



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-1998-01785
	Date Issued: _____	23 January 2024
	Comments _____	
<b>Galveston District</b>	Due: _____	23 February 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 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** Jefferson Terminal South, LLC  
6342 North Twin City Highway  
Nederland, Texas 77627  
POC: Philip Trew  
Telephone: 409-241-2660  
Email: [ptrew@jeffersonenergyco.com](mailto:ptrew@jeffersonenergyco.com)

**AGENT:** Lanier & Associates Consulting Engineers  
595 Orleans Street, Suite 600  
Beaumont, Texas 77701  
POC: Haley Strahan  
Telephone: 409-212-1051  
Email: [hstrahan@lanier-engineers.com](mailto:hstrahan@lanier-engineers.com)

**LOCATION:** The project site is located in Neches River, approximately 0.88-mile northeast of the intersection of North Twin City Highway and DuPont Road, in Nederland, Jefferson County, Texas.

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

**Latitude:** 30.019710° North;    **Longitude:** 094.024990° West

**PROJECT DESCRIPTION:** The applicant proposes to construct a new ship/barge dock for the purpose of replacing an existing ship/barge dock that is nearing the end of its use. The new ship/barge dock will consist of a 144-foot by 65-foot platform, 20-foot-wide by 80-foot-long approachway, steel beam pile supported pipe racks, 6 breasting dolphins, 4 mooring dolphins, 3 barge monopiles, a new shoreside access walkway, a boat slip and spill boom containment reel. The applicant is proposing to mechanically or hydraulically dredge approximately 350,000 cubic yards to match the upcoming channel depth of -52 feet mean lower low water (MLLW) and to extend dredging into the Federal Channel. The applicant is proposing to place the dredge material into dredge material placement areas 5, 8, 9, 11, 12, 13, 14, 16, 17, 18, 22, 23, 24, 25 or 26. The applicant also seeks authorization to place dredge material in the Lower Neches WMA Nelda Stark Beneficial Use Site.

**PERMIT HISTORY:** Previous permits issued at this location authorized dredging for the purpose of constructing a wharf and associated walkway with piling structures, breasting and mooring dolphins and the existing ship/barge dock.

**AVOIDANCE AND MINIMIZATION:** The applicant has designed the project in a way that will not interfere with navigation. The applicant has stated that all impacts to special aquatic sites will be avoided.

**MITIGATION:** The applicant is not proposing any mitigation.

**CURRENT SITE CONDITIONS:** The project area consists of maintained spoil sites, fringe marsh and open water habitat types along western bank of the Neches River. This portion of the Neches River is highly developed and experiences heavy vessel traffic. There are numerous structures such as ship/barge docks, aids to navigation, mooring dolphins, etc.

**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 18 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 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 Texas Commission on Environmental Quality 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 previous dredging and 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, 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 February 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-1998-01785**, and should be submitted to:

Central Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS