



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2016-00245

9 May 2017

9 June 2017

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 10 of the Rivers and Harbors Act of 1899.

APPLICANT: Texas Department of Transportation – Beaumont District
8350 Eastex Freeway
Beaumont, Texas 77708
POC: Ms. Diana Griffith
Telephone: 409-898-5792
Diana.Griffith@txdot.gov

LOCATION: The project site is located underneath the Sabine River and Little Cypress Bayou, along Interstate Highway (IH) 10, near the City of Orange, in Orange County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Echo Lake and Orange, Texas.

LATITUDE & LONGITUDE (NAD 83):

Sabine River Crossing (645 linear feet entry to exit):

Latitude: 30.127199° North; Longitude: -93.701422° West

Little Cypress Bayou Crossing (220 linear feet entry to exit):

Latitude: 30.118457° North; Longitude: -93.727258° West

PROJECT DESCRIPTION: The applicant proposes to decommission two pipelines in place underneath 2 waters, subject to jurisdiction under Section 10 of the Rivers and Harbors Act. There will be 288 linear feet of pipe remaining underneath the Sabine River and Little Cypress Bayou during the utility decommissioning in place a sewer line and water line. The estimated depth of the pipeline below the mud bottom is 5 feet.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by decommissioning the pipeline in place.

MITIGATION: No mitigation is proposed.

CURRENT SITE CONDITIONS: The proposed project areas are within the IH 10 right-of-way (ROW) below the limits of ordinary high water mark at the Little Cypress Bayou and Sabine Relief crossings. Little Cypress Bayou is used for recreational boating and is a maintained channel, terminating just north of IH 10 at American Airboat Corporation and flowing 1.3 miles south, passing a public park and boat ramp, to join the main channel of the Sabine River. The Sabine Relief crossing only flows when receiving overflow from the Sabine River, is approximately 0.45 miles east of the Little Cypress Bayou crossing. While Little Cypress Bayou is an open maintained channel with no aquatic vegetation, the area designated "Sabine Relief" is more similar to the swamps of the Tony Houseman Wildlife Management areas, most of which lie north of Interstate 10. Species in these areas commonly include *Taxodium distichum* (bald cypress), *Acer rubrum* (red maple), *Liquidambar styraciflua* (sweetgum), *Ilex vomitoria* (yaupon), *Cephalanthus occidentalis* (buttonbush), *Myrica cerifera* (wax myrtle), *Ilex decida* (swamp holly), *Sabal minor* (palmetto), *Cladium mariscus* (saw grass), *Salvinia minima* (common salvinia), *Sagittaria lancifolia* (lanceleaf arrowhead), *Peltandra virginica* (arrow arum or green arrow), *Persicaria hydropiperoids* (smart weed), *Juncus effusus* (*Juncus* sp.), and *Echinochloa walteri* (coast cockspur or swamp barnyard grass). Within the area of the ROW where the bored lines will be left in place, however, the vegetation will be limited to floating aquatic vegetation or herbaceous species such as *Juncus* sp. and arrow arum.

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 4 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.

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.

No water quality certification is required.

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 proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected 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 **9 June 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-2016-00245**, and should be submitted to:

Central Evaluation Unit
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS