



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-1991-01792
	Date Issued: _____	10 May 2012
	Comments Due: _____	11 June 2012

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.

APPLICANT: Kirby Inland Marine
18350 Market Street
Channelview, Texas 77530-3858

AGENT: Maurer Advisory and Consultant Service, Inc.
P.O. Box 545
Katy, Texas 77492-0545
Telephone: 713-703-5219
POC: Mr. Herbie Maurer

LOCATION: The project site is located at the junction of Old River and the San Jacinto River in Channelview, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: TX-HIGHLANDS, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.7897 North; Longitude: -95.0691 West

PROJECT DESCRIPTION: The applicant proposes to use a combination of hydraulic and mechanical dredge techniques to deepen an existing, previously authorized barge fleeting area from -12-foot Mean Low Tide (MLT) to -16-foot MLT. The area to be dredged is 5.7 acres and would require the displacement of approximately 12,000 cubic yards of dredge material to achieve the desired -16-foot MLT depth.

The applicant is requesting authorization to place the dredge materials in the following Dredge Material Placement Areas: Dezavalla, Glendale, House Tract, Stimson Tract, Clinton, Beltway 8 Tract, Lost Lake, Peggy Lake, Alexander Island, and Spilman Island. The applicant is requesting authorization for 10 years of maintenance dredging for the proposed site. The original work was authorized by Department of The Army Permit No. 17138. The project site is located within the Area of Concern described in the Public Announcement jointly issued by the Corps, the Environmental Protection Agency, and the Texas Commission on Environmental Quality on October 21, 2009, concerning the San Jacinto Waste Pits Superfund Site located in the San Jacinto River. The project is being coordinated with TCEQ.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified by the Corps. The applicant's plans are enclosed in 11 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.

The return water from the upland contained dredged material placement area(s) requires authorization under Nationwide Permit (NWP) 16. However, the Southwestern Division of the Corps administratively denied NWP 16, without prejudice, during the 2002 renewal of the NWP Program. Additionally, Section 401 water quality certification for the 2007 renewal of the NWP Program has not been issued. Therefore, individual Section 401 water quality certification from TCEQ for the return water from the upland contained disposal area is required. Prior to the performance of hydraulic dredging, the applicant will obtain a Clean Water Act Section 401 water quality certification from the TCEQ for the effluent or return water. A copy of the 401 certification must also be furnished to the Corps district office listing in this public notice 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 **11 June 2012**. 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 be submitted to:

Jeffrey F. Pinsky
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3087 Phone
409-766-6301 Fax

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