



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2007-01897
	Date Issued: _____	20 June 2019
	Comments _____	
Galveston District	Due: _____	22 July 2019

**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: Port of Corpus Christi Authority
222 Power Street
Corpus Christi, Texas 78401-1529
POC: Ms. Sarah Garza
Telephone 361-882-8633
Email: sarah@pocca.com

LOCATION: The project site is located in Nueces Bay at Causeway Island just north of Nueces Bay Causeway 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: 27.841701 North; Longitude: -97.375753 West

PROJECT DESCRIPTION: The applicant proposes to amend Permit SWG-2007-01897 to include Causeway Island as a dredge material placement area and to add maintenance dredging for a 10-year period within the 23 oil and cargo docks that are located within the Inner Harbor of the Corpus Christi Ship Channel and within Rincon Canals A, B, and E. A pipeline will be placed, either sunk to the bottom of Nueces Bay or floating, and positioned in accordance with United States Coast Guard regulations to transport dredge material to the island. Field observations and historical data indicated that material at

both the proposed disposal site and the dredge material consist of sand, shell, silt, and clay. The Port will coordinate with the Texas General Land Office, Texas Department of Transportation, and Coastal Bend and Bays Estuaries Program for materials needed and compatibility for beneficial use.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts to Causeway Island by avoiding Migratory Bird nesting season during placement of dredged material on the island. Should dredging be initiated between March 1st and August 31st a biological monitor will be on site and the Port will coordinate with the US Fish and Wildlife Service. Silt fence, stakes, and other construction fencing will be used to ensure that the avoided areas not be impacted. A turbidity curtain and boom will be placed along the edge of the avoided areas to ensure that sediment deposition does not occur.

MITIGATION: No mitigation is required because the activity consists entirely of restoration activities and maintenance dredging.

CURRENT SITE CONDITIONS: The project site is currently a Rookery Island that is used by migratory birds and a developed portion of the Corpus Christi Ship Channel that experiences heavy commercial vessel traffic and has been dredged for over fifty years. Causeway Island's northern section is slowly eroding away. The dredge material placed on Causeway Island will allow the island to continue to provide valuable habitat for the 18 different species of nesting colonial water birds. Coastal Bend Bays and Estuaries Program provided a colonial nesting water bird activity table on the estimated number of breeding pairs by species since 2010 on Causeway Island.

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 plans enclosed consist of 2 plan sheets (Attachment A) of Causeway Island and the original permit plans from August of 2009 that include the 23 oil and cargo docks (Attachment B in 12 sheets).

A Nationwide Permit 35 was verified on 13 February 2019 to maintenance dredge 23 oil and cargo docks within the Corpus Christi Ship Channel from US Army Corps of Engineers (Corps) Station II 06+32 of the Corpus Christi Turning Basin to Corps Station 166 1+50 of the Viola Turning Basin and within Rincon Canals A, B, and E. The maintenance dredging will be performed to previously authorized depths and the total dredged material volume will be approximately 447,500 cubic yards. The material may be placed in all federally authorized and constructed upland dredge material placement areas. This Nationwide Permit verification is for maintenance dredging work to be performed in the areas covered in the SWG-2007-01897 original permit until 18 March 2022. This public notice is to modify the original permit by adding a beneficial use site and performing maintenance dredging work for 10 years.

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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement-fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 project, use of an existing placement area, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project 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 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 July 2019**. 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-2007-01897**, 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
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS