



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2014-00661
	Date Issued: _____	21 July 2016
	Comments	
Galveston District	Due: _____	22 August 2016

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: 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 U.S. 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.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act (CWA).

APPLICANT: Golden Triangle Properties, LLC
1998 State Highway 73 West
Port Arthur, Texas 77640-1759
POC: Steven Birdwell
Telephone: 713-800-1510

AGENT: Morris P. Herbert, Inc.
10101 Southwest Freeway, Suite 620
Houston, Texas 77074-1111
POC: Marie Taylor
Telephone: 713-219-4406

LOCATION: The project site is located in wetlands adjacent to Taylor Bayou, approximately 1.25 miles south of the intersection of State Highways 73 and 93, in Port Arthur, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Arthur South, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.874389° North;

Longitude: 093.993627° West

PROJECT DESCRIPTION: The applicant proposes to retain 12.2 acres of wetlands that have been filled with clean fill material, retain the conversion of 5.2 acres of forested wetlands that have been converted to herbaceous wetlands and proposes to discharge clean fill material into an additional 0.3 acres of wetlands for the purpose of developing an offloading facility for railroad tank cars. This offloading facility facilitates the transfer of unrefined hydrocarbons to tank barges.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts to the extent practicable. The project site contains approximately 691.7 acres, of which 363 acres are herbaceous wetlands, 36.2 acres are forested wetlands, and 27.8 acres are scrub-shrub wetlands. The project avoids 351.4 acres (96.8%) of herbaceous wetlands, 28.3 acres (78.2%) of forested wetlands, and 27.8 acres (100%) of scrub-shrub wetlands located within the project site. Overall, 95.5% of the wetlands at the project site were avoided.

Impacts to herbaceous and forested wetlands were minimized by constructing over an area formerly developed as an industrial facility, including constructing in alignment with the remnants of a historic railroad feature. Additionally, the footprint of the railroad system was reduced by constructing the adjacent truck frontage such that it is the minimal width suitable for safety and maintenance access. This design further minimized impacts to herbaceous and forested wetlands. Finally, 29.2 acres of herbaceous wetlands that contained unauthorized fill material were voluntarily restored in an effort to minimize impacts to wetlands.

MITIGATION: The project results in 9.5 acres of loss of herbaceous wetlands, 2.7 acres of loss of forested wetlands, and 5.2 acres of forested habitat conversion. The above-mentioned impacts are the result of unauthorized fill material already placed on site and requested to be retained. An additional 0.3 acres of impacts to herbaceous wetlands are the result of the proposed new construction.

To offset the loss of wetland functions and values, GTP proposes permittee-responsible mitigation (PRM) through off-site compensatory mitigation. The proposed mitigation site is located within the same watershed as the project impacts (Sabine Lake Watershed – Hydrologic Unit Code 12040201). The PRM plan is proposed due to the absence of an approved mitigation bank or in-lieu fee program with the appropriate number and resource type of credits available. The PRM plan is available for review as a standalone document.

CURRENT SITE CONDITIONS: The project site is bound by Taylor Bayou to the west and south, a small residential neighborhood to the north, and heavy refining industrial facilities to the east. Taylor Bayou is separated from the project by a United States Army Corps of Engineers (USACE) Hurricane Flood Protection Levee. A Lower Neches Valley Authority canal bisects the project site, ultimately flowing into Taylor Bayou. Major Texas Department of Transportation thoroughfares, State Highways 73 and 82, run through the aforementioned residential and industrial developments.

The project site has an area of historic industrial development to the south and an area of undeveloped herbaceous wetlands to the north. Forested wetlands, developing in what was formerly a USACE dredged material placement area, are located along the western limit of the project site. The former industrial development is characterized by large areas of disturbed soil, most of which, is covered by concrete slab or rock. The herbaceous wetlands are characterized primarily by marsh-hay cordgrass (*Spartina patens*) and various other grasses, rushes, and sedges. The forested area is dominated by Chinese tallow (*Triadica sebifera*) trees with a thick undergrowth of eastern baccharis (*Baccharis halimifolia*).

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The wetland delineation has been completed and was verified by the Corps on 21 January 2015. The applicant's plans are enclosed in 5 sheets along with the Alternatives Analysis and the proposed Mitigation Plan.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

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 permit area has been so extensively impacted by previous construction activities that there is no potential for historic properties to exist within the permit area. Therefore the proposed project has no potential to affect historic properties.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

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.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **22 August 2016**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2014-00661**, and should be submitted to:

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U.S. Army Corps of Engineers
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DISTRICT ENGINEER
GALVESTON DISTRICT
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