



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2022-00349
	Date Issued: _____	10 August 2023
	Comments _____	
Galveston District	Due: _____	25 August 2023

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: Baywater Operating, LLC
11412 Bee Caves Road, #218
Austin, Texas 78738
POC: Bill Rhea
Telephone: 512-627-6676
Email: bill.rhea@reagan.com

AGENT: C.H. Fenstermaker & Associates, LLC
16340 Park Ten Place, Suite 165
Houston, Texas 77084
POC: Chris Guidry
Telephone: 337-237-2200
Email: chrisg@fenstermaker.com

LOCATION: The project site is located in Scott Bay, 3.4 miles west of Baytown, in Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: La Porte, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.737667 North; **Longitude:** -95.03344 West

PROJECT DESCRIPTION: The applicant proposes to mechanically dredge an access route and a slip approximately 241 feet north of the Houston Ship Channel within Scott Bay. The access route and proposed slip dredge footprint will be approximately 241,340 total square foot. Dredging will be conducted to -7-foot mean lower low water (MLLW). Approximately 3,295 cubic yards of dredge material will be excavated and hauled offsite. All dredge material will be hauled off via barge and placed within Adloy dredge material placement area (DMPA).

Additionally, thirteen 5-pile clusters will be installed around the slip for drilling barge stabilization. A typical 10-foot by 20-foot well protector platform will be constructed upon successful completion of the well.

*Note, the 2,045 cubic yard rock pad that was originally proposed has been removed from the project scope. Additionally, the cubic yards of dredge have been reduced from 15,364 cubic yards to 3,295 cubic yards since the original public notice, issued 25 August 2022.

This second notice is being issued to reflect the updates to the original project scope.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts as follows: The proposed access route and slip has been minimized to the fullest extent practicable in order to reduce impacts to water bottoms. As proposed, the surface hole location (SHL) is near the eastern bank line of Scott Bay in order to optimize the target zone for production. Shifting the SHL south near the ship channel would minimize dredging impacts to water bottoms; however, the project would not be economically feasible due to the increase difficulty (mechanical challenges) to access the target reservoir. The proposed access route and slip were positioned outside of a 500-foot buffer to identified oyster resources.

MITIGATION: The applicant is not proposing mitigation as there are no impacts to special aquatic sites.

CURRENT SITE CONDITIONS: The project site is located in Galveston Bay, specifically Scott Bay and adjacent to Burnet Bay. 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 and industrial facilities. There are no special aquatic sites located within the vicinity of the action area.

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:

Note: The applicant received authorization under Section 401 of the Clean Water Act (CWA) and Consistency with the State of Texas Coastal Management Plan through the Texas Railroad Commission on 10 November 2022.

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 is likely to contain marine cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct a marine investigation for historic properties.

Note: The applicant received concurrence from the State Historic Preservation Office on 7 February 2023.

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 **25 August 2023**. 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-2022-00349**, and should be submitted to:

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Galveston District
2000 Fort Point Road
Galveston, Texas 77550
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS