

## **Permit History for SWG-2000-02956**

1. Department of the Army (DA) Permit 10446 was issued on January 29, 1975 and authorized modifications to the existing terminal facility. Based on a review of the included plans, the applicant sought authorization to add several mooring and berthing dolphins. This authorization expired on December 31, 1978. There were no special conditions associated with this permit.
2. DA permit 10446(01) was issued on December 31, 1992 and authorized the installation of four protective dolphins and four mooring dolphins in the vicinity of South Dock. The authorization expired on December 31, 1996. There were no special conditions associated with this amendment.
3. DA Permit 21826 was issued on March 8, 2000 and authorized the installation of two breasting dolphins, two mooring dolphins, and to hydraulically dredge approximately 35,000-cubic yards of sediment, to maintain this authorized depth of -40 feet for 10-years, and to place the dredged material in United States Army Corps of Engineers (USACE) Dredged Material Placement Areas (DMPA) 23, 24, 25, or 26, depending on availability. Return water from the dredged material placement areas will be discharged back into the Neches River during dredging operations. The time limit for completing the installation of the dolphins and to perform the initial dredging ends on December 31, 2005. The maintenance dredging work was authorized until December 31, 2010. The special conditions associated with this permit include:
  - a. "The permittee must obtain a Consent to Easement or other Real Estate document from the USACE, Galveston District, Real Estate Division, prior to performing any and all work within DMPA 23, 24, 25, or 26."
  - b. "The permittee must coordinate the use of DMPA 23, 24, 25, or 26 with the Area Engineer, Northern Area Office and Navigation Branch, Operations Division, at least 60 days prior to conducting any and all work in these areas to assure that the work will not conflict with US Government dredging or disposal area management activities."
4. DA Permit 21826(01) was issued on July 31, 2000 and authorized the addition of two additional mooring dolphins, incorporate a fender into the design of the already authorized breasting dolphins, and change the locations of the dolphins. This authorization expired on December 31, 2005. The special conditions associated with this permit include:
  - a. "The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of

Engineers, to remove, relocate or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.”

5. DA Permit 21826(02) was issued on January 12, 2001 and authorized the construction of a new dock loading platform, including a new pipeway and walkway, the installation of two new ship breasting dolphins, two new ship mooring dolphins, and performance of mechanical/hydraulic maintenance dredging at North Dock for a period of 10 years. Additionally, this permit authorized the installation of six barge breasting dolphin, the construction of a new loading platform and walkway, and the performance of mechanical and/or hydraulic maintenance dredging at South Dock for a period of 10 years. Authorized USACE DMPA were 23, 24, 25, and/or 26. The time to perform the mechanical and/or hydraulic maintenance dredging was extended until December 31, 2011. The following special conditions were associated with this amendment:
  - a. “The permittee, in utilizing Corps of Engineers Dredged Material Placement Area Nos. 25 and 26, is required to adhere to the avoidance plans/measures that were previously established for these placement areas. Archaeological Site 41OR50 is located in Placement Area No. 25. The State Historic Preservation Officer (SHPO) concurred with the avoidance measures.”
  - b. “The permittee must contact the Corps’ staff archaeologist for details regarding these archaeological avoidance measures, prior to conducting any permitted work within the Corps of Engineers Dredged Material Placement Area Nos. 25 and 26.”
  - c. “Prior to the performance of hydraulic dredging, the permittee will obtain a Section 401 water quality certification from the Texas Natural Resource Conservation Commission for the effluent or return water. The permittee will submit a copy of the Section 401 certification to the Corps Galveston District, prior to performing hydraulic dredging.”
  
6. DA Permit 21826(03) was issued on November 29, 2004 and authorized the construction of a new barge slip, associated structures, and associated dredging to -15-feet. This authorization expired on December 31, 2009 and was subject to the following special conditions:
  - a. “The permittee will purchase 35 credits from the Neches River Cypress Swamp Mitigation Bank prior to the state of construction (i.e. fill or structures) in the jurisdictional area.”
  - b. “The permittee will submit documentation to the Corps, Galveston District, Chief of Compliance, Regulatory Branch, verifying that 35-acre-credits

were purchased from Neches River Cypress Swamp Mitigation Bank, prior to the start of construction (i.e. fill or structures) in the jurisdictional area.”

This barge slip was never constructed.

7. DA Permit 21826(04) was issued on June 17, 2005 and authorized the construction of a new 40 x 30-foot barge docking facility, associated breasting dolphin, proposed new fender line, and dredging of approximately 100,000-cubic yards of material adjacent to Barge Dock A. This authorization expired on December 31, 2010 and was subject to the following special conditions:
  - a. “The permittee will purchase 10.5-acre-credits from the Neches River Cypress Swamp Mitigation Bank within 10 days from the start of construction in the jurisdictional area.”
  - b. “The permittee will submit documentation to the Corps (CE), Galveston District, Chief of Compliance, Regulatory Branch verifying that 10.5-acre-credits were purchased from Neches River Cypress Swamp Mitigation Bank within 10 days from the state of construction (i.e. fill or structures) in the jurisdictional area.”
  - c. “The permittee is required to obtain a CE, Galveston District Real Estate Outgrant prior to utilizing the CE dredged material placement areas.”
  - d. “The permittee must coordinate the use of Dredged Material Placement Area 23 or 24 with the CE Galveston District’s Northern Area Office, the Navigation Branch, and the Operations Division, at least 60 days prior to conducting any and all work in or affecting the disposal areas to assure that the work will not conflict with US Government dredging or disposal area management activities.”
8. Permit No. SWG-2000-02956, [21826(04)]; Amendment to 21826(03) was issued on October 29, 2009 and authorized an extension of time to perform work authorized under DA Permit 21826(03), which included the construction of a barge slip and maintenance dredge to a depth of -15 Mean Low Tide (MLT). The expiration date for this extension of time is December 31, 2019. No new special conditions are associated with this permit. This barge dock was never constructed.
9. Letter of Permission no. SWG-2000-02956 was authorized on June 9, 2010 and authorized the addition of a 14 x 25-foot pile supported platform adjacent to an existing barge dock (Barge Dock A) in the reserve fleet area. The expiration date for this permit was December 31, 2015 and the following special conditions were associated with this permit.
  - a. “The permittee understands and agrees that if future operations by the United States require the removal, relocation or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall

cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.”

10. SWG-2000-02956 was authorized on June 4, 2014 and authorized the following:

- Construction of a ship berthing area adjacent to their existing docking facility.
- Dredging of 1.81-acres of estuarine emergent marsh (EEM), 10.12-acres of palustrine emergent marsh (PEM), 6.86-acres of open water, 5.67-acres of uplands
- Dredging of a ship slip to a depth of -40 feet below mean low water, with a 2-foot overdredge. Approximately 1,442,000-cubic yards of material is proposed to be dredged during construction.
- Perform maintenance dredging for 10 years. Approximately 50,000-cubic yards of material is proposed to be dredged annually for maintenance dredging.
- Filling 0.43-acre of PEM and 0.05-acre of EEM wetlands and the clearing of 0.72-acre of PEM and 0.08-acre of EEM wetlands to construct a revetment for erosion control.
- Construction of a new finger pier dock within the dredged basin with a 8,000-square foot loading platform, new roadway and piperack, new concrete approachway and piperack, a firewater pump platform, and associated mooring and breasting structures.
- Use of dredge material beneficially by placing it in open water on approximately 300-acres within the Rose City Marsh Complex or to place the material into Dredge Material Placement Areas 23, 24, or 25 depending on capacity and availability.
- To create 24.6-acres of EEM within the beneficial use site. Small portals were to be cut into dredge material containment levees to promote the natural development of channels for tidal exchange and rain water drainage, per the applicant’s Compensatory Mitigation Plan (CMP). Other enhancement activities included planting native species and noxious species management as described in the CMP.

This authorization for completing the above work expires on December 31, 2019.

The authorization for the maintenance dredging expires on December 31, 2024.

The following special conditions were issued as a component of this authorization:

- a. “The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structure of work herein authorized, or if, in the opinion of the Secretary

of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.”

- b. “When structures or work authorized by this permit are determined by the District Engineer to have become abandoned, obstructive to navigation, or cease to be used for the purpose for which they were permitted, such structures or other work must be removed, the area cleared of all obstructions, and written notice given to the Chief of Compliance, Galveston/Corpus Christi Office District Regulatory Division, within 30 days of completion.”
- c. “The permittee must install and maintain, at their own expense, any safety lights and signals prescribed by the US Coast Guard (USCG) through regulations or otherwise on the authorized facilities. In addition, no bright lights that may be erected on the permitted structure shall be directed toward a navigable waterway in a manner that could hinder nighttime users of this waterway. The USCG may be reached at the following address: Commander (dpb), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or by telephone at 504-589-6198.”
- d. “The permittee must coordinate the use of Dredged Material Placement Areas 23, 24, and/or 25 with the Corps of Engineers Galveston District’s Operations Division, Navigation Branch and the Port Arthur Area Office, at least 60 days prior to conducting any and all work in or affecting the disposal area(s) to assure that the work will not conflict with US Government dredging or disposal area management activities. The permittee must receive written approval from the Corps of Engineers Galveston District’s Operations Division, Navigation Branch and the Port Arthur area Office, prior to placement of dredged material into Dredged Material Placement Areas 23, 24, and/or 25.”
- e. “All construction of mitigation, including planting, must be complete within 23 months after start of construction within jurisdictional areas. The permittee will notify the Corps of Engineers, Chief of Compliance Galveston Regulatory Division in writing when the work begins in jurisdictional areas. Monitoring and maintenance will proceed according to the mitigation plan included in Attachment B.”
- f. “The mitigation success criteria, as indicated in the mitigation plan included in Attachment B must be achieved for the mitigation requirement to be considered complete.”

- g. "Should mitigation be determined unsuccessful by the Corps of Engineers personnel at the end of the monitoring period, the permittee will be required to take necessary corrective measures, as approved by the Corps of Engineers. Once the corrective measures are completed, the permittee will notify the Corps of Engineers and a determination will be made regarding success of the mitigation."
- h. "The permittee must submit sediment, elutriant, and salinity test results to the EPA, Region 6, Grassland Soil & Water Research Lab, 808 East Blackland Road, Temple, Texas 76502-6712, or EPA's designee. The permittee must receive written approval of test results from EPA Region 6, or EPA's designee, prior to placement of dredge material into the Beneficial Use sites."

11. SWG-2000-2956 was transferred from Oiltanking Beaumont Partners to Enterprise Products Operating, LLC on February 4, 2016.