



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2011-00683
	Date Issued: _____	4 January 2013
	Comments Due: _____	4 February 2013

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: 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. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act (CWA).

APPLICANT: Parkside Capital
3003 West Alabama Street
Houston, Texas 77098-2001

AGENT: Berg♦Oliver Associates, Inc.
14701 St. Mary's Lane, Suite 400
Houston, Texas 77079-2932
Telephone: 281-589-0898
POC: Shannon Mathis

LOCATION: The project site is located in wetlands adjacent to Hackberry Gully, at Bay Ten Business Park, southeast of Grand Parkway 90, south of Interstate Highway 10 eastbound, and north of Texas Department of Transportation (TXDOT) Channel B, in Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Cove, Texas.

Center of Project Area - LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.803383 North; Longitude: -94.86017 West

PROJECT DESCRIPTION: The applicant proposes to place 1,913 cubic yards of fill into 2.63 acres of wetlands, adjacent to Texas Department of Transportation (TXDOT) Channel B, for the construction of a business park.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding 1.62 acres of jurisdictional wetlands onsite, as depicted on sheet 4 of 5 of the plans.

MITIGATION: The applicant has not proposed mitigation plan at this time. However, it will be conducted by a permittee responsible mitigation plan.

BACKGROUND: The surrounding areas referenced on sheet 4 of 5 of the plans were originally owned by Parkside Capital. A portion of the property was conveyed to Chambers County for the purpose of expanding the existing Kilgore Parkway with associated drainage. This project was permitted under SWG-2011-00553 on 30 July 2012. After the expansion of Kilgore Parkway, site plans for a business park development, along the newly expanded Kilgore Parkway, were submitted to the Corps of Engineers. This area was authorized under permit SWG-2011-00683 on 12 October 2011. The project consisted of the placement of fill into 0.39 acre of wetlands for the construction of a road for a business park and the excavation of 0.06 acre of wetlands for stormwater management, in waters of the United States (U.S.) adjacent to TXDOT Channel B.

The following was submitted by the applicant regarding the acquisition of properties and the permitted areas adjacent to the proposed project area: With the expansion of Kilgore Parkway and the new construction for a business park underway, the area adjacent to the two previously permitted projects was left without any proposed plans. Chambers County decided not to pursue any more development within the area surrounding the new roadway and conveyed the property back to Parkside Capital. The applicant decided to construct a new business park on this surrounding property because of the newly constructed Kilgore Parkway. In addition, Parkside Capital and Chambers County have worked an agreement to utilize the oversized detention area permitted for the construction of the Kilgore Parkway Expansion. While both business parks will ultimately be owned by the same entity, the applicant, the projects will be separated by another project area that is owned and operated by a separate entity, Chambers County. The previously permitted business park, SWG-2011-00683, and the newly proposed business park will have separate drainage and detention features independently constructed to accommodate for the distinction of the separate developments. An area of undisturbed wetlands and distinct property boundaries between private and county properties separate all projects in and around the immediate proposed project area.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land surrounded by Interstate 10 eastbound to the north, a Farm-to-Market 3180 to the east, Grand Parkway 99 to the west, and undeveloped tract of land to the northeast and south. Hackberry Gully runs from the northeast to the south adjacent to this tract of land. The land is currently improved pasture and fallow forested property. The upland vegetation consists of Bermuda grass (*Cynodon dactylon*), false garlic (*Allium bivalve*), and white clover (*Trifolium repens*). The wetland vegetation consists of common bog rush (*Juncus effusus*), smartweed (*Polygonum hydropiperoides*), and curly dock (*Rumex crispus*).

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. This project will be verified under a preliminary jurisdictional determination. The applicant's plans are enclosed in 5 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS: The project site is not located within the Texas Coastal Zone and, therefore, does not require certification from the Texas Coastal Management Program.

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

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The applicant has conducted a cultural resources investigation of the permit area. The results of the investigation are summarized in the technical report entitled *Cultural Resources Survey for a 181-acre residential Development Adjacent to the Grand Parkway in Chambers County, Texas* produced by HRA Gray & Pape on 14 March 2012. No sites eligible for or listed on the National Register of Historic Places are within the permit it area or affected area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern 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: among those 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 and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps 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 Corps to determine whether to issue, modify, condition 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 Impact Assessment and/or an EIS 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps 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: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. 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 if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. 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 **4 February 2013**. 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 reference our File Number, **SWG-2011-00683**, and should be submitted to:

Kristy Farmer
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3935 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

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