



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2017-00565
	Date Issued: _____	30 April 2019
	Comments _____	
<b>Galveston District</b>	Due: _____	31 May 2019

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**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 404 of the Clean Water Act (CWA).

**APPLICANT:** Ramiro Salazar  
2503 Daffodil  
Highlands, Texas 77562

Telephone: 281-425-3720  
Email: Ramiro.salazar1961@gmail.com

**LOCATION:** The project site is located in unknown tributary to Cotton Bayou (McAdams Ditch), at 6060 Farm-to-Market 3180, in Baytown, Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Cove, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 29.783699° North;      **Longitude:** 094.853884 ° West

**PROJECT DESCRIPTION:** The applicant proposes an after-the-fact permit to resolve unauthorized discharge of fill material into waters of the United States associated with the installation of box culverts at three locations on the applicant's property. The unauthorized activity consisted of discharging approximately 125 cubic yards, consisting of 35 cubic yards of stabilized concrete sand, 89 cubic yards of compacted clay fill and 1.4 cubic yards of crushed concrete base into a tributary to Cotton Bayou (McAdams Ditch) for the installation of three culvert crossings. The discharge of 125 cubic yards of fill for the three unauthorized culverts, filled 160 linear feet of the tributary to Cotton Bayou. The first crossing measures 300 square feet and consists of two rows of 60-inch by 96-inch box culverts. The second crossing measures 360 square feet and consists of two rows of 60-inch by 96-inch box culverts. The third crossing measures 800 square feet and also consists of two rows of 60-inch by 96-inch box culverts. The purpose of the two unauthorized crossings in the tributary to Cotton Bayou is for livestock access and segregate the area into two pastures. The third crossing on the north of the tributary was constructed to provide access to a future home site. The installation was done with a 300 series hydraulic excavator, this allowed the preparation of the stabilized concrete sand, culverts and clay fill dirt to be compacted in place for all three crossings.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by continuing to monitor and mitigate each crossing. The applicant has removed all the debris from the western end of this tributary to the eastern end of their property. The applicant proposes to continue to monitor and clear any debris from all the crossings to protect from erosion.

**MITIGATION:** The applicant states there is no need to mitigate for the loss due to the minimization of this stream during installation.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 5 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.

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 constructed project is of such limited nature and extent that an archeological survey would not have been requested. The constructed project had no potential to effect historic properties even if present within the permit area.

**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 **31 May 2019**. 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-2017-00565**, and should be submitted to:

North Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS