Public Notice

U.S. Army Corps Of Engineers	Permit Application No:	SWG-2019-00245
	Date Issued:	28 MAY 2020
Galveston District	Comments Due:	29 JUNE 2020

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, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA).

APPLICANT:
Port of Corpus Christi Authority (PCCA)
222 Power Street
Corpus Christi, Texas 78401
POC: Sarah Garza
Telephone: 361-885-6163
Email: Sarah@pocca.com

LOCATION: The project is located at the confluence of the Aransas Pass, Gulf Intracoastal Water Way (GIWW) by-pass channel (Lydia Ann Channel), and the Corpus Christi Ship Channel (CCSC) on the northern side of State Highway (SH) 361, between stations 40+00 and 70+00 of the CCSC, on Harbor Island in Port Aransas, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Aransas, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.845163 North; Longitude: 97.065781 West

PROJECT DESCRIPTION: The applicant (PCCA) is proposing to construct a terminal facility with vessel berths on Harbor Island that would accommodate up to two (2) VLCC (Very Large Crude Carriers) deep-draft water borne vessels for the transportation of crude oil.

Work in waters of the US would include: dredging two deep draft vessel berths at a slope of 3:1 to the CCSC authorized depth of -54 feet mean lower low water (MLLW), plus 4 feet of advanced maintenance dredging, plus 2 feet of allowable over depth, totaling -60 feet MLLW; shoreline protection with articulated block mat to stabilize the 3:1 slopes; 725 linear feet of bulkhead; 1,275 feet of cellular wall; breasting structures, jetty platforms, access structures, and associated terrestrial structures. The applicant estimates that approximately 6.5 million cubic yards (MCY) of dredged material would be dredged mechanically and/or hydraulically for the construction of the facility. The dredged material would be placed in one of the dredged material placement areas (DMPA) locations identified on Sheet 16 of the enclosed project plans. Permanent Impacts to waters of the US is estimated at 1.85 acres.

The proposed order of construction is as follows: shore-based pile installation, dredging the vessel berths; piles for loading platform; erecting loading arms; and final infrastructure installation. The applicant is proposing to use the New Work Ocean Dredged Material Disposal Site (ODMDS) to discharge dredged material resulting from the construction of the terminal facility. The applicant is also proposing to discharge dredged material into disposal sites M3, M4, M6, M9, and M10.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts minimizing sediment suspension by avoiding the bottom stockpiling and over-filling of the dredge bucket as well as not taking multiple bites with the dredge. A turbidity curtain, surface booms, oil-absorbent pads, and similar environmental containment materials and supplies will be kept on site to be immediately deployed as necessary. The work will also be performed during an approved in-water work window as specified by federal and state regulatory agencies.

MITIGATION: The applicant has evaluated options in the area to determine potential mitigation opportunities to offset the unavoidable impacts of approximately 1.85 acres of waters of the US and is proposing restoration of an adjacent shoreline on PCCA owned property across Aransas Channel from the project site. The applicant proposes to restore and enhance 2 acres within the project area watershed. The mitigation area will serve as in-kind mitigation, where the impacts are proposed to be mitigated at a 1.1:1 acreage compensation ratio. The applicant anticipates submitting a copy of the final mitigation plan for review within one to two weeks after completion of the field verification of jurisdictional wetlands.

CURRENT SITE CONDITIONS: The project site is approximately 64.8 acres. The site historically housed Exxon and Fina bulk fluids export facilities; however, these facilities have since been removed and the area restored. Harbor Island is predominately fill and spoil from the construction of the surrounding Federal projects. These soils include: fill material dredged for raising the land surface above Alluvium and Barrier Island Deposits

and creating land, and spoil dredged material forming islands along waterways. The applicant's wetland delineation identified two herbaceous wetland communities that are dominated by cone-cup spikerush (*Eleocharis tuberculosa*) and torpedo grass (*Panicum repens*). It is anticipated that the proposed project will disturb these two delineated wetlands along the north central portion of the terminal area boundary. The first wetland is described as a palustrine emergent wetland that is a small drainage depression adjacent to a parking area, approximately 0.02 acres in size. The second wetland is described as a palustrine emergent wetland approximately 0.31 acres in size. The Texas Department of Transportation (TxDOT) operates a ferry service adjacent to the proposed project site from Port Aransas to Harbor Island. Increased vessel traffic is expected to occur if the facility is constructed.

SECTION 103:

NEW WORK ODMDS: The New Work Ocean Dredged Material Disposal Site (ODMDS) is located 3.4 miles offshore of Nueces County, Texas and 6,200 feet southwest of the centerline of the Outer Bar Channel. The site is rectangle-shaped and covers approximately 1.36 square nautical miles of open-ocean. Corner Coordinates are provided in Table 1. Placement of dredged material in the New Work ODMDS is limited to a 4,000 feet by 5,000 feet specified release zone. The release zone site corners are detailed in Table 2.

Table 1. New Work ODMDS Corner Coordinates

New Work Corner	Latitude (NAD 83)	Longitude (NAD 83)
Northwest	27.795307	-97.003598
Northeast	27.787807	-96.990542
Southwest	27.771697	-97.020265
Southeast	27.763919	-97.007209

Table 2. New Work Discharge Area Corner Coordinates

New Work Corner	Latitude (NAD 83)	Longitude (NAD 83)
Northwest	27.792472	-97.004042
Northeast	27.786583	-96.993992
Southwest	27.780584	-97.012687
Southeast	27.774584	-97.002492

The Corpus Christi New Work ODMDS was designated by the Environmental Protection Agency (EPA) in 1988 as the Homeport Project ODMDS. The purpose was to provide a disposal area for new work dredged material from the planned US Navy's Homeport Project at Corpus Christi/Ingleside, Texas. Ultimately, the Homeport Project was never constructed.

In August of 2014, the name was changed from the Homeport Project ODMDS to Corpus Christi New Work ODMDS and the period of use and use restriction were changed to

suitable dredged material from the greater Corpus Christi, Texas vicinity over an indefinite period of time.

In September of 2015 the use restrictions of several Texas ODMDS sites, including the Corpus Christi New Work ODMDS, were modified to include suitable dredged material from the greater vicinity of the respective federal channels. The modification allowed the disposal of suitable dredged material by non-federal entities (port authorities, private parties, etc.) in the Corpus Christi area. This change was made at the request of the US Army Corps of Engineers, Galveston District based on modeling showing that, absent expansion of ocean disposal use, the Corps would have insufficient future capacity at the nearshore placement areas typically used for operations and maintenance activities. Since its initial designation, the Corpus Christi New Work ODMDS has not been utilized for disposal of dredged material. The site is scheduled for use, approximately 2.7 MCY, for the Corpus Christi Ship Channel Improvement Project (CCSIC).

Designation of the ODMDS by the EPA does not constitute approval by the EPA for placement of materials at the site. Prior to each placement event, the concurrence by the EPA must be given after determination that the materials meet all environmental criteria and regulatory requirements pursuant to MPRSA.

AUTHORIZED DISPOSAL EFFECTS: Dredged material deposited at the site is expected to disperse and erode quickly. There are no significant environmental resources delineated within or immediately outside of the designated ODMDS. Since this site is dispersive in nature, the primary concern of the use of the site is the potential short-term buildup of dredged material, such that a hazard to navigation is presented. During the site selection process EPA excluded areas that would interfere with shipping, fishing, recreation, mineral extraction, desalinization, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.

Another concern is short-term transport of the dredged material beyond the ODMDS's boundaries; specifically, the benthic community can be impacted if significant rapid movement of material off the site occurs, resulting in burial of benthic populations outside the site. In the 1987 designation of the ODMDS, the EPA concluded the primary environmental impact from use of the site would be burial of the benthic infaunal community at the site. Furthermore, the site was sized with a buffer zone developed to ensure that perturbations caused by disposal would be reduced to ambient conditions at the boundaries of the site.

The 2018 Site Management and Monitoring Plan (SMMP) added several additional requirements including use of bathymetric surveys before, and every month during, work, as well as specific methodologies for the time, location and method of placement of material in the disposal zone to ensure material placed in the site would not adversely affect the surrounding environment.

CHARACTERISTICS AND COMPOSITION OF THE DREDGED MATERIAL: In accordance with the February 1991 E*valuation of Dredged Material Proposed for Ocean Disposal Testing Manual* (Green Book) the applicant completed a Tier I analysis of the

dredged material. A primary purpose of Tier I is to identify the contaminants of concern (if any) in that particular dredged material. This information is used to select subsequent analyses in Tiers II, III, and IV. Preliminary results submitted with the application indicates the material to be dredged at Harbor Island is predominantly fine sand (54%) with silt and clay (46%).

Harbor Island historically was the location of various cargo docks and oil docks in the past. The first oil terminal was constructed by Humble Pipeline Company (later to become Exxon Pipeline Company) around 1927, and the project area is still listed on the current NOAA map as Humble Basin. Piping ran oil from vessels to be stored on tank farms on Harbor Island. This terminal was referred to as Exxon 1. This facility was updated in 1976, including updating the breasting system and timber fenders and adding bracing rods to the dock. Exxon 2 was constructed adjacent to Exxon 1 around 1949 for Exxon Pipeline Company. It too underwent modifications in 1976, including updating the breasting system and timber fenders, adding outer mooring structures and adding bracing rods to the dock. These updates were presumably to handle larger ships and loads as this coincided with the PCCA's proposal to create a deep draft inshore port to accommodate larger vessels.

The American Petrofina Pipeline Company constructed another dock in the late 1940s as well. It underwent a set of modifications in or around 1986 to install a new mooring cluster with adjacent catwalks, and it was again updated in 1991 with the replacement of breasting dolphin 4A located on the main dock platform. Mooring structure and catwalks were to be replaced in 1993. Oil storage operations on Harbor Island ran from around 1927 until late 1993. Around 2002 Exxon 2 was updated to serve as the mooring facility for the Texas Treasure Casino Ship. Part of the updates included cylindrical fenders and new fender mounts, which included additional structural steel. Today, the tank farms behind the former oil docks are gone, and the docks that remain are in poor condition. The Texas Treasure ceased operations around 2008. All that remains on Harbor Island is an overgrown parking lot and a metal building.

The CCSIP tested the suitability of both new work material and maintenance material from the Corpus Christi Ship Channel for offshore disposal under Marine Protection, Research and Sanctuaries Act (MPRSA) Section 103. The results were documented in the *Sampling, Chemical Analysis, and Bioassessment in Accordance with MPSRA Section 103* report (2018 Report.) Based on the results of the sampling, testing, and evaluation completed in 2018, site water, and elutriate, as well as toxicity and bioaccumulation testing, a lines of evidence analysis concluded that no adverse environmental effects would be expected from dredging or placement of the sediment from the project area into the New Work ODMDS. The sediments from the project area met the Limiting Permissible Concentration (LPC) and were deemed suitable for open water ocean placement.

AVOIDANCE AND MINIMIZATION: The sediments proposed for transportation and disposal will be evaluated pursuant to Section 103 of the Marine Protection Research and Sanctuaries Act (MPRSA) and the EPA Region 6's RIA to ensure any dredged material transported is suitable for ocean disposal. In addition, all work will be completed in

accordance with the 2018 Corpus Christi New Work, Site Management and Monitoring Plan, as well as any additional requirements from state and federal agencies.

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 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 Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

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.

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 contain both terrestrial and marine cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct both terrestrial and marine investigations for historic properties. In addition, the proposed project has the potential to adversely affect the Aransas Pass Light Station (also called the Lydia Ann Lighthouse). The applicant will need to conduct a visual impacts analysis.

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 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 **29 June 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-2019-00245**, and should be submitted to:

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