



Public Notice

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

Galveston District

Permit Application No: SWG-2014-00559

Date Issued: 14 May 2020

Comments

Due: 15 June 2020

**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: EPIC CRUDE TERMINAL COMPANY, LP
18615 Tuscany Stone, Suite 300
San Antonio, Texas 78256
POC: Justin Gordon
Telephone 210-569-6729
Email: Justin.gordon@epicmid.com

AGENT: SCHNEIDER ENGINEERING & CONSULTING, INC.
323 23rd Street
Galveston, Texas 77550
POC: Jene Adler
Telephone 409-7771-0937
Email: jadler@orn.net

LOCATION: The project is located on the south side of the Tule Lake Channel, approximately 0.83 miles WNW of the former Tule Lift Bridge site, Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: CORPUS CHRISTI, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.815750 North; Longitude: 97.466917 West

PROJECT DESCRIPTION: The applicant is requesting a modification to reconfigure the original dock design in order to accommodate Suezmax and Aframax Class Vessels. The proposed dredge footprint will be 6.75 acres to the previously authorized depth of -47 feet mean lower low water (MLLW) with two feet of over dredge and two feet of advanced maintenance, for a total of -51 feet MLLW. The 70-foot by 50-foot dock platform will accommodate three loading arms, deck crane, ship gangway, and a dock house. EPIC is proposing a 120-foot-long by 16-foot-wide ramp/walkway connecting the dock to the shoreline. The ramp will have a 90-degree bend along the shoreline to avoid the existing railroad tracks and provide an 85-foot-long by 16-foot-wide approach to accommodate loading access to the dock. In addition, EPIC is proposing the installation of a 602-foot-long sheet-pile bulkhead to be placed an average of 90 feet waterward from the shoreline (approximately 1.24-acre area) with approximately 16,000 cubic yards (CY) of fill placed below the Ordinary High Water Mark. The applicant has stated permanent impacts to the enclosed 0.001-acre fringe wetland is expected due to the placement of fill material within the enclosed bullheaded area.

The project was originally permitted on 2 January 2015 to dredge a 7.23-acre area of open water within Tule Lake Channel to a depth of -25 feet Mean Low Tide (MLT). The project was amended on 17 August 2015 to increase the amount of material to be hydraulically and mechanically dredged to an additional 160,000 cubic yards from the previously authorized 181,000 cubic yards for a total of approximately 341,000 cubic yards of material from a 7.66-acre area adjacent to the Tule Lake Channel to be placed into one of the following Dredge Material Placement Areas (DMPA): (1) Tule Lake DMPA – Cells A, B & C; (2) Suntime DMPA; (3) South Shore DMPA – Cells A & B; (4) DMPA No. 1; and/or (5) Herbie Mauer DMPA. The 17 August 2015 amendment also included an authorization to dredge the project area to a depth of -45 feet Mean Lower Low Water (MLLW). The applicant was authorized on 18 October 2019 to modify the existing authorized permit and shift the footprint of the project west by approximately 167 feet. The dock geometrics, walkways and structures will remain the same.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they will avoid and minimize the environmental impacts by using standard industrial best management practices during construction related activities.

MITIGATION: The applicant has not proposed to mitigate for the proposed impacts.

CURRENT SITE CONDITIONS: The project site is currently within a developed commercial channel surrounded by commercial development on both sides of the channel. The channel is routinely dredged for maintenance. A 0.001-acre fringe-wetland area is located on the shoreline of the proposed project.

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 13 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.

Although this project would result in a direct impact to less than three acres of waters of the state or less than 1500 linear feet of streams, the project would impact certain types of rare or ecologically significant wetlands. Therefore, the project is not eligible for inclusion in the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria and an individual water quality certification is required, even though the project is below the Tier I thresholds. Concurrent with U.S. Army Corps of Engineers (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 the 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.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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.

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 **15 June 2020**. 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-2014-00559**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
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