



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	23440
	Date Issued: _____	12 October 2004
	Comments Due: _____	12 November 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: Caney Creek Municipal Utility District (MUD)
P.O. Box 512
Stafford, Texas 77497-0512

AGENT: Ensource Corporation
P.O. Box 691005
Houston, Texas 77269-1005
Telephone: 713-896-8309
POC: Ms. Erin Rough

LOCATION: The northernmost portion of the proposed project is located at 8114 FM 457. Driving Instructions: To reach this location from the intersection of FM 521 and FM 457, head south on FM 457 to 8114 FM 457. The project can be located on the U.S.G.S. quadrangle map entitled: Matagorda County, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 243745; Northing: 3186398.

PROJECT DESCRIPTION: The applicant proposes to permanently fill approximately 0.5 acres of emergent wetlands for the creation of a sewage treatment plant and access road. A 10-inch effluent outfall line is proposed to extend less than five feet into the Gulf Intracoastal Waterway (GIWW). The effluent would run from the STA 63+15 (0+25) manhole located on the road right-of-way to the bank of the GIWW above the mean high tide line.

The applicant also proposes to temporarily disturb approximately 13.94 acres of emergent wetlands for the installation of 14.5 miles of 6- to 10-inch PVC sewer line. Restoration will take place immediately upon burial of the pipeline. All contours disturbed by collection line installation activities will be restored to pre-construction contours. Sod and topsoil will be removed and segregated from the work areas and will be replaced after the pipeline has been installed and excavation areas have been backfilled and graded. Areas that are not successfully restored with sod will be seeded with NRCS approved seed mixes. Four canal crossings will be bored. No permanent impacts will be incurred for the bore crossings. Staging areas are located on uplands. The material displaced during boring will be temporarily placed on upland spoil areas. Most of the material will be replaced after the boring is done. Excess material will be moved by truck to an existing offsite storage area (i.e., Blue Water Storage, Caney Creek MUD Storage or Hall St. Storage).

The purpose of the proposed sanitary sewage collection and treatment project is to replace present individual septic systems with a central conventional activated sludge treatment system. Collection lines will be installed in trenches that will be constructed with a backhoe. All collection line installation areas and excavation placement piles will occur within the (1) existing maintained county road right-of-ways and the sewage treatment plant, (2) associated outfall location to the GIWW, and (3) treatment plant access road that will be constructed on the applicants property. Two placement areas on Carancahua Boulevard will be utilized to place material excavated during the boring of four canal crossings as shown on the drawings.

The 22-foot-wide sewage treatment plant access road will be 340 feet long and constructed from Dolphin Way to the plant. A concrete trough outfall will discharge treated effluent from the treatment plant.

A wetland delineation (D-16095) has been submitted to the Corps for verification. The applicant's plans are enclosed in 16 project plan sheets.

Project location map and general development plan in 3 sheets are attached; the remainder of the detailed 16 project sheets are available on the USACE Website at www.swg.usace.army.mil/reg. You may obtain a hardcopy of the project plans upon written request to the Project Manager cited 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:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or 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.

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 **12 November 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:

T. Cheryl Jaynes
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3804 Phone
409-766-3931 Fax

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