



Public Notice

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

Galveston District

Permit Application No: SWG-2005-01144

Date Issued: 9 May 2019

Comments

Due: 10 June 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.

APPLICANT: Motiva Enterprises, L.L.C.
500 Dallas Street
Houston, Texas 77002
POC: Joseph Brichta
Telephone: 713-308-8367
Email: Joe.Brichta@Motiva.com

AGENT: Wood Environmental & Infrastructure Solutions, Inc.
285 Davidson Avenue, Suite 405
Somerset, New Jersey 08873
POC: Charles Harman
Telephone: 732-302-9500 x127
Email: Charles.harman@woodplc.com

LOCATION: The project site is located in the Port Arthur Canal and Sabine-Neches Waterway at Texaco Island, 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):

Latitude: 29.828811° North; Longitude: 093.960006° West

PROJECT DESCRIPTION: The applicant proposes to construct a new marine terminal (Berth 1) at the Motiva Port Arthur Terminal on Texaco Island. The proposed construction includes the removal of existing pier structures, placement of a steel sheet-pile bulkhead onshore for bank stabilization, dredging/excavating into the bank of Texaco Island in front of the sheet-pile bulkhead to allow for construction of the new berth to be approximately 250 feet from the navigation channel, and the vertical dredging of sediment within the berthing area to allow for shipping access. Approximately 622,650 cubic yards of material will be hydraulically and/or mechanically excavated to 44 feet below mean lower low water (MLLW). Once dredging operations are completed, the sheet-pile bulkhead will reach a depth of 18 feet below MLLW to retain the onshore area and accommodate transfer from the shore to the platform. The distance from the bulkhead to the dredge toe of slope will be approximately 90 feet. Dredge material will be placed in Placement Area 9, which is operated by the Sabine Neches Navigation District. Return effluent from Placement Area 9 will be evaluated under a separate permitting process.

BACKGROUND: The proposed project is an amendment to Permit SWG-2005-01144 (formerly 9005 and 9110), which authorized the construction of Berth 1 at the Texaco, Port Arthur Marine Terminal (now Port Arthur Terminal at Texaco Island). Department of the Army (DA) Permit 9005 was issued on 23 March 1972 and authorized the construction of a 4-pile mooring bitt structure in the Sabine-Neches Canal and the Entrance Channel to the Port Arthur Turning Basin. This permit was modified on 23 June 1972 to relocate the placement of the mooring bitt 51 feet to the south of the location shown on the plans that were submitted on 20 January 1972. Construction of the 4-pile mooring bitt was completed on 31 December 1972. Permit 9110 was issued on 3 November 1972 and authorized the construction of fending caissons, mooring bitts, catwalks, a timber wharf, a bulkhead and ramps, and dredging of 10,500 cubic yards of material at Berth 1 in the entrance to the Port Arthur Turning Basins. Amendment (2) to DA Permit 9110 was issued on 4 February 1975 and authorized an extension of time for completion of construction of the Berth 1 structures by 31 December 1978. Amendment (3) was issued on 26 October 1978 and authorized another extension of time to complete construction of the aforementioned structures by 31 December 1983. Construction associated with DA Permit 9110 was completed 19 January 1980. A letter from Motiva Enterprises L.L.C. was received 10 June 2011 notifying the Corps of the demolition of structures at Berth 1, including all piping behind and on the existing docks, wood dock structures, the existing hose tower, and the catwalks between mooring structures at their Port Arthur Terminal marine facility, which were no longer in service due to damage from Hurricane Ike. Another letter from Motiva Enterprises L.L.C. was received on 16 November 2012 notifying the Corps that the demolition of Berth 1 at the Port Arthur Terminal would resume and be completed by 31 December 2012. This demolition included removal of the wooden piles, timber walkways, and mooring structures. DA Permits 9005 and 9110 were assigned to SWG-2005-01144 (formerly 23886) on 12 February 2019 when the application to construct a new Berth 1 was received from Motiva Enterprises. L.L.C.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by placing the new Berth 1 at the existing Motiva Enterprises, L.L.C. Port Arthur Marine Terminal at Texaco Island, which has been developed as an industrial marine terminal facility since at least 1972.

CURRENT SITE CONDITIONS: The project site on Texaco Island is designated for urban industrial land use and is currently characterized by bare exposed soil, impervious surfaces, and/or disturbed upland areas dominated by short grasses and plants first to colonize disturbed areas. No natural habitats of wildlife value occur on the island. The project site is located within the Sabine-Neches estuary, but aerial photography does not show the presence of coastal marshes along the western back of Texaco Island within the project boundaries. In addition, the Gulf of Mexico Fishery Management Council depicts the Sabine-Neches/Port Arthur Canals as having clay bottoms, with no associated marsh, mangrove, or submerged aquatic vegetation (e.g. seagrass) habitat that could be affected by project activities.

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 24 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.

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.

The return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). The applicant must obtain a Section 401 water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401 certification must be furnished to the Corps prior to the Corps making a decision on the proposed 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 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 **10 June 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-2005-01144**, and should be submitted to:

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Regulatory Division, CESWG-RDE
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS