



Public Notice

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

Galveston District

Permit Application No: SWG-1993-00525

Date Issued: 17 August 2023

Comments

Due: 18 September 2023

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 and Section 404 of the Clean Water Act (CWA).

APPLICANT: J.W. Kelso Company, Inc.
P.O. Box 2110
Galveston, Texas 77553
POC: John Kelso
Telephone: 409-740-0266
Email: jkkelso@jwkelso.com

AGENT: Lloyd Engineering, Inc.
P.O. Box 540516
Houston, Texas 77254
POC: Justin Wiedman
Telephone: 832-426-4656
Email: justin@lloydeng.com

LOCATION: The project site is located in Galveston Bay, at 6200 Harborside Drive, in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Galveston, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.298546 North; **Longitude:** -94.84496 West

PROJECT DESCRIPTION: The applicant proposes to expand the existing facility to provide additional space for ongoing operations/equipment staging and the construction of a new decontamination facility. The components include construction of a concrete pad and access road as follows: a 345-foot by 525-foot concrete pad consisting of 1,335 linear feet (LF) of 30-foot-wide rock slope stabilization (approximately 38,250 square feet), and 480 LF of bulkhead resulting in the discharge of approximately 61,979 cubic yards (CY) of material below the mean high water (MHW). The 61,979 CY would consist of 53,667 CY of clean sand and 8,312 CY of rock. The applicant also proposes to construct a 45-foot by 700-foot access road consisting of 700 LF of 30-foot-wide rock slope stabilization and 450 LF of bulkhead extending from the proposed expansion pad to an existing bulkhead. The installation of the access road and slope stabilization would result in the discharge of approximately 13,897 CY of material below MHW which would consist of 9,334 CY of clean sand and 4,563 CY of rock. Additionally, the applicant proposes to install 45, 24-inch steel pipe piles around the perimeter of the access road and operations pad.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the project to minimize impacts to waters of the United States, and that the proposed project will have no temporary nor permanent impacts on wetlands or special aquatic sites.

MITIGATION: The applicant is not proposing any new compensatory mitigation.

CURRENT SITE CONDITIONS: The project site is a marine construction, multi-use industrial facility consisting of a decontamination staging/response center for oil spill clean-up operations, a ready-mix concrete plant, a precast concrete manufacturing operation, a graving dock used to repair barges, tugboats, construct concrete floating docks, and provides storage of materials used for infrastructure projects along the Gulf Coast. This portion of Galveston Bay is heavily developed and experiences heavy vessel traffic. There are numerous structures such as piers, boat lifts, aids to navigation, boat ramps, and industrial activity. The existing site conditions include, bulkheads, rip rap and associated industrial infrastructure. There are no special aquatic sites located within the vicinity of the action area.

The original permit, formerly 19803, issued in 1993, authorized an approximate 5-acre facility consisting of a slip, breakwater, gantry piers, bulkheading, and dredging. The applicant modified the permit in 2014 which included the expansion to construct a multi-use facility consisting of the graving dock, concrete plant and decontamination facility. The modification permitted backfilling, an additional bulkhead and dock expansion. The modification also included onsite and offsite mitigation, in which an extension of time was granted in 2020 to complete both onsite and offsite mitigation. They are currently in compliance with all mitigation requirements.

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 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review 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. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

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 not included in the Texas Historical Commission's list of Sensitive state tracts. However, 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 **18 September 2023**. 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-1993-00525**, and should be submitted to:

Evaluation Branch
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS