



Public Notice

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

Galveston District

Permit Application No: SWG-1998-02503

Date Issued: 21 March 2023

Comments

Due: 20 April 2023

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: PCI Nitrogen, LLC
P.O. Box 3447
Pasadena, Texas 77501-3447
POC: Clay Griffin
Telephone: 713-920-5300
Email: c.griffin@ioccorp.com

AGENT: Lanier and Associates Consulting Engineers, Inc.
595 Orleans Street, Suite 600
Beaumont, Texas 77701-3227
POC: John Maurin
Telephone: 504-895-0368
Email: JMaurin@Lanier-Engineers.com

LOCATION: The project site is located in the Houston Ship Channel, located at 2001 Jackson Road, in Pasadena, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Pasadena, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.74333° North; **Longitude:** 095.19025° West

PROJECT DESCRIPTION: The applicant proposes to extend the time to perform previously authorized work and add authorization to utilize additional existing dredged material placement areas (DMPA). The previously authorized work includes the dredging of an approximately 157,000 cubic yards of material from an approximate 7.4-acre area to a depth of 40 below mean low tide, construct a new marine berth, placement of breasting and mooring dolphins, anchor buoys, a platform with a ship unloader and a receiving hopper with an onshore conveyor. Dredged material was authorized to be placed into the East/West Jones, Clinton, or House Stimson DMPA's. The proposed additional DMPA's include Glendale, Federal, Green's Bayou, Glanville, Beltway 8, Lost Lake, Goat Island, Peggy Lake, Spillman Island and Alexander Island DMPA's. Effluent resulting from hydraulic dredging is defined as a discharge of fill material. Effluent discharged from any of the authorized and any of the proposed DMPA's as a result of this project will require an individual water quality certification.

PERMIT HISTORY AND BACKGROUND: Department of the Army (DA) Permit No. 21554 was issued on 24 July 2000 and authorized the dredging of a 322,500-square-foot area for the construction of a new marine berth and the placement of breasting and mooring dolphins, anchor buoys, a platform with a ship unloader, and a receiving hopper with an onshore conveyor. Dredged material was authorized to be placed into the East/West Jones, Clinton or House Stimson DMPA's. Amendment 21554(01) was assigned reference number of SWG-1998-02503 and was issued on 23 June 2005. This amendment extended the time period to construct the previously authorized work for an additional 5 years and extended the time to perform maintenance dredging at the facility for a period of 10 years. Amendment SWG-1998-02503 was issued 13 October 2010 and extended the time to construct the previously authorized work for an additional 5 years and extended the time to perform maintenance dredging at the facility for a period of 10 years. An amendment to SWG-1998-02503 was issued 23 December 2016 that authorized an extension of time to construct the previously authorized work and maintenance dredging at the facility for a period of 5 years.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by restricting the proposed impacts to the existing channel and the previously impacted project site. No discharge of dredged or fill material is proposed into any special aquatic site.

MITIGATION: This project will not result in a permanent loss of waters of the United States therefore the applicant has not proposed compensatory mitigation.

CURRENT SITE CONDITIONS: The project site is located within an existing commercial facility within the Port of Houston. This site has been previously impacted by the existing facility and surrounding facility. This section of Buffalo Bayou has been dredged to form a portion of the Houston Ship Channel. Buffalo Bayou flows east, joins the San Jacinto River and flows into Galveston Bay. The project area has experienced extensive commercial and industrial development and is heavily utilized by large commercial vessels.

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 6 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 (TCEQ) 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 TCEQ 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. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. 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:

The permit area has been so extensively impacted by industrial development and previous dredging 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 **20 April 2023**. 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-1998-02503**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS