



Public Notice

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

Galveston District

Permit Application No: SWG-1996-02924

Date Issued: 11 February 2025

Comments

Due: 14 March 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.

APPLICANT: Pelican Asphalt/Lone Star Paving
17310 Market Street
Channelview, Texas 77530
POC: Reginald Roberts
Phone: 713-817-2683
Email: rroberts@lspaving.com

AGENT: Orion Marine Group
323 23rd Street
Galveston, Texas 77550
POC: Jene Adler
Phone: 409-771-0937
Email: jadler@orn.net

LOCATION: The project site is located in the Old River (San Jacinto), approximately 17 miles east of Houston, within Harris County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.789025° North; **Longitude:** 095.086581° West

PROJECT DESCRIPTION: The applicant requests a modification as an extension of time (EOT) to previously authorized Permit SWG-1996-02924 (formerly 15555) for a period of 10 years for maintenance dredging activities of the entire 1.98-acre boat slip to the previously authorized total dredge depth of -13.73 feet Mean High Water (MHW) -11.5 feet Mean Lower Low water (MLLW) + 1-foot over dredge. The applicant proposes to dredge up to 10,000 cubic yards of accumulated silt and mud during each maintenance dredging cycle using mechanical (clamshell) and/or hydraulic cutterhead suction methods. Dredged material will be hydraulically pumped via pipeline or transported by barge to previously authorized placement areas, including Peggy Lake, Alexander Island, Lost Lake, Spillman Island, East and West Clinton, Texas Deepwater, East and West Jones, Adloy, and Avera. The purpose of the project is to maintain navigational capacity and operational safety in the applicant's barge fleet and loading area.

AVOIDANCE AND MINIMIZATION: The applicant has avoided and minimized environmental impacts by conducting maintenance dredging within the existing 1.98-acre boat slip, avoiding new aquatic resource disturbances. Dredging will occur only as needed using mechanical (clamshell) and hydraulic cutterhead suction methods to limit turbidity and sediment resuspension. Dredged material will be transported via barge or pipeline to previously authorized upland or confined placement sites to prevent unregulated disposal. The project complies with regulatory guidelines, including sediment quality testing and disposal regulations, ensuring minimal environmental impact while maintaining navigational safety.

MITIGATION: The applicant has not proposed mitigation.

CURRENT SITE CONDITIONS: The project site consists of a 1.98-acre boat slip within the Houston Ship Channel, an industrial, high-traffic waterway primarily used for commercial shipping and barge fleet operations. The area experiences ongoing sediment accumulation from ship traffic and periodic storm events, requiring periodic maintenance dredging to maintain navigational depth. The substrate is primarily silt and mud, and the surrounding environment includes bulkheads, piers, and industrial infrastructure. The site is an active, previously disturbed area with no known endangered species, critical habitats, or significant ecological features directly impacted by the proposed maintenance 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 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. 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 **14 March 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-1996-02924**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notice> OR

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
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS