



Public Notice

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

Galveston District

Permit Application No: SWG-2022-00349

Date Issued: 25 August 2022

Comments

Due: 26 September 2022

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: DiamondEdge Energy, LLC
2303 RR 620 South, Suite 160-139
Austin, Texas 78734
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: Chad Soileau
Telephone: 713-840-9995
Email: chads@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: 29.737889 North; **Longitude:** -95.033194 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 dredge footprint will be 2,069-foot in length by 70-foot in width. The proposed slip to be dredged is approximately 345-foot in length by 160-foot in width. Dredging will be conducted to -8-foot mean lower low water (MLLW). Approximately 15,364 cubic yards of dredge material will be excavated and hauled offsite. All dredge material will be hauled off via barge and placed within Adloy DMPA.

An 80-foot by 230-foot by 3-foot rock pad (2,045 cubic yards) will be required under the proposed drilling barge for support due to deep sediment penetrations adjacent to and at the proposed surface hole location. Additionally, ten 5-pile clusters will be needed for drilling barge stabilization. A typical 10-foot by 20-foot well protector platform will be constructed upon successful completion of the well. All operations will take place in open water.

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 identify 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.

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 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 contacted the Texas Commission on Environmental Quality and initiated the Section 401 CWA process, on 17 August 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 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 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.

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 **26 September 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-2022-00349**, and should be submitted to:

Central Unit
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