



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2014-00398
	Date Issued: _____	12 July 2016
	Comments	
Galveston District	Due: _____	11 August 2016

**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 404 of the Clean Water Act.

APPLICANT: ExxonMobil Oil Corporation
P.O. Box 2295
Beaumont, Texas 77704-2295
POC: Charles Blencke
Telephone: 832-624-5201

AGENT: Horizon Environmental Services, Inc.
1507 South IH 35
Austin, Texas 78741-2502
POC: Lee Sherrod
Telephone: 512-328-2430

LOCATION: The project site is located in wetlands within a 54.2-acre tract, at 11440 Highway 90, in Beaumont, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Beaumont West, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.070280° North;

Longitude: 094.225839° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 10,200 cubic yards of clean fill material and caliche rock into a total of 4.2-acre of wetlands in 2 separate areas on the project site for the purpose of constructing laydown and staging areas, assembly pads, access roads and parking for construction personnel. This proposed fill will facilitate the expansion of the existing ExxonMobil Beaumont Polyethylene Plant (BPEP).

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts to the extent practicable. Due to needed space for large equipment laydown, assembly, construction equipment staging, and worker parking, the proposed 54.2-acre laydown area is already the minimum size necessary to meet the project needs.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by purchasing credits from the Daisetta Swamp Mitigation Bank. The project site is within the secondary service area of the Daisetta Swamp Mitigation Bank. An interim Hydrogeomorphic Model (iHGM) analysis was completed for the wetland assessment area (WAA) being impacted in order to determine the number of functional capacity units (FCU)/credits needed to be purchased from the Daisetta Swamp Mitigation Bank. Both wetland areas are nearly identical in characteristics; therefore, both wetlands were combined into one WAA. The Forested Riverine iHGM model was utilized for the analysis. The FCU's were calculated for three different riverine wetland functions including: Temporary Storage and Detention of Surface Water, Maintenance of Plant and Animal Communities, and Removal and Sequestration of Elements and Compounds (Attachment B). Since the project area is in the secondary service area of the Daisetta Swamp Mitigation Bank, a 1.5:1 service area multiplier will apply.

CURRENT SITE CONDITIONS: The project site is currently a 54.2-acre tract of undeveloped forested area bounded on the north by a stormwater outfall ditch originating from the existing BPEP and outfalling into Willow Marsh Bayou, on the east by a detention basin on the south by an existing GE Betz industrial facility and on the west by the existing ExxonMobil BPEP. This tract's vegetation is relatively homogeneous, being dominated, for the most part, by an overstory of Chinese tallow (*Triadica sebifera*), sugarberry (*Celtis laevigata*), and loblolly pine (*Pinus taeda*), and a relatively dense understory of yaupon (*Ilex vomitoria*), wax myrtle (*Morella cerifera*), Japanese privet (*Ligustrum japonicum*), and Chinese privet (*Ligustrum sinense*). The tract also lies within the FEMA 100-year floodplain.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 4 sheets along with the Alternatives Analysis and the proposed Mitigation Plan.

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: The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

AIR CONFORMITY: A determination of General Conformity pursuant to the Clean Air Act may be necessary. The purpose of such a determination would be to document that emissions that would result from the Corps action, in potentially approving the discharge of fill material into wetlands proposed by this application, are in conformity with the Texas State Implementation Plan within the nonattainment area of Jefferson County.

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 construction and earth moving activities 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.

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected 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.

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 **11 August 2016**. 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-2014-00398**, and should be submitted to:

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U.S. Army Corps of Engineers
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DISTRICT ENGINEER
GALVESTON DISTRICT
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