



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2000-02822

Date Issued: _____

24 July 2024

Comments _____

Due: _____

23 August 2024

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: CenterPoint Energy Houston Electric, LLC
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Houston, Texas 77251
POC: Osiel Saenz
Telephone: 713-207-7802
Email: osiel.saenzjr@centerpointenergy.com

AGENT: HDR Engineering Inc.
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Corpus Christi, Texas 78401
POC: Alexandra Austin
Telephone: 361-696-3307
Email: alexandra.austin@hdrinc.com

LOCATION: The project site is located in the Houston Ship Channel (San Jacinto River), approximately 250 feet north-northeast of Alexander Island, in La Porte, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: La Porte, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.7280781° North; **Longitude:** 095.0295147° West

PROJECT DESCRIPTION: The applicant proposes to permanently discharge a total of 18,085 cubic yards (CY) of fill material within 1.02 acres of the Houston Ship Channel to provide continued serviceability to the existing, previously authorized protective cellular structures associated with an existing transmission tower, to replace two failed protective cellular structures (Cell 2 and Cell 3), and to provide continued protection to the existing transmission tower from future vessel collisions.

Phase 1 of the project was conducted September 2023. The applicant requests to retain the discharge of 1,790 CY of granular fill material, installation of 13,100-square-foot geotextile filter fabric cover, and discharge of 2,600 CY of graded rip rap scour protection within 0.34-acre of the Houston Ship Channel surrounding cellular structures 4, 5, and 6. The scour protection terminates at the same elevation as the original mudline at the point when the structures were permitted in 2014.

Phase 2 includes the construction of the protective island replacing Cells 2 and 3 (failed cells) and placement of fill material surrounding the remaining Cell 1. This phase consists of the discharge of 6,625 CY of higher quality granular fill bedding stone and a cap of 7,070 CY of riprap armor stone within 0.68-acre of the Houston Ship Channel. Access to the project site will be from the Houston Ship Channel with working vessels coming in from the east and/or west. There will be no land-based workspaces.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts due to existing project site conditions, location, and proposed impacts. There are no special aquatic sites, oyster reefs, seagrasses, or special aquatic site vegetation located within the project site. The soft substrate and high turbidity within the Houston Ship Channel does not provide suitable habitat for seagrasses or oysters within the project site.

MITIGATION: No compensatory mitigation is proposed for this project since it is not anticipated to have an adverse impact on the aquatic environment and is part of a much larger industrial waterbody with high levels of turbidity and degraded environmental value.

CURRENT SITE CONDITIONS: An existing, previously authorized transmission tower and four of six protective cellular structures are located within the project site. Two of the permitted protective cellular structures were damaged during Hurricane Harvey and have since been removed from the project site. This portion of Houston Ship Channel consists of estuarine system that contains unconsolidated bottom sediments and is sub-tidally influenced. The Houston Ship Channel is developed and experiences frequent to heavy vessel traffic. The surrounding area is characterized by industrial, commercial, residential, and recreational activities and infrastructure. There are no special aquatic sites, critical habitats, or oysters present within the vicinity of the project site. Area is void of special aquatic vegetation. Project site consists of open water and channel bottom.

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 7 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 of Environmental Quality 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 contacted Texas Commission of Environmental Quality and initiated the Section 401 CWA process, on 15 May 2024. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov or leslie.savage@rrc.state.tx.us. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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 has been so extensively impacted by industrial development that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect 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 **23 August 2024**. 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-2000-02822**, and should be submitted to:

Evaluation Branch
Regulatory Division, CESWG-RDE
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
GALVESTON DISTRICT
CORPS OF ENGINEERS