



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_ SWG-2014-00661  
Date Issued: \_\_\_\_\_ 23 November 2021  
Comments \_\_\_\_\_  
Due: \_\_\_\_\_ 27 December 2021

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## **U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT**

**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 404 of the Clean Water Act.

**APPLICANT:** GT Logistics, LLC.  
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Troy, Pennsylvania 16947-8791  
POC: James Townsley  
Telephone: ( 570) 270-9427  
Email: jtownsley@howardep.com

**AGENT:** Morris P. Hebert  
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Houma, Louisiana 70361-7938  
POC: Cal Fontenot  
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**LOCATION:** The project site is located in wetlands adjacent to Taylor Bayou approximately 1.25 miles south of the intersection of State Highways 73 and 93 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:** 29.874389° North; **Longitude:** 093.993627° West

**PROJECT DESCRIPTION:** The applicant proposes to install additional rails to the existing railroad system which encircles the main processing area. The proposed project also includes installation of an additional tie-in to an existing Union Pacific Railroad Company (UPRR) rail line to the east. The project also includes the construction of 4 new crossings over the Lower Neches Valley Authority (LNVA) canal, including 3 railroad crossings and one access road crossing. This construction proposes to permanently discharge fill material into 2.81 acre of palustrine emergent wetlands, 0.65 acre of palustrine scrub shrub, and 0.01 acre of palustrine forested wetlands, for a total of 3.47 acres of wetlands.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts to the extent practicable. Impacts to PEM and PSS wetlands were minimized by constructing adjacent to, and abutting, existing railroad infrastructure. Additionally, the footprint of the railroad system was reduced.

Impacts to herbaceous and forested wetlands were minimized by constructing over an area formerly developed as an industrial facility, including constructing in alignment with the remnants of a historic railroad feature. Additionally, the footprint of the railroad system was reduced by constructing the adjacent truck frontage such that it is the minimal width suitable for safety and maintenance access. This design further minimized impacts to herbaceous and forested wetlands.

The project site contains approximately 691.7 acres, of which 363 acres are herbaceous wetlands, 36.2 acres are forested wetlands, and 27.8 acres are scrub-shrub wetlands. The project avoids 351.4 acres (96.8%) of herbaceous wetlands, 28.3 acres (78.2%) of forested wetlands, and 27.8 acres (100%) of scrub-shrub wetlands located within the project site. Overall, 95.5% of the wetlands at the project site were avoided.

**MITIGATION:** The project will result in 3.47 acres of permanent loss of wetlands. To account for this proposed loss of wetland functions and values, the applicant has secured a contract with the Sea Breeze Mitigation Bank for the purchase of Functional Credit Units (FCUs) sufficient to offset the proposed project impacts. This proposed project is not located within the primary service area of any approved mitigation bank. The project is located within the secondary service area of the Sea Breeze Mitigation Bank. The applicant anticipates a 1.5 FCU multiplier for project related impacts.

**CURRENT SITE CONDITIONS:** The project site is bound by Taylor Bayou to the west and south, a small residential neighborhood to the north, and heavy refining industrial facilities to the east. Taylor Bayou is separated from the project by a United States Army Corps of Engineers (USACE) Hurricane Flood Protection Levee. A Lower Neches Valley Authority canal bisects the project site, ultimately flowing into Taylor Bayou. Major Texas Department of Transportation thoroughfares, State Highways 73 and 82, run through the aforementioned residential and industrial developments.

The project site has an area of historic industrial development to the south and an area of undeveloped herbaceous wetlands to the north. Forested wetlands, developing in what

was formerly a USACE dredged material placement area, are located along the western limit of the project site. The former industrial development is characterized by large areas of disturbed soil, most of which is covered by concrete slab or rock. The herbaceous wetlands are characterized primarily by marsh-hay cordgrass (*Spartina patens*) and various other grasses, rushes, and sedges. The forested area is dominated by Chinese tallow (*Triadica sebifera*) trees with a thick undergrowth of eastern baccharis (*Baccharis halimifolia*).

**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 21 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 Clean Water Act (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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto:401certs@tceq.texas.gov). You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

**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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 **27 December 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-2014-00661**, and should be submitted to:

North Evaluation Unit  
Regulatory Division, CESWG-RD-E  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-6301 Fax  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS