



# Public Notice

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

**Galveston District**

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

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

Comments \_\_\_\_\_

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

SWG-2018-00560

3 July 2019

5 August 2019

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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.

**APPLICANT:** Port of Houston Authority  
111 East Loop North  
Houston, Texas 77029  
POC: Garry McMahan  
Telephone: 713-670-2400  
Email: gmcmahan@Poha.com

**AGENT:** Lloyd Engineering, Inc.  
6565 West Loop South, Suite 708  
Bellaire, Texas 77401  
POC: Justin Wiedman  
Telephone: 832-426-4656  
Email: justin@lloydeng.com

**LOCATION:** The proposed Houston 4 Project site is located in wetlands and in Buffalo Bayou on a 389.11-acre site that includes 339.0 acres of land and 50.11 acres of open water located adjacent to the Houston Ship Channel (HSC). The project is located east of Greens Bayou adjacent to Corps Stations 760+00 to 810+00 of the HSC, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: Pasadena, Texas, and Jacinto City, Texas.

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

Latitude: 29.763194° North; Longitude: -95.161072° West

**PROJECT DESCRIPTION:** The applicant proposes to construct terminal infrastructure and dock facilities to support vessel loading and unloading for the transportation, importing, and exporting of petroleum products, petrochemicals, and other bulk liquids.

The proposed project consists of the construction of a marine terminal including four ship docks, three barge docks, breasting dolphins, mooring dolphins, and 5,305 feet of new sheet pile bulkhead wall. Additionally, the project consists of the construction of terminal supporting infrastructure including storage/processing facilities, rail receiving/loading yards, maintenance yards, above ground pipe racks, vehicle access roads, electrical substations, truck loading bay, and terminal operation offices and facilities. The proposed project requires the removal and relocation of approximately 3.8 million cubic yards of material within a 63.27-acre area to provide the area necessary to safely maneuver and berth incoming and outgoing vessels. Of that, approximately 870,000 cubic yards of material will be excavated above the MLLW line and 2.49 million cubic yards of material below the MLLW line will be dredged to obtain depths of -46.5 feet MLLW, and 2-foot allowable overdredge along the proposed ship docks and depths of -15 feet MLLW, plus a 2-foot overdredge along the proposed barge docks. Approximately 5,927 cubic yards of slope stabilization material will be placed along the proposed bulkhead wall.

The applicant plans to utilize private Dredged Material Placement Areas for the initial new-work dredging and relocation of the 3.8 million cubic yards of material.

Of the potential Waters of the United States identified within the survey area of the proposed project, seven palustrine forested (PFO) wetlands, nine palustrine emergent (PEM) wetlands, two palustrine scrub-shrub (PSS) wetlands, one palustrine unconsolidated bottom (PUB) wetlands, four tributaries, and one open-water area are proposed to be impacted by construction and operation of the proposed project. Construction and operation activities would result in unavoidable impacts to approximately 11.702 acres of wetlands consisting of 3.925 acres of PFO wetland, 6.446 acres of PEM wetland, and 1.331 acres of PSS wetland. The proposed project would also impact approximately 2.056 acres of open water pond area.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by Best Management Practices (BMPs). To minimize the short-term and long-term turbidity and Total Suspended Solids (TSS) in the waters to be dredged, the Project would incorporate the following BMPs at appropriate stages during construction: temporary seeding, retention blankets, silt fence, and rock berms. Blankets, matting, vegetative filter strips, and berms would be employed to minimize the long-term turbidity and TSS in the water and would remain in place until the area has been stabilized.

**MITIGATION:** The applicant stated that no currently approved mitigation banks or in-lieu fee projects with primary or secondary service-area including the project area, have sufficient credits available for purchase to fully offset the impacts of the proposed project. As such, compensatory mitigation is proposed through implementation of a Permittee Responsible Mitigation (PRM) plan. The proposed PRM area is approximately 43.35 acres of land located 15 miles northeast of the project area in Harris County, Texas, within the Buffalo-San Jacinto (HUC 12040104) watershed. Implementation of the PRM plan would re-establish 13.018 acres of diverse wetlands. According to the applicant, the mitigation acreage is 10% higher than the impact acreage as an added benefit to the ecosystem and to compensate for temporal loss of wetland habitat until the vegetation matures at the mitigation site. The applicant stated that compensatory mitigation is not based on iHGM calculations, due to adjacency to tidally-influenced receiving waters. The wetlands at the mitigation site will be planted with a diverse mix of hard mast-producing tree species and will be located within an active floodway of Gum Gully, which will increase the physical, chemical, and biological integrity of downstream waters within the Buffalo-San Jacinto watershed.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land adjacent to the Houston Ship Channel in Harris County, Texas. The project site is located east of the confluence of Greens Bayou and the Houston Ship Channel. The project site is bordered by the Houston Ship Channel to the south, developed and undeveloped portions of land to the east and west, and a housing subdivision to the north. Portions of the project site consist of previously developed areas and maintained corridors subject to regular mowing, allowing mainly herbaceous vegetation to grow. Undeveloped and unmaintained portions of the project site include both herbaceous and forested areas. The project site consists of wetland and upland communities. Typical vegetation within wetlands consist of red maple (*Acer rubrum*), water oak (*Quercus nigra*), black willow (*Salix nigra*), sand spikerush (*Eleocharis montevidensis*), and swamp smartweed (*Persicaria hydropiperoides*). Typical vegetation within uplands consist of loblolly pine (*Pinus taeda*), Chinese tallow (*Triadica sebifera*), yaupon (*Ilex vomitoria*), and bermudagrass (*Cynodon dactylon*). The subject wetlands are adjacent to Buffalo Bayou.

**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 included in 24 sheets. The Draft Mitigation Plan is included in 14 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.

Pursuant to 33 USC 408, the proposed project may require Section 408 coordination and review. A Corps review is currently underway. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

**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:

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.

**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 **5 August 2019**. 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-2018-00560**, and should be submitted to:

Policy Branch  
Regulatory Division, CESWG-RDP  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS