



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2015-00172

14 September 2017

16 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 404 of the Clean Water Act (CWA).

APPLICANT: Sunoco Pipeline, LP
One Fluor Daniel Drive, Building A, Level 3
Sugarland, Texas 77478
Telephone: 281-637-6550
POC: Ms. Karen McMillin

AGENT: STV Energy Services, Inc.
10370 Richmond Avenue, Suite 850
Houston, Texas 77043
Telephone: 713-456-7850
POC: Mr. Adam Wood

LOCATION: The project site is located in Wetland AA which is adjacent to the Left Prong of Molasses Bayou, near the City of Port Neches, in Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Arthur North, Texas.

LATITUDE & LONGITUDE (NAD 83):

Start Latitude: 29.962784° North;

End Latitude: 29.964181° North;

Longitude: 093.911802° West

Longitude: 093.917823° West

PROJECT DESCRIPTION: The applicant proposes to convert the previously verified, SWG-2015-00172, temporary workspace areas for pipeline installation to a permanent access road.

The applicant proposes to permanently discharge 384 cubic yards of fill material into 0.81 acre of Wetland AA during the construction of the permanent access road starting at Pinetop Road and continuing 2,500 linear feet west and terminating at the existing valve site adjacent to Star Lake Ditch.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by situating the permanent access road in the same location as the previous temporary impacts from the prior pipeline installation. Additional avoidance and minimization measures included sizing the roadway to the minimum necessary to provide access and turnaround space at the existing valve site.

The applicant considered three alternatives before selecting their preferred alternative, as illustrated on Attachment B. The first alternative considered included building the permanent gravel access road starting at Pinetop Road within a 12-foot right-of-way (ROW) on Lower Neches Valley Authority (LNVA) property extending 0.3 miles west and then rejoin the applicant's preferred alternative alignment. This alternative would provide vehicular access to the existing valve site and reduce the quantity of permanent impacts to Wetland AA.

The second alternative considered included building the permanent gravel access road starting at Pinetop Road within a 12-foot ROW on LNVA property extending west for 0.4 miles to just before Star Lake Ditch and then extend north 0.1 miles to the existing valve site. This alternative would provide vehicular access to the existing valve site and avoid the majority of the permanent impacts to Wetland AA.

The third alternative considered included building the permanent gravel access road starting on an unnamed road at a point 0.2 miles west of the intersection of Pinetop Road and Port Neches Atlantic Road north of the existing valve site. This alternative alignment would continue south 175 feet from the starting point onto undeveloped land that borders the forested/shrub/emergent complex and is owned by Huntsman Petrochemical. The alignment would then continue 0.22 miles in a southwestern direction, paralleling Star Lake Ditch, until it terminates at the existing valve site. This alternative would provide vehicular access to the existing valve site and avoid all of the permanent impacts to Wetland AA.

The applicant's preferred alternative included building the permanent gravel access road starting at Pinetop Road, within the existing temporary access road, extending 0.35 miles west to the existing valve site.

The three alternatives would have less environmental impacts to Wetland AA from the construction of the permanent access road when compared to the applicant's alternative. The three alternatives are located within property owned by other entities which are not granting access and/or modifications to existing easements to the applicant. Without the appropriate access or easements onto other entities properties, the applicant would have to condemn the property to gain access to construct the permanent access road.

Although the environmental impacts of the applicant's preferred alternative is greater than the other three alternatives, it is not practicable to condemn other entities property to build a permanent access road. Therefore, the applicant's preferred alternative is the least environmentally damaging practicable alternative.

MITIGATION: The applicant used the Interim Riverine Herbaceous/Shrub Hydrogeomorphic (HGM) assessment model to calculate the appropriate number of credits to debit from Pineywoods Mitigation Bank. The impacts to 0.81 acre of palustrine emergent wetlands will be compensated by the purchase of 0.42 functional credit units (FCUs) in Temporary Storage & Detention of Water category, 0.75 FCUs in Maintain Plant and Animal Community category, and 0.38 FCUs in Removal & Sequestration of Elements & Compounds category. This calculation included the 1.5 multiplier due to the location of the project site within the secondary service area of Pineywoods Mitigation Bank. The applicant's mitigation plan is included in Attachment A.

CURRENT SITE CONDITIONS: The project area is bounded on the east by Pinetop Road, on the north by Port Neches Atlantic Road, on the south by an unnamed canal, Kansas Southern Railroad, and Pure Atlantic Road, and on the west by an unnamed canal that connects to the Neches River. The project area is located within the Northern Humid Gulf Coast Prairies sub region of the Gulf Coast Prairies and Marshes ecoregion of Texas. The project area is relatively flat with a slight topographic relief. The soil type is LeaA, League Clay, which is somewhat poorly drained and geomorphically situated in flats and depressional areas. The project area consists of palustrine emergent wetlands, sand spikerush (*Eleocharis montevidensis*) and round pennywort (*Hydrocotyle umbellata*), adjacent to a contiguous palustrine forested, emergent, and scrub/shrub complex that is located outside of the 100-year floodplain but near the waters of the Left Prong of Molasses Bayou. The forested area is dominated by sugarberry (*Celtis laevigata*), Chinese tallow (*Triadica sebifera*), sweet gum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), water oak (*Quercus nigra*), and willow oak (*Quercus phellos*). The project area was previously palustrine forested wetlands that were contiguous with the adjacent forested, emergent, scrub/shrub complex. Construction access for pipeline installation converted the previously palustrine forested wetlands to palustrine emergent wetlands.

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 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 **16 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-2015-00172**, and should be submitted to:

Central 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
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swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS