



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	<b>SWG-1997-02897</b>
	Date Issued: _____	<b>13 April 2021</b>
	Comments _____	
<b>Galveston District</b>	Due: _____	<b>13 May 2021</b>

## 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:** Port of Corpus Christi Authority  
222 Power Street  
Corpus Christi, Texas 78401  
POC: Ms. Sarah Garza  
Telephone: 361-885-6163  
Email: sarah@pocca.com

**LOCATION:** The project site is located in Corpus Christi Inner Harbor at Avery Point. The project can be located on the U.S.G.S. quadrangle map titled: Corpus Christi, Texas.

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

**Latitude:** 27.82222° North; **Longitude:** -97.43472° West

**PROJECT DESCRIPTION:** The applicant proposes regulated activities required to reconstruct existing Oil Docks 4, 7, and 11. These facilities are near the end of their life. Therefore, PCCA proposes to modify the footprint of the existing docks to service larger vessels entering the Inner Harbor of the Corpus Christi Ship Channel (CCSC) more efficiently.

The project consists of the demolition of three existing berthing platforms and gangways within the Corpus Christi Inner Harbor to be reconstructed at a new location. Reconstruction of each berthing platform would remain within the same general area but would be shifted inland and spaced further apart to allow sufficient distances for larger vessels to dock concurrently.

The project proposes the following below the mean high water (MHW, +0.59 feet mean lower low water (MLLW), navd88):

- removal of approximately 2,584 linear feet of existing bulkhead,
- demolition of three existing berthing platforms and gangways,
- construction of approximately 2,795 linear feet of new steel sheet pile bulkhead with a concrete cap,
- installation of seventeen new mooring structures, consisting of multi-pile dolphins with floating fenders, and
- dredging of approximately 326,000 cubic yards of the bay bottom to -54 feet MLLW, plus a two-foot over-dredge allowance and four foot of advanced maintenance, resulting in an additional 79,200 cubic yards of material and a total estimated dredge volume of approximately 405,200 cubic yards.

The project proposed the following below the high tide line (HTL, +1.19 feet MLLW, navd88):

- installation of one 2,795 feet by 20 feet rock mattress into approximately 1.28-acres, and
- discharge of 774 cubic yards of fill into 0.10 acres behind the new bulkhead wall

The proposed reconstruction of the three oil docks does not propose to alter the current dimensions or number of associated support pilings. The proposed dredging would result in elevations consistent with elevations (-54 feet MLLW, navd88) within the adjacent federal channel once completed, ensuring PCCA facilities are able to realize the benefits of the publicly funded infrastructure fully.

The excavation of the dry land would result in approximately 87,500 cubic yards of material. Excavated material would be stockpiled on-site and then hauled away to dry land placement areas. Material dredged from within the dredge footprint would be placed within nearby dry land dredged material placement areas (DMPA). Potential dry land DMPA sites include Inner Harbor Placement Area (IHPA) 8, IHPA3A, IHPA3B, IHPA1, IHPA2, IHPA6, and Rincon B West.

To complete the dry land excavation, remove the existing bulkhead, and remove the existing berthing structures, a temporary steel sheet pile cofferdam would be installed along the proposed project's waterward edge. The cofferdam installation would help ensure that unnecessary increases to turbidity or unintended discharges do not occur due to the dry material excavation. Upon completion, all construction debris would be hauled away for appropriate disposal, and the cofferdam would be removed. Installation of the new sheet pile bulkhead with the concrete cap will be done while the cofferdam is in place, and a 24-foot rock mattress would be done after the cofferdam is removed. The proposed project is not in the design phase yet; however, considering likely construction methodologies for this type of project, using an impact hammer to install sheet piles represents the maximum potential impact during construction. It is estimated that approximately three sheets would be installed per day at an estimated 2000 strikes per

sheet. Installation of multiple dolphins would be done with an impact hammer. It is estimated that approximately two piles per day would be installed with a maximum of 3,000 strikes per pile. These are estimates because the project has not yet gone to design. The reconstructed docks would be tied to existing onshore pipelines and other infrastructure. Therefore, no additional inland facilities are proposed to support these docks. Overall, the construction of this project is expected to take approximately 24 to 30 months. Dredging operations are expected to take approximately six months and would likely be completed concurrently with the overall construction.

**APPLICANTS STATED PURPOSE AND NEED:** The proposed project's purpose is to reconstruct the aging Oil Docks 4, 7, and 11 to safely and efficiently accommodate current vessels that are being utilized in the marketplace. The proposed dredging will result in elevations consistent with elevations within the adjacent federal channel once completed. It will ensure PCCA facilities can fully realize the benefits of the publicly funded infrastructure.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by designing the project to avoid and minimize impacts to the waters of the US as much as possible. Dryland excavation will be stockpiled on site and hauled to an upland placement area. Dredged material will be placed within designated placement areas. Dredging has been limited to depths consistent with the adjacent federal channel, and the footprint is minimized to avoid all special aquatic sites. Further, all nearby special aquatic sites will be protected by utilizing best management practices during construction activities. A temporary cofferdam will be installed to protect resources within the area further.

**MITIGATION:** The applicant has not proposed to mitigate for impacts to the waters of the US due to the belief they have avoided and minimized impacts to the maximum extent practicable while still meeting their purpose and need.

**CURRENT SITE CONDITIONS:** The project site is currently a developed highly industrial tract of land surrounded by commercial development to North, West, and South. The project site receives regular maintenance dredging and has received two modifications for upgrades. In 2004 the permit was modified to include two new breasting structures, and in 2008 to include two new breasting structures including the installation of multiple steel pipe piles, construction of a concrete cap, and installation of breasting equipment.

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 8 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.

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. If you have comments or questions on this proposed project's State water quality certification process, please contact [401certs@tceq.texas.gov](mailto: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>.

**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:** We are currently gathering information regarding ESA listed species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described 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 **13 May 2021**. 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-1997-02897**, 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  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS