



Public Notice

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

Galveston District

Permit Application No: SWG-2008-00486

Date Issued: 5 May 2022

Comments

Due: 6 June 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Port of Corpus Christi Authority
222 Power Street
Corpus Christi, Texas 78401
POC: Ms. Sarah Garza
Telephone: 361-885-6163
Email: sarah@pocca.com

LOCATION: The project site is located in the Corpus Christi Ship Channel (CCSC), Corpus Christi Inner Harbor. The project can be located on the U.S.G.S. quadrangle map titled: Corpus Christi, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.817425° North; Longitude: 97.453589° West

PROJECT DESCRIPTION: The applicant proposes to construct a floating dock to accommodate a 70-foot fireboat and Port Police marine units. The project includes dredging of approximately 53,600 cubic yards (cy) of new work material to a depth of -18 feet mean lower low water (MLLW) (+2 feet over-dredge) in an approximate 3.2 acre area. The applicant is requesting 10 years of maintenance dredging of an estimated 6,000 cy of material. The request would include three maintenance dredge events done as needed in the 10-year period. Proposed construction includes a ±250-foot by 12-foot foam filled concrete floating dock with twelve (12) 30-inch by 80-foot steel piles with high density polyethylene (HDPE) sleeves and twelve (12) 30-inch by 80-foot steel breasting monopiles with fenders. The proposed pile sizes may be smaller but will not

exceed 30-inch by 80-foot. Construction also includes a ±75-foot by 12-foot gangway with a concrete platform. Proposed shoreline stabilization includes approximately 322 feet (linear) of new articulated concrete block revetment or concrete/rubble rip rap. The applicant will place shoreline stabilization from an elevation of -6 feet MLLW to an elevation of +8 feet MLLW at a slope that varies from 2:1 to 3:1. The footprint of the shoreline stabilization may be smaller but will not exceed the limits of -6 feet MLLW to +8 feet MLLW. Placement of approximately 275 cy of fill will occur below high tide line (HTL). Material placement will occur at authorized DMPAs; Suntide, Tule Lake Cells A, B & C, South Shore Cells A & B, Herbie Maurer, DMPA No. 1, Rincon, Good Hope, or DMPA's 13 and 14.

PURPOSE AND NEED: The purpose of the proposed project is to construct a floating dock that can safely and efficiently accommodate a 70-foot fireboat and Port Police marine units. The need for the proposed project is to reduce Port Police marine units emergency response time to public and private docks along the CCSC Inner Harbor.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized environmental impacts by dredging only the minimum amount necessary to complete the project, the placement of dredged material disposal in confined upland placement areas, and the use of appropriate best management practices (BMP) such as turbidity curtains during construction and dredging activities.

MITIGATION: The applicant has not proposed to mitigate for the proposed impacts to aquatic resources with exception of the potential to relocate 0.09 acre of oyster reefs, if necessary, to a suitable nearby location.

CURRENT SITE CONDITIONS: The project site is the former location of the Tule Turning Basin Bridge. The site still contains both armored abutments along the north and south shoreline. The area has been continuously dredged to maintain the CCSC depth. A special aquatic survey conducted on 22 December 2021 by Triton Environmental Solutions, LLC (Triton) identified three live oyster reefs in the survey area that total 0.09 acre. This oyster reef directly abuts the proposed shoreline stabilization. Should PCCA determine the revetment cannot be placed around the reef, PCCA will relocate the oysters to a suitable area nearby. Coordination with Texas Parks and Wildlife Department (TPWD) for guidance on relocation efforts was initiated on 2 February 2022, and the Corps.

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 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 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 TCEQ and initiated the Section 401 CWA process, on March 14, 2022. 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>.

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.

LEAD FEDERAL AGENCY: The Corps has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps.

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: We are currently gathering information regarding listed species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described 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 **6 June 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-2008-00486**, 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
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS