



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2017-00078
	Date Issued: _____	17 May 2017
	Comments _____	
<b>Galveston District</b>	Due: _____	19 June 2017

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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 404 of the Clean Water Act (CWA).

**APPLICANT:** USA Rail Terminals, LLC  
1010 Southview Circle  
Center, Texas 75935  
Telephone: 325-669-8926  
POC: Mr. Steve Roth

**AGENT:** Gremminger and Associates, Inc.  
226 South Live Oak Street  
Bellville, Texas 77418  
Telephone: 979-865-4440  
POC: Mr. Larry Gremminger

**LOCATION:** The project site is located near the Neches River, within Spindletop Park, approximately 0.45-mile north-northeast of the intersection of South Martin Luther King, Jr. Parkway and Sulphur Plant Road, in Beaumont, Jefferson County, Texas. The project site can be located on the U.S.G.S. quadrangle map entitled VIDOR, Texas.

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

Latitude: 30.034849 North;

Longitude: -94.055740 West

**PROJECT DESCRIPTION:** The applicant proposes to construct a railroad spur and side rails that will connect to an existing railroad. The newly constructed facilities will include 21 rail siding lines, varying from 2,580 to 3,507 feet in length and a 1.03-mile emergency vehicle access road, at the project site. Fill will be permanently placed in jurisdictional waters to build the railway and access-road beds. A total of 1.25 acres of jurisdictional wetlands will be permanently impacted by this project. Two types of waters will be affected, palustrine shrub/scrub wetland (0.16 acres) and palustrine emergent wetland (1.09 acres).

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by making use of lands that were historically borrow pits, filled with demolition debris and an abandoned city park. The access road has been designed to avoid naturally occurring forested wetlands.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts by purchasing Functional Credit Units based upon interim hydrogeomorphic (iHGM) scores of affected wetlands from the Piney Woods Mitigation Bank.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land surrounded by commercial development to the north, the Neches River to the east, and oil fields to the south and west. The wetland vegetation consists of forested wetlands characterized by bald cypress (*Taxodium distichum*), green ash (*Fraxinus pennsylvanica*), black willow (*Salix nigra*), flat sedge (*Cyperus spp.*) and cinnamon fern (*Osmunda cinnamomea*). The emergent wetlands consist of narrowleaf cattail (*Typha angustifolia*), arrowhead (*Sagittaria platyphylla*), smartweed (*Polygonum*), duckweed (*Lemna sp.*), rattle-bush, soft rush (*Juncus effuses*), panic grass (*Panicum dichotomiflorum*), and flat sedges.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. 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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

**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 modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the 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.

**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 **19 June 2017**. 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-2017-00078**, and should be submitted to:

North Unit  
Regulatory Division, CESWG-RD-E  
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