



Public Notice

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

Galveston District

Permit Application No: SWG-1991-01796

Date Issued: 22 June 2023

Comments

Due: 24 July 2023

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.

APPLICANT: Epic Crude Terminal
18615 Tuscany Stone, Suite 300
San Antonio, Texas 78258
POC: Brad Baker
Email: brad.k.baker@epicmid.com
Telephone: 210-920-2304

AGENT: Keystone Consultants
2245 Texas Drive
Sugarland, Texas 77479
POC: Kevin Roberts
Telephone: 903-253-6225
Email: kroberts@keystoneconsultants.net

LOCATION: The project site is located in the Inner Harbor of the Corpus Christi Ship Channel, within the Epic Crude Terminal at the intersection of Lantana Street and Up River Road, 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: 27.816600; **Longitude:** -97.470351

PROJECT DESCRIPTION: The applicant proposes improvements at the EPIC West Dock – Dock Slip Improvements project (Project) will consist of the installation of six new mooring structures with 30-inch steel piles, two new breasting structures installed with 30-inch steel piles, and a new 35-foot by 20-foot platform to support equipment to transfer bulk liquids to/from an existing ship dock facility within the Corpus Christi Ship Channel (CCSC). The breasting and mooring structures will be constructed with steel monopiles. The new platform will be constructed with approximately eight 24-inch steel pipe piles will be installed with a single strike impact hammer. Work will be performed with barge mounted equipment. The applicant will also perform maintenance dredging of the previously existing basin. The applicant's plans are enclosed in 6 sheets.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts with use of best management practices which will be employed during construction to minimize potential sedimentation into adjacent waterways from DMPA. Decreasing the frequency of dredging events will reduce overall environmental impacts. By performing silt blading within the slip will reduce the amount of dredge material that will be removed for maintenance dredging. The applicant will also install turbidity curtains during the installation of the 30-inch steel pipes for the proposed mooring facility.

MITIGATION: The applicant has not proposed to mitigate for the proposed impacts.

CURRENT SITE CONDITIONS: The project site is within the Inner Harbor of the CCSC which is within a heavily industrialized area. Authorization for maintenance dredging was originally authorized under Permit 18707, which was issued to Interstate Grain Port Terminal on 9 May 1989 and expired on 31 December 1992. General Permit 19350(00)/003, which authorized maintenance dredging of existing, authorized facilities used for deep draft and barge navigation in the CCSC, was issued on 23 June 1994, and expired on 31 December 1995. General Permit 19350(01)/010 was issued on 26 March 1998 and expired on 31 December 1999. General Permit 19350(01)/013 was issued on 8 February 2001 and expired on 8 February 2002. General Permit 19350(02)/021 was issued on 18 December 2003 and expired on 18 December 2005. Permit No. SWG-1991-01796 (previously GP 19350(02)) was issued on 18 October 2011, as an Individual Permit, and authorized a 10-year maintenance dredging program that expired on 31 December 2021. The (01) amendment was issued on 20 March 2013 and authorized a 10-year maintenance dredging program that expires on 31 December 2023, and allows redistribution of the accumulated sediment from 9,000 square feet of area that extends from the existing bulkhead outward to a line ten feet north of the bulkhead line. On 4 November 2014 the applicant was authorized an amendment that will consist of increasing the authorized dredged depths for a dock slip from -40 feet mean low tide (ML + 2 feet over-depth to -45 feet MLT + 2 feet over-depth).

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 6 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.

No water quality certification is required.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

LEAD FEDERAL AGENCY:

The Corps has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps.

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 and maintenance of the CCSC and industrial development that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to affect historic properties.

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 **24 July 2023**. 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-1991-01796**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RDR
U.S. Army Corps of Engineers
Galveston District
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