



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2020-00263
	Date Issued: _____	27 June 2023
	Comments _____	
Galveston District	Due: _____	28 July 2023

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 404 of the Clean Water Act (CWA).

APPLICANT: Texas Department of Transportation – Bryan District
2591 North Early Rudder Freeway
Bryan, Texas 77803
POC: Chad Bohne
Telephone: 979-778-2165
Email: chad.bohne@txdot.gov

AGENT: Texas Department of Transportation – Bryan District
2591 North Early Rudder Freeway
Bryan, Texas 77803
POC: John Moravec
Telephone: 979-778-9766
Email: john.moravec@txdot.gov

LOCATION: The project site is located in Crabb Creek, Thompson Creek, and McGary Creek, at Interstate Highway 45 from State Highway 30 to Farm-to-Market 1696 Segment 2B, in Walker County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Huntsville, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.744116 North; **Longitude:** -95.600435 West

PROJECT DESCRIPTION: The applicant, acting as the lead federal agency, proposes to expand, regrade, repave and replace concrete culverts along approximately 6.2 miles of IH 45. This proposed work will result in impacts to 0.754 acre of wetlands including 0.517 acre of palustrine emergent wetlands (PEM) and 0.237 acre of palustrine forested wetlands (PFO), as well as impacts to 0.648 acre/2,809 linear feet of intermittent and ephemeral streams. The applicant proposes to purchase credits from Spellbottom Mitigation Bank for impacts to PFO, Tarkington Bayou Mitigation Bank for impacts to PEM and Houston-Conroe Stream Mitigation Bank for impacts to streams.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by implementing best management practices such as soil and sediment erosion control measures consisting of matting and/or mulch filter socks, and silt fences around areas disturbed by construction activities. Post-construction total suspended solid control measures include re-vegetation of the slopes along the roadway following project completion.

MITIGATION: The applicant proposes to mitigate for the proposed impacts by purchasing 0.11 PFO wetland credit suite from Spellbottom Mitigation Bank to compensate for impacts to 0.237 acre of PFO wetlands. The applicant proposes to purchase 0.41 PEM wetland credit suite from Tarkington Bayou Mitigation Bank to compensate for impacts to 0.517 acre of PEM. The applicant also plans to purchase 13,310 stream credits from Houston-Conroe Stream Mitigation Bank.

CURRENT SITE CONDITIONS: The project area is approximately 397.9 acres, currently an existing right-of-way (ROW) as well as the acquisition of approximately 25 acres of new ROW. The majority of the project area consisting of existing ROW with mowed and maintained herbaceous vegetation. Scattered trees and shrubs, as well as small patches of woodlands, are located within portions of the project area where new ROW is proposed. The existing roadway is located in a developed area with scattered businesses and residential developments.

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 25 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality 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 submitted a pre-filing request with the Texas Commission on Environmental Quality (TCEQ) to initiate the Section 401 CWA process on 19 June 2023. 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>.

LEAD FEDERAL AGENCY:

The Federal Highways Administration (FHWA) has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act and the National Historic Preservation Act. As such, please direct all comments, questions, or concerns regarding these Acts to the FHWA.

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:

TxDOT is receiving funding from FHWA for this project. Therefore, FHWA is the lead Federal Agency, and all Section 106 consultation will be handled by TxDOT pursuant to the Programmatic Agreement between TxDOT, The Texas State Historic Preservation Officer, FHWA, and the Advisory Council on Historic Preservation.

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 **28 July 2023**. 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-2020-00263**, and should be submitted to:

Evaluation Branch
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS