



# Public Notice

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

**Galveston District**

Permit Application No: SWG-1991-01836

Date Issued: 15 August 2024

Comments

Due: 16 September 2024

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## 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:** Manchester Terminal  
10000 Manchester Street, Suite A  
Houston, Texas 77012  
POC: Vincent Pilegge  
Phone: 713-926-9631  
Email: [vinny@manchesterterminal.com](mailto:vinny@manchesterterminal.com)

**AGENT:** Orion Marine Group  
12000 Aerospace Avenue, Suite 300  
Houston, Texas 77034  
POC: Jene Adler  
Phone: 409-771-0937  
Email: [jadler@orn.net](mailto:jadler@orn.net)

**LOCATION:** The project site is located in Buffalo Bayou (Houston Ship Channel) and Sims Bayou, near 10000 Manchester Street, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Pasadena, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 29.7180438° North; **Longitude:** 095.2441345° West

**PROJECT DESCRIPTION:** The applicant proposes modifications to the previously authorized Permit SWG-1991-01836 to enhance navigational access and maintenance dredging operations. The existing dredge template consists of two areas totaling 11.92 acres. The proposed modifications include expanding the existing dredge template to the toe of the Houston Ship Channel and extending it an additional 50 feet into Sims Bayou, covering an additional area of 11.6 acres. Dredging activities will involve the removal of a total of 367,250 cubic yards of material (241,250 cubic yards within the previously authorized template and 126,000 cubic yards within the proposed template) using mechanical or hydraulic-cutter suction dredge methods. The dredging aims to achieve a depth of -41 feet below mean lower low water, with a one-foot allowable over-dredge within the expanded dredge pad area. Additionally, the applicant seeks a ten-year extension for maintenance dredging operations over a combined total of 23.52 acres (11.92 acres existing and 11.6 acres proposed) and requests the addition of Texas Deepwater and Adloy to the authorized dredge material placement areas (DMPAs) for the placement of dredged material.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they will implement best management practices (BMPs) during and after the dredging work to control erosion and sedimentation into the waters of the U.S. These BMPs will include proper confinement and siltation controls to minimize environmental impacts. Additionally, the applicant has committed to complying with all applicable coastal zone management plans as part of the Texas Coastal Management Program, ensuring that the project is conducted in a manner consistent with environmental protection goals.

**MITIGATION:** The applicant is not proposing mitigation because there are no anticipated impacts to special aquatic sites as a result of the project.

**CURRENT SITE CONDITIONS:** The current project site is an operational marine terminal facility located adjacent to Sims Bayou and the Houston Ship Channel in Harris County, Texas. The site includes existing infrastructure for shipping and receiving, as well as areas previously dredged under previously authorized permits. The surrounding land use is primarily industrial, with nearby commercial developments. The aquatic areas within the project site have been subjected to maintenance dredging operations in the past, resulting in an environment that is periodically managed to maintain navigational depths. Vegetation in the area is typical of coastal and riparian zones, though it is limited due to the industrial nature of the site and ongoing maintenance activities. The site is not characterized by any special aquatic sites, and there are no significant natural habitats or wetlands that would be adversely impacted by the proposed dredging activities.

**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 155 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 (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. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto:401certs@tceq.texas.gov).

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

**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 permit area has been so extensively impacted by construction and maintenance of the Houston Ship Channel and channelization and maintenance of Simms Bayou that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

**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 **16 September 2024**. 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-1991-01836**, and should be submitted to:

North Unit Evaluation  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS