



Public Notice

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

Galveston District

Permit Application No: SWG-2015-00690

Date Issued: 19 October 2021

Comments

Due: 19 November 2021

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: City of League City
300 West Walker Street
League City, Texas 77573
POC: John Baumgartner
Telephone: 281-554-1000
Email: john.baumgartner@leaguecitytx.gov

AGENT: WSP USA
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Austin, Texas 78746
POC: Lauren Taylor
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LOCATION: The project site is located in Clear Creek and adjacent waters, including wetlands, west of Interstate Highway 45 (IH-45), between Farm-to-Market 518 and the NASA Road 1 Bypass intersection with IH-45, in Galveston and Harris Counties, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: League City, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.507395 North; **Longitude:** -95.128826 West

PROJECT DESCRIPTION: The applicant proposes to permanently impact, through the discharge of 1,728 cubic yards of fill material, approximately 0.325 acre of estuarine emergent wetlands, 0.607 acre of palustrine emergent wetlands, 0.793 acre of palustrine forested wetlands, and 0.088 acre of other waters of the U.S. during roadway construction activities associated with the 1.7-mile extension of Landing Boulevard. The proposed roadway will extend Landing Boulevard from just north of FM 518 (West Main Street), in League City, Galveston County, to a proposed roundabout with the proposed NASA Road 1 Bypass extension, which will connect to the existing NASA Road 1 Bypass at Interstate Highway 45, in Webster, Harris County, Texas. The proposed roadway extension includes a bridge over Clear Creek with a length of 2,772 feet from approach-to-approach. The bridge structure requires authorization by the US Coast Guard; the Corps will evaluate the discharges of fill material associated with the construction of the bridge approaches. The proposed roadway and bridge will consist of two, 12-foot lanes in each direction; one, 10-foot shared use path to the west; and one, 5-foot sidewalk to the east. Approximately 1.812 acres of wetlands and waters will be temporarily impacted during construction activities associated with the proposed roadway expansion.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by elevating the roadway using bridge structures to span Clear Creek and adjacent waters of the U.S. Additionally, impacts have been minimized by using support columns with drill shafts.

MITIGATION: The applicant proposes to mitigate for the proposed impacts by through the purchase of compensatory mitigation credits from Gulf Coastal Plains Mitigation Bank, Katy Prairie Stream Mitigation Bank, and / or Mill Creek Mitigation Bank. See Attachment A – Mitigation Plan.

CURRENT SITE CONDITIONS: The project site is located primarily within and adjacent to an existing utility corridor that is bounded by suburban neighborhoods and amenities, open park areas, and undeveloped riparian habitat surrounding Clear Creek, which flows toward the north and east through the site. Parts of the project site are mowed and maintained, resulting in disturbance of vegetation and presence of invasive grasses. Some forested and emergent wetland areas remain mostly undisturbed. Two tributaries with a surface connection to Clear Creek, as well as two maintained drainage features are located within the project site. The project site is intersected by FEMA-designated 100-year floodplain, 500-year floodplain, and floodway. Site elevations range from 1.5 feet below sea level at Clear Creek to approximately 19.50 feet above sea level near the northeast terminus of the 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 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 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>.

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 previously investigated for historic properties and none were identified as documented in the technical report titled "Archeological Survey of the Proposed Landing Boulevard Extension, Harris and Galveston Counties, Texas" (TAP #8234) prepared by Moore Archeological Consulting, Inc. for Texas Department of Transportation and dated January 2018.

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 **19 November 2021**. 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-2015-00690**, and should be submitted to:

Central Evaluation Unit
Regulatory Division, CESWG-RDE
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Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS