



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
2000 FORT POINT RD
GALVESTON, TEXAS 77550

Evaluation Branch

INTERAGENCY COORDINATION NOTICE
FOR
LETTER OF PERMISSION

29 August 2023

SUBJECT: Permit Application No: SWG-2015-00855

APPLICANT: Holtmar Land, LLC
8201 Erath Street
Houston, Texas 77012-2109
Telephone: 713-829-3915
POC: Tim Studdert

AGENT: Hollaway Environmental and Communications, Inc.
2500 Summer Street, Suite 1130
Houston, Texas 77007-3387
Telephone: 713-868-1043
POC: Ally Altemose

PURPOSE OF INTERAGENCY COORDINATION: 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 United States 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. A copy of the plans, in 9 sheets, is enclosed for your review.

The Corps is seeking your comments and information solely on those portions of the project that are within the Corps Regulatory Authority. All comments and information regarding portions of the project that are outside of the Corps Regulatory Authority need to be submitted to the appropriate State, County, City, or other local authority. Please respond within 15 days from the date of this notice.

DESCRIPTION OF CORPS OF ENGINEERS REGULATORY AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899.

This project is proposing dredging within a navigable water of the United States which is regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899.

This project does not propose a discharge of fill material into any water of the United States, tributary, wetland, or special aquatic site. The Corps Regulatory Authority under Section 404 of the Clean Water Act (as amended) is not triggered by the activities proposed in this application.

The Corps Regulatory Program has no jurisdictional authority over activities proposed in uplands.

The Corps Regulatory Program has no jurisdictional authority to regulate the operation of barges or a barge fleeting area.

LOCATION: The project site is located in the San Jacinto River, at 17525, 17601, 17603, 17605, and 17607 River Road, in Channelview, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Highlands, Texas.

The proposed upland disposal site is located on 5 acres of a 40-acre tract, near Devers, in Liberty County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Project Site: Latitude: 29.797785° North; **Longitude:** 095.076865° West

Upland Disposal Site: Latitude: 30.077698° North, **Longitude:** 094.568907° West

PROJECT HISTORY AND BACKGROUND: This project site was initially the subject of an alleged unauthorized activity in November 2015, and was assigned reference number SWG-2015-00855. An investigation was initiated and No Violation of Section 10 of the Rivers and Harbors Act, or Section 404 of the Clean Water Act was found.

An application for this project was filed 3 May 2016 and proposed to mechanically dredge approximately 50,000 cubic yards of material from a 4.32-acre area of the San Jacinto River. The dredged material was proposed to be placed in uplands on the project site. The required sediment testing had been performed in accordance with the Public Announcement for the San Jacinto River Waste Pits Superfund Site, dated 21 October 2009, the Texas Commission on Environmental Quality (TCEQ) submitted a letter dated 25 August 2016, that stated that the dredged material had to be placed in an upland confined placement area or a hazardous waste landfill. After Interagency Coordination, and consultation with professional engineers the on-site dredged material placement area was determined not to be physically capable of adequately containing the volume of material proposed to be dredged. The design of the upland placement area was not capable of containing the material in a manner that the dredged material would remain physically separated from all waters of the United States. This application was withdrawn 4 December 2017.

A second application for this project was received on 7 August 2018. This proposal sought authorization to mechanically dredge approximately 31,000 cubic yards (837,000 cubic feet) of material from a 3.58-acre area of the San Jacinto River. The dredged material was proposed to be placed in a scow barge, transported and off loaded into dump trucks for final disposition on a 3.0-acre upland tract, on Parcel Number 16217, on McCullum Park Drive, Beach City, in Chambers County, Texas, approximately 15.28 miles east of the project site. After issuing an Interagency Coordination Notice and receiving several comments this application was withdrawn to become a Standard Permit on 21 December 2018.

A third application for this project was received on 24 December 2018 and proposed to mechanically dredge approximately 31,000 cubic yards (837,000 cubic feet) of material from a 3.58-acre area of the San Jacinto River. The dredged material was proposed to be placed in a scow barge, transported, and off loaded into dump trucks for final disposition on a 3.0-acre upland tract, on Parcel Number 16217, on McCullum Park Drive, Beach City, in Chambers County, Texas, approximately 15.28 miles east of the project site. A public notice was issued on 14 January 2019. The Corps received many comments questioning the ability of the proposed placement area to keep the dredged material physically contained, so that it will remain physically separated from any waters of the United States. The applicant requested that this application be withdrawn on 4 February 2019.

A fourth application for this project was received 12 January 2021 and proposed to mechanically dredge approximately 15,000 cubic yards (405,000 cubic feet) of material from a 2.50-acre area of the San Jacinto River. The dredged material was proposed to be placed in a scow barge, transported and off loaded into watertight haul trucks for final disposition on a 5.0-acre upland tract lined with a geosynthetic clay liner. The location of the final dredge material placement area is approximately 35 miles northeast of the project site, and approximately 3.7 miles north of Devers, in Liberty County, Texas. The project also involves the installation of 576.75 linear feet (LF) of bulkhead to stabilize the shoreline in two separate areas and three 36-inch steel monopile moorings within the San Jacinto River and two on land. The bulkhead is proposed to be placed at or above the high tide line. No discharge of fill material is proposed below the high tide line as part of this project. A site visit to the proposed upland confined placement area resulted in the discovery of potential wetlands at the proposed site. A Corps Approved Jurisdictional Determination was performed on the 40-acre DMPA site and was finalized 3 March 2022. This approved jurisdictional determination found that the wetlands located onsite were isolated and therefore not subject to Section 404 of the Clean Water Act. The TCEQ determination that the dredged material must be placed in an upland confined placement area or hazardous waste landfill and required that the proposed confined upland placement area be redesigned to remove all impacts to wetlands. This application was withdrawn 14 September 2022.

A fifth application was received on 17 May 2023. The upland confined placement area has been redesigned to avoid all wetlands. This is the current proposal described below.

CURRENT PROJECT DESCRIPTION:

ACTIVITIES WITHIN THE CORPS' REGULATORY AUTHORITY: The applicant proposes to mechanically dredge approximately 15,000 cubic yards (405,000 cubic feet) of material from a 2.50-acre area of the San Jacinto River. This project also includes the placement of three 36-inch steel monopile moorings within the San Jacinto River.

ACTIVITIES OUTSIDE OF THE CORPS' REGULATORY AUTHORITY: The dredged material is proposed to be placed in a scow barge, transported, and off loaded into watertight haul trucks for final disposition on a 5.0-acre (217,800 square feet) upland tract lined with a geosynthetic clay liner to prevent leaching of any potential contaminants into the soils. A two-foot-high berm will prevent sheet flow runoff from the proposed DMPA. A silt fence will contain the western side until vegetation establishes. The location of the final dredge material placement area is approximately 35 miles northeast of the project site, and approximately 3.7 miles north of Devers, in Liberty County, Texas.

The project involves the installation of 576.75 linear feet (LF) of bulkhead to stabilize the shoreline in two separate areas. The bulkhead is proposed to be placed in uplands above the high tide line. All proposed backfill for the bulkhead is proposed above the high tide line, and thus outside the Corps' review. This project also includes placement of two mooring piles on land above the high tide line.

GENERAL INFORMATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding the discharge of fill material into waters of the United States, tributaries, associated wetlands and special aquatic sites, as part of this project.

The project site is located on several adjoining lots that the applicant has stated they own. These lots appear to have been previously developed as a residential area along the San Jacinto River. The applicant has provided a wetland delineation that depicts six separate wetlands on the property. No fill is proposed to be placed within these wetlands as a part of this project.

This project is located within the San Jacinto River Waste Pits – Area of Concern. The applicant has complied with the sediment testing provisions listed in the Public Announcement for the San Jacinto River Waste Pits Superfund Site, dated 21 October 2009.

(<http://www.swg.usace.army.mil/Portals/26/docs/regulatory/SanJacinto.pdf>). Sediment samples were acquired and submitted to SGS North America for lab testing. The results of the sediment lab tests were submitted to the TCEQ on 23 August 2016, in accordance with the Public Announcement for the San Jacinto River Waste Pits Superfund Site, dated 21 October 2009. In a letter dated 25 August 2016, the TCEQ determined that the dredged material must be placed in an upland confined disposal area or a hazardous waste landfill.

Permits issued for activities or work within the SJWP-AOC shall contain the following language: "By accepting this permit, the permittee agrees to accept potential liability for both response costs and natural resource damages, to the same extent as would be inherent under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended (42 U.S.C. 9601 et. Seq.). Further, the permittee agrees that this permit does not exclude the permittee from liability under the CERCLA, nor does the permit waive any liability for response costs, damages, and any other costs that may be assessed under the CERCLA."

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 barge facility is located in an area has been so extensively impacted by recent subsidence and the placement area by tree farming that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

THREATENED AND ENDANGERED SPECIES: The proposed action and its interrelated and interdependent actions would not directly or indirectly affect listed species or destroy/adversely modify designated critical habitat. Therefore, the proposed action would have **no effect** on the species federally listed threatened or endangered species.

ESSENTIAL FISH HABITAT: In an e-mail dated 5 March 2021, the National Marine Fisheries Service stated that: the NMFS Habitat Conservation Division has reviewed the Interagency Coordination Notice SWG-2015-00855. We anticipate any adverse effects which might occur to marine fishery resources and essential fish habitat would be minimal. Therefore, we do not object to the issuance of the permit.

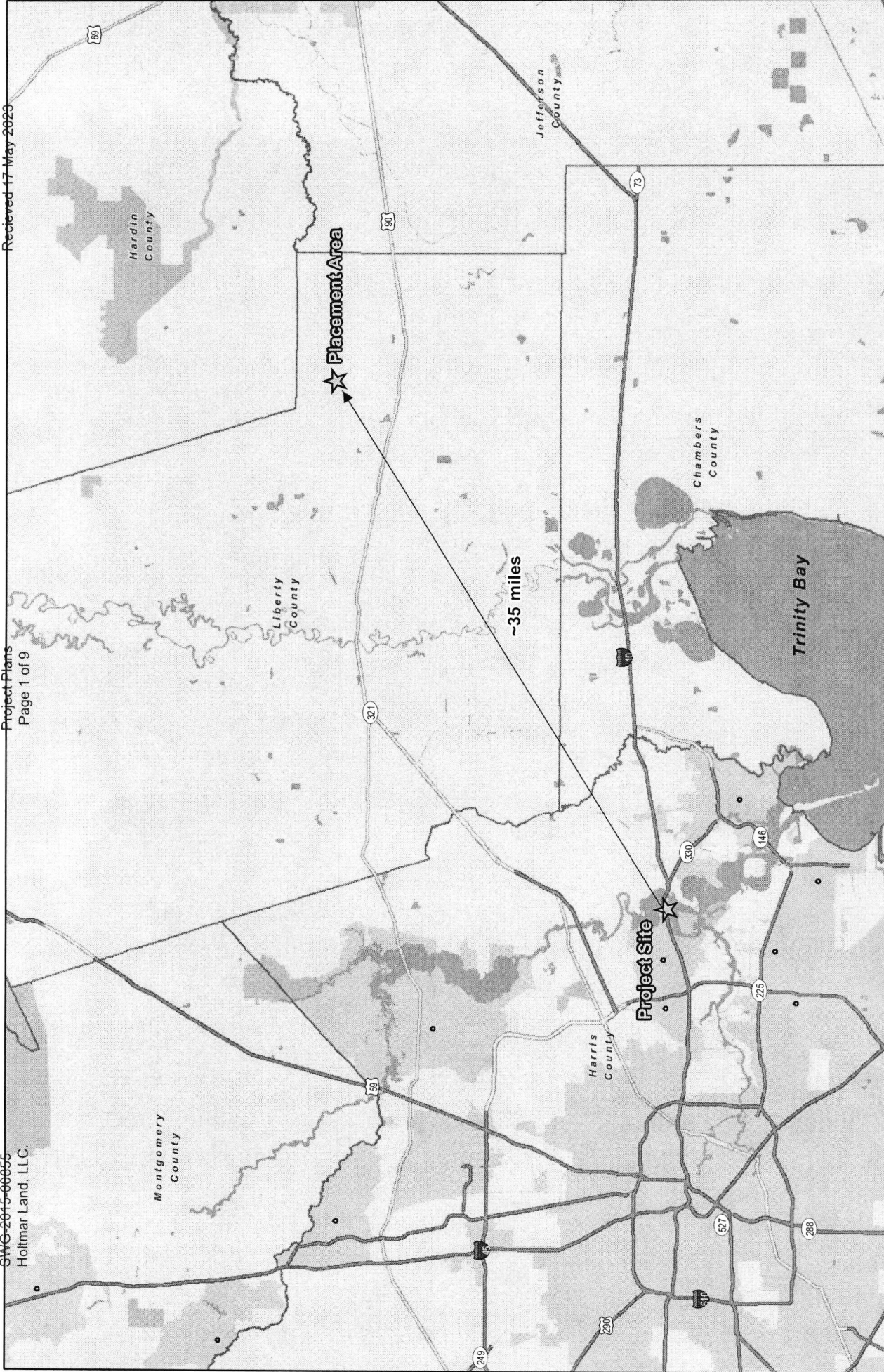
PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including 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.

OTHER AGENCY AUTHORIZATIONS: The State of Texas Coastal Management Plan consistency 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 GLO submitted a letter, 21 December 2021, stating that it has been determined that there are no significant unresolved consistency issues with respect to the project, therefore the project is consistent with the CMP goals and policies.

The TCEQ has regulatory authority over waters of the State and is responsible for maintaining water quality throughout the State of Texas. According to the Public Announcement for the San Jacinto River Waste Pits Superfund Site, dated 21 October 2009, the TCEQ shall verify the fulfillment of the pre-conditions process and certify to the Corps the resulting conditions to be integrated into the permit. In a letter dated 25 August 2016, the TCEQ determined that the dredged material must be placed in an upland confined disposal area or a hazardous waste landfill.

The Project Manager is Mr. Brian J. Bader and may be reached at 409-766-3037, or via email at Brian.J.Bader@usace.army.mil.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS



Map of Project Site to Placement Area

Proposed Dredge Project

Harris County, Texas



HOLLAWAY
ENVIRONMENTAL + COMMUNICATIONS

