



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2008-00887
	Date Issued: _____	8 December 2008
	Comments Due: _____	9 January 2009

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

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. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act

APPLICANT: Texas Mitigation Management, LLC
2557 State Highway 7 East
Center, Texas 75935-7419
POC: J. Mike Bird
Telephone: 936-598-9588

WATERWAY AND LOCATION: The proposed Spellbottom Mitigation Bank (SMB) is approximately 859 acres and part of a larger tract of land (approximately 3,000 acres) located within the intersection of FM 1791 and Walker Loop in Walker County, approximately eight miles southwest of Huntsville, Texas. This landholding includes a section of the West Fork of the San Jacinto River stretching approximately 27,612 feet. The majority of the proposed SMB occurs within the floodplain of the West Fork of the San Jacinto River within the South Central Plain Level III Ecoregion in the Gulf Prairies and Marshes ecological area of Texas. The project can be located on the U.S.G.S. quadrangle map entitled: GALILEE, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 243919; Northing: 3392861.

PROJECT DESCRIPTION: The applicant is proposing to establish a wetland mitigation bank to provide an effective approach to satisfy compensatory mitigation requirements of the USACE Regulatory Program developed in accordance with the Compensatory Mitigation for Losses of Aquatic Resources [73 Fed. Reg. 19594, 10 April 2008 (to be codified in 33 CFR 332)]. A Mitigation Banking Instrument (MBI) would be developed following the aforementioned policy and would detail the legal and physical characteristics of the bank and how the bank would be established and operated.

Subjects addressed in detail in the MBI would include development of the site, service area, credit determination, financial assurances, scope of agreement, purpose and goals of the bank, baseline conditions, performance standards for enhancement activities, accounting procedures, monitoring and reporting, long-term maintenance and protection, and transfer of bank ownership or sponsorship. The applicant will be working with the USACE and other Federal and State resource agencies (the Interagency Review Team-IRT) in the development of the MBI. A more detailed description of the proposed project, including maps of the project area, can be found in Attachment A.

NATIONAL REGISTER OF HISTORIC PLACES: USACE staff archaeologist will evaluate the bank site processed under this proposal and review the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. This will determine the current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties.

THREATENED AND ENDANGERED SPECIES: An evaluation will be conducted on the bank site processed under this proposal to determine if threatened and/or endangered species, or their critical habitat, will be affected by the proposed work. If necessary, consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers (Corps) Compensatory Mitigation for Losses of Aquatic Resources [73 Fed. Reg. 19594, 10 April 2008 (to be codified in 33 CFR 332)] and other pertinent laws, regulations and executive orders. The decision whether to issue this amendment 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 this proposed amendment. 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 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.

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 activity 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 are substantial and should be considered in the 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 **9 January 2009**. 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:

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