



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2024-00552

Date Issued: 6 August 2024

Comments

Due: 6 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 103 of the Marine Protection Research and Sanctuaries Act.

**APPLICANT:** Port Houston  
111 East Loop North  
Houston, Texas 77029  
POC: Lori Brownell  
Telephone: 713-670-2605  
Email: lbronell@porthouston.com

**AGENT:** Anamar Environmental Consulting, Inc.  
13146 NW 86<sup>th</sup> Drive, Suite I-200  
Alachua, Florida 32615  
POC: Michele Rau  
Telephone: 352-377-5770 ext. 107  
Email: mrau@anamarinc.com

**LOCATION:** The project site is located at the Bayport Container Terminal on the Bayport Ship Channel and Houston Ship Channel in Galveston Bay, in Harris County, Texas. Project street address is 12619 Port Road, Seabrook, Texas 77586.

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

**Latitude:** 29.613676 North; **Longitude:** -95.008448 West

**PROJECT DESCRIPTION:** The applicant proposes to maintenance dredge docks 1-7 and the Lay Berth at the existing Bayport Terminal Berth with disposal of the material in the Galveston ODMDS. The volume of material to be dredged is estimated at up to 350,000 cubic yards (CY) of maintenance material per dredging cycle.

**GALVESTON ODMDS:** The Galveston ODMDS is located approximately 3.7 nautical miles offshore, and 1.3 to 1.9 nautical miles southwest of the centerline of the Entrance Channel. This disposal site occupies an area of approximately 6.6 square nautical miles, with depths ranging from 33 to 51 ft. The site is trapezoidal in shape with vertex coordinates located at:

Table 1. Galveston ODMDS Coordinates

Vertices	Geographic NAD83	
	Latitude	Longitude
N	29°18'00.85"N	94°39'30.69"W
E	29°15'54.86"N	94°37'06.69"W
S	29°14'24.86"N	94°38'42.69"W
W	29°16'54.86"N	94°41'30.69"W

The known dredge material discharges at the Galveston ODMDS can be found at: [https://odd.el.erdc.dren.mil/results\\_summary.cfm?ODMDSid=10](https://odd.el.erdc.dren.mil/results_summary.cfm?ODMDSid=10)

**AUTHORIZED DISPOSAL EFFECTS:** Dredged material deposited at the Galveston ODMDS disperse and erode quickly. There are no significant environmental resources delineated within or immediately outside of the designated ODMDS. Since this site is dispersive in nature, the primary concern of the use of the site is the potential short-term buildup of dredged material, such that a hazard to navigation is presented. Another concern is whether there is significant short-term transport of the dredged material beyond the ODMDSs boundaries; specifically, the benthic community can be impacted if significant rapid movement of material off the site occurs, resulting in burial of benthic populations outside the site.

#### **CHARACTERISTICS AND COMPOSITION OF THE DREDGE MATERIAL:**

**AVOIDANCE AND MINIMIZATION:** Port Houston has conducted an alternatives analysis and concluded that the proposed offshore disposal avoids and minimizes impacts to water of the U.S. to the greatest extent practicable.

**MITIGATION:** The applicant has not proposed compensatory mitigation for the maintenance dredging and use of the Galveston ODMDS.

**CURRENT SITE CONDITIONS:** The site is an existing container terminal established in 2007. Routine maintenance dredging is required for the Docks 1 through 7 and the Lay Berth at the Bayport Terminal. The dredging activity consists of maintenance dredging in the Bayport Terminal berths to maintain the authorized depths (see Figure 1 in the attached Project Narrative). Berths 1 through 7 are authorized at -48.5 ft MLLW + 2 ft. for a total maximum permitted dredge depth of -50.5 ft MLLW (-49 ft MLT). The Lay Berth is authorized at -35.5 ft MLLW + 2 ft. of paid overdredge for a total maximum permitted dredge depth of -37.5 ft MLLW (-36 ft MLT). The volume of material to be dredged is estimated at up to 350,000 CY of maintenance material per dredging cycle. The dredging cycle is every 1.5 to 2 years.

**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 7 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. You may 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 proposed project, maintenance dredging and use of an authorized ODMDS site, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project area.

**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.

**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 **6 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-2024-00552**, and should be submitted to:

Policy Analysis Branch  
Regulatory Division, CESWG-RDP  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS