



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2018-00733
	Date Issued: _____	29 January 2019
	Comments _____	
Galveston District	Due: _____	1 March 2019

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
RAILROAD COMMISSION OF TEXAS**

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: Hilcorp Energy Company
1111 Travis Street
Houston, Texas 77208
POC: Cory Johnson
Telephone: 713-289-2691
Email: cjohnson@hilcorp.com

AGENT: Providence Engineering and Environmental
1201 Main Street
Baton Rouge, Louisiana 70802
POC: Regina Staten
Telephone: 225-766-7400
Email: reginastaten@providenceeng.com

LOCATION: The project site is located in the Sun Oil Company Canal and East Bay, approximately 2.75 miles northwest of Caplen, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: FROZEN POINT, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.526511 North; Longitude: 94.571522 West

PROJECT DESCRIPTION: The applicant proposes to mechanically and hydraulically dredge approximately 168,000 cubic yards of material within an approximate 21.42-acre area of the Sun Oil Company Canal to a depth of approximately -7.7 feet NAVD88. Dredging of an approximate 0.96-acre area that currently separates the canal from the Gulf Intracoastal Waterway (GIWW) is also proposed in order to provide access to the canal from the GIWW. Dredging of an additional 2.63 acres of tidal marsh located at the northern end of the canal is also proposed in order to provide drill barge access to two oil and gas exploration well drilling locations. Dredged material is proposed for discharge in marsh and open water areas adjacent to the canal. Construction of vinyl sheet piles at various locations along the canal is also proposed in order to prevent discharged fill material from flowing back into the canal. A 2,000-square-foot separator platform north of the two wells and a 160-square-foot well protection structure at each well location is also proposed.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the project to minimize impacts to jurisdictional wetlands by reducing the project area to maximum extent practicable.

MITIGATION: The applicant has stated that dredged material will be placed beneficially in an effort to create wetlands.

CURRENT SITE CONDITIONS: The project site is within a canal that previously connected the Gulf Intracoastal Waterway and East Bay and is currently plugged at both ends. The project is also located within tidal marsh areas that exist on either side of the canal.

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:

The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards. The Texas Railroad Commission will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

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 area to be dredged is a canal that was created in modern times and has no potential for historic shipwrecks. The area where the dredged material will be placed is composed of low-lying wetlands with no existing or subsided natural levee landforms and has a low potential for containing cultural deposits that may be eligible for inclusion in the National Register of Historic Places. No cultural resource survey is warranted.

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 **1 March 2019**. 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-2018-00733**, and should be submitted to:

U.S. Army Corps of Engineers
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U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS