



Public Notice

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

Galveston District

Permit Application No: SWG-2022-00432

Date Issued: 16 August 2022

Comments

Due: 16 September 2022

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 404 of the Clean Water Act (CWA).

APPLICANT: CenterPoint Energy Houston Electric
4500 South Shaver, Building D, Room 280
Houston, Texas 77034
POC: Jeffery Dallarosa
Telephone: 713-945-6135
Email: jeffery.dallarosa@centerpointenergy.com

AGENT: BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
POC: Brandon Wieme
Telephone: 713-488-8217
Email: bwieme@bgeinc.com

LOCATION: The project site is located in wetlands near Oyster Creek, at 4346 Farm-to-Market (FM) 523, in Freeport, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: OYSTER CREEK, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.0403° North; **Longitude:** 095.3403° West

PROJECT DESCRIPTION: The applicant proposes to permanently discharge fill into 6.81 acres of palustrine forested (PFO) wetlands and 9.19 acre of palustrine emergent (PEM) wetlands, permanently convert 1.93 acres of PFO wetlands to PEM or palustrine scrub shrub (PSS) wetlands, and temporarily discharge fill into 3.94 acres of PEM wetlands to construct new 138 kV and 345 kV substations. Construction of the substations will also include attendant infrastructure consisting of two stormwater detention ponds and outfalls, and high voltage transmission interconnect lines supported by bi-level concrete poles, double circuit steel poles, and lattice towers. The bi-level concrete poles, double circuit steel poles, and lattice towers will have bases constructed of poured concrete, and these discharge impacts have been incorporated into the totals above.

The applicant stated that the purpose of the project is to construct a new substation facility along existing transmission lines that will provide radial 138 kV service to DOW to improve reliability, support future expansion at DOW Stratton Ridge facility, and support 237.5 MW of new load from projects currently under development, which CenterPoint Energy Houston Electric is required to serve. The proposed project is not water dependent.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the substation layout to avoid and minimize wetland impacts wherever practicable. The applicant has designed construction workspaces to minimize the space necessary to complete the project safely and efficiently, as well as minimize or avoid environmental impacts, while still allowing the project to effectively meet growing electric generation and transmission needs. Where permanent impacts to potential waters of the US within the project area could not be avoided or minimized, the applicant proposes compensatory mitigation for losses of aquatic resources as codified in 33 CFR 332. The applicant's alternatives analysis is included as an attachment in 21 sheets

MITIGATION: The applicant proposed to mitigate for the proposed impacts by purchasing 7.502 physical, 7.112 biological, and 7.123 chemical functional capacity units (FCUs; i.e. credits) from the Danza Del Rio Mitigation Bank (DDRMB), owned and operated by Delta Land Services, LLC (Delta), to offset permanent impacts and conversion of PFO1 wetlands within the project area. FCUs were calculated using Cardno's interim Hydrogeomorphic (iHGM) functional assessment for permanent impacts, and BGE's iHGM assessment for conversion of PFO1 wetlands within the project area. The Halls Bayou Mitigation Bank (HBMB) is pending approval; and therefore, does not currently have PEM credits available for purchase. If HBMB is approved for use and PEM credits are made available prior to the permit decision, the applicant plans to purchase 7.696 physical, 10.633 biological, and 7.521 chemical FCUs to sufficiently offset permanent impacts to PEM wetlands within the project area. If HBMB is not approved prior to a permit decision and/or PEM credits from HBMB are not available, a permittee responsible mitigation (PRM) plan will be developed within the HBMB to sufficiently offset PEM impacts within the project area.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land within the 100-year floodplain of Oyster Creek, which is located approximately 1 mile to the south-southwest of the project site. There are industrial facilities to the north, south, and west of the project site, and undeveloped land to the east. Salt Bayou is approximately 1 mile to the east of the project site, and that area appears to consist of a mix of uplands, PEM wetlands, and estuarine emergent wetlands, according to the National Wetlands Inventory. A total of 15 wetlands were delineated within the 83.4-acre project survey area, which is located within the Austin-Oyster subbasin [U.S. Geologic Service (USGS) hydrologic unit code (HUC) 12040205]. Within these 15 wetlands, 21.77 acres of herbaceous (PEM) wetland and 10.27 acres of palustrine broad-leaved deciduous (PFO1) wetlands, totaling 32.04 acres, were identified. The forested wetlands on the project site are dominated by Chinese tallow (*Triadica sebifera*) and Live oak (*Quercus virginiana*), while the herbaceous wetlands were dominated by Marsh hay cordgrass (*Spartina patens*), Gulf cordgrass (*Spartina spartinae*), and Cherokee sedge (*Carex cherokeensis*).

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 11 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. 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 permit area is likely to contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to investigate for historic properties.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

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 **16 September 2022**. 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-2022-00432**, and should be submitted to:

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DISTRICT ENGINEER
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