



Public Notice

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

Applicant: Texas Department of Transportation

Permit Application No.: SWF-2007-00410

Date: December 22, 2008

-

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: Wayne Lea

Phone Number: (817) 886-1732

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 construction and widening of the Crossing 2 segment of State Highway (SH) 21 in Brazos and Madison Counties, Texas by the Texas Department of Transportation (TxDOT).

APPLICANT: Texas Department of Transportation
Mr. Robert A. Appleton, P.E.
Director of Transportation Planning
and Development
Bryan, District
1300 North Texas Avenue
Bryan, Texas 77803

APPLICATION NUMBER: SWF-2007-00410

DATE ISSUED: December 22, 2008

LOCATION: The project is located on an 8.4-mile section of SH 21 extending from 0.8 mile southwest of Democrat Road, in Kurten, to 1.3 miles east of the Navasota River (**Figure 1 of 5**), Brazos and Madison Counties, Texas. The project's western terminus is located on USGS Kurten Quad at UTM coordinates 761829E, 3408989N (NAD 27, Zone 14). The eastern terminus is located on USGS Canary Quad at UTM coordinates 769967E, 3419922N (NAD 27, Zone 14). This permit application is for Crossing 2. The Navasota River serves as the Brazos/Madison County line in the project area, and is located approximately 7,000 feet west of the eastern project terminus USGS Clear Lake Quad at UTM coordinates 768453E, 3418337N (NAD 27, Zone 14).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The purpose of the project is to widen a Section of SH 21 to maintain an appropriate level of service for the 20 year projected traffic volume. The proposed project would involve upgrading the existing two-lane roadway to a divided four-lane roadway with paved shoulders and a depressed median throughout the project. The typical section would consist of four

12-foot wide lanes, 10-foot wide outside shoulders, 4-foot wide inside shoulders, and a 67-foot wide depressed grass median (**Figure 2 of 5**). The right of way required for Crossing 2 is 275 feet.

Crossing 2 requires an Individual Permit for proposed impacts to waters of the United States (U.S.), see **Figure 3 of 5**. A total of nine single and complete project crossings of waters of the U.S. were identified. The other 8 crossings are eligible for nationwide permits. The waters of the U.S. in the project area at Crossing 2 include unnamed tributaries of Sand Creek (S2 and S3), three emergent wetlands (W1, W2, and W3), and an open water feature (OW1). Crossing 2 would result in adverse impacts to approximately 0.871 acre of waters of the U.S. Areas of permanent impacts are located at W1 (0.01 acre), W2 (0.02 acre), S2 (0.001 acre), and OW1 (0.84 acre). Approximately 4,117 cubic yards of topsoil, subsoil, riprap, and a concrete culvert would be discharged within waters of the U.S., including wetlands, to facilitate the SH 21 improvements (**Figures 4 and 5 of 5**).

Despite incorporating measures to avoid and minimize impacts to waters of the U.S., the project would result in the unavoidable loss of 0.871 acre of waters of the U.S. To compensate for unavoidable losses of waters of the U.S., TxDOT considered on-site and off-site mitigation, as well as mitigation banking and in-lieu fee options. TxDOT proposes to provide compensatory mitigation by purchasing credits from the Steele Creek Mitigation Bank in eastern Robertson County. The Steele Creek Mitigation Bank is a 557 acre property located within the Navasota River watershed. SH 21 is within the primary service area of the Steele Creek Mitigation Bank. To compensate for unavoidable losses of waters of the U.S. as a result of improvements to SH 21, an estimated 2 credits would be purchased from the mitigation bank.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, 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: In our review of this project we also evaluated the potential effect of the USACE permit action on threatened and endangered species, including the whooping crane (*Grus americana*) and the Navasoto ladies' tresses (*Spiranthes parksii*) which are endangered species and are known to occur or may occur as migrants in Brazos County. We understand that the Federal Highway Administration has already addressed the impact that its action on this proposed project would have on species listed as threatened or endangered by the U.S. Fish and Wildlife Service under the Endangered Species Act. As part of its evaluation of the proposed project, the Federal Highway Administration established an environmental baseline that takes into account the direct and indirect effects of its action on federally listed species and the effects of other activities that are interrelated or interdependent upon its action. Based on the information available, it appears that our permit action under Section 404 would not add to that environmental baseline. Therefore, we have determined that Department of the Army authorization of the proposed project under an individual permit would have no effect on any federally listed species within our permit area. Please note that the applicant continues to be responsible for meeting the requirements of the Endangered Species Act.

NATIONAL REGISTER OF HISTORIC PLACES (NRHP): Survey of the proposed highway improvements identified three previously unrecorded prehistoric sites in the vicinity of this work: 41BZ161, 41BZ162, and 41BZ163. One additional prehistoric site, 41MA22 had been identified in the vicinity prior to this work, but could not be relocated. Assessment of the three identified sites indicated all three are ineligible for inclusion in the National Register of Historic Places. The State Historic Preservation Officer concurred with the ineligibility recommendations by the Texas Department of Transportation in a letter dated August 22, 2007. After review of the documentation, the Corps concurs with the ineligibility determinations.

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

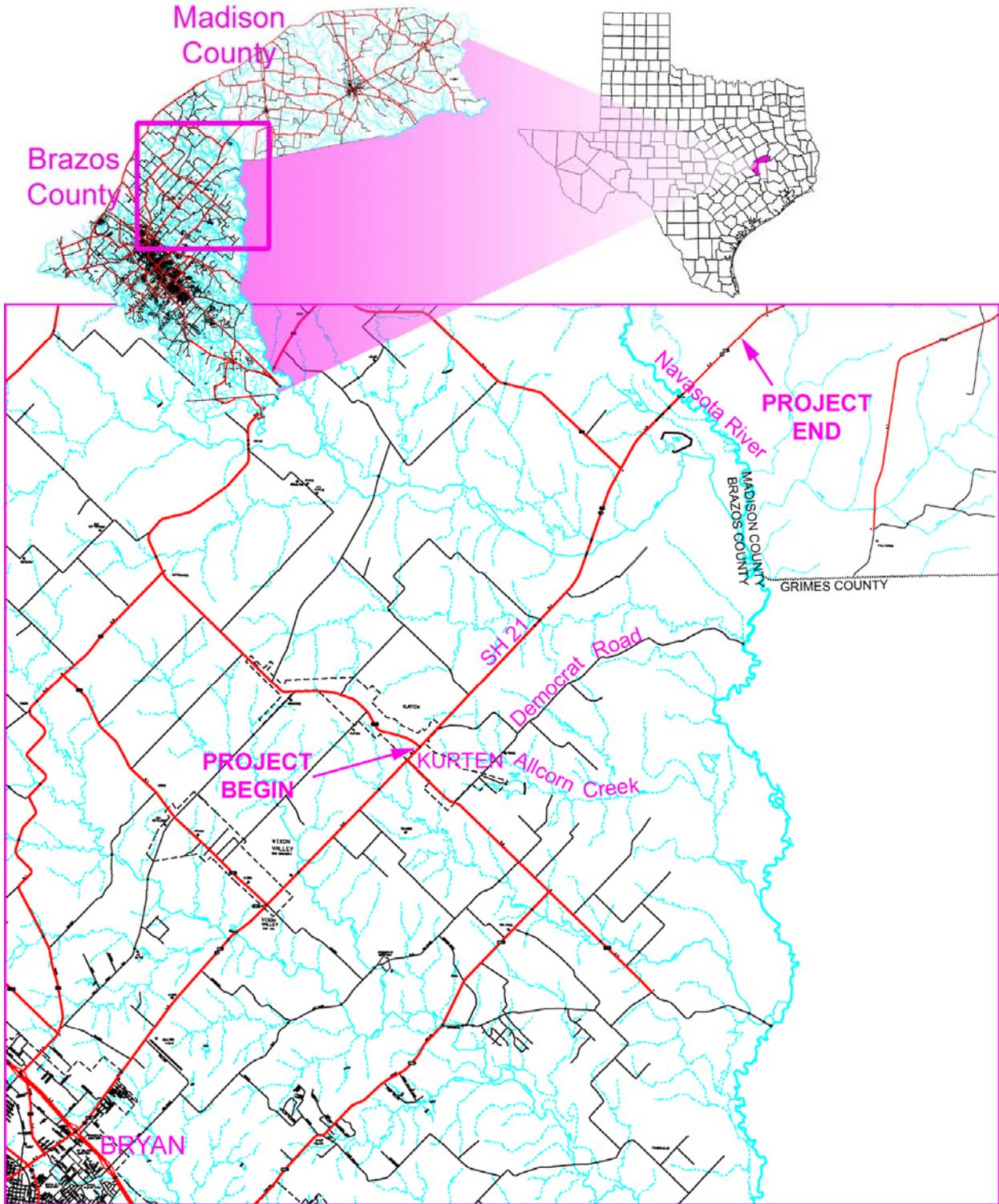
participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

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.

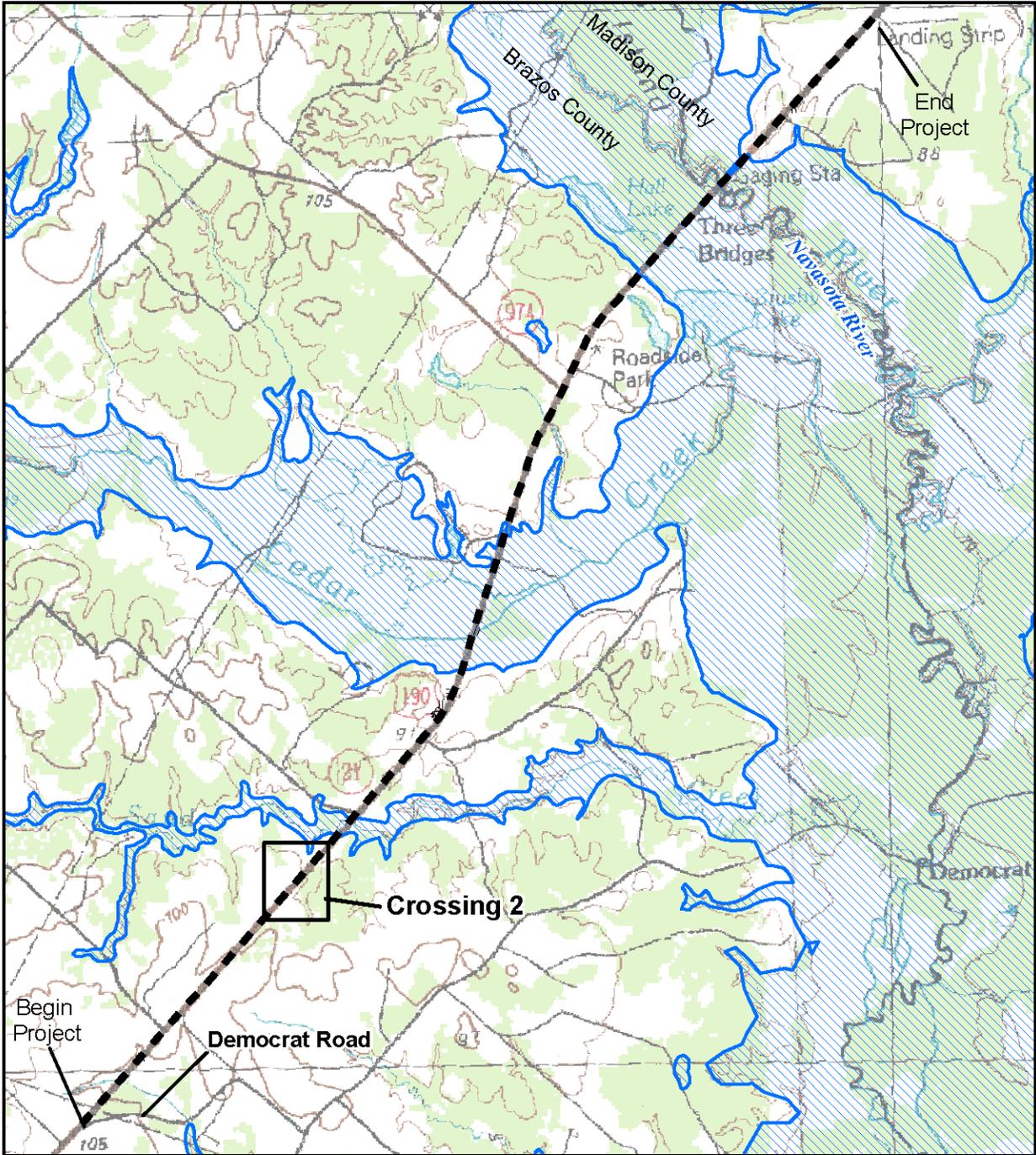
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before January 20, 2009, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments 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-PER-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



ftp://ftp2.tnris.org/Urban/dgn/
 Accessed 10/07

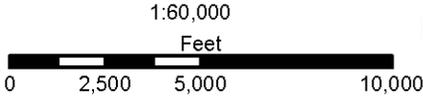
Figure 1 of 5
 Project Vicinity on
 County Map Base
 SH 21 from Democrat Road to Navasota River
 Brazos and Madison Counties
 CSJs: 0117-02-031 and 0117-03-029



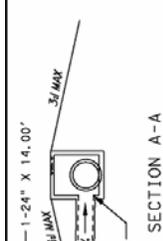
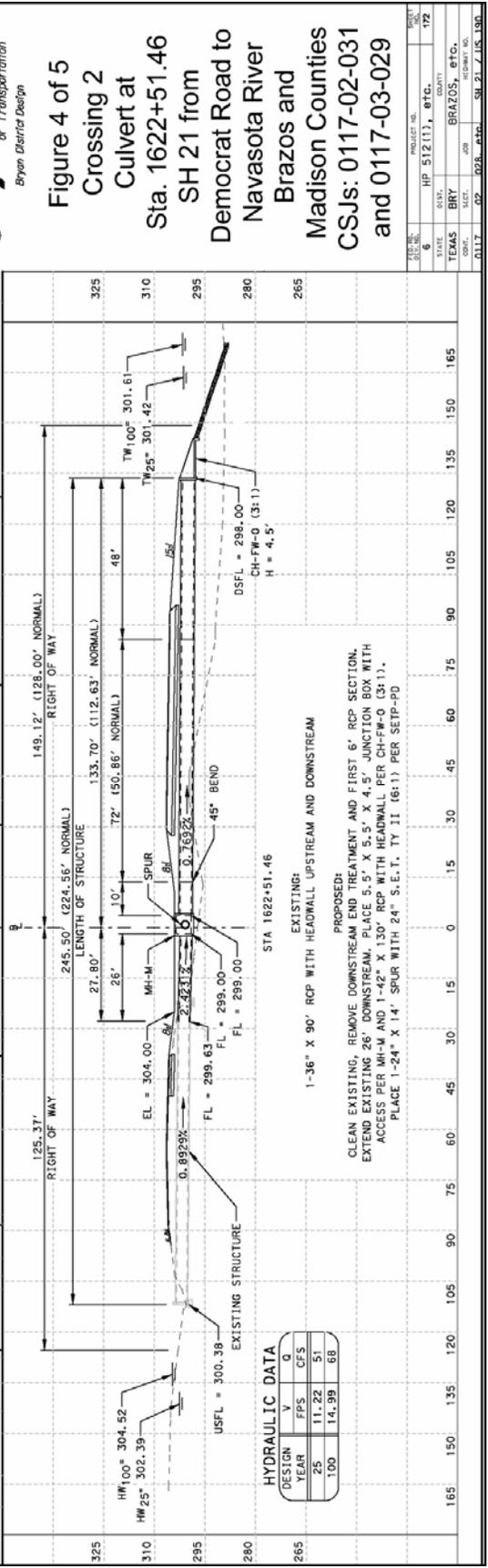
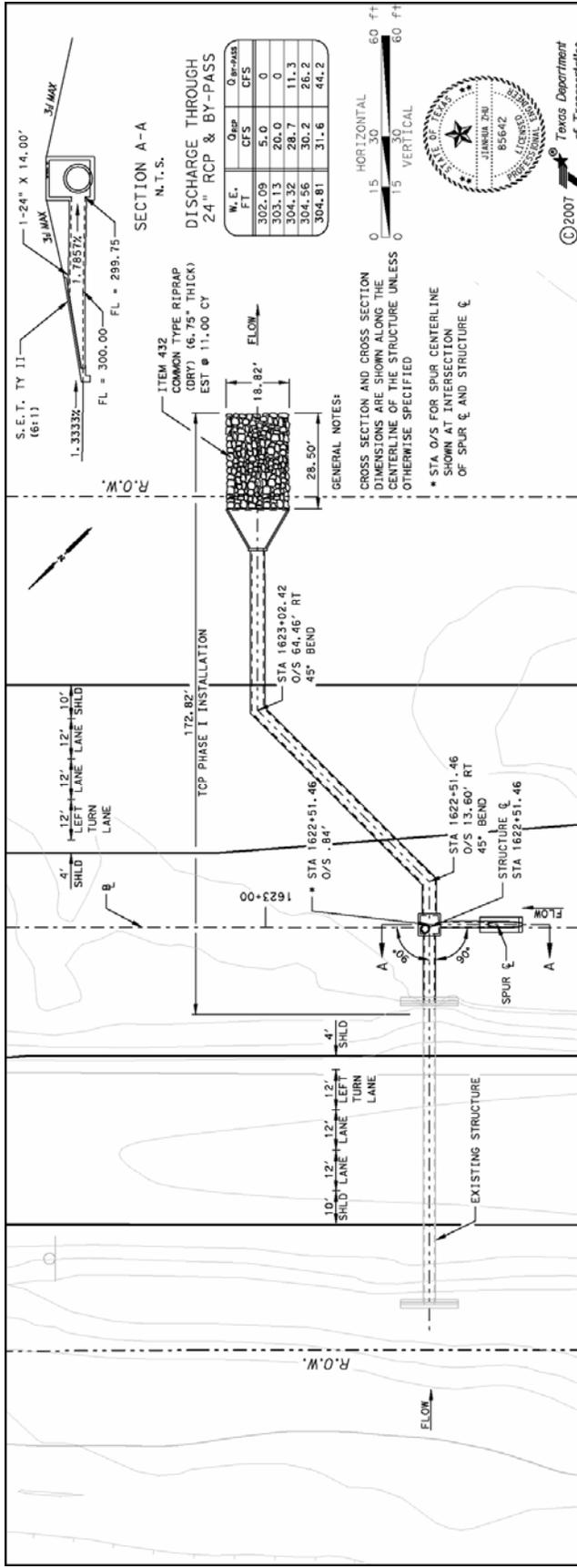
USGS Topographic Quadrangles
Brazos and Madison Counties

Figure 3 of 5
Crossings Requiring an
Individual Permit

- Proposed Project Limits
- ▨ 100-year Floodplain

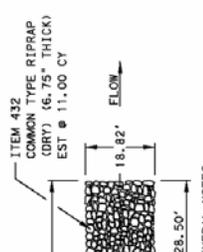


SH21 from Democrat Road to
the Navasota River
Brazos and Madison Counties, Texas
CSJ's 0117-02-031 and
0117-03-029



DISCHARGE THROUGH 24" RCP & BY-PASS

W.E. FT	Open CFS	CFS
302.09	5.0	0
303.13	20.0	0
304.32	28.7	11.3
304.56	30.2	26.2
304.81	31.6	44.2



GENERAL NOTES:
 CROSS SECTION AND CROSS SECTION DIMENSIONS ARE SHOWN ALONG THE CENTERLINE OF THE STRUCTURE UNLESS OTHERWISE SPECIFIED
 * STA O/S FOR SPUR CENTERLINE SHOWN AT INTERSECTION OF SPUR ϕ AND STRUCTURE ϕ



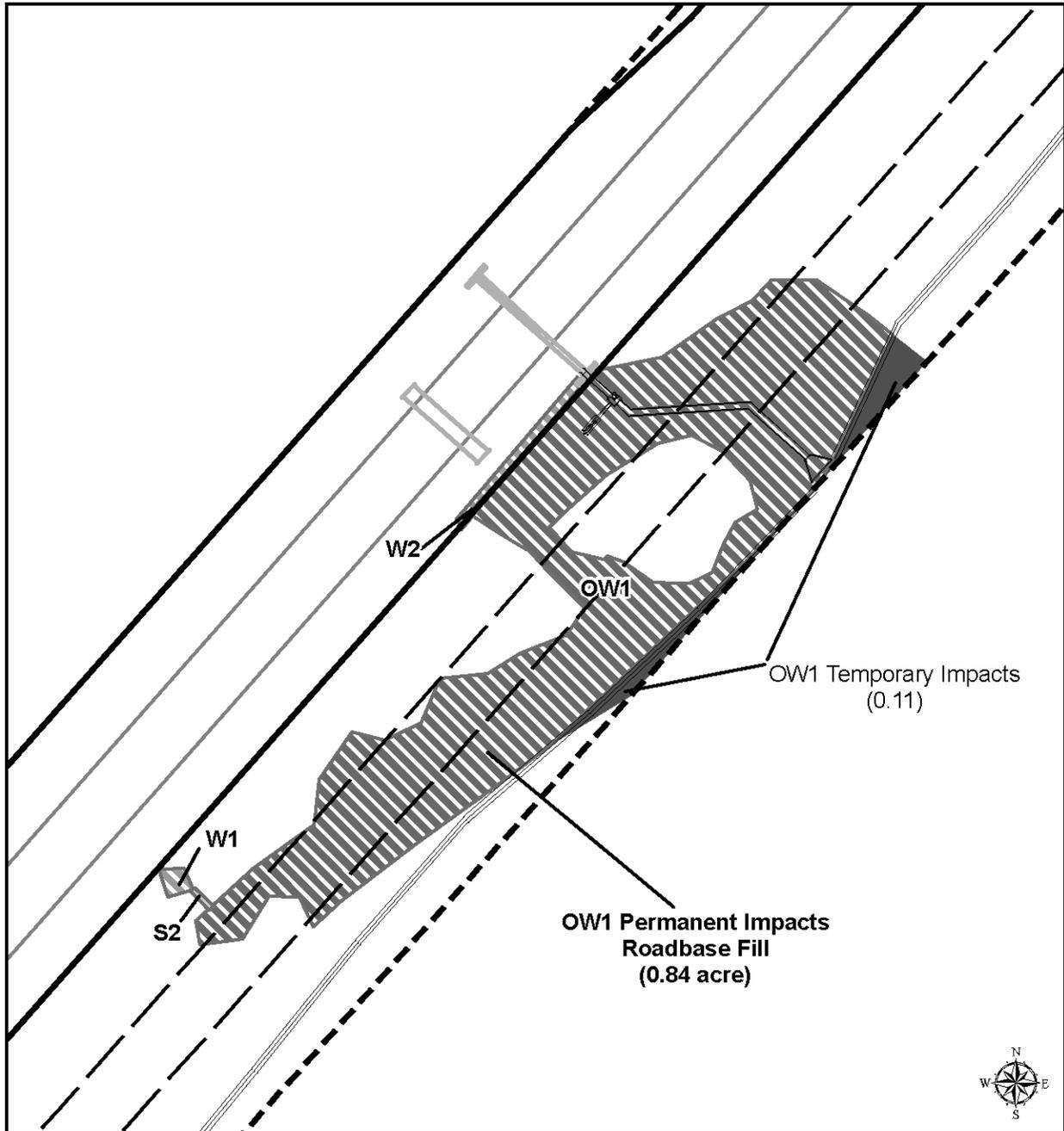
Figure 4 of 5
Crossing 2
Culvert at
Sta. 1622+51.46
SH 21 from
Democrat Road to
Navasota River
Brazos and
Madison Counties
CSJs: 0117-02-031
and 0117-03-029

HYDRAULIC DATA

DESIGN YEAR	V	Q
25	11.22	51
100	14.99	68

PROPOSED:
 CLEAN EXISTING, REMOVE DOWNSTREAM END TREATMENT AND FIRST 6' RCP SECTION. EXTEND EXISTING 26' DOWNSTREAM. PLACE 5.5' X 5.5' X 4.5' JUNCTION BOX WITH ACCESS PER MH-M AND 1-42" X 130' RCP WITH HEADWALL PER CH-FW-0 (3:1). PLACE 1-24" X 14' SPUR WITH 24" S.E.T. TY II (6:11) PER SETP-PD.

PROJECT NO.	HP 512(1), etc.	SHEET NO.	172
STATE	TEXAS	COUNTY	BRAZOS, etc.
CONTRACT	02B, etc.	SECTION	02
DATE	02/28/00	SCALE	AS SHOWN



Potential Waters of the U.S.

-  Streams (S#)
-  Wetlands (W# E/F)
-  Open Water (OW#)
-  Permanent Impact
-  Temporary Impact

-  Existing ROW
-  Proposed ROW
-  Proposed Pavement
-  Limit of Permanent Impacts
-  Existing Facilities
-  Proposed Facilities

**Figure 5 of 5
Impacts at Crossing 2**

**SH21 from Democrat Road
to the Navasota River
Brazos and Madison Counties, Texas
CSJs 0117-02-031 and
0117-03-029**

