



Public Notice

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

Galveston District

Permit Application No: SWG-2022-00166

Date Issued: 5 January 2023

Comments

Due: 6 February 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Orange County Drainage District
8081 Old Highway 90
Orange, Texas 77630
POC: Don Carona
Telephone: 409-745-3225
Email: dcarona@orangecountydrainage.com

AGENT: LJA Environmental Services, LLC
1507 South IH 35
Austin, Texas 78741
POC: Lee Sherrod
Telephone: 512-431-3562
Email: lsherrod@lja.com

LOCATION: The project site is located in wetlands and waters adjacent to Neches River, in Bridge City, Orange County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Orangefield, Texas.

LATITUDE & LONGITUDE (NAD 83):

Center Point **Latitude:** 30.027212° North; **Longitude:** 093.859633° West

PROJECT DESCRIPTION: The applicant proposes to permanently convert approximately 7.658 acres of estuarine emergent wetlands (EEM), 0.096 acre of palustrine scrub shrub (PSS) wetlands, 0.003 acre of palustrine aquatic bed (PAB3), and 0.039 acre of palustrine forested (PFO) wetlands to open water, and to deepen and widen approximately 8.281 acres of tidal open waters to rehabilitate, improve and extend previously existing drainage conveyances for western portions of Bridge City. In addition, there will be temporary impacts to approximately 4.347 acres of EEM wetlands, 0.119 acre of PSS wetlands, 0.002 acre of PAB3, and 0.875 acres of tidal open waters. All temporarily impacted areas will be restored to pre-construction contours once the project is complete.

The proposed drainage rehabilitation, improvements, and extension will be approximately 15,525 feet in length, 22 feet to 112 feet wide, and at depths ranging from 1.3 feet to 7.5 feet (flowline elevations ranging from +5.94' to -3.50' NAV '88). Approximately 25,842 cubic yards of material will be dredged from tidal open waters, 27,741 cubic yards of material excavated from EEM wetlands, 368 cubic yards excavated from PSS, and 146 cubic yards of material excavated from PFO wetlands to construct the new drainage channel. Approximately 37,200 cubic yards of dredged and/or excavated material will be utilized for marsh creation as part of a permittee responsible compensatory mitigation plan, while approximately 16,900 cubic yards of dredged and/or excavated material will be placed in the designated upland confined disposal area.

The purpose of the project is to restore previous drainage outfalls that existed prior to the beneficial use dredged material placement and marsh restoration in the Bridge City Marsh area, and to do so in a manner that allows the restored drainage outfalls to reach open water beyond the restored marsh with minimal effects to the restored marsh.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the proposed drainage ditch to be the minimum needed to meet the purpose of restoring previous drainage outfalls that existed prior to the beneficial use dredged material placement and marsh restoration in the Bridge City Marsh. The applicant also conducted an alternatives analysis for three possible project designs with the proposed drainage ditch extension selected as the preferred alternative due to 1) the new extension of the Susan Circle Ditch having minimal effects on the marsh; 2) much of the Susan Circle Ditch extension being generally upland, which will accommodate regular ditch maintenance; and 3) this option having much less effect on the overall marsh hydrology and lesser marsh fragmentation making it less impactful on the Bridge City Marsh than the other alternatives considered.

MITIGATION: The applicant proposes to mitigate for permanently converting approximately 7.658 acres of estuarine emergent wetlands (EEM), 0.096 acre of palustrine scrub shrub (PSS) wetlands, 0.003 acre of palustrine aquatic bed (PAB3), and 0.039 acre of palustrine forested (PFO) wetlands to open water by implementing a permittee responsible compensatory mitigation plan that will create 9.25 acres of EEM wetlands. This PRM plan will be a combination of in-kind and out-of-kind compensation for unavoidable impacts to a total of 6.259 acres of waters of the US.

CURRENT SITE CONDITIONS: The project site is near the northern part of an extensive marsh system that abuts the northern portion of Sabine Lake at the junction of the Sabine River and Neches River in a primarily commercial and residential area of Orange County, Texas. It consists of a mix of estuarine and palustrine wetlands, as well as tidal open waters. Typical marsh vegetation on the project site includes a mixture of fresh and brackish water species such as giant cutgrass (*Zizaniopsis mileacea*), bull tongue (*Sagittaria lancifolia*), rice cutgrass (*Leersia orizoides*), seedbox (*Ludwigia peploides*), sedge (*Carex spp.*), cattail (*Typha spp.*), California bulrush (*Schoenoplectus californicus*), pickerel weed (*Pontederia cordata*), saltmeadow cordgrass (*Spartina patens*), giant cane (*Phragmites australis*), and alligatorweed (*Alternanthera philoxeroides*). Giant salvinia (*Salvinia molesta*) and alligatorweed are common in open water canals.

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 plans are enclosed in 36 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:

Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said 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 contacted TCEQ and initiated the Section 401 CWA process, on 25 August 2022. 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>.

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:

The permit area was investigated for historic properties and none were identified as documented in the report titled "Cultural Resources Survey for the Proposed Bridge City Drainage Outfall Restoration Project, Bridge City, Orange County, Texas, prepared for Orange County Drainage District by Horizon Environmental Services, Inc., and dated February 2022." The results of this investigation are currently being coordinated with the Texas State Historic Preservation Officer.

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 320-332, 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 **6 February 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-2022-00166**, and should be submitted to:

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Regulatory Division, CESWG-RDE
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS