



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2015-00404
	Date Issued: _____	9 November 2017
	Comments _____	
Galveston District	Due: _____	11 December 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: Port of Corpus Christi Authority
222 Power Street
Corpus Christi, Texas 78401-1529

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401-3500
Telephone: 832-426-4656
POC: Marisa Weber

LOCATION: The project is located on an approximate 49-acre tract (22 acres of land and 27 acres of open-water) along the Tule Lake Channel within the Port of Corpus Christi inner harbor at 4725 Joe Fulton International Trade Corridor, Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Corpus Christi, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.821818 North; Longitude: 97.450868 West

PROJECT DESCRIPTION: The applicant proposes to construct and operate the proposed Public Oil Docks 20, 21, and 22 Project. The project consists of construction of a 40-foot by 40-foot barge dock, three new barge breasting dolphins, approximately 4,155 feet of steel sheet pile bulkhead, approximately 2,924 feet of elevated concrete wharf platform consisting of mooring bollards and dock fenders, and related infrastructure. The project would result in the removal and relocation of approximately 2.9 million cubic yards of material. Approximately 800,000 cubic yards of material located above the mean lower low water (MLLW) would be excavated to provide the area necessary to safely maneuver and berth incoming and outgoing vessels. Approximately 2.1 million cubic yards of material located below the MLLW would be dredged within an approximate 37-acre dredge footprint to obtain depths of -54 feet MLLW, plus a 4-foot advanced maintenance, and up to 2-foot allowable overdredge along the elevated concrete wharf platform, and depths of -16 feet MLLW, plus up to a 2-foot allowable overdredge adjacent to the proposed barge dock. Dredging would be accomplished by mechanical and hydraulic methods. Dredged and excavated material would be placed onsite and/or within existing upland confined dredged material placement areas (DMPA). Following dredging operations, approximately 15,000 cubic yards of slope stabilization material consisting of either rock riprap or articulated concrete block mats would be placed along the proposed bulkhead from -2 feet MLLW to -16 feet MLLW along the 3:1 dredge slope and will cover approximately 3.62 acres. The construction of the proposed project would result in unavoidable impacts to approximately 12.36 acres of waters of the U.S. (WOUS) consisting of 3.73 acres of E2EM wetlands, 2.13 acres of E2SS3 wetlands, 1.47 Acres of E1UB pond, 4.16 acres of E2US area, 0.69 acre of open-water, and 0.18 acre of drainage ditch. Of that, 7.33 acres of unavoidable impacts to WOUS would result in the features conversion to open-water. A 10-year maintenance dredging program is also proposed for the area to be dredged. The purpose of the proposed project is to provide the necessary dock and berthing facilities to support vessel engagement with the loading, unloading, transportation, importing, and exporting of petroleum and other bulk products via waterborne commerce. Construction of the proposed project would provide the facilities necessary to integrate existing barge, rail, pipeline, and storage infrastructure to maximize product handling efficiencies

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the proposed project to minimize or avoid both temporary and permanent impacts to the maximum extent practicable while fulfilling project needs. Temporary impacts to WOUS would be minimized through the use of best management practices (BMP) during construction activities. The excavation and temporary side casting of material would be completed using BMPs. As such, material temporarily side-cast would be placed at nearby locations of the highest elevations practical, to prevent potential adverse effects as a result of the proposed construction activities.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by preservation of a mitigation area consisting of approximately 65.5 acres of high quality, coastal habitat within the boundaries of Copano Bay. The proposed mitigation area is designated as a preservation area and meets the criteria regarding preservation standards in accordance with 33 Code of Federal Regulations 332.3(h)(1).

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land within the inner harbor of the Port of Corpus Christi located immediately adjacent to the Corpus Christi Ship Channel. Site habitats range from unvegetated shorelines and estuarine marsh near the channel to depressional palustrine wetlands and well drained uplands inland. Topography of the surveyed property is gently sloping with the exception of steep slopes near the boundaries of aquatic features and the channel shoreline. Vegetation on the site consists of saltmarsh bulrush, sea ox-eye daisy, saltgrass, shoregrass, saltmeadow cordgrass, Virginia glasswort, black mangrove, green ash, Bermuda grass, King Ranch bluestem, blue panicgrass, honey mesquite, and white lead tree.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 16 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.

The return water from the upland contained dredge material placement area(s) requires authorization under Nationwide Permit (NWP) 16. However, we have determined that the conditioned Section 401 certification, placed upon NWP 16 by Texas Commission on Environmental Quality (TCEQ), is not reasonably implementable or enforceable, according to 33 CFR 325.4(c). Prior to the performance of hydraulic dredging, the applicant must obtain a Section 401-water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401-certification must also be furnished to the Corps of Engineers prior to performing hydraulic dredging.

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 **11 December 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-2015-00404**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-CC
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
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