



**US Army Corps
of Engineers** ®
Fort Worth District

Public Notice

Applicant: Texas Department of Transportation

Project No.: SWF-2018-00087

Date: October 31, 2018

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 activities associated with the construction of a relief route on U.S. 59 around the city of Diboll 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-2018-00087

DATE ISSUED: October 31, 2018

LOCATION: The proposed U.S. 59 Diboll Relief Route would be located to the east of the city of Diboll with tie-ins approximately 0.85 mile north of the Neches River on the south end and 0.25 mile north of the intersection of FM 2108 and U.S. 59 on the north end. The proposed project would be located between UTM coordinates 327905.51m East and 3447061.65m North (Zone 15 R) on the south end to 333036.15m East and 3452642.20m North (Zone 15 R) at the point farthest east from the existing U.S. 59 in Diboll and 332495.29m East and 3457806.58m North (Zone 15 R) at the north end. It is located on the TX-Diboll 1:24K USGS quadrangle map and in the USGS Hydrologic Unit 12020002 (Middle Neches).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 17,741.153 cubic yards of dredged and fill material into approximately 8.17 acres of waters of the United States in conjunction with the construction of a relief route around the city of Diboll. Approximately 5.08 acres of permanent impacts would consist of 0.54 acre of emergent wetland impacts, 1.13 acres of shrub-scrub wetland impacts, 1.13 acres of forested wetland impacts, 1,633 linear feet (0.40 acre) of intermittent stream impacts, 1,031 linear feet (0.22 acre) of ephemeral stream impacts, and 1.66 acres impacts to open water impoundments. Approximately 2.99 acres of temporary impacts would consist of 1.97 acres of wetland impacts, 2,226 linear feet (0.52 acre) of intermittent stream impacts, 1,757 linear feet (0.40 acre) of ephemeral stream impacts, and 0.11 acre impact to open water impoundments. The proposed impacts would occur at 29 single and complete crossings.

ALTERNATIVE SITES AND ALTERNATIVE LAYOUTS: Four alternatives for the placement of a relief route around the city of Diboll were analyzed by the applicant. These included constructing a relief

route to the west of the city of Diboll, converting the existing alignment of U.S. 59 through the cities of Diboll and Burke to a controlled access interstate freeway, and constructing a relief route to the east of the city of Diboll. A no-build alternative was also considered. The USACE has not yet evaluated the alternatives analysis.

Alternative 1: Alternative 1 involves constructing the relief route west of the City of Diboll. This alternative would tie into existing U.S. 59 at a point approximately 2.7 miles south of FM 1818 and 4.1 miles north of FM 1818. Due to the location of the Union Pacific Railroad this corridor ties in further south and north than the other alternatives. This alternative would have to cross the railroad at two points. The location of the Duncan Unit Correctional Facility, and wastewater treatment plant further impacted the southern tie in location and forced the corridor further from the city of Diboll. This corridor is primarily undeveloped in the southern half with scattered rural residential areas in the northern half.

Alternative 2: Alternative 2 would consist of converting the existing alignment of U.S. 59 through the cities of Diboll and Burke to a controlled access interstate freeway facility. This corridor is heavily developed with residential, commercial, and industrial properties adjacent to the ROW, and would result in substantial impacts to these communities.

Alternative 3: Alternative 3 would bypass the City of Diboll to the east. This corridor generally follows a ridge between White Oak Creek and Stovall Creek. This alternative would tie into existing U.S. 59 at a point approximately 2.3 miles south of FM 1818 and just south of FM 2108. This corridor was restricted on the north end by the Angelina County Airport. This alternative is primarily undeveloped with a few rural residences near the north end.

Alternative 4: Alternative 4 is the “no-build” alternative. This alternative would result in no discharge of dredge and fill material into Waters of the U.S. U.S. 59 through Diboll would remain the primary travel route for traffic utilizing the U.S. 59/Future I-69 corridor, and the current facility would not be modified. Alternative 1 would not satisfy the need and purpose of the proposed project. Safety and congestion within the City of Diboll would not be improved and mobility during hurricane evacuations would not be improved. For these reasons, the applicant determined that Alternative 4 would not meet the project need and purpose.

COMPENSATORY MITIGATION: The applicant has proposed compensatory mitigation consistent with U.S. Army Corps of Engineers (USACE) Fort Worth District guidelines. This would include the purchase of credits from the Anderson Tract Mitigation Bank to offset impacts associated with wetland and open water impacts. In addition, the purchase of stream credits is proposed from the Graham Creek Mitigation Bank consistent with the Galveston Stream Assessment Method.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the 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 latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. However, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit.

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 November 30, 2018, 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) 886-1820. 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

INDEX OF SHEETS
(SEE SHEET 2)

PRELIMINARY
ISSUED FOR 30% REVIEW

STATE OF TEXAS
TEXAS DEPARTMENT OF TRANSPORTATION

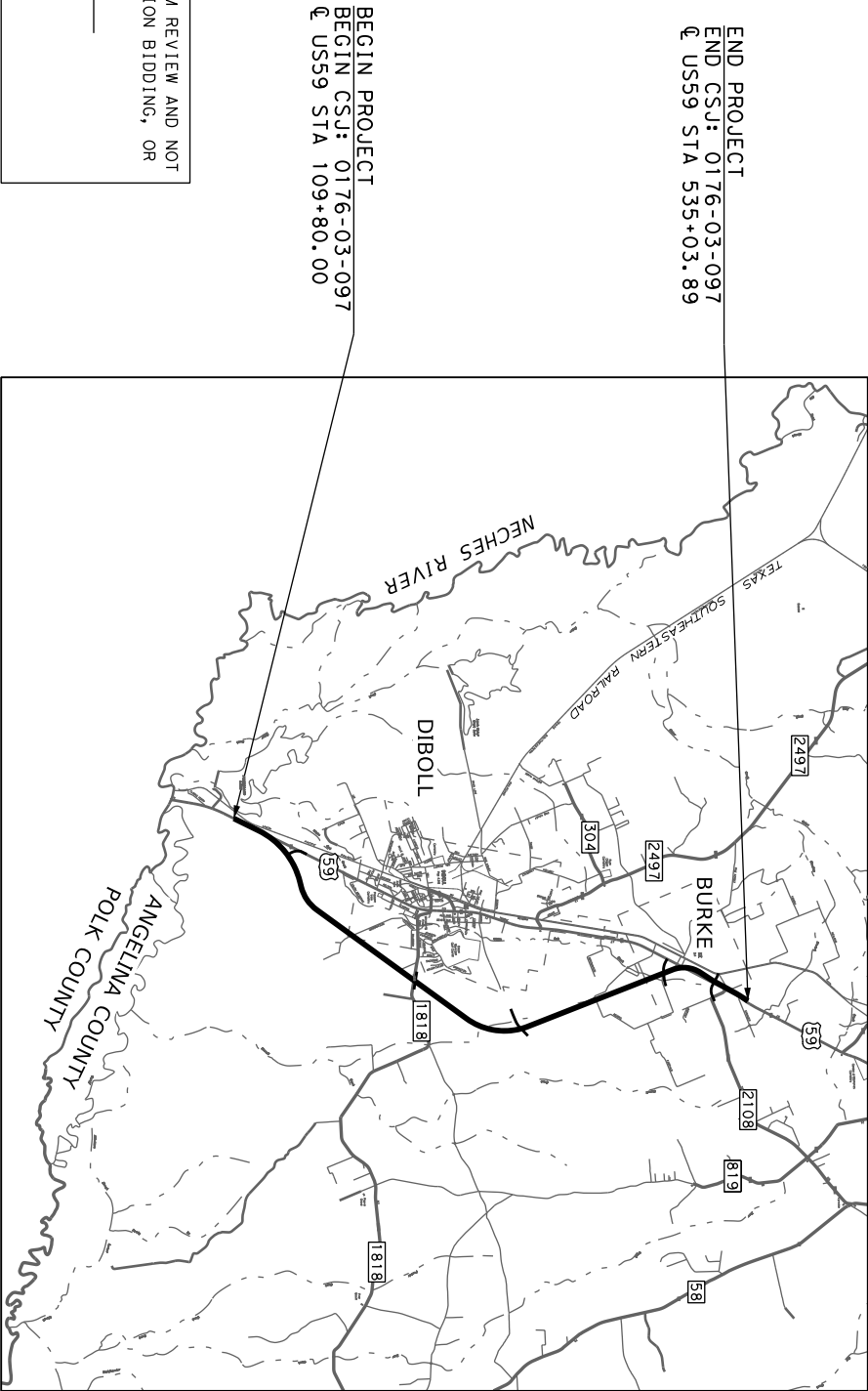
PLANS OF PROPOSED
STATE HIGHWAY IMPROVEMENT

US 59
ANGELINA COUNTY
CSJ 0176-03-097
PROJECT NO. NH 2013 (218)

LIMITS: FROM 1.15 MILES SOUTH OF WHITE OAK CREEK TO FM 2108

NET LENGTH OF US 59 ROADWAY = XX,XXX.XX FT = X.XXX MI
NET LENGTH OF BRIDGES = X,XXX.00 FT = X.XXX MI
NET LENGTH OF PROJECT = 43,243.20 FT = 8.190 MI

FOR THE CONSTRUCTION OF A PRINCIPAL ARTERIAL FACILITY CONSISTING OF
GRADING, STRUCTURES, PAVEMENT, DRAINAGE, SW3P, RETAINING WALLS,
SIGNING, ILLUMINATION AND PAVEMENT MARKINGS



LOCATION MAP
N. T. S.
EXCEPTIONS: NONE
RR CROSSINGS: NONE
EQUATIONS: NONE

"REGISTERED ACCESSIBILITY SPECIALIST
(RAS) INSPECTION REQUIRED TDLR
NO. EABRJ "

FED. PROJ. NO.	FEDERAL AID PROJECT NO.	SHEET NO.
6		1
STATE	STATE DIST.	COUNTY
TEXAS	LUFKIN	ANGELINA
CON.	SECT.	JOB
0176	03	097
		US 59

	FUNCTIONAL CLASSIFICATION	2020 ADT	2050 ADT
US 59 NB	URBAN FREEWAY	14,450	22,100
US 59 SB	URBAN FREEWAY	15,000	22,800

DESIGN SPEED:
US 59 MAINLANES = 70 MPH
US 59 FRONTAGE ROAD = 50 MPH
US 59 RAMPS = 60 MPH
DIRECT CONNECTORS = 45 MPH
MINOR CROSS STREETS = 40 MPH
MAJOR CROSS STREETS = 50 MPH

FINAL PLANS

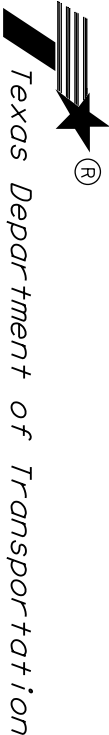
LETTING DATE: _____
DATE CONTRACTOR BEGAN WORK: _____
DATE WORK COMPLETED: _____
DATE WORK ACCEPTED: _____
FINAL CONTRACT COST: \$ _____
CONTRACTOR: _____

CONSTRUCTION WORK ON THIS PROJECT WAS PERFORMED
IN ACCORDANCE WITH PLANS, CONTRACT AND APPROVED
CHANGE ORDERS.

DATE _____

BARRICADES AND WARNING SIGNS

PROVIDE AND ERECT BARRICADES AND WARNING SIGNS
IN ACCORDANCE WITH THE BARRICADE & CONSTRUCTION
STANDARDS, TCP STANDARDS, THE "TEXAS MANUAL ON
UNIFORM TRAFFIC CONTROL DEVICES" AND AS DIRECTED.



RECOMMENDED FOR LETTING: _____

DISTRICT SAFETY REVIEW TEAM CHAIRPERSON _____

SUBMITTED FOR LETTING: _____

PROJECT ENGINEER _____

LJA Engineering, Inc.

FRN-F-1386

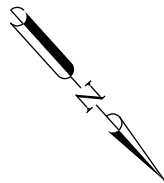
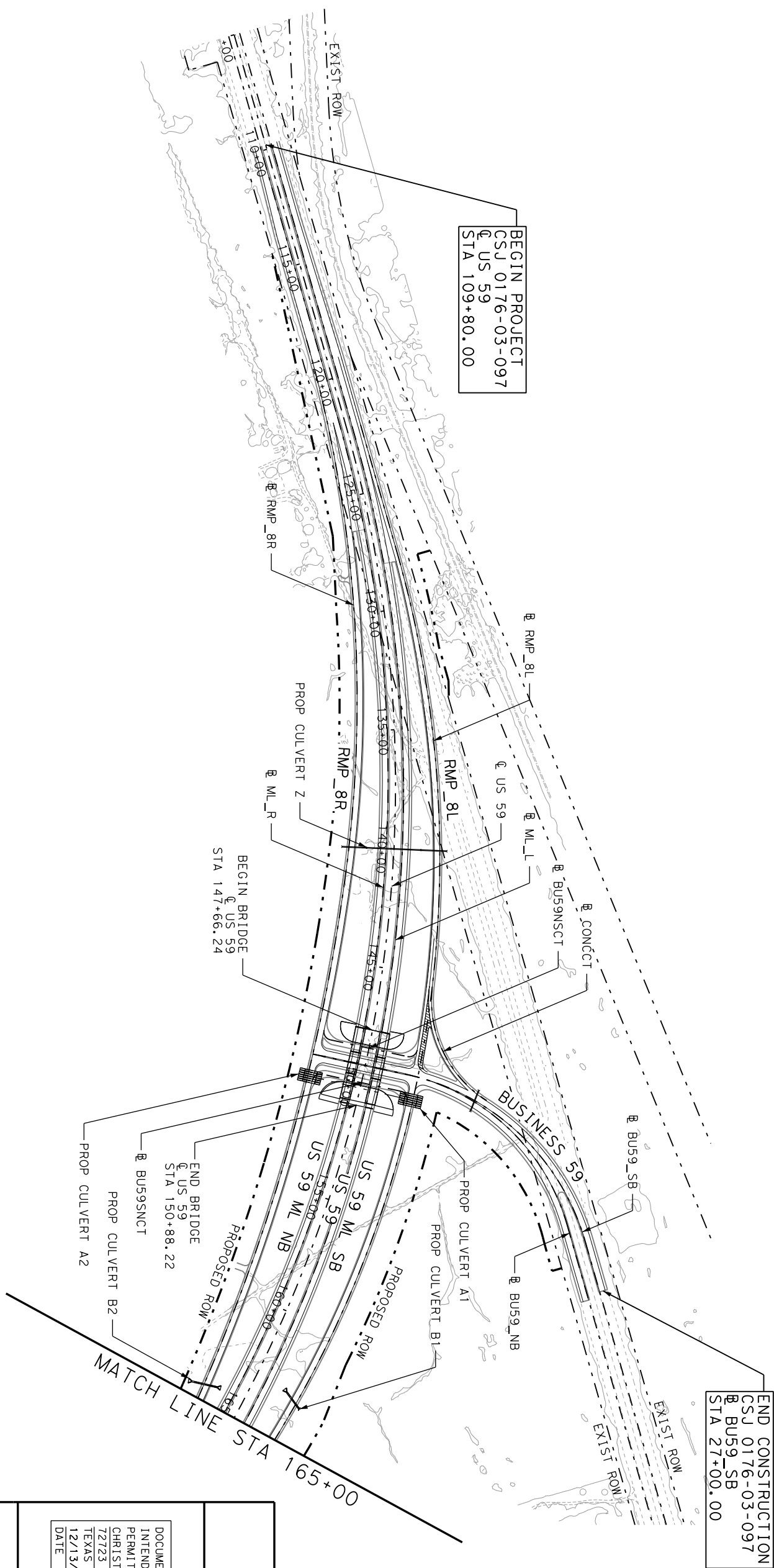
DOCUMENT IS FOR INTERIM REVIEW AND NOT
INTENDED FOR CONSTRUCTION BIDDING, OR
PERMIT PURPOSES.
CHRISTOPHER COTTER, PE
72723
TEXAS SERIAL NO.
12/13/2017
DATE

BEGIN PROJECT
BEGIN CSJ: 0176-03-097
US59 STA 109+80.00

END PROJECT
END CSJ: 0176-03-097
US59 STA 535+03.89

SPECIFICATIONS ADOPTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION
NOVEMBER 1, 2014 AND SPECIFICATION ITEMS LISTED AND DATED AS FOLLOWS,
SHALL COVER ON THIS PROJECT: REQUIRED CONTRACT PROVISIONS FOR ALL
FEDERAL-AID CONSTRUCTION CONTRACTS (FORM FHWA 1273, MAY, 2012).

© 2017 BY TEXAS DEPARTMENT OF
TRANSPORTATION; ALL RIGHTS RESERVED



0' 125' 250' 500'

SCALE: 1"=500'

DOCUMENT IS FOR INTERIM REVIEW AND NOT
INTENDED FOR CONSTRUCTION BIDDING, OR
PERMIT PURPOSES.
CHRISTOPHER COTTER, PE _____
72723
TEXAS SERIAL NO. _____
12/13/2017
DATE

LJA Engineering, Inc. LJA

FRN-17-1386

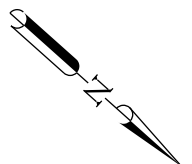
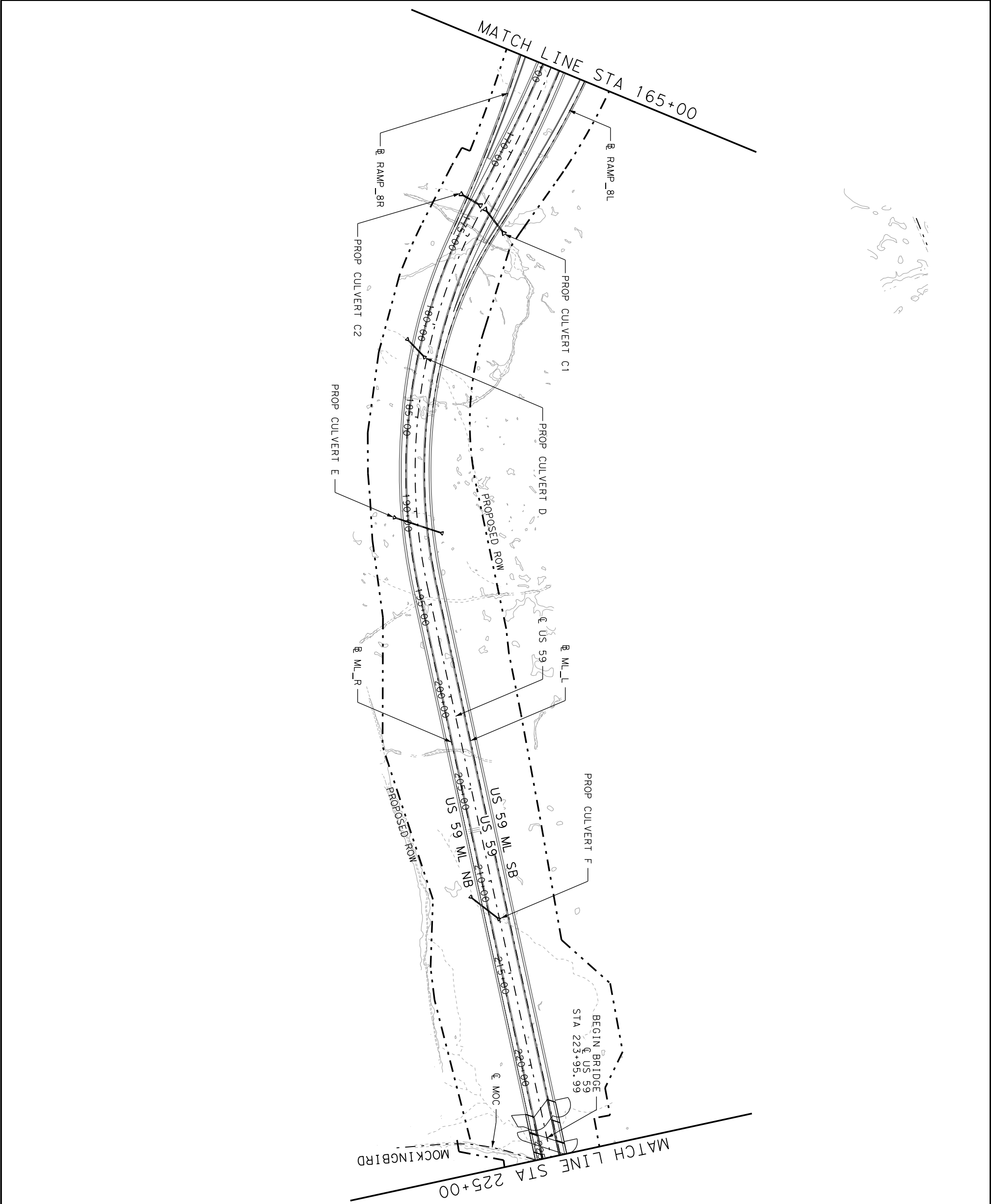
© 2017

Texas Department of Transportation

PROJECT LOCATION
BEGIN PROJECT TO STA 1+8+00


(SHEET 1 OF 8)


FED. RD. DIST. NO.	FEDERAL AID PROJECT	SHEET NO.
6		3
STATE	DISTRICT	COUNTY
TEXAS	LUFKIN	ANGELINA
CONTROL	SECTION	JOB HIGHWAY
0176	03	097 US 59



0' 125' 250' 500'
SCALE: 1"=500'

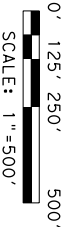
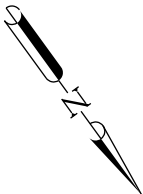
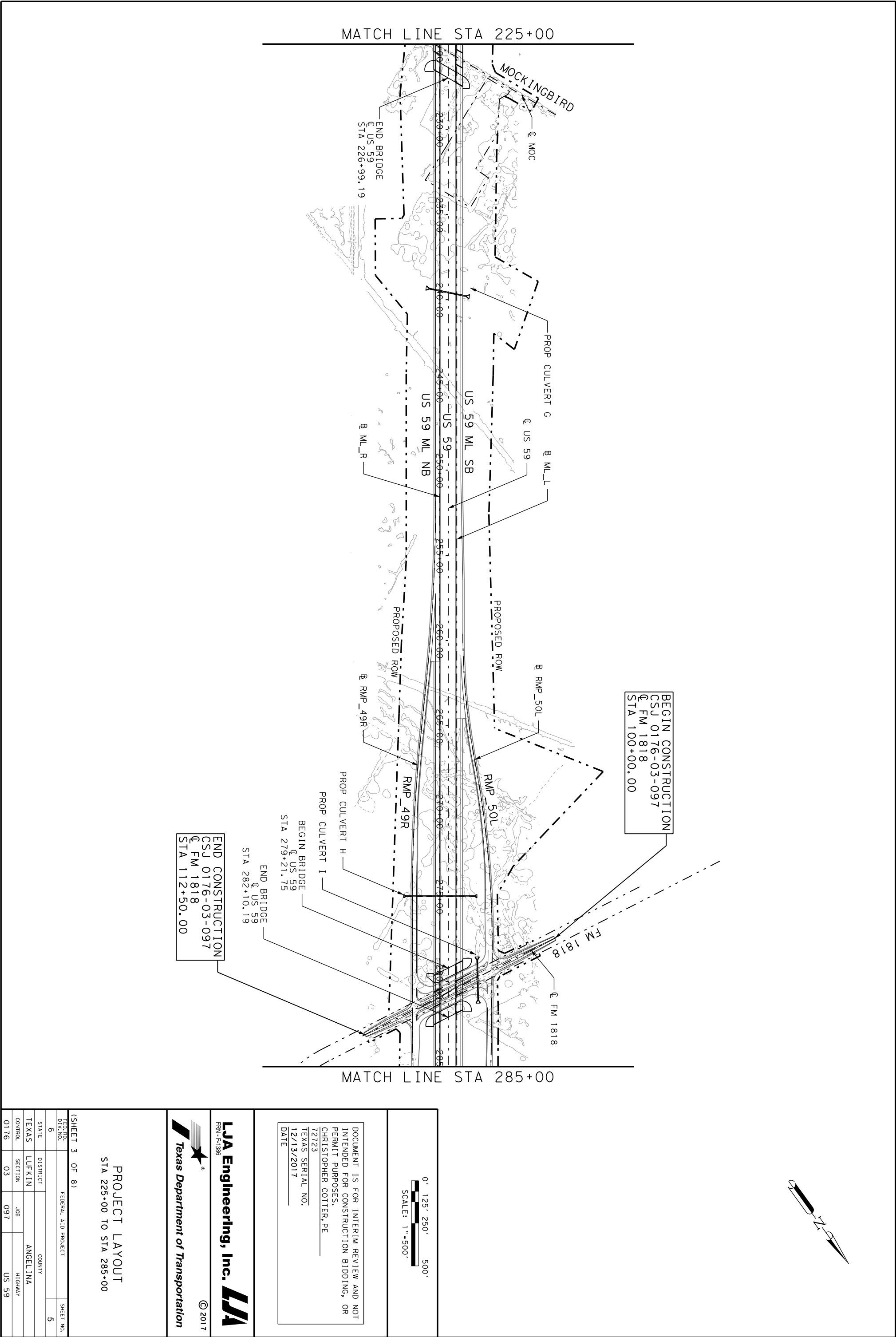
DOCUMENT IS FOR INTERIM REVIEW AND NOT
INTENDED FOR CONSTRUCTION BIDDING, OR
PERMIT PURPOSES.
CHRISTOPHER COTTER, PE
72723
TEXAS SERIAL NO.
12/13/2017
DATE

LJA Engineering, Inc. 

 Texas Department of Transportation

© 2017

(SHEET 2 OF 8)			
PROJECT LAYOUT		STA 165+00 TO STA 225+00	
FED. RD. DIV. NO.	FEDERAL AID PROJECT		SHEET NO.
6			4
STATE	DISTRICT	COUNTY	
TEXAS	LUFKIN	ANGELINA	
CONTROL	SECTION	JOB	HIGHWAY
0176	03	097	US 59



DOCUMENT IS FOR INTERIM REVIEW AND NOT
INTENDED FOR CONSTRUCTION BIDDING, OR
PERMIT PURPOSES.
CHRISTOPHER COTTER, PE
72723
TEXAS SERIAL NO.
12/13/2017
DATE

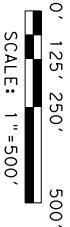
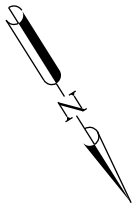
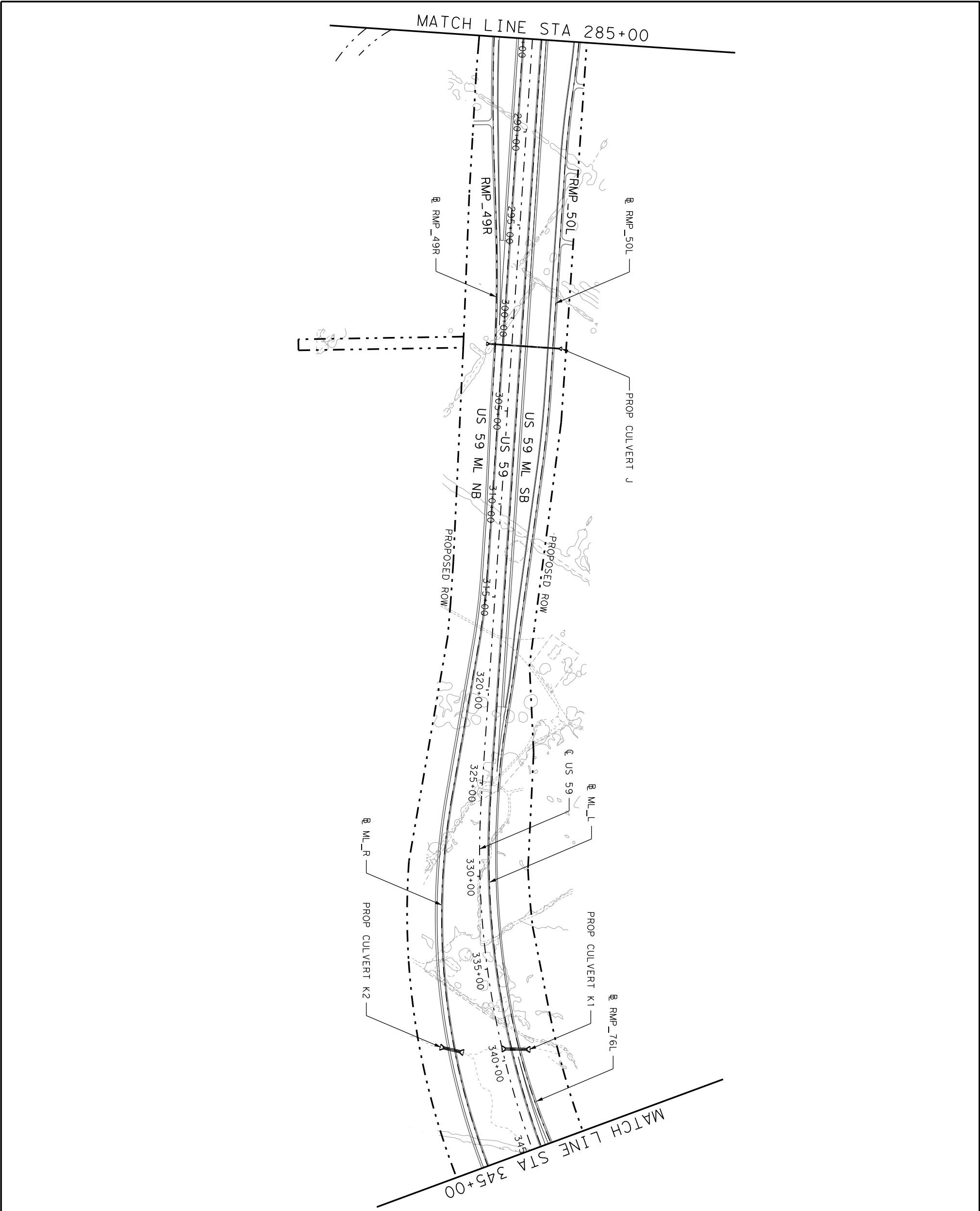
FRN-F-1386

LJA Engineering, Inc.

Texas Department of Transportation

© 2017


(SHEET 3 OF 8)				
PROJECT LAYOUT		STA 225+00 TO STA 285+00		
FED. RD. DIV. NO.	FEDERAL AID PROJECT			SHEET NO.
6				5
STATE	DISTRICT	COUNTY		
TEXAS	LUFKIN	ANGELINA		
CONTROL	SECTION	JOB	HIGHWAY	
0176	03	097	US 59	



DOCUMENT IS FOR INTERIM REVIEW AND NOT
INTENDED FOR CONSTRUCTION BIDDING, OR
PERMIT PURPOSES.
CHRISTOPHER COTTER, PE
72723
TEXAS SERIAL NO.
12/13/2017
DATE

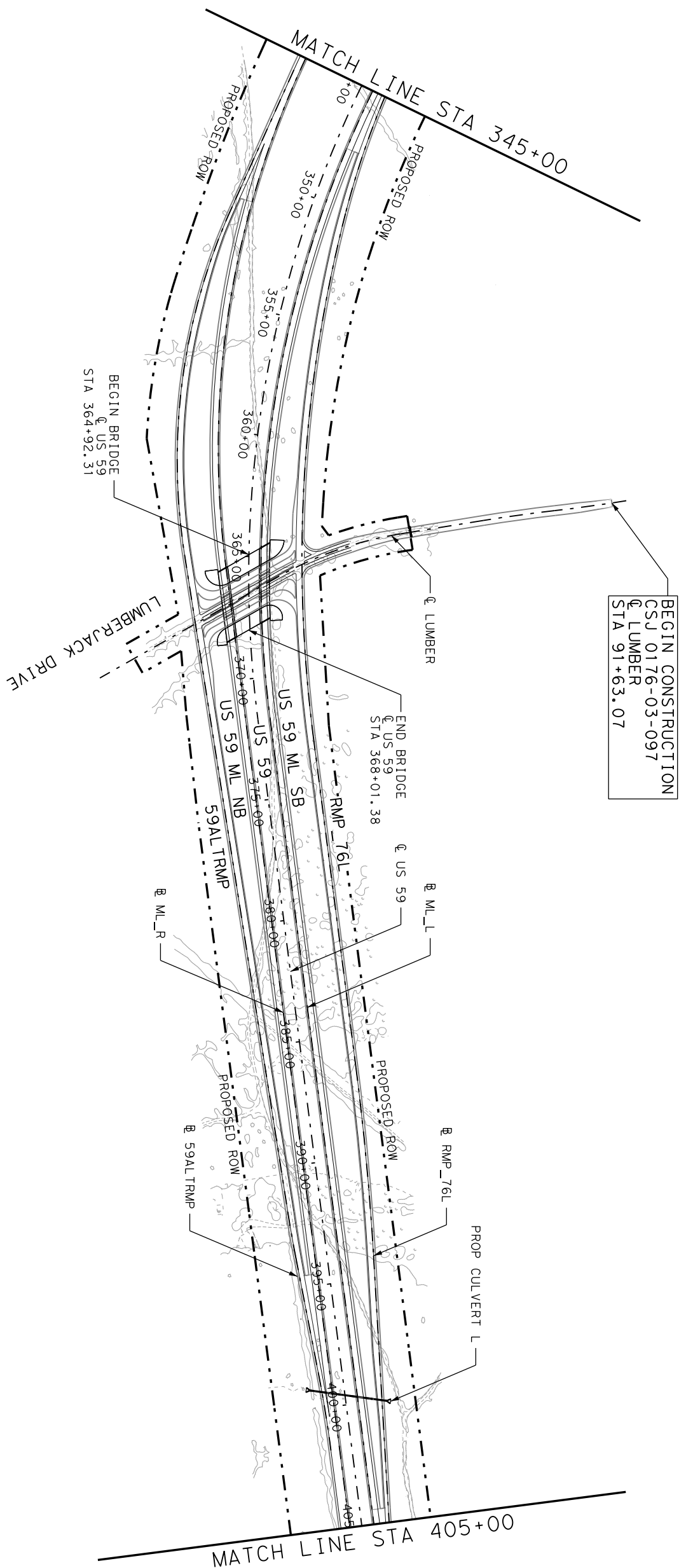
LJA Engineering, Inc. **LJA**

FRN-F-1386

 © 2017

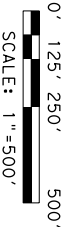
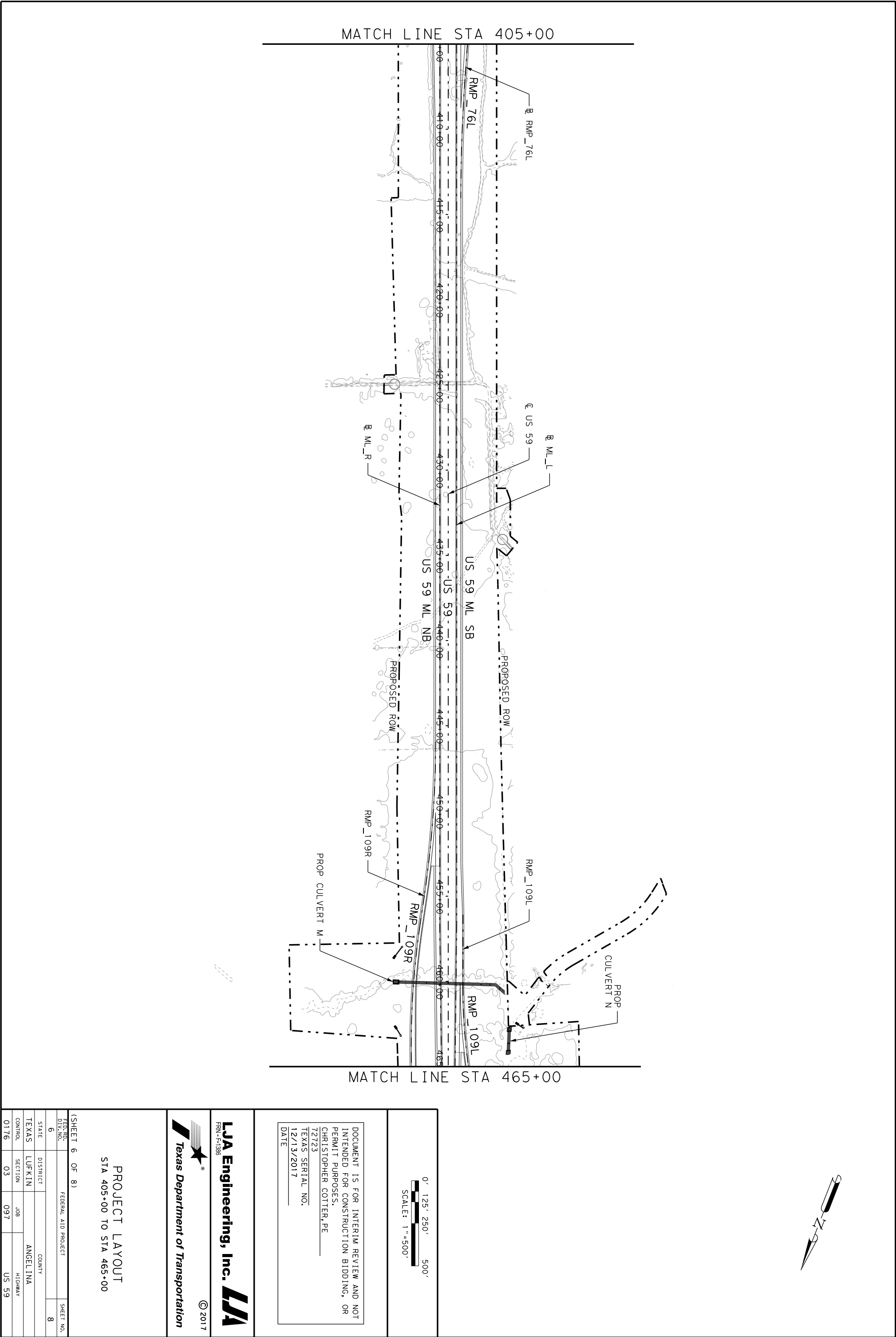
Texas Department of Transportation

(SHEET 4 OF 8)			
PROJECT LAYOUT		STA 285+00 TO STA 345+00	
FED. RD. DIV. NO.	FEDERAL AID PROJECT		SHEET NO.
6			6
STATE	DISTRICT	COUNTY	
TEXAS	LUFKIN	ANGELINA	
CONTROL	SECTION	JOB	HIGHWAY
0176	03	097	US 59



0' 125' 250' 500'	
SCALE : 1" = 500'	


DOCUMENT IS FOR INTERIM REVIEW AND NOT INTENDED FOR CONSTRUCTION BIDDING, OR PERMIT PURPOSES.	
CHRISTOPHER COTTER, PE	
72723	
Texas SERIAL NO.	
12/13/2017	
DATE	




DOCUMENT IS FOR INTERIM REVIEW AND NOT
INTENDED FOR CONSTRUCTION BIDDING, OR
PERMIT PURPOSES.
CHRISTOPHER COTTER, PE
72723
TEXAS SERIAL NO.
12/13/2017
DATE

FRN-F-1386

LJA Engineering, Inc.

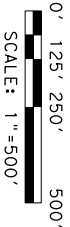
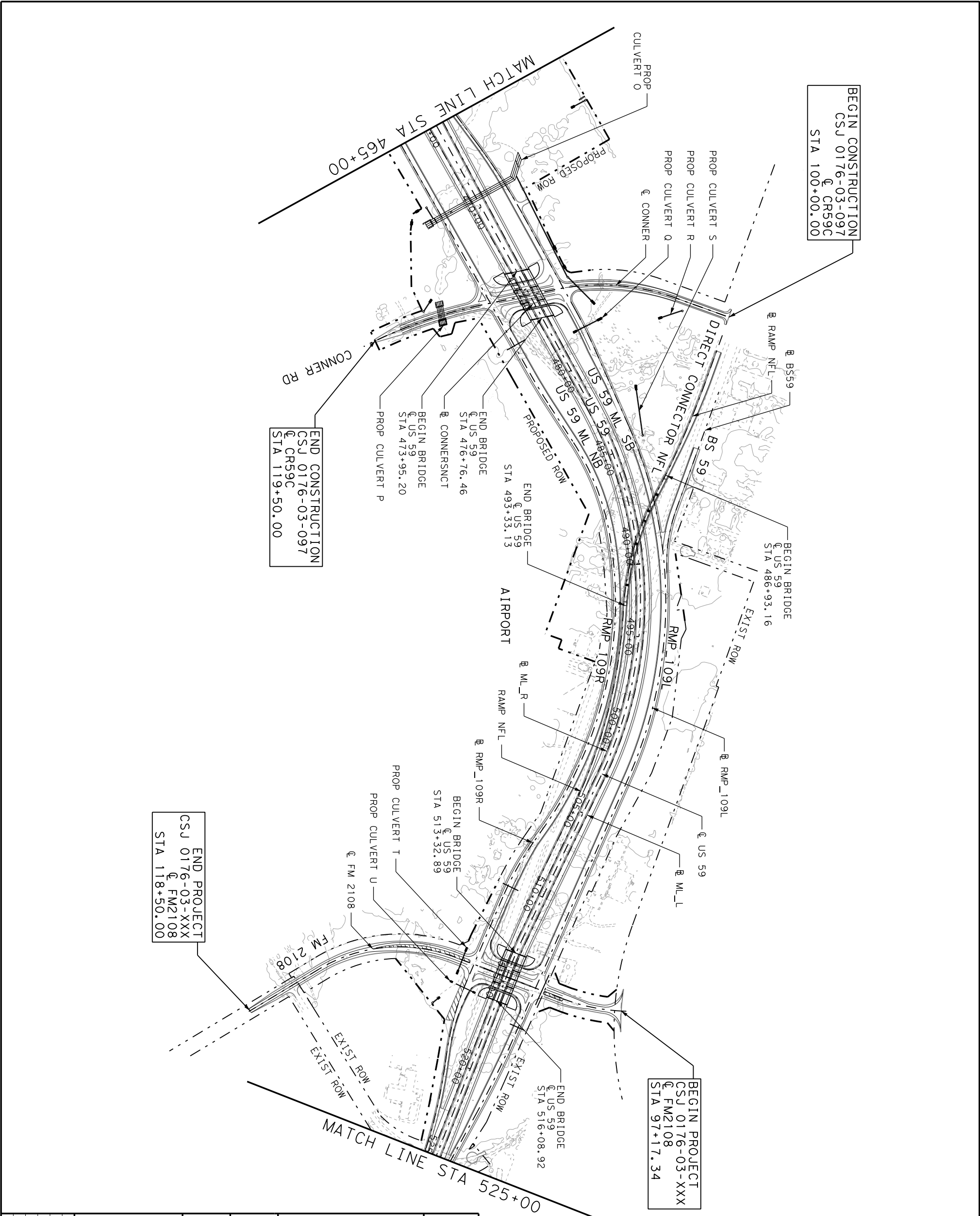





Texas Department of Transportation


© 2017

(SHEET 6 OF 8)			
PROJECT LAYOUT		STA 405+00 TO STA 465+00	
FED. RD. DIV. NO.	FEDERAL AID PROJECT		SHEET NO.
6			8
STATE	DISTRICT	COUNTY	
TEXAS	LUFKIN	ANGELINA	
CONTROL	SECTION	JOB	HIGHWAY
0176	03	097	US 59



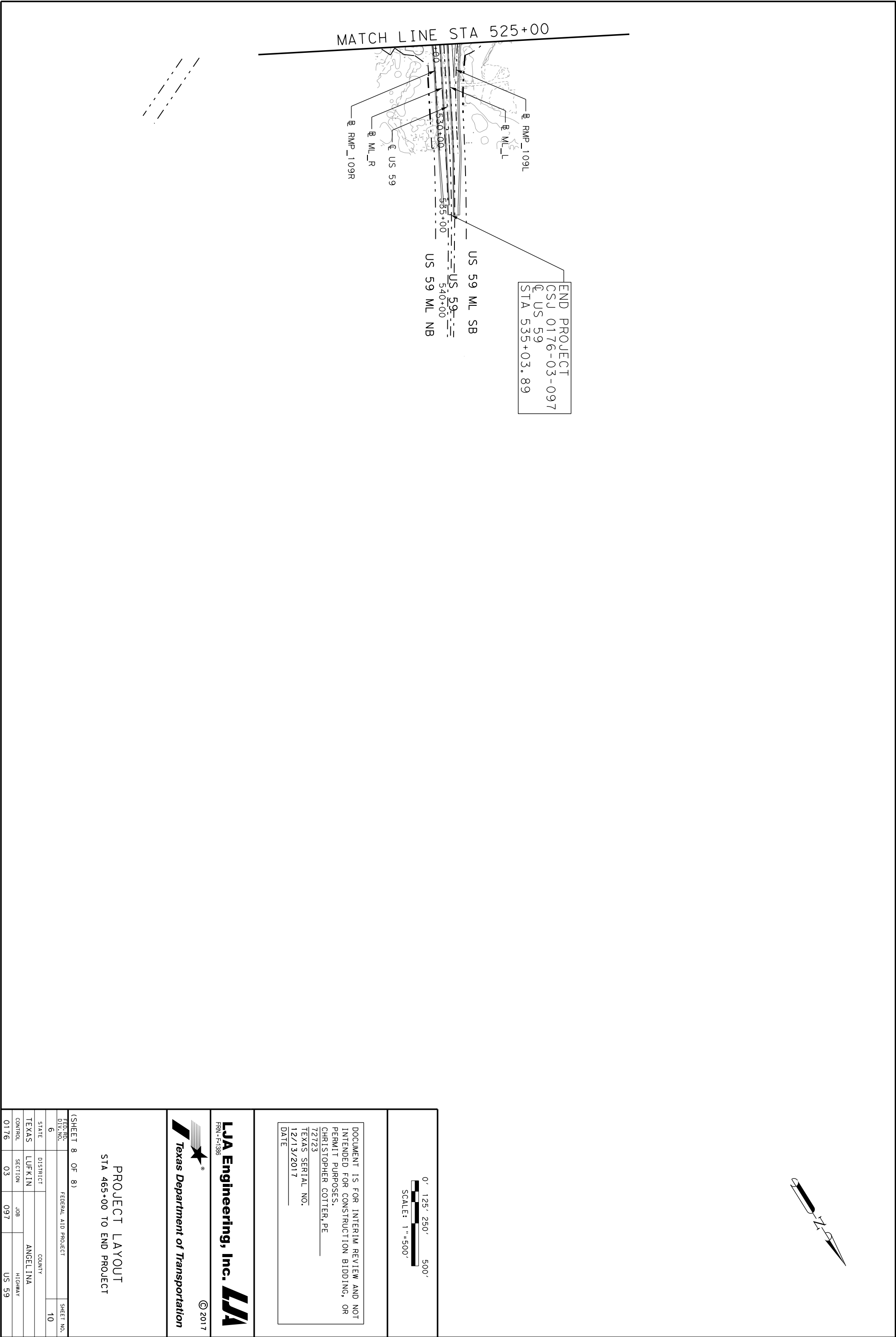
DOCUMENT IS FOR INTERIM REVIEW AND NOT
INTENDED FOR CONSTRUCTION BIDDING, OR
PERMIT PURPOSES.
CHRISTOPHER COTTER, PE
72723
TEXAS SERIAL NO.
12/13/2017
DATE

LJA Engineering, Inc. 

Texas Department of Transportation

© 2017

(SHEET 7 OF 8)			
PROJECT LAYOUT		STA 465+00 TO STA 425+00	
FED. RD. DIV. NO.	FEDERAL AID PROJECT		SHEET NO.
6			9
STATE	DISTRICT	COUNTY	
TEXAS	LUFKIN	ANGELINA	
CONTROL	SECTION	JOB	HIGHWAY
0176	03	097	US 59




0' 125' 250' 500'


SCALE: 1"=500'

DOCUMENT IS FOR INTERIM REVIEW AND NOT
INTENDED FOR CONSTRUCTION BIDDING, OR
PERMIT PURPOSES.
CHRISTOPHER COTTER, PE
72723
TEXAS SERIAL NO.
12/13/2017
DATE

FRN-F-1386

LJA Engineering, Inc.





© 2017

PROJECT LAYOUT
STA 465+00 TO END PROJECT

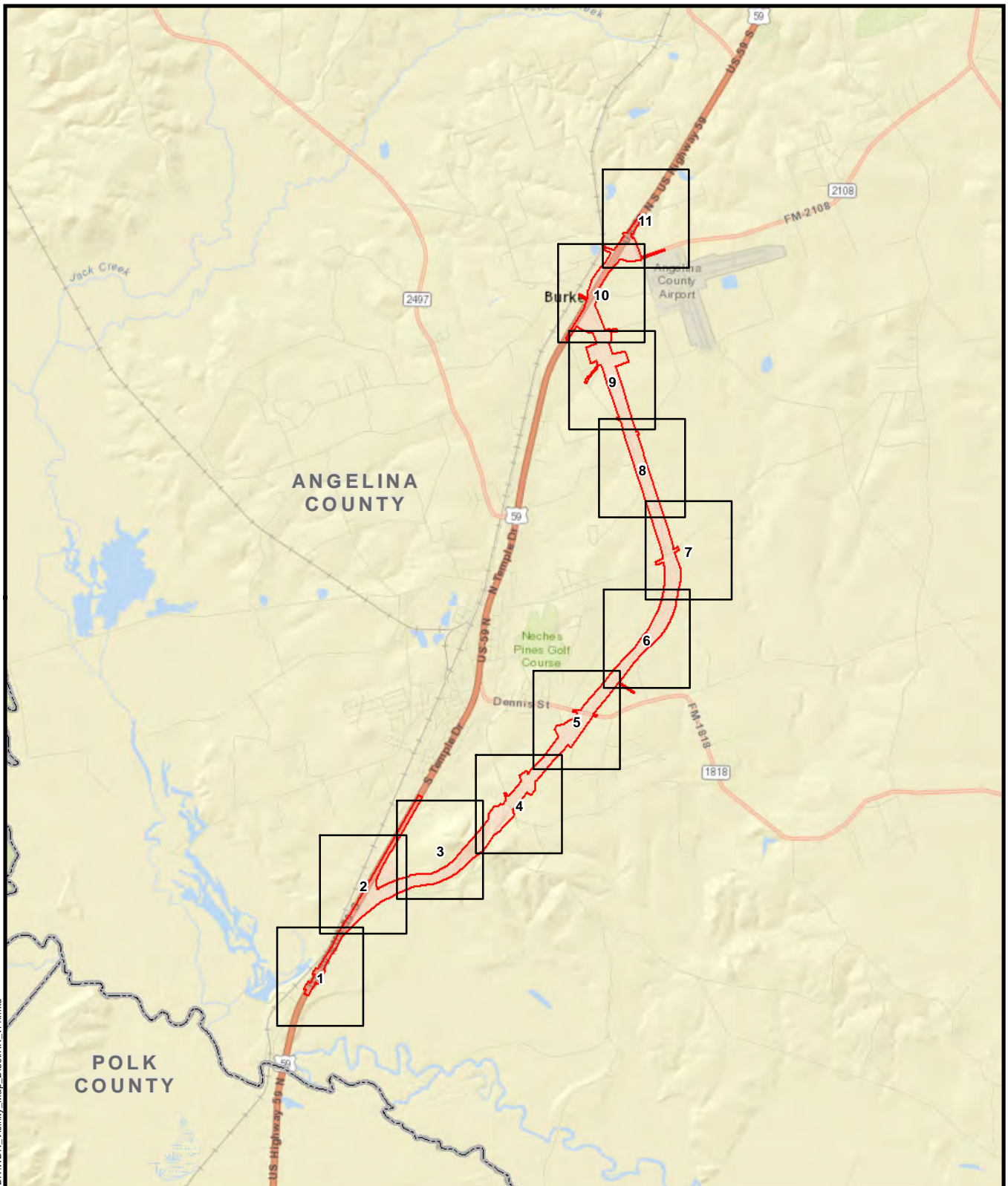
(SHEET 8 OF 8)




FED. RD. DIV. NO.	FEDERAL AID PROJECT		SHEET NO.
6			10
STATE	DISTRICT	COUNTY	
TEXAS	LUFKIN	ANGELINA	
CONTROL	SECTION	JOB	HIGHWAY
0176	03	097	US 59

SWF-2018-00087

EXHIBIT 10 of 33

October 31, 2018



-  Proposed ROW
-  Map Sheet Index
-  County Boundary



0 2,500 5,000
Feet

Figure 1

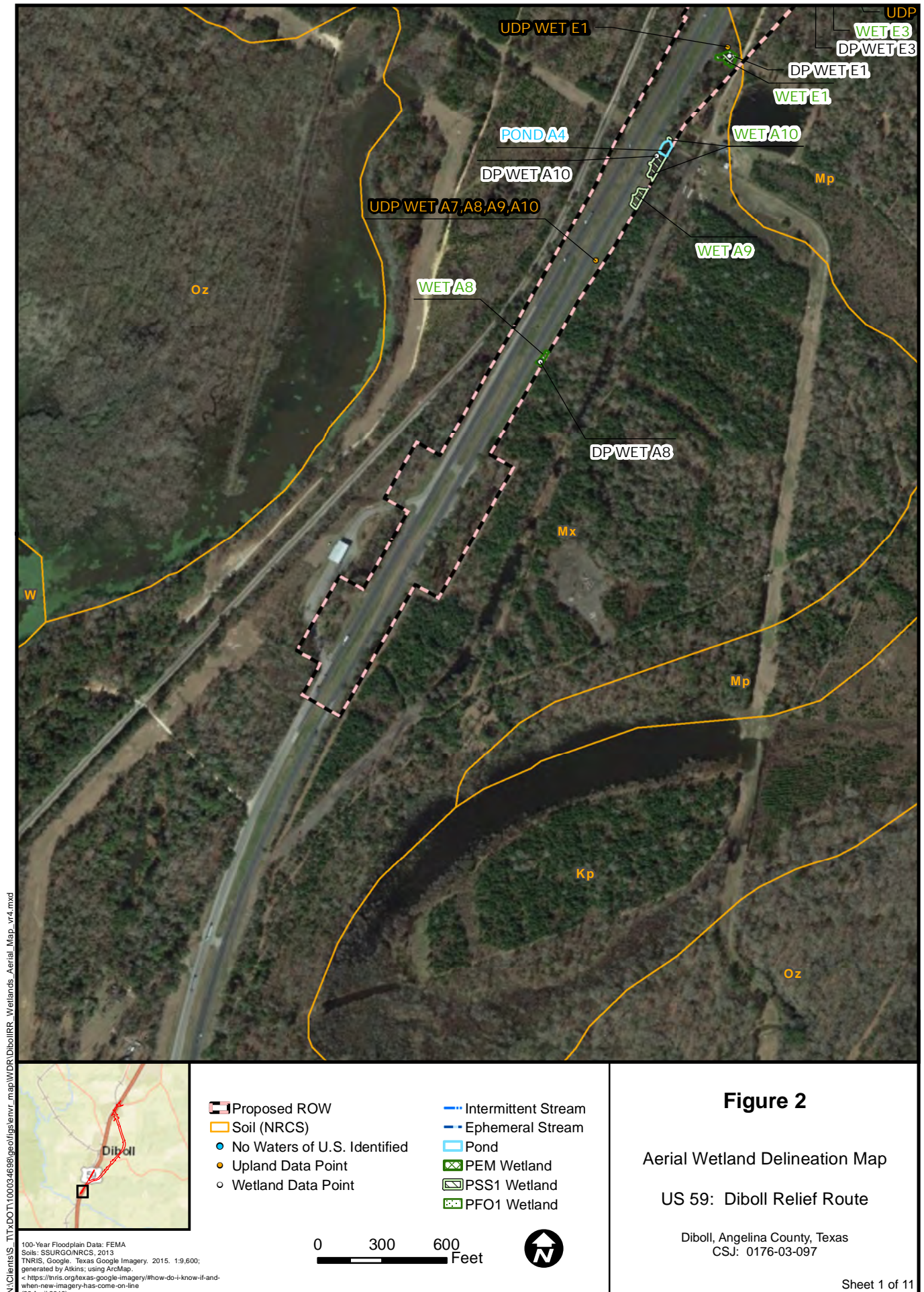
Vicinity Map

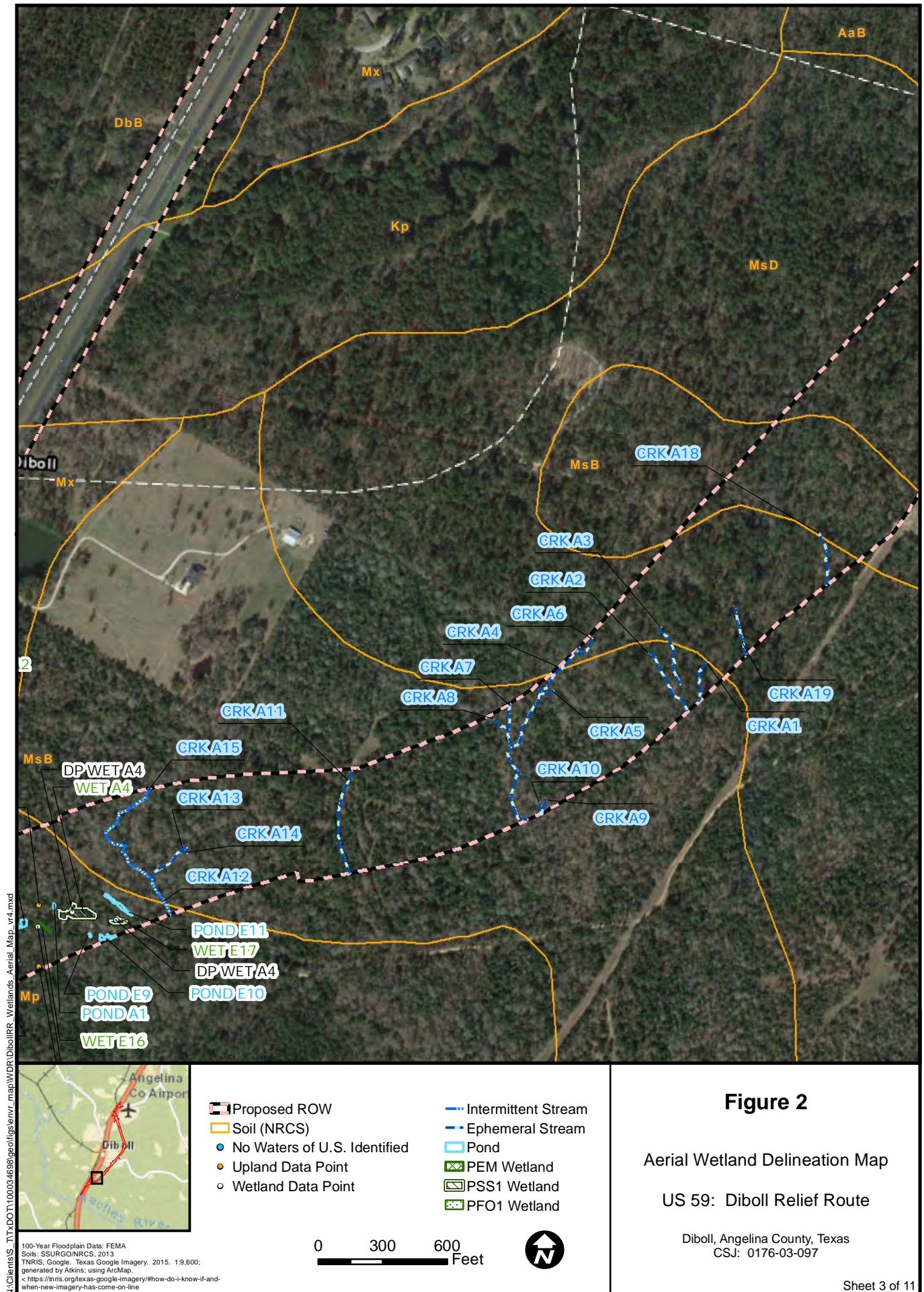
US 59: Diboll Relief Route

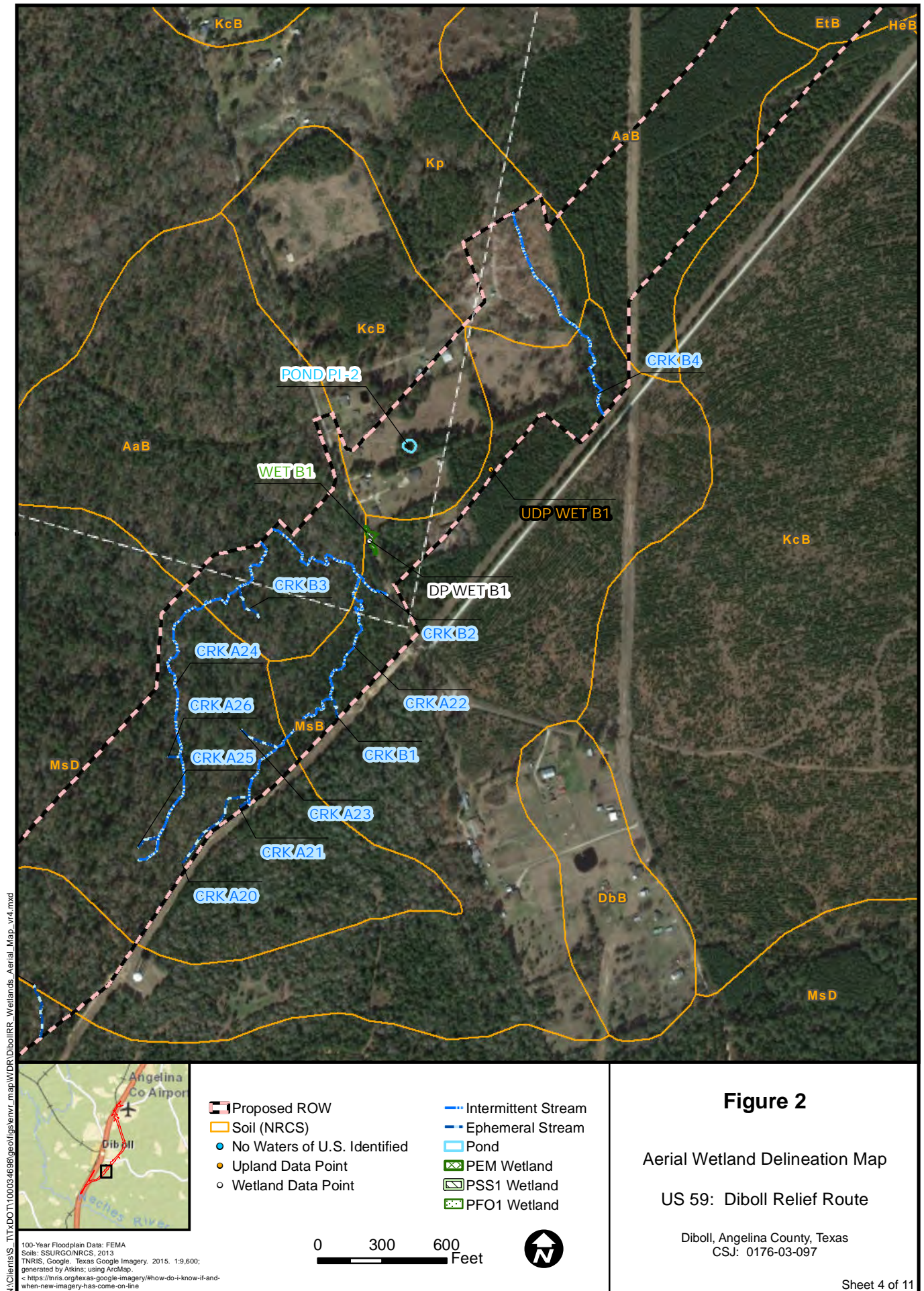
Diboll, Angelina County, Texas
CSJ: 0176-03-097

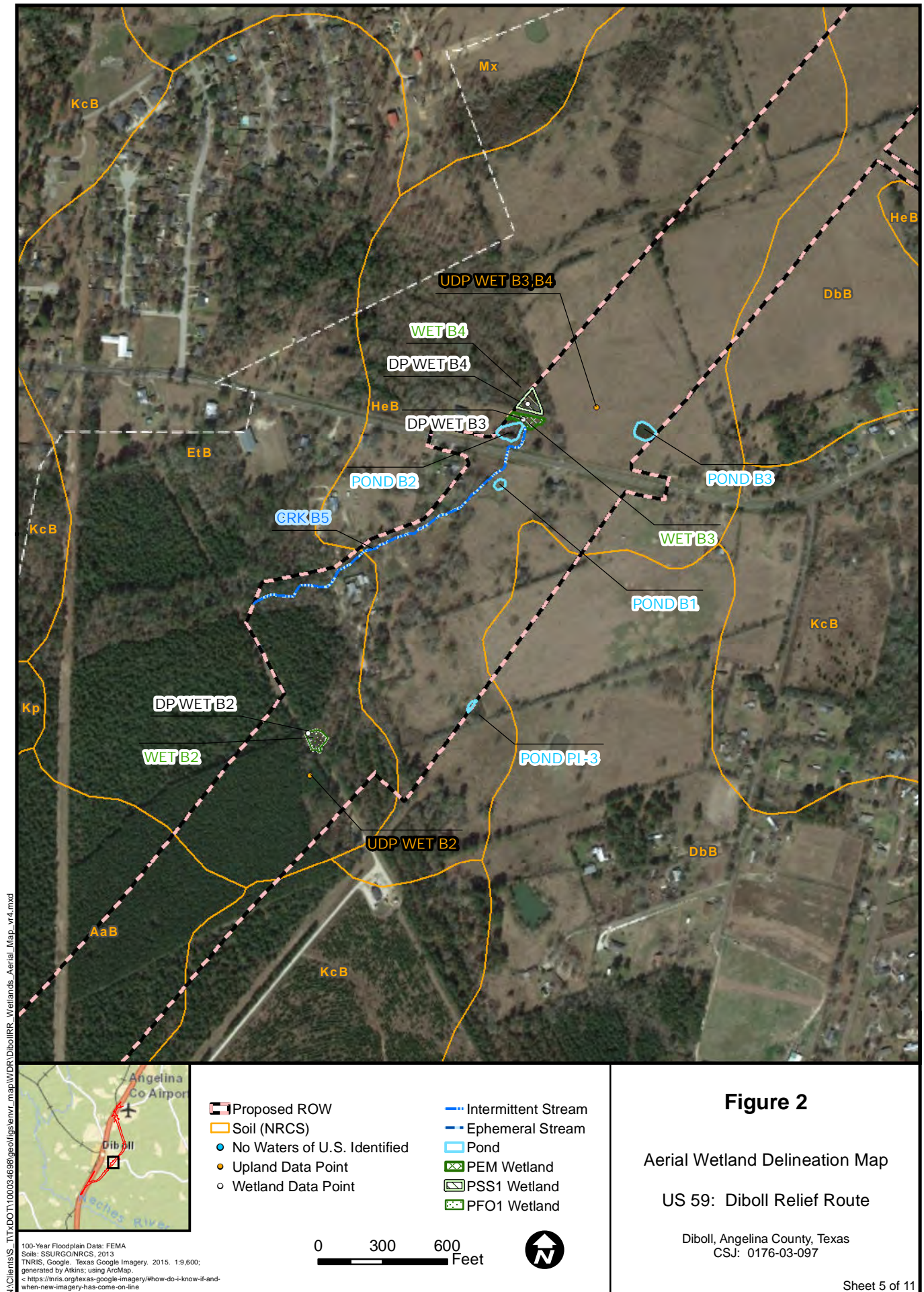
N:\Clients\ST\DOT\100034698\geotiffs\envr_map\WDR\WDR_Vicinity_Map_DibollRR_vr4.mxd

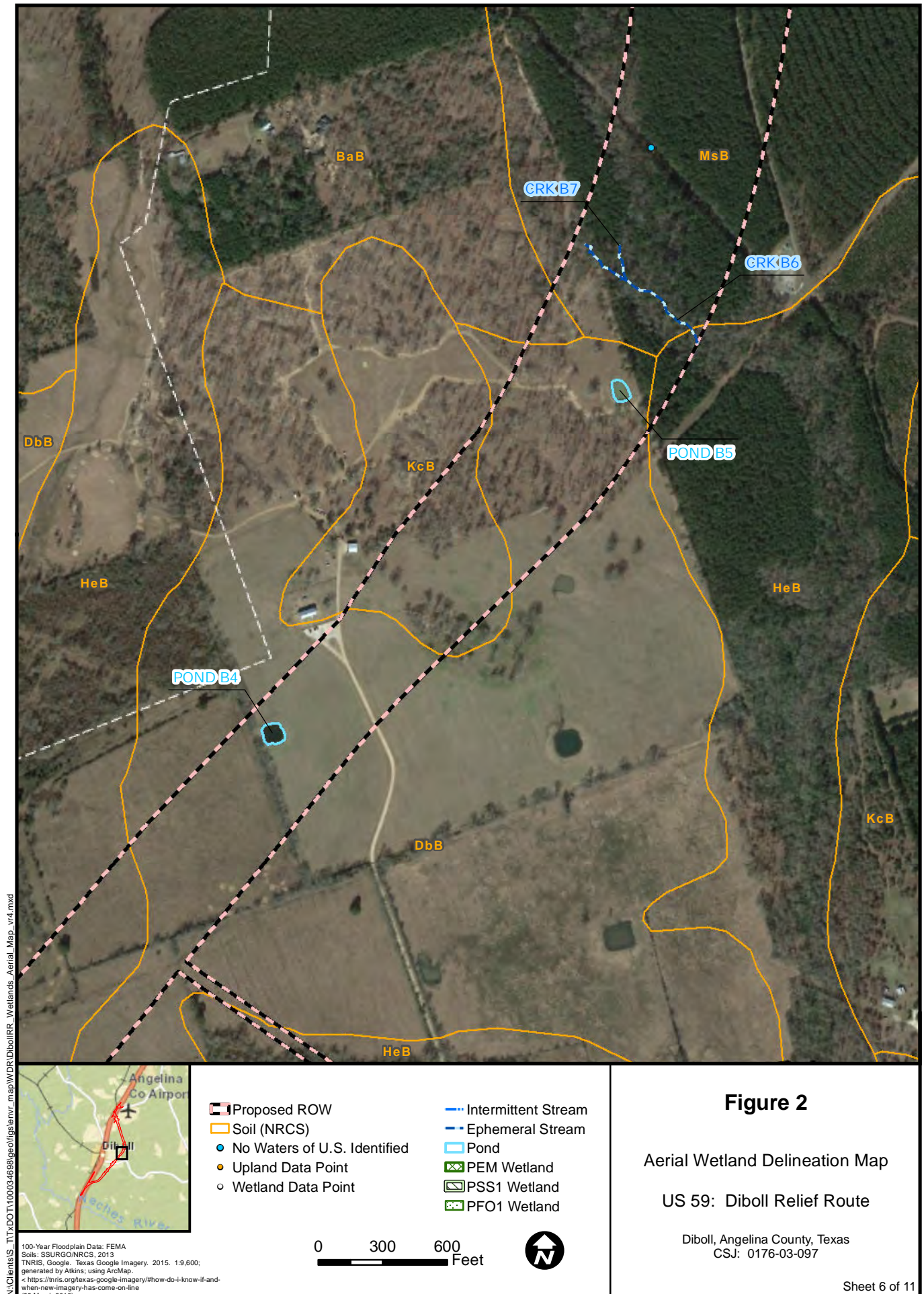
Service Layer Credits: Esri, DeLorme, HERE, USGS, Intermap, iPC, NRCAN, METI, TomTom. World Street Map. March 2014. 1:179,200; generated by Atkins; using ArcMap.
<http://server.arcgisonline.com/ArcGIS/rest/services/World_Street_Map/MapServer> (03 March 2016).

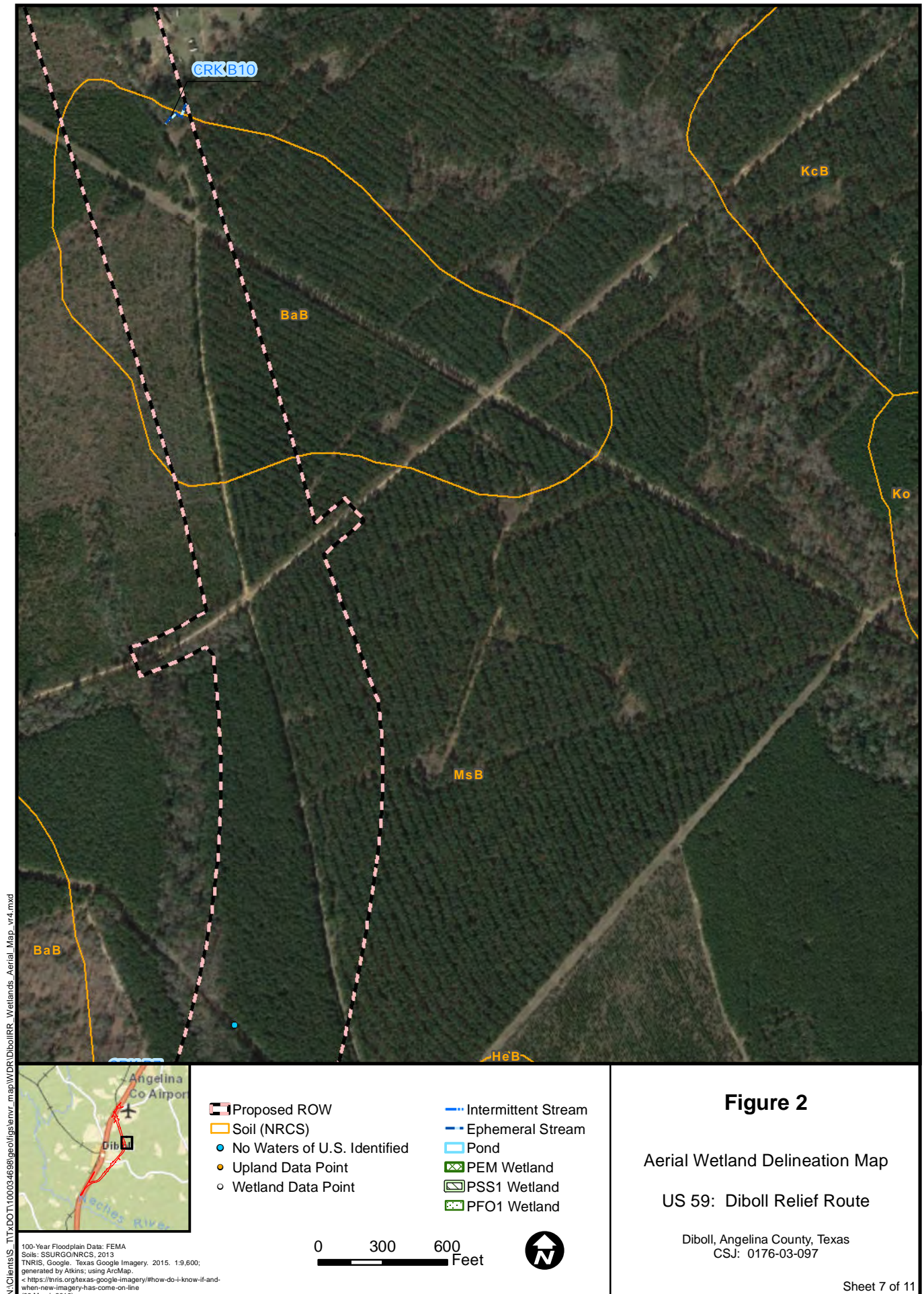
















- | | |
|------------------------------|---------------------|
| Proposed ROW | Intermittent Stream |
| Soil (NRCS) | Ephemeral Stream |
| No Waters of U.S. Identified | Pond |
| Upland Data Point | PEM Wetland |
| Wetland Data Point | PSS1 Wetland |
| | PFO1 Wetland |

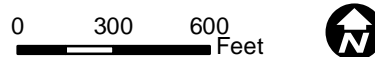


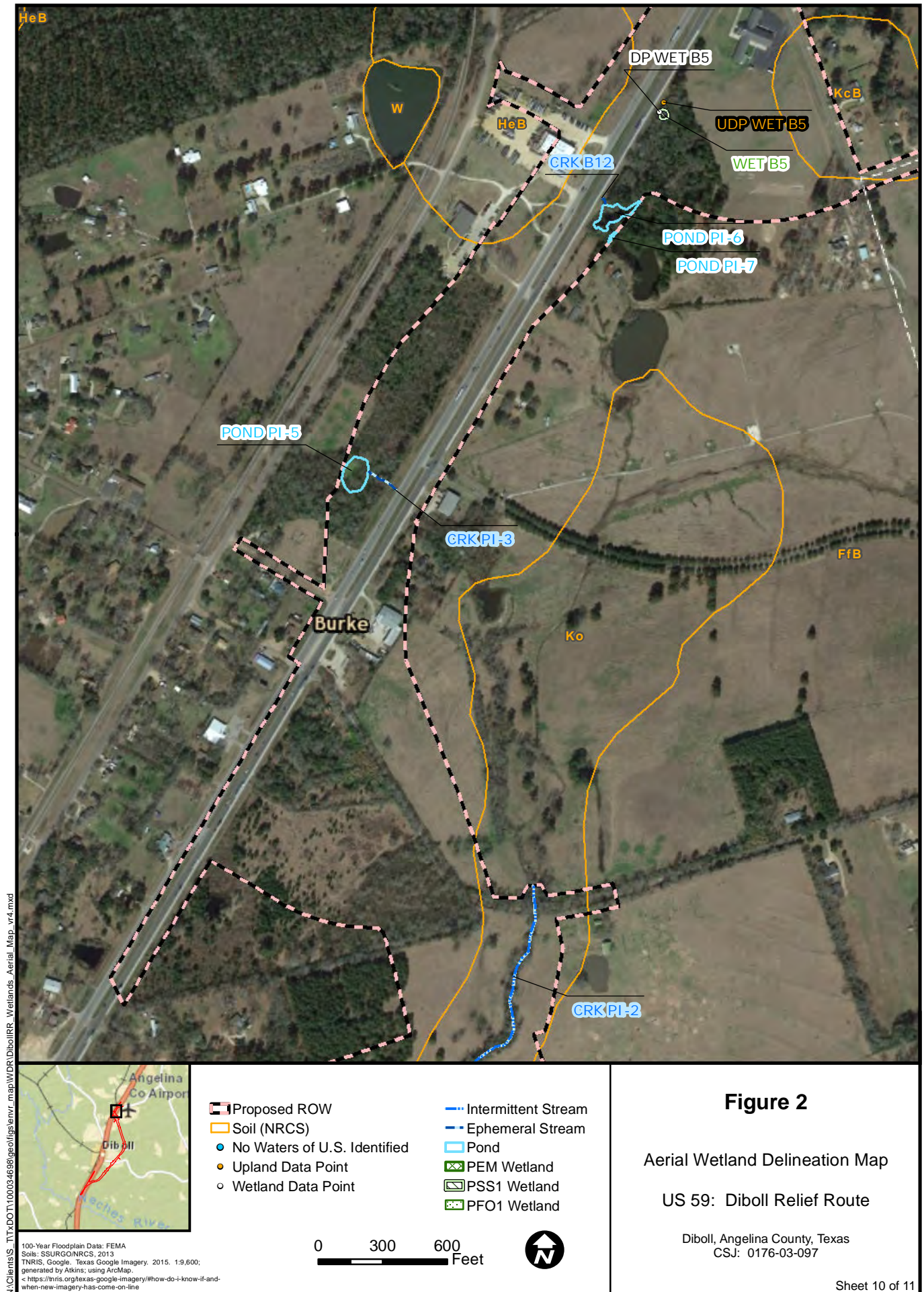
Figure 2

Aerial Wetland Delineation Map

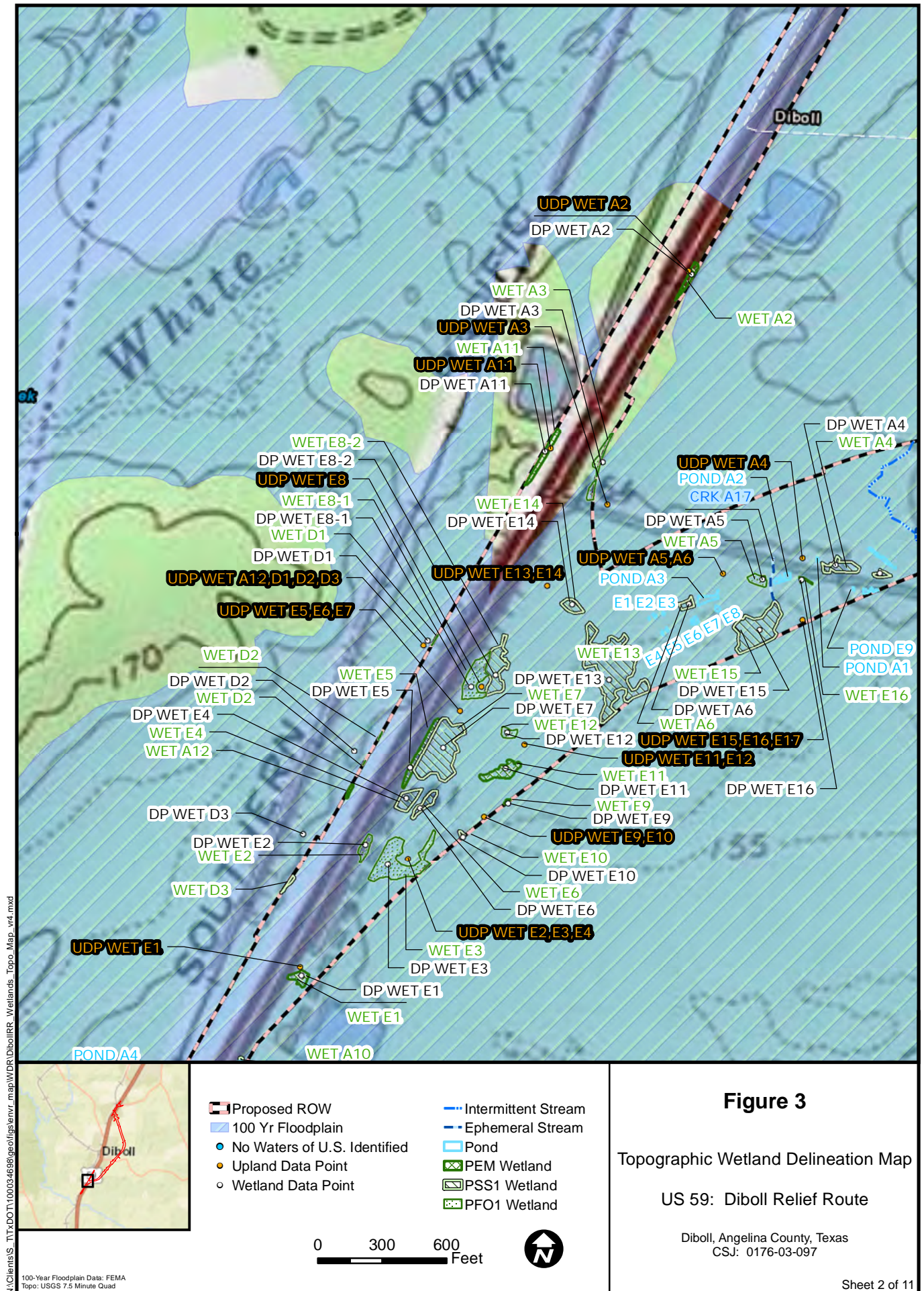
US 59: Diboll Relief Route

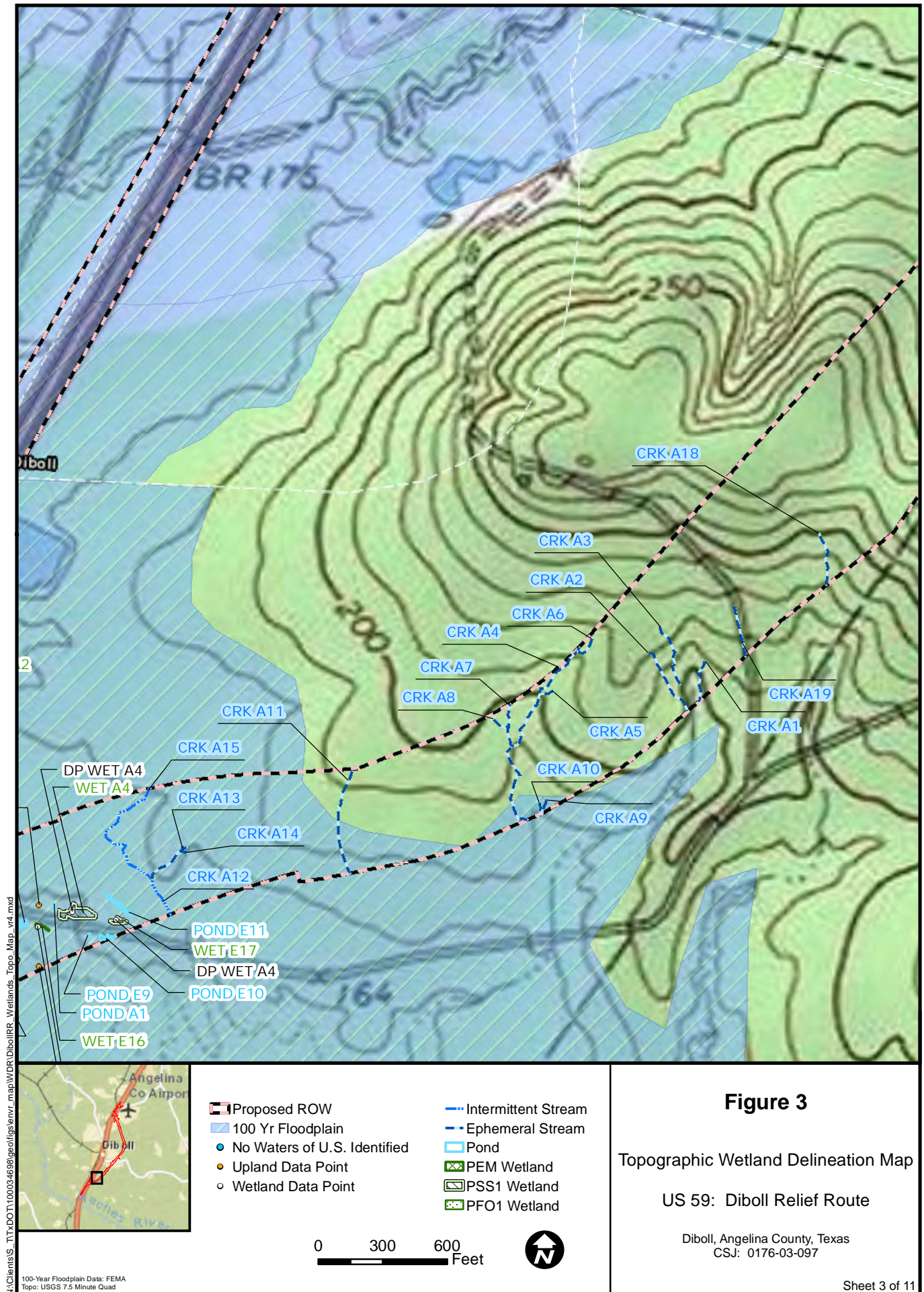
Diboll, Angelina County, Texas
CSJ: 0176-03-097

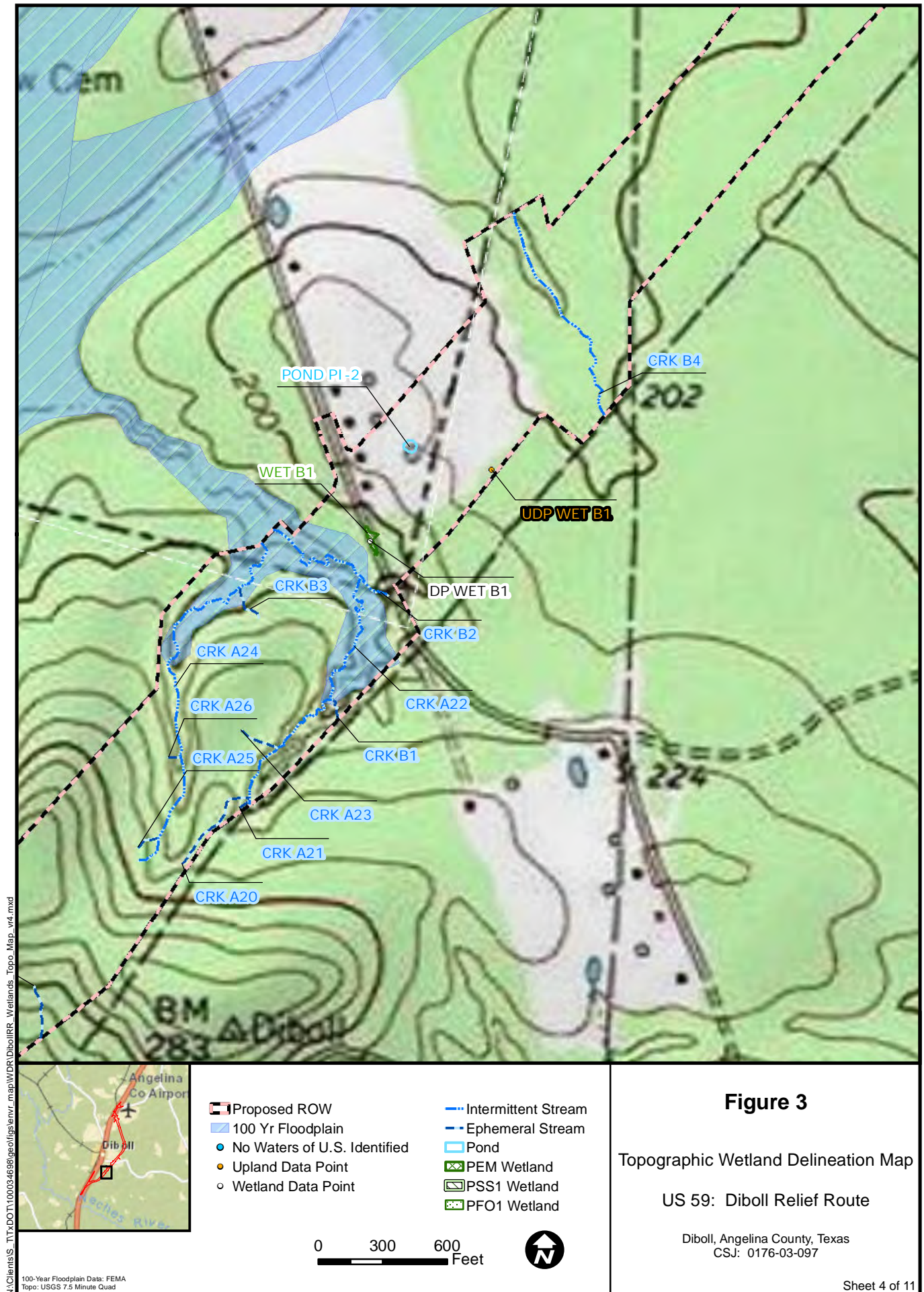
Sheet 9 of 11

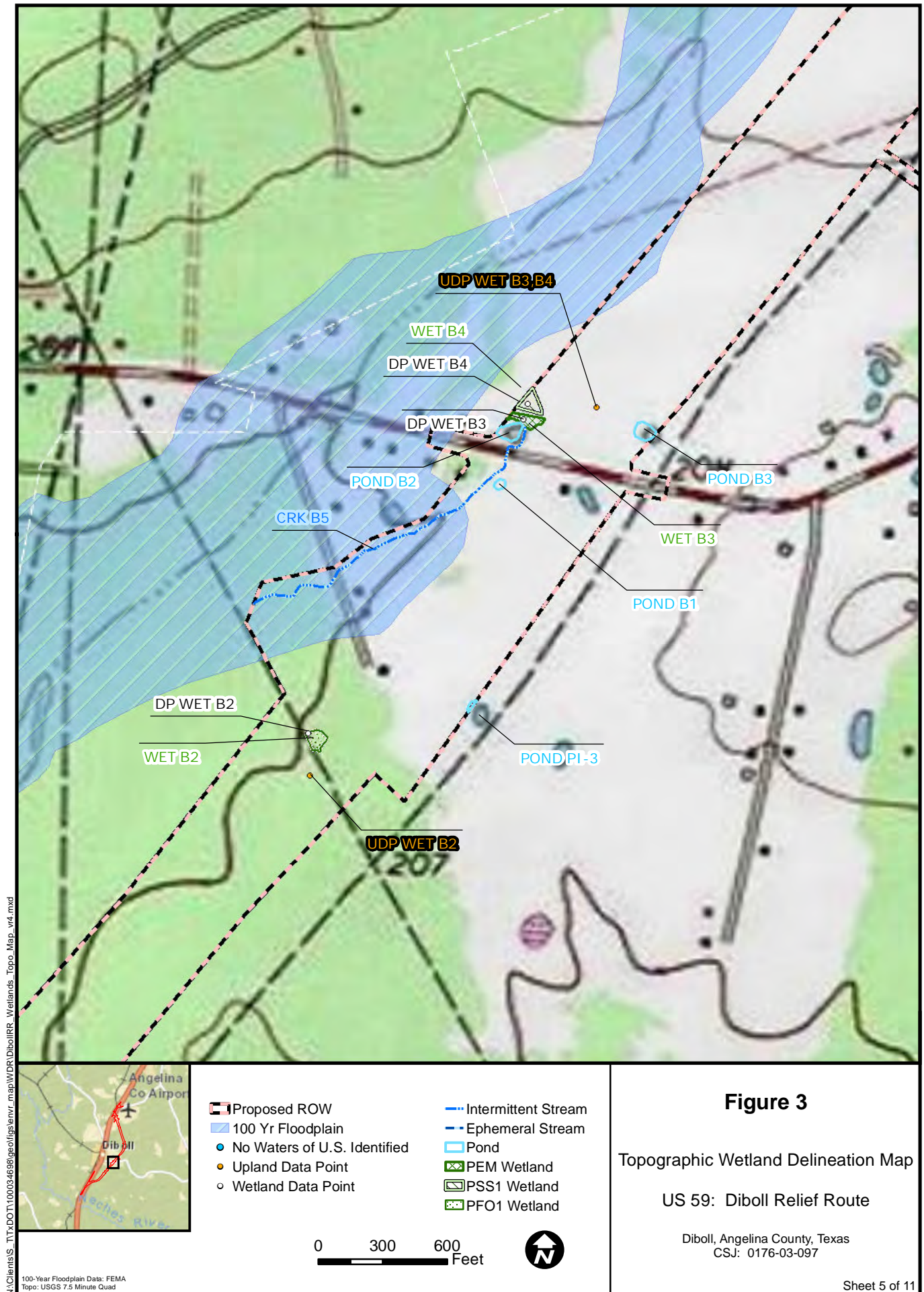


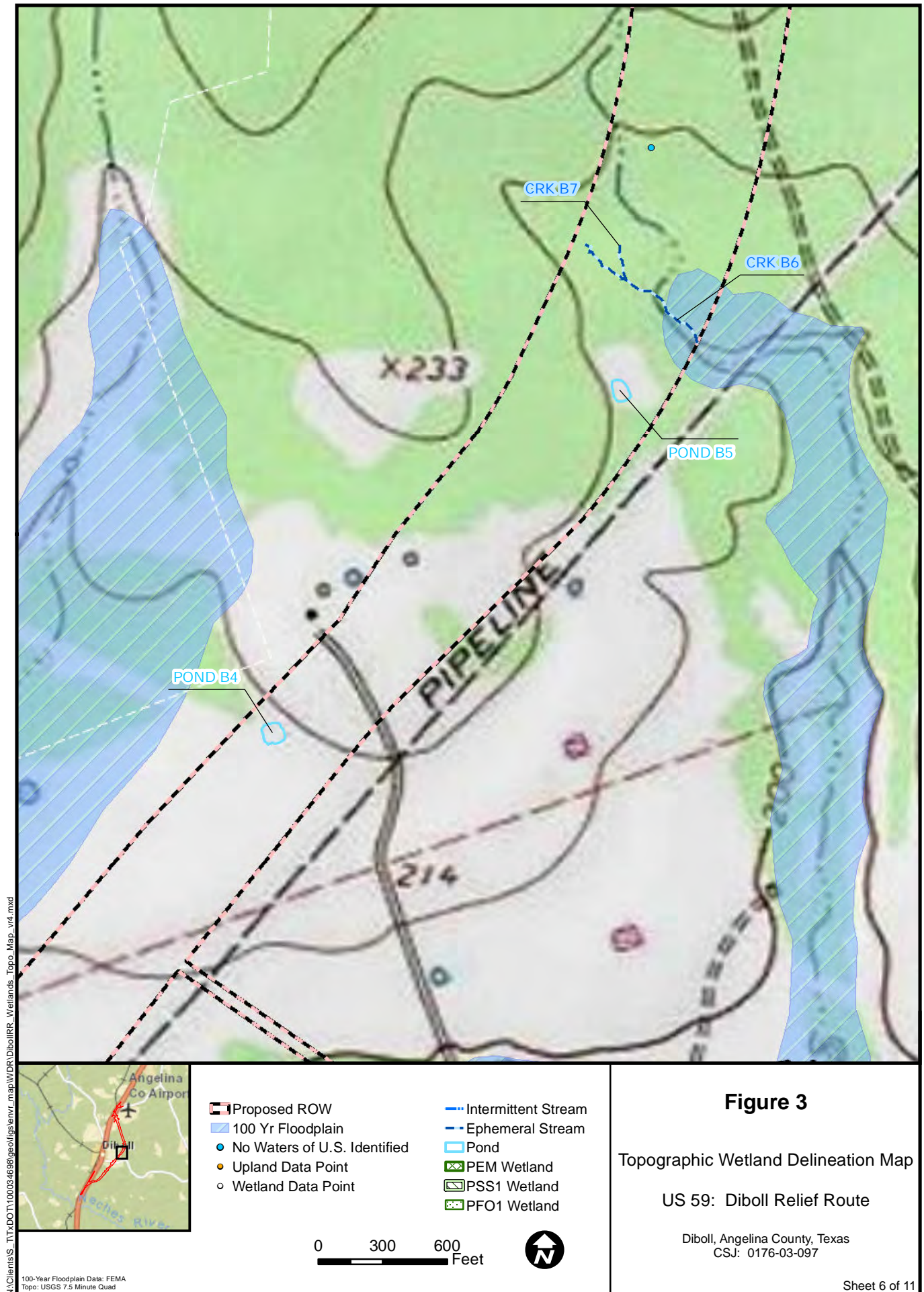


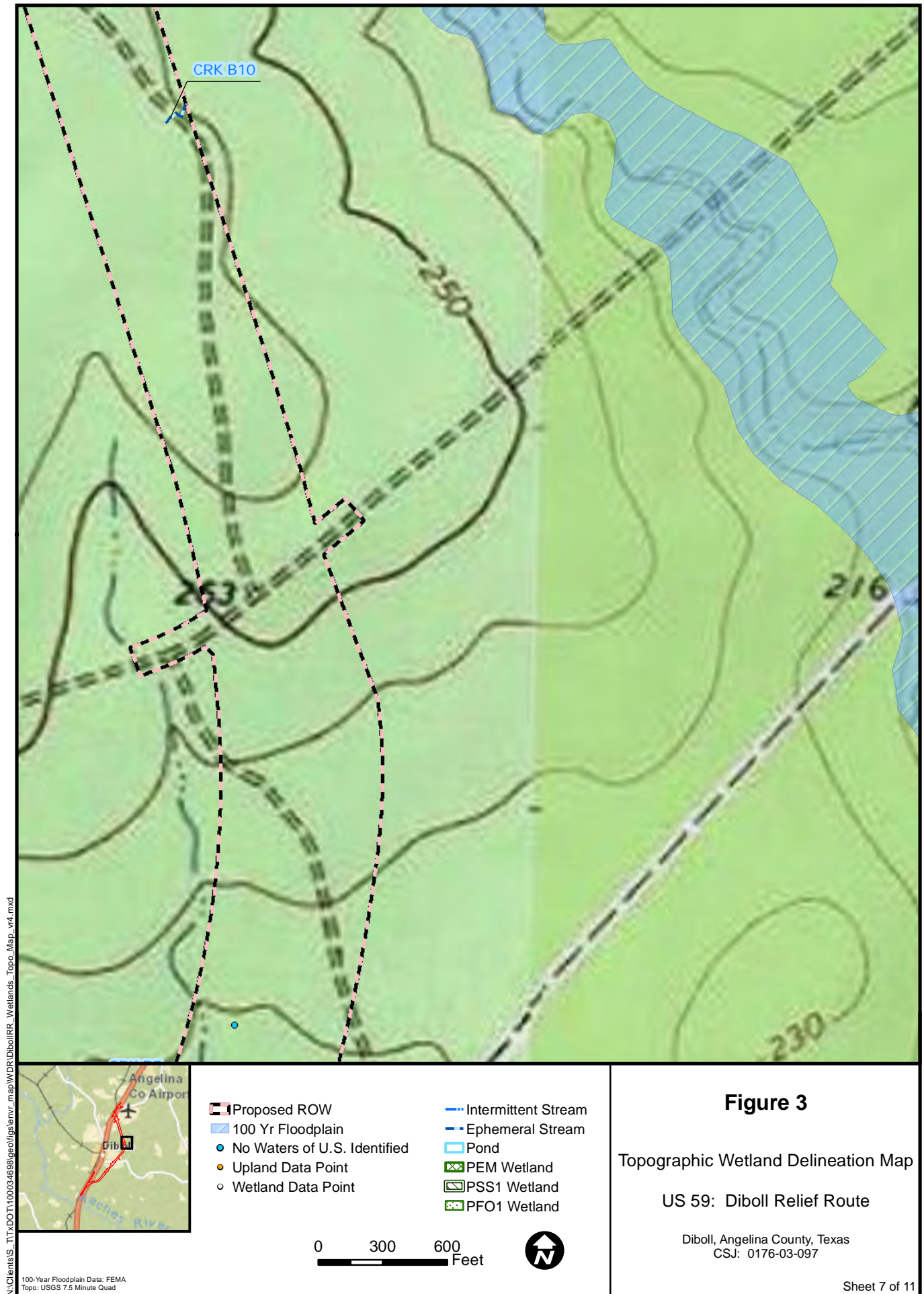


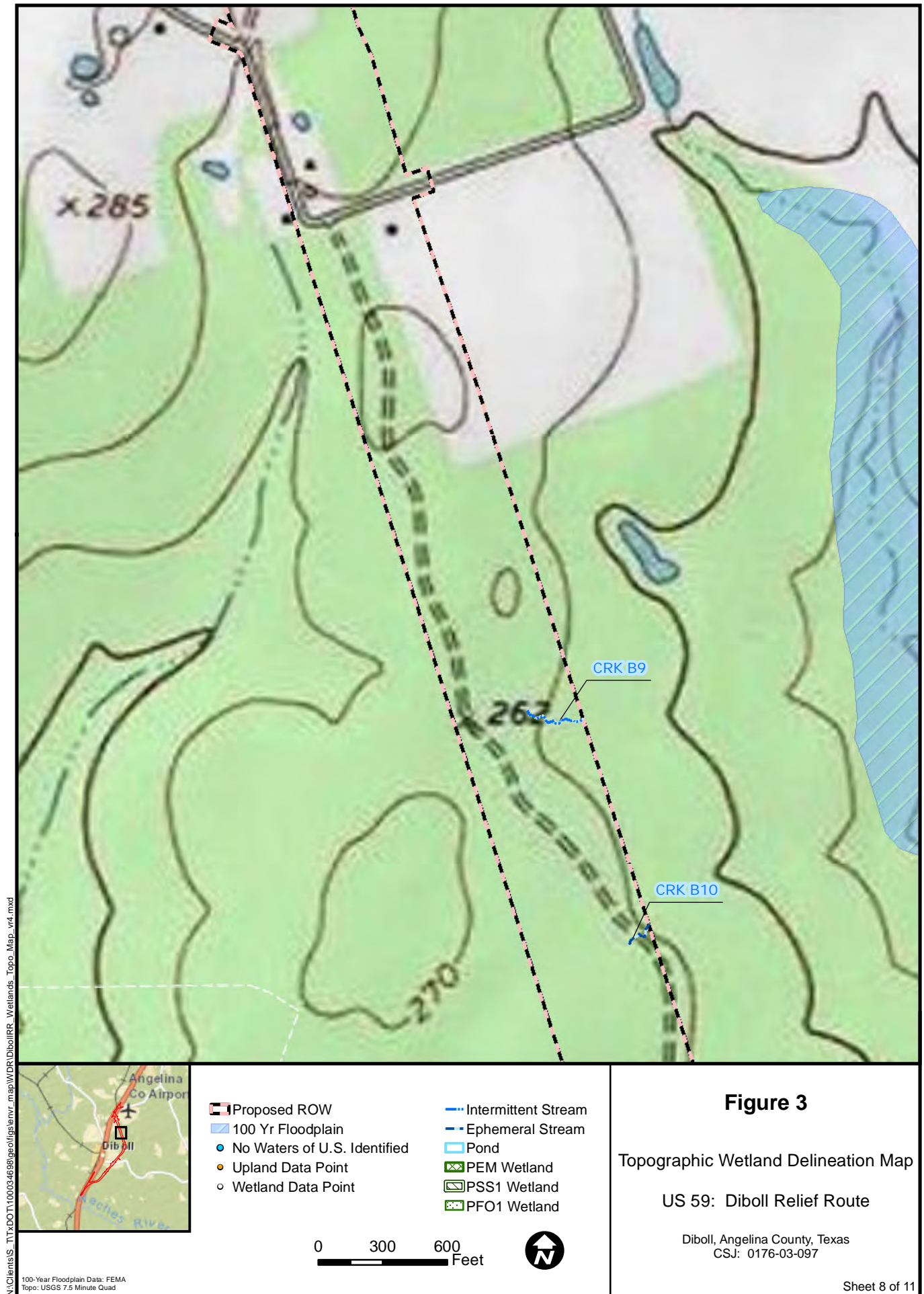


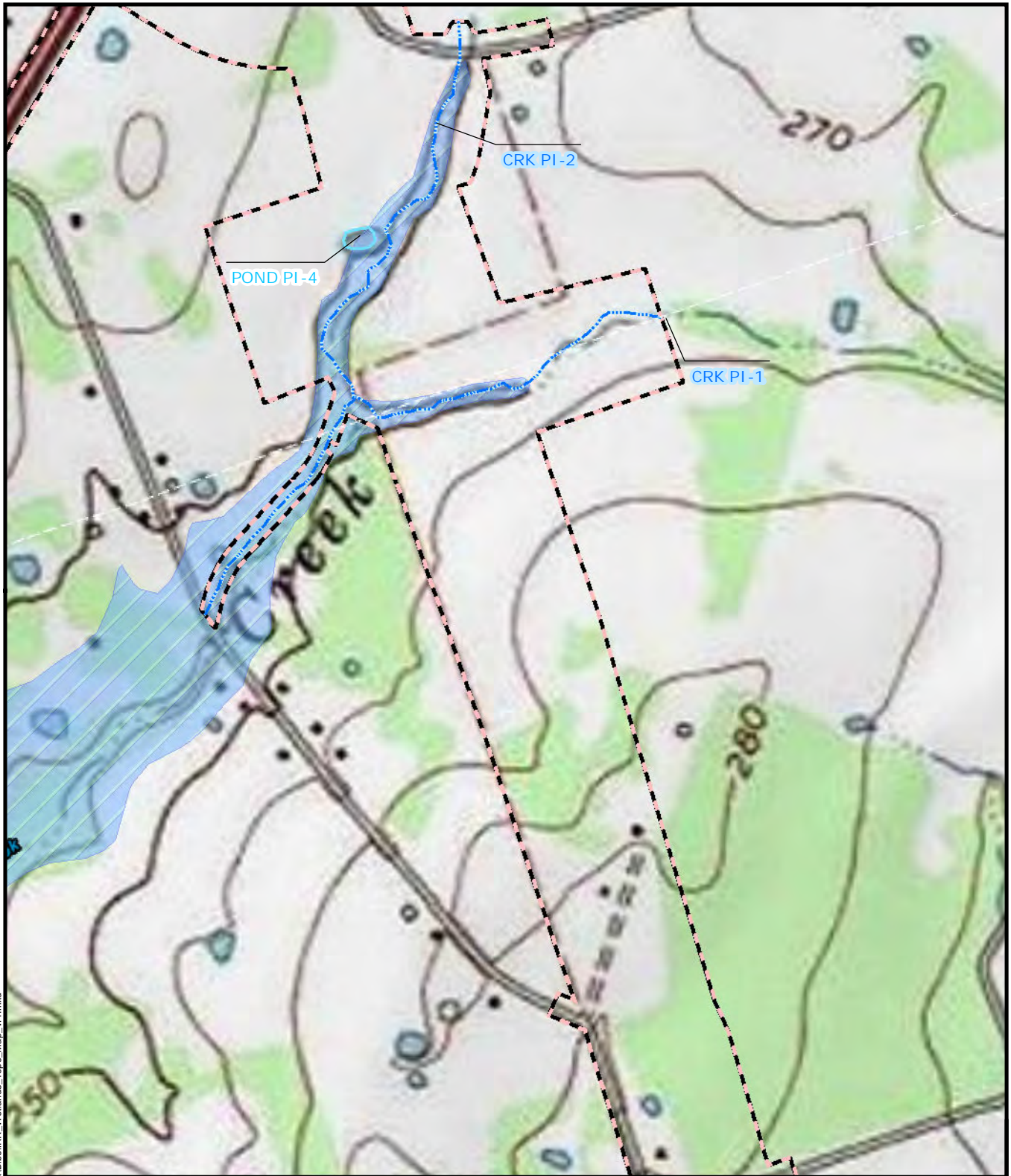













- | | |
|------------------------------|---------------------|
| Proposed ROW | Intermittent Stream |
| 100 Yr Floodplain | Ephemeral Stream |
| No Waters of U.S. Identified | Pond |
| Upland Data Point | PEM Wetland |
| Wetland Data Point | PSS1 Wetland |
| | PFO1 Wetland |

0 300 600 Feet



100-Year Floodplain Data: FEMA
Topo: USGS 7.5 Minute Quad

Figure 3

Topographic Wetland Delineation Map

US 59: Diboll Relief Route

Diboll, Angelina County, Texas
CSJ: 0176-03-097

Sheet 9 of 11

