



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2007-00247

26 September 2017

26 October 2017

**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: Vopak Terminal Deer Park, Inc.
2759 Independence Parkway South
Deer Park, TX 77536
Telephone: (281) 604-6084
POC: Mr. Stephen Mackay

AGENT: CRA, Inc.
2121 Brittmoore Road, Suite 4600
Houston, TX 77043
Telephone: (713) 690-4626
POC: Ms. Kimberly Hargett

LOCATION: The project is located in Buffalo Bayou (Houston Ship Channel) at 2759 Independence Parkway South, near the City of Deer Park, in Harris County, TX. The project can be located on the U.S.G.S. quadrangle map titled: LaPorte and Highlands, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.744963° North; Longitude: 095.097266° West

PROJECT DESCRIPTION: The applicant proposes to perform intermittent silt blade maintenance dredging over a 17.0 acre area to previously authorized depths per Department of the Army Permit SWG-2007-00247 (formerly 12314(10)) at Docks 1-5

within Buffalo Bayou. An estimated 6,925 cubic yards of material will be spread away from the breasting line of Dock 2 and away from the adjacent Federal channel. An estimated 7,801 cubic yards of material will be spread towards the breasting line of Dock 1. An estimated 4,278 cubic yards of material will be spread away from the breasting line of Docks 3, 4, and 5. The total impacts, dredging and placement of material, to waters of the U.S. is 17.0 acres.

BACKGROUND: Silt blade bottom contouring is a dredging method that involves the re-distribution of bottom sediment by “spreading” the material from one area to another in order to achieve target depth. Silt blade bottom contouring will primarily be used to evenly contour the bottom elevation of the berthing areas and along the side slopes of the docking facility. The components of this proposed project that are subject to Section 404 of the CWA involve the discharge associated with silt blade dredging.

DA Permit 12314 originally authorized the construction of a dock facility, including a bulkhead, mooring structures and dock, and the dredging of a vessel slip in the Houston Ship Channel. Amendment (01) authorized the addition of the Lost Lake Disposal Area and an increase in the quantity of dredge material. Amendment (02) authorized the performance of periodic maintenance dredging. Amendment (03) authorized the construction of a revetment. Amendment (04) extended the time to perform periodic maintenance dredging until December 31, 2006. Amendment (05) requesting authorization to add water injection dredging to the permit was denied on August 28, 1997. Amendment (06) authorized the addition of the Peggy Lake and Alexander Island Disposal Areas for the placement of dredge material. Amendment (07) authorized the use of an area of the San Jacinto Monument State Park for the placement of dredge material. Amendment (08) authorized the installation of a stake pile with buoy for mooring. Amendment (09) authorized the increase of the dredge depth at docking facilities to -46 feet. Amendment (10) authorized construction of a pile-supported dock extension, installation of additional mooring and breasting dolphins, installation of a sheet pile retaining wall, dredging of approximately 275,000 cubic yards of material in order to increase water depth to -47 feet at the project ship berthing facilities, and to a depth of -13 feet at the barge berthing locations, and 10-year maintenance dredging, and retained all previously authorized dredge material placement areas. Amendment (11) authorized the addition of Beltway 8 and Glanville Dredge Material Placement Areas (DMPAs) and retention of all previously authorized DMPAs.

AVOIDANCE AND MINIMIZATION: The project site encompasses 17.0 acres of which all is open water. The applicant made provisions in the design phase to avoid where possible and minimize impacts to open water in an already impacted, industrial area. The applicant sited the proposed maintenance dredging operations to avoid existing infrastructure associated with ongoing dockside operations. The proposed activities are situated on sandy non-vegetated bottoms and will not impact wetlands, oysters or submerged aquatic vegetation at this location.

MITIGATION: The applicant does not propose mitigation for maintenance dredging operations at the applicant’s facilities. The Galveston District has determined that the proposed silt blade dredging is a Section 10 and Section 404 activity.

CURRENT SITE CONDITIONS: The project site is within the waters of Buffalo Bayou adjacent to Docks 1-5 within the boundaries of the applicant's facilities. The project site is bounded on the north, east, and west by the waters of the Houston Ship Channel, which is part of Buffalo Bayou, and bounded on the south by the applicant's facilities. This waterbody undergoes regular maintenance dredge cycles that temporarily disturb the water quality and increases turbidity in the water column. The area within this portion of Buffalo Bayou is highly developed by private and commercial industry. This area experiences a moderate to heavy flow of vessel traffic that unloads supplies and materials to the industries located within the portion of Buffalo Bayou, which is adjacent to the Houston Ship Channel.

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 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 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 would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or

other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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 impacted by previous dredging 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 **26 October 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-2007-00247**, and should be submitted to:

North Unit/Evaluation Branch
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
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