



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2011-01123

Date Issued: 19 September 2023

Comments

Due: 20 October 2023

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## 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 (CWA).

**APPLICANT:** PI Dock Facilities LLC  
One Valero Way  
San Antonio, Texas 78249  
POC: James Stegall  
Email: James.Stegall@valero.com  
Telephone: 210-345-3206

**AGENT:** Lanier and Associates Consulting Engineers, Inc.  
595 Orleans, Suite 600  
Beaumont, Texas 77701  
POC: Christopher Guy  
Email: cguy@lanier-engineers.com  
Telephone: 409-212-1051

**LOCATION:** The project site is located in the Sabine-Neches Waterway, at 2500 Martin Luther King Drive, in Port Arthur, Jefferson County, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 29.8225 North; **Longitude:** 093.955556 West

**PROJECT DESCRIPTION:** The applicant proposes to perform new dredging and periodic maintenance dredging at the North and South berths (20.35 acres total) with hydraulic dredge, mechanical dredge, or blade leveling methods to deepen and maintain the mudline from EL -40-foot mean lower low water (MLLW) (plus 2-ft. over dredge) to a new depth of EL -52-foot MLLW, matching the final authorized depth of the Sabine-Neches Waterway (SNWW). The intent is to deepen and maintain the berth to a depth that corresponds with the deepening of the SNWW Channel Improvement Project. The applicant also proposes to periodically maintenance dredge as needed 17.80 acres within the federal channel limits. This area will be dredged only if the Corps dredge cycle does not line up with applicant's needs. Dredged material will be placed in either USACE Dredge Material Placement Area(s) (DPMA) 5, 5b, 8, 9, 11, 12, or 13, the JD Murphree Wildlife Management Area (WMA), Avera, or the Texas Deepwater Placement Area in Houston, Texas. The applicant also proposes to construct a 1,084-square-foot covered boatlift extending 53 feet into the Sabine-Neches Waterway. Project components include a 30-foot by 30-foot covered boat lift and an 8-foot by 23-foot walkway. The structure will be supported by piles 1-foot above the mean high water (MHW).

**PROJECT HISTORY:** Department of the Army Permit SWG-2011-01123, issued 24 December 2013, authorized the construction of a docking facility with a 1,160-foot-long walkway, 80-foot by 100-foot platform, 8 breasting dolphins, a 1,290-linear-foot revetment wall, and the installation of a 36-inch by 2.66-mile-long pipeline. The permit also authorized the dredging of a 27.66-acre berth to a uniform depth of -40 feet below mean low water, a 2-foot over dredge for advance maintenance, the placement of dredged material in Dredged Material Placement Areas (DPMAs) 8, 9, and/or 11, and the maintenance dredging of 70,000-100,000 cubic yards of fill material annually.

A compliance inspection, dated 22 October 2019, confirmed an unauthorized activity at the project site. A subsequent Permit Modification issued 27 July 2021, authorized modifications to the walkway, platform, and mitigation areas and rectified the previous non-compliance issues. The following previously permitted work has yet to be completed:

1. The construction of four breasting dolphins.
2. The construction of four inshore mooring dolphins.
3. The construction of one offshore mooring dolphin.
4. The construction of two 3-foot-wide pedestrian walkways connecting each breasting dolphin to the existing platform.
5. The dredging of the South Berth dredge pad to the permitted depth.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by avoiding any and all wetlands in and adjacent to the project site.

**MITIGATION:** Compensatory mitigation is not proposed.

**CURRENT SITE CONDITIONS:** The project site is in a highly developed portion of the Sabine-Neches Waterway. 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 11 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.

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.

**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 industrial development 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, 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 **20 October 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-2011-01123**, and should be submitted to:

Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS