



Public Notice

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

Galveston District

Permit Application No: SWG-1996-02886

Date Issued: 30 January 2025

Comments

Due: 3 March 2025

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:

Kansas City Southern Railroad
209 Taft Extension
Port Arthur, Texas 77642
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Email: deancormier@savageco.com

AGENT:

Lanier & Associates Consulting Engineers
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POC: Haley Strahan
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LOCATION: The project site is located in the Sabine-Neches Waterway, along D D 7 Levee Road, in Port Arthur, Jefferson County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.930707 North; **Longitude:** 093.875504 West

PROJECT DESCRIPTION: The applicant proposes to expand the dredging footprint and depth associated with a previously authorized project to better accommodate incoming ships and match new Federal channel lines. The area to be mechanically and/or hydraulically dredged will be expanded from 5.86 acres to 7.46 acres and increased in depth from -46 feet to a maximum depth of -52 feet MLLW (-54 feet MHW). Approximately 101,267 cubic yards of material will be dredged. The dredged material will be placed into federal dredged material placement areas (DPMAs) 5, 8, 9, 12, 13, 14, 16, 17, 18, 22, 23, 24, 25, and 26. Additionally, the applicant requests maintenance dredging for a period of ten years.

PERMIT HISTORY: Department of the Army Permit 8625 was issued on 22 April 1971 and authorized the deepening of an existing slip near the mouth of Crane Bayou. Amendment (01) and (02) extended the time to the completion of the maintenance dredging of the slip. Amendment (03) authorized 10-year maintenance dredging of the dock facility, with the dredged material to be placed at the Corps' Dredged Material Placement Area (DMPA) No. 11. Amendment (04) authorized the use of an onsite placement area located east of Proctor Street and adjacent to the PABTEX facility. Amendment (05) authorized an extension of time to use the onsite placement area during maintenance dredging. Amendment (06) specified mechanical and hydraulic dredging methods to the specified depths of 46 feet below mean high water (MHW) at the face of the dock and 44 feet below MHW within the remainder of the berth. Additionally, it approved maintenance dredging for an additional 10-year period. Amendment (07), issued 28 April 2015, consisted of extending maintenance dredging for an additional 10 years.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by taking steps to minimize the impacted dredged areas, adhering to applicable water quality standards, and depositing dredged material into standard and accepted disposal sites. No wetlands or special aquatic sites will be affected by the proposed activity.

MITIGATION: Compensatory mitigation is not proposed.

CURRENT SITE CONDITIONS: The project site is currently a heavily developed portion of the open waters of the Sabine-Neches Waterway. This area has been previously dredged and experiences heavy vessel traffic. There are numerous docks, bulkheads, piers, ramps, and aids to navigation within the adjacent vicinity. The area is void of aquatic vegetation and has an unconsolidated sand and silt clay bottom.

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 7 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. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality's (TCEQ) will review 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. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

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: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

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 **3 March 2025**. 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-1996-02886**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notices> OR

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