



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2017-00359

Date Issued: 5 October 2017

Comments

Due: 6 November 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:**

Texas Department of Transportation (TxDOT) Houston District  
acting as Federal Highways Administration (FHWA)  
7600 Washington Avenue  
Houston, Texas 77064  
Telephone: 713-802-5885  
POC: Mr. Pat Henry/Mr. Andrew Leske

**AGENT:**

Ecosystem Planning & Restoration  
17575 North Eldridge Parkway, Building C  
Tomball, Texas 77377  
Telephone: 832-399-3400  
POC: Mr. Sonny Kaiser

**LOCATION:** The project site is located in wetlands and waterbodies adjacent to the Gulf of Mexico, near the Cities of Gilchrist and High Island, in Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: High Island, Texas.

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

Start Latitude: 29.508517° North;  
End Latitude: 29.551697° North;

Longitude: 094.499892° West  
Longitude: 094.389126° West

**PROJECT DESCRIPTION:** The applicant proposes to permanently discharge 25,419 cubic yards of fill material into 15.86 acres of wetlands and 18 linear feet of Waterbody 1 which are adjacent to the Gulf of Mexico during the raising, rehabilitation, overlay, and hardening of the two-lane undivided existing State Highway (SH) 87 starting east of Rollover Pass, continuing for 7.5 miles, and terminating 300 feet east of the intersection of SH 87 and SH 124. The existing roadway will be elevated 3 feet and the transition between the roadway and existing ground would be graded to a 4:1 slope. The roadside ditches and culverts will be modified to accommodate the improved roadway. The eastern end of the project will have the south side of SH 87 hardened using armor stone. The existing box culvert within Waterbody 1 will be extended 18 linear feet. The existing transition from eastbound SH 87 to northbound SH 124 would be removed and a new transition would be constructed adjacent to the existing southbound SH 124 and the westbound SH 87. The beach access from SH 87 would be maintained. The project will be constructed entirely within existing right-of-way which is typically between 120 and 398 feet wide.

**BACKGROUND:** The proposed project has been undertaken with Federal funding from the U.S. Department of Transportation, FHWA. The FHWA has reviewed the proposed project in compliance with the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and other relevant laws and executive orders.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by avoiding impacts to a total of 9.96 acres of wetlands and 645.6 linear feet of streams within the existing TxDOT right-of-way. The applicant has stated they will use Best Management Practices to minimize further environmental impacts during construction. The applicant stated the majority of the wetlands within the project area are man-made roadside ditches that are tidally influenced. Once construction is completed the road side ditches will remain to minimize flooding along the roadway and to channel water away from the roadway during extreme high tide events. It is expected the existing wetlands within the roadside ditches will re-establish. The applicant stated the project incorporates the smallest area that would meet the overall project purpose and need to prevent accumulated wind-blown sand and flooding over the existing roadway.

**MITIGATION:** The applicant used the Interim Tidal Fringe Hydrogeomorphic (HGM) assessment model to calculate the appropriate number of credits to debit from the Gulf Coastal Plains Mitigation Bank. The impacts to 15.86 acres of estuarine emergent wetlands will be compensated by the purchase of 10.8 functional credit units (FCUs) in Biota category, 14.6 FCUs in Botanical category, 6.6 FCUs in Physical category, and 10.2 FCUs in Chemical category.

**CURRENT SITE CONDITIONS:** The project site is within the existing right-of-way of SH 87 and SH 124 from the starting point east of Rollover Pass, in Gilchrist, to the ending point at 300 linear feet past the intersection of SH 87 and SH 124, in High Island. The project site consists of tidally influenced coastal wetlands within the roadside ditches that are adjacent to the Gulf of Mexico.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information and Interim Tidal Fringe HGM has not been verified by the Corps. The wetland delineation has been completed and was verified by the Corps on 9 August 2017. The applicant's plans are enclosed in 50 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.

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.

**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 confined to the existing right-of-way for Hwy 87, which has been so extensively impacted by previous project activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

**THREATENED AND ENDANGERED SPECIES:** Texas Department of Transportation, acting as FHWA, has prepared a Biological Assessment for Section 7 consultation with the United States Fish and Wildlife Services for the proposed work.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**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 **6 November 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-2017-00359**, and should be submitted to:

Central Unit/Evaluation Branch  
Regulatory Division, CESWG-RD-E  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-6301 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS