



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2016-00744

Date Issued: 3 March 2022

Comments

Due: 4 April 2022

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## 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:** VLS Recovery Services, LLC  
8700 Yacht Club Road  
Port Arthur, Texas 77642  
POC: Mr. Edward J. VanHuis, IV  
Telephone: 409-962-8800  
Email: [eddie.vanhuis@vlsrs.com](mailto:eddie.vanhuis@vlsrs.com)

**AGENT:** Lanier and Associates Consulting Engineers, Inc.  
595 Orleans Street, Suite 600  
Beaumont, TX 77701  
POC: Ms. Joanne Scarf  
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Email: [jscarf@lanier-engineers.com](mailto:jscarf@lanier-engineers.com)

**LOCATION:** The project site is located in Sabine Neches Canal, at 8700 Old Yacht Club Road, in Port Arthur, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: West of Greens Bayou, Texas.

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

**Latitude:** 29.961706° North; **Longitude:** -93.859892° West

**PROJECT DESCRIPTION:** The applicant proposes to modify their current authorization to incorporate mechanical and/or hydraulic dredging, installation of a bulkhead and monopiles, discharge of fill (clean and/or dredged) material behind the bulkhead, and placement of the hydraulically dredged material. Specifically, the project components are:

1. Zones 1 and 3: Dredge a 15.1-acre area in Zone 1 to remove 103,700 cubic yards of material. Dredge a 6.1-acre area in Zone 3 to remove 30,500 cubic yards of material. Both areas will be dredged to a depth of -12 feet mean low lower water (mllw) plus 2 feet overdredge.
2. Zone 2: Dredge a 2.1-acre area to a depth of -22 feet mllw plus 2 feet overdredge to remove 44,600 cubic yards of material from Zone 2.
3. Zone 4: Dredge a 2.1-acre area to a depth of -20 feet mllw plus 2 feet overdredge to remove 39,900 cubic yards of material from Zone 4.
4. Zones 5 and 6: Remove 250 linear feet of an existing bulkhead within Zone 6. Install a new 877.5 linear feet of bulkhead. Discharge a total of 11,300 cubic yards of (clean and/or dredged) fill material, with 2,460 cubic yards below mean high tide (mht), within a 1.0-acre area behind the bulkhead. Install 6 new monopiles.
5. Placement of the hydraulically dredged material into Placement areas 11, 12, 13, 14, or the Texas Parks and Wildlife Department Nelda Starks beneficial use site.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by reducing the footprint of the proposed project within waters of the United States. The applicant also stated they have avoided impacts to wetlands. The discharge of fill material behind the new bulkhead will be sourced from the dredged material. The applicant stated to minimize impacts associated with the placement of dredged material, they will perform sampling in on the dredged material to identify potential contaminants in accordance with all Federal standards prior to the placement of the material.

**MITIGATION:** The applicant does not propose compensatory mitigation as there are no impacts to special aquatic sites, specifically wetlands.

**CURRENT SITE CONDITIONS:** The project site contains the waters of the Sabine Neches Canal and the immediately adjacent uplands. The project site is surrounded by a mixture of industrial, commercial, and undeveloped land.

**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 19 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 of 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](mailto: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>.

This public notice will serve as the notification to the Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 401(a)(2). The Regional Administrator is responsible for performing a review of the application/certification to determine if there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the District Engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the District Engineer will assume EPA has made a negative determination with respect to Section 401(a)(2).

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 earth moving activities since the 1930s 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 **4 April 2022**. 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-2016-00744**, and should be submitted to:

North Unit/Evaluation Branch  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS