



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2013-00247
	Date Issued: _____	4 February 2014
	Comments Due: _____	7 March 2014

**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: Gruppo, Mossi & Ghisolfi
450 Gears Road, Suite 240
Houston, Texas 77067-4513

AGENT: Zephyr Environmental Corporation
2600 Via Fortuna, Suite 450
Austin, Texas 78746-7975
Telephone: 512-879-6629
POC: Clay V. Fischer

LOCATION: The project is located in Viola Ship Channel and adjacent wetlands. The project is located on Joe Fulton International Trade Corridor/East Navigation Boulevard approximately 5 miles south of the I-37 intersection in Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle maps entitled: ANNAVILLE & CORPUS CHRISTI, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.8359 North; Longitude: 97.4963 West

PROJECT DESCRIPTION: The applicant proposes to construct an industrial facility (to be named M&G Polymers) that would produce plastic resins on an approximate 203-acre tract, and install a 1.6-mile-long, 6-inch paraxylene pipeline connecting the proposed facility to the nearby Flint Hills Resources Facility. Construction of the project would involve filling of 45.3 acres of non-forested wetlands within the project site, and dredging of approximately 30,000 cubic yards of sand and clay materials within the Viola Ship Channel for construction of associated intake and outfall structures. The dredged material would be placed on the project site within uplands and wetlands.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts in the following ways:

1. Construction of the plastic resins facility in an existing industrial area instead of a Green Field site which would likely result in impacts to naturally derived wetlands with greater diversity and function.
2. Construction of the plastic resins facility on portions of M&G property with the least extent of waters of the U.S. versus other M&G-owned property.
3. Avoidance of construction of erosion control methods such as articulated matting within and along the ship channel that would impact estuarine wetlands in those areas.
4. Utilization of directional drilling to avoid impacts to waters of the U.S. traversed by associated infra-structure (i.e. paraxylene pipeline).
5. Employment of temporary and permanent stormwater control structures to capture and control the flow of stormwaters offsite.

MITIGATION: The applicant has stated that they would accomplish off-site mitigation through available means, potentially including any of the following strategies: creation/restoration with enhancement and/or preservation with enhancement.

CURRENT SITE CONDITIONS: The project is located on a historic dredged material placement area (DMPA) along the Joe Fulton International Trade Corridor in Corpus Christi, Nueces County, Texas. The 203-acre tract is surrounded to the north by the Nueces River, Nueces Bay and other Port of Corpus Christi (POCCA) tracts to the east, Viola Ship Channel to the south, and other POCCA properties to the west. The applicant's wetland delineation determined the project site contains 3.5 acres of non-wetland waters and 47.4 acres of wetlands which are dominated by *Distichlis spicata*, *Borrchia frutescens*, *Andropogon glomerata*, and *Symphyotrichum divaricatum*. The applicant described the site as a historic DMPA dominated by uplands with interspersed low-quality palustrine non-forested 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. 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 14 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 1,500 linear feet of streams, 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 DMPA(s) requires authorization under Nationwide Permit (NWP) 16. However, Section 401 water quality certification from the TCEQ for NWP 16 has been administratively denied by the Corps, Southwestern Division, due to conditions placed upon it by the TCEQ. 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 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: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. The applicant recommends the determination of effect for the following species be a may-affect, not likely to adversely affect: piping plover, whooping crane, West Indian manatee, Atlantic hawksbill sea turtle, green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle. All other listed species are recommended to be determined as no effect. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service (NMFS) will be initiated to assess the effect on endangered species.

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 NMFS.

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 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 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 **7 March 2014**. 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-2013-00247**, and should be submitted to:

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