



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

SWG-2012-00602

Date Issued: \_\_\_\_\_

18 May 2022

Comments \_\_\_\_\_

Due: \_\_\_\_\_

21 June 2022

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## 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 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA).

**APPLICANT:** Texas International Terminals LTD (TXIT)  
4800 Port Industrial Road  
Galveston, Texas 77554  
POC: Bill Bevers  
Telephone: 832-330-4489  
Email: BBevers@titerminals.com

**AGENT:** Lloyd Engineering, Inc.  
6565 West Loop South, Suite 708  
Bellaire, Texas 77401  
POC: Marisa Weber  
Telephone: 832-426-4645  
Email:

**LOCATION:** The dredge project is located in the existing TXIT Berth along the Galveston Ship Channel, at 4800 Port Industrial Road, in Galveston, Galveston County, Texas. The Galveston Ocean Dredge Material Disposal Site (ODMDS) is located approximately 3.7 nautical miles offshore Galveston, Texas. The dredge project can be located on the U.S.G.S. quadrangle map entitled: Galveston, Texas.

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

**Latitude:** 29.307877 North; **Longitude:** -94.822815 West

**GALVESTON OCEAN DREDGE MATERIAL DISPOSAL SITE (ODMDS):** The Galveston ODMDS is located approximately 3.7 nautical miles offshore, and 1.3 to 1.9 nautical miles southwest of the centerline of the Entrance Channel. This disposal site occupies an area of approximately 6.6 square nautical miles, with depths ranging from 10 to 15.5 m (33 to 51 ft.). The site is trapezoidal in shape with vertex coordinates located at:

Vertices	Geographic NAD 83	
	Latitude	Longitude
N	29°18'00.85"N	-94°39'30.69"W
E	29° 15'54.86"N	-94°37'06.69"W
S	29°14'24.86"N	-94°38'42.69"W
W	29°16'54.86"N	-94°41'30.69"W

Baseline conditions at the Galveston ODMDS were assessed during the disposal site designation process. Details of baseline conditions, including descriptions of the marine environment in the site vicinity and the physical, chemical and biological characteristics of the sediments and the water column at the site, are contained in the Draft Environmental Impact Statement (EIS) for the Galveston, Texas Dredged Material Disposal Site Designation prepared by USEPA, Criteria and Standards Division, in May 1982. In 1995 and 2002 USEPA collected and characterized sediment and biological samples at the Galveston ODMDS. This information updates the EIS baseline conditions at the disposal site. In 2012 EPA R6 conducted a status and trend assessment survey collecting sediment profile images and biological samples. The ODMDS sediment can be characterized as fine sand (61 %) with similar percentages of silt (22.5%) and clay (16.4%).

**AUTHORIZED DISPOSAL EFFECTS:** Dredged material deposited at the ODMDS disperse and erode quickly. There are no significant environmental resources delineated within or immediately outside of the designated ODMDS. Since this site is dispersive in nature, the primary concern of the use of the site is the potential short-term buildup of dredged material, such that a hazard to navigation is presented. Another concern is whether there is significant short-term transport of the dredged material beyond the ODMDSs boundaries; specifically, the benthic community can be impacted if significant rapid movement of material off the site occurs, resulting in burial of benthic populations outside the site.

**PROJECT DESCRIPTION:** The applicant is requesting authorization to maintenance dredge the existing TXIT Berth to maintain authorized depths of -45 feet mean lower low water (MLLW) with a 2-foot overdredge and dispose of the dredged material in the ODMDS located approximately 3.7 nautical miles offshore Galveston, Texas. Based on sedimentation studies, TXIT estimates approximately 200,000 cubic yards of maintenance dredge material will be dredged annually.

TXIT plans to utilize hydraulic suction and mechanical dredging for the proposed maintenance dredge activities within the Project area. Other dredging methods considered for the Project include hopper dredging. Although not the preferred alternative at this time, hopper dredging is a dredging method that may be used in the future if deemed most feasible by TXIT. Hopper dredging would utilize a hopper barge with an attached trailing drag head to dredge the material directly from the subsurface into the hopper barge.

**CHARACTERISTICS AND COMPOSITION OF THE DREDGED MATERIAL:** New work dredging of the basin prism to -45 ft. MLLW (+2 ft overdredge) was completed in February 2022 under the current authorization. During evaluation of the new work material, sediment, water, and elutriate samples were collected from August 6 – August 9, 2020, at eight locations within the dredge footprint of the project area. Bulk chemistry assessment was performed on the samples meeting requirements for upland disposal at Pelican Island DMPA. The sediment chemistry analysis results did not indicate any cause for concern for disposal and the material was approved to be disposed in an upland confined dredge material placement area at Pelican Island. Dredge material testing was conducted in accordance with the Galveston District, Operation Division's Standard Operating Procedure for use of a federal placement area.

The Corps conducted maintenance dredge material sampling of the Galveston Harbor Ship Channel, directly adjacent to the TXIT Berth, in March 2021 for the purposes of analyzing the physical, chemical, toxicological, and bioaccumulation parameters for the ocean disposal portion of the federal project under MPRSA Section 103. MPRSA Section 103 requires that all proposed operations involving the transportation and discharge of dredged material into ocean waters be evaluated to determine the potential environmental impact of such activities. Dredge material testing was conducted in accordance with the 1991 *Evaluation of Dredged Material Proposed for Ocean Disposal Testing Manual (Green Book)*. In a letter dated December 21, 2021, the US EPA concurred with the sampling analysis report and concluded that all maintenance dredged material from the Galveston Harbor Channel, including adjacent DMMU 6, met requirements of MPRSA and was suitable for offshore disposal.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by conducting an exhaustive alternatives analysis to determine a feasible alternative while fulfilling the project's purpose and need. Based on this analysis, TXIT concluded that the ODMDS was determined to be the only feasible alternative. TXIT will minimize temporary impacts resulting from dredging and disposal in the ODMDS through the implementation of industry best management practices.

**MITIGATION:** The applicant is not proposing compensatory mitigation for temporary impacts.

**CURRENT SITE CONDITIONS:** TXIT is a multi-modal liquid and dry bulk facility for deep draft vessels, unit trains, manifest rail, barges, and trucking facility located along the Galveston Ship Channel. Due to ongoing siltation occurring at the TXIT Berth as a result of natural processes and influences, maintaining the necessary water depths is required to ensure safe operation of incoming and outgoing vessels and overall facility operations.

TXIT conducts regular maintenance dredging in order to maintain previously authorized depths within the barge and deep draft ship berths. Current conditions at the site include a 12.8-acre barge berth authorized to -18 ft. MLLW (-17 ft. MLT) capable of engaging up to 3 barges, and a 33-acre ship berth authorized to -45 ft. MLLW (- 44 ft. MLT), plus 2 ft. overdredge. The current disposal location for maintenance material dredged is PA 5600, located southwest of the TXIT Berth. Due to capacity restrictions at PA 5600, the current practice of disposal includes the trucking of existing material from within PA 5600 to an offsite landfill followed by the refilling PA 5600 to capacity with maintenance material dredged at the TXIT Berth. Following this practice of offsite trucking of dry material allows for continued use of the PA 5600 for disposal of maintenance material, as it is the currently approved disposal location and located nearby the TXIT Berth dredge area. However, this method (i.e., the double handling of dredge material) comes at a great economic and financial cost to TXIT and the offsite trucking of material greatly increases the overall operational footprint of impact of the Project and associated environmental impacts.

**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 4 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 103 of MPRSA.

**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 has not yet reached out to the Texas Commission on Environmental Quality to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto: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 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 an existing placement area, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project area.

**THREATENED AND ENDANGERED SPECIES:** Threatened and/or endangered species or their critical habitat may be affected by the proposed work. The use of hopper dredges for maintenance dredging will be conditioned in accordance with the regional biological opinion Dredging of Gulf of Mexico Navigation Channels and Sand Mining ("Borrow") Areas Using Hopper Dredges by COE Galveston, New Orleans, Mobile, and Jacksonville Districts (Consultation Number F/SER/2000/0 1 2 87).

**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 **21 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-2012-00602**, and should be submitted to:

Policy Analysis Branch  
Regulatory Division, CESWG-RDP  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS