



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2023-00464

Date Issued: November 21, 2023

Comments

Due: December 21 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.

**APPLICANT:** Deer Park Refining, LP  
Ms. Laura Brennan  
5900 Highway 225,  
PO Box 1915  
Deer Park TX, 77536  
Email: [Laura.Brennan@deerparkrefinery.com](mailto:Laura.Brennan@deerparkrefinery.com)

**LOCATION:** The project site is located along the south shore and open waters of the Houston Ship Channel (Buffalo Bayou), adjacent to the PEMEX facility, in Deer Park, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: La Porte, Texas.

**LATITUDE & LONGITUDE (NAD 83):**  
**Latitude:** 29.732958° North; **Longitude:** -95.122961° West;

**PROJECT DESCRIPTION:** The applicant proposes to expand an existing bulkhead and install a new pier for mooring a privately owned firefighting boat. Specifically, the applicant proposes to install a new 624 linear foot bulkhead and 740 cubic yards of fill material waterward of the high tide line and existing bulkhead structure; the existing bulkhead will be left in place. Additionally, the applicant proposes to demolish an existing fireboat dock and install new structure consisting of a 124' 4" long x 6' wide (106' 7" x 6' over waters)

pier supported walkway leading to a 554 square foot mooring dock (55' 5" at widest x 14' 2" long). Lastly the applicant proposes installing 6 dolphins, consisting of a 24" diameter steel monopiles, waterward of the newly installed dock for the purpose of protecting the dock and mooring vessels; piles will be driven approximately 80 feet below the high-tide line into the substrate. The docking structure is not proposed to be covered and will be supported by piles driven approximately 30-40 feet below the high-tide line into the substrate.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following statement declaring the project has been designed to avoid and minimize impacts to the environment: "No wetlands will be impacted during construction of the new bulkhead and fireboat pier. The new bulkhead will be constructed following best management practices and as close as possible to the existing bulkhead in order to minimize the amount of fill used. Additionally, the fireboat pier will be constructed in the same area as the existing pier, extending far enough to reach the necessary depth while avoiding the need for dredging. All aspects of the project will be conducted in such a way as to minimize the structural footprint and need for additional discharge into the waters of the US."

**MITIGATION:** The applicant not proposed compensatory mitigation. The applicant has provided the flowing statement relating to mitigation: "We do not believe that compensation/ mitigation is required for this project, as only 740 CY of fill will be discharged in front of an existing bulkhead, displacing a minimal amount of water. The new pier will not cause a loss of public waters or impact to navigation."

**CURRENT SITE CONDITIONS:** The project site is in a highly developed portion of the Houston Ship Channel. There are several loading docks, piers, monopiles, and aids to navigation in the adjacent vicinity. The area experiences heavy vessel traffic and is void of aquatic vegetation.

**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 sheets 1-9.

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.

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.

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: There are no historic properties within permit area and immediate vicinity. No further action is recommended.

**THREATENED AND ENDANGERED SPECIES:** Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

**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 **December 20, 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-2023-00464**, and should be submitted to:

Southwest Division, Technical Regional Execution Center  
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  
[swg\\_public\\_notice@usace.army.mil](mailto:swg_public_notice@usace.army.mil)

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS