



Public Notice

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

Galveston District

Permit Application No: _____ SWG-2021-00163

Date Issued: _____ February 9, 2023

Comments

Due: _____ March 13, 2023

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.

APPLICANT: Port of Corpus Christi Authority
400 Harbor Drive
Corpus Christi, Texas 78401
POC: Sarah Garza
Telephone 361.885.6163
Email: sarah@pocca.com

LOCATION: The project is located in herbaceous wetlands adjacent to McCampbell Slough, between Texas State Highway 35 and Ingleside, San Patricio County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Aransas Pass, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.912112 North; Longitude: -97.206839 West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 111,100 cubic yards of fill material into 13.9 acres of herbaceous wetlands adjacent to McCampbell Slough, a tidal water of the United States. The discharges are associated with construction of an approximate 600 megawatt (MW) photovoltaic (PV) solar panel development on Port of Corpus Christi property. Work includes construction of 10-foot-wide aggregate access routes, rotating solar panels mounted on helical piles, power inverters, and two electric substations in an approximate 1,866-ac area.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided

and minimized the environmental impacts by designing the proposed project in a manner that preserves site hydrology and avoids/minimizes impacts to aquatic resources including installing solar panels on helical pilings without concrete footings to avoid wetland impacts, elevating the rotating solar panels 5 feet above ground level to avoid shading effects, elevating cabling on trays to avoid temporary trenching through wetlands, siting the two substations entirely within uplands, placing approximately 60% of power inverters in uplands reducing wetland impacts to 0.3 acre, configuring site access routes to the minimum necessary to reduce wetland impacts to 13.4 acres, and minimizing constructions sequencing, utilizing construction best management practices (BMPs), and restoring temporary impacts to pre-project conditions. The applicant has provided an alternative analysis and proposes to provide compensatory mitigation for the proposed unavoidable impacts to aquatic resources.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by restoring approximately 29.6 acres of previously degraded wetlands onsite. These areas include unimproved vehicle paths which will be restored to the adjacent wetland elevations to facilitate improved wetland hydrology and vegetation.

CURRENT SITE CONDITIONS: Wetlands constitute approximately 55% of the McCampbell Property. Hydrology within the property is dominated by a large ditch that conveys stormwater from the City of Ingleside and the site itself downstream to the McCampbell Slough and Port Bay. Salt meadow cordgrass (*Spartina spartinae*) dominates the site and is observed in both upland and wetland habitats. Wetlands within the property are highly homogenous with little variation in plant assemblages. The subject wetlands are adjacent to McCampbell Slough.

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 wetland delineation has been completed and was verified by the Corps on February 22, 2021 and August 12, 2022. The applicant's plans are enclosed in 20 sheets.

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

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

OTHER AGENCY AUTHORIZATIONS:

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: 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.

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

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

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

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

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **March 13, 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-2021-00163**, and should be submitted to:

Central Evaluation Branch
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
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DISTRICT ENGINEER
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