



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2010-00641

27 June 2019

29 July 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: INEOS Phenol
3503 Pasadena Freeway
Pasadena, Texas 77503
Telephone: 713-920-4333
POC: Ms. Amy Narvaez

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401
Telephone: 832-426-4656
POC: Ms. Marisa Weber

LOCATION: The project site is located in the Houston Ship Channel (Channel), and an adjacent wetland and ephemeral stream, approximately 0.5-mile west of the intersection of the Channel and the Beltway 8 Bridge, in Pasadena, Harris County, Texas. The project can be located on the following U.S.G.S. 7.5-minute topographic quadrangle map: Lake Como, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.735191 North; Longitude: 095.154548 West

PROJECT DESCRIPTION: The applicant proposes to extend the time limit for the previously authorized discharge of fill material into 0.01 acre of palustrine forested wetland adjacent to the Houston Ship Channel, and the reroute of 350 linear feet of ephemeral stream to outfall over the existing bulkhead associated with the construction of a 2.9-acre three-barge dock slip. The work includes construction of a dock house, two loading arm pads, and two mooring structures. Approximately 385 linear feet of existing bulkhead and riprap will be removed and uplands will be excavated to create a 474-foot-long by 385-foot-wide barge slip. An approximate 4.19-acre area will be mechanically dredged to a depth of minus 16 feet mean low tide (MLT) plus 1 foot of over dredge. The newly excavated area will be lined with approximately 707 linear feet of bulkhead, and six fender pilings will be installed. The dock slip will undergo mechanical and/or hydraulic maintenance dredging for a period of 10 years. All dredged material and associated effluent discharge was previously authorized to be placed in the following dredged material placement areas (DMPAs): Rosa Allen, Glanville, Peggy Lake, Alexander Island, and Beltway 8 Tract. The applicant wishes to add the following DMPAs: Filter Bed, Stimson Tract, Clinton, Laughlin-Thyssen, East/West Jones, Pinto Lion, Adloy, Goat Island, and Spilman Island.

PERMIT HISTORY: An application under Permit Number SWG-2010-00641 was first submitted on 23 July 2010 as a Letter of Permission for the proposed construction of a barge docking facility along the Houston Ship Channel. On 20 January 2011 the permit application was withdrawn and resubmitted as a standard permit. The standard permit for SWG-2010-00641 was authorized on 14 September 2011 and expired 31 December 2016. The previously authorized permit consisted of:

- Construction of a 2.9 acre three barge dock slip within the Houston Ship Channel;
- Construction of the barge dock slip involves rerouting 350 linear feet of ephemeral Stream 2 (S-2) to outfall over the existing bulkhead;
- Discharge of fill material into 0.01 acres of Wetland 2 (W-2) during the installation of a loading arm pad, construction of a dock house and two mooring structures, and installation of a second loading arm pad;
- Removal of approximately 385 linear feet of existing bulkhead and riprap;
- Excavation of uplands to create a 474-foot-long by 385-foot-wide barge slip;
- Dredge approximately 4.19 acres of non-vegetated open water of the United States to create a barge slip with a depth of -16 feet mean low tide (mlt) plus 1 foot of over dredge;
- Excavated area will be lined with a 707-linear-foot bulkhead and six fender pilings will be installed;
- To mechanically and/or hydraulically maintenance dredge for a period of 10 years;
- All dredged material to be placed in the following dredged material placement areas: Rosa Allen, Glanville, Peggy Lake, Alexander Island, and Beltway 8 Tract.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by siting the project impacts away from the wetlands and streams located within the project boundaries. The project footprint has been moved to avoid greater impacts to wetlands and minimized to avoid greater impacts to streams.

MITIGATION: The applicant proposes to mitigate for the project impacts by performing the permittee responsible mitigation (PRM) on site. The hydrology for palustrine emergent wetland 1 (0.35 acre) is currently connected to stream 2 and stream 2 will be impacted by the excavation of the area for the proposed barge docks. To maintain the hydrology to wetland 1 and mitigate for these impacts, the applicant is proposing to remove 100 linear feet of culverts existing within S-3 to create 200 linear feet of open channel. To maintain the hydrology to palustrine scrub-shrub wetland 2 (0.88 acre) and to mitigate for the 350 linear feet of impacts to S-2, the applicant proposes to create 159 linear feet of open channel and an additional 72 linear feet of open channel. The proposed 159 linear feet will connect to an upstream portion of S-2 and reroute this stream to flow into wetland 2. To prevent wetland 2 from becoming too saturated with water, the additional created 72 linear feet of open channel will create an area for excess water to drain. This created ditch will not drain wetland 2. The applicant also proposes to mitigate for 0.01 acre impact to wetland 2 by expanding wetland 2 by 0.16 acres to the northeast. These on site mitigation measures will be appropriately monitored and the results will be reported to U.S. Army Corps of Engineers (Corps) as required. Compensatory Mitigation Plan is enclosed in 10 sheets.

CURRENT SITE CONDITIONS: The project site is an undeveloped tract of land adjacent to commercial development on the east and south, undeveloped land on the west, and the Houston Ship Channel to the north. The project site is maintained by mowing. Concrete riprap and other debris is present along the shoreline. The site contains two ephemeral streams and two palustrine wetlands adjacent to the Houston Ship Channel. The wetland vegetation consists of broadleaf cattail (*Typha latifolia*), floating marsh pennywort (*Hydrocotyle ranunculoides*) and alligator weed (*Alternanthera philoxeroides*).

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 12 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. Texas Commission on Environmental Quality's (TCEQ) Tier I checklist is enclosed in 4 sheets.

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 placement of dredge material that there is no potential for historic properties to exist. 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 **29 July 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-2010-00641**, and should be submitted to:

Central Evaluation Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
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