



# Public Notice

<b>U.S. Army Corps Of Engineers Galveston District</b>	Permit Application No: _____	SWG-2012-01017
	Date Issued: _____	2 April 2014
	Comments Due: _____	2 May 2014

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**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:** City of Huntsville  
1212 Avenue M  
Huntsville, Texas 77340-4608  
Telephone: 936-291-5400  
POC: Aron Kullhavey

**AGENT:** Berg♦Oliver Associates, Inc.  
14701 St. Mary's Lane, Suite 400  
Houston, Texas 77079-2932  
Telephone: 281-589-0898  
POC: Andy Boswell

**LOCATION:** The project is located in Town Creek between the starting point at 17<sup>th</sup> Street and the ending point at 14<sup>th</sup> Street and Avenue J, in Huntsville, Walker County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Huntsville, Texas.

**LATITUDE & LONGITUDE (NAD 83):**  
Start Latitude: 30.716622 North;Longitude: -95.542797 West  
End Latitude: 30.720139 North;Longitude: -95.548897 West

**PROJECT DESCRIPTION:** The applicant proposes to discharge fill material during excavation, bank lay back, and realignment of 2,333 linear feet (0.68 acres) of Town Creek to improve stormwater management and reduce localized flooding. The main pilot channel of Town Creek will be re-established to its historical location which is an average of 2.5 feet from its current location. The applicant proposes to construct, within the realigned channel, the following in-stream structures in an effort to reduce erosion: 428 linear feet of overhanging vegetation, 1,723 linear feet of planting with vegetative root wads, ripple and plunge pools, j-hook vanes, and riprap to maintain channel integrity. The applicant anticipates use of these in-stream habitat features will allow for the creation of floodplain wetlands and provide a net increase in aquatic resource area. The capacity of Town Creek will not be increased by this proposed project.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts with the design of the proposed project and the use of in-stream habitat features. The capacity of Town Creek will not be increased by the proposed project further reducing the environmental impacts. The applicant initially proposed to work within 3,770 linear feet of Town Creek. This design was eliminated because reducing the linear footage of the proposed work to the proposed 2,333 linear feet still accomplished the goals of the proposed project and further minimized the environmental impacts. The installation of multiple habitat elements will restore ecological function within the channel, prevent future erosion, and help maintain channel integrity thereby reducing future maintenance requirements. The proposed project will create a net positive measureable biological and ecological impact on the Town Creek stream system.

**MITIGATION:** The applicant believes the design of the proposed project is self-mitigating. The creation of ripple and plunge pools, planting of vegetative root wads and overhanging vegetation, and the development of undercut banks will create an improved habitat within the channel of Town Creek. The placement of the riprap along the cut-bank side of the proposed sinuous curves will help create and maintain channel integrity. The applicant used the SWG Stream Evaluation Tool dated April 2013 to evaluate the function of Town Creek. This was the required stream assessment tool at the time of submittal of the permit application. The calculated Reach Condition Index (RCI) was 2.25. The applicant anticipates the proposed project will generate a RCI between 3.0 and 3.5 upon completion of construction. The applicant will calculate the RCI after completion of construction to demonstrate a positive gain in habitat function.

**CURRENT SITE CONDITIONS:** The project is located within the banks of Town Creek from 14<sup>th</sup> Street to Bearkat Boulevard within the City of Huntsville. The project is surrounded by commercial and public infrastructure development. Historically, Town Creek was a natural tributary of Parker Creek that flowed toward Lake Livingston and collected rainwater runoff from the surrounding area. The City of Huntsville developed around Town Creek and the subsequent minimal drainage improvements resulted in major erosion of the channel of Town Creek and increased flooding of the areas surrounding this stream. The project boundaries do not contain any wetlands.

**BACKGROUND:** The applicant proposes to re-establish the historic drainage pathway of Town Creek because of frequent localized flooding occurring within the City of Huntsville. This area has been designated as one of the highest priorities by the Texas Emergency Management Office and FEMA for flood risks. Town Creek is a historic tributary of Parker Creek which flows into Lake Livingston to the northeast. Portions of the development of the City of Huntsville and Sam Houston State University were designed to feed stormwater into Town Creek. Stormwater improvements within Town Creek were not adequate to handle the stormwater load. As a result, small rain events have caused severe localized flooding since the 1970s. Due to the additional stormwater, the original channel has eroded creating a much wider, steeper banked and less efficient drainage channel. This decrease in efficiency has increased the potential for upstream and downstream flooding due to the drainage system operating incorrectly. The erosion is creating structural integrity issues along the banks surrounding Town Creek causing safety issues for the general public and land owners. The continued erosion is also creating siltation and sedimentation issues within and downstream of Town Creek. The restoration of the Town Creek channel, the placement of habitat creation mechanisms, and the laying back of the existing banks is necessary to restore Town Creek to its original design since a large amount of the original channel and bank has eroded.

**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. The applicant's plans, in 15 sheets, and the mitigation plan, in 6 sheets, are enclosed.

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 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 has been so extensively modified 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 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 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 May 2014**. 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-2012-01017**, and should be submitted to:

Elizabeth Shelton  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3937 Phone; 409-766-6301 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS