

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Texas Department of Transportation	Date Submitted 10/31/11	FRA Identification Number (if any)
Proposal Title Nueces River Rail Yard		
Location (Include Street Address, City or Township, County, and State) Port of Corpus Christi, Corpus Christi, Nueces County, Texas		
Contact Person Gilbert D. Wilson	Phone (512) 486-5103	E-mail Address gil.wilson@txdot.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		

Description of Proposal

The Texas Department of Transportation (TxDOT) in cooperation with the Port of Corpus Christi (Port) propose the construction of an 8,000 foot unit train siding and an interchange yard with 15,700 feet of new rail storage tracks along the north and far west side of the Port of Corpus Christi's (Port) Inner Harbor in accordance with the Port of Corpus Christi Authority Rail Master Plan. The cost of the project is \$21.5 million. Funding for these proposed improvements is being sought through the U.S. Department of Transportation's TIGER III Discretionary Grant program.

The proposed improvements would be located along the Fulton Corridor between Mile Posts 1 and 2, just east of the Viola Turning Basin and adjacent to the Nueces River. The proposed interchange yard is best suited to serve the Port's north side rail customers, but could easily serve the south side rail facilities because it is less than 0.25 miles from the Viola loop which connects to the Union Pacific mainline tracks as it enters the southside of the inner harbor. The location of the proposed improvements are shown in Appendix A.

The 8,000 foot unit train siding capable of storing a full 110 car unit train would be adjacent and to the north of the Fulton Lead and the interchange yard would consist of four parallel ladder tracks ranging in length from 4,360 feet (67 cars) to 3,575 feet (55 cars) for a total yard capacity of 15,700 feet and 241 total rail cars. A 16 foot wide service road run full length south of the yard and widened lanes between every other track will allow better access for car inspections and air tests. In addition, a 750 foot service track is to be constructed on the south side of the service road for locomotives awaiting outbound trains. The Viola Basin sheet pile bulkhead tieback system will be reinforced and guardrain installed along the Fulton Corridor.

The proposed project was described in the January 2003 Federal Highway Administration (FHWA) Joe Fulton International Trade Corridor (JFITC) Environmental Assessment (EA) and subsequent March 13, 2003 Finding of No Significant Impact (FONSI). The FHWA FONSI is included in Appendix B.

The proposed project has a Section 404 permit from the U.S. Army Corps of Engineers (USACE). Permit Number 22534, which is also referred to as SWG-2007-1176 and SWG-2009-00647, was issued to the Port on August 2, 2004 and extended through December 31, 2016 through three amendments occurring on September 13, 2007, October 20, 2010, and July 15 2011. The USACE conducted an Environmental Assessment (EA) and Statement of Findings before issuing the original permit. The permit, amendments, and EA/Statement of Findings are included in Appendix C.

On March 23, 2009 a memorandum was sent from the Port to TxDOT-CRP District Engineer with notice of continuous activity and is included in Appendix D.

The Texas State Historic Preservation Office (SHPO) reviewed the FHWA EA and FONSI and issued their concurrence on the proposed project on October 17, 2002. This letter is included in Appendix E.

Nueces County issued a Floodplain Development Permit on May 18, 2004 for the Joe Fulton Corridor project. This permit is included in Appendix F.

The U.S. Fish and Wildlife Service reviewed a habitat study for the piping plover in conjunction with the FHWA EA and FONSI and provided a "not likely to adversely affect" finding on June 11, 2001. This letter is included in Appendix G.

Purpose and Need of Proposal

The purpose of this project is to improve the rail infrastructure and transportation network in and out of the Port. The proposed project has the support from three Class 1 railroads including the Union Pacific, BNSF, and KCS railroads that serve the region.

The proposed project is needed to meet existing capacity demands; to meet future capacity demands; and to expand into new growth markets. The Port is presently near operating capacity. This circumstance has forced the Port to occasionally utilize any available track for storage which causes congestion and reduces efficiency. Recent periods of growth have increased the Port's national significance. Rail volume at the Port grew 310% from 2005 to 2008. Although the 2009 and 2010 rail volumes decreased as a function of poor national economy, the 2011 year-to-date volumes are on pace to surpass the previous two-year totals.

The need for a unit train siding and efficient rail car storage tracks is paramount to Port growth and to improve the efficiency of existing cargo movements at the Port's multimodal facilities including the export grain elevators to support the country's agricultural community, wind turbine equipment import industry in support of the country's energy independence goals, and the dry and liquid bulk material trade in support of the region's petrochemical industry. The Port is also designated as a strategic military deployment port and annually moves thousands of pieces of military equipment by rail to and from the Forts and overseas installations. With the proposed new rail infrastructure, the Port can expand into new growth markets such as export of metallurgical and thermal coals, as well as Eagle Ford Shale crude shipments into the region.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

- YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

- YES (Contact FRA) NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

- YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. (*stop and submit to FRA*)
- State rail assistance grants for acquisition. (*Continue to Part III*)
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. (*stop and submit to FRA*)
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. (*Complete Part III, Sections H, I, U, & V and submit to FRA*)
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. (*Continue to Part III*)
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. (*Continue to Part III*)
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. (*Continue to Part III describing the full consequences of the changes only*)
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) (*Continue to Part III*)
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. (*Continue to Part III*)
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. (*Continue to Part III*)
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. (*Continue to Part III*)
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water.

(Continue to Part III)

- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. (Continue to Part III)

III. **PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS**

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. **Describe how the proposal satisfies the purpose and need identified in Part I:**

The Port proposes to use TIGER III funding to construct the needed siding track and interchange yard. The proposed improvements will reduce congestion, improve efficiency of existing cargo movements at the Port, and allow for future growth of the Port.

- B. Location & Land Use:** *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed site is located on Inner Harbor Port Related District property which is zoned I-3, Heavy Industrial. The existing land use of the proposed site is currently used for placement of dredged material out of the main channel as shown in Appendix A. The area around the proposed site is also used for placement of dredged material. The Fulton Lead Track is located to the north of the proposed site. The PCCA Bulkhead Line and the Viola Channel is located to the south of the proposed site.

The proposed project will be constructed entirely on Port owned property. No property needs to be acquired.

- C. Historic Resources:** *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

Cultural:

- Historical: The National Register of Historic Places was consulted as part of a USACE permit application. Permit Number 22534 was issued to the Port on August 2, 2004 and extended through December 31, 2016 through three amendments occurring on September 13, 2007, October 20, 2010, and July 15 2011. The USACE conducted an Environmental Assessment (EA) and Statement of Findings before issuing the permit. The project site was determined to have a very low probability for the proposed permit work to encounter any significant archaeological sites. The permit, amendments, and EA/Statement of Findings are included in Appendix E.

Archaeological: A review of archeological resources was conducted in September 2002 as a part of the January 2003 JRITC EA. TxDOT determined that the proposed project would have no effect on known archeological sites or archeological historic properties. The Texas SHPO concurred with these findings on October 17, 2002 and is included in Appendix D.

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

Consultation with SHPO: Consultation with SHPO occurred as a part of the TxDOT JFITC EA process on October 17, 2001 and as a part of the USACE Permit Application Number 22534 public notice process on December 11, 2001.

The proposed project has not changed since the FHWA issued the FONSI for the JFITC project on March 13, 2003. However, since the Federal Rail Administration (FRA) has not reviewed this information additional coordination with SHPO may be needed in order for FRA to adopt the information in the FHWA and USACE processes. Consultation with SHPO will occur pending the selection of a lead federal agency by the U.S. Department of Transportation following the submittal of the final TIGER III discretionary grant application.

D. Public Notification: *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

The public had opportunities to comment on the proposed project during:

- USACE Public Notice on December 11, 2001.
- Public meetings for the JFITC EA / FONSI held on June 8, 1998, February 12, 1999, May 25, 2000, and October 17, 2001.
- Regular monthly meetings of the Port Commission.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

None.

E. Transportation: *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will have a beneficial impact on the existing multimodal transportation system at the Port including ship, rail, and roadway.

F. Noise and Vibration: Are permanent noise or vibration impacts likely?

No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

The proposed project site is located inside Port District's boundaries where multimodal transportation activity is occurring and noise and vibration are a daily part of everyday activity. The proposed project may increase noise and vibration in the area but there are no sensitive noise or vibration receivers located in or near the project site.

G. Air Quality: Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

According to the U.S. Environmental Protection Agency (<http://epa.gov/oaqps001/greenbk/ancl.html>) the proposed project site is located in Nueces County which is an attainment area for all the criteria pollutants.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

H. Hazardous Materials: Does the proposal involve the use or handling of hazardous materials?

No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

It may be possible that the materials and goods being transported could be considered hazardous materials. The independent owners of the railcars, ships, trucks, and containers that are transported would be responsible for cleanup of hazardous materials and will likely have a permit including a mitigation or response plan in the event of a spill or release of hazardous materials.

I. Hazardous Waste: If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

The proposed project site was used for placement of dredged materials from the main shipping channel that was developed on natural ground. This area is not accessible to the public so no unknown dumping or placement of unknown materials has occurred.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

J. Property Acquisition: Is property acquisition needed for the proposal?

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.

No property needs to be acquired for the proposed project since the project site is located on Port property.

K. Community Disruption and Environmental Justice: Does the proposal present potentially disruptive impacts to adjacent communities?

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The proposed project is located on the Port District's property. No environmental justice impacts will occur as a result of the proposed project.

L. Impacts On Wetlands: Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?

No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

Approximately 1.64 acres of jurisdictional wetlands will be impacted by the proposed project. A Section 404 permit, Permit Number 22534 (which is also known as Permit Number SWG-2007-1176, AND SWG-2009-00647), was issued to the Port on August 2, 2004 and extended through December 31, 2016 through three amendments occurring on September 13, 2007, October 20, 2010, and July 15 2011.

The agreed mitigation for the loss of functional wetlands is to excavate shallow water tidal channels in order to enhance 2.5 acres of high marsh areas and plan approximately 0.5 acres of additional area with *Spartina alterniflora*. The approximate area potentially created, enhanced/planted is 3.04 acres. The permit, amendments, and USACE's EA and Statement of Findings are included in Appendix C.

M. Floodplain Impacts: Is the proposal located within the 100-year floodplain or are regulated floodways affected?

No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

The proposed project is located within the 100 and 500 year floodplains. In general, the proposed project would lie between the and parallel to the Inner Harbor and the Nueces River and would not impede natural drainage or floodwater movement to either the ship channel or the river.

The USACE Section 404 permit included best management practices and therefore no further review by the Texas Commission on Environmental

Quality was needed and a Tier 1 401 Certification was issued.

Nueces County issued a Floodplain Development Permit for the FJITC project on May 18, 2004. This information is included in Appendix F.

- N. Water Quality:** *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*
 No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

No known impacts will occur to essential fish habitat as listed under the Magnuson-Stevens Fishery Conservation and Management Act. No protected drinking water resources will be impacted.

A Section 401 Water Quality Certification is needed from the Texas Natural Resource Conservation Commission (TNRCC).

- O. Navigable Waterways:** *Does the proposal cross or have effect on a navigable waterway?*
 No (continue) Yes, describe potential for impact and any coordination with US Coast Guard.

The proposed project is located along a Federal Navigation Project (Corpus Christi Ship Channel). The Operations Branch, the Navigation Branch, and the Programs and Project Management Division were contacted as part of the USACE Permit process and no comments were received. Therefore, no impacts to navigable waterways are anticipated. The proposed project will use appropriate best management practices to control erosion during and after construction and avoid impacts to water quality.

- P. Coastal Zones:** *Is the proposal in a designated coastal zone?*
 No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The TxDOT reviewed the proposed project as a part of the FHWA JFITC EA/FONSI process. TxDOT determined the project to be consistent with the CMP goals and policies in accordance with the regulations of the Coastal Coordination Council.

- Q. Prime and Unique Farmlands:** *Does the proposal involve the use of any prime or unique farmlands?*
 No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

The proposed project will be constructed on top of dredged material from the main channel. No prime or unique farmland exists within the proposed project site.

- R. Ecologically Sensitive Areas And Endangered Species:** *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*
 No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

A study looking for piping plover habitat was conducted as part of the JFITC EA. It was determined that the JFITC project would have no direct or secondary impacts on the potential piping plover habitat. The U.S. Fish and Wildlife Service provided the Not Likely to Adversely Affect finding on June 11, 2001. This letter is in Appendix G.

No known impacts will occur to essential fish habitat as listed under the Magnuson-Stevens Fishery Conservation and Management Act.

S. Safety And Security: *Are there safety or security concerns about the proposal?*

No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

The proposed project site is located on Port District property which is considered a secure facility.

T. Construction Impacts: *Are major construction period impacts likely?*

No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Construction activities are expected to be temporary and would not result in major construction period impacts.

U. Cumulative Impacts: *Are cumulative impacts likely?*

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

No (continue) Yes, describe the reasonably foreseeable:

(a) Direct impacts, which are caused by the action and occur at the same time and place.

The proposed project is a part of the 2008 Port's Northside Rail Master Plan. The proposed projects outlined in the plan would be located on Port property and would have similar impacts as those described in this document. Cumulatively, the impacts resulting from the implementation of the projects in the Plan would not have a significant impact on the environmental resources in this area.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

It is anticipated that the proposed project will allow the Port to expand into other markets including the export of metallurgical and thermal coals and Eagle Ford Shale crude shipments into the region. The expanded market may add draw companies to the region that are not currently there increasing the demand on the intermodal transportation system.

V. Related Federal, State, or Local Actions: *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

Section 106 *Historic and Culturally Significant Properties*

- Section 401/404** *Wetlands and Water*
- USCG 404** *Navigable Waterways*
- Executive Orders** *Wetlands, Floodplains, Environmental Justice*
- Clean Air Act** *Air Quality*
- Endangered Species Act** *Threatened and Endangered Biological Resources*
- Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- Safe Drinking Water Act**
- Other State or Local Requirements** (Describe) Floodplain Permit from Nueces County (included in Appendix F) .

X. Mitigation: Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

Wetland mitigation was proposed as part of the USACE Section 404 permit as described in described in Appendix C.

Nueces Bay

NORTH



SCALE IN FEET



EXISTING FULTON LEAD TRACK

8,000' UNIT TRAIN SIDING FOR 110+ CARS

INTERCHANGE YARD WITH 5 PARALLEL LADDER TRACKS & STORAGE FOR 290 CARS

NEW YARD SERVICE ROAD

Nueces River

Highway Bridge Over Rail

Vulcan Materials

Viola Turning Basin

Oil Dock 8

Fulton Corridor Hwy

Flint Hills Refinery

SUNTIDE ROAD

Union Pacific Main Line

Lyondell Basell

Corpus Christi Ship Channel

Overhead Power Line

Nueces River Rail Yard SITE PLAN

Union Pacific
Viola Yard



PORTCORPUSCHRISTI

FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

HP 485 (1)
Nueces County
CSJ: 0916-35-046

FOR

Joe Fulton International Trade Corridor: From IH 37 to US 181

The FHWA has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the attached environmental assessment which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope and content of the attached environmental assessment.

3/13/03
DATE


FEDERAL HIGHWAY ADMINISTRATION

ENVIRONMENTAL ASSESSMENT
AND
STATEMENT OF FINDINGS

1. Name and Address of Applicant.

Port of Corpus Christi
P.O. Box 1541
Corpus Christi, TX 78401-1541

2. Corps Authority. Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

3. Project and Site Description. The applicant, in conjunction with Texas Department of Transportation, proposes to construct 11.8 miles of two-lane roadway and approximately 6 miles of railroad corridor paralleling a portion of the proposed roadway. The roadway will consist of one 12-foot-wide lane in each direction with 10-foot-wide shoulders. The proposed roadway right-of-way width will vary from 100 feet to 220 feet and a small portion of the proposed roadway will be placed on pilings. This project will require the placement of fill material into approximately 12 acres of jurisdictional areas. Approximately 9 acres of the jurisdictional areas that will be impacted consist of disturbed, mostly unvegetated, hypersaline mudflat. The remaining acreage consists of vegetated wetlands. As mitigation for the impacts to aquatic resources, the applicant proposes to create approximately 6 acres of shallow water habitat that will provide a diversity of habitats comprised of tidal channels, islands, and shallow water flats. The project is located west of Corpus Christi Bay and north of Interstate Highway (IH) 37, in Nueces County, Texas. The USGS Quad reference maps are: Corpus Christi, TX and Annaville, TX.

4. Background Information. The applicant modified the mitigation plan originally proposed to incorporate recommendations from the resource agencies. The modifications were: increasing the diversity of habitat types at the site; increase connectivity with Turkey Creek; a three-year monitoring plan that includes: photo-documentation; information on water depths, vegetation assemblages; and reporting any changes from the constructed design resulting from sedimentation or erosion.

5. Environmental Assessment.

a. Purpose and Need for the Work. The purpose of the project is to establish efficient intermodal links between road, rail, and maritime transportation systems in the area of the Port of Corpus Christi, thereby enhancing the Port's ability to facilitate international trade and commerce and generate future economic development for

PERMIT APPLICATION – 22534

South Texas. This project will provide an alternative route for rail and industrial truck traffic independent of the Tule Lake Lift Bridge, which will be a significant benefit for industrial vehicle operators and for railroad operators by eliminating lengthy delays while the bridge is raised for maritime traffic passage or closed due to malfunction.

b. Alternatives. A key provision of the 404(b)(1) guidelines is the “practicable alternative test” which requires that “no discharge of fill material shall be permitted if there is a practicable alternative to the proposed fill which would have a less adverse impact on the aquatic ecosystem.” This is especially true when the proposed project is not water dependent. The applicant must demonstrate that there are no less damaging sites available and that all onsite impacts to waters of the United States have been avoided to the maximum practicable extent possible. For an alternative to be considered “practicable”, it must be available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose. This project will result in the construction of a two-lane roadway (one 12-foot lane in each direction with 10-foot shoulders) approximately 11.8 miles in length and a railroad corridor approximately 6 miles in length parallel to a portion of the proposed roadway that will impact.

(1) No Action Alternative. This alternative involves permit denial. Under this scenario, the Joe Fulton International Trade Corridor would not be built. Maintenance of the existing Carbon Plant Road and Navigation Boulevard would continue to be provided as needed. The railroad corridor would remain at its current location without improved service to the north side area of the Inner Harbor. The objectives of the Intermodal Surface Transportation Efficiency Act of 1991, including improved access to seaport facilities would not be met. Environmental impacts would not occur with the no-build alternative because there would be no land conversion for construction of the proposed roadway and railroad facilities. The no-build alternative would have the lowest cost. It would also eliminate the opportunity to improve industrial traffic flow in the region, provide a better hazardous materials truck traffic route through Corpus Christi, and achieve the other project goals.

(2) Offsite Alternatives. Nine alternative routes were considered, but were rejected due to greater wetland impacts involved, endangered species habitat impacts (e.g. piping plover habitat), presence of buried solid waste, prohibitive construction costs associated with longer distance of some of the routes, limited development potential for facilities along the route, vulnerability to tropical storm damage, and public safety concerns for users of the routes.

(3) Onsite Alternative. This is the applicant's preferred alternative. This alternative would achieve the project goals, both national and local, and minimize the potential for adverse environmental impacts during both construction and operation of

PERMIT APPLICATION – 22534

the road and rail corridor. This site minimizes impacts to wetlands and avoids piping plover habitat. In addition, the existing rail bed would provide an effective berm between the road and the river, reducing undesired impacts to potential riverine wetlands. It would also facilitate provisions for containing fuel/cargo spills and for keeping drainage flows away from the river. This alternative also has the added benefit of being the shortest route.

c. Environmental Setting. The project is located in a mostly industrial area of the Inner Harbor of the Port of Corpus Christi (PCC), which is just north of the City of Corpus Christi and just south of Nueces Bay. The site is situated within the Gulf Prairies and Marshes Vegetative Region (GPMV) within the Gulf Coast Ecological Region. The GPMV is characterized by nearly level, slowly drained plains less than 150 feet in elevation, dissected by streams and rivers flowing into the Gulf of Mexico. The GPMV is described as a region that includes barrier islands along the coast and salt grass marshes surrounding bays and estuaries similar to the project area. Existing land use in the project area varies along the length of the project, but is mostly industrial related to oil terminals and import/export facilities associated with the Inner Harbor (Ship Channel for the PCC). Another large land use category in the project area is undeveloped land that primarily consists of dredged material placement areas.

d. Environmental Impacts. The possible consequences of this proposed work were studied for environmental concerns, social well-being, and the public interest, in accordance with regulations published in 33 C.F.R. 320-330. All factors, which may be relevant to the proposal, must be considered. The following factors were determined to be particularly relevant to this application and were evaluated appropriately.

(1) Historic and Cultural Resources. The National Register of Historic Places has been consulted and our initial cultural resources investigation indicates a very low probability for the proposed permit work to encounter any significant archaeological sites. However, finalized plans for the project that are not within low probability areas will have to be fully considered for potential impacts to historic properties.

(2) Water Quality. Temporary turbidity is probable during construction operations, resulting in minimal damage to fish and wildlife habitat and other biota. No lasting water pollution will occur.

(3) Endangered Species. No known endangered species or their critical habitat will be affected by the proposed work. A piping plover survey was done in the project area and the results submitted to the U.S. Fish & Wildlife Service and they concurred in their 11 June 2001, letter that it is not likely that federally listed species or other important fish and wildlife resources will be adversely impacted.

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(4) Fish and Wildlife Values. The majority of jurisdictional area to be filled consists of disturbed, mostly unvegetated, hypersaline mudflat; therefore, the project will have only minimal impacts on fish and wildlife values. In addition, the proposed mitigation plan to create 6 acres of shallow, open-water habitat should adequately compensate for any environmental damage.

(5) Essential Fish Habitat. No known impacts will occur to essential fish habitat as listed under the Magnuson-Stevens Fishery Conservation and Management Act.

(6) Wetlands/Special Aquatic Sites. The project will impact approximately 12 acres of jurisdictional areas. Approximately 9 acres consist of disturbed, mostly unvegetated, hypersaline mudflat. The remaining acreage consists of vegetated wetlands. The applicant proposes to mitigate for these impacts by creating approximately 6 acres of shallow water habitat that will include a diversity of habitat types.

(7) Land Use. There are no known land use classifications that would affect the project.

(8) Federal Projects. The project is located along a Federal Navigation Project (Corpus Christi Ship Channel) and has been coordinated internally with the Operations Branch, Navigation Branch, and Programs and Project Management Division on two different occasions and during the public notice review. No comments were received.

(9) Safety. The project will enhance traffic safety by reducing commercial traffic and hazardous cargo over the Harbor Bridge and IH 37.

(10) Economics. The project will enhance the ability of the Port of Corpus Christi to expand trade and commerce and create future economic development for South Texas. The corridor will open new land to development and establish efficient intermodal links between rail, road and maritime transportation systems.

(11) Air Pollution. The project is located in an area in attainment of all National Ambient Air Quality Standards (NAAQS); therefore, the transportation conformity rule does not apply. The proposed project's traffic projection does not exceed 20,000 vehicles per day for either the Estimated Time of Completion (ETC) or ETC + 20 years (2002 and 2022, respectively) and thus is exempt from a traffic air quality analysis because previous analyses of similar projects did not result in a violation of NAAQS.

(12) Other Federal, State, or Local Requirements. All required Federal, State, and/or local authorization or certifications necessary to complete processing of this application have been obtained except for water quality certification and coastal zone consistency certification.

PERMIT APPLICATION – 22534

This project is considered a Tier II project. The Texas Natural Resource Conservation Commission (TNRCC) has not yet acted on the applicant's request for water quality certification under Section 401 of the Clean Water Act. The Galveston District Corps of Engineers (CESWG) will provide the TNRCC with a copy of this permit decision document when finalized. The final permit decision document will contain the environmental assessment and mitigation and §404(b)(1) analysis. The TNRCC will then make its determination whether the project will comply with state surface water quality standards in accordance with Section 401 of the Clean Water Act. The CESWG will provide a permit decision to the applicant when the following procedures have been completed. The TNRCC will either provide its certification decision (issuance or denial) to, or request an extension from the CESWG within 10 working days from receipt of the CESWG decision document. If the TNRCC does not provide a certification decision or request an extension within the 10 day period, the CESWG will presume waiver of certification in accordance with 33 CFR 325.2(b) and proceed with the issuance or denial of the permit. If TNRCC requests an extension of time, the CESWG will determine the merit of the time extension request and the length of the extension based on 33 CFR 325.2(b) and notify TNRCC of its intended decision. If the CESWG decides to deny or modify a request for extension, TNRCC will have 10 working days from the date it is notified of the intended action of the CESWG on the request for extension in which to either certify or deny certification.

(13) Other Factors Considered. The following factors were considered during the evaluation process but were determined to not be particularly relevant to this application: shoreline erosion and accretion, recreation, aesthetics, navigation, general environmental concerns, conservation, floodplain values, flood hazards, water supply and conservation, food and fiber production, and mineral needs.

e. Cumulative Impacts. The assessment of cumulative impacts takes into consideration the effects upon an ecosystem of past, present, and reasonably foreseeable future projects. Every application must be considered on its own merits and its impacts on the environment must be assessed in light of historical permitting activity along with anticipated future activities in the area. Although a particular project may constitute a minor impact in itself, the cumulative effect of a large number of such projects could cause a significant impairment of water resources and interfere with the productivity and water quality of existing aquatic ecosystems.

Overall, the project will result in minimal environmental impacts and minimal impacts on fish and wildlife values. The project site is located along the Nueces River and Nueces Bay. Although fill will be placed in jurisdictional waters of the U.S. the amount has been reduced to the minimum that is practicable and will be limited for the most part to disturbed, mostly unvegetated, hypersaline mudflats with limited habitat value located within an industrialized portion of the Port of Corpus Christi. Three acres of vegetated

wetlands that will also be impacted will be mitigated for by the construction of 6 acres of shallow water habitat that will contain a diversity of habitats. Due to the continuing need to develop the Nation's transportation infrastructure, projects of this type will probably occur in the future; however, through coordination with the appropriate resource agencies it was determined that the individual and cumulative impacts on the ecosystem by this permit would be minimal. Continued coordination with the appropriate Federal and State agencies on future proposals should result in projects with minimal impacts to the aquatic ecosystem. Therefore, when considering the overall impacts from similar past, present, and reasonably foreseeable future projects, their cumulative impacts are not considered to be significantly adverse. It is likely we will receive similar projects in the future, which will go through a comparable review process. A permit will not be issued for any project that is found to be contrary to the public interest.

f. Findings of No Significant Impact. There have been no significant environmental effects identified resulting from the proposed work. The impact of this proposed activity on aspects affecting the quality of the human environment has been evaluated and it is determined that this action does not require an Environmental Impact Statement.

6. Statement of Findings.

a. Coordination. The formal evaluation process began with publication of a 30-day public notice on 11 December 2001. The comment period for the public notice closed on 15 January 2002. Copies of the public notice were forwarded to concerned Federal, State, and local agencies, organized groups, individuals and navigation districts. These entities included but are not limited to the following:

U.S. Fish and Wildlife Service (FWS)
National Marine Fisheries Service (NMFS)
Environmental Protection Agency (EPA)
U.S. Coast Guard
Texas Natural Resource Conservation Commission (TNRCC)
Texas Parks and Wildlife Department (TPWD)
Texas Historical Commission
Texas Coastal Coordination Council
General Land Office
National Ocean Survey, Atlantic Marine Center
American Waterways Operators
Adjacent Property Owners

PERMIT APPLICATION – 22534

b. Response to the Public Notice.

(1) Federal Agencies. The FWS submitted a letter, dated 15 January 2002, stating that they recommended the mitigation plan be revised from the proposal to create 6 acres of shallow water habitat to a design that would incorporate features providing for a diversity of habitats in the proposed mitigation site. This could be accomplished by incorporating dendritic channels, shallow pools, and at least one higher island into the project. In addition, FWS recommended that connections to the drainage ditch should be aligned to maximize the tidal flows into the site while minimizing the potential for deposition of sediment that may be carried in the drainage ditch during storm events. FWS also recommended that the mitigation site be monitored for three years and reports submitted that included photo-documentation as well as descriptions of water depths, vegetation assemblages and changes from the constructed design resulting from sedimentation or erosion.

The EPA submitted a letter, dated 6 January 2002, also recommending that the mitigation design incorporate features providing for a diversity of habitats and further recommended that the side slopes be no steeper than 20:1 and that a cross section view, drawn to scale, be provided. EPA also recommended that the mitigation site be monitored for three years and that corrective actions be taken to restore hydrology to the site if the mitigation is unsuccessful within the 3-year period. They requested that copies of the monitoring reports be sent to their office.

The NMFS submitted a letter, dated 16 January 2002, stating that they anticipate that any adverse effects that might occur on marine and anadromous fishery resources would be minimal, therefore, NMFS does not object to the issuance of the permit.

The proposed action was processed internally by the U.S. Army Corps of Engineers (USACE) by Internal USACE Review notice dated 7 December 2001 and again on 14 June 2002. The Engineering Division submitted a no objection on 29 November 2001. No comments were received.

(2) State and Local Agencies. The TPWD submitted a letter, dated 15 January 2002, that also recommended that the mitigation design incorporate features providing for a diversity of habitats and further recommended that the goal of the mitigation project be to enhance diversity and edge effect in this area. In addition, TPWD recommended that the mitigation plan include the specific habitat types, and percentage of each, to be created. They also recommended that the mitigation site be monitored for three years and that reports be submitted to the USACE and resource agencies containing photo-documentation, information regarding dominant vegetation colonizing the site, any unusual sedimentation or erosion, and average water depths. If

PERMIT APPLICATION – 22534

tidal flow to the mitigation area became blocked during the monitoring period, the applicant should take corrective action to restore hydrology to the area.

We did not receive written notice of the findings of the Texas State Historic Preservation Officer within the 30-day coordination period. Therefore, in accordance with provisions of 33 C.F.R. Part 325, Appendix C, "Department of Army Processing Permits: Procedures and Protection for Historic Properties", 1990, all cultural resources responsibilities are complete.

The Texas State Soil and Water Conservation Board submitted a letter, dated 25 January 2002, offering no comments on the project.

(3) Individual and Organized Groups. No response was received from any individual or organized group.

c. Consideration of Comments. We forwarded all comments received during the public notice period to the applicant on 30 January 2002. The applicant responded by letter, dated 10 April 2002, in which he agreed to incorporate all of the agency recommendations into the project plans.

d. Findings. The applicant agreed to the revisions as recommended by the commenting resource agencies and these will be incorporated into the plans; therefore, we consider these issues resolved. Accordingly, we find that there have been no significant adverse environmental effects identified in relation to the project. Therefore, based on our review and comments from the resource agencies, we find that this project will have minimal impact on aquatic resources and should be authorized. In addition, the following special conditions will be added to the authorization:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. All construction of the mitigation project must be complete within 12 months after start of construction within jurisdictional areas. Monitoring and maintenance will proceed according to the mitigation plan.

PERMIT APPLICATION – 22534

3. If mitigation is determined to be unsuccessful, by the Corps Galveston District (Corps), at the end of the monitoring period, the permittee will be required to take necessary corrective measures, as approved by the Corps, to ensure success.

4. The Texas Department of Transportation (TXDOT) shall conduct a pre-construction meeting with the contractor or contractors detailing the terms and conditions of this permit prior to commencing construction activities of the project. TXDOT shall notify the Corps of the pre-construction meeting at least two weeks in advance of the scheduled meeting. Written verification that the meeting was held, must be provided to the Corps within two weeks following the meeting.

5. TXDOT shall not initiate activity for haul roads, equipment staging areas, and borrow and disposal sites until those sites have been submitted to and approved by the Corps. Special restrictions may be required for approval. We recommend that TXDOT develop procedures to insure that contractors are aware of this condition and to encourage them to coordinate their selection of these sites with TXDOT as soon as possible to avoid construction delays. TXDOT, or its designated agent/contractor, may coordinate with the Corps on compliance with this special condition.

e. Conclusion. We have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application, as well as the stated views of other interested Federal and non-Federal agencies and the concerned public, relative to the proposed work in navigable waters of the United States. This evaluation is in accordance with the guidelines contained in 40 C.F.R. 230 pursuant to Section 404(b) of the Clean Water Act.

Based on our review, we find that the proposed project is not contrary to the public interest and that a Department of the Army permit should be issued.

FOR THE COMMANDER:

(Date)

Lloyd Mullins
Leader, Corpus Christi Field Office



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
Corpus Christi Regulatory Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318

FILE COPY

REPLY TO
ATTENTION OF

September 13, 2007

RECEIVED

SEP 17 2007

PORT OF CORPUS CHRISTI
ENGINEERING DEPT

Regulatory Branch

SUBJECT: Permit No. SWG-2007-1176; Extension of Time

Port of Corpus Christi
ATTN: Paul Carangelo
P.O. Box 1541
Corpus Christi, Texas 78403-1541

Gentlemen:

Your letter dated June 13, 2007, to amend Permit No. 22534 as modified by Amendment (01) for an extension of time is approved pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Permit 22534 was issued August 2, 2004, and authorized the placement of fill material into approximately 12 acres of waters of the United States, including wetlands, to construct a roadway, a railroad corridor paralleling a portion of the roadway, and mitigation. Amendment (01) was issued March 2, 2005, and changed the mitigation boundary to provide clearance along an active oil pipeline that crosses the southern part of the mitigation area. The permit site is located west of Corpus Christi Bay and north of Interstate Highway (IH) 37, in Nueces County, Texas. The mitigation site is located along Turkey Creek where it empties into the Nueces River, approximately 0.25 mile north of the terminus of Carbon Plant Road, Corpus Christi, Nueces County, Texas.

All work is to be performed in accordance with the enclosed plans in 15 sheets and the original permit conditions, which remain in full force and effect, with the exception of the time limit for completion. Please note the enclosed Notification of Administrative Appeal Options regarding this permit. This authorization expires on December 31, 2012. In addition to the original permit conditions, the following special conditions are added to your authorization:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers (Corps), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. All construction of the mitigation project must be complete within 12 months after start of construction within jurisdictional areas. The permittee will notify the Corps' Corpus Christi Office Regulatory Branch in writing when the work begins in jurisdictional areas. Monitoring and maintenance will proceed according to the mitigation plan.
3. Should mitigation be determined to be unsuccessful by Corps personnel at the end of the monitoring period, the permittee will be required to take necessary corrective measures, as approved by the Corps. Once the corrective measures are completed, the permittee will notify the Corps and a determination will be made regarding success of the mitigation.
4. The permittee shall conduct a meeting with the construction contractor or contractors detailing the terms and conditions of this permit prior to commencing construction activities of the project. The permittee shall notify the Corps' Corpus Christi Office Regulatory Branch of the pre-construction meeting at least two weeks in advance of the scheduled meeting. Within two weeks following the meeting, the permittee will also provide written confirmation to the Corps that the meeting was held.
5. The permittee shall not initiate activities in the permit area associated with this permit, which have not previously been evaluated by the Corps as part of the permit review for this project, until such work has been submitted to and approved by the Corps. Such activities include, but are not limited to, haul roads, equipment staging areas, and borrow and disposal sites. The permit area includes all waters of the United States affected by activities associated with the project, as well as any additional area(s) of non-waters of the United States in the immediate vicinity of, directly associated with, and/or affected by, activities in waters of the United States. Special restrictions may be required for such work. The permittee shall develop procedures to ensure that contractors are aware of this condition and encourage contractors to coordinate their selection of these sites with the permittee as soon as possible to avoid construction delays. The permittee, or its designated agent/contractor, may coordinate with the Corps on compliance with this special condition.
6. In addition to the initial baseline survey report, progress reports will be submitted to the Corps' Corpus Christi Office at 6 months, 1 year, 2 year, and 3-year intervals after completion of the mitigation project. Photos of the mitigation site should be included.

This letter also contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a combined Notification of Administrative Appeal

Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

James E. Gilmore, Appeal Review Officer
Southwestern Division, CESWD-CMO-E
1100 Commerce Street, Room 8E9
Dallas, Texas 75242-0216

Telephone: 469-487-7061; FAX: 469-487-7190

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by November 12, 2007. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

Please notify the District Engineer, in writing, upon completion of the authorized work. A pre-addressed postcard has been enclosed for this purpose.

FOR THE DISTRICT COMMANDER:



Lloyd Mullins
Leader, Corpus Christi Field Office

Enclosures

Copies Furnished:

Eighth Coast Guard District, New Orleans, LA

NOAA/NOS, Coast & Geodetic Survey, Silver Spring, MD

U.S. Fish and Wildlife Service, Corpus Christi, TX

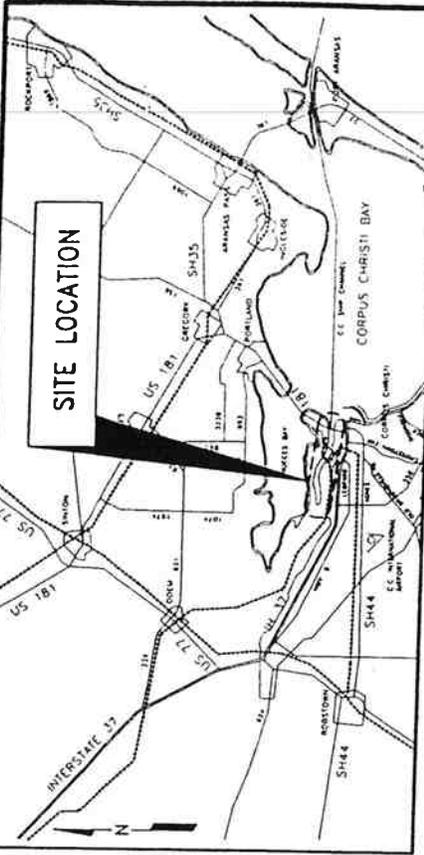
Texas General Land Office, Austin, TX

Texas General Land Office, Corpus Christi, TX

Southern Area Office, Corpus Christi, TX

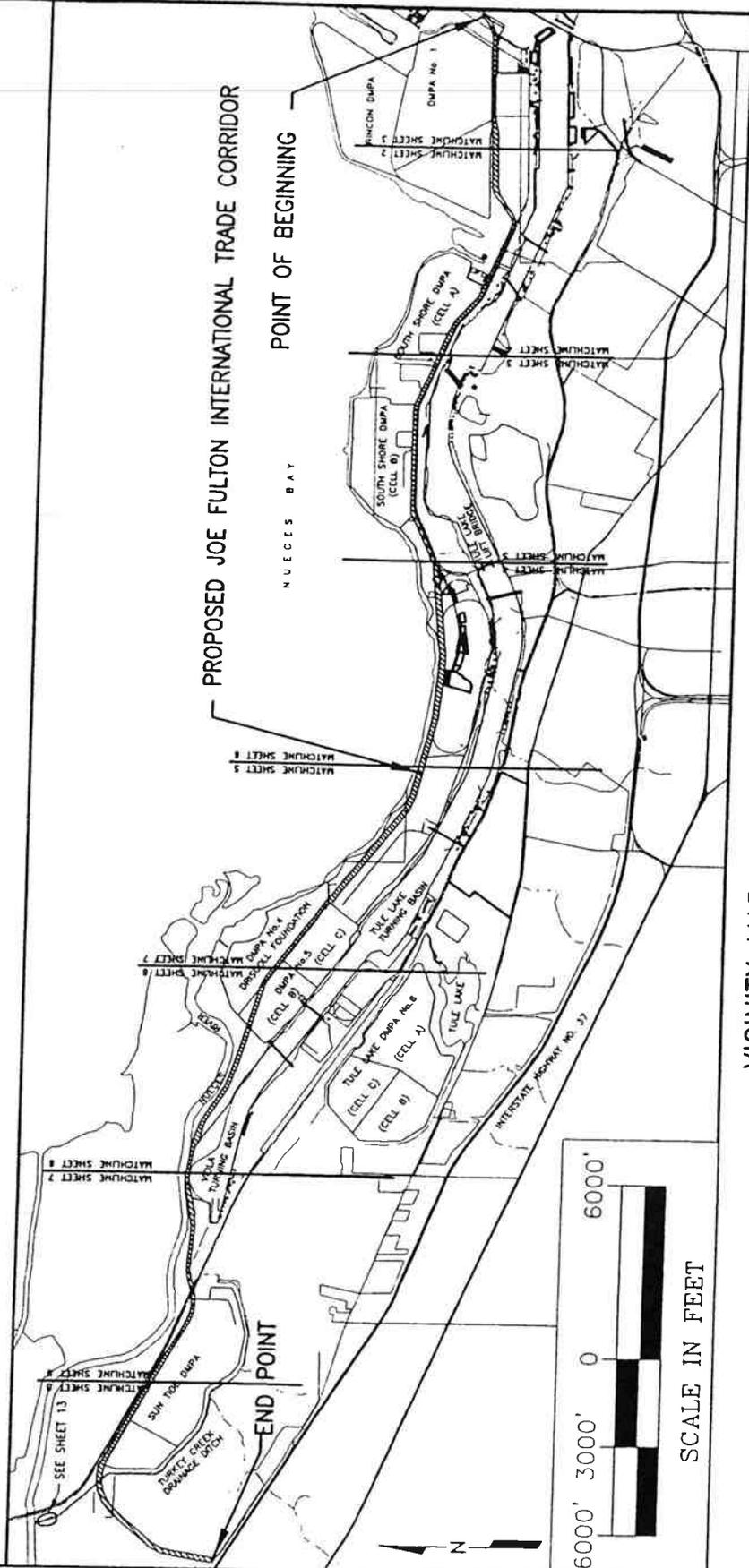
PERMITTED PLANS

SWG-2007-1176



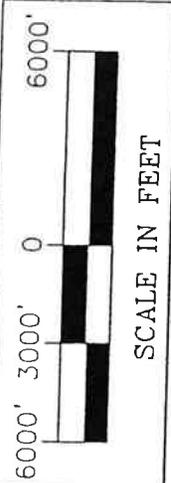
LOCATION MAP

NTS



VICINITY MAP

NTS



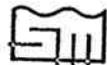
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APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 06-27-2001



SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

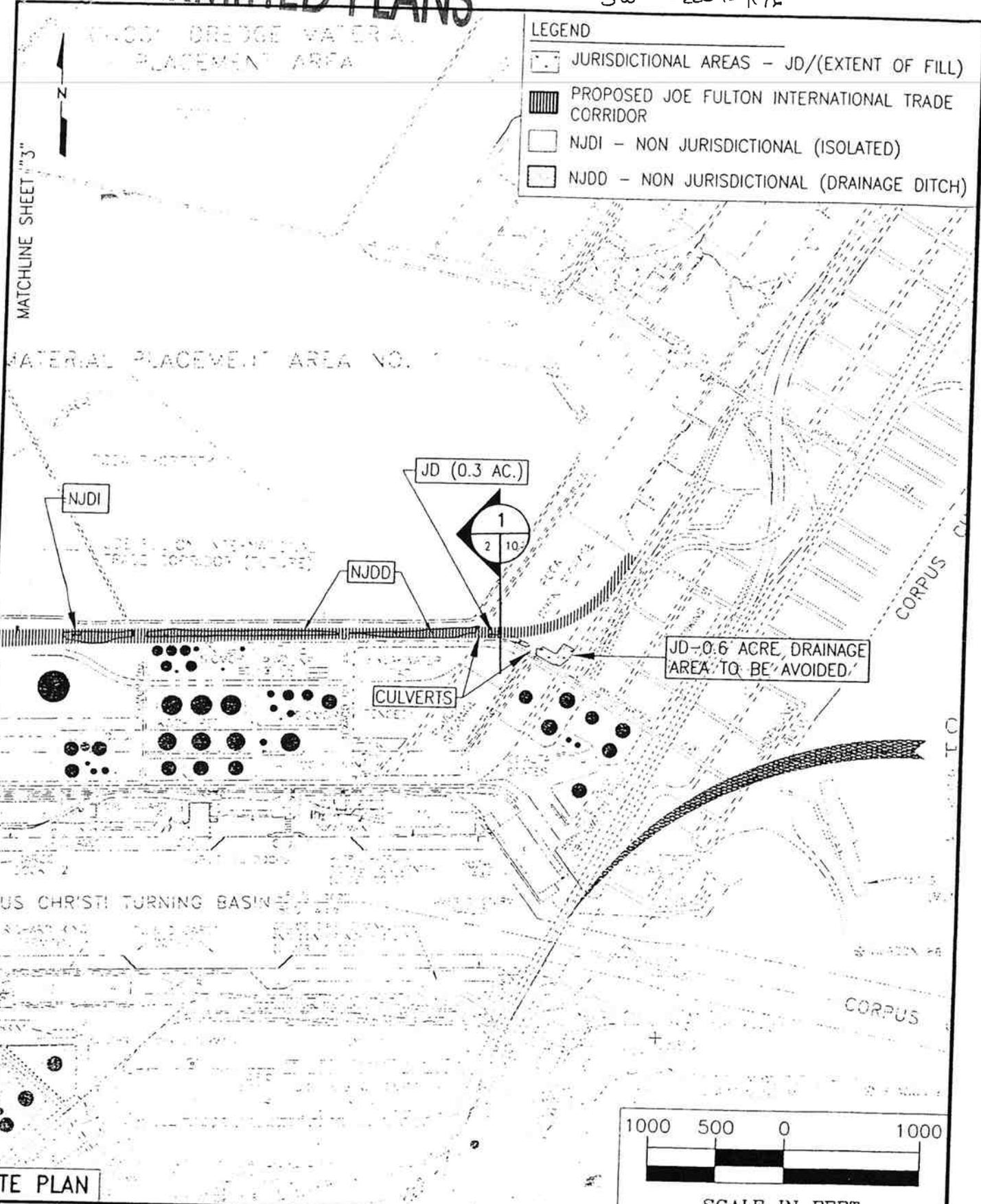
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SMA Job No. 199 90050

SHEET 1 of 14

PERMITTED PLANS

Sw 6 - 2007 - 1574



SITE PLAN

ACTMITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 8-27-2001

SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS
555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199 90050

SHEET 2 of 14

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PERMITTED PLANS

SWG - 2007 - (174

MATCHLINE SHEET "4"



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- PROPOSED JOE FULTON INTERNATIONAL TRADE CORRIDOR
- NJDI - NON JURISDICTIONAL (ISOLATED)
- NJDD - NON JURISDICTIONAL (DRAINAGE DITCH)

MATCHLINE SHEET "2"

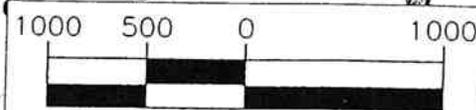
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PLACEMENT AREA (CELL A)

NJDD

AVERY POINT
TURNING
BASIN

NJDI

INDUSTRIAL CANAL



SCALE IN FEET

SITE PLAN

ACTIVITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 08-27-2001



SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

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SHEET 3 of 14

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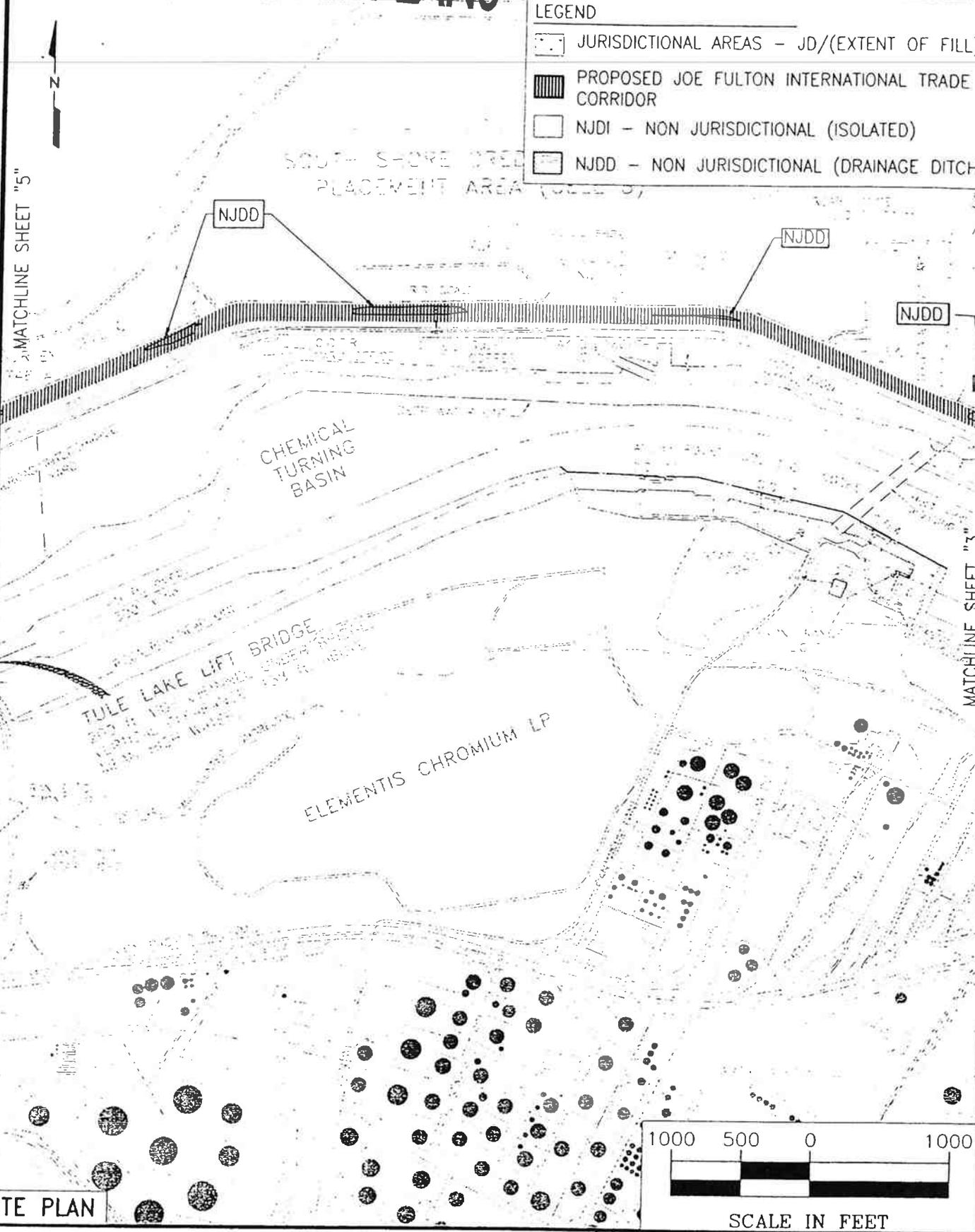
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-  NJDD - NON JURISDICTIONAL (DRAINAGE DITCH)

MATCHLINE SHEET "5"

MATCHLINE SHEET "3"



SITE PLAN

ACTIVITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 08-27-2001

 SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199.90050 SHEET 4 of 14

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PERMITTED PLANS

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LEGEND

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-  NJDI - NON JURISDICTIONAL (ISOLATED)
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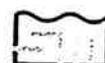


SITE PLAN

ACTMITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 08-27-2001

 SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS
555 North Carancahus Street, Suite 1650 Corpus Christi, Texas 78478

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SHEET 5 of 14

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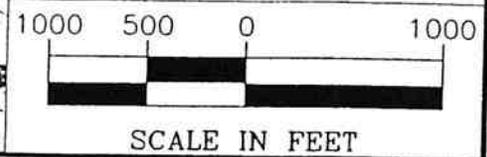
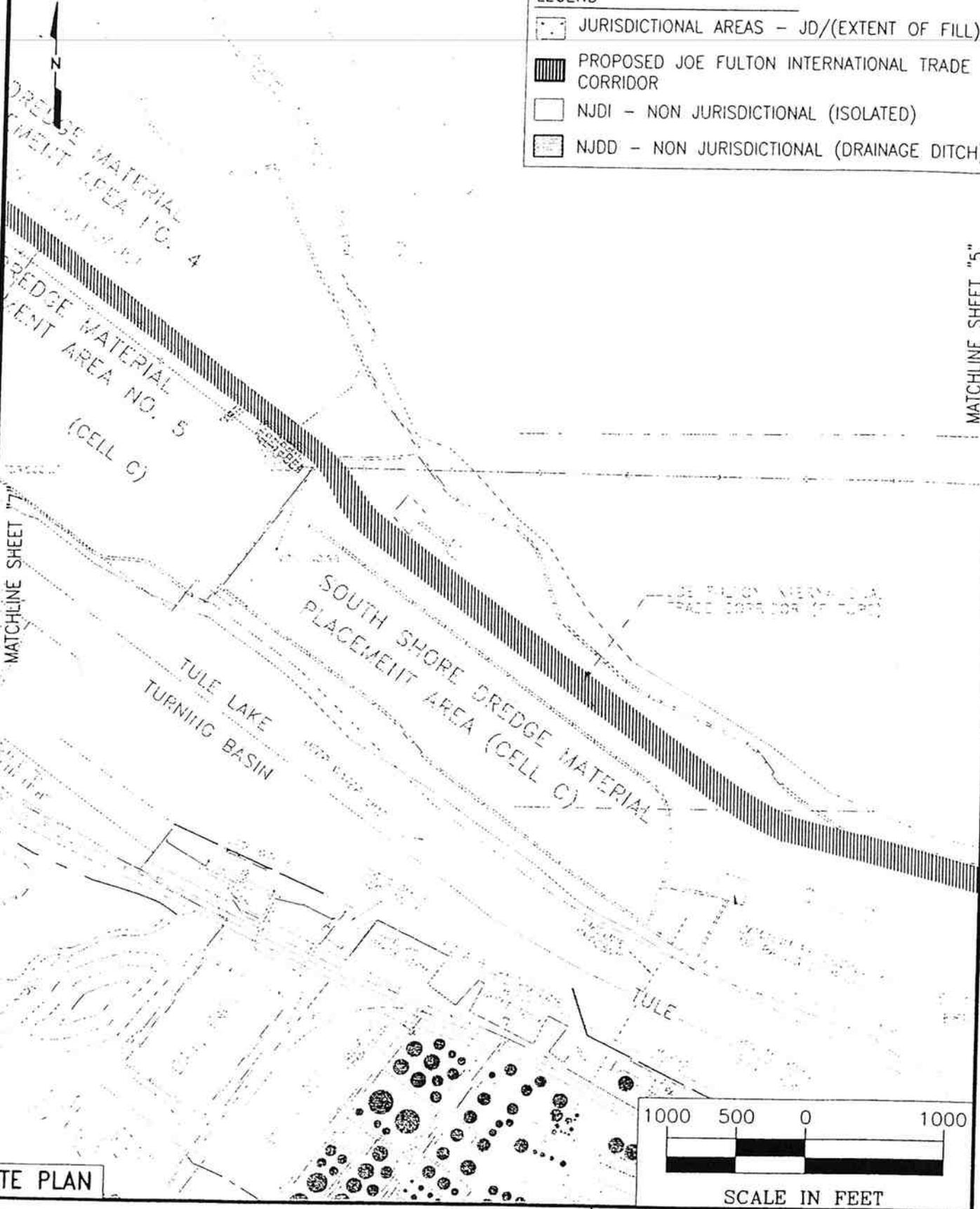
PERMITTED PLANS

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LEGEND

-  JURISDICTIONAL AREAS - JD/(EXTENT OF FILL)
-  PROPOSED JOE FULTON INTERNATIONAL TRADE CORRIDOR
-  NJDI - NON JURISDICTIONAL (ISOLATED)
-  NJDD - NON JURISDICTIONAL (DRAINAGE DITCH)

MATCHLINE SHEET "5"



SITE PLAN

ACTIVITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 08-27-2001

 SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199.90050

SHEET 6 of 14

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PERMITTED PLANS

Swg - 2002-1078

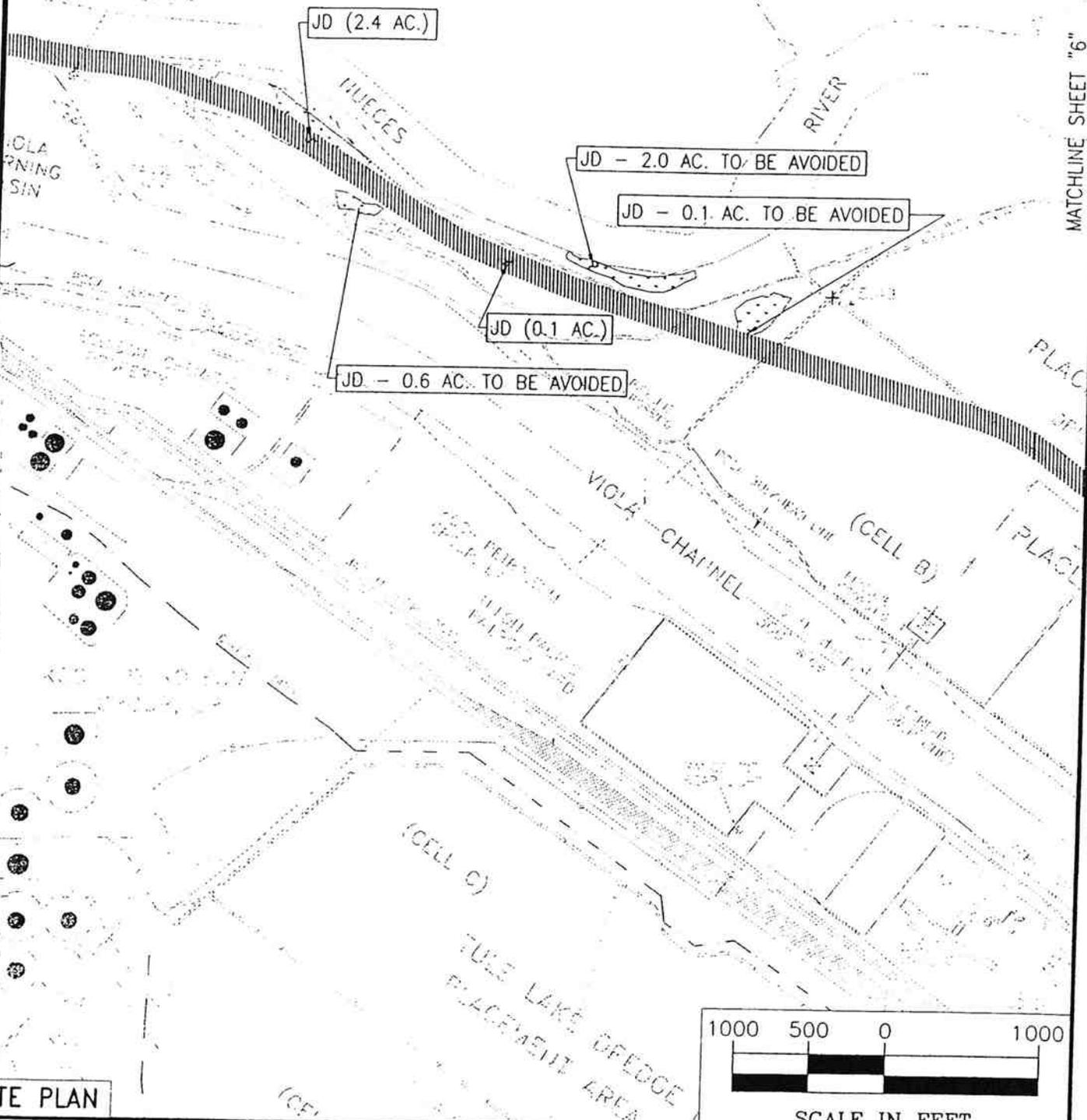
MATCHLINE SHEET "8"



LEGEND

-  JURISDICTIONAL AREAS - JD/(EXTENT OF FILL)
-  PROPOSED JOE FULTON INTERNATIONAL TRADE CORRIDOR
-  NJDI - NON JURISDICTIONAL (ISOLATED)
-  NJDD - NON JURISDICTIONAL (DRAINAGE DITCH)

MATCHLINE SHEET "6"



SITE PLAN

ACTIVITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 08-27-2001



SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199.90050

SHEET 7 of 14

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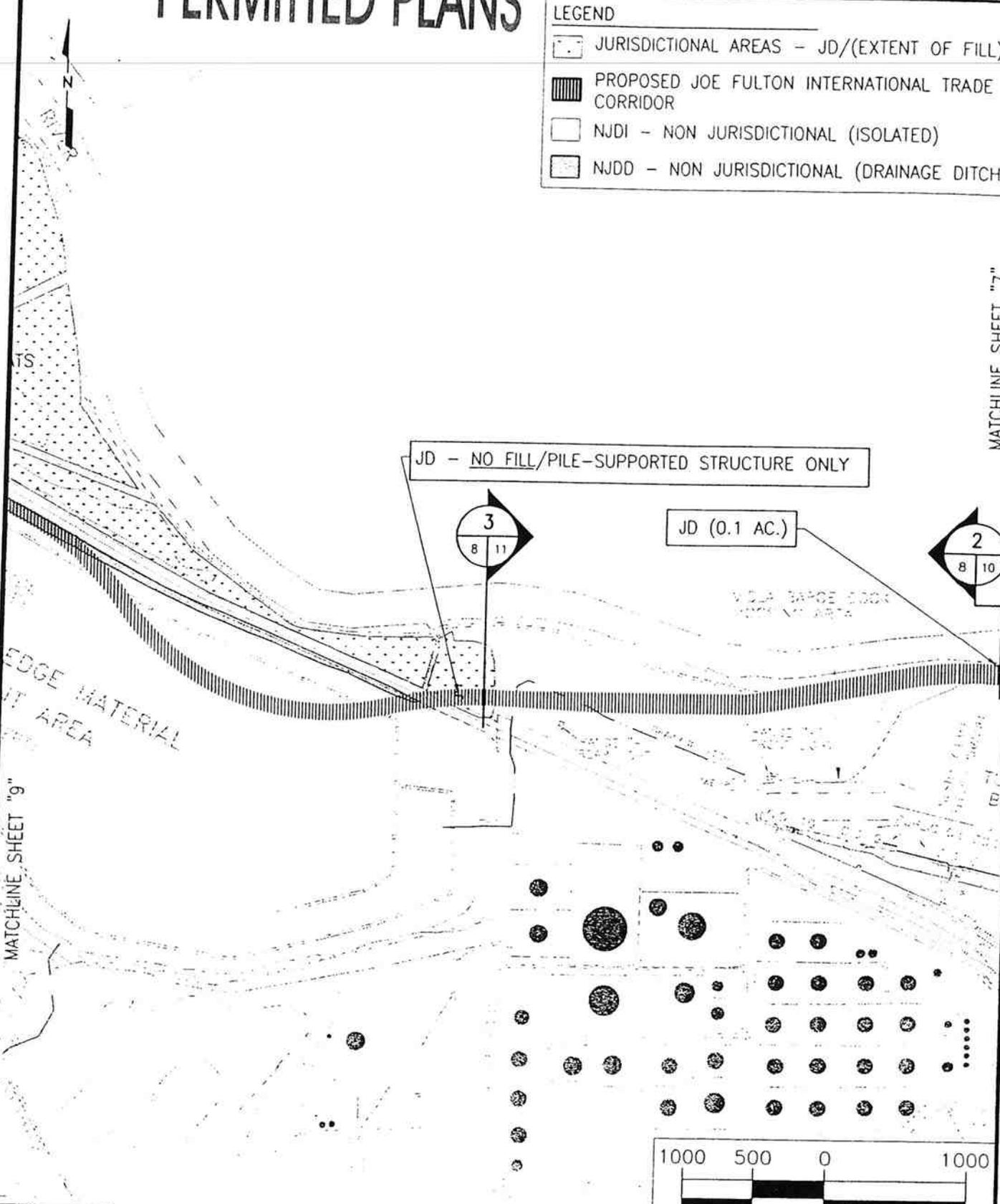
PERMITTED PLANS

SwG-2007-1176

1

LEGEND

-  JURISDICTIONAL AREAS - JD/(EXTENT OF FILL)
-  PROPOSED JOE FULTON INTERNATIONAL TRADE CORRIDOR
-  NJDI - NON JURISDICTIONAL (ISOLATED)
-  NJDD - NON JURISDICTIONAL (DRAINAGE DITCH)



EDGE MATERIAL
IT AREA

MATCHLINE SHEET "9"

MATCHLINE SHEET "7"

SITE PLAN

ACTIVITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR
APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY
DATE: 08-27-2001

 **SHINER MOSELEY AND ASSOCIATES, INC.**
ENGINEERS & CONSULTANTS
555 North Carancabus Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199.90050 SHEET 8 of 14

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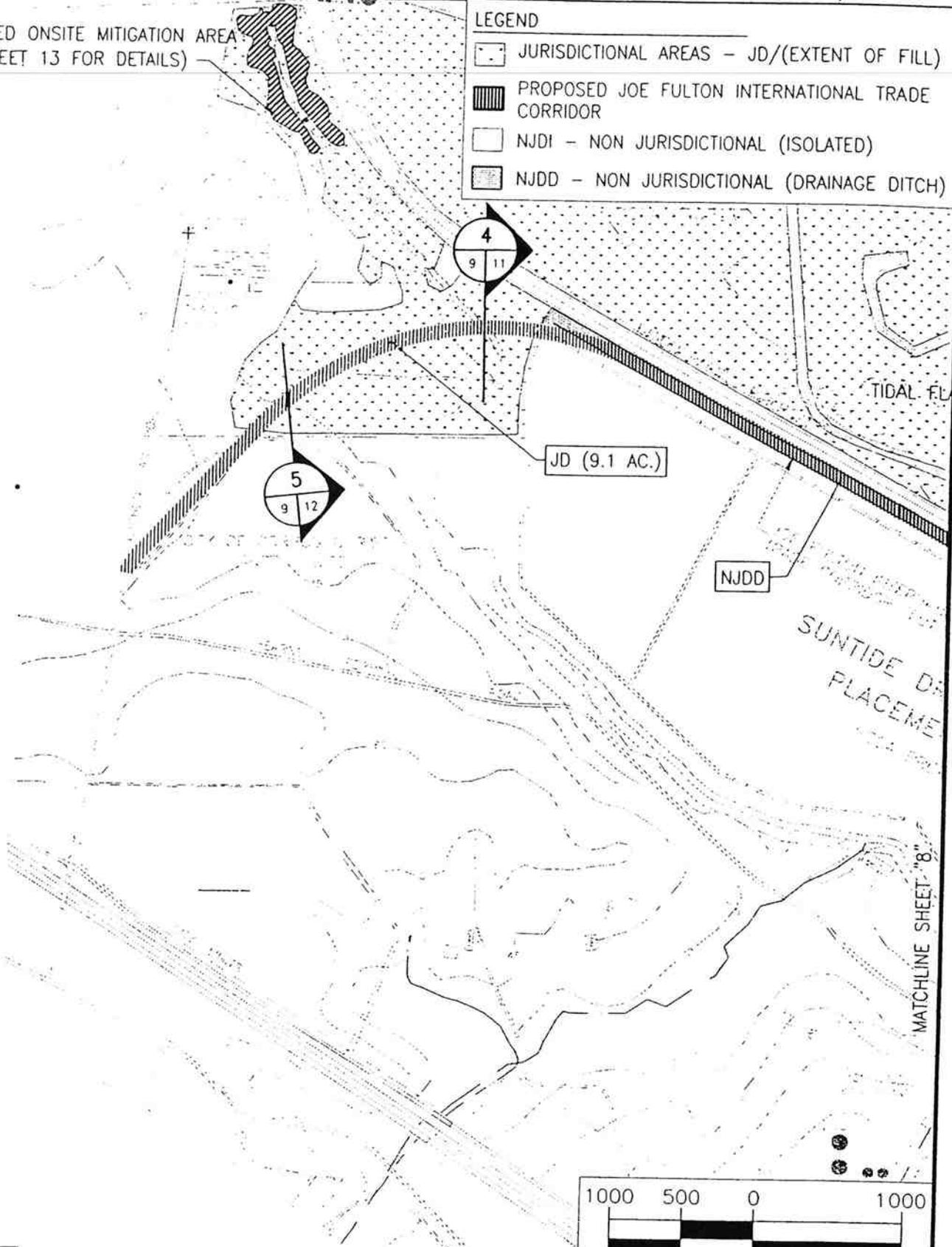
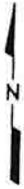
PERMITTED PLANS

SW9-2007-1178

PROPOSED ONSITE MITIGATION AREA
(SEE SHEET 13 FOR DETAILS)

LEGEND

-  JURISDICTIONAL AREAS - JD/(EXTENT OF FILL)
-  PROPOSED JOE FULTON INTERNATIONAL TRADE CORRIDOR
-  NJDI - NON JURISDICTIONAL (ISOLATED)
-  NJDD - NON JURISDICTIONAL (DRAINAGE DITCH)



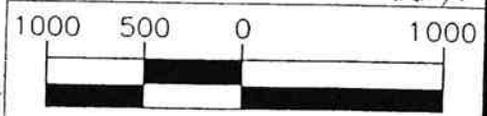
TIDAL FL

JD (9.1 AC.)

NJDD

SUNTIDE DRAINAGE
PLACEMENT

MATCHLINE SHEET "8"



SCALE IN FEET

SITE PLAN

ACTIVITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR
APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY
DATE: 08-27-2001

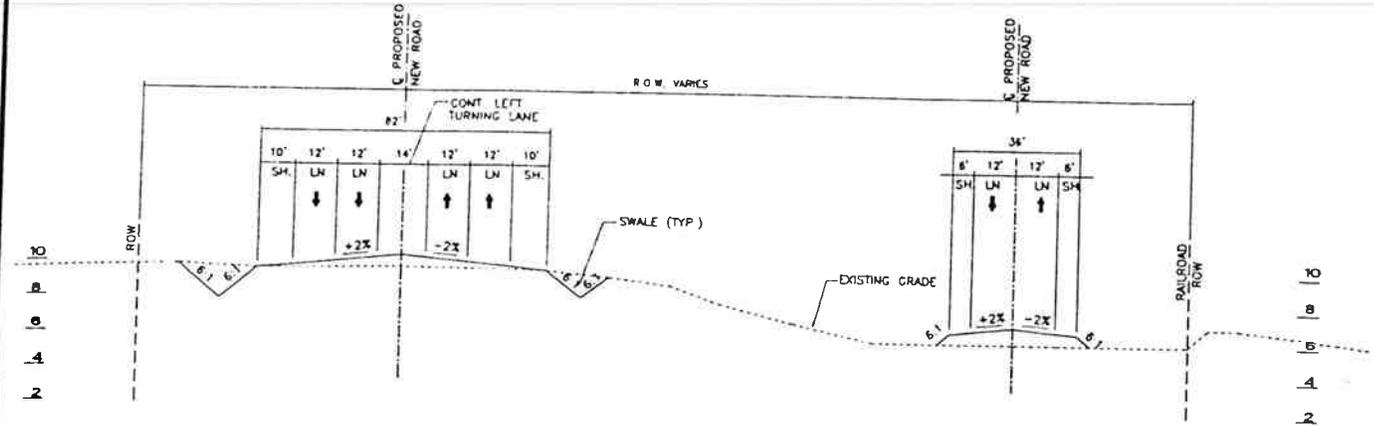
 **SHINER MOSELEY AND ASSOCIATES, INC.**
ENGINEERS & CONSULTANTS
555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199.90050 SHEET 9 of 14

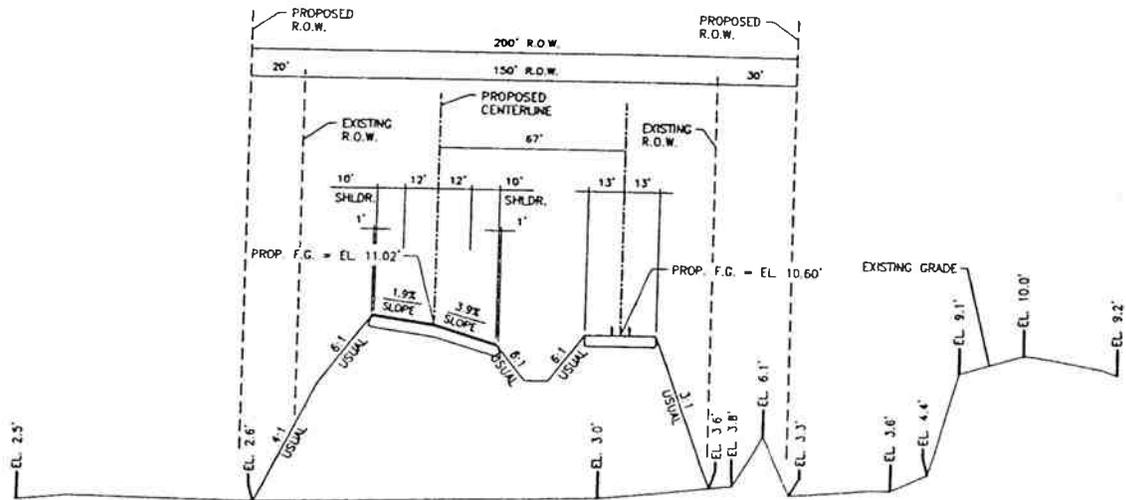
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PERMITTED PLANS

SWG-2007-1176



1 ROADWAY SECTION @ STA. 654+00
SCALE: N.T.S.



VERTICAL DATUM BASIS = N.A.V.D. 88

2 ROADWAY SECTION @ STA. 191+00
SCALE: N.T.S.

TYPICAL SECTIONS THRU WETLANDS

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ACTIVITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 08-27-2001



SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

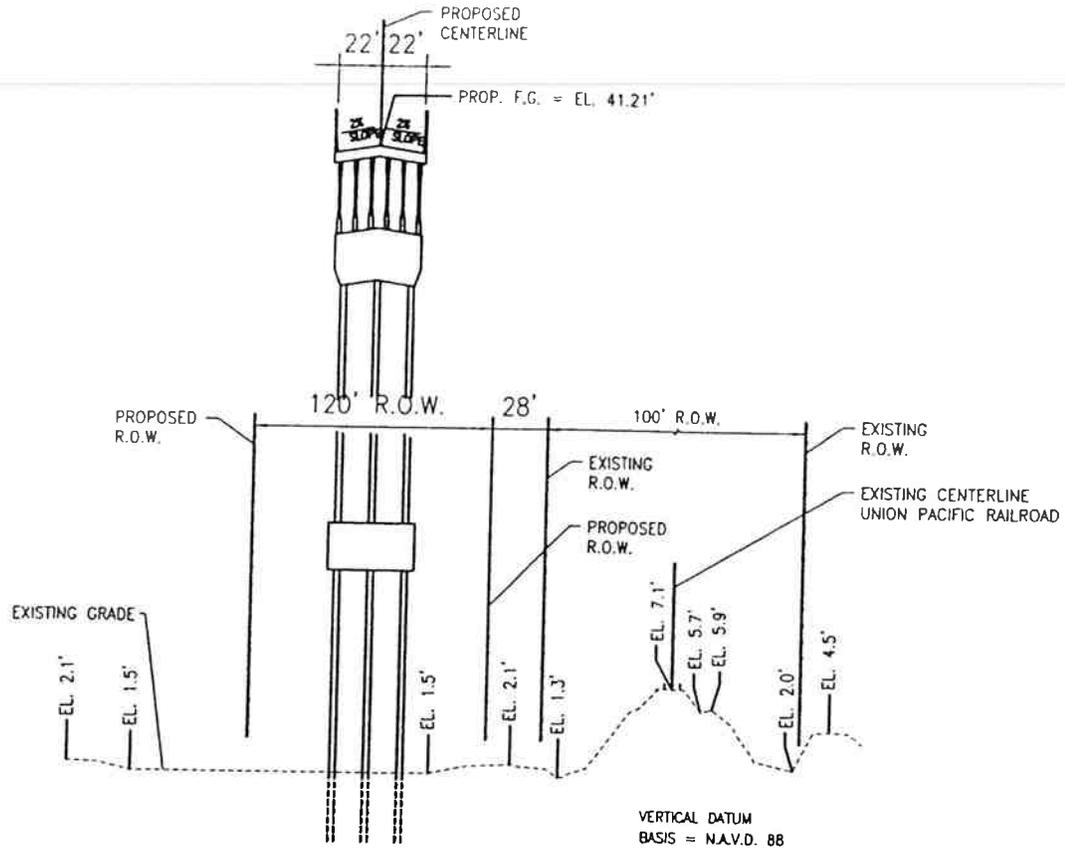
555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No 199.90050

SHEET 10 of 14

PERMITTED PLANS

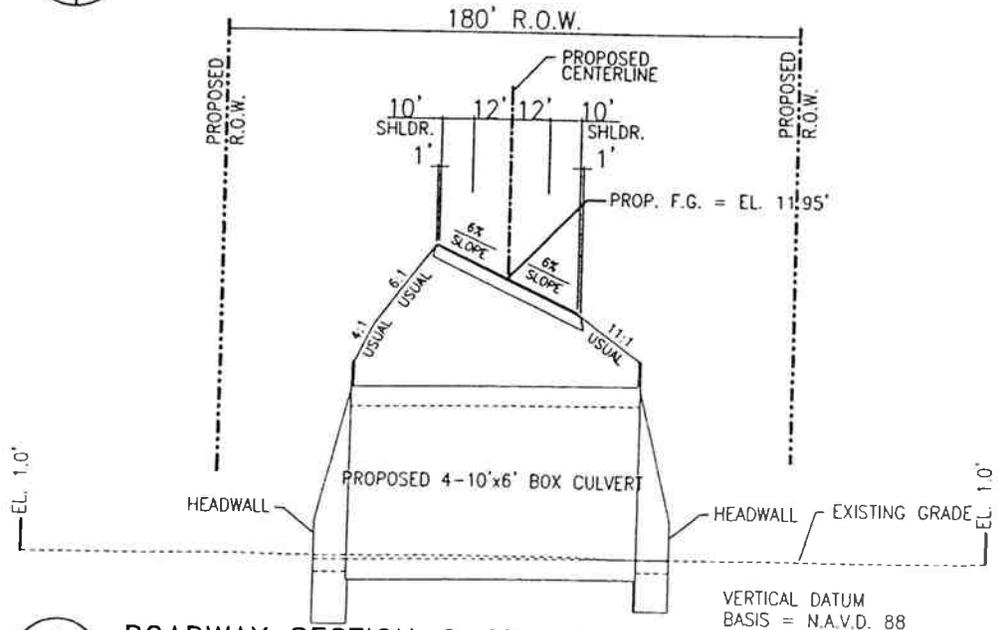
SWG-2007-1176



3
8 11

ROADWAY SECTION @ STA. 131+00

SCALE: N.T.S.



4
9 11

ROADWAY SECTION @ STA. 55+00

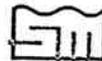
SCALE: N.T.S.

TYPICAL SECTIONS THRU WETLANDS

ACTIVITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 08-27-2001



SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

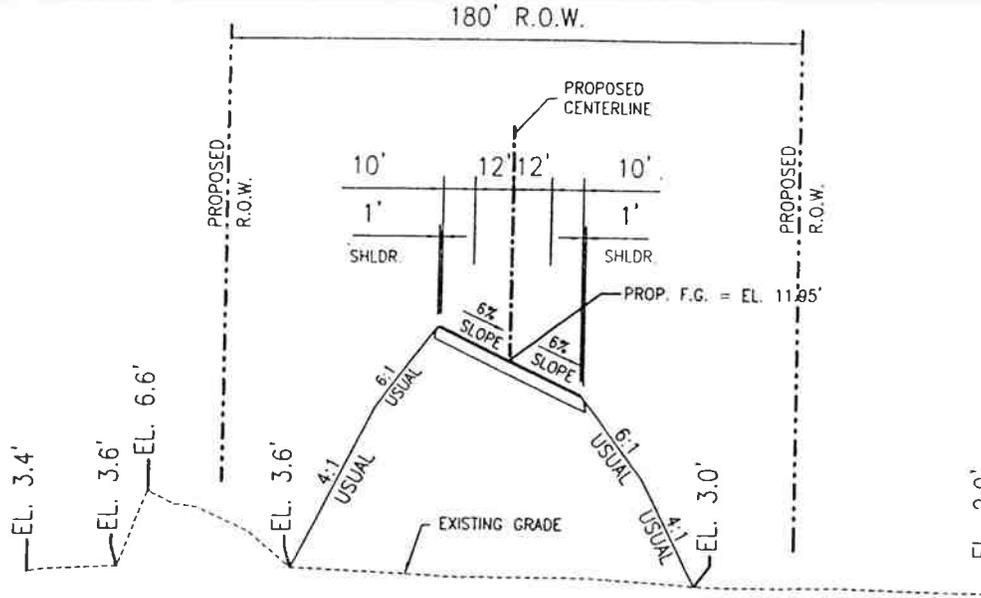
555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199 90050

SHEET 11 of 14

PERMITTED PLANS

SW 9-2007-1076



VERTICAL DATUM
BASIS = N.A.V.D. 88



ROADWAY SECTION @ STA. 50+00

SCALE: N.T.S.

TYPICAL SECTIONS THRU WETLANDS

ACTMITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 08-27-2001



SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199.90050

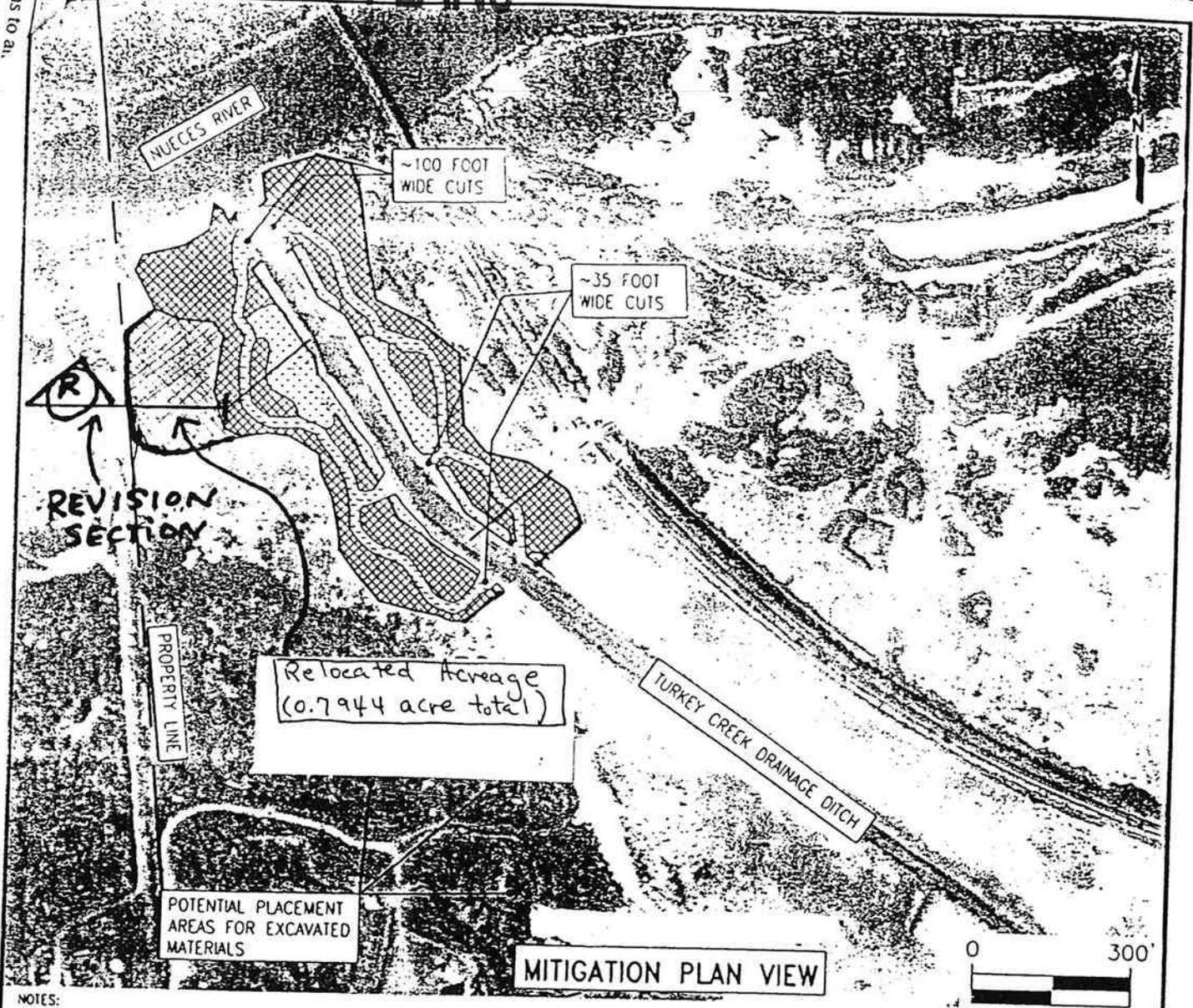
SHEET 12 of 14

PERMITTED PLANS

SW 9-2007-1176

9992

Directions to an...
e your reactions



NOTES:

TO COMPENSATE FOR UNAVOIDABLE IMPACTS -6 AC. OF SHALLOW OPEN WATER HABITAT WILL BE CREATED ONSITE, ADJACENT TO THE TURKEY CREEK DRAINAGE DITCH.

THE ONSITE MITIGATION EFFORT WILL INVOLVE THE EXCAVATION OF A COMBINATION OF UNVEGETATED, SUPRA-TIDAL, DISTURBED FLATS (MADE LAND) AND UPLANDS ADJACENT TO THE TURKEY CREEK DRAINAGE DITCH WHICH EMPTIES INTO THE NUECES RIVER.

TYPICALLY, AT NORMAL TIDE, THE WATER SURFACE LEVEL IN THIS AREA IS +2.0 FT. USCE - MLT DATUM.

IT IS PROPOSED THAT THE MAJORITY OF THE MITIGATION AREA HAVE AT LEAST 0.2 FT. TO AS MUCH AS 2.0 FT. OF WATER OVER IT, UNDER NORMAL TIDE CONDITIONS.

EXISTING BERMS, BOTH ALONG THE NUECES RIVER AND TURKEY CREEK, WILL BE LEFT IN PLACE.

AT THE MOUTH WHERE TURKEY CREEK CONNECTS TO THE RIVER, TWO LARGE (~100 FT. WIDE) EXTENSIONS OF EXISTING DRAINAGE FEATURES WILL BE EXCAVATED TO OBTAIN CIRCULATION AND WATER EXCHANGE.

IN ADDITION, ONE OR MORE SMALLER (~35 FT WIDE) CIRCULATION CUTS MAY BE NECESSARY BETWEEN THE MITIGATION SITE AND TURKEY CREEK, TO THE SOUTH, TO MAINTAIN THE APPROPRIATE WATER LEVELS ACROSS THE SITE.

THE PROPOSED MITIGATION EFFORT WILL SIGNIFICANTLY ENHANCE THE EXISTING DISTURBED AREA BY CREATING ESSENTIAL FISHERIES HABITAT AS WELL AS PROVIDING VALUABLE FORAGING AREAS FOR WADING BIRDS.

POTENTIAL PLACEMENT AREAS INCLUDE THOSE SHOWN ON THIS DRAWING, AS WELL AS, SUNTIDE DWPA.

LEGEND:

-  PROPOSED SHALLOW WATER FLATS (4.3 ACRES)
-  PROPOSED ISLAND (1.1 ACRES)
-  PROPOSED TIDAL CHANNEL (0.9 ACRES)

ACTIVITY	JOE FULTON INTERNATIONAL TRADE CORRIDOR
APPLICANT	PORT OF CORPUS CHRISTI AUTHORITY
DATE	03-27-02
PERMITTED PLANS	
<i>Revised 1-3-05</i>	


SHINER MOSELEY AND ASSOCIATES, INC.
 ENGINEERS & CONSULTANTS
 555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478
 SMA Job No: 199 90050

SHEET 13 of 14

FIGURE 1

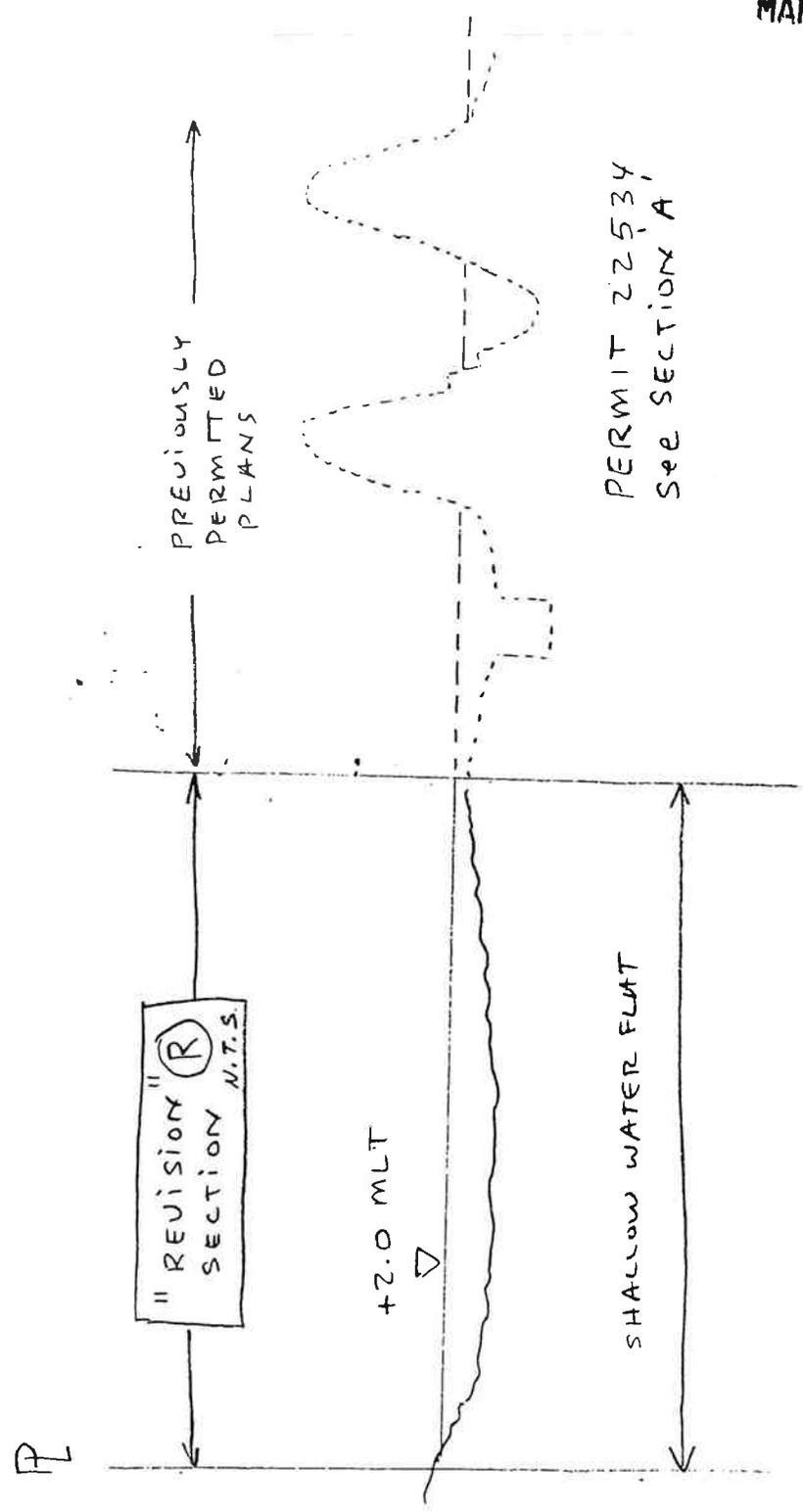
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PERMITTED PLANS

22534
(revised)

MAR 01 2005

NEW SECTION FOR REVISED MITIGATION / -
JOE FULTON PERMIT



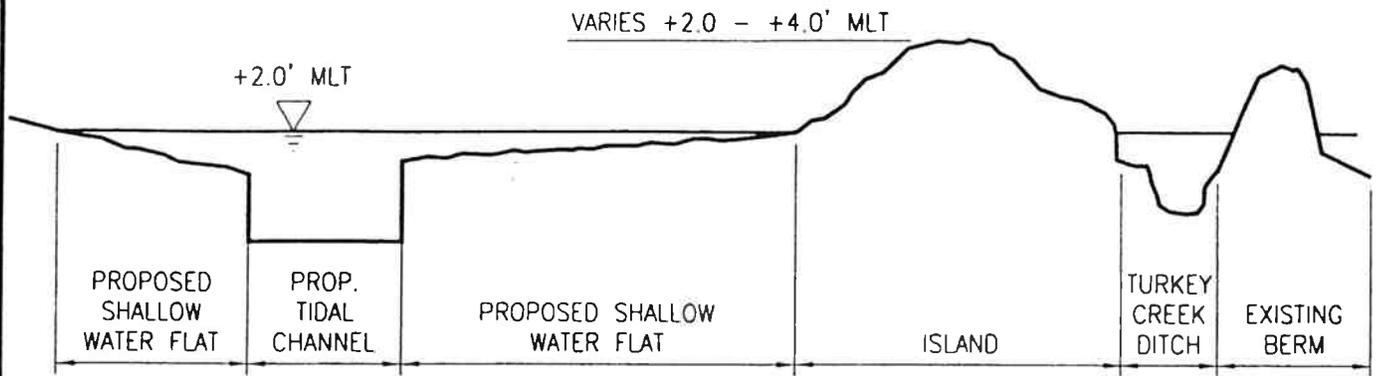
PROPOSED SHALLOW WATER FLAT BOTTOM ELEV +1.0 - + 1.75 MLT

NOTE: ALL ELEVATIONS ARE REFERENCED TO USACE MLT
 ALL ELEVATIONS ARE CONSISTANT WITH PREVIOUSLY PERMITTED PLANS
 ALL CONDITIONS ASSOCIATED WITH 22534 ARE APPLICABLE TO REVISION SECTION

Section View - relocated mitigation area
 # 22534
 Point of Corpus Christi Authority
 Nueces River / Turkey Creek
 Nueces County
 page 13A of 14

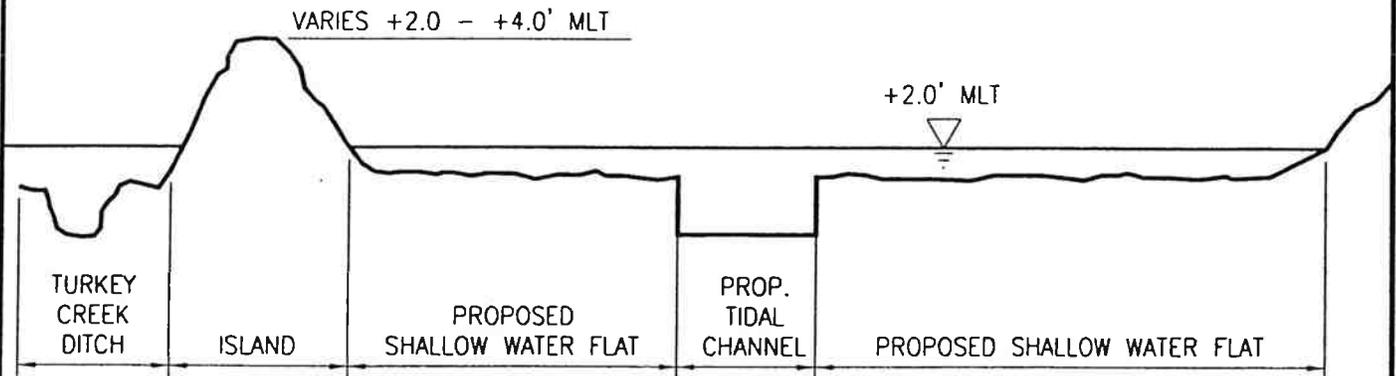
FIGURE 2

PERMITTED PLANS



A SECTION 'A'
13 | 14 N.T.S.

PROPOSED TIDAL CHANNEL BOTTOM ELEV.... 0.0 - +0.5' MLT
 PROPOSED ISLAND TOP ELEVATION.... +4.0 - +4.5' MLT
 PROPOSED SHALLOW WATER FLAT BOTTOM ELEV.... +1.0 - +1.75' MLT



B SECTION 'B'
13 | 14 N.T.S.

PROPOSED SHALLOW WATER FLAT BOTTOM ELEV.... +1.0 - +1.75' MLT
 PROPOSED TIDAL CHANNEL BOTTOM ELEV.... 0.0 - +0.5' MLT

NOTE:

- 1.) ALL ELEVATIONS ARE REFERENCED TO USACE MLT.
- 2.) ISLANDS SHOWN ARE EXPANSION OF EXISTING BERMS.
- 3.) TIDAL CHANNELS EXCAVATED ARE ANTICIPATED TO MIMIC NATURAL SLOPES OVER TIME.

ACTMITY: JOE FULTON INTERNATIONAL TRADE CORRIDOR

APPLICANT: PORT OF CORPUS CHRISTI AUTHORITY

DATE: 03-27-02



SHINER MOSELEY AND ASSOCIATES, INC.
ENGINEERS & CONSULTANTS

555 North Carancahua Street, Suite 1650 Corpus Christi, Texas 78478

SMA Job No: 199.90050

SHEET 14 of 14

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DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
5151 FLYNN PARKWAY #306
CORPUS CHRISTI, TX 78411-4318

October 20, 2010

REPLY TO
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: Permit No. SWG-2007-1176 (Previously Permit No. 22534) –Joe Fulton
International Trade Corridor

Mr. Paul Carangelo
Port of Corpus Christi Authority
P.O. Box 1541
Corpus Christi, Texas 78403

RECEIVED

OCT 22 2010

PORT OF CORPUS CHRISTI
ENGINEERING DEPT
C. J. M.

Dear Mr. Carangelo:

Reference is made to a letter, dated October 1, 2010 wherein you requested to amend Permit Number SWG-2007-1176, which authorizes the Port of Corpus Christi Authority (PCCA) to place fill material into approximately 12 acres of waters of the U.S., including wetlands, to construct 11.8 miles of two-lane roadway and approximately 6 miles of corridor paralleling a portion of the roadway. Your request is to amend the existing typical Joe Fulton International Trade Corridor (JFITC) roadway section (Sheet 10 of 14) to reflect possible additional rail and associated improvements such as access roadways and drainage that PCCA is preparing to construct within the previously permitted JFITC right-of-way. In addition, you requested that the project vicinity map (Sheet 1 of 14) be amended to show the area along the permitted JFITC where the rail and related improvements characterized on the amended roadway section is generally located. The project site is located along the now existing JFITC on land near the Corpus Christi Ship Channel Inner Harbor and Nueces River, Nueces County, Texas.

We have reviewed the revised information and have amended your authorization accordingly. The enclosed revised plan sheets, dated October 4, 2010, supersede Pages 1 of 14 and 10 of 14 of our original authorization. All conditions of permit SWG-2007-1176 remain in full force and effect, including the expiration date of the permit. A copy of your revised plan sheets are enclosed.

This letter also contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

Elliott Carman, Appeal Review Officer
Southwestern Division, CESWD-CMO-E
1100 Commerce Street, Room 831
Dallas, Texas 75242-1317
Telephone: 469-487-7037; FAX: 469-487-7199

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter. Please contact us on the completion of the work. A pre-addressed postcard is enclosed for your convenience.

To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>.

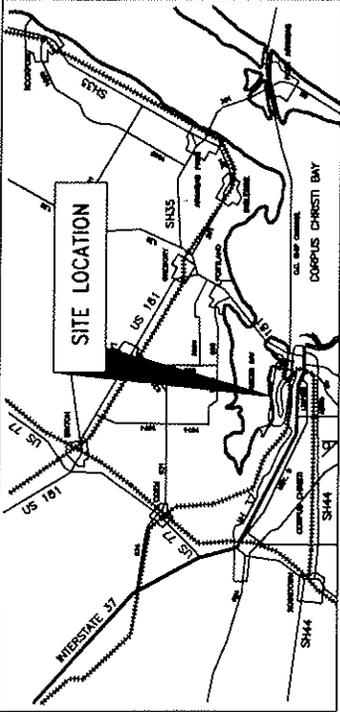
FOR THE DISTRICT ENGINEER:



Lloyd Mullins, Supervisor
Corpus Christi Regulatory Field Office

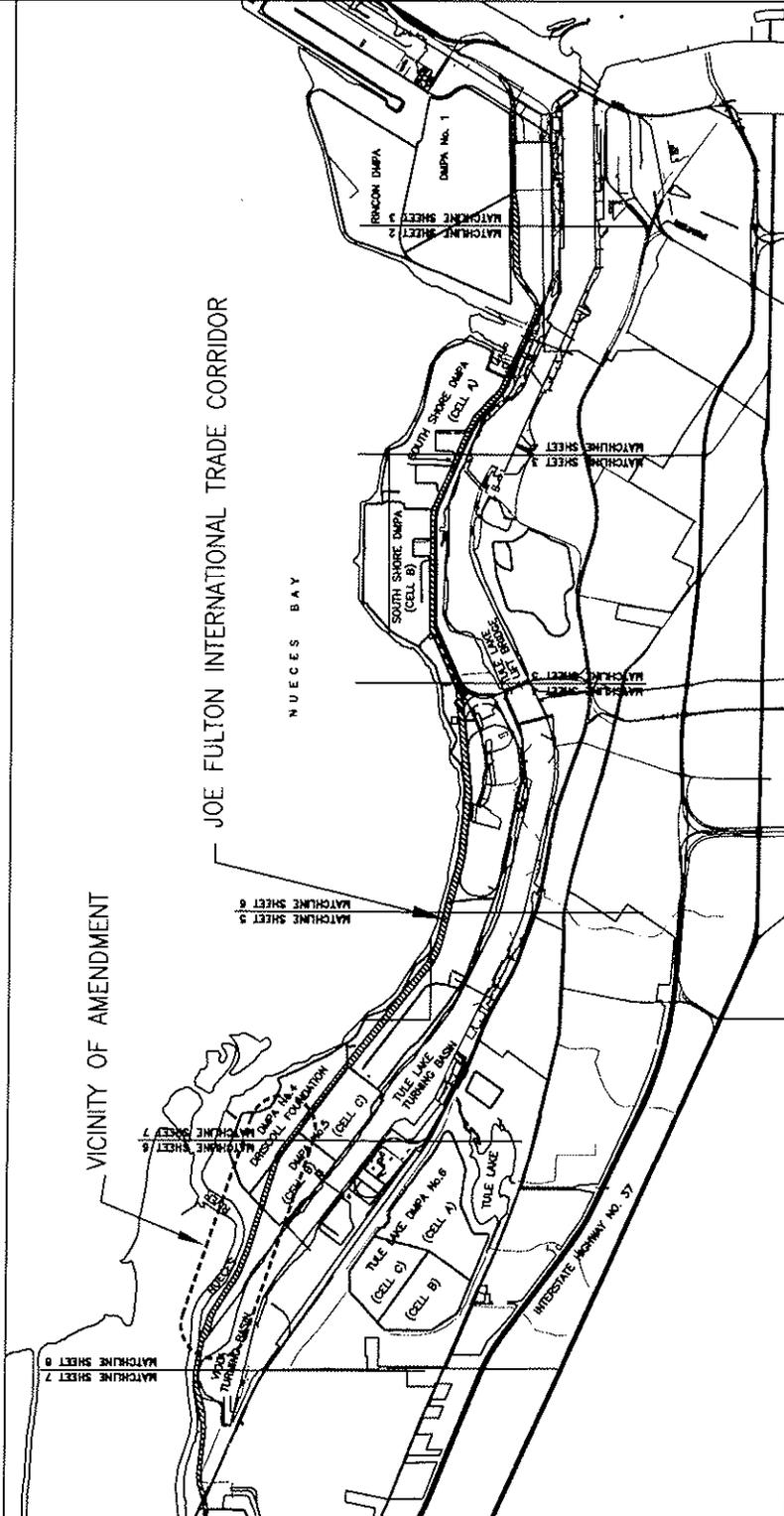
Enclosures

PERMITTED PLANS



LOCATION MAP

N.T.S.



JOE FULTON INTERNATIONAL TRADE CORRIDOR

NUECES BAY

VICINITY OF AMENDMENT

PROJECT: JOE FULTON INTERNATIONAL TRADE CORRIDOR
 PORT OF CORPUS CHRISTI AUTHORITY
 ACTIVITY: AMEND SWG-2007-1176 (FORMER 22534)
 DATE: OCTOBER 2010



PORT **CORPUSCHRISTI**

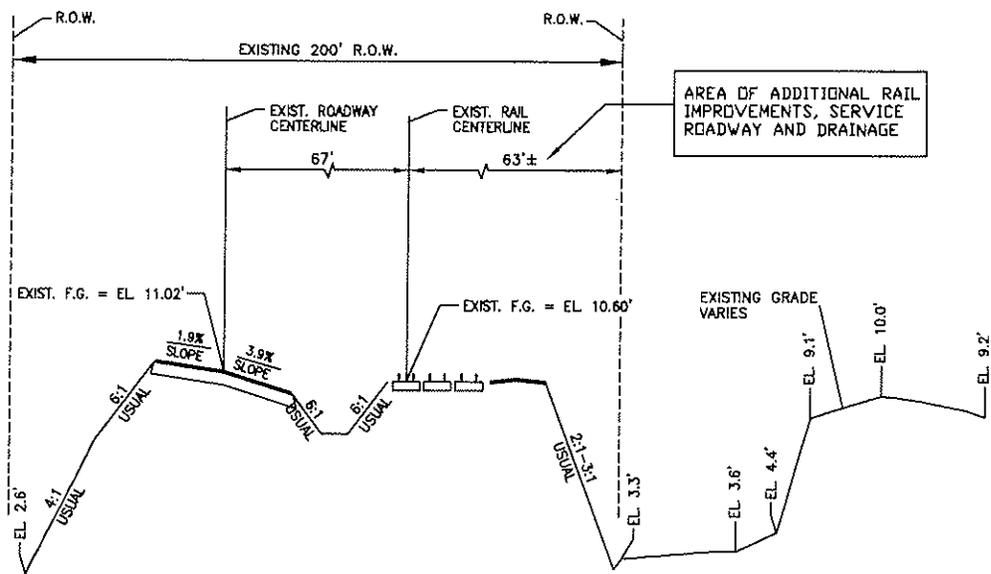
PORT OF CORPUS CHRISTI AUTHORITY

SWG-2007-1176

Sheet 1 of 14

AMENDMENT SHEET 2 OF 2

PERMITTED PLANS



ROADWAY SECTION @ STA. 191+00

SCALE: NTS

VERTICAL DATUM
BASIS = N.A.V.D. 88

TYPICAL POTENTIAL CONSTRUCTION SECTION STA. 177+00 to 315+00

PROJECT: JOE FULTON INTERNATIONAL TRADE CORRIDOR
 PORT OF CORPUS CHRISTI AUTHORITY
 ACTIVITY: AMEND SWG-2007-1176 (FORMER 22534)
 DATE: OCTOBER 2010



PORTCORPUSCHRISTI

PORT OF CORPUS CHRISTI AUTHORITY

AMENDMENT SHEET 1 OF 2

SWG-2007-1176
 Sheet 10 of 14

DEPARTMENT OF THE ARMY PERMIT

Permittee Port of Corpus Christi Authority

Permit No. SWG-2009-00647

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The permittee is authorized to construct an approximate 19,000 feet of new and 30,400 feet of future multi-track rail facilities and associated switch, service, and inspection access roads within a 45-acre site northeast from the Viola Channel Turning Basin bulkhead line and south of the Fulton Rail Lead. The Viola Interchange Yard will provide for the arrival, storage, and switching of rail cars for distribution to and from the Port of Corpus Christi Authority Intermodal Complex. An approximate 1.64 acres of jurisdictional wetlands would be filled as a result of this project. To mitigate for the loss of functions and values of the 1.64 acres of wetlands, the permittee will excavate shallow water tidal channels in order to enhance 2.5 acres of high marsh area and plant approximately 0.5 acres of additional area with *Spartina alterniflora*. The approximate area potentially created, enhanced/planted is 3.04 acres.

The project will be conducted in accordance with the attached plans, in 5 sheets.

Project Location: The project is located on land near the Corpus Christi Ship Channel Inner Harbor and the Nueces River, Nueces County, Texas. The USGS Quad reference map is: Annville and Corpus Christi, Texas. Approximate UTM Coordinates in NAD 83(meters): Zone 14; Easting: 651092.95; Northing: 3077949.72.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2016. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. The Corpus Christi Regulatory Field Office (CCRFO) will be notified in writing at least 30 days before initiation of work.
3. The mitigation project must be complete within 12 months after start of construction in jurisdictional areas.
4. The mitigation project will include the following:
 - a. The permittee will excavate tidal channels (as shown on sheet 4 of 5 and 5 of 5 of the permit drawings) through unvegetated or very sparsely vegetated hypersaline flats. Top widths of the channels may range from +/- 15 feet to +/- 35 feet, dependent upon proposed location. Channel depth at the time of construction may range from approximately +/- 0.5 feet to +/- 1.5 feet MLT.
 - b. Intertidal edges of the previous Joe Fulton International Trade Corridor mitigation site will be sprigged with smooth cordgrass (*Spartina alterniflora*). Plantings shall be multi-culm sprigs installed every meter in three rows approximately one meter apart. Each planting unit will be securely embedded in the planting surface.
 - c. A written report, including complete photographic coverage of the tidal channel and planting areas, shall be submitted to the CCRFO immediately prior to and following channel excavation and transplanting activities.
 - d. A transplant survival survey will be conducted within 60 days following completion of the initial planting effort. If 50% survival of transplant material is not achieved, the CCRFO will be notified in writing and a 2nd planting effort will be made within the next 30 days or within the next seasonal high tide period (September 15 to November 15 or March 15 to June 15) using the original planting specifications.
 - e. If after one year from the initial planting effort (or subsequent planting efforts) the site does not have at least 35% aerial coverage of targeted vegetation, those areas that are not vegetated will be replanted using the original planting specifications.
 - f. If at least 70% aerial coverage of the transplanted species for each respective plant community is not achieved within 3 years following initial planting, an additional re-planting will be performed within the next 30 days or within the next seasonal high tide period (September 15 to November 15 or March 15 to June 15) using the original planting specifications.
 - g. In addition to the initial survey report, progress reports will be submitted to CCRFO at 6 months, 1 year, 2 year, 3-year, 4-year, and 5-year intervals following the initial transplanting effort or subsequent replanting efforts. The post-construction report shall include the following information: Photos of the constructed tidal channels and *Spartina alterniflora* planting areas, water depths of constructed channels, qualitative documentation of vegetation present (if any) along the constructed channels, documentation of sedimentation or erosion along the constructed channels, assessment of wildlife usage at the time of observation, vegetative coverage of *Spartina alterniflora* along intertidal edge of Joe Fulton International Trade Corridor mitigation site.
 - h. Material excavated as result of tidal channel construction shall be placed in dredge material placement areas used for USACE Permit SWG-2007-1176 as well as Suntide DMPA and Southshore Cell C DMPA.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

Port of Corpus Christi Authority

7/13/11
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)

Lloyd Mullins, Supervisor

CORPUS CHRISTI REGULATORY FIELD OFFICE

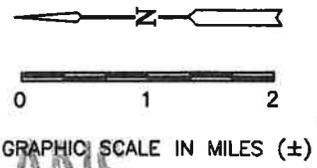
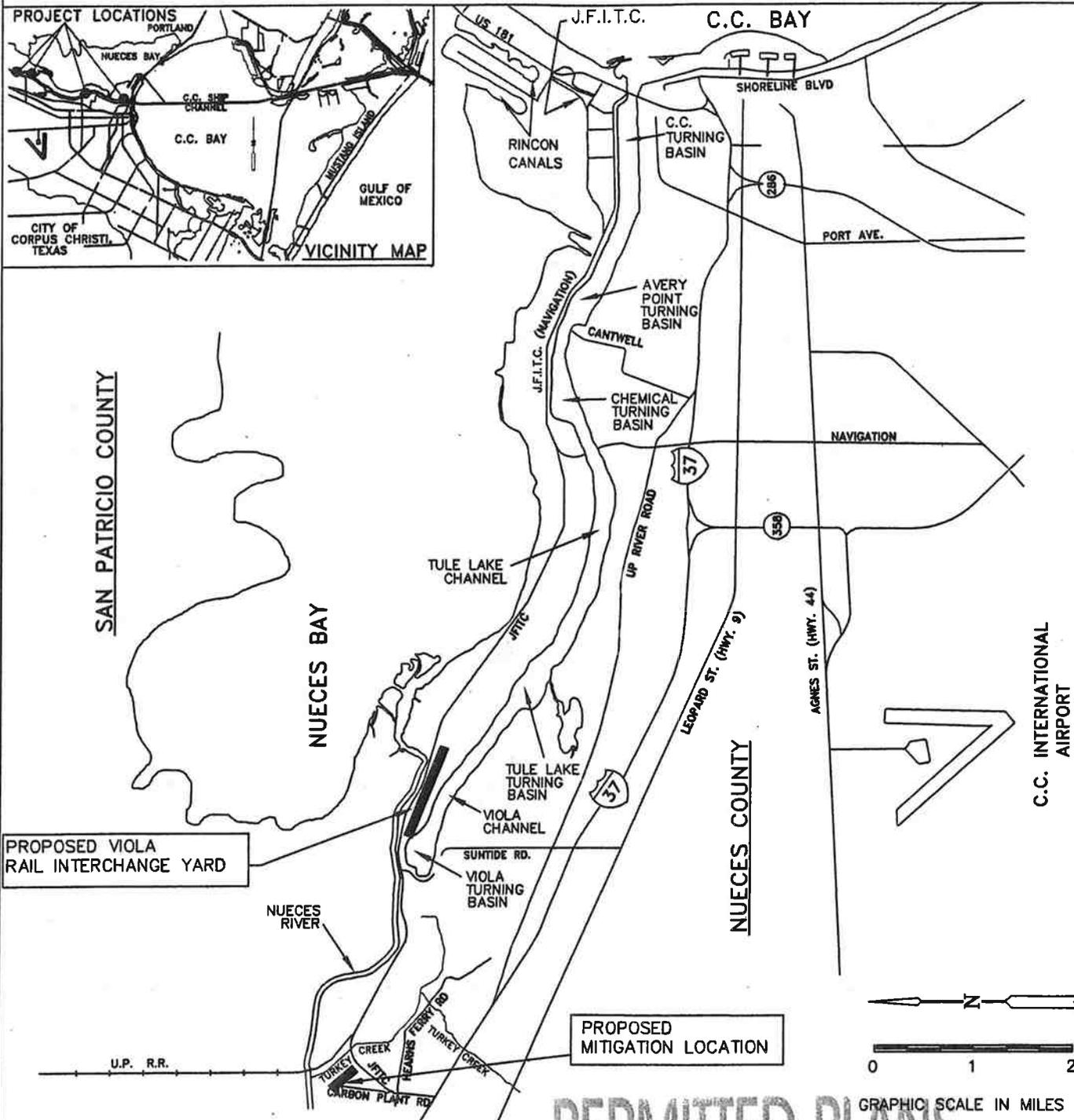
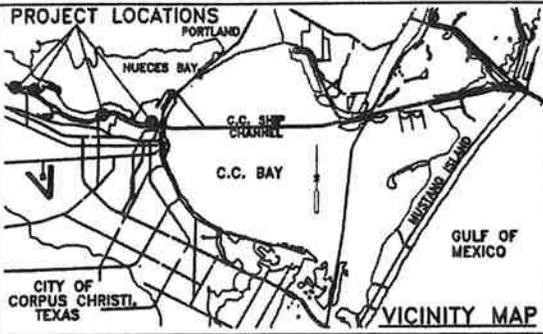
for COLONEL CHRISTOPHER W. SALLESE

7-15-11
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)



PERMITTED PLANS

PURPOSE: RAIL INFRASTRUCTURE IMPROVEMENT

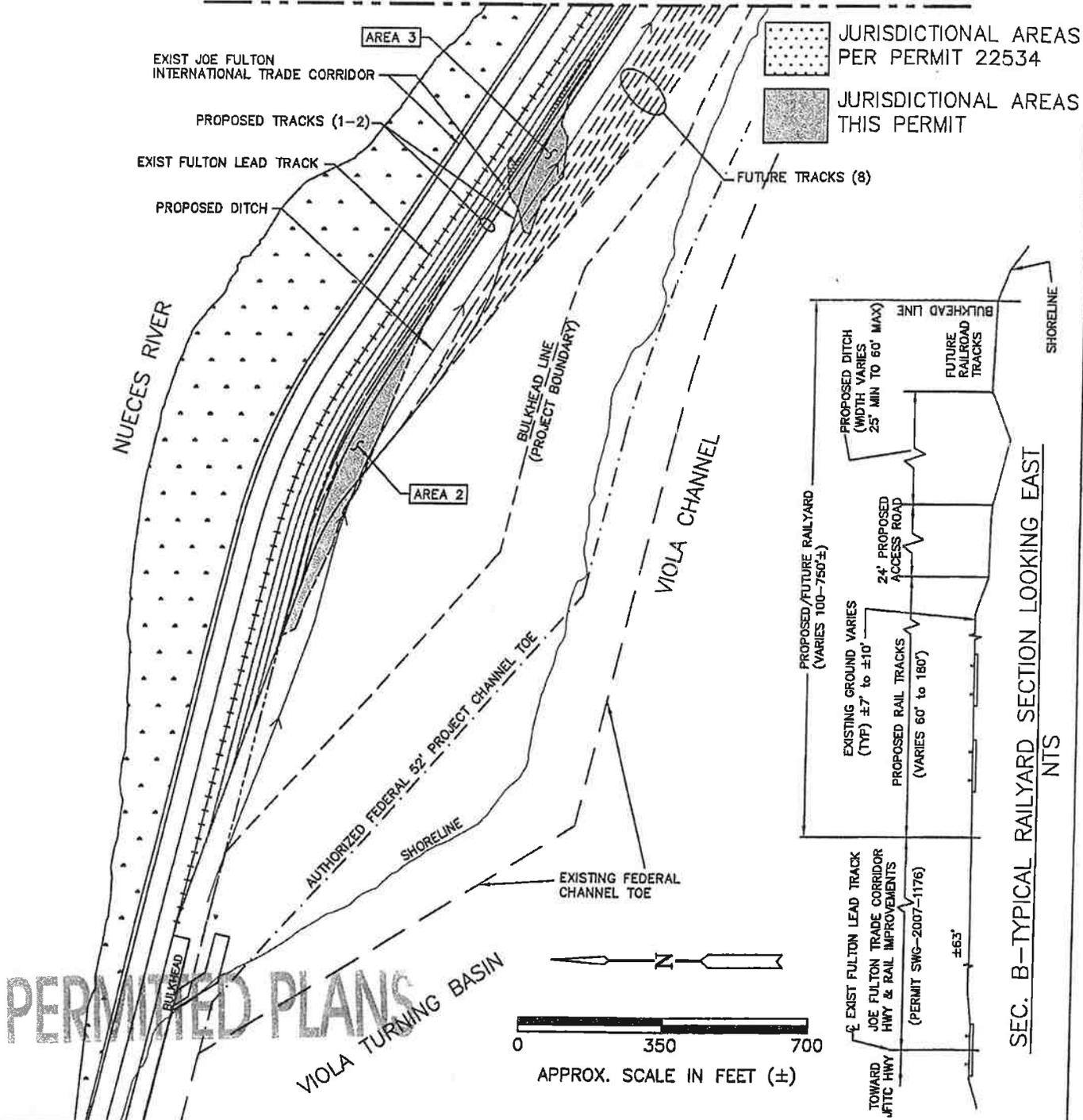
TITLE: PCCA & SOUTH TEXAS RAIL INFRASTRUCTURE IMPROVEMENT

VICINITY-LOCATION MAP

SHEET 1 OF 5

SWG-2009-00647

MATCH LINE SEE SHEET 5



PERMITTED PLANS

SEC. B-TYPICAL RAILYARD SECTION LOOKING EAST
NTS

PURPOSE: RAIL INFRASTRUCTURE IMPROVEMENT

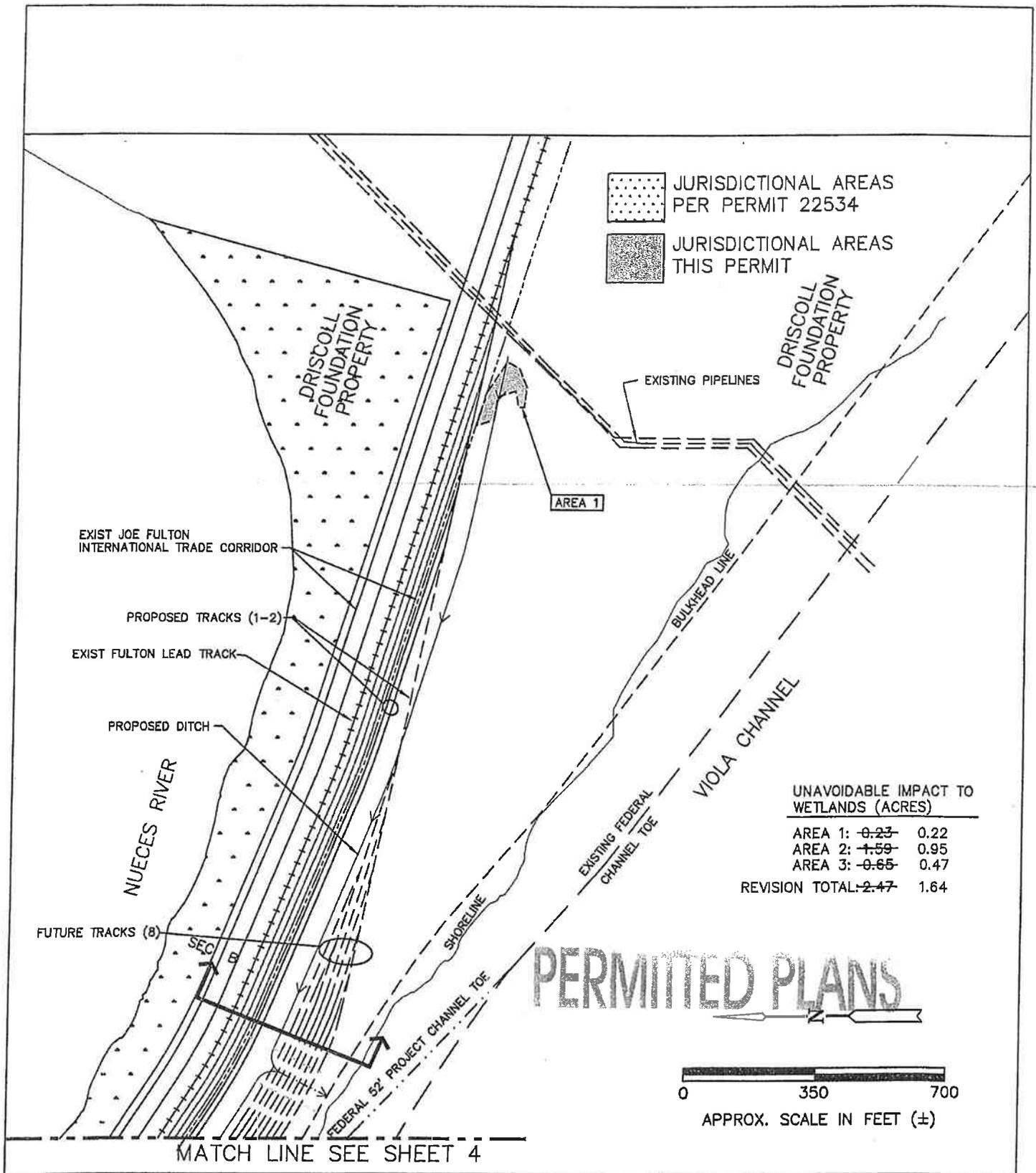
TITLE: PCCA & SOUTH TEXAS RAIL INFRASTRUCTURE IMPROVEMENT

JAN. 2011 REVISION

VIOLA INTERCHANGE YARD

SWG-2009-00647

SHEET 2 OF 5



PURPOSE: RAIL INFRASTRUCTURE IMPROVEMENT

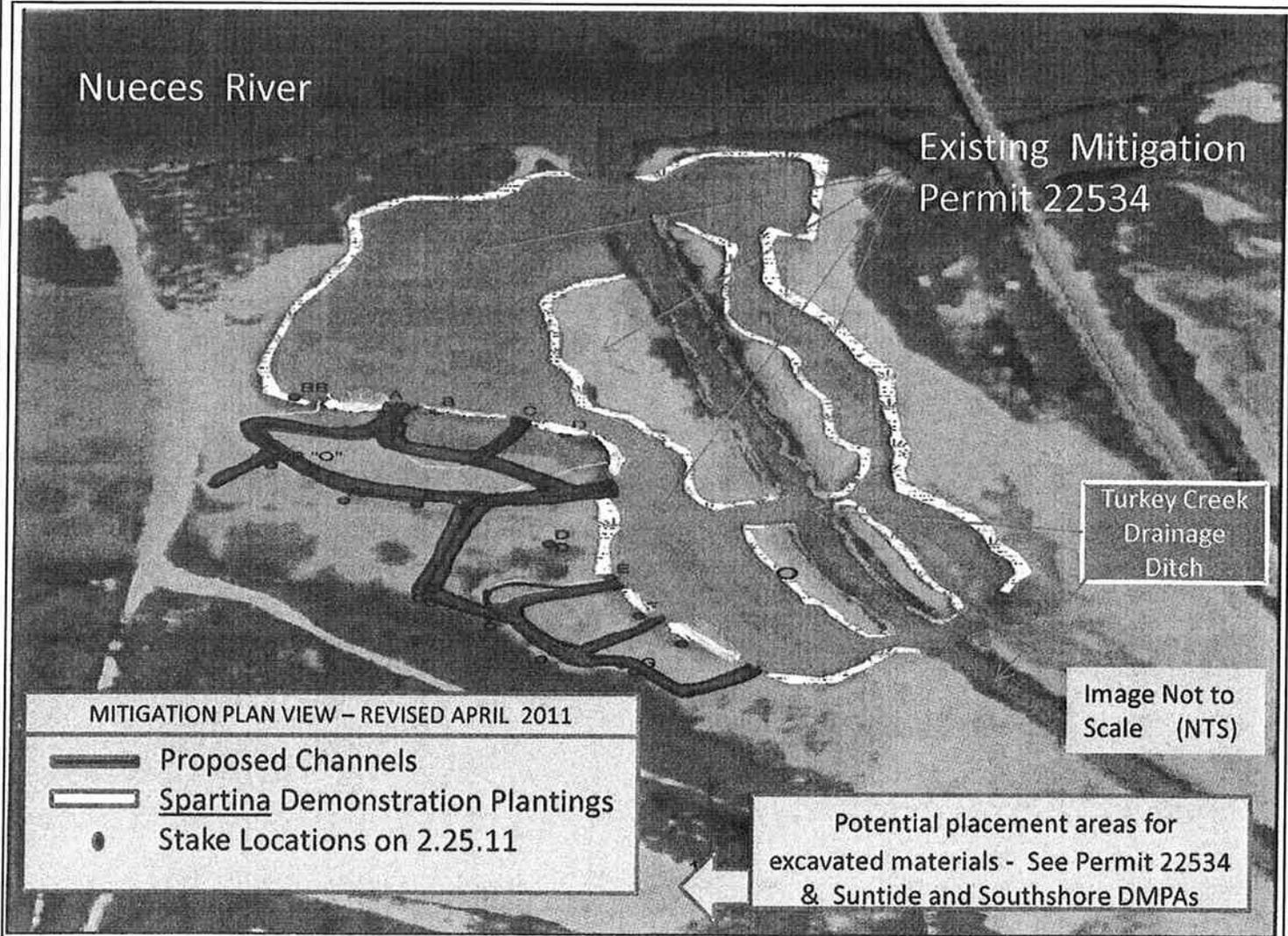
TITLE: PCCA & SOUTH TEXAS RAIL INFRASTRUCTURE IMPROVEMENT

JAN. 2011 REVISION

VIOLA INTERCHANGE YARD

SWG-2009-00647

SHEET 3 OF 5



NOTE: SEE ALSO SHEET 5 OF 5

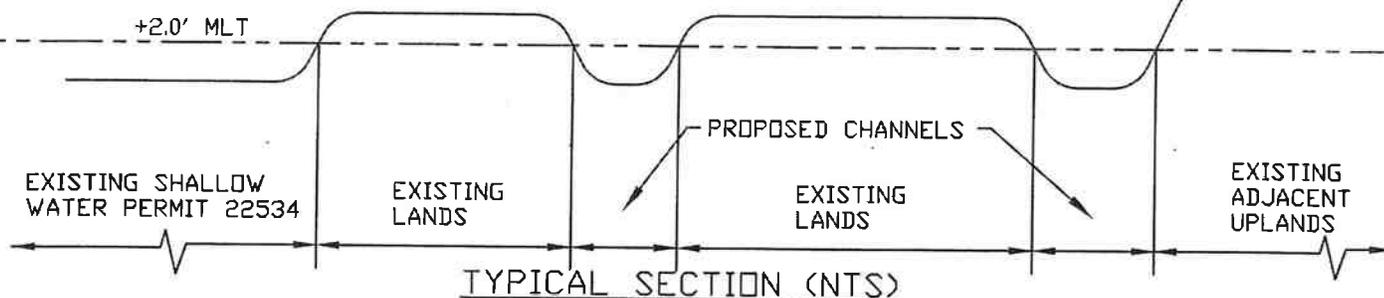
PERMITTED PLANS

PURPOSE: RAIL INFRASTRUCTURE IMPROVEMENT

PERMIT: SWG-2009-00647

TITLE: PCCA & SOUTH TEXAS RAIL INFRASTRUCTURE IMPROVEMENT

MITIGATION PLAN 1 OF 2



TYPICAL SECTION (NTS)
 PROPOSED CHANNEL BOTTOM EXCAVATION ELEV. VARIES +0.5 to -1.5 MLT
 PROPOSED CHANNEL TOP WIDTH VARIES ±15 FEET to ±35 FEET

NOTES - REVISED MITIGATION PLAN FOR SWG-2009-00647, Revision APRIL 2011

To compensate for unavoidable losses the proposed mitigation shall involve the excavation of channels as shown on the Sheet 4 of 5 drawing thru unvegetated or very sparsely vegetated disturbed supratidal hypersaline ground. The channels will connect the existing Joe Fulton International Trade Corridor mitigation (Permit 22534) hydrology to concentrations of high marsh vegetation at the site and to create/increase wetted edge.

The top width of a channel may range from about +/-15 to +/-35 feet dependent upon proposed location and final design. Similarly, channel depth at the time of construction may range from approximately +/- plus 0.5 to +/- minus 1.5 foot MLT; however, siltation of channels is anticipated over time.

The proposed mitigation includes a demonstration planting of smooth cordgrass (*Spartina alterniflora*) where shown on the Sheet 4 of 5 drawing along the intertidal edge resulting from the existing Permit 22534 mitigation. Plantings shall be multi-culm sprigs installed every meter in three rows approximately one meter apart. If after 90 days post-planting there is less than 50% survival the area will be replanted during the next suitable planting period.

Placement of any excavated material not used for Rail Infrastructure Improvements construction may include locations previously used for permit 22534 as well as Suntide DMPA and Southshore Cell C DMPA.

NOTES:

1. Elevations referenced to USACE MLT (NAVD88).
2. Channels shown are excavated from existing ground.
3. All excavations and affected features are anticipated to mimic natural slopes over time.
4. Channel excavation to create approx +/- 0.50 acres of on-site aquatic/wetted edge habitat
5. Channel excavation to enhance hydrology to an approx +/- 1.04 acres of on-site low density high marsh vegetation and;
6. Channel excavation to enhance hydrology to an approx +/- 1.50 acre of higher density high marsh vegetation adjacent to the site between the upland roadway and the landward most channel constructed on-site
7. Demonstration planting has potential to create an approximate +/- 0.5 acres adjacent to the site.
8. Approximate area potentially created, enhanced/or planted is 3.54 acres.
9. Spaces outside construction areas shall be identified by appropriate fencing and mats shall be used for equipment access to the construction areas where appropriate.

PERMITTED PLANS

PURPOSE: RAIL INFRASTRUCTURE IMPROVEMENT

PERMIT: SWG-2009-00647

TITLE: PCCA & SOUTH TEXAS RAIL
 INFRASTRUCTURE IMPROVEMENT

MITIGATION PLAN 2 OF 2



MEMORANDUM

TO: Russel Lenz, PE
TxDOT-CRP District Engineer

DATE: March 23, 2009

FROM: Paul Carangelo
Port of Corpus Christi Authority (PCCA)

ORIGINATING OFFICE:
Corpus Christi District

SUBJECT: Notice of Continuous Activity (NCA)

HIGHWAY: Joe Fulton International Trade Corridor (JFITC) Phase II
CSJ: 0916-35-156
COUNTY: Nueces County
LIMITS: From: 0.7 miles North of Carbon Plant Road
To: 1.9 miles SW of US 181 Frontage Road at Burleson

The following information is being submitted to show that plan development and preparation, utilities adjustment, and construction have continually occurred toward the completion of the Joe Fulton International Trade Corridor (JFITC). JFITC construction has been phased; CSJ 0916-35-046 is Phase I (construct 9.0 miles of new roadway along north side of Corpus Christi Inner Harbor) and CSJ 0916-35-156 is Phase II (re-build and widen approximately 2.5 miles of existing Navigation Boulevard from the PCCA Bulk Materials Facility to east of the Nueces Bay Power Station near the Corpus Christi Grain Elevator and pavement overlay of approximately 6.5 miles of new roadway constructed in Phase I). See Location Map – ATTACHMENT A.

PROJECT HISTORY

This Notice of Continuous Activity (NCA) is for Phase II construction that was covered under the environmental assessment (EA) document prepared under CSJ 0916-35-046. The EA was prepared on July 2001 and the Federal Highway Administration (FHWA) concurred that this project met the criteria for a Finding of No Significant Impact (FONSI) on March 13, 2003. Originally, CSJ 0916-35-046 covered all work (i.e. construction of 11.5 miles of the new roadway and re-build sections, combined), but funding issues caused the project to be phased. Under the Local Transportation Project Advanced Funding Agreement executed by TXDOT on November 3, 2003, TXDOT approved the project being split into phases and the second CSJ 0916-35-156 was cleared under the original CSJ 0916-35-046. This NCA is for Phase II (CSJ 0916-35-156).

There have been no design changes since the March 13, 2003 FONSI determination. The construction of the 9.0 miles of new roadway including 0.5 miles of bridge was let under Phase I in March 4, 2004 and completed in March 2008. The second CSJ is for the construction of 2.5 miles of re-build and widening of a section of roadway included in the original design that was not funded under Phase I, and the construction of 6.5 miles of pavement overlay included in the original design

that was not funded in Phase I. Construction of the pavement overlay was deferred due to funding issues and to allow for additional subsoil settlement. The overlay pavement will be applied to the existing two-course surface sections constructed in Phase I. See Typical and Proposed Sections - ATTACHMENT B.

Construction of Phase II would be funded with \$11,250,000 of American Recovery and Re-Investment Act 2009 federal monies provided by TxDOT and the Metropolitan Planning Organization (MPO) and \$3,750,000 of local funding from the Port of Corpus Christi Authority (PCCA).

Purpose and Need of JFITC

The need to construct the JFITC from I-37 to US 181 was in part risen from safety concerns that heavy truck and port commercial traffic using IH37 and US 181, including the US 181 harbor bridge over the Inner Harbor, required alternative access to the port as well as to provide an emergency bypass route in the event of closure of the US 181 harbor bridge, and for an alternate hurricane evacuation route. The purpose for construction of the JFITC would improve a substandard section of existing roadway, and construct new roadway to lessen the volume of and interaction between heavy truck traffic traveling to the Port of Corpus Christi and other smaller vehicles, to provide access to several hundred acres of Port property on the north side of the Inner harbor, and to accommodate continued growth in intermodal international trade. Phase II is to complete the improvements.

Existing Roadway Configuration (See Location Map – ATTACHMENT A, and Typical and Proposed Sections – ATTACHMENT B)

Currently, the JFITC, ATTACHMENT A, is typically a 2-lane roadway with paved shoulders within the project's limits. Typical travel lanes are 12 feet with 10 foot paved shoulders. The JFITC typical overall pavement width is 44 ft, ATTACHMENT B.

The JFITC typically consists of two 12-ft travel lanes with 10-ft paved shoulders for a typical total pavement width of 44 foot for the approximate 9.0 miles constructed in Phase I. Near the project's Phase I east termini at US 181 near Burleson Street, see ATTACHMENT A, for approximately 0.85 miles the north bound and south bound road way consists of two 12 foot lanes with 10 foot paved shoulders and with a 12 foot turning lane, and from that point to its Phase 1 west termini at IH 37 and Carbon Plant Road the roadway configuration consists of two 12-ft travel lanes with 10-ft paved shoulders. The 2.5 miles of JFITC (formerly Navigation Boulevard) between near the Nueces Bay Power Station to near the PCCA Bulk Terminal that was not funded in Phase I has two 12-foot travel lanes. The Phase II project will rebuild and widen the typical 2.5-mile section to two 12-foot travel lanes with 10 foot paved shoulders, ATTACHMENT B.

LAND USE

The project is located on PCCA owned industrial property within primarily unincorporated areas of Nueces County, Texas and with a small section near its west and east terminus within the city of Corpus Christi limits; all areas are industrial land use. As described in the originally cleared environmental document, an expansion of existing industry and new industrial development along the JFITC has occurred. Expansion of the Vulcan Materials facility on the Viola Turning Basin, expansion at the PCCA Bulk Materials facility, rebuilding of the Nueces Bay Power Station, improvements for several acres of PCCA north bank laydown areas, and improvement to other private facilities are examples. Several new industrial projects are also proposed. Land surrounding the project is a mix of heavy industrial and heavy commercial facilities related to marine cargo handling, rail and

intermodal transportation and shipping, related support service industries, undeveloped industrial land, and dredged material placement areas. Industrial and commercial development of the land surrounding the project is expected to continue. The Corpus Christi Ship Channel Inner Harbor borders the project area to the south and the Nueces River and Nueces Bay borders the project area to the north. See Location Map ATTACHMENT A.

PROJECT LOCATION AND DESCRIPTION

Proposed Roadway Configuration (See Location Map – ATTACHMENT A, and Typical and Proposed Sections – ATTACHMENT B)

The Phase I project east termini is at US 181 near Burleson Street and proceeds approximately 11.5 miles in a westward direction along the north side of the Corpus Christi Inner Harbor near Dredge Material Placement Area 1 then along the alignment of former Navigation Boulevard to near the PCCA Bulk Terminal facility and from that point the project continues westward to its west termini at IH 37 at Carbon Plant Road. Along this section and near the Viola Turning basin the JFITC bridges the Union Pacific railroad returning back to grade through the Suntide area.

JFITC Phase II construction is to complete the re-build and widening of the approximate 2.5 mile section (of the former Navigation Boulevard) from near the Nueces Bay Power Station to near the PCCA Bulk Terminal, and to pavement overlay an approximate 6.5 miles of roadway and associated transitions not constructed in Phase I, due to lack of funding. See Location Map – ATTACHMENT A, and Typical and Proposed Sections – ATTACHMENT B.

PROJECT FUNDING, LETTING, AND ESTIMATED COSTS

The Phase II estimated let date is July 2009. The estimated construction cost is \$15,000,000 and the total project cost is estimated at \$18,388,500.

Construction of Phase II would be funded 75% federal-state and 25% local. \$11,250,000 of American Recovery and Re-Investment Act 2009 federal monies would be provided by TxDOT and the Metropolitan Planning Organization (MPO), and \$3,750,000 of local funding from the Port of Corpus Christi Authority (PCCA). The project is on the MPO TIP that has been submitted on March 12, 2009 for an out-of-cycle update of the 2008-2011 State Transportation Improvement Plan (STIP).

DESIGN

There are no design changes to this project from what was approved in the original EA. The estimated Phase II let date is July 2009.

RIGHT-OF-WAY

All right-of-way acquisition for the Phase I and II JFITC projects have been acquired. Approximately three utility adjustments (pipeline relocation) are in process. The typical right of way is 100-foot but varies up to 120 and 190 foot, see ATTACHMENT B.

ENVIRONMENTAL STATUS

This notice of continuous activity discusses changes to the natural or social environment since the March 13, 2003 document clearance. There has been no change in land use in the project study

area. There are no design changes to this project from what was approved in the original EA. Although the Phase I has already been constructed under CSJ 0916-35-046, all the phased work needs to be discussed in this NCA for continuity.

Air Quality

The project is located in Nueces County that is in an area in attainment of all National Ambient Air Quality Standards (NAAQS); therefore, the transportation conformity rules do not apply. The proposed actions are consistent with the 2008- 2011 STIP.

This project is considered exempt from a Traffic Air Quality Analysis (TAQA) because it is intended to enhance traffic safety and improve traffic flow. The improvements in the rebuild section will enhance traffic flow and reduce air quality impacts. The proposed action would not add capacity to the existing facility. Current and future emissions should continue to follow existing trends not being affected by this project. Due to the nature of this project, further carbon monoxide analysis was not deemed necessary.

The purpose of this project is to construct roadway improvements and associated features to an existing roadway. This project would not result in any meaningful changes in traffic volumes, vehicle mix, location of existing roadways, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative. As such, TxDOT/FHWA have determined that this project would generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special Mobile Source Air Toxic (MSAT) concerns. Consequently, this project is exempt from analysis for MSATs.

Moreover, Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall MSATs to decline significantly over the next 20 years. Even after accounting for a projected 64% increase in VMT, FHWA predicts MSATs will decline in the range of 57 to 87% from a baseline year of 2000 to 2020 based on the current vehicle and fuel regulations in effect. These reductions will reduce the background level of MSATs as well as the possibility of even minor MSAT emission increases from this project.

Archaeological and Historical

No design changes are being proposed as part of this notice of continuous activity. Therefore, all previous coordination is still valid and no additional coordination is required with the Texas Historic Commission.

Water Quality and 303(d)

The proposed project would disturb 5 or more acres of land and is considered a large project by the Texas Commission on Environmental Quality (TCEQ). A Notice of Intent (NOI) would be submitted to TCEQ prior to initiating Phase II construction in compliance with the Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit. The project would comply with all the conditions of the TPDES Construction General Permit. The plans and specifications would include a Stormwater Pollution Prevention Plan (SW3P). The provisions of the SW3P would be implemented during construction.

Storm water runoff from the majority of the project empties via several unnamed drainage ditches into the Corpus Christi Inner Harbor (Segment ID 2484), which is not listed in the 2008 Clean Water Act Section 303(d) threatened or impaired water list. The Corpus Christi Inner Harbor empties into

Corpus Christi Bay (Segment 2481), which is not listed on the 2008 303(d) list. Storm water runoff from about 2 miles of the westernmost portion of the JFITC ultimately drain into Turkey Creek, which ultimately discharges into the Nueces River below the Calallen diversion dam (Segment 2101). The Nueces River eventually flows into Nueces Bay (Segment 2482). Nueces Bay is not listed on the 303(d) list, however, a TMDL and Implementation Plan (IP) has been completed for Nueces Bay for zinc in oyster tissue and the IP does not identify or require any load limitation on any discharges into Nueces Bay and prescribes only natural attenuation and monitoring of zinc in oyster tissue. The project is not within five (5) miles of any threatened or impaired water segment.

Federal Aviation Administration

The Corpus Christi International Airport is located along SH 44, approximately 4.9 miles SE of the west terminus of the proposed project at IH-37 at Carbon Plant Road. Since the proposed project is greater than four miles in distance, notification to the Federal Aviation Administration (FAA) would not be required.

U.S. Army Corps of Engineers

There are U.S. Army Corps of Engineers (USACE) jurisdictional waters or wetlands located within the project's limits. The location and area of these resources are fully described and delineated in the 2001 EA and the project is permitted by the USACE. Permit No. 22534 was issued July 18, 2002 and on November 13, 2007 an extension of time was issued under Permit No. SWG-2007-1176; the SWG-2007-1176 authorization is valid through December 31, 2012. Notification to the USACE is required; however, no jurisdictional area described in the 2001 EA and/or SWG-2007-1176 occurs or would be affected in the Phase II project. Compensatory mitigation for unavoidable impacts was coordinated and included in Permit No. 22534 and the mitigation construction and monitoring completed in Phase I. The TCEQ issued a Water Quality Certification on July 18, 2002, which remains in effect, where applicable; no notification to TCEQ is required. The PCCA is compliant with Executive Order 11990 and has coordinated with the USACE.

Impact on Vegetation and Wildlife/Threatened and Endangered Species

The proposed project is located predominantly in a heavily disturbed industrial area on Port of Corpus Christi Authority owned land in Nueces County and Corpus Christi, TX. Heavy industrial or commercial facilities, port facilities, and undeveloped land are found adjacent to the project's limits. The proposed project would not change existing or future land use or development patterns and is consistent with planning as promulgated by the Port of Corpus Christi and, where applicable, the City of Corpus Christi or Nueces County, TX.

This project falls within the Texas Parks and Wildlife (TPWD) defined Ecological Areas of Texas (1984) as Gulf Coast Prairies and Marshes – Upland Prairies and Woods and within the TPWD defined Vegetation Types of Texas (1984) as Urban. The project site resembles the TPWD description.

Proposed impacts to vegetation have not changed from the originally approved environmental document. Phase II is overlay pavement on the roadway constructed in Phase I and to rebuild a section of existing substandard roadway. All right-of-way has been purchased and approximately 3.0 acres of trees and shrubs, predominantly consisting of mesquite, hackberry, huisache and granjeno, were removed during Phase I. The trees and shrubs ranged from an estimated 4-ft to 15-ft tall and diameter breast heights (dbh) of 4-in to 10-in. No additional trees would require removal during

Phase II. The remaining right-of-way cover consisted of heavily disturbed undeveloped lands or existing industrial use lands with sparse disturbance tolerant or invasive vegetation such as Kleberg bluestem, Guinea grass, Bermuda grass, or bare ground. Approximately 100 acres of disturbed surface cover was removed for construction of Phase I. The Phase II widening of the 2.5 miles section between near the Nueces Bay Power Station and the PCCA Bulk Terminal would convert approximately 6.0 acres of heavily disturbed sparsely vegetated cover to hard cover. Impacts to terrestrial vegetation were described within the previously cleared environmental document. As per the Memorandum of Agreement (MOA) with Texas Parks and Wildlife Department (TPWD), compensatory mitigation was considered for this project and no compensatory mitigation is proposed for this project.

Port authority environmental personnel performed a site visit on March 12, 2009 and conducted surveys for the preferred habitat for all federal and state listed Endangered and Threatened species and State Rare species for Nueces County (Table 2). In addition, a check of the Texas Natural Diversity Database (TXNDD) Mimic program in conjunction with Geographic Information System (GIS) was performed on March 11, 2009 by TxDOT-CRP to determine if any managed areas, endangered species, threatened species, or rare species have previously been identified within a defined radius of the project. A 1.5-mile radius search of the project's limits showed that there were ten elements of occurrence. TxDOT understands that the TXNDD data does not represent presence or absence for a species, but more that the species has been found in a certain habitat. The version date for the TXNDD Mimic GIS database is October 1, 2008. Results for the TXNDD Mimic GIS search are listed in Table 1.

Table 1				
Date Researched	Scientific Name	Common Name	EO ID	State Rank
March 11, 2009	<i>Charadrius alexandrinus</i>	Snowy Plover	8427	S3B
March 11, 2009	<i>Chloris texensis</i>	Texas Windmill-grass	3579	S2
March 11, 2009	<i>Nerodia clarkia</i>	Gulf Saltmarsh Snake	6547 3353	S4 S4
March 11, 2009	<i>Malaclemys terrapin littoralis</i>	Texas Diamondback Terrapin	6412	S3
March 11, 2009	<i>Gopherus berlandieri</i>	Texas Tortoise	5785	S3
March 11, 2009	<i>Rookery</i>	Rookery	5422 5740	SNR SNR
March 11, 2009	<i>Eubalaena glacialis</i>	Black Right Whale	8875	S1
March 11, 2009	<i>Trichechus manatus</i>	West Indian Manatee	6570	S1

A review of species in Table 1 and 2 showed that no potential habitat exists within the project limits for any of the species noted in Table 1 or Table 2. The landscape within the project's limits has been heavy disturbed and altered as a result of construction, maintenance including mowing, and recent development. A project site visit by port authority environmental staff did not identify any of the species listed; however, potential suitable sites may exist on lands outside the project vicinity. The project would not affect these lands or effect any species listed in Table 1 or Table 2.

As cleared in the original environmental document, the shrubs and trees also described above have been removed as part of project CSJ 0916-35-046 in Phase I. In compliance with the Migratory Bird Treaty Act (MBTA) and in order to minimize impacts to nesting birds, vegetation and/or trees with nesting birds were not disturbed from March 1 to September 1 or until all young had fledged. The

time period of March 1 to September 1 is nesting season for migratory birds. No additional trees would require removal during Phase II however, if any are proposed for removal during nesting season, nest surveys would be conducted prior to any tree removal.

While the TXNDD search identified the Snowy Plover and Gulf Saltmarsh Snake within 1.5 miles of the project, no preferred habitat exists within the project although they are known to use landscapes outside the project limits. The project would not effect these two species.

Again, the proposed project is in heavily disturbed industrial areas and will occur within the limits of the existing roadway. Potential habitat around the majority of proposed project is heavily disturbed by heavy industrial and commercial development and related activities and these uses are predicted to continue.

Potential habitat for state and/or federally listed endangered or threatened species and state rare species does not occur within the project's limits. The project would not effect any state or federally listed threatened or endangered species or any state rare species. However, if any of the species listed in Table 2 were identified within the project limits prior to or during construction, additional coordination would be conducted with the TPWD and/or the appropriate federal resource agency with oversight responsibility.

Coastal Management Program

The PCCA and the Texas Department of Transportation has reviewed this proposed action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the regulations of the Coastal Coordination Council, and has determined that the proposed action is consistent with the applicable CMP goals and policies.

Impact on Hazardous Materials or Waste Sites.

A thorough review of public records and a field survey to determine the potential for encountering any known or potential hazardous material in the project area was conducted during the preparation of the previously described and cleared environmental document. The database investigation reviewed the following files for the proposed project location:

- Texas State Superfund List
- Federal Superfund List (National Priority List)
- Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)
- Petroleum Storage Tanks
- Resource Conservation Recovery Information System (RCRIS)
- Emergency Response Notification System (ERNS)
- Leaking Petroleum Storage Tanks (LPST)
- Closed Landfill Inventory

There were no sites found in the project area for the Texas State Superfund, Federal Superfund, CERCLIS, RCRIS, LPST and ERNS databases.

A closed City of Corpus Christi landfill is located at the northeast corner of Carbon Plant Road and Hearn's Ferry Road. The JFITC runs through the closed landfill, but through a section that was not utilized for waste disposal. During planning and preparation of construction of the JFITC, the PCCA performed extensive testing around the closed landfill and determined that their project would not

intrude with the landfill's cap or deposited refuse. The roadway section constructed through the landfill area under CSJ 0916-35-046 was paved in Phase I and is not in Phase II.

Several pipelines are within the project limit. No evidence of releases or contamination exists along any of the pipelines. Three of the pipelines would require removal or adjustment but, if required, all work would be performed during construction of the project. In addition, a gas station is located at the NE corner of McKinzie and I-37 (facility ID 77469) and there are no known releases from this facility.

Based on the above information, the likelihood of encountering contaminated soils or hazardous materials appears minimal. However, if any contamination of hazardous waste(s) is discovered during construction, such waste(s) would be disposed of by the appropriate responsible party in compliance with federal, state and local regulations, including applicable Texas Commission on Environmental Quality (TCEQ) regulations.

Public Involvement/ Limited English Proficiency/ Environmental Justice/ Community Impacts

A proactive public involvement outreach program including public meetings was conducted throughout project planning and during development of the previously described and cleared environmental document. Summary notes from the public outreach and citizen meetings were included in the environmental document. Additional public outreach was conducted in preparation for the JFITC opening ceremony conducted on October 18, 2007, and during the March 10, 2009 Port Commission meeting.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency. The E.O. requires Federal agencies to work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. Failure to ensure that LEP persons can effectively participate in or benefit from Federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Restoration Act of 1987, 42 U.S.C. 2000d and Title VI regulation against national origin discrimination.

"Executive Order (EO) 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" requires each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.

FHWA has identified three fundamental principles of environmental justice:

1. To avoid, minimize or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations;
2. To ensure full and fair participation by all potentially affected communities in the transportation decision-making process;
3. To prevent the denial of, reduction in or significant delay in the receipt of benefits by minority populations and low-income populations."

~~"Disproportionately high and adverse human health or environmental effects are defined by FHWA as adverse effects that:~~

1. Are predominately borne by a minority population and/or a low-income population or
2. Will be suffered by the minority population and/or low-income population and are appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the nonminority population and/or non-low- income population. "

Since the project limits occurs in an industrial area and is not adjacent to or in close proximity to residential communities, there are no indicators that there might be a sign of limited English proficiency. During the original public involvement described above extensive efforts were made to contact the public through invitations to public involvement and notices affording the opportunity for a public hearing. No other populations with limited English proficiency were identified nor were any environmental justice populations identified. These activities are fully documented in the previously described and cleared environmental document.

CONCLUSION

The environmental documentation for this project has been reviewed, and it has been determined that there has been no significant changes to the assessed areas. The FONSI designation remains valid, and further environmental studies are not warranted. If additional information or clarification is needed, please contact Paul Carangelo, Port of Corpus Christi Authority, at (361) 885-6137.

Attachments

Table 2. Federal and State Listed Threatened/Endangered Species, State Listed Rare Species, and Anticipated Impacts – Nueces County

Common Name	USFWS *	TPWD **	Preferred Habitat	Habitat Present	Species Impacted/ Justification
AMPHIBIANS					
Black-spotted Newt (<i>Notophthalmus meridionalis</i>)		T	can be found in wet or sometimes wet areas, such as arroyos, canals, ditches, or even shallow depressions; aestivates in the ground during dry periods; Gulf Coastal Plain south of the San Antonio River	No	No/No preferred habitat present. Project would not effect the species.
Sheep Frog (<i>Hypopachus variolosus</i>)		T	predominantly grassland and savanna; moist sites in arid areas	No	No/No preferred habitat present. Project would not effect the species.
BIRDS					
Arctic Peregrine Falcon (<i>Falco peregrinus tundrius</i>)	DL	T	migrant throughout state from subspecies' far northern breeding range, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.	No	No/No preferred habitat present. Project would not effect the species.
Brown Pelican (<i>Pelecanus occidentalis</i>)	LE-PDL	E	largely coastal and near shore areas, where it roosts and nests on islands and spoil banks	No	No/No preferred habitat present. Project would not effect the species.
Eskimo Curlew (<i>Numerius borealis</i>)	LE	E	historic; nonbreeding: grasslands, pastures, plowed fields, and less frequently, marshes and mudflats	No	No/Last known Texas occurrence in Galveston (1962); no preferred habitat present. Project would not effect the species.
Mountain Plover (<i>Charadrius montanus</i>)			breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous	No	No/No preferred habitat present. Project would not effect the species.
American Peregrine Falcon (<i>Falco peregrinus anatum</i>)	DL	E	year-round resident and local breeder in west Texas, nests in tall cliff eyries; also, migrant across state from more northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands	No	No/No preferred habitat present. Project would not effect the species.

Peregrine Falcon (<i>Falco peregrinus</i>)	DL	E T	both subspecies migrate across the state from more northern breeding areas in US and Canada to winter along coast and farther south; subspecies (<i>F. p. anatum</i>) is also a resident breeder in west Texas; the two subspecies' listing statuses differ, thus the species level shows this dual listing status; because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level; see subspecies for habitat	No	No/No preferred habitat present. Project would not effect the species.
Piping Plover (<i>Charadrius melodus</i>)	L T	T	wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats	No	No/ Although there is margin habitat in the project vicinity, no preferred habitat present in project limits. Project would not effect the species.
Reddish Egret (<i>Egretta rufescens</i>)		T	resident of the Texas Gulf Coast; brackish marshes and shallow salt ponds and tidal flats; nests on ground or in trees or bushes, on dry coastal islands in brushy thickets of yucca and prickly pear	No	No/ Although there is potentially suitable habitat in the project vicinity no preferred habitat present in project area. Project would not effect the species.
Sennett's Hooded Oriole (<i>Icterus cucullatus sennetti</i>)			often builds nests in and of Spanish moss (<i>Tillandsia unioides</i>); feeds on invertebrates, fruit, and nectar; breeding March to August	No	No/No preferred habitat present. Project would not effect the species.
Snowy Plover (<i>Charadrius alexandrinus</i>)			formerly an uncommon breeder in the Panhandle; potential migrant; winter along coast	No	No/ Although there is potentially suitable habitat in the project vicinity no preferred habitat present in project area. Project would not effect the species
Sooty Tern (<i>Sterna fuscata</i>)		T	predominately 'on the wing'; does not dive, but snatches small fish and squid with bill as it flies or hovers over water; breeding April-July	No	No/No preferred habitat present. Project would not effect the species.
Southeastern Snowy Plover (<i>Charadrius alexandrinus tenuirostris</i>)			wintering migrant along the Texas Gulf Coast beaches and bayside mud or salt flats	No	No/ Although there is potentially suitable habitat in the project vicinity no preferred habitat present in project area. Project would not effect the species
Texas Botteri's Sparrow (<i>Aimophila botterii texana</i>)		T	grassland and short-grass plains with scattered bushes or shrubs, sagebrush, mesquite, or yucca; nests on ground of low clump of grasses	No	No/No preferred habitat present. Project would not effect the species.
Western Burrowing Owl (<i>Athene cunicularia hypugaea</i>)			open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows	No	No/No preferred habitat present. Project would not effect the species.
Western Snowy Plover (<i>Charadrius alexandrinus nivosus</i>)			uncommon breeder in the Panhandle; potential migrant; winter along coast	No	No/No preferred habitat present. Project would not effect the species.

White-faced Ibis (<i>Plegadis chihi</i>)		T	prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats	No	No/ Although there is potentially suitable habitat in the project vicinity no preferred habitat present in project area. Project would not effect the species
White-tailed Hawk (<i>Buteo albicaudatus</i>)		T	near coast on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March-May	No	No/No preferred habitat present. Project would not effect the species.
Whooping Crane (<i>Grus americana</i>)	LE	E	potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties	No	No/No preferred habitat present. Project would not effect the species.
Wood Stork (<i>Mycteria americana</i>)		T	forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960	No	No/ Although there is potentially suitable habitat in the project vicinity no preferred habitat present in project area. Project would not effect the species
FISHES					
American Eel (<i>Anguilla rostrata</i>)			coastal waterways below reservoirs to gulf; spawns January to February in ocean, larva move to coastal waters, metamorphose, then females move into freshwater; most aquatic habitats with access to ocean, muddy bottoms, still waters, large streams, lakes; can travel overland in wet areas; males in brackish estuaries; diet varies widely, geographically, and seasonally	No	No/No preferred habitat present. Project would not effect the species.
Opossum Pipefish (<i>Micropis brachyurus</i>)		T	brooding adults found in fresh or low salinity waters and young move or are carried into more saline waters after birth; southern coastal areas	No	No/No preferred habitat present. Project would not effect the species.
Texas Pipefish (<i>Syngnathus affinis</i>)			Corpus Christi Bay; seagrass beds	No	No/No preferred habitat present. Project would not effect the species.
INSECTS					
Manfreda Giant-skipper (<i>Stallingsia maculosus</i>)			most skippers are small and stout-bodied; name derives from fast, erratic flight; at rest most skippers hold front and hind wings at different angles; skipper larvae are smooth, with the head and neck constricted; skipper larvae usually feed inside a leaf shelter and pupate in a cocoon made of leaves fastened together with silk	No	No/No preferred habitat present. Project would not effect the species.
MAMMALS					
Gulf Coast jaguarondi (<i>Herpailurus yagouaroundi cacomitli</i>)	LE	E	Dense thickets/thick brushland	No	No/No preferred habitat present. Project would not effect the species.

Ocelot (<i>Leopardus pardalis</i>)	LE	E	dense chaparral thickets; mesquite-thorn scrub and live oak mottes; avoids open areas; breeds and raises young June-November	No	No/No preferred habitat present. Project would not effect the species.
Maritime Pocket Gopher (<i>Geomys personatus maritimus</i>)			fossorial, in deep sandy soils; feeds mostly from within burrow on roots and other plant parts, especially grasses; ecologically important as prey species and in influencing soils, microtopography, habitat heterogeneity, and plant diversity	No	No/No preferred habitat present. Project would not effect the species.
Plains Spotted Skunk (<i>Spilogale putorius interrupta</i>)			catholic; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie	No	No/No preferred habitat present. Project would not effect the species.
Red wolf (<i>Canis rufus</i>)	LE	E	extirpated; formerly known throughout eastern half of Texas in brushy and forested areas, as well as coastal prairies	No	No/No preferred habitat present. Project would not effect the species.
Southern Yellow Bat (<i>Lasiurus ega</i>)		T	associated with trees, such as palm trees (<i>Sabal mexicana</i>) in Brownsville, which provide them with daytime roosts; insectivorous; breeding in late winter	No	No/No preferred habitat present. Project would not effect the species.
West Indian Manatee (<i>Trichechus manatus</i>)	LE	E	Gulf and bay system; opportunistic, aquatic herbivore	No	No/No preferred habitat present. Project would not effect the species.
White-nosed coati (<i>Nasua narica</i>)		T	woodlands, riparian corridors and canyons; most individuals in Texas probably transients from Mexico; diurnal and crepuscular; very sociable; forages on ground and in trees; omnivorous; may be susceptible to hunting, trapping, and pet trade	No	No/No preferred habitat present. Project would not effect the species.
REPTILES					
Atlantic Hawksbill Sea Turtle (<i>Eretmochelys imbricate</i>)	LE	E	Gulf and bay system	No	No/No preferred habitat present. Project would not effect the species.
Green Sea Turtle (<i>Chelonia mydas</i>)	LT	T	Gulf and bay system	No	No/No preferred habitat present. Project would not effect the species.
Gulf Saltmarsh Snake (<i>Nerodia clarkii</i>)			saline flats, coastal bays, and brackish river mouths	No	No/ Although there is potentially suitable habitat in the project vicinity no preferred habitat present in project area. Project would not effect the species
Indigo Snake (<i>Drymarchon corais</i>)		T	Texas south of the Guadalupe River and Balcones Escarpment; thornbush-chaparral woodlands of south Texas, in particular dense riparian corridors; can do well in suburban and irrigated croplands if not molested or indirectly poisoned; requires moist microhabitats, such as rodent burrows, for shelter	No	No/No preferred habitat present. Project would not effect the species.
Keeled Earless Lizard (<i>Holbrookia propinqua</i>)			coastal dunes, barrier islands, and other sandy areas; eats insects and likely other small invertebrates; eggs laid underground March-September (most May-August)	No	No/No preferred habitat present. Project would not effect the species.

Kemp's Ridley Sea Turtle (<i>Lepidochelys kempii</i>)	LE	E	Gulf and bay system	No	No/No preferred habitat present. Project would not effect the species.
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)	LE	E	Gulf and bay system	No	No/No preferred habitat present. Project would not effect the species.
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	LT	T	Gulf and bay system	No	No/No preferred habitat present. Project would not effect the species.
Spot-tailed Earless Lizard (<i>Holbrookia lacerata</i>)			central and southern Texas and adjacent Mexico; moderately open prairie-brushland; fairly flat areas free of vegetation or other obstructions, including disturbed areas; eats small invertebrates; eggs laid underground	No	No/No preferred habitat present. Project would not effect the species.
Texas Diamondback Terrapin (<i>Malaclemys terrapin littoralis</i>)			coastal marshes, tidal flats, coves, estuaries, and lagoons behind barrier beaches; brackish and salt water; burrows into mud when inactive; may venture into lowlands at high tide	No	No/ Although there is potentially suitable habitat in the project vicinity no preferred habitat present in project area. Project would not effect the species
Texas Horned Lizard (<i>Phrynosoma cornutum</i>)		T	open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September	No	No/No preferred habitat present. Project would not effect the species.
Texas Scarlet Snake (<i>Cemophora coccinea lineri</i>)		T	mixed hardwood scrub on sandy soils; feeds on reptile eggs; semi-fossorial; active April-September	No	No/No preferred habitat present. Project would not effect the species.
Texas Tortoise (<i>Gopherus berlandieri</i>)		T	open brush with a grass understory is preferred; open grass and bare ground are avoided; when inactive occupies shallow depressions at base of bush or cactus, sometimes in underground burrows or under objects; longevity greater than 50 years; active March-November; breeds April-November	No	No/No preferred habitat present. Project would not effect the species.
VASCULAR PLANTS					
Elmendorf's Onion (<i>Allium elmendorffii</i>)			endemic; deep sands derived from Queen City and similar Eocene formations; flowering April-May	No	No/No preferred habitat present. Project would not effect the species.
Lila de los Llanos (<i>Echeandia chandleri</i>)			grasslands and openings in subtropical woodlands and brush on clay soils; common in windblown saline clay on lomas near mouth of Rio Grande; flowering (May?) September-December; fruiting October-December	No	No/No preferred habitat present. Project would not effect the species.
Mexican mud-plantain (<i>Heteranthera mexicana</i>)			aquatic; ditches and ponds; flowering June-August	No	No/No preferred habitat present. Project would not effect the species.
Plains Gumweed (<i>Grindelia oolepis</i>)			endemic; prairies and grasslands on black clay soils of the Gulf Coastal Bend; may occur along railroad rights-of-way and in urban areas; flowering May-December	No	No/No preferred habitat present. Project would not effect the species.

Slender Rush Pea (<i>Hoffmannseggia tenella</i>)	LE	E	endemic; grasslands on heavy clay soils of the coastal plain; flowering April-November	No	No/No preferred habitat present. Project would not effect the species.
South Texas Ambrosia (<i>Ambrosia cheiranthifolia</i>)	LE	E	open prairies and various shrublands on deep clay soils; flowering July-November	No	No/No preferred habitat present. Project would not effect the species.
Texas Windmill Grass (<i>Chloris texensis</i>)			endemic; sandy to sandy loam soils in open to sometimes barren areas in prairies and grasslands, including ditches and roadsides; flowering in fall	No	No/No preferred habitat present. Project would not effect the species
Welder Machaeranthera (<i>Psilactis heterocarpa</i>)			endemic; grasslands and adjacent scrub flats on clay; flowering October-November	No	No/No preferred habitat present. Project would not effect the species.

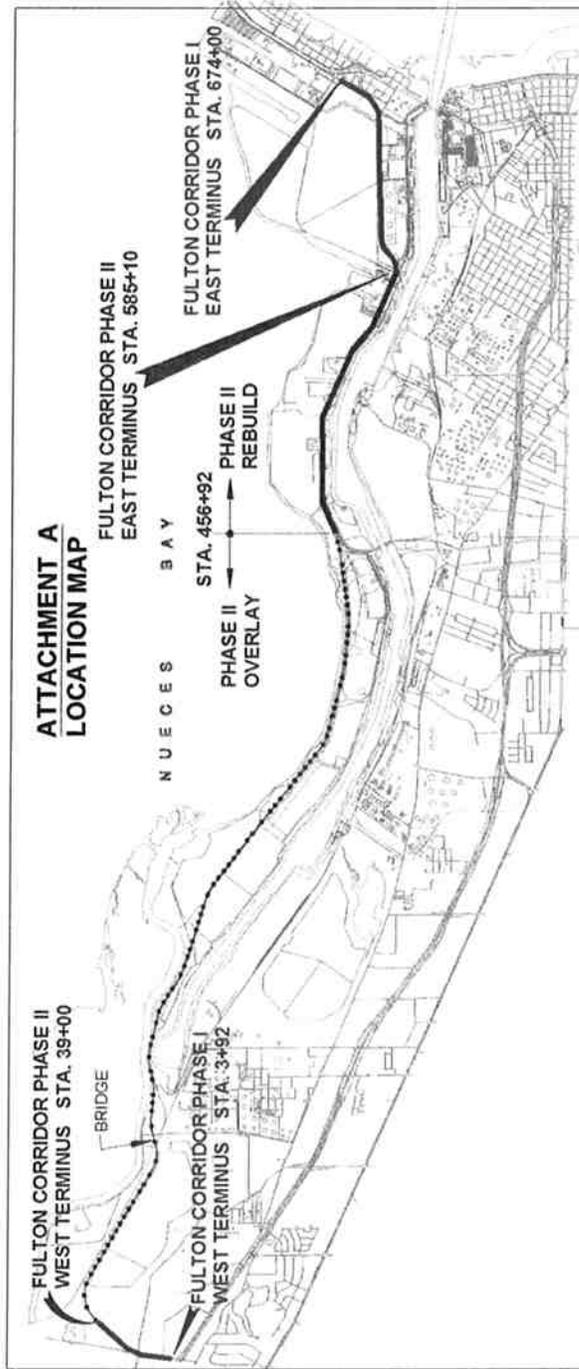
* **U.S. Fish and Wildlife Service/ Endangered Species Act Status Codes**

E = Endangered; T = Threatened; EmE = Emergency Listing, Endangered; EmT = Emergency Listing Threatened; EXPE, XE = Experimental Population, Essential; EXPN, XN = Experimental Population, Non-Essential; SAE, E(S/A) = Similarity of Appearance to an Endangered Taxon; SAT, T(S/A) = Similarity of Appearance to a Threatened Taxon; PE = Proposed Endangered; PT = Proposed Threatened; PEXPE, PXE = Proposed Experimental Population, Essential; PEXPN, PXN = Proposed Experimental Population, Non-Essential; PSAE, PE(S/A) = Proposed Similarity of Appearance to an Endangered Taxon; PSAT, PT(S/A) = Proposed Similarity of Appearance to a Threatened Taxon; C = Candidate Taxon, Ready for Proposal; D3A = Delisted Taxon, Evidently Extinct; D3B = Delisted Taxon, Invalid Name in Current Scientific Opinion; D3C = Delisted Taxon, Recovered; DA = Delisted Taxon, Amendment of the Act; DM = Delisted Taxon, Recovered, Being Monitored First Five Years; DO = Delisted Taxon, Original Commercial Data Erroneous; DP = Delisted Taxon, Discovered Previously Unknown Additional Populations and/or Habitat; DR = Delisted Taxon, Taxonomic Revision (Improved Understanding); AD = Proposed Delisting; AE = Proposed Reclassification to Endangered; AT = Proposed Reclassification to Threatened

** **Texas Parks and Wildlife Department Status Key**

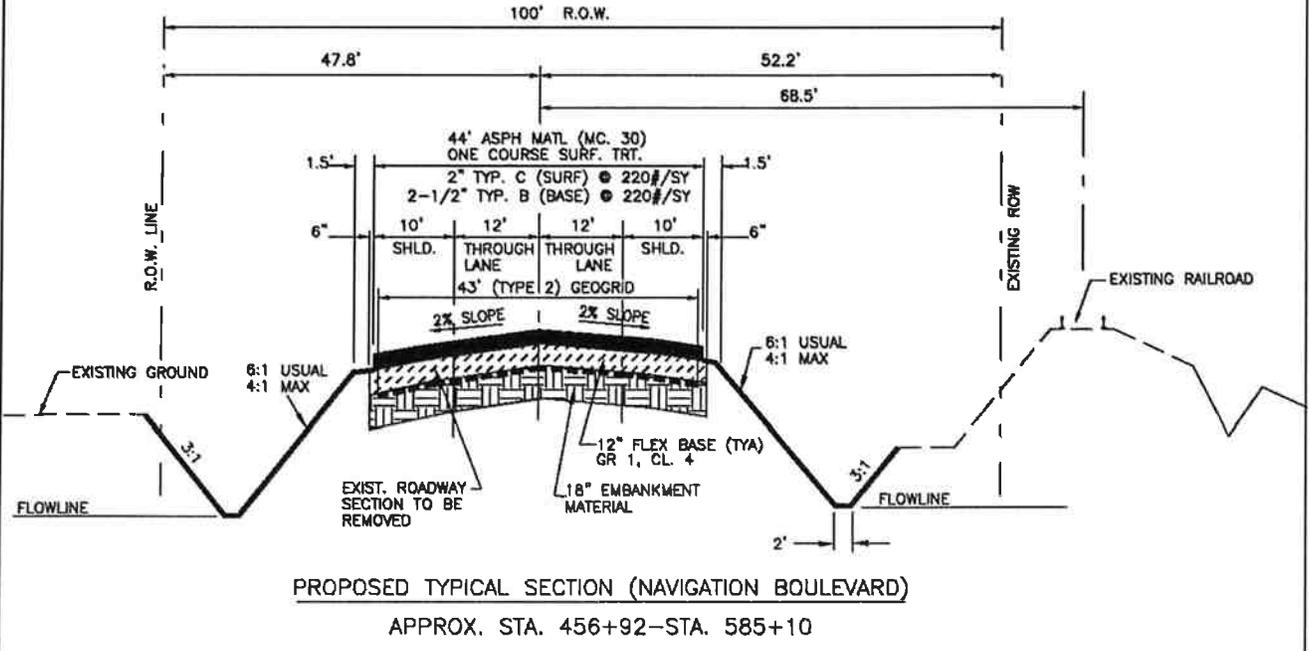
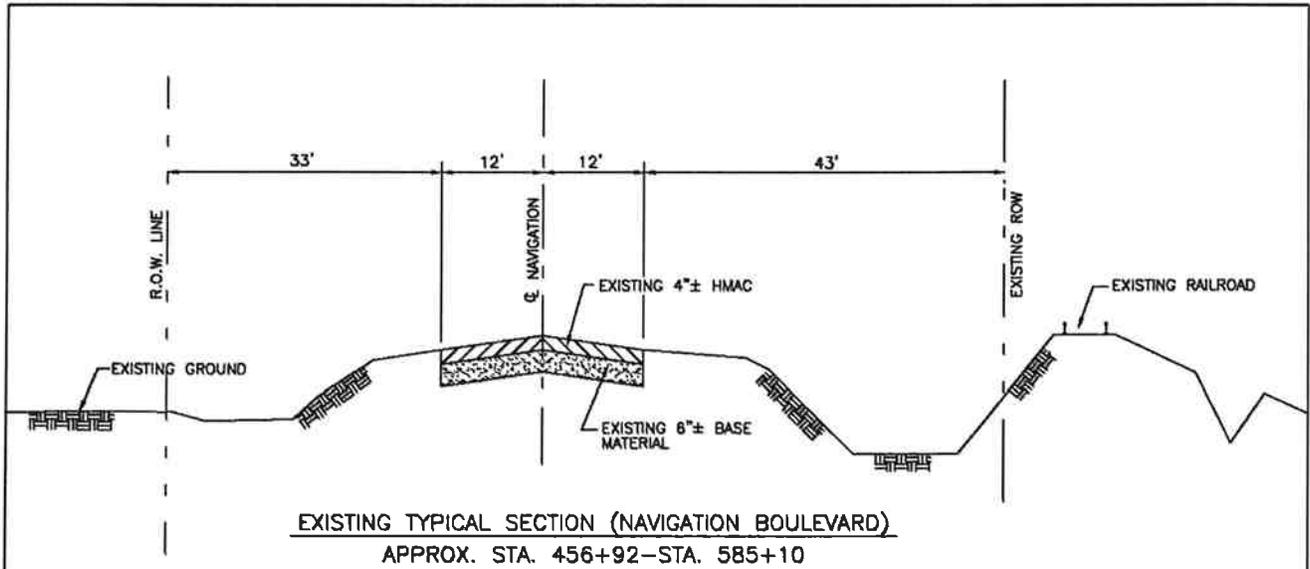
LE, LT = Federally Listed Endangered/Threatened
PE, PT = Federally Proposed Endangered/Threatened
E/SA, T/SA = Federally Listed Endangered/Threatened by Similarity of Appearance
C = Federal Candidate for Listing; formerly Category 1 Candidate
DL, PDL = Federally Delisted/Proposed for Delisting
NL = Not Federally Listed
E, T = State Listed Endangered/Threatened
NT = Not tracked or no longer tracked by the State
[Blank] = Rare, but with no regulatory listing status

Note: Records review of TPWD Annotated County Lists of Rare Species for Nueces County (Last revision dated 3/9/09) performed on March 12, 2009. Records review of USFWS Endangered and Threatened Species List for Nueces County, Texas performed March 12, 2009.



PROJECT LOCATION MAP

HWY JOE FULTON INTERNATIONAL TRADE CORRIDOR
 CSJ 0916-35-156
 COUNTY NUECES
 LIMITS FROM 0.7 MILES NORTH OF IH 37 AT CARBON PLANT ROAD
 TO 1.9 MILES WEST OF US 181 AT BURLESON.



NO.	DATE	REVISION



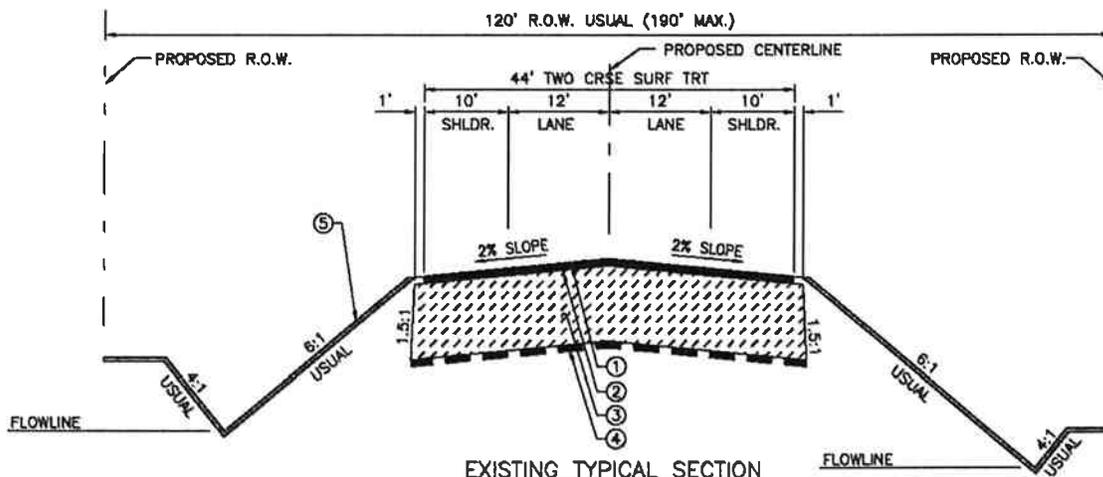
PORT CORPUSCHRISTI

EXISTING AND PROPOSED
REBUILD TYPICAL SECTIONS

SCALE: NONE
DWN. BY: RALPH

ATTACHMENT B

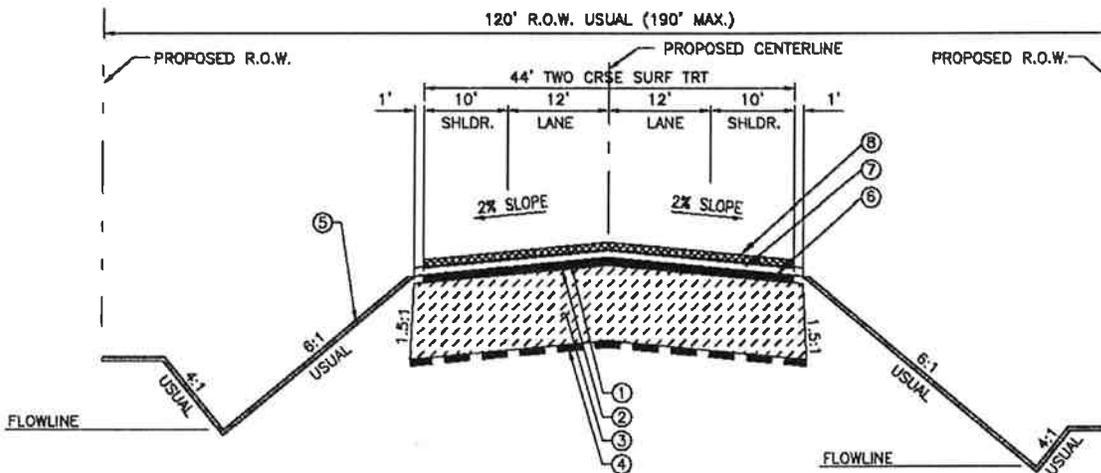
DATE: MARCH 2009



EXISTING TYPICAL SECTION
APPROX. STA. 39+00 - STA. 456+92

- ① EXISTING TWO COURSE SURFACE TREATMENT
EST. AT 488.89 SY/STA
- ② EXISTING APPROX. 0.15 GAL/SY EMUL ASPH. TRT (SS-1 OR AE-P) (APPLIES TO CROWN WIDTH OF FLEX BASE)
- ③ EXISTING APPROX. 18 IN. FLEX BASE (TY A GR 1 CL 4)
EST AT 237.03 CY/STA
- ④ EXISTING 49 FT. (WIDTH) GEOGRID (TY II)
EST AT 544.44 SY/STA
- ⑤ ITEM 160 FURN AND PLAC TPLS (CL 2) (4 IN)
- ⑥ PROPOSED AR BINDER
- ⑦ PROPOSED 2" TYPE B (BASE) @ 220#/sq.ft.
- ⑧ PROPOSED 2-1/2" TYPE C (SURF.) @ 247.5#/sq.ft.

NOTE: ALLOW 1/2 INCH IN DEPTH FOR TWO COURSE SURFACE TREATMENT



PROPOSED TYPICAL OVERLAY SECTION
APPROX. STA. 39+00 - STA. 456+92

NO.	DATE	REVISION



PORTCORPUSCHRISTI

EXISTING AND PROPOSED
OVERLAY TYPICAL SECTIONS

SCALE: NONE

DWN. BY: RALPH

ATTACHMENT B

DATE:

MARCH 2009

cc: CRM

10-21-02
8BW



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8589

October 9, 2002

OCT 15 2002

TEXAS HISTORICAL COMMISSION

Corpus Christi District: Realignment of a portion of the proposed Joe Fulton International Trade Corridor in Nueces County
CSJ: 0196-35-046

Re: Continuation of Section 106 Coordination

Dr. James E. Bruseth
Department of Antiquities Protection
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Post-It® Fax Note	7671	Date	10/28/02	# of pages	5
To	MISSY PERE	From	C. DUNNING		
Co./Dept.	CORPUS CHRISTI, ADV. PL.	Co.	TxDOT/ENV. AF.		
Phone #	(361) 808-2374	Phone #	(512) 416-2646		
Fax #	(361) 808-2407	Fax #	(512) 416-2746		

Dear Dr. Bruseth:

The proposed project will be undertaken with federal funding. In accordance with the Programmatic Agreement (PA) among TxDOT, FHWA, the Advisory Council on Historic Preservation, and the THC, this letter continues Section 106 consultation for the proposed undertaking.

The proposed project is a realignment of a portion of the proposed Joe Fulton International Trade Corridor (ITC) in Corpus Christi. The proposed ITC corridor extends from IH 37 approximately 11.8 miles northwest to US 181. The entire length of the project was examined during an impact evaluation conducted by SWCA on 2/20/2002. The majority of the project area was found to be situated on areas of dredge material, areas of fill, and heavily disturbed areas. Only a portion of project area east of Carbon Plant Road at the northwest portion of the project area was determined to have the potential to contain intact archeological materials. This area was situated to the west, but not within, previously recorded archeological site 41NU281. An archeological survey of this area consisting of pedestrian survey and backhoe trenching was conducted by SWCA on March 25, 2002. No archeological materials were encountered during the survey and SWCA recommended no further work for the project. TxDOT concurred with this recommendation. In a letter to THC dated April 22, 2002, TxDOT forwarded the results of the impact evaluation and survey with the recommendation of no further work for the project. THC concurred with this recommendation on May 9, 2002.

Since this time it has been determined that a portion of the proposed ITC will need to be realigned immediately to the west of Carbon Plant Road. The realignment, which is along the opposite side Carbon Plant Road as the March 2002 survey, will require approximately 5.0 acres of additional right-of-way. The area of realignment is near, but not within two previously recorded sites 41NU231 (mapped 1000 feet to the west on the opposite side of an unnamed drainage) and 41NU281 (located 600 feet to the east of Carbon Plant Road).

On September 16 and 17, 2002, SWCA conducted an archeological survey within the area of the proposed realignment. The survey consisted of walkover, shovel testing, and an examination of cut banks. No trenching was undertaken because of dense vegetation and buried gas lines. No archeological material was found within the area of the realignment.

Because no archeological materials were found within the proposed area of the realignment during this survey or a survey conducted immediately adjacent to this area in March 2002 and because of the disturbed nature of much of this area, it is unlikely that this area contains intact archeological deposits. Therefore, we recommend that no further archeological work be conducted for the proposed project.

We request your concurrence that the proposed project will have no effect on SALs or archeological historic properties within the project area, and that the project may proceed with no further consultation with your office. In the unlikely event that buried archeological materials are discovered during construction, work in the area of discovery shall cease and accidental discovery procedures will be implemented in accordance with the provisions of the PA between TxDOT and the THC.

Thank you for your consideration in this matter. If you have any questions or have need of further information please contact Timothy Meade of the TxDOT Archeological Studies Program at (512) 416-2583.

Sincerely,

Timothy Meade
Timothy Meade
Archeological Studies Program
Environmental Affairs Division

Attachments

cc: Corpus Christi District Office, Attn: Mary Perez

CONCUR
by *[Signature]*
for F. Lawrence Dale
State Historic Preservation Officer
Date *10-17-02*

County of Nueces

Department of Public Works

County Roads and Bridges
Nueces County Airport
Code Enforcement
9*1*1 Addressing Program
Building Maintenance



Glen R. Sullivan, P.E.

Director of Public Works
Nueces County Engineer

RECEIVED

MAY 19 2004

**PORT OF CORPUS CHRISTI
ENGINEERING DEPT**

May 18, 2004

David Michaelson, P.E.
Port of Corpus Christi
Engineering Department
222 Power St. P.O. Box 1541
Corpus Christi, TX 78403

RE: Joe Fulton Corridor – Floodplain Development Permit

Dear Mr. Michaelson,

Attached is your original Floodplain Permit approved by Nueces County.

If you have any questions please contact me at (361) 888-0490.

Sincerely,

A handwritten signature in cursive script that reads "Bert Perez".

Bert Perez E.I.T.
Nueces County
Department of Public Works

APPLICATION FOR
FLOODPLAIN DEVELOPMENT
PERMIT
NUECES COUNTY, TEXAS

Date MAY 17, 2004

Permit Number F2401PCCA

Owner	
Name:	PORT OF CORPUS CHRISTI AUTHORITY
Address:	1305 NORTH SHORELINE BLVD.
City:	CORPUS CHRISTI, Texas Zip Code: 78401
Home Telephone:	(361) 882-5633
Message Telephone:	(361) 881-5163

Contractor	
Contact Name:	TO BE DETERMINED AFTER BID
Company Name:	
Local Address:	
Local Telephone: ()	Pager: ()
Permanent Address:	
City:	State: Zip Code:
Years in Business:	
Permanent Telephone: ()	

Site	
Legal Description:	Subdivision: NA
Block:	Lot(s):
Address:	JOE FULTON INTERNATIONAL CORRIDOR
Physical Location:	CORPUS CHRISTI/NUECES COUNTY-PORT OF CORPUS CHRISTI
Ground Elevation:	10 FT. (MINIMUM), POST CONSTRUCTION

Page 2

Permit Number: F2401 PCCADate: MAY 17, 2004

Type of Development

New Repair Remodel Addition Fill Other ROAD
 Residential Non-Residential (Specify) _____ Other RAIL
 Home Manufactured Home Storage Shed

Commercial (Name & Type) _____

Type of Foundation (specify) _____

Brief Description of Work

1. APPROX. 11.8 MI. ROAD FROM IH 37 TO US 181
2. APPROX. 6.0 MI. RAIL FROM WEST SIDE OF INNER HARBOR TO EXISTING LINE NEAR SUNTIDE DMPA
3. FILL IN VARIOUS AREAS TO ACHIEVE DESIRED ELEVATION FOR ROAD AND RAIL BEDS.

COSTS

Land Improvements Cost: _____

Structural Improvements Cost: _____

Total Improvement Cost: \$49.4 MILLION

Appraised Land Value (before) _____

Year Appraisal Conducted _____

Existing Structure Market Value: _____

TIME FRAME

Date to begin construction: APRIL 2004

Date for foundation to be completed: NA

Estimated date of completion: 2007

ATTACHMENTS

- 8x10 copy of flood map Septic system permit
 Site plans with elevations (Topo) Ground well water supply permit
 Foundation plans with elevations
 Location Map

Page 3

Permit Number F 2401 PCCA

Date MAY 17, 2004

The described property:

PROJECT AS DESCRIBED IN THE ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED
JOE FULTON INTERNATIONAL TRADE CORRIDOR. ROUTE INDICATED ON ATTACHED
MAP.

_____ is located within Flood Zone
A _____ with a base flood elevation of 10.0 feet.

DISCLAIMER

THE FLOOD HAZARD BOUNDARY MAPS AND OTHER FLOOD DATA USED BY THE NUECES COUNTY ADMINISTRATOR IN EVALUATING FLOOD HAZARD TO PROPOSED DEVELOPMENTS ARE CONSIDERED REASONABLE AND ACCURATE FOR REGULATOR PURPOSES AND ARE BASED ON THE BEST AVAILABLE SCIENTIFIC AND ENGINEERING DATA. ON RARE OCCASION GREATER FLOOD CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THE DEVELOPMENT STANDARDS REQUIRED BY NUECES COUNTY FLOODPLAIN MANAGEMENT REGULATIONS ARE THE MINIMUM STANDARD DEEMED NECESSARY TO MINIMIZE OR ELIMINATE FLOOD DAMAGE, BUT RELIANCE ON THESE MINIMUM STANDARDS SHALL NOT CREATE LIABILITY ON THE PART OF NUECES COUNTY, NUECES COUNTY FLOODPLAIN ADMINISTRATOR OR ANY OTHER OFFICER OR EMPLOYMENT OF THE COUNTY OF NUECES IN THE EVENT FLOODING OR FLOOD DAMAGE OCCURS.

I, the undersigned applicant, agree to construct my development in strict compliance with the Flood Damage Prevention Ordinance of Nueces County and specified conditions. I also agree to submit an Elevation Certificate certified by a licensed surveyor before the initiation of the proposed construction.



Signature of Applicant-Owner

11-13-03

Date

UTILITY CONNECTIONS

Final connections of utility services shall not be made until after the County Engineer has approved the building or structure to be in compliance with the Flood Control Ordinance of Nueces County. All utility companies servicing customers within the County of Nueces shall be apprised of this order and specifically this requirement.

APPROVAL

The proposed new roadway construction is approved within the FEMA Floodplain.

A handwritten signature in black ink, appearing to read 'G.R. Sullivan', written over a horizontal line.

Glen R. Sullivan, P.E.
Director of Public Works

Note: Notify Nueces County Department of Public Works, Bert Perez, at least forty-eight (48) hours in advance of construction. The "Development Permit" must be kept on the jobsite.

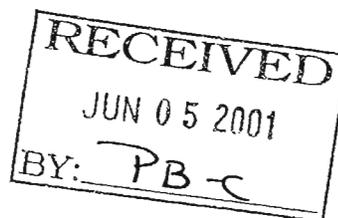


SHINER MOSELEY AND ASSOCIATES, INC.

June 4, 2000

J90050

Ms. Patricia Bacak-Clements
USFWS Ecological Services Office
TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412



**RE: JOE FULTON INTERNATIONAL TRADE CORRIDOR
PIPING PLOVER SURVEY RESULTS IN THE PROJECT AREA
CONCURRENCE WITH FINDING OF NO EFFECT**

Dear Ms Bacak-Clements:

On November 3, 2000, Ms. Lynnda Kahn and myself met with you to discuss the project and the results of a piping plover survey that was conducted in the project area. At that meeting we provided the results of the piping plover survey and graphic depictions of the survey areas along with information specifically requested in USFWS letter of September 22, 2000. We summarized the results of the survey and our discussion in our letter of November 7, 2000.

During the meeting on November 3, we delivered two copies of the design schematic drawing for the proposed project. One drawing showed the piping plover survey areas as designated in the Ecoservice report of May 2, 2000 that we provided to you. We also provided copies of project materials that described the analysis process used in our environmental assessment to evaluate a number of potential routes for the proposed road and rail corridor. The materials we provided included a Port of Corpus Christi Authority memo that described the areas identified as potential sites for future development.

The areas of concern relative to potential piping plover habitat (designated Sites 4 and 5 in the Ecoservice report) are at the western end of the project area, just north of the Suntide Dredge Material Placement Area (DMPA) and the existing railroad track. As the evaluation materials showed, some of the alternative routes lie north of the railroad track and some lie south. For a number of reasons – most significantly roadway length, engineering challenges, potential wetland impacts and the location of high bluffs – a route lying south of the railroad tracks appears to have significant advantages. In fact, the route identified as the preferred alternative in the Draft Environmental Assessment does lie south of the railroad track and, if that route is adopted, the new roadway would cross the railroad track at the far east end of Survey Site 4.

The piping plover survey was completed in accordance with current USFWS rules. The Ecoservice report concluded that Survey Sites 4 and 5 contained habitat suitable for piping plovers and recommended that that area be avoided if possible. Your letter of September 22, 2000 stated “In the absence of [documentation identifying the location of a selected alignment] the Service cannot, at this time, concur with an assessment of “no effect” to piping plovers or their habitat. The Service does concur with the assessment by Dr. Chaney [Ecoservice] that a route that does not enter Site 5 and the western part of Site 4 would avoid direct impacts to piping plover habitat”.

Ms. Patricia Bacak-Clements
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Your letter also requested information on direct and secondary impacts to Sites 4 and 5 and we provided that information in the meeting and our follow up letter. To reiterate, if the project is constructed south of the railroad track there will be no impact to Site 5 since the road would be separated from Site 5 by the existing raised rail bed and the existing drainage ditch. The situation is similar for Site 4 except for the far east end. At that point the proposed road would be elevated to cross over the railroad track via a bridge that would begin inside the current boundary of the Suntide DMPA and end beyond Site 4. That end of Site 4 has been identified as a wetland area (impacts there are being assessed separately) and appears not to be suitable for piping plover use. In any case, the elevated rail crossing would avoid filling in that area and other than certain construction impacts would have little effect on the habitat. Best management practices would be employed during construction to minimize adverse impacts in the area. No future development is anticipated in the vicinity of Sites 4 and 5. The areas identified by the Port Authority for future development lie to the east of those sites, adjacent to the Inner Harbor.

Our assessment is that if the proposed road was to be built on the south side of the railroad track so as to avoid piping plover Survey Sites 4 and 5, as described above, then the project would have no direct or secondary impact on potential piping plover habitat. If the Service concurs with this assessment, we ask that you sign and date this letter in the space provided and return it to us at your earliest convenience.

If you have any have any questions on this request, please let us know as soon as practicable. Thank you for your assistance in this matter.

Sincerely,

SHINER MOSELEY AND ASSOCIATES, INC.



Capt. Thomas B. Rodino (USCG – retired)
Senior Maritime Consultant

cc: Dave Michaelsen, PCCA
Lynnda Kahn

NOT LIKELY TO ADVERSELY AFFECT FINDING
 Based on our review of the project activity as proposed, it is not likely that federally listed species or other important fish and wildlife resources will be adversely impacted. Modification of project activities would require consultation re-issuance.

Date: 11 June 2001
 Consultant # 2-11-01-I-109

U.S. DEPARTMENT OF THE INTERIOR
 FISH AND WILDLIFE SERVICE
 ECOLOGICAL SERVICES OFFICE - CONROUSE CRIBS
 U.S. Fish and Wildlife Service, Corpus Christi, TX



Name: Allan M. Strand

Title: Acting Field Supervisor

Date: 11 June 2001