



Public Notice

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

Galveston District

Permit Application No: SWG-1992-02784

Date Issued: 12 December 2024

Comments

Due: 13 January 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: Ascend Performance Materials LLC
FM 2917 Road
Alvin, Texas 77551
POC: Greg Blanchard
Telephone: 281-228-4673
Email: gblanc@ascendmaterials.com

AGENT: Lloyd Engineering Inc.
6565 West Loop South Freeway Service Road
Bellaire, Texas 77401
POC: Sharmila Young
Telephone: 936-647-6313
Email: syoung@lloydeng.com

LOCATION: The project site is located in an existing barge channel, connected to Chocolate Bayou, approximately 1.96 miles north of State Highway 2004, in Alvin, Brazoria County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.239528° North; **Longitude:** 095.217531° West

PROJECT DESCRIPTION: The applicant proposes to conduct maintenance dredging on an existing 42-acre barge channel, connected to Chocolate Bayou, to a maximum depth of -12 feet below mean lower low water for a period of 10 years. Approximately 10,000 cubic yards will be hydraulically dredged at a maximum frequency of every other year. The applicant proposes to dispose of the dredge material into a privately owned dredge material placement area located approximately 0.75-mile southwest of the facility entrance as depicted in the project plans.

PERMIT HISTORY: Department of the Army (DA) Permit SWG-1992-02784 (formerly DA Permit No. 4817) was issued on 4 May 1960, and authorized dredging of a channel on Chocolate Bayou; the expiration date to complete the work ended on 31 December 1963. Amendment (01) was issued on 26 June 1973, and authorized maintenance dredging of the existing channel. Amendment (02) was issued on 5 February 1980, and authorized maintenance dredging of the existing channel; the expiration date to complete this work ended on 31 December 1985. Amendment (03) was issued on 21 February 1986, and authorized the addition of a disposal area and extended the time to perform maintenance dredging until 31 December 1989. Amendment (04) was issued on 5 September 1989, and authorized maintenance dredging of the existing channel; the expiration date to complete this work ended on 31 December 1992. Amendment (05) was issued on 14 December 1992, and authorized maintenance dredging of the existing channel; the expiration date to complete this work ended on 31 December 1997. Amendment (06) was withdrawn. Amendment (07) was issued on 3 April 2006, and authorized maintenance dredging of the existing channel; the expiration date to complete this work ended on 31 December 2011.

AVOIDANCE AND MINIMIZATION: The applicant has stated that best management practices will be implemented, where feasible, to limit the temporary adverse impacts to surface waters of the U.S. during dredging operations.

MITIGATION: The applicant is not proposing mitigation.

CURRENT SITE CONDITIONS: The project area consists of the estuarine unconsolidated water bottom of a previously dredged, man-made barge channel connected to Chocolate Bayou. The disposal site is a privately owned, previously authorized dredge material placement area.

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.

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 contacted Texas Commission on Environmental Quality and initiated the Section 401 CWA process, on 5 November 2024. 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, maintenance dredging and use of an existing placement area, 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: 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 **13 January 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-1992-02784**, and should be submitted to:

Central Unit
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Galveston District
2000 Fort Point Road
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS