



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2016-00440
	Date Issued: _____	8 September 2016
	Comments _____	
<b>Galveston District</b>	Due: _____	11 October 2016

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**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 404 of the Clean Water Act (CWA).

**APPLICANT:** Ridge Development  
1900 West Loop South, Suite 1300  
Houston, Texas 77027

**AGENT:** Terracon Consultants, Inc.  
11555 Clay Road, Suite 100  
Houston, Texas 77043  
Telephone: 713-329-2513  
POC: Ms. Ginger Horn

**LOCATION:** The project, entitled Bayport Terminal South (Block 10), is located in wetlands on a 56-acre tract located off Freight Station Road and east of Old Highway 146, south of Port Road, north of Red Bluff Road, and west of Todville Road, in Seabrook, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: Bacliff, Texas and League City, Texas. Directions to the site: from I-45 North, take exit 7A TX-146 (toward Texas City); exit for Red Bluff Road turn right; turn north (left) onto Old Highway 146; turn right on Port Drive; ¾ of a mile turn right onto Freight Station Road; continue 1-mile down Freight Station Road, site is located on the right (west side of Freight Station Road).

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

Latitude: 29.591 North;

Longitude: -95.013 West

**PROJECT DESCRIPTION:** The applicant proposes to place approximately 7,341 cubic yards of soil and concrete fill in 8.91 acres of freshwater wetlands (Scrub-Shrub wetland = 0.30 acre; Forested wetland = 7.20 acres; Emergent wetland = 1.41 acres) and 0.19 acre of freshwater apparent man-made drainage ditches within the project site, totaling 9.10 acres of waters of the U.S., to construct a commercial warehouse/distribution and manufacturing project to serve the shipping industry. The proposed finished grade is +18 feet Mean Sea Level. The facilities would include a 175,135-square-foot facility, and a 450,000-square-foot plastics packaging facility. The project would have close proximity to the Port of Houston Bayport Container Terminal, direct rail service, and the ability to create a new heavy-haul corridor for truck traffic from the facilities to the Bayport Container Terminal in-gate. The industrial development project would offer immediate access to a new heavy-weight, private road between the site and the Bayport Container Terminal in-gate. The applicant has stated the project would not add flow to Pine Gully, and the developer is required to detain water/run-off so the net impact to Pine Gully is no change.

**AVOIDANCE AND MINIMIZATION:** The applicant stated that they have avoided and minimized environmental impacts by “utilizing previously mitigated areas, thus avoiding impacts to additional wetland areas from other tracts and minimizing suitable habitat for invasive and noxious plants in the surrounding ecosystem thereby improving the Bayport ecosystem.”

**MITIGATION:** The applicant proposes to mitigate for the proposed wetland fill impacts by purchasing credits at the Gin City Mitigation Bank, and provided the following statement concerning their mitigation proposal: Benchmark conducted a functional analysis of the palustrine emergent, palustrine scrub-shrub, and palustrine forested wetlands using the U.S. Army Corps of Engineers – Galveston District approved Interim Hydrogeomorphic Methods. Our first option was to use a mitigation bank with a primary service area that encompassed the project site; however, the project site is not located within the primary or secondary service areas of any wetland mitigation banks with credits available. Terracon looked at the following banks:

- Greens Bayou Wetlands Mitigation Bank - Terracon spoke with Becky Martinez on 5 April 2016. She stated there were no credits available. We have checked with her on a monthly basis.
- Lower Brazos River Mitigation Bank – Terracon spoke with Keith Morgan in April 2016. No credits available; Berg-Oliver has requested additional credits with USACE, is anticipating 5 forested credits will be released by end of summer 2016.
- Gulf Coastal Plains – Terracon spoke with Will Beaty on 12 February 2016. All released PSS, PEM credits are sold/reserved, but more may be released soon; no PFO credits available.
- Cedar Bayou – Terracon spoke with Will Beaty in February and April 2016. The bank is still pending USACE approval - No credits available as of 12 April 2016.

- Gin City Mitigation Bank – Spoke to Troy Madrigal. The approved mitigation bank has approximately 126 available forested credits. Gin City Mitigation Bank is located approximately 37 miles north of the project site, and the border of the secondary service area is located approximately 7.5 miles north of the project site. Similar to the project site, the service areas of Gin City Mitigation Bank ultimately drain into the Galveston Bay. Therefore, the mitigation site will provide an ecologically suitable source of compensatory mitigation for adverse impacts to waters of the US. The use of Gin City Mitigation will provide a long-term habitat for aquatic diversity, connectivity, and consolidation.

**CURRENT SITE CONDITIONS:** The applicant states the project site is currently an undeveloped tract of land with the Pine Gully Ditch to the south and west of the site. The tract is approximately 56 acres of coastal plain, mostly wooded land with 38 wetland areas and two apparent man-made drainage ditches, totaling approximately 9.01 acres. The overall project site boundary includes a strip of land in the north portion of the project site that contained wetland areas authorized to be filled by a Department of the Army permit for the Bayport Ship Channel Container Terminal and Cruise Terminal project; compensatory mitigation was completed for fill of wetlands within the northern strip of land.

Soil types identified within the Harris County project area include Beaumont clay, 0 to 1 percent slopes, Edna loam, 0 to 1 percent slopes, Verland silty clay loam, and Aris fine sandy loam. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel Numbers 48201C1085L and 48201C1105L indicate the project site is located in the designated 100-year floodplain (Zone AE). Aerial photographs were available for 1943, 1977, 1986, 1995, 2006, and 2015. The 1943 aerial photograph depicts the project site as undeveloped and dominated by apparent mima mounds. The 1977 aerial photograph depicts development of channelized drainage features abutting the northern and eastern boundaries and adjacent to the southern boundary of the project site. Commercial development occurred northwest of the project site. A pond is observed north of the project site. The project site remains undeveloped; however has been overgrown with vegetation between 1986 and 2015. The 2006 aerial photograph depicts and increase in commercial development north of the project site. The project site remains relatively unchanged from 2006 to 2015.

A Geotechnical Investigation performed on the proposed project site, which included drilling onsite, reportedly avoided areas flagged as potential wetlands and as areas with geomorphological settings that provided water flow into the previously delineated wetlands. During a site visit on 26 February 2016, the sixteen forested wetlands totaling 7.20 acres were dominated by Chinese tallowtree (*Triadica sebifera*), eastern baccharis (*Baccharis halimifolia*), fascicled beaksedge (*Rhynchospora fascicularis*), and sand spikerush (*Eleocharis montevidensis*). The nineteen emergent wetlands totaling approximately 1.41 acres were dominated by green flatsedge (*Cyperus virens*), *R. fascicularis*, *E. montevidensis*, and swamp smartweed (*Persicaria hydropiperoides*). The three scrub-shrub wetlands observed on the project site, totaling approximately 0.303 acres, were dominated by *T. sebifera*, *B. halimifolia*, valley redstem (*Ammannia coccinea*), and *E. montevidensis*. Standing water on the site was from one to twelve inches in depth.

**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.

**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 is likely to yield resources eligible for inclusion in the National Register of Historic Places. An investigation for the presence of potentially eligible historic properties is justified.

**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 **11 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-2016-00440**, and should be submitted to:

Policy Analysis Branch  
Regulatory Division, CESWG-RD-P  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-6301 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS