



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2011-00162

Date Issued: _____

22 June 2023

Comments _____

Due: _____

24 July 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.

APPLICANT:

Port of Galveston
123 Rosenberg Avenue
Galveston, Texas 77553
POC: Jeffrey Thomas
Telephone: 409-502-7112
Email: jthomas@portofgalveston.com

AGENT:

Gahagan & Bryant Associates, Inc.
2911 South Shore Boulevard, Suite 107
League City, Texas 77573
POC: Sara Fuglestad
Telephone: 832-341-3146
Email: safuglestad@gba-inc.com

LOCATION: The project site is located in Galveston Bay/Harbor, at various locations between Galveston Island and Pelican Island, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Galveston, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.312325 North; **Longitude:** -94.798677 West

PROJECT DESCRIPTION: The applicant is requesting to modify and expand existing structures and is not seeking an extension of time for permitted work set to expire 31 December 2026. The proposed work includes the following:

Pier 22:

- Installation of a new 28-foot mooring dolphin platform
- Installation of one, 200 metric ton (MT) bollard
- Installation of four, 48-inch-diameter typical (TYP) steel pipe piles

Repair and Replacement of Existing Structures at Piers 23-25:

- Remove 10 existing bollards
- Installation of four, 150 MT bollards
- Installation of two, 100 MT bollards
- Installation of new decking to bring back-set areas approximately 20' 7" x 10' and 12' 9" x 96' 11" in line with the existing pier face
- Installation of twenty-nine, 36-inch-diameter steel pipe piles (TYP)
- Installation of ten, 24-inch-diameter steel pipe piles (TYP)
- Installation of 3 new fenders
- Removal of approximately 224' x 50.5' of existing decking and installation of new decking
- Below deck removal
 - Cut existing pile (approximately 100)
 - Replace with new 18-inch-diameter steel piles (approximately 52)

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by situating a work platform or barge below the construction area to catch any falling debris, as well as deploy safety netting, silt fences, and booms to capture falling debris and fine particulates in areas where the barge is not able to access.

MITIGATION: The applicant is not proposing mitigation as the project only requires the modification and expansion of existing structures with no 404 impacts and no impacts to special aquatic sites.

CURRENT SITE CONDITIONS: The project site is located in Galveston ship channel at various locations between Galveston and Pelican Island. This area is highly developed and experiences heavy vessel traffic with numerous structures such as piers, boat lifts, aids to navigation, boat ramps, etc. The land use in the area is primarily composed of industrial and commercial development.

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 19 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.

No water quality certification is required.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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 permit modifications are of such limited nature and scope that they have no potential to affect historic properties, even if present within the project 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 **24 July 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-2011-00162**, 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