



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2023-00112

Date Issued: 14 April 2023

Comments

Due: 16 May 2023

---

## 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  
Houston District  
7600 Washington Avenue  
Houston, Texas 77007  
POC: Ms. Sue Theiss  
Telephone: 713-802-5070  
Email: [sue.theiss@txdot.gov](mailto:sue.theiss@txdot.gov)

**AGENT:** Texas Department of Transportation  
Houston District  
7600 Washington Avenue  
Houston, Texas 77007  
POC: Andrew Leske  
Telephone: 713-802-5885  
Email: [andrew.leske@txdot.gov](mailto:andrew.leske@txdot.gov)

**LOCATION:** The project site is located in wetlands adjacent to and within Carter's Slough, along Interstate 45 and ending at the intersection of Interstate 45 and State Highway (SH) 242, near College Park, in Montgomery County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Tamina, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 30.202817° North; **Longitude:** -95.455061° West

**PROJECT DESCRIPTION:** The applicant proposes to permanently discharge 28 cubic yards of fill material into 0.02 acre (65 linear feet) of Carter's Slough and 1,472 cubic yards of fill material into a total of 0.91 acres, specifically 0.18 acre of palustrine forested Wetland 1 and 0.73 acres of palustrine forested Wetland 2, during the construction, excavation, and regrading of a detention basin and an open channel outfall. The applicant also proposes to permanently discharge 35 cubic yards of fill material into 0.02 acre (18 linear feet) of Carter's Slough for a culvert extension needed to accommodate a right turn lane extension. The permanent discharge is associated with roadway improvements that include a proposed detention basin, open channel outfall, pump station, two dedicated right turn lanes, and an overpass ramp, that are needed to improve drainage and the flow of traffic along the roadway.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized environmental impacts by reducing the footprint of the roadway improvements to the minimum amount necessary to construct and ensure long-term integrity of the structures. The applicant stated the detention pond is designed to utilize all available upland area and the design location has shifted to avoid an additional 0.34 acre of impacts to Wetland 2. The applicant stated the proposed pump station is placed to avoid flooding risk from Carter's Slough. The applicant stated due to elevation changes from the proposed pump station to Carter's Slough, the outfall must connect below the ordinary high-water mark of this waterbody. The proposed outfall is designed to meet Carter's Slough at an angle and grade to eliminate stabilization, such as rip rap, in the channel.

**MITIGATION:** The applicant proposed to mitigate for the proposed wetland impacts by purchasing in-kind wetland credits from Spellbottom mitigation bank. Specifically, the applicant proposes to purchase 1 Functional Credit Unit (FCU) from each category (physical, biological, and chemical) as supported by an SWG Forested Riverine iHGM assessment. The applicant also proposes to purchase 849 stream credits from the Houston Conroe Mitigation Bank for the proposed impacts to Carter's Slough as supported by an SWG Stream Condition Assessment

**CURRENT SITE CONDITIONS:** The project site is a combination of developed land containing commercial development and undeveloped land adjacent to Carter's Slough. The project site is bounded on the north by commercial development and SH 242, on the east by undeveloped land, on the south by commercial development, and on the west by Interstate 45. The applicant has stated that the project will occur within existing maintained TxDOT right of way and on a new tract of right of way that is dominated by mixed pine forest with a shrub understory. In the forested areas, the property was dominated by loblolly pine (*Pinus taeda*), green ash (*Fraxinus pennsylvanica*), southern dewberry (*Rubus trivialis*), bahiagrass (*Paspalum notatum*), and King Ranch bluestem (*Bothriochloa ischaemum*). In wetland areas, the subject property was dominated by cypress swamp sedge (*Carex jorii*), Chinese tallow (*Triadica sebifera*), Savannah panic-grass (*Phanopyrum gymnocarpon*), deeprooted sedge (*Cyperus entrerianus*), and willow oak (*Quercus phellos*).

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 8 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 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](mailto: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>.

**LEAD FEDERAL AGENCY:** The Texas Department of Transportation (TxDOT) is receiving funding from the Federal Highway Administration (FHWA), and TxDOT has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act and the National Historic Preservation Act (NHPA-Section 106). As such, please direct all comments, questions, or concerns regarding these Acts to TxDOT.

TxDOT will handle all NHPA-Section 106 consultation pursuant to the Programmatic Agreement between TXDOT, the Texas State Historic Preservation Officer, FHA, and the Advisory Council on Historic Preservation. TxDOT has determined that threatened and/or endangered species or their critical habitat will be affected by the proposed work.

**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 **16 May 2023**. 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-2023-00112**, and should be submitted to:

North Unit/Evaluation Branch  
Regulatory Division, CESWG-RD-RE  
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