



Public Notice

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| U.S. Army Corps Of Engineers | Permit Application No: _____ | SWG-2005-01223 |
| | Date Issued: _____ | 17 March 2020 |
| | Comments _____ | |
| Galveston District | Due: _____ | 16 April 2020 |

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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: Texas Department of Transportation-Houston District (TxDOT)
P.O. Box 1386
Houston, Texas 77251-1386
POC: Carrington Wright
Telephone: 713-802-5408
Email: Carrington.wright@txdot.gov

LOCATION: The project site is located in the San Jacinto River, along Interstate Highway (IH) 10, in Houston, Harris County, Texas. The project can be located on the USGS quadrangle map titled: Highlands, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.792608° North; Longitude: 95.061855° West

PROJECT DESCRIPTION: TxDOT proposes to permanently discharge 0.193 acres of fill material in the form of pilings and rip-rap into 338.4 linear feet (LF) of the San Jacinto River, during replacement of damaged dolphin structures and fender systems. The applicant's plans are enclosed in 11 sheets.

Four dolphin structures are to be replaced by the proposed project. The existing damaged dolphin structures would be removed by heavy machinery on barges within the River channel and new dolphin structures would be installed in the same locations. Each proposed structure is 30 LF, for a total of 120 LF of impacts. The acreage of each proposed dolphin structure is 0.015 acre, for a total of 0.060 acre of permanent impacts. The fenders of the proposed dolphin structures are 18-inch-diameter steel coated with a marine-grade epoxy coating. It is undetermined if the pile fenders will be braced with either 18-inch- to 24-inch-diameter braces and timber railroad ties or plastic lumbers (Concept 1) or braced with 24-inch- to 36-inch-diameter bracings with pile fender wraps (Concept 2). Both concepts would include pipe sleeves around the pile and would result in the same amount of permanent impacts to the San Jacinto River.

To repair the navigation fender system, 77 steel pilings would be required. Each piling will be coated with a marine-grade epoxy coating and would measure approximately 1.5 LF, in diameter, and impact 0.00004 acre of the River. Of the 77 fender pilings, 15 pilings would be located within the proposed rip-rap so the linear feet of impacts are only calculated for 64 pilings as the linear feet of impacts of the 15 pilings within the rip-rap are included in the rip-rap linear feet calculations. These pilings would total 96 LF in permanent impacts to 0.003 acre. Approximately 0.130 acre (1,454 cubic yards) of 24-inch stone rip-rap and 3-inch bedding material is to be placed along the proposed east fender, extending for 122.4 LF.

BACKGROUND: The navigation system associated with the IH 10 Bridge at San Jacinto River was damaged during Hurricane Harvey in 2017. The proposed project would replace the damaged dolphin structures and navigation fender system. In addition, rip-rap would be added to protect the navigational fender system and bridge bents from future natural disasters or extreme high-water events. No work to the bridge structure is proposed for this project. All work would be completed within existing right-of-way (ROW). No work is proposed along the banks of the San Jacinto River as the proposed construction techniques would facilitate completion of all work from barges or the bridge structure. No permanent or temporary construction easements are included in the proposed project. The project is considered necessary to increase the safety to ships utilizing the channel and to protect the bridge from impacts.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by the following construction design techniques:

TxDOT proposes to complete the project via barge or from the bridge structure, thereby avoiding any impacts to the banks of the San Jacinto River or three Section 404 wetlands within the project ROW. The proposed project would install a similar sized fender system and dolphin structures to those that were damaged during Hurricane Harvey. All proposed improvements within the waterway are designed in a manner to avoid or minimize impacts to jurisdictional crossings while still adding the necessary protection to the bridge structure. Stream flow, water levels, water quality, and the existing stream; bank conditions are not anticipated to be permanently impacted by the proposed project.

MITIGATION: No compensatory mitigation is offered for impacts resulting from the implementation of the proposed project.

CURRENT SITE CONDITIONS: The project area is located within the Houston city limits, which is comprised of a mix of urban and suburban areas near the project termini and industrial areas toward the center of the project area. Surrounding land use is industrial and commercial. Historic aerials dating back to 1953 revealed that Market Street crossed the San Jacinto River immediately south of the existing IH 10 facility. Construction began on IH 10 between 1953 and 1957 in the project area and the Market Street bridge was removed. The San Jacinto Waste Pits superfund site to the northeast of IH 10 was built between 1964 and 1966. The area directly along the roadway is industrial, open water, or marsh. The developed industrial area south of the project area began around 1964 and was developed to current conditions between 1981 and 1995. The San Jacinto River is a perennial waterbody that supports shipping traffic. Three adjacent wetlands were identified in the vicinity of the project area.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has been verified by the Corps. The applicant's plans are enclosed in 11 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: In accordance with Regional Condition 25 requiring coordination with the TCEQ for SJWP for projects located within the Area of Concern, this application is being coordinated with the TCEQ.

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.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 has been so extensively impacted by construction and maintenance of IH 10 that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

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 **16 April 2020**. 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-2005-01223**, and should be submitted to:

Policy Analysis Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS