



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2016-00285
	Date Issued: _____	21 June 2016
	Comments _____	
<b>Galveston District</b>	Due: _____	22 July 2016

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**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 (CWA).

**APPLICANT:** Magellan Terminal Holdings, L.P.  
One Williams Center, OTC-8  
Tulsa, Oklahoma 74172  
Telephone: 918-574-7928  
POC: Mr. Joshua McDorman

**AGENT:** Enercon Services, Inc.  
5850 San Felipe Street, Suite 400  
Houston, Texas 77057  
Telephone: 281-783-4453  
POC: Mr. Randall Freeman

**LOCATION:** The project site is situated along the southern Corpus Christi Ship Channel shoreline near the Chemical Turning Basin, in Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled Corpus Christi, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 27.816286 North;

Longitude: 97.449343 West

**PROJECT DESCRIPTION:** The applicant proposes to construct a 95-acre crude and hydrocarbon bulk storage terminal and ship docking facility along the Corpus Christi Ship Channel (CCSC). The project will consist of:

- 1) An approximate 4,500-foot-long by 500-foot-wide by -52-foot-deep (or 44.11 acres) ship berthing area:
  - a. 1,893,600 cubic yards total dredging via mechanical and/or hydraulic in the ship channel, wetlands, oyster bed, and uplands;
  - b. Dredge depth of -50 feet mean low tide plus -2 feet allowable overdredge totaling -52 feet; 3-year maintenance dredging plan;
  - c. 1/3 of the material is proposed to be used onsite as beneficial use; 2/3 is proposed to be placed in Dredged Maintenance Placement Areas (DMPA);
  - d. Place the dredged material into one or more of the following DMPA: IH-PA8 (Suntide DMPA), IH-PA 4 (DMPA #4), IH-PA 5 (DMPA #5), IH-PA 3 Cell A and Cell B (South Shore Cells A & B DMPA), IH-PA 1 (DMPA #1), IH-PA 2 (Herbie Maurer DMPA), or IH-PA 6 (Tule Lake DMPA Cells A, B, or C);
- 2) Four 100-foot by 60-foot concrete platforms and support piers with four 20-foot by 67-foot pipe and approach trestles and support piers connecting the docks to land which will be outfitted with pipe racks, marine loading arms, and docking fenders;
- 3) 4,500 linear feet of bulk-heading and shoreline protection;
- 4) Four ship berths with 96-inch-diameter breasting and mooring dolphins;
- 5) Twenty-seven bulk storage tanks totaling approximately eight million barrels of capacity along with associated piping:
  - a. Twenty 350,000 barrel bulk storage tanks;
  - b. Seven 135,000 barrel bulk storage tanks;
- 6) Project site will be brought up to 12 feet above mean sea level:

Approximately 56.31 acres (or 543,050 cubic yards) of wetlands that will be filled/graded;
- 7) Pipe racks, manifolds, federally mandated containment structures, roads, and other infrastructure;
- 8) Two 54-foot by 40-foot 15,704 barrel fire suppression water tanks;
- 9) Sub-grade storm water system including a 6 feet deep storm water retention pond.

**Additional Construction and Material Details:** It is the applicant's general understanding that connections to electricity, water, sewer, and to the existing landside pipeline infrastructure will be made to existing electric, water, sewer, and pipeline infrastructure connections either within uplands on the project site, or within uplands of the general vicinity. Ship Docks 1 through 4 will likely have thirty-two 24-inch-square PSC piles supporting the 100-foot by 60-foot concrete platforms. Trestles will likely consist of eight bents w/ four 24-inch-square PSC piles supporting precast or pre-stressed concrete panels and topping. Total of approximately 32 piles per trestle. Slope protection will either be ABM or rock rip-rap to a depth of -16 feet mean lower low water and stacked to elevation +5 feet. Total cubic yards (CY) of rock for project is estimated at approximately 50,000 CY. Mooring and breasting dolphins will likely not be larger than the 96-inch-diameter by varied wall thickness pipe by 170-foot-long, each. Full face fender piling is anticipated to be 42-inch-diameter by 140-foot-long, as is typical for similar systems.

**AVOIDANCE AND MINIMIZATION:** The applicant has sized the proposed facility to accommodate the anticipated need of the project. The capacity of proposed bulk storage is directly tied to the economics necessary to both justify the expense of constructing this facility, and upon the anticipated commercial development contracts outstanding for the Corpus Christi area. The spacing of the bulk storage tanks is dictated by both federal OSHA and industry best practices for fire safety. The containment structure to be built around the storage tanks is sized to meet the Federal regulations found in 40 CFR 112 related to spill control and prevention; the containment structure will be sufficient to contain the volume of the largest tank plus freeboard from a 25-year, 24-hour rain event in the area. The storm water retention pond is sized in accordance with state and federal storm water regulations to receive runoff and allow all sediments to settle out before storm water is then drained offsite; this effort will prevent sedimentation of other waterways including drainage ditches in the area, and the CCSC. Finally, the proposed four ship docks are necessary to support the size of operations proposed at the project site; the applicant determined that the construction of four docks not only justified the high costs of land along the CCSC, but also provided adequate logistical support for the scale of the bulk storage operation proposed. Therefore, no potential areas of avoidance and minimization were considered as part of this application. The project has been designed to meet the needs of the siting criteria discussed above.

The applicant has designed the proposed project to incorporate Best Management Practices (BMPs) to maintain water quality standards during and after construction. The design and construction would be subject to, and based on, local governmental regulations. BMPs identified in the Stormwater Pollution Prevention Plan (SWP3) for a TCEQ Construction General Permit would be implemented and maintained throughout construction to control turbid discharges into receiving waters. BMPs that could be utilized on uplands during construction and post-construction include filter berms and socks, diversion dikes, and silt fencing. All BMPs would be implemented at the discretion of the applicant and Project Engineer.

**MITIGATION:** The proposed project involves dredging and filling of approximately 89.53 acres of aquatic features including 30.56 acres of Section 10/404 open water, 58.23 acres of herbaceous wetlands, and 0.74 acres of oyster beds. The applicant proposes to offset all unavoidable impacts through enhancement and restoration activities in the Nueces River Delta in partnership with the Coastal Bend Bays and Estuaries Program and the creation of 77.40 acres of new wetland habitat at a mitigation ratio of 1.32:1, and 0.74 acres of oyster beds. A full 13-point Compensatory Mitigation Plan will be submitted and approved prior to permit approval. The applicant has also stated that they are open to suggestions to be received during this public notice period.

**CURRENT SITE CONDITIONS:** The project site encompasses 30.56 acres of open water marine habitat that is the CCSC. Along the shoreline there are approximately 0.74 acres of oyster beds sparsely spread out. Also along the shoreline is approximately 1.25 acres of tidally influenced high and low marsh wetlands consisting of *Avicennia germinans* and *Spartina alterniflora*. Those wetlands are located at the northern toe of the berm, which surrounds the majority of the terrestrial project area, and is an abandoned DMPA. The applicant has identified the interior of the DMPA as a 50.55-acre wetland; however, due to the historic disturbance of the DMPA the vegetation comprises of several UPL, FACU, FAC, FACW, and OBL species. There are two other wetlands delineated on the southern edge of the project area.

**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 and was verified by the Corps on 8 June 2016. The applicant's plans are enclosed in 8 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 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 1,500 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.

The return water from the upland contained dredge material placement area(s) requires authorization under Nationwide Permit (NWP) 16. However, we have determined that the conditioned Section 401 certification, placed upon NWP 16 by Texas Commission on Environmental Quality (TCEQ), is not reasonably implementable or enforceable, according to 33 CFR 325.4(c). Prior to the performance of hydraulic dredging, 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 prior to performing hydraulic dredging.

**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 proposed work and/or structures are of such limited nature and scope 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:** 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, 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 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 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 EIS 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 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 July 2016**. 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-2016-00285**, and should be submitted to:

Robert Jones  
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U.S. Army Corps of Engineers  
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