



Water Resources Technical Report

10/69 Interchanges Project

Jefferson County, Texas

CSJs: 0028-13-135 & 0739-02-140

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1. Introduction

This Water Resources Technical Report presents the potential effects to water resources associated with a project proposed by the Texas Department of Transportation (TxDOT) – Beaumont District and the Federal Highway Administration (FHWA). TxDOT proposes a reconfiguration and expansion of Interstate (I)-10 and United States Highway (US) 69 where they converge in the city of Beaumont, Texas in Jefferson County. A project vicinity map is included as **Appendix A, Figure 1**.

2. Existing Facility Description

The project area is located in Jefferson County, Texas. A map depicting the location of the project area is included as **Appendix A, Figure 2**. The project limits follow existing I-10 from Walden Road (County Road 131) to 7th Street and existing US 69 from Fannett Road (State Highway 124) to 11th Street. I-10 through the City of Beaumont, Texas converges with US 69 at the Eastex Interchange on the north end of the city and diverges from US 69 at the Cardinal Interchange on the southern end of the city. Currently, I-10 through this area consists of four main lanes from 7th Street to near Harrison Avenue, eight lanes from near Harrison Avenue to Stagg Drive, six main lanes from Stagg Drive to Washington Boulevard, and four main lanes from Washington Boulevard to Walden Road. A concrete median barrier separates the eastbound and westbound travel lanes. There are one-way two-lane frontage roads on both sides of I-10 for the length of the project except across Hillebrandt Bayou near the Cardinal Interchange and at the UPRR near Hollywood Avenue. The shoulders on the main lanes are variable in width throughout the limits of the project. There are various entrance and exit ramps throughout the limits, and there are direct connectors between I-10 and US 69 at both interchanges. Currently some direct connectors are two-lane, but some are only one-lane. The existing facility is crossed by the Maury Meyers Bridge, which passes over I-10 near Liberty/Laurel Avenue and restricts the vertical clearance of I-10 traffic at this location.

The project area includes existing right of way (ROW) of I-10 and US 69. The project area consists of both maintained and unmaintained ROW. Residential, commercial and undeveloped land uses are present immediately adjacent to the project area. Existing ROW at the Eastex interchange varies from approximately 250 feet to 350 feet. Existing ROW at the Cardinal interchange varies from approximately 290 feet to 450 feet. Site Photographs are included in **Appendix B**.

3. Proposed Facility Description

The project area is located in Jefferson County, Texas. A map depicting the location of the project area is included as **Appendix A, Figure 2**. The approximate 5-mile project would widen the existing I-10 from Walden Road (County Road 131) to 7th Street and existing US 69 from Fannett Road (State Highway 124) to 11th Street. Between the Cardinal Drive and Eastex Freeway interchanges, the roadway would be widened in each direction from four lanes to five lanes. The roadway approaches to the Cardinal Drive and Eastex Freeway interchanges on I-10 and US 69 would be widened in each direction from two lanes to three lanes. The project also includes new frontage roads for continuity throughout the limits, relocating I-10 ramps, and constructing two-lane direct

connectors in each direction where I-10 and US 69 converge within the project limits. In addition, the project includes changes to the Maury Meyers Bridge (Liberty/Laurel Overpass) to address a height constraint for freight movements and includes upgrading drainage infrastructure to current design standards.

Approximately 11 acres of additional ROW is anticipated as part of the proposed project, including potential easements or ROW for drainage. This project is addressing an existing roadway facility, no new location or new alignment is anticipated. The proposed project is anticipated to be ready to let as a design-build project.

4. Water Resources

4.1. Section 401, Clean Water Act

The Texas Commission on Environmental Quality (TCEQ) is responsible for conducting Section 401 certification reviews of United States Army Corps of Engineers (USACE) Section 404 permit applications for the discharge of dredged or fill material into Waters of the United States (WOUS), including wetlands. The TCEQ is the lead state agency that administers the Section 401 certification program in Texas except with respect to oil and gas exploration, which is the responsibility of the Railroad Commission of Texas. The purpose of these certification reviews is to determine whether a proposed discharge will comply with state water quality standards.

The proposed project would meet the TCEQ requirements for Section 401 Water Quality Certification Tier I (Small Projects) since the project would impact less than 1,500 linear feet of stream and less than three acres of WOUS, including wetlands. The proposed project would incorporate the Best Management Practices (BMPs) specified on the Tier I checklist, including erosion control, sedimentation control, and post-construction total suspended solids (TSS) control, at appropriate stages during construction.

A USACE Nationwide Permit (NWP) with a Pre-Construction Notification (PCN) is anticipated and a USACE Individual Permit (IP) is possible, therefore, the project shall comply with the TCEQ Water Quality Certification program established under section 401 of the CWA. The 401-certification, including listing specific BMPs required by TCEQ for Tier I projects, would be conducted as part of the USACE permit process.

4.2. Section 402, Clean Water Act

Since Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP) authorization and compliance (and the associated documentation) occur outside of the environmental clearance process, compliance is ensured by the policies and procedures that govern the design and construction phases of the project. The Project Development Process Manual and the Plans, Specifications, and Estimates (PS&E) Preparation Manual require a storm water pollution prevention plan (SWP3) be included in the plans of all projects that disturb one or more acres. The Construction Contract Administration Manual requires that the appropriate CGP authorization documents (notice of intent [NOI] or site notice) be completed, posted, and

submitted, when required by the CGP, to TCEQ and the municipal separate storm sewer system (MS4) operator. It also requires that projects be inspected to ensure compliance with the CGP. The PS&E Preparation Manual requires that all projects include Standard Specification Item 506 (Temporary Erosion, Sedimentation, and Environmental Controls), and the “Required Specification Checklists” require Special Provision 506-003 on all projects that need authorization under the CGP. These documents require the project contractor to comply with the CGP and SWP3, and to complete the appropriate authorization documents.

Texas Pollutant Discharge Elimination System - Construction General Permit

The proposed project would disturb more than five acres; therefore, TxDOT shall comply with the TCEQ - TPDES CGP as a large construction activity.

Texas Pollutant Discharge Elimination System - Municipal Separate Storm Sewer System

The project is located within the city of Beaumont, Texas. Beaumont is registered with TCEQ as a MS4 Operator. The proposed project would disturb more than five acres; therefore, a NOI shall be filed with TCEQ stating that a SWP3 would be in place during construction of the proposed project. A copy of the NOI would also be submitted to the city of Beaumont MS4 operator. The SWP3 will utilize the temporary control measures and BMPs.

4.3. Section 404, Clean Water Act

Pursuant to Section 404 of the Clean Water Act (CWA), a wetland delineation was conducted to determine the presence of WOUS, including wetlands, within the project area. According to the USACE, the federal agency having authority over WOUS, wetlands are those areas that are inundated or saturated with surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Wetlands are transitional areas between terrestrial and aquatic systems resulting from the interaction of hydrophytic vegetation, wetlands hydrology, and hydric soils.

A wetland delineation was performed in May and June 2019 in accordance with the *1987 Corps of Engineers Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region*.

Based on observations and data collected in the field, 0.72 acres of wetlands and 3,408.66 linear feet of streams were delineated within the project area. It was determined that 0.01 acres of wetlands and 3,408.66 linear feet of streams delineated within the project area would be considered potentially jurisdictional.

Wetland 1 is a small depression Palustrine Emergent wetland (PEM) adjacent to a drainage culvert on the southeast side of I-10, south of Walden Road. A surface water connection was observed between Wetland 1 and an unnamed tributary of Hillebrandt Bayou, as depicted in topographic maps and outside of the proposed project area. Wetland 1 is considered potentially jurisdictional.

Wetlands 2, 3, 6, and 7 are small depressional PEMs within maintained ROW at the Cardinal Drive Interchange in the southern portion of the project area. Wetland 5 is a man-made depressional PEM

created adjacent to a pile of roadway waste consisting of concrete, rocks, and gravel. Wetland 5 is located within maintained ROW of the Cardinal Drive Interchange between US 69 and the southbound frontage road. Wetlands 2, 3, 5, 6, and 7 are located outside of the 100-year floodplain with no surface water connections observed. Wetlands 2, 3, 5, 6, and 7 are considered potentially non-jurisdictional.

Wetland 4 is a small depressional Palustrine Forested wetland (PFO) located within a forested section of the maintained ROW of the Cardinal Drive Interchange. Wetland 8 is a small depressional PFO within a large forested section adjacent to the project area. Wetland 8 is south of the existing eastbound frontage road, southeast of the Cardinal Drive Interchange, and approximately 330 feet northwest of Stream 11 (unnamed tributary of Hillebrandt Bayou). The forested section is located between the existing eastbound frontage roads and a berm along an unnamed tributary of Hillebrandt Bayou. During field observations, Water 8 did not have any surface water connections to any other potential WOUS. The nearest water (Stream 11) is a modified stream with an approximate 10-foot berm along its northern boundary. No culverts or drainage pipes were observed leading from Wetland 8. Wetlands 4 and 8 are located outside of the 100-year floodplain with no surface water connections observed. Wetlands 4 and 8 are potentially considered non-jurisdictional.

Fourteen stream features were delineated within the project area. The stream features consist of twelve unnamed tributaries of Hillebrandt Bayou (Stream 1 and Stream 4-14), Hillebrandt Bayou (Stream 2), and the Port Arthur Canal (Stream 3). The Port Arthur Canal is bordered by the Port Arthur Canal Levee to the south and the Valley Authority Canal Levee to the north. These levees are present as embankments immediately adjacent to the banks of the Port Arthur Canal to prevent overflow. The Canal is elevated and crosses above Hillebrandt Bayou under I-10 within the project area (see Photos 2 and 3 in **Appendix B**). The location of the Levees is included in **Appendix A, Figure 8**. Sections of Stream 1, 4, and 7, and all of Streams 11-14 as they pass through the project area, are culverted. The Port Arthur Canal terminates at its confluence with Taylor Bayou in Port Arthur, Texas. Taylor Bayou is likely tidally influenced here and the Port Arthur Canal contributes surface water flow to Taylor Bayou. Hillebrandt Bayou flows into Taylor Bayou southeast of the project area. Taylor Bayou eventually flows into the Intracoastal Waterway. All streams delineated within the project area are considered potentially jurisdictional.

The WOUS, including wetlands delineated within the project area are shown on **Appendix A, Figure 3**. Additionally, each of the data collection points as observed during investigation are depicted on **Appendix A, Figure 3**. The WOUS, including wetlands are summarized in **Table 1**. Representative photographs of the WOUS, including wetlands can be found in **Appendix B**.

Table 1: Waters of the U.S., Including Wetlands

Feature Name	Feature Type	Area (Acres)	Length (Linear Feet)	Potential Jurisdiction
Wetlands				
Wetland 1	PEM	0.01	NA	Jurisdictional
Wetland 2	PEM	0.03	NA	Non-jurisdictional
Wetland 3	PEM	0.04	NA	Non-Jurisdictional
Wetland 4	PFO	0.12	NA	Non-Jurisdictional
Wetland 5	PEM	0.38	NA	Non-Jurisdictional
Wetland 6	PEM	0.04	NA	Non-Jurisdictional
Wetland 7	PEM	0.09	NA	Non-Jurisdictional
Wetland 8	PFO	0.01	NA	Non-Jurisdictional
Streams				
Stream 1	Perennial Stream	NA	17.79	Jurisdictional
Stream 1 - Culvert	Perennial Stream	NA	388.85	Jurisdictional
Stream 2	Perennial Stream	NA	528.56	Jurisdictional
Stream 3	Perennial Stream	NA	571.94	Jurisdictional
Stream 4	Perennial Stream	NA	21.51	Jurisdictional
Stream 4 - Culvert	Perennial Stream	NA	170.49	Jurisdictional
Stream 5	Intermittent Stream	NA	37.09	Jurisdictional
Stream 6	Perennial Stream	NA	13.93	Jurisdictional
Stream 7	Perennial Stream	NA	8.78	Jurisdictional
Stream 7 - Culvert	Perennial Stream	NA	401.22	Jurisdictional
Stream 8	Perennial Stream	NA	40.31	Jurisdictional
Stream 9	Ephemeral Stream	NA	10.65	Jurisdictional
Stream 10	Perennial Stream	NA	106.01	Jurisdictional
Stream 11- Culvert	Perennial Stream	NA	411.13	Jurisdictional
Stream 12 - Culvert	Perennial Stream	NA	309.89	Jurisdictional
Stream 13 - Culvert	Perennial Stream	NA	74.4	Jurisdictional
Stream 14 -Culvert	Perennial Stream	NA	296.11	Jurisdictional
Total Wetlands		0.72	NA	
Total Streams		NA	3,408.66	
PEM - Palustrine Emergent Wetland, PFO - Palustrine Forested Wetland, NA - Not Applicable				

The proposed project could impact up to 0.72 acres of wetlands, which would require an IP if all the wetlands are determined to be jurisdictional by the USACE. However, an Approved Jurisdictional Determination (AJD) form has been prepared proposing 0.71 acres of wetlands delineated within the project area be considered non-jurisdictional, isolated wetlands. Impacts to the remaining 0.01-acre jurisdictional wetland would require a USACE Nationwide Permit 14. A preconstruction notification (PCN) shall be submitted to the USACE prior to commencing the activity if the loss of WOUS exceeds 1/10 of an acre or if there is a discharge in a special aquatic site, including wetlands.

Additionally, per the USACE Galveston District General Conditions, compensatory mitigation would be required for any discharges that result in a loss of WOUS that exceed 1/10 of an acre and for all losses to streams that exceed 200 linear feet. If the USACE determines Wetlands 2-8 to be non-jurisdictional, compensatory mitigation would likely not be required since jurisdictional wetlands within the project area would be less than 1/10 of an acre. Streams 2 (Port Arthur Canal) and 3 (Hillebrandt Bayou) are the only streams that have more than 200 linear feet non-culverted within the project area. There is an existing bridge over Stream 3 (Hillebrandt Bayou) that is proposed to be widened as a result of the project. Stream 2 (Port Arthur Canal) is not anticipated to be altered as a result of the proposed project. Permitting and mitigation is not required for impacts to streams that are already culverted. Therefore, the proposed project is not likely to impact more than 200 linear feet at any single and complete crossing.

No coordination has been initiated with the USACE as of the date of this report. All findings are based on actual field data and are not to be considered a jurisdictional determination. The USACE has final determination on the jurisdiction of all features identified within the project area.

4.4. Section 408/Section 14 Rivers and Harbors Act

Section 14 of the Rivers and Harbors Act, commonly referred to as Section 408, authorizes the Secretary of the Army, on the recommendation of the USACE, to grant permission for the alteration, occupation, or use of a USACE civil works project, given that the activity will not be injurious to the public interest or impair the usefulness of the project.

According to the USACE National Levee Database, the Port Arthur Canal, as it crosses through the project area, is bordered to the south by the Port Arthur Canal Levee 1 and to the north by the Valley Authority Canal Levee – 1. Coordination with the USACE 408 Review will be initiated as part of the Section 404 permitting process. Compliance with Section 408 shall be confirmed prior to construction of the proposed project.

4.5. Section 303 (d), Clean Water Act /Impaired Waters

The proposed project is located in the Neches-Trinity Coastal Basin. The project area is located within the Sabine Lake Watershed, Hydrologic Unit Code (HUC) 12040201. Hillebrandt Bayou, Port

Arthur Canal, as well as unnamed tributaries of Hillebrandt Bayou flow through the project area. Hillebrandt Bayou flows into Taylor Bayou southeast of the project area. Taylor Bayou eventually flows into the Intracoastal Waterway. The majority of surface water within the project area flows into roadside ditches and culverts located throughout the project area.

The TCEQ 303(d) List identifies water bodies for which effluent limitations are not stringent enough to implement water quality standards, and for which the associated pollutants are suitable for measurement by a total maximum daily load (TMDL). A Category 5b water body, signifies that a review of the standards for one or more parameters will be conducted before a management strategy is selected. A Category 5c water body, signifies that additional data or information is to be collected and/or evaluated for one or more parameters before a management strategy is selected.

The TCEQ requires specific coordination of projects that are within five linear miles upstream of a Section 303(d) listed stream. The proposed project is located within five linear miles upstream of a stream segment that is listed on the 2016 CWA Section 303(d) List (see **Table 2**). Hillebrandt Bayou (0704_02), from the confluence with Willow Marsh Bayou (0704A) upstream to a point 100 meters (110 yards) upstream of SH 124 in Jefferson County, is listed on the 303(d) List as a Category 5c impairment for bacteria. Hillebrandt Bayou (0704_01), from the confluence with Taylor Bayou Above Tidal (0701) upstream to confluence with Willow Marsh Bayou (0704A), is listed on the 303(d) List as a Category 5b impairment for depressed dissolved oxygen. The Second Submission of the Draft 2018 CWA Section 303(d) List has been published and the public comment period ends on July 1, 2019. The 2016 List was referenced for this report.

Table 2: TCEQ Impaired Waters

Watershed	Segment name	Segment number	Assessment unit number
Sabine Lake	Hillebrandt Bayou	0704	0704_02
Sabine Lake	Hillebrandt Bayou	0704	0704_01

Source: Draft 2016 Texas Integrated Report – Texas 303(d) List (Category 5)

The project area is located within five miles of and drains into an impaired segment; therefore, coordination with the TCEQ is required under TxDOT’s Memorandum of Understanding (MOU).

The proposed project is located within 5 linear miles of but does not drain into Pine Island Bayou (Section 0607), Neches River Tidal (Section 0601), and The Neches River (Section 0602). These three stream segments are within the Lower Neches Watershed. The project area does not drain into the Lower Neches Watershed.

To date, TCEQ has not identified (through either a TMDL or the review of project under the TCEQ MOU) a need to implement control measures beyond those required by the CGP on road construction projects. Therefore, compliance with a project’s CGP, along with coordination under

the TCEQ MOU for certain transportations projects, collectively meets the need to address impaired waters during the environmental review process. As required by the CGP, the project and associated activities shall be implemented, operated, and maintained using BMP's to control the discharge of pollutants from the project site. The proposed project would be coordinated under TxDOT's MOU with TCEQ. TCEQ Impaired Stream Map is included as **Appendix A, Figure 4**.

4.6. Edwards Aquifer Rules

The proposed project is not located within the recharge, transition, or contributing zones of the Edwards Aquifer, therefore the proposed project would not be subject to regulation under TCEQ's Edwards Aquifer rules.

4.7. Trinity River Corridor Development

The Trinity River Corridor Development Certificate (CDC) affirms local government authority for floodplain management and established a set of regional criteria and procedures for development within the Trinity River Corridor. The goal of the CDC is to stabilize flooding risks along the Trinity River Corridor in North Central Texas.

The proposed project is not located within the geographic boundaries of the CDC; therefore, the proposed project would not be subject to the CDC requirements.

4.8. General Bridge Act and Section 9 of the Rivers and Harbors Act

The General Bridge Act (GBA) of 1946 (33 USC 525-533) and Section 9 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 401-406) prohibit the unauthorized obstruction; including bridge construction or alteration of any navigable WOUS, unless the work has been authorized by permit from the U.S. Coast Guard (USCG).

Navigable waters in the area regulated by the Galveston USACE District are determined on a case-by-case basis by the Galveston USACE District and coordination with the USACE shall take place to determine navigability of Hillebrandt Bayou.

If Hillebrandt Bayou is determined not to be a navigable water, no further coordination under the GBA or Section 9 of the RHA is required. If Hillebrandt Bayou is determined to be navigable it would likely no longer be subject to the permitting requirements imposed by the GBA or Section 9 of the RHA because it is not used, and is not susceptible to use in its natural condition or by reasonable improvement as a means to transport interstate or foreign commerce and it is nontidal; or if it is tidal, used by vessels less than 21 feet in length.

A previous Bridge Project exemption was located on Hillebrandt Bayou approximately 14.5 miles downstream from the project area. The previous Bridge Project qualified for exemption from Coast Guard bridge permit requirements as documented in a Memorandum from the USCG District 8 dated March 6, 2018 (Reference number 16591C). The USCG memorandum is included as **Appendix C**.

4.9. Section 10 of the Rivers and Harbors Act

Section 10 of the RHA requires authorization from the USACE if the project involves structures or work in or over any navigable water, as defined by 33 CFR 329, and/or any obstruction or alteration of these waters.

Navigable waters in the area regulated by the Galveston USACE District are determined on a case-by-case basis by the Galveston USACE District and coordination with the USACE shall take place to determine navigability of Hillebrandt Bayou.

If Hillebrandt Bayou is determined not to be a navigable water no further coordination under Section 10 of the RHA is required. If Hillebrandt Bayou is determined to be a navigable water coordination would occur as part of the Section 404 USACE process.

4.10. EO 11990 - Protection of Wetlands

The purpose of Executive Order (EO) 11990 (Protection of Wetlands) is to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. Due to the nature of a design-build project, reconstructing existing interchanges and widening an existing transportation corridor, the proposed project requires potential construction in WOUS, including wetlands. If construction occurs in wetlands, a justification for no practicable alternatives shall be included in the project file. The project shall include all practicable measures to minimize harm to wetlands. The project shall be designed, and construction activities shall be managed in order to minimize potential harm to or within waters of the U.S, including wetlands, per Sections 2(a) and 5(a-c) of EO 11990.

4.11. EO 11988 - Floodplain Management

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) were reviewed to determine encroachments into the 100-year (1% annual chance) floodplain. The project area is located on Jefferson County FIRM panels 4854570035C, 4854570020C, and 4854570040D, effective on 08/06/2002. Portions of the project area directly adjacent to Hillebrandt Bayou are located within the 100-year floodplain. Additionally, the western edge of the project area and the majority of the Cardinal Drive Interchange is located in a 500-year floodplain. The remainder of the project area is located outside of the floodplain. A summary of the flood zone acreages is included in **Table 3** and the floodplain boundaries are depicted as **Appendix A, Figure 5**.

Table 3: Floodplains

Floodplain Type	Approximate Acreage of Floodplain within Project Area
Floodway (Floodway in Zone AE)	2.2 acres
100-Year Floodplain (Zone A and AE)	0.3 acres
500-Year Floodplain (Zone X-shaded)	142.5 acre
Outside of Floodplain (Zone X, not shaded)	317.6 acres

Note: All calculations were determined within the proposed project area.

Avoidance of floodplains for the proposed project is not possible due to the proposed project crossing an area of the floodplain perpendicularly. The proposed project is designed immediately adjacent to, and parallel to, the existing I-10 and US 69 roadways. Conveyance of unnamed tributaries of Hillebrandt Bayou through the project area was accomplished by installation of culverts. I-10 consists of a bridge crossing over Hillebrandt Bayou as the waterbody crosses through the project area. The existing I-10 bridge would be modified as a result of the project. The Port Arthur Canal as it crosses through the project area is an elevated aqueduct crossing over Hillebrandt Bayou and under the I-10 bridge. The Port Arthur Canal is not anticipated to be modified as a result of the project.

This project is subject to and will comply with federal Executive Order 11988 on Floodplain Management. The department implements this Executive Order on a programmatic basis through its Hydraulic Design Manual. Design of this project shall be conducted in accordance with the department's Hydraulic Design Manual. Adherence to the TxDOT Hydraulic Design Manual ensures that this project will not result in a "significant encroachment" as defined by FHWA's rules implementing Executive Order 11988 at 23 CFR 650.105(q).

4.12. International Boundary and Water Commission Licenses

The proposed project is not located within the floodplains of the United States International Boundary Water Commission (IBWC) flood control projects or ROW, therefore the IBWC requirements do not apply.

4.13. Wild and Scenic Rivers Act

Based on review of the list of wild and scenic rivers designated for Texas, no wild and scenic rivers are located within, or in the vicinity of, the project area. Therefore, requirements for the Wild and Scenic Rivers Act of 1968 do not apply.

4.14. Coastal Zone Management and Texas Coastal Management Program

Coastal Zone Management

In accordance with the federal Coastal Zone Management Act of 1972, for projects within or likely to affect land or water uses within the Texas Coastal Management Area, consultation with the Texas General Land Office (GLO) is required. Portions of the proposed project south and east of I-10 are located within the Texas Coastal Management Program (TCMP) boundary; therefore, the TCMP applies to the proposed project.

Transportation construction projects within the coastal management zone shall comply with the policies listed in 31 TAC §501.31.

Coastal Natural Resource Areas

The purpose of the TCMP is to improve the management of the State’s Coastal Natural Resource Area (CNRA). CNRAs include resources such as coastal wetlands, coastal shore areas, tidal sand or mud flats, water under tidal influence, and special hazard areas. Floodplains and potential wetlands located within the project area south and east of I-10 could be considered CNRAs. The proposed project would achieve consistency with the TCMP by appropriate permitting of impacts on resources within CNRAs. **Table 4** lists the potential CNRA locations within the project area.

Once the scope of the project is finalized, TxDOT can prepare a self-certifying CMP consistency statement. In addition, the GLO application and statement shall be delivered to the Texas GLO Coastal Permit Service Center in Galveston as part of the USACE process.

Table 4: Coastal Natural Resource Areas within the Project Area

CNRA Type	CNRA Locations	CNRA Description
Coastal Wetlands	All wetlands located south and east of I-10 (Wetlands 1, 6, 7, and 8) are within the CMP boundary.	Wetlands that lie within the coastal zone.
Coastal Shore Area	NA	An area within 100 feet landward of the high-water mark on submerged land.
Tidal Sand or Mud Flat	NA	A silt, clay, or sand substrate that occurs in intertidal areas and that are regularly or intermittently exposed and flooded by tides, including tides induced by weather.
Water Under Tidal Influence	NA	Waters and wetlands that are subject to tidal influence.
Coastal Preserve	NA	Any land, including a park or wildlife management area, which is owned by the state and is subject to Chapter 26, Texas Parks and Wildlife Code.

CNRA Type	CNRA Locations	CNRA Description
Coastal Historic Area	NA	A site that is a state archaeological landmark and coastal in character.
Special Hazard Area	Portions of the project area are located within the 100-year floodplain.	All floodplains that are categorized as zones: A, AE, or VE inside of the project area are defined as special hazard areas as part of the Coastal Management Plan.

4.15. Coastal Barrier Resources Act

The proposed project is not located within any Coastal Barrier Resource System (CBRS) unit; therefore, coordination with the U.S. Fish and Wildlife Service (USFWS) is not required for this resource.

4.16. General Land Office Memorandum of Understanding

The TxDOT and the GLO executed a MOU in 2006 that outlines the requirements to acquire a lease from the GLO when a transportation project requires new ROW or expansion of existing ROW over State-owned land covered by the MOU, defined as real property owned by the State of Texas and under the management of the GLO, including non-tidally influenced State-owned riverbeds and beds of navigable streams in the public domain, and state submerged lands.

Through review of parcel information based on the Jefferson County Appraisal District information and the GLO Lease & Land Mapping Viewer, no GLO land was determined to be within the project area; however, if parcels for any additional ROW and/or easements involve GLO land, then coordination with GLO would occur during the ROW acquisition phase of this project.

5. Conclusion

A total of eight wetlands (0.72 acres) and fourteen streams (3,408.66 linear feet) were delineated within the project area. Of the delineated features within the project area, it is anticipated that one wetland (0.01 acres) and fourteen streams (3,408.66 linear feet) would be considered potentially jurisdictional. It is likely a USACE Nationwide Permit will be required for the proposed project; however, an AJD form for the USACE has been prepared. If impacts to jurisdictional wetlands exceed 0.5 acre on this project, an IP will be required. The proposed project is located within five linear miles of a 303(d) listed impaired stream; therefore, BMPs shall be used during construction and maintenance. The proposed project is located within the 100-year floodplain; therefore, coordination with appropriate state and local floodplain administrators shall be conducted. The proposed project is located within the TCMP boundary; therefore, the project shall comply with appropriate permitting of any impacts to CNRA. Based on the findings of this Technical Report for Water Resources, the proposed project would not have significant effects on water resources within the study area. **Table 5** below lists specific water quality issues evaluated and gives a brief synopsis of potential commitments and/or permits needed for each resource.

Table 5: Water Quality Permits, Issues and Commitments

Federal and State Regulations	Commitments and Permits
Section 401	<ul style="list-style-type: none"> The proposed project meets the requirements for a TCEQ Water Quality Certification Tier I. BMPs for water quality, including erosion, sedimentation, and post-construction TSS controls, shall be utilized.
Section 402	<ul style="list-style-type: none"> A Notice of Intent (NOI) shall be submitted to TCEQ and to the City of Beaumont, a MS4 operator. A SWP3 shall be prepared and implemented.
Section 404	<ul style="list-style-type: none"> It is anticipated that the proposed project would impact jurisdictional waters, including wetlands, requiring a Section 404 Nationwide Permit. If the proposed isolated wetlands are determined to be jurisdictional through a jurisdictional determination by the USACE and the project impacts 0.5 acres or more, an IP would be required. Direct and indirect impact acreages and linear feet must be determined to prepare a Section 404 permit. Coordination with the USACE shall be conducted prior to construction of the project.
Section 408	<ul style="list-style-type: none"> Any impacts to the Port Arthur Canal would be determined during the Section 404 permitting with the USACE. Compliance with Section 408 shall be confirmed prior to construction of the project.
TCEQ 303(d) List	<ul style="list-style-type: none"> 303(d) coordination with TCEQ shall be conducted.
EO 11988 - Floodplain	<ul style="list-style-type: none"> The final hydraulic design shall be in accordance with the applicable federal, state, and local policies and in accordance with 23 CFR 650.113.
TCMP and CNRA	<ul style="list-style-type: none"> A TCMP consistency statement and application shall be completed and delivered to the GLO Coastal Permit Service Center as part of the USACE permit process.

These commitments are specific to TxDOT EPIC sheets to accompany general environmental commitments utilized in every TxDOT construction project.

6. References

- Cowardin, L.M., et. al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish and Wildlife Service.
- Federal Emergency Management Agency, Flood Insurance Rate Map, panels 4854570035C, 4854570020C, and 4854570040D, effective 8/6/2002.
- Jefferson County Appraisal District. 2019. Retrieved from <http://www.icad.org/>.
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- Texas Commission of Environmental Quality. October 17, 2018. 2016 Texas Integrated Report Texas 303(d) List. Retrieved from www.tceq.state.tx.us.
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- U.S. Army Corps of Engineers. January 1987. Corps of Engineers Wetland Delineation Manual.
- U.S. Army Corps of Engineers. May 30, 2007. Jurisdictional Determination Form Instructional Guidebook.
- U.S. Army Corps of Engineers. November 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region.
- U.S. Fish & Wildlife Service. 2019. Coastal Barrier Resources System Map.

APPENDIX A: FIGURES

Figure 1: Project Vicinity Map

Figure 2: Project Location Map

Figure 3: Wetland Delineation Map

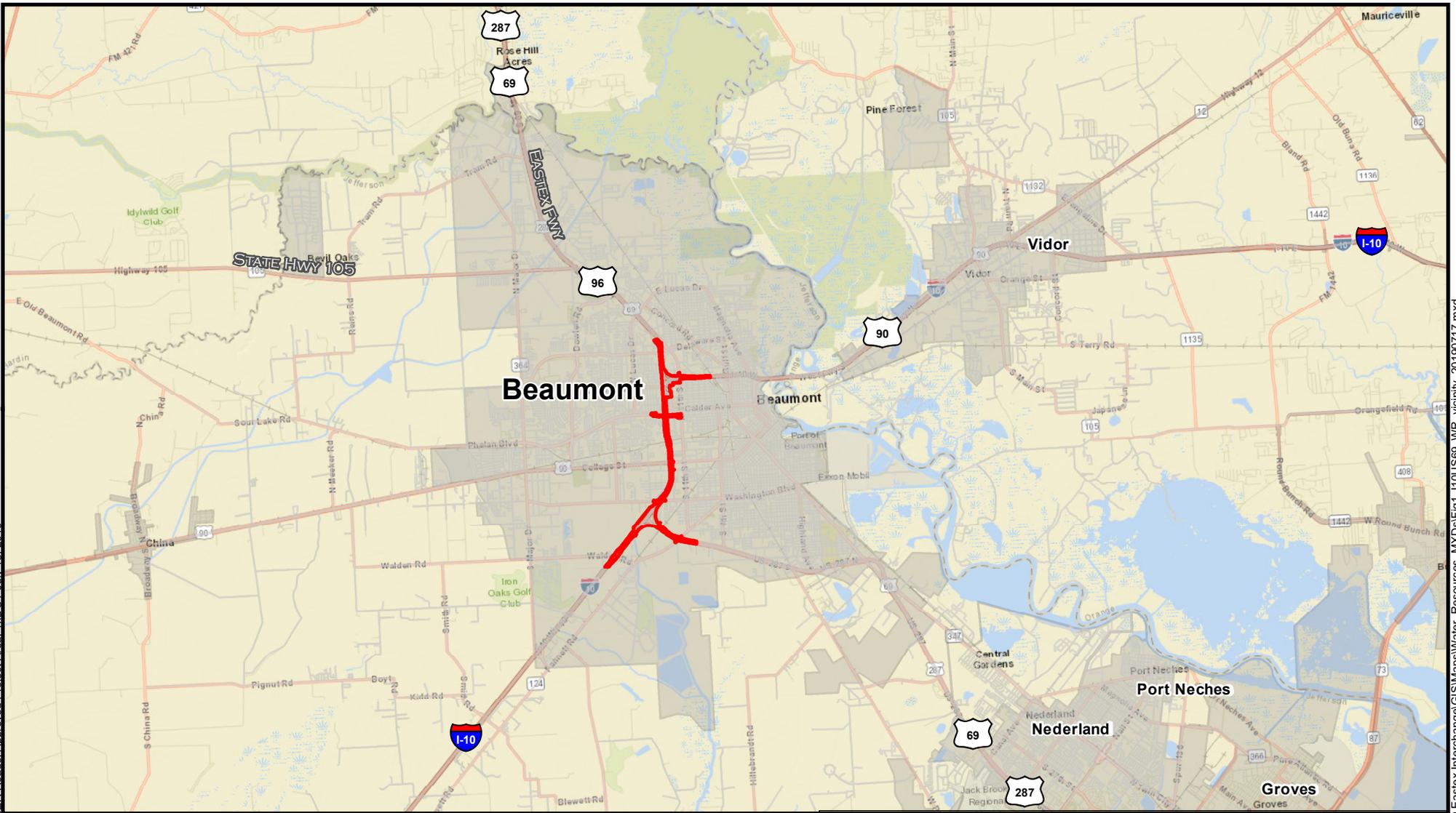
Figure 4: TCEQ Impaired Streams Map

Figure 5: FEMA Floodplain Map

Figure 6: Coastal Management Zone Map

Figure 7: Coastal Barrier Resources System Map

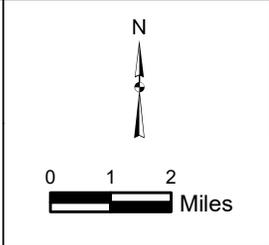
Figure 8: Levee Location Map



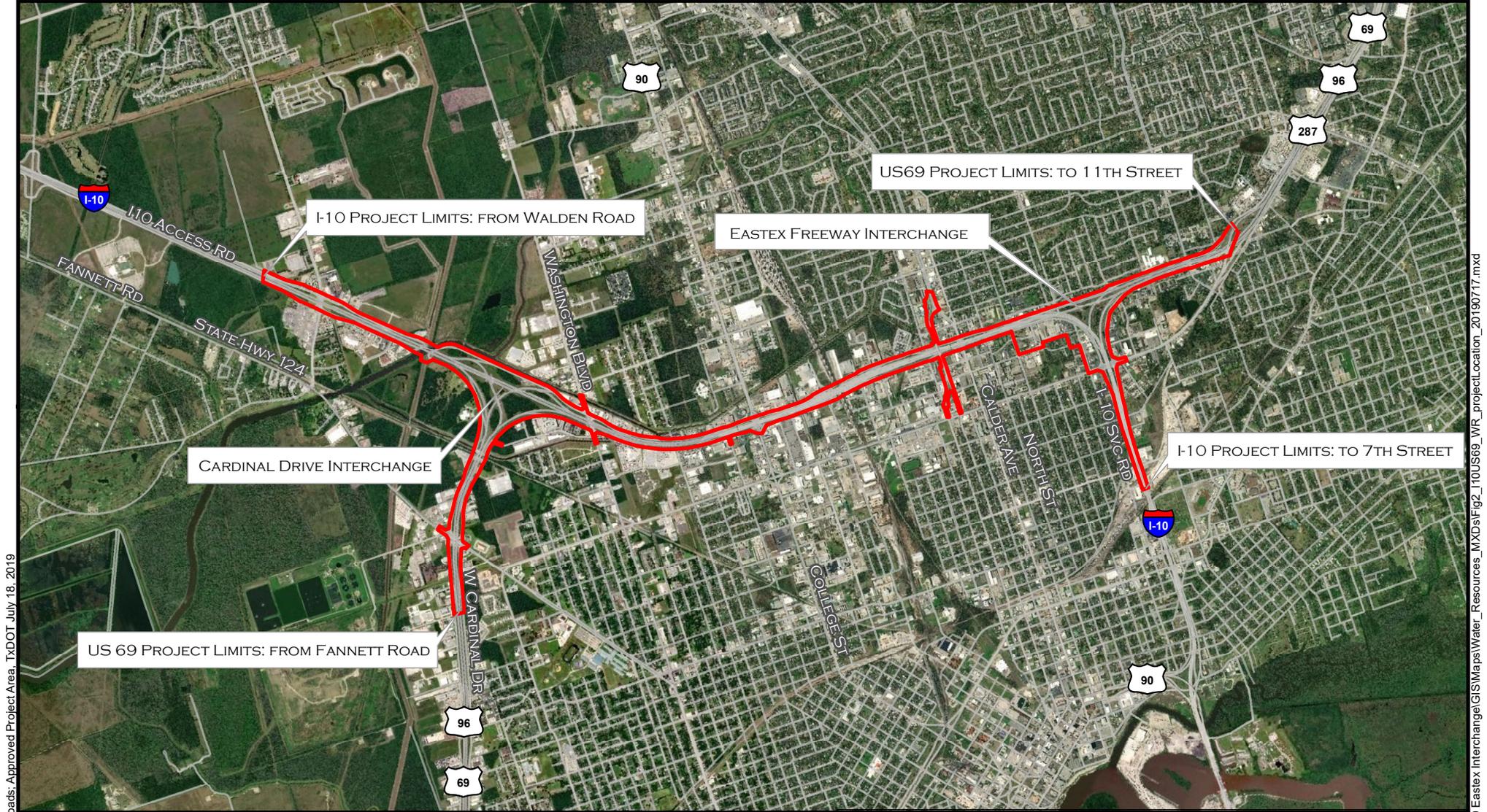
 PROJECT AREA



10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 VICINITY MAP
 JEFFERSON COUNTY, TEXAS

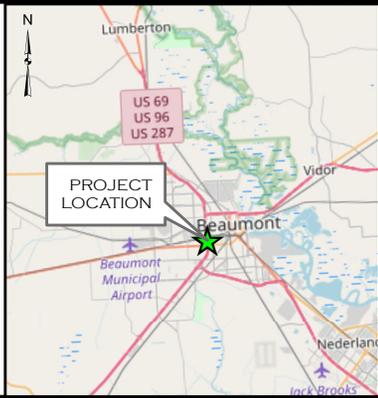


APPENDIX A
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 JULY 2019

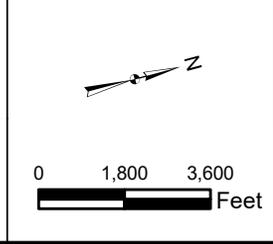


Sources: ESRI Aerial 2017; Open Street Map; TIGER Roads; Approved Project Area; TXDOT July 18, 2019

 PROJECT AREA



10/69 INTERCHANGES PROJECT
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 PROJECT LOCATION MAP
 JEFFERSON COUNTY, TEXAS



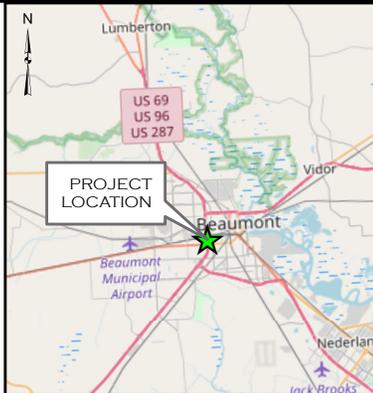
APPENDIX A
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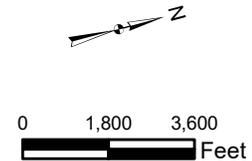


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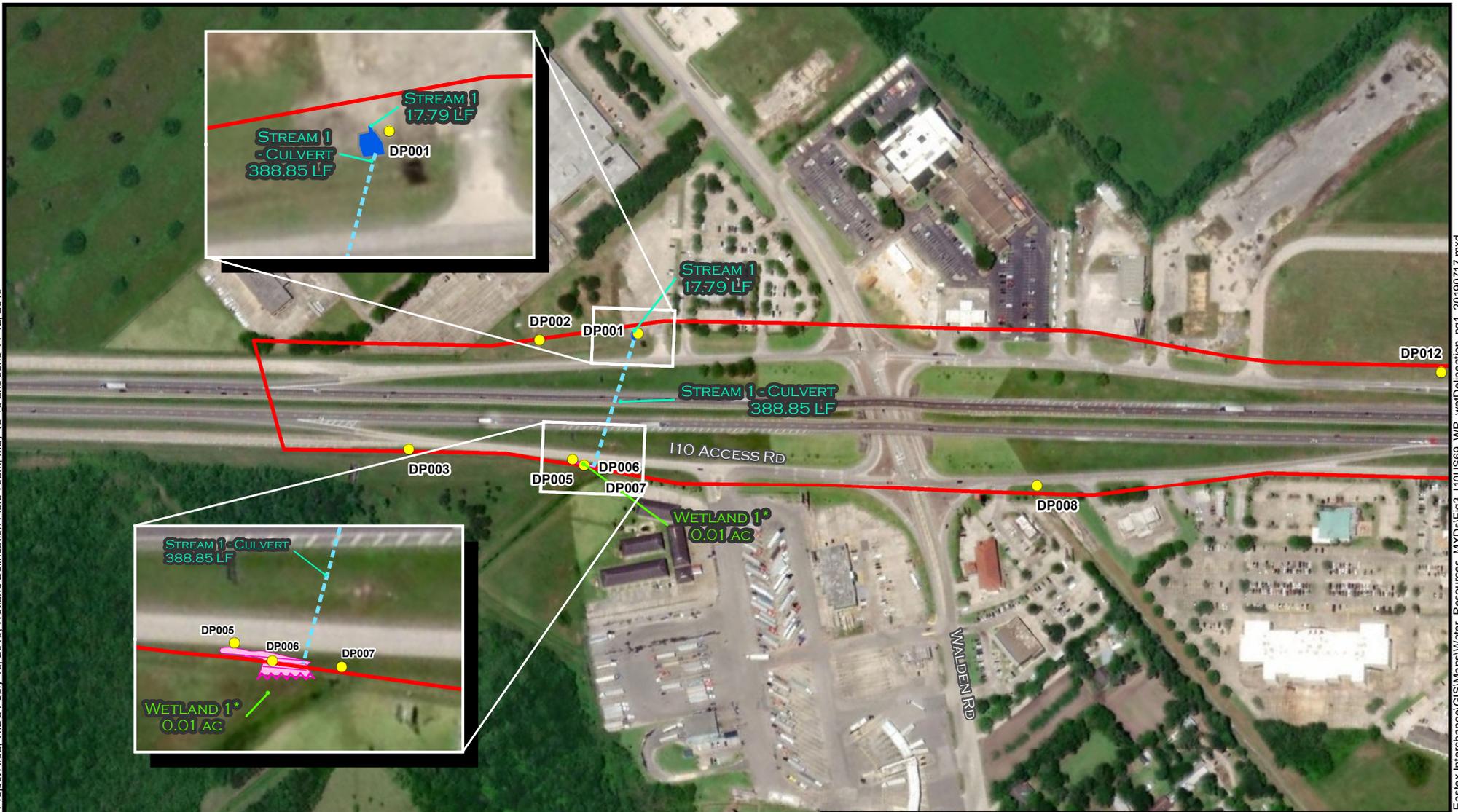
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 WETLAND DELINEATION OVERVIEW

JEFFERSON COUNTY, TEXAS



APPENDIX A
 FIGURE 3

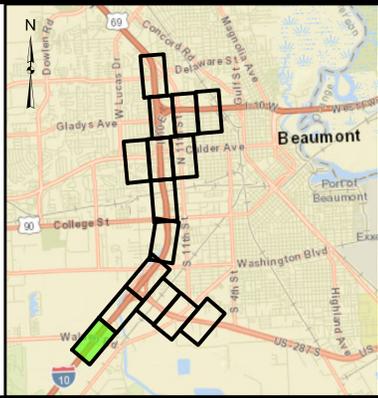
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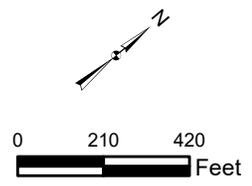
- DATA POINTS
- CULVERT
- STREAM
- PEM WETLAND
- PROJECT AREA

* Wetland continues beyond the project area

** The delineation of this project was in progress prior to the project area being finalized. DP004, DP021, DP028, DP030, DP031, and DP042 were taken outside of the revised project area and are not included in this report.

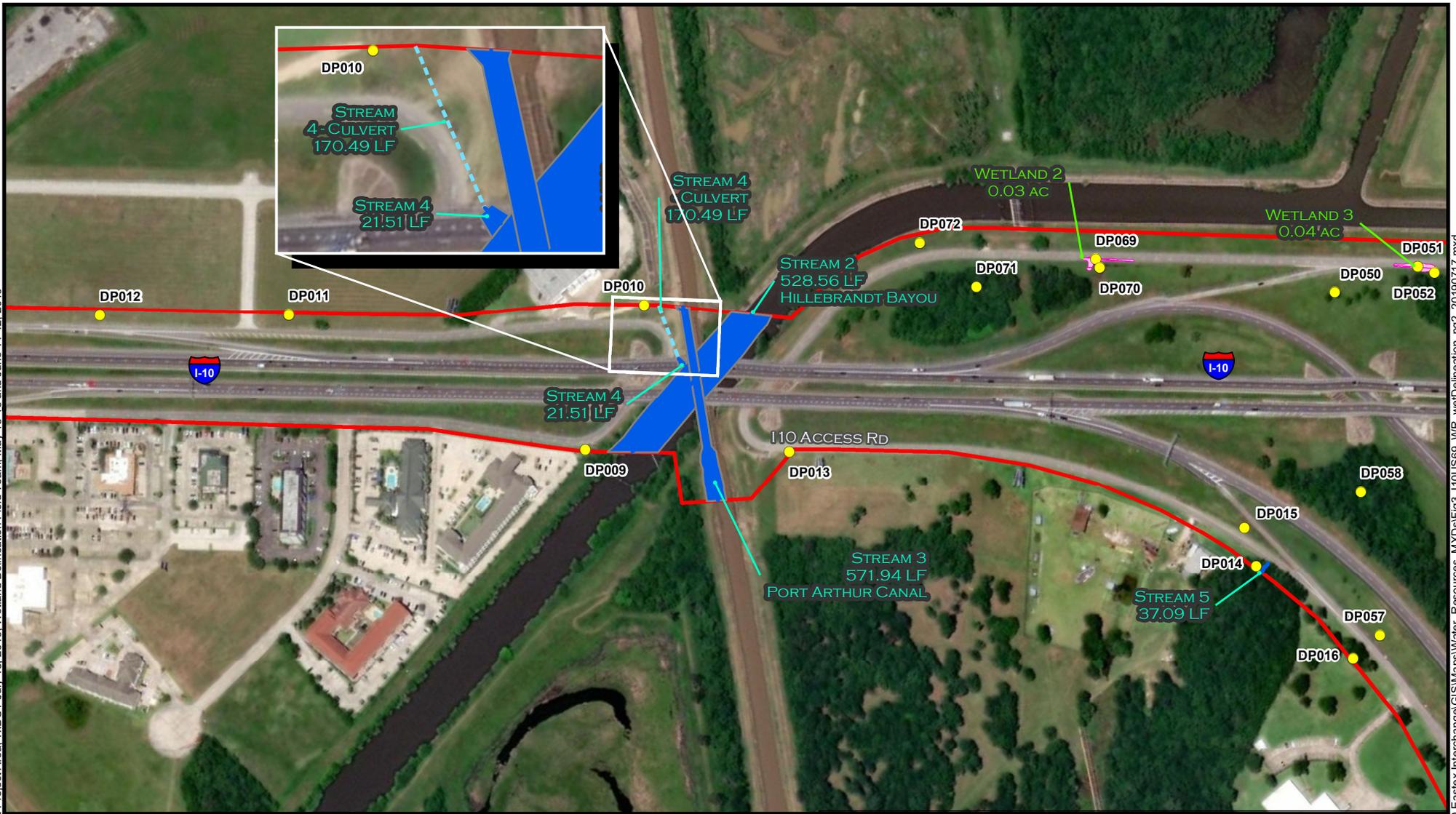


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 JEFFERSON COUNTY, TEXAS

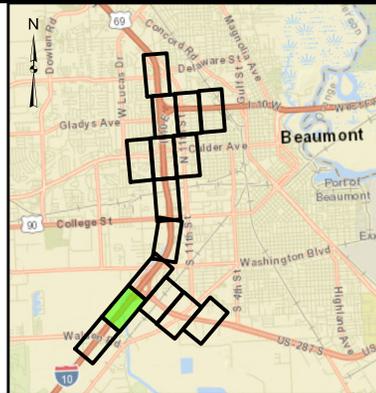


APPENDIX A
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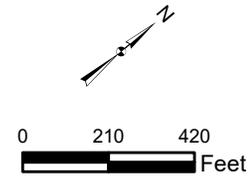
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- ▭ PROJECT AREA



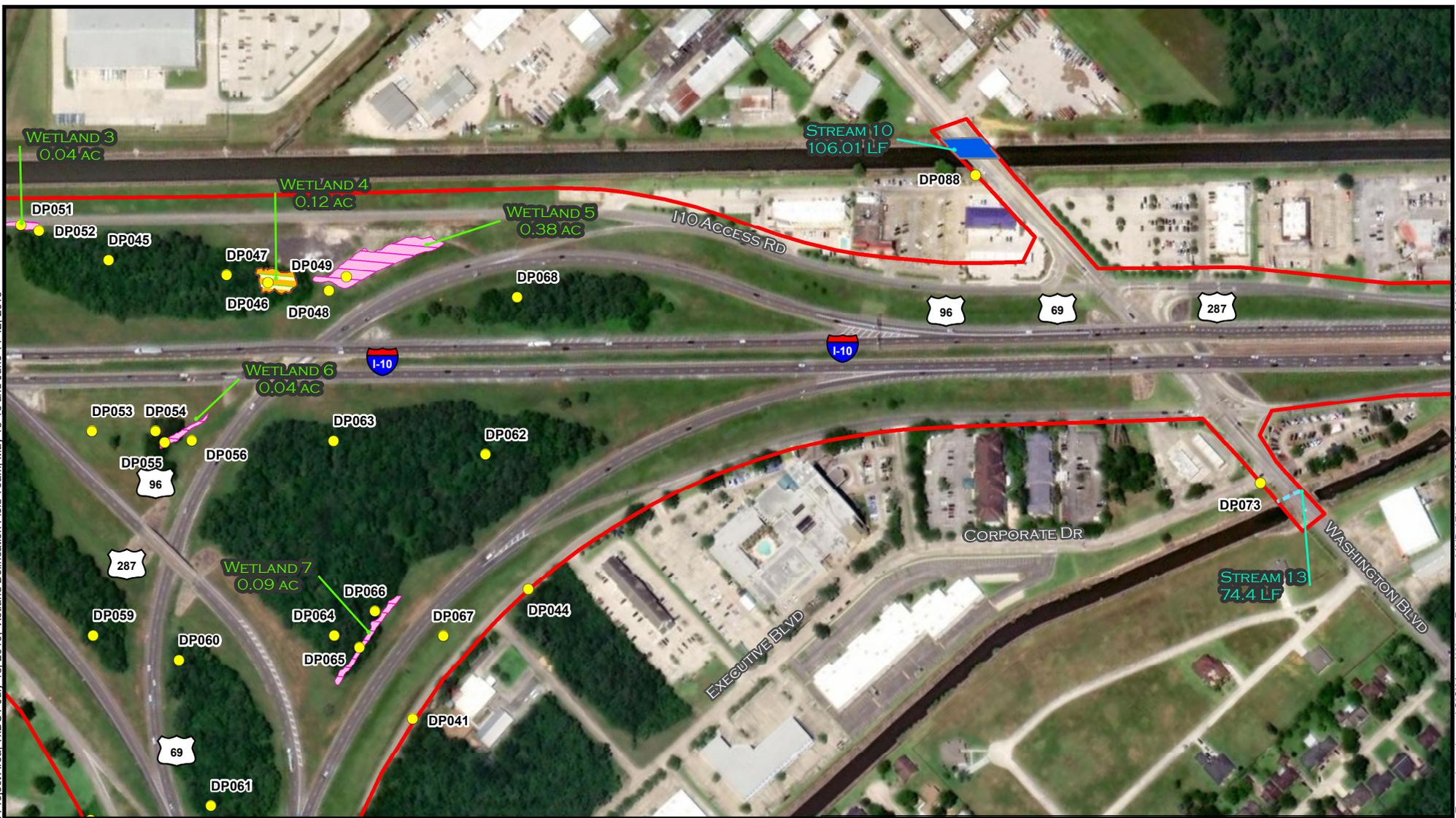
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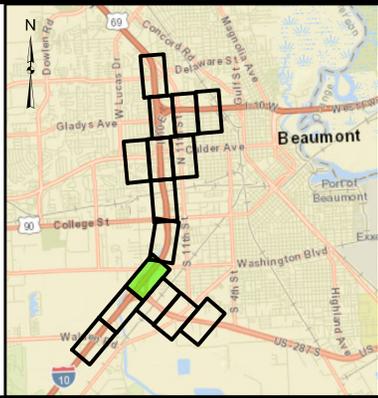
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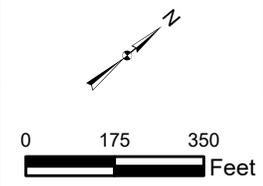
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- STREAM
- PEM WETLAND
- PFO WETLAND
- PROJECT AREA



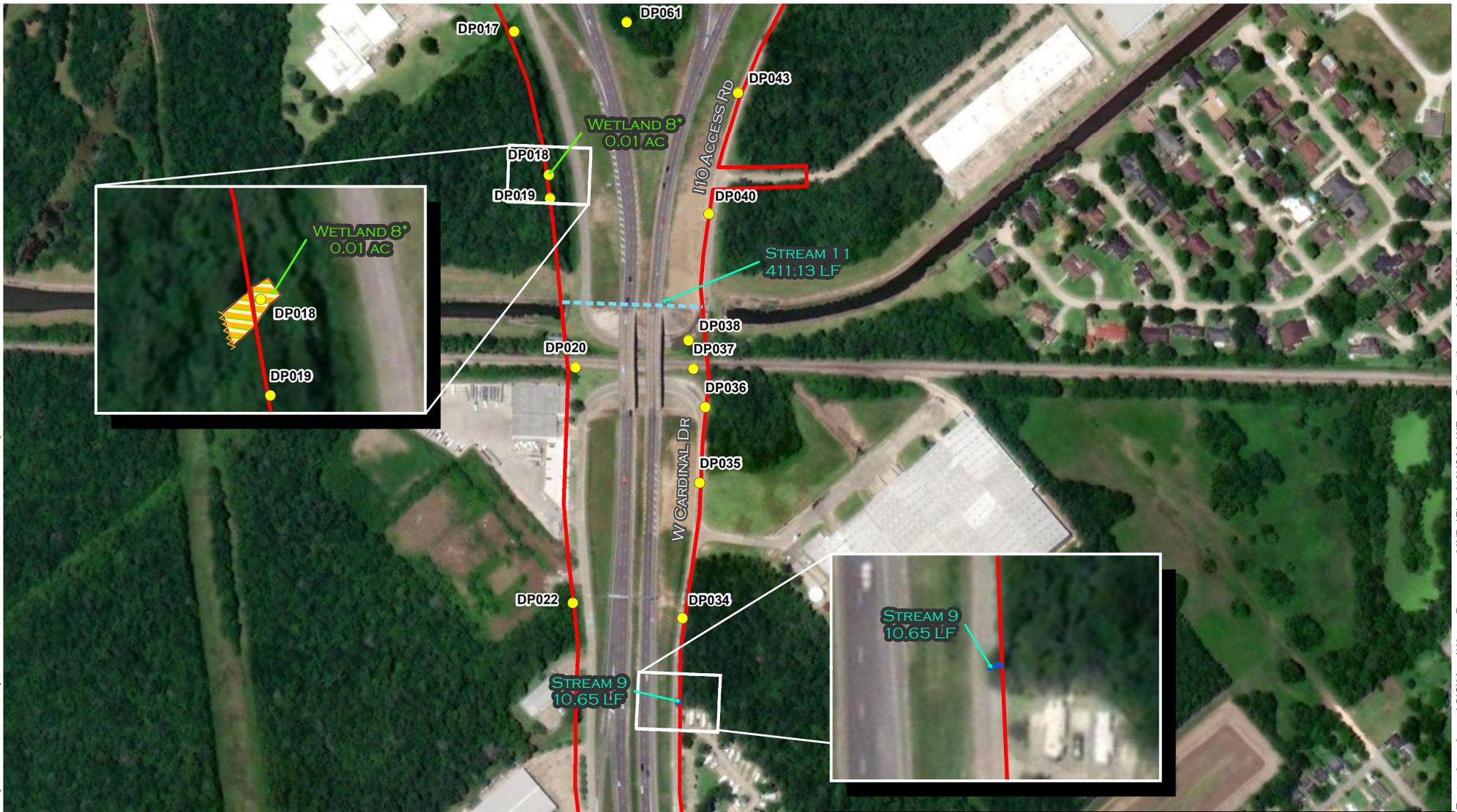
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 JEFFERSON COUNTY, TEXAS



APPENDIX A
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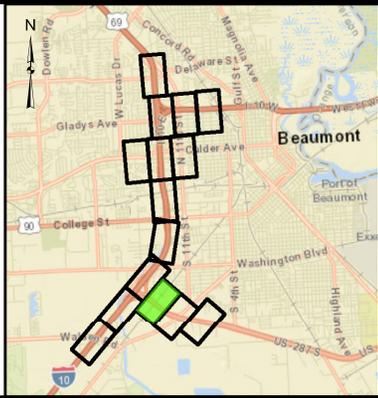
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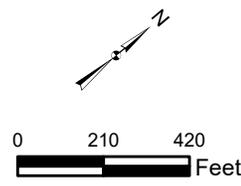


- DATA POINTS
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- STREAM
- PFO WETLAND
- PROJECT AREA

* Wetland continues beyond the project area

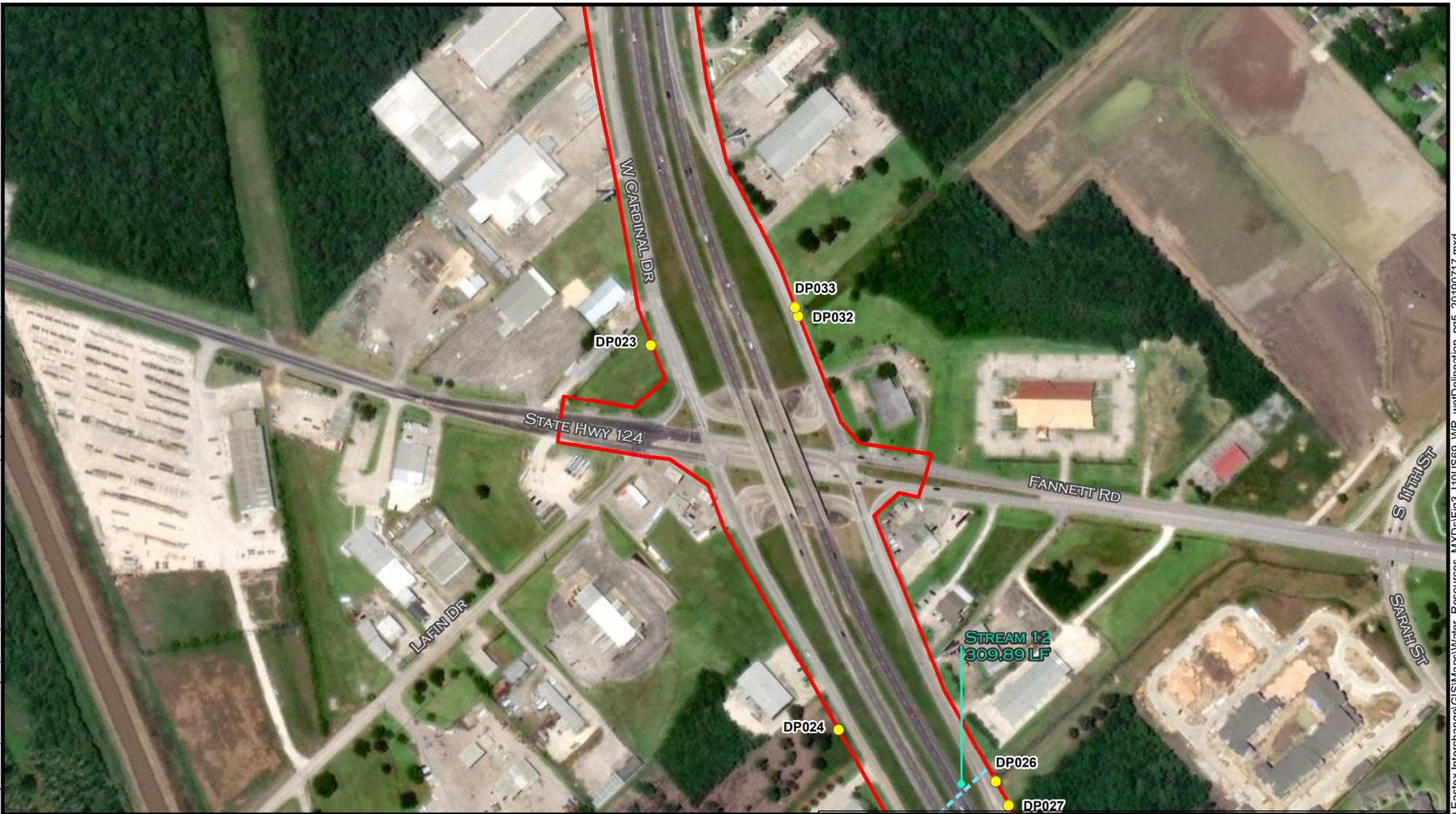


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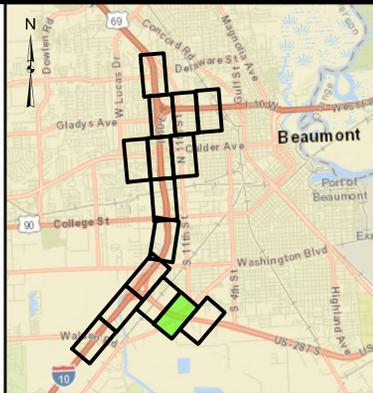


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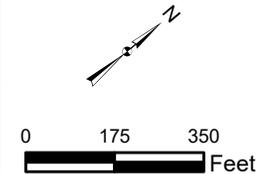
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10/69 INTERCHANGES PROJECT
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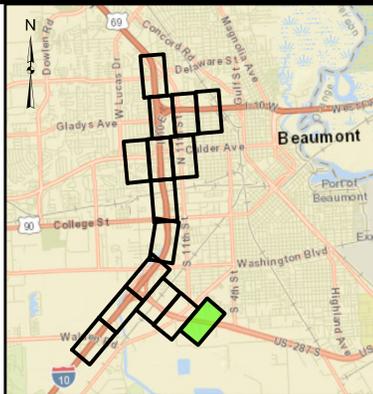


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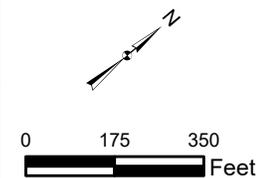
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- CULVERT
- PROJECT AREA



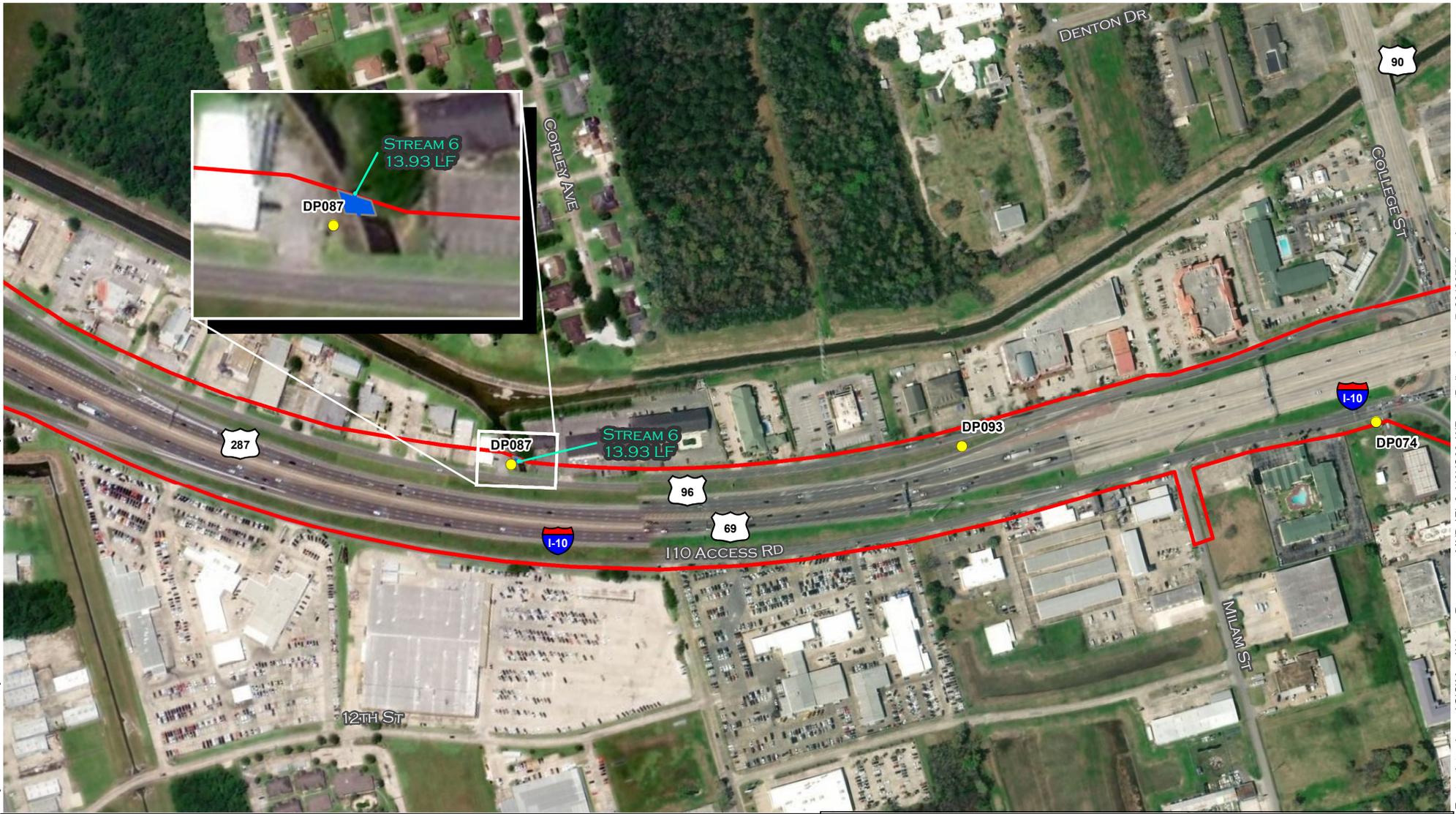
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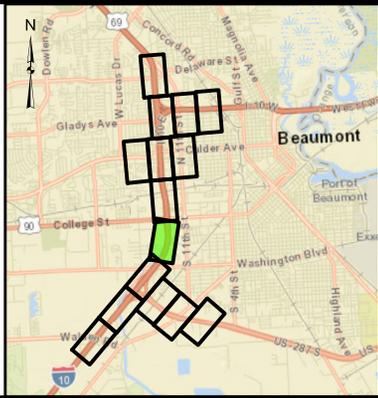
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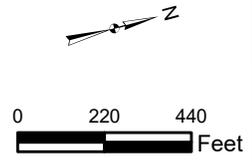
Sources: ESRI Aerial 2017, World Street Map, Approved Project Area, TxDOT July 18, 2019, Wetland Delineation Field Team, May 15-16 and June 11-12, 2019



- DATA POINTS
- STREAM
- PROJECT AREA



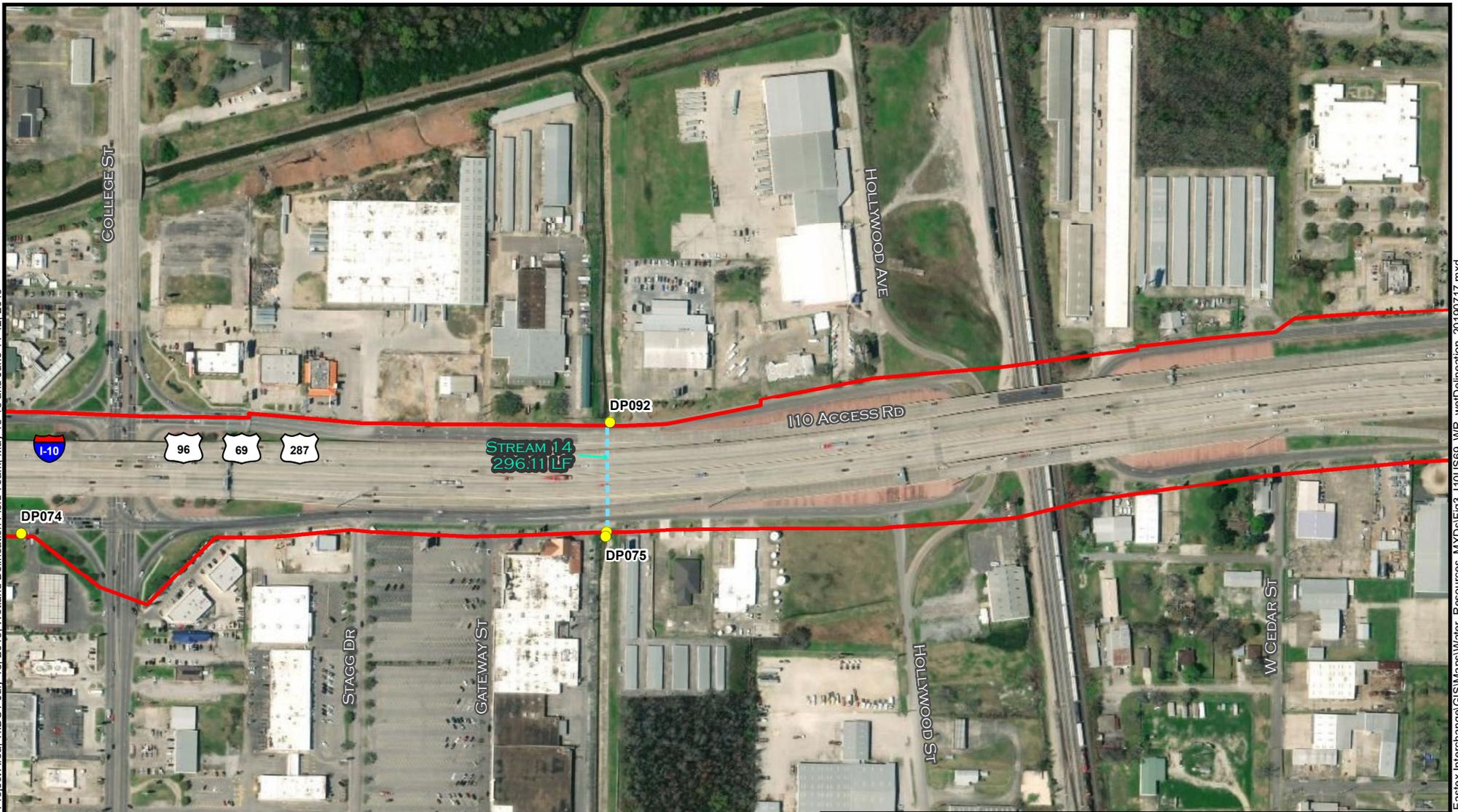
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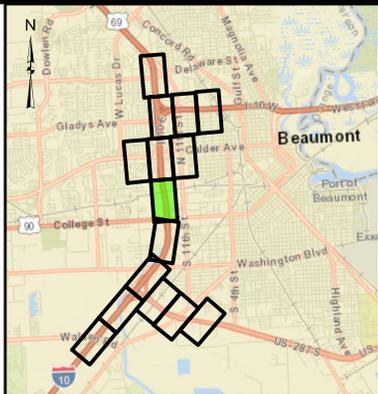
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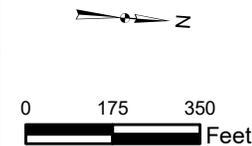
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10/69 INTERCHANGES PROJECT
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 JEFFERSON COUNTY, TEXAS

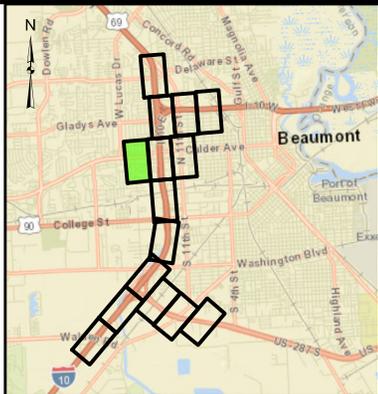


APPENDIX A
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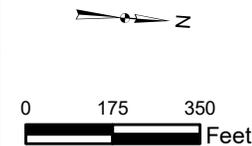
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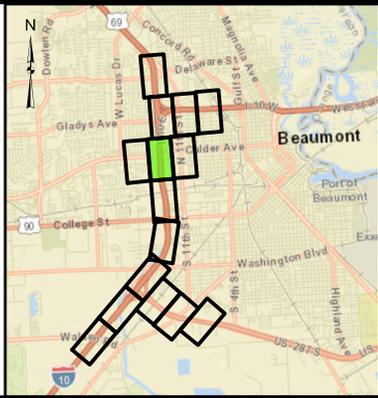


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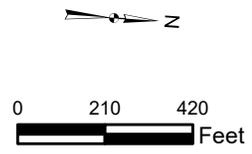
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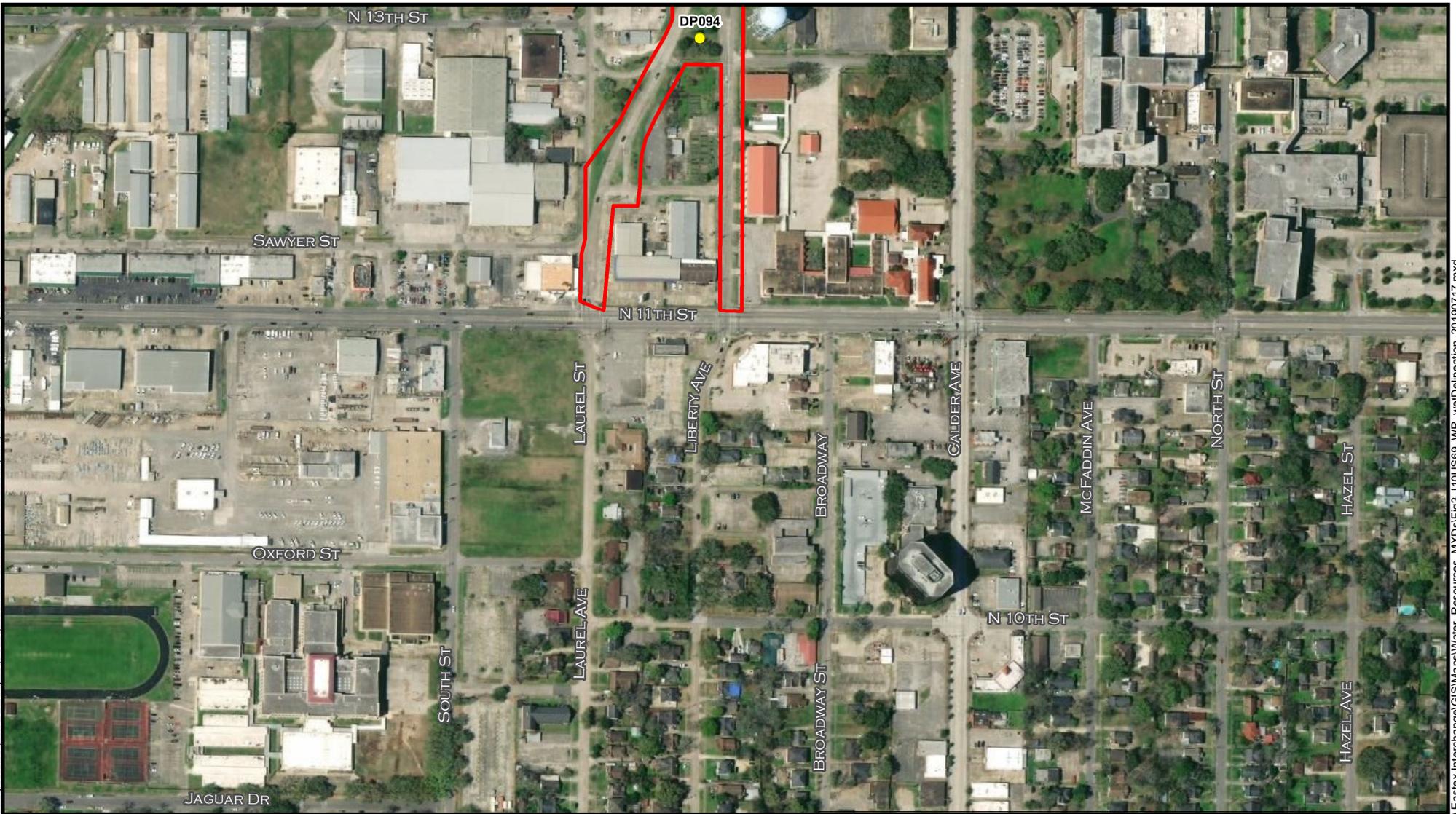


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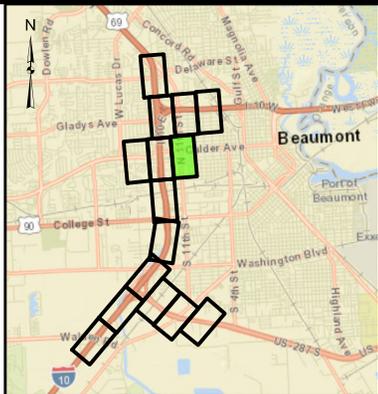


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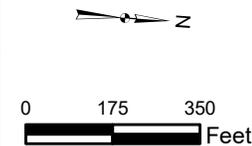
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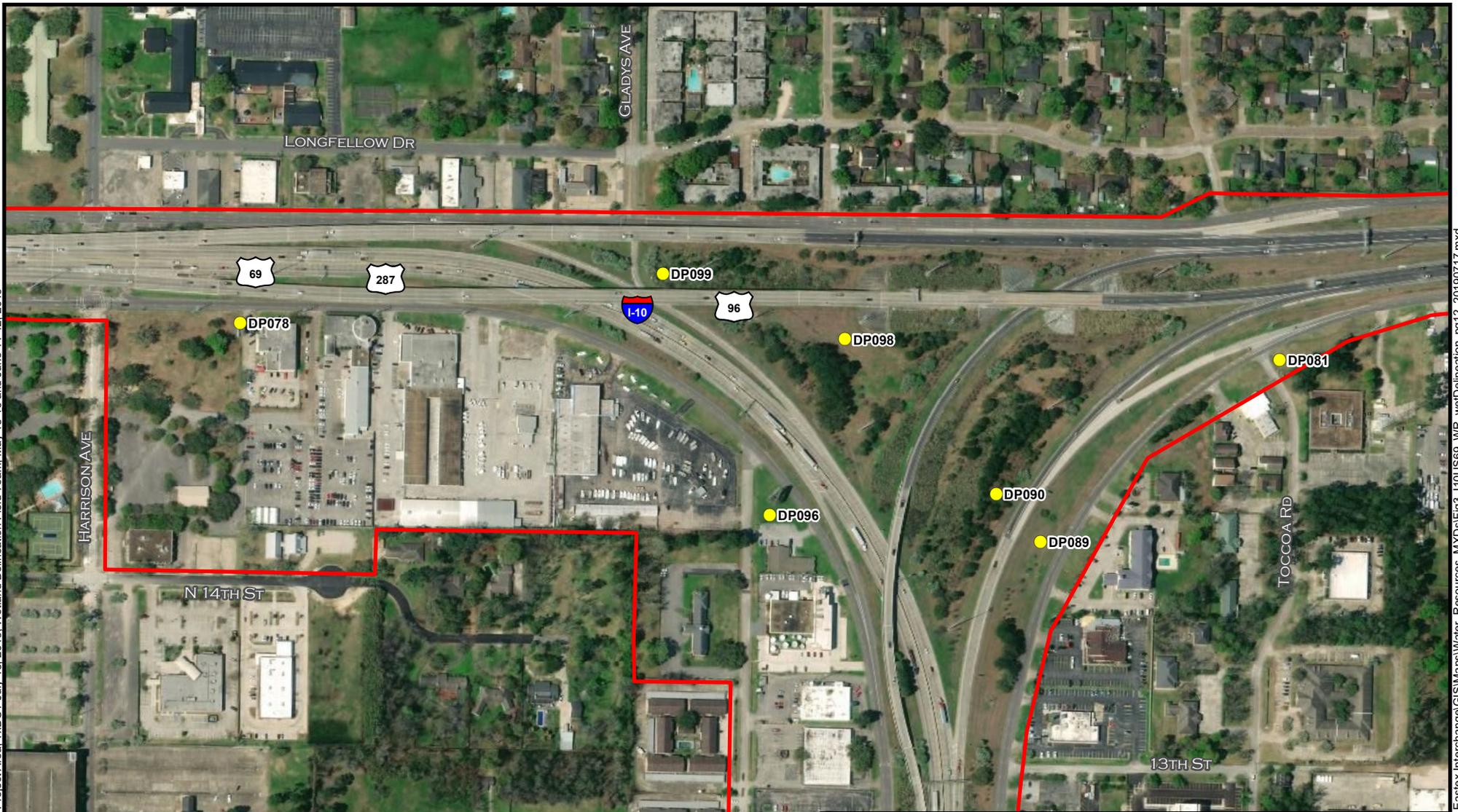


10/69 INTERCHANGES PROJECT
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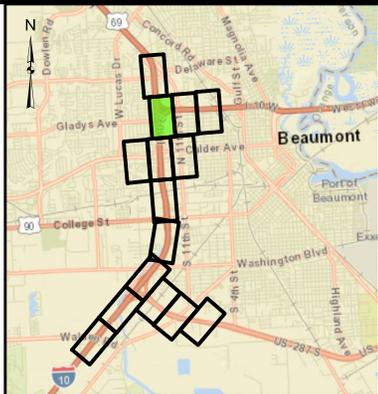


APPENDIX A
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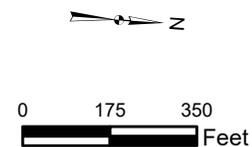
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- DATA POINTS
- PROJECT AREA

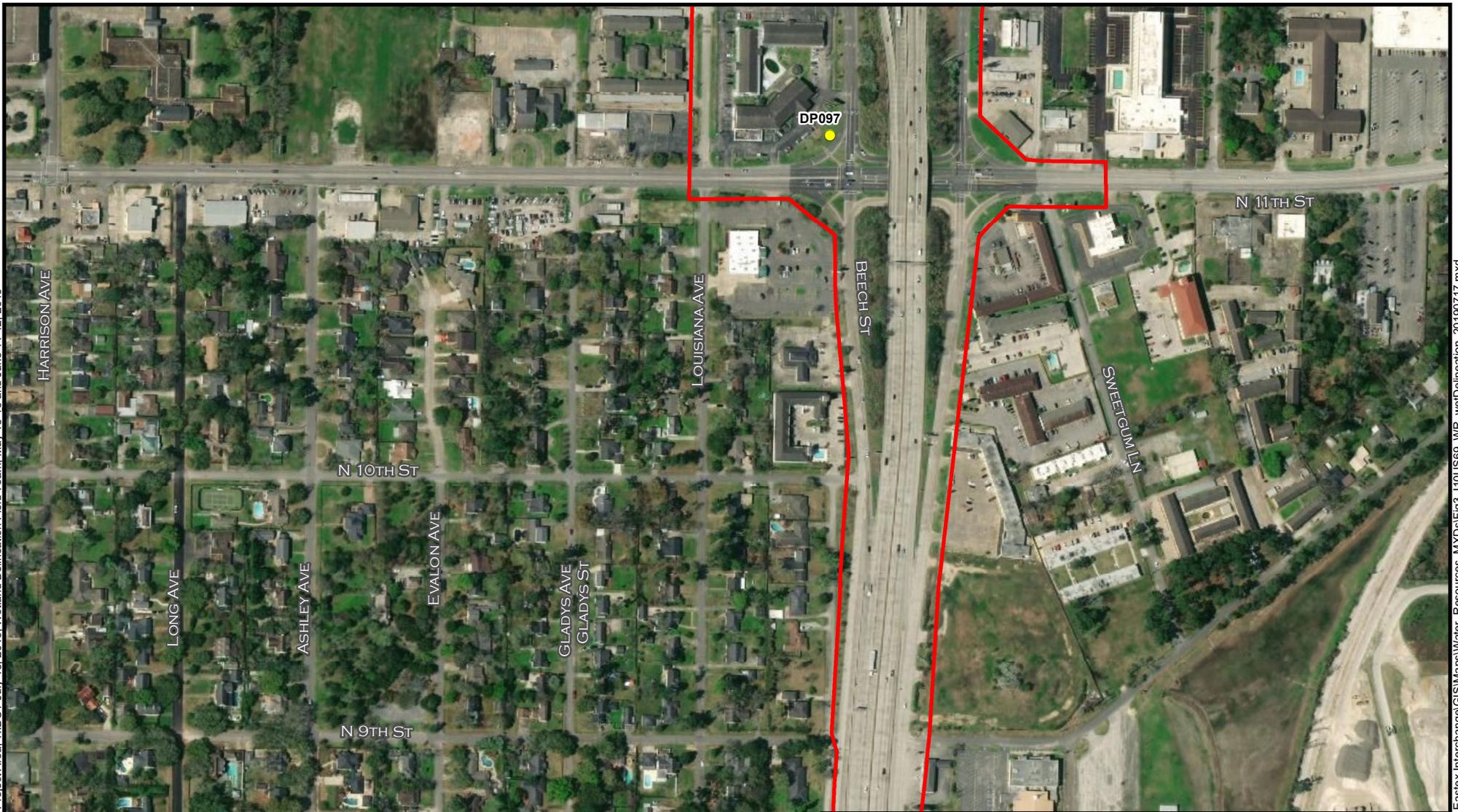


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 WETLAND DELINEATION MAP
 JEFFERSON COUNTY, TEXAS

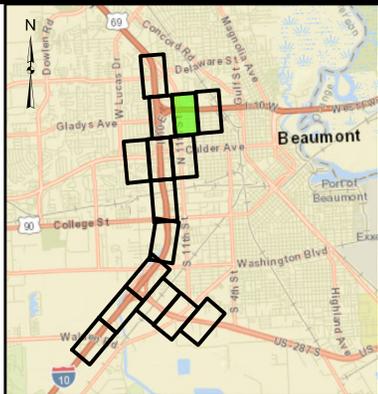


APPENDIX A
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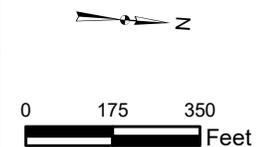
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- DATA POINTS
- PROJECT AREA

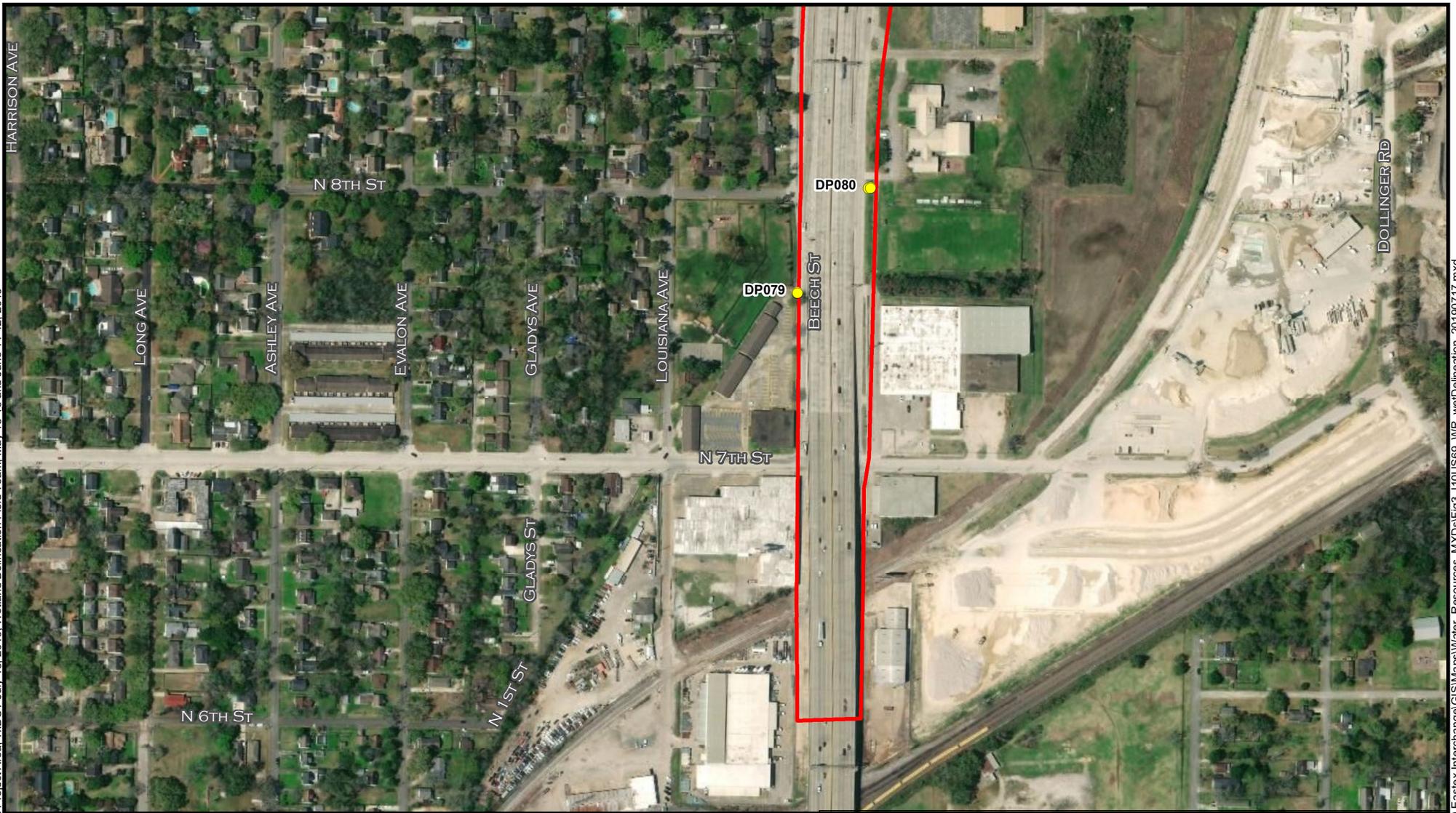


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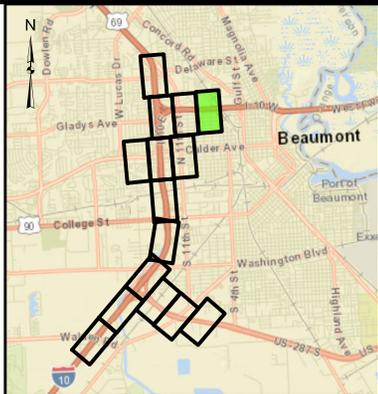


APPENDIX A
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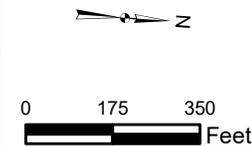
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- DATA POINTS
- PROJECT AREA



10/69 INTERCHANGES PROJECT
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 JEFFERSON COUNTY, TEXAS

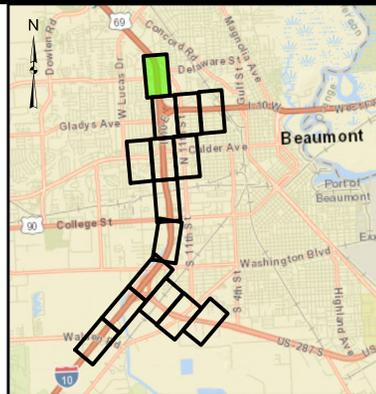


APPENDIX A
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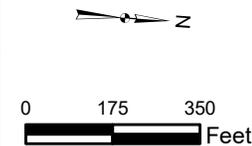
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- DATA POINTS
- PROJECT AREA

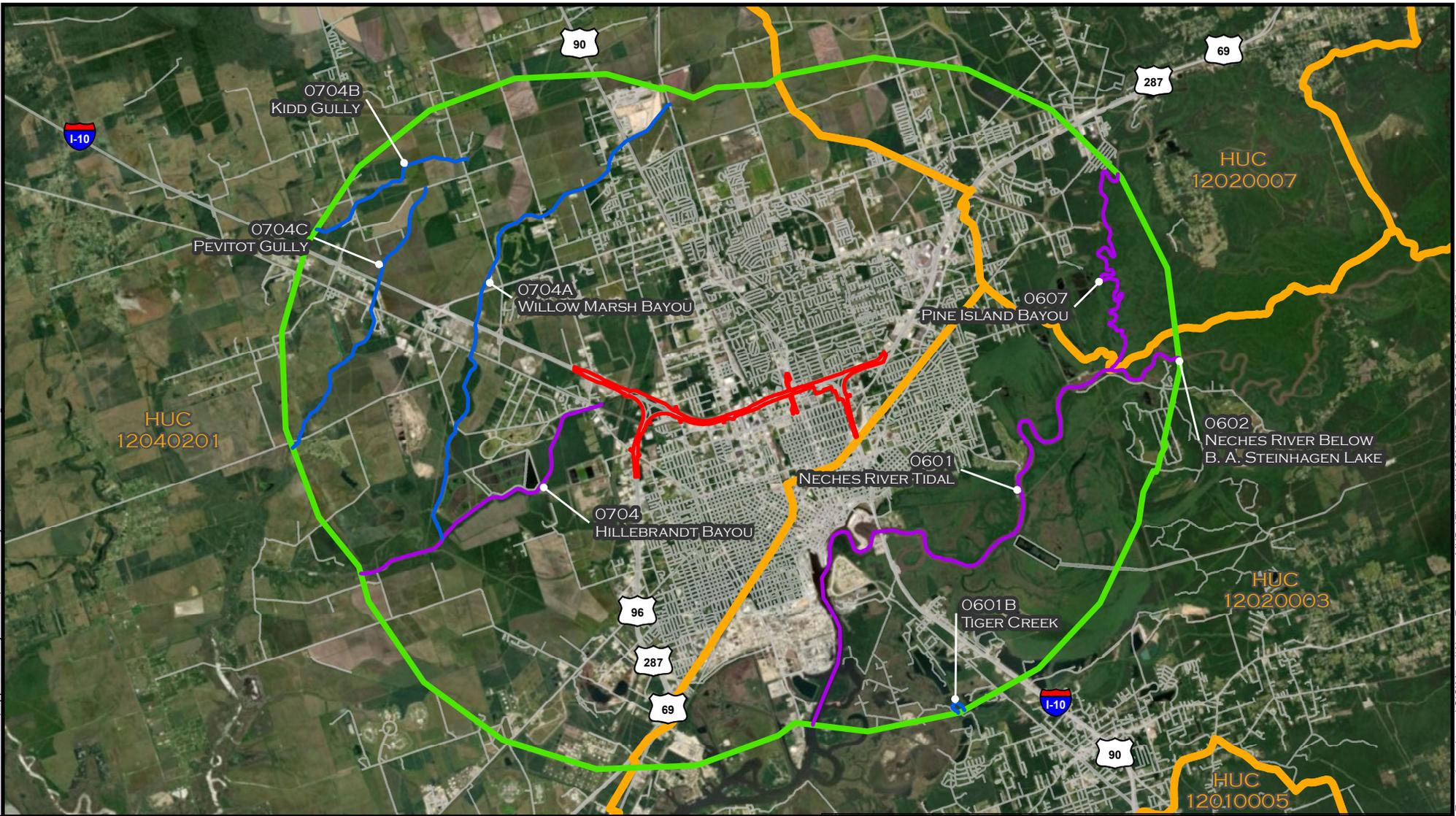


10/69 INTERCHANGES PROJECT
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 JEFFERSON COUNTY, TEXAS

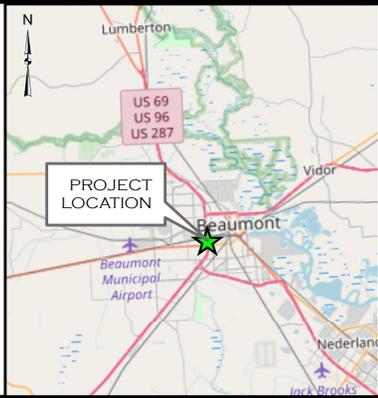


APPENDIX A
 FIGURE 3
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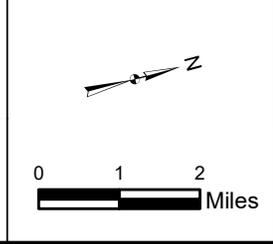
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- NOT IMPAIRED STREAM
- IMPAIRED STREAM
- 8-DIGIT HYDROLOGIC UNIT CODE (HUC)
- 5-MILE BUFFER
- PROJECT AREA

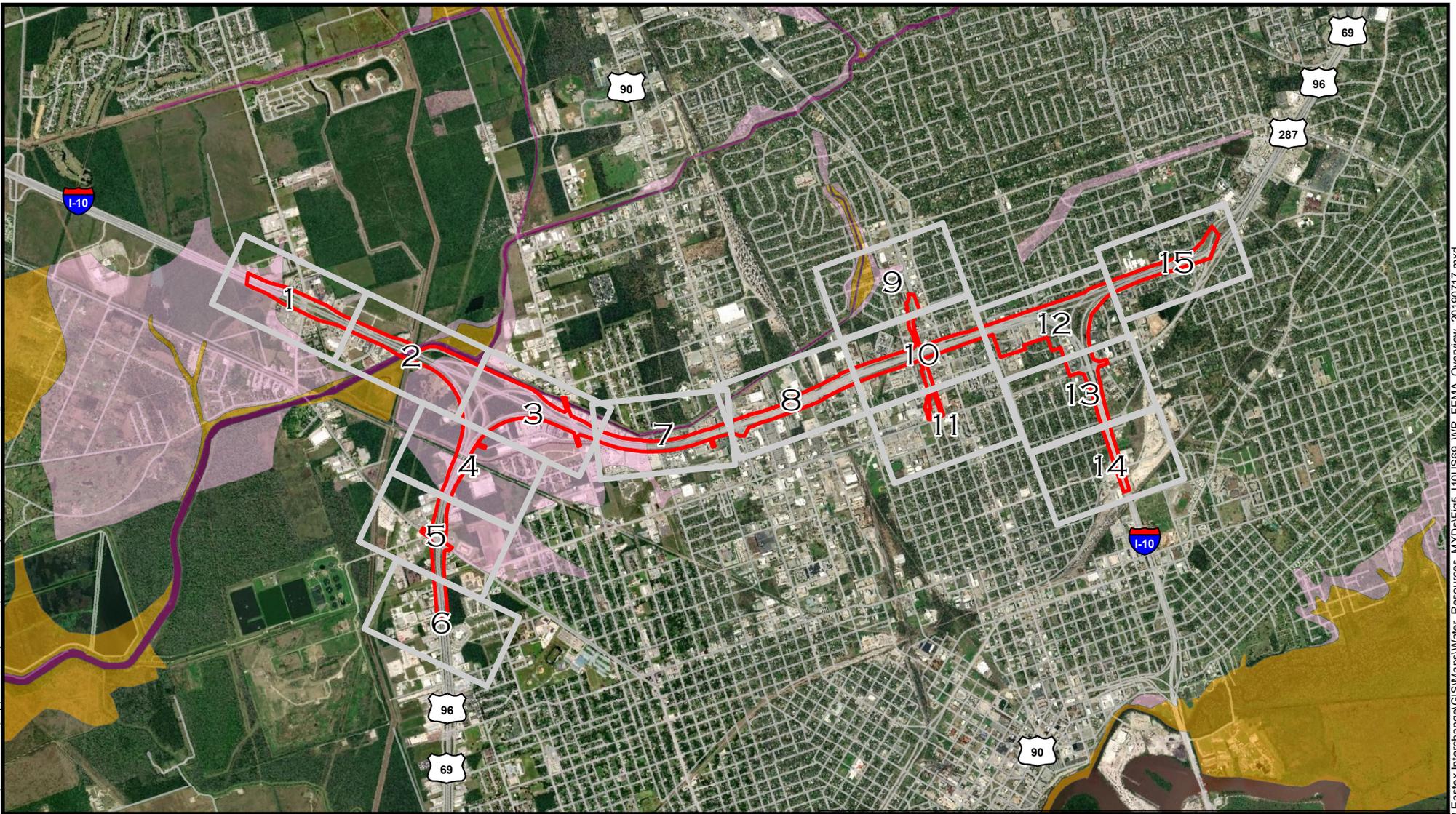


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 TCEQ IMPAIRED WATERS MAP
 JEFFERSON COUNTY, TEXAS



APPENDIX A
 FIGURE 4

DATE:
 JULY 2019

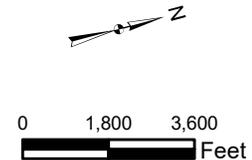


- PROJECT AREA
- FLOOD ZONE
- AE - 1% ANNUAL CHANCE FLOOD HAZARD
- X - 0.2% ANNUAL CHANCE FLOOD HAZARD
- FLOODWAY



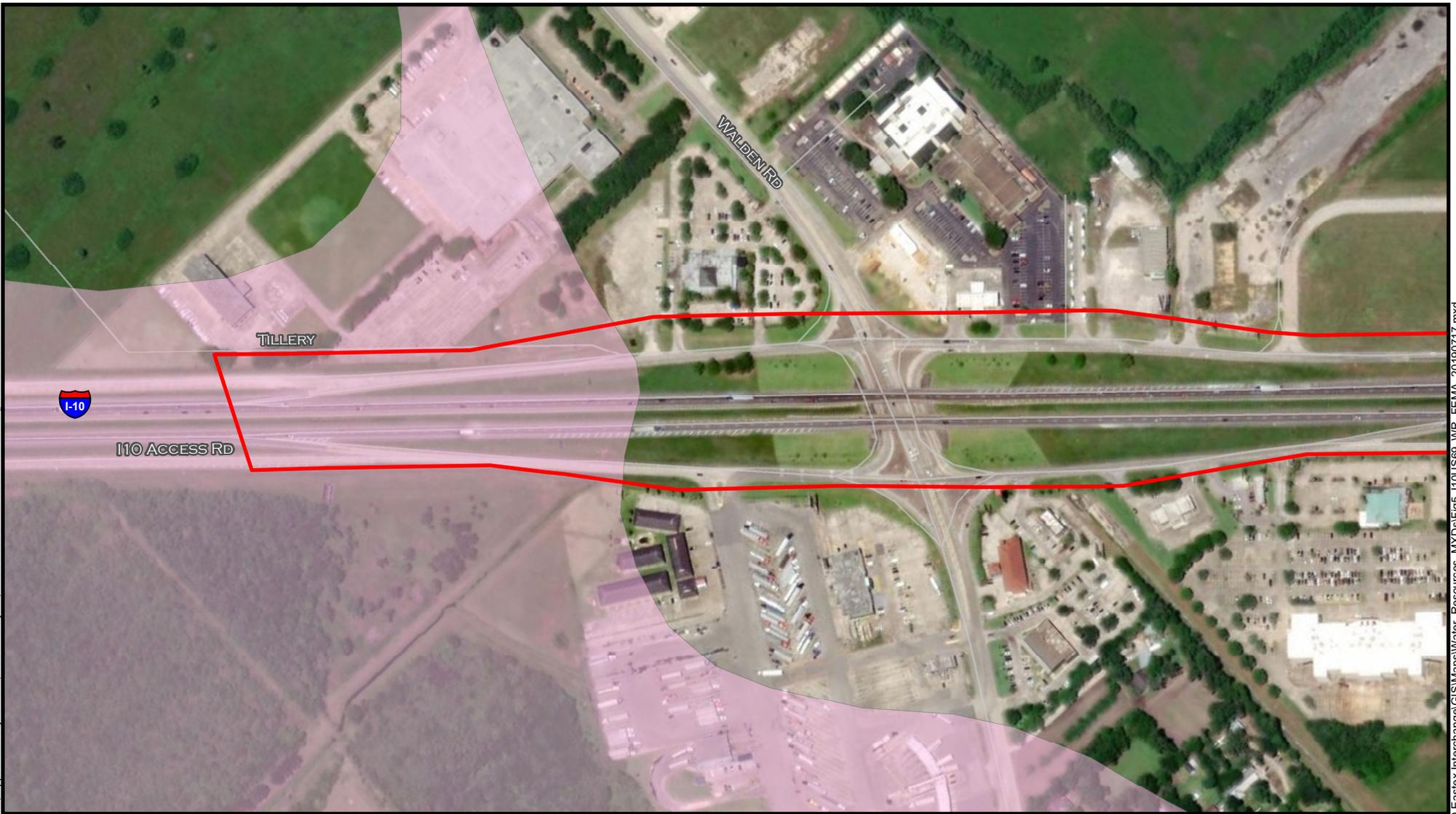
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 FEMA OVERVIEW MAP

JEFFERSON COUNTY, TEXAS

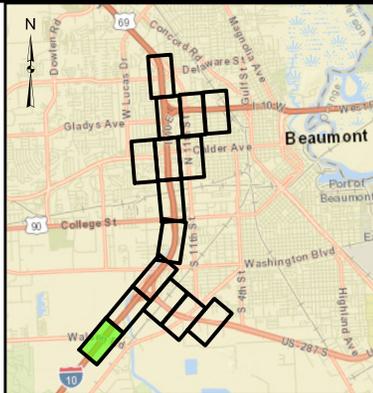


APPENDIX A
 FIGURE 5

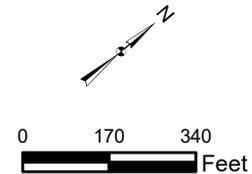
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 JULY 2019



- PROJECT AREA
- FLOOD ZONE
- X - 0.2% ANNUAL CHANCE FLOOD HAZARD

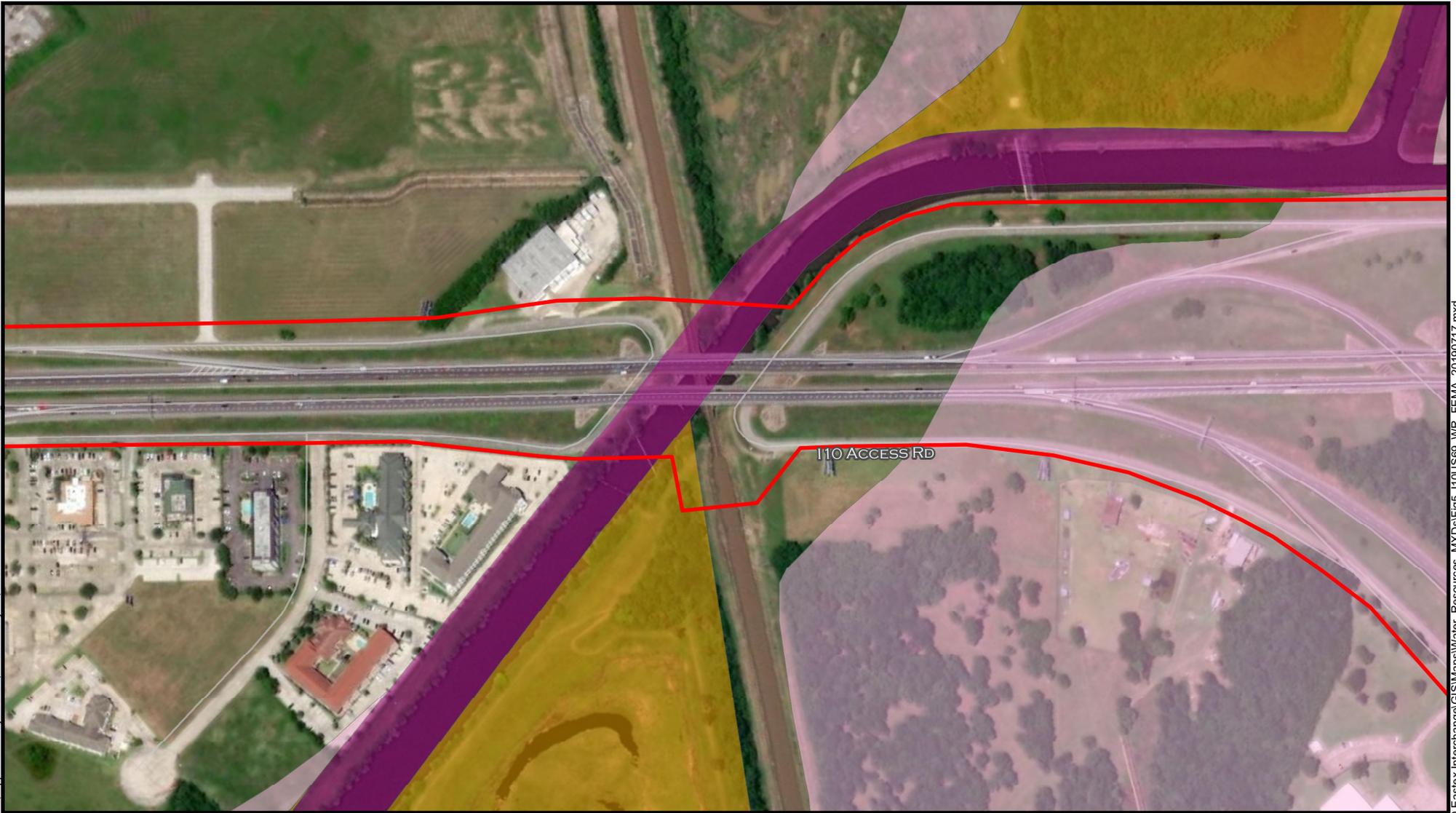


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

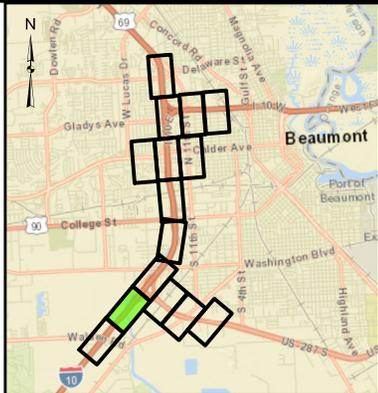


APPENDIX A
 FIGURE 5
 SHEET 1

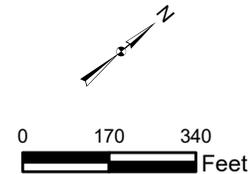
DATE:
 JULY 2019



- PROJECT AREA
- FLOOD ZONE
- AE - 1% ANNUAL CHANCE FLOOD HAZARD
- X - 0.2% ANNUAL CHANCE FLOOD HAZARD
- FLOODWAY

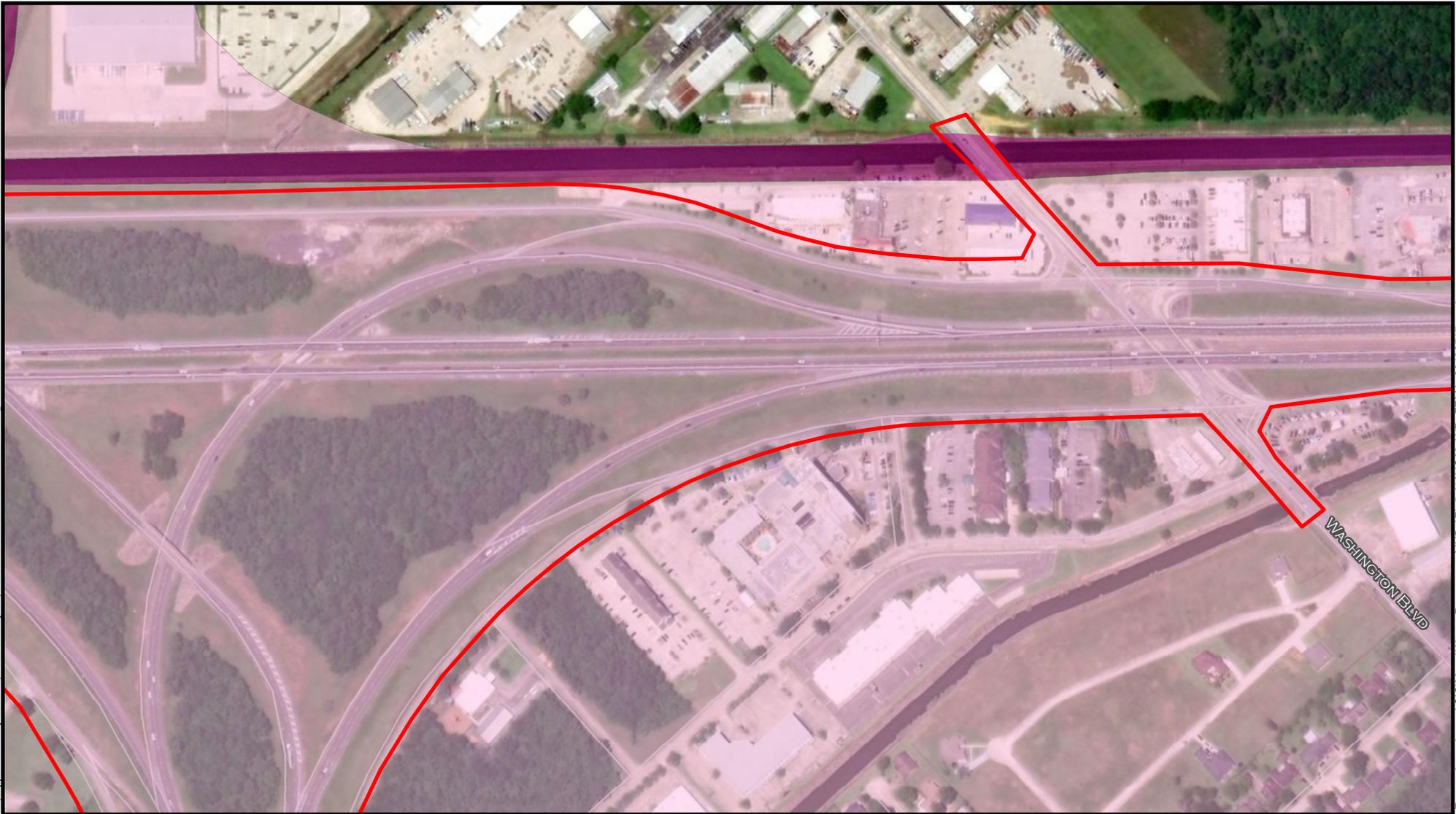


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

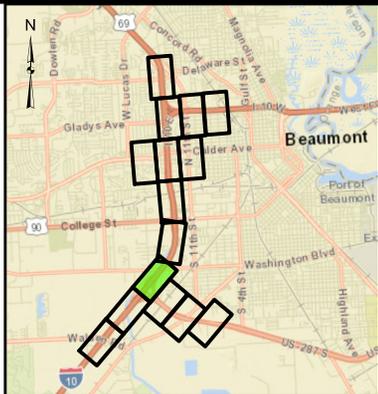


APPENDIX A
 FIGURE 5
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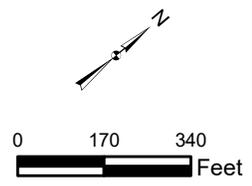
DATE:
 JULY 2019



- PROJECT AREA
- FLOOD ZONE
- X - 0.2% ANNUAL CHANCE FLOOD HAZARD
- FLOODWAY

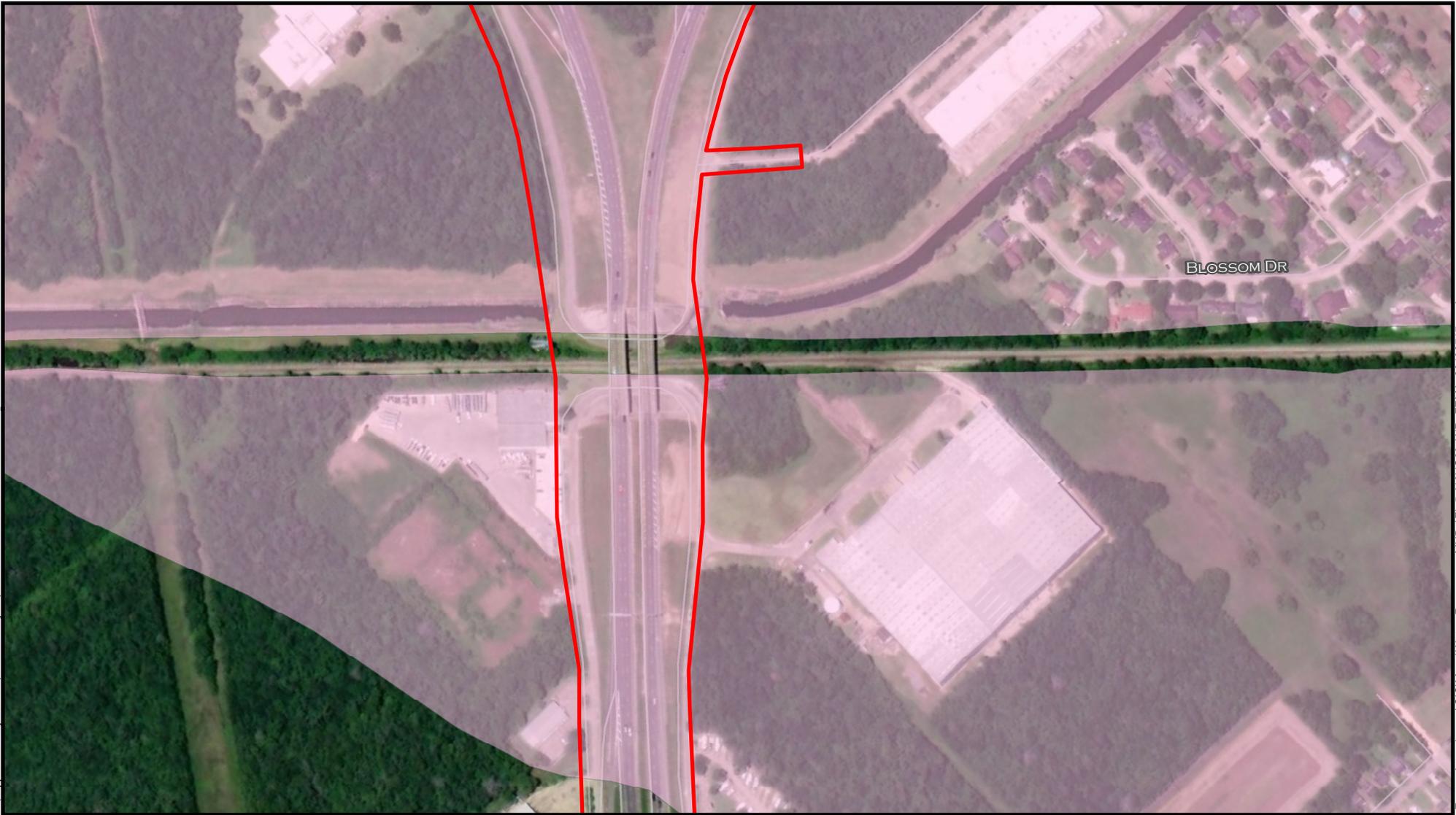


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

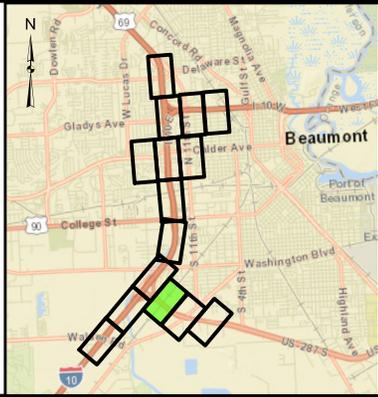


APPENDIX A
 FIGURE 5
 SHEET 3

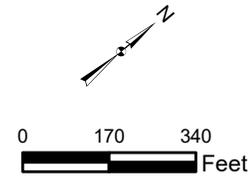
DATE:
 JULY 2019



- PROJECT AREA
- FLOOD ZONE
- X - 0.2% ANNUAL CHANCE FLOOD HAZARD

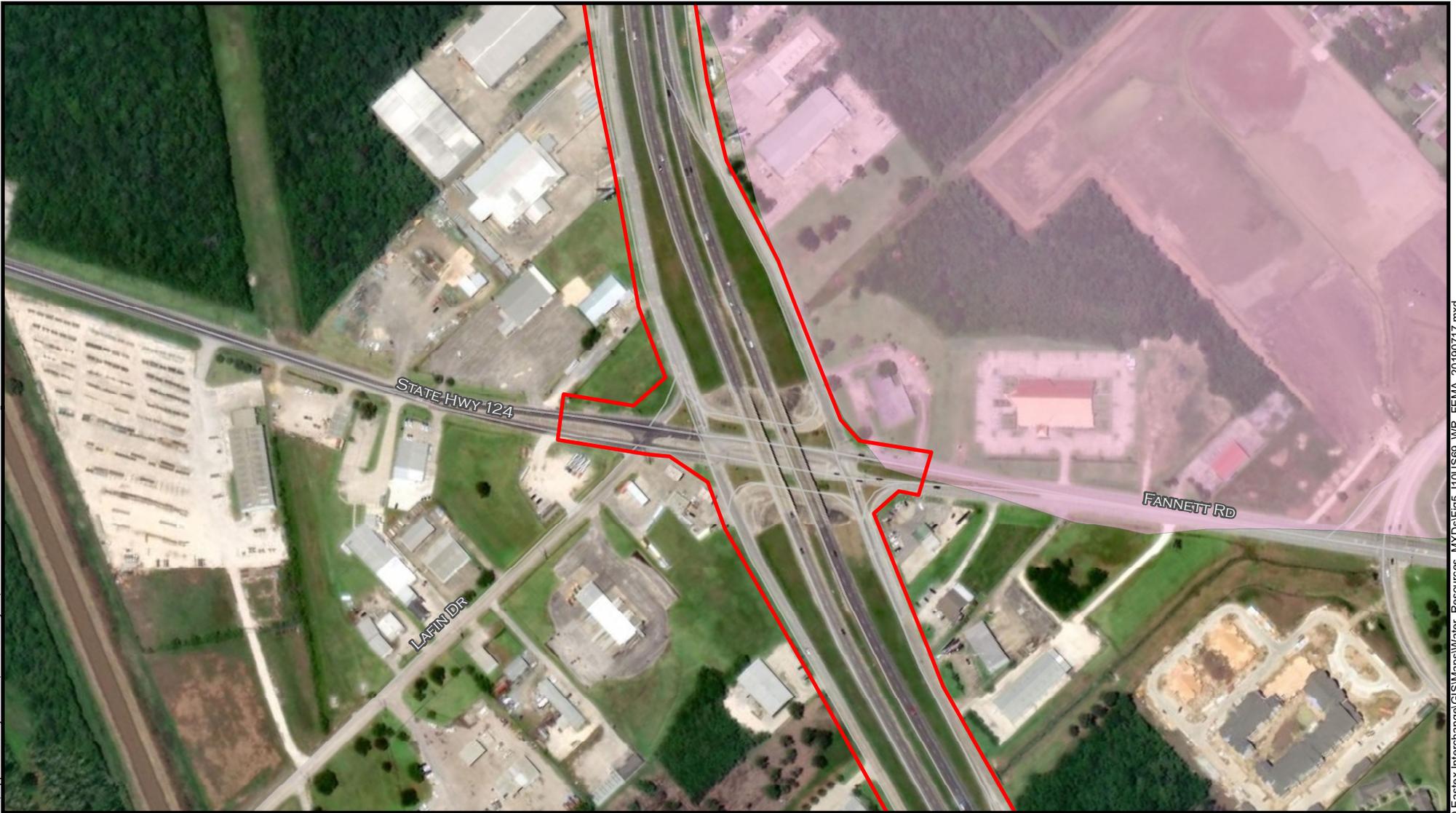


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

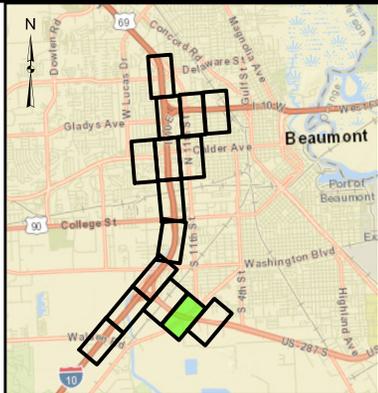


APPENDIX A
 FIGURE 5
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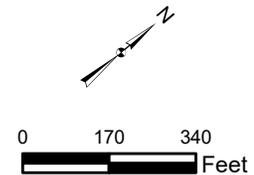
DATE:
 JULY 2019



- PROJECT AREA
- FLOOD ZONE
- X - 0.2% ANNUAL CHANCE FLOOD HAZARD



10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

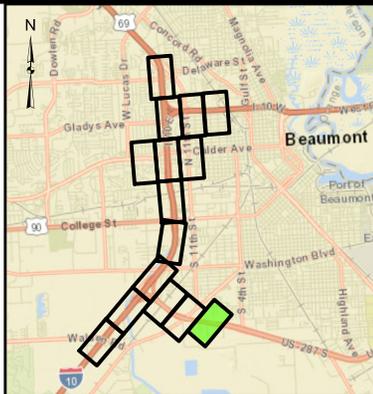


APPENDIX A
 FIGURE 5
 SHEET 5

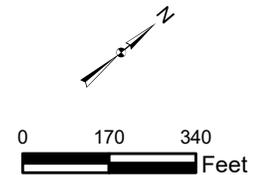
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 JULY 2019



 PROJECT AREA

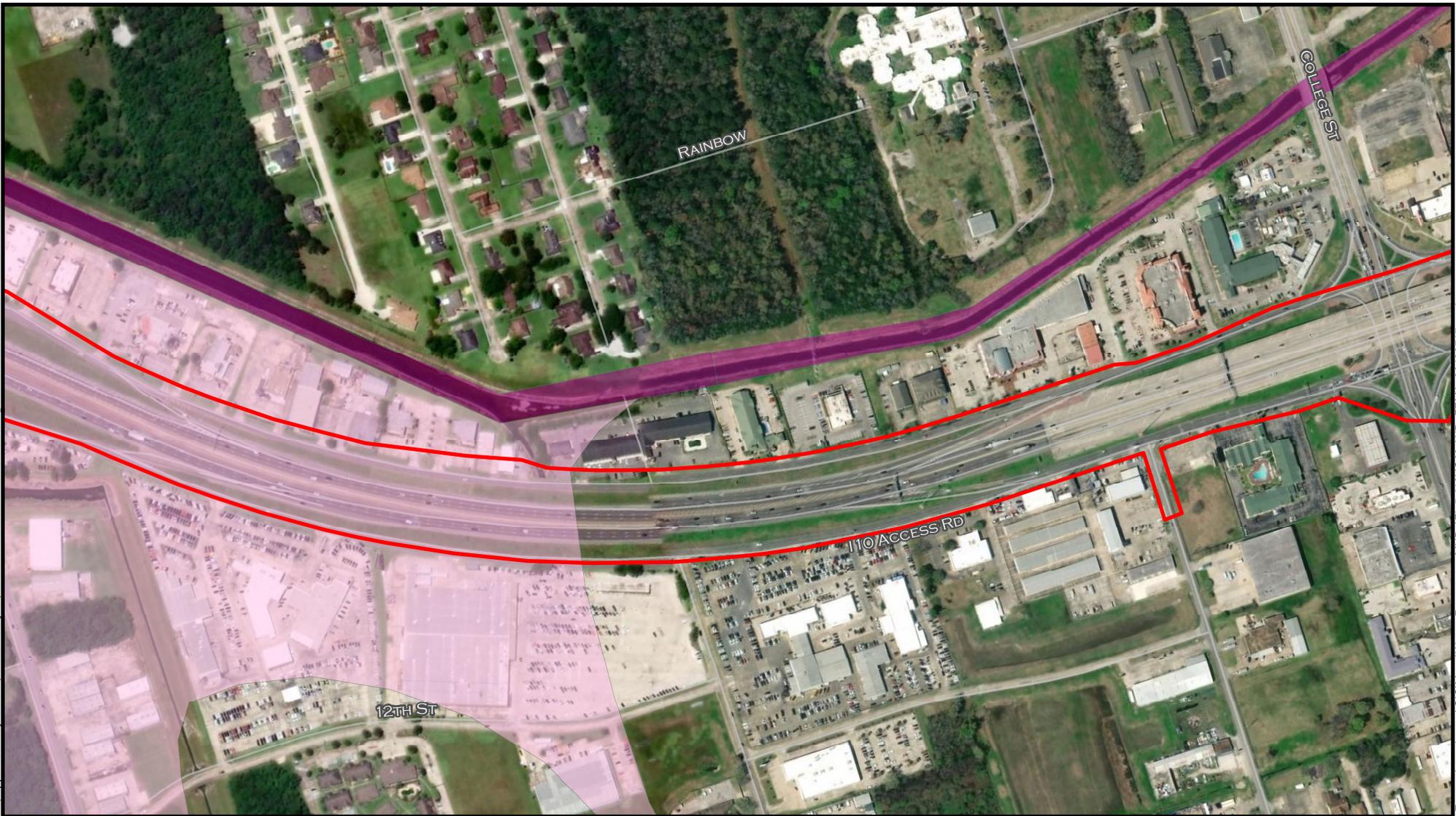


10/69 INTERCHANGES PROJECT
CSJ: 0028-13-135 & 0739-02-140
FEMA FLOODPLAIN MAP
JEFFERSON COUNTY, TEXAS

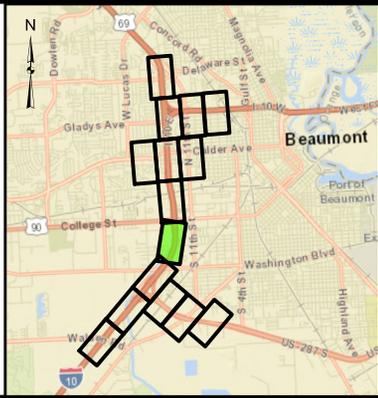


APPENDIX A
FIGURE 5
SHEET 6

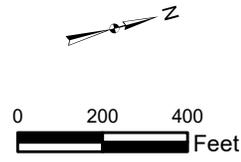
DATE:
JULY 2019



- PROJECT AREA
- FLOOD ZONE
- X - 0.2% ANNUAL CHANCE FLOOD HAZARD
- FLOODWAY

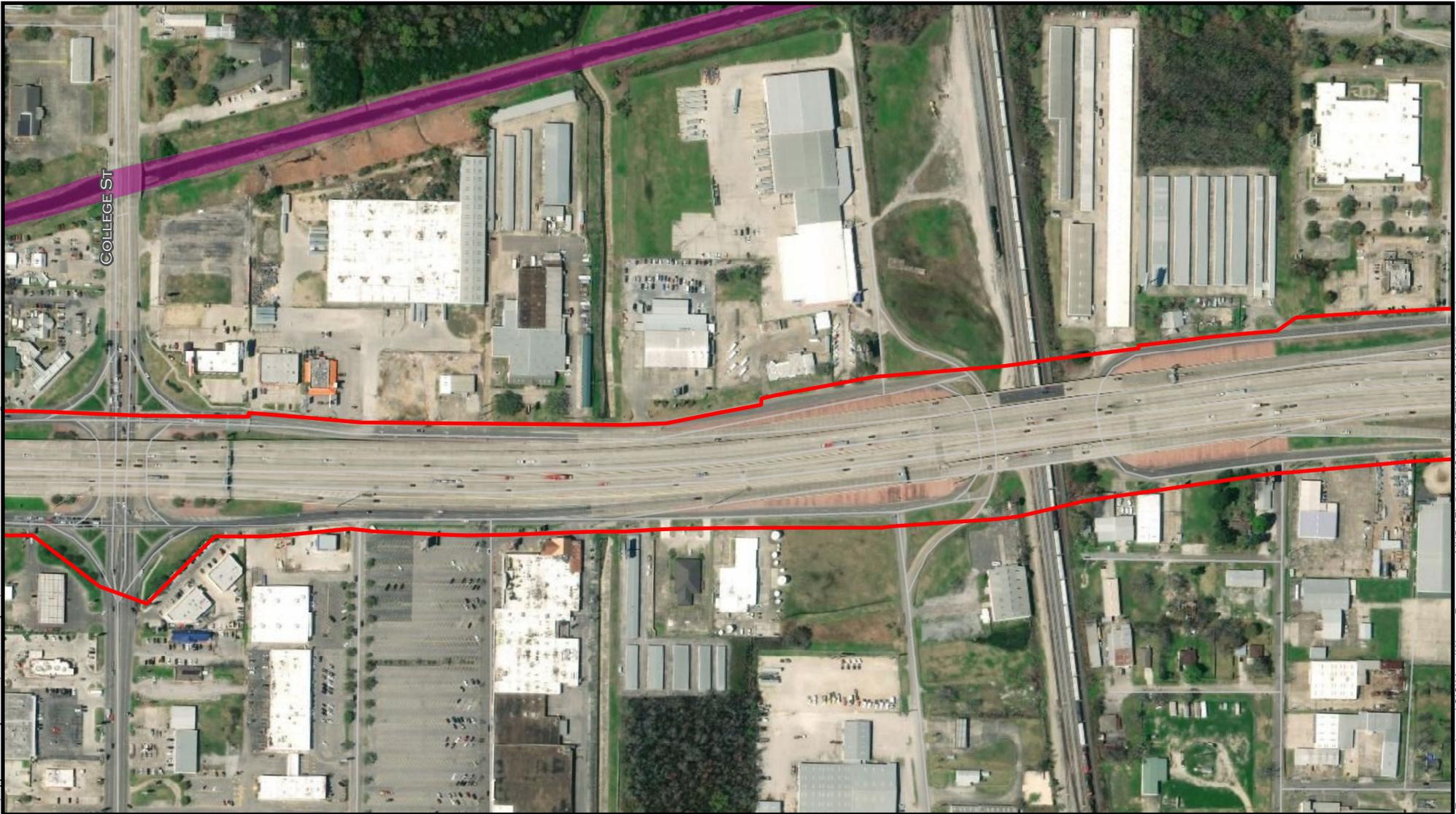


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

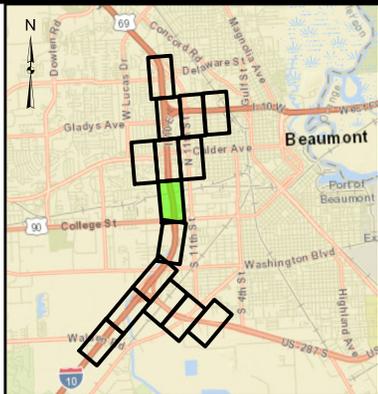


APPENDIX A
 FIGURE 5
 SHEET 7

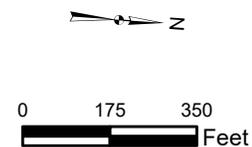
DATE:
 JULY 2019



- PROJECT AREA
- FLOOD ZONE
- FLOODWAY

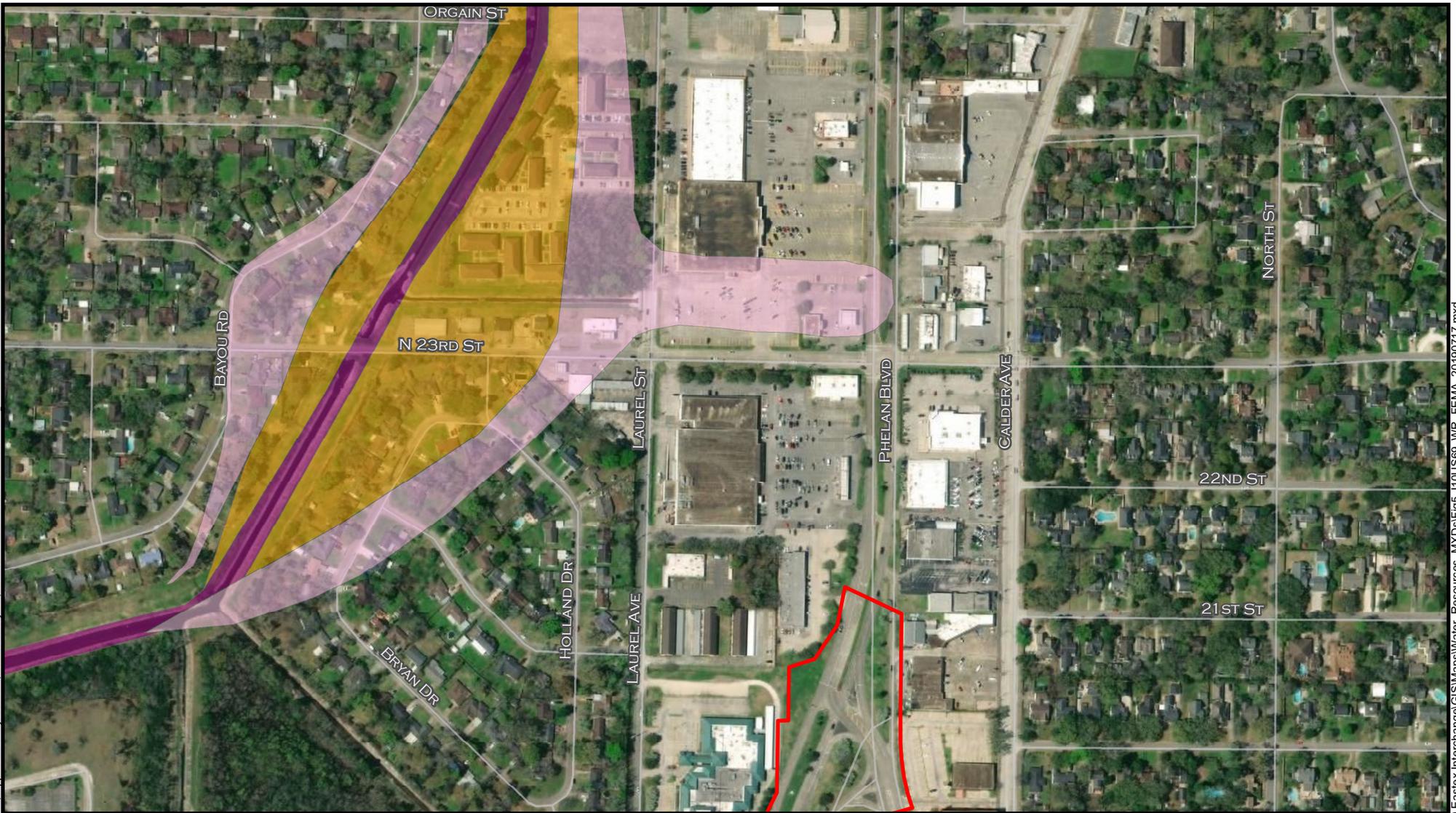


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

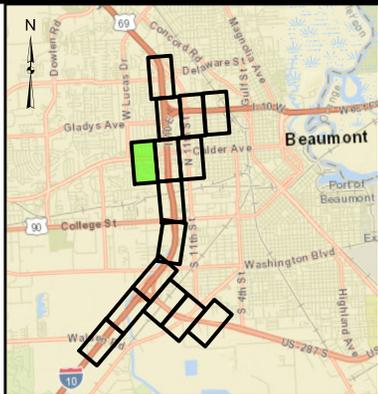


APPENDIX A
 FIGURE 5
 SHEET 8

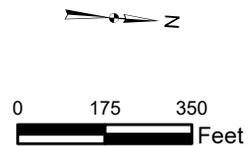
DATE:
 JULY 2019



-  PROJECT AREA
- FLOOD ZONE**
-  AE - 1% ANNUAL CHANCE FLOOD HAZARD
-  X - 0.2% ANNUAL CHANCE FLOOD HAZARD
-  FLOODWAY

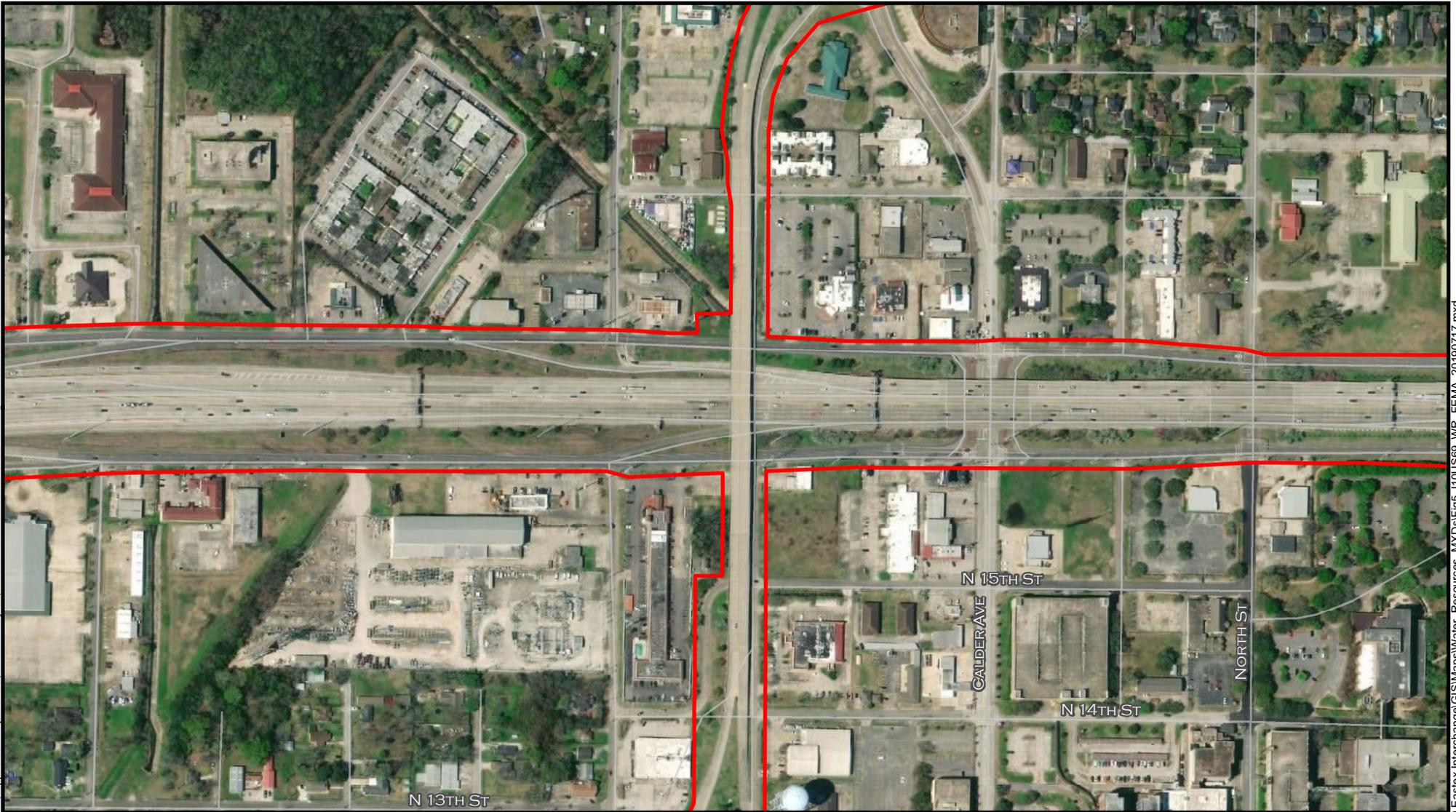


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

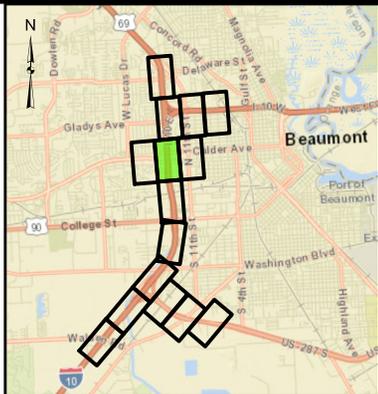


APPENDIX A
 FIGURE 5
 SHEET 9

DATE:
 JULY 2019



 PROJECT AREA

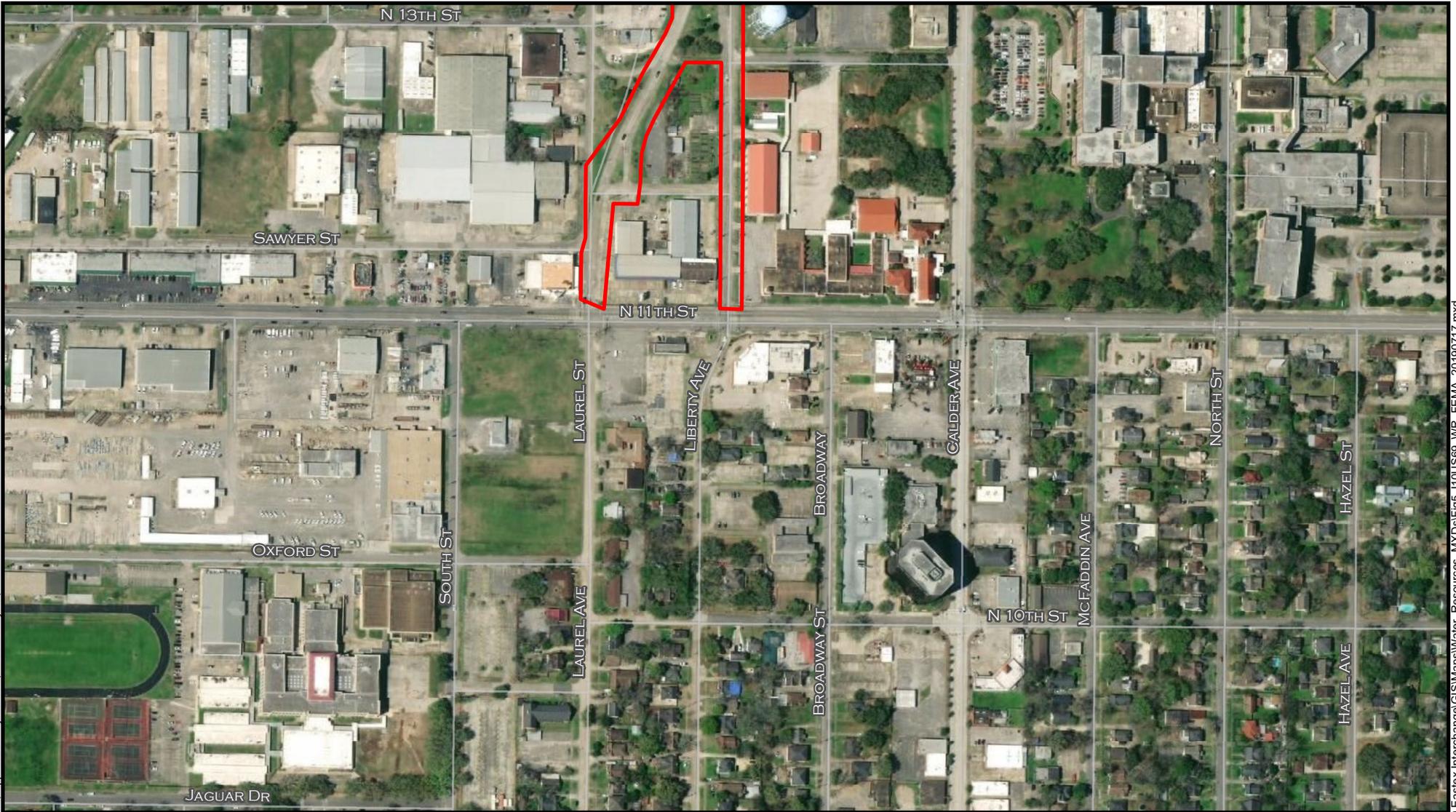


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

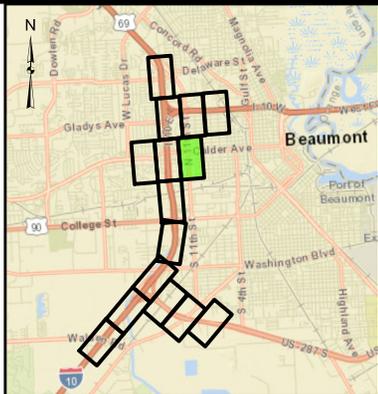


APPENDIX A
 FIGURE 5
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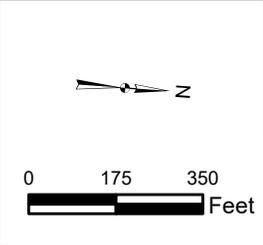
DATE:
 JULY 2019



 PROJECT AREA

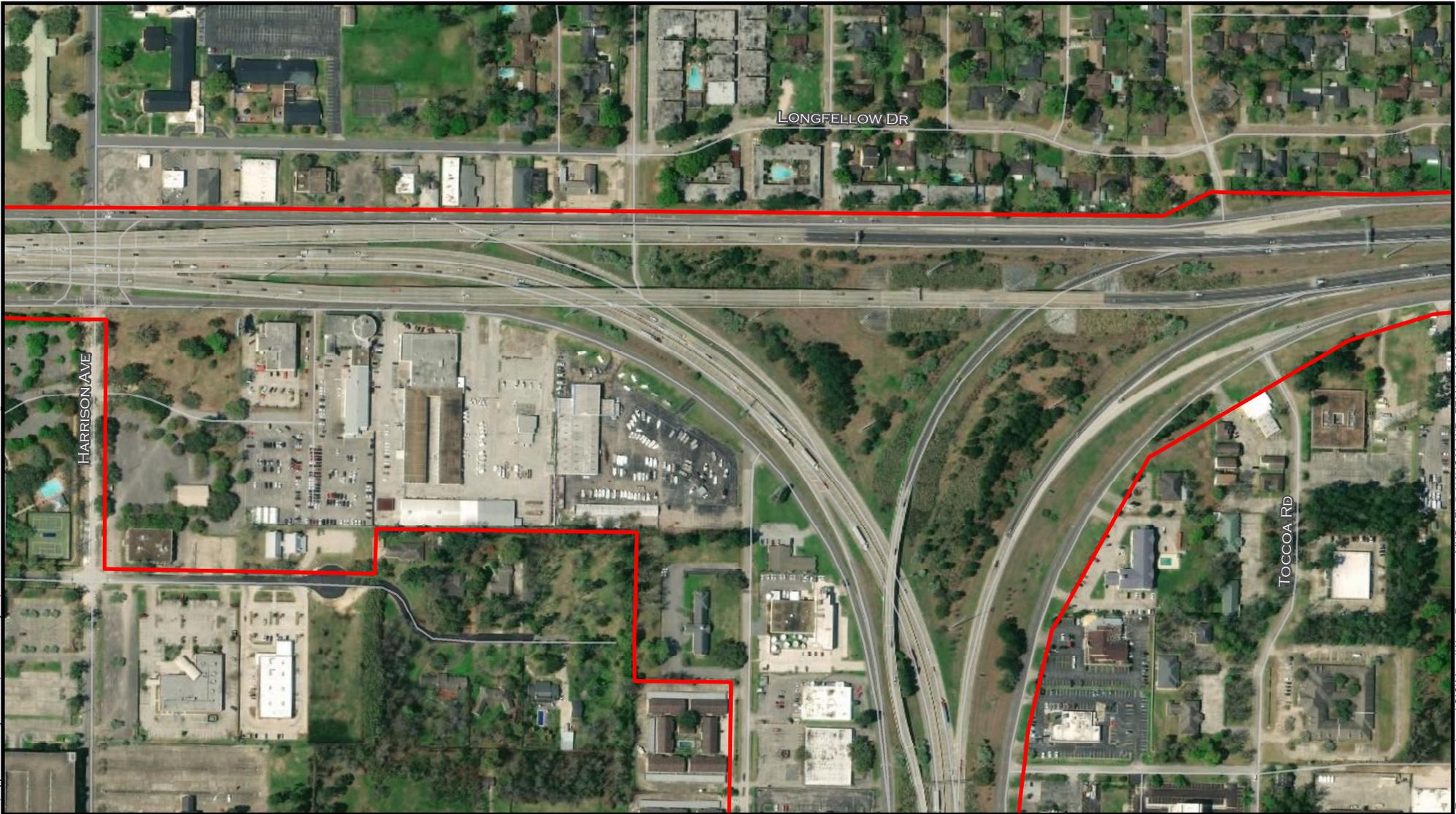


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

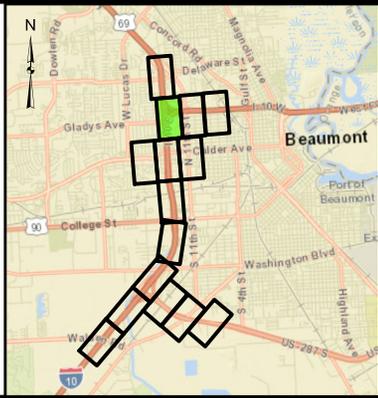


APPENDIX A
 FIGURE 5
 SHEET 11

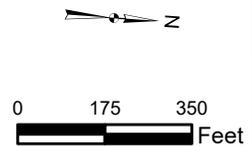
DATE:
 JULY 2019



 PROJECT AREA

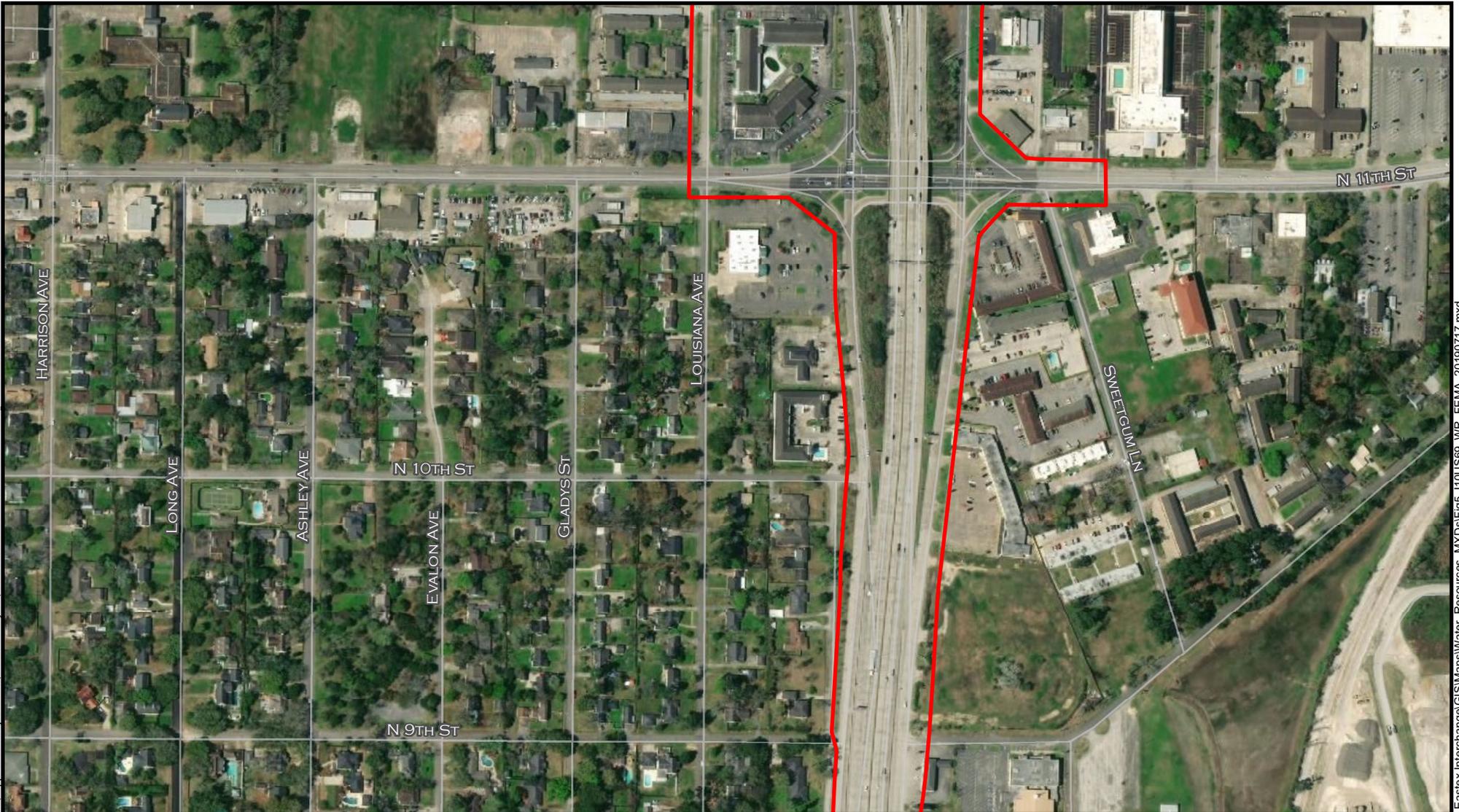


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

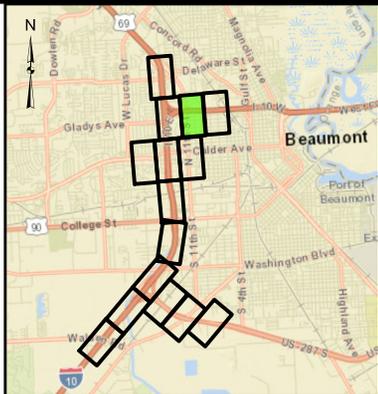


APPENDIX A
 FIGURE 5
 SHEET 12

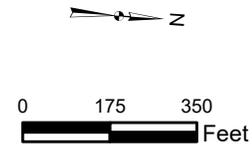
DATE:
 JULY 2019



 PROJECT AREA



10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

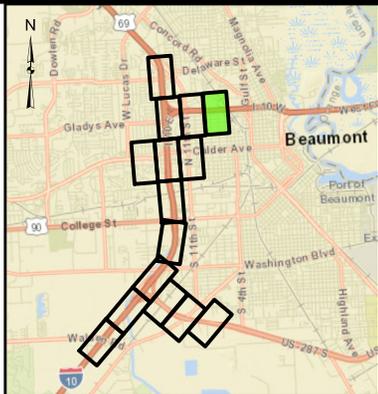


APPENDIX A
 FIGURE 5
 SHEET 13

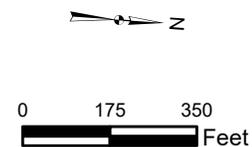
DATE:
 JULY 2019



 PROJECT AREA



10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 FEMA FLOODPLAIN MAP
 JEFFERSON COUNTY, TEXAS

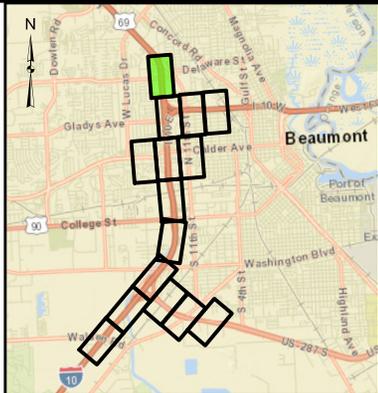


APPENDIX A
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 SHEET 14

DATE:
 JULY 2019



 PROJECT AREA



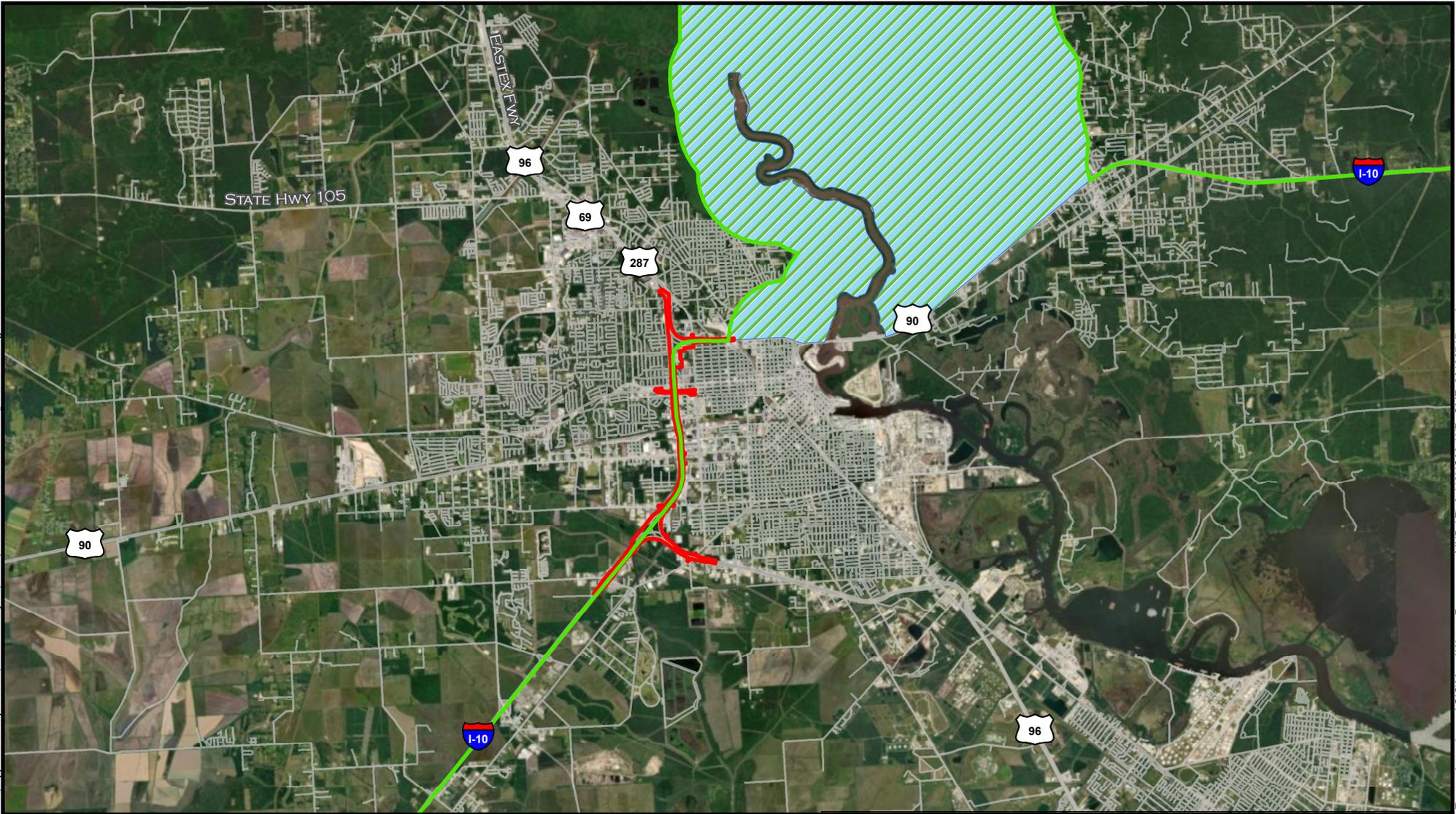
10/69 INTERCHANGES PROJECT
CSJ: 0028-13-135 & 0739-02-140
FEMA FLOODPLAIN MAP
JEFFERSON COUNTY, TEXAS



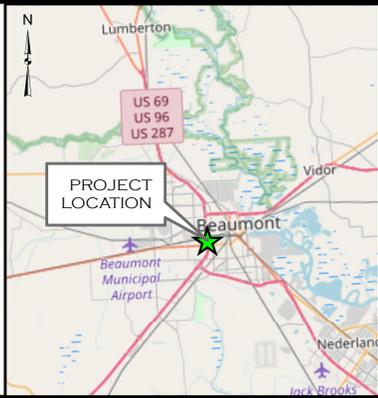
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APPENDIX A
FIGURE 5
SHEET 15

DATE:
JULY 2019

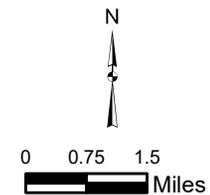


-  COASTAL MANAGEMENT ZONE WETLANDS
-  COASTAL MANAGEMENT ZONE BOUNDARY
-  PROJECT AREA



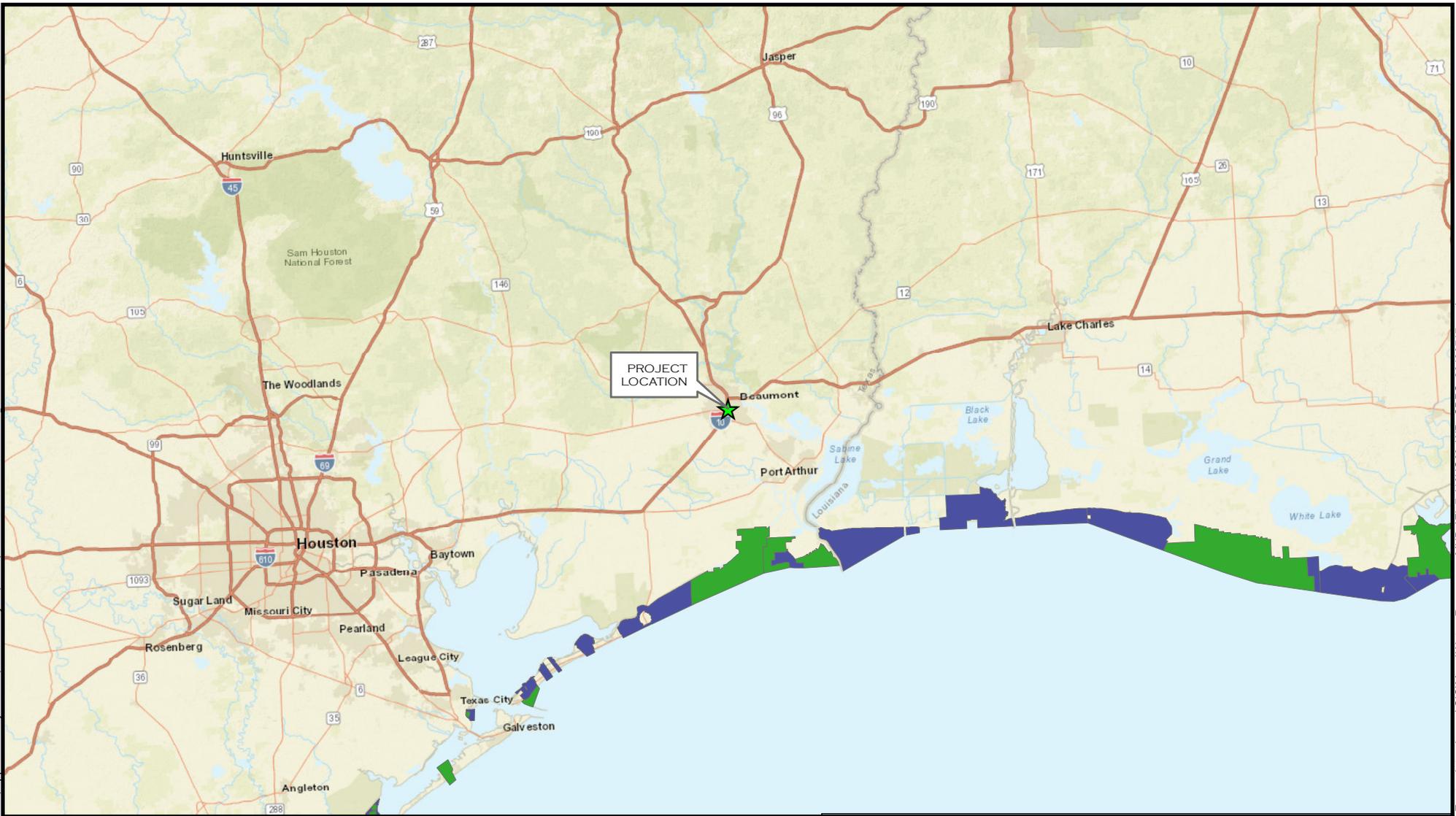
10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 COASTAL MANAGEMENT ZONE MAP

JEFFERSON COUNTY, TEXAS

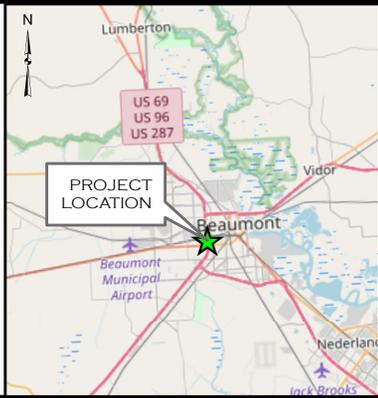


APPENDIX A
 FIGURE 6

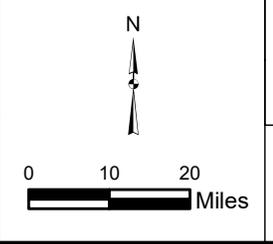
DATE:
 JULY 2019



-  PROJECT LOCATION
- CBERS UNIT TYPE
-  OTHERWISE PROTECTED AREA
-  SYSTEM UNIT

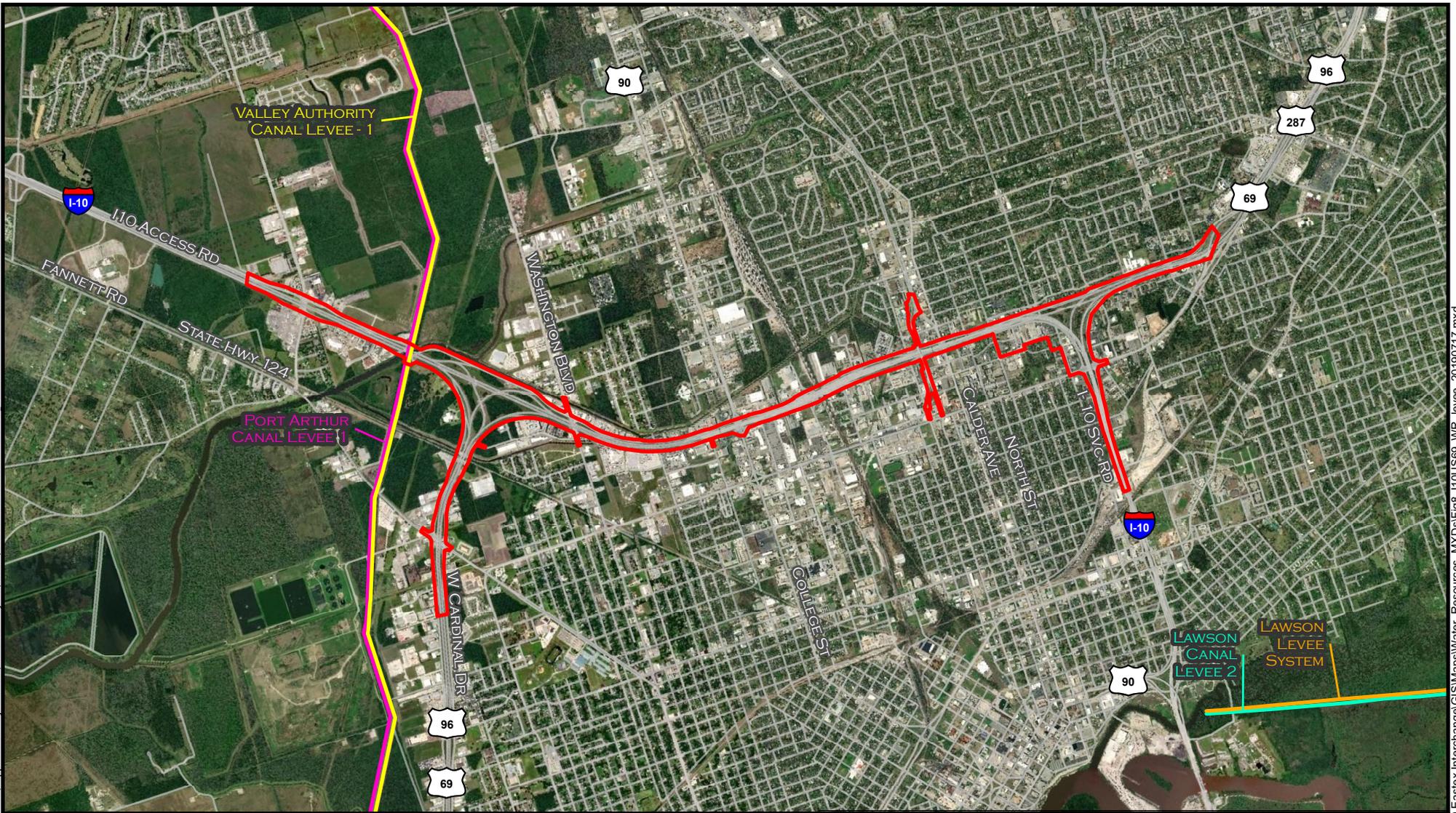


10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 COASTAL BARRIER RESOURCES SYSTEM MAP
 JEFFERSON COUNTY, TEXAS

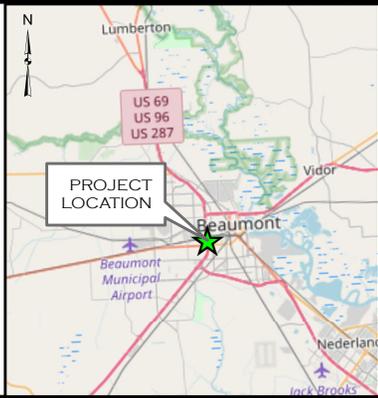


APPENDIX A
 FIGURE 7

DATE:
 JULY 2019

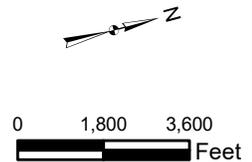


- LAWSON CANAL LEVEE 2
- LAWSON LEVEE SYSTEM
- PORT ARTHUR CANAL LEVEE 1
- VALLEY AUTHORITY CANAL LEVEE - 1
- PROJECT AREA



10/69 INTERCHANGES PROJECT
 CSJ: 0028-13-135 & 0739-02-140
 LEVEE LOCATION MAP

JEFFERSON COUNTY, TEXAS



APPENDIX A
 FIGURE 8

DATE:
 JULY 2019

**APPENDIX B:
Site Photographs**



Photo 1: Stream 1, photo facing west. Photo taken May 2019. (30.037058°, -94.158881°)



Photo 2: Stream 3 (Port Arthur Canal) crossing under I-10, photo facing east. Photo taken May 2019. (30.045245°, -94.150138°)



Photo 3: Stream 2 (Hillebrandt Bayou) crossing under Stream 3 (Port Arthur Canal). Stream 2 and 3 crossing under I-10, photo facing north. Photo taken May 2019. (30.045421°, -94.149949°)



Photo 4: Stream 4 outfall beneath existing I-10 bridge, photo facing west. Photo taken May 2019. (30.045100°, -94.150087°)



Photo 5: Stream 5, photo facing north. Photo taken May 2019. (30.047600°, -94.145193°)



Photo 6: Stream 6, photo facing east. Photo taken June 2019. (30.060553°, -94.135841°)



Photo 7: Stream 7, photo facing east. Photo taken June 2019. (30.079203° , -94.136436°)



Photo 8: Stream 8, photo facing southwest. Photo taken June 2019. (30.083553° , -94.136655°)



Photo 9: Stream 9, photo facing north. Photo taken May 2019. (30.045085°, -94.136615°)



Photo 10: Stream 10, photo facing north. Photo taken June 2019. (30.055654°, -94.141413°)



Photo 11: Stream 11, culverted through the project area, photo facing southeast. Photo taken May 2019. (30.047383°, -94.139296°)



Photo 12: Stream 12, culverted through the project area, photo facing west. Photo taken May 2019. (30.042379°, -94.129309°)



Photo 13: Stream 13, culverted through the project area, photo facing north. Photo taken June 2019. (30.055579°, -94.137679°)



Photo 14: Stream 14, culverted through the project area, photo facing east. Photo taken June 2019. (30.071888°, -94.135193°)



Photo 15: PEM Wetland 1 adjacent to a culvert, photo facing southwest. Photo taken May 2019.
(30.036108°, -94.158269°)



Photo 16: PEM Wetland 2, within maintained ROW, photo facing southwest. Photo taken June 2019. (30.048165°, -94.148364°)



Photo 17: PEM Wetland 3, within maintained ROW, photo facing southwest. Photo taken May 2019.
(30.050090°, -94.146410°)



Photo 18: PFO Wetland 4, within forested section of ROW, photo facing east. Photo taken May 2019.
(30.051155°, -94.144628°)



Photo 19: PEM Wetland 5, along rock and gravel piles, photo facing northwest. Photo taken May 2019. (30.051615°, -94.144219°)



Photo 20: PEM Wetland 6, within maintained ROW, photo facing north. Photo taken May 2019. (30.049793°, -94.144218°)



Photo 21: PEM Wetland 7, within maintained ROW, photo facing northwest. Photo taken June 2019. (30.049833°, -94.141813°)



Photo 22: PFO Wetland 8, within forested section of ROW, photo facing south. Photo taken May 2019. (30.046955°, -94.141068°)



Photo 23: Photo looking at urban, maintained vegetation and landscaped medians along I-10, photo facing north. Photo taken June 2019. (30.095460°, -94.130432°)



Photo 24: Photo looking at urban, maintained vegetation within the project area along I-10, photo facing south. Photo taken May 2019. (30.067454°, -94.134082°)



Photo 25: Photo looking at forested section within maintained ROW of the Cardinal Drive Interchanges. Photo taken June 2019. (30.051485° , -94.142303°)



Photo 26: Photo looking at planted vegetation within the ROW of the Eastex Interchanges, photo facing south. Photo taken June 2019. (30.096348° , -94.134243°)



Photo 27: Photo looking west from frontage road towards maintained and landscaped median within the I-10 and US 69 interchange just west of 11th Street. Photo taken June 2019. (30.095116°, -94.134464°)



Photo 28: Additional photo of maintained and landscaped median within the I-10 and US 69 interchange just west of 11th Street. Photo taken June 2019. (30.094418°, -94.135321°).

**APPENDIX C:
USCG Memorandum**



16591C
March 6, 2018

MEMORANDUM

From: Douglas A. Blakemore
CGD EIGHT (dpb)

A handwritten signature in blue ink that reads "Douglas A. Blakemore".

To: Hector Garcia, Assistant Bridge Engineer
Federal Highway Administration

Subj: Surface Transportation Authorization Act Concurrence

- 1) We have received your FEDEX dated February 22, 2018, with the Bridge Project Questionnaire dated February 21, 2018, with some design revisions to the proposed replacement bridge on FM 365 crossing Hillebrandt Bayou, in Jefferson County, Texas. This project meets the criteria for the Surface Transportation Authorization Act (STAA) and qualifies for exemption from Coast Guard bridge permit requirements.
- 2) Section 144(c) of Title 23 U.S. Code was enacted in 1978 to reduce paperwork and related cost in the executive of the Coast Guard's bridge permit programs. This section has been amended by the Act of April 2, 1987 (Public Law 100-17), to further reduce paperwork and related costs in the permitting of bridges funded by this Act. By reason of this provision, certain bridges which are constructed, reconstructed, rehabilitated, or replace with federal assistance imposed under Title 23 U.S. Code – are no longer subject to the permitting requirements imposed under 33 U.S.C. 401 and 525(b). The bridges which fall into this excluded category are those that cross waterways:
 - (1) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and
 - (2) which are nontidal; or if tidal, used by vessels less than 21 feet in length.
- 3) Since FHWA has the responsibility for the STAA and based on the information provided by the Texas Department of Transportation (TXDOT), the Coast Guard accepts your determination that this bridge project meets the criteria for the STAA and is exempted from Coast Guard Bridge Administration purposes.
- 4) The 33 CFR 650.805 requires the Coast Guard and the FHWA coordination to determine bridge permitting requirements. We received a letter from TXDOT dated November 2, 2017, stating no significant nighttime navigation occurs at this location making this structure exempt from Coast Guard navigational lighting requirements pursuant to Title 33 of the Code of Federal Regulations, Part 118.

#

Copy: Texas Department of Transportation