



# Public Notice

<b>U.S. Army Corps Of Engineers Galveston District</b>	Permit Application No: _____	SWG-1997-02901
	Date Issued: _____	18 August 2009
	Comments Due: _____	18 September 2009

**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.

**AUTHORITY:** This application will be reviewed pursuant to Section 404 of the Clean Water Act.

**APPLICANT:** Harris County Toll Road Authority  
330 Meadowfern Drive  
Houston, Texas 77067-3210  
Telephone: 832-601-7800  
POC: John Tyler, P.E.

**AGENT:** PBS&J  
1250 Wood Branch Park Drive, Suite 300  
Houston, Texas 77079-1213  
Telephone: 281-529-4147  
POC: Casey Hall

**LOCATION:** The project is located between Interstate Highway (IH) 10 and United States Highway (US) 290 in Harris County, Texas. The beginning of the project can be located on the U.S.G.S. quadrangle map titled: Katy, Texas. Approximate Latitude/Longitude Coordinates in NAD 83: Zone 15; Easting: 231,730.78; Northing: 330,077.00.

The terminal end of the project can be located on the U.S.G.S. quadrangle map titled: Warren Lake, Texas. Approximate Latitude/Longitude Coordinates in NAD 83: Zone 15; Easting: 232,892.69; Northing: 232,892.69 (See Exhibit A – Vicinity Map)

**BACKGROUND:** The Grand Parkway Association (GPA) proposes to construct a planned scenic highway that would form a 180-mile circumferential highway around the greater metropolitan area of Harris County. This proposed highway, State Highway 99 (Grand Parkway), would be located approximately 25 to 30 miles outside the downtown Houston area and would serve as the outermost loop around the city of Houston.

The Grand Parkway consists of 11 separate segments of independent utility. The proposed purpose of the Grand Parkway is to relieve congestion and increase mobility on local and regional transportation facilities and to supplement existing roadways for hurricane evacuation.

Segment E, one of 11 segments of the Grand Parkway, would traverse approximately 15 miles between IH 10 and US 290 in Harris County, Texas. The preferred alignment of Segment E was developed to alleviate concerns raised by stakeholders relative to potential impacts to physical and biological resources, as well as potential effects on economic and social factors. The Segment E preferred alignment was selected in June 2003 following a formal public hearing in March 2003. The applicant proposes to construct Segment E as a four-lane controlled access highway within 400 feet of right-of-way (ROW).

A Final Environmental Impact Statement (FEIS) was completed by the FHWA and TxDOT entitled "Final Environmental Impact Statement, Grand Parkway Segment E from Interstate (IH) 10 to United States Highway (US) 290," pursuant to the applicable policies and implementation guidelines of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ). The FEIS was approved by FHWA on 19 November 2007 and a revised Record of Decision (ROD) was signed by the FHWA on 9 June 2009. The ROD and FEIS can be reviewed at <http://www.grandpky.com/segments/e/>. A detailed discussion of the alternatives analysis conducted for the proposed project is included in the FEIS Volume II, Section 2.0, and its supporting documentation.

**PROJECT DESCRIPTION:** In June 2009, the applicant submitted a Department of Army Permit Application for Grand Parkway - Segment E. A total of approximately 45.63 acres of waters of the United States, including wetlands, are identified within the proposed ROW, detention/mitigation basins, and outfall easement areas. In addition, approximately 13.98 acres of isolated wetlands and 0.97 acre of isolated waters were identified within the ROW. The proposed project would impact a total of 37.13 acres (2.10 acres temporary, 35.03 acres permanent) of waters of the U.S., including wetlands. Approximately 8.50 acres of waters of the U.S. including wetlands would be avoided within the proposed ROW, detention/mitigation basins, and outfall easements.

Locations of the waters of the U.S., including wetlands, within the proposed ROW are based on USACE determination D-9032/(01). Proposed impacts would result from construction of the new roadway, bridge and culvert structures, temporary haul roads, detention basins, mitigation basins, and outfall structures.

**NOTES:** This public notice is being issued based on information furnished by the applicant. The vicinity maps, in 4 pages, are attached. The complete plans, in 55 sheets, can be viewed and/or downloaded at: <http://www.swg.usace.army.mil/reg/pn.asp>. Our evaluation will follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

**MITIGATION PLAN:** To compensate for the proposed wetland impacts (45.63 acres), the applicant proposes purchase of credits at the Katy Cypress Wetland Mitigation Bank to mitigate for 23 acres of palustrine emergent wetland impacts and the purchase of credits at the Greens Bayou Wetland Mitigation Bank to mitigate for 0.92 acre of palustrine forested wetland impacts and 21.71 acres of palustrine emergent wetland impacts. A more detailed description of the proposed Compensatory Mitigation Plan can be viewed and/or downloaded at: <http://www.swg.usace.army.mil/reg/pn.asp>

**ENVIRONMENTAL SETTING:** The proposed project consists of primarily undeveloped, vegetated land. Vegetation within the proposed project includes rangeland, farmland, upland forest, palustrine emergent wetlands, palustrine scrub-shrub wetlands, and palustrine forest wetlands.

The Segment E preferred alignment traverses four general soil associations in Harris County, including Clodine-Addicks-Gessner, Katy-Aris associations, Segno-Hockley associations and Wockley-Gessner. Soil mapping units identified within the preferred alignment include Addicks loam, Aris-Gessner complex, Clodine loam, Gessner loam, Hockley fine sandy loam, 1 to 4 percent slopes, Katy fine sandy loam, Wockley fine sandy loam, and waters. Addicks loam, Aris-Gessner complex, Clodine loam, Gessner loam, Katy fine sandy loam, and Wockley fine sandy loam are listed as hydric soils on the Natural Resources Conservation Service *Harris County Hydric Soils List*. Hockley fine sandy loam, 1 to 4 percent slopes mapping unit, is not listed as hydric or as containing hydric inclusions.

Based on a review of Federal Emergency Management Agency Flood Insurance Rate Maps for Harris County, portions of the proposed project are located within the 100-year floodplain. The following watersheds are traversed by the proposed project: Bear Creek, Mason Creek, South Mayde Creek, Langham Creek, and Cypress Creek.

**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.

**WATER QUALITY CERTIFICATION:** 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 U.S. Army Corps of Engineers (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 not 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:

In May 2009, PBS&J archeologists conducted an additional intensive cultural resources survey of the proposed right of way for Segment E. The width of the survey corridor was 122 meters (400 feet), which is consistent with the width of the area of potential effect. Of the total survey corridor, approximately 169 hectares (418 acres) were previously surveyed by PBS&J archeologists between March 2002 and November 2003. Since the March 2002 survey efforts, additional consultations were required as a result of a re-evaluation of the proposed project. When the right-of-entry is acquired for particular parcels for which access is currently denied, archeological survey for these areas will be required as well. Therefore, approximately 191 hectares (472 acres) require a linear intensive archeological survey. This current effort was conducted under Texas Antiquities Permit No. 5274.

The cultural resource survey was conducted based on guidelines set forth by the Houston-PALM as well as available property access. A total of 139 hectares (343.6 acres) were surveyed during the current effort. No cultural resources were encountered during the survey. Due to the absence of cultural materials within the area surveyed and the moderate amount of disturbance across portions of the survey corridor caused by road, drainage, and utility construction, as well as some residential development, it was recommended that construction activities within the surveyed areas be allowed to proceed without further consultation; however, additional archeological work is being completed for those parcels for which right-of-entry was not granted. Additionally, site 41HR796 has been determined eligible for the NRHP. The Texas Historical Commission (THC) concurred with these findings on 25 April 2002, 15 August 2007, and 21 May 2009. Appropriate mitigation measures will be undertaken if the HCTRA determines that avoidance of site 41HR796 is not feasible. In addition, the unsurveyed portion of the alignment will be surveyed and THC concurrence will be received prior to construction. All records generated and photographs taken will be curated at the Texas Archeological Research Laboratory in Austin.

**THREATENED AND ENDANGERED SPECIES:** A Biological Evaluation (BE) was submitted to the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended. On 27 April 2009, USFWS concurred that the proposed project is not likely to adversely affect any federally-listed species. The concurrence was based on review of the FEIS, dated November 2007, and the April 2009 BE.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project is outside of the limits of tidally influenced, coastal waters and would not impact Essential Fish Habitat; therefore, coordination with the National Marine Fisheries Service is not required.

**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:** 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 whether the issues are substantial and should be considered in the permit decision. 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 **18 September 2009**. 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 be submitted to:

Mr. Sam J. Watson  
Regulatory Branch, CESWG-PE-RB  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3083 Phone  
409-766-6301 Fax

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS