



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: SWG-2023-00226

Date Issued: 10 August 2023

Comments

Due: 25 August 2023

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

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 10 of the Rivers and Harbors Act of 1899.

APPLICANT: Pasadena Refining Systems, Inc.
111 Red Bluff Road
Pasadena, Texas 77506
POC: Matt Postage
Telephone: 713-380-9150
Email: mattpostage@chevron.com

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401
POC: Justin Wiedeman
Telephone: 832-426-4656 ext. 217
Email: justin@lloydeng.com

LOCATION: The project site is located in Buffalo Bayou/Houston Ship Channel at 111 Red Bluff Road, in Pasadena, Harris County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.726247° North; **Longitude:** 095.210496° West

PROJECT DESCRIPTION: The applicant proposes to modify Department of the Army (DA) Permit SWG-2023-00226 (formerly 8225-02) by adding structural components to improve operational efficiencies of the existing terminal dock infrastructure. The project components include construction of a proposed 19.5-foot by 18.5-foot by 7.5-foot ship-gangway platform with one 54-inch-diameter and two 30-inch-diameter pile supports, as well as installation of four proposed catwalks as follows:

- One catwalk extension with six legs connecting to two existing breasting dolphins, the existing dock, and an existing fire monitor on the southwest side of the project, supported by a total of fifteen 12-inch-diameter pipe piles,
- One catwalk to an existing breasting dolphin positioned from northeast to southeast on the northeast side of the project, which requires a 36-inch-diameter pile,
- One catwalk to the proposed gangway positioned northwest to northeast on the northeast side of the project, and
- One catwalk positioned from southwest to northeast on the northeast side of the project.

The applicant stated that the purpose of the project is to add to the required improvements to the existing infrastructure for the continued use of the applicant's existing facility. The modifications would help to aid the applicant in operational efficiencies and their strategic corporate initiatives.

BACKGROUND: DA Permit No. 8225 was originally issued to Crown Central Petroleum Corporation on 18 June 1970 and authorized the construction of a T-head wharf, installation of nine 22-pile framed breasting dolphins and dredging an area in the Houston Ship Channel on the right descending side at Channel Mile 43 and Corps of Engineers Station 976+60, approximately 0.23-mile downstream from the Washburn Tunnel at Pasadena, Texas. Approximately 137,000 cubic yards of material was to be removed and placed in the Jesse Jones spoil area located approximately 1.2 miles to the northeast. The time to complete this authorized work was 31 December 1973. DA Permit 8225(01) was issued on 11 January 1984 and amended the permit to authorize the maintenance of a timber L-head pier, five 22-pile framed dolphins, and three 30-inch steel pipe dolphins adjacent to the originally authorized work in the vicinity of Corps of Engineers Station 984+00, approximately 0.10-mile downstream from the Washburn Tunnel, on the right descending bank of the Houston Ship Channel. Special Condition A was also added to the permit. The time to complete the work under this amendment was 31 December 1989. DA Permit No. 8225(02) was issued to Crown Central Petroleum Corporation on 3 February 1987 and amended the permit to authorize the replacement of the existing timber loading platform with a new concrete and steel platform structure, replacement of two existing dolphins, and construction of four new mooring structures landward of the bulkheads in the vicinity of Corps of Engineers Station 984+00, approximately 0.10-mile downstream from the Washburn Tunnel, in the Houston Ship Channel, Harris County, Texas. On 15 April 1987, a revision of Sheet No. 2 was approved which showed the corrected distance from the fenderline to the south bottom edge of the channel. DA Permit 8225(02) was transferred to Pasadena Refining System, Inc. on 24 February 2005.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by utilizing existing infrastructure while minimizing the required construction activity at the project site. The applicant also stated that they designed the project to avoid and/or minimize impacts to wetlands and water bottoms to the maximum extent practicable. Additionally, there are no special aquatic sites identified within the project boundary.

MITIGATION: The applicant has not proposed to mitigate for the proposed impacts because the project involves the installation of structures and there are no impacts to special aquatic sites.

CURRENT SITE CONDITIONS: The project site consists of a portion of the Houston Ship Channel. This portion of the Houston Ship Channel is highly developed with industrial facilities and marine terminals and experiences heavy vessel traffic. There are numerous structures such as piers, boat lifts, aids to navigation, boat ramps, etc., within the project area. There are no special aquatic sites located within the project boundary.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 9 sheets.

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:

Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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 industrial development that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect 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.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

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 **25 August 2023**. 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-2023-00226**, and should be submitted to:

North Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS