



Public Notice

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

Galveston District

Permit Application No: SWG-2007-01401

Date Issued: 22 January 2019

Comments

Due: 22 February 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: Sunoco Partners Marketing & Terminals L.P.
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Houston, Texas 77002
POC: Robert R. Rose
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AGENT: Lanier & Associates Consulting Engineers, Inc
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LOCATION: The project site is located in the Neches River, approximately 2.5 miles north of Nederland, within Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Terry, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.009072° North; Longitude: -93.989361° West

PROJECT DESCRIPTION: The applicant requests to modify the previously authorized Permit SWG-2007-01401 (Formerly 09855) to construct a new 15- x 20-foot gangway tower foundation extending from the previously authorized platform and the associated new gangway tower, a new 12- x 42.5-foot-tall hose tower on the previously authorized platform, three new product loading arms on the previously authorized platform, one new 54-inch breasting dolphin with 5.5- x 12-foot fenders extending 8.5 feet into the Neches River, four new 5.5-foot breasting fenders on existing dolphins extending 8 feet into the Neches River, and a new piperack with nine 24-foot-wide rack bents spaced every 20 feet.

The proposed construction will increase the facility's existing fenderline by 2 feet. The facility is located in a portion of the Neches River designated as a "yellow" setback zone.

BACKGROUND INFORMATION: Department of the Army (DA) Permit Q-N-243-PERMIT-9855 was issued on 30 January 1974. The permit authorized the Sun Oil Company to dredge a basin and construct a wharf with associated breasting structures. On 17 June 1974, DA Permit SWGCO-RP-PERMIT-9855 was revised to include a revised sheet 3 of the plans for the works authorized in the original permit. On 24 October 1974, DA Permit SWGCO-RP, PERMIT-9855 was modified to include revised sheets 1 and 2 for the works authorized by the original permit. On 9 December 1976, DA Permit SWGCO-RP, PERMIT-9855 was modified to include revised project plans for the work authorized in the original permit. On 13 January 1977, DA Permit SWGCO-RP, PERMIT-9855 was modified to include revised plans. On 15 August 1980, DA Permit 9855-01 (05) was issued to include revisions to sheets 1 thru 3 and to extend the permit through 31 December 1985. On 15 October 1985, DA Permit 09855(06) extended the period of time to perform maintenance dredging until 31 December 1995. On 29 January 1999, DA Permit 09855(07) authorized an extension of time for maintenance dredging until 31 December 2009. On 4 August 1999, DA Permit 09855(08) authorized the applicant to include DMPA No. 18 for use during authorized maintenance dredging.

SWG-2007-01401 amended DA Permit 09855. On 28 May 2013, DA Permit SWG-2007-01401 authorized a 20- x 20-foot pile supported hose, the installation of four barge monopoles, and four mooring dolphins within the project boundary. This request expired on 31 December 2018.

AVOIDANCE AND MINIMIZATION: The applicant has stated that no further avoidance and minimization is possible due to age and occupancy of the existing structures. The current piping approachway is fully utilized and expansion is not feasible due to its configuration, obstructions from adjacent infrastructure, and lack of original design information.

MITIGATION: Because project does not propose any fill in special aquatic sites, the applicant has not proposed mitigation.

CURRENT SITE CONDITIONS: The project site is in a developed portion of the Neches River and consists of a previously dredged ship berth. The geotechnical analysis studies indicate that the site and surrounding areas have no submerged or emergent vegetation. The soils within the area consist of firm cohesive clay with medium to loose sand and silt. No other special aquatic sites have been reported.

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.

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 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 **22 February 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-2007-01401**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS