



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

SWG-1993-00889

25 February 2020

26 March 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:** Gulf Copper & Manufacturing Corporation  
5700 Procter Street Extension  
Port Arthur, Texas 77642  
Telephone: 409-983-1691  
POC: Lance DeJohn

**AGENT:** Lanier & Associates Consulting Engineers, Inc.  
595 Orleans Street #600  
Beaumont, Texas 77701  
Telephone: 409-212-1051  
POC: Joanne Scarf

**LOCATION:** The project site is located in the Sabine-Neches Canal, at 5700 Procter Street Extension, in Port Arthur, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Arthur North, Texas.

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

Latitude: 29.918418° North; Longitude: 093.888839° West

**PROJECT DESCRIPTION:** The applicant proposes to modify and extend the construction time period for their previous permit, 19845, that lapsed 31 December 2015. The applicant proposes to deepen the dredge depth at their dry dock slip (2.64 acres) to (-) 40 feet mean lower low water (MLLW) with a 1-foot allowable over depth as well as requests to dredge the southwest corner slip (0.73 acres) to (-) 30 feet MLLW with a 1-foot allowable over depth and an additional 10 years of mechanical and/or hydraulic maintenance dredging of Gulf Copper, Port Arthur, Texas, dock facilities. The applicant also proposes to extend the dredge pad footprint to 140' 2" downstream and 67' 5" upstream as well as extend the dredge footprint out to the Federal Channel Limit. An estimated 109,500 cubic yards of material is requested to be dredged. The applicant proposes for the dredge material to be relocated and placed in USACE Placement Area 11 and/or Placement Area 12 (to include effluent discharge).

The applicant also proposes to install a 581-linear-foot sheet-pile bulkhead, to support a new dredge slip area and expand water front facilities. The proposed project will provide deeper dredge depth to accommodate larger dry dock and additional vessels.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by modifying an existing area to fit their need and purpose. The applicant also stated they are not proposing impacts to any special aquatic sites.

**MITIGATION:** The applicant is not proposing to mitigate for the proposed impacts.

**CURRENT SITE CONDITIONS:** The project site is currently open water located at an existing dry dock within an industrial area of the Sabine-Neches Canal. The shoreline is bulkheaded and the area has previously been dredged.

**HISTORY:** The proposed project is an amendment to Permit SWG-1993-00889 (formerly 19845), issued on 17 August 1993, and authorized installation of two 48-inch, 80-foot-long monopole breasting dolphins. Amendment (01) was issued on 22 September 1994 and authorized two additional breasting dolphins, two mooring dolphins, and one spring dolphin, constructing a work dock and an associated ramp, and hydraulic maintenance dredging. All dredging material was to be transported via pipeline to a disposal area on Pleasure Island. Amendment (02) was issued on 2 October 1998 and authorized the filling of a 0.16 acre of open water, installation of a bulkhead and dry dock, hydraulic dredging, and on-site mitigation. The dredging material was to be placed in Placement Area #11. Amendment (03) was issued on 8 April 2005 and authorized to extend the authorized dredging area and to extend the time to perform maintenance dredging. The authorization for the new dredging work expired on 31 December 2010 and the authorization for the maintenance dredging expired on 31 December 2015.

**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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

**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, dredging, and construction and maintenance that there is no potential for historic properties to exist within the permit 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 **26 March 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-1993-00889**, and should be submitted to:

Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS