



Public Notice

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

Galveston District

Permit Application No: SWG-2020-00773

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 of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Sabine Pilot Service, Inc.
2605 Jimmy Johnson Boulevard
Port Arthur, Texas 77640
POC: Mr. Peter Kolp
Telephone: 409-722-3126
Email: pkolp@sabinepilots.com

AGENT: Wild Associates, LLC
7419 Sheffield Bond Court
Houston, Texas 77095
POC: Mr. Paul R. Wild
Telephone: 21-844-3747
Email: paul.wild@wildassociates.net

LOCATION: The project site is located in Sabine Pass, at 7904 South 1st Avenue, in Port Arthur, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Texas Point, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.720444° North; Longitude: 093.865346° West

PROJECT DESCRIPTION: The applicant proposes to permanently discharge fill material into 0.023 acre of Wetland 1 and 2 during the placement of 2,427 cubic yards of backfill associated with the construction of a 464-linear-foot driven sheet pile bulkhead within Sabine Pass.

The applicant proposes to remove the existing dock and construct a new (31.5-foot-wide by 400-foot-long) timber dock and associated wood pilings. The applicant proposes to drive a total of 24 twelve-inch-diameter steel piles within Sabine Pass in front of the sheet pile bulkhead. The applicant proposes to mechanically dredge a 0.57-acre area to a depth of -8 feet mean low tide to remove 910 cubic yards of material. The applicant proposes to place this dredged material within the constructed upland dredged material placement area. The applicant also proposes to retain the existing 265-linear-foot wooden pier within Sabine Pass.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by constructing the dock to the minimum length needed to meet the project purpose. The applicant has also stated that they have avoided the remainder of Wetland 2, all of Wetland 3, 4, 5, and 6 on the project site.

MITIGATION: The applicant does not propose compensatory mitigation for the 0.023 acre of permanent impacts to Wetland 1 and 2.

CURRENT SITE CONDITIONS: The project site conditions are currently the waters of Sabine Pass which flow into the Gulf of Mexico. The project site is surrounded on the east by the waters of Sabine Pass, on the south and west by a mixture of undeveloped land and the Texas Point National Wildlife Refuge, on the north by the City of Sabine Pass, the Cheniere LNG facility, and undeveloped land. The applicant stated the wetlands surrounding the waters of Sabine Pass within the applicant's facility are transient in nature. The applicant also stated the bottom of the portion of Sabine Pass within the applicant's facility does not contain oysters as per their conducted side scan sonar survey.

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 9 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 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 contacted TCEQ, initiated the Section 401 CWA process, submitted a pre-filing meeting request, on 20 October 2020, and submitted their application on 16 December 2020. If you have comments or questions on this proposed project's State water quality certification process, please contact 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 proposed project 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 **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-2020-00773**, and should be submitted to:

North Unit/Evaluation Branch
Regulatory Division, CESWG-RDE
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