



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-1991-01836

30 November 2017

2 January 2018

**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: Manchester Terminals
10000 Manchester Terminals, Suite A
Houston, Texas 77012
Telephone: 713-926-9631
POC: Mr. Vincent Pilegge

AGENT: Stanley, Spurling, and Hamilton, Inc.
3301 Edloe Street, Suite 200
Houston, Texas 77027
Telephone: 713-776-9433
POC: Mr. Louis Hamilton

LOCATION: The project site is located in the Houston Ship Channel (HSC) and Sims Bayou at 10000 Manchester Street, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Pasadena, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.7184° North;

Longitude: 095.2469° West

PROJECT DESCRIPTION: The applicant is requesting maintenance dredging and to increase the depth of the previously authorized dredging. The applicant has stated that the purpose of the project is to create a deep water berth. A 150 feet x 1,500 feet area will be dredged from its existing elevation of 35 feet to 41.29 feet MLLW (68,400 cubic yards) with one foot of over dredge on the Houston Ship Channel, and a 150 feet x 1,950 feet area will be dredged from its current elevation of 23 feet to 26.14 feet MLLW (24,000 cubic yards) with one foot of over dredge on Sims Bayou. Approximately 92,400 cubic yards of sandy clay will be hydraulically dredged using a cutter head and suction piping; however, some dredging will occur by means of mechanical dredging via a clam shell bucket. The applicant would also like to add bed leveling/silt blade dredging and water injection dredging to the list of approved dredging methods for this proposed permit modification. The applicant has also added the following approved disposal sites: Houston Spoils LLC, Lost Lake, Peggy Lake, Spilman Island, Alexander Island, and Atkinson Island. The applicants proposed plans are attached on 5 sheets.

PROJECT BACKGROUND: Department of the Army Permit 17853 was issued 13 January 1987, and authorized maintenance dredging for a period of 10 years, driving of pilings, replacement of the deck and installation of a fender on a dock and the installation of a revetment below the dock. Dredged material for this project was authorized to be placed into the Port of Houston Authority's Clinton Disposal Area. Authorization for the construction component of this project was due to expire on 31 December 1990. DA Permit 17853(01), issued 2 January 1991, extended the time to perform the authorized construction until 31 December 1994. DA Permit 17853(02), (reference number SWG-1991-00106), was issued 29 July 1991, and added the Filter Beds and House-Stimson placement areas as alternate disposal areas for maintenance dredging. DA Permit 17853(03) (reference number SWG-1991-01753), issued 24 July 2000, added the East-West Jones Placement Area, and the Dynegy Galena Park Placement Area as alternatives to receive dredged material. This amendment also extended the time to perform maintenance dredging. This authorization was due to expire 31 December 2005. DA Permit 17853(04) (reference number SWG-1991-01825), issued 31 March 2005, added a 150-foot-wide by 1,200-foot-long area to be dredged to a depth of 24 feet and 1 foot of overdredge below sea level, added the Glendale, Rosa Allen, and Glanville Placement Areas as alternative placement areas for the authorized maintenance dredging and authorized 10 years of maintenance dredging, until 31 December 2015. DA Permit 17853(05) (reference number SWG-1991-01836), issued 24 August 2005, added a 150-foot-wide by 500-foot-long area to be dredged to a depth of 24 feet deep with 1 foot of over dredge. (vertical datum N.G.V.D. 1929)

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts, "because it will avoid/minimize affects to coastal waters...and dredge material will not be places so as to affect submerged lands."

MITIGATION: The applicant has not proposed any mitigation due to the nature of the activity. No permanent loss of waters of the U.S. will occur.

CURRENT SITE CONDITIONS: The project area is located in a highly industrialized area of the Houston Ship Chanel.

This public notice is being issued based on information furnished by the applicant. This project information has been verified by the Corps. The wetland delineation has been completed and was verified by the Corps on 10 December 2015. 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.

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.

The return water from the upland contained dredge material placement area(s) requires authorization under Nationwide Permit (NWP) 16. However, we have determined that the conditioned Section 401 certification, placed upon NWP 16 by Texas Commission on Environmental Quality (TCEQ), is not reasonably implementable or enforceable, according to 33 CFR 325.4(c). Prior to the performance of hydraulic dredging, 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 performing hydraulic dredging.

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 modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected 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 **2 January 2018**. 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-1991-01836**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS