



Public Notice

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

Galveston District

Permit Application No: _____ SWG-2002-00218

Date Issued: _____ 6 August 201

Comments

Due: _____ 6 September 2019

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: WEB Fleeting, LP
17512 Market Street
Channelview, Texas 77530
POC: Dane Morgan
Telephone: 281-452-3440
Email: dmorgan@blessey.com

AGENT: BIO-WEST, Inc.
1018 Frost Street
Rosenberg, Texas 77471
POC: Matthew Chastain
Telephone: 832-595-9064
Email: mchastain@bio-west.com

LOCATION: The project site is located in the Old River Channel of the San Jacinto River, at 7112 Market Street, in Channelview, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Highlands, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.788608° North; **Longitude:** 095.077220° West

PROJECT DESCRIPTION: The applicant requests a five-year extension of time to maintenance dredge their previously authorized 12-acre project site to a depth of -14 feet Mean Lower Low Water (MLLW) by removing approximately 50,000 cubic yards of material. The dredged material will be disposed of in a previously authorized dredge material placement area in uplands on site. This project area is located within the San Jacinto Waste Pits Superfund Site Area of Concern and is being evaluated with consideration to the 21 October 2009 Public Announcement.

PERMIT HISTORY: Department of the Army Permit 22621 was issued on 17 May 2002 and authorized the construction of concrete slope revetment mats, dredging to a depth of -14 feet, and removing 50,000 cubic yards of material. Amendment (01) was issued on 1 December 2005 and authorized the construction of six monopile dolphins. Amendment (02) was authorized on 22 May 2008 and authorized an extension of time to perform maintenance dredging and maintain structures.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by utilizing best management practices (BMPs) during mechanical dredging operations such as, appropriate bucket sizes and floating silt/sediment curtains. Additionally, the project agent has stated that dredged material will be placed on containment barges in such a way as to prevent decant water from entering the Old River Channel. The barge will then be towed to the applicant's property, tied-off and docked, and unloaded via trackhoe or bulldozer. All dredged material will be placed upland portions of the applicant's property, adjacent to the dredge area. The following sediment control measures would be used to ensure decant water does not return to the Old River Channel: filter berms and socks, silt fencing, hay bales, and sediment traps.

MITIGATION: The applicant has not proposed compensatory mitigation.

CURRENT SITE CONDITIONS: The project site is in a heavily developed portion of the Old River (San Jacinto) which experiences frequent vessel and barge traffic. Per information furnished from the project agent, there are no wetlands, submerged aquatic vegetation, or special aquatic sites within the project 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 5 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 return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). 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 prior to the Corps making a decision on the proposed project.

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 proposed project, maintenance dredging and use of an existing placement area, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project 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 **6 September 2019**. 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-2002-00218**, and should be submitted to:

North Unit
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U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
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