



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2014-00131
	Date Issued: _____	20 November 2018
	Comments _____	
Galveston District	Due: _____	20 December 2018

**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: Sunoco Partners Marketing & Terminals L.P.
1300 Main Street
Houston, Texas 77002
POC: Robert R. Rose
Email: Robert.Rose@energytransfer.com

AGENT: Lanier & Associates Consulting Engineers, Inc.
595 Orleans St., Ste. 600
Beaumont, Texas 77701
POC: Joanne Scarf
Telephone: 409-212-1051
Email: jscarf@lanier-engineers.com

LOCATION: The project site is located approximately 8.5 miles southeast of the city of Beaumont, Texas within the Neches River in Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Terry, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.01687° North; **Longitude:** -93.99425° West

PROJECT DESCRIPTION: The applicant proposes to modify the permit discussed in the Background Section below to extend the time for an additional 10 years for maintenance dredging within the previously authorized dredge area and to conduct new

mechanical or hydraulic dredging within a proposed turning basin. The inclusion of this turning basin, in addition to the previously approved dredging area, will allow vessels to safely turn around and reverse their direction of travel in order to moor at the existing Sunoco Dock facility. Specifically, the work is described below:

New Work:

- to dredge a new cut of 710,000 cubic yards to -40 feet MLLW plus 2 foot overdraft for a new 24 acre turning area;
- to remove an estimated 60,000 to 70,000 cubic yards per dredging cycle;
- to conduct yearly dredging maintenance; and
- to utilize previously authorized Disposal Areas 25, 24, 22, 21, 18, and/or proposed Disposal Area 23 for effluent discharge of return water.

BACKGROUND SECTION: Department of the Army (DA) Permit SWG-2014-00131 was issued on 1 April 2015 and will expire on 31 December 2020. DA Permit SWG-2014-00131 authorized the applicant to dredge approximately 590,000 cubic yards of material, construct a 60-foot-wide by 100-foot-long pile-supported dock with 4 ship-breasting-dolphins with walkways, 6 on-shore mooring dolphins, and approximately 1,300 linear feet of articulated concrete block for shoreline stabilization. Disposal Areas 25, 24, 22, 21, 18, and/or proposed Disposal Area 23 were authorized for effluent discharge of return water. This permit also authorized the applicant to discharge approximately 13,000 cubic yards of fill material into 7.77 acres of wetlands adjacent to the Neches River in order to construct a 160-linear foot driveway, access road, on-shore foundations, and containment areas.

STATE OF PREVIOUSLY AUTHORIZED WORK: Per the information provided by the agent, no previously authorized work has occurred.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by limiting the impacts to the minimum necessary to accomplish the purpose of the project.

MITIGATION: No additional mitigation is proposed.

CURRENT SITE CONDITIONS: The project site is located within a developed portion of the Neches River. This stretch of the Neches River is an industrialized area with heavy vessel traffic. The project area includes a proposed turning basin in addition to the previously approved dredging area. This project will allow vessels to safely turn around and reverse their direction of travel in order to moor at the existing Sunoco Dock facility. There are no special aquatic sites located within this proposed project area.

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 5 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 Clean Water Act (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 1500 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.

The return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). 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 of Engineers prior to the Corps making a decision on the proposed project.

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 new dredging area has been so extensively impacted by dredging and subsidence 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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 December 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-2014-00131**, and should be submitted to:

North Unit/Evaluation Branch
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
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Galveston, Texas 77553-1229
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS