



Public Notice

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

Permit Application No: _____

Date Issued: _____

Comments Due: _____

Re-Issuance of
Regional General Permits

4 December 2018

7 January 2019

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

PURPOSE OF PUBLIC NOTICE: To inform you that the Galveston District is proposing to re-issue three (3) Regional General Permits. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

AUTHORITY: These applications will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act as appropriate.

SPONSOR: U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

DESCRIPTION:

| RGP No. | Description | Location | Authority |
|----------------|-----------------------|--|------------------|
| SWG-1998-02413 | Directional Drilling | Navigable Waters, excluding Louisiana | Section 10 |
| SWG-1997-02818 | Oil-Field Development | High Island Oil Field | Section 404 |
| SWG-2013-00422 | Mechanical Dredging | Lake Livingston | Section 10 |

Previous issuances of these Regional and Programmatic General Permits (RGP; PGP) and their appropriate conditions and example drawings are included.

A preliminary review of these Regional General Permits 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 Clean Water Act (CWA) for Regional General Permit SWG-1997-02818.

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required for RGPs SWG-1998-02413 and SWG-1997-02818. The RGPs are designed to be consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

No water quality certification is required for RGP SWG-1998-02413 and PGP SWG-2013-00422.

The Texas Railroad Commission (RRC) will determine if RGP SWG-1997-02818 is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards

NATIONAL REGISTER OF HISTORIC PLACES:

Each individual project associated with the specific RGP and PGP activity will require a Pre-Construction Notification (PCN) to be submitted to the appropriate Galveston District Regulatory Office to be coordinated internally with the Galveston District staff archeologist who will review the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information on a case-by-case basis (in accordance with the National Historic Preservation Act and 33 CFR 325 Appendix C.)

THREATENED AND ENDANGERED SPECIES:

Each individual project associated with the specific RGP and PGP activity will require a PCN to be submitted to the appropriate Galveston District Regulatory Office. Each PCN will be reviewed on a case by case basis for impacts to Federally listed threatened and/or endangered Species or their critical habitat in accordance with the Endangered Species Act.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Each individual project associated with the specific RGP and PGP activity will require a PCN to be submitted to the appropriate Galveston District Regulatory Office. Each PCN will be reviewed on a case by case basis for potential impacts to Essential Fish Habitat (EFH) if it's applicable to that specific project. EFH impact determinations relative to specific projects and their impacts that will have the need to implement 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 320-330, the Regulatory Programs of the Corps of Engineers (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 Environmental Impact Statement 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: 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 whether the issues are substantial and should be considered in the permit decision. 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 **7 January 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 be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RDR
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS