

Public Notice

Applicant: Texas Department of Transportation

Project No.: SWF-2017-00048

Date: February 16, 2017

Purpose

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.

Regulatory Program

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 all work or structures in or affecting the course, condition or capacity of navigable waters of the United States. 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 discharge of dredged and fill material into all waters of the United States, including wetlands. 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. Eric Dephouse, Project Manager

Phone Number: 817-886-1820

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 U.S. 69 widening activities located in Angelina County, Texas.

APPLICANT: Texas Department of Transportation

Lufkin District

c/o Cheryl P. Flood, P.E. 1805 N. Timberland Drive Lufkin, Texas 75901

APPLICATION NUMBER: SWF-2017-00048

DATE ISSUED: February 16, 2017

LOCATION: The proposed U.S. 69 widening project would be located within an 11.55-mile right-of-way corridor in Angelina County, Texas. The proposed project would be located between UTM coordinates 350659.50 East and 3459845.80 North (Zone 15 R) and 363849.19 East and 3445559.17 North (Zone 15 R) on the TX-Manning 1:24K USGS quadrangle map in the USGS Hydrologic Unit 12020002.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 6,665.42 cubic yards of dredged and fill material into approximately 2.45 acres of waters of the United States in conjunction with the widening of U.S. 69. Approximately 1.66 acre of permanent impacts would consist of 0.003 acre of shrub-scrub wetland impacts, 0.03 acre of forested wetland impacts, 356 linear feet (0.14 acre) of intermittent stream impacts, 3,557 linear feet (0.57 acre) or ephemeral stream impacts, and 0.92 acre impacts to open water impoundment. Approximately 0.79 acre of temporary impacts would consist of 0.03 acre of wetland impacts, 642 linear feet (0.27 acre) of intermittent stream impacts, and 2,846 linear feet (0.49 acre) of ephemeral stream impacts. The proposed impacts would occur over 11.55 miles and be located at 31 discrete crossings.

ALTERNATIVE SITES AND ALTERNATIVE LAYOUTS: Alternatives were limited to widening US 69 within the existing corridor early in the planning phase to minimize impacts to the Angelina National Forest and private landowners. US 69 traverses three compartments of the Angelina National Forest on easements acquired from the United States Forest Service (USFS). Three alternatives were examined, including the no-build alternative.

Alternative 1: Widen To East Of Existing Alignment (Applicant's Preferred Alternative). This alternative would widen US 69 primarily to the east of the existing alignment and incorporate much of the abandoned Southern Pacific Railroad (SPRR) corridor right-of-way (ROW) that is adjacent to the project limits. The proposed action would widen the existing two-lane (12-foot travel lanes with 10-foot shoulders) undivided asphalt roadway to a four-lane divided rural roadway consisting of four 12-foot travel lanes, 10-foot outside paved shoulders and 4-foot inside paved shoulders. A grassy median varying from 40 feet to 76 feet wide would divide the facility. An overpass with entrance and exit ramps would be constructed at the intersection with State Highway (SH) 63. The existing ROW width varies from 100 feet to 300 feet, including the SPRR ROW. The proposed ROW width varies from 100 feet to 1000 feet. Additional easements from the U.S. Forest Service (USFS) through the Angelina National Forest would be needed.

Alternative 2: Widen To West Of Existing Alignment. Alternative 2 would widen US 69 primarily to the west of the existing alignment. This alternative would not utilize the abandoned SPRR corridor. The proposed action would widen the existing two-lane (12-foot travel lanes with 10-foot shoulders) undivided asphalt roadway to a four-lane divided rural roadway consisting of four 12-foot travel lanes, 10-foot outside paved shoulders and 4-foot inside paved shoulders. A grassy median varying from 40 feet to 76 feet wide would divide the facility. An overpass with entrance and exit ramps would be constructed at the intersection with State Highway (SH) 63. The existing right-of-way (ROW) width is 100 to 300 feet, including the SPRR ROW. The proposed ROW width varies from 100 feet to 180 feet, which would not include the SPRR ROW. Alternative 2 would require greater additional easements from the USFS through the Angelina National Forest. Alternative 2 would not be consistent with the above-mentioned USFS Management Area 10b Special Use Permit Sites Standards and Guidelines.

Alternative 3: No-Action Alternative. This alternative would not involve discharges of dredged and fill material into waters of the U.S. U.S. 69 would remain a two-lane (12-foot travel lanes with 10-foot shoulders) undivided asphalt roadway. The applicant determined that alternative 3 would not meet the stated purpose of the proposed project, which includes reducing traffic cross-overs into opposing traffic for turns, reducing unrestricted left turns which can result in rear-end accidents, reducing congestion due to competing uses (ie. local vs. recreational vs. commercial traffic), reducing hazards associated with slow moving traffic, and reducing congestion during hurricane evacuations since U.S. 69 is designated an official hurricane evacuation route for the Beaumont/Port Arthur region.

COMPENSATORY MITIGATION: The applicant has proposed a conceptual compensatory mitigation plan which would include the purchase of credits from the Anderson Tract Mitigation Bank to offset impacts associated with the open water impoundment. In addition, the purchase of stream credits are proposed from the Graham Creek Mitigation Bank and Scoober Creek Mitigation Bank consistent with the Fort Worth District Stream Mitigation Method.

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. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. 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.

THREATENED AND ENDANGERED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. 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 USACE has reviewed the project information and has determined that no historic properties will be affected.

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.

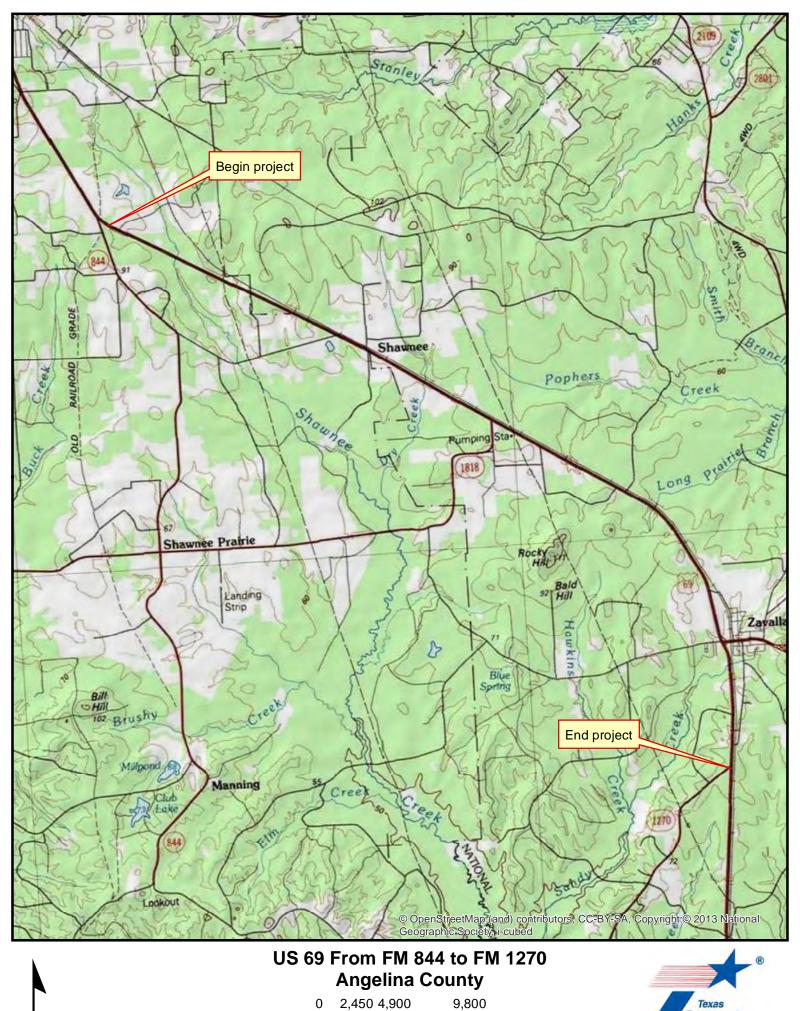
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before March 20, 2017, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

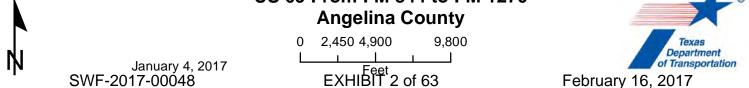
Regulatory Branch, CESWF-DE-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should 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









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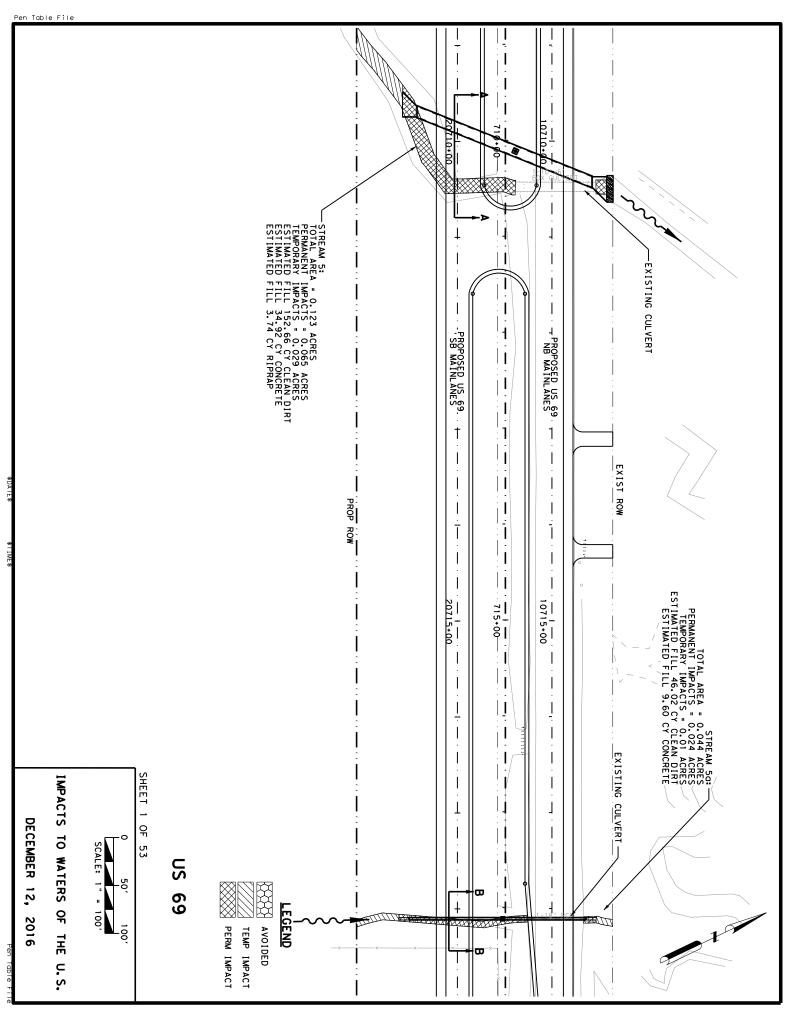
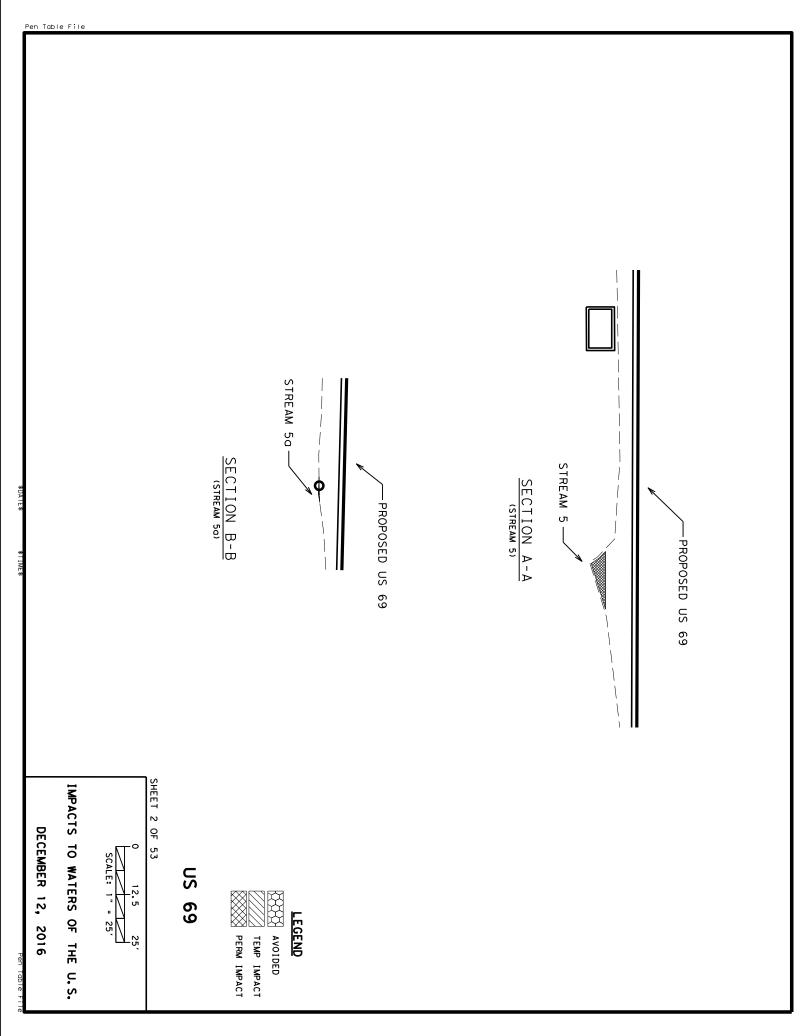
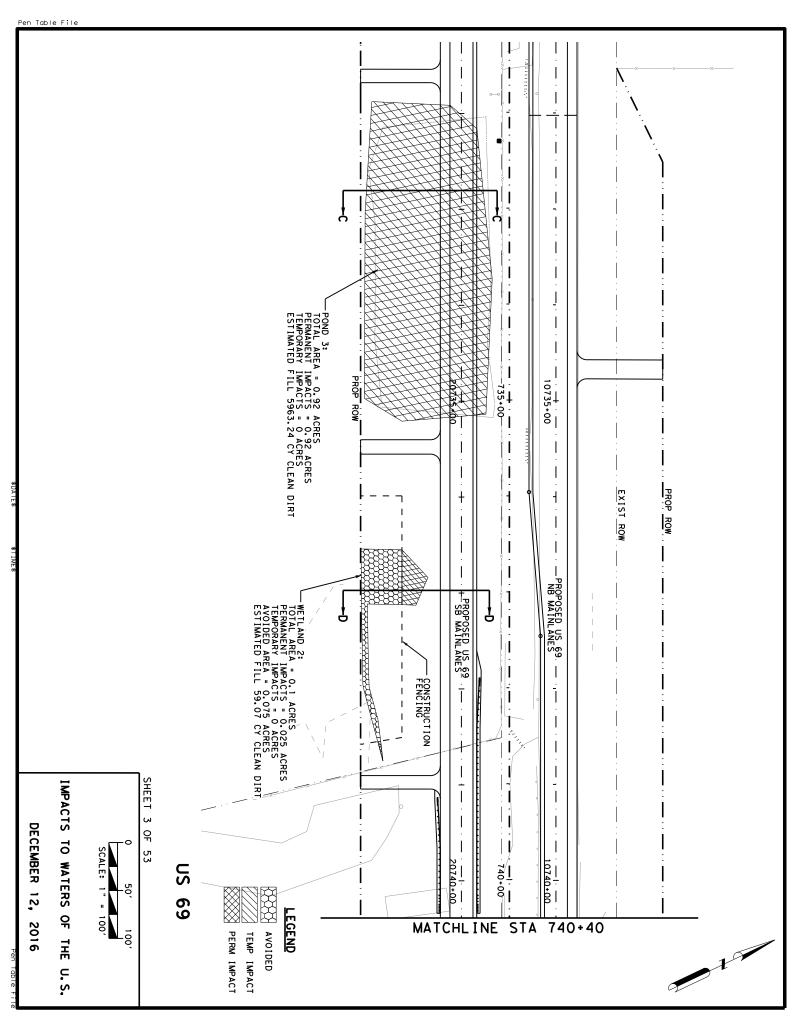


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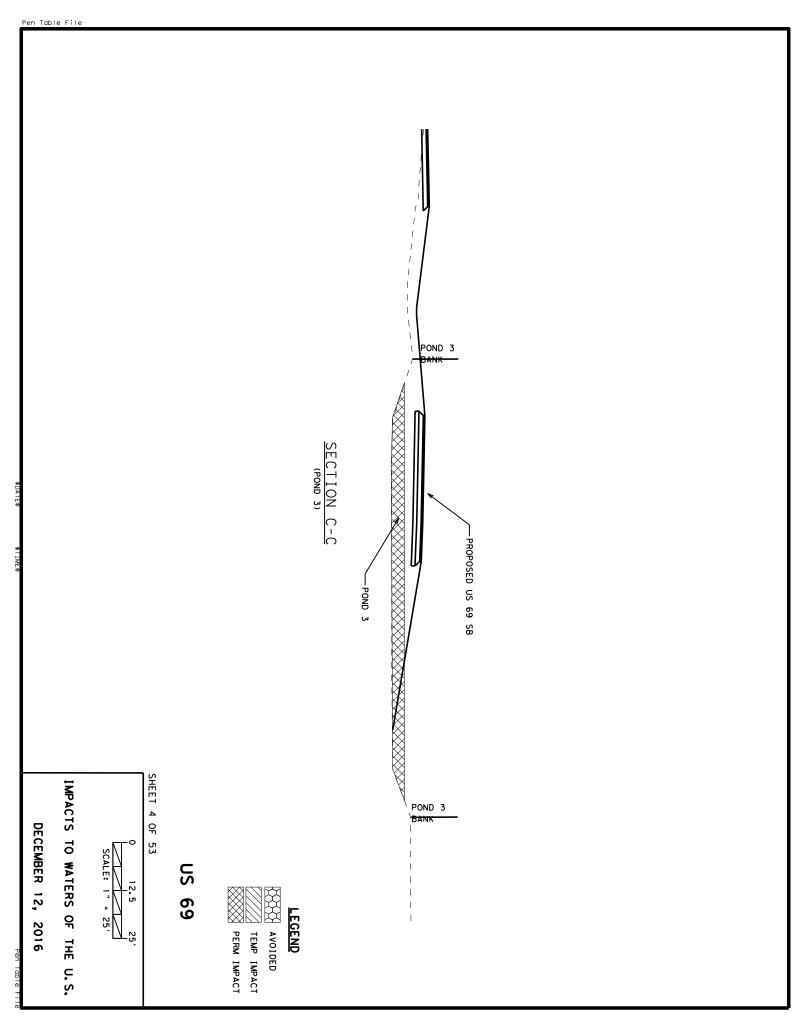


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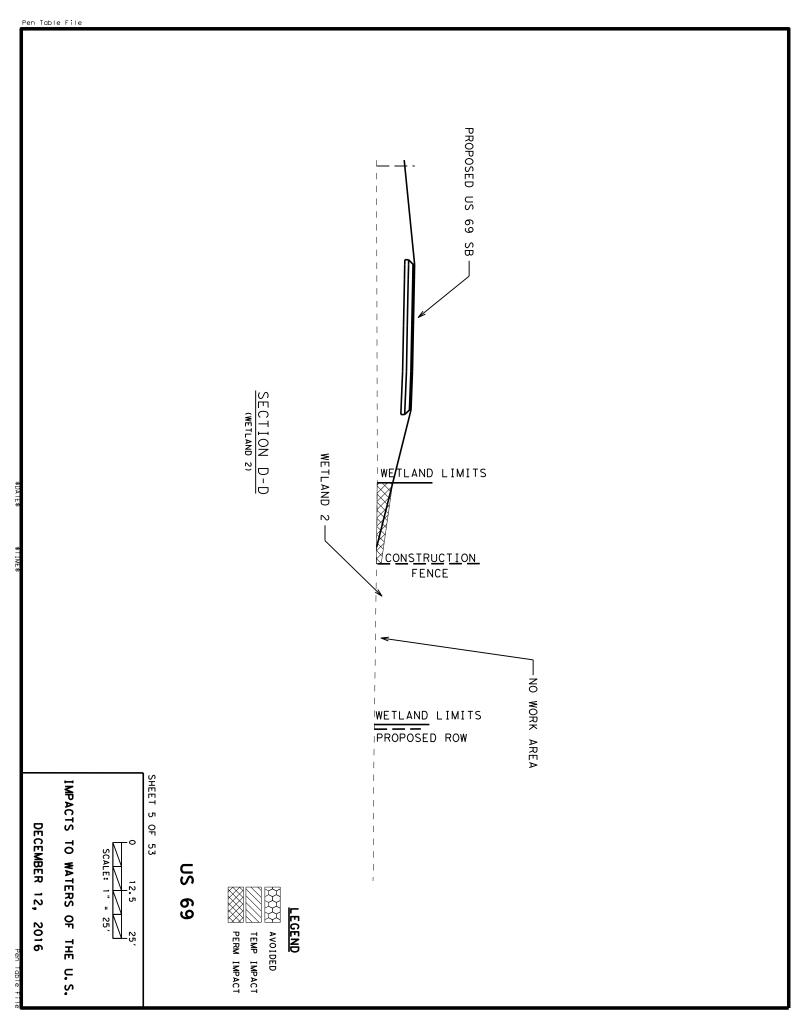


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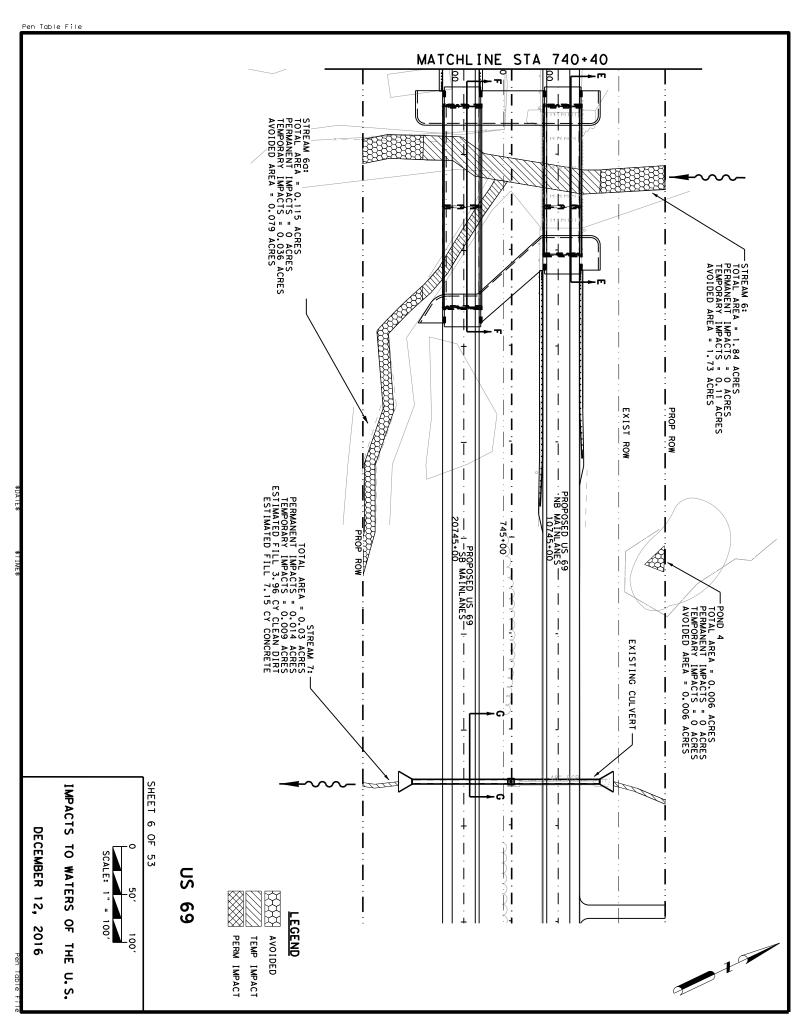


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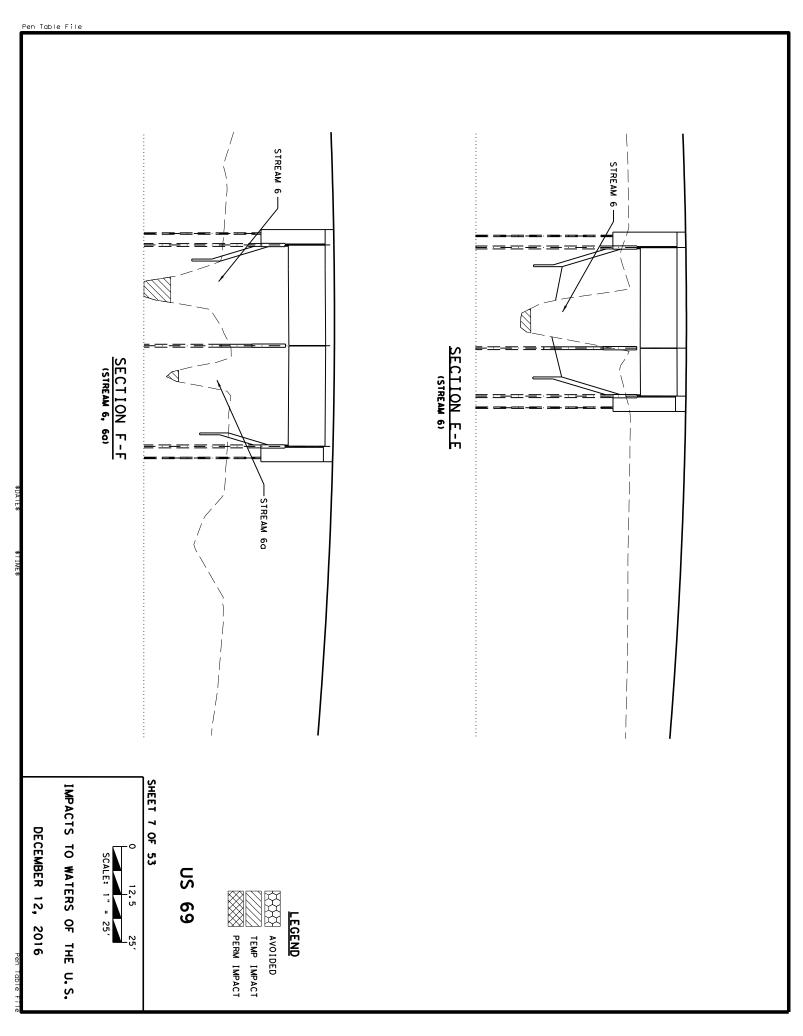


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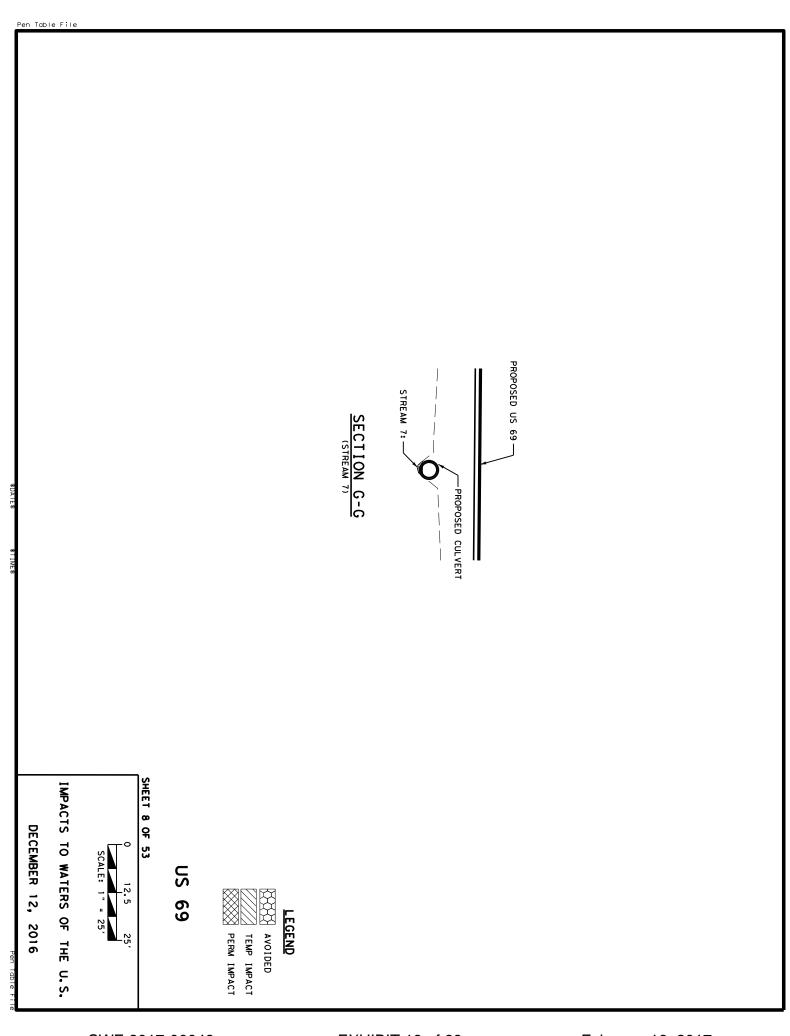


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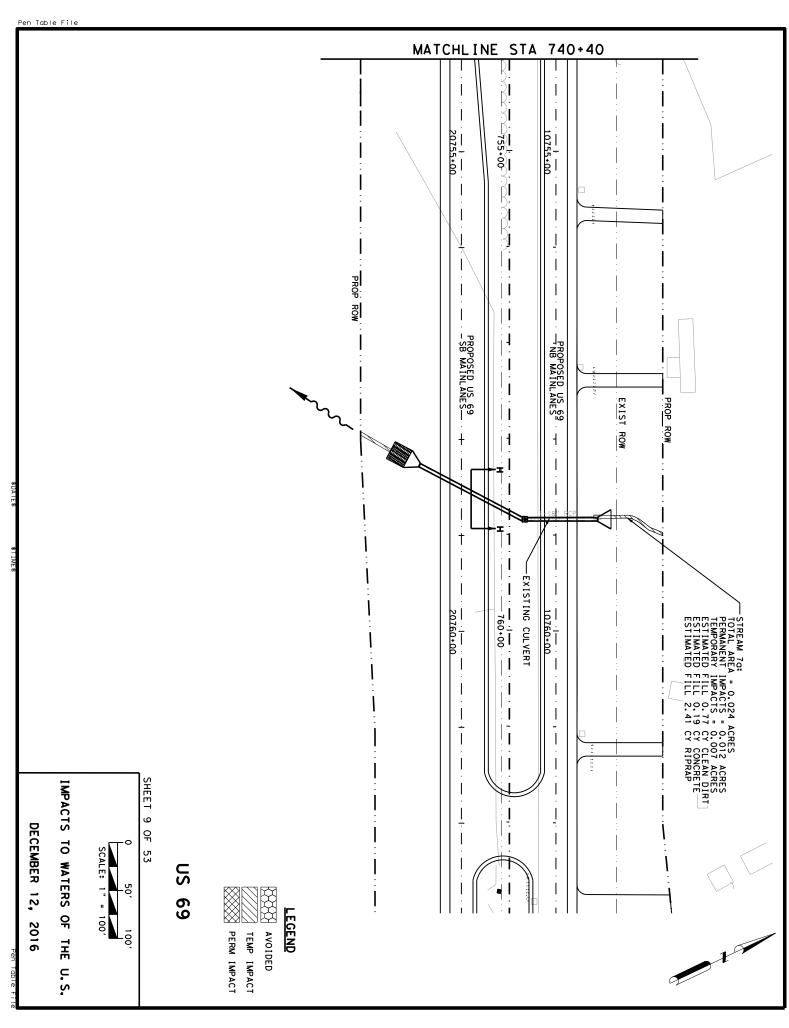


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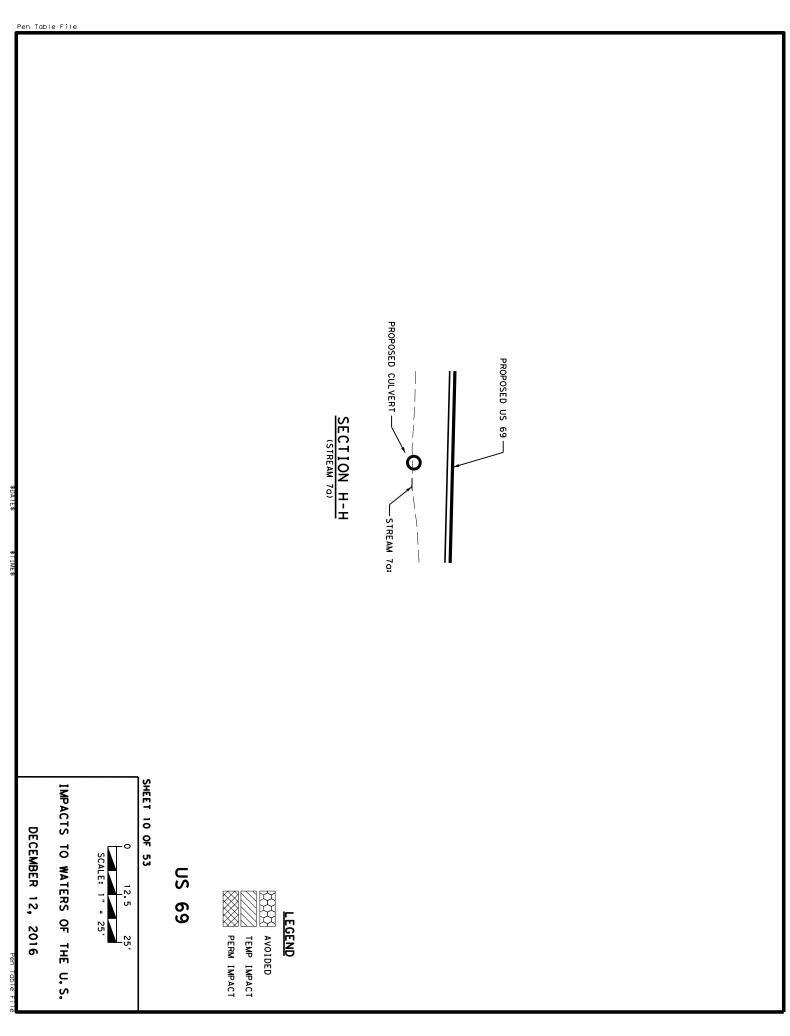


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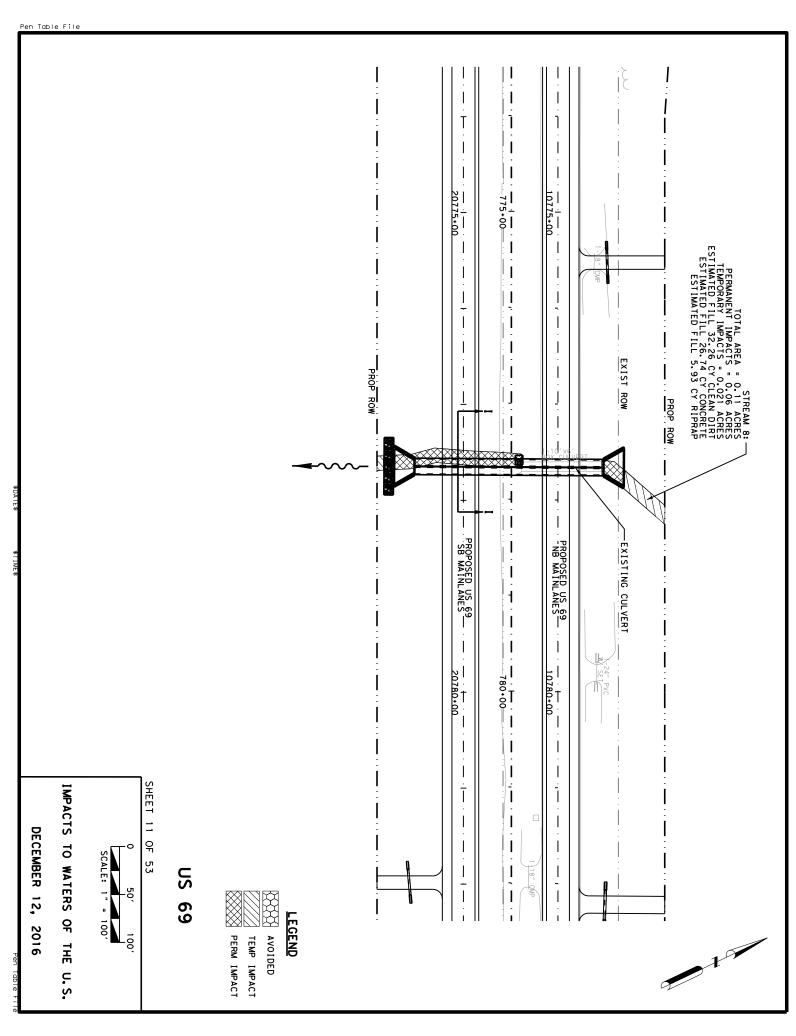


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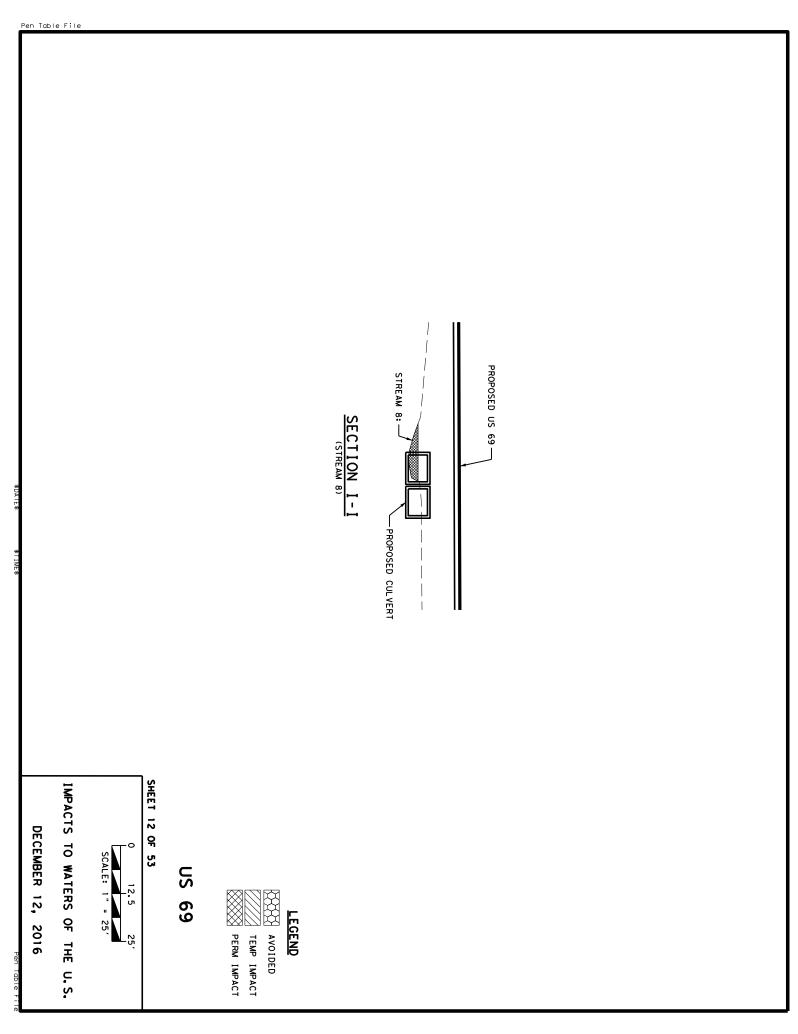


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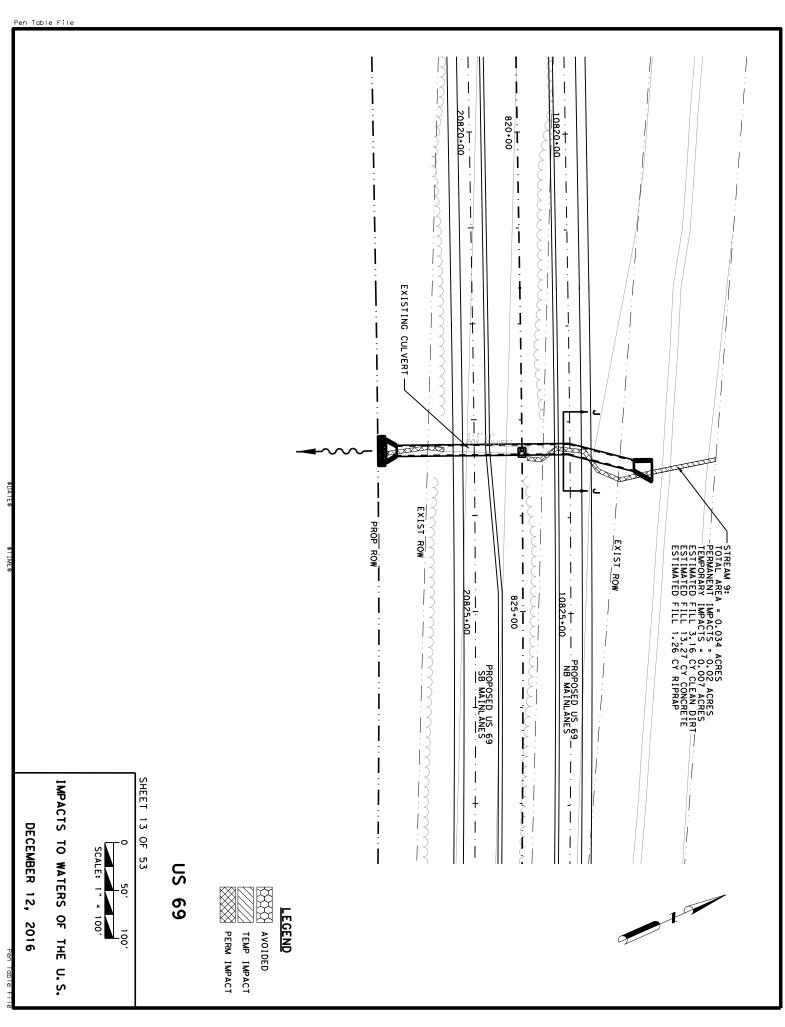
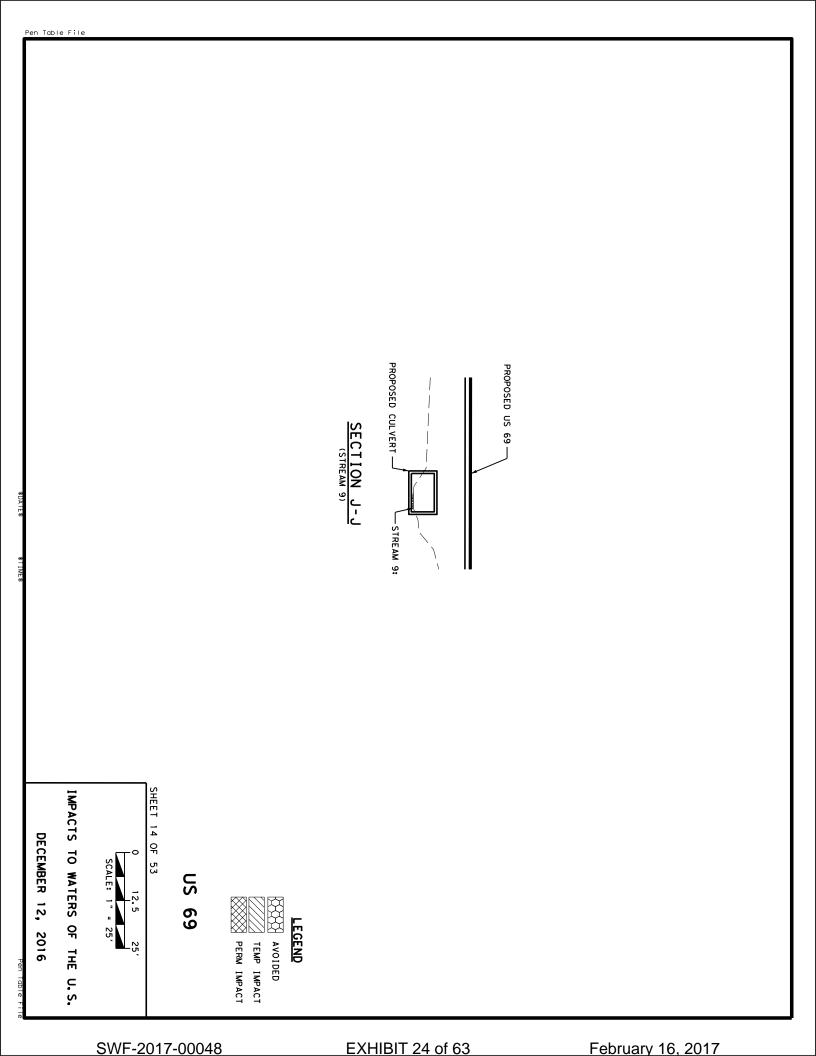


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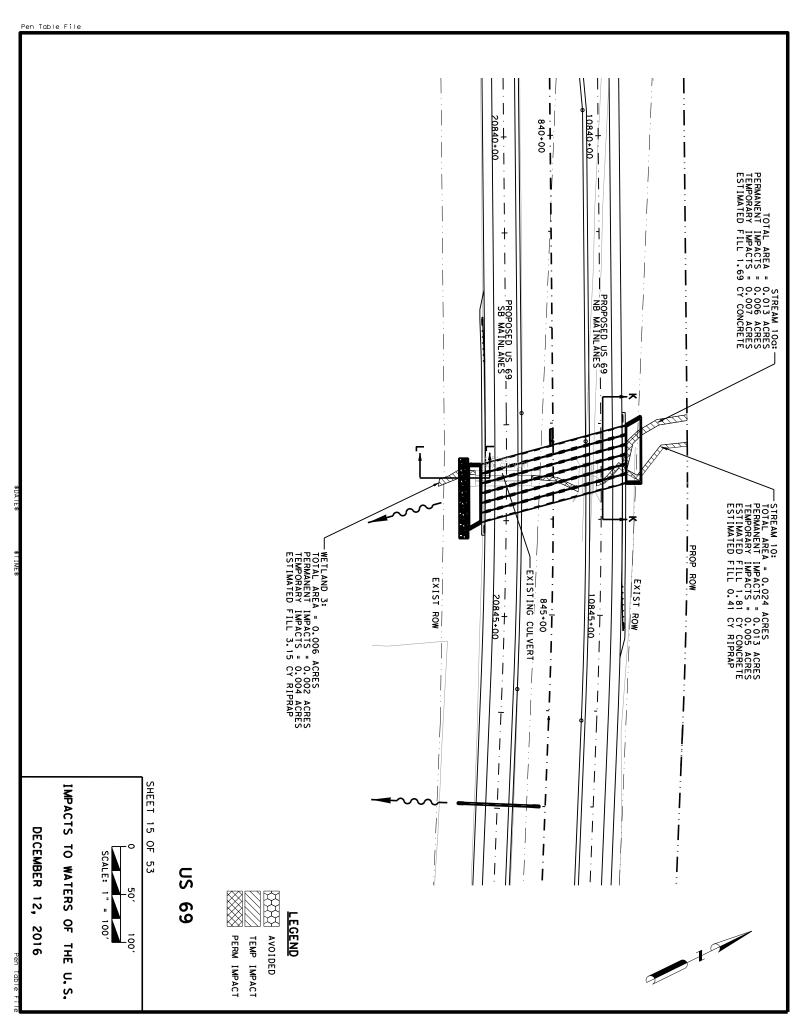


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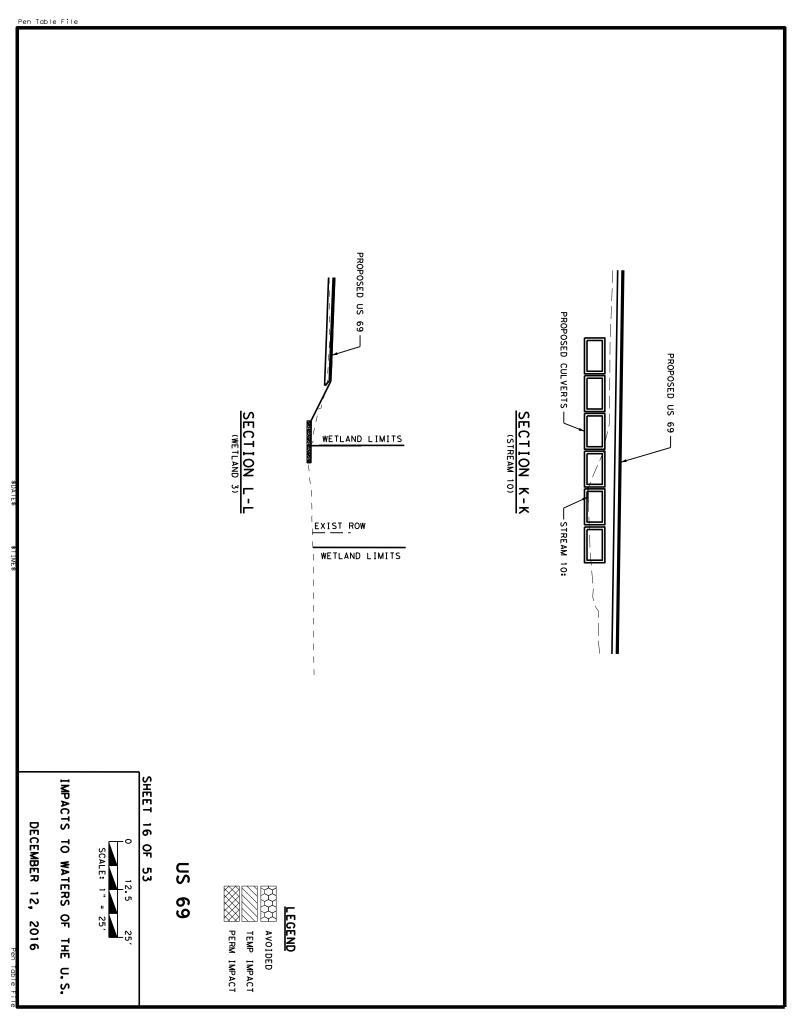


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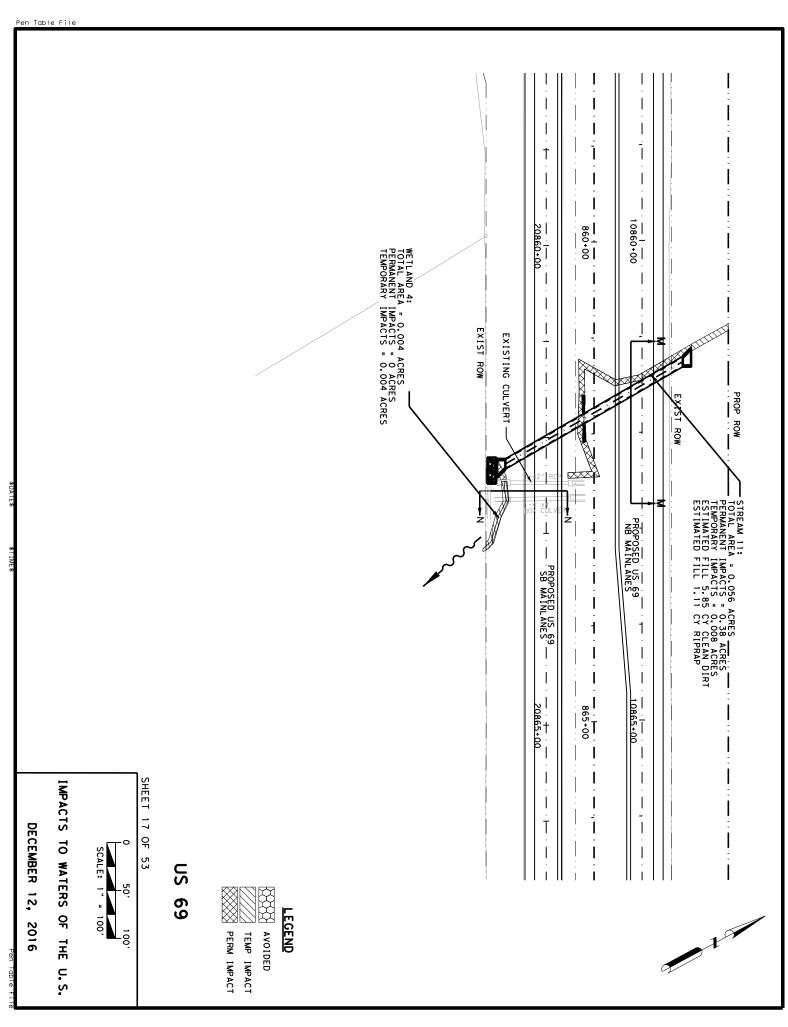


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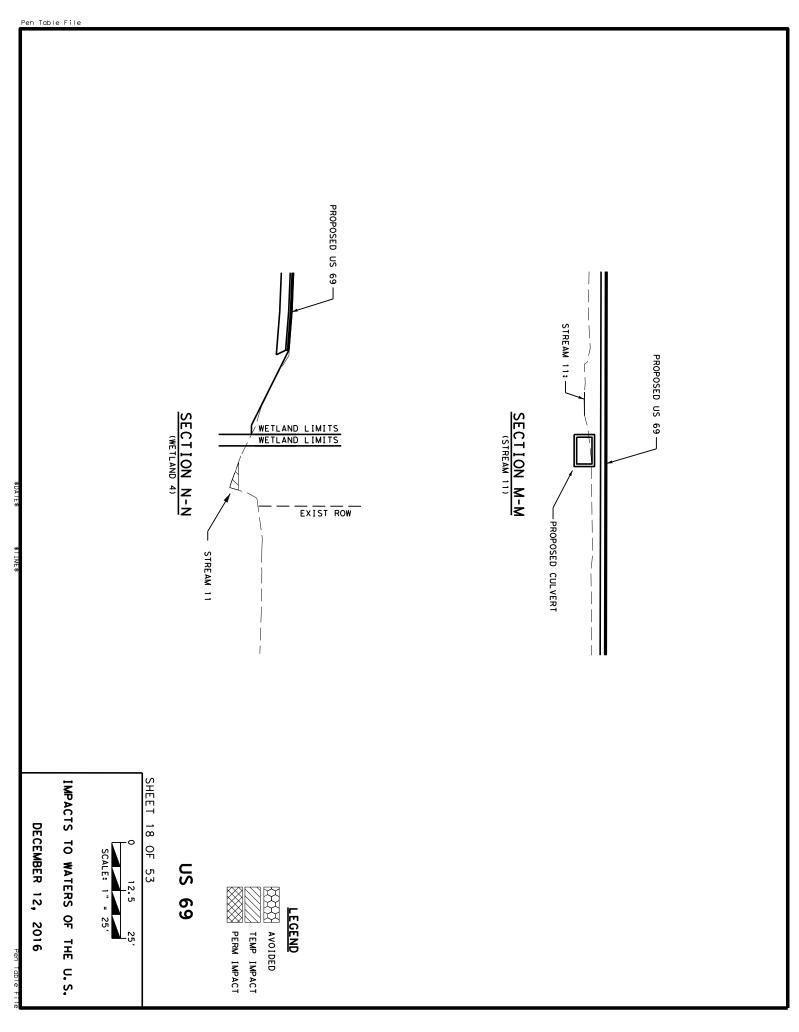


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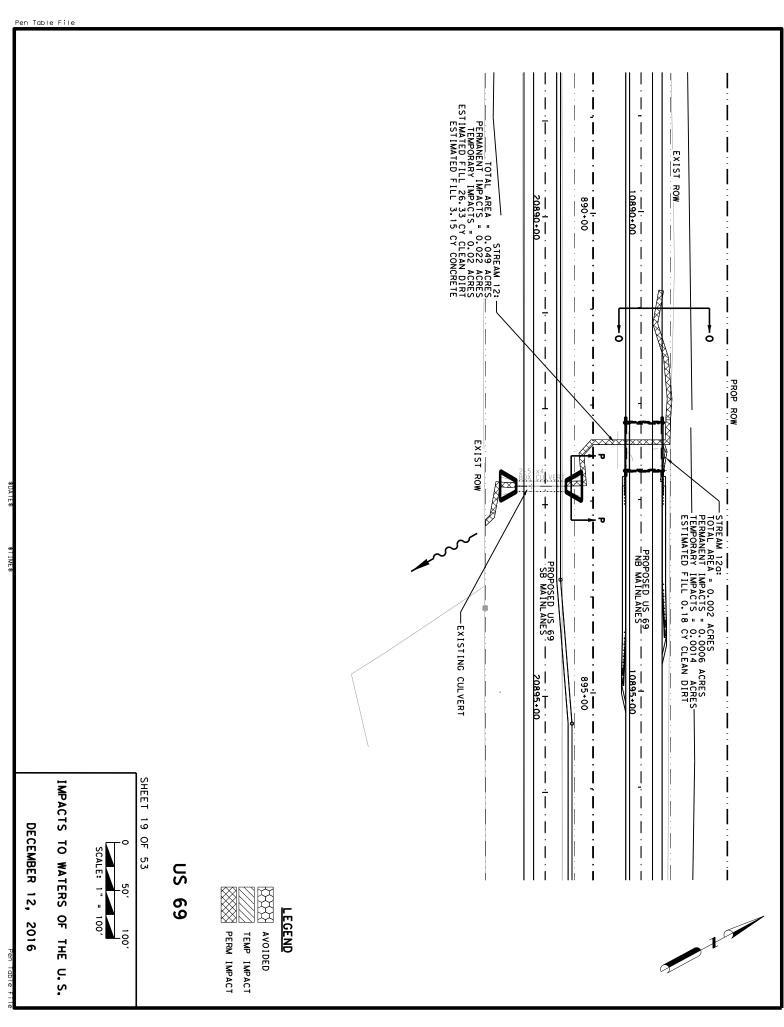


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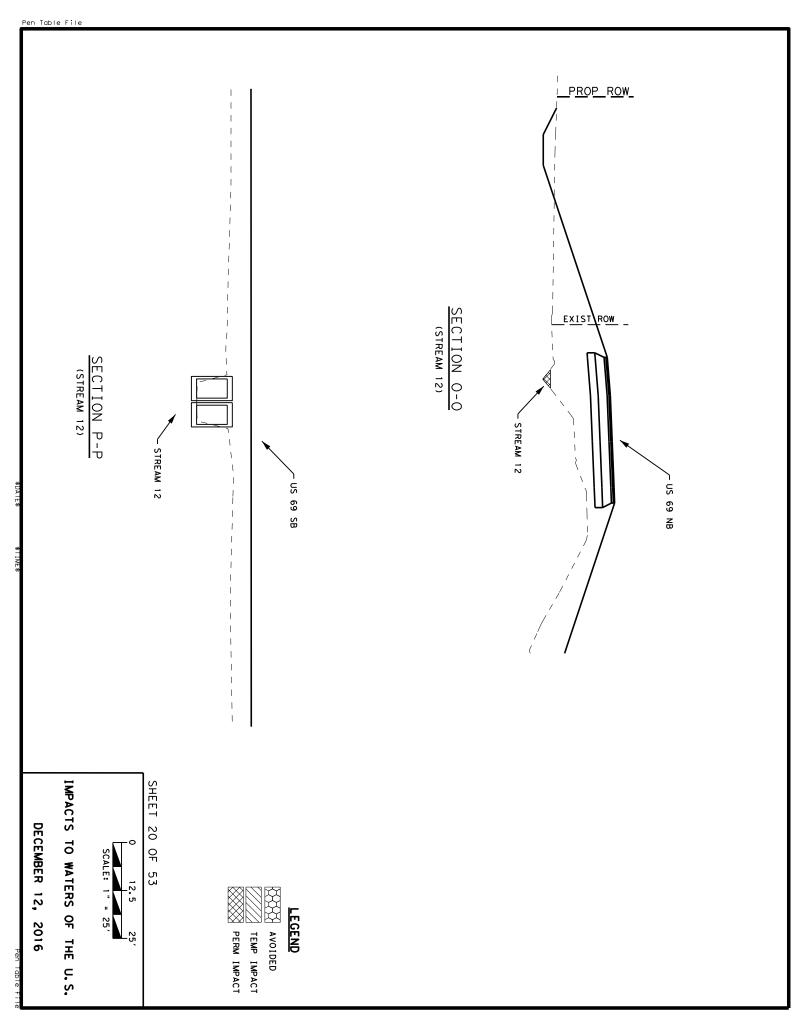


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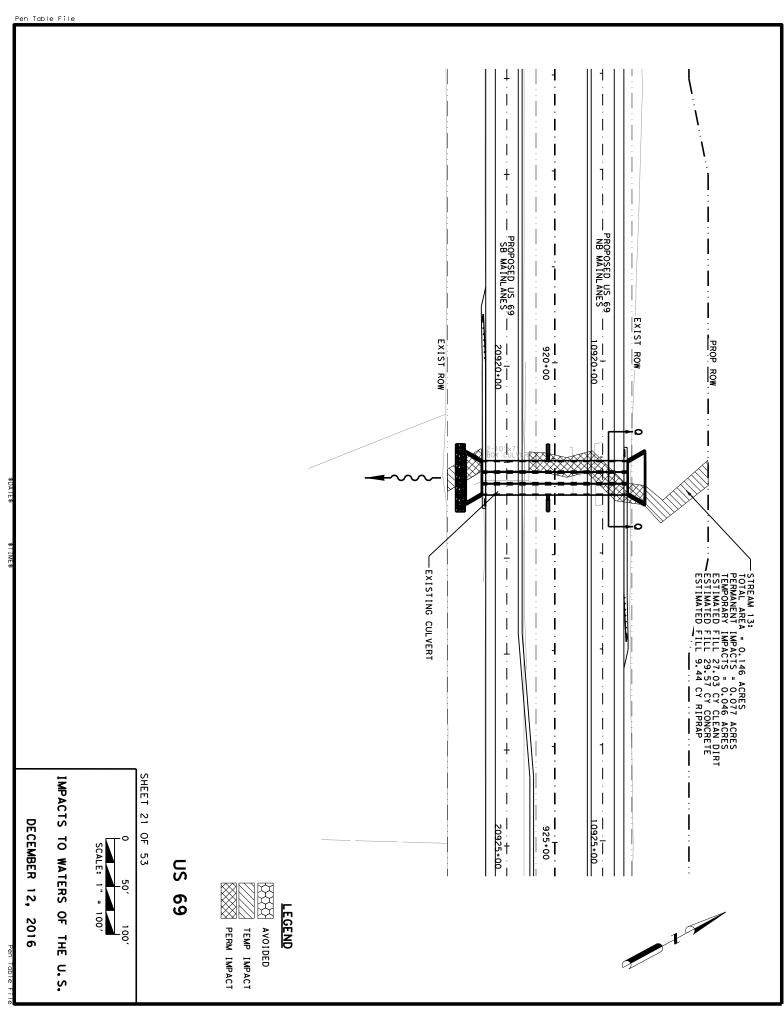


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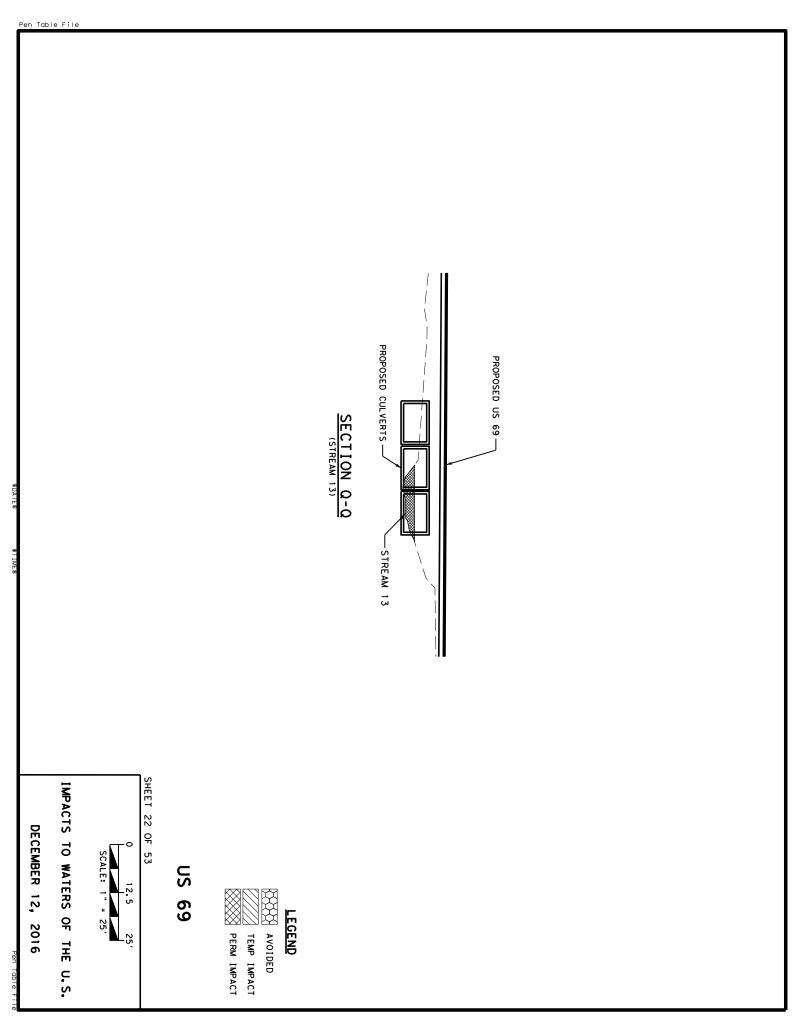


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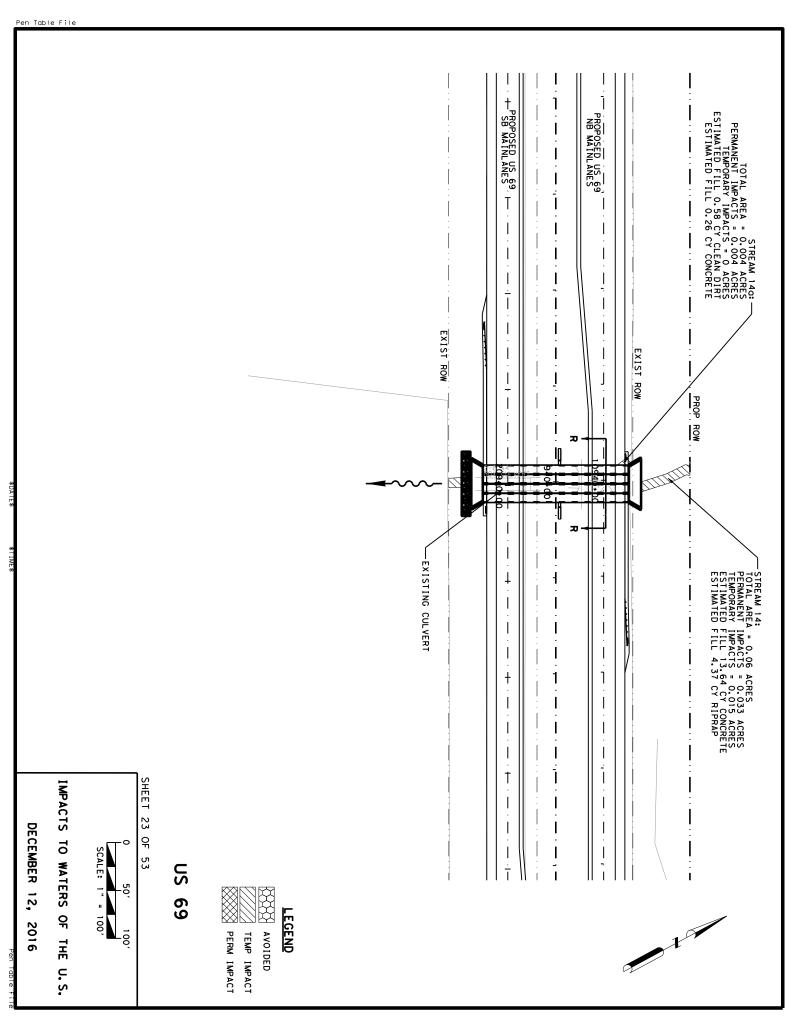


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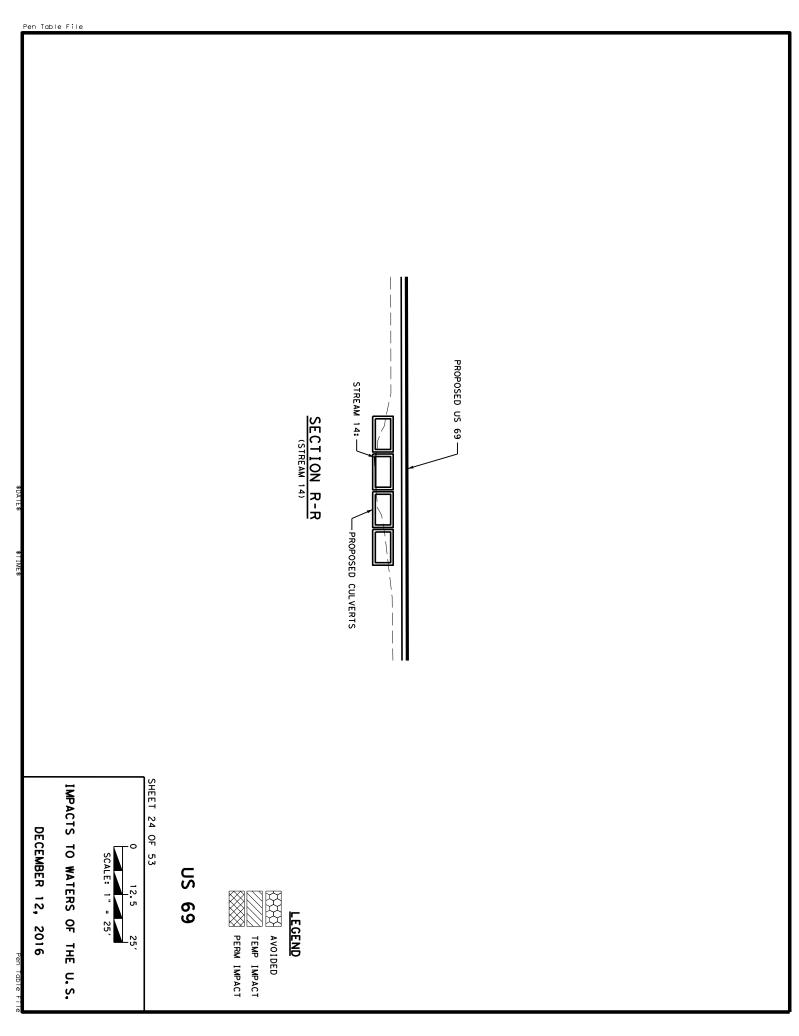


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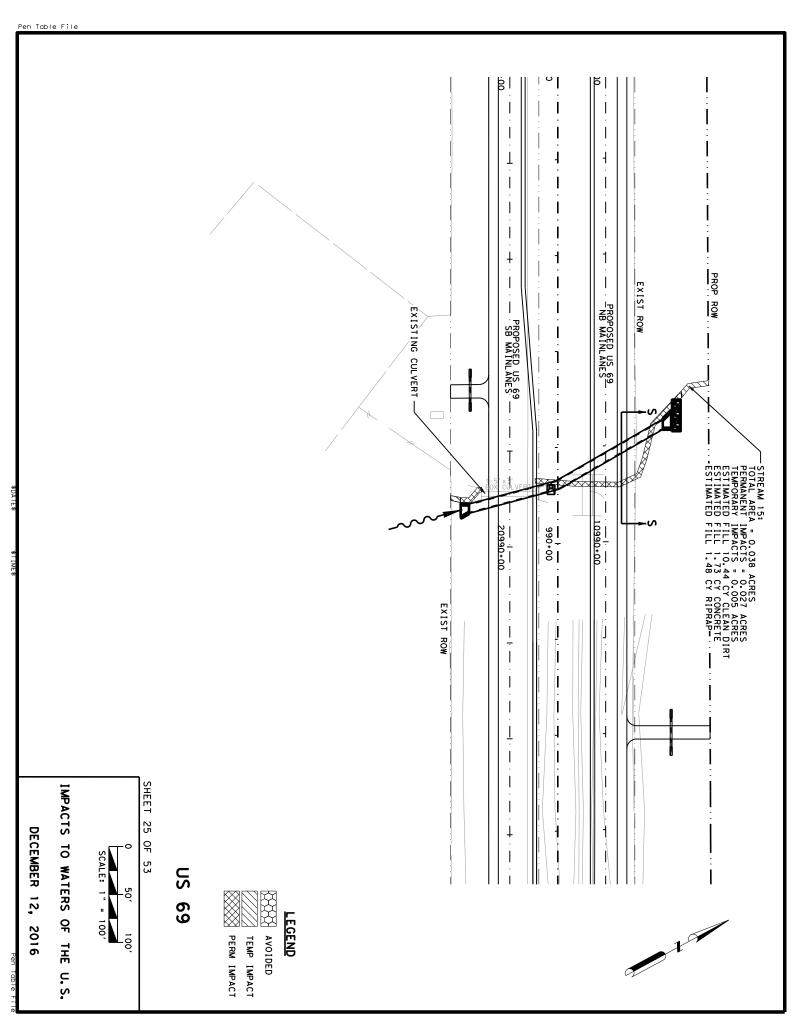


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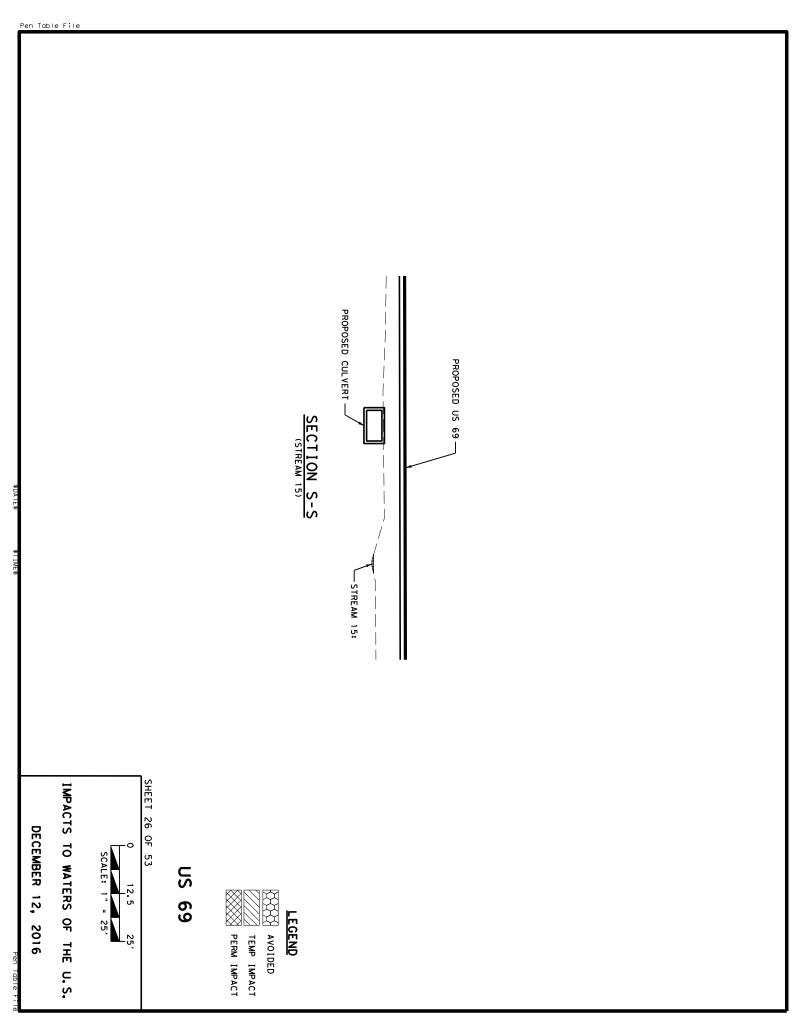


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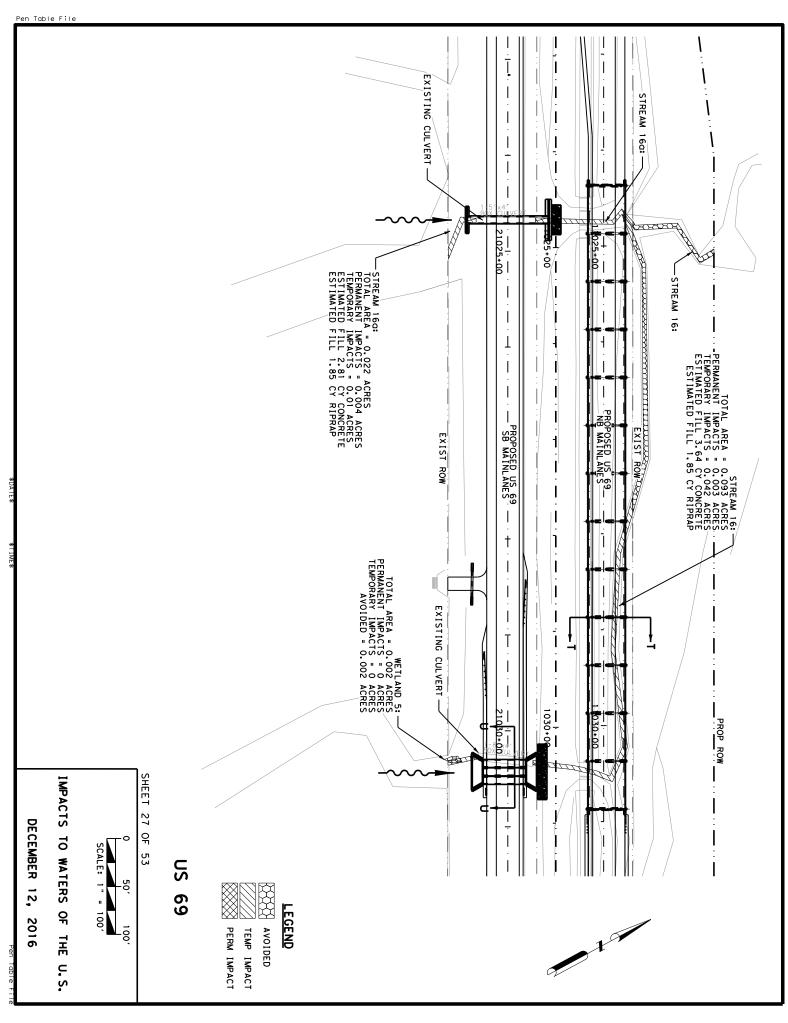


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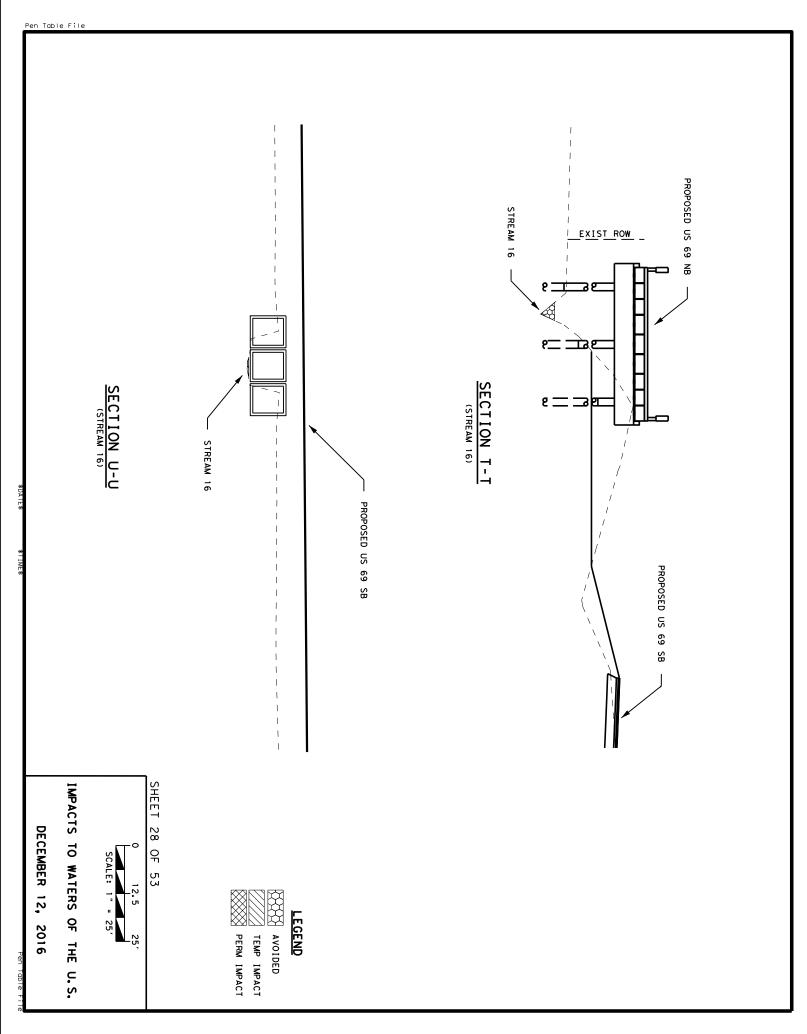


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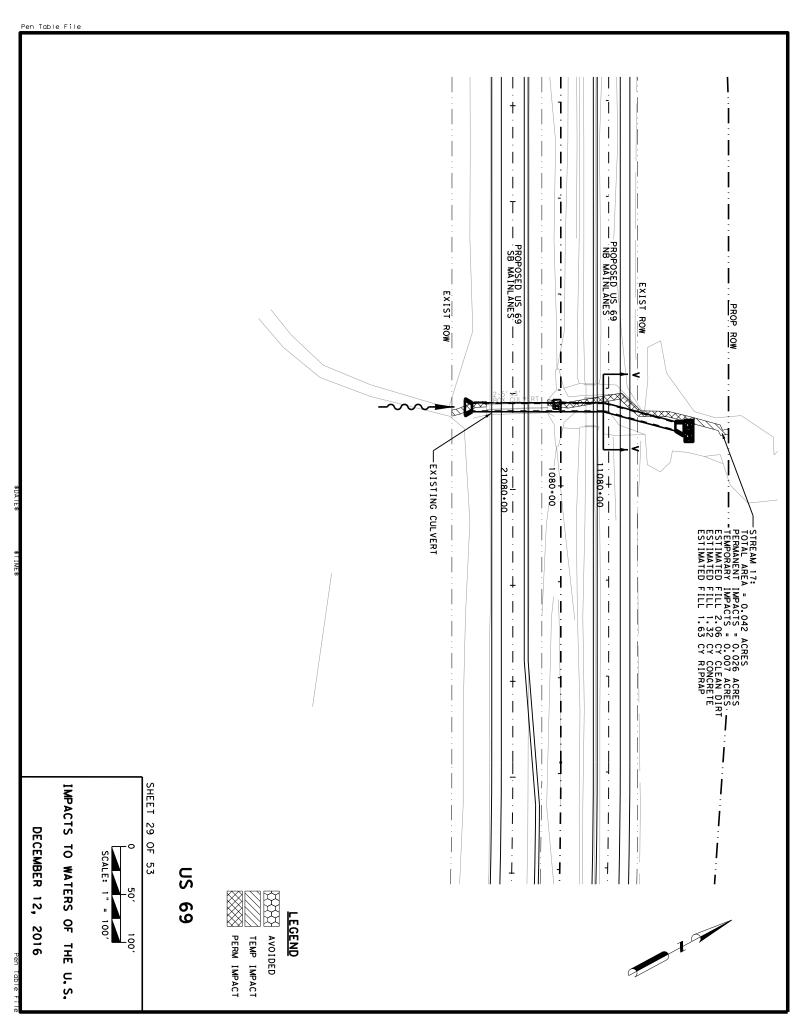


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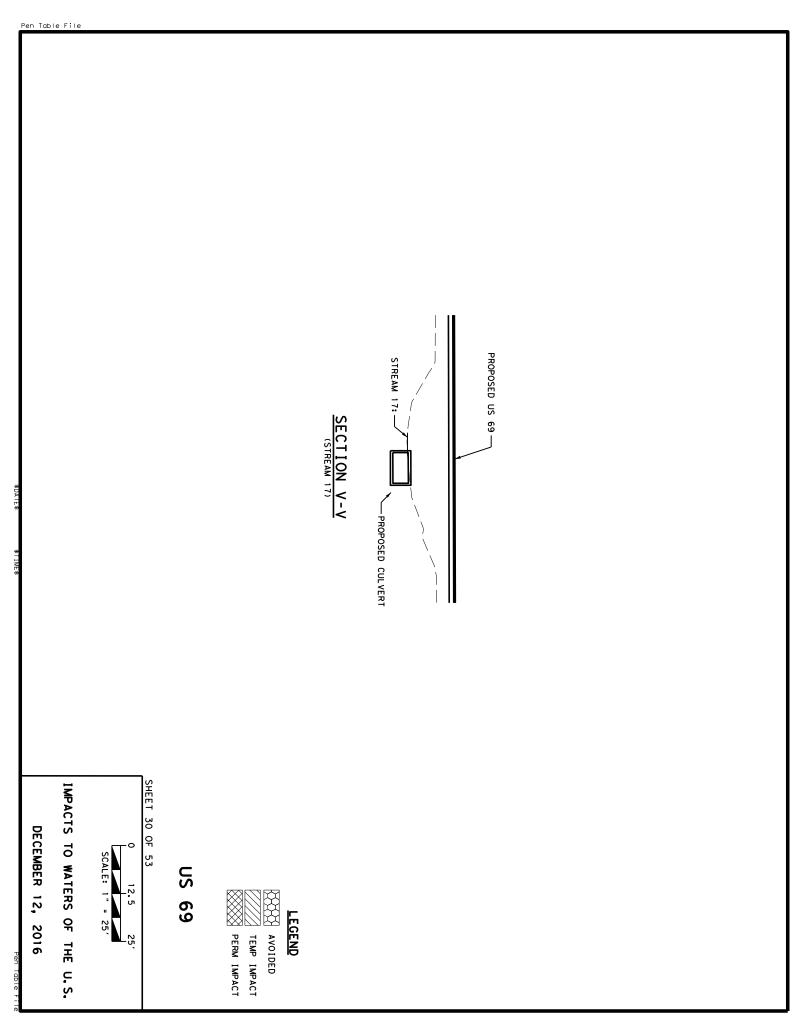


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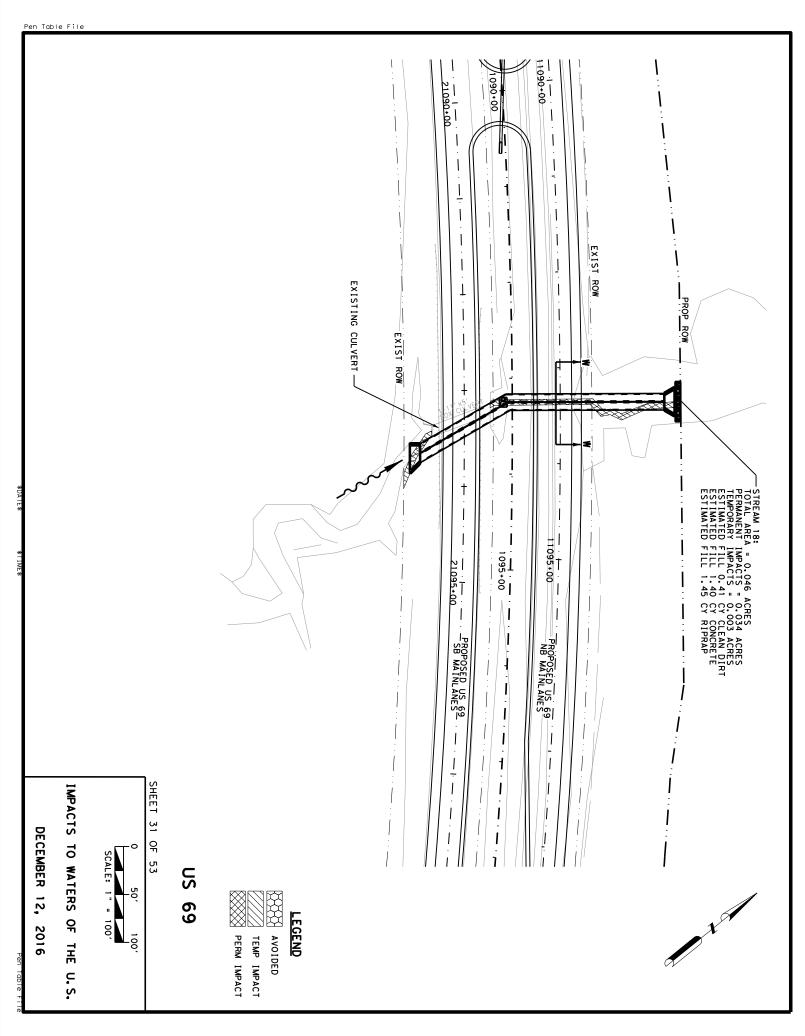


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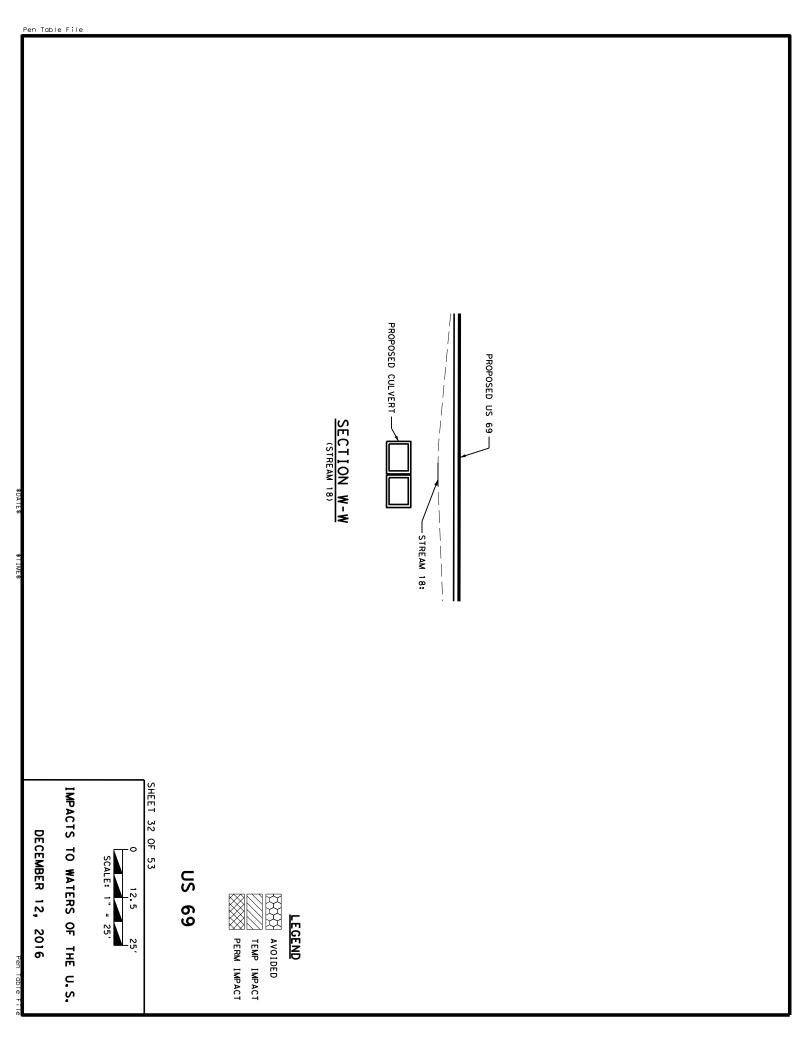


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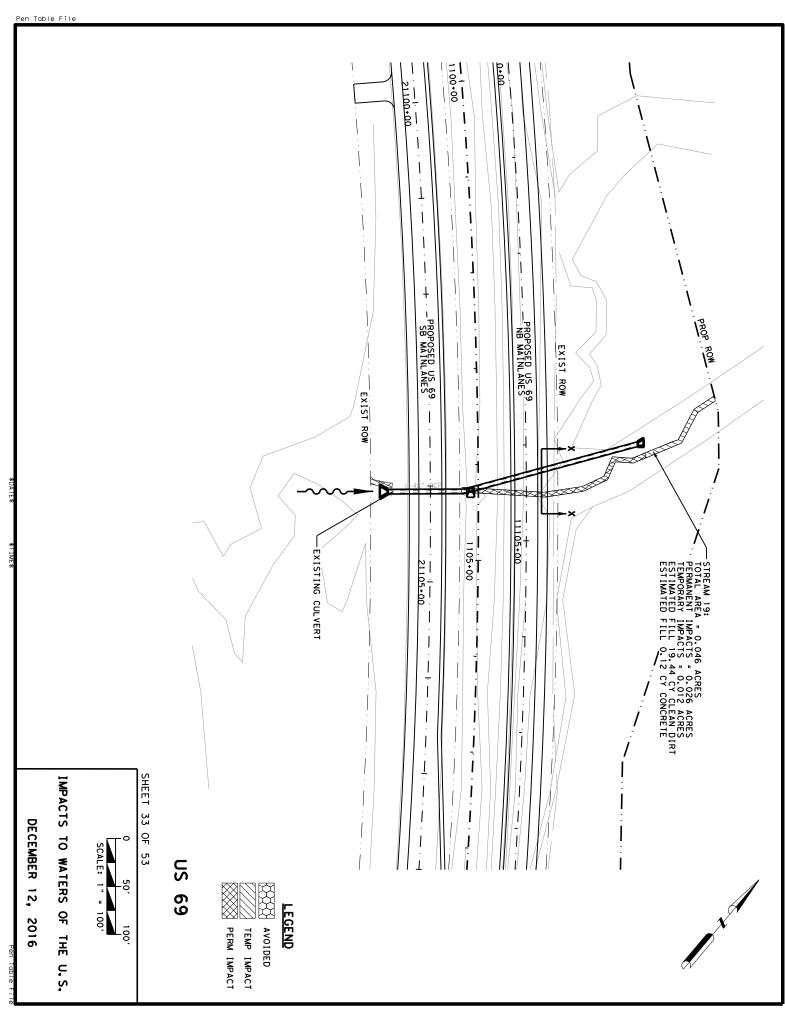


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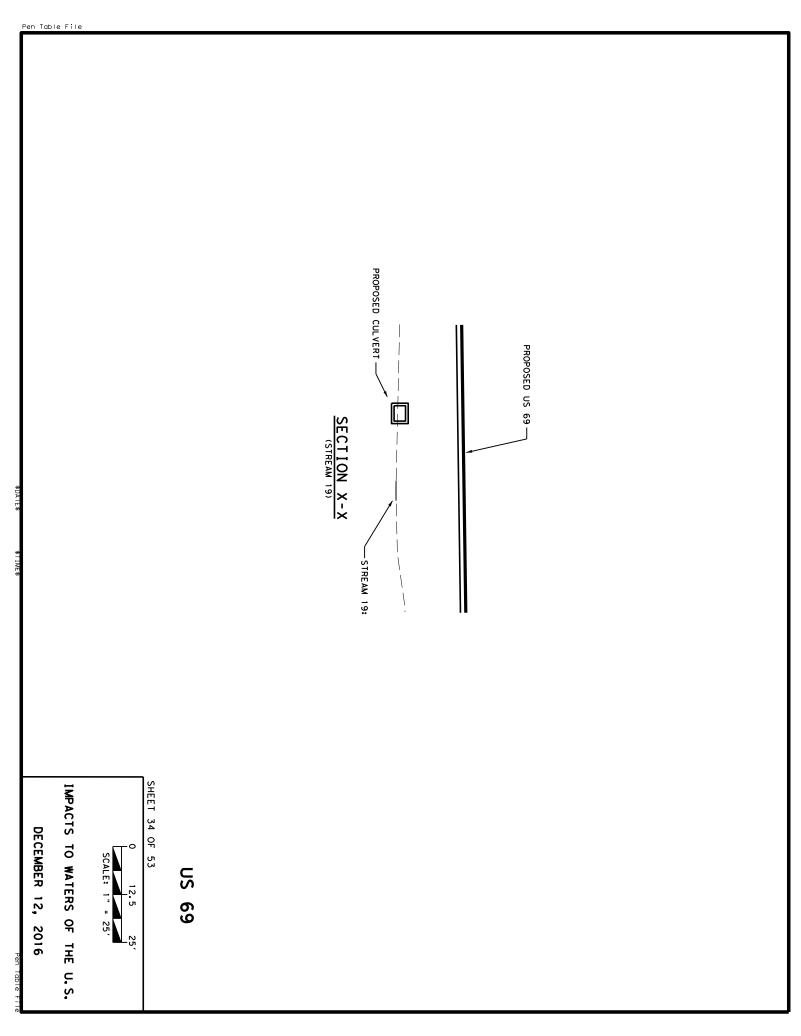


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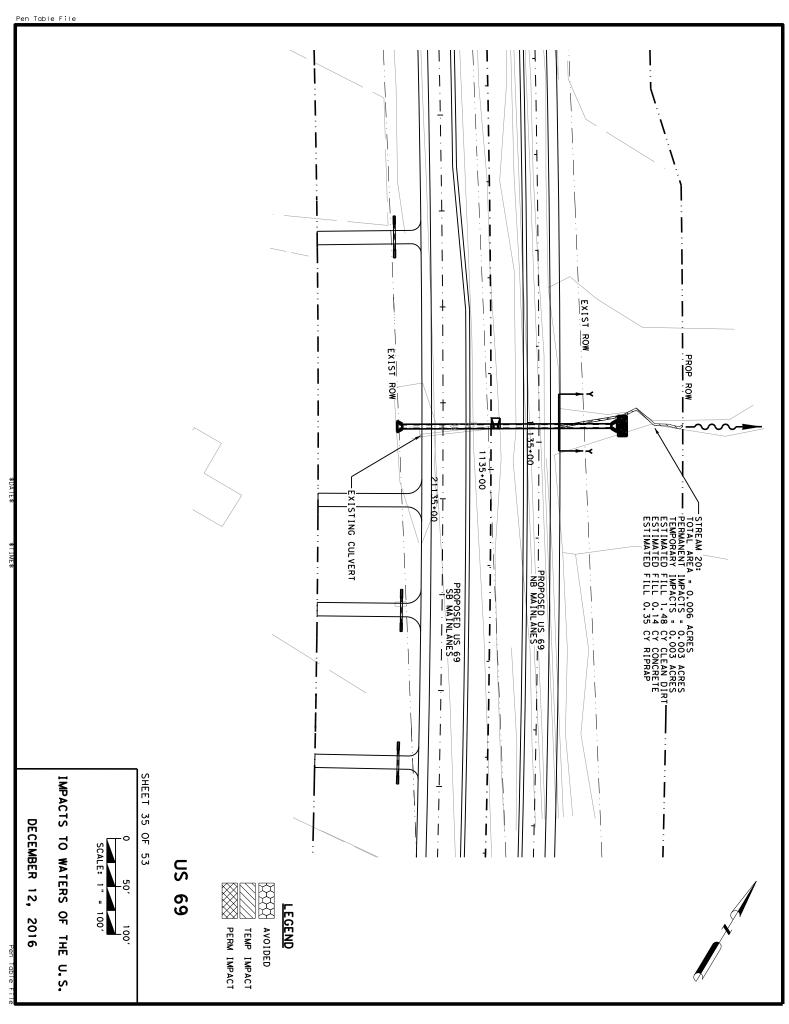


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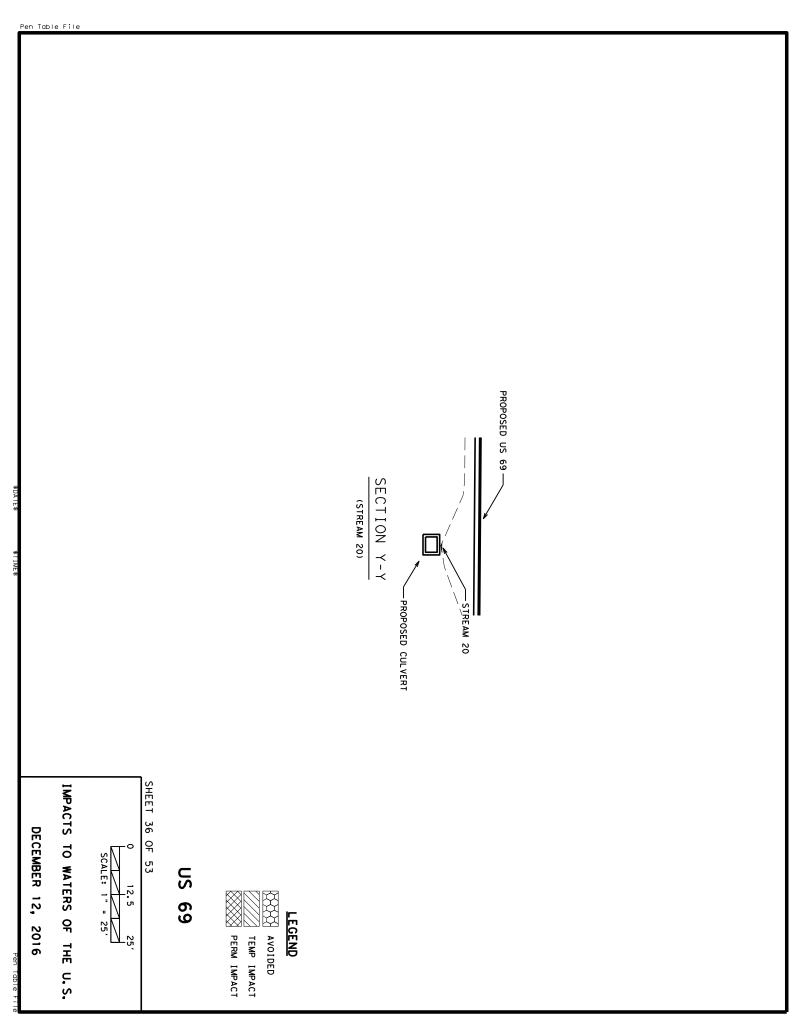


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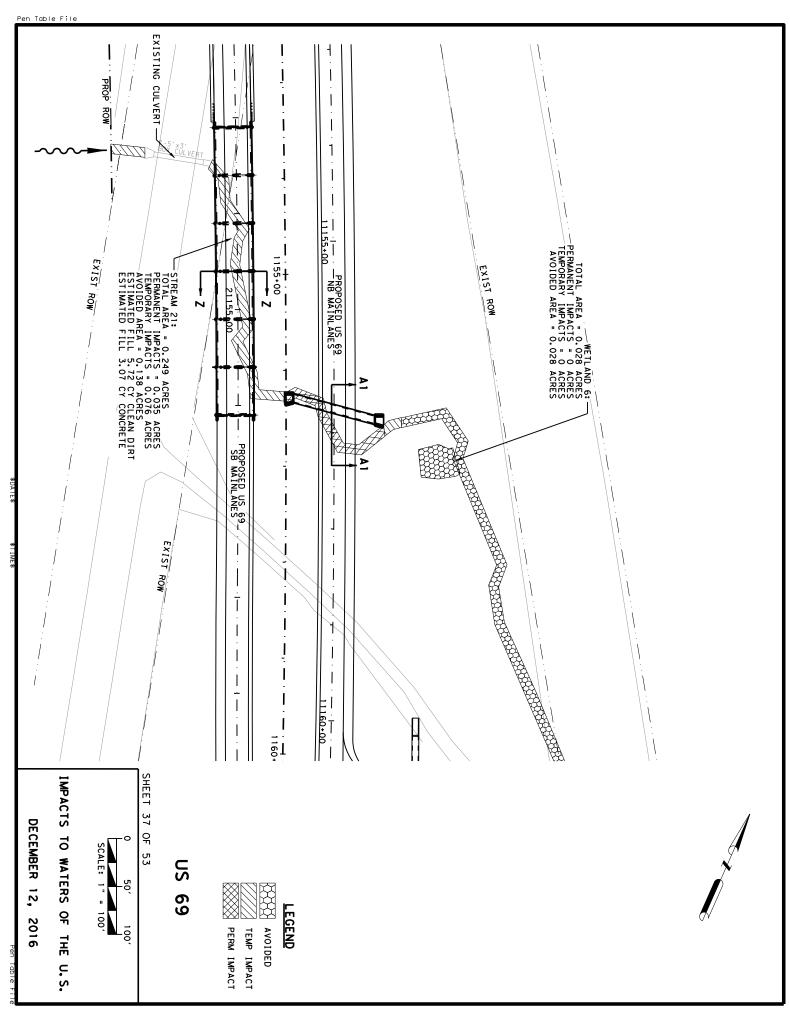


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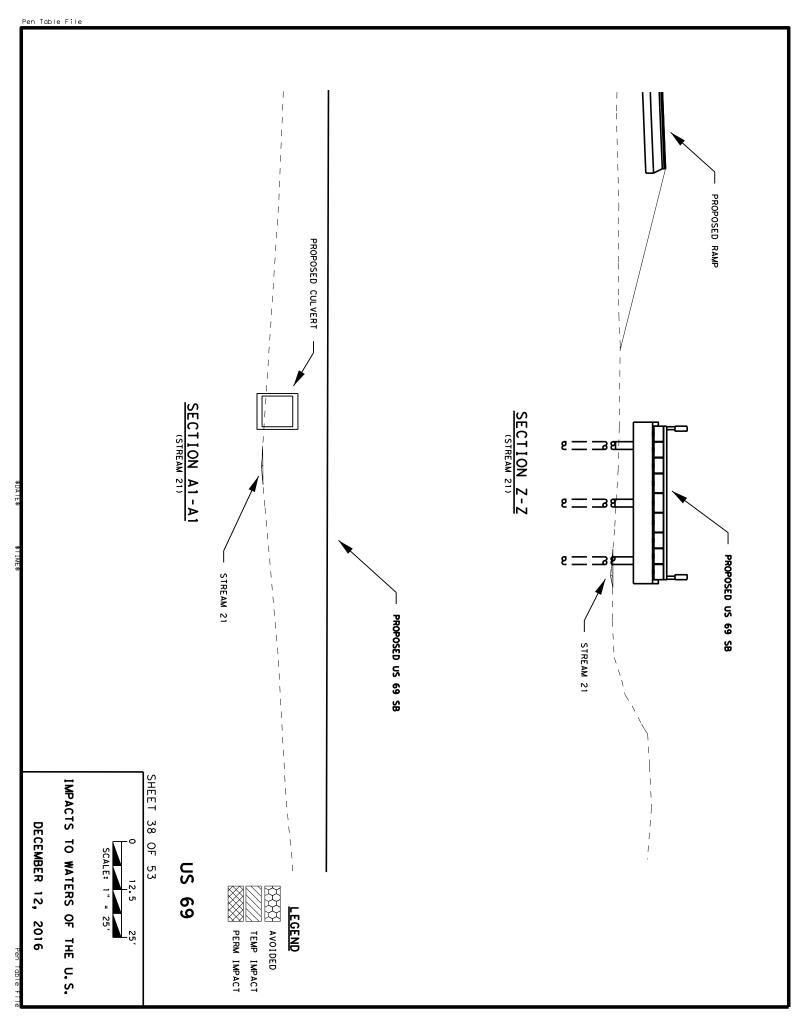


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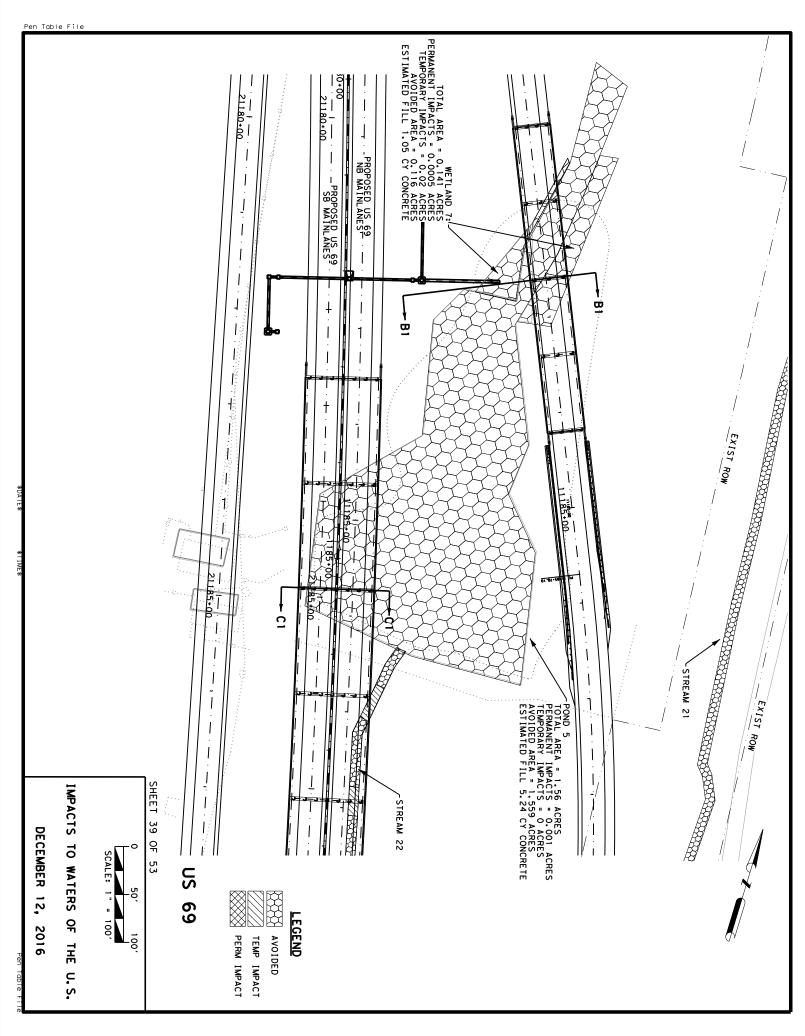


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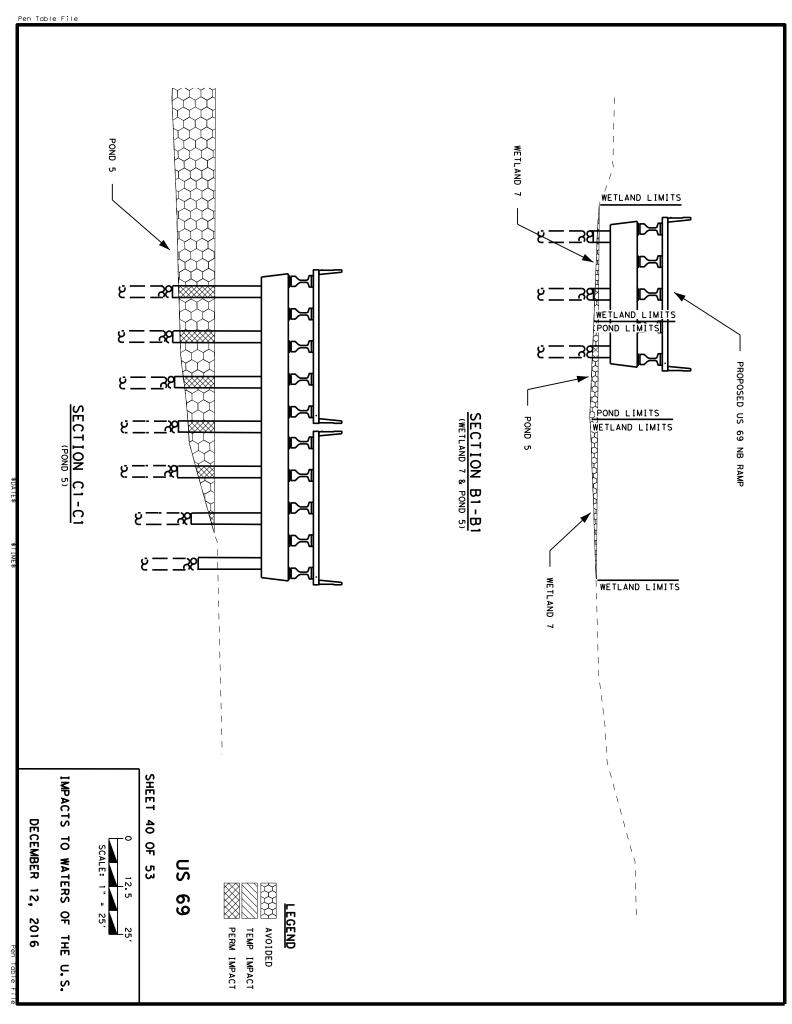
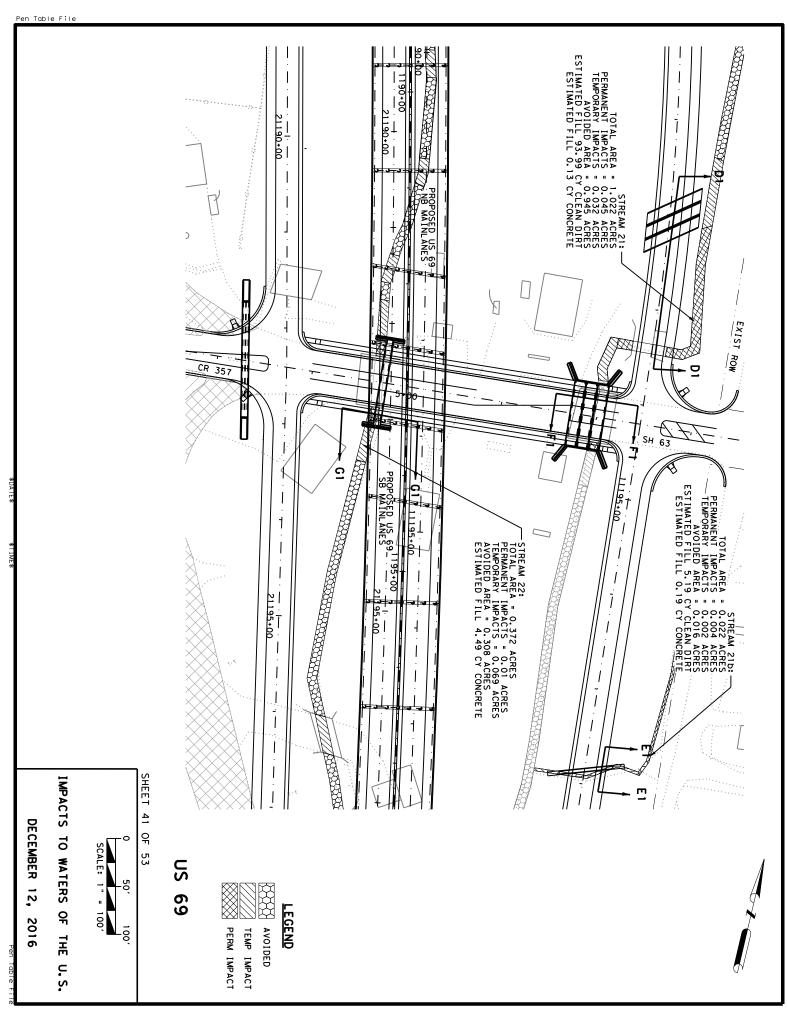


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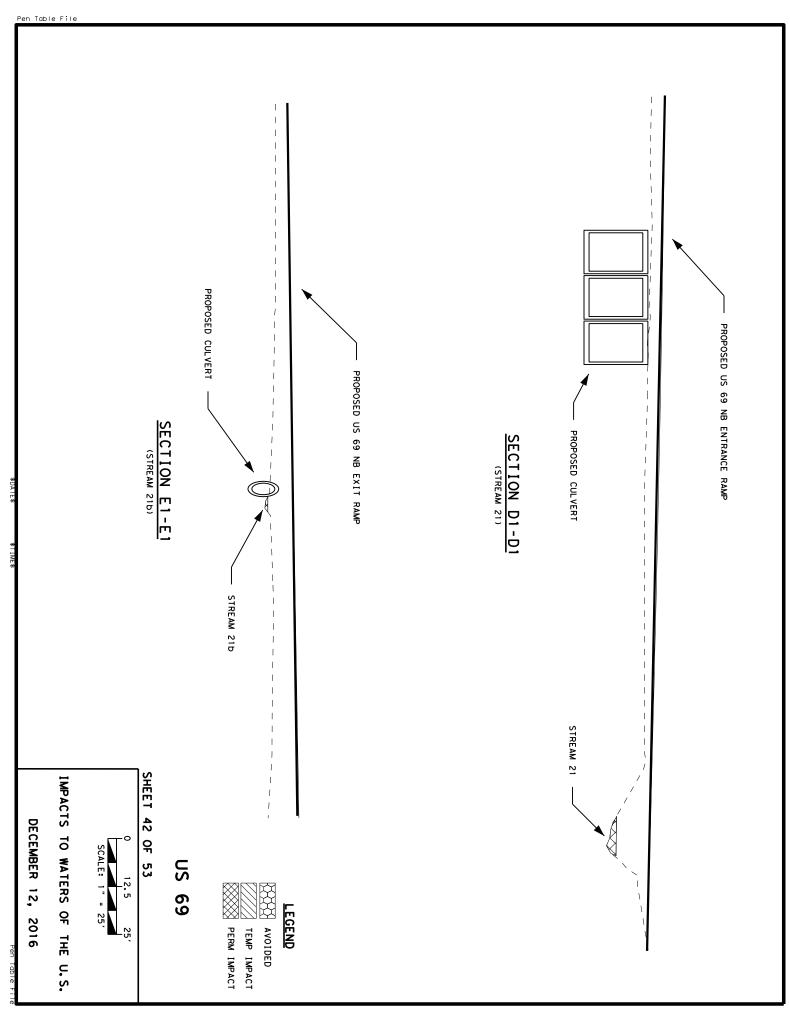


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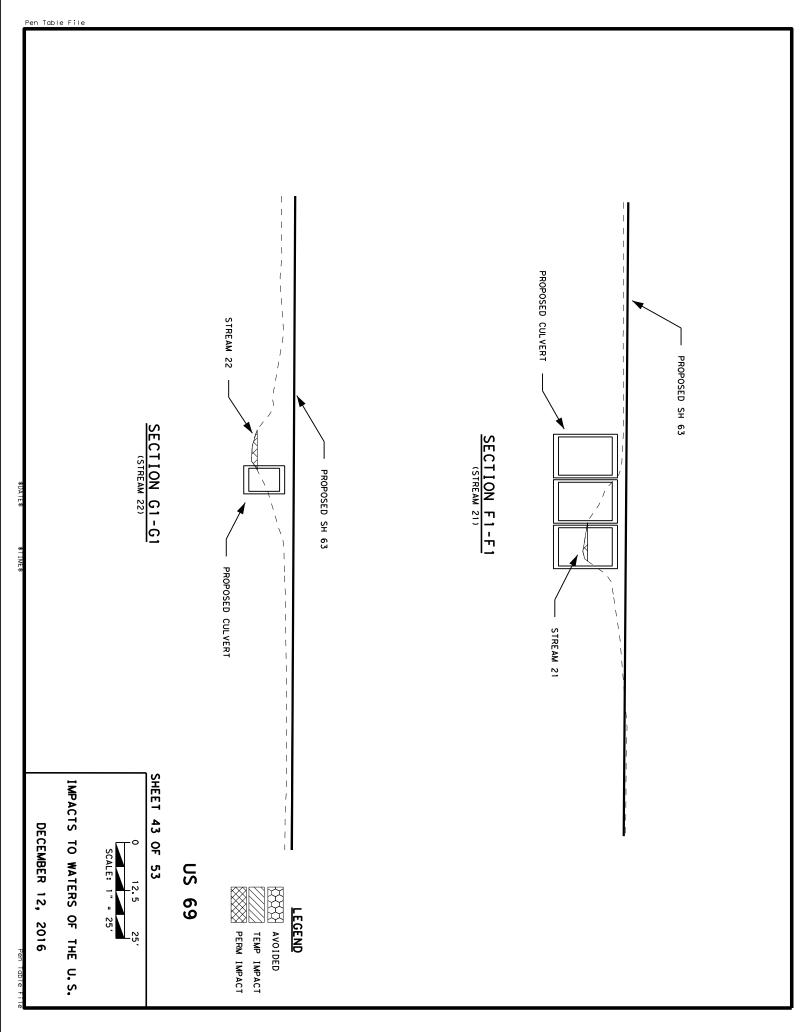


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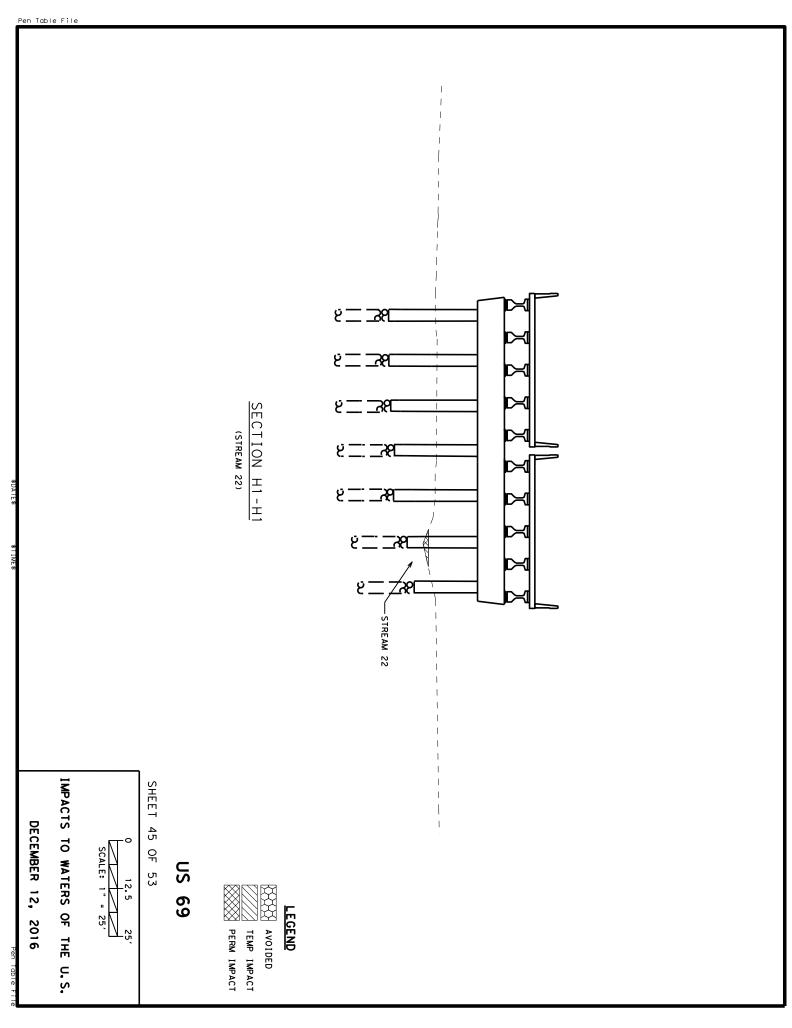


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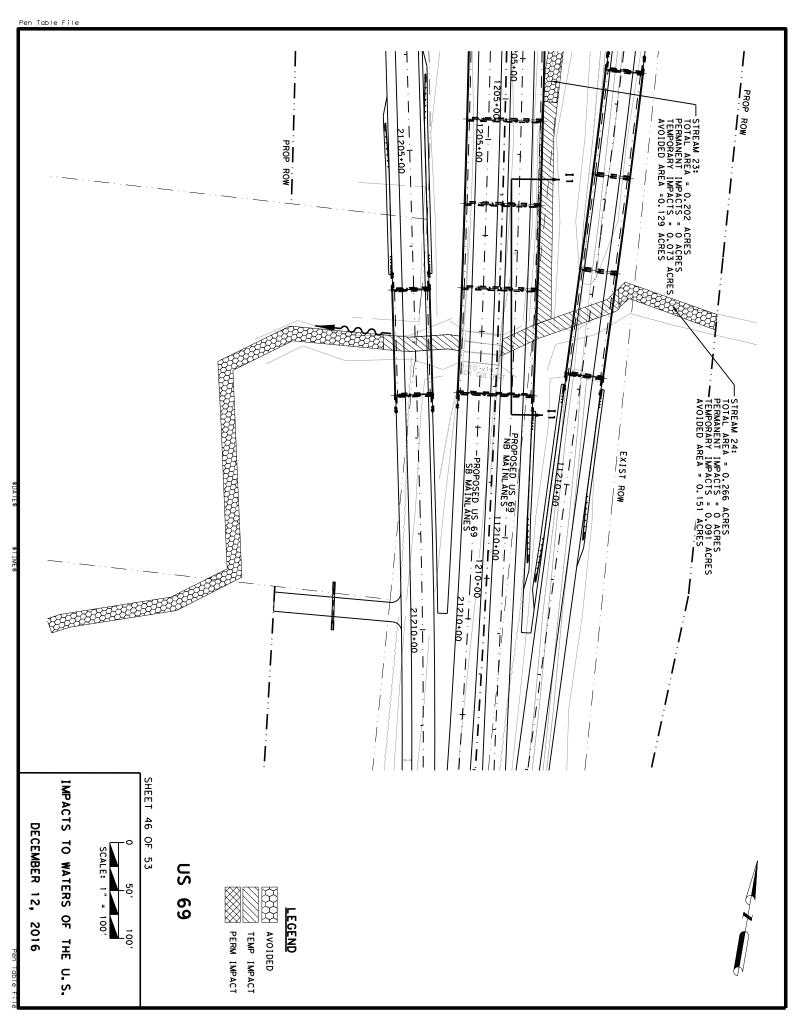


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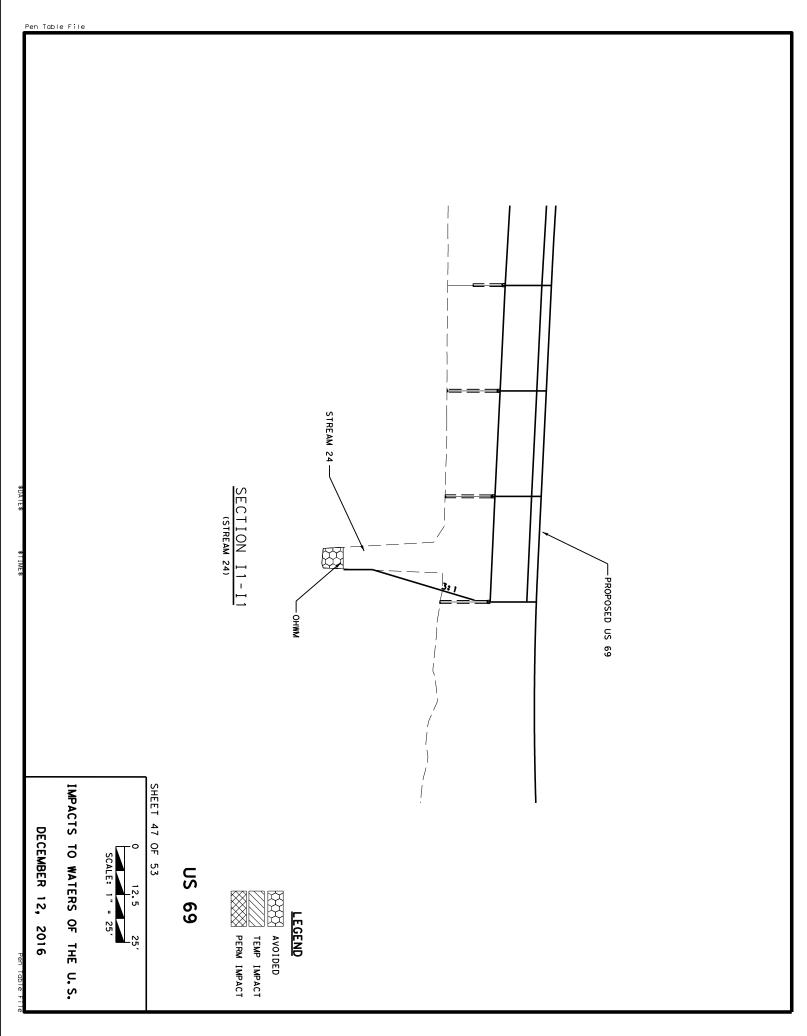


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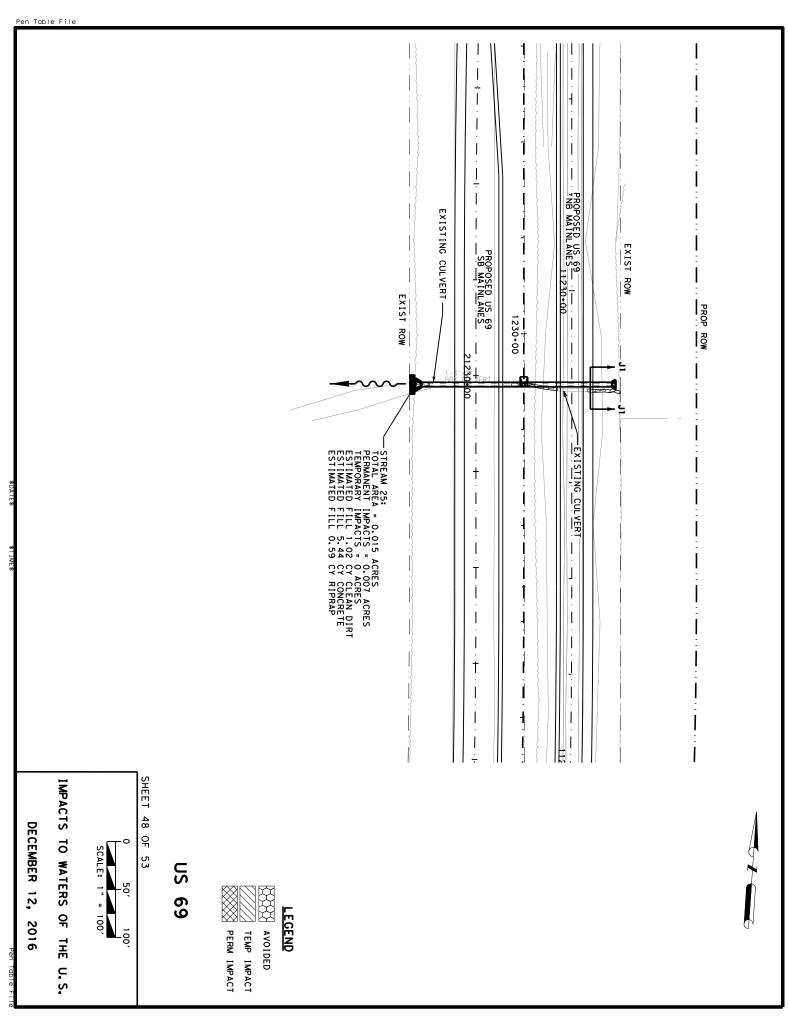
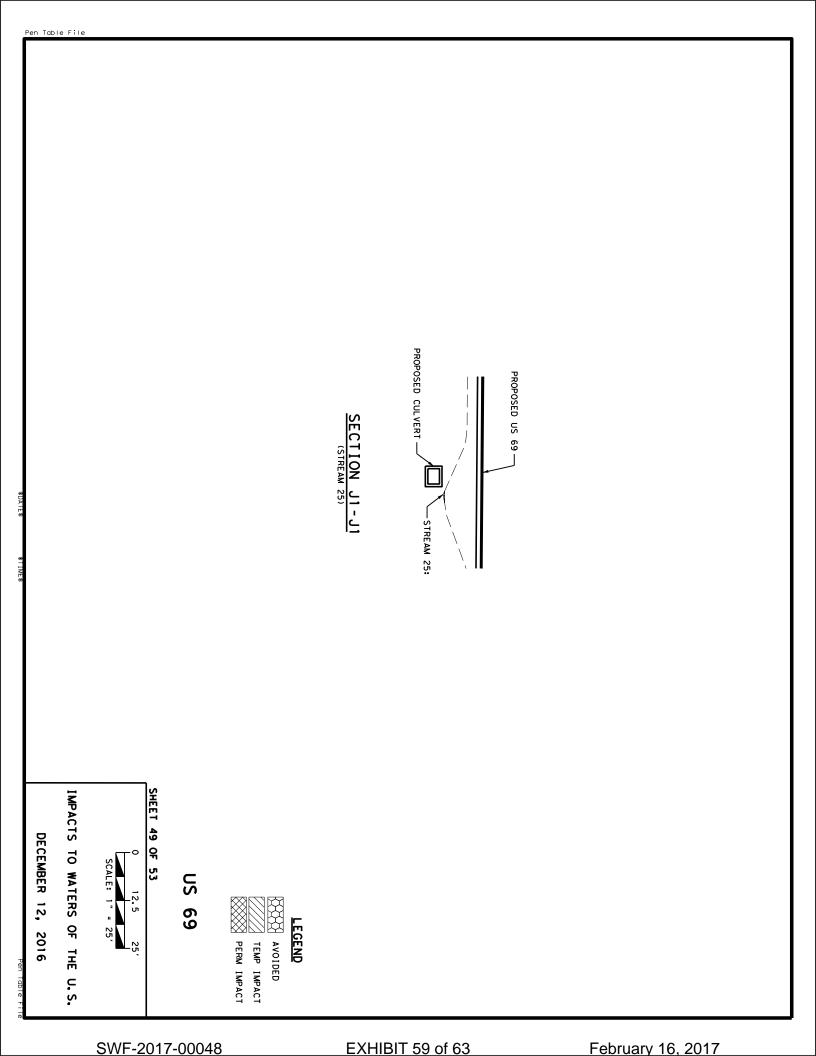


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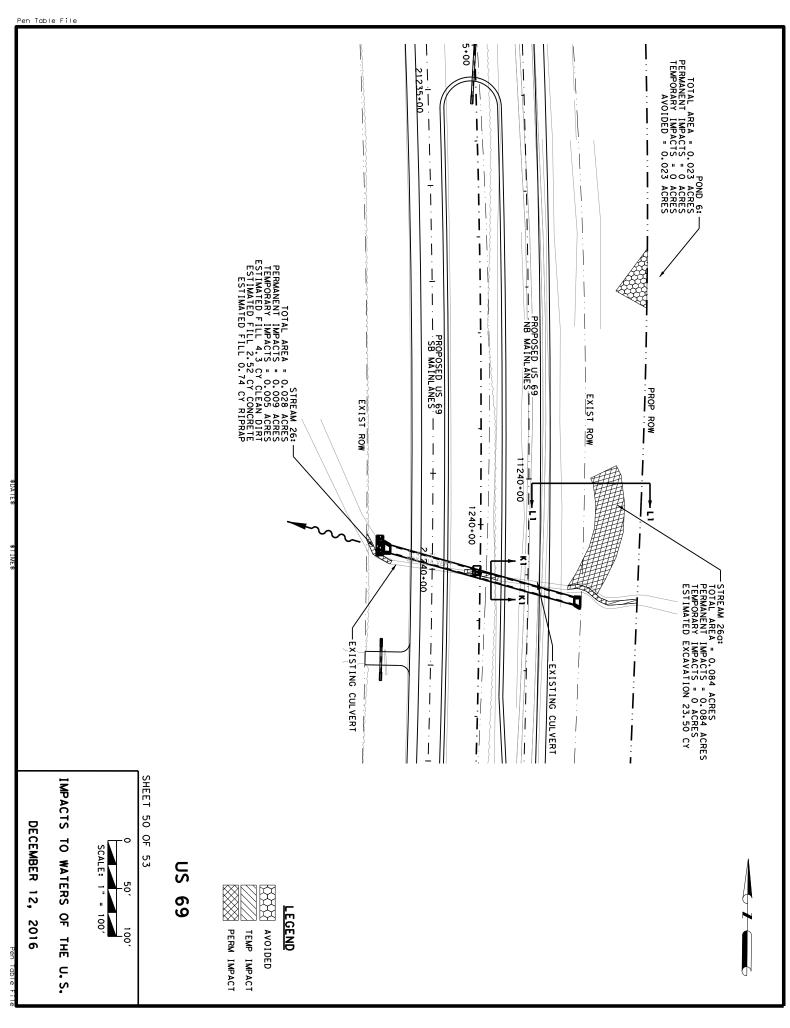


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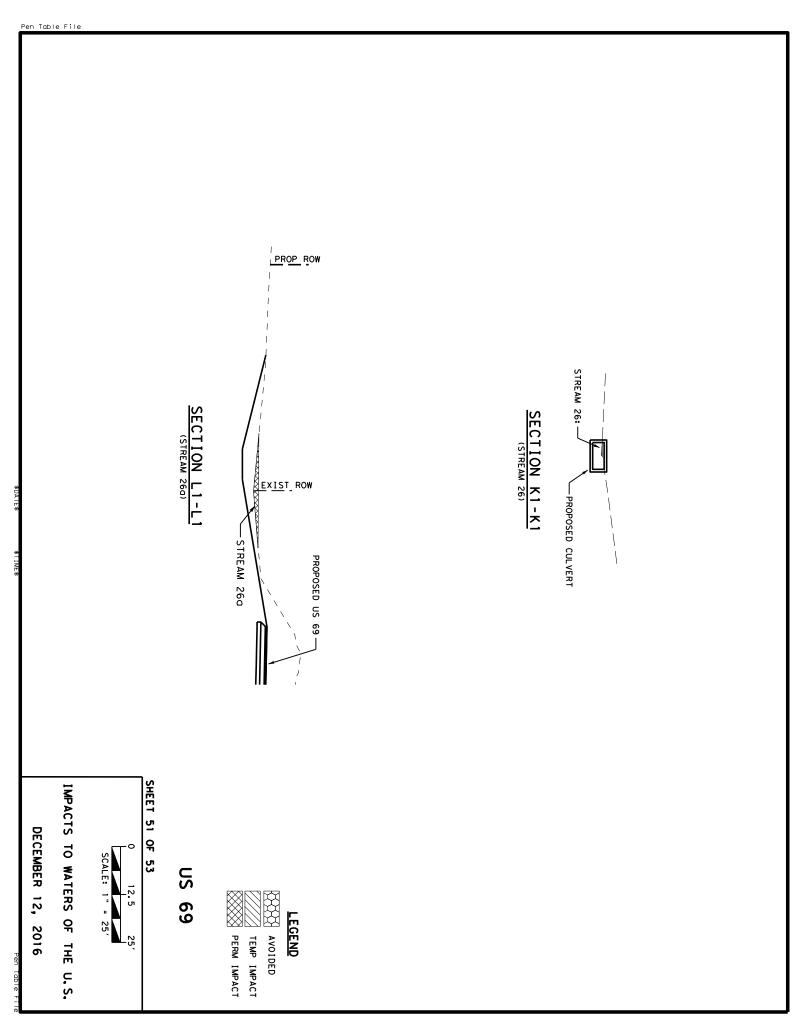


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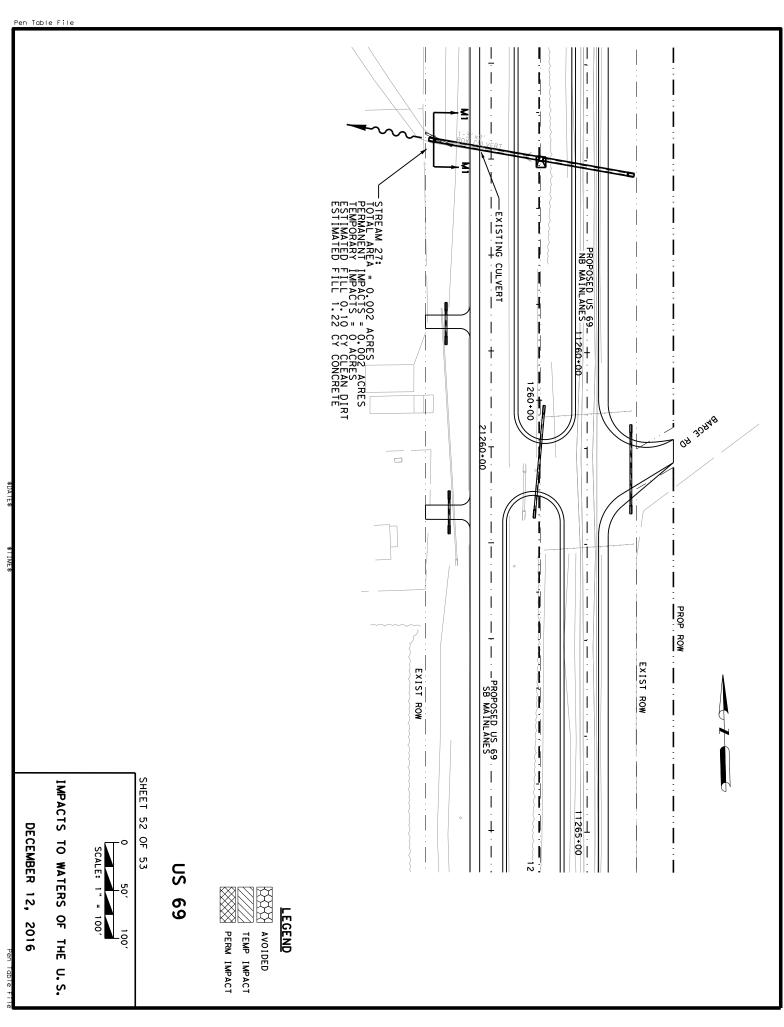


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