



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2002-00218

Date Issued: 14 October 2021

Comments

Due: 15 November 2021

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## 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.

**APPLICANT:** WEB Fleeting, LP  
17512 Market Street  
Channelview, Texas 77530-3800  
POC: Dane Morgan  
Telephone: 281-452-3440  
Email: dmorgan@blessey.com

**AGENT:** BIO-WEST, Inc.  
1625 Cottonwood School Road  
Rosenberg, Texas 77471-8200  
POC: Matthew Chastain  
Telephone: 832-595-9064  
Email: mchastain@bio-west.com

**LOCATION:** The project site is located in the Old River Channel of the San Jacinto River, at 17112 Market Street, in Channelview, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Highlands, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 29.788608° North; **Longitude:** 095.077220° West

**PROJECT DESCRIPTION:** The applicant proposes to maintain existing previously authorized structures and mechanically dredge approximately 50,000 cubic yards of material from a 12-acre area of the Old River Channel of the San Jacinto River, to a depth of approximately 14 feet below mean lower low water. This depth includes a 12-foot operational depth with 1 foot of over dredge and 1 foot of advanced maintenance dredging. The purpose of this proposed dredging is to accommodate operations at the existing barge terminal. The proposed dredged material will be placed in a pre-prepared upland confined dredge material placement area, or a hazardous waste landfill.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by minimizing the area to be dredged the greatest extent practicable and limited to the previously approved area to accommodate the dimensions of barges and other vessels that would utilize the project site.

**CURRENT SITE CONDITIONS:** The project site is located along a developed portion of the Old River Channel and is adjacent to the Houston Ship Channel, providing access to transportation corridors. The project site is located within an area that requires sediment sampling prior to dredging. The applicant has performed the required sampling and it has been determined that the dredged material must be placed within an upland confined dredged material placement area or a hazardous waste landfill.

**BACKGROUND:** Department of the Army Permit SWG-2002-00218 (Formerly 22621) was issued on 17 May 2002 and authorized the construction of concrete slope revetment mats, the discharge of a minimal amount of fill material placed beneath the revetment mats, excavation of 50,000 cubic yards of material to a depth of 14 feet deep. This authorization acknowledged the existence of a sheet-pile bulkhead and several existing timber pile dolphins. This authorization expired 31 December 2007. Amendment (01) was issued on 15 September 2004 and authorized the construction of six monopile dolphins. This authorization also expired 31 December 2007, as the time to complete the authorized work and/or structures was not extended. Amendment (02) was authorized on 1 December 2005 and authorized placement of 2 additional mono-pile dolphins. This authorization also expired 31 December 2007, as the time to complete the authorized work and/or structures was not extended. DA Permit SWG-2002-00218 was issued 22 May 2008 and authorized an extension of time to maintain existing structures and perform maintenance dredging for a period of 10 years. This authorization expired 31 December 2017.

**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 14 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.

**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 work proposed for this project is located within the San Jacinto River Waste Pits Superfund Site - Area of Concern. This permit application evaluation process is following the requirements provided in the Public Announcement for the San Jacinto River Waste Pits Superfund Site, dated, (link below), 21 October 2009. An individual water quality certification will be required. <http://www.swg.usace.army.mil/Portals/26/docs/regulatory/SanJacinto.pdf>.

**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 project, maintenance dredging and the placement of dredged material in a location that has been heavily impacted by industrial development, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project 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 November 2021**. 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:

North Evaluation Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS