



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2024-00136

1 April 2024

1 May 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: PORT OF BROWNSVILLE
1000 Foust Road
Brownsville, Texas 78521
POC: Mr. Ariel Chavez
Telephone 956-831-4592
Email: Achavez@portofbrownsville.com

AGENT: HDR ENGINEERING, INC.
555 North Carancahua, Suite 1600
Corpus Christi, Texas 78401
POC: Ms. Alexandra Austin
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Email: Alexandra.austin@hdrinc.com

LOCATION: The project is located on of a 167-acre parcel adjacent to the Brownsville Ship Channel (BSC) owned by the Port of Brownsville located approximately 9 miles northeast of Brownsville on the northern side of the BSC and south of Brownsville-Port Isabel Highway and Old State Highway 48 in Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Palmito Hill, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 25.980572 North; Longitude: 97.330879 West

PROJECT DESCRIPTION: The applicant proposes to develop a 167-acre parcel on the BSC to be utilized as a marine terminal (Project) for the receiving, handling, storage, and transport of raw materials, including iron ore and scrap steel. The proposed Project would construct a bulk carrier dock, barge dock, a conveyor belt system, stockpiles for raw materials, and on-site and off-site rail lines for transportation of materials to Pesquería, Mexico. The Project also includes the associated dredging of a bulk carrier berth and basin and a barge berth and basin. A one-mile extension of the existing shortline railroad and a tie-in to the proposed on-site railroad is also included in this Project.

Construction would take place from both the waterside from within the BSC and from the land. No cofferdams or other dewatering methods would be required. Construction of the steel pipe pile-supported docks would require driving 60-inch (in) diameter steel pipe piles to support the dock structure. Based on a preliminary design, it is believed an impact hammer may be required to drive the piles to design depths. Mechanical excavation and hydraulic dredging would occur within of the BSC to construct the docks and deepen the berths and basins. Riprap would be placed within open water below the mean high tide line within the BSC for shoreline protection. The bulk carrier dock would require placement of 14,193.12 cubic yards (3.78 acres) of riprap within the footprint of the dock. The barge dock would require placement of 2,685.0 cubic yards (0.85 acre) of riprap. The applicant anticipates dredging with a cutterhead dredge. Dredging operations for the construction of the bulk carrier berth and basin would consist of approximately 1.28 million cubic yards (MCY) of dredged material. Additionally, the barge berth and basin dredging would consist of 0.14 MCY of dredged material. A total of approximately 1.42 MCY material would be dredged and placed in Port of Brownsville-owned Dredged Material Placement Areas (DMPA) 5A or 5B, located on the south side of the BSC. It is expected that at full operation, 3.1 million tons/year of imported iron ore and 0.1 million tons/year of steel scrap would be imported at the facility for transfer into rail cars for delivery to the steelmaking plant in Pesquería.

The purpose of the Project is to receive, handle, store, and transport iron ore and scrap steel to a Ternium electric steelmaking plant in Pesquería, Mexico. The purpose of the steelmaking plant and this associated Project is to meet new regional steel content requirements established for the automotive industry by the United States-Mexico-Canada Agreement (USMCA), formally known as the North American Free Trade Agreement (NAFTA), which demands that at least 70% of the steel used in the automotive industry must be melted in the region.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by routing the railroad around the existing potentially jurisdictional emergent wetland in the northwest corner of the Project Area and by avoiding wetlands south of Highway 48 along the railroad extension.

MITIGATION: The proposed Project would impact a total of 34.11 acres of the Brownsville Ship Channel, a TNW, but no special aquatic sites, including oyster reef, seagrass, or submerged aquatic vegetation, would be impacted. Therefore, no compensatory mitigation is proposed for this Project.

CURRENT SITE CONDITIONS: The proposed Project is located in an undeveloped grassland parcel within the Laguna Madre Barrier Islands and Coastal Marshes subregion of the Western Gulf Coastal Plain. The predominant geologic formations found in the area include Holocene fill and spoil, alluvium in Rio Grande, and clay dune. Laguna Madre Barrier Islands consist of hypersaline lagoons with seagrass meadows and tidal mud flats. Vegetation in the Laguna Madre Barrier Islands commonly includes bitter panic grass (*Panicum amarum*), sea-oats (*Uniola paniculata*), gulf dune crown grass (*Paspalum monostachyum*), red love grass (*Eragrostis secundiflora*), salt meadow cord grass (*Spartina patens*), white stem wild indigo (*Baptista bracteate*), and Gulf croton (*Croton punctatus*).

Prior to the construction of the ship channel in the 1950s, the Project Area consisted of a large hill/Loma (Loma de Los Lobos) that was surrounded by marshes and the waters of San Martin Lake/Laguna Madre that were connected to the Gulf of Mexico to the east. The Project Area now sits on the northern bank of the ship channel in an area that still includes Loma de Los Lobos as well as surrounding areas that were once waters and marshes but are now built-up areas of artificial dredge material placement. Petroleum and natural gas production facilities are common in the vicinity of the Project Area.

Based on Google Earth imagery, the modern landscape depicts Baja Texas Offroad within the limits of the Project Area. Baja Texas Offroad is a leisure area for the use of dune buggies and four-wheel-drive vehicles on the elevated areas comprising Loma de Los Lobos. Elevations within the Project Area range from 5.0 feet above mean sea level (AMSL) in the spoil-filled areas to 35.0 feet AMSL on the peak of the Loma. Significant erosion occurs on the southern portion of the Project Area, where uplands meet the shoreline near the ship channel.

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 attached in ten 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 Water 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. **OPTION 1** The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. **OPTION 2** The applicant contacted STATE AGENCY and initiated the Section 401 CWA process, on DATE. 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 was previously investigated for historic properties and none were identified as documented in the report titled "An Intensive Cultural Resources Survey of the Proposed 167.0-acre Ternium Development in Cameron County, Texas" prepared by Horizon Environmental Services and dated October 2023.

The Native American Tribes who have an interest in the project area have been notified to see if they would like to either comment or consult on the project.

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 **1 May 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-2024-00136**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS