



Public Notice

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

Galveston District

Permit Application No: SWG-1995-02221

Date Issued: 6 February 2020

Comments

Due: 9 March 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: Moda Ingleside Oil Terminal, LLC
1000 Louisiana, Suite 7100
Houston, Texas 77002-5029

AGENT: Belaire Environmental, Inc.
P.O. Box 741
Rockport, Texas 78381-0741
POC: Ms. Sara Flaherty
Telephone 361-729-1241
Email: sflaherty@belaireenv.com

LOCATION: The project site is located on the north side of the Corpus Christi Ship Channel (CCSC) between approximate Stations 520+07 and 540+08 at 262 Coral Sea Road (formerly Naval Station Ingleside), Ingleside, San Patricio County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Ingleside, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.815509 North; Longitude: 97.209526 West

PROJECT DESCRIPTION: The applicant proposes to dredge approximately 3.9 million cubic yards of material to increase the area of its West Basin by approximately 32.8 acres to a total of 43 acres, including side slopes. Dredging would be done using both

mechanical and hydraulic methods with placement of all dredged material on Berry Island. Potential dredged material placement areas (DMPAs) for future dredging, including maintenance, would include all Federally authorized and constructed, upland confined, dredged material placement areas, Good Hope, Dagger Island, and Beneficial Use Sites as available. Moda additionally proposes to implement improvements at its existing East Basin 2A barge dock by constructing a pile-supported 35-foot by 70-foot barge platform, which would require moving the existing fender line approximately 38 feet waterward of its current location. Four breasting dolphins and four protection dolphins would be also be installed. Improvements to the new West Basin include construction of barge dock Berths 7A, 7B, 7C, 8, and 9. This would require the placement of approximately 59.26 cubic yards of material to extend the existing bulkhead approximately 491 linear feet along the shoreline, and the installation of a new pile-supported barge dock to allow berthing on each side. Berths 7A, B, and C would require the installation of 38 barge dolphins. Existing bay bottom in the vicinity of Berth 7 would be dredged to a depth of -13 feet mean low tide (-15 feet MLLW) with a 2-foot allowable over-dredge. The remainder of the West Basin expansion would be dredged to a depth of -54 feet MLLW and an additional 2-foot allowable over-dredge and 2-foot advanced maintenance. To stabilize the dredge side slope, the project would install approximately 1,350 linear feet of 44-foot-wide articulated block mattress. Berths 8 and 9 would consist of a sheetpile causeway, pile-supported approach, an 80- by 120-foot pile-supported loading platform, twelve breasting dolphins, and nine mooring dolphins. Approximately 8.86 acres of seagrass and 0.95 acre of emergent wetlands would be impacted by this project.

The purpose and need of the project is to provide the maritime infrastructure necessary to accommodate the increasing business and larger ships using the Moda Ingleside Oil Terminal.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by project alterations, design changes, the addition of stabilization features to protect nearby resources (e.g., adding the installation of the articulated block mattress on the dredged-area side slope), and the implementation of best management practices into the project construction requirements.

MITIGATION: The applicant proposes to mitigate for the proposed impacts by a combination of preservation and establishment of a new aquatic site. A 50-acre area of forested land that includes a mosaic of pothole wetlands will be preserved. In addition, the applicant will create not less than 9.3 acres of submerged aquatic vegetation at a location within submerged Port of Corpus Christi Authority property yet to be determined.

CURRENT SITE CONDITIONS: The project site is a commercial marine terminal that has been in service for several years. The facility has a previously dredged area (East Slip and West Slip) that was originally authorized under Permit 17847 on December 15, 1987. There are no seagrasses present in the vicinity of the East Slip; however, the West Slip area does have a seagrass area and emergent wetlands present nearby that would be impacted by the proposed dredging and bulkhead extension. The area in which impacts resulting from the currently proposed project will be felt are confined to Ingleside Point next to the CCSC and adjacent shoreline. The impacts that are expected in that

area from the proposed project are the temporary impacts to benthic populations and temporary turbidity associated with the proposed dredging operations.

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 23 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 would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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 has been so extensively impacted by previous dredging and industrial development that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to affect historic properties.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

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 **9 March 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-1995-02221**, 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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