



Public Notice

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

Galveston District

Permit Application No: SWG-2017-00250

Date Issued: 24 October 2017

Comments

Due: 27 November 2017

**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: Brownsville Navigation District
1000 Foust Road
Brownsville, Texas 78521
Telephone: 956-592-3973
POC: Ariel Chavez II

AGENT: HDR Engineering, Inc.
555 North Carancahua, Suite 1600
Corpus Christi, Texas 78401-0849
Telephone: 501-920-5257
POC: Kyle Clark

LOCATION: The proposed project is located along the southern shoreline of the Brownsville Ship Channel at the end of R.L. Ostos Road within the City of Brownsville, in Cameron County, Texas. The project can be located on the U.S.G.S. Quadrangle map entitled: Palmito Hill, TX.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 25.974115 North;

Longitude: 97.3322183 West

PROJECT DESCRIPTION: The applicant proposes to construct an approximately 60-acre spool base facility to be operated by Subsea 7. Construction of the facility would include dredging a 3-sided vessel slip (dredge slip) with bulkhead, installation of articulated block mat revetment for slope protection on the vessel slip approach and along the vessel slip bulkhead, and installation of one mooring structure and one breasting structure with catwalks. Construction of various ancillary structures would include the facility (office building and equipment storage), a load out area (pipe rack) for joining pipe units, an egress access road, two drainage corridors, and required security fencing. The access road and drainage corridors would extend from the proposed dock on the Brownsville Ship Channel to State Highway (SH) 4.

The proposed dredge slip would be dredged within an approximate 13-acre area within the proposed project site. The entire dredge slip, including the approach, would have dimensions of approximately 1,000 feet long by 900 feet wide to accommodate 160-meter-long pipelay vessels. An approximate 450-foot by 900-foot portion of the dredge slip would be dredged below the observed high tide line (HTL). The approximate elevation of the bottom of the dredged slip would be -35 feet MLT, with an additional 2 feet allowable over depth. Approximately 654,000 cubic yards of dredge material would be hydraulically and/or mechanically excavated and removed to construct the proposed dredge slip. Side slopes of the proposed dredge slip approach would be at a 3:1 side slope. Articulated block mat revetment would be placed on lower portions of both the eastern and western slopes of the dredge slip approach. Excavated material would be placed in an authorized Dredged Material Placement Area (DMPA). The preferred placement areas would be located adjacent to the proposed project site, either DMPA 7, 5, or 5A. The bulkhead, to be constructed in uplands, would be made of steel sheet pile.

Dredging of the approximately 13-acre basin would result in approximately 7.6 acres of permanent impact below Mean High Water (MHW). This impact area (7.6 acres) is comprised of the following habitats: 0.02 acres of estuarine marsh, 0.10 acre of mangrove, 2.03 acres of tidal flats, 3.43 acres of shallow open water (0.0 ft. to -6.0 ft.), and 2.05 acres of deep open water (-6.0 ft. to -47 ft.). In addition to dredging of the basin, approximately 0.02 acre (1,024 square feet) of over-water structures, including the catwalks, would be constructed within Section 10 waters (waterward of MHW).

The proposed pipe rack area would measure approximately 5,000 feet long by 150 feet wide, and would extend south from the proposed bulkhead, terminating approximately 500 feet from SH 4. Base material (clay-like material) and limestone (top 2 feet) would be placed within the central and southern portions of the proposed project area to construct the facility, pipe rack, and access road, and two drainage corridors would be constructed on either side of the pipe rack and access road to allow sufficient drainage off the facility. The proposed access road would measure approximately 24 feet wide and would extend an additional 505 feet south of the pipe rack area to SH 4. The drainage corridors would measure approximately 20 feet wide and 1 mile long, extending the entire length of the project, and would drain into the roadside ditch located along SH 4. Furthermore, four reinforced concrete pipe (RCP) culverts would be installed under the proposed pipe rack and access road in order to maintain the existing hydrology within the

central and southern portions of the proposed project area. The RCP culverts would be installed within one ephemeral stream, one freshwater wetland, and two drainage features, including a roadside ditch along SH 4.

Construction of the proposed spool base facility, placement of articulated block mat shoreline revetment, and the pipe rack/access road would result in approximately 3.03 acres of impact to jurisdictional habitats. This impact area (3.03 acres) is comprised of the following habitats: 0.02 acre of ephemeral stream, 1.44 acres of freshwater wetlands, 1.32 acres of mudflat, 0.10 acre of tidal flat, 0.14 acre of shallow open water (< 6 feet deep), and 0.01 acre to deep open water (> 6 feet deep).

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized environmental impacts by conducting an alternatives analysis of four offsite alternatives and two onsite alternatives (including the proposed project) and selecting the design plan that had the least amount of environmental impacts practicable. The proposed design would impact the least waters and wetland features practicable, and avoid all existing oyster beds. In addition to avoiding direct impacts to oysters, Best Management Practices (BMPs) would be used to reduce indirect impacts to oysters adjacent to the project area.

In addition to the alternatives analysis, the applicant has stated that, during construction, turbidity would be minimized through the use of silt fences and turbidity curtains. Articulated block revetment (ABM), and potentially other similar materials would be used for construction of slope protection (revetment), and would aid in minimizing long-term turbidity associated with potential erosion. Silt fences would be used to minimize sediment runoff and to stabilize disturbed soil areas within the project site during construction. Vegetated areas or other BMPs would be used post-construction to control sediment runoff and other impacts to waters.

MITIGATION: The applicant has proposed to mitigate for the proposed impacts by (1) creation and enhancement of flats and estuarine wetland habitat, (2) creation of mangrove habitat, and (3) creation and enhancement of freshwater wetland habitat. The estuarine wetland mitigation efforts would be located at separate off-site locations and the freshwater wetland mitigation effort would be located on-site. The applicant's proposed mitigation plan is enclosed in 34 sheets.

CURRENT SITE CONDITIONS: The proposed project area is bordered by the Brownsville Ship Channel to the north, natural gulf coast prairie and wetland habitats to the east (owned by the U.S. Fish and Wildlife Service), SH 4 to the south, and DMPA 7 to the west. Predominant land uses include commercial development along the Brownsville Ship Channel, water, and natural areas. The proposed project area is made up of relatively undeveloped property within the Port of Brownsville. Higher elevation areas near the shoreline of the Brownsville Ship Channel were likely created by the placement of dredged material in the past. The applicant noted that these areas had little to no vegetation, ranging from 95% to 100% bare ground. Vegetation that is present consists of camphor daisy, shoregrass, and buffelgrass.

Tidal flats, estuarine scrub-shrub wetlands (black mangrove), and estuarine emergent wetlands were identified within the project area adjacent to the Brownsville Ship Channel. Tidal flat areas are more than 70% unvegetated. Estuarine wetland vegetation is present along the outer edges of the tidal flats and includes typical mid-marsh vegetation such as saltwort and glasswort. Black mangrove is present in several locations along the shoreline adjacent to estuarine emergent wetland and tidal flats.

Herbaceous vegetation dominates the central portion of the review area with very little to no shrub or tree canopy cover. A freshwater wetland dominated by cattails, a pond with standing water at the time of the onsite investigations, and an ephemeral stream were identified within the central portion of the proposed project area. The stream has an ordinary high water mark (OHWM) of approximately 2 feet, and exhibits a very faint bed and bank. The stream appears to have a direct hydrologic connection between a lake feature located west of the project site and the Brownsville Ship Channel.

A landform, locally known as a loma, located just south of the central portion of the proposed project area consists of dense Tamaulipan scrub-shrub habitat on an elevated clay dune. Dominant vegetation within the shrub layer of this feature includes blackbrush, guayacan, and colima. Grasses include guineagrass and whorled dropseed. Spanish dagger and honey mesquite are scattered throughout the loma.

The southern portion of the proposed project area consists primarily of grasslands, with some scattered scrub-shrub and tree cover. Dominant herbaceous species include gulf cordgrass, cattail, shoregrass, saltwort, and annual seepweed. Dominant scrub-shrub and tree canopy species include prickly pear, retama and honey mesquite. Herbaceous vegetation covers approximately 75 to 85 percent of the southern portion of the review area. A freshwater emergent wetland dominated by salt grass is located in the southern portion of the proposed project area. Additionally, a roadside ditch (approximately 12 feet wide) occurs along the entire extent of SH 4 within the project area. The ditch does not exhibit an OHWM or bed and bank, and is vegetated with cattails and other herbaceous species.

Scattered oyster beds with living oysters occur west of the proposed project area (up channel). No seagrass beds were identified within the 250-acre project review area.

An existing dredge pipeline corridor is located on the western side of the project area, extending into the Brownsville Ship Channel at the end of R.L. Ostos Road. The existing dredge pipeline is not located within the proposed project area. Furthermore, a channel marker for the Brownsville Ship Channel is located within the northwestern corner of the dredge basin of the proposed project.

NOTES: 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 16 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.

Should the applicant choose to utilize hydraulic dredging methods, the return water from the upland contained DMPA(s) would require authorization under Nationwide Permit (NWP) 16. 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 permit area is likely to yield resources eligible for inclusion in the National Register of Historic Places. An investigation for the presence of potentially eligible historic properties is justified.

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, 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 **27 November 2017**. 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-2017-00250**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-CC
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