



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

SWG-2016-00959

28 November 2017

13 December 2017

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**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT  
AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**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:**

City of Galveston  
823 Rosenberg Street, Suite #203  
Galveston, Texas 77550  
Telephone: 409-797-3520  
POC: Mr. Brian Maxwell

**AGENT:**

Atkins North America  
17220 Katy Freeway, Suite 200  
Houston, Texas 77094  
Telephone: 281-529-4194  
POC: Ms. Rhonda Gregg-Hirsch

**LOCATION:** The project site is located in the Gulf of Mexico at MG GST at 59th Street, in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Galveston, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 29.29312 North;

Longitude: -94.839 West

**PROJECT DESCRIPTION:** The applicant proposes to excavate 1.64 acres (est. 2,650 cubic yards) of fill materials, which will include 1.26 acres (est. 2,032 cubic yards) from wetlands and waters [1.07 acres - palustrine, emergent wetlands (PEM) and 0.19 acres – palustrine, unconsolidated bottom open waters (PUB)]. With respect to the deposition of the fill materials, 0.91 acres (~1,475 cubic yards) of in-situ material will be relocated on-site; 0.73 acres (~1,175 cubic yards) of off-site material will be placed and graded on-site; and, 0.91 acres (~1,475 cubic yards) of limestone aggregate will be deposited on-site to provide base for the tanks. The end goal will be to replace the Hurricane Ike damaged 59th Street Pump Station (a 7.5 million gallon aboveground potable water storage tank) via funding from the federal Hazard Mitigation Grant Program and Texas General Land Office's Disaster Recovery Division CDBG program.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by stabilizing erosion control with mulch and sod. Total suspended solids loading shall be controlled by utilizing vegetative filter strips. And, best management practices to manage sedimentation from storm water runoff will include the installation of reinforced fabric fencing that will be placed around the area of construction.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts by creating approximately 2.0 acres (~3,227 cubic yards) of open, shallow fresh water pond habitat located at the Galveston Bay Foundation's Sweetwater Preserve.

**CURRENT SITE CONDITIONS:** The action area consists of an undeveloped lot area adjacent to existing water storage tanks and the proposed 59th Street Pump Station. The site is situated in a mixed industrial/commercial use area north of Broadway Street; and, is fenced on three sides. The undeveloped site is dominated by hydrophytic vegetation. The site also consists of palustrine, emergent wetlands (PEM), palustrine, unconsolidated bottom open water wetlands and open waters. Soils observed on the site are a mixture of native soils, which exhibit hydric indicators and non-hydric fill material consisting of gravel, rock, and other organic matter.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. 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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

**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 work and/or structures are of such limited nature and scope 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:** The proposed action and its interrelated and interdependent actions would not directly or indirectly affect listed species or destroy/adversely modify designated critical habitat. Therefore, the proposed action would have no effect on the species. These species do not occur within the action area and the proposed activity is not proposed within designated critical habitat.

**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 **13 December 2017**. 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-2016-00959**, and should be submitted to:

Central Unit  
Regulatory Division, CESWG-RD-E  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-6301 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS