



Public Notice

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

Galveston District

Permit Application No: SWG-2005-01296

Date Issued: 10 May 2022

Comments

Due: 10 June 2022

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: Port of Houston Authority
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Houston, Texas 77029-4326
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Telephone: 713-670-2594

AGENT: HDR Engineering, Inc.
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Corpus Christi, Texas 78401-0849
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LOCATION: The project site is located in the Buffalo Bayou portion of the Houston Ship Channel, along 37 wharves, the turning basin and two wharves in the Manchester area, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: Settegast, Park Place and Galena Park, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.733986° North; **Longitude:** 95.277391° West

PROJECT DESCRIPTION: The applicant proposes to amend the existing permit by deepening 37 wharves around the Buffalo Bayou/Houston Ship Channel, turning basin and two wharves in the Manchester Wharf area to a depth of 41.5 feet below mean lower low water (MLLW), plus 2 feet of advanced maintenance, and 1 foot of over dredge for a total of 44.5 feet below MLLW in the currently permitted areas. The applicant also proposes to add existing dredged material disposal areas to the existing permit and extend the authorized maintenance dredging period for 10 years.

AVOIDANCE AND MINIMIZATION: The applicant has avoided impacts to aquatic resources outside the designated project area. The applicant has minimized the proposed impacts by restricting the depth along the wharves to match the authorized depth of the adjoining channel.

MITIGATION: This project is proposed within the Houston Ship Channel and no discharge of dredged material is proposed within any wetland or other special aquatic site. Therefore no compensatory mitigation is required or proposed.

CURRENT SITE CONDITIONS: The project site is a developed industrial ship channel. This channel is a federally maintained navigation project. The wharves along the channel are maintained by either the Port of Houston Authority or the individual dock owners along the channel.

BACKGROUND: Department of the Army (DA) Permit 17979 was issued on 11 March 1987, to the Port of Houston Authority (PHA), and authorized dredging of the PHA wharves along the Houston Ship Channel and the turning basin for a period of 10 years. This permit authorized the placement of dredged material into both cells of the Glendale, the Stimson, House, Clinton and Lost Lake Placement Areas. DA Permit 17979(01) was assigned reference number SWG-2005-01296, was issued 26 June 2006 and authorized maintenance dredging of the wharves and turning basin by hydraulic, mechanical, water injection and silt blade dredging methods. This amendment also removed the Lost Lake Placement area from this authorization. SWG-2005-01296 was amended on 16 October 2014 and authorized the deepening of 37 wharves in the turning basin and 2 wharves in the Manchester area to match the depth of the Houston Ship Channel. This amendment also authorized 1 foot of overdredge, and 1 foot of advanced maintenance dredging. SWG-2005-01296 was amended 21 December 2016 and authorized the deepening of 37 wharves around the Houston Ship Channel (HSC) and turning basin and 2 wharves in the Manchester Wharf area to a depth of 36 feet below mean low tide (MLT) plus 1 foot of overdredge and 1 foot of advanced maintenance dredging for a total depth of 38 feet below MLT. The dredged material was authorized to be placed in one or more of the existing Port Authority owned placement areas.

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 10 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 proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality will review 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. The applicant contacted the TCEQ and initiated the Section 401 CWA process, on 1 March 2022. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

This public notice will serve as the notification to the Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 401(a)(2). The Regional Administrator is responsible for performing a review of the application/certification to determine if there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the District Engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the District Engineer will assume EPA has made a negative determination with respect to Section 401(a)(2).

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

NATIONAL REGISTER OF HISTORIC PLACES: The Corps' 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, deepening an area already being dredged, is of such limited nature and scope that it has no potential to affect historic properties, even if present within the project 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 **10 June 2022**. 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-2005-01296**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RDE
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Galveston District
2000 Fort Point Road
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DISTRICT ENGINEER
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CORPS OF ENGINEERS