



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2017-00657
	Date Issued: _____	17 April 2018
	Comments _____	
Galveston District	Due: _____	17 May 2018

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: Union Pacific Railroad Company
1400 Douglas Street
Omaha, Nebraska 68179
Telephone: 402-544-3330
POC: Mr. David Nielsen

AGENT: CH2M
4350 West Cypress Street, Suite #600
Tampa, Florida 33607
Telephone: 813-846-1545
POC: Ms. Angela Dalsis

LOCATION: The project site is located in multiple waters of the United States (U.S.) in Liberty County, Texas. The project area spans 2.25 miles from the point-of-beginning at County Road 479/Wise Road crossing to the point-of-ending just south of Farm-to-Market (FM) 1413. The project can be located on the U.S.G.S. quadrangle map titled: Sheeks, Texas.

LATITUDE & LONGITUDE (NAD 83):

Beginning Latitude: 29.943982 North; Longitude: -94.916530 West
End Latitude: 29.960291 North; Longitude: -94.916244 West
PRM Site Latitude: 30.204455 North; Longitude: -93.857048 West

PROJECT DESCRIPTION: The applicant proposes to discharge fill material into waters of the U.S. during the construction and installation of a 2.25-mile-long siding track, adjacent to the existing mainline track. The applicant proposes to fill nine wetlands and four stream segments to complete the following activities: 1) to replace track culverts at three locations; 2) to replace a bridge with a culvert; 3) to install one non-track culvert; 4) to construct two turnout pads; 5) to install trackside swales; 6) to install a crossing over siding track; 7) to construct a shore access road originating from a private road crossing at the southern end of the project; 8) to construct an access driveway from FM 1413 to the turnout pad; and 9) to relocate fencing to accommodate acquisition of right-of-way (ROW).

Feature Impact Summary for the Union Pacific – 2.25 mile-long Esperson Siding Track Project –Liberty County, Texas				
Project Resource ID	Feature Type	Temporary Construction Impacts (Acres/ Linear Feet)	Permanent Conversion (Fill) (Acres/ Linear Feet)	Project Component
W002	PSS1	0 acre	0.41 acre	Siding track, turnout pad
W004	PSS1	0 acre	0.27 acre	Siding track
W005	PFO1	0 acre	0.03 acre	Culvert protection, riprap
W006	PEM1	0 acre	0.05 acre	Siding track
W008	PSS1	0 acre	0.02 acre	Culvert installation
W009	PSS1	0 acre	0.19 acre	Siding track, culvert installation
W010	PSS1	0 acre	0.02 acre	Siding track
W011	PSS1	0 acre	0.14 acre	drainage
W012	PSS1	0 acre	0.17 acre	Siding track, drainage
S003	Perennial/ R2UB3	0.16 acre/157 LF	0.07 acre/ 107 LF	Culvert installation
S004	Ephemeral/ R6	0.00 acre	<0.01 acre/ 33 LF	Culvert installation
S006	Ephemeral/ R6	<0.01 acre/1 LF	0.00 acre	Temporary construction workspace
S007	Manmade Pond/ PUB3	0.02 acre/90 LF	0.00 acre	Temporary construction workspace
*Acreage total inclusive of wetlands and manmade ponds				

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by reducing the size of the siding track centers to 20-feet (instead of the maximum allowed 25-foot centers), the grading footprint and permanent impacts to the abutting wetlands were minimized. In addition, Texas Commission of Environmental Quality (TCEQ) Section 401 Water Quality Certification best management practices (BMPs) will be used by the contractor including erosion and sediment control BMPs and post-construction total suspended solids (TSS) Controls. Erosion controls such as mulch, compost filter socks, or temporary vegetation will be used to stabilize disturbed areas and prevent sediment from entering adjacent wetlands or water bodies during rain events. Sedimentation controls such as silt fence, sediment traps, or rock berms will be installed prior to construction to isolate adjacent wetlands and water bodies and contain sediment within the limits of disturbance. Post-Construction TSS controls such as vegetative filter strips, grassy swales, or vegetation lined drainage ditches will be used to control TSS loadings post construction. Historical flows and drainage patterns will not change and vegetation will be allowed to reestablish around the culvert installations.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by purchasing credits from a Corps-approved mitigation bank.

CURRENT SITE CONDITIONS: The project site currently consists of a railroad track ROW that is surrounded by rural agricultural and residential land uses. The existing railroad track section crosses roadways, streams, and man-made waterbodies (e.g. canals) via bridges. The project site is buffered by a tree canopy, and intersects fragmented, freshwater forested, shrub-scrub, and emergent wetland patches. The wetland vegetation primarily consists of Chinese tallow (*Triadica sebifera*), black willow (*Salix nigra*), jointed flatsedge (*Cyperus articulatus*), creeping spikerush (*Eleocharis palustris*), and sweetgum (*Liquidambar styraciflua*), water smartweed (*Persicaria amphibium*).

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 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.

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 is confined to an existing right-of-way that has been so extensively impacted by previous project activities 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.

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 May 2018**. 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-2017-00657**, and should be submitted to:

Central Unit
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS