



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2021-00367
	Date Issued: _____	5 August 2021
	Comments _____	
Galveston District	Due: _____	7 September 2021

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.

APPLICANT: Rockport Terminals
10000 Memorial Drive, Suite 700
Houston, Texas 77024-3412
POC: Mr. Ross Stevenson
Telephone: 832-580-3445
Email: ross@rockportterminals.com

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401-3500
POC: Mr. Justin Wiedeman
Telephone: 832-426-4656
Email: Justin@lloydengineering.com

LOCATION: The project site is located in Redfish Bay and adjacent wetlands, three miles south of Rockport, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Estes, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.93645° North; Longitude: 97.11492° West

PROJECT DESCRIPTION: The applicant proposes to consolidate the projects from two expired Corps Permits (Permit Numbers 5470 and 17951) for dredging and the construction and installation of structures located at the site. Permit 5470 authorized the dredging of an approximate 1,207-foot long by 60-foot wide channel (approximately 5.35

acres) extending to the Gulf Intracoastal Waterway (GIWW) to a depth of -14 feet mean lower low water (MLLW). It also authorized the construction and installation of a 40-foot by 35-foot bulkhead wall and mooring-pile clusters. Permit 17951 authorized the dredging of an approximate 2.27-acre sailboat basin to -6 feet MLLW, construction of a boat ramp, and bulkhead to provide launching and mooring facilities for pleasure boats. Both of these projects were completed within their respective permits timeframes and the bulkheads and basins with appurtenances remain in existence.

The applicant proposes to modify the consolidated project by mechanically dredging a total of 218,900 cubic yards (CY) of accumulated sediment and new material from 10.2 total acres consisting of:

1. an approximate 2.58-acre footprint expansion located southwest of, and abutting, the prior permitted dredge footprints to a depth of -14 feet MLLW, removing approximately 64,000 CY of material;
2. maintenance and new-work dredging within the 2.27-acre sailboat basin from -6 feet MLLW to -14 feet MLLW (45,300 CY of material); and
3. maintenance dredging of accumulated sediment (109,000 CY) within the 5.35-acre channel to restore previously authorized depths.

In addition, the applicant proposes to install seven (7) 48-inch-diameter mooring dolphins along the southern perimeter of the proposed dredge footprint for securing vessels. The purpose of the proposed request is to provide the area necessary for the fleeting and maneuverability of barges for the loading and unloading of bulk products at the existing dock infrastructure. The dredged material would be placed onsite within an upland confined dredged material placement area for decanting.

The proposed project would require the conversion of 1.37 acres of estuarine wetlands to open water and permanent removal of 0.15 acre of seagrass.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized environmental impacts by stating that they have designed the proposed project to minimize impacts to waters of the United States (WOUS) and special aquatic resources to the maximum extent practicable, while fulfilling project goals and objectives. Through collaboration between environmental investigators and project engineers, the proposed project was designed to utilize the existing and previously authorized dredge footprints to the maximum extent possible to minimize the necessary dredge footprint expansion and impacts to WOUS.

MITIGATION: No mitigation is proposed at this time.

CURRENT SITE CONDITIONS: The project site is currently a previously dredged and permitted navigation channel and small bulkheaded harbor (7.62 acres), as well as, the proposed new area to be dredged, consisting of 1.37 acres of estuarine intertidal mangrove-dominated (*Avicennia germinans*) wetland and 1.21 acres of shallow open water that includes 0.15 acre of seagrass (*Halodule wrightii*). The subject wetlands are adjacent to Redfish Bay.

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 eight 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.

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 process, 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>.

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 previous dredging and placement of dredged material 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 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 **7 September 2021**. 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-2021-00367**, 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 78411-4318
361-814-5847 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
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