



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2013-00821
	Date Issued: _____	14 January 2019
	Comments _____	
<b>Galveston District</b>	Due: _____	14 February 2019

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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:** Chambers County Improvement District No. 1  
1704 Seamist Drive, Suite 410  
Houston, Texas 77008  
Telephone: 713-869-2402  
POC: Mr. Bob Boozer

**AGENT:** Belaire Environmental, Inc.  
P.O. Box 741  
Rockport, Texas 78381  
Telephone: 361-729-1241  
POC: Ms. Laura Fox

**LOCATION:** The project site is located in Cedar Bayou and adjacent wetlands, adjacent to an existing dock facility on the Cedar Bayou east bank, approximately 1.2 miles southwest of the intersection of Farm-to-Market 1405 Road and Oscar Nelson Junior Drive, in Baytown, Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Morgan Point, Texas.

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

Project Site – Latitude: 29.710990 North;	Longitude: -94.932780 West
PRM Site – Latitude: 29.729247 North;	Longitude: -94.936158 West

**PROJECT DESCRIPTION:** The applicant proposes to modify the existing Department of the Army (DA) Permit SWG-2013-00821 to extend the permit time limit by 5 years and modify and relocate the authorized permittee responsible mitigation (PRM) site. The original permit authorized the mechanical dredging of approximately 73,670 cubic yards from 3.30 acres to reach a minus 12-foot NAVD88 depth for a new barge dock. The permit also authorized the installation of 524 linear feet of bulkhead and the discharge of 725 cubic yards of concrete matting for bank stabilization. Permanent impacts include 0.33 acre of estuarine emergent wetlands and 398 square feet (SF) of oyster habitat. Authorized compensatory PRM included the creation of approximately 0.66 acre of estuarine emergent wetland and approximate 213-foot-long by 16-foot-wide protective earthen levee, and relocation of 398 SF of existing project site oysters to the PRM site, located adjacent to and south of the project site. No authorized work has been conducted within jurisdictional waters. The proposed PRM relocation site is located approximately 2.1 river miles north of the project site, on the Cedar Bayou east bank. The applicant proposes to not relocate the previously authorized 398 SF of oysters due to lack of currently viable oyster within the project site. The applicant also proposes to install an approximate 168-foot-long by 3-foot-wide articulated concrete mat instead of an earthen levee for site protection.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by designing the project to the minimum necessary to meet the new dock project objectives and utilizing an upland area for the proposed estuarine emergent wetland creation.

**MITIGATION:** Authorized compensatory PRM included the creation of approximately 0.66 acre of estuarine emergent wetland and approximate 213-foot-long by 16-foot-wide protective earthen levee, and relocation of 398 SF of existing project site oysters to the PRM site, located adjacent to and south of the project site. No authorized work has been conducted within jurisdictional waters. The proposed PRM relocation site is located approximately 2.1 river miles north of the project site, on the Cedar Bayou east bank. The applicant proposes to not relocate the authorized 398 SF of oysters due to lack of viable oyster within the project site. The applicant also proposes to install an approximate 168-foot-long by 3-foot-wide articulated concrete mat instead of an earthen levee for site protection.

**CURRENT SITE CONDITIONS:** The project site is currently along the east bank of Cedar Bayou, bordered by industrial development to the north, a county road to the east, undeveloped land across the channel to the west, and undeveloped land to the south. The wetland vegetation consists of smooth cordgrass (*Spartina alterniflora*), saltgrass (*Distichlis spicata*), saltmeadow cordgrass (*Spartina patens*), and needlerush (*Juncus roemerianus*). The subject wetlands are adjacent to Cedar Bayou.

**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 20 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 would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

**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 action was previously coordinated with the Texas State Historic Preservation Officer with a determination of no historic properties present and the SHPO concurred by letter on January 27, 2014.

**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 **14 February 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-2013-00821**, and should be submitted to:

Central 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