



Public Notice

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

Galveston District

Permit Application No: SWG-2022-00071

Date Issued: 17 February 2022

Comments

Due: 21 March 2022

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 404 of the Clean Water Act.

APPLICANT: Union Pacific Railroad (UPRR)
1400 Douglas Street Stop 0910
Omaha, Nebraska. 68179
POC: Kevin Rice
Telephone: 402-544-2213
Email: kprice@up.com

AGENT: Olsson, Inc
601 P Street, Suite 200
Lincoln, Nebraska 68508
POC: Paige Anderson
Telephone: 402-458-5039
Email: panderson@olsson.com

LOCATION: The project site is located within multiple bodies of water (9 wetlands) along a two-mile stretch of Joe Fulton corridor within the existing mainline track on UPRR Corpus Christi Subdivision located in 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: 27.839641 North; Longitude: -97.518893 West

PROJECT DESCRIPTION: The applicant proposes the placement of a total of 9,595 cubic yards (CY) of fill material (road grade) within 5.92-acres of jurisdictional wetlands

during the construction of multiple tracts along an existing rail line and the expansion of a 0.04-acre area rail line tract. The applicant proposes two (2) bridges as support for the new lines as a 110-foot timber Stringer Trestle open deck (TST-OD) and a 110-foot Prestressed Concrete Box (PCB).

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by using industrial best management practices (BMPs) such as silt curtains and barriers around the project site.

MITIGATION: The applicant proposed not yet provided a compensatory mitigation plan for the proposed impact.

CURRENT SITE CONDITIONS: The proposed project area is within a heavily industrialized area that is an approximately two-mile stretch located along the existing mainline track on UPRR's Corpus Christi Subdivision, located in Corpus Christi, Nueces County, Texas. The existing track runs generally in the geographic northwest-southeast direction and is located within the Nueces River Basin. Two waterways within the immediate vicinity of the project, the Nueces River and the Viola Channel are located north of the existing yard and drain directly into Corpus Christi Bay, located southeast of the existing yard.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has 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 13 sheets, engineering plans in 21 sheets, and impacts table in 1 sheet.

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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The 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. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

This public notice will serve as the notification to the Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 401(a)(2). The Regional Administrator is responsible for performing a review of the application/certification to determine if there is reason to believe that a discharge may affect the quality of the waters of any State or

States other than the State in which the discharge originates. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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: 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 **21 March 2022**. 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-2022-00071**, and should be submitted to:

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

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS