



Public Notice

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

Galveston District

Permit Application No: _____ SWG-2013-00799
Date Issued: _____ 5 March 2020
Comments _____
Due: _____ 6 April 2020

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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: Russell Marine LLC
16828 Market Street
Channelview, Texas 77530-3836
POC: Bob Andrews
Telephone: 281-860-0011
Email: bob.andrews@russellmarinellc.com

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401-3500
POC: Marisa Weber
Telephone: 832-426-4656
Email: marisa@lloydeng.com

LOCATION: The project site is located in the San Jacinto River, at 16828 Market Street, in Channelview, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Highlands, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.784336° North; **Longitude:** 95.099258° West

PROJECT DESCRIPTION: The applicant is requesting to retain 655 linear feet of sheet pile bulkhead, and approximately 740 cubic yards of fill material, which was discharged into 0.72 acres of waters of the United States, below the mean high-tide line. This bulkhead and fill was placed without previous authorization from the United States Army Corps of Engineers. Additionally, the applicant proposes to dredge approximately 260,000 cubic yards of material from a 15.7-acre basin to an average depth of 12 feet, plus 2 feet of advance maintenance, for a total project depth of 14 feet, below mean lower low water. The applicant proposes to place the dredged material into the Adloy dredged material placement area. The applicant also requests authorization to perform maintenance dredging for a period of 10 years in the future.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by “avoiding and minimizing adverse effects to coastal waters, submerged lands, and special aquatic resources. Disturbance such as turbidity as a result of dredging activities are considered temporary impacts. Therefore, 15.7-acres will be temporarily affected during the proposed dredging activities.”

MITIGATION: The applicant has not proposed compensatory mitigation for this project.

CURRENT SITE CONDITIONS: The proposed project site is located in an industrial area in the Houston Ship Channel and currently consists of unauthorized bulkhead and backfill along the shoreline. The unauthorized bulkhead and backfill was completed at different times between 2014 and 2016 and appear to function as one single and complete project. The proposed project site also consist of 15.7 acres of open water that the applicant is requesting to dredge.

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 11 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.

This project was initiated without a Department of the Army permit and is considered an after-the-fact permit application. After-the-fact permit applications require review under the Tier II criteria. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

The project site is located within the San Jacinto Waste Pits Area of Concern. The applicant proposes to dredge approximately 260,000 cubic yards of material from a 15.7-acre area of river bottom. The proposed dredging is subject to the sediment testing protocol specified in the Public Announcement of 21 October 2009.

https://www.swg.usace.army.mil/Portals/26/docs/regulatory/SanJacinto_v2.pdf?ver=2016-07-25-123642-607

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 state tracts proposed for work under this permit are included in the Texas Historical Commission's list of Sensitive state tracts. Additionally, the scope and magnitude of the project is such that a marine archeological investigation was warranted. The draft report was prepared in response to the initial request for a cultural resource investigation of the permit area. As documented in the report, no historic properties were found in the permit area and further investigation is not justified.

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 **6 April 2020**. 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-2013-00799**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS