



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_ SWG-2019-00406

Date Issued: \_\_\_\_\_ 4 March 2021

Comments

Due: \_\_\_\_\_ 5 April 2021

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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 404 of the Clean Water Act (CWA).

**APPLICANT:** Florida Gas Transmission, LLC  
1300 Main Street  
Houston, Texas 77002  
POC: Kerry Asteris  
Telephone: 713-989-7472  
Email: kerry.asteris@energytransfer.com

**AGENT:** Submar, Inc.  
1711 Dunn Street  
Houma, Louisiana 70360  
POC: Marcel Estay  
Telephone: 800-978-2627  
Email: mestay@submar.com

**LOCATION:** The project site is located in Galveston Bay, between San Leon and Smith Point, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Texas City, Texas.

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

Latitude: 29.47210° North;      Longitude: 094.90004° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge 1,788 cubic yards of fill in the form of 8-foot by 20-foot by 4.5-inch articulating concrete mats (ACMs) into 4.2 acres of Galveston Bay to cover a 24-inch-diameter pipeline, which has less than 36 inches cover. A barge with crane, materials and material barges, work boats, and project essential personnel and divers will be mobilized to the project site for ACM placement. The crane will lower the mats to the bed of the bay where divers will work to position and place the ACMs atop the areas with shallow cover. The ACMs will overlap one another by 2 feet and be connected to each other with stainless steel worm drive connectors. No areas will be hydraulically dredged. The edges of the mat system will be buried into the bay bottom using a water jetting apparatus that will create a trench approximately 2-foot by 1.5-foot for the length of each side of the ACM system. Approximately 6,791 cubic yards of native sediment will be temporarily discharged from jetting. Silt curtains will be implemented to reduce impacts from sedimentation caused by the project. No land disturbance is proposed for this project. All work will occur from vessels in Galveston Bay. The applicant's plans are enclosed in 8 sheets.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by placing of a single row of ACMs, which is the minimum amount necessary to restore cover to the areas, as the pipeline must be covered for optimal safety and reliability. The edges of the mats will be jetted into the bay bottom in an effort to anchor the mats and reduce the potential for snagging by fishing vessels. Oyster populations may be impacted from the mat placement; therefore, these impacts will be mitigated as outlined in the enclosed Oyster Mitigation Plan (Attachment 1, in 152 sheets). Also, silt curtains will be implemented to reduce impacts from sedimentation caused by the project. The applicant also conducted an alternative analysis (see Attachment 2, in 14 sheets) and determined that the proposed placement of ACMs would have the least environmental impact, while still meeting the need and purpose of the project.

**MITIGATION:** The applicant proposes to mitigate for the unavoidable impacts to 2.30 acres of oyster reef habitat by creating 2.30 acres of artificial oyster reef habitat at a suitable nearby location with comparable bottom substrate characteristics. The applicant has consulted with the Texas Parks and Wildlife Department (TPWD) on the development of this mitigation plan. The applicant states that proposed actions will ensure successful compensation to mitigate all permanent and temporary ecological loss and provide a sustainable structure for oyster recruitment. The proposed oyster mitigation plan is attached in 152 sheets.

**CURRENT SITE CONDITIONS:** This portion of Galveston Bay is highly developed and experiences heavy vessel traffic. There are numerous structures such as piers, boat lifts, aids to navigation, boat ramps, etc. There are commercial oyster leases and oyster beds within and adjacent to the area in which mats are being placed. According to NOAA, the average salinity of Galveston Bay is 11 ppt. Therefore, Galveston Bay is considered to be a brackish water body.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps.

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 (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 contacted the TCEQ and submitted a pre-filing meeting request on 4 December 2020 and a 401 Certification Request on 9 February 2021. If you have comments or questions on this proposed project's State water quality certification process, please contact [401certs@tceq.texas.gov](mailto: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 permit area has been so extensively impacted by construction of the pipeline that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to affect historic properties.

**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 **5 April 2021**. 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-2019-00406**, and should be submitted to:

North 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](mailto:swg_public_notice@usace.army.mil)

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS