



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2022-00397

Date Issued: _____

25 May 2023

Comments _____

Due: _____

26 June 2023

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: Seahawk Shorelines System, LLC
919 Milam Street, Suite 2100
Houston, Texas 77002
POC: Mike Stark
Telephone: 832-280-3090
Email: mike.stark@genlp.com

LOCATION: The project site is located in the Gulf of Mexico, at the Matagorda Ship Entrance, approximately 2.5 miles offshore from the Matagorda Peninsula jetties, in Matagorda County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Decros Point, Texas.

LATITUDE & LONGITUDE (NAD 83):

Beginning of Pipeline: 23.388411° N, 096.289683° W;
End Of Pipeline: 23.3909 ° N, 096.286783° W

PROJECT DESCRIPTION: The applicant proposes to remove an approximately 1,300-foot section of an existing, out-of-service 24-inch pipeline from the eastern side of the Matagorda Ship Channel to the western side of the channel. The pipeline will be exposed, cut into 40- to 80-foot lengths, and manually removed from the channel and placed on a construction barge and removed. If dredging is required for pipeline removal, up to 12,000 cubic yards of material will be excavated by a barge mounted clamshell dredge, placed in a barge, and transported for placement in open water Placement Area (PA) 7. The ends of the remaining pipeline outside of the channel setback will be capped by a diver.

AVOIDANCE AND MINIMIZATION: To avoid and minimize environmental impacts, a designated placement area will be utilized for project spoils. The contractor will closely monitor all excavation activities to ensure only the minimum amount of excavation is utilized to permit access to the pipeline using sonar survey equipment. Dredge spoils will be placed in an established PA-7, which has been used for dredge spoil discharge. This project will not disturb any known environmentally sensitive areas or cultural resources, per the Sampling, Chemical Analysis, and Bioassessment Report of Matagorda Ship Channel Improvement Project.

MITIGATION: No mitigation is required because all impacts are temporary, and waters would be restored to pre-construction contours and elevations following completion of the activity.

CURRENT SITE CONDITIONS: The project area is an existing ship channel and pipeline right of way located approximately 2.5 miles offshore from the Matagorda Peninsula jetties and is being removed to facilitate a planned ship channel dredging project.

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 7 sheets and a Work Plan is enclosed in an additional 7 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 applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Railroad Commission (RRC) 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 RRC and initiated the Section 401 CWA process, on 5 May 2023. If you have comments or questions on this proposed project's State water quality certification, please contact leslie.savage@rrc.state.tx.us. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

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. The 408 review was completed 10 March 2023.

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 impacted by the original installation of the pipeline that there is no potential for historic properties to exist within the permit area. Therefore, the proposed 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 **26 June 2023**. 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-2022-00397**, and should be submitted to:

Evaluation Branch
Regulatory Division, CESWG-RDE
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