



Public Notice

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

Galveston District

Permit Application No: SWG-2003-00516

Date Issued: 20 October 2022

Comments

Due: 21 November 2022

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: Brazos Pilots Association
2503 Deep Sea Drive
Freeport, Texas 77541
POC: Billy Burns
Telephone: 979-233-1120
Email: burns@brazospilots.com

AGENT: Gulf Hydrographic & Coastal Consulting LLC
531 East Bernard Street
West Columbia, Texas 77486
POC: Eddie Fisher
Telephone: 512-773-4324
Email: eddie@gulfhydrographic.com

LOCATION: The project site is located in the Gulf Intracoastal Waterway (GIWW), at 2503 Compass Court, in Quintana, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: FREEPORT, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.92219° North; **Longitude:** 095.33672° West

PROJECT DESCRIPTION: The applicant proposes to modify Department of the Army (DA) Permit SWG-2003-00516 (formerly 23010) to construct a single boat slip at the terminus of Compass Court on Quintana Island in Freeport, Texas. The purpose of the boat slip is to perform maintenance on pilot vessels out of the water by constructing a 170-foot by 20-foot slip with a depth of -9 feet Mean Lower Low Water (MLLW), with one foot of allowable overdepth. Approximately 90 feet of the 170-foot slip is landward of the rock groin on the GIWW. No wetlands exist in the project footprint or immediate vicinity of the proposed land portion of the proposed new slip. The 90-foot by 20-foot landward portion of the project will be mechanically dredged in the dry and be bulkheaded with vinyl sheet piling with a concrete cap before the rock and sediment plug making the tie in to the GIWW is removed. Approximately 198 cubic yards of material will be dredged either mechanically or hydraulically from the 80-foot-long section of the slip that is on the GIWW side of the existing rock to intersect the -10-foot MLLW contour. Approximately 10.7 cubic yards of rip rap will be discharged below mean high water (MHW) into 48-square-foot of the GIWW at the western terminus of the existing bulkhead to stabilize the end of the bulkhead and shoreline. The applicant proposes to place the dredged material into an upland confined placement area or for beneficial use at a nearby location, or within Port Freeport Dredge Material Placement Areas (DMPAs) 1 and/or 2, inclusive of the return effluent discharge.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the boat slip to be the minimum size needed to meet the purpose of maintaining the pilot vessels. The proposed dredging is the minimum needed to allow vessels to access the boat slip from the GIWW.

MITIGATION: The applicant is not proposing to mitigate for the proposed impacts because there will be no discharge into special aquatic sites or loss of waters of the US.

CURRENT SITE CONDITIONS: The project site currently consists of the Gulf Intracoastal Waterway (GIWW) and adjacent uplands within a primarily industrialized area of Freeport, Brazoria County, Texas. The project site is an existing facility for vessel docking and there are numerous structures such as piers, boat lifts, aids to navigation, boat ramps, etc., within the vicinity. The GIWW is a brackish water body and there are no special aquatic sites present within the project area.

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 10 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 (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 initiated the Section 401 CWA process, on 29 August 2022. 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>.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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 previous developments that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect 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 **21 November 2022**. 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-2003-00516**, and should be submitted to:

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Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS