



Public Notice

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

Galveston District

Permit Application No: SWG-2023-00744

Date Issued: 30 November 2023

Comments

Due: 2 January 2024

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 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Texas Department of Transportation - Houston District
7600 Washington Avenue
Houston, Texas 77008
POC: Sue Theiss
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AGENT: Texas Department of Transportation - Houston District
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LOCATION: The project site is located within estuarine and freshwater wetlands adjacent to the Galveston Bay, along Interstate Highway 45 south of the Causeway Bridge to 61st Street, in Galveston, Galveston County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.286966 North; **Longitude:** 094.850772 West

PROJECT DESCRIPTION: The applicant proposes to discharge an estimated 2,330 cubic yards of fill material into 1.45 acres of waters of the U.S. to facilitate improvements to existing Interstate Highway 45. Specifically, the project plans will include reconstructing and widening IH 45 from south of the Galveston Causeway Bridge to 61st Street and adding a direct connector from northbound 61st Street to northbound IH 45. The proposed improvement would consist of eight 12-foot-wide travel lanes (four in each direction) with 4-foot-wide inside and 12-foot-wide outside shoulders. The frontage roads would include four 11-foot-wide travel lanes (two in each direction) with a 5-foot-wide bike path and 5-foot-wide sidewalk separated from the frontage roads by a 1-foot offset. Grade separated intersections, with U-turns and turning lanes would be constructed at the following intersections: Harborside Drive, 71st Street, and 61st Street onto northbound IH 45. The proposed project would require approximately 5 acres of additional right-of-way (ROW).

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing and the eventual construction of the project that will include all practicable measures to continue to minimize harm to the environment. Additionally, much of the improvements will take place within the existing IH 45 reducing or eliminating impacts to surrounding areas.

MITIGATION: The applicant proposed to mitigate for the anticipated impacts by purchasing 1 credit of palustrine scrub-shrub to offset 0.0002 acres of permanent freshwater wetland loss from the Brazoria Coastal Bottomlands Mitigation Bank. For tidal emergent wetland losses totaling 1.4018 acres, the applicant proposed to purchase functional capacity units as a suite of 1.317 Biota credits, 2.012 Botanical credits, 1.298 Physical credits, and 1.275 Chemical credits from the Gulf Coastal Plains Mitigation Bank.

CURRENT SITE CONDITIONS: The project area consists largely of existing Interstate Highway 45 including existing and proposed roadway right-of-way (ROW), adjacent parcels of coastal marsh, isolated pockets of disturbed prairie, and open water. The vegetation within the project area consists largely of well-maintained roadside grasses as well as small stands of trees. Tidal marsh is present within the ROW in the far northwestern portion of the project area. Surrounding parcels include industrial, residential, commercial, and vacant lots.

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 6 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:

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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) 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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process. 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 Texas Department of Transportation via funding through Federal Highways Administration has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Texas Department of Transportation.

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 January 2024**. 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-2023-00744**, and should be submitted to:

Central Evaluation Unit
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DISTRICT ENGINEER
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CORPS OF ENGINEERS