



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2013-00407
	Date Issued: _____	7 August 2013
	Comments Due: _____	9 September 2013

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: Linde, LLC
575 Mountain Avenue
New Providence, New Jersey 07974-2097

AGENT: AECOM
5444 Westheimer Road, Suite 200
Houston, Texas 77056-5350
Telephone: 713-267-2702
POC: Robert Esenwein

LOCATION: The project site is located along Upper San Jacinto Bay, at 11603 Strange Road, in La Porte, Harris County, Texas. The site can be located on the U.S.G.S. quadrangle map titled: League City, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.706301 North; Longitude: -95.053127 West

PROJECT DESCRIPTION: The applicant proposes to hydraulically remove approximately 28,500 cubic yards of material from a 2.6-acre area within Upper San Jacinto Bay around the Linde facility. The current depth at the proposed dredged area ranges from -2 to -6 mean low lower water (MLLW). The current barge access lane (approximately 600 feet long and 150 feet wide) leading to the area in front of the property would be deepened to -13 MLLW, and the dock access lane (approximately 200 feet long and 110 feet wide) would be deepened to -5 MLLW.

The composition of the material to be removed is approximately 70% clay, 20% sand, and 10% unconsolidated material (silt). The applicant proposes to place dredged material at the Spillman Island Dredge Material Placement Area. The purpose of the project is to provide waterborne access to the facility via a tug guided barge, in order to deliver a large-scale air separation unit.

AVOIDANCE AND MINIMIZATION: Avoidance and minimization is not required.

MITIGATION: Compensatory mitigation is not proposed.

CURRENT SITE CONDITIONS: The project area and its surrounding vicinity are developed with barge terminals, berthing facilities and docks. The entire vicinity is highly industrial, with shipping, storage and bulk transportation facilities.

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 3 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: The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said program. The Texas General Land office will determine if the project is consistent with the goals and policies of the CMP.

The return water from the upland contained dredge material placement area requires authorization under Nationwide Permit (NWP) 16. However, we have determined that the conditioned Section 401 certification placed upon NWP 16 by Texas Commission on Environmental Quality (TCEQ) is not reasonably implementable or enforceable, according to 33 CFR 325.4(c). Prior to the performance of hydraulic dredging, 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 performing hydraulic dredging.

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 work and/or structures are of such limited nature and scope 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 Environmental Impact Statement 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 **9 September 2013**. 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-2013-00407**, and should be submitted to:

Tosin Sekoni
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3114 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

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GALVESTON DISTRICT
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