



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: SWG-2018-00288

Date Issued: 25 April 2024

Comments

Due: 27 May 2024

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

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 (CWA).

APPLICANT: Texas Department of Transportation – Beaumont District
8350 Eastex Freeway
Beaumont, Texas 77708
POC: Martin Gonzalez
Telephone: 409-898-5764
Email: Martin.Gonzalez@txdot.gov

LOCATION: The project site is located over the Sabine River, including adjacent wetlands, on Texas State Highway 63 and Louisiana State Highway 8, in Newton County, Texas and Vernon Parish, Louisiana.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 31.059506° North; **Longitude:** 093.519804° West

PROJECT DESCRIPTION: The Texas Department of Transportation Beaumont District proposes to discharge an estimated 5,319 cubic yards (CY) of fill material which would in-turn permanently impact 13.3 acres of palustrine forested wetland, 0.77 acres of palustrine emergent wetland, 0.15 acres of palustrine scrub-shrub wetland, 0.02 acres of estuarine wetland, and 0.01 acres of perennial stream. Listed temporary impacts include 3.30 acres of perennial stream, 0.04 acres of intermittent stream, and 0.02 acres of ephemeral stream. The applicant is proposing to construct a new Sabine River bridge

crossing in a more stable section of the river approximately 1,510 feet south (downstream) of the existing bridge, which requires realigning approximately 2.6 miles of SH 63. Portions of the existing SH 63 roadway would remain to provide access to adjoining properties, and new cul-de-sacs would be constructed on either side of the river. The existing bridge and the approach roadway segments located between the existing bridge and proposed cul-de-sacs would be removed.

AVOIDANCE AND MINIMIZATION: The applicant has designed the project to minimize impacts to wetlands and other aquatic resources by (1) selecting a route alternative that minimizes the project length and impacts to wetlands and other aquatic resources; (2) minimizing the width of the proposed roadway and Right-of-Way to meet current design standards and the project's purpose and need; and (3) constructing bridges along much of the proposed alignment, which will span wetlands and other waters, allow for unimpeded flow under the bridges, and maximize the potential for wetlands to reestablish after construction is completed. During construction, Best Management Practices will be implemented to minimize erosion and sedimentation and otherwise avoid temporary impacts to waters adjacent to the project area.

MITIGATION: The applicant proposes to compensate for wetland impacts totaling 14.21 acres, by securing mitigation bank credits. Since the wetland impacts would occur in both Texas and Louisiana, the applicant is proposing to secure credits from two mitigation banks: TxDOT's Blue Elbow Swamp Mitigation Bank (BESMB) in Texas and the Phillips Creek Mitigation Bank (PCMB) in Louisiana. The applicants submitted mitigation proposal is included in 3 sheets.

CURRENT SITE CONDITIONS: The project site consists of largely undeveloped tracts of land with existing highway infrastructure to the north. The project site doesn't appear to be regularly maintained and has allowed vegetation to grow relatively uninterrupted. The subject wetlands are adjacent to the Sabine River which also serves as the Texas/Louisiana border.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's project plans are enclosed in 48 sheets and the submitted alternatives analysis is included in 3 sheets.

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 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.

The project site is not located within the Louisiana Coastal Zone and therefore, does not require State of Louisiana Coastal Zone Management Consistency.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review 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. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

Louisiana Department of Environmental Quality (LDEQ) water quality certification is required. Concurrent with processing of this application, the LDEQ is reviewing this application under Section 401 of the Clean Water Act and in accordance with LRS 30:2074A(3) to determine if the work would comply with State water quality standards and other applicable provisions of the Clean Water Act. By virtue of an agreement between the Corps and the LDEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the LDEQ a decision on water quality certification under such act. Comments concerning this application should be filed within 30 days from the date of this notice with the Office of Environmental Services using the above permit application number as reference. Comments should be sent to: Louisiana Department of Environmental Quality, Office of Environmental Services, Attn: Water Quality Certifications, P.O. Box 4313, Baton Rouge, LA 70821-4313. Additional information is on file with LDEQ, and may be inspected at any time between 8:00 A.M. and 4:30 P.M. weekdays. Copies may be obtained upon payment of cost of printing. A final decision on this application will be made within 60 days after the date of this notice. The LDEQ 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.

LEAD FEDERAL AGENCY:

The Federal Highways Administration (FHWA) has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and the Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the FHWA.

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 EIS 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 **27 May 2024**. 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-2018-00288**, and should be submitted to:

Evaluation Branch
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS