



Public Notice

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

Galveston District

Permit Application No: SWG-2007-00263

Date Issued: 14 November 2024

Comments

Due: 16 December 2024

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: VALERO REFINING - TEXAS. L.P.
One Valero Way, E2-104B
San Antonio, Texas 78249
POC: James Stegall
Telephone 210-345-3206
Email: james.stegall@valero.com

AGENT: LANIER & ASSOCIATES
350 Pine Street, Suite 1440
Beaumont, Texas 77701
POC: Haley Strahan
Telephone: 409-212-1051
Email: hstrahan@lanier-engineers.com

LOCATION: The project site is located in the Inner Harbor of the Port of Corpus Christi along the Corpus Christi Ship Channel (CCSC), on the south side of Tule Lake Channel at 1147 Cantwell Lane, in the vicinity of Corps of Engineers Station 1414+35.00 to Station 1388+30.00, 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: 27.82056° North; Longitude: 97.48278° West

PROJECT DESCRIPTION: The applicant requests a modification to the existing SWG-2007-00263, which expires on 31 December 2027. The current permit authorizes the structures and maintenance dredging activities at their Ship Dock 3, located on the west end of the inner harbor along the CCSC. The applicant seeks to perform various upgrades to their existing dock in order to accommodate deeper drafts at their berth. The activity would consist of constructing a 10-foot by 70-foot pile-supported extension along the face of the dock, installing six (6) new mooring structures, four (4) breasting structures, and four (4) barge monopiles. Piles would be installed from a marine rig and driven to final grade via diesel impact hammer. The applicant would also install new walkways and improvements to 527 linear feet of an existing steel sheet pile bulkhead consisting of installation of new steel sheet pile with 5 feet of crushed stone backfill (2,635 square feet of fill), and concrete revetment or riprap along 632 linear feet of currently unprotected shoreline and in front of an existing timber bulkhead. 1,353 cubic yards (CY) of fill would be discharged below the Mean High Water (MHW) mark within an approximate 12,640-square-foot area. Additionally, the dredge area would be deepened to match the new CCSC depth of (-)54 ft. plus 2 ft. advanced maintenance with 2 ft. allowable overdepth to a maximum depth of (-)58 ft. MLLW. An estimated amount of up to 182,570 CY of new work dredging would be required, consisting of 140,052 CY of required dredging (-54 ft. plus 2 ft. of advanced maintenance) and 42,518 CY of allowable overdepth (total of (-)58 ft. MLLW).

The applicant is currently authorized to utilize the following DMPAs for placement of maintenance dredge materials from its ship and barge docks per SWG-2007-00263: South Shore DMPA Cells A and B, DMPA No. 1, Herbie Maurer, Tule Lake DMPA Cells A, B and C, and Suntime DMPA. The applicant requests use of the same DMPAs for placement of new work and maintenance material from this proposed project. No utilization of new/ additional DMPAs is requested. Additionally, the applicant requests a 10-year authorization to conduct maintenance dredging.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts with the following statement: No wetlands or streams are present in the project footprint. The project has been designed with the minimal footprint required to perform the necessary modifications to allow Valero to meet the needs of their business.

MITIGATION: No compensatory mitigation is being considered for this project.

CURRENT SITE CONDITIONS: The project site is located in open water that has been dredged to form part of the harbor of an industrial marine port with a developed commercial facility adjacent to the project site. No wetlands or special aquatic sites are reported to be present within the project footprint.

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 14 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 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. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

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 permit area is confined to an existing right-of-way that has been so extensively impacted by previous project activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect 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 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 **16 December 2024**. 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-2007-00263**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS