



Public Notice

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

Galveston District

Permit Application No: _____ SWG-2007-00315

Date Issued: _____ 28 February 2019

Comments

Due: _____ 1 April 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: Lower Colorado River Authority
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Austin, Texas 78767
POC: Andrew Valencia
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AGENT: Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767
POC: Matthew Dodge
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LOCATION: The project site is located in Colorado River at the Fayette Power Project (FPP) River Pump Station, in Fayette County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Ammannsville, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.8682 North; Longitude: -96.7756 West

PROJECT DESCRIPTION: The applicant requests an extension of time modification of the permit to allow for a 10-year maintenance permit to allow removal or dredging of approximately 2,200 cubic yards of accumulated sediment below the Ordinary High Water Mark (OHWM) and placement of the dredged material on uplands. Sediment routinely deposits in front of the river pump station intake structure in the form of a sand bar. Maintenance is required to allow for the unimpeded flow of water to the intake pumps. As mentioned above, the maintenance includes the removal or dredging and the upland placement of accumulated sediment. Dredging activity will be completed on an annual basis in late winter or early spring before the spring pumping season or when sediment blocks the intake structure. The dredge work will also include implementing dredged sediment dewatering measures. An upland location, as illustrated in the attached figures, will be used to stockpile dredged sediment for de-watering purposes. Equipment to be used will include back-hoes, bulldozers, long-reach and standard tracked excavators, and dump trucks.

Department of the Army Permit SWG-2007-00315, issued June 2008, authorized the maintenance dredging for 10 years at the existing pump station. Department of the Army Permit 10766, issued August 1975, authorized the construction of the intake structure. The means and methods the FPP Pumping Station dredging have not changed under the current permit and are not proposed to change.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by surrounding the de-watering stockpiles with silt fences and other best management practices, as appropriate, to prevent sediment transport.

CURRENT SITE CONDITIONS: The project site is on the Colorado River, at the Fayette Power Project River Pump Station, approximately 12 miles southeast from La Grange, in Fayette County, Texas. Due to storm flows and the natural flow reductions/changes over the course of any given year, sediment deposition forms a small sand bar immediately in front of, and blocking, the intake structure. The sediment blockage impedes intake water flows that serve the Fayette Power Project with cooling reservoir make-up water. The action area does not contain any special aquatic sites.

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 8 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:

The project site is not located within the Texas Coastal Zone, and, therefore, does not require certification from the Texas Coastal Management Program.

No water quality certification is required.

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 permit area has been so extensively modified 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: 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 **1 April 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-2007-00315**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS