



Public Notice

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

Galveston District

Permit Application No: SWG-2008-00904

Date Issued: December 26, 2023

Comments

Due: January 28, 2024

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.

APPLICANT: Buckeye Texas Hub, LLC
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Corpus Christi, TX 78409
Email: jburke@buckeye.com
Telephone: 361-371-6627

AGENT: Lloyd Engineering, Inc
Ms. Courtney Gerken
6565 West Loop South, Suite 708
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LOCATION: The project site is located within the Corpus Christi Ship Channel, specifically the Viola Channel and the Tule Lake Turning Basin, in Nueces County, Corpus Christi, Texas. Twenty DMPA locations are scattered throughout the Corpus Christi Bay area, please see the last page of the attached plans for exact DMPA locations.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.831718° North; **Longitude:** -97.499751° West

PROJECT DESCRIPTION: The applicant proposes perform dredging operations and

construct both previously authorized, but never constructed, and new proposed structures at the Buckeye Texas Hub Terminal. The applicant proposes to construct one ship dock (proposed Ship Dock 5), one barge dock (proposed Barge Dock 1), two bulkheads, one loading dock, thirty-eight mooring dolphins, perform dredging operations, and perform maintenance dredging and bed leveling for 10 years.

The ship and barge dock structures and maintenance dredging were previously authorized on September 24, 2014 and expired on December 31, 2019. During the authorized permit period, the dock structures were not constructed, and dredging was not undertaken before permit expiration. Due to the previous permit being expired, this permit analysis will be conducted as if all work is newly proposed.

Specifically, the proposed ship dock, consists of a pier supported 34' x 16' access trestle and 34' x 16' pipe rack leading to a 60' x 90' cast in place dock with six 84" mooring dolphins, six 96" breasting dolphins, and four 66" protection dolphins. Additionally, the proposed barge dock consists of a pier supported 156' x 16' access trestle and 156' x 16' pipe rack leading to a 40' x 60' cast in place dock with four 42" mooring dolphins and sixteen 48" breasting dolphins, and two 96" mooring dolphins at an existing dock structure immediately adjacent to the dock.

Associated dredging for the ship dock structure consists of a 6.2-acre area (275,000 cubic yards) dredged to -60 feet mean low-lower water and associated dredging for the barge dock structure consists of a 0.90-acre (2,500 cubic yards) dredged to -15 feet mean low-lower water. The applicant requests to use previously authorized upland Dredge Material Placement Areas to place the 277,500 cubic yards of dredged material. The applicant requests to perform maintenance dredging and bed leveling for 10 years.

Additionally, two proposed bulkheads, a loading platform, and associated fill, related to the installation of the ship dock and barge dock, are planned to be placed immediately adjacent to tidal waters, but above the high-tide line. The bulkhead, landing dock structure, and upland fill will serve as stabilized access points for the in-water structures and prevent damage from larger than average high tides associated with tropical storm and king tide events. The bulkhead for the barge dock will extend an existing sheet-pile structure 770 linear feet; additionally, minimal amounts of rip-rap currently below the high-tide line (adjacent to the existing bulkhead) will be removed permanently. The bulkhead for the ship dock will be a new 1,465 linear foot combi-wall system. The landing dock structure will consist of a 30' x 580' pad within the uplands.

AVOIDANCE AND MINIMIZATION: The applicant has stated that the proposed project shall avoid and otherwise minimize adverse effects to coastal waters, submerged lands, and special aquatic resources. The proposed project does not include activities that would result in a net loss of waters. Disturbances such as turbidity and increases in noise and traffic as a result of the project, should only result in minimal temporary impacts. All proposed activities will be completed in a manner consistent with the goals and objectives of the Coastal Zone Management Program.

MITIGATION: The applicant has not proposed compensatory wetland mitigation for the project.

CURRENT SITE CONDITIONS: The project site is in a highly developed portion of the Corpus Christi Ship Channel. There are several loading docks, piers, monopiles, and aids to navigation in the adjacent vicinity. The area experiences heavy vessel traffic and is void of aquatic vegetation.

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 1-18 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:

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.

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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 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 impacted by construction and

maintenance of the Corpus Christi Ship Channel and industrial development that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to affect historic properties.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service 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 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 **January 28, 2024**. 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-2008-00904**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS