



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office

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In Reply Refer To:
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CPA-0035

August 23, 2019

Robert Jones
Regulatory Branch, CESWG-PE-RCC
U. S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, TX 78411

Dear Mr. Jones:

The U.S. Fish and Wildlife Service (Service) has reviewed a Public Notice (PN), dated August 1, 2019, for Department of the Army, U.S. Army Corps of Engineers (USACE), and Texas Commission on Environmental Quality (TCEQ), Permit Application SWG-2019-00067. The applicant, Port of Corpus Christi Authority (PCCA), has requested authorization to deepen the Corpus Christi Ship Channel (CCSC) to accommodate the transit of fully laden very large crude carriers. The project, identified as the Channel Deepening Project (CDP) is located in the CCSC from the vicinity of Harbor Island into the Gulf of Mexico (GOM). Proposed dredge material placement areas (DMPA's) are located in the GOM, Corpus Christi Bay, Redfish Bay, and on San Jose Island in San Patricio and Nueces counties, Texas.

This report was prepared under the authority of and in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). It represents the coordinated views of the Department of the Interior. The recommendations in this report have been coordinated with representatives of the Texas Parks and Wildlife Department (TPWD), the Texas General Land Office (TGLO), the National Marine Fisheries Service (NMFS), and the Environmental Protection Agency (EPA).

Dredging for the proposed CDP would be confined within the existing CCSC beginning near the southeast side of Harbor Island, and extending beyond the currently authorized terminus of the CCSC into the GOM. The approximate total distance of the CDP is 13.8 miles. The applicant proposes to deepen the channel to depths totaling -79 to -81 feet mean lower low water (MLLW). The area proposed to be excavated for the CDP is approximately 1,778 acres and will create approximately 46 million cubic yards (MCY) of new work dredged material (17.1 MCY of clay and 29.2 MCY of sand). According to the PN, the CDP does not include widening the

channel; however, some minor incidental widening of the channel slopes is expected to meet side slope requirements and to maintain the stability of the channel. The applicant is proposing to dispose of the material in several ways. The PN includes 21 placement options for the dredged material generated by construction of the CDP. The PN does not address maintenance dredging of the CDP should it be authorized and constructed. According to the PN, the proposed total estimated adverse impact to special aquatic sites, specifically wetlands, resulting from the placement of dredged material totals 185.9 acres and includes 58.5 acres of submerged aquatic vegetation. As noted in the PN, of the 1,178 acres to be dredged, 0.11 acres of seagrasses would be impacted.

The PN states that upon previous review of Permit Application SWG-2019-00067, the USACE concluded that an Environmental Impact Statement (EIS) is required. The Service agrees that an EIS is warranted for the proposed project and by letter, dated August 2, 2019, accepted the USACE's invitation to be a cooperating agency for the CDP EIS process. The Service is concerned the PN does not also notify the public that the Federal Permitting Improvement Steering Council (FPISC) added the CDP to the inventory of "covered projects" that are pending environmental review or authorization pursuant to the requirements set forth in Title 41 of Fixing America's Surface Transportation Act (FAST-41) 42 U.S.C. §4370m-l(c)(1)(A)(i) and that the EIS will also be subject to the "One Federal Decision" (OFD) Executive Order (EO) 13807: Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure projects, dated August 15, 2017. The public should be made aware that both FAST-41 and OFD are guided by strict timetables for review and decision-making.

The Service agrees with the USACE that threatened and/or endangered species or their critical habitat may be affected by the proposed work and that consultation under section 7(a)(2) of the Endangered Species Act will be needed to evaluate the impacts of the CDP channel and dredged material placement options. The channel and dredge material placement options are located in Nueces and San Patricio counties. A species list for these two counties is enclosed.

The Service is concerned that the CDP as described in Permit Application SWG-2019-00067 is an incomplete project. The proposed channel without associated mooring facilities and supply pipelines to those facilities is not warranted. The Service is currently reviewing two public notices, Permit Application SWG-2018-00789 Axis Midstream Holdings, LLC, and SWG-2019-00245 PCCA for mooring facilities on Harbor Island. As proposed, the Axis Midstream project appears to compete with the CDP's proposed DMPAs, and the pipeline associated with this project will trench through an area identified as containing seagrass beds that the CDP PN states would be protected with dredge material placement. The PN for the PCCA facility identifies no supply pipelines. The construction of a supply pipeline or multiple pipelines is integral to the operation of the facility, but the environmental impacts of any supply pipelines are currently unknown. The cumulative effects of the authorization and construction of these two projects as well as other proposed projects such as the Bluewater Texas Deepwater Terminal Project require evaluation.

As described in Permit Application SWG-2019-00067, the direct habitat impacts of the proposed CDP are predominantly a result of the placement of the approximately 46 MCY of material to be

dredged for construction of the 81-foot-deep channel. The Service's comments on the proposed DMPAs are as follows:

- The New Work Offshore Dredged Material Disposal Site (NW ODMDS) is noted as creating no environmental benefit. The Service agrees with this evaluation; however, the NW ODMDS will need to be evaluated with regards to the impacts on sea turtles in the nearshore waters. The Service recommends that this site be included in the USACE's consultation with NMFS.
- Placement area M4 is described as restoration of marsh habitat for native shorebirds and coastal wildlife, and that it would be coordinated to support TPWD's existing permitted project. Table 3 in the PN states that interior acreage at M4 would not be impacted except at fringes; however, the cross-section drawing on sheet 14 of 23 identifies the levee as being approximately 800-foot-wide at the base and the area proposed for placing dredged material as extending out at least 800 feet beyond the levee. No site surveys were provided with the PN to support the no-impact statement of the applicant. As illustrated in the PN, construction of the containment levee and placement of material behind that levee would impact existing marsh and seagrasses beneath and adjacent to the proposed levee and dredge material discharge area.
- Placement areas PA9-S, M10, and M3 are sited along the windward perimeters of existing DMPAs and shown with armored exterior levees. The Service is concerned about the ability of these areas to withstand the persistent southeast winds that would assail the sites. Also, Pelican Island, adjacent to the proposed PA9-S is currently used for nesting by several species of colonial waterbirds. Nesting on the island has been declining because the island is large and provides space for predators. The Service anticipates that expansion proposed by PA9-S, M10, and M3 would likely result in more areas for predators and further suppress Pelican Island as a nesting site. The Service recommends that applicant seek opportunities to offset the loss of this valuable nesting island. With regard to PA9-S, the southeast lobe of Pelican Island currently supports habitat that is used by foraging shorebirds, including piping plovers; therefore, this placement option will need to be included in the USACE's consultation with the Service.
- The proposal at PA6 to raise the existing levee and fill may not create any environmental benefit but neither would use of this area have secondary, detrimental impacts, such as those that will need to be addressed for some of the other placement options being proposed.
- Placement option HI-E is described as a reclamation of eroded shoreline to its historic profile. Historic aerial imagery indicates that this area was used for deposition of dredged material, probably for the construction of the Aransas Channel. The applicant needs to identify if this is still an authorized disposal area, and if not, what is the need to restore the historic profile. The Service is concerned that the use of this site, as proposed, would impact estuarine wetlands without compensating for the take of the habitat.

- Placement option PA4 appears, in historic aerial imagery, to have been established by the deposition of material dredged to create the CCSC. As with HI-E, the applicant needs to identify if this is still an authorized disposal area, and if so, what are the limits to the authorized PA. The PN does not provide information how adding material to this location would protect seagrass beds to the north of this site; however, placement of material here will impact wetlands on the site and result in a cumulative loss to the wetlands in the system.
- SS1 placement of material along Harbor Island, or alternatively, construction of shoreline revetment could be important to protection of adjacent seagrass beds that have likely been lost over time from ship wake action. With anticipated larger vessels using the CCSC, this erosive action would be exacerbated. The Service recommends that the applicant be required to analyze whether an earthen berm, such as being proposed at SS1 or riprap revetment or other hardened structure is more appropriate and able to withstand very large crude carrier ship wakes. If the proposal is to continue with an armored berm as is illustrated on sheet 15 of 23, the applicant will need to provide supporting evidence that SS1 would have environmental lift that is quantifiably greater than the habitat losses that would be incurred from the construction of SS1.
- Placement option SS2 along the shoreline at the Port Aransas Preserve, which was washed out by Hurricane Harvey in 2017, is an identified need. The Service is concerned that on the plan drawings on sheet 17 of 23 of the PN, note is made that the armored exterior levee would be done by others. The Service requests that details be provided regarding the source of the funds for the armoring, an explanation of why someone, other than the applicant who would benefit from the use of this placement option, should be expected to provide funding. As with some of the other placement options, the applicant will need to evaluate the current habitat that would be impacted, and how the construction of this placement area would offset that take. Additionally, as the placement area is at least adjacent to, if not encompassing habitat being used by federally listed species, use of this site should be included in the USACE's consultation with the Service.
- Placement options B1 to B6 for offshore feeder berms along San Jose Island and B7 to B9 for offshore feeder berms along Mustang Island could have beach nourishment benefits provided that only beach quality sand is placed in these areas. The PN did not include details regarding the source of the dredged material to be used in these areas. Additionally, the development and use of these areas will need to be included in the USACE's consultation with the Service and NMFS for impacts to federally listed species, particularly sea turtles.
- Placement option M1 which is proposed to be a beach nourishment option by direct sediment placement will, like the offshore berm options, necessitate the use of appropriate quality sand. As with the offshore berm options, M1 needs to be included in

the USACE's consultation with the Service to evaluate impacts of the placement action on federally listed species.

- Placement option SJI to use dredge material for the reclamation of dunes and beaches would require consultation under section 7 of the Endangered Species Act as well as a thorough analysis of the impacts to existing habitats in the proposed placement area and how those impacts would be mitigated.

Thank you for the opportunity to review the proposed project and to provide preliminary comments on the project as proposed. If you have questions or concerns regarding our comments and recommendations, please contact Dawn Gardiner at dawn_gardiner@fws.gov, or by phone at 361-225-7310.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Charles Ardizzone
Field Supervisor

Enclosure
cc:

P. Silva, Coastal Fisheries, TPWD, Corpus Christi, TX
L. Koza, Ecosystem Resource Program, TPWD, Corpus Christi, TX
R. Swafford, Habitat Conservation Division, NMFS, Galveston, TX
P. Kaspar, Region 6 EPA, Dallas, TX
G. Gray, 401 Coordinator, TCEQ, Austin, TX
T. Williams, Professional Services, TGLO, Austin, TX
A. Nunez, Coastal Field Operations, TGLO, Corpus Christi, TX

Federally Listed as Threatened and Endangered Species of Texas

May 25, 2017

County-by-County lists containing species information is available at the U.S. Fish and Wildlife Service's (Service), Southwest Region, web site http://www.fws.gov/southwest/es/EndangeredSpecies_Main.html.

This list represents species that may be found in counties throughout the state. It is recommended that the field station responsible for a project area be contacted if additional information is needed.

DISCLAIMER

This County by County list is based on information available to the U.S. Fish and Wildlife Service at the time of preparation, date on page 1. This list is subject to change, without notice, as new biological information is gathered and should not be used as the sole source for identifying species that may be impacted by a project.

Nueces County

Brown pelican	(DM)	<i>Pelecanus occidentalis</i>
Green sea turtle	(T)	<i>Chelonia mydas</i>
Gulf Coast jaguarundi	(E)	<i>Herpailurus yagouaroundi cacomitli</i>
Hawksbill sea turtle	(E w/CHI)	<i>Eretmochelys imbricata</i>
Kemp's Ridley sea turtle	(E)	<i>Lepidochelys kempii</i>
Leatherback sea turtle	(E w/CHI)	<i>Dermochelys coriacea</i>
Loggerhead sea turtle	(T)	<i>Caretta caretta</i>
Northern aplomado falcon	(E)	<i>Falco femoralis septentrionalis</i>
Ocelot	(E)	<i>Leopardus pardalis</i>
Piping plover	(T w/CH)	<i>Charadrius melodus</i>
Red knot	(T)	<i>Calidris canutus ssp. rufa</i>
Slender rush-pea	(E)	<i>Hoffmannseggia tenella</i>
South Texas ambrosia	(E)	<i>Ambrosia cheiranthifolia</i>
West Indian manatee	(T)	<i>Trichechus manatus</i>
Whooping crane	(E w/CH)	<i>Grus americana</i>

San Patricio County

Brown pelican	(DM)	<i>Pelecanus occidentalis</i>
Golden orb	(C)	<i>Quadrula aurea</i>
Green sea turtle	(T)	<i>Chelonia mydas</i>
Gulf Coast jaguarundi	(E)	<i>Herpailurus yagouaroundi cacomitli</i>
Hawksbill sea turtle	(E w/CHI)	<i>Eretmochelys imbricata</i>
Kemp's Ridley sea turtle	(E)	<i>Lepidochelys kempii</i>
Leatherback sea turtle	(E w/CHI)	<i>Dermochelys coriacea</i>
Loggerhead sea turtle	(T)	<i>Caretta caretta</i>
Ocelot	(E)	<i>Leopardus pardalis</i>
Piping plover	(T w/CH)	<i>Charadrius melodus</i>
Red knot	(T)	<i>Calidris canutus ssp. rufa</i>
West Indian manatee	(T)	<i>Trichechus manatus</i>
Whooping crane	(E w/CH)	<i>Grus americana</i>