



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-1995-02251

23 April 2024

23 May 2024

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 10 of the Rivers and Harbors Act of 1899.

APPLICANT: TotalEnergies Petrochemicals & Refining USA, Inc.
7600 32nd Street
Port Arthur, Texas 77642
POC: Ralph Dear
Telephone: 409-960-9622
Email: ralph.dear@totalenergies.com

AGENT: Lanier & Associates Consulting Engineers, Inc.
350 Pine Street, Suite 1440
Beaumont, Texas 77701
POC: Haley Strahan
Telephone: 409-212-1051
Email: hstrahan@lanier-engineers.com

LOCATION: The project site is located in the Neches River, approximately 0.86 miles northwest of 6869 Rainbow Lane, in Port Arthur, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Arthur North, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.981261° North; **Longitude:** 093.884558° West

PROJECT DESCRIPTION: The permittee proposes modifications to previously authorized SWG-1995-02251. Modifications consist of a request for authorization to include dredge material placement areas (DMPAs) 5, 8, 9, 11, 12, 17, 18, 22, 23, 24, 25 and 26. Additionally, the permittee requests a 10-year extension beyond the current permit expiration date of 16 August 2031.

PROJECT HISTORY: Department of the Army Permit (DA) Permit No. 20289 was issued to Fina Oil & Chemical Company on 1 June 1995. It authorized the installation of six pilings to construct three 24.5- by 18-foot covered oil spill containment boom storage pads, the construction of three 55- by 15-foot concrete slab boat ramps, and the removal of existing riprap and deteriorated pilings. The expiration date to complete the authorized work was 31 December 1998.

DA Permit No. 20289(01) was issued to Fina Oil & Chemical Company on 10 May 1996. It authorized a modification of the permit to construct three piers in the Neches River, 3,400 feet upstream from the State Highway 87 Bridge, on the south shoreline of the Neches River in Port Arthur, Jefferson County, Texas. The expiration date to complete the authorized work was 31 December 1998.

DA Permit No. 20289(02) was issued to Fina Oil & Chemical Company on 6 October 1997. It authorized the construction of an 85- by 60-foot dock loading platform, four ship breasting dolphins, four ship mooring dolphins, six barge breasting monopole dolphins, an approach ramp, and a pipe rack at Ship/Barge Dock No.2. Also authorized was hydraulic dredging of the new dock area to -42.0 feet Mean Sea Level, to place the excavated material into Disposal Area Nos. 13, 14, or 16, and to maintain the dredge area for 10 years. The project site was located in the Neches River, approximately 0.75-mile upstream of the Rainbow Bridge, at the Fina Refinery-32nd Street in Port Arthur, Jefferson County, Texas. The expiration date to complete the authorized dock construction and initial dredging was 31 December 2000, and the expiration date to perform maintenance dredging was 31 December 2007.

DA Permit No. 20289(03) was issued to Atofina Petrochemicals, Inc. on 3 January 2002. It authorized the inclusion of mechanical dredging and extended the time to complete the authorized work. The expiration date to perform maintenance dredging was 31 December 2012.

DA Permit No. 20289(04) was issued to Atofina Petrochemicals, Inc. on 28 January 2003. It authorized the position of Dock No. 2 loading platform, four mooring dolphins, and four ship breasting dolphins to be moved approximately 100 feet upstream. The expiration date to complete the authorized work was 31 December 2008.

DA Permit SWG-1995-02251 was issued to Total Petrochemicals USA, Inc. on 6 August 2013. It authorized an amendment of SWG-1995-02251, formerly 20289. The amendment consisted of an extension of time to complete maintenance dredging. The expiration date to complete the authorized work was 31 December 2023.

DA Permit SWG-1995-02251 was issued to Total Petrochemicals & Refining USA, Inc. on 16 August 2021. It authorized an amendment to DA SWG-1995-02251, formerly 20289. The amendment consisted of new work as an addition to previously authorized Permit SWG-1995-02251. New work included deepening the dredge depth to -48 feet mean lower low water (MLLW) (-48.93 feet mean high water (MHW)) with a 1.0-foot advanced maintenance and 1.0-foot allowable over depth for the planned deepening of the Federal Channel. The applicant also requested to extend the dredge pad out to the Federal Channel Centerline and to renew the maintenance dredging for an additional 10 years. Proposed dredge activities would utilize mechanical, hydraulic and/or silt blade methods and remove approximately 60,000 - 70,000 cubic yards of dredge material from approximately 15.85 acres annually. The expiration date to complete the authorized work ends on 31 December 2026.

AVOIDANCE AND MINIMIZATION: The permittee is not proposing additional avoidance and minimization measures for the proposed modifications, as the permittee's request solely involves authorization to utilize additional existing placement areas and an extension of time to complete previously authorized work. No new work or impacts to special aquatic sites are proposed.

MITIGATION: The permittee is not proposing any mitigation due to the nature of the proposed modifications. No new additional work or impacts to special are proposed.

CURRENT SITE CONDITIONS: The project site is located along an industrialized portion of the Neches River. The open water portion of the project area is comprised of unvegetated shallow water habitat and previously dredged areas.

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 4 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.

No water quality certification is required.

Pursuant to 33 USC 408, the proposed project will require 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. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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 proposed project, maintenance dredging and use of an existing placement area, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project area.

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 **23 May 2024**. 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-1995-02251**, and should be submitted to:

North Unit Evaluation
Regulatory Division, CESWG-RDE
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Galveston, Texas 77550
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS