



DEPARTMENT OF THE ARMY  
GALVESTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1229  
GALVESTON, TEXAS 77553-1229

## PUBLIC NOTICE

### REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS FEDERALLY AUTHORIZED CIVIL WORKS PROJECT UNDER 33 USC SECTION 408

**REQUEST ID:** 408-SWG-2024-0001, Houston Public Works, Pipeline Installation

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: March 15, 2024

Ends: April 15, 2024

**SUBJECT:** Request for a Section 408 permission to alter the Sims Bayou project, a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project. Written comments are being solicited from anyone having an interest in this proposed alteration. Comments will become part of the USACE administrative record and will be considered in determining whether to approve the proposed alteration. Comments supporting, opposing, or identifying concerns that may be considered by the USACE in its decision process are all welcome. Issuance of this notice does not imply USACE endorsement of the proposed alteration as described.

**REQUESTER:** Houston Public Works

**LOCATION:** Beneath Sims Bayou from Sunbeam Street to East Orem Drive along Martin Luther King Jr. Boulevard.

**NON-FEDERAL SPONSOR:** Harris County Flood Control District

**REQUESTERS PROPOSED ALTERATION:** The proposed project includes the installation of 24-inch waterline along Martin Luther King Blvd, will be comprised mostly of ductile iron pipe except for the section that goes beneath the Sims Bayou, which will be welded spiral wound steel pipe. The pipe will be installed beneath Sims Bayou utilizing two-pass micro tunneling. A 42-inch steel casing will be installed approximately 10-feet below the channel invert using a Micro tunnel Boring Machine. The steel water pipe will then be inserted into the casing with the annular space being fully grouted. A tunnel launching shaft is anticipated to be constructed on the north side of the Bayou while a retrieval shaft will be constructed on the south side of the Bayou with the tunnel. The exact size and shape of the shafts will be determined by the contractor performing the work.

Two access vaults will be constructed at either end of the tunnel that will allow access to the pipe for maintenance without having to excavate. A permanent and temporary construction easement from the Harris County Flood Control District (HCFCD) will be necessary to construct the retrieval shaft and access vault. Acquisition of the easements is currently in process and is expected to be complete in the Spring of 2024.

**AUTHORITY:** The authority to grant permission for a temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408 authorized the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

**LIMITS OF SECTION 408 AUTHORITY:** A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

**EVALUATION FACTORS:** The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1. **Impacts to the Usefulness of the USACE Project Determination.** The review team will determine if the proposed alteration would limit the ability of the federally authorized project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs.

2. **Injurious to the Public Interest Determination.** The review team will determine the probable impacts of the proposed alteration, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation.

3. **Environmental Compliance.** A decision on a Section 408 request is a federal action subject to the National Environmental Policy Act (NEPA) and other applicable federal environmental and cultural resources compliance requirements. Pursuant to NEPA, the review team will review relevant Documentation to comply.

**PUBLIC INVOLVEMENT:** The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the Huston Public Works Pipeline Installation. Comments received within 30 calendar days of this public notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project

Only the specific activities that have the potential to occupy, use, or alter the Sim Bayou Project will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the requesters proposed project. Also note that all comment letters received are subject to release to the public through the Freedom of Information Act (FOIA).

**SUBMITTING COMMENTS:** Written comments, must reference Identification Number 408-SWG-2024-0001 and be submitted to the office listed below on or before the Public Notice Ends. If no comments are received by that date, it will be considered that there are no objections.

SWG 408 Coordinator  
U.S. Army Corps of Engineers, Galveston District  
Operations Division  
2000 Fort Point Road  
Galveston, TX 77550

Email: CESWG-OD-INT-REV@USACE

For archives of Section 408 Public Notices and more information on our Section 408 Program, visit the Galveston District Section 408 webpage at:  
<https://www.swg.usace.army.mil/Media/408-Public-Notices/>

## Attachment 1: Project Vicinity Map and Plans