



Public Notice

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

Galveston District

Permit Application No: SWG-1998-02534

Date Issued: 10 August 2023

Comments

Due: 11 September 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 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Southwest Shipyard, LP
8502 Cypress Street
Houston, Texas 77012
POC: Bernard Diaz
Phone: 281-808-3458
Email: bernard.diaz@swspl.com

AGENT: Braun Intertec Corporation
10075 Windfern Road
Houston, Texas 77064
POC: Katie Davis
Phone: 713-714-1108
Email: kdavis@braunintertec.com

LOCATION: The project site is located in the Houston Ship Channel, near 8502 Cypress Street, in Houston, Harris County, Texas 77012. The project can be located on the U.S.G.S. quadrangle map titled: Park Place, Texas.

LATITUDE & LONGITUDE (NAD 83):

Dredge Location

29.724237° North; 095.272111° West

On-site Dredge Material Placement Area Location (Southern Slip)

29.721604° North; 095.274594° West

PROJECT DESCRIPTION: The applicant proposes modifications to previously authorized Department of the Army (DA) Permit SWG-1998-02534 (formerly 14209) to mechanically dredge approximately 20,000 cubic yards from a 1.39-acre area of the Houston Ship Channel to maintain adequate depths and improve the functionality of existing dry docks currently in use. The applicant proposes to place approximately 10,000 cubic yards of the dredge material into an approximate 0.49-acre open water area of the Houston Ship Channel directly adjacent to the dredge site along the applicant's southern slip to alleviate problems associated with a shallow basin caused by debris and sediment accumulation, and to create additional uplands to expand the usable footprint of the facility to serve as an equipment storage area. Upon sediment sample collection and review of sediment test results, any dredge material not placed within the southern slip will be transported for off-site disposal at one of the following permitted landfills: Republic McCarthy Road, Gulfwest Republic Landfill, Waste Management Alvin-Coastal Plains RDF, WM Seabreeze Landfill, or GFL/Fort Bend RL. Prior to the discharge of dredge material into the southern slip, the applicant proposes to construct an approximate 165-linear-foot bulkhead to contain the material and create a continuous bulkhead along the applicant's property to restore the historical footprint of the facility prior to 1978.

PROJECT HISTORY: DA Permit 14209 was issued to Newpark Shipbuilding and Repair, Inc on 10 January 1980, and authorized the performance of maintenance dredging in the Houston Ship Channel, and in the Old Buffalo Bayou Channel located behind Brady Island, as well as the placement of dredged material into the Clinton, House Tract, or Glendale Dredge Material Placement Areas. Amendment 14209(01), issued on 30 December 1984, authorized an extension of time to perform maintenance dredging and authorized the dredging of two existing basins and a boat slip located at the Brady Island Facility. Amendment 14209(02), issued on 26 December 1991, authorized periodic maintenance dredging, for a ten-year period, in an area adjacent to the East Point bulkheads at the Brady Island Facility. The dredged material was to be placed into one of the three previously authorized dredged material placement areas. Amendment 14209(03), issued on 19 May 1997, authorized the construction of an extension onto Dry Dock Number 2. Amendment 14209(04), issued on 13 January 1999, authorized the addition of a dredged material placement area at 1600 North Whittier Avenue, in Pasadena, Harris County, Texas. Amendment 14209(05) was issued on 17 June 2003, and authorized an extension of time to perform maintenance dredging in two boat slips. Amendment 14209(06) was issued on 17 December 2003, and authorized the use of mechanical dredging techniques and the addition of the Rosa Allen and West Jones placement areas. 14209(07) was issued 16 November 2006, and authorized maintenance dredging activities in a 2.89-acre area for a 10-year period and to discharge dredged material into a 0.54-acre portion of open water along the southern slip.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by limiting the proposed dredge and fill activities to the immediate vicinity of the existing dry dock and the southern slip within the previously authorized project area(s).

MITIGATION: No compensatory mitigation is proposed as the project does not impact special aquatic sites.

CURRENT SITE CONDITIONS: The project site is located within and adjacent to the Houston Ship Channel, comprising of various maritime facilities including barge, boat, and ferry amenities, along with an Offshore Supply Vessels (OSV) maintenance and repair center. Southwest Shipyard's facility offers various services, such as new construction and fabrication, and encompasses commercial structures like an office, fabrication shops, maintenance areas, storage spaces, a barge slip, and dry docks.

The proposed dredging activities will occur in existing dry dock zones used for barge and vessel repair within open water areas of the Houston Ship Channel that have been recognized as Estuarine and Marine Deepwater habitats. The proposed fill area, the Southern Slip, once a marine railway, is no longer functional due to sediment accumulation.

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 7 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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process. 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 industrial development and previous dredging that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to affect 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 **11 September 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-1998-02534**, and should be submitted to:

North Unit Evaluation
Regulatory Division, CESWG-RDE
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