



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-1995-01478
	Date Issued: _____	15 March 2018
	Comments _____	
Galveston District	Due: _____	16 April 2018

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.

APPLICANT: ExxonMobil Oil Corporation
P.O. Box 3311
Beaumont, Texas 77704
POC: Mr. David Gorsich

AGENT: ExxonMobil Oil Corporation
P.O. Box 3311
Beaumont, Texas 77704
Telephone: 832-625-5239
POC: Ms. Mary Lee

LOCATION: The project sites are located in the Neches River, at ExxonMobil's Beaumont Refinery, at 1795 Burt Street, in Beaumont, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: BEAUMONT EAST, Texas.

LATITUDE & LONGITUDE (NAD 83):

Dock #2:	Latitude: 30.07707 North;	Longitude: 94.07163 West
Dock #4:	Latitude: 30.07709 North;	Longitude: 94.06724 West
Dock #5:	Latitude: 30.07644 North;	Longitude: 94.06453 West
Coker Drum Offloading:	Latitude: 30.07561 North;	Longitude: 94.06235 West
Coke / Distillate Dock:	Latitude: 30.07095 North;	Longitude: 94.05690 West
Material Offload Dock:	Latitude: 30.06633 North;	Longitude: 94.05844 West
Golden Triangle Landfill:	Latitude: 29.99318 North;	Longitude: 94.15978 West
Allied Waste Landfill:	Latitude: 29.79394 North;	Longitude: 94.53651 West

PROJECT DESCRIPTION:

Dredging at Dock #2, Dock #4, and Dock #5: Dredging at these locations was previously authorized by Department of the Army (DA) Permit SWG-1998-00824 (formerly 13930) with maintenance dredging later authorized by DA Permit 11566. Maintenance dredging permits have expired, but maintenance dredging of Dock #4 and Dock #5 was authorized by Nationwide Permit (NWP) after Hurricane Harvey. The applicant desires to consolidate previously authorized dredging at these locations into a single permit. The applicant requests dredge maintenance of these areas to a depth of -44 feet mean lower low water (MLLW). Material would be hydraulically dredged. The primary area for dredged material placement would be placement area (PA) 25A. Alternate locations for dredged material placement would be PA 25, PA 26, or PA 16.

Coker Drum Offloading Site: Dredging at this location was previously authorized by DA Permit SWG-1998-00824. The applicant proposes mechanical excavation of approximately 100 cubic yards of material from this area. Excavated material would be placed into roll off boxes, decanted, and dewatered material would be shipped for disposal into the Allied Waste Gulf West Landfill and/or the Golden Triangle Landfill.

Coke / Distillate Dock: A new distillate dock is proposed for construction and would be collocated with an existing Coke dock area. The proposed dock would be approximately 9,900-square-foot in size, including walkways and associated ancillary structures. Existing mooring buoys and breasting dolphins will be removed and will be replaced with new mooring and breasting dolphins. A new depth marker will be installed across from the dock. Dredging in this area was previously authorized under DA Permit SWG-1995-01478 (formerly 20172). The last maintenance dredging of this area was performed after Hurricane Harvey as an NWP under SWG-1998-00824, and was to a depth of -44 MLLW. The existing dredge area is proposed to be modified to include dredging over a larger area to a depth of -44 feet MLLW. Approximately 125,000 cubic yards is proposed for hydraulic dredging for the distillate dock area. Material would be placed into PA 25A, with alternate dredged material PAs as described above for Docks #2, #4, and #5.

New Material Offload Facility Dock: A new Material Offload Facility Dock is proposed for construction. The proposed dock and associated ancillary structures would be approximately 8,900-square-foot in size and associated barge monopiles and protection piles. The placement of fill material and construction of the dock would result into impacts to a wetland area of 18.2-square-foot (0.0004-acre) in size. New dredging in this area is proposed. The applicant requests dredge the area to a depth of -18 feet MLLW. Approximately 7,000 cubic yards of material would be dredged. The applicant requests dredge maintenance of the area to maintain a depth of -18 MLLW. Material would be placed PA 25A, with alternate dredged material PAs as described above for Docks #2, #4, and #5.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding impacts to special aquatic sites to the maximum extent practicable.

MITIGATION: The applicant does not propose mitigation for impacts as only 0.0004-acre of wetlands will be impacted by the proposed project.

CURRENT SITE CONDITIONS: The project site is located adjacent to many industrial facilities. The area contains many structures and experiences much vessel traffic. Small areas of emergent wetland vegetation are located in areas adjacent to proposed project activities.

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 30 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.

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 return water from the upland contained dredge material placement areas requires certification from TCEQ. However, we have determined that the conditioned Section 401 certification, placed upon the return water from upland dredge material placement areas is not reasonably implementable or enforceable, according to 33 CFR 325.4(c). 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.

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 maintenance dredging around docks 2, 4, 5, and the Coker Drum Offloading site and use of an existing placement area, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project area.

The Coke/Distillate Dock and New Material Offload Facility Dock are located in an area that has been so extensively impacted by previous dredging and 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 **16 April 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-1995-01478**, and should be submitted to:

Central Unit – Evaluation Branch
Regulatory Division, CESWG-RD-E
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS