



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

SWG-2024-00302

24 September 2024

25 October 2024

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## 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:** Entergy Texas, Inc.  
5800 Highway 90 East  
Broussard, Louisiana 70518  
POC: Andrew Guempel  
Telephone: 409-9812507  
Email: [aguempe@entergy.com](mailto:aguempe@entergy.com)

**AGENT:** Power Engineers, Inc.  
85 Northeast Loop 410, Suite 201  
San Antonio, Texas 78216  
POC: Ryan Bayer  
Telephone: 210-951-6422  
Email: [ryan.bayer@powereng.com](mailto:ryan.bayer@powereng.com)

**LOCATION:** The project site is located within palustrine wetlands and associated waters, 0.5 miles south of the Highway 73 and Cambridge Street intersection, Jefferson County, Texas.

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

**Latitude:** 29.872625° North;     **Longitude:** 094.005883° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 344,130 cubic yards (CY) of fill material which would in-turn permanently impact 26.747 acres of palustrine emergent wetland, 23.526 acres of palustrine forested wetland, 1.375 acres of palustrine scrub-shrub wetland, 0.320 acres of drainage ditch, 0.051 acres of stream, and 0.290 acres of an open-water feature. Associated temporary impacts include 3.1 acres of palustrine emergent wetland and 0.003 acres of stream. The overall purpose of the project is for Entergy Texas, Inc. to construct and operate a new 754-megawatt natural gas fired combined cycle combustion turbine (CCCT) facility known as the Legend Power Station. Entergy will construct, own, and operate this facility on an approximately 123.5-acre parcel of newly acquired undeveloped land adjacent to the existing Legend Substation. Additionally, Entergy will construct a new 40-foot-wide sewer utility easement and a 215-foot-wide corridor for a site access road alongside the planned 230-kilovolt (kV) transmission line to connect the CCCT facility to the existing Legend Substation.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that the project has been designed to avoid and minimize adverse effects to aquatic resources to the most practicable extent. Specifically, the project design avoids 28.74 acres of wetland, 0.435 acres of drainage ditch, 1.257 acres of stream, and 0.793 acres of an open-water feature. The alternatives analysis is provided in 18 sheets.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts by utilizing Sabine Lake Mitigation Bank and Sea Breeze Mitigation Bank to purchase 26.74 Palustrine Emergent and Palustrine Scrub-Shrub net functional capacity units (FCUs) and 38.44 Palustrine Forested net FCUs. The mitigation plan is provided in 14 sheets.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land surrounded by industrial development to the east, a housing subdivision to the north, and Taylor Bayou to the south. The project site receives regularly mowing, allowing mainly herbaceous vegetation to grow.

**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 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.

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](mailto: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 was investigated for historic properties, and none were identified as documented in the report titled "Legend Power Project, Jefferson County, Texas", prepared for Entergy Texas, Inc. by Power Engineers, Inc., and dated June 2024. The results of this investigation are currently being coordinated with the Texas State Historic Preservation Officer.

**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.

**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 **25 October 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-2024-00302**, 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  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS