



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2013-00619
	Date Issued: _____	1 October 2019
	Comments _____	
Galveston District	Due: _____	1 November 2019

**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: Forman Equipment & Contg Co.
P.O. Box 3369
Tomball, Texas 77552
POC: Glen Forman
Telephone: 409-761-0682
Email: gforman@formanequipment.com

AGENT: Professional Engineering and Environmental Consultants
1065 Muller Parkway, Suite B
Westwego, Louisiana 70094
POC: Mo Saleh
Telephone: 504-347-1900
Email: mo@peecinc.com

LOCATION: The project site is located in Galveston Ship Channel, in Galveston, Galveston County, Texas, on the bay-side. The project can be located on the U.S.G.S. quadrangle map titled: Galveston, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.29778° North; **Longitude:** 094.84667° West

PROJECT DESCRIPTION: The applicant proposes to discharge 135,300 cubic yards of sandy clay, 868 cubic yards of rip rap and install sheet piles for the construction of a 9.93-acre storage facility and associated structures. The proposed facility will allow multiple barges to dock and will extend into Galveston Bay approximately 700 feet by 700 feet from the shoreline. The applicant is also proposing a concrete bulkhead to be installed on the shoreline on the east side of the property and rip rap will be used on the west and south sides. The proposed facility will overall include the following:

- Placing 135,300 cubic yards of fill material comprised of sandy clay from an approved upland source in order to expand the dock facility
- The installation of a 400-foot by 20-foot sheet pile wall and four 30-foot-long steel pipe piles
- Place 868 cubic yards of rip rap below high tide on the west side of the property. A crane will be used to transfer materials to and from barges. It will hang out 10 feet over the water.
- The immediate area, measured at 579-foot by 600-foot, in front of the property will be dredged to (-) 10.0 NAVD for maintenance only if silt should build up and affect vessel access.

The purpose of the proposed facility is to provide temporary storage for construction material prior to being transported by barges.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by selecting the least damaging site and planning material placement to minimize environmental impacts, provide environmental benefit and use the material beneficially. The applicant states that they have avoided open, deep water habitat. The project will be constructed from land toward the water and the applicant claims that they will use controlled measures and best management practices to protect the environment.

MITIGATION: The applicant proposed to mitigate for impacts by coordinating with the Houston Audubon Society and Texas Parks and Wildlife Department to determine a suitable site in the vicinity located at Horseshoe March that has become overgrown with invasive plant species. The applicant selected two sites on the western portion of the property that they propose to treat invasive species. The applicant proposes to treat large Chinese Tallow and Salt Cedar by the “hack and squirt” method and the smaller saplings would be treated with a foliar spray.

CURRENT SITE CONDITIONS: The project site is located on the north side of Galveston, Texas along an industrial area. The project site consists of open water in Galveston Bay and industrial and recreational vessel activity.

NOTES: 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 8 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 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.

The return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). 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 of Engineers prior to the Corps making a decision on the proposed project.

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 state tracts proposed for work under this permit are included in the Texas Historical Commission's list of Sensitive state tracts. Additionally, the scope and magnitude of the project is such that a marine archeological investigation is warranted.

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 **1 November 2019**. 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-2013-00619**, and should be submitted to:

Central 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