



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2013-00042
	Date Issued: _____	1 September 2016
	Comments _____	
Galveston District	Due: _____	3 October 2016

**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.

APPLICANT: Mr. Jason Hayley
Texas City Terminal Railway Company
2425 State Highway 146 North
Texas City, Texas 77590
Telephone: 409-945-4461
jhayley@tctr.com

AGENT: Ms. Stephanie Gonzales
LJA Engineering, Inc.
2929 Briarpark Drive, Suite 600
Houston, Texas 77042
Telephone: 713-380-4445
slgonzales@ljaengineering.com

LOCATION: The project site is located in the Texas City Turning Basin, within the Port of Texas City, adjacent to Dock 18, at 2201 Dock Road, in Texas City, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: VIRGINIA POINT, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.367043° North;

Longitude: -94.896031° West

PROJECT DESCRIPTION: The applicant proposes to amend the existing dredging permit by adding the following components: installation of rip-rap and granular fill into wetlands and waters of the United States (U.S.). The total impacts to waters of the U.S. is described in the table below:

Area	Length (ft.)	Impacted Area (sq. ft.)	Impacted Area (ac.)	Avg. Fill / Foot (cy/lf)	Fill Volume (cy.)	Fill Type
Area A	511	19000	0.44 open water	10.8	5500	Rip-Rap & Granular Fill & Steel
Area B	370	11000	0.25 open water	6.0	2300	Rip-Rap
Area C	651	27000	0.54 open water 0.08 wetlands	6.0	4000	Rip-Rap
Total	1,532		0.87		6,300	

BACKGROUND: The prior authorizations held by the lessees of the Texas City Terminal Railway Company dba the Port of Texas City will not be combined into this authorization. The purpose of this proposed work is for the permittee to have authorization to dredge when funding and/or dredging cycles may limit the ability of the lessees to perform this work in a timely manner. DA Permit SWG-2013-00042 was issued on 19 February 2015, and authorized the applicant to hydraulically and/or mechanically dredge docks located within the boundaries of the permittee's facilities to previously authorized depths and perform maintenance dredging to previously authorized depths for a period of 10 years; to perform silt blade/water injection intermittent maintenance dredging to previously authorized depths at Dock Nos. 11, 12, 15, 16, 18, 19, 20, 22N, 22S, 40, 41, 45, 50, 51, 52, 54A, 54E, 56, 57, and 58; to place dredged material within Placement Areas 5, 6, and the Shoal Point Terminal Dredged Material Placement Area; to place intermittent silt blade/water injection dredged material into sediment basins at specific docks as previously authorized; to mechanically and/or hydraulically dredge Dock No. 38 to a depth of -42 feet mean low tide (MLT). To mechanically dredge Dock No. 42 to a depth of -37 feet MLT and an area adjacent to the bulkhead, at a depth of -30 feet MLT; and to perform intermittent silt blade/water injection maintenance dredging to a depth of -12 feet MLT at Dock No. 59 and to a depth of -42 feet MLT plus 1-foot overdepth at Dock No. 45 for a period of 10 years.

An amendment was issued on 13 June 2016, and authorized the applicant to perform maintenance dredging; by silt blade/water injection, hydraulic, and/or mechanical means as previously authorized to previously authorized depths, located within the boundaries of the permittee's facilities for a period of 10 years. The new work involved the following components: to construct 1,193 linear feet of dock, including the maximum extent of mooring dolphins; to demolish existing structures over waters of the U.S. including various buildings, paved areas, and fencing; an existing 320-foot dock; three dry docks; and 920-linear-foot existing bulkhead; to excavate approximately 187,000 cubic yards from 2.2 acres of upland area and convert to open water for the expansion of the existing dredging area and depth; to install 45,000 square feet of articulated concrete mat in front of the bulkhead to prevent erosion along the bulkhead; to install 840 linear feet of steel sheet pile bulkhead along the proposed shoreline; to expand the previously authorized dredge area by 8.9 acres by hydraulically and/or mechanically dredging Dock No. 42/43 to a depth of -47 feet MLT and an area adjacent to the bulkhead at a depth of -30 feet MLT; and to place all dredged material within Placement Areas 5, 6, and the Shoal Point Terminal Dredged Material Placement Area including Cell C and Cell A.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by using the minimum necessary to accomplish the goals of the project.

MITIGATION: No mitigation is proposed.

CURRENT SITE CONDITIONS: The project site is currently situated on a developed tract of land surrounded by industry and port infrastructure, docks, and a piling storage facility. The project site contains no special aquatic sites. It is located within the Texas City Turning Basin and the Industrial Canal. A bulkhead exists along most of the shoreline of the project area and riprap has been placed along the southern shoreline.

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 7 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.

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 permit area has been so extensively modified 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 **3 October 2016**. 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-2013-00042**, and should be submitted to:

Central 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
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS