



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2017-00555
	Date Issued: _____	18 March 2021
	Comments _____	
<b>Galveston District</b>	Due: _____	19 April 2021

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**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:** Jefferson County Drainage District #7  
P.O. Box 3244  
Port Arthur, Texas 77642  
POC: Phil Kelley  
Telephone: 409-985-4369

**AGENT:** Horizon Environmental Services, Inc.  
1507 South Interstate 35  
Austin, Texas 78741  
POC: C. Lee Sherrod  
Telephone: 512-431-3562

**LOCATION:** The project site is located in Taylors Bayou Turning Basin, approximately 1.17 miles south-southwest of the intersection of State Highway 87 and West Levee Road, in Port Arthur, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Arthur South, Texas.

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

**Project Site Latitude:** 29.850176 North;      **Longitude:** -93.972344 West  
**Mitigation Site Latitude:** 29.960417 North;      **Longitude:** -94.29737 West

**PROJECT DESCRIPTION:** The applicant received permission via an emergency procedure request to discharge fill material into waters of the United States (WOUS) during the rehabilitation of an existing floodwall in 2017. Impacts included the installation of sheet pile walls, the discharge of 5 tons of riprap material and sand bags (1,150 cubic yards) to repair a scour hole, and installation of an additional 1,000-linear-foot of sheet pile wall. The project impacted 0.71 acres of tidal wetlands, 0.04 acres of non-tidal wetlands, and 0.26 acres of tidal open water. The applicant's project plans are enclosed in 5 sheets as well as the mitigation plan in 21 sheets.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by avoiding 0.62 acres of wetland impacts.

**MITIGATION:** The applicant proposes to mitigate for 0.75 acres of impacts to tidal and non-tidal wetlands by preserving a 1.75 acre of forested wetlands near a permittee responsible mitigation site that includes nearly 2,000 acres currently under conservation easement. The proposed mitigation plan will provide a 2.3:1 ratio of preserved forested wetlands (1.75 ac.) with additional adjacent uplands (1.25 ac.) for a total of 3 acres for the 0.75 acre of impact to open emergent marsh within the same watershed. The mitigation site is located on a tributary of Taylors Bayou in Jefferson County.

**CURRENT SITE CONDITIONS:** The project site is surrounded by industrial and refinery facilities, pipelines, transmission lines, railroad, highway, and the turning basin along the east side. The floodwall was found to be damaged at the end of August 2017, potentially due to the loss of supporting sediments against the wall on the turning basin side. A section of the wall separated and a portion of the wall has deflected into the turning basin approximately 10 feet. Emergency repairs and stabilization were implemented in late 2017.

**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 5 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:**

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.

Pursuant to 33 USC 408, the proposed project received Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project.

**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 previous construction 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 and coordination via phone calls and emails conducted prior to the emergency authorization are that no known threatened and/or endangered species or their critical habitat would and were not to be affected by the proposed work.

**ESSENTIAL FISH HABITAT:** Preliminary coordination via phone calls and emails was initiated prior to the emergency authorization for 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 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 **19 April 2021**. 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-2017-00555**, and should be submitted to:

Central Unit  
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](mailto:swg_public_notice@usace.army.mil)

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS