920	+3,448
Total forest HUs			**703**	**9,366**	+8,663
HU Totals			**9,195**	**11,350**	+2,155

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Division of Ecological Services
17629 El Camino Real #211
Houston, Texas 77058-3051
281/286-8282 FAX 281/488-5882

March 20, 2008

Colonel David C. Weston
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553

Dear Colonel Weston:

This Fish and Wildlife Coordination Act Report (CAR) provides the U. S. Fish and Wildlife Service's analysis of impacts and mitigation for important fish and wildlife resources related to the proposed land disposal plan for the Freeport Channel Deepening and Widening Project. It is in fulfillment of our joint Scope of Work on this project, dated August 2005. The Fish and Wildlife Coordination Act (Public Law 85-624; 16 U.S.C. 661 - 666) requires that the U.S. Army Corps of Engineers (Corps) coordinate with the Department of Interior U.S. Fish and Wildlife Service (Service) to give equal consideration to fish and wildlife resources, and requires that measures to conserve these resources be taken.

Our previous Planning Aid Letter, submitted April 5, 2007, provided an initial analysis of important native fish and wildlife resources potentially affected by the proposed land disposal plans and furnished a draft mitigation plan based on a Habitat Evaluation Procedures (HEP) analysis. The plan was developed following coordination with Corps and Texas Parks and Wildlife Department (TPWD) staff and Port of Freeport (Port) environmental personnel. The present CAR finalizes the Service's recommendations following our review of the Corp's *Preliminary Draft Environmental Impact Statement for the Freeport Harbor Deepening and Widening Channel Improvement Project Brazoria County, Texas* (PDEIS). This document provided the Service with the Corps's draft mitigation plan for review. It must be noted that we are presently unsure whether Alternative Plan A1B0C0 alone, as proposed in Appendix C-2 of the PDEIS constitutes the recommended mitigation plan.

We analyzed existing resources at proposed terrestrial disposal sites Placement Areas (PA) 9 and PA 8. We have also provided a recommended mitigation plan for unavoidable damages to wet coastal prairie and riparian forest habitat at these sites, and have quantified damages and habitat compensation values using HEP methodology. Data for HEP analysis were gathered during joint agency field trip(s) by the Corps, TPWD, and Service biologists in September and December 2006. The Service's Draft PAL and mitigation recommendations were reviewed by TPWD and Corps environmental personnel.

PA 8 lies immediately north of State Highway 36 and west of the Brazos River (Figure 1). The portion within the proposed PA boundaries is approximately 168 acres. It is lightly grazed pastureland bisected by a shallow wetland swale and at least three manmade or altered semi-permanent ponds. Total wetland acreage, as estimated using GIS data from 2004, 1:24:000 aerial DOQQ's, was 100 acres. However, field inspections during our December, 2006 interagency field trip showed this to be an overestimate. Although drier than previously categorized, for purposes of the HEP analysis, the Service still considered the entire tract as wet coastal prairie. The species list (primarily native herbaceous species), vegetation type, and wildlife observed support this classification. Corps Environmental Branch biologists categorized most of the site as grazed pasture.

Prospective PA 9 lies immediately north of the small county road bisecting the two PAs and is west and south of the Brazos River. The 254-acre tract was classified as having 21 acres of riparian forest and 229 acres of wet coastal prairie, including 16 wetland acres, in our original GIS assessment. Field inspection showed the site to be drier and more overgrazed than previously thought, which is reflected by the HEP analysis. Herbaceous plants identified were similar to PA 8, but ground cover was sparser. Invasive non-native pasture grasses were also present, though they were not dominant.

The 21-acre forested portion of PA 9 consists of second-growth woods and is contiguous with a larger woodland to its north. It is a mixed-species woodlot, approximately 40 years in age, somewhat open with a grazed understory. The height of this mixed species canopy reaches 35 feet. The density, maturity, diversity, and location (along the Brazos River very near the Gulf of Mexico) of the forested area add to its' value as a neotropical migrant songbird "fallout" site.

The plant and wildlife components of these sites and the table of HEP assumptions and computed values were provided in our April 5, 2007 PAL. In the present CAR, we summarize these findings and recommendations, again show the proposed PAs and mitigation site(s) (Figure 1), and summarize the Corps' HEP analysis and assumptions. We also summarize the differences between the Corps' and the Service's HEP and mitigation analyses.

Criteria we used in developing a hypothetical mitigation plan were: 1) practicability (proximity, availability, etc.), 2) habitat type (high-priority, i.e. wetlands, prairie, riparian forested, etc.), and 3) habitat quality/value. We selected, following discussions with TPWD, Corps, and Port personnel, the adjacent, partially wooded tract immediately north of PA 9, lying between the proposed northern levee alignment and the Brazos River (Figure 1) as a hypothetical mitigation site. Preliminary calculations indicated that approximately 172 acres were available in this tract, approximately 140 of which are lightly forested and 32 of which could be classified as wet prairie/grazed pasture (Figure 1). In terms of value to native fish and wildlife populations, the Service considers the riparian forest portion of the study area to be of higher value than the wet coastal prairie portion because of its potential as high-quality neotropical migrant songbird habitat. While coastal prairie is a valuable and declining wildlife resource, the overgrazed condition, particularly of PA 9, and its fragmentation diminish its value. The results of the Service's HEP analysis of project impacts and of the mitigation plan are presented in Table 1.

Potential management measures for the hypothetical mitigation habitats were outlined in the PAL. These management measures were reflected in assumptions made in the hypothetical HEP Mitigation Area runs. Habitat improvements were assumed to manifest themselves by altering habitat variables in years 1 – 15 and to accelerate in years 16 – 50 for the prairie and wetland components (of both the prairie and forest) and for the forest. However, it was emphasized throughout the planning process that the Service considered the ENTIRE 132-acre semi-wooded tract north of PA 9 (Site 1 in the EIS) as the mitigation tract for HEP computation purposes.

According to Service HEP results:

1. Losses to coastal wet prairie habitat in PA 8 and PA 9 are only partially recouped in the mitigation area under the Service's mitigation plan, even considering values gained by habitat conservation and restoration in the "prairie" portion of Site 1.
2. Losses to riparian forest in PA 9 are not only recouped, there are additional habitat gains in the mitigation area under the Service's mitigation plan.

According to Corps HEP results:

1. Losses to forest ("woodlands") at PA 9 would be recouped by planting 150 tree seedlings on 21 acres at Site 1 and by maintaining invasive plant control over this (21-acre ?) site over the project life.
2. Losses to wetlands at PAs 8 and 9 would be recouped by creating two 1.5 acre shallow wetland ponds, for a total of 3 acres of "wetland" mitigation.

Corps mitigation results in the PDEIS were based on different assumptions made on both habitat values and slightly different methodology during the Corps' planning process. Also, the Corps uses a "Best Buy Plan" methodology in evaluating combinations of potential mitigation scenarios. As stated earlier, the Service is presently unsure whether Alternative Plan A1B0C0 alone, as proposed in Appendix C-2 of the PDEIS, constitutes the recommended mitigation plan.

While the Service and TPWD considered all of PA 8 and most of PA 9 to be "wet coastal prairie," the Corps considered only the wetlands portion as mitigable habitat. The Service agreed with the Corps that much of the "prairie" area, particularly in PA 9, was of marginal quality due to existing grazing pressure. Nevertheless, it did constitute coastal prairie habitat with good management potential due to its location along the Brazos River within 6 miles of the Gulf of Mexico. In addition, its unaltered topography would facilitate restoration. It should be emphasized that PA 9's existing, degraded condition was reflected in diminished HEP values for the prairie species. Therefore, the hypothetical mitigation requirements were lessened.

The Service considers neotropical migrant songbird habitat in the upper Texas coastal zone to be of highest conservation priority. Therefore, though technically "out of kind" in some respects according to calculated HEP values alone, we find the type and magnitude of compensation for project impacts originally proposed in the PAL appropriate. Likewise, the plan proposed by the

Corps in the PDEIS would be acceptable to the Service provided that the entire 132-acre (semi) wooded tract within which the habitat measures are located is included in a permanent conservation easement, to be held in perpetuity by a recognized conservation entity. The 21-acre woodland improvement and 3 acre wetland creation feature(s) alone would not compensate for present and potential future native wildlife and wetland benefits lost on these two sites totaling 422-acres in size, and thus are unacceptable to the Service.

Thank you for the opportunity to provide input to assist the Corps of Engineers in planning Federal projects which protect and restore these important Texas coastal habitats. Please contact me or Phil Glass, staff biologist at 281/286-8282 if you have questions concerning these recommendations.

Sincerely,

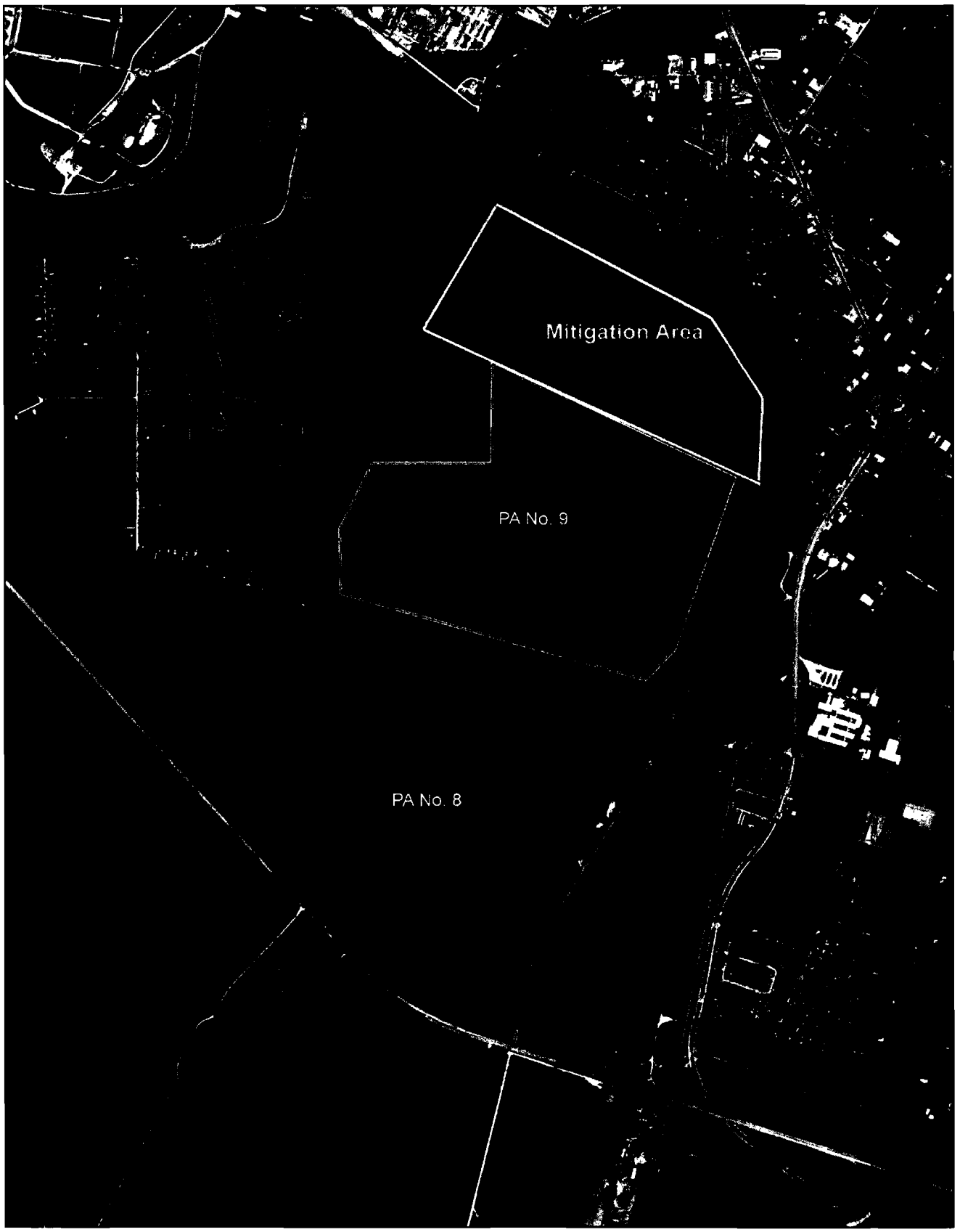
Stephen D. Parris

Stephen D. Parris
Field Supervisor, Clear Lake ES Field Office

cc:
Cherie O'Brien, Texas Parks and Wildlife Department, Dickinson, TX
Gary McMahon, Texas General Land Office, LaPorte, TX
Mark Fisher, Texas Commission on Environmental Quality, Austin, TX
Jim Herrington, Environmental Protection Agency, Dallas, TX

Table 1. Summary of Service Habitat Evaluation Procedures (HEP) Results
Habitat Units With and Without Project Impacts and With Hypothetical Mitigation Plan

	HU's PA8	**HU's PA9**	**Total HU's lost**	**HU's gained, Hypo. Mitig. Plan**	**Hypo. Mitig. Plan net change**
Mottled duck	2,016	0	2,016	896	-1,120
Great egret	4,368	572	4,940	896	-4,044
Eastern meadowlark (weighted X .2)	916	620	1,536	192	-1,344
Total wet coastal prairie HU's			**8,492**	**1,984**	-6,508
Gray squirrel		231	231	5,446	+5,215
Veery		472	472	3,920	+3,448
Total forest HUs			**703**	**9,366**	+8,663
HU Totals			**9,195**	**11,350**	+2,155



Freeport Study: Proposed Placement Areas No. 8 & 9 and Mitigation Area

Appendix A-6

General Correspondence

PORT FREEPORT℠
THE COAST IS CLEAR
200 W. SECOND ST., 3rd FL. • FREEPORT, TX 77541
(979) 233-2667 • 1 (800) 362-5743 • FAX: (979) 233-5625

DEC 24 2009

DW 23 DEC 2009

December 21, 2009

TO P.E.R.

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

Re: Freeport Harbor Improvement Project Feasibility Study
Proposed Conservation Easement

Dear Colonel Weston,

As part of the Freeport Harbor Improvement Project, environmental mitigation will be required to offset for the loss of habitat in the area of the proposed Upland Confined Dredged Material Placement Site Nos. 8 and 9 as shown in the Draft Environmental Impact Statement. It is the Port's intention that should the project proceed into the Construction Phase to grant a conservation easement for the portion of the lands used for mitigation to one of the regulatory agencies (probably Texas Parks & Wildlife Services) or a recognized nature conservancy.

Sincerely,

Phyllis Saathoff
Managing Director
Port Freeport

PS/dmk

Appendix A-7

Comments and Responses for the DEIS

Public Meeting Comments

FREEPORT, TEXAS

CHANNEL IMPROVEMENT PROJECT

PUBLIC MEETING

JANUARY 13, 2011

MR. REIXACH: We want to welcome everybody out to this event tonight. This has been a long time coming. We appreciate you coming out in the beautiful Freeport weather and hopefully we can get through this tonight and get out of here at a decent hour. We embarked on this journey with the Corps a little over eight years ago. It started with a strategic meeting of port personnel and at the time we were at a cross roads of what kind of port did we want to be 25 years from now. Did we want to continue to be a niche port with minimum impact on the local economy and minimal job creation? We looked at our assets, over 7,000 acres of land, close to the open sea, 50 miles from a major commercial zone but yet within a stone's throw of a major petrochemical complex with rail service and adequate highway infrastructure. We knew we had something special but most of all we had a supportive constituency from both industry and the public. Containerization was at an all time high. We asked ourselves did we want to play a role in that segment of the shipping industry? The overwhelming answer to that question was yes. Like an artist with a canvas, the future began to take shape. We needed a multipurpose terminal on deep water and that could handle both general cargo as well as

containers, hence Velasco Terminal. Deep water was next. Would containers stand alone and support deep water? Probably, to come degree but we visited with our petrochemical industry leaders and crude industry leaders and the answer from them after some investigations was also yes. The next question was how deep? From local industry we were told 55 feet. From the container industry, we were told 55 feet. Next stop, the U.S. Army Corps of Engineers and a recon to determine if there was a federal interest in taking our channel down to 55 feet. The answer came back yes. Seven and a half and almost eight years later and some $4.7 million later, here we are tonight for public's input and comment. The painting is about half complete with many more steps and hurdles to go. We appreciate the hard work the Corps has put into this project and we thank our consultants Younger & Associates, Steinberg's up in Washington D.C., our economist John Martin of Martin & Associates for all of their hard work to get us this far. And now I would like to introduce Colonel Christopher Sallese, District Commander, Galveston, Texas, U.S. Army Corps of Engineers.

Colonel Sallese.

COL. SALLESE: Thanks, Mr. Reixach. I

appreciate that. Good evening, Ladies and Gentlemen. I want to thank y'all for being here tonight. As Pete laid out, this is an important event in our process as we go through this study for this project. As he said, I am Colonel Christopher Sallese. I'm the commander of U.S. Army Corps of Engineers, Galveston District. And, again, I want to welcome y'all to the public meeting concerning the Freeport Harbor Channel Improvement Project. Specifically, we are presenting information and accepting public comment on the following draft documents that were released for public review on the 23rd of December, 2010. The Draft Feasibility Report for the Freeport Harbor Channel Improvement Project, Texas; the Draft Environmental Impact Statement for the Freeport Harbor Channel Improvement Project, Texas. For the record let me state that this public meeting is being convened at 7:00 p.m. on 13, January, 2011 at the Freeport Community House in Freeport, Texas.

As you know, the Corps of Engineers in Freeport have been performing a study analyzing potential modifications to the Freeport Harbor Channel that serves the Port of Freeport, Texas. Two objectives were identified for the study. They were, number one, improving navigation efficiency along the

Freeport Harbor Channel and, number two, maintaining the ecological value of costal and estuarine resources within the project area. A cost effective plan has been identified by the study team that meets these objectives. The plan which we refer to as the tentatively recommended and locally preferred plan will be described by study team members in some following presentations. We are specifically seeking input concerning the plan and associated environment impacts that are described in these documents. I hope that all of you have had an opportunity to read the announcement of the public meeting either on the Galveston District's website or in individual announcements that were mailed to individuals, agencies, organizations, and news media believed to have an interest in these proceedings this evening. The meeting notice was also published in Brazosport Facts. An additional fact sheet is also available at the entrance where you signed in this evening. The announcement, mailing list, and a list of those present will be made a part of the record for this meeting. A court reporter is here who will transcribe these proceedings and all public comments.

Before we begin the presentations, I'd like to introduce the public officials who are

attendant tonight. As I call your name, could you please stand up or raise your hand? Ms. Gloria Milsap representing State Senator John Huffman.

Larry Davison, mayor of Surfside. Ravi Singhania, port commissioner. Bill Terry, port commissioner.

Are there any other state or public officials that I may have missed?

MR. MASTERS: I just came in. I'm a city councilman.

COL. SALLESE: Your name, sir?

MR. MASTERS: Jerry Masters.

COL. SALLESE: Jerry masters. Councilman for City of Freeport?

MR. MASTERS: Quintana.

COL. SALLESE: For the City of Quintana. Thank you very much, sir. Now I'd like to introduce my people who are here tonight from the Corps of Engineers. My deputy district engineer Art Janecka, who a lot of people in this room could not make it this evening. He was feeling a little bit ill. So in his place tonight I have Bill Wise. He's the chief of project management. Ms. Diana Laird, chief planning and environmental branch.

Mr. Robert Heinly, chief planning section way in the back at the table. Ms. Carolyn Murphy, chief

environmental section in the back. Ms. Sharon Tirpak, project manager for the Freeport Harbor Study. Mr. Robert Van Hook, he's the planning lead for this effort. Ms. Janelle Stokes, she's our environmental lead for this effort. Mr. Carlos Tate, he's the project engineer. Ms. Samantha Lambert, she's from our hydrology and hydraulics engineering. And Ms. Sandra Arnold, she's our public affairs officer.

And now I'll turn this meeting over to Ms. Sharon Tirpak who will describe the ground rules for tonight's meeting.

MS. TIRPAK: Thank you. Hope everyone completed an attendance card when they entered the meeting tonight. If not, I ask that you do so now. If you'll raise your hand, someone will bring you a card if you need one. The attendance card is used to record the participants at this meeting and to inform us of your desire to make an oral comment. If you indicated on the attendance card that you want to make a comment, you will be given an opportunity to do so after the project presentations. If you prefer not to speak tonight, you may submit your comments in writing using one of the comment cards we have available for you tonight. Those cards are also available at the entrance or you can raise your hand now and someone

will bring you one. You can return your completed card tonight in the basket identified for that purpose in the back of the room or you can mail it to the address that's indicated on the bottom of the form.

The purpose of tonight's meeting is that we would like to emphasize the meeting is not a voting contest that would simply determine the number of people for or against the project. The purpose of this meeting is to present information and provide you with the opportunity to present your views, opinions, and recommendations concerning the tentatively recommended and locally preferred plan. Let me discuss the format for tonight's meeting. First Mr. Pete Reixach from Port Freeport will make a few comments. Then the Corps of Engineers study team will present details of the planning and environmental studies. Mr. Robert Van hook from planning will provide an overview of the study, the tentatively recommended plan, and an overview of the environmental impact assessment, the plan impacts and proposed mitigation plan. After these presentations, Colonel Sallese will open the floor for public comments. He will first recognized those federal and state officials that have requested to make a statement. Then the federal and state resource

agencies if any present will be called upon next if they wish to make a statement. Finally, Colonel Sallese will recognize each individual from the registration cards that has indicated that they wish to make a comment. Anyone who has indicated a desire to comment will have that opportunity. Please remember that this will not be a question and answer session. This meeting is to provide everyone with an opportunity to publicly comment on the plan.

Is there anyone else who needs to turn in a card expressing your desire to comment? Do we have everyone's comments who wants to comment?

MR. MASTERS: I didn't see where you check off the comment?

MS. TIRPAK: Well, you turned in a card. Are you going to speak?

MR. MASTERS: I got here late. I apologize.

MS. TIRPAK: That's okay. Please give all the speakers the courtesy of not making any comments during their presentation and turn off your cell phones and hold all applause or other reactions so that we can have an ordinarily meeting and to be respectful of everyone's time. All individuals have an equal right to be heard and now I'd like to

introduce Mr. Pete Reixach, Port Freeport for any additional comments he may have.

MR. REIXACH: Thank you, Sharon. As I said in my openings remarks, Port Freeport and the Corps embarked on this journey some eight years ago. A lot of ink has hit a lot of pages, a lot of meetings and exchange of e-mails. So here we are tonight to get the public's input into our long awaited project. As we go through the process, I can see any number of things coming together to create not the perfect storm but the perfect port. We are building the port of the future, not saddled with the flaws of the past. Velasco Terminal when completed will be a state of the art terminal capable of handling 780,000 TEU's annually. Highway infrastructure improvements will make access to the port more efficient. A new rail bridge over the Old Brazos River will improve rail service to and from the port and probably the most important, the Panama Canal should be completed by 2014 allowing the larger container ships access to the gulf and quite possibly and hopefully Port Freeport. The final piece to our puzzle or our portrait will be a 55-foot channel. It will improve navigation for our port which is always an important factor. It will allow four two-way traffic for certain class of

vessels. Allow the larger crude carriers to discharge their crude at a safe and secure berth versus the lightering that goes on now out in the open sea. It will allow the larger vessels access to Velasco Terminal. All of these are good things. It will make our channel safer and with Velasco Terminal at its full potential, our economist tells us it will generate approximately 1700 direct jobs and over $24 million in state and local taxes. That's Velasco Terminal and once again thanks to all the Corps from headquarters division in Dallas and the district in Galveston, thanks to all the hard work you've put in into developing these documents and now I believe I turn it over to Robert Van Hook.

MR. VAN HOOK: Good evening. I'm Robert Van Hook, the planning lead for the Freeport Harbor Channel Improvement Project. This study is authorized by Section 216 of the Flood Control Act of 1970. This section allows us to restudy existing projects. As Pete Reixach has stated Port Freeport is a nonfederal sponsor for this study and the resulting project.

As shown on this slide, we have coordinated with the shown agencies for environmental issues and concerns with. The EPA, U.S. Fish and

Wildlife, National Marine Fisheries, the Texas General Land Office, Texas CEQ, and the Texas Parks and Wildlife.

This slide shows the study area. This area includes the Freeport Harbor Channel from the offshore end of the Outer Bar to the Stauffer Channel Turning Basin. The study area encompasses approximately 70 square miles including Brazoria County, Freeport, Surfside Beach, Quintana, the lower Brazos River, portions of the GIWW, the shoreline on either side of the Freeport Harbor Channel, and the channel area approximately 10 miles offshore into the Gulf of Mexico.

This is an aerial view of the port including Brazos Harbor, Conoco Phillips, Seaway, Dow, the Stauffer Channel, et cetera.

The authorized dimensions of the existing 45-foot project are shown on this slide.

This slide here shows the study concerns for Freeport Harbor. As noted, the existing channel is restricted to a large portion of the current world fleet due to its size. These restrictions include both channel width and depth. These restrictions also include one-way traffic and daylight only transits. Port Freeport is one of the

nation's most important ports for the petrochemical industry. We also consider the potential impacts of the proposed project on human and environmental resources to be key concerns. As part of the deep draft navigation project, an important issue is disposal of the dredged material. Thus, we have to develop a management plan for the material both new work and maintenance.

The problems and opportunities identified were navigation and commerce, and the environmental concerns and social and economic factors.

The objectives for the study were improvements of navigational efficiency and safety of the Freeport Harbor Channel and maintenance, protection, and/or restoration of the terrestrial, cultural, estuarine, and coastal resources.

As shown here, the existing maximum loaded draft for vessels entering Freeport Harbor is 42 feet. This restriction is to allow sufficient under keel clearance for vessels. However, the pilots do allow larger vessels to transit on a case-by-case basis dependent on the tide, longshore currents, and wind conditions. As shown, Port Freeport is the sixteenth largest port in regards to foreign imports

and exports and is the nations twenty-sixth largest waterway in regards to tonnage. Port Freeport also supports the nation's strategic oil reserves at Bryan Mound.

Environmental concerns identified for the study were contaminated sediments in the project area, regional air quality, shoreline erosion along the Gulf in the area, and the cumulative environmental effects of the project.

The social and economic factors for the study include the effects of reduced transportation efficiency, and national and regional economical benefits.

Early in the study process, a no action alternative was developed. The no action alternative from which all project benefits are measured is what the Freeport Channel would look like if nothing was done to improve the existing project. The project study basis is a 50-year period of analysis. Nonstructural alternatives were also investigated. These included the relaxation of the Pilot rules and alternative modes of commodity transportation. TOPS was not carried forward because it was considered to not be viable at this time.

Structural alternatives were the

primary point of investigation. As shown more than 50 combinations of different channel depths and widths were initially analyzed based on benefits over costs. Depths from 50 to 60 feet were analyzed in combination with widths from 400 to 600 feet. Deepening and widening would allow existing vessels to more fully utilize the channel. These combinations were initially investigated and screened down to nine channel alternatives for more detailed analysis. Five alternatives looked at the Gulf to the Upper Turning Basin reach and four alternatives were investigated for the Stauffer Channel. The Brazos Harbor Channel was dropped from detailed plan formulation due to limited opportunities for future expansion due to the high density of docks and landside facilities.

Various technical identical studies were performed during the feasibility study as shown on this slide.

Two plans were ultimately developed: The National Economic Development or NED Plan and the Locally Preferred Plan. The NED Plan is the plan that shows the maximum net access annual benefits over annual cost and represents the best federal interest. Thus, the NED is the base recommended plan. The Locally Preferred Plan can be recommended if the local

sponsor agrees to pay any excess costs over the NED.

As a result of the feasibility study, a tentatively recommended plan was developed. The tentatively recommended plan is the LPP and is a 55-foot channel project. A dredged material management plan for the project was also developed.

This slide here shows the various components of the tentatively recommended plan.

The dredged material management plan components are shown on this slide.

This tentatively recommended plan has a $308.7 million first cost. The benefit to cost ratio is 1.3.

The environment in the project area consists primarily of developed lands and upland grasslands with small fragmented areas of riparian and upland forest and freshwater wetlands. There are no beds of submerged aquatic vegetation, estuarine wetlands, tidal flats or beach and dune habitat in the area to be affected by the project construction. Important environment concerns in the overall study area include high erosion along the Gulf shoreline, averaging 9 to 10 feet per year, and high ozone levels during certain times of the year.

The primary project impacts would be

the destruction of 39 acres of wetlands and 21 acres of riparian forest by construction of placement areas 8 and 9. On this slide, the locations of wetland impacts are shown in blue and forest impacts in green. Threatened and endangered sea turtles could be adversely affected during offshore hopper dredging. Our air conformity analysis has determined that nitrous oxide or NOX emissions would comply with the state implementation plan. There would be negligible increases in the tidal range and tidal surge and in Gulf shoreline erosion. No salinity, water, elutriate, and sediment quality impacts are expected and the project would not result in significant cumulative impacts.

Mitigation has been proposed to compensate for unavoidable wetland and riparian forest impacts. We proposed to preserve 131 acres of riparian forest located just north of placement area 9. Within this area, tallows would be removed and 12 acres of new forest would be created at the six sites shown in gray. A new 3-acre wetland pond would also be created. Consultation with the National Marine Fisheries Service is ongoing regarding the sea turtle impacts, but we believe that potential incidental takes during hopper dredging can be minimized by the

adoption of reasonable and prudent measures.

In summary, the project environmental impacts would be minimal and all project impacts would be mitigated. We thoroughly investigated opportunities for the beneficial use of dredged material but none were identified due to the unsuitable material and cost.

The estimated completion schedule for the study is shown here. Comments on the draft environmental impact statement are due by February 5th and we expect to issue the final feasibility report and the environment impact statement in July of this year. The Chief of Engineers Report is scheduled for completion in September.

I would like to thank all of you for your attendance this evening, and I would turn the meeting back to Colonel Sallese.

COL. SALLESE: At this time we're going to take statements from our special guests, elected officials, and resource agencies. I believe based on the cards that I have in front of me that Mr. Jerry Masters will be the first person to speak.

MR. MASTERS: I was the last one in. My concern we're going to dredge another 600 feet wide, a few feet deeper. What happens I don't know if

1

any of y'all ever been to the beach or not but if you dig a hole in the beach what happens and you pile the sand up over here or wherever you pile it, the tides come in, and it washes off this side over here and that side over there. And my concern is not just Quintana but Surfside. My question is why we don't use as they did in the Twin Towers the slush walls. We need because y'all dig it up every year and take it out there and it's my island and it's their island and so my question is: Why don't we protect? We have the jetties protecting that part. Why don't we protect the rest of it where we dig out for the port? It's not for my benefit. I gain nothing from it. I lose every year off my island and off their island. I didn't create the island. So that is my question. Why not think of something to protect the rest of the shore besides just the jetties and the interest of the port? I know there's no answer to that by the way.

COL. SALLESE: Thank you, sir.

Are there any other elected officials or resource agencies here this evening that wish to provide comments?

At this time I will now call on members of the general public who wish to make a statement. I remind you that I ask you to limit your oral statement

to no more than five minutes so that everyone will have an opportunity to speak. I will not permit speakers to yield their time to others. I've asked Ms. Tirpak to assist me in keeping time. She will inform you when you have 30 seconds left to speak and when your time has expired, I ask that you stop speaking after five minutes have elapsed. When you are called upon, please come forward and speak into the microphone. Please identify yourself by name. I would like to remind you that the purpose of this public meeting is to provide you with the opportunity to present your views and opinions concerning the tentative recommended and locally preferred plan for modifications to the Freeport Channel as Robert just laid out to you in the little presentation that we had.

I now call on Melanie Odom Lantrip to speak.

MS. LANTRIP: Good evening. My name is Melanie Odom Lantrip, and I'm a resident of Brazoria County, a licensed physical therapist, and a trained public health advocate. I understand the importance and the need for this project. However, after reading the Port Freeport proposal for the deepening project, the DEIS, and the nonconformity report, I feel the air

sections in the proposal is very inadequate to show the need to use clean marine vessels, clean fuels, and best management practices to significantly decrease NOX emissions during this project. 4

In the reports, which I will include, toxic pollution and health and Brazoria County and air toxic, it states our county is the fourth in the U.S. for air and water releases of carcinogens. 5

Brazoria County as you know is listed as severe nonattainment for ozone. The American Lung Association in 2010 stated the air report again gave Brazoria County an "F" for ozone. Also, in the report about said health impacts, it states that the cancer risk for a resident of Brazoria County is 1 in 3,036. This risk is 320 times greater than EPA's acceptable cancer level of 1 in a million. And by the way, the county no longer monitors PM or particles.

And also we do not have a long time ozone monitor in Clute, Texas that was put there in 1974. It's a historical ozone monitor, but it was moved to Dow property several years ago. TCEQ, David Brimer, and Suzanne Hillebrand, the head of air stated a while back it should be moved from the Dow land to northeast of there to get an accurate picture of our actual ozone design value of Brazoria County.

On 01-08-11, last Friday, I spoke by

phone to Rubin Velasquez who is the PE for PBS & J who did the air section report for the DEIS in general conformity who commented that his NOX emission estimates and assumptions are based on using typical marine vessels not necessarily with new retrofitted engines, clean fuel best management practices. He agreed that there needs to be additional research study added to clearly illustrate to stake holders the possible NOX emission reductions that would be possible. 6 7

I've included two studies found on the Internet. One is done at the Port of Oakland, a program to encourage and offer financial incentives which is expected to decrease particulate matter, PM, by over 70 percent and NOX by over 30 percent and the 2006/2007 Port of Houston Authority with its environmental management system used a NOX calculator for contractors to determine the optimal combination of newer heavy equipment, electric equipment, lower emissions fuel, and construction techniques to minimize the NOX generation, and meet the Port's air quality goals.

Recently David Brimer of TCEQ who I spoke with today and Tom Diggs for the EPA have verbally expressed the need to encourage using

construction contractors that participate in the TERP grant program and through provisions, criteria in the construction contracts which the Corps I understand will be taking the bids, implement best management practices related to NOX and DOC which is from ozone. The estimated NOX emissions for this project is estimated to produce at peek 780 tons per year while any amount over just 25 tons per year is required to be justified in the general conformity report.

The estimated emissions from this Port Freeport proposed project must be well illustrated and quantified to all state holders and not exceed the NOX emissions budget in the HGB SIB.

My question is: Does this proposed plan meet all these criteria to reduce minimized NOX during this project in order to protect our human health and the environment? Thank you for your time and I've included some reports in the folder that I referred to. Thank you. 8 9

COL. SALLESE: Please insure that we get copies of that data with your comments.

MS. LANTRIP: Can I give it to you after the meeting?

COL. SALLESE: Yes, please. You can give it to myself or to one of my folks here. I want

to make sure that we have the data -- the references that you quoted.

Next I'd like to call on Ms. Sharon Stewart from the Galveston Bay Foundation.

MS. STEWART: Thank you. I'm Sharon Stewart. I co-chair the permit review committee for the Galveston Bay Foundation. We have already put together our comments, and they will be submitted in writing. So tonight I'm just Sharon Stewart from Lake Jackson. Dave Knuckey is the only person who will remember this because it happened just before Pete came on board and may be why Pete came on board. But in the mid Eighties, I went to Washington to testify before Congress for the Port of Freeport's need for 50 feet. We accomplished that, and I was able to show the Department of Defense and the Coast Guard that there was a national interest because I just happened to have information about the strategic petroleum reserve site adjacent to the Port in my briefcase. Now, the Port made the decision after they got congressional approval to seek 50 feet of water to go for 45 because that was also at the time that there was a change in the proportion of funding between the Corps and the Port which is why Pete may be on board. It was a very bad decision. Nobody in the country had

50 feet at that time. And there's a good reason why that was. Port of Freeport is the only port on the entire Gulf Coast that has no bay margin to cross. To dig that depth, you do incredible damage to an estuarine ecosystem. And the Port of Freeport does not have that problem.

For 15 years I chaired a task force for Texas Environmental Coalition on all port and dredging projects and I read those suckers. And this is the only one that that task force endorsed, and nothing about that has changed. However, there are always dabbles in the details. This isn't the only project that's going to be seeking that depth in Texas. You're just the first. There are more problems with the others but some of the issues like the SIP air quality things need to be addressed now with clean dredges, clean fuels, best practices, and I don't think the EIS addressed that. As Melanie pointed out, there hasn't been an appropriate study mechanism. I would suspect that because the Port of Houston is so proud of their green efforts they would share them with you. They do have a report out on them, but I think they would even share their NOX methodology with you. And I think the Corps should require that the bids go out for clean dredges and clean fuels. If

10

11

there aren't any available in the Gulf, it's because the Corps doesn't demand it but we are in the worst SIP in the country. There's a good reason for that, and we are as much a part of that as the whole ship channel area.

You know, 50 percent of the nations petrochemical refining capacity exists in four counties around Galveston Bay including us. We just are the most rural. Doesn't mean we are the least polluter. I have one other basic point and that's the dredging sites. There is contaminated dredged material, one at Dow. There is a plume under the harbor and you can get that information from Dow. You can get it from TCEQ, probably Marker would be the quickest way. It's all been in the papers. It's just unique to know it. It's heavy metals and the same material on the other side of the channel at Gulf Chemical and Metallurgical. They were just fined this fall for illegally discharging directly into the harbor. You know, you've got to address that and make sure that all that contaminated spoil goes into appropriate upland sites and is treated as a hazardous waste. Thank you. 12

COL. SALLESE: Thank you, Ms. Stewart.

I now call on Toby Davenport.

MR. DAVENPORT: Good evening. My name is Toby Davenport. I live at 201 East Park Avenue in beautiful downtown Freeport. I had the esteem pressure and honor of serving on the Port Commission for 18 years. A lot of what's going on today was started probably on my watch. I've always supported the channel project. Spent a lot of time in Washington and visiting with folks about improving the channel. And I'm certainly not opposed to improving the channel. It's been a goal of this area for as long as I can remember. My grandfather was one of the first port commissions when they diverted the Brazos River, and that was quite a feet. So we understand things like that. It inconveniences people but the point of my comment tonight is that I echo Ms. Stewart's concern about the quality of the dredged material. I know that there are some areas that we avoided during my time on the board, and I'm wondering how we're going to accomplish this without disturbing some of that material. There was some dredged material disposal sites. It took me a long time to learn how to say that but it's easier to say something else but we don't use that word around here. 13

I would urge this project to include better management of the dredge disposal sites with

regard to sluffing and the contaminated contents and the effect that they have on the surrounding areas as far as drainage and what happens to the surrounding areas after the spoil -- oh, there it went -- the dredged material is placed in these areas. 14

Also, when I was chairman, I signed a contract with Freeport LNG, and some of the channel modification I'm sure is probably directed to help facilitate LNG ships to get into their slip there at Quintana. And before they bring anymore ships in there or any larger ships in there as a result of this project, something needs to be done to monitor their economic environmental impact on the Village of Quintana as far as noise and vibration of their engines and continual worrying and just generally disrupting the Quintana County Park and the folks that live in the vicinity of the Quintana Terminal which is also owned by the Port. I'm hoping that this project can be completed and environmentally sensitive and in a way that has the least negative impact on those people who adjoin the ship channel at Surfside and Quintana. I thank Pete and I thank the Colonel and everyone who's worked hard on this project and those who are on the commission now and I just hope you'll consider my comments. Thank you for your time. 15

COL. SALLESE: Thank you, Mr. Davenport.

That was the last of the public comment cards that I had. Was there anybody else who wished to come forward and make a public comment?

MR. MASTERS: How many minutes are there left?

COL. SALLESE: Okay. Well, then, in conclusion written comments on the Draft Feasibility Report and Draft Environmental Impact Statement must be received on or before 5, February, 2011, the conclusion of the 45-day comment that began on the 23rd of December, 2010. I would like to thank the Port of Freeport for their efforts and their assistance for this meeting tonight and I would like to thank the attendants and the interests y'all have shown. These meetings are important to us. It gives us a chance to -- as we go through our process, it gives a chance to, one, show you what we've been doing and it gives us -- it gives you the opportunity to provide the comments for us to take into consideration as we move forward to a final report. Very valuable. Your comments tonight have been -- have been well received and they will all be addressed and I thank you again for making it here this evening. Thank

you. Myself and members of my staff will be here to answer your questions if anybody wants to come up.

(Public Meeting concluded.)

THE STATE OF TEXAS)

COUNTY OF HARRIS)

I, LANA SHOLDERS, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the facts as stated in the caption hereto were recorded verbatim, by me, and were reduced to typewriting under my direction.

To all of which I certify on this the 1st day of February, 2011.

Lana Sholders

LANA SHOLDERS, Texas CSR 5215
Expiration Date: 12-31-12
Firm Registration # 530
Keais Reporting
1010 Lamar, Suite 300
Houston, Texas 77002
(713) 224-6865

Public Meeting Response Comments

RESPONSE TO COMMENTS

Commentor	Comment No.	Response
Masters	1	We note your concern that channel widening will result in shoreline erosion along the current ship channel. However, widening of the Jetty and Entrance Channels is not proposed as part of the FHCIP. Widening is authorized under the previously-permitted Port Freeport Widening Project.
Masters	2	Hydrodynamic modeling was conducted for this study and is reported in Feasibility Report Section 8.2.1.2. Based on these studies, no significant change is expected in tides, currents, and circulation between the existing and proposed plan. Therefore, no increase in erosion of the ship channel shorelines is expected. See FEIS Section 4.1 for a discussion of expected project effects to the physiography of the project area.
Masters	3	No shore protection is needed because the FHCIP does not result in significant impacts to the area's shorelines.
Lantrip	4	FEIS Section 4.4 has been revised to include recommended emissions reduction measures.
Lantrip	5	The following printed materials were provided to USACE by Ms. Lantrip during the meeting. They have been reviewed for information potentially useful to the FHCIP. 1. Cassady, A. and A Fidis. 2007. Toxic Pollution and Health: An Analysis of Toxic Chemicals Released in Communities Across the United States. U.S. PIRG Education Fund, Washington, D.C., pages 1-10 (Incomplete). 2. Brazoria County and Air Toxics. No date. Sierra Club, 1 page. 3. Air Toxics from Diesel Exhaust. No date. Publisher/author not identified, 1 page. 4. What You Can Do to Reduce Air Toxics. No date. Public Citizen, Austin, Texas, 1 page. 5. Air Toxics: What you don't know CAN hurt you. No date. Public Citizen, Austin, Texas, 1 page. 6. APWL1201 (Map of Freeport) - Arsenic, Cobalt, Nickel, Vanadium. No date. Publisher/author not identified, 1 page. 7. State of the Air 2010. 2010. Statistics for Brazoria County. American Lung Association. http://www.stateoftheair.org/2010/states/texas/brazoria-48039.html, 1 page. 8. Diesel Soot Health Impacts: Where You Live - Brazoria County, Texas. 2010. Clean Air Task Force, http://www.catf.us/projects/diesel/dieselhealth/county.php?c=48039&site=0, 2 pages 9. Clean Ports USA. 2011. Case Studies - Technologies. U.S. Environmental Protection Agency, http://www.epa.gov/diesel/ports/casestudies.htm, 4 pages. 10. Letter from Ms. Susana Hildebrande, Director, Air Quality Division, U.S. EPA, Region 6 to Mr. Sam Watson, Department of the Army, Galveston District, Corps of Engineers. Dated January 10, 2007. Comments

Commentor	Comment No.	Response
		on the Draft General Conformity Determination for the Port of Freeport Channel Widening Project, dated November 7, 2006, 2 pages. 11. Letter from Lisa McMichael, Environmental Coordinator, Brazos River Harbor Navigation District to Ms. Susana Hildebrand, Director, Air Quality Division, U.S. EPA, Region 6. Dated March 15, 2007. Response to EPA letter dated January 10, 2007, regarding air quality impacts of proposed Port of Freeport Channel Widening Project, 1 page. 12. Partial letter from Texas Commission on Environmental Quality to Mr. Sam Watson, Department of the Army, Galveston District, Corps of Engineers. Dated January 9, 2007. Comments on the Draft General Conformity Determination for the Port of Freeport Channel Widening Project, dated November 7, 2006, First page of letter of unknown length. 13. FHCIP DEIS Appendix C, U.S. Army Corps of Engineers, Galveston District: page 1-7, Section 1.3 General Conformity,1 page marked with question marks; pages 4-4 and 4-5, Sections 4.2 and 4.3, no remarks; page 5-1, Section 5.0, 1 page with asterisks and question mark. 14. FHCIP Draft Feasibility Report, U.S. Army Corps of Engineers, Galveston District: page 1-5, Sections 1.3.1 and 1.3.2, 1 page marked with question marks; page 10-5, Sections 10.1.11 through 10.5; page 12-17, Sections 12.11 and 12.11.1, 1 page with no marks; page 15-4, 1 page with no remarks; Section 14.2, 1 page with no remarks. 15. Map of Brazoria County Commissioner Precincts. No date. Publisher/author not identified, 1 page.
Lantrip	6	Preparation of NO_X emission estimates and assumptions using typical marine vessels is in accordance with generally accepted methodology. This provides a high estimate of potential impacts, and ensures that all potential impacts are addressed.
Lantrip	7	We believe that PBS&J comments were misinterpreted; no additional research was recommended.
Lantrip	8	FEIS Section 4.4 has been revised to include recommended emissions reduction measures.
Lantrip	9	See Response 5 for list of materials provided.
Stewart	10	FEIS Section 4.4 has been revised to include recommended emissions reduction measures.
Stewart	11	USACE contracts would encourage the use of efficient dredges and clean fuels.
Stewart	12	USACE will research this issue in preparation for the PED phase. Water, elutriate and sediment testing conducted for this study and described in DEIS Sections 3.4, 3.5, 4.2 and 4.3 have determined that there is no contamination of the system as a whole, and that sediments are suitable for placement in upland PAs and ODMDSs. However, during the PED phase we will investigate this information to determine if localized contaminated sediments are present in areas proposed for dredging. If contaminated sediments are found, the project will be modified to avoid disturbing these sediments or properly dispose of them, in accordance with all applicable state and Federal regulations.
Davenport	13	See Response 12, above.
Davenport	14	Water, elutriate and sediment testing conducted for this study and described

Commentor	Comment No.	Response
		in DEIS Sections 3.4, 3.5, 4.2 and 4.3 have not identified any contaminated sediments that would be placed in upland PAs or in the ODMDSs in conjunction with the FHCIP. Additional investigations will be conducted during the PED phase and prior to construction. If contaminated materials are identified and removal is necessary, all applicable state and Federal regulations will be followed in their avoidance or removal.
Davenport	15	None of the channel modifications proposed for the FHCIP are designed to benefit the LNG ships. Channel modifications benefiting LNG are addressed by the previously-permitted Port Freeport Widening Project Final Environmental Impact Statement.

Resource Agency Comments

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1001 Indian School Road NW, Suite 348
Albuquerque, New Mexico 87104

TAKE PRIDE IN AMERICA

ER 11/27
File 9043.1

February 7, 2011

Janelle Stokes
U.S. Army Corps of Engineers
Galveston District
PO Box 1229
Galveston, Texas 77553-1229

Dear Ms. Stokes:

The U.S. Department of the Interior has reviewed the Draft Environmental Impact Statement for the Brazos River Harbor Navigation District's (Port Freeport) proposed Freeport Harbor Channel Improvement Project (FHCIP) in Brazoria County, Texas and offers the following comments.

The U.S. Fish and Wildlife Service has worked closely with the U.S. Army Corps of Engineers, Galveston District during the development of the FHCIP. On April 5, 2007, and March 20, 2008, we provided a Planning Aid Letter and a Fish and Wildlife Coordination Act Report, respectively. The Planning Aid Letter included our management recommendations for the 32-acre grassland site. The Coordination Act Report summarized unavoidable project impacts to coastal wet prairie and riparian-forested habitats and provided recommendations for appropriate compensation. To date, both the Corps and Port Freeport have incorporated most of our recommendations, but two issues remain.

First, most of the 32-acre grassland located north of the proposed Placement Area 9 is of marginal quality due to existing grazing pressures. However, we believe this habitat can be improved with proper management because of its key location within the migratory bird flyway, along the Brazos River and within 6 miles of the Gulf of Mexico. Coastal prairies provide important nesting and foraging habitat for a suite of grassland birds and raptors. Therefore, the FWS recommends implementing appropriate management actions to improve habitat conditions at this site. Our management recommendations for this site are included in the Planning Aid Letter, and we can provide additional technical assistance, if necessary. 1

Second, the Corps and Port Freeport's proposed mitigation provide forested habitat along the upper Texas coast for neotropical migrant songbirds. The FWS continues to recommend that the entire mitigation site be placed in a permanent conservation easement held in perpetuity by a recognized conservation entity. 2

We appreciate the opportunity to provide comments on this project in the pre-planning stages. If you have any questions, or require further assistance, please contact Donna Anderson, Fish and Wildlife Biologist, FWS Ecological Services Field Office, Clear Lake, Texas, at 281-286-8282 extension 225.

Sincerely,

Stephen R. Spencer
Regional Environmental Officer

Stephen R. Spencer
Regional Environmental Officer
United States Department of the Interior
Office of the Secretary
Office of Environmental Policy and Compliance
1001 Indian School Road NW, Suite 348
Albuquerque, NM 87104

RESPONSE TO COMMENTS

Comment No.	Response
1	Virtually all of the land in Tract 9 north of PA 9 is riparian habitat (DEIS Appendix H-1, Figure 1), which is why it was selected for riparian mitigation efforts. Prairie restoration in this area would require destruction of riparian habitat. Open lands northwest of PA 9 have not been made available by the non-Federal sponsor for use in conjunction with the FHCIP.
2	By correspondence dated December 21, 2009, Port Freeport has committed to placing all mitigation lands under a conservation easement to a resource agency like Texas Parks and Wildlife Department or a recognized nature conservancy in the event the project is constructed.

From: Murphy, Carolyn E SWG
To: Stokes, Janelle S SWG
Subject: FW: Freeport Harbor DEIS (UNCLASSIFIED)
Date: Tuesday, February 08, 2011 12:23:31 PM

Classification: UNCLASSIFIED
Caveats: NONE

-----Original Message-----
From: MacFarlane.John@epamail.epa.gov [mailto:MacFarlane.John@epamail.epa.gov]
Sent: Monday, February 07, 2011 3:46 PM
To: Murphy, Carolyn E SWG
Cc: Smith.Rhonda@epamail.epa.gov; Jansky.Michael@epamail.epa.gov
Subject: Freeport Harbor DEIS

Ms. Murphy,

Your letter dated December 15, 2010 requested a review of the DEIS by February 5, 2011. However, we are requesting a 10 day extension so we can more thoroughly review the proposed project and its impacts. 1

We appreciate the opportunity to review and comment on the DEIS.

Thank you,
John MacFarlane
NEPA Specialist
EPA, Region 6
Office of Planning and Coordination (6EN-XP)
214-665-7491

Classification: UNCLASSIFIED
Caveats: NONE

From:	Murphy, Carolyn E SWG
To:	MacFarlane.John@epamail.epa.gov
Cc:	Smith.Rhonda@epamail.epa.gov; Jansky.Michael@epamail.epa.gov; Stokes, Janelle S SWG
Subject:	RE: Freeport Harbor DEIS (UNCLASSIFIED)
Date:	Monday, February 07, 2011 8:21:31 PM

Classification: UNCLASSIFIED
Caveats: NONE

Mr. MacFarlane - we will not extend the comment period; however, we will accept, include, and respond to your comments submitted in the time-frame identified below. Thank you - Carolyn

-----Original Message-----
From: MacFarlane.John@epamail.epa.gov [mailto:MacFarlane.John@epamail.epa.gov]
Sent: Monday, February 07, 2011 3:46 PM
To: Murphy, Carolyn E SWG
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Thank you,
John MacFarlane
NEPA Specialist
EPA, Region 6
Office of Planning and Coordination (6EN-XP)
214-665-7491

Classification: UNCLASSIFIED
Caveats: NONE

John MacFarlane
NEPA Specialist
EPA, Region 6
Office of Planning and Coordination

RESPONSE TO COMMENTS

Comment No.	Response
1	Email request from EPA was responded to via email. The Corps declined to formally extend the public comment period but agreed to receive, incorporate, and respond to all comments received within 2 weeks of the formal comment period.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

February 11, 2011

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

Dear Ms. Stokes:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) prepared by the Galveston District, U.S. Army Corps of Engineers for the Freeport Harbor Channel Improvement Project, Brazoria County, Texas. The Brazos River Harbor Navigation District (also known as Port Freeport) proposes to deepen and widen the Freeport Harbor Channel and associated turning basins (except Brazos Harbor), up to and including the Stauffer Turning Basin to eliminate existing operational constraints.

EPA rates the DEIS as "**EC-2**" i.e., EPA has "Environmental Concerns and Requests Additional Information in the Final EIS (FEIS)". Detailed comments are enclosed with this letter which more clearly identifies our concerns and the informational needs requested for incorporation into the FEIS.

EPA appreciates the opportunity to review the DEIS. Please send our office five copies of the FEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004. Our classification will be published on the EPA website, www.epa.gov, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, please contact Michael Jansky of my staff at jansky.michael@epa.gov or 214-665-7451 for assistance.

Sincerely,

Rhonda Smith
Chief, Office of Planning
and Coordination

Enclosure

DETAILED COMMENTS ON THE
U.S. ARMY CORPS OF ENGINEERS
GALVESTON DISTRICT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
FREEPORT HARBOR CHANNEL IMPROVEMENT PROJECT
BRAZORIA COUNTY, TEXAS

BACKGROUND: The U.S. Army Corps of Engineers (USACE), Galveston District, under the authority of Section 216 of the 1970 Flood Control Act, proposes to widen and deepen the Freeport Channel system. The USACE has prepared a DEIS to satisfy the Federal requirements established by the National Environmental Policy Act (NEPA).

COMMENTS: The following are offered for your agency's consideration in completing the FEIS:

Alternatives

The channel is currently authorized for 45-ft. The DEIS considers a range of depths from 50 to 60-ft. This section should clearly describe how the 55-ft project was chosen. EPA recommends that the rationale behind choosing the 55-ft project be stated clearly and concisely by summarizing the benefit cost ratios (BCRs), ship draft requirements, environmental impacts, and other pertinent reasons. Please include a detailed summary of the alternatives screening analysis found in the Draft Feasibility Report, including a comparison of alternatives and reasons why alternatives were eliminated or carried forward for detailed analysis. In addition, the FEIS should address if there was consideration of developing nonstructural alternatives that would utilize offshore terminals for both crude oil and/or liquefied natural gas (LNG) off loading. 1 2 3

Air Quality

The proposed project is federally funded and will be located in the Houston/Galveston/Brazoria ozone nonattainment area (HGB), and is therefore potentially subject to Federal and State General Conformity Regulations. Your analysis of nitrogen oxide (NOx) and volatile organic compound (VOC) emissions indicates that NOx emissions from this project will exceed the de minimis threshold of 25 tons per year for all years of construction (2011 – 2016) for both the National Economic Development (NED) Plan alternative and the Locally Preferred Plan (LPP) alternative. VOC emissions have been demonstrated to not exceed de minimis levels. As a result, a General Conformity determination for NOx emissions is required pursuant to 41 CFR Part 51. A General Conformity analysis was included as Appendix C to the DEIS.

We have reviewed the documents and find the estimated emissions from the proposed project to be well illustrated and quantified. These emissions, together with all other emissions in the nonattainment area, would not exceed the NOx emissions budget in the HGB State Implementation Plan (SIP) allocated to construction activities.

However, any demolition, construction, rehabilitation, repair, dredging, or filling activities have the potential to emit air pollutants and we recommend best management practices be implemented to minimize the impact of any air pollutants. Furthermore, construction and waste disposal activities should be conducted in accordance with applicable local, state and Federal statutes and regulations. We offer the following comments:

- The DEIS and appendices do not indicate plans for this project to use cleaner, newer equipment with lower NOx emissions. EPA encourages the use of clean, lower-emissions equipment and technologies to reduce pollution. Further, EPA's final Highway Diesel and Nonroad Diesel Rules mandate the use of lower-sulfur fuels in non-road and marine diesel engines beginning in 2007. The General Conformity Determination in Volume II – Draft Environmental Impact Statement states that Texas Low-Emission Diesel (TxLED) is expected to be available for use in non-road equipment such as bulldozers and dump trucks. Please include a discussion of additional measures the project will incorporate to reduce emissions and the anticipated reductions in emissions. Initiatives such as the EPA Voluntary Diesel Retrofit Program, the EPA Diesel Emission Reduction Program (DERA), and the Texas Emissions Reduction Plan (TERP) on the State level offer the opportunity to apply for resources for upgrading or replacing older equipment to reduce NOx emissions. 4

- In the Air Quality Analysis Results discussions for the NED and LPP alternatives (Volume I – Draft Environmental Impact Statement, Sections 4.4.3.1 and 4.4.4.1, respectively), it is suggested that the high moisture content of the dredged material should prevent any particulate matter emissions from upland placement areas. Please clarify if the dredged materials will remain in place during the 50 year life of the project, or if disposal/relocation of the materials may occur. Disposal or relocation activities may present fugitive dust concerns that are not addressed within the scope of this analysis. 5

It is ultimately the responsibility of the TCEQ to make the final general conformity determination for this project per 30 TAC 101.30, and find that the HGB State Implementation Plan budget can accommodate emissions associated with this project

Water Quality

Ocean Dredged Material Disposal Site

In 2006 and 2007, EPA worked with the USACE, the Port, and an interagency Dredged Material Management Team on a related non-Federal proposal by the Brazos River Harbor Navigation District to widen the same channel. The current Federal project is largely a deepening and channel extension project, though alternatives related to various outcomes of the widening project are also analyzed. During our review of the earlier non-Federal project, several significant issues related to the use of two EPA-designated Ocean Dredged Material Disposal Sites (ODMDS) for Freeport Harbor were addressed. For the most part, those issues were resolved in a manner applicable to both the non-Federal and the Federal project proposals. However, three EPA actions remain with regard to dredged material management of this Federal channel deepening project.

First, we concur with the findings presented in the DEIS with regard to the suitability of the dredged material for disposal at the two ODMDS and with the application of the ocean dumping criteria (40 CFR 220-227). Though we see no issues of concern with regard to the sediment testing and evaluation performed to date, additional sediment sampling from the Stauffer Channel and from the Outer Bar Channel extension area is proposed to be conducted during the Preconstruction, Engineering, and Design phase of the project. We request an opportunity to review that data and to coordinate further with the Corps, depending on the testing results. 6

Second, the Galveston District of the USACE has proposed to use their authority under Section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA) to place approximately 12.7 million cubic yards of the new construction material that was dredged from the Channel Extension, Outer Bar, and Jetty channel into the existing, but inactive, 45-foot project "New Work ODMDS". EPA

has reviewed the designation proposal, as outlined in the DEIS and associated modeling and sediment testing studies, and makes the following stipulations: 1) the disposal and evaluation requirements of MPRSA Section 102 continue to be met by the USACE; 2) the maximum disposal mound height not exceed 12 feet, as monitored by the USACE; and 3) the material does not stack up more than 0.3 feet outside the boundary of the ODMDS, as monitored by the USACE. 7

Third, a Site Management and Monitoring Plan covering both the "New Work ODMDS" and the "Maintenance ODMDS" has been coordinated with EPA and will require approval by both EPA Region 6 and the USACE prior to disposal of the material and preferably in time for publication in the FEIS. Consequently, EPA will continue to coordinate with the USACE on formal adoption of that plan, as documented in the DEIS, Volume II, Appendix B. A modification will be considered to add a site management goal to encourage continued interagency reviews prior to each maintenance event in order to evaluate the potential for beneficial use of the dredged material. 8

Socioeconomics and Environmental Justice

The DEIS provides a somewhat limited analysis of the environmental justice implications regarding the implementation of this project; however, it does make clear that the benefits of the project will be enjoyed by all the residents, regardless of income levels. The need for the improvements in the harbor channel are clearly laid out, and the DEIS shows that the benefits to the entire community and to the nation far outweigh any negative aspects detailed in the document in general.

The DEIS took the average of the demographics of the entire county of Brazoria into account in its analysis, rather than emphasizing those of the communities that will be most impacted by this project. The DEIS concludes that there will be no disproportionate and adverse impacts on any community. In light of the huge difference between the demographics of Freeport, the city that will be most impacted by both the construction activity and the implementation of this improvement project, it appears that more care should have been taken to carefully analyze possible negative impacts on this community in particular. As of the 2008 Census figures, Texas has a 53.4% minority population, Brazoria County has a 44.9% minority population, and the city of Freeport has 81.8% minority. Texas has a 15.8% poverty level, Brazoria County has only a 9.6% poverty level, and Freeport has a 19.6% poverty level. Clearly Freeport cannot be compared with most of Brazoria County. 9

The entire county will reap much of the increased employment and business opportunities brought about by the project, but one possible impact was not really analyzed. In the event of oil spills, hazardous material spills, LNG explosions, or collisions of vessels in the harbor or channel, the entire area would be impacted, but the city of Freeport would probably be the most affected. This low-income community would have less resources and be less resilient to overcome such a disaster than would higher-income communities in the area. EPA recommends the FEIS discuss the possibility of catastrophic events and measures that would be taken to decrease the likelihood of impacts from such catastrophes. 10

Executive Order (EO) 13045-Protection of Children from Environmental Health Risks and Safety Risks

EPA recommends the FEIS consider the April 1997 Executive Order (EO) 13045 - Protection of Children from Environmental Health Risks and Safety Risks when evaluating project impacts. This EO requires that all Federal agencies "(a) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children, and (b) shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks." Multiple schools and residences are located within one mile of the harbor channel. EPA recommends the FEIS discuss possible catastrophic events and the measures that would be taken to minimize the impact to children. 11

Cumulative Impacts

As stated in the DEIS, cumulative impacts are those impacts "on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or persons undertake such actions." EPA suggests that additional projects listed elsewhere in the DEIS be included in this section if appropriate. These projects may include highway expansions, industrial complex expansions (AirLiquide), and land purchases and annexations (and subsequent development). 12

Greenhouse Gas Emissions and Climate Change

By statutes, Executive Orders, and agency policies, the Federal government is committed to the goals of energy conservation, reducing energy use, and eliminating or reducing greenhouse gas (GHG) emissions. Although the proposed project's annual GHG emissions are projected to be less than 25,000 metric tons per year, due to the long-term utility and location, EPA recommends the DEIS include a discussion of GHG emissions and climate change. Please see CEQ's "Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions" for guidance. 13

General

EPA recommends construction staging areas and the dredge material transport pipeline be analyzed for both direct and indirect impacts. Although the actions may be temporary, the impacts require analysis. 14

Rhonda Smith
Chief, Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RESPONSE TO COMMENTS

Comment No.	Response
1	Additional information from the Feasibility Report (FR) has been added to the FEIS Chapter 2 (section 2.6.1) to more clearly describe the rationale for selection of the LPP.
2	Additional information from the Feasibility Report (FR) has been added to the FEIS Chapter 2 (sections 2.2 and 2.3) to document in greater detail the screening of alternatives.
3	Utilization of the Texas Offshore Oil Port System (TOPS) was considered as an alternative (FR Section 9.19.2). Additional information regarding this alternative was added to FEIS Chapter 2 (section 2.2.3). TOPS is a proposed offshore terminal project that would provide feedstock to Texas City, Houston, and Port Arthur. TOPS would not provide connections to Cushing, Oklahoma, which the Freeport refineries serve. The proposed FHCIP does not provide benefits for the LNG ships or terminal; LNG use of the channel will occur without the proposed FHCIP. Therefore, evaluation of a LNG offshore terminal as a project alternative is not needed or appropriate.
4	By letter dated March 1, 2011, TCEQ provided general conformity concurrence for the proposed FHCIP and determined that emissions would not exceed the emissions budgets specified in the most recent state implementation plan. TCEQ recommended that USACE adopt pollution prevention and/reduction measures in conjunction with this project. USACE will: 1) encourage construction contractors to apply for Texas Emission Reduction Plan grants, the EPA's Voluntary Diesel Retrofit Program, or the EPA's Diesel Emission Reduction Plan offering the opportunity to apply for resources for upgrading or replacing older equipment to reduce NO_X emissions, 2)encourage contractors to use cleaner, newer equipment with lower NO_X emissions), 3) direct contractors and operators that will use non-road diesel equipment to use clean, low-sulfur fuels, 4) direct contractors that will use tugboats during construction to use clean, low-sulfur fuels, 5) direct operators of the assist tugboats used in maneuvering dredge vessels to use clean, low-sulfur fuels, and 6) direct operators of the dredging vessels to use clean, low-sulfur fuels.
5	The dredged material placed in upland Placement Areas (PA) 1, 8 and 9 will remain in place for the 50 year life of the project. PAs are managed to control blowing dust should it become an issue.
6	EPA concurred with the DEIS findings that the FHCIP dredged material is suitable for disposal at the two ODMDS. As requested, USACE will provide EPA an opportunity to review sediment data collected during the PED phase of this project, and will coordinate further depending upon the testing results.
7	In a teleconference with USACE on March 8, 2011, EPA agreed that the maximum disposal mound heights for the New Work ODMDS, as originally proposed in the draft SMMP (e.g. less than 15 ft above the existing bottom elevation for Tier C1 and less than 20 feet above the existing bottom elevation for Tier C2), are acceptable. The primary biological impact from use of the ODMDS is burial of the benthos, which occurs with 1 foot or more of mounding; therefore, there is no biological reason to restrict mound height. The maximum height was set to ensure adequate clearance for vessels expected to traverse the area.
8	USACE does not believe that a modification is needed because the SMMP already addresses this issue. Section VII of the SMMP states that it is Galveston District policy to require implementation of the beneficial use (BU) of dredged material, wherever practicable. Further, the SMMP explains that resource agencies were consulted in an effort to identify a BU plan for the FHCIP; however, it was determined that identified alternatives were either economically prohibitive or geotechnically incompatible.
9	Additional, detailed EJ analysis has been conducted and included in FEIS Chapter 4. However, the

	evaluation will not include an evaluation of the impacts associated with potential LNG accidents. The proposed FHCIP does not provide benefits for the LNG ships or terminal; LNG use of the channel will occur without the proposed FHCIP. The previously-permitted Port Freeport Channel Widening Project addresses the needs of the LNG industry and terminal.
10	The Environmental Justice section in FEIS Chapter 4 has been revised to discuss the risk of catastrophic events and existing emergency plans. Risks of catastrophic events associated with the LNG ships or terminal were not be included in this analysis for reasons explained in response 9, above.
11	USACE evaluated project-related environmental health and safety risks to children in accordance with the EO, and included this evaluation in FEIS Chapter 4 (Environmental Consequences) and Chapter 8.0 (Consistency with Other State and Federal Regulations). An evaluation of how existing catastrophic event response plans would minimize the impacts to children's health and safety is included.
12	The cumulative impacts section of the FEIS (Chapter 6) has been revised to address additional projects listed originally in the DEIS.
13	Additional analysis has been conducted and greenhouse gas and climate change has been addressed in the FEIS. USACE evaluated GHG emission impacts of the Preferred Alternative and related these impacts to global climate change in accordance with the Council on Environmental Quality's "Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions". This discussion was incorporated as an attachment to FEIS Appendix C (General Conformity Determination and Air Emissions Estimates). A summary of this analysis was also included in the air quality section of FEIS Chapter 4.
14	All staging areas and pipeline corridors would fall within the project area footprint identified for the project and have already been taken into account in the DEIS. A more explicit discussion of these impacts were included in the physiography/geology, water exchange/inflows/quality, vegetation, terrestrial and aquatic wildlife, endangered species, and cultural resources sections of FEIS Chapter 4.

TEXAS GENERAL LAND OFFICE
JERRY PATTERSON, COMMISSIONER

February 3, 2011

Colonel Christopher W. Sallese
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Sallese:

The Texas General Land Office has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Freeport Harbor Channel Improvement Project. We are in the process of composing comments in response to the DEIS; however, additional time is needed for us to finalize our comments and submit them for inner agency review. I respectfully request that we be granted an extension to February 15, 2011 to submit our comments. Your consideration of this request would be greatly appreciated. 1

Please contact me by phone at (512) 463-5338 or by email at helen.young@glo.texas.gov if you need any additional information regarding this request.

Sincerely,

for Helen Young

Helen Young
Deputy Commissioner for Coastal Resources
Texas General Land Office

cc: Janelle Stokes, USACE Galveston

Helen Young
Deputy Commissioner for Coastal Resources
Texas General Land Office
1700 North Congress Avenue
Austin, TX 78701-1495

RESPONSE TO COMMENTS

Comment No.	Response
1	Request from GLO was responded to telephonically. The Corps declined to formally extend the public comment period but agreed to receive, incorporate, and respond to all comments received within 2 weeks of the formal comment period.

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
101 South Main Street
Temple, Texas 76501-7602

January 18, 2011

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

Re: COMMENT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED FREEPORT HARBOR CHANNEL IMPROVEMENT PROJECT, BRAZORIA COUNTY, TX

Dear Ms. Stokes:

We have reviewed the Draft Environmental Impact Statement (DEIS) regarding the referenced project. Please accept our comments below.

Placement Area 8 (PA-8)

Depositing dredge material in PA-8 may constitute a wetland conversion according to the Food Security Act of 1985, as amended, if the activity has the effect of making possible the production of an agricultural commodity. Such a conversion would render the landowner ineligible for certain USDA benefits associated with all their operations and may affect the USDA benefits of any affiliated persons. 1

According to Web Soil Survey (http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx), PA-8 is planned in an area where the soils are mapped as Surfside and Velasco clays. Both are saline soils found in the marshes of Brazoria County. The county Hydric Soils list describes both soils as completely hydric, including inclusions, due to the fact that they are poorly drained and a water table can be found one foot or less below the surface during the growing season.

Considering its position on the landscape and the inherent characteristics of the mapped soils, there is a good chance that significant portions of PA-8 could be considered wetlands according to the Food Security Act of 1985, as amended. 2

Placement Area 9 (PA-9)

According the Web Soil Survey, all soils mapped in PA-9 are considered *Prime Farmland.* As part of our DEIS review, we examined the prime farmland calculations associated with PA-9 and presented in Appendix A-4.

According to our analysis, the Land Evaluation Criterion Relative Value of Farmland to be "Converted" to be entered in Part V of the Farmland Conversion Impact Rating (Form AD-1006) should be 96. Our calculations are presented below. Also, we noticed in Part VI that the Total Site Assessment Points sum should have been 65 as opposed to the 60 reported. A Land Evaluation Criterion Relative Value, in this case 96, added to the Total Site Assessment Points, in this case 65, gives PA-9 a Farmland Conversion Impact rating of 161 which makes the site subject to the Farmland Protection Policy Act (FPPA). 3

Thank you for the opportunity to comment.

Soils mapped in FHCIP placement area 9

Soil map unit		Acres in		
Symbol	Name	AOI	NIRR	Score
10	Brazoria clay, 0-1 % slopes	150.9	100	15,090
12	Clemville scl	16.3	90	1,467
33	Norwood silt loam, 0-1 % slopes	41.5	90	3,735
36	Pledger clay	40.9	90	3,681
	Total	249.6		23,973
	Land evaluation criterion relative value	→	**96**	

Thank you for the opportunity to comment. If we can be of further assistance do not hesitate to contact Susan Baggett at 254-742-9805 or susan.baggett@tx.usda.gov.

Sincerely

Salvador Salinas

SALVADOR SALINAS
Acting State Conservationist

cc: Susan Baggett, SRC, NRCS, Temple, TX

Salvador Salinas
Acting State Conservationist
NRCS
101 South Main Street
Temple, TX 76501-7602

RESPONSE TO COMMENTS

Comment No.	Response
1	The 168 acres in PA 8 are owned by Port Freeport. The area would be converted to a placement area, and would be used for the long-term confinement of dredged materials. There is no plan to convert the area to agricultural use.
2	Wetlands in PA 8 were delineated by USACE with assistance and input from USFWS and TPWD. A total of 23 acres of wetlands were identified in the area to be impacted by construction of PA 8, and a mitigation plan has proposed to compensate for these impacts.
3	The text of the FEIS has been revised to acknowledge that the revised Farm Conversion Impact Rating of 161 makes this site subject to the FPPA. The FEIS evaluated detailed alternatives and identified no other practicable alternatives for the placement of dredged material from this project.

TEXAS PARKS & WILDLIFE

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Carter P. Smith
Executive Director

January 28, 2011

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

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

Re: Draft Environmental Impact Statement (DEIS) for the Proposed Freeport Harbor Channel Improvement Project

Texas Parks and Wildlife Department (TPWD) has reviewed the DEIS for the proposed Freeport Harbor Channel Improvement Project (FHCIP). TPWD has participated in two site visits to the proposed project area and in a letter dated October 6, 2005 provided comments regarding the functions and values of the habitat, made recommendations regarding the beneficial use (BU) of the dredge material, and the use of two potential disposal areas for the placement of dredge material. Additionally, in a letter dated February 22, 2008 TPWD provided comments regarding the document entitled Freeport Harbor Channel Improvement Project- Environmental Mitigation for Habitat Impacts on Proposed Placement Areas 8 & 9 dated November 15, 2007.

In various locations of the DEIS it states, "Coordination with U.S. Fish and Wildlife Service (USFWS) and the Texas Parks and Wildlife Department (TPWD) regarding these [vegetation and wetlands] impacts has resulted in proposed mitigation that includes creation and maintenance of forested habitat and creation of wetland areas adjacent to impact areas." While this statement is correct, the coordination did not result in a mitigation plan that adequately compensates for the proposed project's impacts to habitat.

Appendix H-1, Mitigation and HEP/Cost Analysis Report located in Volume II of the DEIS, does acknowledged that "agencies [USFWS and TPWD] made a number of recommendations we [the U.S. Army Corps of Engineers] could not concur with for project mitigation." Particularly, "TPWD requested preservations in perpetuity of a 5-acre ephemeral wetland swale located between PA 8 and SH 36 as a mitigation feature. However, the Port does not wish to make this property available for project mitigation. The resource agencies also requested mitigation for the 358 acres of pasture impacted by PA's 8 and 9. The agencies classify these pastures as wet-coastal prairie. We [the U.S. Army Corps of Engineers] do not concur with this classification. Although the land may have at one time been coastal prairie, it is now degraded grassland primarily consisting of non-native pasture grasses limited of wildlife habitat value that does not merit mitigation."

As stated from our letter dated February 22, 2008, "TPWD disagrees with the Corps classification of the habitat present at the proposed disposal areas and their assessment of it as not significant. The Service also considers this habitat as wet 1

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800
www.tpwd.state.tx.us

coastal prairie and provided a species list of vegetation and wildlife observed to support this classification in their PAL [Planning Aid Letter] dated April 5, 2007. In the same letter the Service describes coastal prairie as a valuable and declining wildlife resource." The information (species list of vegetation and wildlife observed) provided in the PAL contradicts the Corps classification of the habitat present at the proposed disposal areas.

The DEIS states, "Mitigation refers to the avoidance, minimization, and rectification, reduction, or compensation of impacts resulting from implementation of an action. For the proposed FHCIP, the majority of the potential project-related impacts were avoided. Thus, mitigation would be required only for impacts to forested and wetland habitat at the proposed new upland PA's." It is unclear how or why the U.S. Army Corps of Engineers (Corps) determined that "the majority of the potential project-related impacts were avoided." Even though the Corps does not concur with the USFWS and TPWD regarding the habitat value of the wet coastal prairie that is proposed to be impacted by PA 8 and 9, the proposed project will still impact 358 acres of habitat and does merit mitigation (the avoidance, minimization, and rectification, reduction, or compensation of impacts resulting from implementation of an action). 2

As proposed, the project would impact 358 acres of coastal prairie, 39 acres of freshwater wetlands, and 21 acres of riparian forest. The Corps mitigation plan would improve 12 acres of exiting forest, a 0.57 to 1.0 compensation ratio, create 3.0 acres of freshwater wetlands, a 0.077 to 1 compensation ratio, and no mitigation is proposed to compensate for impacts to coastal prairie. The Corps proposed mitigation plan is inadequate and does not compensate for the majority of the proposed impacts at the project site. 3

Texas Parks and Wildlife Department is not opposed to the widening and deepening of the Freeport Harbor Channel system, but recommends that all impacts to habitat associated with the proposed action be appropriately compensated for. Specifically, TPWD continues to recommend that, if suitable dredge material exists, the Corps and local sponsor consider the beneficial use of the dredge material to restore and enhance fish and wildlife habitat. If the material is not suitable, TPWD does not object to the upland disposal on PA-8 or PA-9, but recommends that the entire 21-acre wooded areas on PA-9 and 117-acre wooded area directly to adjacent PA-9 be avoided. TPWD continues to recommend the wetland swale on PA-8 with an upland buffer component also be avoided and included as mitigation for the impacts to freshwater wetlands. An appropriate upland buffer for this wetland would be the upland between the wetland and SH 36 and the uplands between the wetland and the barbed wire fence dividing the area. Additionally, TPWD recommends all impacts to the coastal prairie be assessed and be compensated for appropriately. Due to the 4 5 6

inadequacy of the mitigation plan presented in this DEIS, TPWD does not concur with the findings of the DEIS.

Questions can be directed to Cherie O'Brien in the Dickinson Field Office at 281-534-0132.

Sincerely,

Rebecca Hensley

Rebecca Hensley
Regional Director, Ecosystem Resources Program
Science and Policy Branch
TPWD Coastal Fisheries Division

RH:COB

Rebecca Hensley
Regional Director, Ecosystem Resources Program
Science and Policy Branch
TPWD Coastal Fisheries Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744-3291

RESPONSE TO COMMENTS

Comment No.	Response
1	Information supporting the USACE classification of the area as degraded grassland, primarily consisting of non-native pasture grasses of limited wildlife habitat value, is provided in FEIS Appendix H, Section 6.0.
2	DEIS Section 5.0 refers to "potential" project-related impacts. The statement refers to the fact that USACE and the non-Federal sponsor worked to develop a plan that minimizes and avoids environmental impacts to the greatest extent possible. USACE recognizes that the proposed project would result in significant impacts, for which compensatory mitigation has been proposed.
3	The amount of compensatory mitigation was determined by HEP modeling, and was not based on ratios. USACE policy requires the use of a habitat-based methodology to evaluate impacts and quantify necessary mitigation. The HEP methodology quantifies habitat quality and quantity, and as such evaluates the functional habitat suitability of the mitigation sites.
4	The potential for beneficial use of dredged material was thoroughly investigated during this study, as described in FEIS Section 2.5.
5	As shown in the FEIS, Appendix H-1 (Figures 1 and 2), the 117 acres of riparian forest are contained within the 131-acre area that would be preserved as part of the mitigation plan, thus adverse impacts will be avoided. The wetland swale and upland buffers, located adjacent to State Highway 36, are being avoided by PA 8. The 21 acres of riparian forest are located within the proposed boundaries of PA 9, and thus impacts cannot be avoided. The boundaries of the PA were drawn to avoid as much of the riparian forest as possible; mitigation has been proposed to compensate for the unavoidable forest impacts.
6	Please see FEIS, Appendix H-1, Section 2. USACE does not concur with your classification of this degraded grassland as coastal prairie. The area consists primarily of non-native pasture grasses of limited wildlife value that does not merit mitigation.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 20, 2010

Ms. Janelle Stokes
Department of the Army
Galveston District, Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Re: TCEQ Grant and Texas Review and Comment System (TRACS) #2010-570, Brazoria County – Proposed Freeport Harbor Channel Improvement Project

Dear Ms. Stokes:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers following comments:

We look forward to reviewing environmental assessment documents as they become available. 1

We do not anticipate significant long term environmental impacts from this project as long as construction and waste disposal activities associated with it are completed in accordance with applicable local, state, and federal environmental permits and regulations. We recommend that the applicant take necessary steps to insure that best management practices are utilized to control runoff from construction sites to prevent detrimental impact to surface and ground water. 2

Thank you for the opportunity to review this project. If you have any questions, please call Ms. Tangela Niemann at (512) 239-3786.

Sincerely,

Jim Harrison, Director
Intergovernmental Relations Division

Jim Harrison, Director
Intergovernmental Relations Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RESPONSE TO COMMENTS

Comment No.	Response
1	USACE spoke with Ms Tangela Niemann on January 5, 2010, who confirmed TCEQ had received the documents.
2	Best management practices will be incorporated into construction contracts to control runoff and prevent impacts to surface and ground water.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 1, 2011

Ms. Janelle Stokes
Regional Environmental Specialist
United States Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Re: General Conformity Concurrence for the Freeport Harbor Channel Improvement Project

Dear Ms. Stokes:

This letter provides general conformity concurrence for the proposed Freeport Harbor Channel Improvement Project. The Texas Commission on Environmental Quality (TCEQ) reviewed the project in accordance with Title 40 Code of Federal Regulations Part 93, and Title 30 Texas Administrative Code (TAC) § 101.30. The proposed project is located in the Houston-Galveston-Brazoria (HGB) area, which is classified as severe nonattainment for the 1997 eight-hour ozone standard, and emissions are expected to be above the 25 tons per year *de minimis* threshold. This threshold amount is specified in the table found in § 101.30(c)(2)(A). Therefore, a general conformity analysis is required.

The TCEQ has determined, pursuant to 30 TAC §101.30(h)(1)(E)(i)(I), that emissions from the proposed project will not exceed the emissions budgets specified in the most recent state implementation plan (SIP) revision approved by the United States Environmental Protection Agency (EPA). The most recently approved SIP revision, the HGB Reasonable Further Progress SIP adopted by the Commission on May 23, 2007, was approved by the EPA on March 29, 2010. This general conformity determination is based upon information provided in a December 2010 Draft General Conformity Determination prepared for the United States Army Corps of Engineers (USACE).

In support of the ozone National Ambient Air Quality Standard, the TCEQ suggests the USACE adopt pollution prevention and/or reduction measures in conjunction with this and future projects, such as the following:

- encourage construction contractors to apply for Texas Emission Reduction Plan grants;
- establish bidding conditions that give preference to clean contractors;
- direct construction contractors to exercise air quality best management practices;
- direct contractors that will use tugboats during construction to use clean fuels;
- direct operators of the assist tugboats used in maneuvering dredge vessels to use clean fuels;
- select assist tugs based on lowest nitrogen oxides (NO_X) emissions instead of lowest price; or
- purchase and permanently retire surplus NO_X offsets prior to commencement of operations.

Thank you for providing the necessary information and staff assistance for our review. We would also appreciate update(s), as appropriate, as this project moves forward. I look forward to working with you in the future on any upcoming projects you may have that affect air quality in your district. If you require further assistance on this matter, please contact Mrs. Amy Muttoni at (512) 239-6351 or Amy.Muttoni@tceq.texas.gov.

Sincerely,

David Brymer, Director
Air Quality Division
Texas Commission on Environmental Quality

DB/KH/kb

David Brymer, Director
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RESPONSE TO COMMENTS

Comment No.	Response
1	By this letter, USACE notes that TCEQ has provided general conformity concurrence for the proposed FHCIP, and that TCEQ has determined that emissions will not exceed the emissions budgets specified in the most recent state implementation plan.
2	TCEQ recommended that USACE adopt pollution prevention and/reduction measures in conjunction with this project. USACE will: 1) encourage construction contractors to apply for Texas Emission Reduction Plan grants, the EPA's Voluntary Diesel Retrofit Program, or the EPA's Diesel Emission Reduction Plan offering the opportunity to apply for resources for upgrading or replacing older equipment to reduce NO_X emissions, 2)encourage contractors to use cleaner, newer equipment with lower NO_X emissions), 3) direct contractors and operators that will use non-road diesel equipment to use clean, low-sulfur fuels, 4) direct contractors that will use tugboats during construction to use clean, low-sulfur fuels, 5) direct operators of the assist tugboats used in maneuvering dredge vessels to use clean, low-sulfur fuels, and 6) direct operators of the dredging vessels to use clean, low-sulfur fuels.

Public Comments

BASF

The Chemical Company

January 13, 2011

To: Port of Freeport, US Army Corps of Engineers
From: BASF Freeport

RE: Widening, Deepening of Port of Freeport Ship Channel

Dear Sirs and Madams,

BASF Freeport has had a long-standing partnership with the Port of Freeport, mainly as it relates to our ammonia terminal at the Port. Ammonia is a key raw material for our BASF Freeport production site, where it is used to produce fertilizer and nylon, among other products.

BASF Freeport would like to go on public record with our support for the widening and deepening of the Port channel. With the channel as it's constructed now, there can be only one-way traffic, and its current size prohibits the Port from night shipments. The widening/deepening project will allow for two-way traffic and make the Port available for ships 24-hours-day. This means increased traffic for the Port, including allowing the access for larger tankers that can't access it now due to the size of the channel. 1

Such increased traffic leads to increased commerce. That in turn means the Port is able to continue to prosper and grow. The Port's prosperity and vitality is critical to many businesses in the area, including BASF and our other industry neighbors.

In addition, the project means more jobs, and that is good for the community. With the increased traffic and increased commerce, the general economy of the local community benefits as well.

With the project coinciding with the Panama Canal project, Freeport will have the opportunity to be competitive with some of the largest ports in the nation – a position that would enhance the greater Freeport community immensely. The barrier to the Port's gaining such a competitive advantage has always been the size of the channel; hence we see the widening/deepening project as critical to the Port's success in the future.

In addition, with the channel expansion, there would be more options than exist now for how we – companies in general – transport our products across the nation and around the world. Having more options generally means having more cost flexibility, and that's good for business, and ultimately, good for the consumer.

BASF Freeport thanks you for allowing us to voice our opinion in this matter.

On Behalf of BASF Freeport,

Christopher Witte
Sr. Vice President

BASF Corporation
602 Copper Road
Freeport, TX 77541
Tel: (979) 415-6100
www.basf.com/usa

OPEN HOUSE AND PUBLIC MEETING FOR THE
ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED
FREEPORT HARBOR, TX, CHANNEL IMPROVEMENT PROJECT

JANUARY 13, 2011
OPEN HOUSE 5:30 – 7:00 PM, PUBLIC MEETING 7:00 PM

COMMENT FORM

This form is provided for your comments regarding the issues to be addressed in the Freeport Harbor Channel Improvement Project Draft Environmental Impact Statement (EIS) for the proposed Freeport Harbor, TX Channel Improvement Project. Please use the space below, attaching additional pages if necessary. The form may be deposited in the comment box, or mailed to the address provided below. We appreciate your interest in and contributions towards, this project.

Comments:

BASF
The Chemical Company

Christopher P. Witte
Senior Vice President
Freeport Site

BASF Corporation
602 Copper Road
Freeport, TX 77541
Telephone 979-415-6111
Fax 979-415-8482
christopher.witte@basf.com
www.basf.us

Mail your comments by February 5, 2011 to:

District Engineer, Galveston District
U.S. Army Corps of Engineers
Attn: Robert Van Hook; CESWG-PE-PL
P.O. Box 1229
Galveston, Texas 77553-1229

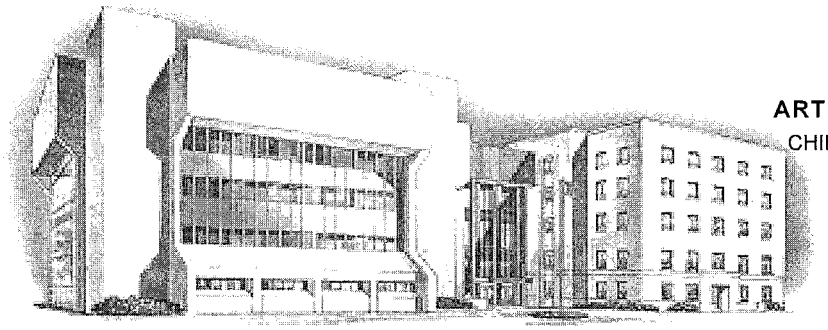
Please Print:
Your Name Chris Witte
Address 602 Copper Rd.
Freeport, TX 77541

Christopher Witte
Sr. Vice President
BASF Corporation
602 Copper Road
Freeport, TX 77541

RESPONSE TO COMMENTS

Comment No.	Response
1	Thank you for your support.

E. J. KING
BRAZORIA COUNTY JUDGE



ARTHUR VELASQUEZ
CHIEF ADMINISTRATOR

BRAZORIA COUNTY

January 25, 2011

District Engineer,
U. S. Army Corps of Engineers,
Galveston District
Attn: Robert Van Hook
Room CESWG-PEPL
P. O. Box 1229
Galveston, Texas 77553-1229

Re: Port Freeport 55ft. Project

Gentlemen:

I am writing you to express my support of the proposed 55 ft. Project for Port Freeport. It is my understanding that a draft environmental impact statement and a draft feasibility study have been completed and presented publicly for comments. It appears that the present plan adequately protects fish and wildlife in the area of the project. 1

Constructing a deeper and wider 55 foot by 600 foot channel will allow larger vessels to utilize the Port which in turn will increase tonnage going in and out of the Port. This project is the best alternative considering the relationship between benefits and the costs involved. This can only make the Port more efficient by lowering the cost of transporting petroleum and other products and materials through the harbor.

Port Freeport is a dynamic and vibrant engine which helps drive the economy of Brazoria County. I know I speak for all of our citizens in asking for the Corps' continued assistance in making this project a reality.

Sincerely,

E.J. King,
County Judge
Brazoria County

BRAZORIA COUNTY COURTHOUSE • ANGLETON, TEXAS 77515
(979) 864-1200 • (979) 388-1200 • (281) 756-1200 • Fax (979) 864-4655

E.J. King
Brazoria County Judge
Brazoria County Courthouse
Angleton, TX 77515

RESPONSE TO COMMENTS

Comment No.	Response
1	Thank you for your support.

BRAZOS PILOTS ASSOCIATION
FREEPORT, TEXAS

USACE
Galveston District
Attn: Janelle Stokes
PO Box 1229
Galveston, TX 77553-1229

January 7, 2011

Re: DEIS for the Proposed Freeport Harbor Channel Improvement Project, Brazoria County, TX

To whom it may concern:

The Brazos Pilots Association have reviewed the DEIS and DGCD for the Brazos Harbor Channel Improvements Project and we are in support of the Locally Preferred Plan (LPP) Alternative (55-x-600 foot plan). 1

If you have any questions about our support for this plan please feel free to contact me.

Regards,

Billy Burns

Billy Burns
President

Cc: Pete Reixach, Port Freeport
David Knuckey, Port Freeport
Keith Little, Freeport LNG

PO Box 2246 * Freeport, TX 77542 * 979-233-1120 * Fax 979-233-7071 * www.brazospilots.com

Billy Burns
President
Brazos Pilots Association
P.O. Box 2246
Freeport, TX 77542

RESPONSE TO COMMENTS

Comment No.	Response
1	Thank you for your support.

BRAZOSPORT AREA CHAMBER OF COMMERCE

Brazosport Is 2011 Open for Business

Website: www.brazosport.org
E-Mail: chamber2@sbcglobal.net

300 Abner Jackson Parkway • Brazosport, Texas 77566
979/285-2501 • FAX 979/285-2505

January 31, 2011

District Engineer
U.S. Army Corps of Engineers
ATTN: Robert Van Hook
Room CESWG-PEPL
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Mr. Van Hook,

The Board of Directors of the Brazosport Area Chamber of Commerce strongly support the 55 ft. project proposed by Port Freeport. 1

Due to current size, the existing Channel System is restrictive to a large portion of the current world fleet. As you are aware, Port Freeport is one of the Nation's most important Ports for the Petrochemical Industry, 16th largest port in foreign imports and exports and the Nation's 26th largest waterway in tonnage.

The deepening and widening of the existing entrance channel would improve the navigational efficiency and safety of the Freeport Harbor Channel and pave the way for future economic growth.

Again, the Chamber strongly supports this project.

Sincerely,

Patty Sayes

Patty Sayes,
2011 Chairman of the Board

Patty Sayes
Chairman of the Board
Brazosport Area Chamber of Commerce
300 Abner Jackson Parkway
Brazosport, TX 77566

RESPONSE TO COMMENTS

Comment No.	Response
1	Thank you for your support.

ConocoPhillips

Michael Nervie
Manager LNG Terminals
600 N. Dairy Ashford
Houston, TX 77079

February 1, 2011

Janelle Stokes
P.O. Box 1229
Galveston, TX 77553-1229

Dear Ms Stokes,

ConocoPhillips is in support of the ***Freeport Harbor Channel Improvement Project – Brazoria County, Texas.*** The project proposes to widen and deepen Port Freeport as described in the Draft Environmental Impact Statement (DEIS), Draft General Conformity Determination (DGCD) and Draft Feasibility Report (DFR). The Locally Preferred Plan will allow an effective, safe and efficient waterway and positively impact the following:

- Decrease transportation costs
- Reduce the potential for vessel delays
- Enhance the Port's ability to accommodate larger crude and LNG vessels
- Eliminate current operational constraints (one-way traffic and night transit restrictions)
- Improve navigation safety margins
- Attract new business which benefits the local economy

Please accept ConocoPhillips' support for this important project which affords Port Freeport a competitive global advantage. 1

Sincerely,

Michael A. Nervie
Manager, LNG Terminals

Michael Nervie
ConocoPhillips
Manager LNG Terminals
600 N. Dairy Ashford
Houston, TX 77079

RESPONSE TO COMMENTS

Comment No.	Response
1	Thank you for your support.

OPEN HOUSE AND PUBLIC MEETING FOR THE
ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED
FREEPORT HARBOR, TX, CHANNEL IMPROVEMENT PROJECT

JANUARY 13, 2011
OPEN HOUSE 5:30 – 7:00 PM, PUBLIC MEETING 7:00 PM

COMMENT FORM

This form is provided for your comments regarding the issues to be addressed in the Freeport Harbor Channel Improvement Project Draft Environmental Impact Statement (EIS) for the proposed Freeport Harbor, TX Channel Improvement Project. Please use the space below, attaching additional pages if necessary. The form may be deposited in the comment box, or mailed to the address provided below. We appreciate your interest in and contributions towards, this project.

Comments:

1

I am against ANY sand, dirt being removed from the Freeport Texas ship channel My home is being vibrated apart when the Freeport Liquified Natural Gas ships dock My simple mind thinks more dirt would stop this. Untill my home is secure - I do not want my tax dollars being used to tear up my only home - so no dredging Please.

Mail your comments by February 5, 2011 to:

District Engineer, Galveston District
U.S. Army Corps of Engineers
Attn: Robert Van Hook; CESWG-PE-PL
P.O. Box 1229
Galveston, Texas 77553-1229

Please Print:
Your Name Teresa Cornelison
MAILING Address 201 E. Park Avenue
Freeport, Texas 77541
physical address: 506 East
Quintana, Tx. 77541

Teresa Cornelison
201 E. Park Avenue
Freeport, TX 77541

RESPONSE TO COMMENTS

Comment No.	Response
1	Deepening the Freeport Harbor Channel will have no effect on the operation of the Freeport LNG Development terminal, nor will it affect foundation stability anywhere in the project area.

The Dow Chemical Company
2301 N. Brazosport Blvd.
Freeport, Texas 77541-3257

February 3, 2011

District Engineer
U.S. Army Corps of Engineers
Room CESWG-PEPL
P.O. Box 1229
Galveston, Texas 77553-1229

Attn: Robert Van Hook

Re: Port Freeport 55 Ft Project

Dear Mr. Hook:

Please accept this letter as support of The Dow Chemical Company for the proposed project to dredge and deepen the Freeport Harbor navigation channel and harbor located in Freeport, Texas. 1

Our 65-plant facility in Freeport is the largest single-company chemical complex in the Western Hemisphere, employing more than 4,200 employees and 2,800 contractors on a daily basis. We produce 15 billion pounds of product for sell externally – much of this going or could go out over Freeport Harbor docks.

Port Freeport and the Freeport Harbor navigation channel are vital to the continuing prosperity of Dow, Brazoria County and the entire Gulf Coast Region. The 55 Ft Project will enhance Dow's competitiveness and with the widening of the Panama Canal could open many future opportunities for Dow and others.

Sincerely,

Gary L. Hockstra
Vice President & Site Director
Texas Operations

cc: Pete Reixach, Executive Port Director, Port Freeport
Steve Hazlewood, Government Affairs Director, Dow Texas Operations

Gary L. Hockstra
Vice President & site Director
Texas Operations
The Dow Chemical Company
2301 N. Brazosport Blvd.
Freeport, TX 77541-3257

RESPONSE TO COMMENTS

Comment No.	Response
1	Thank you for your support.

OPEN HOUSE AND PUBLIC MEETING FOR THE ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED FREEPORT HARBOR, TX, CHANNEL IMPROVEMENT PROJECT

JANUARY 13, 2011

OPEN HOUSE 5:30 – 7:30 PM, PUBLIC MEETING 7:00 PM

COMMENT FORM

RE: Freeport Harbor Improvement Project/Comments on Draft EIS dated 12/23/10

I submit these comments in regard to the above referenced project and on behalf of my business Freeport Launch, LP. which has served the Freeport harbor for 15 years. We own and operate a private terminal facility; additionally, we provide launch services (delivery of ship's supplies) in the Brazos Harbor area extending into Gulf for a 125 mile radius as well as general marine services. As part of our services we offer lay berths to various vessels ranging in size from 65ft to 350ft with horsepower ranging from 600hp to over 6500hp. Vessels using our facility represent both U.S and foreign registry. While such vessels represent a different type of ship traffic than is associated with Port Freeport, they do represent a group of harbor users involved in both domestic and foreign trade.

Freeport Launch is aware Brazoria County is identified as a severe non-attainment zone by the EPA. As a steward of the environment, Freeport Launch strives to continually improve our operations in regard to taking a proactive approach to reducing air emissions in Freeport. As part of the effort to reduce environmental impact, and in cooperation with IMO guidelines and the state's implementation plan (SIP), we provide (and encourage) an option of electrical shore power to vessels docking at our facility. We have provided this option for 5 years to approximately 3-4 vessels per month thus reducing harmful air emissions in the Freeport area. Specifically, this effort can be directly measured by a reduction in Nitrogen Oxide and Nitrogen Dioxide (NOx), Sulfur Dioxides (SOx), Particulate Matter (PM), and Lead emissions.

Currently, we are exploring ways to improve our ability to provide this service as well as other environmentally beneficial services to Port users. However, some vessels that have attempted to use our facility find the draft restrictions inadequate – particularly to foreign vessels – thus they have been turned away resulting in lost revenue. In order to continue to effectively provide this service to a variety of vessels we must improve the ability for vessels to access our facility and the shore power. This can be achieved through extending the dredging to the old Brazos River including the area identified as the Upper Stauffer Reach. With ability to service both deeper draft vessels and more vessels we can economically justify expanding our shore power service. 1

I request that you consider my comments and assist Freeport Launch in our effort to offset the impact to air quality in the Freeport harbor. This includes the projected impact to air quality as a result of this dredging project per Section 3.6 of the Draft EIS. I will be pleased to provide any data requested in regard to my current operations and future plans.

I request that you provide copies of studies that are available on the projected increase in vessel, rail and truck traffic in our area. These studies have been conducted in an effort to plan 2

for the Freeport Harbor Improvement Project as well as the berthing/container handling facility currently under construction. This will clearly support the need to continue to provide services to Port users that will improve air quality and conform to federal and state regulatory requirements. Additionally, I request the above studies and any engineering studies addressing the impact of dredging on private facilities be made available to the public for review. 3

As an observation to the public comment process, I noted that the public was encouraged/expected to comment on a draft document at the January 13, 2011 meeting. However, the proposed document was not readily available for public viewing nor was it easily accessible. As a Port user and major stakeholder, I would have appreciated some form of direct contact with USACE. In the future, perhaps a letter directing us to a web site where copies of the drafts can be viewed, or downloaded for inspection, would be helpful. 4

As a business owner and Brazosport Chamber of Commerce Board Member, I greatly appreciate the opportunity to comment and become better informed regarding this project which is expected to have major impact on this community and economy. I support and encourage sustainable development in our region and look forward to working with Port Freeport and other Brazos Harbor stakeholders to move toward this goal.

I look forward to your response.

Thank you,

John Hoss
Freeport Launch Service, LP

Jeff Stanley
Freeport Launch Service, LP
PO Box 2905
Freeport, TX 77542

R/R/R

John Hoss and Jeff Stanley
Freeport Launch Service, LP
P.O. Box 2905
Freeport, TX 77542

RESPONSE TO COMMENTS

Comment No.	Response
1	The proposed FHCIP includes deepening the upper Stauffer Channel to 25 ft.
2	We do not have independent studies for these topics. All relevant information is presented in the FR and FEIS.
3	Engineering evaluations of the proposed FHCIP in relation to private facilities along the channel are presented in the Engineering Appendix, which is available upon request.
4	The public meeting, held on January 13, 2011, in Freeport provided an opportunity for communication with USACE. Information on how to obtain draft reports from our website was provided at that meeting.

February 3, 2011

Janelle Stokes
U.S. Army Corps of Engineers – Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Ms Stokes,

Freeport LNG strongly supports the ***Freeport Harbor Channel Improvement Project***, as described in the Draft Feasibility Report (DFR) and Draft Environmental Impact Statement (DEIS) released for public comment by the Corps in December 2010. The Locally Preferred Plan would enhance the safety and efficiency of the waterway for current users, including Freeport LNG, which owns and operates an LNG import terminal at Port Freeport. The project would also attract new port users, bringing economic stimulus to the community and the region. Freeport LNG, its customers and LNG vessel operators calling at our terminal would benefit materially from the project. These benefits would include improved navigation safety margins, reduced vessel congestion during periods of inclement weather and strong longshore currents, and the enhanced potential for two-way traffic and nighttime transits. Freeport LNG is keenly interested in seeing the project implemented in the coming years. 1

Regards,

Keith Little

Keith Little
Vice President

Cc: Pete Reixach, Executive Director and CEO, Port Freeport

Freeport LNG Development, L.P.
333 Clay Street, Suite 5050 • Houston, Texas 77002-4173
Phone: 713-980-2888 • Fax: 713-980-2903

Keith Little
Vice President
Freeport LNG Development, L.P.
333 Clay Street, Suite 5050
Houston, TX 77002-4173

RESPONSE TO COMMENTS

Comment No.	Response
1	Thank you for your support.

THE ALLIANCE™
The Economic Development Alliance for Brazoria County

January 20, 2011

District Engineer
U. S. Army Corps of Engineers
Room CESWG-PEPL
P. O. Box 1229
Galveston, Texas 77553-1229

ATTN: Robert Van Hook

RE: Port Freeport 55 Ft. Project

Dear Mr. Hook:

The purpose of this letter is to voice support for Port Freeport's 55 Ft. Project. 1

Port Freeport is vital to the continuing prosperity of Brazoria County and the entire Gulf Coast Region. The 55 Ft. Project will go a long way towards keeping the Port in a growth mode, thereby expanding the already large positive economic impact the Port has on this region.

Steadily increasing imports to and exports from Port Freeport make it imperative that the Port position itself for growth. Add in to the mix the widening of the Panama Canal and the resulting larger ships that could potentially call at Port Freeport and it makes the case for the 55 Ft. Project even stronger.

Please do all in your power to see that the Project proceeds as rapidly as possible, and thank you for your kind attention to this matter.

Sincerely,

Robert M. Worley
President/CEO

RMW/djp

cc: A. J. "Pete" Reixach, Jr., Executive Port Director, Port Freeport

4005 Technology Drive, Ste. 1010
Angleton, Texas 77515
979-848-0560 • Fax 979-848-0403
800-759-1822
info@eda-bc.com
www.eda-bc.com

Robert M. Worley
President/CEO
The Alliance
4005 Technology Drive, Suite 1010
Angelton, TX 77515

RESPONSE TO COMMENTS

Comment No.	Response
1	Thank you for your support.

From:	Sandra Miller
To:	Stokes, Janelle S SWG
Subject:	Comment from the Village of Surfside of Freeport Harbor Modification Project
Date:	Tuesday, February 01, 2011 3:16:45 PM
Attachments:	20110201145756.pdf

Please see attached. I will mail original in the morning.

Thank you

Sandra Miller
City Secretary
1304 Monument Drive
Surfside Beach, Texas 77541
Landline: 979 233-1531 x 103
Fax: 979 373-0699
Cell: 979 236-6431

Village of Surfside Beach
1304 Monument Drive
Surfside Beach, Texas 77541
Telephone 979-233-1531 Fax 979-230-6200

Feasibility Report
Freeport Harbor Channel Improvement Project, Brazoria County, Texas

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Comments:

Vol. I - Page xvi of Executive Summary "The tentatively Recommended Plan addresses the problems and opportunities identified during the study and satisfies the planning objectives of increasing navigation efficiency and safety along the Freeport Harbor Channel while maintaining the coastal and estuarine resources within the project area."

- ***We agree with increasing navigation efficiency and safety along the Freeport Harbor Channel***
- ***We disagree that coastal and estuarine resources will be maintained within the project area***
- ***We would hope after review as per Section 216, that this modification of the channel will also include elements that will mitigate the effects of continued, if not increased, coastal erosion on adjacent shorelines, and that this mitigation effort will be part of the documentation recommended for Congressional authorization and funding***

1

Page 1-4, Section 1.3: ***It is erroneous to say that*** "These ancient sediments were deposited by the same natural processes that are currently active in shaping the present coastline..."

- ***There is no longer a natural process of natural sediments being deposited on the present adjacent shorelines.***
- ***It is stated on page 1-12*** "A major shoreline change factor for the Freeport area was the Brazos River diversion in 1929 to control excessive dredging requirements in Port Freeport. The relocation had the *unanticipated side of effect* of moving the main source of sediment away from the immediate project area beaches." ***and;***
- "Finally, there has been the interception of sand from the longshore system by the navigation channel and jetties. *The jetties act as groins to block longshore sediment movement*..."

Interesting that one of the objectives of this project was "The regional sediment management plan would identify projects for transportation and placement of sediment to reduce storm damages to property and protect, restore, ..."

- ***We have noted that there will be no Regional Sediment Management Plan utilizing the beneficial use of dredged material, and that the material that will be placed offshore will possibly only have benefit to a basically unpopulated area of Brazoria County.***
- ***It is also noted that*** "Alternative plans that resolve problems in one area should not create or amplify problems in other areas".
- ***Under Technical Criteria, page 3-5*** "Mitigation for project-related unavoidable impacts by minimizing, rectifying, reducing or eliminating, compensating, replacing or substituting resources."
- ***Why were*** "no ecological benefits and mitigation costs calculated"?
- "The anticipated increase of material to be dredged from the Outer Bar Channel during maintenance cycles is expected to be about 3.3 mcy per year, which is an increase of about 1 mcy over existing conditions." ***Is this additional material due to the extension of the channel another 2.6 miles?***
- ***Would not the alternative method of obtaining preliminary answers by conducting a full-fledged numerical sediment transport modeling study be better, than just a desktop study? With an***

increase of maintenance dredging increasing from 2.1 mcy per year to 5.1 mcy per year one would think a more detailed study would be warranted.

Page 8-3, 8.2.1.6 Shoreline Impact Study: "The model (GENESIS) predicts that *the greater the proposed depth alternative, the greater the shoreline change,* but for any alternative these impacts will be minor and will not extend farther than 3 to 4 miles on either side of the Freeport jetties."

- ***Why was other modeling not done?***
- ***With the accelerated rates of erosion the past 5 years (50,000 cy a year) along the eastern adjacent shoreline, we do not believe that this is a minor impact as this encompasses Surfside and Quintana within the 3 to 4 miles on either side of the jetties. This is an impact to infrastructure and private property; plus the loss of public access to beaches.***

We also disagree with the statement that the "total cumulative impacts from these projects are not expected to adversely affect human, health, socioeconomic wellbeing, or the environment of the project area."

This plan does not "address the problems and opportunities identified at the beginning of the study and satisfies the planning objectives of increasing navigation efficiency and reliability along the Freeport Harbor Channel while maintaining or enhancing terrestrial, cultural, estuarine, and coastal resources with the project area".

There is "uncertainty" ***in this DEIS as detailed hydraulic, geotechnical, and modeling have not been implemented to determine the real impact on adjacent shorelines. We do not feel the*** "most likely future" ***method is adequate in this situation.***

]

Draft Environmental Impact Statement – Document No. 070175 – Job No. 44-1901
Freeport Harbor Channel Improvement Project, Brazoria County, Texas

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Comments:

Page ES-6, Land Use, Recreation, Aesthetics, and Socioeconomics; "Minimal or no impacts to land use, recreation, aesthetics, or socioeconomics are expected to result from the proposed project. Reduced navigation restrictions and increased efficiency at the port is likely to have a positive economic benefit in the local community, which could result in increased development in the area."

- ***It is stated that the project will not have much of an economic impact locally.***
- ***We do agree that reduced navigation restrictions are necessary for increased efficiency at the port.***
- ***We disagree that this project will increase development in Surfside. If anything, with the continuing erosion issues there could be less development, and less beach for the general public to access.***

Page 1-11, Environmental Operating Principals: ***We do not feel the following are being addressed in reference to the impact of this project on adjacent shorelines; nor being integrated in the plan formulation process:***

- "2. Recognize the interdependence of life and the physical environment. Proactively consider environmental consequences of USACE programs and act accordingly in all appropriate circumstances."
- "3. Seek balance and synergy among human development activities and natural systems by designing economic and environmental solutions that support and reinforce one another."
- "5. Seeks ways and means to assess and mitigate cumulative impacts to the environment; bring systems approaches to the full life cycle of our processes and work."

We do not understand why the structural alternative such as a t-groin on the east side of the jetty, breakwaters, etc. has not been mentioned as a mitigation project to minimize the unavoidable impacts on adjacent eastern shoreline that this document states will take place. As you have noted, "A major limitation of beach nourishment in the area is the limited availability and expense of a suitable sand supply." ***In the future required beach maintenance is going to be costlier due to the limited availability of sand, and required more often due to the acceleration of the erosion rate.***

Page 6-4, Section 6.2.2 – Freeport Hurricane Flood Protection Levees: ***This section needs to be updated to reflect the issue of the de-certification of the levees and how they will be taken off of the new County Flood Maps.***

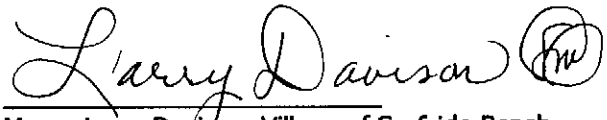
The USACE storm/surge modeling was to have been completed last month, and then given to FEMA for the wave run up modeling. The Brazosport Area will most likely be placed in an "AE" floodplain. Would it not be prudent to include the impacts of this new data?

Page 6-14, Section 6.3.5 – Surfside Beach Shoreline Protection: ***The GLO Shoreline Feasibility Study has been developed by Coast & Harbor Engineering. This study includes the outer channel and the Freeport Channel. This study has not been referenced in any of your documents as having been studied.***

Appendix F – page 8 – Tourism and Recreation:
Appendix F – page 15 – Future Development: ***These sections needs to be updated regarding local coastal projects that have been implemented.***

We encourage the Coastal Coordination Council (CCC) to review your project very careful, and note the non-mitigation efforts for impacts associated with the adjacent shorelines. As is stated in Appendix J – page 4 – Coastal Shore Areas, "Deepening and widening the channel *may slightly increase* the potential for storm damage or water quality degradation." On page 5 – Critical Erosion Areas it is stated *"Although no critical erosion areas are affected by the LLP Alternative, channel changes, associated with the LPP Alternative may indirectly affect nearby critical erosion areas by potentially altering the hydrological regime."*

Respectfully Submitted:



Mayor Larry Davison, Village of Surfside Beach

Mayor Larry Davison
Village of Surfside Beach
1304 Monument Drive
Surfside Beach, TX 77541

COMPREHENSIVE RESPONSE TO EROSION COMMENTS

Local governments, homeowners and concerned citizens from Surfside provided comments on the Draft Environmental Impact Statement for the proposed Freeport Harbor Channel Improvement Project (FHCIP) relating to the proposed project's impacts to the surrounding shorelines. Some of the key complaints submitted are summarized below:

1. Concern over effects of previous USACE projects including the diversion of the Brazos River in 1929, effects of the jetties, effects of previous channel improvement projects, and impacts from maintenance dredging
2. Concern that the proposed project will increase channel shoaling rates within the channel and that this will exacerbate adjacent shoreline erosion problems.
3. Concern that beneficial use of dredged material has not been fully investigated
4. Concern that the USACE DEIS did not reference or utilize recent studies in its analysis of project impacts

The following text briefly provides a historical context to the shoreline evolution associated with the Freeport Harbor Channel, explores concerns that the proposed project will increase shoreline erosion, provides the rationale for the use of selected modeling approaches, describes how the study took the beneficial uses of dredged material into consideration, and explains how the studies referenced by commenters were used in evaluating project impacts.

Freeport Harbor Channel – Historical Shoreline Impacts

It is generally believed that the primary impacts to the shoreline have resulted from the construction of the Freeport jetties and the diversion of the Brazos River (Morton and Pieper, 1975; Morton 1977, 1979; Watson 2003). "For example, maximum sustained rates of accretion (+75 m/yr.) and erosion (-55m/yr) documented for the Texas coast were associated with jetty construction and subsequent channel diversion at the mouth of the Brazos River" (Morton and Pieper, 1975). Construction of the Freeport jetties began in 1881 and completed in 1896. Prior to their construction, "the natural downdrift shoreline was characterized by a subaerial bar separated from the mainland by a shallow embayment. After jetty construction, this shoreline configuration persisted and in 1929 the emergent bar was near the end of the west jetty" (Morton, 1977). Statistics from 1855 to 1937 show considerable accretion of the sand fillet next to the west jetty.

Due to excessive siltation problems at Freeport, the Brazos River was diverted in 1929. According to Morton (1979), prior to the diversion "Riverine discharge was the most important

sediment source for accretion at Freeport Harbor". According to Watson (2003), "It is very likely that neither Surfside nor Quintana would be having an erosion problem today if the Brazos River was still discharging at its original, natural mouth." Thus the diversion of the Brazos River is likely the primary contributor to the current sand starved condition at Surfside. The recent Watson (2003) study is consistent with viewpoints of previous investigators in associating erosion of the old Brazos River delta primarily with the diversion channel, not the recurring deepening of the Freeport Harbor navigation channel.

Effect of Proposed Navigation Channel Impacts

Wave-induced sediment transport impacts were studied for the proposed FHCIP (ERDC, 2007). The ERDC results indicated that the erosional impacts will be so slight as to not be noticeable and will be dwarfed by the inter-annual variability in shoreline position. The background change rates are approximately 10 times the wave-induced impacts attributable to the proposed project" (ERDC, 2007).

The ERDC modeling (2007) evaluated how changes in wave-refraction due to the proposed deepening and extension of the Freeport Entrance Channel could affect the Gulf shoreline in the study area. The study concluded that the wave-induced impacts on the adjacent shorelines would be slight and limited to within a few miles of the jetties. Although there is a general erosion trend along much of the study area, the pattern is not straight forward. Individual shorelines do not maintain a fixed relationship to each other and the year-to-year change of a shoreline position is on the order of a few feet to a few tens of feet per year.

Within about 0.25 mile of each jetty, the shoreline change rate could increase by up to 1.0 feet/year with construction of the Preferred Alternative. However, the background change rates are approximately 10 times greater than the wave-induced impacts attributable to the proposed project, and thus are dramatically higher than the potential change due to the project. In addition, not all of the potential changes would result in an increase in shoreline erosion. A much larger length of shoreline could experience a slight reduction in the erosion rate. In areas from 0.5 to about 3 miles from the jetties, the modeling indicated that the shoreline erosion rate could decrease by up to 0.5 feet/year. Thus, the primary conclusion from this analysis is that impacts from project construction would be so slight that they would not be noticeable against the background changes in shoreline position.

Despite forecasted increases in dredged material for the Preferred Alternative, it is unlikely that this material would come from erosion of channel shorelines or nearby beaches. Sediment sources are primarily from overland inflows, local circulation, and from the GIWW (Parchure et al., 2005). The sediment modeling conducted for this study (Parchure et al., 2005) shows high concentrations of suspended sediment in the western GIWW that is likely due to sediment load brought by the Brazos River. Material in the channel is predominantly fine sediments and clays

which further indicate that there is little if any material from Surfside actually feeding into the entrance channel. Furthermore, the sediment modeling found that the absolute change in water velocities in the navigation channel that would occur with the project is small, and schematic flow pattern diagrams show no significant difference in the flow pattern for proposed project when compared to the existing condition.

Sedimentation and Shoreline Change Modeling

Desktop sedimentation modeling is a useful tool for predicting increases in shoaling within an inlet when the hydrodynamics and sediment properties have been characterized. In general, channel shoaling increases due to channel deepening and/or widening, increased salinity, reduced channel velocities, or wave action due to increased ship traffic. Detailed hydrodynamic studies were performed to characterize velocity and salinity changes associated with the Preferred Alternative. This data was coupled with field sediment collection and analysis to estimate additional shoaling that may result from this project. This method has been used to support feasibility level study analysis for many previous deep-draft navigation projects.

STWAVE/GENESIS numerical modeling was used to predict wave-induced impacts on the adjacent shorelines due to potential changes in wave refraction and shoaling patterns that could be caused by changes in the navigation channel. The modeling adequately and appropriately assessed the role of storms, the angle of wave approach, and frictional effects of offshore sediments. The tools (STWAVE and GENESIS) are well known, widely-used models that represent state of the practice in forecast modeling. It is important to remember that the study was primarily focused on determining the potential for shoreline change resulting from deepening of the ship channel not on quantifying the absolute magnitude of sediment transport in the study area. Consequently, quantification of the potential changes in sediment transport magnitude is of greater interest than the absolute magnitude of transport in the region. The deepening of the ship channel will not influence the overall wave climatology but it does have the potential to influence wave refraction and shoaling patterns which have been quantified.

Consideration of Beneficial Uses

The FHCIP study included an in-depth evaluation of the potential for beneficial use of dredged material for beach restoration on both sides of the jetties and for coastal marsh restoration. Several sediment samples were taken as part of the sediment analysis. The limited amount of sand in contrast to the percentage of silt and clay excludes any chance of using the material beneficially for beach restoration. The entire navigation channel consists of a very high concentration of silt plus clay (average of about 78%). The grain size is very small and the percentage of sands is very low. While soil borings indicated some sandy material, no concentrated sand lenses were identified, and the high percentage of clay could not be used for beach nourishment. Marsh restoration was also precluded because of the presence of oysters at

two of the three sites considered for restoration. The third potential site was cost prohibitive because of the pumping distance. New work and maintenance material from the offshore reaches of the ship channel would be placed in existing New Work and Maintenance ODMDSs located along the Outer Bar Channel. EPA has concurred in the use of the existing ODMDSs for proposed new construction and continued project maintenance.

Conclusion

It is important to understand that under this study authority, USACE is investigating the effects that a proposed deepening project would have on the existing shoreline conditions. Separately investigating any effects from the 1929 diversion of the Brazos River, construction of the jetties at Freeport, and previous channel improvements at Freeport are outside the scope of the existing study authorization. Any incremental increase in erosion which might be produced by the proposed deepening of the channel would be so small in contrast to the existing erosion that the effects will be indistinguishable from the long term trends. This supports the projection of minimal erosion impacts along the navigation channel banks and adjacent shorelines. Since impacts of the Preferred Alternative are negligible, mitigation for shoreline impacts (such as the T-groin, spur dykes and breakwaters mentioned by commenters) is not appropriate for this project and was not included in the project plan.

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Watson, R.L. 2003. Severe Beach Erosion at Surfside, TX Caused by Engineering Modifications to the Coast and Rivers. Unpublished report. http://texascoastgeology.com/reports

From: Beverly Bisso
To: Stokes, Janelle S SWG
Subject: Surfside Jetty
Date: Friday, February 04, 2011 6:18:09 PM

Please help the citizens of Surfside with our erosion problem. thank you, Beverly bisso 1

Beverly Bisso

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

To: USACE - Attn. Janelle Stokes
P.O. Box 1229
Galveston, TX 77553-1229

Jan. 4th 2011

From: Russell M. Clinton III
1619 Scenic Shore Dr.
Kingwood, TX 77345
Phone and Fax 281 360 7795 - email beaches@flash.net

Subject: Comments on DIES and DGCD for Freeport Harbor Improvement Project, Brazoria County Texas.

Gentlemen:

I have reviewed the Environmental impact and General Conformity Determinations statements as well as Project Proposal for the Freeport Harbor Improvement Project, Brazoria County Texas and found them to be lacking in efforts to mitigate the most damaging consequence of both the proposed project and the cumulative historical consequences of the Freeport Harbor civil projects . 1

Shoreline Erosion and Impact:

It is now recognized that civil projects have reversed the natural accretion of the coast due to the Brazos River in the Surfside and Quintana areas to a degree that resulting erosion has caused serious loss of coastal access and private property- in deference to the "minimal" impact indicated in the proposal (no study cited). The current Project will exaggerate the problem due to the resulting deepening of the submerged costal area adjacent to the mouth of the Freeport Jetties as the sub-sea land at a natural depth of 18 to 22 ft. sloughs of into the 45 ft.- to be depened to 60 ft - depth dredged channel. The resulting increased wave action causes, scouring and littoral drift into the dredged channel as verified in bathymetric studies conducted by Coast and Harbor on Surfside Beach erosion (funded by the Texas GLO - copy attached). The Genisis models used in your analysis 4.1.3 did not include increased wave activity due to a general loss in offshore slope (already caused by previous dredging of the jetty entrance channel). The fact that you state the project will "not significantly effect " the current erosion rates (caused by the anthropogenic effects of civil projects) indicates there will be effects you have declined to quantify and that the project will worsen the conditions of which the cumulative harbor projects in total are the major contributors.

Increasing the depth and length of the dredged channel exiting the Freeport Jetties will undoubtedly worsen the impact of the wave "canyon" created and accelerate local erosion. The solution that should be included in the scope of the project to mitigate much of this effect was recommended in the Coast and Harbor study (and by myself several years ago) is to build a breakwater * perpendicular to the end of the jetties to contain the adjacent sea-floor and reduce wave action. The increased cost will be recovered, at least in part, in the reduced need for re-nourishment projects and the now excessive dredging requirements at the mouth of the Freeport jetties (although destruction of the outer bar by dredging will continue the loss of sand in the area due to by-modal littoral drift). The Coastal Coordination Council should refuse to approve and the Texas GLO refuse to permit this project unless the breakwater is included. This is not a trivial affect as glossed over in your report and along with the shallow water dredged "Sand Trap" at the mouth of the Jetties is responsible for the

accelerated local erosion and lack of "groin effect" sand accrual along the face of the jetties. It is also interesting that the study (see excerpt below) lists the projects as a "finally" footnote without quantification and ignores the wave enhancement and scouring identified from area depth reduction by more recent and focused publication than that of Morton and Gibeaut by Coast & Harbor, Dr. R. Watson and Dr. Anderson of Rice University.

*Above water and continuous where attached to the Jetties and segmented as it moves some distance away.

From Project Proposial -- 1.5

The shoreline on both the Surfside Beach (northern) and Quintana Beach (southern) areas has changed substantially over the last 150 years. Most of the Texas shoreline is now in retreat because of RSLR and a reduced supply of sand from changes to the Mississippi and Atchafalaya river systems and from reservoirs built on Texas rivers. A major shoreline change factor for the Freeport area was the Brazos River diversion in 1929 to control excessive dredging requirements in Port Freeport. The relocation had the unanticipated side effect of moving the main source of sediment away from the immediate project area beaches. Another factor has been reservoir development in the Brazos River watershed that, while essential for water supply and flood control, has greatly reduced the sand supply at the relocated Brazos River mouth. The biggest rate of shoreline change occurs with severe storms.
Other major factors are RSLR that moves the shoreline inland and a movement of sand from the beach inland by aeolian drift (wind) aggravated by beach vehicle traffic. Finally, there has been the interception of sand from the longshore system by the navigation channel and jetties. The jetties act as groins to block longshore sediment movement, but some material gets around and through the jetties and must be periodically dredged from the Freeport Harbor Outer Bar and Jetty channels.

From Environmental Impact Statement-- 6.4.2.5 Shoreline Erosion

The shoreline in the study area has been fluctuating since 1852, and none of the projects reviewed are expected to alter the ongoing pattern. Shoreline changes have been attributed to RSLR, a reduced sand supply, the Brazos River relocation in 1929, reservoir development in the Brazos River basin, tropical storm and hurricane effects, beach traffic, sand interception from navigation channels and jetties, and wave action caused by large ship traffic. Mathewson and Minter (1976) estimated that about 76 percent of the sand that historically reached the coast was not reaching it in 1975. The reduction percentage may be higher today. Efforts to offset shoreline erosion with beach nourishment have been carried out under the Texas CEPRA. These have involved both trucking in at least 950 cy of sand in one project and bringing sand from a DMPA near Baytown by barge for dune rehabilitation (Newby, 2006). A major limitation of beach nourishment in the area is the limited availability and expense of a suitable sand supply. Currently, beaches on both sides of the Freeport jetties are severely eroded. Erosion on the Quintana Beach side is threatening the stability of the Seaway PA, and erosion of Surfside Beach is threatening beachfront homes. Several projects reviewed for the cumulative impacts analysis would enhance shoreline conditions: Quintana beach nourishment (Widening Project); 14 acres of planted shoreline stabilizing grasses (Freeport LNG); and additional beach nourishment (45-foot Project Maintenance and Surfside Beach Shoreline Protection). It is not known whether channel traffic frequency will increase with the channel improvements, although the size of vessels is expected to increase. Larger vessels create greater wave action and could contribute to

the overall shoreline erosion equation. It is anticipated that erosion patterns from all sources will continue. This project, and others, are expected to contribute to the area's cumulative shoreline erosion, but also to regional restoration efforts.

From Project Proposal -- 8.2.1.6 Shoreline Impact Study
This study assessed the wave-induced impacts of deepening of the Freeport Harbor Channel in the Gulf of Mexico on the open-coastal shorelines adjacent to the project area. Based on coordination with ERDC, the plans proposed for analysis were 50-x-600-foot, 55-x-600-foot, 58-x-540-foot, and 60-x-540-foot. This study used the numerical model GENESIS to compute sediment transport rates and shoreline change rates for each of the four proposed channels. The conclusion from this analysis is that if any of the proposed deepening alternatives for the Freeport Outer Bar Channel are constructed, the wave-induced sediment transport impacts on the adjacent shorelines will be so slight as to not be noticeable and will be dwarfed by the interannual variability in shoreline position. The model predicts that the greater the proposed depth alternative, the greater the shoreline change, but for any alternative these impacts will be minor and will not extend farther than 3 to 4 miles on either side of the Freeport jetties.

Note: The data in the Appendix indicates that no additional increase in depth adjacent to the dredged channel was included in the Genesis modeling!

The proposal and report underplay the anthropogenic causes of erosion citing RSLR (read subsidence) and sand loss from the Mississippi /Atchafalaya system and "Texas Rivers". By your own analysis the Jetties, River Displacement and Subsequent damming have been responsible, along with damming of the Brazos (not a significant factor as occurring after the river was moved) and some minor influence from RSLR (reads subsidence) for changing general area accretion to initially trapping sand and then reversing accretion to erosion in that order. Your assumptions that the erosion rates at Quintana are more severe than Surfside are not accurate, as based on data from 3.3-2 where the data at Surfside is further from the Jetties – erosion adjacent to the Jetties has been sever on both sides, resulting in property loss at Surfside. One must only look at the current beach profile including the results of more aggressive re-nourishment programs at Surfside to see the erosion is more aggressive on the north side of the jetties (see 2010 Google satellite photo below).

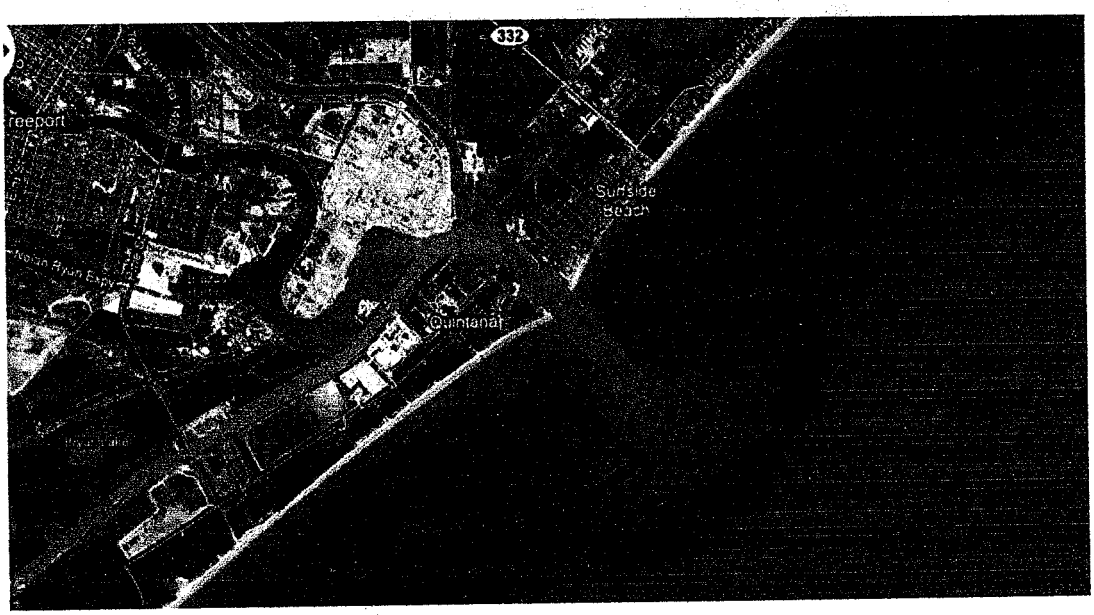
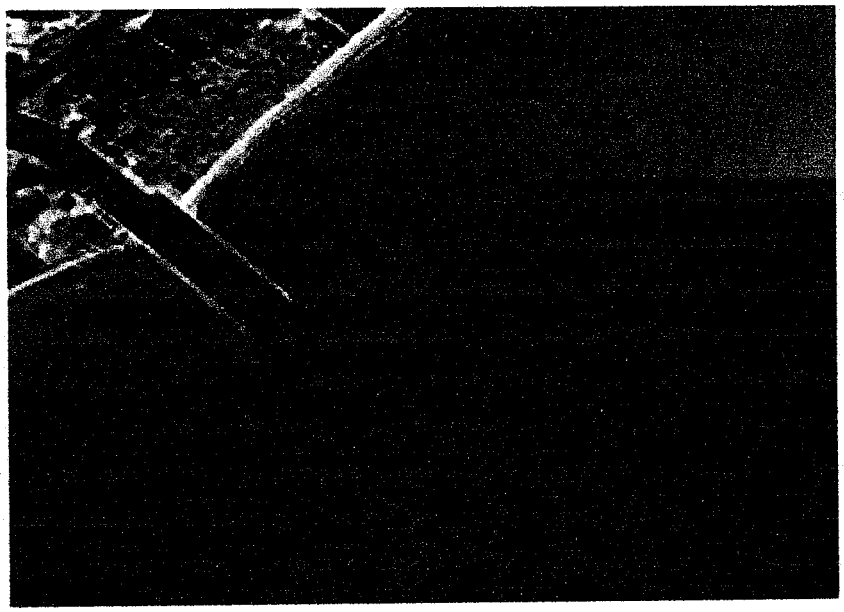


Table 3.1 in appendix II indicates 60 Million cubic yards of material have been dredged from the Freeport channel in the last 50 years, 40 Million since 1992 when the channel was widened and deepened, admittedly the majority was silt but the 19% to 29% sand content (appendix II B VI table 2) that no longer comes from the Brazos River but from littoral transport has resulted in significant property loss on both sides of the Jetties.

Beneficial use of Dredged Material:

An additional flaw in the project is the lack of beneficial use of dredged material, presumably to control cost. The channel and Jetty widening and deepening project of 1993, the 45' depth project, provided enough sand to re-nourish approximately 200 feet of beach for a mile (albeit with some clay and rocks which nature corrected in about 6 months). The beneficial use of 300K cubic yards in front of the" Seaway" project is mentioned but no rational on how the amount or location was chosen, presumably to protect an historical placement area that may contain hazardous materials (where a revetment would be much better suited). It appears no core samples or study was cited in the proposal indicating the submerged quantity of beach quality sand available for re-nourishment with borings only for heavy metal deposits (3.5). One would assume that the widening and deepening the channel again should provide at least as much beach quality material as the 1993 project and the use of clam shell dredges for near-shore deposits would provide additional beneficial use of silt laden material that would be naturally classified. This type of re-nourishment will become especially critical in Texas where sand sources for re-nourishment are not plentiful. In my opinion the Coastal Coordination Council should not approve this project unless this issue is addressed; again the cost will be offset with reduced re-nourishment cost especially if perpetual re-nourishment is eventually mandated. One would also assume that near-shore placement of Beach quality sand with some sediment, would become part of the dredging maintenance plan. I understand dredging logs from material at the mouth of the Jetties have exceeded 80% sand and it is safe to assume the majority of the by- lateral littoral drift from re-nourishment projects will continue to end up in the "Sand Trap" the dredged channel represents, especially if no attached breakwater project is forthcoming.



Atypical clear water photo showing onshore bars moving down jetty – offshore bars and dredged channel

From Proposal --11.6 BENEFICIAL USE PLACEMENT PLAN

One of the main interests in the consideration of a 50-year DMMP is to maximize the use of suitable quality dredged material for beneficial purposes. In coordination with the resource agencies and the public, beneficial uses were investigated to determine the feasibility of implementation. Because of the unsuitability of the dredged material, the presence of sensitive resources at sites, and the prohibitive cost of placement at one site, no beneficial use plan was developed.

From Enviornmental Impact Statement - 7.0 COMPLIANCE WITH TEXAS COASTAL MANAGEMENT PROGRAM

" The project will be reviewed by the Coastal Coordination Council (CCC) for consistency with the program. A review of potential BU of dredged material for the proposed Widening Project, which included an interagency panel review, did not identify any cost-effective BUs in the project area. This was based on the characteristics of the dredged material, cost to transport the material, impacts associated with placement and manipulation of the material, and impacts to existing resources. Thus, no BU is proposed for the FHCIP."

From Appendix 4.7.2 Dredged Materials and Potential for Beneficial Use

Results from bed sediment studies (from the *Desktop Sediment Study for Freeport Project* generated by ERDC and H&H), for bed sediment data collected between September of 1987 through May of 2000 indicate the following average percentages of bed sediments have been encountered in the channel:

1. Outer Bar – About 82 percent fine-grained sediments (silts and clays) and 18 percent sands
2. Jetty Channel – About 86 percent fine-grained sediments (silts and clays) and 14 percent sands
3. Freeport Harbor Channel – About 95 percent fine-grained sediments (silts and clays) and 5 percent sands

A review of new work materials from boring data starting at the Upper Turning Basin on out to sea indicate about 80 to 90 percent clays (of primarily stiff consistency with some traces of silts or clayey silts) and about 10 to 20 percent sands of various densities.

On a separate widening project currently pursued by the Port of Freeport, potential beneficial uses of dredge materials were considered, including marsh restoration, beach nourishment, an energy-dissipating berm, habitat berm, and feeder berm. These features are described in further detail in the "Environmental Impact Statement" document dated February 2007, that accompanies the Feasibility Report for the "Freeport Entrance and Jetty Channel Widening Project."

Based on groundwork done in the Widening Project study by Freeport, which included considering applicability and functionality of material types for particular beneficial use features, cost effectiveness, permanence of features, and other considerations explored by the Widening Project DMMP workgroup, the decision was made by PDT on the USACE's deepening and widening project to forgo pursuit of beneficial use features in the final selected dredged material management plan.

Note: No specific core sample data could be located in the Appendices and the conclusions from "average data" over 20+ years are not consistent with the previous Jetty and channel widening project which located significant quantities of beach quality sand through specific borings, not average data (more data on project employee vehicle emissions was provided than core sample compositions).

Conclusion:

The project analysis admitted that it will contribute to Shoreline erosion, but not as much as previous Freeport harbor projects have done in the past and are continuing to do (even though the current project analysis was understated). It also appears the beneficial use of dredged material has been limited in scope due to cost and lack of accurate data and the sole application is not in the public's best interest.

This is not to say the project should not proceed in the war of the upper Texas coast channel depth, but that it's time the Port Authority and Corps take the lead in responsibility for the consequences of the current and past projects and the anthropogenic erosion they have caused. This long delayed reckoning is even more important now, as the Texas Supreme Court has rightly determined the strategy of taking private property for public use without compensation under the Open Beaches Act will no longer provide public beach access in light of anthropogenic erosion. This Project should be coordinated with an action under the Rivers and Harbors Act providing for mitigation of unintended consequences of civil projects (see appendix I) to provide a breakwater at the mouth of the Jetties and a perpetual re-nourishment program for Surfside and Quintana beaches. The project should also employ additional funding under the Water Resources and Development Act (also in appendix I) to rationalize the nominal additional cost required to make the maximum use of dredged material for beach re-nourishment and begin the use of clamshell dredges to provide near- shore re-nourishment with silty sand during the winter off-season months.

I have little hope that public comments bear much weight with those determined to execute projects and/or foster legislation. However, if one or more of the agencies cc'ed on my comments would take them to heart by review the attachments they just might deny project approval until the mitigation of coastal erosion is addressed, or, if a Judge was presented with the attachments in an a injunction hearing and stays the project until mitigation is addressed we would begin to be on a path to parody with all of the other coastal States.

Respectively Submitted

Russell M Clinton III

W/attachments :
Coast & Harbor analysis of Surfside Erosion
Definitive analysis of Surfside Beach Erosion by Dr. R. Watson
Follow up of Watson's paper debunking sea level (subsidence) rise and Submerged Reef benefits, by R. Clinton
Erosion, not so natural a process, given to Texas Senate & House at the initial CEPRA hearings, by R. Clinton
Beaches 101, a tutorial with focus on the anthropogenic erosion at Surfside TX, by R. Clinton
Appendix I - Federal Coastal Beach re-nourishment Mitigation Legislation

CC: w/o attachments if previously provided, or in digital format (disk)- sent as time permits

Congressman Ron Paul
U.S. Representative
122 West Way, Ste. 301
Lake Jackson, TX 77566

Senator Kay Bailey-Hutchison
U.S. Senate
961 Federal Building
300 East 8th Street
Austin, TX 78701

Senator John Cornyn
U.S. Senate
5300 Memorial Drive, Ste. 980
Houston, TX 77007

Stephen Spencer
Regional Environmental Officer
U.S. DOI, Office of Environmental Policy and Compliance
1001 Indian School Road NW, Suite 348
Albuquerque, NM 87104

Representative Dennis Bonnen
House District 25
122 E. Myrtle
Angleton, TX 77515

Representative Randy Webber
House District 29
2225 CR90, Ste. 107
Pearland, TX 77584

Senator Joan Huffman
Senate District 17
129 Circle Way, Ste. 101
Lake Jackson, TX 77566

Senator Mike Jackson
Senate District 11
2225 CR90, Ste. 107
Pearland, TX 77584

Office of the Governor of Texas
P.O. Box 12428
Austin, TX 78711-2428

Com. Jerry Patterson
Texas General Land Office
P.O. Box 12873
Austin, TX 78701-2873

Tom Calnan
Coastal Management Division
Texas General Land Office
P.O. Box 12873
Austin, TX 78701-2873

Tammy Brooks
Coastal Management Division
Texas General Land Office
P.O. Box 12873
Austin, TX 78701-2873

James Brown, Jr.
Port Freeport Commissioner
221 Dewberry
Lake Jackson, TX 77566

Mike Lowrey
Port Freeport Commissioner
206 Teakwood
Lake Jackson, TX 77566

Tom Perryman
Port Freeport Commissioner
15074 Hwy. 288B
Angleton, TX 77515

Ravi Singhania
Port Freeport Commissioner
323 Timbercreek Dr.
Lake Jackson, TX 77566

Paul Kresta
Port Freeport Commissioner
2944 CR. 417
Brazoria, TX 77422

David M. Knuckey
Port Freeport
200 West Second Street, Third Floor
Freeport, TX 77541

Bill Terry
Port Freeport Commissioner
618 East 2nd Street
Freeport, TX 77541

The Honorable E.J. King
County Judge
Brazoria County
111 E. Locust Street
Angleton, TX 77515-4678

Ms. Kelly Hamby
Flood Plain Administrator
Brazoria County Flood Plain Administration
111 E. Locust - Bldg. A-29; Suite 210
Angleton, TX 77515

Commissioner Donald Payne
Brazoria County
111 E. Locust
County Courthouse Precinct 1
Angleton, TX 77515-4678

Mayor Larry Davison
Village of Surfside Beach
1304 Monument Drive
Surfside Beach, TX 77541

Commissioner Matt Sebesta
Brazoria County
Commissioner - Pct. 2
21017 CR 171
Angleton, TX 77515

Commissioner Mary Ruth Rhodenbaugh
Brazoria County
Commissioner - Pct. 4
PO Box 368
Brazoria, TX 77422

Mayor Wallace Neely
Town of Quintana
814 Lamar
Quintana, TX 77541

The Bulletin of Brazoria County
P.O. Box 2426
Angleton, TX 77516

Robert Eastman
Save our Beach Association
1304 Monument Drive
Surfside, TX 77541

Bridie Gensee
The Facts
720 S. Main Street
Clute, TX 77531

Val Horvath
The Facts
720 S. Main Street
Clute, TX 77531

The Source Weekly
223 Parking Way
Lake Jackson, TX 77566

Brooks Porter
10736 Valley Hills
Houston, TX 77071

Ted Hirtz, attny.
811 Rusk, Suite 721
Houston, TX 77002

APPENDIX I Federal acts supporting Shoreline Mitigation and Beneficial use of Dredged Material

Rivers and Harbors Act of 1968, Pub.L. 90-483

SEC. 111. The Secretary of the Army, acting through the Chief of Shore **damage** I Engineers, is authorized to investigate, study, and construct projects prevention for the prevention or mitigation of shore damages attributable to Fed- study* eral navigation works. The cost of installing, operating, and maintnining such projects shall be borne entirely by the United States. No such project shall be constructed without specific authorization by Congress if the estimated first cost exceeds $1,000,000.

As amended in 1996

SEC. 227. SHORE PROTECTION.
(a) DECLARATION OF POLICY.—Subsection (a) of the 1st section of the Act entitled "An Act authorizing Federal participation in
the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e), is amended—
(1) by striking "damage to the shores" and inserting "damage to the shores and beaches"; and (2) by striking "the following provisions" and all that follows through the period at the end of such subsection and inserting the following: "this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and
coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.".
(b) AUTHORIZATION OF PROJECTS.—Subsection (e) of such section is amended—
(1) by striking "(e) No" and inserting the following: "(e) AUTHORIZATION OF PROJECTS.— "(1) IN GENERAL.—No";
(2) by moving the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems
to the right; and
(3) by adding at the end the following: "(2) STUDIES.— "(A) IN GENERAL.—The Secretary shall— "(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law; "(ii) conduct such studies as Congress requires under applicable laws; and "(iii) report the results of the studies to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. Reports. 33 USC 2239 note. PUBLIC LAW 104–303—OCT. 12, 1996 110 STAT. 3699 "(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.— "(i) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted
under subparagraph (A). "(ii) CONSIDERATIONS.—In making recommendations, the Secretary shall consider the economic and
ecological benefits of the shore protection project. "(C) COORDINATION OF PROJECTS.—In conducting project under this paragraph, the Secretary shall— "(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and "(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects. "(3) SHORE PROTECTION ROJECTS.—
"(A) IN GENERAL.—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress. "(B) AGREEMENTS.—
"(i) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element. "(ii) TERMS.—The agreement shall— "(I) specify the life

of the project; and "(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element
"(C) COORDINATION OF PROJECTS.—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).". (c) REQUIREMENT OF AGREEMENTS PRIOR TO REIMBURSEMENTS.— (1) SMALL SHORE PROTECTION PROJECTS.—Section 2 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426f), is amended— (A) by striking "SEC. 2. The Secretary of the Army" and inserting the following: **"SEC. 2. REIMBURSEMENTS.** "(a) IN GENERAL.—The Secretary"; (B) in subsection (a) (as designated by subparagraph (A) of this paragraph)— (i) by striking "local interests" and inserting "non- Federal interests"; 110 STAT. 3700 PUBLIC LAW 104–303—OCT. 12, 1996 (ii) by inserting "or separable element of the project" after "project"; and (iii) by inserting "or separable elements" after "projects" each place it appears; and (C) by adding at the end the following: "(b) AGREEMENTS.—
"(1) REQUIREMENT.—After authorization of reimbursement by the Secretary under this section, and before commencement
of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal
interest with respect to the project or separable element "(2) TERMS.—The agreement shall— "(A) specify the life of the project; and "(B) ensure that the Federal Government and the non- Federal interest will cooperate in carrying out the project or separable element.". (2) OTHER SHORELINE PROTECTION PROJECTS.—Section 206(e)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1(e)(1)(A); 106 Stat. 4829) is amended by inserting before the semicolon the following: "and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)". (d) STATE AND REGIONAL PLANS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is amended—
(1) by redesignating section 4 (33 U.S.C. 426h) as section 5; and (2) by inserting after section 3 (33 U.S.C. 426g) the follow**SEC. 110. BENEFICIAL USES OF DREDGED MATERIAL.** The Secretary may carry out the following projects under section
204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

WATER RESOURCES DEVELOPMENT ACT OF 1996

SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.
Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326; 106 Stat. 4826) is amended— (1) by redesignating subsection (e) as subsection (f); and (2) by inserting after subsection (d) the following: "(e) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.— In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).".

Russell M. Clinton III
1619 Scenic Shore Dr.
Kingwood, TX 77345

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).
2	Material provided: 1. Surfside Beach Shoreline Stabilization Feasibility Study. 2009. Coast and Harbor Engineering, 6 pages; 2. Severe Beach Erosion at Surfside, Texas Caused by Engineering Modifications to the Coast and Rivers. 2003. by R. L. Watson, Ph.D., Port Aransas, Texas, 34 pages; 3. Erosion, A not so Natural Phenomenon. 2002. by R Clinton and M. Porter. Presented to initial CEPRA hearings, 2 pages; 4. Surfside Beach Erosion Analysis, Follow-up. 2006. No author, 16 pages. 5. Beaches 101, How Beaches are formed and lost, Including a case study of the anthropogenic erosion at Surfside Beach, Texas. No date. by R. Clinton, 30 pages.

From:	Alexa Duke
To:	Stokes, Janelle S SWG
Cc:	glennrobichau@yahoo.com
Subject:	In re public comment on possible permit for further expansion of Port Freeport"s ship channel
Date:	Friday, February 04, 2011 6:05:19 PM

To:
Janelle Stokes
Regional Environmental Specialist
Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553
409/766-3039

janelle.s.stokes@usace.army.mil

To whom it may concern,

Thank you for taking comments on this important issue. 1

I grew up in Brazoria County and spent every summer and many, many weekends there. My family and I still vacation there every year. While I am not a property owner at Surfside, I feel I am a stakeholder in any decisions made concerning the ongoing destruction of and possible renourishment of the beach.

I urge you, when considering whether to permit additional widening, deepening, dredging or otherwise changing in any way the topography of the Port Freeport ship channel and associated features, to consider also the dramatic and documented erosion of Surfside Beach over the years. Consider, too, the lack of action and response from the USACE relative to this erosion that many studies conclude are caused primarily by the jetties and ship channel (its widening, deepening, and constant dredging) - all planned and funded by the USACE. Your very own projects, your construction and especially the dredging have robbed Surfside Beach of millions of cubic yards of sand over the years resulting in total destruction of the beach and 40 front row beach homes. I understand that the planned expansion would result in even more dredging annually. YOU MUST ADDRESS THESE CONCERNS.

DO NOT award a permit for further expansion of Port Freeport's ship channel, unless you address the following:

1) Plans and action for mitigating current negative consequences of USACE past work on the jetties and channel resulting in aggressive erosion rates at Surfside.

2) Include in your plan a section concerning the known impacts ship channels, dredging and jetties have on neighboring beaches, especially the long-term effects of amplified wave action and higher erosion rates. See Dr. Richard Watson's report on Surfside's battle with erosion at this link:
http://gsa.confex.com/gsa/viewHandout.cgi?uploadid=256
<http://gsa.confex.com/gsa/viewHandout.cgi?uploadid=256 > >

3) Address the environmental impact of this specific project on neighboring beaches. Admit that rerouting the Brazos River seven miles downstream robbed the Surfside area of its primary sand source. Admit that a jetty and deep channel affect currents and beach erosion. Admit that jetties cause amplified wave action and higher erosion rates on neighboring beaches. Admit that dredging millions of cubic yards of material each year from ship channels affects erosion rates on neighboring beaches as the sand material is dumped so far offshore that it will never wash back onto a beach. We are the witnesses and victims of this negative impact.

4) Address how this project will employ and promote Beneficial Use of Dredged Material policies to enhance and renourish Surfside's beaches. Propose USACE's funding of on-going sand nourishment

projects for Surfside Beach given its close proximity to the jetties and ship channel.

5) Address long-term actions the USACE can take to reduce the impact of amplified wave action and strong erosion rates caused by the jetties and constant dredging. Can the USACE construct a Spur Dike on the side of the jetty to reduce sand transport into the ship channel (slow down beach erosion and reduce USACE cost of dredging).

6) Support not only the Brazoria County Shoreline Recon Study (approved in Nov. 1999 but never funded), but the recommendations of Coast & Harbor for construction of a Shoreline Breakwater System.

7) Partner with the Village of Surfside, Brazoria County, Port Freeport, Texas GLO, and the industries served by this ship channel to design and fund protective measures and nourishment projects to reduce and abate Surfside Beach's dramatic erosion.

Surfside has paid a heavy price for the expansions already made to the ship channel. From where we sit (which is right next to the jetty) we believe that the USACE needs to take responsibility - not only for the work within the jetty but also for the consequences (which may be unintentional but are real nonetheless) of that work beyond the jetty. We are not against commerce and job creation - we are for protecting the beach and the community, and rebuilding this beach as necessary. The beach on Surfside is the front line protection for the community of Surfside. Not only does it guard public infrastructure and private property, but it also guards the Intracoastal Waterway, and the billions of dollars of industry supported by Port Freeport.

For several hundred thousands of Texans each year Surfside Beach is the destination point for their vacations and weekend outings. The beach is a huge public park and we invite the USACE and Port Freeport (and their clients) to be partners in protecting and preserving it.

Thank you for your time and consideration.

Alexa Duke
306 Choctaw Trail
Henderson, Texas 75652

Alexa Duke

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From:	Bob Eastman
To:	Stokes, Janelle S SWG
Subject:	RE: Permit to dredge ship channel Port of Freeport, Texas
Date:	Friday, February 04, 2011 3:54:53 PM

1

Good afternoon Ms. Stokes. There are some issues within this permit that really disturbs me as well as the citizens of Surfside Beach. It is very disturbing to see that the "feasibility study" and the "draft of the environment impact statement" showed there would be no plan for the use of beneficial use material. Even more disturbing though was the oversight of not addressing mitigation efforts on the adjacent shorelines which is a requirement of new and improved federal projects. In my opinion the USACE did not do a thorough study of the impacts or reference more up to date studies of the impacts of the existing channel.

Surfside Beach as you well know is experiencing a very serious erosion problem. My neighborhoods have lost their homes to this problem and I fear more homes will be lost in the future due to the erosion, which is primarily due to the current channel. Please consider the material use in your plan as well as a beaker wall off the jetties to help SAVE Surfside Beach.

I sincerely appreciate your time and consideration.

Bob Eastman
President of Save Our Beach Association
307 Seashell
Surfside Beach, Texas 77541

Bob Eastman
President of Save Our Beach Association
307 Seashell
Surfside Beach, TX 77541

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From:	Jennie Green-Prats
To:	Stokes, Janelle S SWG
Date:	Friday, February 04, 2011 4:52:08 PM

Dear Ms. Stokes,

I have been a homeowner in the Village of Surfside Beach, Texas since 1998. My husband and I own a few rental properties as well. 1

I am very concerned about the referenced project. The failure of the "feasibility study" or "draft environmental impact statement" to show any plan for the use of beneficial use material is disturbing. Even more disturbing though was the oversight of not addressing mitigation efforts for impacts on adjacent shorelines which is a requirement of new and improved federal projects. The erosion of the beach at Surfside caused mainly by the diversion of the Brazos River, the construction and re-construction, enlargement and expansions of the Freeport and Quintana Jetties, the ever-deepening and widening of the Freeport Harbor Channel have all caused tremendous erosion to Surfside's beaches to the point where the beach is entirely gone in some places, has claimed many homes, and is chewing into and destroying the roads and infrastructure of the Village. We have no protection from storm surges and even high tides in some places. The above-mentioned man-made changes have led to sand-starvation in the area which has to be mitigated on a permanent basis if the town is to survive.

It seems reasonably clear that the USACE did not do a thorough study of the impacts or reference more up to date studies of the impacts of the existing Channel. The amount of dredging is going to increase threefold in the quantity of material and the planned placement is offshore (west of the jetties) in an established area and a new area. There are also planned 3 new upland sites totaling 500 acres, of which contain some wetlands that they do plan on mitigating for.

Highly regarded Hydro Geologist Blake W. Blackwelder said it best when he recently commented on the proposed project as follows: "Surfside Beach should be entitled to millions of cubic yards of sand to mitigate the effects of engineering actions that have acted to deprive the entire Brazoria County shoreline of active sand renourishment. These are very low slope, low energy beaches that need a modest amount of sand to preserve the shoreline. Dredging, building jetties, and relocation of a major sand-source river mouth have all been detrimental to the beaches at Surfside."

For these reasons, I object to the proposed project, as does my husband Stuart L. Prats, also a homeowner in the Village. Please require that the Port and the USACE mitigate and renourish on a permanent basis the beaches at Surfside and also provide for a mechanism for permanent arrestment and abatement of the erosive effects of the already engineered conditions in the area similar to what has already been presented to Congressman Ron Paul as proposed by a professional engineering firm (see Marc Grosz's email for attachment).

The future of the entire region of beaches and improvements actually depends on the exercise of equitable and sound judgment and action and incorporation of the steps I have identified and proposed herein and in the attached instrument.

Thank you for your kind consideration of these matters. The problem we have is man made. You have a shot at helping to replace what is being taken away with every wave.

Regards,
Jennie Green-Prats

Brazos Bend, Realtors

Texas Gulf Properties Group

979-236-1390 cell
979-233-5549 home fax
Jennie@TexasGulfProperties.com <mailto:Jennie@texasgulfproperties.com>

Jennie Green-Prats
Brazos Bend, Realtors
Texas Gulf Properties Group

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From:	L. Marc Grosz III
To:	Stokes, Janelle S SWG
Cc:	ahgrosz@sbcglobal.net
Subject:	US Army Corps of Engineers and Port Freeport Prospective Ship Channel Widening/Deepening Plans and Overall project
Date:	Friday, February 04, 2011 3:38:07 PM
Attachments:	Surfside_DC April2010.pdf

Dear Ms. Stokes,

I have been a homeowner in the Village of Surfside Beach, Texas since 1967. I also own a recreational fishing marina in the Village. 1

I am very concerned about the referenced project. The failure of the "feasibility study" or "draft environmental impact statement" to show any plan for the use of beneficial use material is disturbing. Even more disturbing though was the oversight of not addressing mitigation efforts for impacts on adjacent shorelines which is a requirement of new and improved federal projects. The erosion of the beach at Surfside caused mainly by the diversion of the Brazos River, the construction and re-construction, enlargement and expansions of the Freeport and Quintana Jetties, the ever-deepening and widening of the Freeport Harbor Channel have all caused tremendous erosion to Surfside's beaches to the point where the beach is entirely gone in some places, has claimed many homes, and is chewing into and destroying the roads and infrastructure of the Village. We have no protection from storm surges and even high tides in some places. The above-mentioned man-made changes have led to sand-starvation in the area which has to be mitigated on a permanent basis if the town is to survive.

It seems reasonably clear that the USACE did not do a thorough study of the impacts or reference more up to date studies of the impacts of the existing Channel. The amount of dredging is going to increase threefold in the quantity of material and the planned placement is offshore (west of the jetties) in an established area and a new area. There are also planned 3 new upland sites totaling 500 acres, of which contain some wetlands that they do plan on mitigating for.

Highly regarded Hydro Geologist Blake W. Blackwelder said it best when he recently commented on the proposed project as follows: "Surfside Beach should be entitled to millions of cubic yards of sand to mitigate the effects of engineering actions that have acted to deprive the entire Brazoria County shoreline of active sand renourishment. These are very low slope, low energy beaches that need a modest amount of sand to preserve the shoreline. Dredging, building jetties, and relocation of a major sand-source river mouth have all been detrimental to the beaches at Surfside."

For these reasons, I object to the proposed project, as does my wife Anne H. Grosz, also a homeowner in the Village. Please require that the Port and the USACE mitigate and renourish on a permanent basis the beaches at Surfside and also provide for a mechanism for permanent arrestment and abatement of the erosive effects of the already engineered conditions in the area similar to what has already been presented to Congressman Ron Paul as proposed by a professional engineering firm (see attached).

The future of the entire region of beaches and improvements actually depends on the exercise of equitable and sound judgment and action and incorporation of the steps I have identified and proposed herein and in the attached instrument.

Thank you for your kind consideration of these matters.

L. Marc Grosz III
Grosz & Associates, P.C.
Attorneys at Law
440 Louisiana St., Suite 250
Houston, TEXAS 77002
713-227-2500 telephone
713-652-2500 facsimile
mgrosz@groszassociates.com

L. Marc Grosz III
Grosz & Associates, P.C.
Attorneys at Law
440 Louisiana St., Suite 250
Houston, TX 77002

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).
2	Materials provided: 1. Presentation entitled "Village of Surfside Beach, Texas, April 2010"; 2. Fact Sheet on Surfside Beach, Texas Coastal Erosion Issues, dated April 22, 2010; 3. Surfside Beach Shoreline Stabilization Feasibility Study. 2009. Coast and Harbor Engineering, 6 pages

From: Julie Guyton
To: Stokes, Janelle S SWG
Subject: Surfside Beach
Date: Monday, February 07, 2011 8:19:21 AM

Janelle,

Please don't let them harm the Texas beaches any more than they already have. We can not replace them. 1

Thanks.

Julie

Julie Guyton
Senior Vice President/Manager
Amegy Bank - Corporate Investments
Phone 713-232-1428
Fax 713-693-7557
Cell 713-819-5509
julie.guyton@amegybank.com <mailto:julie.guyton@amegybank.com>

Julie Guyton
Senior Vice President/Manager
Amegy Bank – Corporate Investments

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From:	Houston Hanlons
To:	Stokes, Janelle S SWG
Subject:	Permit to dredge ship channel Port of Freeport Texas
Date:	Friday, February 04, 2011 1:56:46 PM

Janelle,

We have been advised that the above permit request does not address mitigation efforts for impacts on adjacent shorelines which is a requirement
of new and improved federal projects. 1

If true, this is unacceptable breach of trust, and should be rectified immediately.

Thank you.

Maura Hanlon
Surfside Resident

Maura Hanlon

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From:	Alan Kinsey
To:	Stokes, Janelle S SWG
Subject:	Permit to dredge ship channel Port of Freeport Texas
Date:	Friday, February 04, 2011 11:30:56 AM

Dear Mrs. Stokes:

Regarding the planned expansion of the Port of Freeport channel, it was disturbing to see that the "feasibility study" and "draft environmental impact statement" showed there would be no plan for the use of beneficial use material. Even more disturbing though was the oversight of not addressing mitigation efforts for impacts on adjacent shorelines which is a requirement of new and improved federal projects. I understand consideration of potential beneficial uses of the material are required in this process. 1

The USACE did not do a thorough study of the impacts or reference more up-to-date studies of the impacts of the existing channel. The amount of dredging is going to increase threefold the quantity of material and the planned placement is offshore (west of the jetties) in an established area and a new area. There are also planned 3 new upland sites totaling 500 acres which contain some wetlands.

All of this in plain view of the ever eroding beaches at Surfside. I am not an engineer but I see millions being spent to replenish sand at Surfside Beach while the dredge sits offshore digging it up and hauling if off. Is there no way to do the logical thing and replace the material on the beach from which it is coming.

I also think that some sort of underwater dam arcing from the end of the jetties would slow both the erosion at Surfside and the need for dredging the material from the channel.

Thank you for your attention to this matter.

Alan Kinsey

134 Belanger and

223 Seashell

Surfside Beach, Texas 77541

(V) 979-265-1911

(F) 979-265-5901

Alan Kinsey
134 Belanger
Surfside Beach, TX 77541

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From:	Peg Llewellyn
To:	Stokes, Janelle S SWG
Subject:	Port of Freeport Improvement Project Comments.
Date:	Saturday, February 05, 2011 4:57:52 PM

Janelle Stokes
Regional Environmental Specialist
Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553
409/766-3039

Dear Ms. Stokes,

This letter expresses my concern about the Draft Environmental Impact Statement and Feasibility Study for the Freeport Channel Improvement. I find both studies fully inadequate in addressing shoreline erosion and sediment management as well as the overall negative economic impact widening and deepening the channel will have to the area. 1

Both the shoreline stabilization study and the sediment study were desk top studies that did not collect any actual field data. These studies relied on out dated references and did not utilize studies that collected real field data which was presented in the Texas General Land Office January 2008 Surfside Beach Shoreline Stabilization Feasibility Study which states in the Executive Summary under the Causes of Erosion:

"The cumulative effects from relocation of the Brazos River , Freeport Channel Improvement projects, and continued dredging of the navigation channel lead to the two MAIN causes of erosion: 1) an overall loss of sediment in the littoral system and 2) erosions of the relic delta which translate into shore erosion. These causes work together to form a positive (increasing) feedback loop which accelerates the erosion along Surfside. Additionally, future efforts to deepen and widen the Port of Freeport Channel are likely to have additional impact (increase) on the morphological system inertia"

The study further shows that after the 1993 Freeport Channel improvement project whereby the rate of dredging materials increased over 100 percent from approximately one million cubic yards to two million cubic yards, and during that time the rate of erosion increased from a long-term rate of 4 feet per year (TX BEG, 2004) to 11 feet a year, by 2004 (C&H, 2008). This increase in erosion is not only wave action but the loss of sediments entering the beach system through maintenance dredging.

The shoreline study conducted by the USACE (which by the way was not signed by a professional or even had a USACE title page) and stated that there was not a significant impact to the erosion, did not take into account the loss of sediments entering the beach system. Any increase in erosion is a significant impact but the 0.6 feet per year is an increase of 15% over the long-term erosion rate of 4.0 feet/year TX BEG, 2004) is statistically significant.

Add that to the information in the sediment study that shows the improvement project will remove over 5.0 million cubic yards per year from the sediment system through dredging, or a 250 percent increase in dredging over current values and erosion rates which are tied not only to wave action but loss of sediments in the beach system, erosion rates will increase much more than currently predicted.

The USACE and the Port of Freeport need to take into account the economic damages that their project are causing to the local community and region. Over 40 beach houses were lost due to ongoing erosion caused from the dredging the Freeport Channel. These houses not only provided property taxes to the area tax base including subsidizing the Port of Freeport , but they provided hotel/motel taxes to the state and community.

The Village of Surfside Beach is vibrant economic community that contributes approximately 12 million dollars a year to the area economy through tourism in the Village of Surfside alone, and millions more in neighboring communities of Clute and Lake Jackson who support tourists that visit the beach.

There is over $112 million dollars in property located in the Village of Surfside Beach that is at risk if rapid erosion continues. Surfside pays approximately 3 million dollars a year in property taxes to Brazoria County and over $750,000 in sales and hotel/motel taxes a year to the city and the State of Texas . The best case potential net financial benefit of $11 million a year to widen and deepen the channel to 60 foot deep (Table 36 of the USACE Draft Feasibility Study) doesn't even begin to replace the tourism dollars Surfside adds to the region.

The Port of Freeport is currently being subsidize by property taxes, does not pay most property taxes on property they own and now wants more tax payer money that will cause damage to tax paying and revenue generating properties.

The USACE and Port of Freeport need to partner with the Village of Surfside to address the erosion caused by the Port's dredging and utilize dredge materials to re-nourish the beach and help build a permanent solution to the damage the Port and the Freeport Channel have and will cause with this project.

Sincerely,

Peggy Llewellyn, PE

614 Sea Shell

Surfside Beach Texas

Peg Llewellyn
614 Sea Shell
Surfside Beach, TX

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From: Peg Llewellyn
To: Stokes, Janelle S SWG
Subject: Comments on the Port of Freeport Improvement Project
Date: Friday, February 04, 2011 9:09:51 PM

To: U.S. Corps of Engineers

1

Whereas, the Port of Freeport has submitted a Draft Environmental Impact Report and is requesting permit from the Corps of Engineers to widen and deepen the Freeport Channel and public comments are due on Feburary 5, 2011, and we the undersigned do hereby believe that the widening and deepening of Freeport Channel is determental to the Community of Surfside Beach Texas, we are here by requesting that US Corps of Engineers require mitigation measures and benificial reuse of dredge materials to re-nourish Surfside Beach and address erosion caused by the Freeport Channel.

Whereas, the Village of Surfside Beach is a coastal community offering recreational opportunities to the greater Houston Metropolitan Area and the Citizens of the State of Texas with over 200,000 visitors a year.

Whereas, the Village of Surfside Beach is vibrant economic community that contributes approximately 12 million dollars a year to the area economy through tourism and pays approximately 3 million dollars a year in property taxes to Brazoria County and over $750,000 in sales and hotel/motel taxes a year to the county and the State of Texas.

Whereas, engineering studies conducted by the State of Texas General Land Office (Coast and Harbors, 2008), the Village of Surfside Beach and the Port of Freeport have shown that the rerouting of the Brazos river and the continued and future deepening and widening of the Freeport Channel is contributing to the rapid man-made erosion in Surfside Beach.

Whereas, the rapid man-made erosion caused by the Freeport Channel has contributed to the loss of in over 40 income producing and taxable properties in the Village of Surfside Beach.

Whereas, the Port of Freeport is exempt from paying most property taxes and requires property tax subsidies to be economically viable.

Whereas, federal law requires the beneficial use of dredge materials and the Port of Freeport is discharging dredge materials off-shore rather than beneficially using these materials to re-nourish beaches caused by erosion from the Freeport Channel.

Whereas, federal law mandates that mitigation measures be implemented for any federally funded project that causes economic or environmental damage and the area.

Whereas, the July, 19, 2010, Executive Order--Stewardship of the Ocean, Our Coasts, and the Great Lakes, requires federally funded project to 2(ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies; and that any further deepening or widening of the Freeport Channel would be detrimental to the economy of the coastal community of Surfside Beach.

We the undersigned do hereby request that the United States Corps of Engineers deny the permit for widening and deepening of the Freeport channel, unless their project includes:

- Mitigation measures to address current and future erosion directly resulting from the Freeport channel, and
- Beneficial reuse of dredge materials through re-nourishing Surfside Beach on an annual basis.

Sincerely,
The Undersigned <http://www.petitiononline.com/mod_perl/signed.cgi?stoperos>

	Name	Comments	Address
67.	Rhonda O'Neill		
66.	John M. Murphy	I suggest a class action lawsuit naming the Army Corps of Engineers, the Port of Freeport and any other entities or individuals cooperating with these agencies in the operation of the	

Freeport Shipping Channel which is causing the erosion of Follet's Island. Swordfish Lane, Surfside Beach
65. Carlton Greer PO Box 935
64. Stephen cagle
63. Venita Brown Please consider the negitive impact this will have in the future for Surfside. We are a economic community, help us to recover and restore the beach. Do not turn your back on us Please!
62. John H Burke This seems the only fair equitable solution for all involved.
61. Jan Burke We need the Corps of Engineers to leave our channel just like it is. It has already caused enough problems for our beach
60. Erin Marzouki
59. Ernest Cagle 722 Beach Drive, Surfside, Tx 77541
58. Fawn Kostal 215 Spoonbill Place
57. Joe Kostal 215 Spoonbill Place

56. Bobby Myers
55. franky ward We should have done this a long time ago thank you
54. Kristin Perrine
53. ANN GASCHLER 212 SEASHELL DRIVE SURFSIDE BEACH TX
52. Bob Eastman 307 Seashell
51. Lester Wallace
50. Brian VanWinkle
49. Sandi VanWinkle
48. Kirk L. Brannan PO Box 4085 Lake Jackson, TX 77566
47. Christopher Eric Cagle
46. AnnPierce Arnett please stop the erosion of Surfside Beach
45. Donna Stacey I fail to see how you can continue to engineer the destruction of the Village of Surfside Beach. It is time for you to take responsibility for your actions! 427 Swordfish Lane, Surfside Beach
44. John Imperatore Please address the Surfside errosion
43. Marie Imperatore Surfside is our summer home and the erosion has threatened our family's three homes on the island 5214 Cottonwood Creek Lane, League City, TX 77573
42. Bruce Norman 1211 Fort Velasco Drive
41. Lynelle Thompson
40. Kelly Greer
39. Becky C agle Please Help Us
38. Amira S. Van Winkle 308 Surf Drive
37. Jathan E. Van Winkle
36. Suzan Zachariah Thank you for quick actions and thoughtful solutions. 551 Thunder Surfside Beach, TX 77541
35. Melinda wilhelm 314 seashell Dr.
34. Debbie Sager
33. william d perry business owner
32. Alexa Duke There will not be a beach or a village to be concerned about unless remediation measures begin immediately.
31. Wanda Petree 996 Bluewater Hwy, Surfside, TX
30. Henry Petree 996 Bluewater Hwy, Surfside, TX
29. Scott McCracken 210 Fort Velasco Surfside Beach TX 77541
28. Robin Robichau The Corps of Engineers and the Port ought to adopt Surfside Beach for at least two miles from the jetty and maintain it with dredged sand and/or purchased sand as needed. This is only right since study after study have concluded that the number one cause of Surfside's erosion is due to MAN-MADE Engineering (i.e., jettys, deep ship channels, rerouting the Brazos, etc.) If you can fund billions in ship channel and port expansions, you can afford a few million per year to protect the beach from the erosion your work causes. Be a good neighbor! 523 Seashell
27. MaryAnn Lecher We need your help and cooperation in fixing the problems created by the installation of the Intercoastal Waterway entrance. Beach Drive, Surfside, Texas 77541
26. Sarah Hall Surfside Beach, TX
25. Philip Guyton
24. debbie reitz 527 Seashell Drive
23. Gordon Aust 419 Sea Shell Dr. Surfside Beach,Texas

22. Beverly Bisso 306 Beach Drive
21. Susan Taylor Surfside Beach, TX
20. Jason Little
19. C. T. Boone 319 Coral Ct., Sufrside Beach,TX. 77541
18. Tommy Cooman
17. gilbert garcia

Name Comments Address
17. gilbert garcia
16. Susan Cooman
15. Calvin Mann Jr
14. Marc Grosz Port Freeport: Please help mitigate against the documented negative and damaging effects of deepening and widening the already very deep and very wide channel to benefit the Port and its consitutents. It makes good sense for good neighbors!
13. Johanna Hefley please give us the sand for our beach 422 surf surfside texas
12. MARSHALL HEFLEY SR help 422 surf surfside texas
11. Alan Kinsey 223 Seashell and 134 Belanger, Surfside Beach
10. Blake Blackwelder Surfside Beach should be entitled to millions of cubic yards of sand to mitigate the effects of engineering actions that have acted to deprive the entire Brazoria County shoreline of active sand renourishment. These are very low slope, low energy beaches that need a modest amount of sand to preserve the shoreline. Dredging, building jetties, and relocation of a major sand-source river mouth have all been detrimental to the beaches at surfside.
9. Adam DeVaney
8. Diana Mann
7. Vanda Mathis No more destructive action resulting in depleting our beach.

6. Glenn Robichau USACE and Port Freeport and their clients need to partner with Surfside to protect the beach. If one cup of beach sand ends up at the bottom of the channel - then there is a negative environmental impact. 523 Seashell Dr.
5. Gregg D. Bisso 306 Beach Dr. Surfside Tx. 77541
4. Pat Layne 403 Fort Velasco, Surfside Beach, Texas
3. Jennifer Huisman 123 Pampano
2. Eric Younkin Hey Corp, we are only requesting you to help undo the damage you have already caused.
1. Peggy Llewellyn Please require the Port to follow the benificial dredge material laws 614 Sea Shell, Surfside Beach TX

From:	Peg Llewellyn
To:	Stokes, Janelle S SWG
Subject:	Freeport Channel Improvement Project
Date:	Saturday, February 05, 2011 5:08:13 PM

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http://www.petitiononline.com/mod_perl/petition-sign.cgi?stoperos
<http://www.petitiononline.com/mod_perl/petition-sign.cgi?stoperos>
Ms. Stokes,

More signatures are being added to the petion against the Improvement Project without mitigation measures and benificial reuse of dredge materials to renourish the beaches.

Please see the online petition:

http://www.petitiononline.com/mod_perl/petition-sign.cgi?stoperos
<http://www.petitiononline.com/mod_perl/petition-sign.cgi?stoperos>

Require Port of Freeport to Address Erosion at Surfside Beach

View Current Signatures - Sign the Petition

To: U.S. Corps of Engineers

Whereas, the Port of Freeport has submitted a Draft Environmental Impact Report and is requesting permit from the Corps of Engineers to widen and deepen the Freeport Channel and public comments are due on Feburary 5, 2011, and we the undersigned do hereby believe that the widening and deepening of Freeport Channel is determental to the Community of Surfside Beach Texas, we are here by requesting that US Corps of Engineers require mitigation measures and benificial reuse of dredge materials to re-nourish Surfside Beach and address erosion caused by the Freeport Channel.

Whereas, the Village of Surfside Beach is a coastal community offering recreational opportunities to the greater Houston Metropolitan Area and the Citizens of the State of Texas with over 200,000 visitors a year.

Whereas, the Village of Surfside Beach is vibrant economic community that contributes approximately 12 million dollars a year to the area economy through tourism and pays approximately 3 million dollars a year in property taxes to Brazoria County and over $750,000 in sales and hotel/motel taxes a year to the county and the State of Texas.

Whereas, engineering studies conducted by the State of Texas General Land Office (Coast and Harbors, 2008), the Village of Surfside Beach and the Port of Freeport have shown that the rerouting of the Brazos river and the continued and future deepening and widening of the Freeport Channel is contributing to the rapid man-made erosion in Surfside Beach.

Whereas, the rapid man-made erosion caused by the Freeport Channel has contributed to the loss of in over 40 income producing and taxable properties in the Village of Surfside Beach.

Whereas, the Port of Freeport is exempt from paying most property taxes and requires property tax subsidies to be economically viable.

Whereas, federal law requires the beneficial use of dredge materials and the Port of Freeport is discharging dredge materials off-shore rather than beneficially using these materials to re-nourish beaches caused by erosion from the Freeport Channel.

Whereas, federal law mandates that mitigation measures be implemented for any federally funded project that causes economic or environmental damage and the area.

Whereas, the July, 19, 2010, Executive Order--Stewardship of the Ocean, Our Coasts, and the Great Lakes, requires federally funded project to 2(ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies; and that any further deepening or widening of the Freeport

Channel would be detrimental to the economy of the coastal community of Surfside Beach.

We the undersigned do hereby request that the United States Corps of Engineers deny the permit for widening and deepening of the Freeport channel, unless their project includes:
• Mitigation measures to address current and future erosion directly resulting from the Freeport channel, and
• Beneficial reuse of dredge materials through re-nourishing Surfside Beach on an annual basis.

Sincerely,

The Undersigned

Click Here to Sign Petition

View Current Signatures

The Require Port of Freeport to Address Erosion at Surfside Beach Petition to U.S. Corps of Engineers was **created by and written by Peggy Llewellyn** (pllewellyn2002@yahoo.com). This petition is hosted here at www.PetitionOnline.com as a public service. There is no endorsement of this petition, express or implied, by Artifice, Inc. or our sponsors. For technical support please use our simple Petition Help form.

tags: Beach erosion Surfside texas

http://www.PetitionOnline.com/stoperos/petition.html

Require Port of Freeport to Address Erosion at Surfside Beach

We endorse the Require Port of Freeport to Address Erosion at Surfside Beach Petition to U.S. Corps of Engineers.

Read the Require Port of Freeport to Address Erosion at Surfside Beach Petition

Sign the Require Port of Freeport to Address Erosion at Surfside Beach Petition

	Name	Comments	Address
32.	Alexa Duke	There will not be a beach or a village to be concerned about unless remediation measures begin immediately.	
31.	Wanda Petree		996 Bluewater Hwy, Surfside, TX
30.	Henry Petree		996 Bluewater Hwy, Surfside, TX
29.	Scott McCracken		210 Fort Velasco Surfside Beach TX 77541
28.	Robin Robichau	The Corps of Engineers and the Port ought to adopt Surfside Beach for at least two miles from the jetty and maintain it with dredged sand and/or purchased sand as needed. This is only right since study after study have concluded that the number one cause of Surfside's erosion is due to MAN-MADE Engineering (i.e., jettys, deep ship channels, rerouting the Brazos, etc.) If you can fund billions in ship channel and port expansions, you can afford a few million per year to protect the beach from the erosion your work causes. Be a good neighbor!	523 Seashell
27.	MaryAnn Lecher	We need your help and cooperation in fixing the problems created by the installation of the Intercoastal Waterway entrance.	Beach Drive, Surfside, Texas 77541
26.	Sarah Hall		Surfside Beach, TX
	Philip		

25. Guyton		
24. debbie reitz		527 Seashell Drive
23. Gordon Aust		419 Sea Shell Dr. Surfside Beach,Texas
22. Beverly Bisso		306 Beach Drive

21. Susan Taylor		Surfside Beach, TX
20. Jason Little		
19. C. T. Boone		319 Coral Ct., Sufrside Beach,TX. 77541
18. Tommy Cooman		
17. gilbert garcia		
16. Susan Cooman		
15. Calvin Mann Jr		
14. Marc Grosz	Port Freeport: Please help mitigate against the documented negative and damaging effects of deepening and widening the already very deep and very wide channel to benefit the Port and its consitutents. It makes good sense for good neighbors!	
13. Johanna Hefley	please give us the sand for our beach	422 surf surfside texas
12. MARSHALL HEFLEY SR	help	422 surf surfside texas
11. Alan Kinsey		223 Seashell and 134 Belanger, Surfside Beach
10. Blake Blackwelder	Surfside Beach should be entitled to millions of cubic yards of sand to mitigate the effects of engineering actions that have acted to deprive the entire Brazoria County shoreline of active sand renourishment. These are very low slope, low energy beaches that need a modest amount of sand to preserve the shoreline. Dredging, building jetties, and relocation of a major sand-source river mouth have all been detrimental to the beaches at surfside.	

9.	Adam DeVaney		
8.	Diana Mann		
7.	Vanda Mathis	No more destructive action resulting in depleting our beach.	
6.	Glenn Robichau	USACE and Port Freeport and their clients need to partner with Surfside to protect the beach. If one cup of beach sand ends up at the bottom of the channel - then there is a negative environmental impact.	523 Seashell Dr.
5.	Gregg D. Bisso		306 Beach Dr. Surfside Tx. 77541
4.	Pat Layne		403 Fort Velasco, Surfside Beach, Texas
3.	Jennifer Huisman		123 Pampano
2.	Eric Younkin	Hey Corp, we are only requesting you to help undo the damage you have already caused.	
1.	Peggy Llewellyn	Please require the Port to follow the benificial dredge material laws	614 Sea Shell, Surfside Beach TX

View Signatures : 82 32

PetitionOnline.com has disabled the display of email addresses for signatories who chose to make their address public. We have done this to reduce the spread of harmful Windows viruses which harvest email addresses from the web cache of infected computers. This also prevents spammers from harvesting email addresses from this site.

Require Port of Freeport to Address Erosion at Surfside Beach

We endorse the Require Port of Freeport to Address Erosion at Surfside Beach Petition to U.S. Corps of Engineers.

Read the Require Port of Freeport to Address Erosion at Surfside Beach Petition

Sign the Require Port of Freeport to Address Erosion at Surfside Beach Petition

	Name	Comments	Address
82.	Bonnie Smith		
81.	Randy Gillis	Help to maintain Surfside beaches	322 Driftwood Ct. Surfside, Texas
80.	Jeffrey Melland		
79.	Melissa Rezsutek		
78.	Kevin West		
77.	Gayle	Be mindul that barrier islands are neccessary and very fragile!	
76.	Peter Lecher		Beach Drive, Surfside Beach, Texas 77541
75.	Henry Pekar		606 Fin Aly,Surfside Beach,TX
74.	Crystal Gallo	How come this erosion doesnt happen anywere else? The Port of Freeport is the only answer.	
73.	Jeff Robichau	SAVE OUR BEACH. FOR MY KIDS SAKE!!!!!!!!	523 seashell dr. Surfside, Tx.
72.	Eric Slanis	I grew up vacationing on surfside with my family and have had many amazing memories. Please take care of the beach!!!	

71.	Mark Slanis	Don't mess with my beach. I want it for my grandkids to enjoy just as much as we always have!	
70.	Joseph Clayton		

	Medve		
69.	Barbara Slanis	Born and raised in the surfside area, while I recognize the need for commerce, I want to see the beach both cared for and well preserved.	
68.	Michelle Slanis	I love my beach and would love to have it there for my children to enjoy	
67.	Rhonda O'Neill		
66.	John M. Murphy	I suggest a class action lawsuit naming the Army Corps of Engineers, the Port of Freeport and any other entities or individuals cooperating with these agencies in the operation of the Freeport Shipping Channel which is causing the erosion of Follet's Island.	Swordfish Lane, Surfside Beach
65.	Carlton Greer		PO Box 935
64.	Stephen cagle		
63.	Venita Brown	Please consider the negitive impact this will have in the future for Surfside. We are a economic community, help us to recover and restore the beach. Do not turn your back on us Please!	
62.	John H Burke	This seems the only fair equitable solution for all involved.	
61.	Jan Burke	We need the Corps of Engineers to leave our channel just like it is. It has already caused enough problems for our beach	
60.	Erin Marzouki		
59.	Ernest Cagle		722 Beach Drive, Surfside, Tx 77541
58.	Fawn Kostal		215 Spoonbill Place
57.	Joe Kostal		215 Spoonbill Place
56.	Bobby Myers		
55.	franky ward	We should have done this a long time ago thank you	
54.	Kristin Perrine		
53.	ANN GASCHLER		212 SEASHELL DRIVE SURFSIDE BEACH TX
52.	Bob Eastman		307 Seashell
51.	Lester Wallace		
50.	Brian VanWinkle		
49.	Sandi VanWinkle		
			PO Box 4085

48.	Kirk L. Brannan		Lake Jackson, TX 77566
47.	Christopher Eric Cagle		
46.	AnnPierce Arnett	please stop the erosion of Surfside Beach	
45.	Donna Stacey	I fail to see how you can continue to engineer the destruction of the Village of Surfside Beach. It is time for you to take responsibility for your actions!	427 Swordfish Lane, Surfside Beach
44.	John Imperatore	Please address the Surfside errosion	
43.	Marie Imperatore	Surfside is our summer home and the erosion has threatened our family's three homes on the island	5214 Cottonwood Creek Lane, League City, TX 77573
42.	Bruce Norman		1211 Fort Velasco Drive
41.	Lynelle Thompson		
40.	Kelly Greer		
39.	Becky C agle	Please Help Us	
38.	Amira S. Van Winkle		308 Surf Drive
37.	Jathan E. Van Winkle		
36.	Suzan Zachariah	Thank you for quick actions and thoughtful solutions.	551 Thunder Surfside Beach, TX 77541
35.	Melinda wilhelm		314 seashell Dr.
34.	Debbie Sager		
33.	william d perry	business owner	
32.	Alexa Duke	There will not be a beach or a village to be concerned about unless remediation measures begin immediately.	

View Signatures : 82 32

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use our simple Petition Help form.

Peg Llewellyn
Petition
614 Sea Shell
Surfside Beach, TX

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From: Billy Lofgren
To: surfsideproperties@suzanzachariah.com
Cc: Stokes, Janelle S SWG
Subject: Re: [FWD: Petition to US Army Corps of Engineers and Port Freeport]
Date: Monday, February 07, 2011 3:02:28 PM

To whom it may concern,
I'm seeing this petition (and deadline) for the first time today, three days after the deadline for action unfortunately.
I fully agree with the petition content and would have supported it fully, had I been aware sooner.
Was it the US Army Corps of Engineers idea to allocate a one day deadline notice of this significant event? It certainly reminds me of the 12 hour unofficial notification I recall during my attachment with the 97th Engr Battalion for a three week field excercise.
The "unofficial" notification served as a reminder for the base clubs to close earlier in order to try to ensure some sobriety at 300 hrs the following morning.
Memories are made of this. I could not hardly wait to see my demob date up on the board.
A one second notice would have sufficed for me then.
I only hope if there are any more petitions coming around in the future, I'll get a chance to more actively participate.
Billy

-- On Fri, 2/4/11, surfsideproperties@suzanzachariah.com <surfsideproperties@suzanzachariah.com> wrote:

> From: surfsideproperties@suzanzachariah.com <surfsideproperties@suzanzachariah.com>
> Subject: [FWD: Petition to US Army Corps of Engineers and Port Freeport]
> To: antoinette.spurlin@fortbend.k12.tx.us, Jabkoeger@aol.com, "Charles Emola" <cemola@rencon.cc>, "Molly Lartigue" <molly23@sbcglobal.net>, "Rick Lartigue" <Rick.Lartigue@kbr.com>, "David Devaney" <dldevaney@warehouseassociates.com>, MWeas55387@aol.com, "Charles Spurlin" <Charles.Spurlin@fortbend.k12.tx.us>, "Charles Spurlin Jr" <charles.spurlin@gmail.com>, slwslw77@comcast.net, "Billy Lofgren" <billylofgren@sbcglobal.net>, "Wendy Christensen" <wenchr@gmail.com>, "Jimmy Wynn" <jrwynn@hotmail.com>, "Barbara" <stairtown@yahoo.com>, "Jan Gonzales" <thumperk@swbell.net>, "David Rowton" <David.Rowton@rotork.com>, "Troy Yamaguchi" <texasyama@yahoo.com.au>, "Zachariah" <zachshack@earthlink.net>, deannadenise@yahoo.com, "Johnathan Diver" <dohdoor@hotmail.com>, jdfkostal@yahoo.com, "Jozina Dirkzwager" <Jozina.Dirkzwager@chevron.com>, WEESTIMATE@aol.com
> Date: Friday, February 4, 2011, 5:06 PM

> All, please consider sending a direct email to janelle.s.stokes@usace.army.mil <http://us.mc836.mail.yahoo.com/mc/compose?to=janelle.s.stokes@usace.army.mil> expressing your concerns. Deadline is TODAY! Below is an example.
> ---
> To:
> Janelle Stokes
> Regional Environmental Specialist

Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553
409/766-3039
janelle.s.stokes@usace.army.mil

I am sending a copy of Glenn Robichau's email again expressing my concern as well. I own a home on Beach Drive. Thank you for your time in considering our urgent request.

Dear USACE,

Thank you for taking comments on this important issue.

Attached is a document that a group of Surfside citizens presented to Cong. Ron Paul's office and the management of USACE in Washington and Galveston during 2010. Of concern is the dramatic and documented erosion of Surfside Beach over the years and the lack of action and response from the USACE relative to this erosion that many studies conclude are caused primarily by the jetties and ship channel (its widening, deepening, and constant dredging) - all planned and funded by the USACE. Your very own projects, your construction and especially the dredging have robbed Surfside Beach of millions of cubic yards of sand over the years resulting in total destruction of the beach and 40 front row beach homes. We understand that the planned expansion would result in even more dredging annually. YOU MUST ADDRESS THESE CONCERNS.

DO NOT award a permit for further expansion of Port Freeport's ship channel, unless you address the following:

1) Plans and action for mitigating current negative consequences of USACE past work at on the jetties and channel resulting in aggressive erosion rates at Surfside.

2) Include in your plan a section concerning the known impacts ship channels, dredging and jetties have on neighboring beaches, especially the long-term effects of amplified wave action and higher erosion rates. See Dr. Richard Watson's report on Surfside's battle with erosion at this link: http://gsa.confex.com/gsa/viewHandout.cgi?uploadid=256 <http://gsa.confex.com/gsa/viewHandout.cgi?uploadid=256> <http://gsa.confex.com/gsa/viewHandout.cgi?uploadid=256 > >

3) Address the environmental impact of this specific project on neighboring beaches. Admit that rerouting the Brazos River seven miles downstream robbed the Surfside area of its primary sand source. Admit that a jetty and deep channel affect currents and beach erosion . Admit that jetties cause amplified wave action and higher erosion rates on neighboring beaches. Admit that dredging off millions of cubic yards of material each year from ship channels affects erosion rates on neighboring beaches as the sand material is dumped so far offshore that it will never wash back onto a beach. We are the witnesses and victims of this negative impact.

4) Address how this project will employ and promote Beneficial Use of Dredged Material policies to enhance and re nourish Surfside's beaches. Propose USACE's funding of on-going sand nourishment projects for Surfside Beach given its close proximity to the jetties and ship channel?

5) Address long-term actions the USACE can take to reduce the impact of amplified wave action and strong erosion rates caused by the jetties and constant dredging. Can the USACE construct a Spur Dike on the side of the jetty to reduce sand transport into the ship channel (slow down beach erosion and reduce USACE cost of dredging).

6) Support not only the Brazoria County Shoreline Recon Study (approved in Nov. 1999 but never funded), but the recommendations of Coast & Harbor for construction of a Shoreline Breakwater System (see details in attached pdf document).

7) Partner with the Village of Surfside, Brazoria County, Port Freeport, Texas GLO, and the industries served by this ship channel to design and fund protective measures and nourishment projects to reduce and abate Surfside Beach's dramatic erosion.

Surfside has paid a heavy price for the expansions already made to the ship channel. From where we sit (which is right next to the jetty) we believe that the USACE needs to take responsibility - not only for the work within the jetty but also for the consequences (which may be unintentional but real nonetheless) of that work beyond the jetty! We are not against commerce and job creation - we are for protecting the beach and the community, and rebuilding this beach as necessary. The beach on Surfside is the front line protection for the community of Surfside. Not only does it guard public infrastructure and private property, but it also guards the Intracoastal Waterway, and the billions of dollars of industry supported by Port Freeport.

For several hundred thousands of Texans each year Surfside Beach is the destination point for their vacations and weekend outings. The beach is a huge public park and we invite the USACE and Port Freeport (and their clients) to be partners in protecting and preserving it.

Thank you for your time and consideration.

Anthony L. Startz
Lamons | Human Resources Director | Houston
7300 Airport Blvd. | Houston, TX 77061
Sealing Global - Servicing Local
Direct: 713-547-9569 | Toll Free: 800-231-6906 | Fax: 713-982-5638
Email: anthony.startz@lamons.com <http://us.mc836.mail.yahoo.com/mc/compose?to=anthony.startz@lamons.com> | Web: www.lamons.com <http://www.lamons.com/>

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http://www.petitiononline.com/mod_perl/petition-sign.cgi?stoperos

Folks,

We are running out of time to send a message to the US Army Corps of Engineers and Port Freeport that we expect them to include in their ship channel widening/deepening plans some effort and funding for mitigating, stopping, and reversing the serious erosion issues on Surfside Beach - that study after study has attributed to their jettys, their deep channel, their yearly dredging, and their rerouting of the Brazos River. The port and their clients benefit from the wider and deeper channel and the 3,000 + vessels that visit them each year. The property owners of Surfside have alone paid the

price for this commerce with the destruction of the sandy beach over time and the loss of the front row of houses. Let's demand that the Corps and Port and their clients partner with Surfside to maintain a sandy beach all the way to the county line. We are not against industry and expansion - we are against loosing public and private property to the worst erosion rates in the state caused by USACE engineered projects. By the way, per the engineering studies of the USACE, all this dredging and widening of the ship channel reportably has NO Environment Impact!!! I would strongly disagree with that conclusion. In fact, I say if one bucket of beach sand drifts along the current, around the jetty and into the ship channel where it sinks to the bottom of the 50ft. channel (to be lost forever to wave action until it gets dredged and carried offshore by another USACE dredging project) - then that to me constitutes a negative environmental impact because that sand cannot be deposited on a beach where it belongs. We would be much happier to read that the Corps and Port would agree to support Beneficial Use of Dredged Material for beach replenishment, and funding for periodic renourishment projects to maintain beach levels that protect public and private property. "but this will cost too much money"!! Charge the port clients an annual beach nourishment fee. Add a fee per vessel for beach nourishment! Add these dollars in the Federal appropriations requests that you lobby for and get every year. The federal government paid for these engineering projects - they can pay to remedy the negative consequences they have caused.

We are beating each other's heads in over these damn houses in the water. We should all be on the same side - the side that is fighting to save Surfside and her beaches with a permanent solution to fight this man-made erosion.

Look at the attached petition - please sign it tonight (and put in your personal comment)!

Best Regards,

Glenn

Billy Lofgren

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From: Linda
To: Stokes, Janelle S SWG
Subject: Surfside
Date: Friday, February 04, 2011 5:10:05 PM

Ms Stokes,
I think a thorough study of the impacts to our beach is necessary and should be up to date. Out-dated studies of the impacts are not going to help Surfside. 1
The amount of dredging is going to increase and the quantity of material will increase and these materials should be placed on Brazoria county beaches.Why take our materials to other locations? We need the dredged materials to be put right here where they originated from.
I am not against trade but I am against destroying Island property by eating away at the channel with no regards to the damages it is causing and without any attempt to help fix the destruction..
I have owned a home here since 1986 and it is easy to see the damages. I think we should be given ongoing help since these man-made changes are the main culprits.We need a proposal and commitment from you at he Corp and the Port to as to how you plan to remedy these damages and how you plan to stop your destruction.
Thank you.
Linda Manning-Bedward

Linda Manning-Bedward

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From: Linda
To: Stokes, Janelle S SWG
Subject: Surfside
Date: Friday, February 04, 2011 3:37:26 PM

Ms Stokes,
We are very concerned about the swift loss of property near the jetties. We wish to express our concerns and ask for any help that may be offered to Surfside.
Please help us by considering any and all means you have to prevent this problem from growing any larger.Thank you for taking a close look at our situation,
Linda Manning/ Jim Bedward

Linda Manning/Jim Bedward

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From:	Dick Petree
To:	Stokes, Janelle S SWG
Cc:	hepetree@aol.com
Subject:	Surfside Texas Beach Issues and Comments
Date:	Friday, February 04, 2011 5:10:19 PM

Dear Ms. Stokes - USACE,

Thank you for taking comments on this important issue.

I trust you are aware of a document that a group of Surfside citizens presented to Cong. Ron Paul's office and the management of USACE in Washington and Galveston during 2010. Of concern is the dramatic and documented erosion of Surfside Beach over the years and the lack of action and response from the USACE relative to this erosion that many studies conclude are caused primarily by the jetties and ship channel (its widening, deepening, and constant dredging) - all planned and funded by the USACE. Your very own projects, your construction and especially the dredging have robbed Surfside Beach of millions of cubic yards of sand over the years resulting in total destruction of the beach and 40 front row beach homes. We understand that the planned expansion would result in even more dredging annually. PLEASE ADDRESS THESE CONCERNS. 1

Surfside has paid a heavy price for the expansions already made to the ship channel. From where Surfside sits (which is right next to the jetty) we believe that the USACE needs to take responsibility - not only for the work within the jetty but also for the consequences (which may be unintentional but real nonetheless) of that work beyond the jetty! We are not against commerce and job creation - we are for protecting the beach and the community, and rebuilding this beach as necessary. The beach on Surfside is the front line protection for the community of Surfside. Not only does it guard public infrastructure and private property, but it also guards the Intracoastal Waterway, and the billions of dollars of industry supported by Port Freeport.

For several hundred thousands of Texans each year Surfside Beach is the destination point for their vacations and weekend outings. The beach is a huge public park and we invite the USACE and Port Freeport (and their clients) to be partners in protecting and preserving it.

Also, Glenn Robichau has just recently contacted you via email again expressing concern about the channel dredging and other issues described above. Mr. Robichau has also introduced a petition that will be presented to the Corps describing additional requested actions. I own a home on on Bluewater Hwy right on the beach. There are many property owners in Surfside who have investment homes or vacation homes. There is not a professional lobbying group representing these owners or the Surfside residents due to lack of funds. Surfside is a very small local government with limited budgets and manpower. But concerned property owners are trying to use grass root communications of our concerns with requested beginning solutions to beach issues. Help is desperately needed for this historic region of Texas. It is also a beach that has been recognized nationally for its raw beauty. Help us make and keep Surfside as a viable Gulf beach before the beach is lost even further. Thank you for your time in considering our urgent request.

Thank you for your time and consideration.

Regards,

Henry & Wanda Petree
996 Bluewater Hwy
Surfside, Tx

Henry & Wanda Petree
996 Bluewater Highway
Surfside, TX

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From:	Glenn Robichau
To:	Stokes, Janelle S SWG
Cc:	Sallese, Christopher W COL SWG; Murphy, Carolyn E SWG; Laird, Diana J SWG
Subject:	Port Freeport Ship Channel Expansion
Date:	Friday, February 04, 2011 2:08:08 PM
Attachments:	Surfside_DC April2010.pdf

Dear USACE,

Thank you for taking comments on this important issue.

Attached is a document that a small group of Surfside citizens presented to Cong. Ron Paul's office and the management of USACE in Washington and Galveston during 2010. Of concern is the dramatic and documented erosion of Surfside Beach over the years and the lack of action and response from the USACE relative to this erosion that many studies conclude are caused primarily by the jetties, ship channel (its widening, deepening, and constant dredging) - all planned and funded by the USACE. Your very own projects, your construction and especially the dredging have robbed Surfside Beach of millions of cubic yards of sand over the years resulting in total destruction of the beach and 40 front row beach homes. We understand that the planned expansion would result in even more dredging annually. YOU MUST ADDRESS THIS. 1

DO NOT award a permit for further expansion of Port Freeport's ship channel, unless you address teh following:

1) Plans and action for mitigating the current negative consequences of USACE past work at Surfside resulting in aggressive erosion rates.

2) Include in your plan a section concerning the known affects ship channels, dredging and jetties have on neighboring beaches, especially the long-term effects of amplified wave action and higher erosion rates. See Dr. Richard Watson's report on Surfside's battle with erosion at this link:
http://gsa.confex.com/gsa/viewHandout.cgi?uploadid=256
<http://gsa.confex.com/gsa/viewHandout.cgi?uploadid=256>
Address the environmental impact of this specific project on neighboring beaches. Admit that rerouting the Brazos River seven miles downstream robs the Surfside area of its primary sand source. Admit that a jetty and deep channel affect currents and beach erosion . Admit that jetties cause amplified wave action and higher erosion rates on neighboring beaches. Admit that dredging off millions of cubic yards each year from ship channels affects erosion rates on neighboring beaches as the sand material is dumped so far offshore that it will never wash back up to a beach. We are the witnesses and victims of this negative impact.

4) Address how this project will employ and promote Beneficial Use of Dredged Material policies to enhance and re nourish Surfside's beaches. Address the USACE's funding of on-going sand nourishment projects for Surfside Beach given its close proximity to the jetties and ship channel?

5) Address long-term actions the USACE can take to reduce the impact of amplified wave action and strong erosion rates caused by the jetties and constant dredging. Can the USACE construct a Spur Dike on the side of the jetty to reduce sand transport into the ship channel (slow down beach erosion and reduce USACE cost of dredging).

6) Support not only the Brazoria County Shoreline Recon Study (approved in Nov. 1999 but never funded), but the recommendations of Coast & Harbor for construction of a Shoreline Breakwater System (see details in attached pdf document).

7) Partner with the Village of Surfside, Brazoria County, Port Freeport, Texas GLO, and the industries served by this ship channel to design and fund protective measures and nourishment projects to reduce and abate Surfside Beach's dramatic erosion.

Surfside has paid a heavy price for the expansions already made to the ship channel. From where we sit

(which is right next to the jetty) we believe that the USACE needs to take responsibility for the work within the jetty and for the consequences (which may be unintentional but real nonetheless) of that work beyond the jetty! We are not against commerce and job creation - we are for protecting the beach and the community, and rebuilding this beach as necessary. The beach on Surfside is the front line protection for the community of Surfside. Not only does it guard public infrastructure and private property, but it also guards the Intracoastal Waterway, and the billions of dollars of industry supported by Port Freeport.

For several hundred thousands of Texans each year Surfside Beach is the destination point for their vacations and weekend outings. The beach is a huge public park and we invite the USACE and Port Freeport (and their clients) to be partners in protecting and preserving it.

Thank you for your time and consideration.

Glenn Robichau
713-721-5626

Glenn Robichau

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).
2	Materials provided: 1. Presentation entitled "Village of Surfside Beach, Texas, April 2010"; 2. Fact Sheet on Surfside Beach, Texas Coastal Erosion Issues, dated April 22, 2010; 3. Surfside Beach Shoreline Stabilization Feasibility Study. 2009. Coast and Harbor Engineering, 6 pages

From:	Anthony Startz
To:	Stokes, Janelle S SWG
Cc:	Glenn Robichau (glennrobichau@yahoo.com)
Subject:	Erosion Beach Drive Surfside Beach, Texas
Date:	Friday, February 04, 2011 3:19:29 PM

To:

Janelle Stokes

Regional Environmental Specialist

Corps of Engineers, Galveston District

P.O. Box 1229

Galveston, Texas 77553

409/766-3039

I am sending a copy of Glenn Robichau's email again expressing my concern as well. I own a home on Beach Drive. Thank you for your time in considering our urgent request. 1

Dear USACE,

Thank you for taking comments on this important issue.

Attached is a document that a group of Surfside citizens presented to Cong. Ron Paul's office and the management of USACE in Washington and Galveston during 2010. Of concern is the dramatic and documented erosion of Surfside Beach over the years and the lack of action and response from the USACE relative to this erosion that many studies conclude are caused primarily by the jetties and ship channel (its widening, deepening, and constant dredging) - all planned and funded by the USACE. Your very own projects, your construction and especially the dredging have robbed Surfside Beach of millions of cubic yards of sand over the years resulting in total destruction of the beach and 40 front row beach homes. We understand that the planned expansion would result in even more dredging annually. YOU MUST ADDRESS

THESE CONCERNS.

DO NOT award a permit for further expansion of Port Freeport's ship channel, unless you address the following:

1) Plans and action for mitigating current negative consequences of USACE past work at on the jetties and channel resulting in aggressive erosion rates at Surfside.

2) Include in your plan a section concerning the known impacts ship channels, dredging and jetties have on neighboring beaches, especially the long-term effects of amplified wave action and higher erosion rates. See Dr. Richard Watson's report on Surfside's battle with erosion at this link:
http://gsa.confex.com/gsa/viewHandout.cgi?uploadid=256
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funding of on-going sand nourishment projects for Surfside Beach given its close proximity to the jetties and ship channel?

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Thank you for your time and consideration.

Anthony L. Startz
Lamons | Human Resources Director | Houston

7300 Airport Blvd. | Houston, TX 77061
Sealing Global - Servicing Local
Direct: 713-547-9569 | Toll Free: 800-231-6906 | Fax: 713-982-5638
Email: anthony.startz@lamons.com <mailto:anthony.startz@lamons.com> | Web: www.lamons.com
<http://www.lamons.com/>

Anthony L. Startz
Lamons Human Resources Director
7300 Airport Blvd.
Houston, TX 77061

RESPONSE TO COMMENTS

Comment No.	Response
1	See the comprehensive response to the Village of Surfside (comments 2-1-11).

From: dkwood@aol.com
To: Stokes, Janelle S SWG
Subject: Surfside Beach and Port of Freeport channel
Date: Friday, February 04, 2011 4:31:00 PM

Dear Mrs. Stokes:
>
>
>
> Regarding the planned expansion of the Port of Freeport channel, it was 1
> disturbing to see that the "feasibility study" and "draft environmental
> impact statement" showed there would be no plan for the use of beneficial
> use
> material. Even more disturbing though was the oversight of not addressing
> mitigation efforts for impacts on adjacent shorelines which is a > requirement
> of new and improved federal projects. I understand that consideration of
> potential beneficial uses of the material are required in this process.
>
>
>
> The USACE did not do a thorough study of the impacts or reference more
> up-to-date studies of the impacts of the existing channel. The amount of
> dredging is going to increase threefold the quantity of material and the
> planned placement is offshore (west of the jetties) in an established area
> and a new area. There are also planned 3 new upland sites totaling 500
> acres
> which contain some wetlands.
>
>
>
> All of this in plain view of the ever eroding beaches at Surfside. I am > not
> an engineer but I see millions being spent to replenish sand at Surfside
> Beach while the dredge sits offshore digging it up and hauling if off. > Is
> there no way to do the logical thing and replace the material on the beach
> from which it is coming?
>
>
>
> I also think that some sort of underwater dam arcing from the end of the
> jetties would slow both the erosion at Surfside and the need for dredging
> the
> material from the channel.
>
>
>
> Thank you for your attention to this matter.
>
>
> Kenneth and Deborah Wood

114 Skimmer Ct
Surfside Beach
TX 77541
>

Kenneth & Deborah Wood
114 Skimmer Ct.
Surfside Beach, TX 77541

RESPONSE TO COMMENTS

Comment No.	Response
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