



Public Notice

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

Galveston District

Permit Application No: SWG-2016-00127

Date Issued: 30 March 2017

Comments

Due: 01 May 2017

**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.

APPLICANT: Union Pacific Railroad
1400 Douglas Street, STOP 0910
Omaha, Nebraska 68179
POC: Kevin P. Rice
Telephone: (402) 544-2213

AGENT: HDR Engineering, Inc.
613 NW Loop 410, Suite 700
San Antonio, Texas 78216
POC: Richard Wilson
Telephone: (210) 841-2870

LOCATION: The project site is located in Bastrop Bayou East Tributary and wetlands adjacent to Bastrop Bayou and Oyster Creek. The project site begins approximately 0.3-mil north east of the intersection of Jamison Drive and County Road 290 and ends immediately north of the intersection of Highway 274 and East Kiber Street, in the City of Angleton, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Angleton, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.149240° North; Longitude: 95.445345° West

PROJECT DESCRIPTION: The applicant proposes to discharge fill material into a total of 1.45 acres of jurisdictional wetlands for the expansion of an existing rail yard. Specifically, the applicant proposes to construct 26 new tracks including 6 classification tracks, 2 receiving and departure tracks, 1 locomotive tie-up track, and 17 storage-in-transit tracks.

Table 1. List of Jurisdictional Wetlands

Wetland ID	Wetland Type	Total Acres	Permanent Impacts	Temporary Impacts	Jurisdictional
A	Palustrine Emergent Wetland	0.17	0	0	Yes
B	Palustrine Forested Wetland	0.05	0.004	0	Yes
C	Palustrine Emergent Wetland	0.25	0.002	0.14	Yes
D	Palustrine Forested Wetland	0.03	0.02	0.01	Yes
E	Palustrine Emergent Wetland	0.04	0.01	0.01	Yes
G	Palustrine Forested Wetland	0.01	0.01	0	Yes
H1a	Palustrine Emergent Wetland	0.61	0.61	0	Yes
L	Palustrine Forested Wetland	0.01	0	0	Yes
M	Palustrine Forested Wetland	0.04	0.01	0	Yes
O	Palustrine Emergent Wetland	0.01	0.01	0	Yes
P	Palustrine Emergent Wetland	0.03	0.03	0	Yes
Q	Palustrine Emergent Wetland	0.58	0.58	0	Yes
	Total Jurisdictional Acres	1.83	1.286	0.16	

Table 2. Summary of Jurisdictional Impacts

Resource Type	Existing (Acres)	Total Permanent Impacts (Acres)
Emergent Wetland	1.69	1.242
Forested Wetland	0.14	0.044
Totals	1.83	1.286

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized impacts to waters of the U.S., including wetlands, to the extent practicable through the design of the proposed project. Jurisdictional wetlands in the project area would be avoided by the location and layout of the proposed project (see Table 1 for avoidance summary). Furthermore, the design includes bridges to the extent practicable to avoid permanent impacts to waters and wetlands crossed by the project. The design of the proposed project would also minimize impacts by including drainage structures across waters and wetlands that would continue to convey and mimic existing flows from the site in order to reduce the erosion potential. Wetlands with temporary impacts would be restored to pre-construction elevations and re-vegetated as appropriate. In addition, the proposed project would incorporate water quality measures and best management practices during construction to minimize erosion and sedimentation effects to downstream waters of the U.S.

COMPENSATORY MITIGATION: The applicant proposes to offset unavoidable impacts to jurisdictional aquatic resources by purchasing 2.7 emergent/herbaceous wetland credits (or functional capacity units (FCUs)) from the Lower Brazos Mitigation Bank and 0.3 forest wetland FCUs from the Danza del Rio Mitigation Bank. Please see "Enclosure 1" for a copy of the Proposed Compensatory Mitigation Plan.

CURRENT SITE CONDITIONS: The project area is made up of existing railway and right-of-way that traverses rural properties comprised of pasture/hay, herbaceous, and forested communities. The site consists of 12 jurisdictional wetland features, totaling about 1.83 acres. Wetland types include palustrine emergent and palustrine forested wetlands. Common vegetation within the emergent wetlands includes halberd-leaf rose-mallow (*Hibiscus laevis*), various sedges (*Carex* spp.), maiden-cane (*Panicum hemitomom*), and trumpet creeper (*Campsis radicans*). Common vegetation within the forested wetlands includes water oak (*Quercus nigra*), sugar-berry (*Celtis laevigata*), cedar elm (*Ulmus crassifolia*), and Chinese tallow (*Triadica sebifera*). Jurisdictional wetlands include 7 emergent wetlands totaling 1.69 acres and 5 forested wetlands totaling 0.14 acre (reference tables above).

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 wetland delineation has been completed and was verified by the Corps on February 14, 2017. The applicant's plans are enclosed in 11 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 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 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 1500 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 likelihood for intact historic properties to exist within the permit area is very low because the entire length of the project is located adjacent to an existing rail line and within areas impacted by farming activities. The Corps has determined that no cultural resource survey is necessary for this project.

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 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: 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 **01 May 2017**. 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-2016-00127**, and should be submitted to:

Central Evaluation Unit
Regulatory Division, CESWG-RD-E
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS