



US Army Corps
of Engineers®

PUBLIC NOTICE

**Galveston District
Permit Application
No. SWG-2012-00602**

Published: April 7, 2026
Expires: May 7, 2026

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Galveston District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408 (Section 408)). The purpose of this public notice is to solicit comments from the public and information necessary to evaluate the probable impact on the public interest regarding the proposed activity as described below and as shown on the enclosed drawings.

APPLICANT: Krista Hall
Texas International Terminals LTD (TXIT)
4800 Port Industrial
Galveston, Texas 77552

LOCATION OF PROPOSED ACTIVITY: The project site is located in the Galveston Ship Channel/Galveston Bay at a location just east of the Pelican Island Causeway, at 4800 Port Industrial Road, in Galveston, Galveston County, Texas; at Latitude 29.3067388 and Longitude -94.824028.

PROPOSED ACTIVITY: The applicant proposes to modify DA Permit SWG-2012-00602 to mechanically and/or hydraulically dredge an 18-acre siltation basin to a maximum depth of -60 mean lower low water (MLLW) within the 33-acre TXIT berth. Approximately 289,000 cubic yards (CY) of new cut material would be removed and placed in any of the following previously approved sites: Pierce Marsh beneficial use (BU) site (SWG-2015-00313), Snake Island, SPPA, Federal dredge material placement areas (DMPAs) including San Jacinto and Pelican Island; five Port of Galveston (POG) former ship slips (# 12, # 14, #37, #39, and #41), Port of Galveston placement area (PA), Pelican Island BU Site; and TXIT BU DMPA (SWG-2025-00116). This request also includes an additional 5 years of maintenance dredging of approximately 300,000 CY of material annually, including the maintenance material from the proposed siltation basin within the berth, and disposal of maintenance material all placement areas stated above, as well as federal open water placement areas 50 and 51. The purpose of the project is to allow for safe navigation to the TXIT berth by expanding and deepening the previously authorized siltation basin in order to capture sediment that leads to the excessive accumulation of silt in the berth.

MITIGATION: The applicant has stated that they have avoided and minimized the environmental impacts to waters of the United States associated with the proposed activity by designing the proposed dredging to be the minimum necessary to conduct safe navigation and operations. There are also no special aquatic sites identified in the project area. The applicant has not proposed any compensatory mitigation for the proposed activity because there will be no adverse impacts to special aquatic sites. The USACE will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

HISTORIC PROPERTIES/CULTURAL RESOURCES: Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officers to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places.

The USACE evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act utilizing 36 CFR § 800 and program-specific regulations and procedures found at 33 CFR § 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

The permit area has been so extensively impacted by industrial development and previous dredging that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to cause an effect to historic properties.

The USACE's final eligibility and effect determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes, and other interested parties, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the USACE-identified permit area.

ENDANGERED SPECIES: Section 7 of the Endangered Species Act (ESA) (16 U.S.C. § 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat (or critical habitat proposed such designation). USACE's preliminary review indicates the described activity will have no effect on any threatened or endangered species or designated critical habitat. USACE will consider comments from this public notice, including any comments provided by the NMFS and/or USFWS, regarding the need to consult.

This notice serves as request to the USFWS and NMFS for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. § 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The USACE's preliminary review indicates the described activity would adversely affect EFH at the project location or in the vicinity. This notice initiates the EFH consultation requirements of the MSA. Implementation of the proposed project would directly impact approximately 18 acres of bare bay bottom and open water habitat. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages: red drum, triggerfishes (*Balistidae*), jacks (*Carangidae*), wrasses (*Labridae*), snappers (*Lutjanidae*), tilefishes (*Malacanthidae*), groupers (*Serranidae*), and coastal migratory pelagic species, shrimps, stone crabs, and spiny lobsters. The proposed dredging activities would deepen the terminal basin and create a disturbance to benthic habitat as dredging operations are occurring. Although this area would be altered by the dredging activities, the project area is within an existing industrial marine export terminal that experiences heavy vessel traffic. The 18-acre project area is also a relatively small portion of the West Galveston Bay watershed and EFH is available in other adjacent areas of this waterbody. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS. The USACE will complete the required consultation under Section 305(b)(2) prior to finalizing a permit decision.

NAVIGATION: Based on information provided by the applicant, the waterward edge of the proposed structure is approximately 150 feet away from the near bottom edge of the federal Galveston Ship Channel.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408) because the activity, in whole or in part, may alter, occupy, or use a USACE Civil Works project.

WATER QUALITY CERTIFICATION:

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

COASTAL ZONE MANAGEMENT:

A federal consistency decision may be required from the state of Texas pursuant to Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451). A permit for the described work will not be issued until a consistency decision has been issued by the state of Texas, if required.

The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Commission on Environmental Quality will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the USACE jurisdiction has not been verified by USACE personnel. The applicant's plans are enclosed in 4 sheets.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the CWA. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Tribal Nations; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permit and to allow alteration of a federally authorized project for this proposed activity. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any comments or objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested permit. Please note that all comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Galveston District will receive written comments on the proposed activity, as outlined above, until **May 7, 2026**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notices> or to the Regulatory Division at swg_public_notice@usace.army.mil. Alternatively, you may submit comments in writing to the Regulatory Division, U.S. Army Corps of Engineers, Galveston District, Attention: **SWG-2012-00602**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to **SWG-2012-00602** in your comments.

DISTRICT ENGINEER
GALVESTON DISTRICT
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