



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2019-00741

Date Issued: _____

17 June 2024

Comments _____

Due: _____

17 July 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 and Section 404 of the Clean Water Act.

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY (PCCA)
222 Power Street
Corpus Christi, Texas 78401
POC: Sarah Garza
Telephone 361-885-6163
Email: Sarah@pocca.com

LOCATION: The project is along the north bank of the Corpus Christi Ship Channel (CCSC) Inner Harbor (IH), at the PCCA Bulk Materials Docks (BDs) 1 and 2. The project can be located on the 7.5-minute U.S.G.S. topographic quadrangle map entitled: Corpus Christi, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.820516 North; Longitude: -97.474721 West

PROJECT DESCRIPTION: The applicant proposes to excavate approximately 2,368,030 cubic yards (cy) of unvegetated water bottom, replace outdated and degraded infrastructure, install new sheet pile bulkhead above the high tide line (HTL), and construct new docks associated with a multi-phase terminal expansion to create 4,403 linear feet of continuous wharf. Work will include the following: Phase I – installation of 364 – 60-inch (in) steel piles to support a 700-foot-long by 100-foot-wide concrete dock and dredging approximately 866,000 cy of material to attain a 3:1 channel bottom slope; Phase II – removal of 50 previously authorized steel pipe piles and catwalks at BD 1; Phase III – installation of 1,308 60-in steel piles to support a 2,515 foot-long by 100-foot-

wide concrete dock and dredging approximately 823,400 cy of material to attain a 3:1 channel bottom slope; and Phase IV – installation of 618 – 60-in steel pipe piles to support a 1,188 foot-long by 100-foot-wide concrete dock and dredging approximately 678,630 cy of material to attain a 3:1 channel bottom slope. Dredging will occur via hydraulic dredging and material will be placed in one or more of the following dredge material placement areas (DMPAs) – Sun Tide DMPA, Tule Lake DMPA No.6, Southshore DMPA Cells A and B, Herbie A. Mourer DMPA, and DMPA No. 1.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding wetlands and submerged aquatic grass areas and relocating approximately 0.004 acre of live oysters to an existing oyster reef across the channel. Dredging will be limited to that which is consistent with the adjacent federal channel and footprint. All waters of the U.S. will be protected by BMP measures during dredging activities to further protect resources within the area.

MITIGATION: The applicant has not proposed compensatory mitigation as the proposed project does not impact wetlands and does not result in a loss of waters of the U.S.

CURRENT SITE CONDITIONS: The project site is currently an approximate 45-acre (ac) area comprised of marine shallow and deepwater, upland commercial development with impervious surfaces and undeveloped upland grass/shrub community. Uplands were dominated by lead tree (*Leucaena leucocephala*), Kleberg's bluestem (*Dichanthium annulatum*), and cogon grass (*Imperata cylindrica*). The open water area contains unvegetated sandy bay bottom. Small clusters (approximately 0.004ac) of live oysters are present on large rocks along the shoreline in approximately 1-2 feet (ft) deep water. No seagrass is present within the project area.

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 wetland delineation has been completed and was verified by the Corps on 6 December 2021. The applicant's plans are enclosed in 11 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 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>.

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 CCSC 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 **17 July 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-2019-00741**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-CC
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