



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2017-00505
	Date Issued: _____	14 November 2017
	Comments _____	
Galveston District	Due: _____	15 December 2017

**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: Marian Maritime, L.L.C.
43 Forest Green
Kingwood, Texas 77339
Telephone: 713-923-5571
POC: Mr. Tom Marian

AGENT: Enercon Services, Inc.
5850 San Felipe Street, Suite 400
Houston, Texas 77057
Telephone: 281-783-4453
POC: Mr. W. Randall Freeman

LOCATION: The project site is located in the Old River Cove portion of Sabine Lake, on Humble Island, near Port Arthur, in Orange County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: West Greens Bayou, Texas. The project and its proposed activities can be reviewed on the enclosed 12 pages of sheets.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.973831 North;

Longitude: -93.847308 West

PROJECT DESCRIPTION: The applicant proposes to dredge approximately 15,281 cubic yards of material to facilitate the expansion of an existing commercial barge and push boat fleeting operation. The material will be mechanically dredged waterward of the mean high tide (MHT) line of the Old River Cove to a depth of ten feet below mean low tide (MLT) with a two-foot over-dredge along approximately 284 linear feet of shoreline. Extending waterward between 100 and 200 feet from the shore of Humble Island, the approximate 0.789-acre dredge footprint includes 0.774 acres of Section 10/404 Open Water of the Old River Cove and approximately 0.015 acres of herbaceous sub-tidal wetlands. The proposed dredge depth (10 feet) will open up into, and match existing bottom elevations of the south-adjacent Gulf Intracoastal Waterway (GIWW). The applicant proposes bi-annual maintenance dredging to maintain the project-required depth of ten feet.

The applicant stated that the proposed action includes dredge impacts only. Dredged material will be evenly spread in existing adjacent uplands west of the project area along approximately 2.74 acres of applicant-owned land with appropriate best management practices deployed to prevent sediments from returning to the GIWW. The applicant has stated that no fill material will be placed in wetlands and that no other jurisdictional wetlands or other special aquatic sites (including seagrass beds, oyster beds, tidal or mud flats) are proposed to be directly impacted by the project activities.

The upland area proposed for dredged material is directly adjacent to potential palustrine forested wetland areas and a navigable waterway. While the applicant has stated that best management practices will be utilized, there exists a probability of discharge of dredged material into these areas, which would require authorization under Section 404.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by addressing the following criteria for the proposed activity: 1. deep water site for vessel staging, 2. close proximity to major waterways, such as the GIWW, and near major cities, 3. reasonable cost to the applicant. The applicant has further stated that best management practices will be utilized during the material removal to minimize increases in turbidity in adjacent waters.

MITIGATION: The applicant stated that there are no long term impacts to jurisdictional wetlands associated with this project and thus, does not propose any compensatory mitigation to mitigate for the proposed impacts.

CURRENT SITE CONDITIONS: The project area is located in Orange County, Texas, within the Gulf Coast Prairies and Marshes natural region of Texas. The project site is currently in a commercial area of the GIWW off of Humble Island in Sabine Lake in an already utilized area of Old River Cove. The site is situated in the Old River Bayou watershed (Hydrologic Unit Code (HUC) 120402010500).

The project site consists of coastline scrub-shrub uplands, open water of the Old River Cove, maintained herbaceous uplands, and subtidal herbaceous wetlands. The coastline scrub-shrub uplands are dominated by Chinese tallow (*Triadica sebifera*), and rattlebush (*Sesbania drummondii*). The maintained herbaceous uplands are dominated by annual ragweed (*Amrosia artemisiifolia*), Bermuda grass (*Cynodon dactylon*), black medic (*Medicago lupulina*), Carolina buttercup (*Ranunculus hispidus*), Carolina geranium (*Geranium carolinianum*), crabgrass (*Digitaria ciliaris*), field burrweed (*Soliva sessilis*), garden vetch (*Vicia sativa*), showy fanpetals (*Sida lindheimeri*), and wood sorrel (*Oxalis stricta*). The subtidal herbaceous wetlands are dominated by needlegrass rush (*Juncus roemerianus*), and smooth cordgrass (*Spartina alterniflora*).

Sabine Lake is jurisdictional under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA. This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 12 sheets. Jurisdiction is being determined via an Approved Jurisdictional Determination.

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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 work and/or structures are of such limited nature and scope 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 **15 DECEMBER 2017**. 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-2017-00505**, and should be submitted to:

North 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