ĬŦĬ	Public Notice		
US Army Corps	Applicant:	Union Pacific Railroad	
of Engineers ®	Project No.:	SWF-2019-00413	
	Date:	December 3, 2019	
	The purpose of this public notice is to inform you of a p work in which you might be interested. It is also to comments and information to better enable us to make a decision on factors affecting the public interest. We he participate in this process.		
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	Originally, this inv coastal defenses. waterways to prov our mission today i the administration Program.	volved construction of harbor fortifications and Later duties included the improvement of ide avenues of commerce. An important part of s the protection of the nation's waterways through of the U.S. Army Corps of Engineers Regulatory
<u>Section 10</u>	The U.S. Army Co Section 10 of the F regulate <i>all work of</i> <i>capacity of navigat</i> law is to protect interstate commerce	orps of Engineers is directed by Congress under Rivers and Harbors Act of 1899 (33 USC 403) to <i>r structures in or affecting the course, condition or</i> <i>ble waters of the United States</i> . The intent of this the navigable capacity of waters important to re.
Section 404	The U.S. Army Co Section 404 of the <i>discharge of dredg</i> <i>States, including w</i> nation's waters from of causing pollution physical and biolog	orps of Engineers is directed by Congress under Clean Water Act (33 USC 1344) to regulate the <i>ied and fill material into all waters of the United</i> <i>vetlands</i> . The intent of the law is to protect the n the indiscriminate discharge of material capable on and to restore and maintain their chemical, gical integrity.
<u>Contact</u>	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 Section 10 of the Rivers and Harbors Act of 1899, and for water quality certification under Section 401 of the CWA to discharge dredged or fill material into waters of the United States and conduct activities in, or affecting, navigable waters of the United States associated with the replacement of UPRR Bridge 455.92, Pine Bluff and bank stabilization in Bowie and Cass counties, Texas.

APPLICANT: Union Pacific Railroad c/o Mr. Kevin Rice 1400 Douglas Street, STOP 0910 Omaha, Nebraska 68179

APPLICATION NUMBER: SWF-2019-00413

DATE ISSUED: December 3, 2019

LOCATION: The proposed bridge replacement site is located on a 13.8 arce parcel of land containing 100 linear feet (LF) of stream (Sulphur River) and 4.64 acres of wetlands in Bowie and Cass counties, Texas. The proposed project is located approximately five (5) miles northeast of the town of Naples. The primary project area is located in Bowie County. The northern end of the project limits is located at Latitude 33.260107°, Longitude -94.611708°. The southern end of the project limits is located at Latitude 33.249123°, Longitude -94.612144° (see attached Exhibit 1 of 30).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 1,870 cubic yards of dredged and fill material into approximately 1.07 acres of waters of the United States consisting of 0.96 acres of forested wetland and 120 linear feet (0.11 acre) of perennial stream, in conjunction with the replacement of UPRR Bridge 455.92 and associated bank stabilization (Exhibits 11-12 of 30).

INTRODUCTION: The applicant states that the current condition of the existing bridge supporting their mainline track is in poor condition and is in need of replacement due to the stresses of the Sulphur River. The proposed project would include replacing the southern portion

of the existing 1,032-foot long Timber Stringer Trestle – Ballast Deck (TST-BD) north approach with a 30-foot span of Prestressed Concrete Box (PCB) Girder and a 57-foot Steel Beam (BM) span, for a total segment replacement of 87 feet. The proposed project would also include approximately 120 linear feet of bank stabilization along the left bank of the Sulphur River where it passes through the bridge. The proposed project would also include the construction/improvement of an existing access road and use of a temporary construction pad (See Exhibits 13-30 of 30).

PURPOSE AND NEED STATEMENT: The purpose of the project is to continuously maintain safe, efficient, and reliable railroad operations through the northeast portion of Texas. Due to normal structural deterioration, operational reliability concerns, and the economic importance of the region, action is needed to replace a segment of the existing structure and maintain the current use of the railroad crossing.

EXISTING CONDITIONS: The USGS topographic map (Bassett 7.5' Quadrangle) illustrates the project site within a lowland area associated with the Sulphur River floodplain. The site generally drains to the southeast, towards the identified Sulphur River (Exhibits 1-10 of 30). The NWI depicts the majority of the project area as Palustrine Forested Temporarily flooded (PFOA) wetland. The NRCS Digital Soils Database identifies three soil map unites within the project site: Annona Loam, 1 to 3 percent slopes; Texark clay, frequently flooded; and Woodtell very fine sandy loam, 5 to 12 percent slopes. All three soil units have a hydric rating, with Texark having the highest of 90 percent. The FEMA FIRM (Map Panel 48037C0425D effective date 10/18/2010) shows the majority of the project limits within the special flood hazard areas subject to inundation by the 1 percent annual chance flood (Zone A).

The majority of the project site is comprised of bottomland hardwood forested wetland (4.64 acres). This mature forested community contains a network of seasonally flooded areas mixed with low permanently flooded areas. Water oak (*Quercus nigra*), willow oak (*Quercus phellos*), sugarberry (*Celtis laevigata*), and green ash (*Fraxinus pennsylvanica*) were the identified dominant species.

ADVERSE IMPACTS OFTHE PROPOSED PROJECT: Activities associated with the replacement of the railroad bridge would result in permanent impacts to waters of the United States including grading and filling for site access and construction needs. Direct and permanent impacts to waters of the United States total 1.07 acres, including 0.96 acre of forested wetlands and 120 linear feet (0.11 acre) of perennial stream (Exhibits 11-12 of 30).

ALTERNATIVES TO THE PROPOSED PROJECT: UPRR's mainline track crosses through the White Oak Creek Wildlife Management Area (WMA), which is owned by the U.S. Army Corps of Engineers (USACE). In addition, the area is dominated by bottomland forested wetland within the Sulphur River floodplain. Therefore, only two alternatives, No Action and Off-track Access Utilizing Existing Road, were evaluated by the applicant to determine what the applicant believes to be the least environmentally damaging practicable alternative while still meeting the project purpose and need. The review of additional alternatives (i.e. constructing a completely new

access road) were not considered due to the vast and immediate impacts and issues that would be associated with them. In addition, new construction within the WMA is not in consideration. The USACE has not evaluated the alternatives analysis prepared by the applicant.

The No Action Alternative would result in no discharges of dredged or fill material into waters of the United States. However, configuring the project to avoid all impacts to waters of the United States would ultimately prevent any required/necessary equipment from getting to the structure in question due to the network of waters and wetlands. In addition, there is no alternative to the use of off-track equipment to replace the structure due to the size. If a reconfiguration to avoid all impacts to waters of the United States was required/the permit was denied, the bridge segment proposed for replacement would continue to degrade and would put UPRR employees and the surrounding areas at risk due to a potential failure. This alternative results in no initial cost or initial environmental impacts. However, a failure would result in escalated costs and unforeseen environmental impacts.

The Off-track Access Utilizing Existing Road Alternative (Applicant's Preferred Alternative) consists of utilizing off-track access and construction. Access would occur off U.S. Hwy 67 using the White Oak Creek Wildlife Management Area access road that leads to the north end of Bridge 455.92. This is the only considered off-track access route to the bridge, due to the presence of the existing road. In addition, the extent of the bottomland forested wetland complex surrounding the track/bridge and the presence of the WMA prevents any practical access routes from being constructed. This alternative would result in 0.96 acres of permanent impacts to wetland due to the required access road improvements and construction area around the bridge segment being replaced, approximately 0.07 acres of temporary impacts to the Sulphur River (construction pad), and 0.09 acres of permanent impacts to the bank of the Sulphur River for stabilization efforts. Approximately 0.05 acres of the temporary construction pad overlaps with the permanent impacts due to the stabilization efforts. Therefore, total impacts to the Sulphur River Kiver would be 0.11 acres. This alternative would require a temporary access agreement with the USACE/WMA.

COMPENSATORY MITIGATION: To offset unavoidable adverse impacts to waters of the U.S., the applicant proposes to purchase appropriate mitigation bank credits from one of the available banks in accordance with the methodologies prescribed within the USACE-approved mitigation banking instruments.

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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those that result in a direct impact of three acres or less of waters of the State or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices (BMPs) and other provisions designed to safeguard water quality. The USACE has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 if any may occur in the project area. The proposed project would be located in a county where the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), bald eagle (*Haliaeetus leucocephalus*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and American burying beetle (*Nicrophorus americanus*) are known to occur or may occur as migrants. The whooping crane, least tern, and American burying beetle endangered species and the bald eagle, piping plover, and red knot are threatened species. 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 January 2, 2020, 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 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) 886-1820. 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







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EXHIBIT 10 of 30





EXHIBIT 12 of 30

EXHIBIT 13 of 30

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