

US EPA ARCHIVE DOCUMENT



In Reply Refer To:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Coastal Ecological Services Field Office
TAMU-CC, Unit 5837, 6300 Ocean Drive
Corpus Christi, Texas 78412
361/994-9005/ (Fax) 361/994-8262



May 15, 2014

Alfred Dumauual
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Consultation No. 02ETCC00-2013-I-0172

Dear Mr. Dumauual:

Thank you for the Environmental Protection Agency's (EPA) request for informal consultation and Biological Assessment (BA) on the issuance of a Green House Gas (GHG) Prevention of Significant Deterioration (PSD) Permit for the Flint Hills Resources Corpus Christi, LLC (FHR) West Refinery Facility, Corpus Christi, Nueces County, Texas. The U.S. Fish and Wildlife Service (Service) does not consult on greenhouse gases, however, will consult on construction activities of the proposed project.

Flint Hill Resources Corpus Christi, LLC (FHR) proposes to modify its existing West Refinery facility that includes construction of new emissions units and modification of exiting units to increase the refinery's crude oil processing capabilities located approximately 8 miles northwest of downtown Corpus Christi, Texas. With the exception of the parking area to be constructed south of the main refinery operations, all the proposed modifications will occur within the existing fence line of the refinery and within the existing equipment, operations, and maintenance areas of the existing facility. Modifications will not require any external linear facilities such as pipelines or power lines.

The proposed parking area to the south of the main refinery operations area will be a one-time occurrence and will be constructed with conventional techniques and equipment. Land-shaping will be minimal due to the existing flat terrain. Noise associated with construction of the parking area is not expected to be discernible from other types of traffic-related noise in the area.

EPA has determined the issuance of the proposed permit to FHR for the expansion of their existing facility will have no effect on the red wolf (*Canis rufus*), jaguarundi (*Hepailurus yagouaroundi*), ocelot (*Leopardus pardalis*), piping plover (*Charadrius melodus*), northern aplomado falcon (*Falco femoralis septentrionalis*), eskimo curlew (*Numenius borealis*), sender rush-pea (*Hoffmannseggia*

Mr. Dumaul

tenella), and South Texas ambrosia (*Ambrosia cheiranthifolia*) because of lack of habitat and are not present in the project area. The Service does not provide concurrences on "no effect" determinations.

EPA has determined the whooping crane (*Grus americana*) may migrate through the action area and the West Indian manatee (*Trichechus manatus*) may be a transient through the area. EPA has also determined the green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*) may be present at the Viola Turning Basin and may occur near Outfall 001. Therefore, EPA has determined that the issuance of the PSD permit "may affect, but is not likely to adversely affect" the species. The following conservation measures will be implemented to avoid and minimize potential affects:

1. For the whooping crane, equipment and construction crane height will be reduced, if practicable when that equipment is not in use and all equipment above 50 feet tall marked, including construction cranes, with flagging and/or lighting at their maximum height. The Service's standard recommendation is to lower any equipment that is 15 feet or higher or marked but because most of the existing equipment at the existing facility is usually taller than the construction equipment 50 feet is acceptable in this case.
2. For the manatee, and five sea turtle species wastewater discharge associated with the project will be within permitted limits and meet the water quality standards and chemical load threshold.

Based on the following conservation measures being implemented and the rare possibility of occurrence of these two species on site, the Service concurs with EPA's determination of "may affect, but is not likely to adversely affect" and that effects would be discountable or insignificant.

Sincerely,


for Edith Erling
Field Supervisor