



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2001-02106
	Date Issued: _____	24 January 2019
	Comments _____	
Galveston District	Due: _____	25 February 2019

**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: Kiewit Offshore Services, Ltd.
2440 Kiewit Road
Ingleside, TX 78362-5101
POC: Mr. Jean Romero
Telephone: 361-775-7613

AGENT: HDR Engineering, Inc.
555 N. Carancahua, Suite 1600
Corpus Christi, TX 78401-0849
POC: Ms. Christine Magers
Telephone: 361-696-3341

LOCATION: The project is located within and adjacent to La Quinta Channel in Corpus Christi Bay from the Kiewit facility to the point where the La Quinta Channel intersects with the Corpus Christi Ship Channel near Ingleside, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Ingleside, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.851887 North; Longitude: 97.238683 West

PROJECT DESCRIPTION: The applicant proposes to deepen their existing deep loading area from -87 feet mean lower low water (MLLW) to -102 feet MLLW and a portion of their existing basin from -40 feet MLLW to -47 feet MLLW. Additionally, the applicant is proposing to extend their basin to the northwest by dredging and excavating an approximately 10 acre area to -47 feet MLLW, which would result in the loss of approximately 1.1 acre of seagrass. The applicant proposes to construct approximately 1,227 linear feet of bulkhead along the edge of the extended basin area.

Additionally, the applicant proposes to conduct maintenance dredging of their existing and proposed facility over a 10-year period. The applicant also proposes to conduct maintenance dredging for an approximately 2.7 mile portion of the La Quinta Channel, as represented in sheet 7 to 12 of their proposed project plans. Maintenance events would occur every 4 to 5 years, as needed, and would remove approximately 50,000 to 100,000 cubic yards of material from the Kiewit facility and along the sides of La Quinta Channel. Dredged material from new work and/or maintenance activities would be placed in one, or combination, of three authorized placement areas (PA) (i.e. Good Hope, Berry Island, and/or PA 13). Dredged material would be transported via submerged pipeline to the placement areas. Dredging activities would be conducted utilizing mechanical and/or hydraulic dredging methods.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they would avoid and minimize environmental impacts by testing the dredged material for contaminants prior to disposal in the proposed placement areas, and would conduct the placement activity in accordance with the applicable State water quality standards.

MITIGATION: The applicant has stated that they are currently considering design alternatives and compensatory mitigation options.

CURRENT SITE CONDITIONS: The project site consists of the applicant's existing basin, adjacent undeveloped property, and the La Quinta Channel. The approximately 10-acre undeveloped portion of the proposed project consists of dryland and submerged land with approximately 1.1 acre of seagrass beds. The shoreline at this location exhibits a vertical decline from the upland to tidal water interface.

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 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.

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).

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

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 incorporate the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement-fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 was previously investigated for historic properties and none were identified as documented in the report titled "Marine Remote Sensing Survey and Diving Assessment for Historic Properties Investigations, Corpus Christi Ship Channel Improvements and La Quinta Ship Channel Extension, Corpus Christi Bay, Texas" prepared by PBS&J, dated 2003.

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 **25 February 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-2001-02106**, 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, TX 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS