



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

SWG-2016-01025

12 July 2018

13 August 2018

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**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:** Oiltanking Texas Independent Deepwater Expansion (TIDE), LLC  
333 Clay Street, Suite 2400  
Houston, Texas 77002  
Telephone: 713-252-4257  
POC: Mr. Randy Carroll

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

**LOCATION:** The project site is located within the Texas City Industrial Canal and Ship Channel (Channel) and adjacent wetlands, approximately 0.9-mile east of the intersection of Farm-to-Market Road 519 and Loop 197 South, in Texas City, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Virginia Point, Texas.

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

Latitude: 29.361617 North;

Longitude: -94.897507 West

**PROJECT DESCRIPTION:** The applicant proposes to dredge and discharge fill material into tidal and non-tidal waters of the United States (WOUS) and adjacent wetlands associated with a marine terminal construction. The terminal will consist of three docks to service up to five Suezmax crude oil and petroleum tankers, onshore storage tanks, roads, and pipelines connecting to the adjacent Oiltanking facility located to the west of the project site. Work will include hydraulic and/or mechanical dredging of approximately 7.24 million cubic yards (mcy) of material from the project site and the adjacent Texas City Industrial Canal and Channel to minus 45 feet mean lower low water, plus an allowable 2-foot over-dredge. Approximately 1.2 mcy of dredge material is proposed for placement within the project site for construction of onshore terminal facilities. The remaining dredge material will be placed within established beneficial use or placement areas. Project impacts will include the following: dredging of approximately 124.34 acres of WOUS and adjacent wetlands; and the permanent discharge of fill material into approximately 44.14 acres of adjacent wetlands and approximately 32.23 acres of other WOUS.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by revising the design to avoid and minimize impacts to WOUS as much as practicable. Hydraulically dredged material placed within placement area will be allowed to settle to reduce total suspended solids and the effluent discharged via elevated outfall pipes through vegetated drainage areas. The proposed project design avoids approximately 3.83 acres of WOUS and approximately 1.99 acres of adjacent wetlands.

**MITIGATION:** The applicant proposes to mitigate for the proposed impacts by purchasing credits from the Gulf Coastal Plains Mitigation Bank and the completion of permittee responsible mitigation (PRM) within the same hydrologic unit of West Galveston Bay (HUC 12040204).

**CURRENT SITE CONDITIONS:** The project site is an approximate 209-acre undeveloped tract of land containing large ponds and herbaceous and scrub-shrub vegetation bordered by commercial development to the west and across the Channel to the north, a federal dredge material placement area across a tidal drainage canal to the east, and Swan Lake across the same tidal canal to the south. The project site also includes approximately 58 acres of the Channel. The project site is contained within a levee and has historically been associated with waste water disposal and treatment. The dominant wetland vegetation consists of green flatsedge (*Cyperus virens*), saltgrass (*Distichlis spicata*), cattail (*Typha latifolia*), sea oxeye (*Borrichia frutescens*), black willow (*Salix nigra*), salt cedar (*Tamarix gallica*), Jesuit's bark (*Iva frutescens*), and goldenrod (*Solidago sempervirens*). The subject site wetlands are neighboring and therefore adjacent to the Channel.

**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 project site wetland delineation has been completed and was verified by the Corps on 17 April 2017. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation for the proposed PRM site. The applicant's plans are enclosed in 41 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.

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 areas requires an independent certification by the TCEQ. The applicant must obtain a 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 the Corps making a decision on the proposed project.

**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 excavation of the barge canal and other construction 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 **13 August 2018**. 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-2016-01025**, and should be submitted to:

Central Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-6301 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS