



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2009-00052
	Date Issued: _____	11 December 2018
	Comments _____	
Galveston District	Due: _____	14 January 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 and Section 404 of the Clean Water Act.

APPLICANT: Kinder Morgan Petcoke, L.P.
3605 Coke Dock Rd., P.O. Box 187
Port Arthur, TX 77641
POC: Dahrel Harris
Telephone: 409-656-6835

AGENT: Lanier & Associates Consulting Engineers
595 Orleans Street, Suite 600
Beaumont, TX 77701
POC: Michael Schneider
Telephone: 409-212-1051

LOCATION: The project site is located in the Houston Ship Channel and Greens Bayou approximately 12 miles east of Houston within Harris County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: Jacinto City and Pasadena, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.749810° North; Longitude: -95.165143° West

PROJECT DESCRIPTION: The applicant proposes to modify a previously authorized permit to combine the dredge material placement areas (DMPAs) with associated effluent discharges, and add new DMPAs with associated effluent discharges under one permit. In addition the applicant proposes to extend the permit for an additional 10 years. No new work is proposed.

- Combine the two existing/authorized permits SWG-2009-00052 and SWG-1993-01991 (formerly 12643) for maintenance dredging of their Houston Bulk Terminal Facility and combine the previously authorized DMPAs with associated effluent discharge into one permit.
- Add additional DMPAs with associated effluent discharge to the combined permit: Greens Bayou, Jacintoport (Pinto Lion), Adloy, Laughlin-Thyssen, Avera, Pelican Island, and HMS 850.
- Extend the Combined Permit for an additional 10 years of maintenance dredging.

BACKGROUND SECTION:

SWG-2009-00052: Department of the Army (DA) Permit SWG-2009-00052 was issued on 19 October 2009 and authorized the permittee to demolish a 75 x 25-foot dock, construct a cofferdam bulkhead dry dock, and hydraulically and/or mechanically dredge a 386 x 100-foot wide area to a depth of -15 feet mean low water within Greens Bayou. SWG-2009-00052 will expire on 31 December 2019.

SWG-1993-01991 (formerly 12643): DA Permit 12643, issued 15 June 1978 authorized dredging to -42 feet below Mean Low Tide and expired 31 December 1983. Amendment (01) was issued 18 January 1984 and authorized the extension of the time to dredge until 31 December 1993. Amendment (02) was issued in 1987 and modified the permit to include hydraulic dredging within a fireboat slip and to authorize the use of West Jones DMPA. Amendment (03) was issued in 1993 and authorized the use of East Jones DMPA, mechanical dredging, and extended the authorization until 31 December 2008. Amendment (04) issued in 2001, extended the time to perform maintenance dredging until 31 December 2008 and added mechanized dredging to the existing authorization. Amendment (05) was issued on 26 June 2006 and authorized the addition of water injection and silt blade dredging as an approved method for ongoing maintenance dredging. Amendment (05) expired 31 December 2008. DA Permit SWG-1993-01991 amended Permit 12643(05) on 14 August 2008 and authorized the inclusion of Atkinson Island, Spillman Island, Alexander Island, Goat Island, House Tract, Stimson Tract, Glendale, and Filter Bed DMPAs for use during authorized dredging. SWG-1993-01991 will expire on 31 December 2018.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by proposing the minimum amount of dredging necessary to maintain the necessary depth of the channel.

MITIGATION: Because the project does not propose any fill in special aquatic sites, the applicant has not proposed compensatory mitigation.

CURRENT SITE CONDITIONS: The project site is in a portion of Buffalo Bayou and Greens Bayou, outside of the Houston Ship Channel.

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 7 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 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 has obtained a Section 401-water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401-certification has been furnished to the Corps of Engineers.

The proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission from the US Army Corps of Engineers pursuant to 33 USC 408 because the proposed project will alter or temporarily or permanently occupy or use a US Army Corps of Engineers federally authorized 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 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 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 **14 January 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-2009-00052**, and should be submitted to:

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