



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2020-00361

Date Issued: 27 July 2023

Comments

Due: 28 August 2023

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## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**PURPOSE OF PUBLIC NOTICE:** To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

**AUTHORITY:** This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** American Electric Power (AEP)  
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Dallas, Texas 75230  
POC: Ms. Teresa Trotman  
Telephone: 214-244-6660  
Email: [ttrotman@aep.com](mailto:ttrotman@aep.com)

**AGENT:** SWCA Environmental Consultants  
4949 North Loop 1604, Suite 235  
San Antonio, Texas 78249  
POC: Ms. Crystal Allgood  
Telephone 210-361-0756  
Email: [CAllgood@swca.com](mailto:CAllgood@swca.com)

**LOCATION:** The project site is located in the Laguna Madre, immediately southeast of the Naval Air Station main gate, and extending southeast across the Laguna Madre approximately 5.1 miles to a point just west of State Highway (SH) 361 on Padre Island where it turns southwest and parallels SH 361 approximately 2.5 miles to Park Road (PR) 22, then parallels PR 22 approximately 1.2 miles until it terminates at the applicant's Padre Island substation located off of PR 22 just south of Whitecap Boulevard, in Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: Oso Creek NE and Crane Islands NW, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Start: Latitude: 27.679124° North; Longitude: 97.271311° West

End: Latitude: 27.600025° North; Longitude: 97.221672° West

**PROJECT DESCRIPTION:** The applicant proposes construction work needed to remove decommissioned transmission line (T-line) structures within the Laguna Madre. A total of 38 H-frame structures (36 in-water, 1 on a dredge island, and 1 in adjacent estuarine wetlands) would be removed. Airboats with booms would be used to de-clip the old T-line wires which would then be pulled out under tension, rolling the old wire up on split reels. Airboats would surround the end of the wire to guide and prevent the public from entering the area during pulling. Once the wire is completely removed then work would begin to take out the old structures utilizing the following method:

Turbidity curtains would be installed around both of the in-water concrete pilings to keep suspended sediments generated from the removal process from dispersing away from the site. At each structure the arms, x-braces, and poles would be taken down using the crane and loaded onto an air barge that would take the old structure components to the western exit/entry point for offloading at the project staging area. All components would be disassembled whole and not cut up in order to avoid wood shavings/debris from entering into the water. Once the above-water structure components are removed, an excavator mounted on an air barge would be used to dig around the pilings to a minimum of 5.5 feet below the seabed surface within a 10-foot-diameter around the piling. Excavation would be done around one piling at a time. When the proper depth below the seabed is reached, the crawler crane would place a shear around the pilings and cut them off at the base of the excavated hole. The excavated soils would be placed within the turbidity curtain on the adjacent piling. If sufficient room is not available between pilings and the surrounding turbidity curtain, then excavated soils would be temporarily held on the air barge deck until the piling can be cut. Once the old pilings have been cut and removed, the hole would be backfilled with the excavated soils and smoothed out to match the original contours. The excavated soils would be placed in an area of disturbance, thus no additional disturbance beyond the 10-foot-diameter around each concrete structure is anticipated. The removal process for each structure is expected to take approximately three days to complete. The process to remove the old structures and pilings would be repeated at each location, moving across the bay. The turbidity curtains would be left in place for 48-hours after the removal process is complete to allow sediments to settle and not be dispersed.

The structures on either side of the GIWW would be removed in the same process. The piling protection around the old structure would also be removed. The soils would be excavated in the same manner as the old H-frame structures, with each piling cut by hand. Trench boxes would be placed around the pilings after excavation of soils and a diver would be placed within the trench box to cut the pilings. The cut pilings would be removed and placed on air boats. After the diver has finished and exited the trench box, the box would be removed, and the hole backfilled with the excavated soils. Upon completion of the removal of the derelict structures, the crane would transition from the floating barges to the existing matting used in the construction of the new line. The crane would remove the barges from the water and place them on the mats to be trucked offsite. The crane

would then be disassembled and removed from site. All the matting on North Padre Island side and the staging area would be removed and the area returned to the existing contours. The removal process would utilize the same Best Management Practices and special conductions implemented during the construction of the new line.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by utilization of Best Management Practices such as turbidity curtains around each structure removal site, working to complete the removal process in one pass across the Laguna Madre, and utilizing routes that avoid existing seagrass beds.

**MITIGATION:** No permanent impacts to aquatic resources are expected; therefore, no mitigation is proposed.

**CURRENT SITE CONDITIONS:** The project crosses the Laguna Madre, through 59.80 acres of tidal waters within the ROW. The Laguna Madre is a shallow, primarily flat bay with an average depth of approximately -3 feet through most of the project area. A few dredged channels with depths greater than -7 feet can be found throughout Laguna Madre and crossing the project ROW, including the federally maintained GIWW. Seagrasses are prevalent within the project ROW as well as several mature stands of black mangrove (*Avicennia germinans*). Also present are manmade islands constructed from material dredged from the GIWW and other channels that have potential use as bird rookeries.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 25 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

#### **OTHER AGENCY AUTHORIZATIONS:**

Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto:401certs@tceq.texas.gov). You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

**NATIONAL REGISTER OF HISTORIC PLACES:** The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The proposed project is of such limited nature and scope that it has no potential to affect historic properties, even if present within the project area.

**THREATENED AND ENDANGERED SPECIES:** Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

**PUBLIC HEARING:** The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this public notice must reach this office on or before **28 August 2023**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2020-00361**, and should be submitted to:

Corpus Christi Field Office  
Regulatory Division, CESWG-RDR  
U.S. Army Corps of Engineers  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
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