



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2013-00569
	Date Issued: _____	3 October 2019
	Comments _____	
Galveston District	Due: _____	4 November 2019

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS RAILROAD COMMISSION**

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: Coastal Caverns, Inc.
919 Milam Street, Suite 2425
Houston, Texas 77002
POC: David Branch
Telephone: 832-500-7590
Email: dbranch@calichestorage.com

AGENT: Perennial Environmental Services, LLC
13100 Northwest Freeway, Suite 150
Houston, Texas 77040
POC: Marshall Olson
Telephone: 713-462-7121
Email: molson@perennialenv.com

LOCATION: The project site is located adjacent to the Port Arthur Canal, approximately 3.8 miles south of Beaumont, within Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Beaumont East, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.027018° North; **Longitude:** 094.107546° West

PROJECT DESCRIPTION: The applicant proposes to permanently fill 3.67 acres of palustrine forested wetlands (PFO), 0.02 acres of palustrine scrub-shrub wetlands (PSS), and 0.59 acres of palustrine emergent wetlands (PEM) with 3,452 cubic yards of native fill material in order to increase their underground ethylene salt dome storage facility and construct a brine pond.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by selecting a site that is characterized predominantly as upland pastureland. Additionally, the applicant has prepared a project-specific storm water pollution prevention plan that will minimize the transport of sediments that could fill adjacent wetlands or waters of the U.S. The best management practices (BMPs) associated with this plan include silt fences and straw bales. The applicant has stated that all temporarily disturbed areas will be restored to pre-construction contours and stabilized.

The applicant has stated that they are unable to reduce the size of the proposed brine pond and avoid additional aquatic resources due to two factors: contractual obligations to increase capacity of their existing storage facility and an inability to construct a supplementary brine storage pond elsewhere on the subject property.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by developing a permittee-responsible mitigation plan, which must be approved by the Corps prior to the start of construction.

CURRENT SITE CONDITIONS: The project site consists of a 269.78-acre property, which includes pastureland, upland forests, PFO, PSS, PEM, and the Lower Neches Valley Authority Canal.

Typical upland vegetation includes: sugarberry (*Celtis laevigata*), laurel oak (*Quercus laurifolia*), eastern red cedar (*Juniperus virginiana*), yaupon (*Ilex vomitoria*), Chinese privet (*Ligustrum sinense*), slender woodoats (*Chasmanthium laxum*), annual marsh elder (*Iva annua*), smut grass (*Sporobolus indicus*), southern dewberry (*Rubus trivialis*), common carpetgrass (*Axonopus fissifolius*), poison ivy (*Toxicodendron radicans*), fig buttercup (*Ficaria verna*), yellow jessamine vine (*Gelsemium sempervirens*), and saw greenbrier (*Smilax bona-nox*). Typical wetland vegetation includes Chinese tallow (*Triadica sebifera*), sugarberry, eastern baccharis (*Baccharis halimifolia*), yaupon, peppervine (*Ampelopsis arborea*), floating primrose willow (*Ludwigia peploides*), and swamp smartweed (*Periscaria hydropteroides*), Japanese stiltgrass (*Microstegium vimineum*), old field aster (*Symphotrichum pilosum*), and marsh flatsedge (*Cyperus pseudovegetus*).

The soil units located within the project boundary include the Labelle-Urban land Complex and Viterbo silty clay loams.

NOTES: This public notice is being issued based on information furnished by the applicant. A portion of the project information has not been verified by the Corps, but a majority of the project site was verified by the Corps on 15 December 2014. The applicant's plans are enclosed in 7 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:

The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

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 was investigated for historic properties and none were identified as documented in the technical report titled "A Phase I Cultural Resources Survey of the Brine Pond Number 3 Project, Jefferson County, Texas" prepared by Perennial Environmental Services and dated November 2017.

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 **4 November 2019**. 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-2013-00569**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS