



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2020-00273

5 November 2020

7 December 2020

**US 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 US 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 (TxDOT)-Houston District
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 waters of the US, including Buffalo Camp Bayou, and adjacent wetlands, along State Highway (SH) 332 from Farm-to-Market (FM) 521 to SH 288, approximately 5.3 miles in length, in Lake Jackson and to the west of the city limits, in Brazoria County, Texas. The project can be located on the USGS quadrangle map titled: Lake Jackson, Texas.

LATITUDE & LONGITUDE (NAD 83):

Begin Latitude: FM 521 29.05984° North;
Ending Latitude: SH 288 29.04715° North;

Longitude: 95.55393° West
Longitude: 95.45507° West

PROJECT DESCRIPTION: The applicant proposes to discharge a 4.379 acres of fill material into wetlands, and 314 linear feet of fill material into waters of the U.S. during the roadway improvements associated with the reconstruction and widening of SH 332. Specifically, the following impacts are proposed:

SH 332 would be reconstructed and widened from two to four lanes (two lanes in each direction) from FM 521 to FM 2004. The proposed project would also reconstruct and widen SH 332 from four to six lanes (three lanes in each direction) from FM 2004 to SH 288. Roadway improvements would include the replacement of bridges over Buffalo Camp Bayou and a diversion channel just east of Buffalo Camp Bayou. The project would include sidewalks on both sides of the roadway for the entire length of the project. In addition to roadway improvements, improved drainage ditches would be constructed along the north and south sides of the project. Additionally, a new drainage channel is proposed on new location from SH 332, approximately 800 feet west of Division Street (County Road (CR) 680A), south to the Brazos River, a distance of approximately 1.1 miles.

BACKGROUND: The purpose of the proposed project is to reduce traffic congestion, accommodate population growth, enhance mobility and improve safety and drainage along SH 332. The proposed project would accomplish this purpose by adding capacity, dividing the undivided section of the roadway and updating drainage within the project area.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by the following construction design techniques: Avoidance and minimization strategies were considered during the early design phase of this project. Fifteen water features were delineated in the survey area associated with the proposed new drainage channel, consisting of five palustrine forested (PFO) wetlands (W-10, W-13, W-14, W-16 and W-20), six palustrine emergent (PEM) wetlands (W-11, W-12, W-15, W-17, W-18 and W-19), three open water features (OW-1, OW-2 and OW-3) and one perennial stream (Brazos River(S-4)). The proposed new drainage channel would avoid Wetlands W-10, W-13 and W-14, the three open water features and the six PEM wetlands in the survey area associated with the proposed new drainage channel. Temporary impacts to waters of the US, including wetlands, may occur during construction activities though the original grades of wetland areas within the project limits would be restored following the implementation of the proposed project.

MITIGATION: For unavoidable permanent impacts to 4.35 acres of PFO and PEM wetlands, a total of 23.06 mitigation credits would be deducted from the Texas Department of Transportation's Coastal Bottomlands Mitigation Bank.

CURRENT SITE CONDITIONS: The project would be constructed entirely within existing mowed and maintained roadway right-of way (ROW) owned by the applicant. With the exception of W-1, the wetlands in the project area are within areas mapped by the Texas Parks and Wildlife Department. The Columbia Bottomlands ecosystem contains important bottomland hardwood habitats that extend to the coast and are used by a variety of wildlife, particularly neotropical migrant bird species that use the woodlands to rest and forage after a long flight across the Gulf of Mexico. Being within the Columbia Bottomlands ecosystem was a major consideration when assessing wetland quality for the SH 332 project.

NOTES: 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 13 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 US 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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:

TXDOT is receiving funding from Federal Highways Administration (FHWA) for this project. Therefore, FHWA is the lead Federal Agency and all Section 106 consultation will be handled by TXDOT pursuant to the Programmatic Agreement between TXDOT, the Texas State Historic Preservation Officer, FHWA, and the Advisory Council on Historic Preservation.

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. Work proposed would be located within the existing mowed and maintained roadway ROW owned by the applicant.

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 **7 December 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-2020-00273**, and should be submitted to:

Evaluation Branch
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS