



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2012-00602
	Date Issued: _____	6 November 2018
	Comments _____	
<b>Galveston District</b>	Due: _____	7 December 2018

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**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:** Texas International Terminals  
4800 Port Industrial Road  
Galveston, Texas 77554  
Telephone 409-762-5400  
POC: Todd Sullivan

**AGENT:** Atkins Global  
17220 Katy Freeway, Suite 200  
Houston, Texas 77094  
Telephone 281-529-4149  
POC: Rhonda Gregg-Hirsch

**LOCATION:** The project site is located in the Galveston Ship Channel, east of the Pelican Island Causeway, at 4800 Port Industrial Road, and the proposed mitigation site is located in Galveston Bay, west of the Pelican Island Causeway in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: Galveston, Texas.

**LATITUDE & LONGITUDE (NAD 83):**  
Latitude: 29.305484 North; Longitude: -94.825832 West

**PROJECT DESCRIPTION:** The applicant proposes to modify the existing permit SWG-2016-00602, which authorized direct and indirect impacts to the Galveston Ship Channel. Specifically, the proposed work includes increasing the previously authorized dredge footprint from 18.22 acres to a total dredge area of 33 acres, and reduce the previously authorized fill placement of 101,110 cubic yards (cy) of clean fill within 4.61 acres of unvegetated open water area to 4,700 cy of clean sand fill material within 0.67 acre of unvegetated open water habitat below the mean high water (MHW) line. Work is associated with the following: 1) construction of a ship berthing facility (Berth #2: 825-feet long by 99-feet wide dry bulk dock; Berth #3: 100-feet long by 40-feet wide liquid cargo dock; pipe and access trestle: 1,374-feet long by 35-feet wide); 2) constructing two 187-linear foot (LF) combi-wall steel sheet pile retaining structure / breakwater with a 3-foot wide concrete cap and 1,359 LF of supporting concrete rip rap in front of the structure on a 3:1 slope to provide slope protection; 3) placement of 300 – 24-inch diameter pre-cast ground-driven concrete pilings and 550 - 36-inch diameter concrete (or steel) pre-cast ground-driven pilings to support Berths #2 and #3; 4) placement of 100 - 36-inch diameter ground-driven steel (or concrete) piles for 10 berthing/mooring dolphins; 5) placement of two 60-foot diameter cell-structure turning dolphins; 6) construction of a 852-LF combi-wall concrete bulkhead with a grouted soil anchor or battered pile tie-back located parallel to the existing shoreline; 7) dredging approximately 1.41 million cubic yards (mcy) of new cut material within the new dredge footprint to a minimum depth of -45 feet mean lower low water (MLLW), with a 2-foot over dredge (additional 98,562 cy); 8) phased construction of a proposed approximately 125-acre Beneficial Use Dredge Material Placement Area (BUDM PA) within Galveston Bay within the project site vicinity; 9) placement of the approximately 1.50 mcy of dredged material within the proposed BUDM PA for PA construction and marsh creation during the first dredge cycle; 10) utilization of authorized applicant-owned confined upland PAs 5600 and 4800, as well as the option of five Port of Galveston ship slips (#12, #14, #37, #39, and #41) and the Port of Galveston PA; and 11) maintenance dredging of the approximately 33-acre area for a period of 10 years.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by keeping construction activities to the minimum necessary to meet the project goals while avoiding adverse effects to special aquatic sites, coastal waters, submerged lands, critical areas, and coastal shore areas to the greatest extent practicable using best management practices (BMPs).

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts by constructing an approximate 125-acre Beneficial Use Dredge Material Placement Area (BUDM PA).

**CURRENT SITE CONDITIONS:** The project site is in an industrial area and currently contains one existing dock facility to the east and the Pelican Island Causeway and utility corridor to the west. The project area consists of unvegetated subtidal habitat. No wetlands, seagrasses, oyster reefs or other type of special aquatic sites are present within the project site.

**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 19 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1500 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.

**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 industrial development, dredging, and placement of dredged material 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 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 **7 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-2012-00602**, and should be submitted to:

Central 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