



Public Notice

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

Galveston District

Permit Application No: SWG-2019-00245

Date Issued: 21 August 2019

Comments

Due: 23 September 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 and Section 404 of the Clean Water Act.

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

LOCATION: The project is located at the confluence of the Aransas Pass, Gulf Intracoastal Water Way (GIWW) bi-pass channel (Lydia Ann Channel), and the Corpus Christi Ship Channel (CCSC) on the northern side of State Highway (SH) 361, between stations 40+00 and 70+00 of the CCSC, on Harbor Island in Port Aransas, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Aransas, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.845163 North; Longitude: 97.065781 West

PROJECT DESCRIPTION: The applicant (PCCA) proposes to construct a crude oil export terminal with vessel berths on Harbor Island that would accommodate none-VLCC (Very Large Crude Carriers) deep-draft vessels. Work in waters of the US would include: dredging two deep draft vessel berths at a slope of 3:1 to the CCSC authorized depth of -54 feet mean lower low water (MLLW), plus 4 feet of advanced maintenance dredging, plus 2 feet of allowable over depth, totaling -60 feet MLLW; shoreline protection with articulated block mat to stabilize the 3:1 slopes; 725 linear feet of bulkhead; 1,275 feet of cellular wall; breasting structures, jetty platforms, access structures, and associated terrestrial structures. The applicant estimates that approximately 6.5 million cubic yards (MCY) of dredged material would be dredged mechanically and/or hydraulically for the construction of the facility. The dredged material would be placed in one of the dredged material placement areas (DMPA) locations identified on Sheet 16 of the enclosed project plans. Impacts to special aquatic sites is estimated to be 0.33 acres of wetland to be permanently filled.

The proposed order of construction is as follows: shore-based pile installation for foundations, bulkheads, wall anchors; dredging the vessel berths; piles for loading platform; erecting loading arms; and final infrastructure installation.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts minimizing sediment suspension by avoiding the bottom stockpiling and over-filling of the dredge bucket as well as not taking multiple bites with the dredge. A turbidity curtain, surface booms, oil-absorbent pads, and similar environmental containment materials and supplies will be kept on site to be immediately deployed as necessary. The work will also be performed during an approved in-water work window as specified by federal and state regulatory agencies.

MITIGATION: The applicant has not proposed any compensatory mitigation.

CURRENT SITE CONDITIONS: The project site is approximately 64.8 acres. The site historically housed an Exxon and Fina bulk fluids export facilities; however, these facilities has since been removed and the area restored. Harbor Island is predominately fill and spoil from the construction of the surrounding Federal projects. These soils include: fill material dredged for raising the land surface above Alluvium and Barrier Island Deposits and creating land; and spoil dredged material forming islands along waterways. The applicant's wetland delineation identified two herbaceous wetland communities that are dominated by cone-cup spikerush (*Eleocharis tuberculosa*) and torpedo grass (*Panicum repens*). It is anticipated that the proposed project will disturb these two delineated wetlands along the north central portion of the terminal area boundary. The first wetland is described as a palustrine emergent wetland that is a small drainage depression adjacent to a parking area, approximately 0.02 acres in size. The second wetland is described as a palustrine emergent wetland approximately 0.31 acres in size. The Texas Department of Transportation (TxDOT) operates a ferry service adjacent to the proposed project site from Port Aransas to Harbor Island. Increased vessel traffic is expected to occur if the facility is constructed.

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 16 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: 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 and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

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 likely to contain both terrestrial and marine cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct both terrestrial and marine investigations for historic properties. In addition, the proposed project has the potential to adversely affect the Aransas Pass Light Station (also called the Lydia Ann Lighthouse). The applicant will need to conduct a visual impacts analysis.

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 **20 September 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-2019-00245**, 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
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