



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2006-01921

Date Issued: _____

18 April 2018

Comments _____

Due: _____

18 May 2018

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.

APPLICANT: Victoria County Navigation District
1934 FM 1432
Victoria, Texas 77905-1849
POC: Paul Kaup
Telephone: 361-570-8855

AGENT: CivilCorp, LLC
4611 East Airline Road
Victoria, Texas 77904-4755
POC: Ryan Dieringer
Telephone: 361-570-7500

LOCATION: The project is located approximately 10 miles south of Victoria, Victoria County, Texas along the Victoria Barge Canal between Stations 1605+17 to 1641+93, and 1658+20 to 1683+30. The project can be located on the U.S.G.S. quadrangle map entitled: BLOOMINGTON, Texas.

LATITUDE & LONGITUDE (NAD 83):

Original area to be dredged: **Latitude:** 28.65126 North; **Longitude:** 96.95415 West

Additional area to be dredged: **Latitude:** 28.64119 North; **Longitude:** 96.94719 West

PROJECT DESCRIPTION: The applicant proposes to conduct work originally permitted under Permit SWG-2006-01921 (formerly 24402), first issued 20 December 2007 for constructing a barge slip approximately 4,000 feet long and 225 feet wide with a 500-foot taper on each end. A modification for the project was issued 17 December 2012 to

construct a barge slip adjacent to the Victoria Barge Canal, with an expiration date of 31 December 2017. The applicant now proposes the continuation of all activities included in the previous permit authorizations with the addition of extending the barge canal widening through an adjacent property. Phase I of the South Industrial Site dock as well as 1,650 feet of the Barge Canal widening project is complete. Of the original permitted area to be dredged, there is an estimated 2,510-foot by 500-foot area with 603,000 cubic yards of the original 1,222,000 cubic yards of material above elevation +2 feet mean lower low water (MLLW) to be removed mechanically and an estimated 650,000 cubic yards of the original 1,142,000 cubic yards of material below elevation +2 feet MLLW to be hydraulically dredged or mechanically excavated. The proposed additional approximately 3,700-foot by 500-foot widening will serve as an extended fleeting area for barges utilizing the canal. For the added portion of the canal to be widened, there is an estimated 738,000 yards of material above elevation +2 feet MLLW that will be mechanically excavated and spread on the adjacent upland area owned by the applicant, and an estimated 995,000 cubic yards of material below elevation +2 feet MLLW to be hydraulically dredged or mechanically excavated. Material placement and containment will remain on the adjacent 1,850 upland acres of land marked on sheets 3, 4, and 5 of the included plans as "Original ~1850 acres owned by VCND".

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by dredging only the amount of material necessary to meet the goals of the project, and to place this material completely within adjacent upland areas.

MITIGATION: No mitigation is proposed for this project.

CURRENT SITE CONDITIONS: The project site is currently undeveloped, open land previously leased for farm use. There are no wetlands or special aquatic sites associated with this parcel.

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 9 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.

OTHER AGENCY AUTHORIZATIONS:

The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

The return water from the upland contained dredge material placement area(s) requires authorization under Nationwide Permit (NWP) 16. However, we have determined that the conditioned Section 401 certification, placed upon NWP 16 by Texas Commission on

Environmental Quality (TCEQ), is not reasonably implementable or enforceable, according to 33 CFR 325.4(c). Prior to the performance of hydraulic dredging, the applicant must obtain a Section 401-water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401-certification must also be furnished to the Corps of Engineers prior to performing hydraulic dredging.

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: A portion of the permit area was previously investigated and no historic properties were identified as documented in the report titled "Port of Victoria Barge Mooring Facility Archeological Assessment, City of Victoria, Victoria County, Texas" prepared by Geo-Marine, Inc. and dated March 2008.

The portion of the permit area that was not previously investigated is likely to contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct an investigation for 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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 **18 May 2018**. 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-2006-01921**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RDR
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS