

**FREEDPORT HARBOR CHANNEL IMPROVEMENT PROJECT, TX.** Review manager, Lee Ware, S&A letters mailed to District Rep, Diana Laird, CESWG-PE-PL, 409-776-3029. S&A letters mailed 8/29/12. EIS filed 9/7/12. Comments due 10/7/12. ACTION COMPLETE 11/9/12.

<u>Agency</u>	<u>Response Received</u>
Texas	No longer participates in intergovernmental reviews
Interior	No comment – email dtd 10/10/12
Commerce	No comment – email dtd 10/8/12
Agriculture	Letter dtd 9/5/12
USCG	Comments rec'd - email dtd 11/9/12
HHS	No comment – email dtd 10/9/12
EPA	Letter dtd 10/5/12
Energy	No response received

## Haberer, Yvonne L HQ02

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**From:** Bee, Patricia L HQ02  
**nt:** Wednesday, October 10, 2012 2:07 PM  
**Subject:** Haberer, Yvonne L HQ02  
**Cc:** Gore, Sandy HQ; Coleman, Wesley E Jr HQ02  
**Subject:** FW: updated info from CG (UNCLASSIFIED)  
**Attachments:** updated info from CG.doc

Classification: UNCLASSIFIED  
Caveats: NONE

Evie,

Spoke with the Governor's office and was told by Norma Magirl that the state of Texas no longer participates in the intergovernmental review process and there is no longer a State Point of Contact (SPOC). She forwarded the attached.

Trish

-----Original Message-----

From: Norma Magirl [<mailto:norma.magirl@governor.state.tx.us>]  
Sent: Wednesday, October 10, 2012 1:27 PM  
To: Bee, Patricia L HQ02  
Cc: Ana Vargas  
Subject: updated info from CG

Patricia,

Per our discussion, here is a copy of the information I read to you. Let me know if this is not pertinent to your needs. Thank you for your patience.

Classification: UNCLASSIFIED  
Caveats: NONE

### **The Office of the Governor, State Grants Team Division**

The State Grants Team is no longer a division within the Office of the Governor. The duties and responsibilities of this division have either been eliminated or assigned to other agency staff. Below is the status of some specific responsibilities previously handled by this division.

### **State Application Identifier (SAI) Numbers and the Intergovernmental Review Process under Executive Order 12372**

The Office of the Governor (OOG) is no longer participating in the intergovernmental review process under Executive Order (EO) 12372 signed by President Reagan in 1982. As a result, the federal Office of Management and Budget has removed Texas from their list of states that have a state single point of contact for intergovernmental review. This means that applications for funding are no longer subject to review under EO 12372.

In addition, the OOG repealed the Texas Administrative Code provisions relating to the Texas Review and Comment System (TRACS). TRACS was designed to be a system where information related to grant funding and other activities could be shared with federal, state, and local governments and those agencies could provide input on the proposed funding or activity. This system also assigned State Application Identifier (SAI) numbers to funding requests for tracking purposes. Since TRACS is no longer in operation and Texas is no longer participating in the intergovernmental review process, SAI numbers will no longer be assigned to applications for funding. As stated in the repeal, "TRACS is no longer necessary or efficient in light of current advancements in technology." The posting in the Texas Register that shows the OOG's repeal of the TRACS provisions and the OOG's justification for doing so can be found at: <http://www.sos.state.tx.us/texreg/pdf/backview/0325/0325adop.pdf>.

### **Uniform Grant Management Standards (UGMS)**

A copy of UGMS can be found by going to the Office of the Governor website at <http://governor.state.tx.us>. Under the Search option in the top right corner type in 'UGMS' then click the Search button. The state point of contact for UGMS is Mark KasPar, Statewide Contract Specialist

Technical Lead at the Office of the Texas Comptroller of Public Accounts and can be reached at (512) 463-8169 or via email at [mark.kasPar@cpa.state.tx.us](mailto:mark.kasPar@cpa.state.tx.us).

### **Quarterly and Annual Federal Funds Reporting**

Sec. 772.009 of the Texas Government Code requires that state agencies have a federal funds coordinator responsible for reporting to the Office of the Governor, on a quarterly and annual basis, the federal grants for which the agency has applied. Information and instructions on where to submit the Quarterly or Annual Federal Funds Reports can be obtained by calling the Office of the Governor, Budget, Planning and Policy Division's main number at (512) 463-1778.

**Haberer, Yvonne L HQ02**

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**From:** Bee, Patricia L HQ02  
**nt:** Wednesday, October 10, 2012 11:28 AM  
**o:** Ware, Charles L HQ02  
**Cc:** Haberer, Yvonne L HQ02  
**Subject:** FW: Freeport Harbor, TX (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Response from DOI

-----Original Message-----

From: Sutton, Loretta B [<mailto:Loretta.Sutton@ios.doi.gov>]  
Sent: Wednesday, October 10, 2012 11:05 AM  
To: Bee, Patricia L HQ02  
Subject: RE: Freeport Harbor, TX (UNCLASSIFIED)

Trish,

The Department of the Interior has no comments.

Thank you,

Loretta Boldin Sutton  
Program Analyst  
U.S. Department of the Interior  
Office of Environmental Policy and Compliance (MS-2462)  
1849 C Street NW  
Washington, DC 20240  
Tel: 202-208-7565; Fax: 202-208-6970  
[Loretta.Sutton@ios.doi.gov](mailto:Loretta.Sutton@ios.doi.gov)

Classification: UNCLASSIFIED  
Caveats: NONE

## Haberer, Yvonne L HQ02

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**From:** Bee, Patricia L HQ02  
**Sent:** Wednesday, October 10, 2012 5:10 PM  
**To:** Ware, Charles L HQ02  
**Cc:** Haberer, Yvonne L HQ02  
**Subject:** Freeport Harbor, TX (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Response from NOAA

-----Original Message-----

**From:** David Keys [<mailto:david.keys@noaa.gov>]  
**Sent:** Wednesday, October 10, 2012 8:46 AM  
**To:** Bee, Patricia L HQ02  
**Subject:** Re: Freeport Harbor, TX (UNCLASSIFIED)

Trish,

My records indicate that we did not comment on the DEIS or the FEIS for this project.

David

Classification: UNCLASSIFIED  
Caveats: NONE

United States Department of Agriculture



Natural Resources Conservation Service  
101 South Main  
Temple, TX 76501-7602

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September 5, 2012

Mr. Theodore A. Brown, P.E.  
Chief, Planning and Policy Division  
Headquarters  
U. S. Army Corps of Engineers  
CECW-P (SA)  
7701 Telegraph Road  
Alexandria, VA 22315-3860

Dear Mr. Brown:

We have reviewed the information pertaining to the proposed report of the Chief of Engineers and the report of the district engineer on the Freeport Harbor, Texas, Channel Improvement Project.

This project should have no significant impact on the environment or natural resources in the area.

Thank you for the opportunity to review this proposed project.

Sincerely,

A handwritten signature in cursive script that reads "Salvador Salinas".

SALVADOR SALINAS  
State Conservationist

*Helping People Help the Land*

An Equal Opportunity Provider and Employer

U.S. Department  
of Transportation

United States  
Coast Guard



Captain of the Port  
United States Coast Guard  
Sector Houston-Galveston

9640 Clinton Drive  
Houston, TX 77029  
Phone: (713) 671-5164  
FAX: (713) 671-5177

11460

NOV 9 2012

U.S. Army Corps of Engineers  
Attn: Lee Ware  
CECW-P (SW)  
7701 Telegraph Road  
Alexandria, VA 22315-3860

Dear Mr. Ware,

Thank you for the opportunity to comment on the Freeport Improvement Project. I've enclosed my response and concerns relevant to the Public Notice for Army Corps of Engineers (USACE) Feasibility study: Freeport Harbor Channel Improvement Project. If you have any questions, please contact LCDR Xochitl Castañeda at (713) 671-5164 or Xochitl.L.Castaneda@uscg.mil.

Sincerely,

A handwritten signature in black ink that reads "J. H. Whitehead".

J. H. Whitehead  
Captain, U.S. Coast Guard  
Captain of the Port  
Houston-Galveston, Texas

Enclosure: Coast Guard Evaluation  
Copy: USACOE Galveston District

## Report of USACE Permit Application Risk Assessment

USCG COTP Zone: Sector Houston-Galveston  
 USACE District Engineer Office: Galveston District

Structure or Project: Freeport Harbor Channel Improvement Project  
 Location: Freeport Harbor Channel

**New Structure or Project**

Application Number: CECW-PC (1105-2-10a)  
 Date of Public Notice: 38001

**Existing Structure or Project**

Date USACE Permit Issued:

**Recommended Action:** Issue permit with conditions

**Comments (must be included when it is recommended that a permit be issued with conditions or that the permit be denied as well as whenever it is recommended that an existing permit be modified, suspended or revoked)**

The obstacle to this project is the relocation of the Freeport Jetty Inbound Range Front (LLNR 26965) and Rear (LLNR 26975). Our staff consulted with the Brazos Pilots concerning this project, the centerline of the channel will be shifted North, which would require the range line to shift. The rear range is currently located on a levee in the Dow facility that will create a major issue to relocate and will cost upward of \$1M. The Coast Guard does not have funding to support this update. Request ACOE support to facilitate funding support directly or indirectly.

**Summary of Completed Risk Assessment**

	RIN	Percent Cumulative Risk
<b>Project Location</b>	<b>124.784</b>	<b>55.58%</b>
Public Safety Impact	15.595	6.95%
Environmental Impact	50.541	22.51%
Economic Impact	58.649	26.12%
<b>Vessel Traffic / Port Operations</b>	<b>99.730</b>	<b>44.42%</b>
Public Safety Impact	25.405	11.32%
Environmental Impact	33.514	14.93%
Economic Impact	40.811	18.18%

  
 Approved by: J. H. Whitehead, Capt USCG  
 Captain of the Port

For each area of concern, assess the risk to the structure or project based on where it is located on a waterway.

Area of concern	Mishap	Risk Factors	Category related risk estimates					Percent Cumulative Risk
			Likelihood Score			RIN		
			Cat I	Cat II	Cat III			
Public Safety Impact	A. HAZMAT Exposure		2	1	0	2.7027	1.20%	
	B. Collision		1	1	0	1.8919	0.84%	
	C. Grounding		0	0	0	1.0000	0.45%	
	D. Fire / Explosion		1	2	0	10.0000	4.45%	
Total estimate of risk to public safety associated with project location						15.595	6.95%	
Environmental Impact	A. Fire / Explosion		1	1	1	10.0000	4.45%	
	B. Oil Spill		2	2	1	18.9189	8.43%	
	C. Barge breakaway		2	1	0	2.7027	1.20%	
	D. HAZMAT Exposure		2	2	1	18.9189	8.43%	
Total estimate of risk to the marine environment associated with project location						50.541	22.51%	
Economic Impact	A. Barge breakaway		2	1	1	10.8108	4.82%	
	B. Cargo mishandling		3	2	0	18.9189	8.43%	
	C. Fire / Explosion		1	1	1	10.0000	4.45%	
	D. HAZMAT Exposure		2	2	1	18.9189	8.43%	
Total estimate of risk to economic loss associated with project location						58.649	26.12%	
<b>TOTAL RISK ESTIMATE FOR PROJECT LOCATION</b>						<b>124.784</b>	<b>55.58%</b>	

For each area of concern, assess the risk to the port or waterway based on the structure or project's impact on vessel traffic or port operations.									
Area of concern	Mishap	Risk Factors	Category related risk estimates				RIN	Percent Cumulative Risk	
			Likelihood Score						
			Cat I	Cat II	Cat III				
Public Safety Impact	A. HAZMAT Exposure		2	1	0	2.7027	1.20%		
	B. Collision		1	1	0	1.8919	0.84%		
	C. Cargo mishandling		2	2	0	10.8108	4.82%		
	D. Fire / Explosion		1	2	0	10.0000	4.45%		
Estimate of risk to public safety associated with impact on vessel traffic / port operations						25.405	11.32%		
Environmental Impact	A. Fire / Explosion		1	1	1	10.0000	4.45%		
	B. HAZMAT Exposure		2	1	0	2.7027	1.20%		
	C. Collision		2	2	1	18.9189	8.43%		
	D. Cargo mishandling		2	0	0	1.8919	0.84%		
Estimate of risk to marine environment associated with impact on vessel traffic / port operations						33.514	14.93%		
Economic Impact	A. Fire / Explosion		1	1	1	10.0000	4.45%		
	B. Collision		1	1	1	10.0000	4.45%		
	C. HAZMAT Exposure		1	1	1	10.0000	4.45%		
	D. Oil Spill		2	1	1	10.8108	4.82%		
Estimate of risk to economic loss associated with impact on vessel traffic / port operations						40.811	18.18%		
<b>TOTAL RISK ESTIMATE FOR PROJECT IMPACT ON VESSEL TRAFFIC / PORT OPERATIONS</b>						<b>99.730</b>	<b>44.42%</b>		

**Haberer, Yvonne L HQ02**

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**From:** Bee, Patricia L HQ02  
**ent:** Wednesday, October 10, 2012 9:02 AM  
**o:** Ware, Charles L HQ02  
**Cc:** Haberer, Yvonne L HQ02  
**Subject:** FW: Freeport Harbor, TX (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

CDC Response

-----Original Message-----

**From:** Buchanan, Sharunda D. (CDC/ONDIEH/NCEH) [<mailto:sdb4@cdc.gov>]  
**Sent:** Wednesday, October 10, 2012 8:45 AM  
**To:** Bee, Patricia L HQ02  
**Subject:** RE: Freeport Harbor, TX (UNCLASSIFIED)

Thanks, Patricia,  
No comments.

Classification: UNCLASSIFIED  
Caveats: NONE



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 6**

**1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733**

October 5, 2012

Janelle Stokes  
U.S. Army Corps of Engineers  
Galveston District  
P.O. Box 1229  
Galveston, Texas 77553-1229

Dear Ms. Stokes:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Final Environmental Impact Statement (FEIS) prepared by the Galveston District, U.S. Army Corps of Engineers (USACE) for the Freeport Harbor Channel Improvement Project, Brazoria County, Texas. The Brazos River Harbor Navigation District (also known as Port Freeport) proposes to deepen and widen the Freeport Harbor Channel and associated turning basins (except Brazos Harbor), up to and including the Stauffer Turning Basin to eliminate existing operational constraints.

In our letter dated February 11, 2011, EPA rated the Draft EIS as Environmental Concerns - Insufficient Information (EC-2), primarily due to concerns with air quality, the ocean dredged material disposal site, children's health, cumulative impacts, and greenhouse gas emissions. EPA believes that the USACE has sufficiently and adequately addressed the concerns in the comment letter. However, we have additional comments below:

ES.5 Vegetation and Wetlands, page ES-7

This section states "Construction of two new upland confined Placement Areas (PA), PAs 8 and 9, would convert approximately 418 acres of land, including 21 acres of forest and 39 acres of ephemeral wetlands, to a dredged material placement area. Coordination with U.S. Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) regarding these impacts has resulted in proposed mitigation that includes creation and maintenance of forested habitat and creation of wetland areas adjacent to impact areas".

- It appears that much of the area designated as pasture (358 acres) could be wetlands that would need to be mitigated in-kind.
- EPA recommends that the USACE provide field verified wetland delineations using a combination of the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement (Version 2.0) for the proposed inland PAs 8 and 9. EPA requests a review of the field delineations.

3.6.1.3 Greenhouse Gas Emissions and Climate Change (GHG), page 3-46

This section contains the statement “To date, specific thresholds to evaluate adverse impacts pertaining to GHG emissions have not been established by local decision-making agencies, the State, or the Federal government”. From a perspective of specific thresholds (Significant Impact Levels, National Ambient Air Quality Standards) applicable to GHG emissions, this statement is correct. However, GHG emissions are typically associated with other air pollutants. Please clarify this statement to indicate that associated air pollutants have been evaluated for project-related impacts.

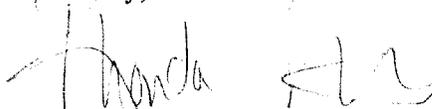
6.4.1.1 Wetlands, page 6-19

This section states “The Locally Preferred Plan Alternative would impact 39 acres of ephemeral wetlands, mitigated by one 3-acre pond planted with appropriate vegetation to fully compensate for lost average annual habitat units”.

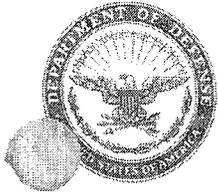
- EPA recommends the USACE use the approved wetland functional assessment model, iHGM, required by the Galveston District for permits, to determine the wetland types that would be impacted and the extent of functional loss and appropriate compensatory mitigation that would be required to fully restore the unavoidable adverse impacts to waters of the U.S., including special aquatic sites as identified in 40 CFR Part 230 Section 404(b)(1). EPA requests a review of the iHGM assessment and mitigation plan.

EPA asks that the USACE address these concerns and any mitigation in a Supplemental Information Report and/or the Record of Decision (ROD) document to complete the NEPA process. EPA appreciates the opportunity to review the FEIS. If you have any questions or concerns, please contact John MacFarlane of my staff at [macfarlane.john@epa.gov](mailto:macfarlane.john@epa.gov) or 214-665-7491 for assistance.

Sincerely,



Rhonda Smith  
Chief, Office of Planning  
and Coordination



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

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REPLY TO  
ATTENTION OF

Planning and Policy Division

DEC 13 2012

J.H. Whitehead  
Captain  
United States Coast Guard  
9640 Clinton Drive  
Houston, Texas 77029

Dear Captain Whitehead:

This is in response to your letter dated November 9, 2012, providing comments on the Freeport Harbor Channel Improvement Project, Brazoria County, Texas, and requesting support for funding to relocate the aids to navigation for the project.

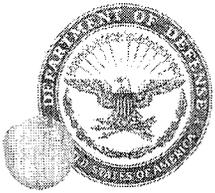
The navigation improvements proposed in the Freeport Harbor Feasibility Report include widening the Outer Bar Channel and the Jetty Channel from 400 to 600 feet wide. The 200-foot widening is being performed on the north side of the channel to avoid relocating the south jetty, due to the close proximity of the channel to the south jetty, and to enable the larger vessels to safely navigate the sharp turn to port after getting through the Jetty Channel. The widening on the north side of the channel necessitates relocating the Freeport Jetty Inbound Front and Rear Ranges to mark the new channel centerline. It should be noted that the non-Federal sponsor has been issued a Department of the Army Permit to widen the Outer Bar and Jetty Channel to 600 feet and plans to initiate this work in the near future.

The requirement to relocate the ranges and change other aids to navigation was coordinated with Sector Houston-Galveston. We understand the challenges the U.S. Coast Guard (USCG) has to deal with in obtaining the funds required to relocate the ranges and address changes to other aids to navigation. The U.S. Army Corps of Engineers, however, has no authority to provide funding for aids to navigation since that is a USCG responsibility. We are coordinating the funding needs for the aids to navigation with USCG Headquarters so that they are aware of the importance of this navigation project and providing the necessary aids to navigation.

We will continue to coordinate with the USCG as the project moves forward. If you have further questions or concerns please contact Mr. Lee Ware at (202) 761-0523.

Sincerely,

  
Theodore A. Brown, P.E.  
Chief, Planning and Policy Division  
Directorate of Civil Works



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

Copy

REPLY TO  
ATTENTION OF

Planning and Policy Division

DEC 13 2012

Ms. Rhonda Smith  
Chief, Office of Planning and Coordination  
United States Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Dear Ms. Smith:

This is in response to your letter dated October 5, 2012, providing comments on the Final Environmental Impact Statement (EIS) for the Freeport Harbor Channel Improvement Project (FHCIP), Brazoria County, Texas. Your comments primarily pertain to identification of wetland impacts and greenhouse gas emissions.

Detailed responses to each of your comments on wetland impacts and green house gas emissions are provided in the Enclosure. In summary, the U.S. Army Corps of Engineers (Corps) completed an assessment of resource impacts, and a project mitigation plan was developed to address unavoidable impacts to significant habitat. The assessment was done by using a Corps approved habitat evaluation model, and a cost effectiveness and incremental cost analysis (CE/ICA) was performed to identify a mitigation plan that fully compensates for project impacts. The requested information regarding evaluation of air pollutants emissions associated with greenhouse gas emissions is conveyed in the Final EIS section on air quality impacts (Section 4.4).

Please be assured that the Corps takes its responsibility to fully compensate for unavoidable adverse environmental impacts seriously. The recommended mitigation will result in no net loss of wetlands, and fulfills requirements of Corps policy and applicable Federal laws and regulations. We will continue to coordinate with the Environmental Protection Agency as the project moves forward. If you have further questions or concerns please contact Mr. Lee Ware at (202) 761-0523.

Sincerely,

Theodore A. Brown, P.E.  
Chief, Planning and Policy Division  
Directorate of Civil Works

Enclosure

## ENCLOSURE

Technical Responses to U.S. Environmental Protection Agency (EPA)  
Comments on the Final Environmental Impact Statement  
Freeport Harbor Channel Improvement Project, Brazoria County, Texas  
(September 2012)

### ES.5 Vegetation and Wetlands, page ES-7

- It appears that much of the area designated as pasture (358 acres) could be wetlands that would need to be mitigated in-kind.

RESPONSE: Wetlands in the impact area have been fully identified, and an appropriate amount of compensatory mitigation has been proposed, as described in the Final Environmental Impact Statement (EIS) Appendix H. Resource agency personnel from the U.S. Fish and Wildlife Service (USFWS) and the Texas Parks and Wildlife Department (TPWD) participated in site visits and in collecting field data needed to quantify impacts and in-kind mitigation. The habitat analysis identified 39 acres of shallow, ephemeral wetland swales scattered across an over-grazed pasture, primarily consisting of non-native pasture grasses of limited wildlife habitat value, and 21 acres of open, second-growth, mixed-species forest of approximately 40 years in age.

- EPA recommends that the USACE provide field verified wetland delineations using a combination of the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement (Version 2.0) for the proposed inland PAs 8 and 9. EPA requests a review of the field delineations.

RESPONSE: Wetland impacts and mitigation were appropriately and completely identified for the FHCIP using methods similar to those recommended by EPA. While both manuals are often considered necessary by Galveston District in their appropriate regions, and iHGM is a valid Regulatory functional assessment utilized frequently, iHGM is not the only method used to assess wetlands nor is it a firm requirement in all permit authorizations. Furthermore, their use in conjunction with Federal Civil Works projects like the Freeport Harbor Channel Improvement Project is not required by USACE regulations or guidance.

### 3.6.1.3 Greenhouse Gas Emissions and Climate Change (GHG), page 3-46

- This section contains the statement "To date, specific thresholds to evaluate adverse impacts pertaining to GHG emissions have not been established by local decision-making agencies, the State, or the Federal government". From a perspective of specific thresholds (Significant Impact Levels, National Ambient Air Quality Standards) applicable to GHG emissions, this statement is correct. However, GHG emissions are typically associated with other air pollutants. Please clarify this statement to indicate that associated air pollutants have been evaluated for project-related impacts.

Technical Responses  
Final Environmental Impact Statement  
Freeport Harbor Channel Improvement Project, Brazoria County, Texas

RESPONSE: The referenced section describes existing air quality conditions in the project area, and is not intended to discuss project impacts. We believe the requested information is already conveyed in the Final EIS section on air quality impacts (Section 4.4). GHG emission impacts are discussed and described for each alternative, immediately following the evaluation of project-related impacts for other air pollutants with which GHG emissions are typically associated.

6.4.1.1 Wetlands, page 6-19

- EPA recommends the USACE use the approved wetland functional assessment model iHGM, required by the Galveston District for permits, to determine the wetland types that would be impacted and the extent of functional loss and appropriate compensatory mitigation that would be required to fully restore the unavoidable adverse impacts to waters of the U.S., including special aquatic sites as identified in 40 CFR Part 230 Section 404(b)(1). EPA requests a review of the iHGM assessment and mitigation plan.

RESPONSE: Evaluation of the functional value of wetland and forested habitats to be impacted by the project was undertaken by Galveston District using methods established by the Habitat Evaluation Procedure (HEP), an acceptable method that, on occasion, has also been used in permit evaluations. The results indicated that both the wetlands and forest to be impacted by the FHCIP are low quality habitats. Field inspection of the pasture area showed that the pasture retains about 10 to 30 percent of its original prairie habitat function and value, and is vegetated by a large number of non-native invasives and species indicative of pasture maintenance, such as mowing. The forest consists of a diverse range of non-native invasive and native tree and brush species. USFWS and TPWD provided significant input for siting and design of project mitigation features. During agency coordination, emphasis was placed on locating in-kind mitigation features in close proximity to impacted habitats.

The modeling determined that unavoidable, adverse project impacts would be fully compensated by the following mitigation plan. Approximately 131 acres of riparian forest adjacent to the impact area will be preserved, and its habitat value will be enhanced by clearing approximately 11 acres of invasive trees within this area and establishing approximately 11 acres of new woodlands (7.7 average annual habitat units (AAHUs) to compensate for 7.41 AAHUs of impact). The non-Federal sponsor has agreed to grant a conservation easement for the 131 acres used for mitigation to TPWD or a recognized nature conservancy. Wetland impacts will be fully compensated by the creation of 3 acres of wetlands (1.5 AAHUs to compensate for 1.1 AAHUs of impact) near the forested area and in the conservation easement. An additional 1-acre of trees will be created around the wetland, resulting in a total of 12 acres of tree plantings.