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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 25, 2017

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

Re: Environmental Assessment-Freeport Harbor Channel Improvement Project

Dear Ms. Stokes:

This letter is in response to the U.S. Army Corps of Engineers (Corps) request for water quality certification, received on August 18, 2017, for the environmental assessment (EA) of the Freeport Harbor Channel Improvement Project. The draft EA was provided to the Texas Commission on Environmental Quality (TCEQ) in a Joint Notice of Availability dated April 11, 2017. The TCEQ commented on the draft EA by letter dated May 8, 2017. The project is located in the Freeport Harbor, Brazoria County, Texas.

The TCEQ has reviewed the EA and corresponding documents including the Evaluation of Section 404(b)(1) Guidelines checklist. Based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards.

The Corps and Port Freeport are preparing a Final Integrated General Reevaluation Report and EA (FIGRR-EA), in which reaches 2 and 3 of the Freeport Channel are being reevaluated to allow for the safe navigation of large vessels. The project includes widening the channel at the Dow Thumb to 400 feet and constructing a bend easing and turning notch to the existing channel depth (46 feet mean lower low water). Impacts to waters of the U.S. include 16.4 acres of emergent upland and 7.5 acres of submerged channel bottom.

The temporary impacts identified for the channel bottom dredging includes water quality, turbidity, and benthic organisms; however, there were no long-term impacts identified. The Dredged Material Management Plan would generate approximately 1.7 million cubic yards (MCY) of new work material, which will be placed in existing Placement Area 1. Maintenance material will be placed in the Maintenance Ocean Dredged Material Disposal Site 1A. Any additional material will be placed in an upland confined placement area that was designed and is operated with the goal of achieving an effluent TSS of 300 mg/L maximum concentration.

The Corps is not proposing mitigation as there are no tidal fringe wetland impacts.

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

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

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

If you require additional information or further assistance, please contact Dr. M. A. (Mimi) Wallace of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Dr. Wallace may also be contacted by e-mail at *Mimi.Wallace@tceq.texas.gov*, or by telephone at (512) 239-4604.

Sincerely,

David W. Galindo, Director
Water Quality Division
Texas Commission on Environmental Quality

DWG/MAW/evm