



# Public Notice

<b>U.S. Army Corps Of Engineers Galveston District</b>	Permit Application No: _____	SWG-2016-00258
	Date Issued: _____	14 July 2016
	Comments Due: _____	15 August 2016

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**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:** American Electric Power – Texas Central Company  
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Tulsa, Oklahoma 74119-1212  
Telephone: 918-599-2848  
POC: Mr. John Pulay

**AGENT:** American Electric Power  
212 East 6<sup>th</sup> Street  
Tulsa, Oklahoma 74119-1212  
Telephone: 918-599-2441  
POC: Ms. Kelli Boren

**LOCATION:** The project site is located on Joe Fulton International Trade Corridor, adjacent to the Nueces River and approximately 5 miles northeast of the intersection of Interstate Highway 37 and Joe Fulton Corridor, in Corpus Christi, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Corpus Christi, Texas.

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

Latitude: 27.839 North;

Longitude: 97.497 West

**PROJECT DESCRIPTION:** The applicant proposes to construct an electric substation facility to supply customers in the Port of Corpus Christi Industrial Area. The need for the project resulted from industrial development projects within the area requesting more electrical supply than what is currently available for the area. The purpose of the proposed project is to construct a facility that would support the applicant's customers in the Port of Corpus Christi Industrial Area. The applicant chose the proposed site for the facility because of its proximity to existing electrical transmission lines, proximity to customers, and the limited availability of land within the area. The proposed project consists of a 3.6-acre (376-foot by 416-foot) substation pad and a 0.5-acre (180-foot by 110-foot) area where an access road would be constructed. The proposed project would result in the permanent fill of approximately 3.9 acres (20,000 cubic yards) of waters of the U.S., consisting entirely of palustrine emergent wetlands.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized environmental impacts by proposing to construct the facility within an existing industrial area. The proposed facility site is within an area that was created as a dredge material placement area (DMPA), then zoned as a site for industrial development. In addition, the applicant has minimized the footprint of the facility to the greatest extent practicable while meeting the purpose and need for the project. The applicant is proposing to install temporary and permanent stormwater control structures to capture and control the flow of stormwater offsite. The applicant will implement TCEQ approved best management practices for erosion control, sediment control, and post-construction total suspended solids control.

**MITIGATION:** The applicant does intend to mitigate for the proposed impacts; however, the applicant is currently in the process of locating an appropriate mitigation site. Once the applicant has determined where the mitigation will occur, they will prepare a mitigation plan in accordance with the mitigation rule.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land that is adjacent to the Joe Fulton International Trade Corridor. The surrounding area consists of both undeveloped and industrial land uses. The project site is located in a previously utilized DMPA that is confined from the surrounding environment by means of a dike. The DMPA was created during and subsequent to the construction of Viola Channel to the south. The dike surrounding the DMPA was constructed with the intention of confining the dredge material and preventing movement of sediment into local waterways. The placement of these thick clay dikes around the dredge soil placement area also prevents underground flow or escape of water from the site to adjacent areas. The project site consists primarily of herbaceous vegetation. The wetland vegetation consists of salt grass (*Distichlis spicata*), cat-tail (*Typha latifolia*), Carolina wolf-berry, (*Lycium carolinianum*), and morning-glory (*Calystegia sepium*). The subject wetlands are adjacent (i.e. neighboring) to Nueces Bay.

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 8 July 2016. The applicant's plans are enclosed in 4 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 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:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

**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 **15 August 2016**. 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-2016-00258**, and should be submitted to:

Kristie Brink, Project Manager  
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