



# Public Notice

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

Applicant: City of College Station

Permit Application No.: SWF-2007-00188

Date: March 27, 2009

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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. 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 drainage improvements to Tributary A of Bee Creek from Brothers Boulevard to Texas Avenue in College Station, Brazos County, Texas.

**APPLICANT:** City of College Station  
Public Works Department  
P.O. Box 9960  
College, Texas 77842

**APPLICATION NUMBER:** SWF-2007-00188

**DATE ISSUED:** March 27, 2009

**LOCATION:** The proposed drainage improvements would be located in Bee Creek Tributary A from Brothers Boulevard to Texas Avenue in College Station, Brazos County, Texas. The proposed project would be located approximately at Longitude -96.29820 and Latitude 30.59230 on the Wellborn, Texas, 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12070103.

**OTHER AGENCY AUTHORIZATIONS:** State Water Quality Certification

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 8,733 cubic yards of material into approximately 0.6918 acres of waters of the United States (U.S.) in conjunction with proposed drainage improvements in Bee Creek Tributary A (Tributary A), an intermittent tributary of Bee Creek. Total proposed impacts to waters of the U.S. would include 0.0678 acres of fringe wetlands and 0.624 acres of Tributary A. The purpose of the project is to reduce flooding to the adjacent residential community, prevent downstream erosion, and improve access to the tributary for routine maintenance. Tributary A has been channelized in the past and flows northeasterly into Bee Creek. The project extends along Tributary A from Brothers Boulevard to Texas Avenue for approximately 2,600 feet. The west side of Tributary A would be expanded into a 20' wide utility easement and approximately 935 feet along the southern end of the project would be realigned to the original centerline. The excavation associated with the proposal is approximately 19,000 cubic yards of material and the realignment includes

approximately 8,000 cubic yards of embankment fill, 600 cubic yards of crushed concrete riprap, and 133 cubic yards of concrete slope paving where the side slopes of the channel are steeper next to the existing bridges.

The project area landscape consists of gently rolling terrain with residential and commercial properties bordering a creek maintained for flood control. Large portions of the project area have historically been cleared and are regularly maintained for the purpose of flood control. Vegetation along the creek consists primarily of a periodically maintained understory of Bermuda grass (*Cynodon dactylon*), turkey tangle frogfruit (*Phyla incisa*), and great ragweed (*Ambrosia trifida*). Small areas of dense vegetation consist of sugarberry (*Celtis laevigata*), water oak (*Quercus nigra*), and common greenbriar (*Smilax rotundifolia*). The creek would be impacted along the entire 2,600 feet stretch of the project.

Vegetative cover would be re-established for maintenance of the project. If reasonably feasible native vegetation would be used. Sediment and silt fences would be used during construction. An on-site mitigation project to fully compensate for the projects impacts is unfeasible. Therefore, the applicant proposes to compensate for the projects adverse impacts by purchasing 1.9 credits from the Steele Creek Mitigation Bank. The project is located within the primary service area of the bank and credits can be used for both wetland and stream impacts. The project would impact 0.0678 acres of fringe wetlands and 2,600 feet (0.624 acres) of Tributary A for a total of 0.6918 acres. The multiplier of 2.8 would be used. The calculation would be  $0.6918 \times 2.8 = 1.937$  credits that would be rounded to 1.9 credits required.

Alternatives to the proposed project are limited due to the existing conditions. The no action alternative would result in continued residential flooding and downstream erosion. There were no other practicable alternatives identified.

**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.

**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 Brazos County where the whooping crane (*Grus americana*) and the Navasota ladies'-tresses (*Spiranthes parksii*) are endangered 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.

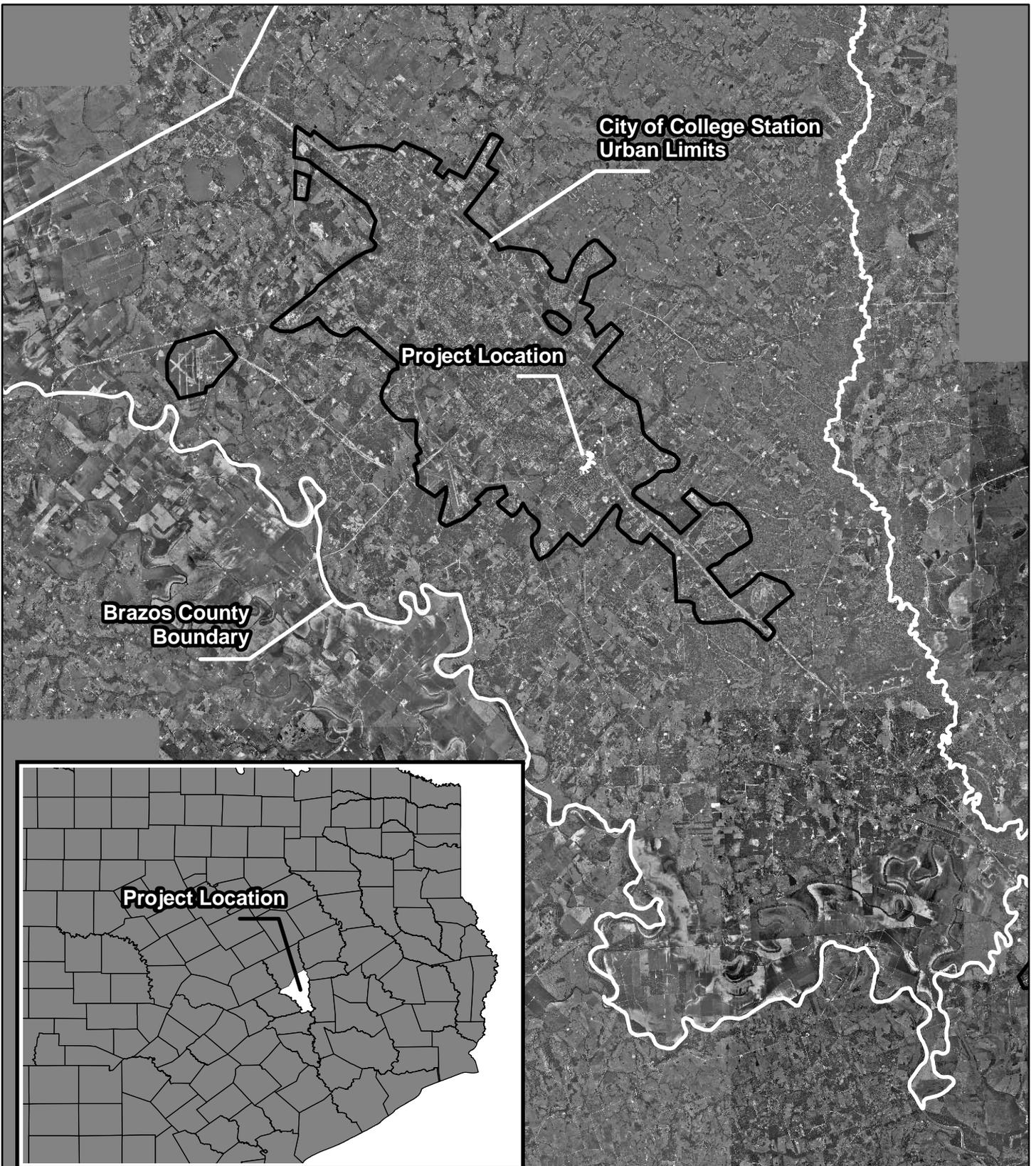
**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 April 26, 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



City of College Station  
Urban Limits

Project Location

Brazos County  
Boundary

Project Location

**VICINITY MAP - Bee Creek Tributary A, Brazos County, Texas**

Applicant: City of College Station

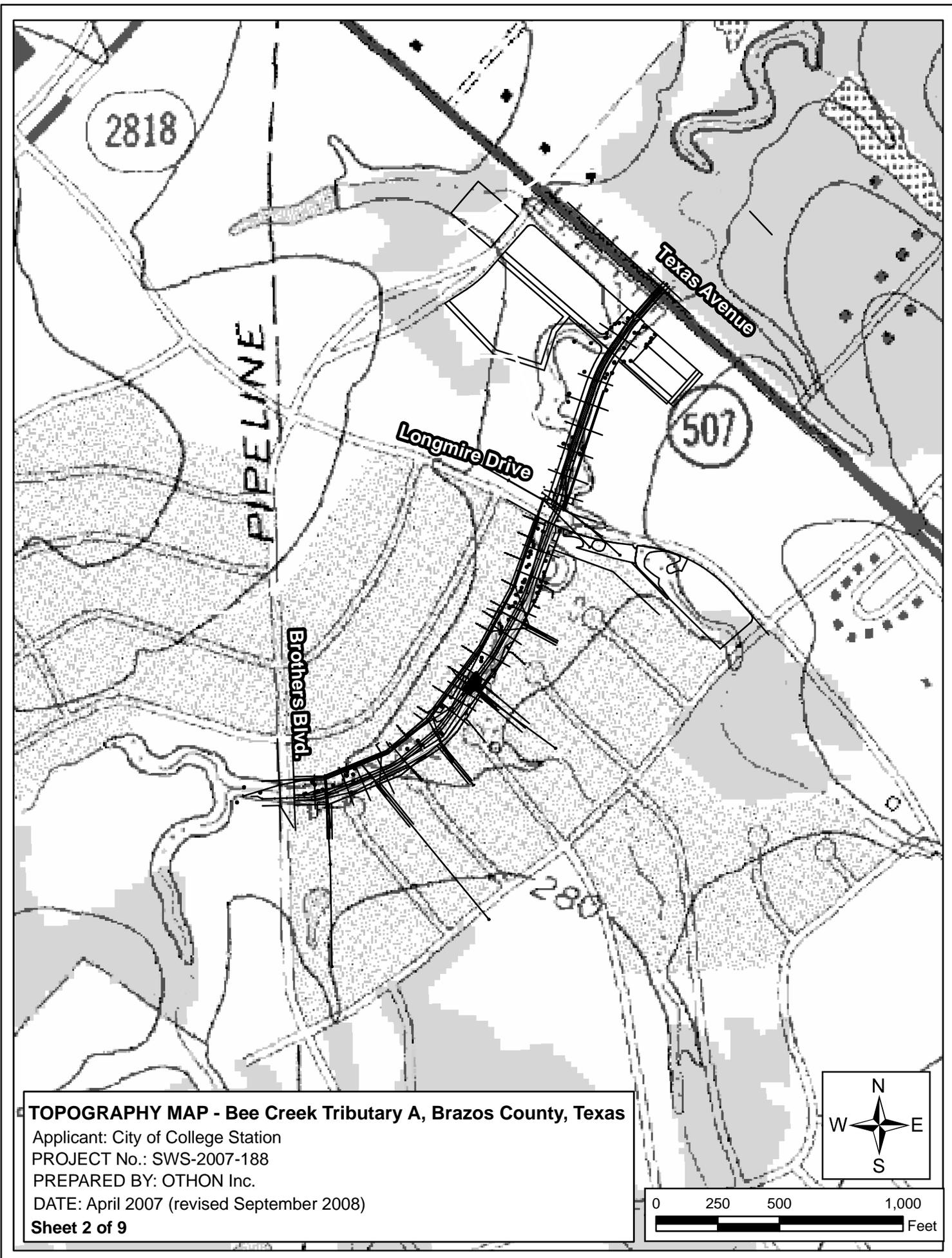
PROJECT No.: SWS-2007-188

PREPARED BY: OTHON Inc.

DATE: April 2007 (Revised September 2008)

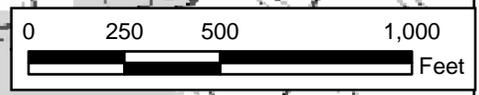
Sheet 1 of 9

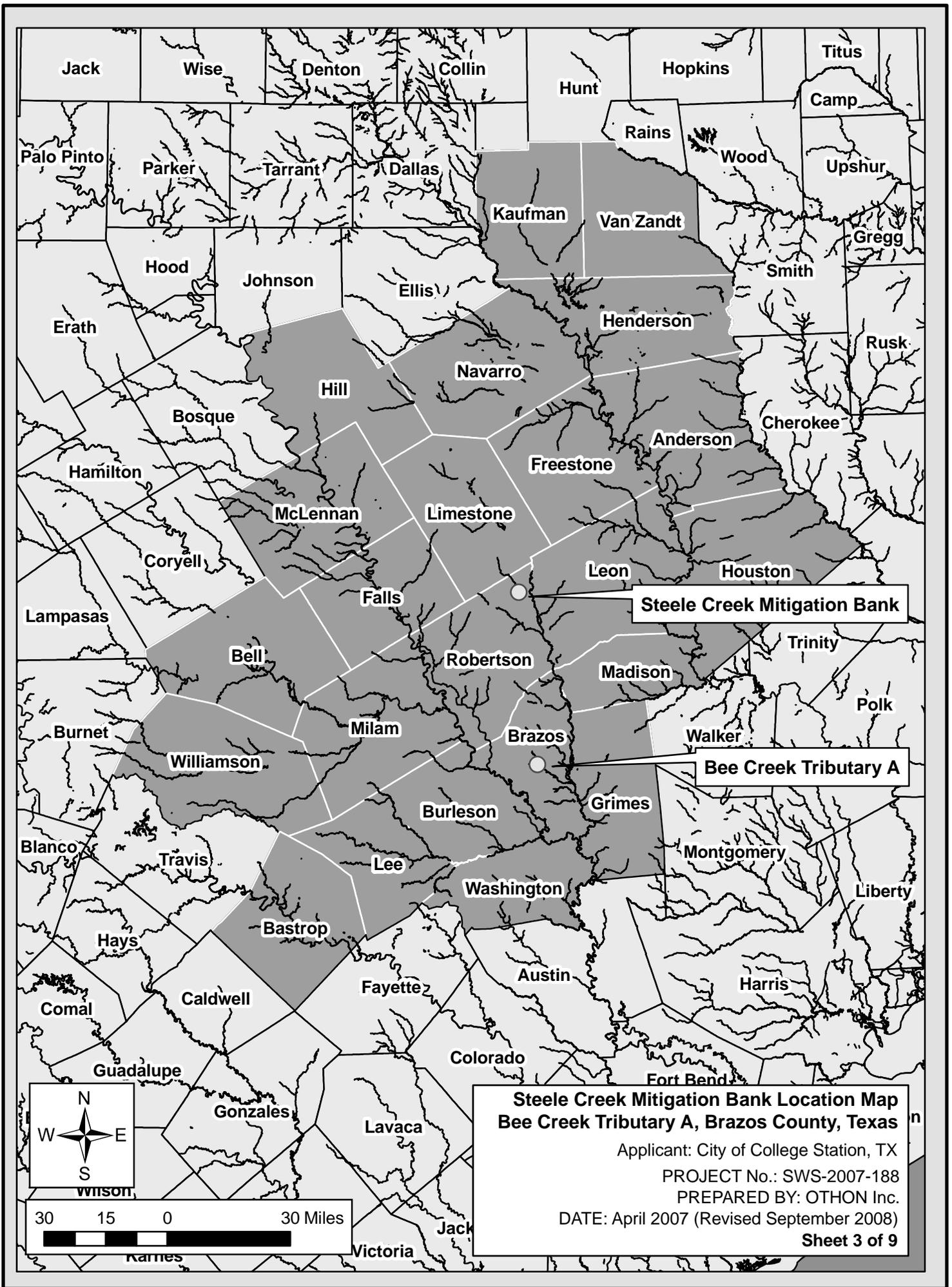




**TOPOGRAPHY MAP - Bee Creek Tributary A, Brazos County, Texas**

Applicant: City of College Station  
PROJECT No.: SWS-2007-188  
PREPARED BY: OTHON Inc.  
DATE: April 2007 (revised September 2008)





**Steele Creek Mitigation Bank Location Map  
Bee Creek Tributary A, Brazos County, Texas**

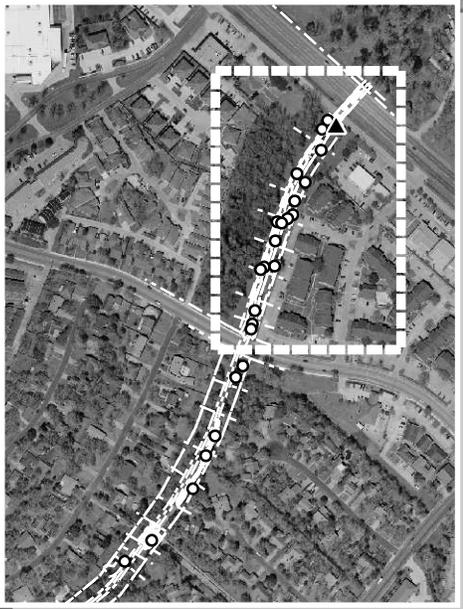
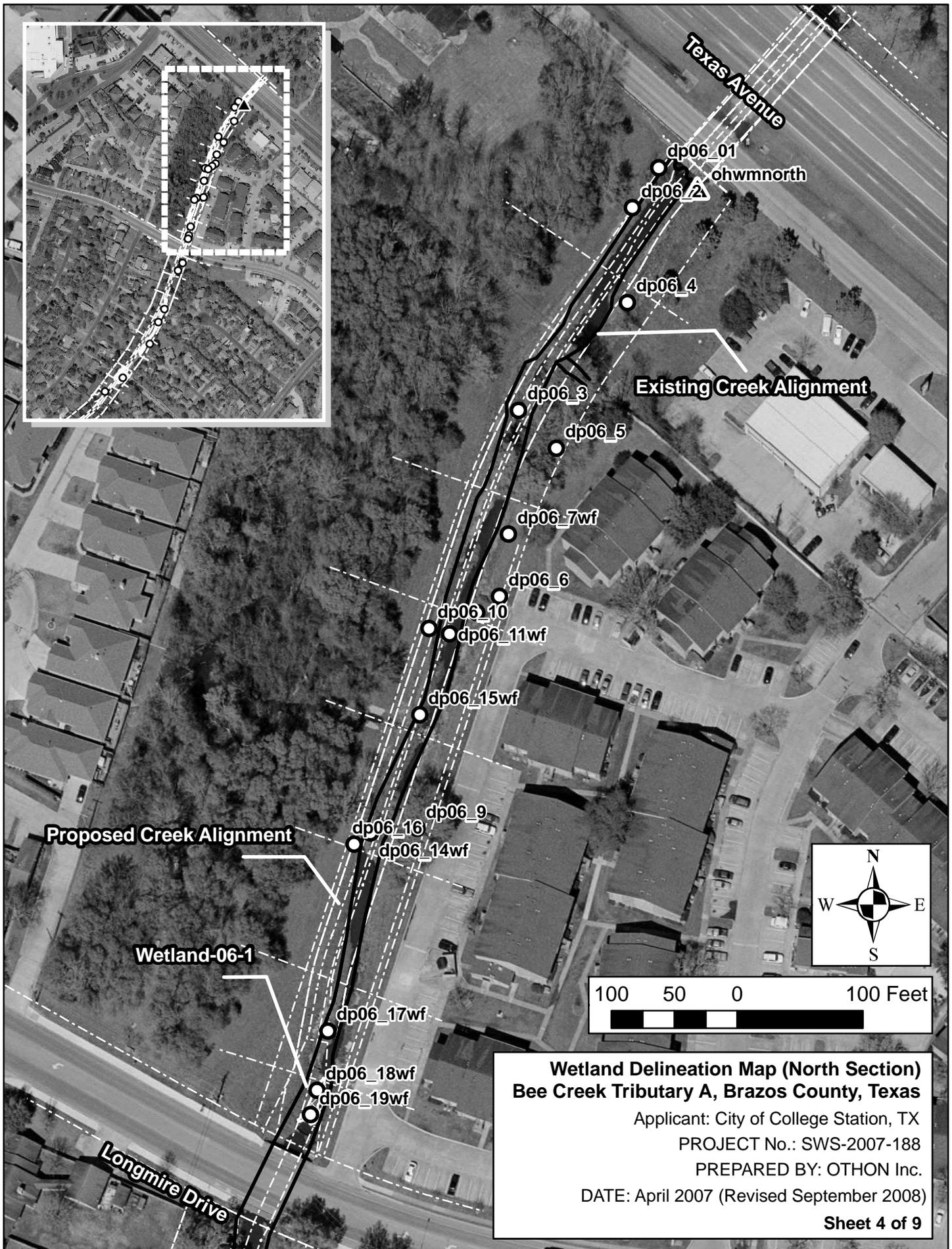
Applicant: City of College Station, TX

PROJECT No.: SWS-2007-188

PREPARED BY: OTHON Inc.

DATE: April 2007 (Revised September 2008)

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Texas Avenue

dp06\_01  
ohwmnorth

dp06\_2

dp06\_4

Existing Creek Alignment

dp06\_3

dp06\_5

dp06\_7wf

dp06\_6

dp06\_10

dp06\_11wf

dp06\_15wf

dp06\_9

Proposed Creek Alignment

dp06\_16

dp06\_14wf

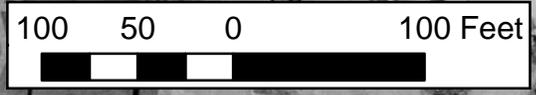
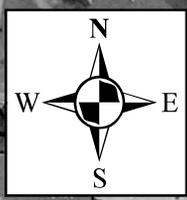
Wetland-06-1

dp06\_17wf

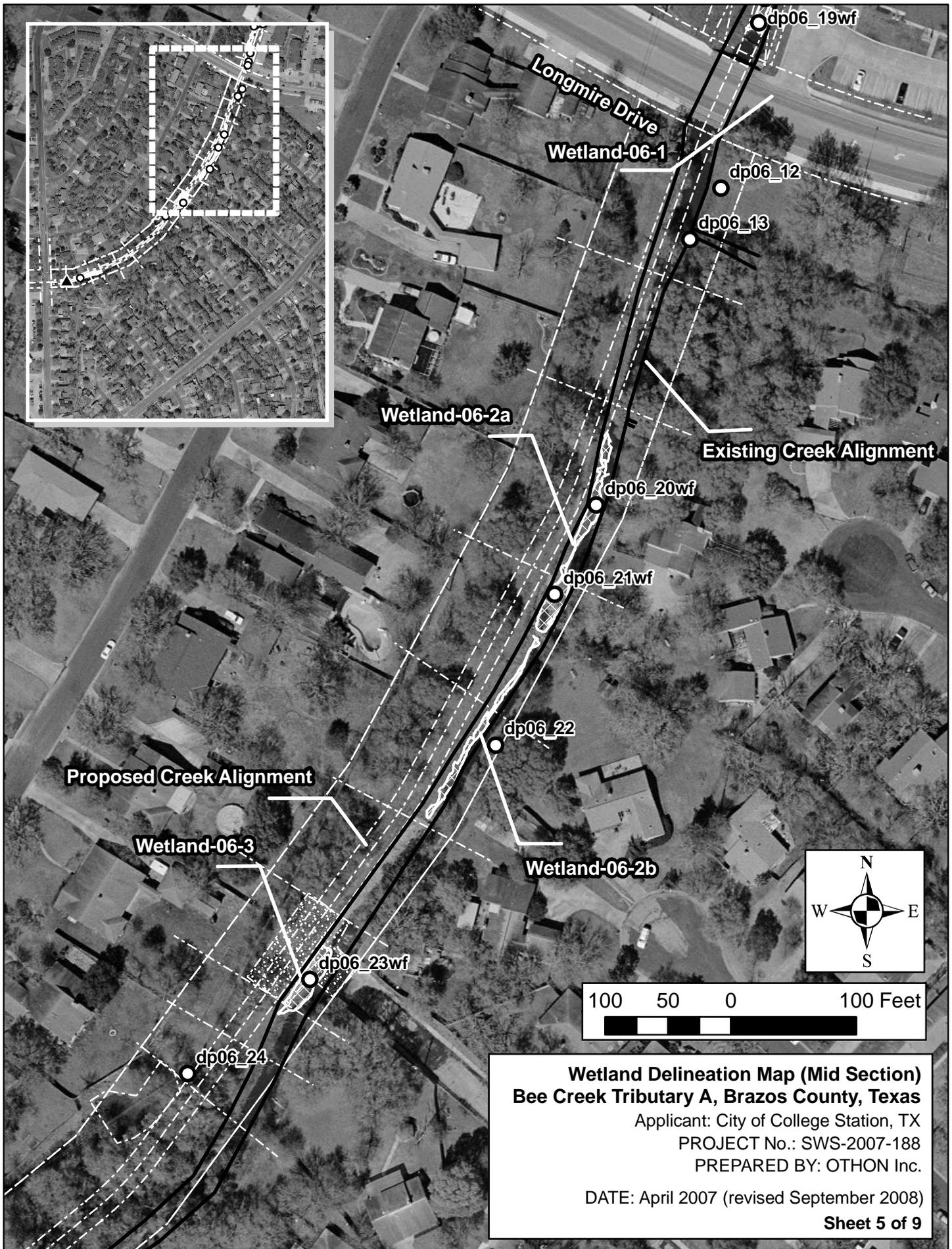
dp06\_18wf

dp06\_19wf

Longmire Drive

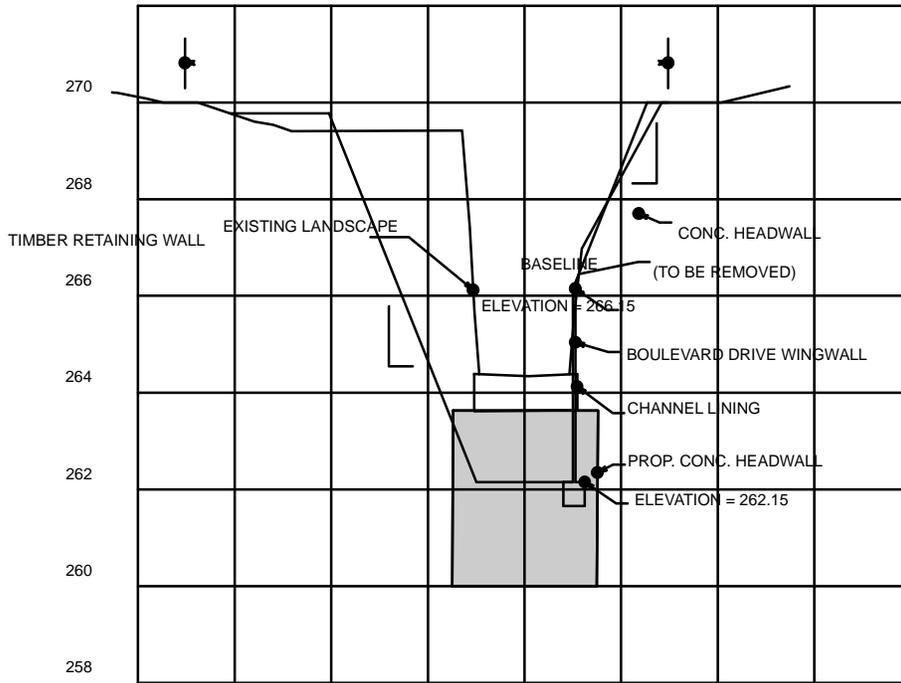


**Wetland Delineation Map (North Section)**  
**Bee Creek Tributary A, Brazos County, Texas**  
 Applicant: City of College Station, TX  
 PROJECT No.: SWS-2007-188  
 PREPARED BY: OTHON Inc.  
 DATE: April 2007 (Revised September 2008)  
**Sheet 4 of 9**

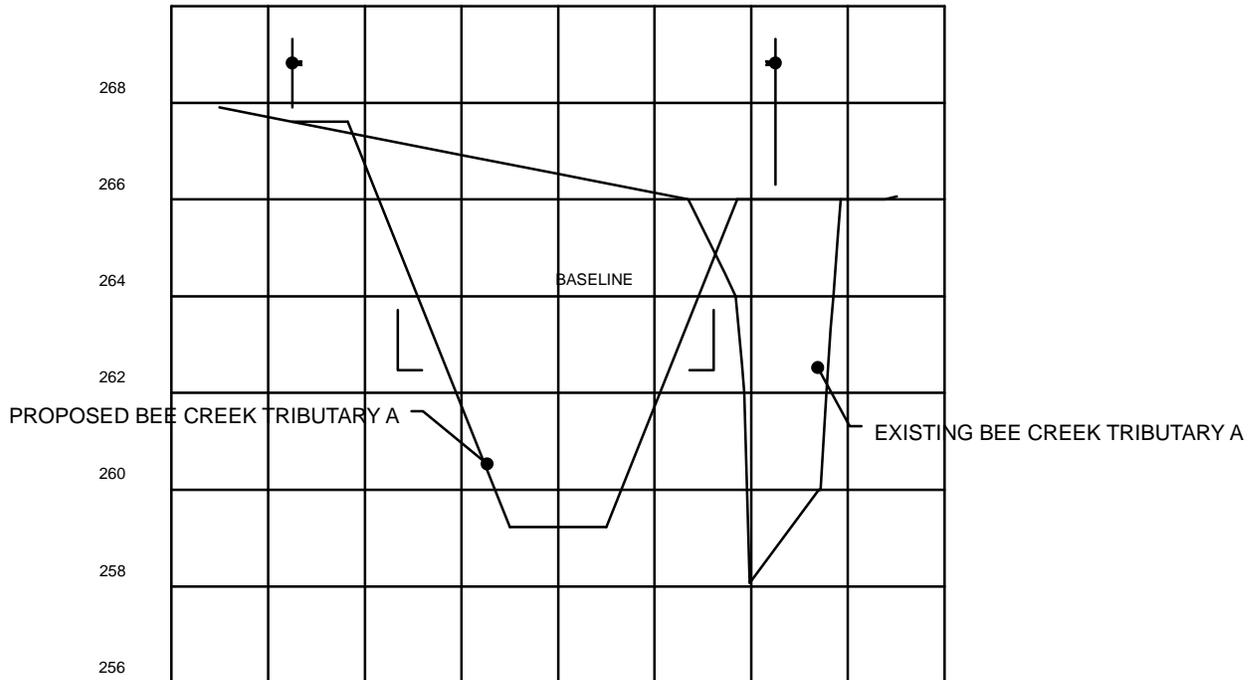


**Wetland Delineation Map (Mid Section)**  
**Bee Creek Tributary A, Brazos County, Texas**  
 Applicant: City of College Station, TX  
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TYPICAL CROSS-SECTION AT BROTHERS BLVD.



TYPICAL CROSS-SECTION BETWEEN BROTHERS BLVD. AND LONGMIRE DRIVE

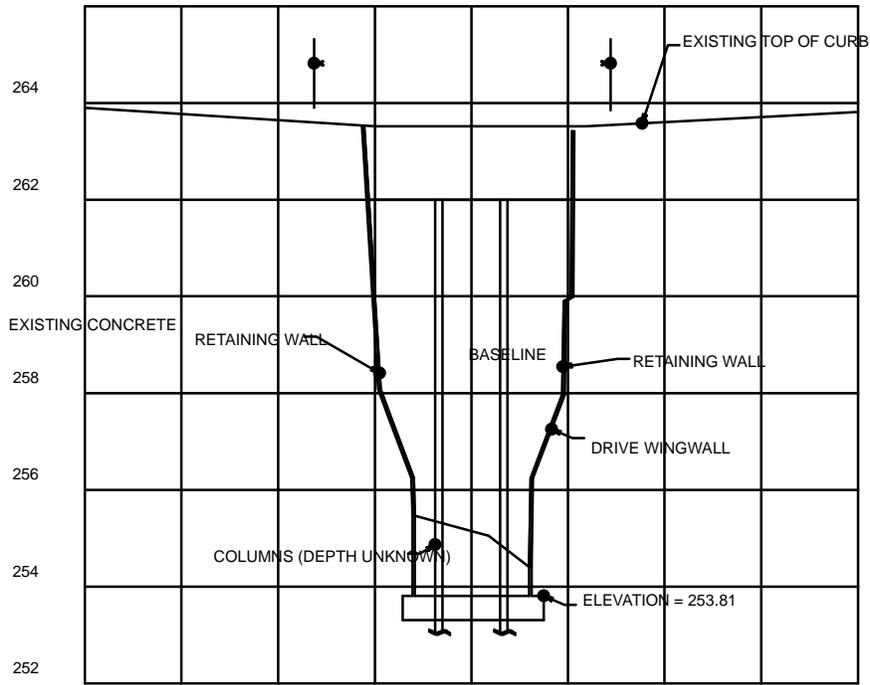
**Cross Sections A**  
**Bee Creek Tributary A, Brazos County, Texas**

Applicant: City of College Station, TX

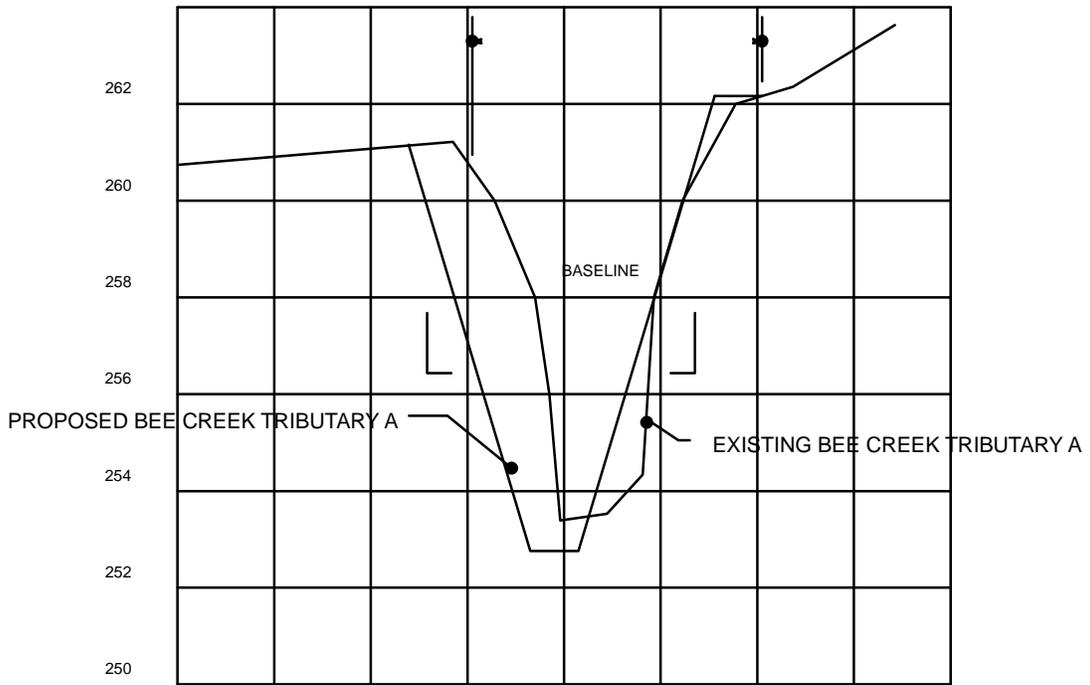
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PROPOSED CROSS-SECTION AT LONGMIRE AVE.



TYPICAL CROSS-SECTION BETWEEN LONGMIRE DRIVE AND TEXAS AVENUE

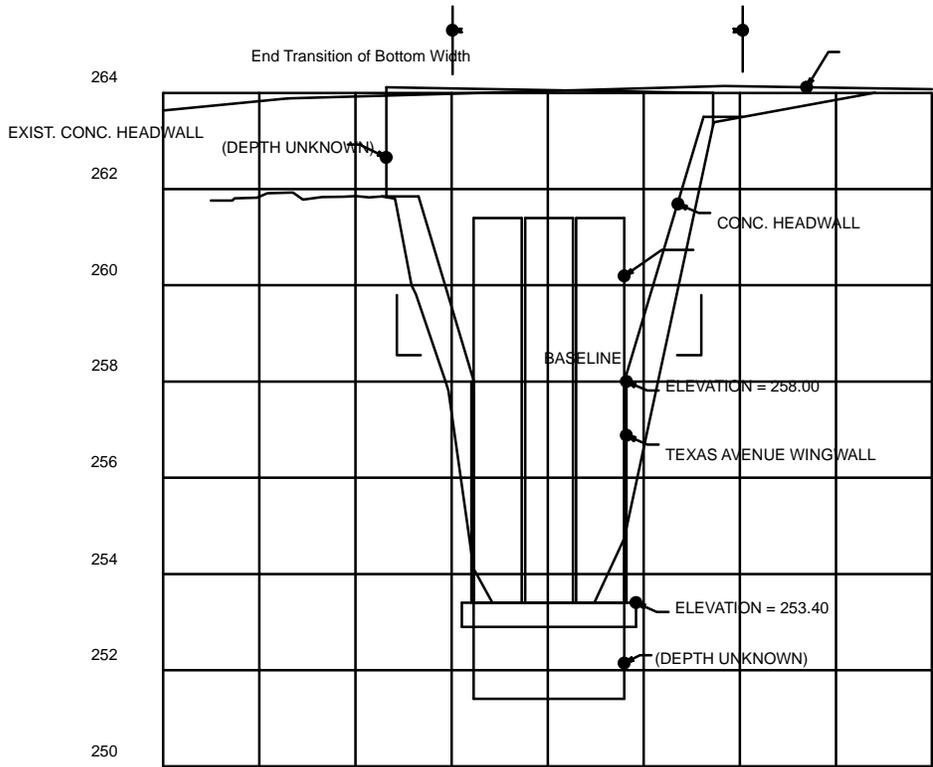
**Cross Sections B  
Bee Creek Tributary A, Brazos County, Texas**

Applicant: City of College Station, TX

PROJECT No.: SWS-2007-188

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CROSS-SECTION AT TEXAS AVENUE

**Cross Sections C  
Bee Creek Tributary A, Brazos County, Texas**

Applicant: City of College Station, TX

PROJECT No.: SWS-2007-188

PREPARED BY: OTHON Inc.

DATE: April 2007 (Revised September 2008)

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