



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2007-00247

Date Issued: 17 December 2019

Comments

Due: 21 January 2020

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## 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 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** Vopak Terminal Deer Park, Inc.  
P.O. Box 897  
Deer Park, Texas 77536  
POC: Mr. Stephen Mackay  
Telephone: 281-604-6084  
Email: [stephen.mackay@vopak.com](mailto:stephen.mackay@vopak.com)

**AGENT:** CRA, Inc.  
2121 Brittmoore Road, Suite 4600  
Houston, Texas 77043  
POC: Ms. Kimberly Hargett  
Telephone: 713-690-4626  
Email: [khargett@crahouston.com](mailto:khargett@crahouston.com)

**LOCATION:** The project site is located in Buffalo Bayou (Houston Ship Channel), at 2759 Independence Parkway South, in Deer Park, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: LaPorte and Highlands, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 29.744900° North; Longitude: 095.097130° West

**PROJECT DESCRIPTION:** The applicant proposes to amend Department of the Army (DA) Permit SWG-2007-00247, formerly 12314 and amendments, to extend the timeframe for a period of 10 years for performance of mechanical and hydraulic maintenance dredging to previously authorized dredged depths.

The previously authorized dredged depths are -47 feet mean low tide (mlt) for Docks 1-5, and -13 feet mlt for Barge Docks 1, 2, 4, and 6. The maintenance dredging is estimated to remove 150,000 cubic yards of material every three years. The maintenance dredged material will be placed in the previously authorized dredged material placement areas (DMPAs): Lost Lake, Peggy Lake, Alexander Island, Beltway 8 and Texas Deepwater Partners (formerly Glanville). The applicant proposes to add the following DMPAs: all Federally authorized and constructed upland contained dredged material placement areas, East and West Jones, and Avera. The applicant also proposes to discharge fill material within the return water from placement of hydraulically dredged material within the above listed upland contained dredge material placement areas.

**BACKGROUND:** DA Permit 12314, issued 8 June 1981 and expiring on 31 December 1984, authorized construction of dock facility consisting of a 1,100-foot bulkhead, two 15-foot mooring structures, a 50-foot by 200-foot dock and the dredging of a vessel slip in the Houston Ship Channel. Amendment (01), issued on 31 December 1981 and expiring on 31 December 1984, authorized the addition of the Lost Lake Disposal Area and an increase in the quantity of dredge material. Amendment (02), issued on 14 January 1985 and expired on 31 December 1995, authorized the performance of periodic maintenance dredging. Amendment (03), issued on 25 July 1989 and expired on 31 December 1992, authorized the construction of a revetment. Amendment (04), issued on 24 September 1996 and expired on 31 December 2006, extended the time to perform periodic maintenance dredging. Amendment (05), dated 28 August 1997, requesting authorization to add water injection dredging to the permit was denied without prejudice. Amendment (06), issued on 14 August 1997 and expired on 31 December 2006, authorized the addition of the Peggy Lake and Alexander Island Disposal Areas for the placement of dredge material. Amendment (07), issued on 15 September 1997 and expired on 31 December 2006, authorized the use of an area of the San Jacinto Monument State Park for the placement of dredge material. Amendment (08), issued on 12 March 1998 and expired on 31 December 2006, authorized the installation of a stake pile with buoy for mooring. Amendment (09), issued on 21 June 2001 and expired on 31 December 2006, authorized an increase of the dredge depth at docking facilities to -46 feet mean low tide. Amendment (10), issued on 12 June 2008 and expired on 31 December 2018, authorized construction of a pile-supported dock extension, installation of additional mooring and breasting dolphins, installation of a sheet pile retaining wall, dredging of approximately 275,000 cubic yards of material to increase water depth to -47 feet at the project ship berthing facilities, and to a depth of -13 feet at the barge berthing locations, and 10-year maintenance dredging, and retained all previously authorized dredge material placement areas. DA Permit SWG-2007-00247, formerly 12314 (11), issued on 25 November 2009 and expired on 31 December 2018, authorized the addition of Beltway 8 and Glanville Dredge Material Placement Areas (DMPAs) and retention of all previously authorized

DMPAs. DA Permit SWG-2007-00247, formerly 12314(10), dated 20 February 2014 and expired on 18 March 2017, verified installation of 742 linear feet of bulkhead with 3,049 cubic yards of fill material. DA Permit SWG-2007-00247, issued on 23 January 2015 and expiring on 31 December 2020, authorized the construction of four steel breasting dolphins along Barge Dock 4.

DA Permit SWG-2007-00247, issued on 11 December 2018 and expiring on 31 December 2023, authorized the performance of intermittent silt blade maintenance dredging over a 17.0-acre area to previously authorized dredge depths at Docks 1, 2, 3, 4, 5 within Buffalo Bayou.

**AVOIDANCE AND MINIMIZATION:** The project site encompasses 21.3 acres of which all is open water. The applicant made provisions in the design phase to avoid where possible and minimize impacts to open water in an already impacted, industrial area. The applicant sited the proposed maintenance dredging operations to avoid existing infrastructure associated with ongoing dockside operations. The proposed activities are situated on sandy non-vegetated bottoms and will not impact wetlands, oysters or submerged aquatic vegetation at this location.

**MITIGATION:** The applicant does not propose mitigation for maintenance dredging operations at the applicant's facilities.

**CURRENT SITE CONDITIONS:** The project site is within the waters of Buffalo Bayou adjacent to Docks 1-5 and Barge Docks, 1, 2, 4, and 6 within the boundaries of the applicant's facilities. The project site is bounded on the north, east, and west by the waters of the Houston Ship Channel, which is part of Buffalo Bayou, and bounded on the south by the applicant's facilities. This waterbody undergoes regular maintenance dredge cycles that temporarily disturb the water quality and increases turbidity in the water column. The area within this portion of Buffalo Bayou is highly developed by private and commercial industry. This area experiences a moderate to heavy flow of vessel traffic that unloads supplies and materials to the industries located within the portion of Buffalo Bayou, which is adjacent to the Houston Ship Channel.

**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 15 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 return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). The applicant must obtain a Section 401 water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401 certification must also be furnished to the Corps prior to the Corps making a decision on the proposed project.

**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 proposed project, maintenance dredging and use of an existing placement area, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project area.

**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 **21 January 2020**. 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-2007-00247**, and should be submitted to:

North Unit/Evaluation Branch  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS