

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SAN ANTONIO BAY ESTUARINE)	
WATERKEEPER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:22-cv-01470
)	
MICHAEL L. CONNOR, Assistant Secretary of)	
the Army for Civil Works, <i>in his official capacity</i> ;)	
U.S. ARMY CORPS OF ENGINEERS,)	
)	
Defendants.)	

NOTICE OF WITHDRAWAL OF RECORD OF DECISION

Federal Defendants Michael L. Connor, in his official capacity as Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers (“Corps”) hereby provide notice that on December 5, 2022, the Corps signed the attached Memorandum for Record withdrawing the Record of Decision for the Matagorda Ship Channel Improvement Project Feasibility Report and Environmental Impact Statement that is challenged in this case. *See* Exhibit A, Memorandum dated December 5, 2022, signed by Michael L. Connor, Assistant Secretary of the Army for Civil Works. As addressed in the attached Memorandum, the withdrawal is based on the Corps’ decision to prepare a supplemental environmental impact statement for the Project. *See* Ex. A.

Dated: December 13, 2022

Respectfully submitted,
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U.S. Department of Justice
Environment and Natural Resources Division

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CERTIFICATE OF SERVICE

I certify that I electronically filed and served the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia using the CM/ECF system.

/s/ Astrid Stuth Cevallos

ASTRID STUTH CEVALLOS, Trial Attorney

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EXHIBIT A



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OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
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WASHINGTON, DC 20310-0108

SACW

5 December 2022

MEMORANDUM FOR RECORD

SUBJECT: Withdrawing Record of Decision for Matagorda Ship Channel Improvement Project, Port Lavaca, Texas Feasibility Report and Environmental Impact Statement

1. In 2019, the U.S. Army Corps of Engineers (USACE) completed an environmental impact statement (EIS) for the Matagorda Ship Channel Improvement Project. The Record of Decision was signed on April 22, 2020. During the pre-construction, engineering, and design (PED) phase, the USACE reported a discrepancy between its PED calculations concerning the quantity of material to be dredged from the Matagorda Ship Channel and the quantity of such material that was evaluated in the EIS.

2. Due to the discrepancy in dredged material quantities, the USACE has determined it will prepare a supplement to the EIS. Accordingly, I am withdrawing the Record of Decision signed on April 22, 2020, for further consideration in light of findings in the supplemental EIS.

A handwritten signature in black ink, appearing to read "Michael L. Connor", is positioned above the typed name.

MICHAEL L. CONNOR
Assistant Secretary of the Army
(Civil Works)