



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2018-00181

6 September 2018

8 October 2018

**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: Texas Lehigh Cement Company, LP
1000 Jack C Hays Trail
Buda, Texas 78610
Telephone: 512-295-6111
POC: Neil Hodgson

AGENT: LNV, Inc.
801 Navigation Boulevard, Suite 300
Corpus Christi, Texas 78408
Telephone: 361-883-1984
POC: Amy Hesseltine

LOCATION: The project site is located in Buffalo Bayou (Houston Ship Channel). at 9500 Clinton Drive, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Park Place, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.726481° NORTH; Longitude: -95.252085° WEST

PROJECT DESCRIPTION: The applicant proposes to mechanically/hydraulically dredge 14.3 acres, install a 615.5-linear-foot bulkhead, and discharge fill material into 0.34 acres of Buffalo Bayou, associated with the construction of a dock, mooring, and breasting structures along the Houston Ship Channel. Specifically, of the 14.3 acres, approximately 1.2 acres (approximately 1,936 cubic yards) are uplands that will be excavated to create open water. The newly created 1.2 acres of open water and 13.1 acres of existing open water will be hydraulically dredged below the Mean Lower Low Water (MLLW) line to the elevations shown on the attached exhibits. Approximately 508,470 cubic yards will be hydraulically dredged to a depth of -45.5 feet (-41.5 feet plus 2 feet of advance dredge and 2 feet of over dredge). Total excavation/dredge is approximately 510,406 cubic yards. Approximately 0.23 acres of rubble, rock bottom, palustrine wetlands (PRB2) and 0.11 acres of existing open water will be filled with compacted soil backfill behind the proposed steel sheetpile bulkhead. Approximately 1.2 acres of open water will be created by excavating uplands in front of the proposed bulkhead. Therefore, the proposed project's net impact to waters of the United States will be the creation of approximately 1.09 acres of open water. Total dock length is approximately 615 linear feet. Of the 615 linear feet, approximately 215 linear feet of dock and associated pipe piles will be in an area that is currently open water. The remaining 400 linear feet of dock and associated pipe piles will be in new open water to be created by excavating uplands in front of the proposed steel sheetpile bulkhead. The applicant's plans are enclosed in 15 sheets.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized impacts to the maximum extent practicable. Proposed impacts to Water of the United States (WOUS) were minimized through modifications to project design while fulfilling project need and purpose. The existing layout of the processing facility includes rail and truck loading operations on the west side of the building, with existing railroad tracks located both inside and directly outside the building. This existing layout follows the optimized operational flow of material and, in order to achieve the proposed project's objectives, construction of additional railroad tracks and roadways are needed on the west side of the building to accommodate increased site traffic. Construction of the road/rail results in unavoidable fill in the wetlands and construction of a bulkhead to retain the fill material. Different configurations for the sheet pile bulkhead were evaluated. Total avoidance of WOUS on the west side of the building is not possible due to the surcharge loads exerted on the proposed bulkhead by the proposed rail load out if construction of the rail/road were to occur in present uplands. The additional clearance needed to mitigate the surcharge loads places the bulkhead in a location that requires fill in WOUS. The selected configuration of the proposed bulkhead (Alternative 1D) will limit the amount of fill in WOUS while allowing sufficient room for construction of tracks and roads needed to queue rail cars and trucks to be loaded with processed material for transport off-site. Filling in wetlands behind the westernmost end of the bulkhead is necessary to achieve proper site drainage and prevent storm water from accumulating behind the bulkhead. The design elevation of the proposed top of dock and steel sheet bulkhead are 15 ft. mean sea level (msl) to match existing site elevation. The existing ground surface at the westernmost side of the property slopes from uplands at elevation > 15 ft. msl down to the Houston Ship Channel at elevation < 2 ft. msl. Also, a road is proposed in this area. Unavoidable impacts to the 0.09 acres of estuarine subtidal

unconsolidated bottom subtidal excavated wetland fill will be compensated for by the creation of 1.2 acres of estuarine subtidal unconsolidated bottom subtidal excavated wetland on-site. The unavoidable impacts to the 0.27 acres of palustrine rock bottom (rubble) wetland fill will be compensated for through the utilization of an off-site mitigation bank (such as Greens Bayou). Best Management Practices will be utilized to minimize the potential for temporary impacts to WOUS to the greatest extent practicable during construction and dredging activities, including excavation and temporary side casting. As such, material temporarily side-cast will be placed at nearby locations of the highest elevation practicable to prevent potential adverse effects as a result of the proposed construction activities. Soil and riprap fill material will be located behind the proposed bulkhead, which will prevent erosion and/or dispersion of material.

ALTERNATIVE ANALYSIS: See attachment 1.

MITIGATION: Unavoidable impacts to the 0.09 acres of estuarine subtidal unconsolidated bottom subtidal excavated wetland fill will be compensated for by the creation of 1.2 acres of estuarine subtidal unconsolidated bottom subtidal excavated wetland on-site. The unavoidable impacts to the 0.27 acres of palustrine rock bottom (rubble) wetland fill will be compensated for through the utilization of a mitigation bank (such as Greens Bayou).

CURRENT SITE CONDITIONS: The project site is located along Buffalo Bayou (Houston Ship Channel) within the Gulf Coast Prairies and Marshes region of Texas. Land in this region has been used for crops, livestock grazing, and urban and industrial centers. These prairies are nearly level with slow surface drainage. The immediate grass covered ground surface at the project site is generally flat except along the southern side where it slopes down (estimated 4H:1V) to the water. The project site has approximately 1,100 feet of water frontage. Starting in the southeast corner, the property slopes to the south and drops off near the water's edge. This condition extends westerly for approximately 200 feet where an existing concrete bulkhead is located. The concrete bulkhead continues along the southern boundary for approximately 300 feet. From the end of the concrete bulkhead to approximately 300 feet west, the ground surface again drops sharply to the water. Remnants of former railroad tracks are present in the water near the southwest corner of the property, as well as a steel sheet pile wall at the water's edge. Past the steel sheet pile wall and along the western side of the building the ground surface gradually slopes to the water's edge and is tidally influenced. The ebb and flow of the tide, as well as drainage from the project site, has created wetland conditions in this area. Based on review of aerial photographs available from Google Earth, it appears that the concrete and steel sheet pile bulkheads were constructed prior to 1980. Aerial photographs also show a former dock at the project site. The dock is not present in aerial photographs after 1989.

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 15 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 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 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 permit area has been so extensively impacted by dredging and 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 **8 October 2018**. 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-2018-00181**, and should be submitted to:

North Unit Evaluation
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
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DISTRICT ENGINEER
GALVESTON DISTRICT
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