



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2017-00096

27 December 2018

29 January 2019

**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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Gulf Coast Ammonia, L.L.C.
1815 Purdy Avenue
Miami Beach, Florida 33139
Telephone: 281-389-9471
POC: Mr. Hamza Slimani

AGENT: Geosyntec Consultants, Inc.
8217 Shoal Creek Boulevard, Suite 200
Austin, Texas 78757
Telephone: 512-354-3286
POC: Mr. Scott Walker

LOCATION: The project site is located in Galveston Bay at a point (29.382004° N, -94.876743° W) that is an estimated 0.73 miles east of Skyline Drive, also known as the Texas City Hurricane Levee, and the adjacent Texas City Terminal Railway Company property, also known as the Port of Texas City. The project site is located on the east side of Texas City, in Galveston County, Texas, on the south side of the Texas City Seawall and north of Shoal Point Island. The project can be located on the U.S.G.S. quadrangle maps entitled: Texas City and Port Bolivar, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.382004° North;

Longitude: -94.876743° West

PROJECT DESCRIPTION: The applicant has revised their project design to shift the proposed anhydrous ammonia import/export dock facility and associated pipeline a total of 120 linear feet north away from the adjacent Federal channel. The relocation of the proposed dock structure increased the dredge area and dredge volumes. The applicant has revised their project to add additional dredge material placement areas (DMPAs). All other design features of the proposed project have remained.

The applicant proposes to construct a new ship dock and barge dock facility to import/export anhydrous ammonia, install breasting and mooring dolphins, dredge for vessel access to the new dock facility, and to open cut trench install 3,677 linear feet of pipelines. The applicant proposes to construct a 140-foot-long by 89-foot-wide ship and barge dock facility supported by 145 driven concrete piles and to install 4 mooring dolphins and 4 breasting dolphins. The applicant proposes to hydraulically and/or mechanically dredge a 19.02-acre area to a depth of -43 feet mean lower low water (mllw) and remove an estimated 780,000 cubic yards of new dredge material for placement into the following DMPAs: Shoal Point Cells 5 and 6, City of Texas City property north of Shoal Point Cells 5 and 6, and Texas General Land Office property north of Shoal Point Cells 5 and 6, SPPA 2, SPPA 3-4-5, and PI PA. The applicant also proposes to construct a 20-foot-wide by 35-foot-long vertical pipe bridge tower support structure with a floating dock connected to a 180-foot-long by 20-foot-wide pipe bridge that spans the Texas City Hurricane Levee terminating at a landside pipe bridge tower support. The applicant proposes to discharge fill material during the open cut trench for a distance of 3,677 linear feet starting at the remote dock facility and terminating at the vertical pipe bridge tower support for the installation of a pipeline utility bundle at a depth of 4 to 6 feet below the sea floor. The pipeline bundle will contain a total of 10 pipes consisting of anhydrous ammonia lines, potable water, sanitary sewer, electrical, and communication pipelines. The applicant also proposes to discharge 4 cubic yards of fill material in the form of treme concrete at the point where the pipeline utility bundle turns to travel vertically within the vertical pipe bridge tower support. The dredging portions of this project also involve the discharge of effluent from the placement areas into waters of the United States.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by evaluating five alternatives, enclosed in their Alternative Analysis, Attachment A in 6 sheets, within the framework of four criteria.

MITIGATION: The applicant has not proposed any mitigation because there are no permanent impacts to special aquatic sites from the proposed project.

CURRENT SITE CONDITIONS: The project site is within the waters of Galveston Bay, crossing over the Texas City Hurricane/Flood Protection Levee, and located on a partition of the applicant's facility. The project is bounded on the north by the Texas City Dike, on the east by the waters of Galveston Bay, on the south by the Texas City Channel, and on the west by the Texas City Hurricane Levee, and the adjacent Texas City Terminal Railway Company property, also known as the Port of Texas City. The project site is located within a high vessel traffic area of Galveston Bay. This area experiences vessel traffic that unloads supplies and materials to industries located at the adjacent Texas City Terminal Railway Company property, also known as the Port of Texas City.

The area of Lower Galveston Bay near the Texas City Ship Channel and Moses Lake is listed as impaired for oyster waters due to elevated levels of fecal coliform bacteria and the entire bay is under a fish consumption advisory due to high levels of PCBs and dioxins in fish tissue.

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 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 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. The GLO/Texas Coastal Coordination Council (CCC) submitted a letter, 12 February 2018, stating that it has been determined that there are no significant unresolved consistency issues with respect to the project, therefore the project is consistent with the CMP goals and policies.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

The return water from the upland contained dredge material placement area(s) requires certification under Section 401 by TCEQ. The applicant must obtain, prior to the performance of hydraulic dredging, a Section 401 water quality certification from the TCEQ for the effluent or return water discharge. This permit will be conditioned for the applicant to provide a copy of the 401 certification to the Corps prior to performing hydraulic dredging.

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 majority of the permit area was previously investigated for historic properties and none were identified as documented in the report titled "Side-Scan Sonar, Magnetometer, and Bathymetric Survey to Map Oyster Habitat and Submerged Cultural Resources for the Proposed Shoal Point Container Terminal, Galveston Bay, Texas" prepared by PBS&J and dated 2002. The portion of the permit area that was not surveyed has been so extensively impacted by previous dredging that it has no potential for historic properties to present.

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 **29 January 2019**. 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-2017-00096**, and should be submitted to:

Evaluation Branch, Central Unit
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS