



Public Notice

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

Galveston District

Permit Application No: _____ SWG-2009-00991

Date Issued: _____ 20 January 2022

Comments

Due: _____ 22 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, Nueces County. The project can be located on the U.S.G.S. quadrangle map titled: Corpus Christi, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.82623°North; **Longitude:** 97.48413°West

PROJECT DESCRIPTION: The project would consist of four pile-supported docks with associated mooring, breasting, and monopile structures. Vessel Docks 1, 2, and 3 would consist of a 75-ft by 140-ft pile-supported platform with a 126-ft by 20-ft pile-supported trestle connecting the dock to the shoreline. Each vessel dock would contain four breasting structures with three (3) 48-in steel pipe piles. A series of 17 mooring structures, composed of two (2) 36-in and one (1) 42-in piles each, would support the vessel docks. The barge dock would consist of a 50-ft by 90-ft pile-supported platform with a 72.5-ft by

20-ft pile supported trestle connecting the dock to the shoreline. Approximately 2,590 feet [211 cubic yards (CY)] of concrete revetment would stabilize the shore along Vessel Docks 1 and 2. The revetment would extend to a depth of -5 ft (NAVD 88). Approximately 1,050 ft (65 CY) of sheet pile retaining wall would stabilize the shore along Vessel Dock 3. The barge dock 2 would consist of six (6) 54-in monopile structures for breasting the barges. PCCA would utilize a vibratory hammer to drive the steel piles that support the docks as well as the breasting, mooring, and monopile structures.

The project would dredge three vessel berths to a depth of -54 ft MLLW and one barge berth to -20 ft MLLW. The proposed slip length for Vessel Dock 1 is 950 ft. The proposed slip length for Vessel Docks 2 and 3 is 1,140 ft. The proposed slip length for the Barge Dock is 980 ft. PCCA is requesting that USACE authorize an additional 2 ft of advanced maintenance and 2 ft of allowable over dredge for all four berth slips. The dredging activity would hydraulically and mechanically remove approximately 1,770,300 cubic yards of material. The dredging would impact 1.91 acres of estuarine wetlands. This project would place dredged material into one of the following DMPAs: Tule Lake, DMPA- Cells A, B & C; Suntide DMPA; South Shore DMPA- Cells A & B; DMPA No. 1; and/or Herbie Mauer DMPA.

The proposed onshore crude storage facility would consist of three aboveground storage tanks (AST) to receive and store crude oil prior to shipment offsite for further processing. Shipments offsite would occur using existing infrastructure. Pipelines would be installed to transport crude product from the proposed docks to the individual tanks. PCCA would utilize the existing footprint of South Shore Cell C DMPA to construct the facility. Clean, locally sourced fill material would provide a level construction site for the onshore facility. Vertical support piles would support additional infrastructure of the onshore facilities. The onshore storage facility would fill 3.24 acres of palustrine emergent wetlands.

PURPOSE AND NEED: The applicants stated purpose and need is to increase crude import and export capacity within the Corpus Christi Bay system and allow for adequate wharfage (docks) to meet the project goals.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by minimizing temporary impacts to waters of the U.S. (WOUS) through the use of best management practices (BMP) during construction and dredging activities and will place revetment and sheet pile along the shoreline for long term erosion control.

MITIGATION: The applicant proposes mitigation for estuarine wetland impacts by planting 2.87 acres of estuarine vegetation in an unvegetated portion of the Rincon Bayou within the Nueces River Delta. The applicant does not propose the mitigation for the 3.24 acres of wetlands within the DMPA since they believe they are non-jurisdictional waters created due to construction-related activities. The applicant's mitigation plan is enclosed in 11 pages.

CURRENT SITE CONDITIONS: The project site is currently a modified tract of land surrounded by commercial development to the northwest, a road and railroad tracks to

the north and northeast, and the Corpus Christi Ship Channel to the south. Most of the project site is currently Dredge Material Placement Area (DMPA) IH-PA 3 Cell C and is almost entirely surrounded by a levee. The site contains 1.91 acres of wetland features outside the berm and 3.24 acres within the berm, a small 0.01 acre patch of seagrass, and 0.03 acres of oyster reef.

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 20 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 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 submitted a pre-filing meeting request on November 1, 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 impacted by construction and maintenance of the CCSC 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: We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described 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 **22 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-2009-00991**, 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
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