



Public Notice

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

Galveston District

Permit Application No: SWG-1996-02951

Date Issued: 8 June 2021

Comments

Due: 9 July 2021

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: FLINT HILL RESOURCES INGLESIDE, LLC
44111 East 37th Street North
Wichita, Kansas 67220
POC: Ms. Kristin Mahesaniya
Telephone 512-230-5006
Email: kristin.mahesaniya@fhr.com

LOCATION: The project site is located in Corpus Christi Bay at 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):

Latitude: 27.819242° North; **Longitude:** -97.200304° West

PURPOSE: The applicant's stated purpose is to update the current terminal to a modern design to accommodate Suezmax Class Vessels.

PROJECT DESCRIPTION: The applicant proposes to modify the currently authorized Ingleside 41 marine terminal by hydraulically dredging 200,720 cubic yards of material from a 12-acre area to -54 feet mean lower low water (State Plane, Lambert South Zone NAD83, Epoch 2002), install six (6) new mooring dolphins four (4) 84-inch steel pipe piles, and two (2) 96-inch steel pipe piles, and four (4) new breasting dolphins consisting of

thirty-six (36) 48-inch steel pipe piles and ten years of maintenance dredging. The piles are anticipated to be installed via vibratory hammer, with final proofing utilizing an impact hammer. The old piles and structures will be removed using various direct extraction methods, and if needed, the applicant will cut the piles below the mud line. The applicant proposes to place the dredged material in Dredge Material Place Areas DMPA 1, 10, 13, Good Hope, and Berry Island. The applicant's plans are enclosed in 9 sheets.

Avoidance and minimization: The applicant stated that they have avoided and minimized the environmental impacts by not proposing to discharge fill material into waters of the US and keeping the proposed project area as small as practicable while still meeting its purpose need.

MITIGATION: The applicant has not proposed to mitigate because there would be no loss to the waters of the US.

CURRENT SITE CONDITIONS: The project site is located within an industrial area, and currently, a marine terminal with a current maximum depth of -47 feet mean lower low water (MLLW). The substrate is continuously dredged to maintain a -47-foot depth MLLW and safe navigation for large marine vessels. The site is adjacent to the Corpus Christi Ship Channel and is currently being deepened to -54 feet MLLW.

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 9 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:

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 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, on April 15, 2021. If you have comments or questions on this proposed project's State water quality certification process, 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>.

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 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: The project area is within the known or historic range of the green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys coriacea*), Leatherback sea turtle (*Dermochelys coriacea*) and Loggerhead sea turtle (*Caretta caretta*), and West Indian manatee (*Trichechus manatus*)

We have determined the described activity may affect the threatened or endangered species listed. We will initiate the appropriate consultation procedures under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

There is no designated critical habitat for the above ESA listed species within the proposed project areas; therefore, there is no effect to designated critical habitat.

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 **9 July 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-1996-02951**, 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
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS