



Public Notice

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

Galveston District

Permit Application No: SWG-2015-00417

Date Issued: 31 July 2018

Comments

Due: 14 August 2018

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 (POCCA)
222 Power Street (PO Box 1541)
Corpus Christi, Texas 78403-1541
Telephone: 361-885-6639
POC: Beatriz Rivera

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401
Telephone: 832-426-4656
POC: Justin Wiedeman

LOCATION: The project site is located in the Inner Harbor of the Corpus Christi Ship Channel (CCSC) to the south of the intersection of Burleson Street and Market Street in the Port of Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled Corpus Christi, Texas.

PROJECT SITE LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.815951 North; **Longitude:** 97.416834 West

MITIGATION SITE LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.889252 North; **Longitude:** 97.591216 West

MITIGATION UPLAND DISPOSAL SITE LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.885743 North; **Longitude:** 97.594452 West

PROJECT DESCRIPTION: The applicant is requesting to amend the currently authorized POCCA Dock 17 (previously NuStar Dock 17). The applicant was authorized to construct a new oil dock with breasting dolphins and dredge an associated basin. The oil dock was 125 feet long by 50 feet wide and was going to be constructed at the end of a 25-foot-long by 40-foot-wide approach way. Two breasting dolphins were going to be constructed on each side of the dock extending 150 feet to the east of the dock and 160 feet to the west of the dock. The dolphins were to be 30 feet long by 18 feet wide.

The authorized basin will not change in acreage and will still be approximately 11.43 acres in size. The applicant is proposing to amend the depth to be dredged to a total depth of -54 feet mean lower low water (MLLW), plus 4 feet advanced maintenance dredging, and plus 2 feet for allowable over depth for a total of -60 feet MLLW. The proposed basin will be constructed with a 3:1 slope, 0.82 acre of combined open water and estuarine wetland will be permanently filled for equipment support area, and the placement of articulated block mat on top of a geotextile fabric will be placed along the shoreline to stabilize the dredged slope. An existing outfall structure will be relocated along the western shoreline to accommodate basin dredging.

Impacts to the onsite aquatic resources will change; specifically, no impacts to oysters will occur based on the results of an aquatic habitat survey conducted in January 2018, 0.037 acre of impact to submerged aquatic vegetation (SAV), 0.1 acre of tidal flat (an increase of 0.01 acre from the previous authorization), 0.15 acre of estuarine wetlands (a decrease of 0.1 acre from the previous authorization), 0.05 acre of mangroves (a decrease of 0.01 acre from the previous authorization), 3.68 acres of shallow open water that ranges from 0 feet MLLW to -6 feet MLLW (a decrease of 0.43 acre from the previous authorization), and 6.13 acres of deep open water (greater than -6 feet deep MLLW). Approximately 590,000 cubic yards of material will be hydraulically dredged and/or mechanically excavated and placed within one or more of the following dredged material placement areas (DMPAs): IH-PA2 (Herbie Mauer), IH-PA2 (Rincon DMPA), IH-PA1 (Inner Harbor PA), IH-PA3A (South Shore Cell A), IH-PA3B (South Shore Cell B), and/or IH-PA6 (Tule Lake).

This amendment request includes the modification of the previously authorized dock within the same dredge and fill footprint. The proposed dock will include a 30-foot-wide by 154-foot-long approach way on the east side of the dock, a 30-foot-wide by 145-foot-long approach way on the west side of the dock, both of which lead to a 90-foot-wide by 617.5-foot-long platform that has a traffic area, equipment area, a turnaround area, and other amenities to perform its purpose and need. It is estimated that approximately 300 steel and/or concrete piles in excess of 24-inch-diameter will be installed within the project footprint.

The applicant is also proposing to amend their current approved mitigation plan by removing the oyster mitigation (Attachment A) and replacing it with seagrass mitigation (Attachment B). The applicant proposes to mitigate for the unavoidable impacts to 0.037 acre of submerged aquatic vegetation (SAV) by creating 0.111 acre of tidal wetlands that are adjacent to the previously approved wetland mitigation site within the Nueces Delta Preserve.

The applicant's proposed project plans are enclosed in 11 sheets, the originally approved revised mitigation plan is attached in Attachment A in 11 sheets, and the added proposed SAV/tidal wetland mitigation plan is attached in 6 sheets in Attachment B.

AVOIDANCE AND MINIMIZATION: This amendment will ultimately reduce impacts to the aquatic environment by 0.583 acre which demonstrates additional measures the applicant has taken to minimize and reduce impacts.

MITIGATION: See attachments A and B of this Public Notice.

CURRENT SITE CONDITIONS: The project area is made up of industrial port facilities with some undeveloped properties connected by paved and unpaved roadways. Within the project site, higher elevation areas near the shoreline of the Inner Harbor were likely created by the addition of fill material for the construction of roads and equipment staging areas. Common vegetation within these areas includes arid grasses and trees such as King Ranch bluestem, peppergrass, huisache, and mesquite. A tidal flat area was identified adjacent to the Inner Harbor. This area is more than 50% unvegetated. Marsh vegetation is present along the outer edges of the tidal flat and includes typical mid-marsh vegetation such as saltwort, sea ox-eye daisy, seashore drop seed, and marsh hay cordgrass. Along the northern boundary of the tidal flat (furthest from the Inner Harbor), salt marsh bulrush and cattails are present. An estuarine wetland was identified adjacent to the Inner Harbor. Common vegetation within this wetland includes typical mid-marsh vegetation such as saltwort, sea ox-eye daisy, and camphor daisy. As observed in the tidal flat, salt marsh bulrush and cattails were present along the northern side of the wetland, likely due to freshwater runoff from the roadway and surrounding area. Within the estuarine wetland, black mangrove is present along the shoreline of the Inner Harbor. Mangrove vegetation makes up approximately 0.21 acre (34%) of this wetland; however, it is not the predominant species. SAV was identified within the submerged portion of the project area during a submerged aquatic habitat survey conducted in January 2018. The absence of oysters was also established in that same survey.

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 wetland delineation has been completed, was verified by the Corps during the previous permit evaluation, and is still valid. The submerged aquatic habitat survey was received in January and verified by the Corps in the same time frame. We have not received a wetland delineation for the added proposed SAV/tidal wetland mitigation plan but will be verified prior to the Corps final decision on this application.

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 Texas Railroad Commission issued the 401 Water Quality Certification (WQC) and Texas Coastal Zone Management (CZM) Consistency Statement for the previous authorization on 29 November 2016. 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 will require revisions to the previously issued Consistency Statement and 401 WQC.

The return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). The applicant must obtain a Section 401-water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401-certification must also be furnished to the Corps of Engineers prior to the Corps making a decision on the proposed project.

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 of the Corpus Christi Ship Channel and associated industrial developments that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect 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 **14 August 2018**. 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-2015-00417**, 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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