



Public Notice

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

Galveston District

Permit Application No: SWG-2011-00162

Date Issued: 15 September 2020

Comments

Due: 16 October 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: Port of Galveston (Galveston Wharves)
123 Rosenberg Avenue, 8th Floor
Galveston, Texas 77550
POC: Jeffrey Thomas

AGENT: Gahagan & Bryant Associates, Inc.
9330 Kirby Drive, Suite 100
Houston, Texas 77054
POC: Dana Cheney
Telephone: 832-377-4800
Email: dlcheney@gba-inc.com

LOCATION: The project site is located along the Galveston Ship Channel, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Galveston, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.313683 North; Longitude: -94.785142 West

PROJECT DESCRIPTION: This is a permit extension of time for previously authorized work and a project modification. The applicant requests an extension of time for the maintenance of Port facilities and includes work currently permitted under Permit Amendment No. SWG-2011-00162 for the closure of Slips 12-14, 14-15, 36-37, 38-39, and 40-41 and the deepening of the existing dry-dock basin to -90 MSL. New work will consist of the expansion of the existing 1,400-foot Turning Circle No.1 at Station 9+000 to 1,500-foot and improvements to Berth 10 which will provide the navigational safety and structural requirements necessary for larger cruise ships to begin service to the Port in 2021. New work dredged material and continued maintenance dredged material will be placed in previously authorized Pelican Island Disposal Areas A, B, C, the "Todd" Disposal Area, and/or Fort San Jacinto Disposal Area. Improvements to Berth 10 include:

- Demolish and remove twenty existing cast-in-place topping and existing deck units
- Remove twenty-two existing double bill bollards
- Seventeen new foam finders
- Thirteen new four-pile breasting dolphins
- Six new four-pile mooring dolphins
- Eight new 200-ton T-head bollards
- Six new 100-ton T-head bollards
- Four new 12-pile dolphins

And, maintenance dredging of all berthing and turning areas to previously authorized depths.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by dredging in an already impacted, industrial area.

MITIGATION: No mitigation is proposed by the applicant. The areas of bay bottom that may potentially be affected are in excess of -10 feet MLT and are considered deepwater habitat. The action of deepening these small areas to improve navigation safety will not convert the existing habitat to another type. Disturbances such as turbidity and impacts to the benthic organisms are expected to be temporary.

CURRENT SITE CONDITIONS: The project site is an already impacted, industrial area consisting of facilities used by both ships and rigs as temporary docking stations. No special aquatic sites or submerged aquatic vegetation exists at the site. Previous permit authorizations authorized activities such as the installation of a new bulkhead system, concrete dock expansion, installation of mooring platforms and service platforms, demolition and repair of existing facilities, fill and close several ship slips, and the creation and maintenance of the turning circles at Station 9+000 north of the Galveston Yacht Basin and Station 19+700 adjacent to Piers 37 and 38. Turning Circle No. 1 at Station 9+000 is 1,400 feet in diameter and Turning Circle No. 2 at Station 19+700 is 1,200 feet in diameter.

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 16 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:

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. 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.

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 modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected 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 **16 October 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-2011-00162**, and should be submitted to:

Central 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