

US Army Corps of Engineers ® Fort Worth District

Public Notice

Applicant: Texas Department of Transportation

Project No.: SWF-2006-00426

Date: May 12, 2014

	The purpose of this public notice is 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. We hope you will participate in this process.
<u>Regulatory Program</u>	Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.
Section 10	The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate <i>all work or structures in or affecting the course, condition,</i> <i>or capacity of navigable waters of the United States.</i> The intent of this law is to protect the navigable capacity of waters important to interstate commerce.
Section 404	The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the <i>discharge of dredged and fill material into all waters of the United</i> <i>States, including wetlands.</i> The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.
Contact	Name: Mr. Frederick J. Land
	Phone Number: (817) 886-1729

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA, to discharge dredged and fill material into waters of the United States associated with the reconstruction and widening of U.S. Highway 175, between Farm-to-Market Road (FM) 804 in Henderson County, Texas, and State Highway (SH) 155 in Anderson County, Texas.

APPLICANT: Texas Department of Transportation Mr. Randy Hopmann, P.E. 2709 West Front Street Tyler, Texas 75702

APPLICATION NUMBER: SWF-2006-00426

DATE ISSUED: May 12, 2014

LOCATION: The proposed roadway reconstruction and widening would be located along approximately 16 miles of the existing U.S. Highway 175 from FM 804 in Henderson County, to SH 155 in Anderson County, Texas. The proposed project would begin near FM 804 located approximately at UTM coordinates 263395 East and 3548903 North (Zone 15) in the USGS Hydrologic Unit 12030201. The proposed project would end near SH 155 located approximately at UTM coordinates 240481 East and 3560922 North (Zone 15) in the USGS Hydrologic Unit 12020001. The project area is located on the Leagueville, La Rue and Poynor, Texas 7.5-minute USGS Quadrangle maps.

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposed to discharge approximately 12,112 cubic yards of dredged and fill material into approximately 8.679 acres of waters of the United States in conjunction with the improvements to U.S. Highway 175. The proposed project would widen 16 miles of U.S 175 from FM 804 in Henderson County, to SH 155 in Anderson County, Texas (Sheets 1 - 22 of 22). The right-of-way (ROW) along U.S. Highway 175 would be would be extended approximately 150 feet to 250 feet to the south of the existing ROW to accommodate the proposed widened roadway. The applicant proposes to widen the existing two-lane, undivided

roadway, to a four-lane divided roadway. The proposed roadway would have four 12-foot (ft) travel lanes, a 70-ft median, and two 10-ft shoulders.

The basic project purposes are to improve roadway safety and accommodate existing and projected increases in traffic flow. The applicant has stated that the current design of this stretch of U.S. Highway 175 (two travel lanes with no turning lanes) has caused significant traffic safety issues. The proposed project reach serves as a travel corridor between the cities of Athens and Palestine, and between Cedar Creek Reservoir and Lake Palestine. The overall project purposes are to meet the needs of the projected increase in roadway capacity and to improve safety conditions along this reach of U.S. Highway 175.

The project area is generally rural, with some residential and commercial development. The major land use in the area is agriculture. There are approximately 9.130 acres of waters of the United States located in the proposed project area, including approximately 6,948 linear feet (1.146 acres) of various streams, and approximately 7.984 acres of wetlands. The proposed road widening project would cross waters of the United States at 22 separate crossings, including a tributary to Kite Branch, a tributary to Alligator Branch, Catfish Creek, Caddo Creek, 10 unnamed tributaries to Caddo Creek, Pierce Creek, Horseshoe Lake, Mill Branch, and several wetlands.

Riparian vegetation along the various streams in the project area includes hackberry (*Celtis laevigata*), cedar elm (*Ulmus crassifolia*), green ash (*Fraxinus pensylvanica*), black willow (*Salix nigra*), and to a lesser extent, honey locust (*Gleditsia triacanthos*), Osage orange (*Maclura pomifera*), and American elm (*Ulmus americana*). The riparian understory is typically vegetated with herbaceous and woody vine cover including greenbrier (*Smilax bona-nox*), southern dewberry (*Rubus trivialis*), and poison ivy (*Toxicodendron radicans*). Typical vegetation within the wetlands in the proposed project includes smartweed (*Polygonum hydropiperoides*), black willow (*Salix nigra*), and various rushes (*Juncus spp.*).

In conjunction with the roadway widening, the applicant proposes to widen and lengthen various bridges and culverts located within the project area. The applicant proposes to permanently discharge approximately 12,112 cubic yards of fill material into approximately 5.285 acres of waters of the United States, including 5,471 linear feet (0.916 acre) of streams, and 4.369 acres of wetlands. Work associated with the proposed project would also include temporary impacts to 1,477 linear feet (0.23 acre) of streams and 3.164 acres of wetlands. A detailed listing of temporary and permanent impacts to waters of the United States associated with the proposed road widening project is shown in Table A.

The applicant identified and considered several alternatives during the design phase of the proposed project. The No Action Alternative would result in the proposed project not being built and subsequently, no project-related adverse impacts to waters of the United States would occur. The overall traffic would likely increase along this 16-mile reach of U.S. 175 and unsafe road conditions would persist.

The applicant has incorporated various elements into the proposed project to avoid and minimize adverse impacts to waters of the U.S to the extent practicable. Impacts to waters of the U.S. in the proposed project area that are immediately adjacent to the existing and proposed bridge structures would be minimized to the extent practicable by the placement of temporary construction mats and/or restoration of preconstruction contours. The applicant has stated that through these minimization measures, the impacts to approximately 1,477 linear feet (0.23 acre) of intermittent streams and approximately 3.164 acres of wetlands would be temporary impacts.

Table A								
Total Impacts to Y	Total Impacts to Waters of the United States							
		-	Type and					
Water of the U.S.	Estimated	of Impacts						
	Temporary	Temporary	Permanent	Permanent				
	(acres)	(linear feet)	(acres)	(linear feet)				
Crossing 1 – Tributary to	0.003	38	0.022	328				
Kite Branch (intermittent)								
Crossing 2 – Tributary to	0.010	133	0.021	325				
Alligator Branch (intermittent)								
Crossing 3 – Catfish Creek	0.018	151	0.050	436				
(intermittent)								
Crossing 4 – Tributary #1 to	0.007	169	0.017	356				
Caddo Creek (intermittent)								
Crossing 5 – Wetland A (medium quality)	0.916	NA	2.933	NA				
Caddo Creek (perennial)	0.053	92	0.061	88				
Crossing 6 – Tributary #2 to	0.009	113	0.023	253				
Caddo Creek (intermittent)								
Crossing 7 – Pierce Creek	0.039	118	0.136	330				
(perennial)								
Crossing 8 – Wetland B	0.127	NA	0.550	NA				
(medium quality)								
Crossing 9 – Horseshoe Lake/Wetland C	1.948	NA	0.553	NA				
(high quality)								
Crossing 10 – Tributary #3 to	0.024	84	0.086	313				
Caddo Creek (intermittent)								
Crossing 11 – Tributary #4 to	0.008	168	0.024	510				
Caddo Creek (intermittent)								
Crossing 12 – Tributary #5 to	0.012	125	0.029	322				
Caddo Creek (intermittent)								
Crossing 13 – Mill Branch	0.010	22	0.199	435				
(perennial)								
Crossing 14 – Tributary #6 to	0.004	78	0.029	425				
Caddo Creek (intermittent)								

Crossing 15 – Wetland D	0	NA	0.029	NA
(low quality)				
Crossing 16 – Tributary #7 to	0.004	24	0.059	439
Caddo Creek (Intermittent)	0.107	NA	0.035	NA
Wetland E (medium quality)				
Crossing 17 – Tributary #8 to	0.022	111	0.067	293
Caddo Creek (intermittent)				
Crossing 18 – Tributary #9 to	0.005	39	0.053	328
Caddo Creek (intermittent)				
Crossing 19 – Tributary #10 to	0.002	12	0.040	290
Caddo Creek (intermittent)				
Crossing 20 – Wetland F	0.066	NA	0.269	NA
(low quality)				
Totals	3.394	1,477	5.285	5,471

In addition, a bridged crossing is proposed at Wetland C that is adjacent to Horseshoe Lake (Sheet 11 of 22). Originally, the applicant designed culverts at this crossing, but revised the design to a bridged crossing in order to minimize wetland impacts at this location. The applicant believes that adverse impacts to waters of the U.S. have been minimized to the extent practicable while still meeting design standards and specifications. Temporary and permanent stormwater pollution control measures would be used to minimize adverse impacts to water quality.

The applicant has submitted a mitigation plan to compensate off-site for unavoidable project impacts to waters of the U.S. The applicant proposes to compensate for adverse impacts through the purchase of credits from approved mitigation banks having credits available with service areas encompassing the project.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns 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, including its cumulative effects. Among the factors addressed 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, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE 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 USACE in determining whether to issue, issue with modifications, or conditions, 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 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.

STATE WATER QUALITY CERTIFICATION: 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 USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and 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 USACE 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 the work is made available for review in the TCEQ's Austin Office. 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 requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine whether any may occur in the project area. The proposed project would be located in Anderson and Henderson Counties where no federally-listed endangered or threatened species are known to occur. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The project area has been partially surveyed for the presence of historic and prehistoric properties by the Texas Department of Transportation (TxDOT). One historic site, 41HE351, was identified during the survey. It was determined to be ineligible for inclusion in the National Register of Historic Places (NRHP). Several small scatters of 20th century trash were not recorded as historic sites. No prehistoric sites were identified during this portion of the survey. The Texas Historical Commission concurred with these findings in a letter to

TxDOT dated January 16, 2004. Sixteen parcels of land remain to be surveyed. These parcels did not have right-of-entry during the previous work. Survey for the presence of historic and prehistoric sites will be undertaken on these parcels when entry is obtained. Sites potentially eligible for inclusion in the NRHP may be identified on these parcels and require assessment, coordination, and treatment prior to ground-disturbing activities.

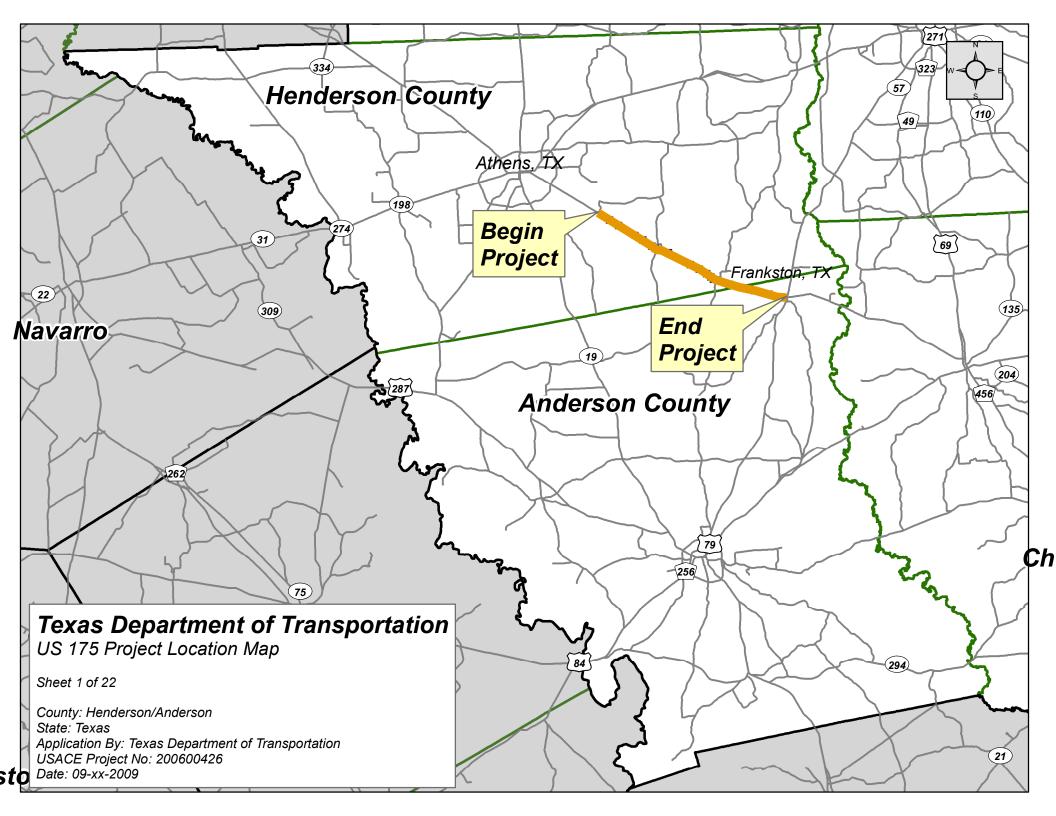
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

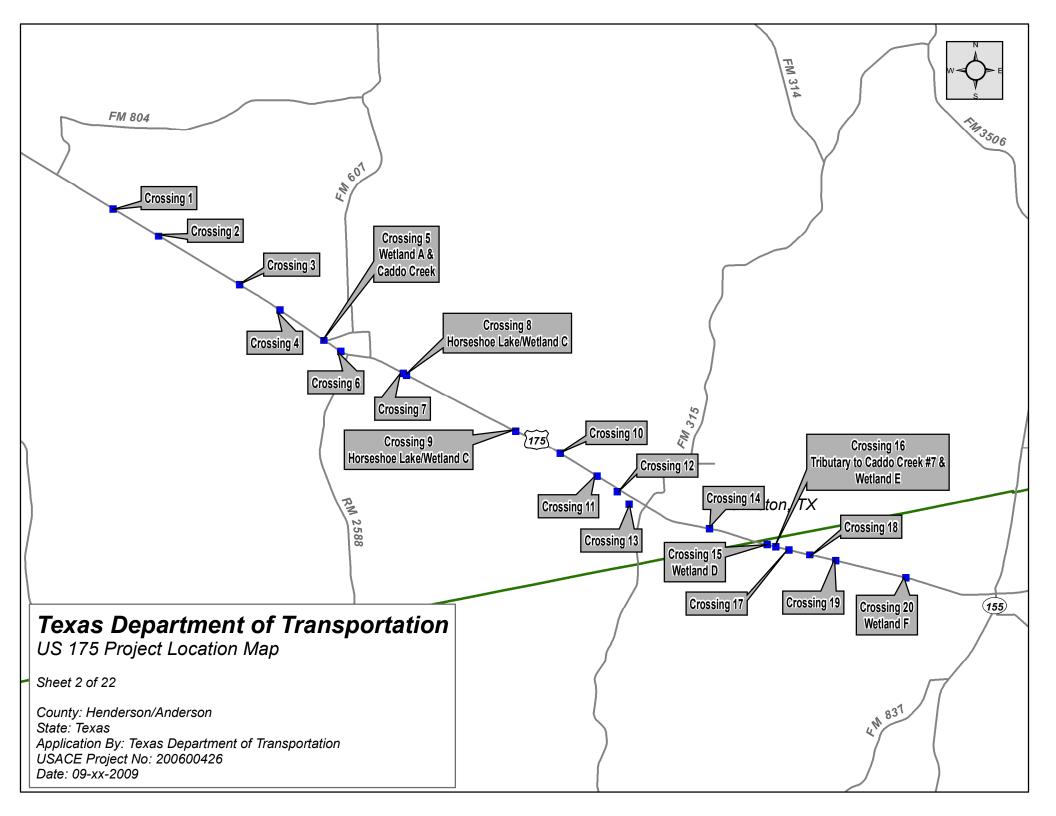
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

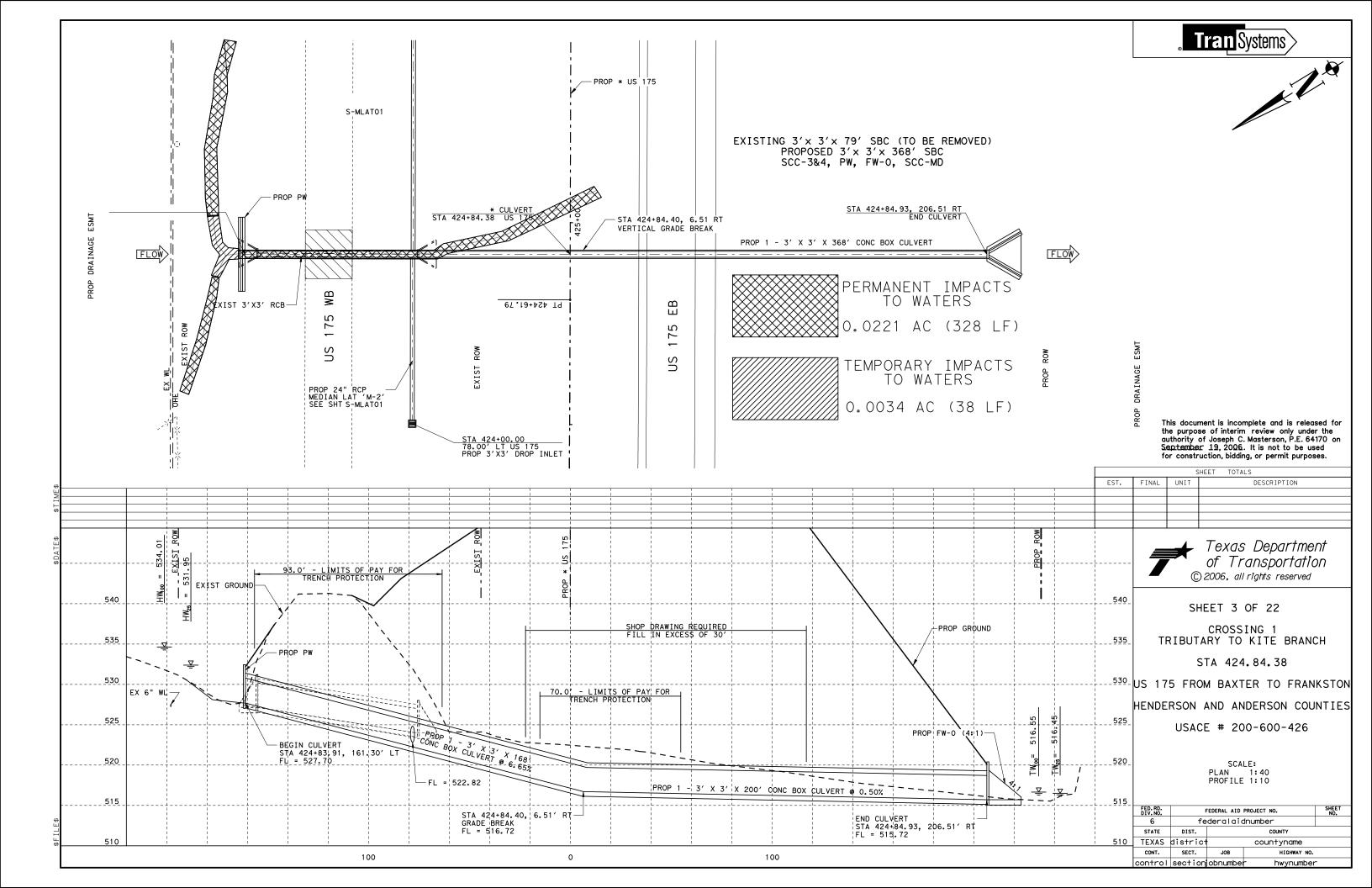
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

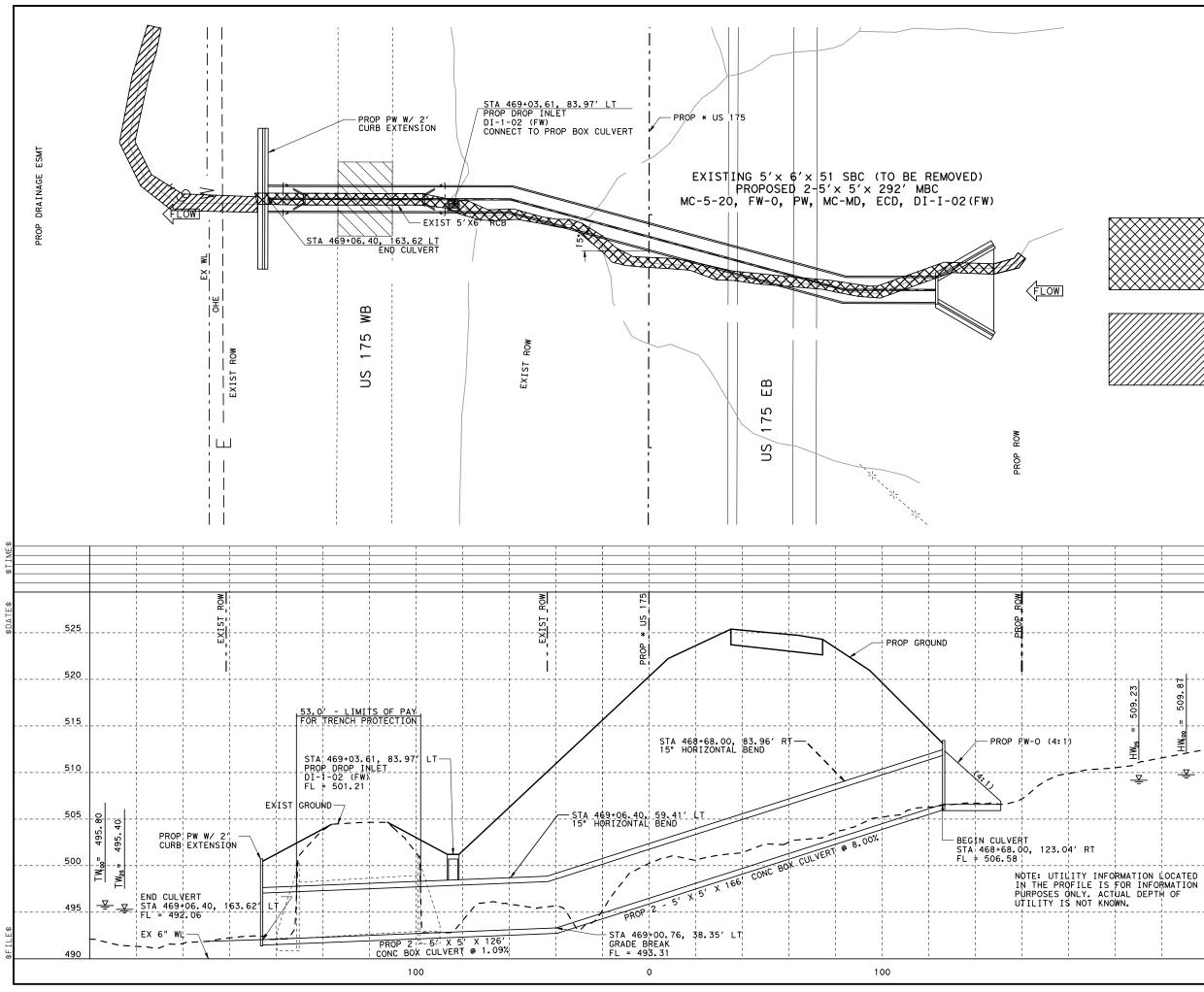
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before June 12, 2014 which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to; Mr. Frederick Land; Regulatory Division, CESWF-DE-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Division in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER FORT WORTH DISTRICT CORPS OF ENGINEERS









Tran Systems 11× PERMANENT IMPACTS TO WATERS 0.0213 AC (325 LF) TEMPORARY IMPACTS TO WATERS 0.0104 AC (133 LF) This document is incomplete and is released for the purpose of interim review only under the authority of Joseph C. Masterson, P.E. 64170 on September 19, 2006. It is not to be used for construction, bidding, or permit purposes. SHEET TOTALS EST. FINAL UNIT DESCRIPTION Texas Department of Transportation 525 © 2006, all rights reserved _520_ 18 SHEET 4 OF 22 509.23 CROSSING 2 TRIBUTARY TO ALLIGATOR BRANCH 515 μ¥ HW25 STA 468+90.49 _510_ US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES _505_ USACE # 200-600-426 _500_ SCALE: PLAN 1:40 PROFILE 1:10 _495_ FED. RD. DIV. NO. 6 SHEET NO. FEDERAL AID PROJECT NO.

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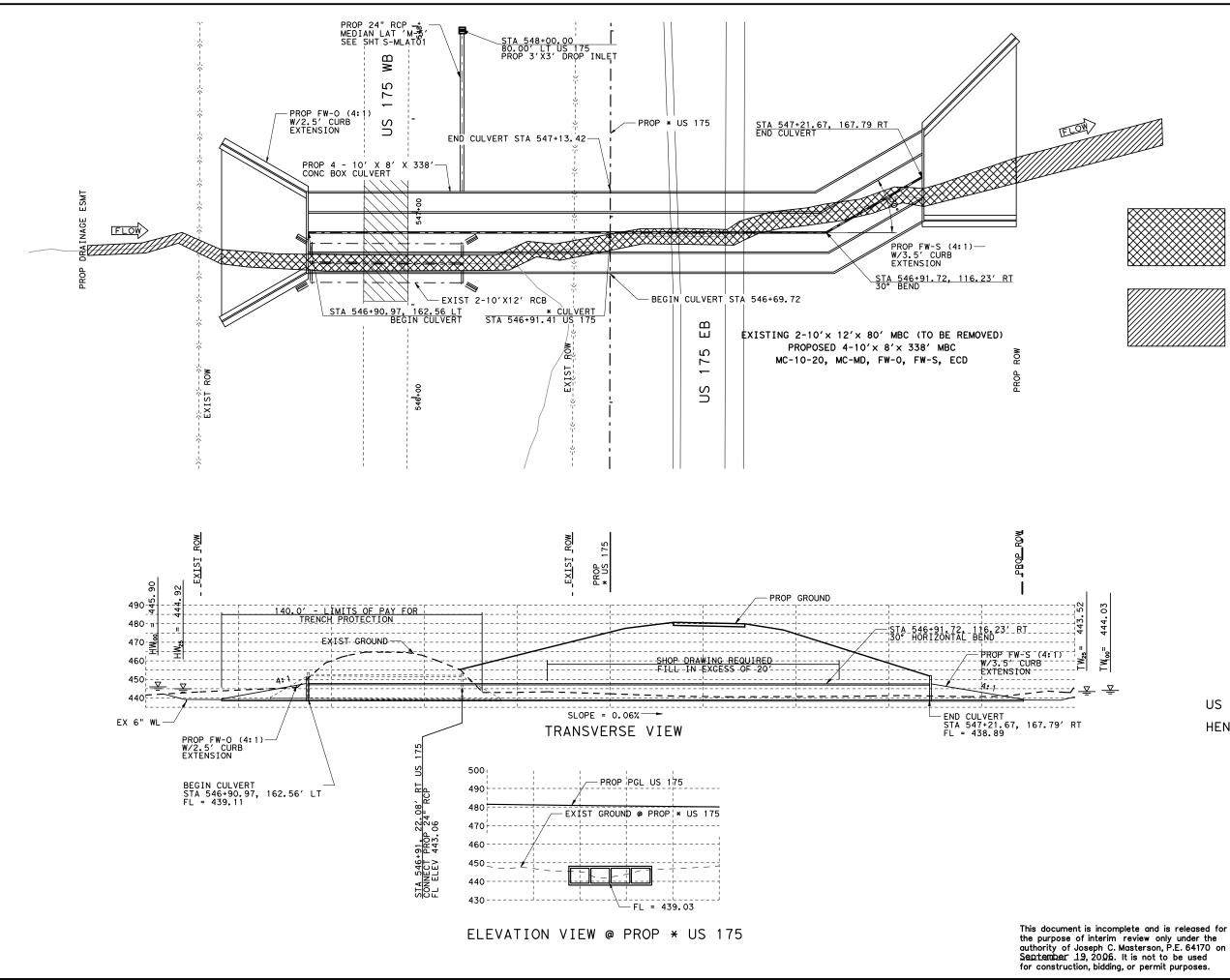
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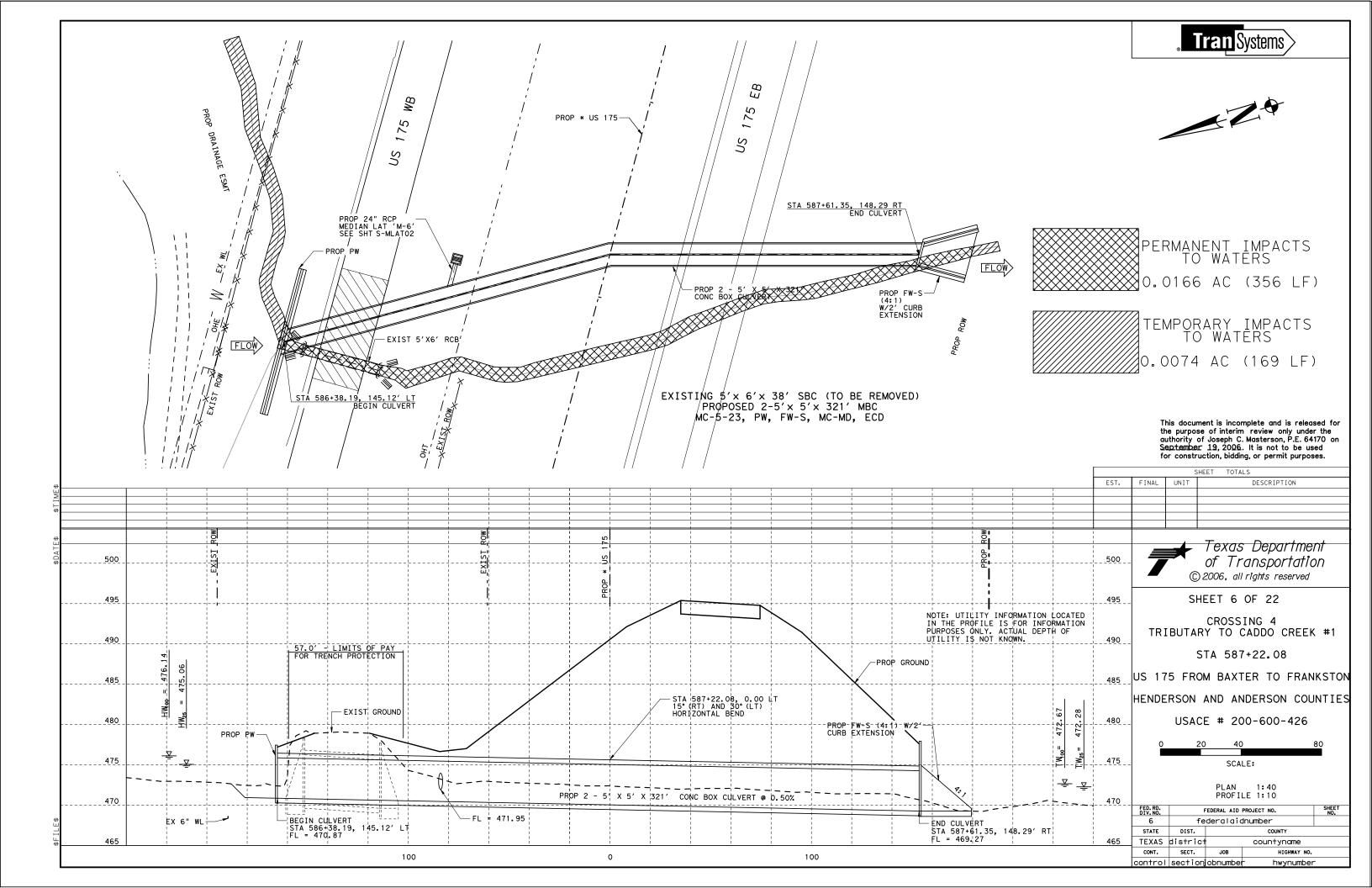


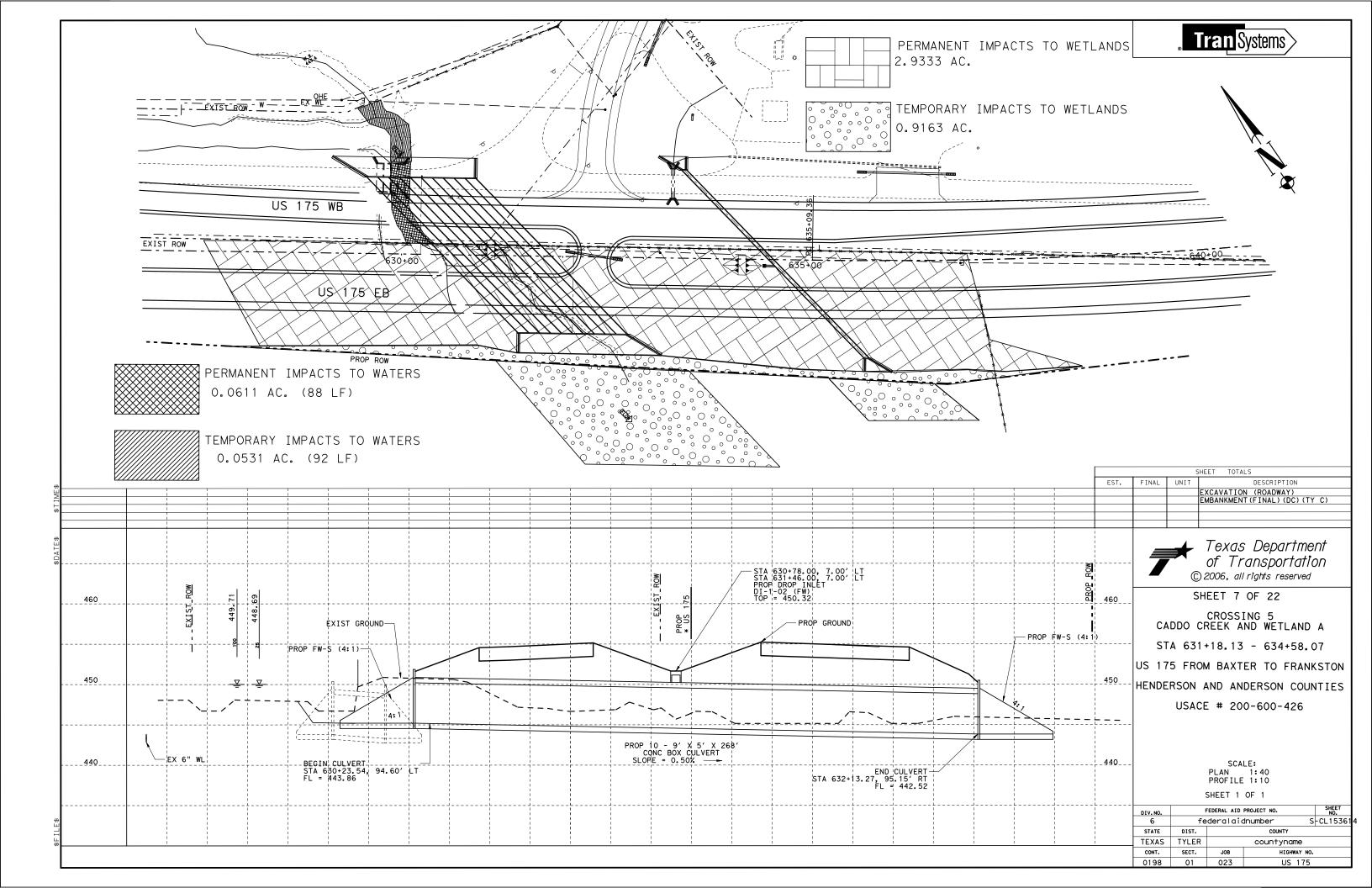
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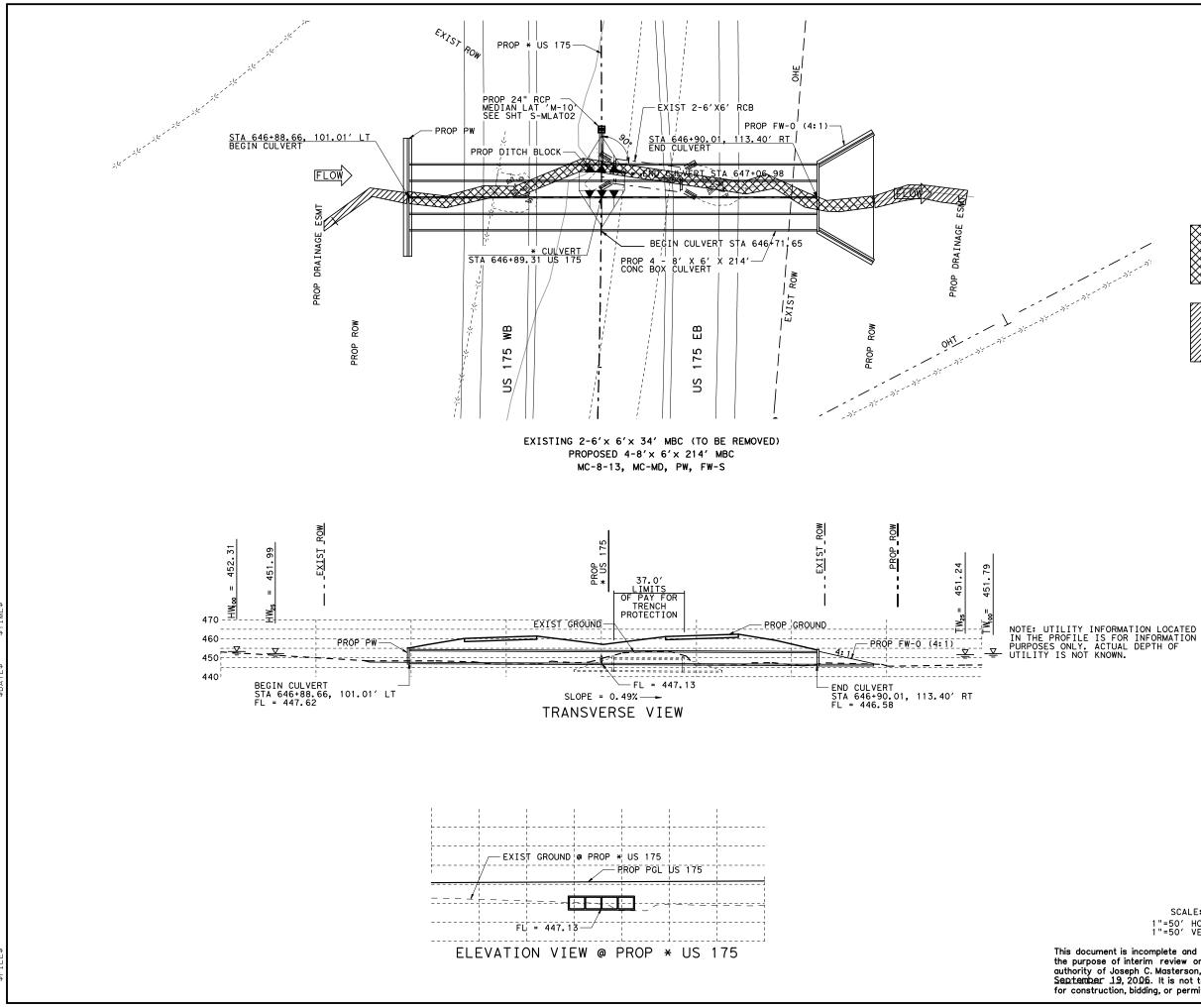
TEMPORARY IMPACTS TO WATERS 0.0181 (151 LF)

SHEET 5 OF 22 CROSSING 3 CATFISH CREEK STA 546+91.41 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

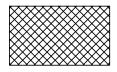
Texas Department of Transportation 2006, all rights reserved FED. RD. DIV. NO. 6 SHEET NO. FEDERAL AID PROJECT NO. federalaidnumber STATE DIST. COUNTY TEXAS district countyname CONT. SECT. JOB HIGHWAY NO. control sectionjobnumber hwynumber



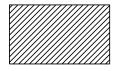








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TEMPORARY IMPACTS TO WATERS 0.0088 AC. (113 LF)

SHEET 8 OF 22

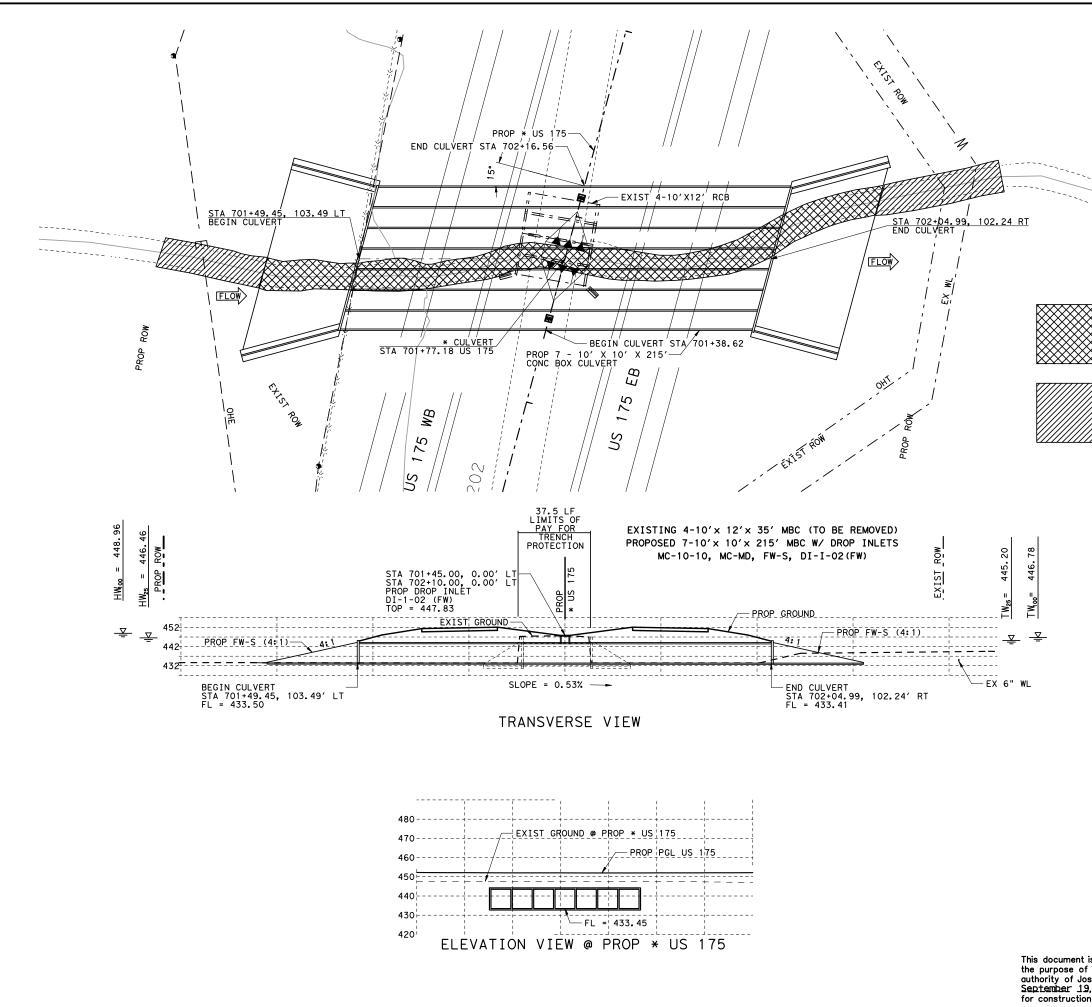
CROSSING 6 TRIBUTARY TO CADDO CREEK #2 STA 646+89.31

US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

> Texas Department of Transportation 2006, all rights reserved SHEET NO. FED.RD. DIV.NO. FEDERAL AID PROJECT NO. federalaidnumber 6 STATE DIST. COUNTY TEXAS district countyname CONT. SECT. JOB HIGHWAY NO. control sectionjobnumber hwynumber

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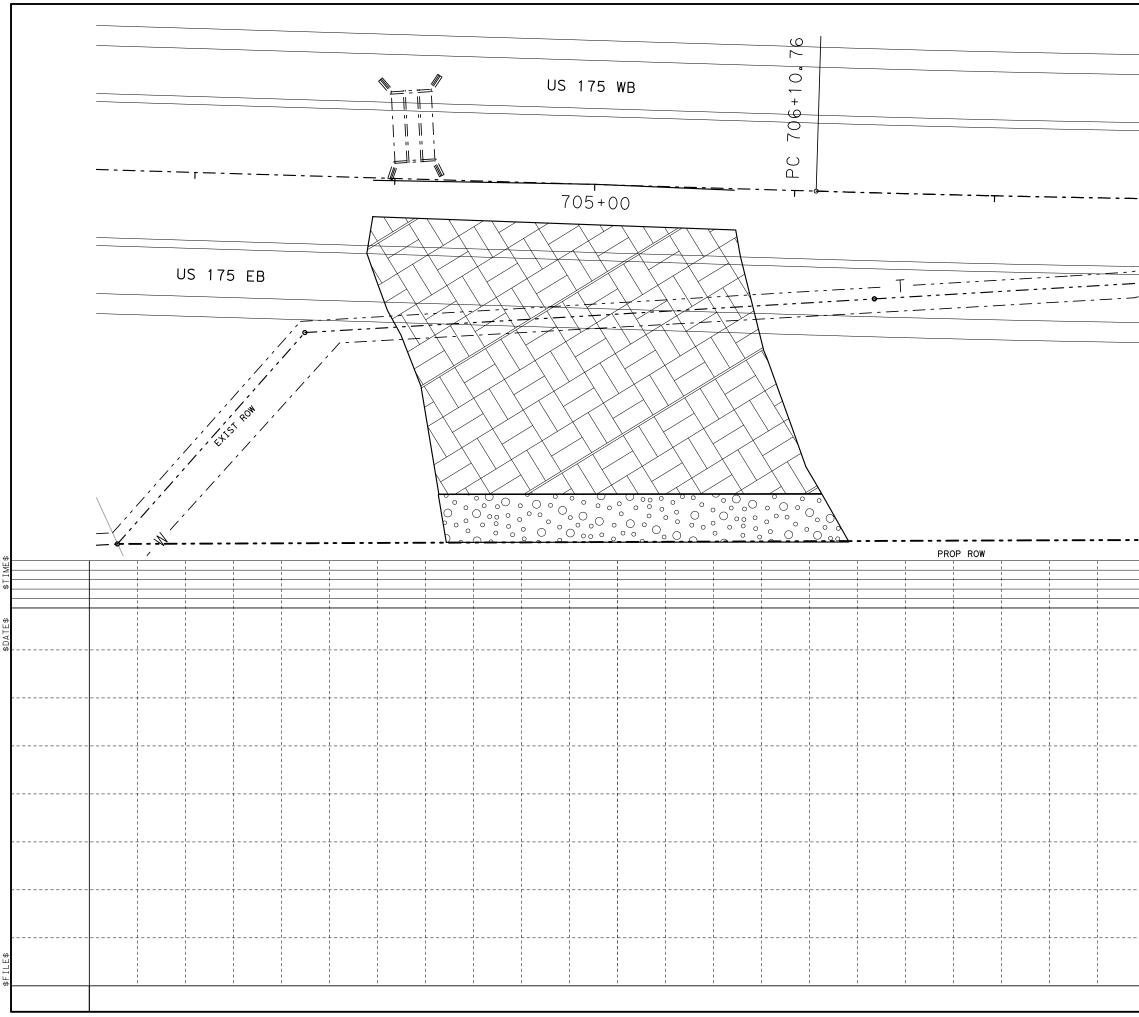
TEMPORARY IMPACTS TO WATERS 0.0387 AC. (118 LF)

> SHEET 9 OF 22 CROSSING 7 PIERCE CREEK STA 701+77.81 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

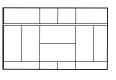
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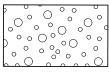
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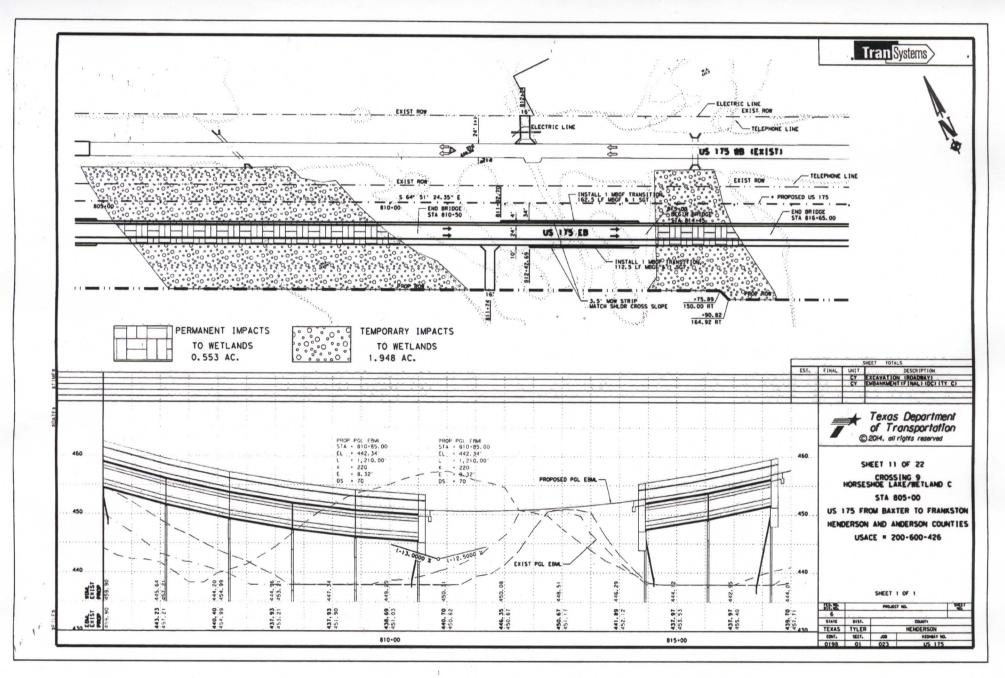


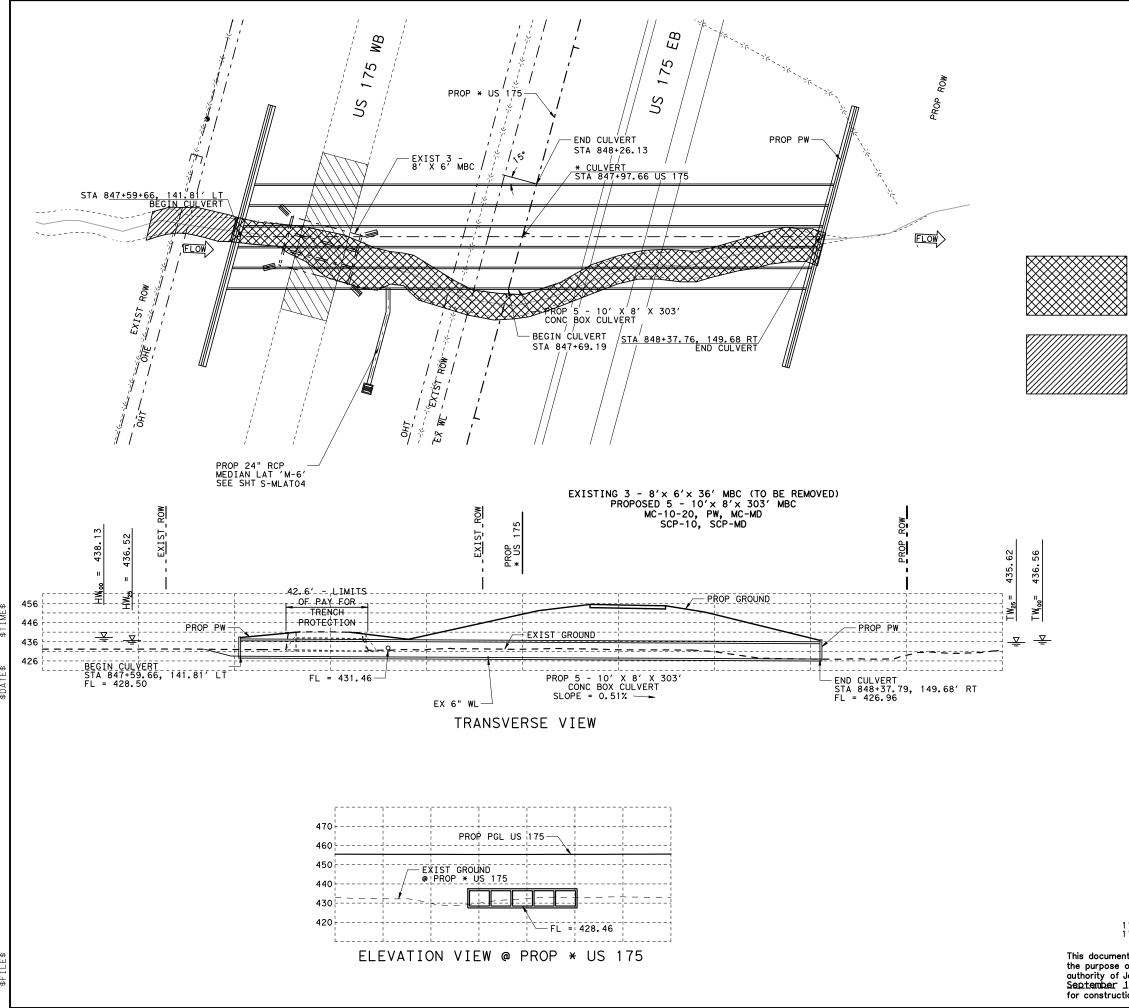




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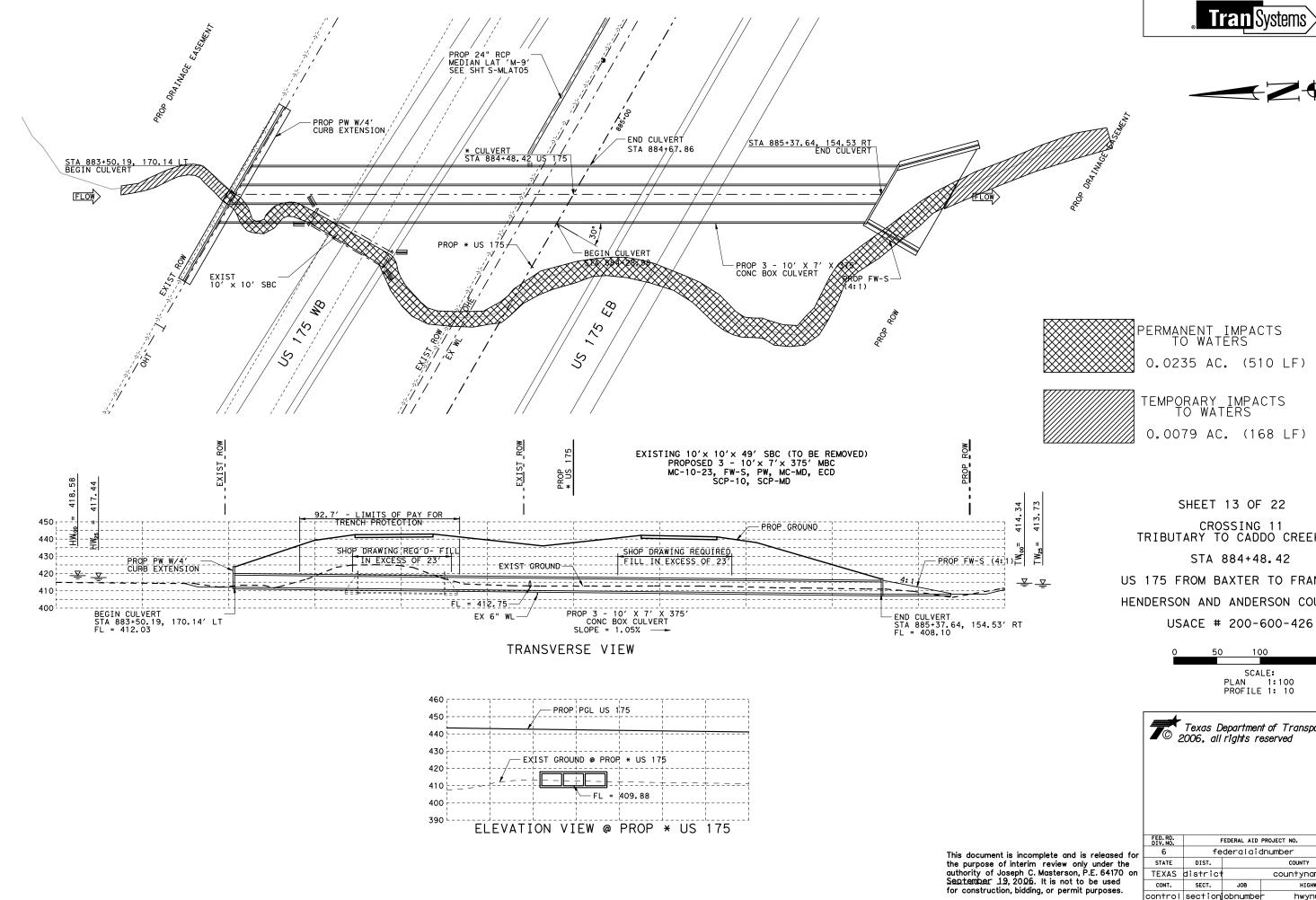
TEMPORARY IMPACTS TO WATERS

0.0244 AC. (84 LF)

SHEET 12 OF 22 CROSSING 10 TRIBUTARY TO CADDO CREEK #3 STA 847+97.66 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

	Texas Department of Transportation 2006, all rights reserved					
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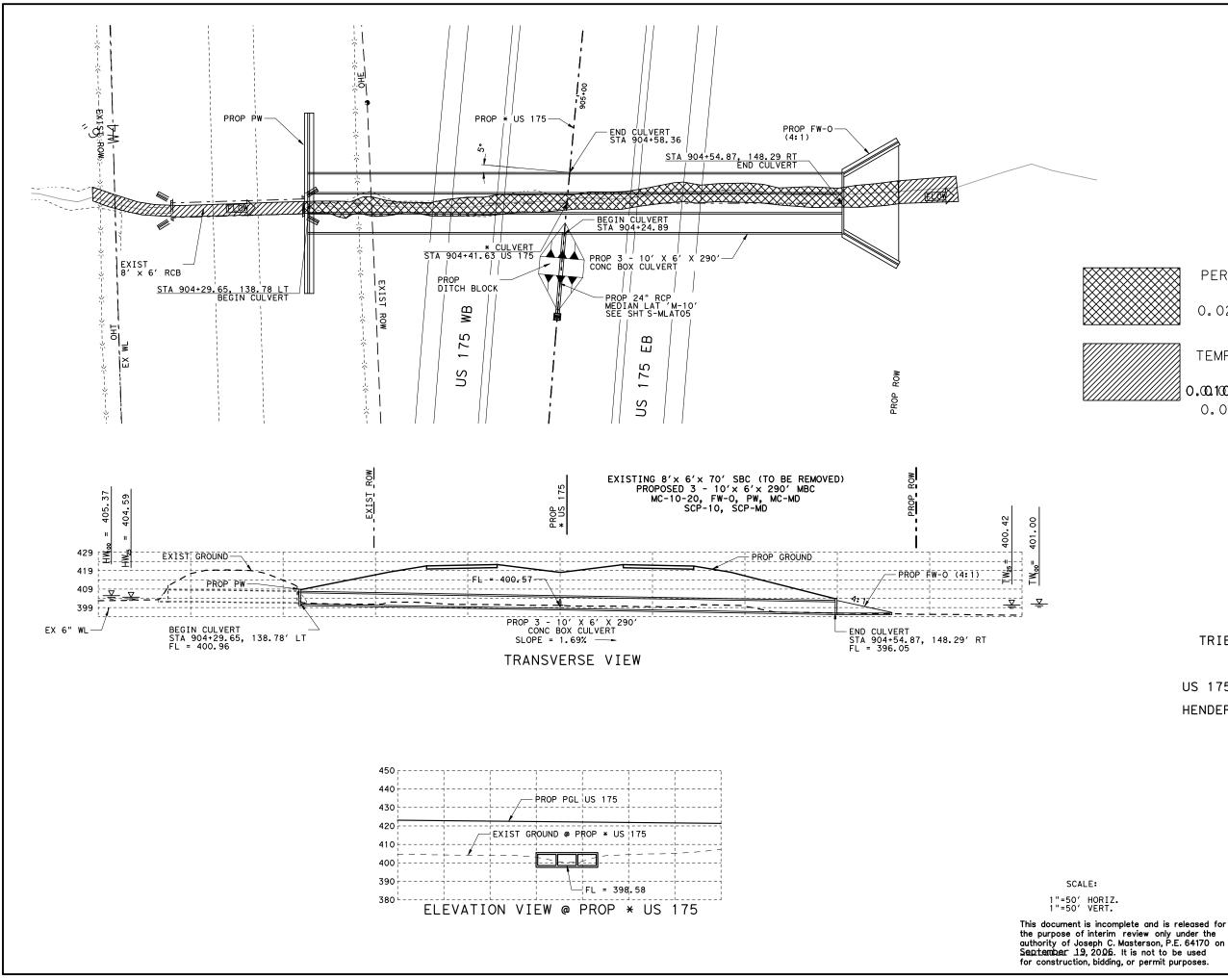
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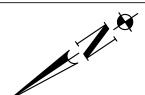


CROSSING 11 TRIBUTARY TO CADDO CREEK #4 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES

200 Texas Department of Transportation 2006, all rights reserved SHEET NO. COUNTY countyname HIGHWAY NO. hwynumber

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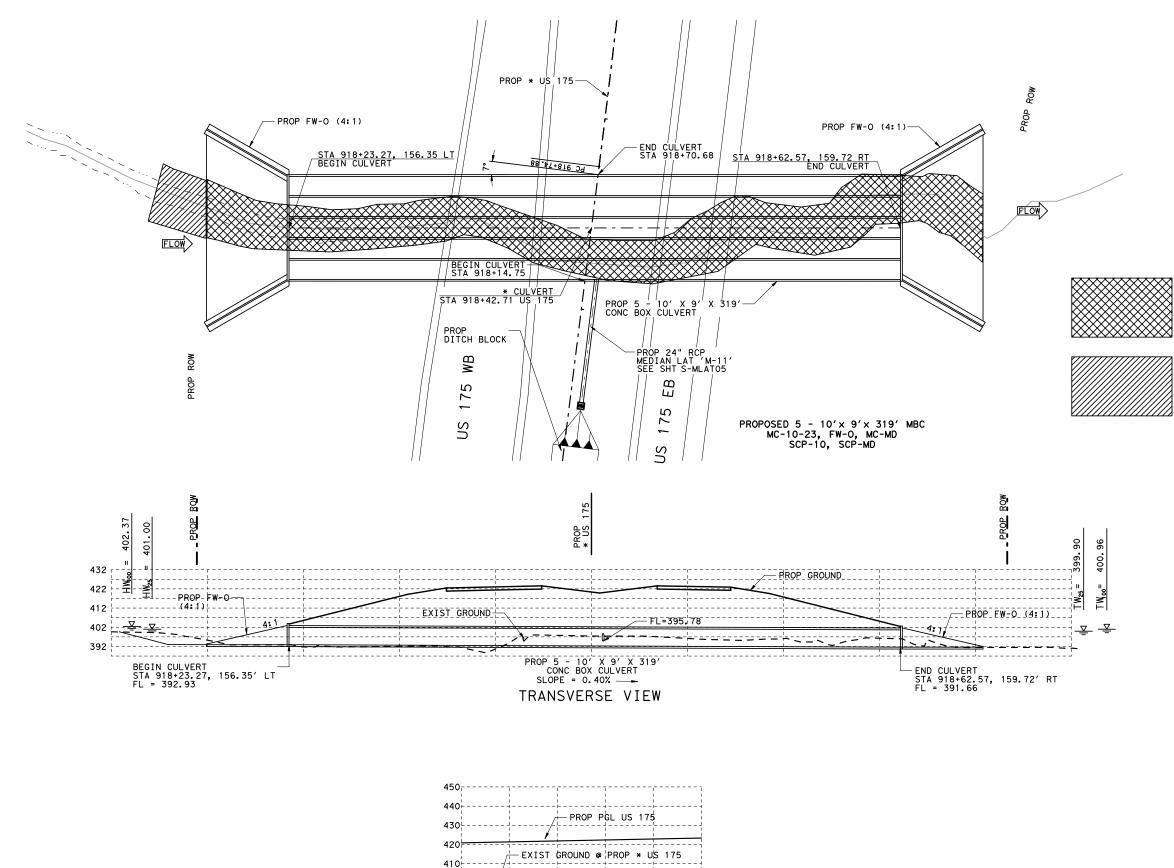
0.0122 AC. (125 LF)

SHEET 14 OF 22 CROSSING 12 TRIBUTARY TO CADDO CREEK #5 STA 904+41.63 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

> Texas Department of Transportation 2006, all rights reserved SHEET NO. FED.RD. DIV.NO. FEDERAL AID PROJECT NO. federalaidnumber 6 STATE DIST. COUNTY TEXAS district countyname CONT. SECT. JOB HIGHWAY NO. control sectionjobnumber hwynumber

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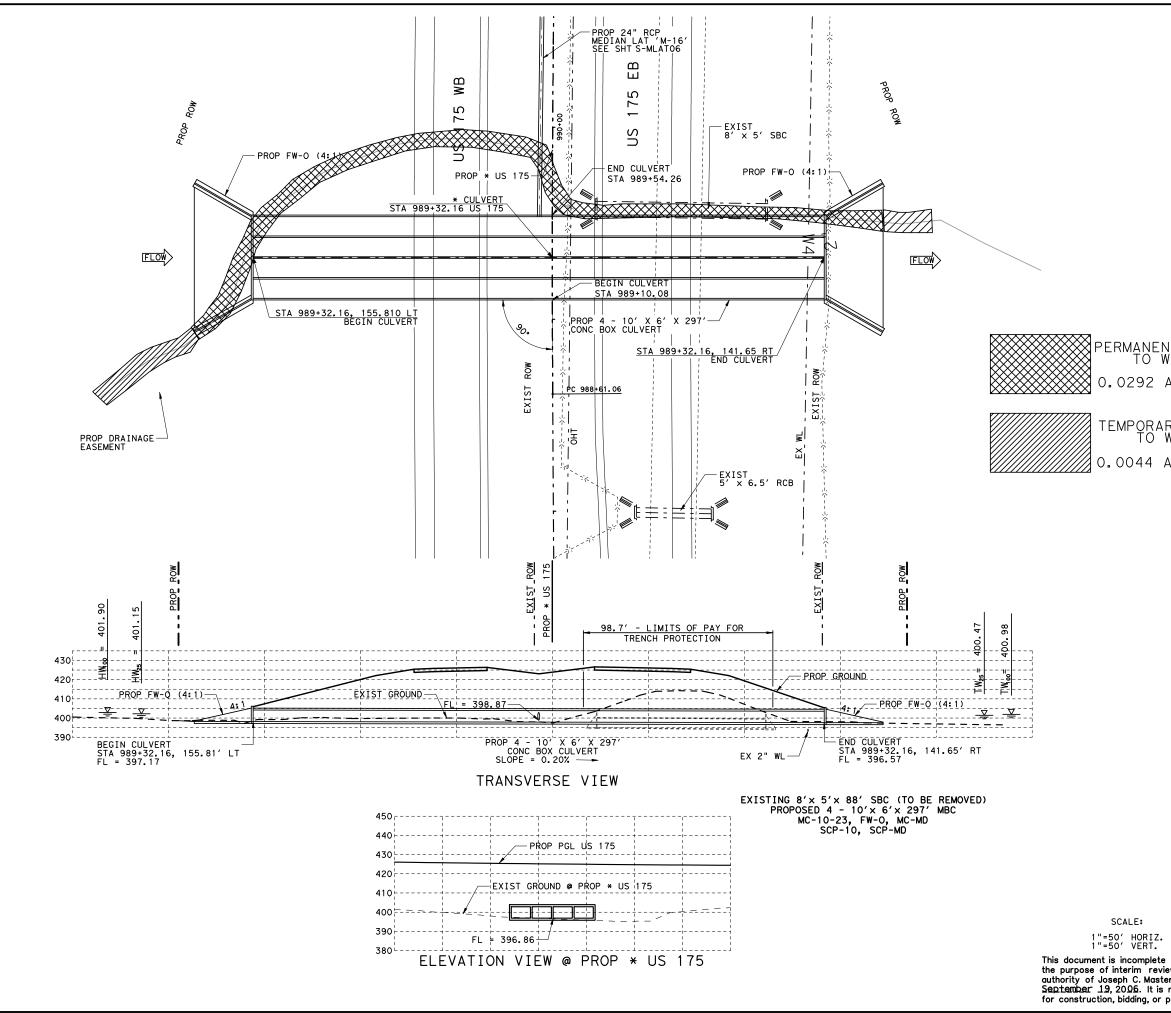
0.0099 AC. (22 LF)

SHEET 15 OF 22 CROSSING 13 MILL BRANCH

STA 918+42.71 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

> Texas Department of Transportation 2006, all rights reserved FED.RD. DIV.NO. SHEET NO. FEDERAL AID PROJECT NO. federalaidnumber 6 STATE DIST. COUNTY TEXAS district countyname CONT. SECT. JOB HIGHWAY NO. control section obnumber hwynumber

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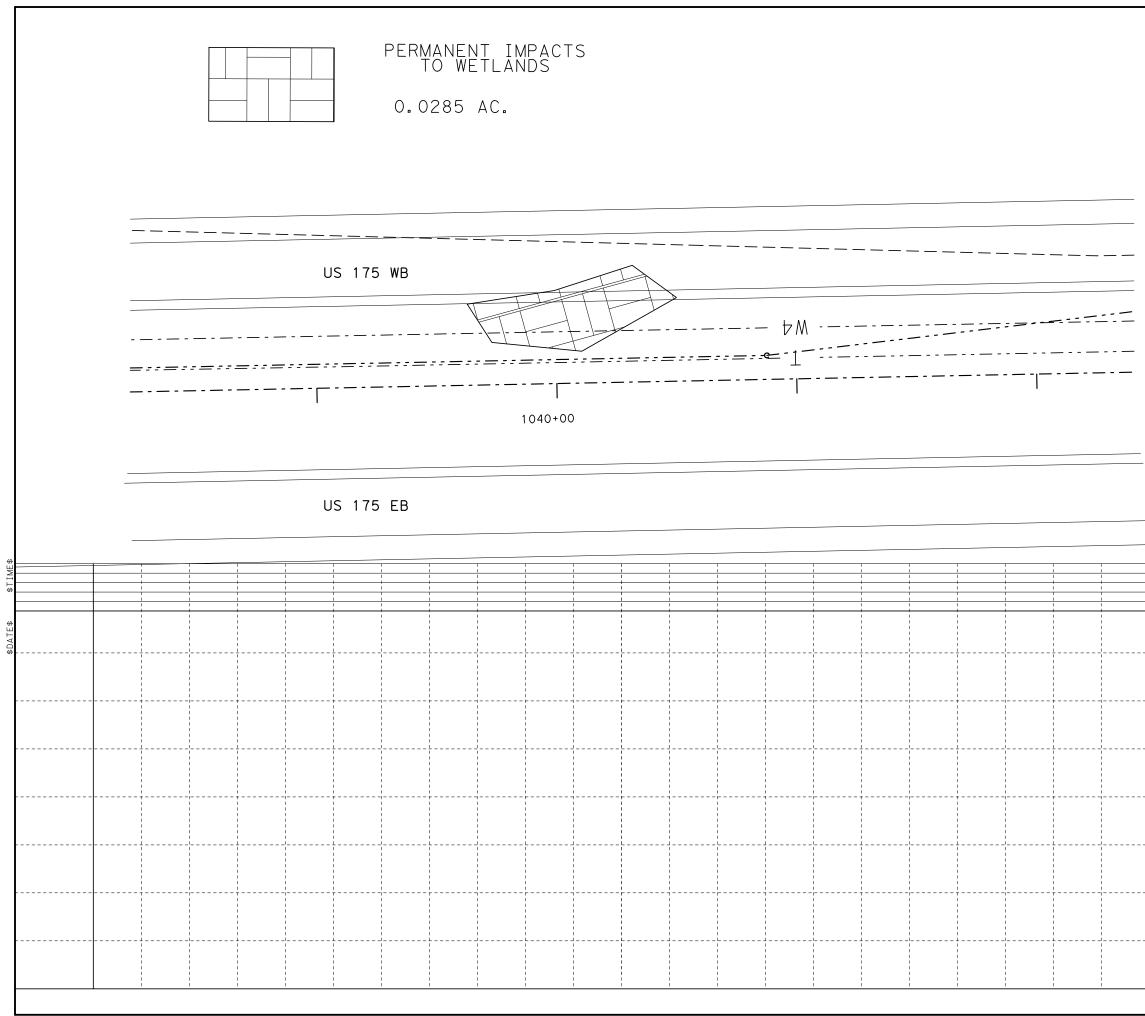
PERMANENT IMPACTS TO WATERS 0.0292 AC. (425 LF)

TEMPORARY IMPACTS TO WATERS 0.0044 AC. (78 LF)

> SHEET 16 OF 22 CROSSING 14 TRIBUTARY TO CADDO CREEK #6 STA 989+32.16 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

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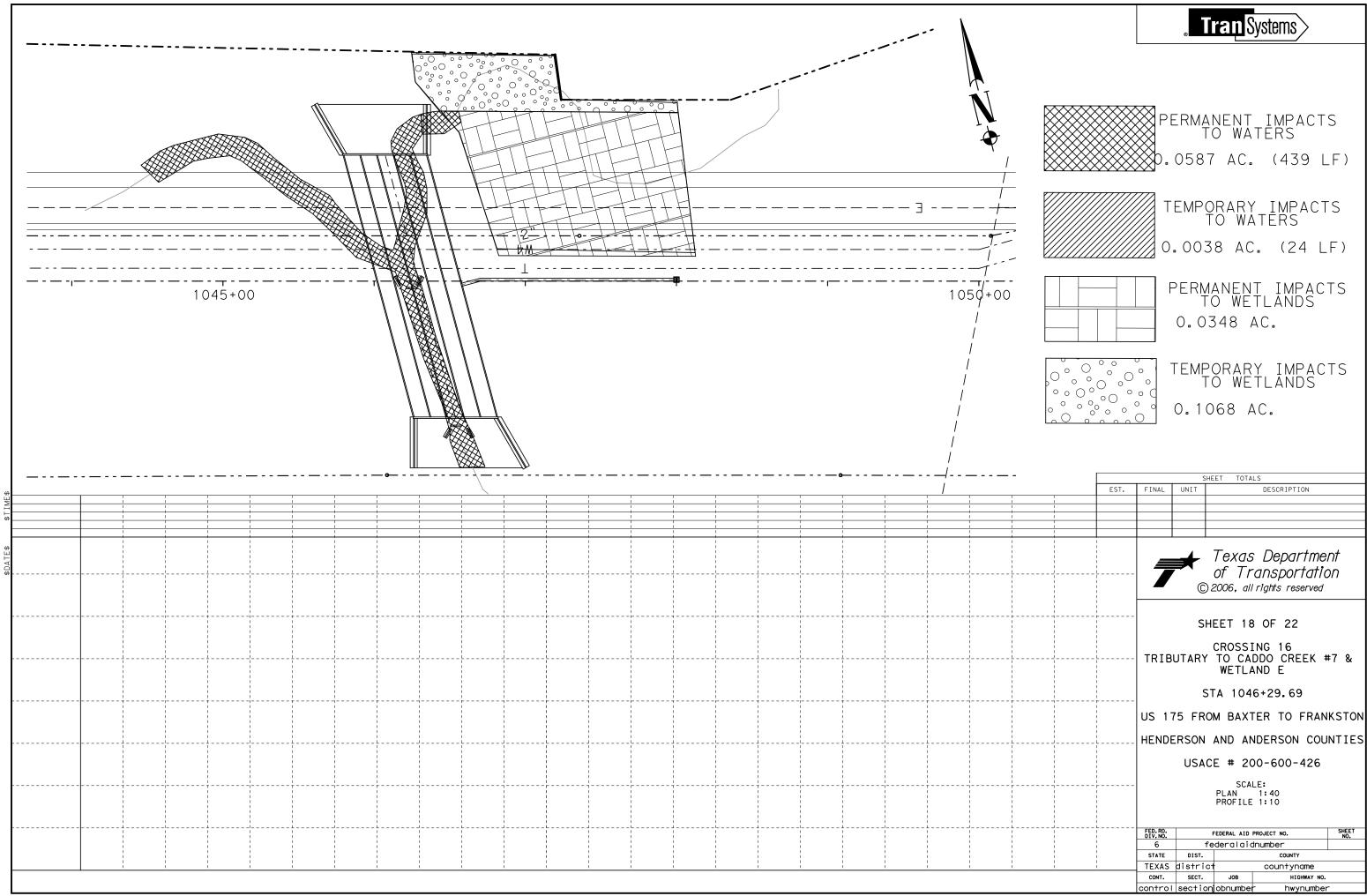
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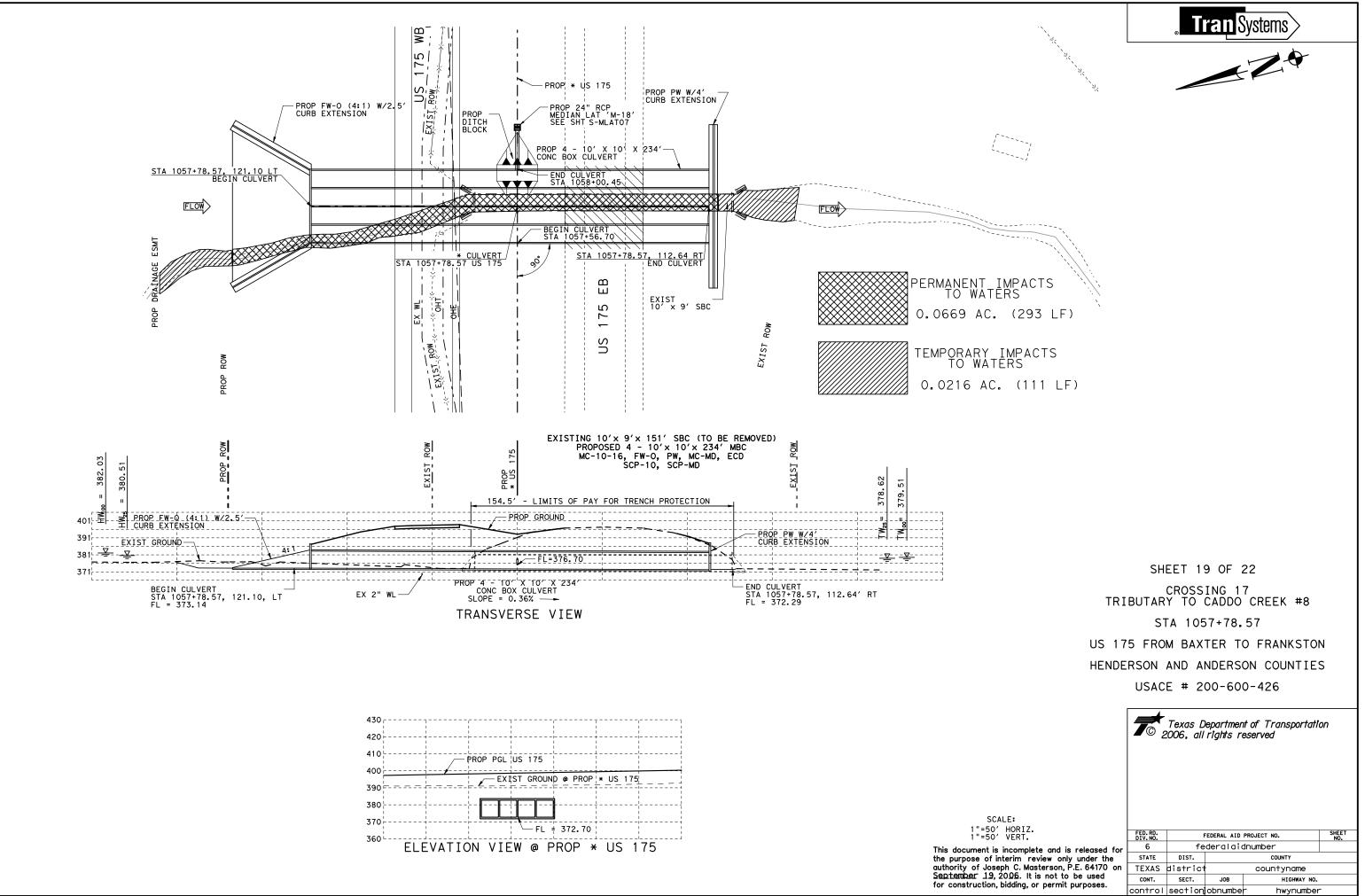




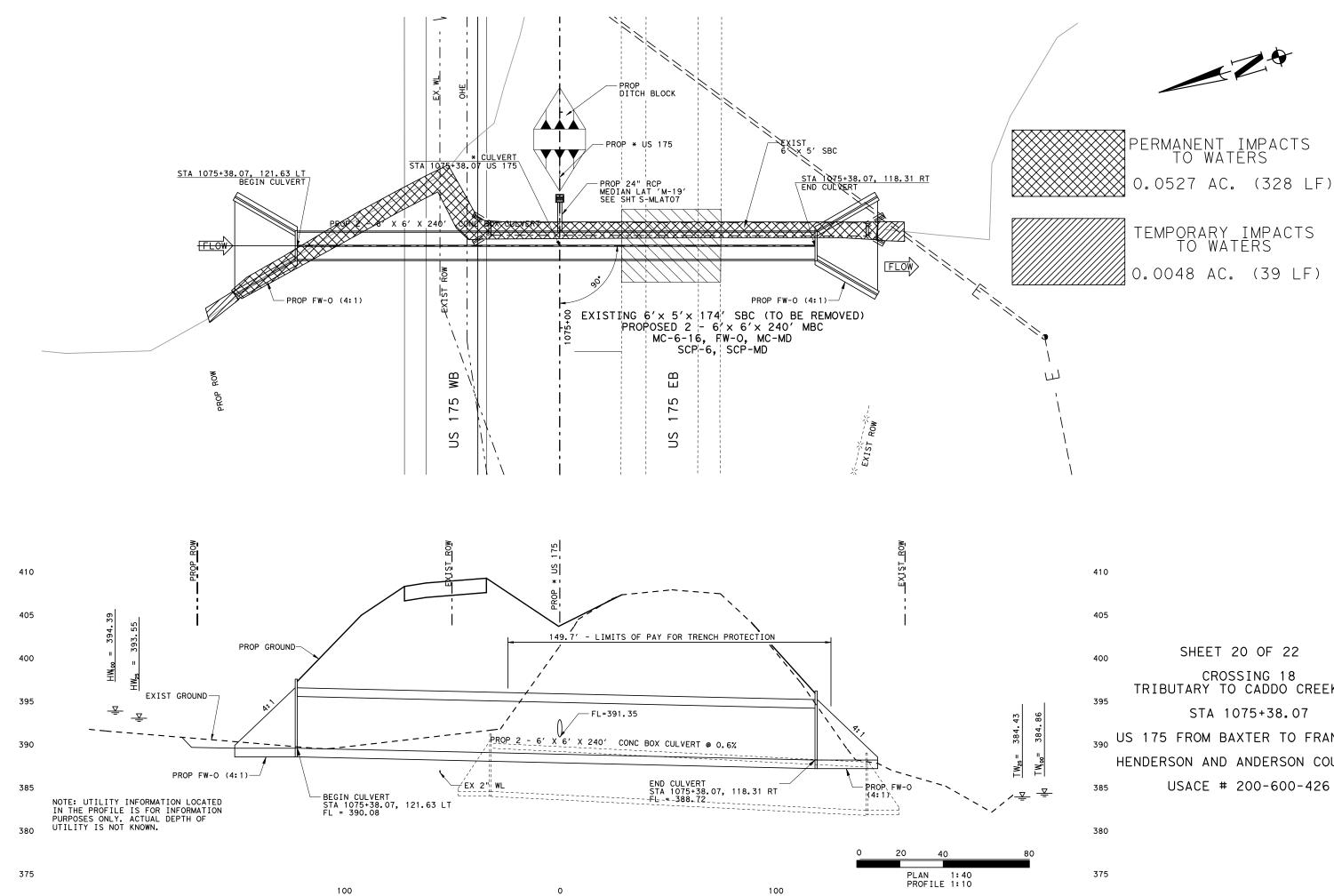
SHEET 17 OF 22 CROSSING 15, WETLAND D STA 1040+00 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

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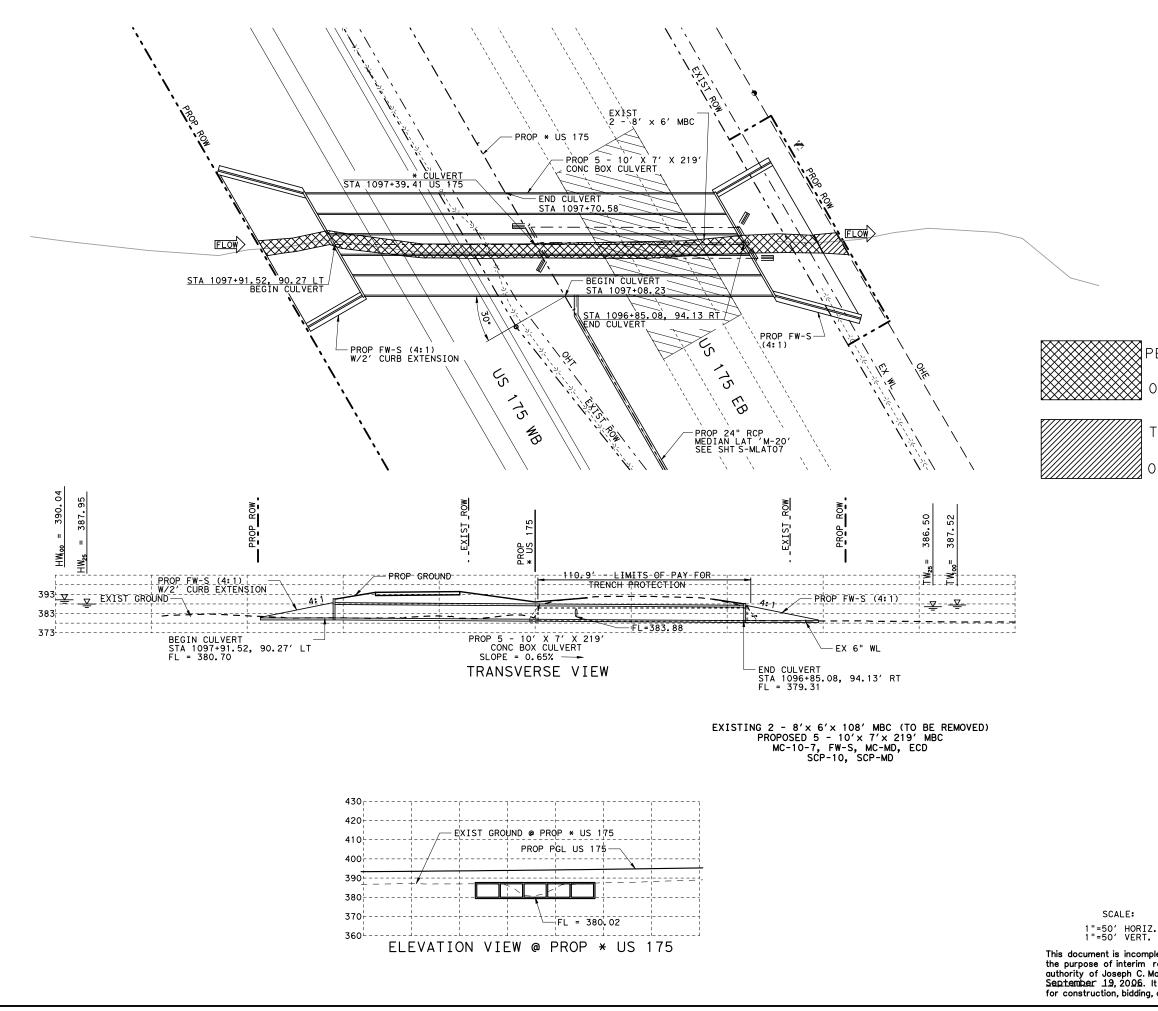




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CROSSING 18 TRIBUTARY TO CADDO CREEK #9 390 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES





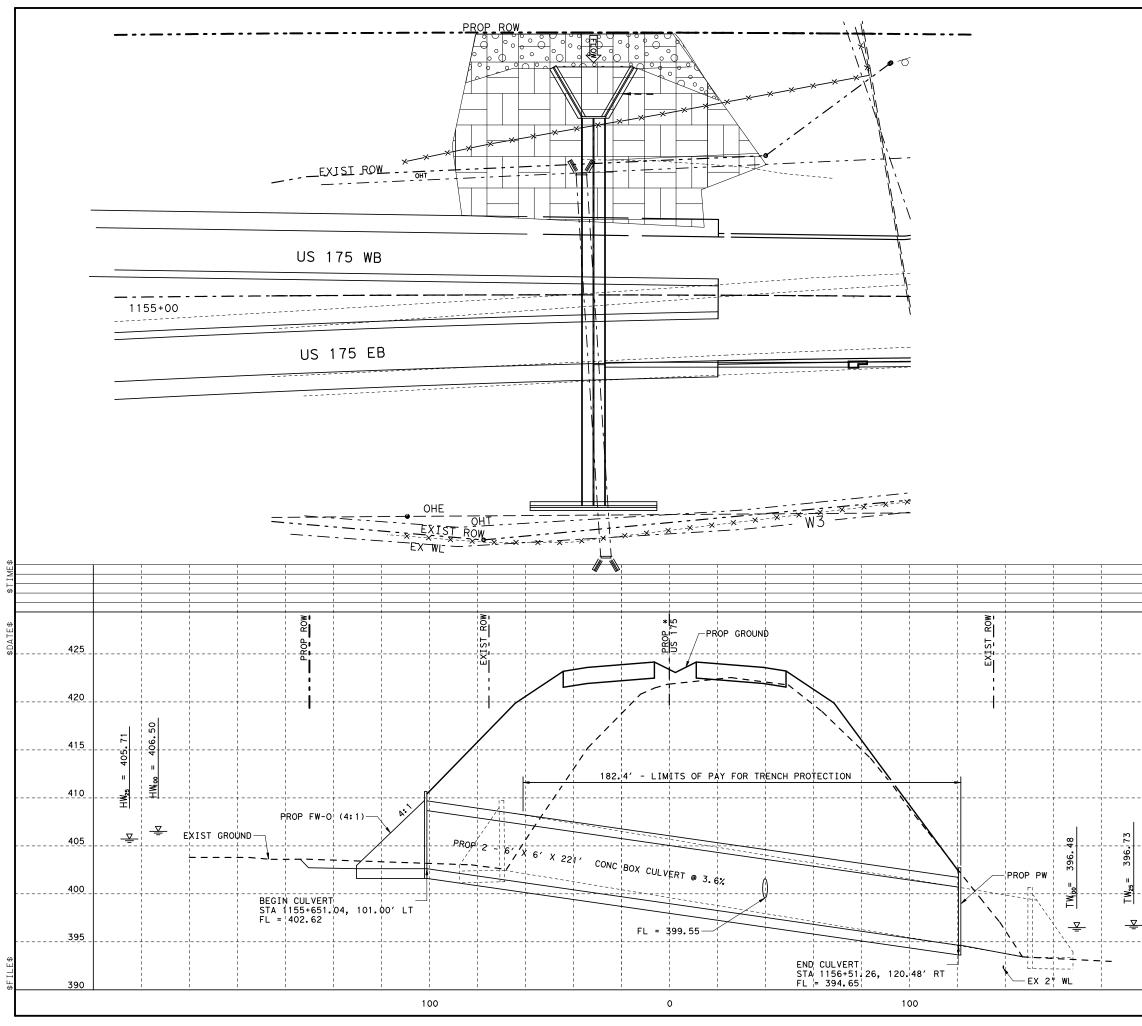
PERMANENT IMPACTS TO WATERS 0.0399 AC. (290 LF)

TEMPORARY IMPACTS TO WATERS 0.0020 AC. (12 LF)

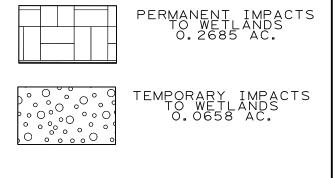
> SHEET 21 OF 22 CROSSING 19 TRIBUTARY TO CADDO CREEK #10 STA 1097+39.41 US 175 FROM BAXTER TO FRANKSTON HENDERSON AND ANDERSON COUNTIES USACE # 200-600-426

	Texas Department of Transportation 2006, all rights reserved							
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This document is incomplete and is released the purpose of interim review only under the authority of Joseph C. Masterson, P.E. 64170 September 19, 2006. It is not to be used for construction, bidding, or permit purposes.







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