



# Public Notice

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| <b>U.S. Army Corps<br/>Of Engineers</b> | Permit Application No: _____ | SWG-2006-02562 |
|   | Date Issued: _____           | 6 June 2019    |
|   | Comments _____               |                |
| <b>Galveston District</b>               | Due: _____                   | 8 July 2019    |

## 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.

**APPLICANT:** South Texas Gateway Terminal, LLC  
One Greenway Plaza, Suite 600  
Houston, Texas 77046  
Telephone: 832-214-6002  
POC: Joseph Sauger

**AGENT:** Freese and Nichols, Inc.  
10431 Morado Circle, Suite 300  
Austin, Texas 78759  
Telephone: 512-617-3140  
POC: Tom Dixon

**LOCATION:** The project site is located in the Corpus Christi Ship Channel (CCSC) at the South Texas Gateway Infrastructure Development Project Site (formerly Gulf Marine Fabrication South Yard) in Ingleside, San Patricio County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Ingleside, Texas.

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

**Project Site: Latitude:** 27.82253; **Longitude:** -97.19134

**Mitigation Site: Latitude:** 27.834262; **Longitude:** -97.187712

**PROJECT DESCRIPTION:** The applicant proposes to:

- 1) Hydraulically and/or mechanically dredge approximately 4.2 million cubic yards of material within a 71.92-acre area for the construction of a vessel berthing basin, installation of pile-supported structures (including loading platforms, walkways,

breasting dolphins, and mooring dolphins) totaling approximately 1.98 acres, and discharge of riprap totaling approximately 16.98 acres into non-vegetated navigable waters of the US. The basin will berth two vessels at a time (up to a VLCC size vessel). Dredging activities will impact approximately 0.44 acres of submerged aquatic vegetation;

- 2) A dredge flair at the intersection of the Gulf Intracoastal Waterway (GIWW) and the CCSC will be required in order to safely moor vessels; and
- 3) Upland site development that includes facilities, storage tanks, and a new upland confined dredged material placement area (DMPA).

**AVOIDANCE AND MINIMIZATION:** The proposed project has been designed to minimize and avoid adverse impacts to waters of the US to the fullest practicable extent. The applicant selected this site alternative that is industrial and has been repeatedly dredged in the past, versus selecting a new site that would have resulted in greater dredging and construction impacts, as well as more new work material. Further, the site configuration went through several iterations to avoid and minimize impacts to navigation. Both new potential DMPAs were sited in a location with no regulated wetlands.

**MITIGATION:** According to the Submerged Aquatic Vegetation (SAV) survey, 0.44 acres of scattered seagrass would be impacted. Buckeye is evaluating potential compensatory mitigation for the 0.44 acres of seagrass. Pending agreements and land purchases, Buckeye proposes to improve tidal exchange in a 60-acre tidal system that includes tidal channels, tidal wetlands, mangroves, SAV, and algal flats. This tidal system has had 2 roadways constructed across it, and both have constricted or restricted tidal exchange with the bay. cursory field efforts indicate that these tidal restrictions are resulting in hypersaline conditions, which are likely exacerbated during summer months. Review of past aerial imagery may indicate a reduction of tidal wetland plant communities within the tidal system following the construction of these restrictive roadways. The applicant is proposing a mitigation plan that would improve tidal exchange by restoring a tidal channel connection (that is now closed due to a levee) or by installing larger or more culverts across the roadways that are causing the tidal restriction. Mitigation monitoring may include salinity, DO, and water level observations before and after improving tidal exchange. Although the hydrological improvements would occur across a 230-acre estuarine complex, it is anticipated that an observed increase of estuarine vegetation of at least 1.5 acres will occur (3:1). The hydrological improvements are also anticipated to improve or increase SAV within the 230-acre complex. Once land purchases and agreements are in place, a proposed mitigation plan would be developed for USACE review.

**CURRENT SITE CONDITIONS:** The proposed project site is an industrial port facility in a deep water basin along the CCSC and the GIWW in Port Ingleside, Texas.

- 1) Amendment (01), issued 23 June 1998, authorized the relocation of a 15,000-square-foot mitigation site [previously authorized under Permit 12452(07)] to the Aransas Pass Nature Area located within the Aransas Pass Community Park, Aransas Pass, San Patricio County, Texas. Additionally, this amendment authorized the excavation of a 375- to 400-foot long by 30- to 40-foot-wide segment of a tidal channel in association with the relocation of the mitigation site.

- 2) Amendment (02), issued 25 June 1998, authorized the disposal of 200,000 cubic yards of hydraulically dredged material into Dredged Material Placement Area (DMPA) 10.
- 3) Amendment (03) was issued 19 November 1998 for the construction of 700 linear feet of bulkhead with associated backfill.
- 4) Amendment (04), issued 14 December 1998, authorized the deepening of an existing -70-foot mean low tide (MLT) basin to -78 feet MLT and placement of approximately 45,000 cubic yards of hydraulically dredged material into an onsite disposal area or into PA 10.
- 5) Amendment (05), issued 22 January 1999, authorized an extension of time until June 30, 1999, to plant the mitigation site in the Aransas Pass Nature Area.
- 6) Amendment (06), issued 3 March 2003, authorized enlarging the facility's load-out basin by increasing the length of the bottom-cut to 800 feet, deepening the basin to -86 feet MLT, and dredging a 422-foot-wide by 708-foot-long area south of the basin to a depth of -45 feet MLT.
- 7) Amendment (07), issued 24 July 2003, authorized further enlargement of the facility's basin to 177,450 square feet and deepening the area to the south of the basin to -40 feet MLT.
- 8) Amendment (08), issued 22 September 2008, authorized a 10-year extension of time to conduct maintenance dredging for the deep-water load-out basin at the facility and the dredged area south of the basin at a depth of -85 feet MLLW.
- 9) Amendment (09), issued 28 June 2011, authorized placement of a gate on an existing graving dock for water level control during the construction of projects.
- 10) Amendment (10), issued 1 September 2011, allowed for the expansion of an existing graving dock by dredging an additional 25,245 square feet by excavating uplands at the north end of the dock to the currently authorized -45 feet MLT while the dock area is dewatered.
- 11) Amendment (11) was issued on 11 May 2012 which authorized the change of depth of dredging from -45 feet MLT to -50 feet MLLW.
- 12) Amendment (12) was authorized on 4 February 2015 for hydraulically dredging an approximate 24.15-acre area adjacent to the current project site to a depth of -45 feet MLLW.
- 13) Amendment (13) was issued on 25 July 2017 to combine Amendments (08), (11), and (12) for maintenance dredging to expire at the furthest authorized date of 31 December 2025.

**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 wetland delineation is currently being reviewed. The applicant's plans are enclosed in 12 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.

**OTHER AGENCY AUTHORIZATIONS:** 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 Railroad Commission 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.

**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 proposed expansion of the dredging area is of such limited extent that no marine investigation for historic properties is warranted.

**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 **8 July 2019**. 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-2006-02562**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RDR  
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  
CORPS OF ENGINEERS