



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	<u>SWG-2002-00218</u>
	Date Issued: _____	<u>24 October 2017</u>
	Comments _____	
Galveston District	Due: _____	<u>27 November 2017</u>

**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: Web Fleeting, LP
17512 Market Street
Channelview, Texas 77530
Attention: Mr. Craig Theiler

AGENT: BIO-WEST, Inc.
Attention: Mr. Matt Chastain
1018 Frost Street
Rosenberg, Texas 77471
Telephone: 832-595-9064

LOCATION: The project site is located in the confluence of the San Jacinto River and the Houston Ship Channel, at 17512 Market Street, in Channelview, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled HIGHLANDS, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.78614° North;

Longitude: 95.07915° West

PROJECT DESCRIPTION: The applicant proposes to dredge approximately 120 acres of the Old River Channel to accommodate the existing barge terminal. Approximately 50,000 cubic yards of material would be removed, to a depth of 14 feet with one foot of overdredging. The applicant would either use a barge-mounted, hydraulic cutter head or land-based, long-armed trackhoes. The applicant also proposes to install 42 piling-style dolphins within the fleeting area. The five proposed disposal areas, consist of upland placement and dredged material placement areas. The applicant is currently sampling the proposed dredged area, and will coordinate with the Corps, EPA and TCEQ regarding the findings. Dredged placement will be evaluated further when sampling is completed and coordinated.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding any fill into jurisdictional waters, with the possible exception of effluent from disposal areas if hydraulic dredging is utilized.

MITIGATION: No loss of wetlands or waters is proposed. Therefore, the applicant has proposed no compensatory mitigation.

CURRENT SITE CONDITIONS: The project site is currently an open water area near the confluence of the San Jacinto River and the Houston Ship Channel. The adjacent uplands are industrialized and much of the waterway in the vicinity of the project is used for barge fleeting and mooring

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 6 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:

A water quality certification is required for effluent discharge from proposed disposal areas.

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 project area has not been investigated for Historic Properties. The Corps Archeologist has determined the project area has the potential to contain Historic Properties that could be adversely affected by the project if they are present. Therefore, the Corps has requested the applicant conduct a marine archeological investigation of the project area. The results of this investigation will be coordinated with the Texas State Historic Preservation Officer.

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 **27 November 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-2002-00218**, and should be submitted to:

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

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS