



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-1999-02548
	Date Issued: _____	15 November 2018
	Comments _____	
Galveston District	Due: _____	17 December 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.

APPLICANT: The Dow Chemical Company
Texas Innovation Center
2301 N. Brazosport Blvd., Suite B-122
Freeport, TX 77541
Telephone: 979-238-4814
POC: Ms. Yvonne E. Samson

LOCATION: The project site is located in the Brazos River at a point (29.052646° N, -95.552420° W) downstream from Farm-to-Market Road 521 bridge, near the City of Brazoria, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Brazoria, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.052646° North; Longitude: -95.552420° West

PROJECT DESCRIPTION: The applicant proposes to modify the Department of the Army (DA) Permit SWG-1999-02548, formerly 17698, to extend the timeframe for a period of five years. The 12-inch-diameter discharge line discharges accumulated sediments from the Brazoria Reservoir into the Brazos River at a controlled rate when the Brazoria Reservoir is undergoing periodic maintenance dredging. The rate of sediment discharge is determined by the daily river level and the total river suspended load during the previous

week. The discharge increment is set at three percent of the previous week's total river suspended load in tons. As a contingency, no discharge occurs when the river level is below 70 percent of the previous week's average level. The accumulated sediment in the reservoir is sediment that has settled out of the water column as the water entered the reservoir from a pump intake within the Brazos River.

PROJECT BACKGROUND: DA W-N-243-41-Permit 2003 was issued on August 27, 1952 and expired on December 31, 1955, and authorized construction of a service bridge and pump intake in the Brazos River associated with the Brazoria Reservoir. DA Permit 17698 was issued on September 24, 1986 and expired on December 31, 1989, and authorized construction of a 12-inch-diameter discharge pipeline to discharge sediments into the Brazos River from the Brazoria Reservoir. DA Permit 17698 (01) issued on July 28, 1989 and expired on December 31, 1992, authorized an extension of time. DA Permit 17698 (02) issued on March 19, 1993 and expired on December 31, 1996, authorized an extension of time. DA Permit 17698 (03) issued on November 19, 1996 and expired on December 31, 1999, authorized an extension of time. DA Permit 17698 (04) issued on March 21, 2000 and expired on December 31, 2005, authorized an extension of time. DA Permit 17698 (05) issued on January 4, 2007 and expired on December 31, 2017, authorized an extension of time for a period of 10 years.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding construction of a dredged material placement area within wetlands. The applicant has stated the project avoids and minimizes environmental impacts by returning river silt to the Brazos River. The applicant has stated the dredging occurs only as necessary to minimize the discharges to the Brazos River. The applicant has stated that the most advantageous times to complete the dredge project and discharge the dredged material is during the rainy spring months of March through June. The applicant has proposed to only discharge three percent of the calculated amounts carried by the Brazos River.

MITIGATION: The applicant does not propose mitigation as there are no special aquatic sites impacted by this discharge.

CURRENT SITE CONDITIONS: The project site is an undeveloped tract of land on the shoreline of the Brazos River adjacent to the Brazoria Reservoir surrounded by residential development on the west, and a mixture of undeveloped land and the Brazoria Reservoir on the north, east, and south.

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 3 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 Clean Water Act (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.

Although this project would result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold), the best management practices (BMP's) available on the BMP checklist form are not applicable to this project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with 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 area has been so extensively impacted by previous development 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.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 **17 December 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-1999-02548**, and should be submitted to:

Central Unit/Evaluation Branch
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