



Public Notice

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

Galveston District

Permit Application No: SWG-2023-00232

Date Issued: 18 May 2023

Comments

Due: 20 June 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 an unnamed tributary to West Fork San Jacinto River (Outfall Ditch #13), between FM 1960 and East Townsen Boulevard, in Humble, Harris County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.008417 North; **Longitude:** 095.254249 West

PROJECT DESCRIPTION: The Texas Department of Transportation (TxDOT)-Houston District proposes channel maintenance on Outfall Ditch #13 between Farm-to-Market Road (FM) 1960 and East Townsen Boulevard (Blvd.) (CSJ 1685-03-107) that will result in approximately 3.825 acre of permanent impacts to the WET1 emergent wetland as a result of excavation, grading, and placement of 21,600 cubic yards of fill (concrete Flexamat and native fill) throughout the channel and 1.406 acres of permanent impacts to IS1 intermittent stream as a result of construction, grading, and placement of 3,600 cubic yards of fill (gabion baskets and native fill). The proposed project consists of the realignment, recontouring, and armoring of approximately one mile of Outfall Ditch #13 and the replacement and reconditioning of several culverts that drain adjacent properties. The project proposes to recontour and armor the channel with concrete rip rap to a 4- to 6-foot width and a 2:1 side slope which would promote a more efficient continuous drainage towards the listed intermittent stream (IS1). The project would recontour and stabilize the banks at a 3:1 slope with tied concrete control mats known as Flexamat. The Flexamat would provide the necessary stabilization to support high volume and velocity flows through the channel as well as to allow herbaceous vegetation to re-establish through the mat. In addition, gabion baskets will be placed along both banks of IS1 and side slopes will be recontoured to a 3:1 side slopes. Other activities include the replacement of metal pipe culvert outfalls with reinforced concrete pipe culverts. The existing box culvert at Townsen Blvd. would remain in place.

AVOIDANCE AND MINIMIZATION: The applicant has stated that the project impacts are limited to their established right of way (ROW).

MITIGATION: The applicant proposed to mitigate for the proposed wetland impacts via the purchase of mitigation credits from Tarkington Bayou Mitigation Bank (TPMB) to offset all unavoidable impacts to wetlands at a 1:1 ratio. Therefore, a total of 2.8 emergent HGMi credits, sold as a suite, would be purchased from TBMB to compensate for unavoidable project impacts to wetlands.

For listed stream impacts, the applicant plans to purchase 2,295 stream credits from Houston Conroe Mitigation Bank (HCMB) to satisfy stream mitigation requirements for this project.

CURRENT SITE CONDITIONS: The project area comprises a 3.825-acre linear emergent wetland (WET1) and a 1,908.7-linear-foot intermittent stream (IS1). WET1 and IS1 are hydrologically continuous features that were differentiated based on presence/absence of an OHWM and bankfull features. The WET1 portion of the project area is located west of Townsen Blvd. and was originally an upland area with some encroaching drainage features. The current linear configuration of Outfall #13 was constructed in the late 1970s-early 1980s, likely associated with the construction of FM 1960. The drainage ditch conveys drainage from FM 1960 and downtown Humble north and east towards the IS1 stream channel east of Townsen Blvd. and eventually into a former gravel pit with open water conditions. The open water is part of a system of wetlands and open waters that are adjacent to the West Fork of the San Jacinto River. Over time, the drainage ditch has been subject to sedimentation and significant side slope erosion which has allowed a linear emergent wetland system to establish within the drainage ditch west of Townsen Blvd.

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 22 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. 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 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 the Texas Department of Transportation.

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 **20 June 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-2023-00232**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
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