



Public Notice

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

Applicant: Texas Department of Transportation

Permit Application No.: SWF-2007-00411

Date: December 17, 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: Mr. Neil Lebsock

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Phone Number: (817) 886-1743

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 a segment of State Highway (SH) 6 in Robertson County, Texas.

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-2007-00411

DATE ISSUED: December 17, 2008

LOCATION: The proposed project would be located in Robertson County on a 7-mile segment of SH 6 between Farm-to-Market (FM) 1644 in Calvert, Texas and United States Highway (US) 79 in Hearne, Texas. The proposed project would be located approximately at UTM coordinates 724766 East and 3426065 North (Zone 14) on the Hearne North 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12070101.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The proposed project would begin between FM 1644 in Calvert and US 79 in Hearne, Robertson County, Texas (Figure 1 of 7). The applicant proposes to remove 7-miles of existing two-lane undivided SH 6 with varied shoulder widths and replace it with a four-lane divided highway. From FM 1644 in Calvert to south of the Sandy Creek bridge, SH 6 would be widened from a curb and gutter urban four-lane highway with on-street parking, to a five-lane, curb and gutter facility consisting of four travel lanes and a continuous left turn lane. Starting immediately south of Sandy Creek bridge and continuing past the Logan cemetery for approximately 1 mile, the project would consist of a four-lane divided highway with a 16-foot median. From approximately 1.2 miles south of the Sandy Creek bridge, the median would transition

from a 16-foot median to a 76-foot median. The 76-foot median would then continue south to the SH 6/US 79 interchange.

The applicant's purpose for the proposed roadway replacement is to provide improved mobility and safety along SH 6. The applicant has stated that average daily traffic by the year 2015 is expected to increase by approximately 50% in the immediate area. Although the current level of service (LOS) for the roadway is rated at "LOS D"; representing a "tolerable" traffic flow, by 2015, the roadway is expected to deteriorate to "LOS E"; representing the roadway is "at or near the roadway's capacity." While the proposed project would not affect the traffic volume, it is projected to improve roadway conditions to "LOS B", representing "good" traffic flow.

The project corridor is located within the East Central Texas Plains (Post Oak Savanna) vegetation community. Predominate vegetation within the community typically consists of post oak (*Quercus stellata*), blackjack oak (*Quercus marilandica*), bur oak (*Quercus macrocarpa*), chinkapin oak (*Quercus muehlenbergii*), American elm (*Ulmus americana*), Cedar elm (*Ulmus crassifolia*), Ashe's juniper (*Juniperus ashei*), American beautyberry (*Callicarpa americana*), buttonbush (*Cephalanthus occidentalis*), big bluestem (*Andropogon gerardii*), Broomsedge (*Andropogon virginicus*), sideoats grama (*Bouteloua curtipendula*), little bluestem (*Schizachyrium scoparium*), Indiangrass (*Sorghastrum nutans*), and others. Topography throughout the project corridor consists primarily of flat terrain, with the majority of the topographic relief located near Mud Creek and its associated floodplain.

The proposed project would occur on existing roadway alignment (approximately 118.22 acres), but would require 87.23 acres additional right-of-way (ROW), for a project total of approximately 205.45 acres. The typical ROW width for this project would be range from approximately 75-feet to 150-feet.

The proposed project would cross multiple waters of the United States, including wetlands, having a total of five single and complete crossings. The applicant has determined that four of the five single and complete crossings would result in non-reporting nationwide permits and therefore are not part of the individual permit application review. However, "Crossing 3" would result in more than minimal adverse impacts to waters of the United States, and requires a Department of the Army Standard Individual Permit.

The applicant considered several alternatives including no-build, freeway option with frontage roads, continuous left-turn lane, widening to the east of the entire route (towards the railroad), widening to the west of the entire route with a 16-foot median, widening to the west of the entire route with a 48-foot wide median, widening to the west of the entire route with a 76-foot wide median, widening to the west of the entire project with varying median widths, and the preferred alternative. All but the preferred alternative were discounted due to lack of safety, cost (widening to the east would require railroad track relocation or would reduce storage of vehicles waiting to turn on the highway), and potential impact to the Logan Family Cemetery.

Table 1 provides information addressing waters of the United States, including wetlands, located within the project area of “Crossing 3”. Figures 5 through 7 of 7 represent the approximate locations of waters of the United States, including wetlands, within the project area.

Table 1: Waters of the United States, including wetlands at “Crossing 3”

Water ID	Stream/Wetland Type	Jurisdictional	Linear Feet	Area (acres)	Permanent Impacts to Waters of the United States (acres)
W1	Herbaceous wetland	Yes	N/A	0.08	0.08
W2	Herbaceous wetland	Yes	N/A	0.50	0.0
S3	Perennial stream	Yes	540	0.44	0.0
S3a	Ephemeral stream	Yes	350	0.02	0.0
W3	Herbaceous wetland	Yes	N/A	0.08	0.0
W4	Forested wetland	Yes	N/A	0.02	0.0
W5F	Forested wetland	Yes	N/A	2.56	0.0
W5E	Herbaceous wetland	Yes	N/A	0.82	0.0
W6	Herbaceous wetland	Yes	N/A	0.58	0.56
OW1	Pond	Yes	N/A	0.22	0.0
Totals			890	5.32	0.64

N/A: Not Applicable

A total of 5.32 acres of waters of the United States, including wetlands exist within the proposed project area. Figures 2 through 3 of 7 represent the plan, profile, and section views of the proposed project. Approximately 515 cubic yards of fill material would be discharged into waters of the United States, including wetlands, for the construction of the proposed project. The fill material would be clean material (such as loam, sand and clay) obtained from local sources. Construction of the proposed project would result in the permanent adverse impact to 0.64 acre of waters of the United States, including wetlands.

The applicant believes they have attempted to avoid and minimize adverse impacts to waters of the United States, including wetlands to the maximum extent practicable. However, due to the nature and location of the project, the applicant has stated that impacts to waters of the United States, including wetlands would be completely unavoidable. Therefore, following the U.S. Army Corps of Engineers (USACE) *Compensatory Mitigation Rule*, the applicant has proposed to provide compensatory

mitigation for the unavoidable adverse impacts to waters of the United States, including wetlands (0.64 acre of herbaceous wetlands) by purchasing mitigation bank credits from a local USACE approved mitigation bank.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, 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 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 (USFWS) 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*),

Houston toad (*Bufo houstonensis*), large-fruited sand-verbena (*Abronia macrocarpa*), and Navasota ladies'-tresses (*Spiranthes parksii*) are known to occur or may occur as migrants. The whooping crane, Houston toad, large-fruited sand-verbena, and Navasota ladies'-tresses are endangered species. Our initial review indicates that the proposed work would have no effect on the whooping crane or large-fruited sand-verbena. However, the project has the potential to affect the Houston toad and Navasota ladies'-tresses as potential habitat has been identified near the project area by the applicant.

The applicant conducted surveys in areas of potential habitat and followed survey methods recommended by Texas Parks and Wildlife Department and USFWS. The surveys failed to identify any endangered species in the proposed ROW. However, since potential habitat exists for two endangered species within the project area, it was decided by the applicant and USFWS that the area be resurveyed no sooner than two years before construction letting.

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.

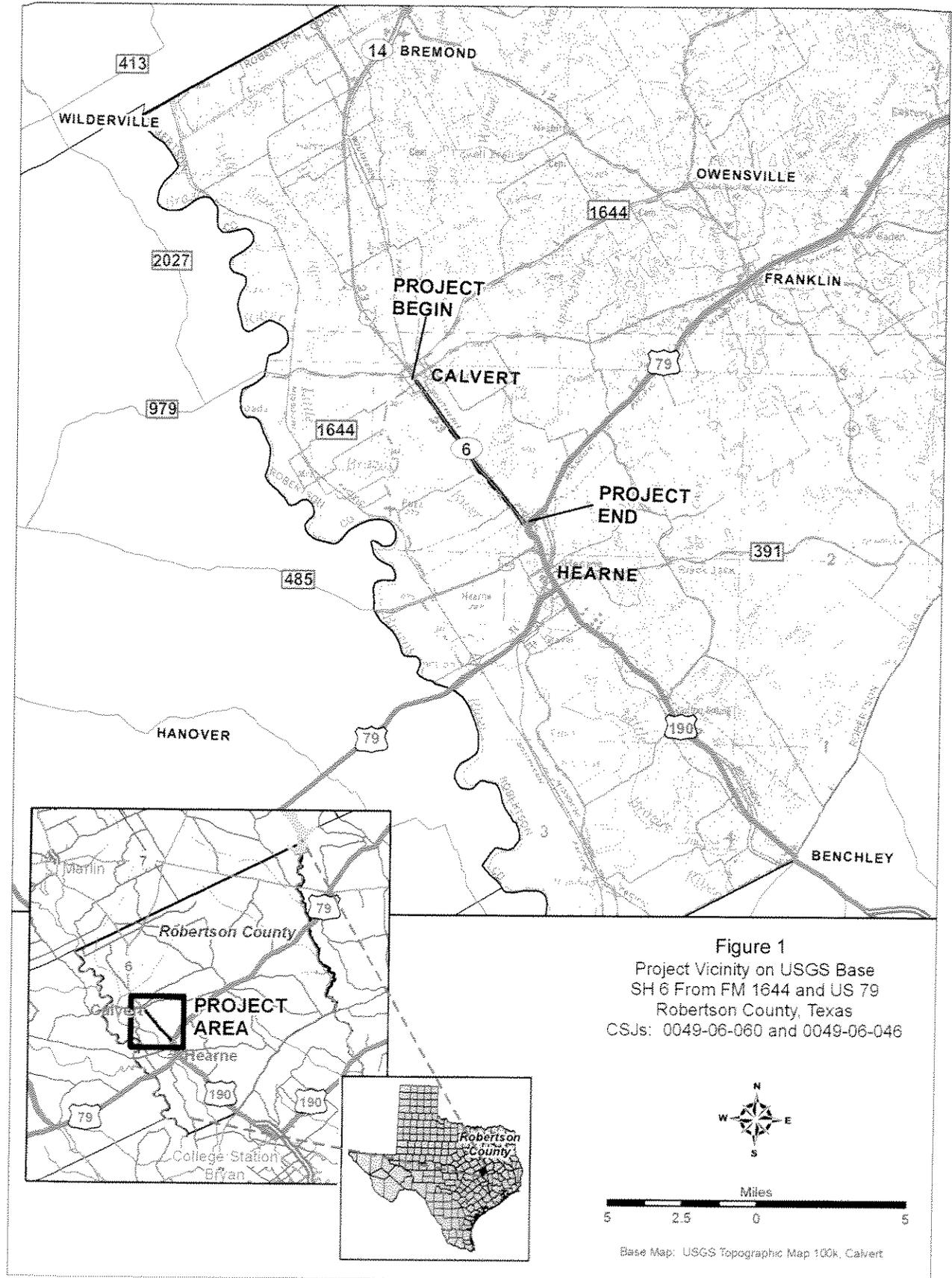
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted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

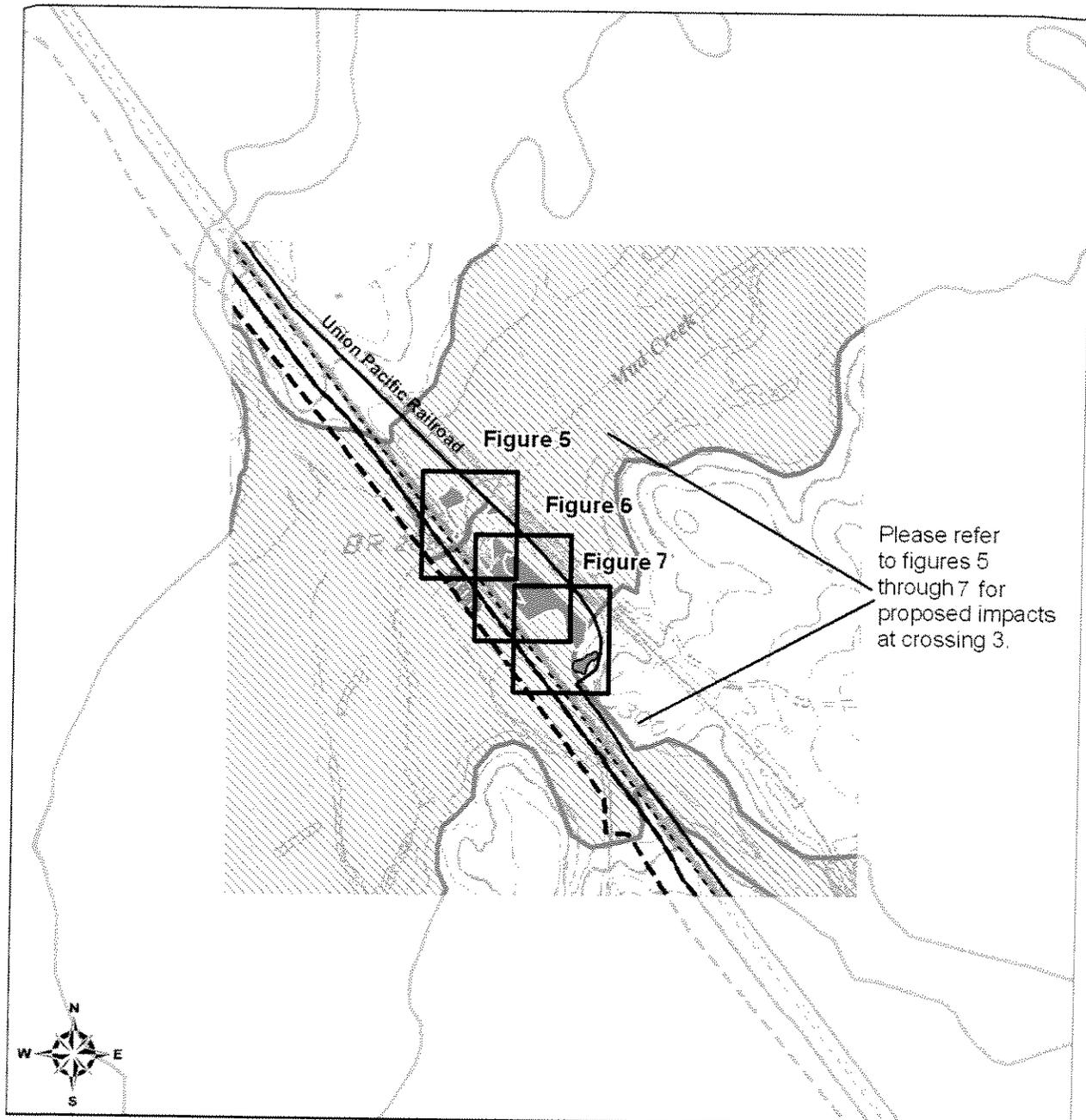
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If 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 15, 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 Mr. Neil Lebsack; 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) 886-1743. 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





Base Map: USGS Topographic Map 24k, Hearne

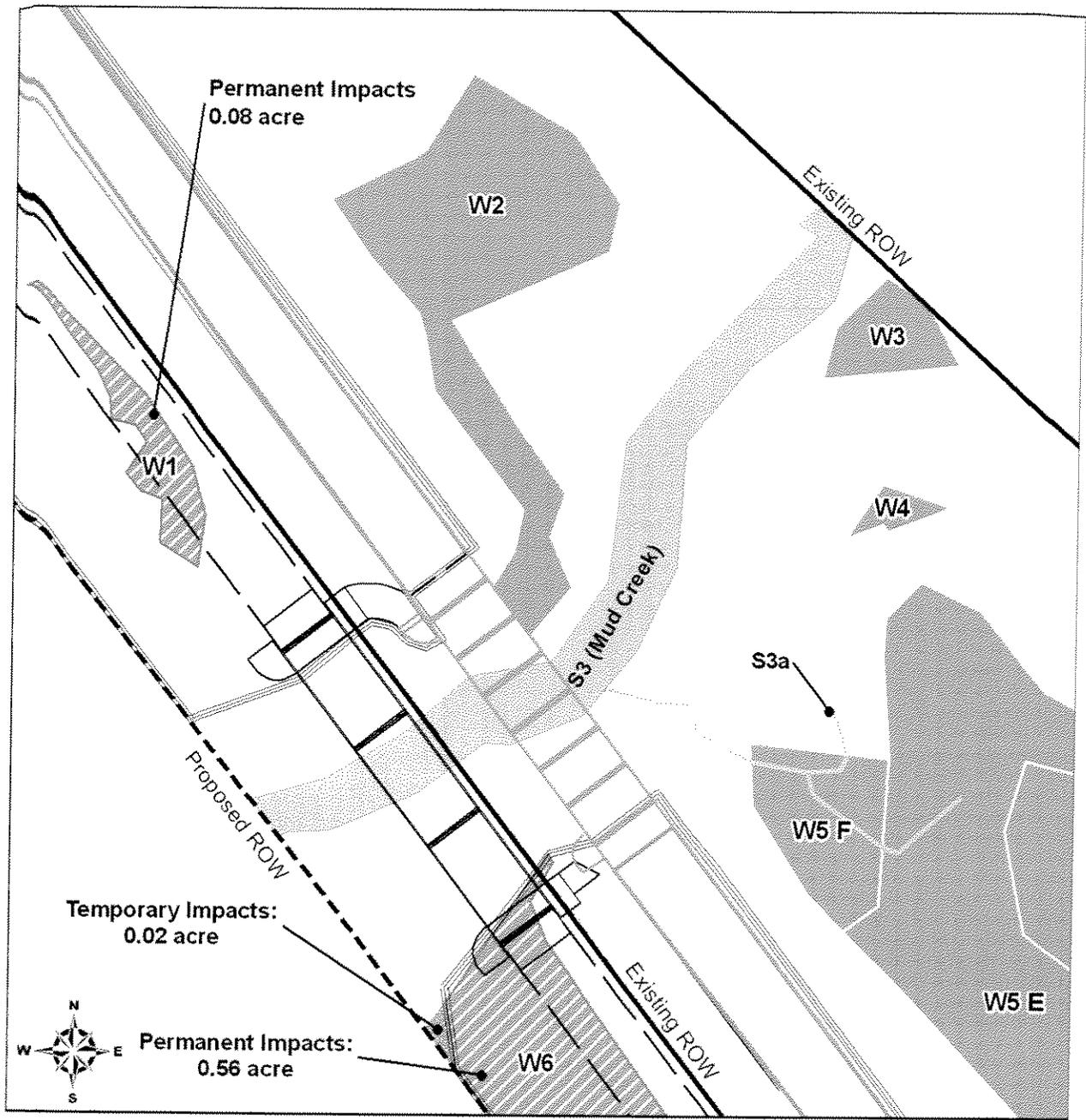
- Potential Waters of the U.S.**
-  Streams
 -  Wetlands
 -  Open Water
 -  100-year Floodplain

-  Existing ROW
-  Proposed ROW

Figure 4
 Crossing 3 in Relation to
 100-year Floodplains

SH 6 From FM 1644 to US 79
 Robertson County, Texas
 CSJs: 0049-06-060 and 0049-06-046



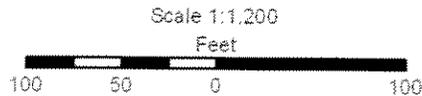


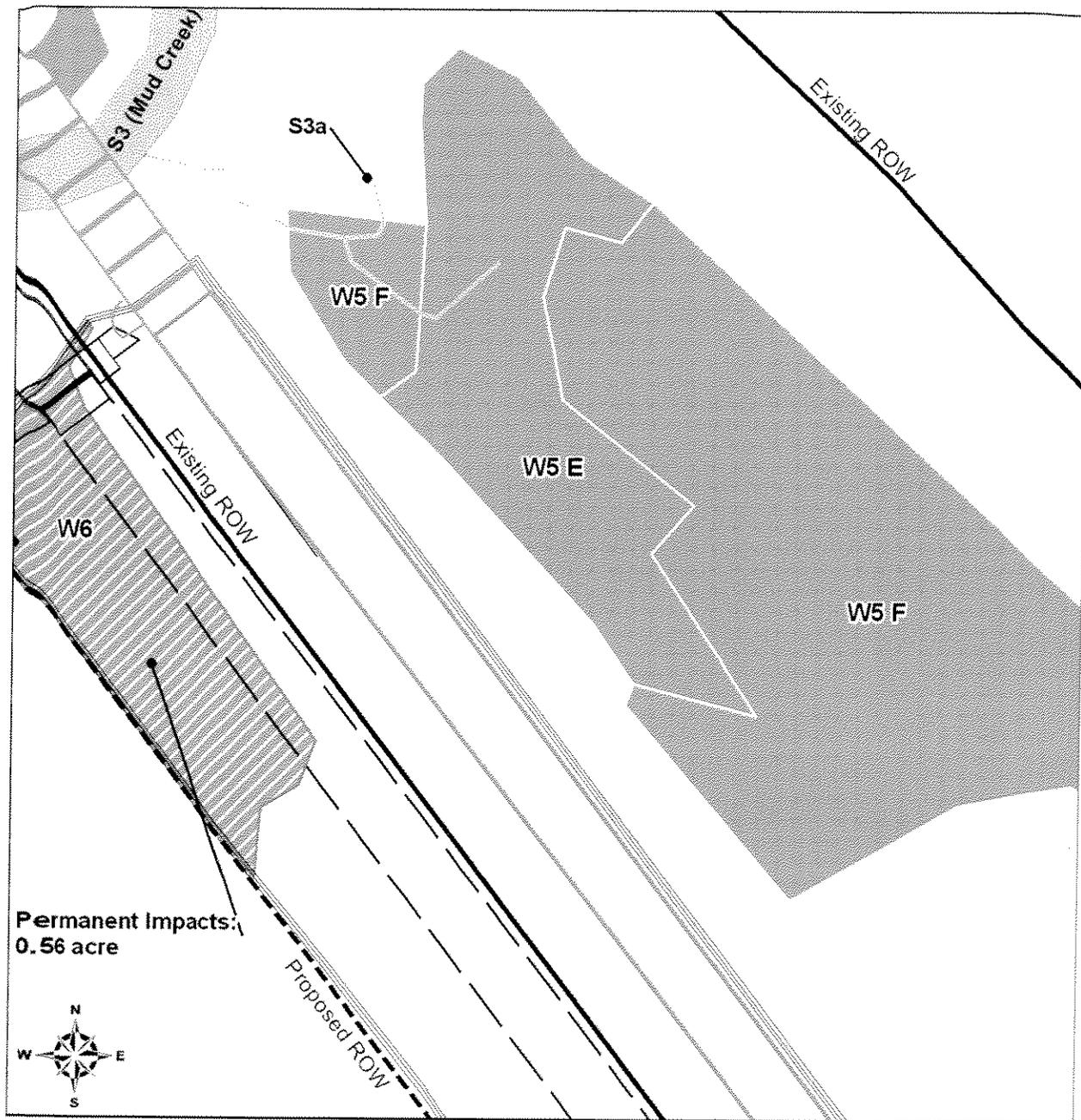
Potential Waters of the U.S.

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

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

Figure 5
 Impacts at Crossing 3
 SH 6 From FM 1644 to US 79
 Robertson County, Texas
 CSJs: 0049-06-060 and 0049-06-046





- 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 Roadway

Figure 6
 Impacts at Crossing 3
 SH 6 From FM 1644 to US 79
 Robertson County, Texas
 CSJs: 0049-06-060 and 0049-06-046





- | | | |
|-------------------------------------|----------------------------|-------------------|
| Potential Waters of the U.S. | | Existing ROW |
| Streams (S#) | Proposed ROW | Proposed Pavement |
| Wetlands (W# E/F) | Limit of Permanent Impacts | Existing Roadway |
| Open Water (OW#) | | |
| Permanent Impact | | |
| Temporary Impact | | |

Figure 7
 Impacts at Crossing 3
 SH 6 From FM 1644 to US 79
 Robertson County, Texas
 CSJs: 0049-06-060 and 0049-06-046

