



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2000-03009

Date Issued: _____

26 October 2023

Comments _____

Due: _____

27 November 2023

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

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: Powell Electrical Systems, Inc.
16535 Jacintoport Boulevard
Houston, Texas 77015-6540
POC: Mark Dougharty
Telephone: 281-860-1845
Email: mark.dougharty@powellind.com

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401-3500
POC: Marisa Weber
Telephone: 832-426-4656
Email: marisa@lloydeng.com

LOCATION: The project site is located in Carpenters Bayou, at 16535 Jacintoport, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Highlands, Texas

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.75920° North; **Longitude:** 095.106320° West

PROJECT DESCRIPTION: The applicant is proposing to modify their existing permit by re-aligning the proposed bulkhead and discharge approximately 10,000 cubic yards (CY) of fill material to backfill behind the bulkhead and fill in an existing 2.9-acre inlet to match existing surrounding elevations.

AVOIDANCE AND MINIMIZATION: The applicant has designed the project to avoid and minimize impacts to aquatic resources.

MITIGATION: The applicant has stated that this project does not propose a discharge of fill material into any special aquatic site, therefore, no compensatory mitigation is proposed for this project.

CURRENT SITE CONDITIONS: The project site is currently an existing fabrication facility for marine structures. It is a developed industrial site along Carpenter's Bayou just off of the Houston Ship Channel which is also highly industrialized.

BACKGROUND: Department of the Army (DA) Permit 16063, issued 4 October 1982, authorized construction of a 1,300-foot bulkhead and the dredging of approximately 30,000 CY of material to a depth of 12 feet below mean low tide, in front of the bulkhead. This permit expired on 31 December 1985. Amendment 16063(01), issued, 8 July 1986, authorized a three-year extension of time until 31 December 1989 for the authorized structures and dredging. Amendment (02), issued, 19 December 1989, again extended the time to perform the previously authorized construction and dredging until 31 December 1993. Amendment (03), (also referenced as SWG-2000-02062), was issued 6 February 2001, and authorized a five-year extension of time until 31 December 2006. Amendment (04), (also referenced as SWG-2000-03009), issued 2 October 2006, authorized a five-year extension of time until 31 December 2011. All subsequent actions at this location now use DA Permit Number SWG-2000-03009. A five-year extension of time for this permit was issued on 23 April 2012 and is set to expire 31 December 2017. DA Permit SWG-2000-03009 was amended on 10 November 2015 and authorized the construction of 1,692 linear feet of new bulkhead, dredging of approximately 75,000 CY of material to a depth of 12 feet below mean low tide, and placement of fill material to backfill behind the bulkhead and to raise the grade of a 3.53-acre, previously dredged, existing man-made shallow water inlet on the property. This authorization expired on 31 December 2020. DA Permit SWG-2000-03009 was amended on 2 August 2021, to extend the time to perform previously authorized work until 31 December 2026.

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 4 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review 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. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

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 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, 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 2023**. 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-2000-03009**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS