



Public Notice

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

Galveston District

Permit Application No: SWG-2018-00791

Date Issued: 5 September 2019

Comments

Due: 7 October 2019

**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 (CWA).

APPLICANT: Union Pacific Railroad
1400 Douglas Street, Stop 0910
Omaha, Nebraska 68179

POC: Kevin Rice
Telephone: 402-544-2213
Email: kprice@up.com

AGENT: Jacobs Engineering Group Inc.
P.O. Box 53495
Attn: Karen Coopersmith B3004C
Houston, Texas 77052

POC: Karen Coopersmith
Telephone: 281-776-2182
Email: karen.coopersmith@jacobs.com

LOCATION: The project site is located in several waters, wetlands, and crossing over Cedar Bayou at a point 0.53 miles south of Farm-to-Market (FM) Road 2345 and continuing for a distance of 3.75 miles north to terminate at a point north of FM Road 1942, near the city of Mont Belvieu, in Harris and Chambers Counties, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Mont Belvieu, Texas.

LATITUDE & LONGITUDE (NAD 83):

Start Latitude: 29.807456° North;

Longitude: 094.922855° West

End Latitude: 29.860214° North;

Longitude: 094.907496° West

PROJECT DESCRIPTION: The applicant proposes to discharge fill material into 0.96 acres of wetlands and 4,860 linear feet of streams during the construction of a 3.75-mile second mainline railroad track adjacent to an existing mainline railroad track. The proposed impacts will consist of both temporary and permanent impacts and is shown on Sheet 3. The applicant's plans are enclosed in 43 sheets.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by revising the proposed project to have decreased the environmental impacts while maintaining business objectives and safety requirements. The applicant states that the proposed construction workspace was developed, reviewed, and then reduced to the minimum area required to perform work in a safe and environmentally-conscious manner. The proposed project redesign resulted in a 0.19 acre reduction of temporary wetland impacts, and a 1,750-linear-foot reduction of other waters of the United States impacts.

MITIGATION: The applicant proposes to mitigate for the proposed impacts by purchasing 1.04 acres of herbaceous credits from the Greens Bayou Mitigation Bank (includes a two times service area multiplier) to mitigate impacts to riverine herbaceous/shrub wetlands. The applicant also proposes to purchase 0.1 physical, 0.1 biological and 0.1 chemical riverine forested functional wetland credits from Gin City Mitigation Bank (includes no service area multiplier). The applicant proposes to satisfy stream mitigation requirements by purchasing a total of 4,136.2 stream credits (includes a two times service area multiplier) from Houston Conroe Mitigation Bank.

CURRENT SITE CONDITIONS: The project site is currently consists of an existing Union Pacific Railroad Company mainline where the applicant is requesting to expand within this right-of-way. Along the proposed tract there is residential subdivisions, industrial development as well as undeveloped forested areas. The starting point near FM Road 2345 has a residential subdivision to the west of the proposed project site and both undeveloped forested area and an industrial facility on the east. The end point of the proposed tract at FM Road 1942, near the city of Mont Belvieu, Texas, is an industrial developed area. Cedar Bayou and adjacent herbaceous and forested wetlands are within the project area.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation.

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: 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 an existing right-of-way that 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: 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 **7 October 2019**. 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-2018-00791**, and should be submitted to:

Central Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS