

Port of **Houston** Authority

Section 408 Implementation

Issues and Recommendations

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Houston Ship Channel Environment

- 52 miles of channel, 150 terminals
- Significant marine construction activities
- Many pipelines and utility crossings
- Several flood control projects along bayous (tributary to the ship channels)
- PCA with the Port Authority that allows for non-federal O&M activities, including levee repairs and levee raises, plus ditching and other maintenance

Other Factors

- Narrow channels
 - Effectively, no setback limits exist for the channel (although Pilot guidelines for new construction includes setback guidelines)
 - Air draft and pipeline depth requirements exist
 - Regulatory regional general permits for pipelines available are available
 - Regulatory Section 214 agreement is used extensively
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Section 408 Program-level Comments

- Process is complex
 - Non-federal sponsor involvement in private projects could be extensive-and expensive
 - Some requirements for details are not as appropriate for certain navigation projects
 - Current Section 214 agreements should be adaptable to inclusion of 408 work
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District Level Implementation

- District-level processes haven't been published (work is still in draft form as of Sep 2015)
- District(s) may have over-thought the issue, resulting in a very complicated work flow and decision chain
- Ad hoc implementation for navigation projects might be on the right track—but the public needs to know how, what, and when

Observations and Field Reports

- Notices that a 408 permit is required appear to be from Regulatory, which initiates a process with the district internal review
 - Ops/Engineering performs assessments (tiered approach)
 - Some district 408 letters of approval have been signed off
 - Formal reporting and coordination of 408 activities hasn't matured, particularly with some sponsors
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District-Level Recommendations

- Develop messaging for the public
- Develop instructions for the project applicant:
 - What and when 408 is applicable
 - What is needed, for various types of projects
 - How long the process is likely to take
 - How the 408 permit process impacts real estate and regulatory permissions and permits (the overall schedule)
- Work to make the process efficient and seamless (customer support)
 - Complete the regional permissions
 - Define what 408 Section 214 funding will accomplish

408 Program Recommendations-- Navigation

- Combine Section 408 with Section 10 permitting
- Clarify the requirement for approval of completed designs, which are now required with the 408, before a Section 10 permit is issued
- Facilitate processes to enable Section 214 funding agreements to apply to both regulatory and Section 408 permits
- Delegate 408 approval authority to the District
- Clarify the ER's direction that navigation project NFS must mandatorily assess and sign off on 408 applications
- Work to resolve the conflicts between Regulatory and 408 EA production