



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2012-00717
	Date Issued: _____	19 December 2012
	Comments Due: _____	21 January 2013

**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.

APPLICANT: Union Pacific Railroad (UPRR)
1400 Douglas Street, STOP 0910
Omaha, Nebraska 68179-1001
POC: Gary Bates
Telephone: 402-544-2282

AGENT: Olsson Associates
2111 South 67th Street
Omaha, Nebraska 68106-2882
POC: Keith Simmons
Telephone: 308-627-3985

LOCATION: The project site is located in wetlands adjacent to Cedar Bayou, east of the UPRR yard, in Mont Belvieu, Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Mont Belvieu, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.87345 North; **Longitude:** -94.908233 West

PROJECT DESCRIPTION: The applicant proposes to place 3,600 cubic yards of fill material into 4.40 acres of wetlands to expand a 0.8-mile section of track. Seven tracks will be included in the expansion. In addition, the applicant proposes to install a 134-foot-long, 36-inch culvert, a 26-foot-long, 24-inch culvert, and to extend 9 existing 12-inch culverts by lengths ranging from 15 to 90 feet.

AVOIDANCE AND MINIMIZATION: The applicant has stated that their project purpose is to add seven storage tracks to the existing yard to meet a need for increased capacity due to an increase in rail traffic at the Mont Belvieu facility. There are no other locations in the immediate vicinity where this project can be constructed to meet the needs. There are restrictions to the north, south, and west of the existing yard. Constructing a new yard was eliminated due to financial considerations associated with constructing new infrastructure, signals and buildings. No other yards were considered due to proximity and needed change-outs. There are no non-wetland sites available within the yard.

MITIGATION: To compensate for impacts to jurisdictional areas, the applicant is proposing to purchase credits from the Gin City Mitigation Bank. This bank is currently under review by the Galveston District and Interagency Review Team and has not yet been approved for use.

CURRENT SITE CONDITIONS: The project site is located on an undeveloped tract of land adjacent to an existing rail yard. Residential and commercial developments exist to the south. The land to the east of the subject site is undeveloped.

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: The project site is not located within the Texas Coastal Zone and, therefore, does not require certification from the Texas Coastal Management 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:

The proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the 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.

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 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 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 **21 January 2013**. 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-2012-00717**, and should be submitted to:

Felicity Dodson
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
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DISTRICT ENGINEER
GALVESTON DISTRICT
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