



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2018-00943
	Date Issued: _____	16 May 2019
	Comments _____	
Galveston District	Due: _____	31 May 2019

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: CINCO NATURAL RESOURCES CORPORATION
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LOCATION: The project site is located in Redfish Bay, within and outside the Corpus Christi Ship Channel (CCSC), and on the western lobe of Pelican Island in Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Ingleside, Texas.

LATITUDE & LONGITUDE (NAD 83):

12-inch Pipeline to be Removed: Latitude: 27.82543 North; Longitude: 97.17050 West

6-inch Pipeline to be Removed: Latitude: 27.82889 North; Longitude: 97.14418 West

Proposed Placement Area: Latitude: 27.81878 North; Longitude: 97.15958 West

PROJECT DESCRIPTION: Cinco (the applicant) received a Direction to Remove (DTR) letter from the Corps requiring the pipelines be either removed or lowered under the mudline of the current Federally authorized depth of the “New Work” project of the CCSC. Further coordination with the Port of Corpus Christi Authority (PCCA) determined that PCCA would require removal of the pipeline from PCCA property (2,500 feet in either direction from the channel centerline).

Pipeline 1 is a 6-inch pipeline running in a north to south orientation near the eastern lobe of Pelican Island. Pipeline 2 is a 12-inch pipeline also running in a north to south orientation near the western lobe of Pelican Island. Each of these pipelines was installed in the late 1960’s via trenching methods and were authorized under blanket permits, 09669 and 12769. Ownership of the pipelines has changed numerous times throughout the past five decades. However, the Corps has records of the permit transfer from Boss Exploration to Cinco in approximately 2008.

Due to the age of the pipelines it is unlikely that the lines can be pulled from their current depths. The applicant determined that the safest, most efficient method for removal would be a combination of jetting and hydraulic dredging to expose the pipelines followed by cutting and removal. In shallower water depths, each pipeline will be jetted to the surface, cut, and removed. Where water depths, depth of cover, and other site-specific details require dredging, the applicant will hydraulically dredge to expose the pipe, cut, and remove the section. The applicant anticipates that this hydraulic dredging would require the removal of approximately 15,000 cubic yards of material.

Pelican Island’s western lobe is the preferred dredge material placement area (DMPA). Pelican Island is a beneficial use island historically created from dredge material placed by the Corps and PCCA. The applicant proposes to undertake the work necessary to remove the required 5,000 feet of each pipeline immediately required to comply with the DTR letter. The applicant will perform a pre-construction and post-construction bathymetry survey in the vicinity of each pipeline removal within the CCSC to document that shoaling has not occurred within the channel as a result of these activities. It is not anticipated that any shoaling will occur as a result of this project. However, if any shoaling is documented as a result of these surveys that could create a hazard to navigation, the applicant will coordinate with the Corps and PCCA and will immediately remove any accumulated material down to preconstruction contours. The remaining sections of pipeline would be capped and remain decommissioned in place until which time Cinco can coordinate long-term plans for the remaining sections. It is anticipated that Cinco will coordinate long-term plans with the appropriate entities within 12 – 18 months from the date of the currently required pipeline removal.

The applicant intends to hydraulically dredge to expose the pipelines. Due to significant ship traffic and the extreme movement of water and currents within the project area, the applicant prefers to remove the pipelines in sections. It is anticipated that dredging would occur to the minimum extent necessary to expose the pipelines. Upon dredging, the pipelines would then be cut in approximate 100-foot sections and removed. Larger sections could be removed dependent upon pipe integrity, site conditions, and ship traffic. The applicant has determined that it is too risky to attempt to expose substantial lengths

of pipeline in the event ship traffic requires operations to halt and allow ship traffic to pass. For Pipeline 1 (6" pipe) it is anticipated that approximately 1,800 linear feet will be removed via the dredging method. For Pipeline 2 (12" pipe) it is anticipated that it will be necessary to remove approximately 1,500 feet via the dredging method. The applicant's plan was developed with the intent of minimizing risks to the applicant's personnel and equipment, damage to passing ships, and to limit unnecessary delays and/or closures of traffic through the ship channel.

Pelican Island's western lobe is the preferred DMPA. Pelican Island was selected primarily due to the proximity to both pipelines. Due to significant ship traffic within the area, to minimize interruptions to Port traffic, minimizing the length of the dredge discharge pipelines inherently minimizes the safety risks to life and property. Other DMPA's in the area were examined and determined to be unsuitable to achieve the project's objectives.

Pelican Island's western lobe does support a diverse estuarine wetland habitat along many of its tidal shorelines. The placement plan included consideration of avoidance of these wetland habitats. Additionally, the dredge disposal pipe route from the dredge area to the proposed Pelican Island placement area will be carefully selected to avoid all sensitive resources.

Temporary pilings will be installed to ensure the dredge disposal pipeline remains in place and is not repositioned by the natural ebb and flow of currents or the increased water movement due to passing vessels. Temporary pilings will be placed such that they avoid all sensitive resources and will be immediately removed upon project completion. Pilings will not be placed within the CCSC.

Much of the western perimeter of the island is an approximate 8 to 10-foot bluff within the uplands on the island. The contractor will utilize naturally occurring high topographic areas to ensure material placement does not impact shoreline wetlands. The naturally occurring high land areas will also help to ensure there are no return effluents to the bay. The discharge pipe outfall will be situated to maximize placement and water flow into areas dominated by sandy soils with a low water table. This will allow infiltration of liquids into the sand. No discharge into wetlands or other waters of the United States will occur. The applicant was instructed by the Corps that pipeline removal or relocation is required by federal law. Therefore, not completing the project is not an option. Various construction methods for pipeline removal and dredge material placement were considered and rejected due to costs, safety, and/or logistical constraints. DCCI, the contractor, based upon prior experience indicated that pulling the pipeline is not a viable option for this project based upon their experience with pipeline removal at the nearby La Quinta Channel and at other locations. Due to the pipelines age and environmental conditions, pipelines at La Quinta Channel frequently broke off during the pulling operation. Since CCSC has significantly more ship traffic it is not feasible to risk the likelihood of delays and prolonged work within the ship channel vicinity. Several disposal site alternatives were considered. However, all were either environmentally unacceptable or located an impractical distance from the dredging areas.

AVOIDANCE AND MINIMIZATION: No sensitive resources were located within the pipeline survey area. Impacts to Essential Fish Habitat (EFH) are not anticipated. The area would still be utilized as fish habitat and when activity ceases the dredge areas will fill in naturally.

CURRENT SITE CONDITIONS: The eastern lobe of Pelican Island is a well-documented rookery area. US Fish and Wildlife Service (FWS) has previously stated that the northern and eastern side of Pelican Island are almost exclusively preferred by nesting birds. The western side of the island is infrequently used as nesting habitat and placement of dredged material should have negligible effect on fish and wildlife. The applicant, their consultant, and contractors recognize the importance of the island as an important rookery for many colonial waterbird species. The applicant selected the west side of Pelican Island for dredge material disposal based upon past experience and communications with the Coastal Bend Bays and Estuaries Program (CBBEP), PCCA, and the Corps. Based upon the timing required by the DTR letter, the applicant cannot commit to conducting work outside of the February 15 – September 1 nesting season. However, the eastern most limit of the proposed upland confined DMPA site is more than 2,000 feet from the closest land area of Pelican Island's eastern lobe. CBBEP advised BEI that nesting activities on the eastern lobe will likely not be adversely impacted so long as the dredge pipeline is installed a minimum of 200-feet from the breakwater along the northern perimeter of the eastern lobe. This spacing is included in the applicant's plan. Prior to discharge activities on the western lobe of Pelican Island, the applicant will complete a nesting survey to ensure that no nesting birds are present within the discharge location. Therefore, disturbance to nesting birds on Pelican Island is not likely to occur. The proposed placement area has been carefully selected to avoid disturbance to sensitive habitats. As detailed above, Pelican Island's western lobe contains sufficient upland area for the placement of material. Wetlands along the perimeter of Pelican Island are not proposed to be impacted as a result of these efforts. The applicant will utilize all necessary Best Management Practices (BMPs) to strictly avoid impacts to any sensitive resources. As indicated above, no discharge of effluent will enter waters of the United States.

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 8 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.

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 location where the pipeline will be removed has been extensively impacted by dredging and installation of the pipeline and the proposed placement area is in a location that was previously used for placement of dredged material. The Corps has determined there is no potential for historic properties to exist within the permit area and the proposed project has no potential to effect historic properties.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed 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 **31 May 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-2018-00943** and should be submitted to:

Corpus Christi Field Office
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