

**STATEMENT OF FINDINGS
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR**

**EMERGENCY REPAIRS
TO
FREEPORT AND VICINITY HURRICANE FLOOD PROTECTION PROJECT
BRAZORIA COUNTY, TEXAS**

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
GALVESTON, TEXAS**

1. Purpose. This document addresses the proposed rehabilitation of the Freeport and Vicinity Hurricane Flood Protection Project (HFPP or project), which is located in southern Brazoria County, about 48 miles southwest of Galveston, Texas. The project was designed to provide approximately 42 square miles of protection for all or portions of the communities of Freeport, Velasco, Oyster Creek, Lake Barbara, Clute, and Lake Jackson, and the multibillion-dollar industrial complex consisting of Port Freeport (Port), Dow Chemical, and related industries and facilities.

The existing project was subjected to Hurricane Ike, which resulted in a significant amount of damage to removable splash panels along commercial buildings and warehouses at the Port's Brazos Harbor docks, and damaged the emergency generator system housed within Velasco Memorial Tide Gate (tide gate) located in the Freeport Harbor Channel. The damaged splash panels no longer function as designed and the inoperable emergency generator compromises the integrity of the tide gate system. In the event of an untimely loss of commercial power and failure of the emergency power system, the tide gate would remain open to an approaching storm, or, would remain closed after the event, which may result in flooding the interior area that the tide gate protects. Both conditions would be catastrophic to the integrity of the entire hurricane flood protection system, and extensive flooding would occur in the protected areas of Freeport and the multibillion-dollar petrochemical complex. The proposed action would restore damaged components of the HFPP to pre-storm conditions.

This Environmental Assessment (EA) was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality (CEQ) regulations to document findings concerning the environmental impacts of the proposed action.

2. Proposed Action. Three alternatives were considered for repairing damages sustained by the existing project: Alternative 1 - No Action, Alternative 2 - Replace Splash Panels and repair/replace the tide gate emergency generator, and, Alternative 3 - construct a permanent concrete floodwall with removable panels that can be opened for port operations, and repair/replace the tide gate emergency generator. The proposed Federal action would replace damaged splash panels located along commercial buildings at Port

Freeport's Brazos Harbor, with fiberglass panels, or would construct a permanent 3-foot high, 1-foot thick, 3000-foot long concrete floodwall near the edges of the docks. The permanent floodwall would be fitted with removable fiberglass panels to allow for greater flexibility during vessel load/unload operations. The proposed project would also repair or replace the emergency generator and associated power control components in the tide gate, which is located in the upper reach of the Freeport Harbor Stauffer Channel. Work would take place within the confines of the tide gate generator powerhouse. All proposed work would be performed on the docks or within the generator powerhouse, so no water resources would be impacted. Either construction alternative would result in comparable environmental impacts.

3. Coordination. A Notice of Availability was issued to interested parties including Federal and state agencies on February 25, 2009, which described the proposed action and announced the availability of the Draft EA. Comments on the Draft EA and the District's responses are included in Appendix A of this Final EA.

4. Environmental Effects. Rehabilitation of the HFPP is not expected to have any impacts on any threatened or endangered species, fish and wildlife resources, water quality, floodplains or other natural or cultural resources. It is the District's conclusion that the proposed project would not result in significant impacts to the human environment. Therefore, preparation of an Environmental Impact Statement is not required.

5. Determinations. The analysis of the environmental impacts of the proposed action is based on the accompanying Final EA. Factors considered in the review were impacts to vegetation, wildlife, aquatic resources, threatened and endangered species, cultural resources, socioeconomic resources, Environmental Justice, Prime and Unique Farmlands, Hazardous, Toxic, and Radioactive Wastes, air quality and noise, water quality, and alternative courses of action and cumulative impacts. The proposed action was found to be compliant with all applicable laws and executive orders. Compliance with the Clean Air Act is documented at Appendix C of the EA.

6. Findings. Based on my analysis of the Final EA and other information pertaining to the proposed project, I find that the proposed repair of the HFPP will not have a significant effect on the quality of the human environment. After consideration of the information presented in the Final EA, I have determined that an Environmental Impact Statement is not required under the provisions of NEPA, Section 102, and other applicable regulations of the U.S. Army Corps of Engineers, and that the proposed project may be undertaken.

06 APRIL 2009
Date



David C. Weston
Colonel, U.S. Army Corps of Engineers
District Engineer