Ms. Natalie Rund.
U.S. Army Corps of Engineers
Galveston District CESWG-PE-RE
P.O. Box 1229
Galveston, Texas 77553-1229

Re: Restoration of the Mouth of the San Bernard River to the Gulf of Mexico

Dear Ms. Natalie Rund:

As described in the Joint Public Notice, dated June 18, 2008, and the draft Environmental Assessment (EA) dated June, 2005, the applicant, United States Army Corps of Engineers (USACE) proposes to reopen the mouth of the San Bernard River to the Gulf of Mexico where it existed prior to the construction of the Brazos River Diversion Channel. The proposed reconnection of the river to the Gulf is necessary for the operation and maintenance of the Gulf Intracoastal Water Way (GIWW) and to address safety issues. The project is located in Brazoria County, Texas, southwest of Freeport.

The proposed project would consist of dredging the San Bernard River Channel immediately south of the GIWW to the Gulf of Mexico through the existing and relatively recent sand spit. The entire reach, extending two miles from the GIWW to the 10-foot contour line in the Gulf would be dredged by hydraulic pipeline dredge to -10 feet mean low tide (MLT), with a bottom width of 100 feet and a top width of 160 feet. Approximately 385,000 cubic yards (CY) of dredged material and 45,000 CY of vegetative debris would result from the dredging.

Approximately 150,000 CY of material would be placed in Placement Area (PA) 90. PA 90 is a 119-acre, confined upland site previously coordinated for disposal of dredged material from the GIWW. An estimated 235,000 CY of sand would be deposited in the surf zone downdrift (southwest) of the new channel in the Surf PA, resulting in beach nourishment. Approximately 45,000 CY of vegetative debris including large drift wood would be removed and deposited parallel to the Gulf shoreline above the beach vegetation line in the 9-acre Debris PA prior to dredging a new channel. The debris would be wind-rowed parallel to the beach above the beach vegetative line. Non-vegetative material including hazardous material would be removed by the contractor and properly disposed of in a licensed facility off site.
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The proposed project will restore the course and outlet of the San Bernard River to its historic location. Although the project will destroy 2.1 acres of wetlands, it is projected that the project will also result in the natural restoration of up to 140 acres of wetlands in the abandoned river channel. Piping Plover critical habitat will also be impacted. Approximately 1.1 acres of critical habitat will be destroyed by the new river channel as it enters the Gulf; however, beach nourishment will create at least 2.5 acres, if not more, of critical habitat in its place. Other project impacts to upland vegetation and benthic communities are considered minimal and temporary.

In addition to the information contained in the public notice, the following information is needed for review of the proposed project. Responses to this letter may raise other questions that will need to be addressed before a water quality certification determination can be made.

1. The public notice states that the applicant plans to dispose of the dredge material in contained placement areas. The Texas Commission on Environmental Quality (TCEQ) requires that the effluent from contained disposal areas not exceed a total suspended solids concentration of 300 milligrams per liter. Please confirm this will be a requirement of the permit.

2. It is unclear from the public notice and the draft EA what the applicant’s plans are for long-term disposal of dredged material from maintenance dredging of the mouth of the San Bernard River. Please provide more details regarding where dredged material from the project maintenance dredging will be disposed. PA 90 is currently used for disposal of dredge material from the maintenance of the GIWW. Please address what impacts the additional placement of material from this project into PA 90 will have on the dredged material management for the GIWW.

3. From the public notice the proposed project will impact approximately 2.1 acres of wetlands and 1.1 acres of Piping Plover critical habitat. The draft EA projects the natural restoration of up to 140 acres of wetlands and at least 2.5 acres of Piping Plover critical habitat creation. However, the applicant has not provided any success criteria associated with the proposed “natural restoration” mitigation. Historically, a wetland mitigation ratio of approximately 2:1 has been used to meet the TCEQ’s goal of no net loss of wetlands functions and values for marsh creation. Please have the applicant provide a detailed mitigation plan which outlines specific success criteria which will adequately replace lost functions and values. The TCEQ strongly encourages the applicant to continue to include the 140 acres of wetlands and the 2.5 acres of critical habitat in the final mitigation plan. However the regulatory minimum for compliance with the requested success criteria is 4.2 acres of marsh creation.
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The TCEQ looks forward to receiving and evaluating other agency or public comments. Please provide any agency comments, public comments, as well as the applicant's comments, to Mr. David Flores of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Mr. Flores may also be contacted by e-mail at dflores@tceq.state.tx.us, or by telephone at (512) 239-4590.

Sincerely,

[GSignature]

L. Oral W. Stepney, P.E., Director  
Water Quality Division  
Texas Commission on Environmental Quality

LWS/DF/jp