



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

SWG-2014-00260

Date Issued: \_\_\_\_\_

9 November 2023

Comments \_\_\_\_\_

Due: \_\_\_\_\_

11 December 2023

## 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:**

Plains Marketing, L.P.  
6135 Highway 18  
St. James, Louisiana 70086  
POC: Mr. Joseph Klimas  
Telephone: 225-474-3905  
Email: [JKlimas@paalp.com](mailto:JKlimas@paalp.com)

### **AGENT:**

Lanier and Associates Consulting Engineers, Inc.  
500 North Shoreline Boulevard, Suite 350  
Corpus Christi, Texas 78401  
POC: Mr. David Krams  
Telephone: 361-402-6996  
Email: [dkrams@lanier-engineers.com](mailto:dkrams@lanier-engineers.com)

**LOCATION:** The project site is located within the Corpus Christi Ship Channel, in Corpus Christi, Nueces County, Texas. Eleven dredge material placement areas (DMPA) locations are scattered throughout the Corpus Christi Bay area, please see the attached plans for exact DMPA locations.

### **LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 27.815354° North; **Longitude:** -97.463111° West

**PROJECT DESCRIPTION:** The applicant proposes to perform dredging operations on the previously authorized and constructed dock slip including the slip's side/end slopes. Further the applicant wishes to extend maintenance dredging 10 years. The applicant requests the use of silt blade, mechanical, or hydraulic dredging methods and to increase and maintain the overall dredging depth to elevation (-) 51 feet NAV88, with an allowable overdepth of elevation (-) 53 feet NAVD88 within the slip. An estimated up to 52,346 cubic yards of material will be dredged to achieve elevation (-) 51 feet NAVD88 within the slip, and with side/end slopes dredged on a 2.5 horizontal to 1 vertical grade. An additional estimated 22,297 cubic yards is requested to be dredged below the required depth of the slip and slopes from within a 2-foot allowable overdepth area to a maximum depth of elevation (-) 53 feet NAVD 88, for a total of an estimated 74,643 cubic yards of dredging. The applicant would like authorization to use six previously authorized DMPAs as well five additional DMPAs as to place dredged material from the ship dock basin. Proposed DMPAs consist of Suntide DMPA, Tule Lake DMPA No. 6, South Shore DMPA - Cells A & B, DMPA No. 1, Herbie A. Maurer DMPA, Rincon B West, DMPA 14, DMPA 13, and Good Hope DMPA Cell J and Cell I.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following statement declaring the project has been designed to avoid and minimize impacts to the environment: "Best management practices will be employed during construction to minimize potential sedimentation into adjacent waterways from DMPAs. By performing silt blading within the slip will reduce amount of dredge material that will be removed for maintenance dredging."

**MITIGATION:** The applicant does not propose compensatory mitigation.

**CURRENT SITE CONDITIONS:** The project site consists of open tidal waters within the ship channel. Projects of similar scope and design are common within the waterway.

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.

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:**

The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP.

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](mailto: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>.

**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:

There are no historic properties within permit area and immediate vicinity.  
No further action is recommended.

**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, 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 **11 December 2023**. 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-2014-00260**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RDR  
U.S. Army Corps of Engineers  
Galveston District  
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