



Public Notice

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

Galveston District

Permit Application No: SWG-1995-00318

Date Issued: 1 October 2020

Comments

Due: 2 November 2020

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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. Yvonne Dives-Gomez
Telephone 361-885-6163
Email: ydivvez-gomez@pocca.com

LOCATION: The project is located in Inner Harbor, at Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Corpus Christi, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.820239° North; Longitude: -97.432778° West

PROJECT DESCRIPTION: The applicant proposes to conduct dredging, install a sheet pile cofferdam and bulkhead, and place rip rap fill material and appurtenances into navigable waters in an effort to expand the existing Oil Dock 3 facilities. The project would consist of removing approximately 198 linear feet of existing bulkhead, removing 1,240 square feet of existing rock berms, and removing four existing piles. Also, the project would consist of the installation of approximately 375 linear feet of new steel sheet pile bulkhead with a concrete cap below the Mean High Water (MHW), the discharge of approximately 4,667 cubic yards of rock into approximately 0.12 acre to create a

twenty-foot rock mattress for bulkhead/slope stabilization below the High Tide Line (HTL), installation of eight new mooring structures with floating fenders, excavation of approximately 12,650 cubic yards of dry land and dredging of approximately 216,100 cubic yards of material from 4.25-acres of bay bottom to -54 feet mean lower low water, plus a two-foot over-dredge and four feet of advanced maintenance, resulting in a total estimated dredge volume of approximately 252,300 cubic yards. The proposed dredging would result in elevations consistent with elevations within the deepened federal channel. Dry excavation material would be temporarily placed at the project site within adjacent uplands. Dredge material would be placed within nearby placement areas PA8, PA3A, PA3B, PA1, PAZ, PA6, or PA2. A temporary 285-linear-foot steel sheet pile cofferdam would be installed adjacent to the existing bulkhead.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by excavating dry land behind a cofferdam and stockpiling excavated material on site and hauled to an upland placement area. Dredged material would be placed within designated placement areas. Dredging would be limited to depths consistent with the deepened federal channel, and the footprint minimized to avoid all special aquatic sites. Further, all nearby special aquatic sites would be protected by BMP measures during construction activities, and a temporary cofferdam would be installed to protect resources within the area further.

MITIGATION: The applicant has not proposed any mitigation for the project due to no loss of waters of the U.S.

CURRENT SITE CONDITIONS: The project site is currently a developed highly industrial tract of land surrounded by commercial development to North, West, and South. The project site receives regular maintenance dredging and has received two modifications for upgrades. In 2005 the permit was modified to include one additional mooring dolphin, and in 2011 the permit was further modified to include three additional breasting structures. There are no wetlands or seagrass sites within the proposed project area; however, there is a large shoal grass (*Halodule wrightii*) bed adjacent to the proposed project areas new sheet pile wall.

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 4 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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement-fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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: Reserved for specific public notice statements, which do not fit into above categories.

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 **2 November 2020**. 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-1995-00318**, 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
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS