



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_ SWG-2019-00397

Date Issued: \_\_\_\_\_ 2 July 2019

Comments

Due: \_\_\_\_\_ 2 August 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:** Union Pacific Railroad  
1400 Douglas Street, Stop 0910  
Omaha, Nebraska 68179

POC: David Schuldt  
Telephone: 402-544-5153  
Email: dschuldt@up.com

**AGENT:** HDR Engineering, Inc.  
613 NW Loop 410, Suite 700  
San Antonio, Texas 78216

POC: Ricky Wilson  
Telephone: 210-841-2870  
Email: Richard.Wilson@hdrinc.com

**LOCATION:** The project site is located in wetlands and streams adjacent to Cedar Bayou along the existing Union Pacific Railroad track north of and parallel with United States Highway 90, beginning at the existing railroad crossing of Adlong Johnson Road and traversing approximately 9 miles northeast to the existing railroad crossing of Stilson Road. The proposed project site will be located between the city of Crosby, in Harris County, and the city of Dayton, in Liberty County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Sheeks, Texas.

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

<b>Start Point:</b>	<b>Latitude:</b> 29.937969° North;	<b>Longitude:</b> 095.013846° West
<b>Center of Site:</b>	<b>Latitude:</b> 29.980889° North;	<b>Longitude:</b> 094.975699° West
<b>End Point:</b>	<b>Latitude:</b> 30.023511° North;	<b>Longitude:</b> 094.919967° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge 36 cubic yards of rock and 9,079 cubic yards of soil into wetlands and streams adjacent to Caney Creek, resulting in a total of 5.66 acres of permanent impacts to wetlands and waters of the United States and 1.58 of temporary impacts wetlands and waters of the United States. The proposed project will include constructing approximately 9 miles of second mainline track on the northwest side of the existing mainline track. With the proposed project, the applicant is requesting to construct bridges, culverts, associated structures and supporting infrastructure, such as access roads and drainage ditches. The proposed project will include modifications to existing structures and the construction of new structures, currently anticipated to include:

- Proposed bridge for the second main track and a replacement of the existing bridge structure for the existing mainline track at milepost (MP) 337.78 consisting of two new Prestressed Concrete Slab (PCS) span bridges with timber ties for a total length of 75 feet.
- Proposed bridge for the second main track and a replacement of the existing bridge structure for the existing mainline track at MP 337.58 consisting of two new PCS span bridges with timber ties for a total length of about 40 feet.
- Proposed bridge for the second main track and a replacement of the existing bridge structure for the existing mainline track at MP 335.77 consisting of two new PCS span bridges with timber ties for a total length of 58 feet.
- Proposed bridge for the second main track adjacent to the existing bridge structure for the existing mainline track at MP 334.66 consisting of a new Prestressed Concrete Box (PCB) span bridge with timber ties for a total length of 282 feet.
- Proposed bridge for the second main track adjacent to the existing bridge structure for the existing mainline track at MP 333.00 consisting of a new PCB span bridge with timber ties for a total length of 36 feet.
- Installation of one 36-inch-diameter and 22-foot-long Corrugated Metal Pipe (CMP) culvert extension at about MP 332.46 to convey drainage from the proposed ditch under the proposed second main track.
- Proposed bridge for the second main track and a replacement of the existing bridge structure for the existing mainline track at MP 332.04 consisting of two new PCS span bridges with timber ties for a total length of 60 feet.
- Installation of two 36-inch-diameter by 68-foot-long Smooth Steel Pipe (SSP) culverts at MP 331.56 to convey drainage from the proposed ditch under the proposed second main track.
- Proposed bridge for the second main track adjacent to the existing bridge structure for the existing mainline track at MP 331.15 consisting of a new PCB span bridge with timber ties for a total length of 72 feet.
- Proposed bridge for the second main track and a replacement of the existing bridge structure for the existing mainline track at MP 330.79 consisting of two new PCS span bridges with timber ties for a total length of 58 feet.

- Installation of one 36-inch-diameter by 78-foot-long SSP culvert at MP 329.83 to convey drainage from the proposed ditch under the proposed second main track.
- Installation of one 4.2-foot by 2.5-foot and 30-foot-long CMP arch culvert extension at MP 329.33 to convey drainage from the ditch under the proposed access road.

The applicant also proposes to install temporary erosion control measures during construction activities. Once the construction is completed the applicant states that all temporary erosion control measures will be removed, disturbed areas will be seeded and stabilized. The purpose of the proposed project is to provide a second mainline track next to the existing mainline track to create a bypass for through trains to move around local trains switching customers and expand train movement capacity within this corridor. The applicant's plans are enclosed in 36 sheets.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they will avoid and minimize impacts to waters and wetlands of the United States to the extent practicable through the design of the proposed project. The locations of waters of the United States as well as the design requirements to meet the project purpose and need do not allow complete avoidance of impacts. However, the applicant has stated waters of the United States in the project vicinity will be avoided by the location and layout of the proposed project. The proposed design includes bridges to the extent practicable to avoid permanent impacts to wetlands and streams crossed by the project. The design of the proposed project will include drainage structures to minimize downstream impacts by mimicking the existing flows from the site in order to minimize the erosion potential. The project design uses the minimum distances and widths to accommodate the tracks and other features while meeting the requirements for safe construction and operation. The existing bridges will remain in service to the extent practicable or be replaced to minimize impacts to streams, new bridges will be designed to mimic existing flow conditions, and staging areas were placed to minimize impacts to the wetlands to the extent practicable. The Alternative Analysis is enclosed in 2 sheets.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts by buying credits from an approved mitigation bank in the Galveston District to compensate for unavoidable impacts to potentially jurisdictional wetlands from the proposed project. The Hydrogeomorphic Assessment Method (iHGM) published by the U.S. Army Corps of Engineers Galveston District was used to determine the number of credits needed to offset permanent impacts to herbaceous and forested wetlands from the proposed project. The Compensatory Mitigation Plan with additional details and HGM worksheets is enclosed in 32 sheets.

**CURRENT SITE CONDITIONS:** The proposed project area occurs along the existing alignment of the Union Pacific Railroad mainline in an area historically used for agriculture. Current land uses in the area adjacent to the railroad right-of-way consist of agriculture, industrial, transportation and commercial activities within pasture, herbaceous, and forested communities. The site consists of both uplands as well as palustrine forested wetland and palustrine emergent wetland features, streams, excavated drainages and an open water. Streams and excavated drainages within the project area show signs of degradation from surrounding agricultural and industrial land uses, and appear to have been channelized in the past for agriculture and drainage.

**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.

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 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. The Texas Commission on Environmental Quality (TCEQ) Tier II checklist is enclosed in 7 sheets.

**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 likely to contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct an investigation for 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 **2 August 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-2019-00397**, 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  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS