



US Army Corps
of Engineers®

PUBLIC NOTICE

**Galveston District
Permit Application
No. SWG-2007-01401**

Published: May 21, 2026
Expires: June 20, 2026

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Galveston District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The purpose of this public notice is to solicit comments from the public and information necessary to evaluate the probable impact on the public interest regarding the proposed activity as described below and as shown on the enclosed drawings.

APPLICANT: Justin Minter
Energy Transfer Nederland Terminal
15645 West Port Arthur Road
Beaumont, Texas 77705

LOCATION OF PROPOSED ACTIVITY: The project site is located in wetlands and the Neches River, at 306 Spring Street, in Nederland, Jefferson County, Texas; at Latitude 30.0008299 and Longitude -93.9880317.

PROPOSED ACTIVITY: The applicant proposes to modify DA Permit SWG-2007-01401 to permanently discharge fill into a total of 88.90 acres of palustrine emergent (PEM) wetlands, 5.69 acres of palustrine scrub shrub (PSS) wetlands, 212.33 acres of palustrine forested (PFO) wetlands, and 17.21 acres (8,967 linear feet) of streams/water bodies to construct new facilities and modernize infrastructure at the Energy Transfer Nederland Terminal. A total of 324.13 acres of aquatic resources will be permanently impacted by the proposed construction activities, while approximately 320 linear feet (0.31 acre) of streams would have a temporary discharge of fill. Additional project components include the reconfiguration of existing Dock C, construction of a material offloading facility (MOF) dock and new deep draft vessel Docks 8 and 9 adjacent to the MOF dock. There will also be construction of a water intake pipe and wastewater outfall pipe in the Neches River near the existing Dock 3, as well as deck extension and new dolphin installation at the existing Dock 5 and Dock 6. The project would require hydraulic and/or mechanical dredging to remove approximately 331,800 cubic yards of material from the Neches River to a maximum dredge depth of -45 feet mean lower low water (MLLW) at all berths. Dredge material would be placed in placement areas (PAs) 21, 22, 23, 24, and 25. New permanent access roads and parking lot extension will also be constructed. Due to the scale and complexity of the project scope, the applicant is requesting authorization for 10 years for all construction activities to ensure completion of all components. In addition, the applicant is requesting 10 years of maintenance dredging at all previously authorized docks: A-B Barge Dock, Dock C, Dock 1, Dock 2, Dock 3, Dock 4, Dock 5, Dock 6, Layberth A, Layberth D, and the Turning

Basin as well as the new MOF Dock and Docks 8 and 9. The purpose of the project would be to build new and modernize existing infrastructure at Energy Transfer's Nederland Terminal that will allow for the manufacture, storage, and transfer of petroleum products onto deep draft vessels bound for domestic and export markets.

The DA Permit SWG-2007-01401 addendum issued on May 27, 2021, previously authorized permanent discharge of fill into 10.57 acres of palustrine emergent (PEM) wetlands, 0.97 acres of palustrine scrub shrub (PSS) wetlands, 123.22 acres of palustrine forested (PFO) wetlands, and 5.97 acres (1,377 linear feet) of streams/water bodies at the Energy Transfer Nederland Terminal. The total discharge impacts reported in the project description above are inclusive of these previously authorized impact amounts.

MITIGATION: The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by efficiently designing the layout of the marine and onshore structures to reduce overlap with wetlands whenever possible. In addition, the proposed processing units will be constructed in modules and transported to the project site via marine vessels, reducing the project footprint needed to construct the units on-site. The applicant has proposed to purchase 149.5 functional capacity unit (FCU) credits for PEM wetlands, 126.9 FCU credits for PFO wetlands, and 10.7 FCU credits for PSS wetlands from an approved wetland Mitigation Bank to offset unavoidable impacts to waters of the US. The USACE will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

HISTORIC PROPERTIES/CULTURAL RESOURCES: Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officers to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places.

The USACE evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act utilizing 36 CFR § 800 and program-specific regulations and procedures found at 33 CFR § 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

The permit area was previously investigated for historic properties, and none were identified as documented in the report titled "A Phase I Cultural Resources Survey of the Nederland Terminal Buildout Project, Jefferson County, Texas," prepared for Sunoco Partners Marketing & Terminals L.P. by Perennial Environmental Services, and dated October 2020. The portions of the permit area not covered by the existing survey have minimal potential to contain historic properties, no additional survey is warranted.

The USACE's final eligibility and effect determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes, and other interested parties, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the USACE-identified permit area.

ENDANGERED SPECIES: Section 7 of the Endangered Species Act (ESA) (16 U.S.C. § 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat (or critical habitat proposed such designation). USACE's preliminary review indicates the described activity will have no effect on any threatened or endangered species or designated critical habitat. USACE will consider comments from this public notice, including any comments provided by the NMFS and/or USFWS, regarding the need to consult.

This notice serves as request to the USFWS and NMFS for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. § 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The USACE's preliminary review indicates the described activity would adversely affect EFH at the project location or in the vicinity. This notice initiates the EFH consultation requirements of the MSA. Implementation of the proposed project would directly impact approximately 9.27 acres of tidal open waters within the Neches River. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages: red drum, triggerfishes (*Balistidae*), jacks (*Carangidae*), wrasses (*Labridae*), snappers (*Lutjanidae*), tilefishes (*Malacanthidae*), groupers (*Serranidae*), and coastal migratory pelagic species, shrimps, stone crabs, and spiny lobsters. The potential adverse effects of the action on EFH on the managed species include dredging creating temporary disturbance to benthic habitat, installation of permanent structures, such as pilings, decking, and mooring dolphins, and discharge of fill for bank stabilization causing a permanent loss of tidal waters for juvenile life history stages. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS. The USACE will complete the required consultation under Section 305(b)(2) prior to finalizing a permit decision.

NAVIGATION: Based on information provided by the applicant, the waterward edge of the proposed structure is 0 feet away from the near bottom edge of the Sabine Neches Waterway.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408) because the activity, in whole or in part, would not alter, occupy, or use a USACE Civil Works project.

WATER QUALITY CERTIFICATION:

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on 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 contacted TCEQ and initiated the Section 401 CWA process, on February 18, 2026. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

A federal consistency decision may be required from the State of Texas pursuant to Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451). A permit for the described work will not be issued until a consistency decision has been issued from the State of Texas, if required.

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 Commission on Environmental Quality 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the USACE jurisdiction has not been verified by USACE personnel. The applicant's plans are enclosed in 59 sheets.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 including cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator,

Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Tribal Nations; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permit for this proposed activity. To make this determination, comments are used to assess impacts to 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 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. Any comments or objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested permit. Please note that all comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Galveston District will receive written comments on the proposed activity, as outlined above, until **June 20, 2026**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notices> or to the Regulatory Division at swg_public_notice@usace.army.mil. Alternatively, you may submit comments in writing to the Regulatory Division, U.S. Army Corps of Engineers, Galveston District, Attention: **SWG-2007-01401**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to **SWG-2007-01401** in your comments.

DISTRICT ENGINEER
GALVESTON DISTRICT
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