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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 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: Freeport Harbor Channel Improvement Project

Dear Ms. Stokes:

This letter is in response to the U.S. Army Corps of Engineers (Corps) March 2017 Draft Integrated General Reevaluation Report–Environmental Assessment (DIGRR-EA) for the Freeport Harbor Channel Improvement Project provided to Texas Commission on Environmental Quality (TCEQ) in a Joint Notice of Availability dated April 11, 2017. Two of the four reaches are being reevaluated, in the DIGRR-EA (from the original 2012 Feasibility Report). The reevaluation was triggered by comments received by Port Freeport (non-Federal sponsor) and shipping industry pilots regarding the safe navigation of large vessels in reaches 2 and 3 of the Freeport Channel. The project is located in the Freeport Harbor, Brazoria County, Texas.

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 (MLLW)). Impacts to waters of the U.S. (WOUS) 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 (DMMP) proposes placement of the dredged material offshore in the Maintenance Ocean Dredged Material Disposal Site (ODMDs) and Placement Area 1 (PA1) to significantly reduce the amount of sediment requiring upland confined storage (DIGGR-EA, Appendix K, March 2017).

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

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

2. Mitigation of impacts is considered for ". . .all unavoidable adverse impacts that remain after all practicable avoidance and minimization has been completed . . ." (30 TAC §279.11(c)(3)). Project plans appear to show impacts to tidal fringe wetlands along the

outside bend of the area to be excavated. These impacts are not accounted for in the description of impacts and no mitigation has been proposed for these impacts. Should mitigation be considered for tidal fringe wetlands, the TCEQ recommends the Corps incorporate measurable criteria, monitoring, and an adaptive management plan to ensure the long-term success of the mitigation.

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

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

Sincerely,

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

DWG/MAW/tc