



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: SWG-2020-00632

Date Issued: 22 April 2025

Comments

Due: 22 May 2025

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: TGS Cedar Port Partners, LP
1033 Industrial Road
Baytown, Texas 77523
POC: Clayton Henderson
Telephone: 713-453-0341
Email: chenderson@tgsgroup.com

AGENT: Lanier & Associates
350 Pine Street, #1440
Beaumont, Texas 77701
POC: Haley Strahan
Telephone: 409-212-1501
Email: hstrahan@lanier-engineers.com

LOCATION: The project site is located in Cedar Bayou, approximately 0.45-mile southwest of the intersection of Borusan Road and County Road 1405, in Baytown, Chambers County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.702566° North; **Longitude:** 094.921230° West

PROJECT DESCRIPTION: This applicant proposes to permanently discharge fill material into one palustrine emergent wetland (Wetland 1) totaling 0.03 acre and one estuarine emergent wetland (Wetland 7) totaling 7.06 acres for the purpose of expanding an existing storage lot. Additionally, the applicant proposes to mechanically and/or hydraulically dredge 26,000 cubic yards of material from two estuarine emergent wetlands (Wetland 6 and Wetland 7) totaling 0.42 acres to a maximum depth of -16.28 feet mean high water (-15 feet mean lower low water) to match the depth of the new federal channel. The applicant's remaining dredge footprint will be conducted by the Corps as part of the Cedar Bayou Channel Improvement Project. The dredge material will be placed in one or more of the following dredge material placement areas (DMPAs): DMPAs 6, 14, 15, Targa, Texas Deepwater, Adloy, Avera, Boaz Island, or Midbay as depicted on the project plans.

AVOIDANCE AND MINIMIZATION: The applicant has stated that the project has been designed to avoid impacts to waters of the U.S., including wetlands, to the maximum extent practicable and best management practices will be implemented to limit the temporary adverse impacts to surface waters during dredging operations.

MITIGATION: The applicant is proposing to mitigate for the permanent loss of waters of the U.S. by purchasing credits from an approved mitigation bank or performing onsite, in-kind mitigation.

CURRENT SITE CONDITIONS: The current site conditions consists predominately of developed land surrounded by industrial development to the north and east, a county road to the east, undeveloped land and the unconsolidated water bottom of Cedar Bayou to the south and west. Dredging activities will occur in an area that has recently been authorized for dredging by the Corps as part of the Cedar Bayou Channel Improvements Project. Wetlands 6 and 7 are adjacent to Cedar Bayou.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 6 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS:

Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality 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 Texas Commission on Environmental Quality to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The proposed project is located within the boundary of the Cedar Bayou National Register Historic District and has the potential to effect the District as well as sites that are listed as contributing elements to the District. The applicant will need to conduct an archeological survey of the permit area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on 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 Impact Assessment and/or an EIS 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **22 May 2025**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2020-00632**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notice> OR

Central Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
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