



Public Notice

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

Galveston District

Permit Application No: SWG-1997-02845

Date Issued: 31 January 2019

Comments

Due: 4 March 2019

**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: Cargill, Inc.
16150 Peninsula Boulevard
Houston, Texas 77015
POC: Rashad Hart
Telephone: 281-457-7044
Email: Rashad_Hart@cargill.com

AGENT: CRA Inc.
2121 Brittmore Road, Suite 4600
Houston, Texas 77043
POC: Kimberly Hargett
Telephone: 713-690-4626
Email: KHargett@crahouston.com

LOCATION: The project site is located in Buffalo Bayou, adjacent to a portion of the Houston Ship Channel, approximately 15.5 miles east of Houston, in Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: La Porte, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.740956° North;

Longitude: -95.113847° West

PROJECT DESCRIPTION: The applicant requests a 10-year extension on their existing permit to dredge approximately 6.39 acres at their dock facility adjacent to the Houston Ship Channel. In addition to this extension of time, the applicant requests authorization to increase the dredge depth to -46.5 feet mean lower low water with 1-foot overdredge, as needed. This additional work will result in approximately 70,000 cubic yards of dredging material every three years. The applicant proposes to utilize existing and previously authorized dredge material placement areas (DMPAs).

BACKGROUND: Department of the Army (DA) Permit 11653 was issued on 31 January 1977, and authorized the maintenance dredging of an existing slip. The original authorized depth, to -45 feet mean low tide (MLT) with a 1-foot overdredge to match the existing contours of the Houston Ship Channel. Amendments (01) and (02) extended the time to perform periodic maintenance dredging. Amendment (03) was issued on 13 June 1990, and authorized the use of the Peggy Lake DMPA. Amendment (04) was issued on 27 January 1997, and authorized an extension of time to perform maintenance dredging until 2002.

Amendment (05) was issued on 19 May 2003, and expired on 31 December 2007. This amendment authorized the deepening of the existing dredged basin from -42 feet MLT to a maximum depth of -46 MLT. The activity involved hydraulic excavation of approximately 105,400 cubic yards of material from the existing basin. The privately operated dredged material placement areas were also added to the authorization: Glandville, East Jones, West Jones, Houston Marine Services, and Transglobal Solutions, Inc.

SWG-1997-02845 (formerly DA Permit 11653) was verified under Nationwide Permits 35 and 16 for maintenance dredging after the expiration of the permit in 2007. These dates were: 5 September 2008 until 5 September 2010; 10 August 2010 until 18 March 2012; 21 August 2012. The applicant was authorized to perform hydraulic maintenance dredging of the marine basin to a depth of -45 feet MLT with a 3-foot overdredge to match the existing contours of the adjacent Houston Ship Channel. Such activity involved the removal of 126,480 cubic yards of material, which was to be placed in the Glanville-Pinto DMPAs. The dredging of this basin was authorized under DA Permits No. 11653 with amendments (01)-(05).

A compliance inspection was completed on 22 May 2014, and no issues were found. The applicant appeared to be in compliance with the terms and conditions of the permit. A NWP 35 and 16 was verified from 25 September 2014 until 18 March 2017 for the hydraulic maintenance dredging of the basin to the previously authorized depth of -45 feet MLT with a 1-foot overdredge. The dredging removed an estimated 126,090 cubic yards of material. The dredged material was to be placed in the following dredged material placement areas: Glanville-Pinto, East Jones, West Jones, Houston Marine Service, Peggy Lake, Lost Lake, and Transglobal Solutions.

The applicant is currently authorized by a NWP 35 and 16 from 5 June 2018 until 18 March 2022 for maintenance dredging of 7,000 cubic yards of material within the previously authorized project area to a depth of -45 MLT with a 1-foot overdredge.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by limiting the impacts to the minimum necessary to accomplish the purpose of the project.

MITIGATION: No mitigation is proposed.

CURRENT SITE CONDITIONS: The proposed dredging is necessary to maintain operations at the existing Cargill facility. No wetlands or vegetated shallows are 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 existing placement area, is of such limited nature and scope that no archeological investigation is warranted. The additional depth of dredging is in a location that is deeper than potential historic properties could exist. Accordingly, the project has no potential to effect 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 **4 March 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-1997-2845**, and should be submitted to:

North Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS