



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2000-01605
	Date Issued: _____	4 January 2022
	Comments _____	
Galveston District	Due: _____	4 February 2022

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
222 Power Street
Corpus Christi, Texas 78401
POC: Ms. Sarah Garza
Telephone: 361-885-6163
Email: sarah@pocca.com

LOCATION: The project site is located in the Corpus Christi Ship Channel, Corpus Christi Inner Harbor. The project can be located on the U.S.G.S. quadrangle map titled: Corpus Christi, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.820449° North; **Longitude:** 97.4625550° West

PROJECT DESCRIPTION: To reconstruct Oil Dock (OD) 1 in 3 distinct phases: demolition of existing structures, reconstruction, and dredging. Demolition includes: four breasting dolphins on a fender line, two barge breasting dolphins, walkways east and west of the dock loading platform and barge fender system. Reconstruction includes: one (1) new 78-inch steel monopile mooring dolphin, one (1) new 17-foot x 22-foot gangway tower supported by four (4) 30-inch piles, four (4) new 78-inch steel monopile breasting dolphins, one (1) new walkway east and west of the dock loading platform, a barge fender system, reinforcement of the existing platform by six (6) 30-inch batter piles and a bulkhead that includes 150-inch of submerged sheet piles around platform piles. The applicant proposes to use either a mechanical or hydraulic dredge to deepen the

previously authorized depth to -54 feet mean lower low water (MLLW), +4 feet of advanced maintenance +2 feet of allowable over dredge to match federal channel improvements resulting in approximately 78,400 cubic yards of dredge material. The applicant is also requesting a 10-year maintenance permit that will include an additional 24,000 cubic yards of dredge material. The dredged material placement is proposed at previously authorized DMPAs; Sun tide, Tule Lake, South Shore, Herbie Maurer or DMPA No. 1, and will occur via pipeline.

APPLICANTS STATED PURPOSE AND NEED: The purpose of the proposed action is to reconstruct aging infrastructure at OD 1 so that it can safely and efficiently accommodate current vessels utilized in the world market. The project is in alignment with the ongoing Channel Improvement Project (CIP).

AVOIDANCE AND MINIMIZATION: The project location is in an area where no wetlands or special aquatic sites are present. Dredge material will be placed in authorized placement areas. Dredging is limited to depths consistent with the adjacent federal channel and the footprint avoids all special aquatic sites. Best management practice measures will be in place during construction and dredging activities.

MITIGATION: The applicant has not proposed to mitigate for impacts to the waters of the US due to the belief they have avoided and minimized impacts to the maximum extent practicable while still meeting their purpose and need.

CURRENT SITE CONDITIONS: The project site is located approximately 1,000 meters inside the Corpus Christi Inner Harbor (CCIH). The CCIH is primarily a heavily industrial area; however, this section of the Inner Harbor also includes commercial facilities and several cargo docks. There is no aquatic vegetation or oysters within the project area. The CCSC is the process of being dredged under the CIP by the U.S. Army Corps of Engineers to -54 feet MLLW.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 9 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The 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 contacted TCEQ and initiated the Section 401 CWA process submitted a pre-filing meeting request, on November 12, 2021. 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.

LEAD FEDERAL AGENCY: The Corps has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps.

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 modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

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 **4 February 2022**. 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-2000-01605**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
Galveston District
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS