



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	23382
	Date Issued: _____	17 September 2004
	Comments Due: _____	18 October 2004

**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. We hope you will participate in this process.

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.

APPLICANT: Texas Department of Transportation
P.O. Box 1386
Houston, Texas 77251-1386
Telephone: 713-802-5200
POC: Lance Olenius

LOCATION: The project is located in East Bay and adjacent wetlands, on the Bolivar peninsula, along SH 87 from the Bolivar Ferry landing to SH 124, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle maps entitled: Galveston, Flake, Caplen, Frozen Point, and High Island, Texas. Approximate UTM Coordinates in NAD 27 (meters) west end: Zone 15; Easting: 327683; Northing: 3249490. Approximate UTM Coordinates in NAD 27 (meters) east end: Zone 15; Easting: 365320; Northing: 3269659.

PROJECT DESCRIPTION: The applicant proposes to conduct maintenance excavation within 29 outfall channels and several roadside ditches along and perpendicular to SH 87. The project will impact 2.98 acres of wetlands and other waters of the U.S., comprised of 2.54 acres within the 29 outfall channels and an additional 0.44 acres within roadside ditches. Of the 2.98 acres of jurisdictional areas, 2.06 acres are emergent wetlands and the remaining 0.92 acres open water. The wetlands impacted include roadside ditches dominated by facultative wetland species to brackish marsh dominated by sea-oxeye daisy (*Borrchia frutescens*), marshhay cordgrass (*Spartina patens*), salt grass (*Distichlis spicata*) and glasswort (*Salicornia virginica*). The proposed typical cross section of the outfall channels is a 6-foot bottom width channel approximately 2 feet in depth with 3:1 slopes.

Work will be accomplished by excavating the channels and ditches from mats when necessary utilizing a backhoe within a 30-foot-wide easement. All excavated material will be hauled to an upland site for placement. The upland placement site has not been identified; however, the applicant will be required to specify placement area(s) and have them approved prior to beginning construction. The applicant has not proposed mitigation for this project and states that they do not believe it is necessary because the project is for maintenance. The project also includes the discharge of 74 cubic yards of fill for the replacement of culverts at Outfall Channel 3. The applicant's plans are enclosed in 10 sheets. More detailed plan and profile project plans in 19 sheets are available on our website at <http://www.swg.usace.army.mil/reg/pn.asp>, or by contacting the project manager listed on page 4 of this notice.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

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: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The U.S. Army Corps of Engineers (Corps) has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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:

Further evaluation and coordination with the SHPO and TXDOT will be required to determine if historic properties are present in the permit 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 320-330, the Regulatory Programs of the Corps of Engineers, 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 of Engineers 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 of Engineers 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 of Engineers 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 October 2004**. 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:

Jeff Hill
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3133 Phone
409-766-3931 Fax

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