



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_ SWG-2020-00140

Date Issued: \_\_\_\_\_ 16 February 2021

Comments

Due: \_\_\_\_\_ 18 March 2021

## 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 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** ExxonMobil Pipeline Company  
22777 Springwoods Village Parkway, E3.5A.537  
Spring, Texas 77389-1425  
POC: Christopher Hinson  
Telephone: 281-922-2024  
Email: Christopher.D.Hinson@exxonmobil.com

**AGENT:** Arcadis U.S., Inc.  
1717 West 6th Street, Suite 210  
Austin, Texas 78703-4784  
POC: Jeremy Henson  
Telephone: 512-527-6111  
Email: Jeremy.Henson@arcadis.com

**LOCATION:** The project site is located near Clear Creek, approximately 1.2 miles south-southeast of Webster, in Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: League City, Texas.

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

**Latitude:** 29.518553° North;     **Longitude:** 095.107403° West

**PROJECT DESCRIPTION:** The applicant is proposing to discharge fill material into 0.73 acre of open waters of the United States and 0.018 acre of palustrine emergent wetlands on the project site to facilitate the construction of a 0.63-mile (3,322 ft.) two-lane road, traversing an existing bulk liquids storage facility.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts to the extent practicable by evaluating multiple roadway alignment options based on an existing pipeline network, roadbed design criteria and operational site security measures. During construction all equipment and materials will be brought to the site from State Highway 3. Equipment and material storage will occur in uplands. Erosion control/spill control practices will be implemented. Once the project is completed all temporary impacts will be restored to pre-project conditions to the extent practicable.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts by purchasing credits from the Lower Brazos River Mitigation Bank (LBRMB). The project lies within the secondary service area of the LBRMB.

**CURRENT SITE CONDITIONS:** The project site is located approximately 1.2 miles south-southeast of Webster, Texas. The project site is an existing bulk liquid hydrocarbons storage facility encompassing approximately 250 acres. Land use in the vicinity of the project site is a combination of residential, commercial, industrial, undeveloped pasturelands and wetlands. There is a drainage canal on the property that flows directly into Clear Creek and is subject to the ebb and flow of the daily tide. There are two wetlands on the project site. There is also an onsite ditch that flows into an onsite detention pond and from there into Clear Creek.

**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.

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:** 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 process, 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 (as seen in historic aerial photos) 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.

**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 **18 March 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-2020-00140**, and should be submitted to:

North Evaluation 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

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS