



Public Notice

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

Galveston District

Permit Application No: SWG-1997-00932

Date Issued: 15 September 2020

Comments

Due: 16 October 2020

**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 HARLINGEN
24633 Port Road
Harlingen, Texas 78550
POC: Mr. Walker Smith
Telephone 956-423-0283
Email: walker@portofharlingen.com

AGENT: HDR ENGINEERING, INC.
1 Galleria Boulevard
Metairie, LA 70001
POC: Ms. Lisa Wadsworth
Telephone 504-218-1230
Email: lisa.wadsworth@hdrinc.com

LOCATION: The project is located in the Arroyo Colorado River at the existing Harlingen Turning Basin and within state and Port-owned property along the shoreline in Harlingen, Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Rio Hondo, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 26.195476 North; Longitude: 97.598268 West

PROJECT DESCRIPTION: The applicant proposes to extend the existing turning basin located at the terminal end of the Harlingen Federal Channel and construct two barge fleet stations within state and Port-owned property along the banks of the Arroyo Colorado. The two barge fleet stations would be constructed along the eastern bank of the Channel. Barge Fleet Station #1 and #2 would be 8.4-acre basins. The fleet stations would be mechanically excavated to an approved channel depth of -15 feet (ft.) MLLW (-12 ft. MLLW plus an additional 2 ft. allowable overdepth and 1 ft. advanced maintenance). The turning basin would be deepened to an approved channel depth of -17 ft. mean lower low water (MLLW) (-14 ft. MLLW plus an additional 2 ft. allowable overdepth and 1 ft. advanced maintenance) and extended southward by 743 feet to create an additional 9.59 acres of turning basin. Mechanical excavation methods from land and barges would be used to excavate approximately 1 million cubic yards of material from above the water line and 150,000 cubic yards of material would be excavated below the water line. Dredge material will be placed within upland areas on a nearby feed lot property (Site 1) and/or two adjacent, undeveloped parcels of land both owned by the Port (Site 4). An approximate 638-foot-long sheetpile bulkhead would be installed along the western bank of the current and newly extended turning basin. Also, an approximate 253-foot-long sheetpile bulkhead would be installed approximately 3 feet in front of an existing bulkhead and 400 cubic yards of backfill would be placed between the bulkheads. This will provide a total of 891-feet of bulkhead in the project area. The port also proposes to conduct maintenance dredging of the turning basin and barge fleet stations for a 10-year period. Maintenance dredging would occur every three years and total approximately 165,000 cubic yards of maintenance dredge material per dredge cycle. Maintenance dredge material will be placed in a nearby federal dredged material placement area (PA) such as PA 21 or PA 23.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by the use of best management practices such as turbidity curtains around proposed excavation areas (up and downstream), silt curtains to minimize sediment runoff and stabilize disturbed soil areas during construction, or other types of BMPs that will minimize impacts to nearby *Spartina alterniflora*. The second turning basin was moved northward along the bank based on alternative analysis to avoid an oxbow wetland that is potential habitat for ocelot and Gulf coast jaguarundi.

MITIGATION: The applicant proposes to mitigate for the permanent impacts by creating 1.81 acres and enhancing 0.38 acres of emergent wetland for a total of 2.19 acres. The expected wetland mitigation ratio is 1:1. The wetland to be impacted is the 1.53-acre fringe emergent wetland along the Arroyo Colorado riparian corridor. This wetland will be impacted by excavation to create the turning basin extension. The mitigation site is located on property owned by the applicant and is approximately 2,000 feet downstream of the turning basin. The mitigation site that will be created is currently undeveloped with upland areas dominated by native thornscrub habitat. The upland will be excavated to similar elevations as the impacted wetland and planted with vegetation identified within similar fringe wetlands such as smooth cordgrass, sea ox-eye daisy (*Borrchia frutescens*), seashore dropseed (*Sporobolus virginicus*), and primrose willow (*Ludwigia peruviana*). The part of the mitigation site that will be enhanced is the abutting fringe wetland along the Arroyo Colorado. The enhancements will include removal of non-native

species such as common reed, topographic contouring that will help increase the diversity of plant species and enhance wetland hydrology, and planting of native species as needed. A copy of the plan will be provided upon request.

CURRENT SITE CONDITIONS: The project sites are within and adjacent to the Arroyo Colorado which is an active Port and federal channel that has high vessel traffic and has been dredged in the past. The Arroyo Colorado is listed on the Texas Commission on Environmental Quality's 303(d) List of Impaired Water Bodies since 1996. The fringe wetlands located within the project sites will be permanently impacted and are adjacent to the Arroyo Colorado.

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 14 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1500 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.

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 dredging and the placement of dredged material 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 **16 October 2020**. 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-1997-00932**, and should be submitted to:

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DISTRICT ENGINEER
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