



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2017-00321

29 January 2019

1 March 2019

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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: Entergy Texas, Inc.
350 Pine Street
Beaumont, Texas 77701-2437
POC: Andrew Guempel
Telephone: 409-981-2057

AGENT: SWCA Environmental Consultants (SWCA)
10245 West Little York Road, Suite 600
Houston, Texas 77040-2937
POC: Richard Howard
Telephone: 281-617-3217

LOCATION: The project site is located in wetlands adjacent to the Neches River, located approximately 0.9-mile east-southeast of the intersection of United States Highway 69 and Farm-to-Market Road 3514, west of Nederland, in Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Acres, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.99020° North; Longitude: 094.02111° West

PROJECT DESCRIPTION: The applicant proposes to permanently discharge approximately 53,631 cubic yards of fill material into 5.864 acres of palustrine scrub shrub (PSS) wetlands, and 0.496-acre of palustrine emergent (PEM) wetlands. The project proposes to temporarily discharge fill material into 9.894 acres of PEM wetlands but will be restored to preconstruction contours and allowed to re-vegetate after construction is complete. This project will permanently convert 5.799 acres of PSS wetlands to PEM wetlands within a 50-foot perimeter of the substation and within a 225-foot right-of-way (ROW) for power pole placement. These impacts are proposed for the construction of a 4.0-acre electrical substation, a 1,600-linear-foot-long, 225-linear-foot-wide ROW for two overhead transmission lines, and a 1.1-mile-long, 20- to 25-foot-wide access road.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by restricting the road ROW to the minimum distance necessary to construct the road as well as restricting the area proposed to be filled to the minimum area required for the electrical substation. The applicant is also avoiding impacts to Rhodair Gully by constructing a free span bridge across gully.

MITIGATION: The applicant proposes to mitigate for the proposed impacts by purchasing compensatory mitigation credits from the Graham Creek Mitigation Bank (GCMB) and the Pineywoods Mitigation Bank (PMB). The applicant proposes to purchase the credits in the following amounts: 2.4 Functional Capacity Units (FCU's) for the Temporary Storage and Detention of Storage Water (TSSW), 3.0 FCU's to Maintain Plant and Animal Community (MPAC), and 3.6 FCU's for the Removal and Sequestration of Elements and Compounds (RSEC). These FCU's are for forested wetland credits from GCMB to offset impacts to the Chinese tallow tree dominated PSS wetlands. Likewise, 0.4 FCU's of TSSW, 0.4 FCU's of MPAC, and 0.4 FCU's of RSEC credits are proposed to be purchased from PMB to offset impacts to PEM wetlands associated with the Garden Substation.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land surrounded by residential development to the north, south and east, and settling ponds to the west. The Port Arthur Canal runs along the project boundary on the northeast side of the project tract. The project site lies within a well-known low lying area. The dominant wetland vegetation on the project site consists of bushy bluestem (*Andropogon glomeratus*), woodrush flat sedge (*Cyperus enterianus*), sand spike rush (*Eleocharis montevidensis*), lamp rush (*Juncus effuses*) and Chinese tallow (*Triadica sebifera*).

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 15 November 2017. The applicant's plans are enclosed in 22 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The Corps 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 composed of low-lying wetlands with no existing or subsided natural levee landforms and has a low potential for containing cultural deposits that may be eligible for inclusion in the National Register of Historic Places. No cultural resource survey is warranted.

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.

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 **1 March 2019**. 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-2017-00321**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS