



Public Notice

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

Galveston District

Permit Application No: SWG-2023-00249

Date Issued: 13 June 2023

Comments

Due: 17 July 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
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Houston, Texas 77007
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AGENT: Texas Department of Transportation – Houston District
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LOCATION: The project site is located in Luce Bayou and adjacent wetlands, along Farm to Market (FM) 2100, from FM 1960 to Huffman-Cleveland Road, in Harris County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.052611 North; **Longitude:** 095.092355 West

PROJECT DESCRIPTION: The applicant proposes to permanently impact 0.004 acres of Luce Bayou, 65 linear feet of tributaries, and approximately 9.182 acres of wetlands associated with Luce Bayou during construction activities to improve 4.5 miles of FM 2100, from FM 1960 to Huffman-Cleveland Road. Temporary impacts include 1.563 acres of Luce Bayou, 280 feet of drainage ditch, and 0.033 acres of scrub-shrub wetland. The project will result in improvements to existing FM 2100 road for the purposes of mitigating safety deficiencies by providing a median with turn lanes, additional capacity, improved sight distances, and increased floodwater storage to bring the roadway facility to conformance with current safety and floodplain standards and criteria. Impacts to aquatic resources listed result of a placement of bridge bents, grading, culverts, roadway, sidewalks, and detention basins.

AVOIDANCE AND MINIMIZATION: The applicant has stated that the project has been designed to have the minimum impact necessary to meet the purpose of the project, which is to mitigate safety deficiencies by providing a raised median with turn lanes, additional capacity, improved sight distances, and stormwater capacity to bring the roadway and detention basins into conformance with current safety and stormwater capacity standards and criteria.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by purchasing 7.1 forested HGMi credits from the Tarkington Bayou Mitigation Bank.

CURRENT SITE CONDITIONS: The project site is largely an existing developed portion of FM 2100 and immediately adjacent Right-of-way (ROW), including undeveloped portions of wetland and perennial Luce Bayou. Numerous commercial and residential developments are noted near and/or within the existing FM 2100 ROW.

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 25 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 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>.

LEAD FEDERAL AGENCY:

The Texas Department of Transportation (TxDOT), acting as the Federal Highway Administration Pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated 9 December 2019, has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act and the National Historic Preservation Act. As such, please direct all comments, questions, or concerns regarding these Acts to TxDOT.

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 **17 July 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-2023-00249**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS