DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
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February 23, 2011

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability for the Final Environmental Impact Statement for the Sabine-Neches Waterway Channel Improvement Project, Southeast Texas and Southwest Louisiana and the Final Environmental Impact Statement Sabine-Neches Waterway Channel Improvement Project, Texas Ocean Dredged Material Disposal Site Designation

AGENCY: Department of the Army, U.S. Army Corps of Engineers, Department of Defense; U.S. Environmental Protection Agency.

ACTION: Notice of Availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Galveston District announces the release of the Final Feasibility Report (FFR) and the Final Environmental Impact Statement (FEIS), the FEIS for the Ocean Dredged Material Disposal Site Designation, the Final General Conformity Determination, and the public comment period for the Sabine Neches Navigation District's (SNND) proposed Sabine-Neches Waterway Channel Improvement Project (SNWW CIP).

DATES: The USACE, Galveston District will be accepting written public comments on the FEIS through April 4, 2011. All comments must be postmarked by April 4, 2011.

ADDRESSES: You may send written comments to the USACE, Galveston District, Attn: Ms. Janelle Stokes, P.O. Box 1229, Galveston, TX 77553-1229.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the FEIS can be answered by Ms. Janelle Stokes, (409) 766-3039 or Mr. Byron Williams, (409) 766-3140.

SUPPLEMENTARY INFORMATION:

Authority: The lead agency for this proposed channel improvement action is the USACE with several cooperating agencies including the Environmental Protection Agency (EPA), the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), the Texas General Land Office, and the Louisiana Department of Wildlife and Fisheries (LDWF). The lead agency for the proposed action to designate four new Ocean Dredged Material Disposal Sites (ODMDS) to receive portions of new work and future maintenance material from the proposed CIP is EPA, under the authority of Section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) (33 U.S.C. 1412).

Background: The USACE has joined in an agreement with the SNND to prepare a FFR and a FEIS for proposed improvements to the SNWW. The proposed SNWW CIP is intended to improve the efficiency of the deep draft navigation system while protecting the area's coastal and estuarine resources. As authorized by the Senate Committee on Environment and Public Works Resolution, dated June 5, 1997, USACE has reviewed previous USACE reports on the SNWW and other pertinent reports to determine the feasibility of modifying the channels serving the Port of Beaumont, and the Port of Port Arthur, Texas. This FEIS was prepared as required by the National Environmental Policy Act (NEPA) to

present an evaluation of potential impacts associated with the proposed CIP. The FEIS is now available for public review and comment.

Project Description: The SNND proposes to increase the authorized depth of the channel from 40 to 48 feet along the entire 64-mile-long existing channel and add a 13.2-mile extension to the offshore channels into the Gulf of Mexico. The offshore navigation channels, known collectively as the Entrance Channel, are divided into the Extension Channel, the Sabine Bank Channel, the Sabine Pass Outer Bar Channel, and the Sabine Pass Jetty Channel. They would be deepened from 42 to 50 feet. The inshore channels (the Sabine Pass Jetty Channel, Sabine Pass Channel, Port Arthur and Sabine-Neches Canals, and the Neches River Channel) would be deepened from 40 feet to 48 feet. No modifications to the existing Sabine Pass Jetties are contemplated in conjunction with this project. Potential rehabilitation of the jetties is currently being studied, with the goal of preparing a long range plan of modification needed to ensure that the jetties continue to function appropriately to support the Federal navigation channel. Except for the one channel reach just beyond the jetties, the bottom width of the offshore Entrance Channel would be 700 feet wide. Since the existing Sabine Bank Channel is 800 feet wide, the bottom width of the deepened channel would be reduced to 700 feet wide. However, high currents passing around the mouth of the jetties require that the bottom width of the Sabine Pass Outer Bar Channel remain 800 feet wide, and therefore the deepened channel would be tapered to connect to the 700 foot Entrance Channel. With the exception of the Taylor Bayou basins and channels, the inshore channels would retain their existing 500 to 400 foot widths. The Taylor Bayou basins and channels would be widened to improve maneuverability for vessels using that facility. Neither the Sabine Neches Canal nor the Neches River Chanel would be systematically widened, but navigation efficiency would be improved with bend easings in both reaches, and the addition or enlargement of turning and anchorage basins on the Neches River Channel. Beneficial uses of dredged material in the Dredged Material Management Plan consist of the Neches River Beneficial Use (BU) Feature (Rose City East, Bessie Heights East, and Old River Cove), and the Gulf Shore BU Feature at Texas and Louisiana Points. Compensatory mitigation in the form of marsh restoration is proposed for all unavoidable environmental impacts in Louisiana.

Approximately 98 million cubic yards (mcy) of new-work dredged material would be generated from the proposed project. Maintenance dredging over the 50-year period of analysis is expected to yield approximately 650 mcy of dredged material. Dredged material would be placed in 16 existing upland placement area (PA) features and two new expansion cells at existing upland PAs. For the Entrance Channel, material would be placed in four existing and four proposed ODMDS features.

The proposed sites for the four new ODMDS are bounded by the following coordinates:

ODMDS "A"
29° 24′ 47″ N, 93° 43′ 29″ W; 29° 24′ 47″ N, 93° 41′ 08″ W
29° 22′ 48″ N, 93° 41′ 09″ W; 29° 22′ 49″ N, 93° 43′ 29″ W
ODMDS "B"
29° 21′ 59″ N, 93° 43′ 29″ W; 29° 21′ 59″ N, 93° 41′ 08″ W
29° 20′ 00″ N, 93° 41′ 09″ W; 29° 20′ 00″ N, 93° 43′ 29″ W
ODMDS "C"
29° 19′ 11″ N, 93° 43′ 29″ W; 29° 19′ 11″ N, 93° 41′ 09″ W
29° 17′ 12″ N, 93° 41′ 09″ W; 29° 17′ 12″ N, 93° 43′ 29″ W
ODMDS "D"
29° 16′ 22″ N, 93° 43′ 29″ W; 29° 16′ 22″ N, 93° 41′ 10″ W
29° 14′ 24″ N, 93° 44′ 10″ W; 29° 14′ 24″ N, 93° 43′ 29″ W

The water depth at the proposed four new ODMDS ranges from 39 to 46 feet. The bottom topography is flat, and proposed ODMDS "A", the most inshore proposed ODMDS, is approximately 19 miles from the coast at its closest point. A separate FEIS evaluating the proposed designation by EPA of the four new proposed ODMDSs accompanies the SNWW CIP FEIS as Appendix B.

Availability of Final Environmental Impact Statement (FEIS): Pursuant to section 102(2)(c) of the NEPA of 1969, as amended and as implemented by the Council on Environmental Quality (CEQ) (40 CFR parts 1500-1508) a FEIS for the proposed SNWW CIP has been filed with the EPA and is being made available to Federal, State, and local agencies, and all interested parties. The FEIS can be viewed at http://www.swg.usace.army.mil/pao/HotTopic.asp. Copies of the FEIS are available by contacting Ms. Janelle Stokes. In addition, copies of the FEIS are available for viewing at the following libraries:

- Beaumont Public Library, 801 Pearl, Beaumont, TX 77701.
- R.C. Miller Library, 1605 Dowlen, Beaumont, TX 77701.
- Elmo Willard Library, 3590 East Lucas, Beaumont, TX 77701.
- Theodore Johns Branch Library, 4255 Fannett, Beaumont, TX 77701.
- City of Orange Public Library, 220 N. 5th Street, Orange, TX 77630.
- Marion and Ed Hughes Public Library, 2712 Nederland Ave., Nederland, TX 77627.
- Port Arthur Public Library, 4615 9th Avenue (at Highway 73), Port Arthur, TX 77642.
- Bridge City Public Library, 101 Parkside Drive, Bridge City, TX 77611.
- Calcasieu Parish Public Library, 301 W. Claude Street, Lake Charles, LA 70605.

Water Quality Certification: The USACE requested a §401 State Water Quality certification from Texas and Louisiana for this action. A Clean Water Act §404(b)(1) evaluation of the proposed action, provided in the FEIS (Appendix E), describes the effects of the proposed discharges. Short-term increases in turbidity may be caused by the unconfined flow of dredged material during construction of BU features and mitigation measures. Proposed channel improvements should decrease the number of vessel trips, thus decreasing the probability of a spill. Appendix E contains the §401(b)(1) evaluation needed for State Water Quality certification. All relevant sediment and water quality data for both new-work and maintenance dredging material were reviewed by a team of State and Federal resource agencies (the Contaminants Workgroup of the Interagency Coordination Team), including the Texas Commission on Environmental Quality (TCEQ) and Louisiana Department of Environmental Quality (LDEQ), and they found no cause for concern over water or sediment quality in any channel reach. Both TCEQ and LDEQ, in letters dated April 19, 2010 and April 21, 2010 respectively, issued the Water Quality certification for the SNWW CIP (Appendix A2).

Final General Conformity: As required by the Clean Air Act, the EPA has promulgated rules to ensure that Federal actions conform to the appropriate State Implementation Plan (SIP). The General Conformity Rule (40 CFR Part 51, Subpart W) applies to Federal actions within maintenance or nonattainment areas. Pursuant to Section 176 of the Clean Air Act Amendments of 1990, the USACE has prepared a document entitled, "Final General Conformity Determination, Sabine-Neches Channel Improvement Project" (Appendix F). This document was noticed for public comment and will be submitted by the USACE to the TCEQ and EPA concurrently with this FEIS. As part of the General Conformity process, the USACE made this document available to the public for review and comment for a period of 30 days. During this time, the USACE consulted with the TCEQ and the EPA seeking concurrence that emissions from the proposed action are conformant with the Texas SIP for the Beaumont-Port Arthur area. General Conformity concurrence was provided by TCEQ on April 15, 2010 and the Final General Conformity Determination was prepared (Appendix F).

Section 102 of the Marine Protection Research, and Sanctuaries Act (MPRSA): Section 102 of the MPRSA requires a determination that dredged material placement in the ocean would not reasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potential (shellfish beds, fisheries, or recreational areas). Maintenance and construction dredged material proposed for placement at the existing and the proposed new ODMDSs, designated by the EPA under MPRSA, is subject to evaluation using the ocean dumping environmental criteria. The proposed new ODMDSs are outlined in Appendix B of the FEIS. The conclusion of the ODMDS Designation FEIS (Appendix B) was that the Preferred ODMDSs met all of the five general and 11 specific criteria listed in 40 CFR 228.5 and 228.6 and are, therefore, acceptable under the MPRSA. All material transported for ocean disposal would be evaluated pursuant to EPA Ocean Dumping Regulations and Criteria (MPRSA Section 102). Use of the ODMDSs would be in accordance with an approved Site Monitoring and Management Plan (SMMP, Appendix B).

Cultural Resources: This project would not impact properties listed on the National Register of Historic Places (NRHP) or State Archeological Landmarks; however, it may potentially adversely impact terrestrial and marine historic properties eligible for listing in the NRHP. This FEIS has been coordinated with the Texas and Louisiana State Historic Preservation Officers. A Historic Properties Programmatic Agreement (Appendix H) has been executed among the Texas and Louisiana SHPOs, the SNND and USACE to address subsequent investigations, coordinate surveys of impact areas, test potentially eligible sites, and manage data recovery or avoidance measures as necessary.

Tribal Consultation: Tribal consultation, as required by E.O. 13175 and the National Historic Preservation Act, has been conducted. Tribes with historical or cultural ties to the region were contacted early in the study to identify their interests and concerns. The Programmatic Agreement has also been coordinated with the Tribes. No Tribes have requested to become consulting parties, and no impacts to Tribal land or traditional cultural properties have been identified.

Threatened and Endangered Species: The project is likely to adversely affect but is not likely to jeopardize the following species: loggerhead, Kemp's ridley, hawksbill, leatherback, and green sea turtles. The project, however, is not likely to adversely affect the piping plover or its Critical Habitat, and the brown pelican. A Biological Assessment (BA) was prepared and coordinated with the USFWS and the NMFS. NMFS reviewed the BA and prepared a Biological Opinion outlining the measures to be taken to avoid and minimize potential sea turtle takes, particularly during hopper dredging activities. The USFWS provided concurrence with the determinations made in the BA for all species under their jurisdiction, including nesting sea turtles (Appendix G).

Essential Fish Habitat (EFH): Consultation for EFH of the Magnuson-Stevens Fishery Conservation and Management Act was initiated in 2002 with the public scoping meeting and by letter in 2006. The proposed action would have minor and temporary detrimental impacts on EFH but provide indirect benefits since the project, including the DMMP marsh features would lead to an overall net gain in marsh habitat. The NMFS concurred with the USACE assessment of EFH impacts, and concurs that the proposed BU features and mitigation will offset the adverse impacts to EFH and provide a net benefit to federally managed fisheries (Appendix A3).

Coastal Zone Consistency: USACE has evaluated the proposed action for consistency with the Texas and Louisiana coastal management programs, and concluded that it is fully consistent to the maximum extent practicable with the enforceable policies of both state programs. The Texas Coastal Coordination Council has concurred with the USACE consistency determination. The Louisiana

Department of Natural Resources (LDNR) found that the action is conditionally consistent with their state program. Since conditional consistency as proposed by LDNR is not acceptable, LDNR has been notified that USACE will proceed with the project. Additional information can be found in Appendix I of the FEIS.

Public Interest Review Factors: The FEIS will be reviewed in accordance with CEQ NEPA regulations (40 CFR Part 1500-1508), and USACE's regulation ER 200-2-2 (Environmental Quality: Policy and Procedures for Implementing NEPA, 33 CFR 230), and other pertinent laws, regulations and executive orders. The decision whether to recommend construction of this project to Congress 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 reasonably foreseeable detriments associated with the proposal. All factors which may be relevant to the proposal will be considered. These include, but are not limited to: dredged material management, air quality, shoreline erosion, economics, general environmental concerns, historic resources, protected species, navigation, recreation, water and sediment quality, energy needs, safety, hazardous materials, and in general, the welfare of the people.

Solicitation of Comments: USACE responses to comments submitted regarding the Draft EIS, released on December 24, 2009, are provided in Appendix A of the FEIS. The USACE 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. Comments will be considered in the evaluation of impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments will be used in preparation of the Record of Decision. Comments are also used to determine the overall public interest of the proposed activity.

2/23/11
Date

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