



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2016-00164
	Date Issued: _____	14 July 2016
	Comments	
Galveston District	Due: _____	15 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Houston Fuel Oil Terminal Company (HFOTC)
1201 South Sheldon Road
Houston, Texas 77015-6649
POC: Lex Moyers
Telephone: 281-452-3390

AGENT: Schneider Engineering and Consulting
323 23rd Street
Galveston, Texas 77550-1509
POC: Jene Adler
Telephone: 409-771-0937

LOCATION: The project site is located in the Houston Ship Channel, at 16800 Peninsula Boulevard, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: LaPorte, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.747552° North;

Longitude: 095.104756° West

PROJECT DESCRIPTION: The applicant proposes to dredge approximately 615,000 cubic yards of material from a 13.79-acre area to a depth of 47 feet below Mean Lower Low Water (MLLW) with 1 foot of overdredge, just off of the Houston Ship Channel for the construction of a new ship dock. This proposed new ship dock will include a trestle, pipe rack, dock, access platform, gangway support structure, seven fender piles, four mooring dolphins and four breasting dolphins.

This project also entails the dredging of an additional 65,000 cubic yards of material for a proposed 1,000-linear-foot trench for a pipeline crossing that would extend from the northern end of the proposed bulkhead to the HFOTC facility located across the channel to the north and reconnect along the existing barge dock bulkhead on the northern shoreline. Seven pipelines and fiber optic lines would be placed within the trench excavated below the channel. Directionally drilling these lines was determined not to be logistically feasible. Therefore, HFOTC has elected to lay down the pipelines using conventional methods.

Due to land restrictions, a work area for the pipeline is also proposed along the northern shoreline of the project area. To provide a stable work area 10,000 cubic yards of crushed aggregate is proposed to be discharged in 8 areas along the northern shoreline of the project area. Six 35-foot by 40-foot work platforms consisting of approximately 1,000 cubic yards of crushed aggregate and two 35-foot by 80-foot work platforms consisting of approximately 2,000 cubic yards of crushed aggregate placed at 4 feet below MLLW surrounded by a 2:1 slope to existing grade. The aggregate will consist of large rock stabilized by gabion-like metal grating to prevent sloughing into the channel. These work areas would be used for approximately one month and then remain in place along the northern shoreline as shoreline stabilization.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts to the extent practicable. The applicant is not proposing the discharge of fill material in to any wetlands or other special aquatic site. The applicant has also agreed to apply best management practices during and after the proposed work to control erosion and sedimentation into waters of the United States. Proper confinement and siltation controls are proposed.

MITIGATION: This project includes the discharge of fill material into waters of the United States. However, this discharge will not cause the permanent loss of aquatic resources. Areas proposed to be impacted will continue to provide their existing aquatic resource functions. For these reasons the applicant has not proposed compensatory mitigation for this project.

CURRENT SITE CONDITIONS: The project site is located within the Gulf Coast Prairies and Marshes region of Texas. These prairies are nearly level with slow surface drainage. Land in this region has been used for crops, livestock grazing, and urban and industrial centers. This specific project area currently contains public infrastructure, and lies adjacent to existing ship and barge terminal facilities. This project site is a developed industrial site along the Houston Ship Channel which is also highly industrialized.

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 22 sheets and an alternative analysis.

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.

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.

The return water from the upland contained dredge material placement area(s) requires authorization under Nationwide Permit (NWP) 16. However, we have determined that the conditioned Section 401 certification, placed upon NWP 16 by Texas Commission on Environmental Quality (TCEQ), is not reasonably implementable or enforceable, according to 33 CFR 325.4(c). Prior to the performance of hydraulic dredging, the applicant must obtain an individual Section 401 water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401 certification must also be furnished to the Corps prior to performing hydraulic dredging.

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 dredging and placement of dredged material in the early 1900's through 1944 that there is no potential for historic properties to exist within the permit area. Therefore the proposed project has no potential to affect 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 **15 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-2016-00164**, and should be submitted to:

Mr. Brian J. Bader
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3037 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS