



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

SWG-2014-00412

December 22, 2017

~~February 20, 2018~~

Due Date Extended to March 9, 2018

**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.

**AUTHORITIES:** Application for a Department of the Army Permit is being reviewed under Section 404 of the Clean Water Act (CWA), and for water quality certification under Section 401 of the CWA to discharge dredged or fill material into waters of the United States associated with the construction of the Dallas to Houston High Speed Rail (DHHSR) Project. The entire project route extends from Dallas to Houston, in Texas. Project related activities proposed in Dallas, Ellis, Navarro, Freestone, Limestone, Leon, Madison and Grimes counties are being evaluated by the Fort Worth District Corps, and are disclosed in Public Notice SWF-2011-00483. The Public Notice can be found on their website: <http://www.swf.usace.army.mil/Media/Public-Notices/>.

Project related activities proposed in Waller and Harris counties are being evaluated by the Galveston District Corps, and are disclosed in this Notice.

The Federal Railroad Administration (FRA), is the lead Federal agency for the proposed project. The FRA is preparing an Environmental Impact Statement (EIS) for the proposed DHHSR. The Draft EIS and other project related information can be found on their website: <https://www.fra.dot.gov/Page/P0700>. The Corps accepted FRA's invitation to become a Cooperating Agency in the development of the EIS for the project.

**APPLICANT:** Texas Central Railroad, LLC  
1409 South Lamar Street, Suite 1022  
Dallas, Texas 75215  
Telephone 214-736-1605  
POC: Mr. Carlos F. Aguilar

**AGENT:** Freese and Nichols, Inc.  
2711 North Haskell Avenue, 33<sup>rd</sup> Floor  
Dallas, Texas 75204  
Telephone 214-217-2209  
POC: Mr. Fredrick Zarate Jr.

**LOCATION:** The entire project will extend from Dallas, Texas, to Houston, Texas. The portion of the proposed project being reviewed by the Galveston District is located in various wetlands and waterbodies, extending from the northeast corner of Waller County, south into Harris County, and terminating at the northwest corner of the 610 loop, between SH 290, and Interstate 10.

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

Start (Entering Waller Co): Latitude: 30.24164 North; Longitude: -95.86793 West  
End (Harris Co Terminus): Latitude: 29.80611 North; Longitude: -95.46703 West

**PROJECT DESCRIPTION:** The applicant's stated purpose for the proposed project is to construct and operate an efficient, reliable and safe alternative mode of transportation between the cities of Dallas and Houston, Texas, that would add transportation capacity in the corridor to meet increasing travel demands and provide an additional travel mode.

The proposed project consists of the construction of approximately 240 miles of rail line extending from Dallas County to Harris County, Texas. A single terminal station is proposed in both Dallas and Houston and a single intermediate station, the Brazos Valley Station, is proposed near Roans Prairie in Grimes County. Two parallel rail lines are proposed, as well as related maintenance and utility facilities, and temporary staging areas. These activities are proposed to be contained within a variable width right-of-way or easement. The proposed project route would allow travel times of approximately 90 minutes between the terminal cities, using trains capable of traveling in excess of 205 miles per hour, in a sealed corridor.

The applicant's preferred alignment alternative for the proposed project would result in the following unavoidable impacts to waters of the U.S. (WOUS), in Waller and Harris Counties:

Aquatic Resource Type	Impact Duration				Subtotal	
	Temporary		Permanent**		Linear Feet (LF)	Acres (AC)
	Linear Feet (LF)	Acres (AC)	Linear Feet (LF)	Acres (AC)		
Ephemeral stream***	4332.68	0.5	8094.31	0.61	12426.99	1.11
Intermittent stream***	1353.60	0.4	2631.62	0.56	3985.22	0.96
Perennial stream***	566.96	0.39	1459.78	0.64	2026.73	1.03
<b>STREAM TOTAL</b>	<b>6253.23</b>	<b>1.29</b>	<b>12185.71</b>	<b>1.81</b>	<b>18438.94</b>	<b>3.1</b>
Ponds	x	1.71	x	7.32	x	9.03
Emergent wetland	x	8.15	x	56.16	x	64.31
Scrub/Shrub	x	0.00	x	0.94	x	0.94
Forested wetland	x	0.00	x	1.38	x	1.38
<b>WETLAND TOTAL</b>	<b>x</b>	<b>9.86</b>	<b>x</b>	<b>65.8</b>	<b>x</b>	<b>75.66</b>
<b>GRAND TOTAL</b>	<b>6253.23</b>	<b>11.15</b>	<b>12185.71</b>	<b>67.61</b>	<b>18438.94</b>	<b>78.76</b>

\*\*Scrub/Shrub and Forested permanent impacts include permanent conversion impacts.

\*\*\*Includes channelized linear features that have been concrete lined.

Detailed project plan sheets are attached in 22 sheets. Pages 1-2 illustrate the project alignment. Pages 3-5 illustrate station configurations. Pages 6-22 include typical design drawings of various project elements proposed along the route, such as cut/fill activities, as well as culverts and viaducts. Detailed project plans are available upon request, by contacting the Corps. Contact information is listed at the end of this Notice.

**AVOIDANCE AND MINIMIZATION:** The applicant identified dozens of potential alternatives, utilizing a multi-level, two stage screening process that resulted in a group of end-to-end alignment alternatives. During the FRA's EIS scoping process the first-tier alternatives were presented to Federal agencies and the general public. Six end-to-end alternatives were carried forward for second-tier evaluation. Their analysis is being reviewed by Corps to determine compliance with Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged and Fill Material. The applicant has made further efforts to avoid and minimize impacts to WOUS, including making minor shifts to the proposed alignment to avoid and/or minimize impacts to wetlands and streams (i.e.: avoiding alignments that parallels stream segments). Additionally, approximately 50% of the proposed alignment parallels existing electric power transmission lines, roadways, and/or other utility easements, which minimizes impacts to WOUS due to access and/or fragmentation.

**MITIGATION:** Compensatory mitigation for aquatic resource impacts is required for single and complete crossings of WOUS that exceed 0.1 acre of wetland and/or 300 linear feet of stream. To offset unavoidable adverse impacts to WOUS, in Waller and Harris Counties, the applicant proposes to purchase in-kind credits from an approved mitigation bank or banks, based on the impact locations and credit availability.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (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 would result in a direct impact of greater than three acres of waters of the state or 1500 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 majority of the alignment for the proposed Dallas to Houston High Speed Rail Project has not been investigated for the presence of Historic Properties or other cultural resources. However, initial background research has resulted in the identification of numerous resources that could be eligible for inclusion in the National Register of Historic Places. The Corps has determined the jurisdictional areas have a high probability for containing unrecorded Historic Properties and are requiring the applicant conduct an investigation to identify any unrecorded Historic Properties. The applicant is proposing the development of a Programmatic Agreement for phased identification and treatment of Historic Properties and other cultural resources. The Corps is not the lead Federal agency but is evaluating information submitted by the applicant and contained in the FRA's Draft EIS to inform our determination of effects to cultural and historic resources.

**THREATENED AND ENDANGERED SPECIES:** The Corps has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in Waller and Harris counties where the Houston toad (*Bufo houstonensis*), and Texas Prairie Dawn (*Hymenoxys texana*) are known to occur. The Houston toad and Texas Prairie Dawn are endangered species. The Corps is not the lead Federal agency but is evaluating information submitted by the applicant and contained in the FRA's Draft EIS to inform our determination of effects to listed species.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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:** 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 **February 20, 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-2014-00412**, and should be submitted to:

Policy Analysis Branch  
Regulatory Division, CESWG-RD-P  
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