



Public Notice

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

Galveston District

Permit Application No: SWG-2017-00120

Date Issued: 27 August 2020

Comments

Due: 28 September 2020

SWG-2017-00120

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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 404 of the Clean Water Act.

APPLICANT: Fordyce Holdings, Inc.
PO Box 1417
Victoria, TX 77902-1417
POC: Mr. Robert Briggs
Telephone: 361-573-4309
Email: Keith@fordyceco.com

AGENT: SWCA Environmental Consultants
10245 West Little York Road, Suite 600
Houston, Texas 77040-2937
POC: Mr. Anthony Braden
Telephone: 281-617-3217
Email: abraden@swca.com

LOCATION: The project site is located approximately 5.4 miles south of Victoria on a 2000.35-acre area containing various wetlands adjacent to the Guadalupe River, Blue Bayou and Spring Bayou in Victoria County, Texas, southwest of the intersection of U.S. Highway 59 and State Highway 185 at the northern end of the Victoria Barge Canal. The project can be located on the U.S.G.S. quadrangle maps titled: Raisin and Bloomington, Texas.

LATITUDE & LONGITUDE (NAD 83):

Project Centerpoint: Latitude: 28.72635° North; **Longitude:** 96.99003° West
Mitigation Site: Latitude: 28.69649° North; **Longitude:** 96.98957° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 104,463 cubic yards of native overburden fill material to an average depth of 1 foot across 64.75 acres of jurisdictional wetlands (5.51 acres of palustrine emergent (PEM) wetlands and 59.24 acres of palustrine forested (PFO) wetlands) in order to expand sand and gravel mining operations/production at the applicant's Fordyce Briggs Plant. Per the applicant, the project includes mechanized land clearing/grading, hydraulic dredge mining for marketable aggregates (sand and gravel), and the construction of associated new infrastructure (e.g., access roads, dewatering/de-sanding plants, and electric-powered conveyor belt line system) to support mining activities and transport the mined aggregates to an existing, on-site processing plant and barge dock.

The overburden fill material would be removed from areas proposed to be hydraulically dredge-mined for sand and gravel aggregate reserves adjacent to existing processing and handling facilities. During initial stages of mining expansion, the land would be cleared and levelled by heavy equipment. Any wetlands present would be permanently filled during this stage. Following clearing and levelling, similar heavy equipment would be used to construct earthen berms per mining safety requirements, one of which would be along the 75-foot-wide outer perimeter of the project area that is to remain unmined.

The berms would be constructed using native topsoil and subsoil. The perimeter berm would serve the additional purposes of preventing discharges of material from exiting the project area and from entering into navigable waters of the Guadalupe River, and the relatively permanent tributary waters of Spring Bayou and Blue Bayou, as well as mining safety. The height of the berms within the project area may vary but would be a minimum of 4 feet along the perimeter berm. The mining pits would be started using a combination of land-based excavators, backhoes, bulldozers, and dump trucks. Soil removed during the creation of the mining pits would be used for earthen berm construction. Once the mining pit is deep enough to expose the ground water table and large enough to support dredge boat operation, the stripping dredge boat would continue to expand the mining pits as additional overburden is removed. A stripping hydraulic dredge would remove 12 to 15 feet of overburden and deposit/discharge the overburden back into mining pits near areas that are being dredged/mined.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized environmental impacts to the maximum extent practicable; however, in order to fulfill the purpose and need of the project, wetland impacts within the project area are unavoidable. As a result of the required connection to existing infrastructure and the size of the infrastructure necessary to fulfill the proposed project purpose and need, impacts to approximately 5.51 acres of palustrine emergent (PEM) wetlands and 59.24 acres of palustrine forested (PFO) wetlands are unavoidable. Despite the total of 64.75 acres of unavoidable wetland impacts within the project area, adjacent area owned by the

applicant includes approximately 1,381 acres of wetlands and other waters that will be avoided. All perennial waterbodies located in the vicinity are to be avoided, and thus are located outside of the project area.

MITIGATION: The proposed 67.5-acre Permittee-Responsible Mitigation Area (PRMA) is adjacent to Blue Bayou and the PRMA is within the bayou's 100-year floodplain. The PRMA is located approximately 7.10 miles south of Victoria, Texas within the Lower Guadalupe Sub-basin in the Northern Humid Gulf Coastal Plain Level IV Ecoregion within the Western Gulf Coast Plain Level III Ecoregion (Seaber et al. 1987, Griffith et al. 2007, EPA 2012). A 1:1 ratio (i.e., impact function to mitigation function ratio) is proposed to determine the mitigation requirements for the impacts since the PRMA is located within the same watershed and property as the proposed project impacts. The mitigation restoration acreage, as determined by the iHGM, is approximately 67.5 acres of palustrine forested (PFO) and palustrine emergent (PEM) cover type. By the end of Year 10, 61.5 acres of PFO wetlands and 6.0 acres of PEM wetlands will be restored and perpetually protected.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land immediately adjacent to an active gravel mining operation. The wetland vegetation consists of annual marsh elder (*Iva annua*), Texas frogfruit (*Phyla nodiflora*), and spiny chloracantha (*Chloracantha spinosa*), along with black willow (*Salix nigra*) and smartweed (*Persicaria pensylvanica*). The subject wetlands are adjacent to the Guadalupe River, Spring Bayou, and Blue Bayou. The project site is located in the Gulf Prairies and Marshes vegetation region, characterized as level grasslands with numerous slow-moving rivers, creeks, bayous, and sloughs (Correll and Johnston 1979:3). This region supports an assemblage of tall grass prairies with scattered post oak (*Quercus stellata*) along waterways and more recently introduced species of mesquite (*Acacia sp.*), live oak (*Quercus virginiana*) with an understory of prickly pear (*Opuntia sp.*), and tall bunch grasses such as big bluestem (*Andropogon gerardi*) and seacoast bluestem (*Schizachyrium scoparium*) (Correll and Johnston 1979; Simpson 1988; Stein et al. 2003).

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 wetland delineation has been completed and was verified by the Corps on 29 September 2018. The applicant's plans are enclosed in 16 sheets, with the proposed mitigation plan (Attachment A) in 43 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 Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS:

The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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 was investigated for historic properties and none were identified as documented in the technical reports titled "Intensive Archaeological Survey of a 577-Acre Section of the Briggs Tract, Victoria County, Texas" dated December 2016, "Intensive Archaeological Survey of a 130-Acre Section of the Briggs Tract, Victoria County, Texas" dated December 2016, "Intensive Archaeological Survey of a 419-acre Section of the Briggs Tract, Victoria County, Texas" dated June 2017, "Intensive Archaeological Survey of a 985-Acre Section of the Briggs Tract, Victoria County, Texas" dated June 2018, and "Intensive Archaeological Survey of 96-Acres of the Briggs Tract, Victoria County, Texas" dated July 2020. The Corps is currently coordinating the results of these investigations with the Texas State Historic Preservation Officer.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps of Engineers, 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 of Engineers 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 of Engineers 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 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.

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 of Engineers 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 **28 September 2020**. 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-2017-00120**, and should be submitted to:

Corpus Christi Regulatory Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS