Public Notice

U.S. Army Corps Of Engineers

Galveston District

Permit Application No: SWG-2025-00112

Date Issued: 18 March 2025

Comments Due: 17 April 2025

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 (CWA).

APPLICANT:
Port of Corpus Christi Authority
400 Charles Zahn, Jr. Drive
Corpus Christi, Texas 78401
POC: Sarah Garza
Telephone: 361-882-5633
Email: sarah@pocca.com

AGENT:
Geosyntec Consultants, Inc.
8607 North Mopac Expressway, Suite 300
Austin, Texas 78401
POC: Scott Walker
Telephone: 361-443-9454
Email: Scott.Walker@geosyntec.com

LOCATION: The project site is located in the Corpus Christi Ship Channel (CCSC), Aransas Channel, Lydia Ann Channel, and Gulf of America (Gulf), on Harbor Island, in Port Aransas, Nueces County, Texas.

LATITUDE & LONGITUDE (NAD 83):
Upland Facility – Latitude: 27.847348 North; **Longitude**: -97.069298 West
Intake Structure – Latitude: 27.851231 North; **Longitude**: -97.012724 West
Gulf Outfall Structure – Latitude: 27.8490276 North; **Longitude**: - 97.003990 West
CCSC Outfall Structure – **Latitude**: 27.844214 North; **Longitude**: -97.063512 West

PROJECT DESCRIPTION: The PCCA proposes to construct a 100-million-gallon per day (MGD) upland seawater desalination facility, including a seawater intake structure, two outfall diffuser structures, two 14-foot-diameter pipes, one 60-inch-diameter pipe, freshwater product pipelines, and other supporting infrastructure. The intake structure and one outfall diffuser will be located approximately 1.3 and 1.8 miles southeast of San Jose Island, respectively, in the Gulf at depths of approximately -35 and -37 feet mean lower low water (MLLW), respectively. Approximately 6.7 miles of 14-foot-diameter pipelines will be installed by subterranean tunnel boring machine (TBM). Muck soils removed during tunneling will be maintained onsite in uplands during construction and dewatered similarly to dredge material, with a dewatering outfall structure into Redfish Bay adjacent to Aransas Channel. Once sufficient dewatering has occurred the material will be used onsite as upland grading material. Marine life protection screens and a return channel are included to mitigate marine fauna impacts.

The finished water pipeline is proposed to include parallel pipes of 48 - 52” diameter installed by upland open trenching and micro tunneling and/or horizonal directional drilling (HDD) below marine wetlands, open water, and sand/mud flats. The finished water pipeline will connect to an existing Aransas Pass, Texas, water distribution infrastructure. Additionally, Harbor Island has existing tie-in infrastructure to an active Nueces County Water Control and Improvement District 4 (NCWCID #4) 12-inch freshwater pipeline that leads to Port Aransas and Mustang Island, Texas.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by adjusting the site layout to minimize impacts to special aquatic sites. No special aquatic sites will be permanently impacted. Construction impacts have been avoided and minimized to the maximum extent practicable by incorporating the most efficient construction techniques which reduce the temporary freshwater herbaceous and scrub/shrub wetland impacts, and the use of tunneling and HDD to reduce the impacts to the CCSC, Aransas Channel, Lydia Ann Channel, Gulf, and sensitive receptors. Freshwater herbaceous and scrub/shrub wetlands temporarily impacted within the treated water pipeline right-of-way (ROW) will be restored to pre-construction conditions and contours. Construction mitigation measures proposed to minimize impacts to wetlands and WOTUS include use of construction best management practices (BMPs) such as soil erosion and sediment controls, site restoration, and storm water management.

Vessel Strike Avoidance and Injured/Dead Protected Species Reporting will be followed by all project construction and support vessels per National Marine Fisheries Service (NMFS) guidance. Outfall diffuser designs minimize salinity impacts based on the Environmental Protection Agency (EPA) supported Cornell Mixing Zone Expert System (CORMIX) Mixing Zone Model. Project construction will avoid and implement seasonal restrictions during sea turtle nesting and migratory bird nesting seasons, and environmental monitors may be employed during construction of inshore and offshore project components. Mapped sensitive features (e.g., cultural resources, seagrass beds, marine wetlands, and oyster beds) will be marked and avoided during construction and operation. And all site entry and exit will follow all required state, local, and federal rules for surface water protection and avoidance of construction nuisances.

MITIGATION: The applicant does not propose to compensate for temporary impacts to freshwater herbaceous and scrub/shrub wetlands.

CURRENT SITE CONDITIONS: The project site is approximately 31 acres. The site historically housed Exxon and Fina bulk fluids export facilities; however, these facilities have since been removed and the area restored. Harbor Island is predominately fill and spoil from the construction of the surrounding Federal projects. These soils include: fill material dredged for raising the land surface above Alluvium and Barrier Island Deposits and creating land, and spoil dredged material forming islands along waterways. The applicant's wetland delineation identified two herbaceous wetland communities that are dominated by cone-cup spikerush (*Eleocharis tuberculosa*) and torpedo grass (*Panicum repens*). It is anticipated that the proposed project will temporarily disturb approximately 2.5 acres of freshwater herbaceous wetlands, 0.09 acre of freshwater stream, 0.017 acres of freshwater pond, and 0.25 acres of freshwater scrub/shrub wetlands. Immediately southeast of the project site is the approved Harbor Island Ship Terminal. The Texas Department of Transportation (TxDOT) operates a ferry service southwest of the proposed project site from Port Aransas to Harbor Island. Increased vessel traffic is expected to occur during facility construction and operation.

This project information has not been verified by the Corps. A wetland delineation has been completed and was verified by the Corps on 25 February 2022. The applicant's plans are enclosed in 13 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 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 contacted the TCEQ and initiated the Section 401 CWA process, on 25 February 2025. 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. The TCEQ authorized the discharge from this outfall on 22 December 2022 (Texas Pollutant Discharge Elimination System

[TPDES] Permit WQ0005253000, United States Environmental Protection Agency [USEPA] ID No. TX0138347).

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 proposed project is of such limited nature and scope that it 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. 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, 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 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 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 EIS 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 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 April 2025**. 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-2025-00112**, and should be submitted through the RRS system or the physical address listed below: https://rrs.usace.army.mil/rrs/public-notices OR

Policy Analysis Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
swg_public_notice@usace.army.mil

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