



Public Notice

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| U.S. Army Corps Of Engineers | Reissuance of Regional General Permit No: _____ | SWG-2010-00605 |
| | Date Issued: _____ | 19 April 2022 |
| Galveston District | Comments | |
| | Due: _____ | 19 May 2022 |

US ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

To inform you that the United States (US) Army Corps of Engineers, Galveston District (Corps), in cooperation with the Texas General Land Office (GLO), is proposing to reissue a Regional General Permit (RGP) for 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 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: Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

LOCATION: The RGP is limited to Waters of the US, within the Galveston District, under the authority of the GLO, including state owned submerged land, and tidally influenced reaches of jurisdictional wetlands and Waters of the US, within the state of Texas.

PROJECT DESCRIPTION: This RGP authorizes the GLO to conduct work, and temporarily excavate and/or place dredged and/or fill materials for the purpose of removing debris that presents a physical hazard in Waters of the US. Such hazards include storm debris, derelict vessels, derelict structures, and abandoned pipelines. The proposed text of the new RGP is attached for your review and comment.

Historically, the GLO sought authorization to conduct work, and temporarily excavate and place dredged and/or fill materials for the purpose of removing hazardous debris, derelict vessels and derelict structures from Waters of the US on a case-by-case basis. The vast majority of projects were authorized under the Nationwide Permit (NWP) program. Several projects each year exceed acreage thresholds allowed by the NWP program and require authorization through Individual Permits. Both permitting mechanisms have highly variable timeframes from application to authorization.

The intent of the reissuance of this RGP is to continue to authorize all work, temporary excavation, and temporary placement of dredged and/or fill materials for the purpose of removing hazardous debris, derelict vessels and derelict structures from Waters of the US. The GLO has been issued 3 authorizations under the current RGP in the last 5 years.

The area of Waters of the US, including wetlands, varies in terms of size and quantity. However, material excavated to expose hazardous debris, derelict structures or derelict vessels will be replaced, and the original elevation restored as closely as possible. This GP does not authorize permanent dredging or the creation of access channels. No compensatory mitigation for impacts to special aquatic sites, including wetlands, will be required if the adverse effects of the project are minimal or the impacts associated with removal are less than the anticipated amount of habitat that will be restored as a result of the removal effort. If the DE determines that the adverse effects of the proposed work are more than minimal, then the DE will notify the applicant either: (1) That the project does not qualify for authorization under the GP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the GP subject to the applicant's submission of a DE approved mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the GP with specific modifications or conditions.

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: Texas Coastal Zone consistency certification is required as the proposed work areas are located within the Coastal Zone. The GLO has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

This is a proposed reissuance of an RGP. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. The proposed project will trigger review under Section 401 of the CWA. The 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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process. The Corps contacted TCEQ and requested a pre-filing meeting on 18 April 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 at: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

This public notice will serve as the notification to the Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 401(a)(2). The Regional Administrator is responsible for performing a review of the application/certification to determine if there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the District Engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the District Engineer will assume EPA has made a negative determination with respect to Section 401(a)(2).

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist will review each individual application under this RGP to determine if impacts may occur to resources eligible for inclusion in the National Register of Historic Places. However, due to the nature of the proposed RGP, it is anticipated that most project areas will have 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: Each individual application under the proposed RGP will be evaluated to determine if any known threatened and/or endangered species or their critical habitat will be affected by the proposed work. Any work on gulf beaches conducted between March 15 and October 1 will be coordinated with the appropriate U.S. Fish and Wildlife Service Ecological Field Office prior to authorization to minimize impacts during the peak of sea turtle nesting activity. The application will not be complete until this coordination is concluded. Additional coordination requirements are outlined in the RGP, Section 3, item f.

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 RGP 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 **19 May 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-2010-00605**, and should be submitted to:

Policy Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS