



Public Notice

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| U.S. Army Corps Of Engineers | Permit Application No: _____ | SWG-2016-00384 |
| | Date Issued: _____ | 27 December 2018 |
| | Comments _____ | |
| Galveston District | Due: _____ | 29 January 2019 |

**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.

APPLICANT: Romerica Investments, LLC
One Performance Drive
Angleton, TX 77515
Telephone: 346-970-7072
POC: Mr. Gabriel Haddad

AGENT: SWCA Environmental Consultants
10245 West Little York Road, Suite 600
Houston, TX 77040
Telephone: 281-617-3217
POC: Mr. R. Thomas Sankey

LOCATION: The project is located in waters and wetlands adjacent to the West Fork of the San Jacinto River, in Kingwood, in Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Moonshine Hill, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 30.036463° North; Longitude: -95.215438° West

PROJECT DESCRIPTION: The applicant proposes to discharge 68,323 cubic yards of fill material into 42.35 acres of wetlands and an estimated 285 cubic yards of fill material into 771 linear feet of streams adjacent to the West Fork San Jacinto River during the development of a marina/resort district, a commercial district, a residential district, and roadway expansion.

Marina/Resort District (107.41 acres) (Plan View D)

The applicant proposes to discharge 19,690.7 cubic yards of fill material into a total of 12.21 acres of wetlands to construct the marina/resort district. The applicant proposes to expand the existing 15-acre lake associated with the West Fork San Jacinto River into an 80-acre marina with a maximum capacity for 640 boats. The applicant proposes to construct a new navigation channel to the south of the proposed marina and expand the existing channel on the east for better connectivity between the proposed marina and the West Fork San Jacinto River. The applicant proposes to develop the 25 acres north of the proposed marina into a resort district. The resort district will consist of a resort hotel, commercial, and residential space. The applicant proposes to construct five towers within the resort district at a height of 90 feet for the western hotel parcel, at a height of 260 feet for the residential condominium towers, and at a height of 500 feet for the eastern hotel and condominium parcel. The excavated fill material would be used to raise the elevation of the resort district from 45 feet to 57 feet above base flood elevation, to raise the proposed structures above the Federal Emergency Management Agency (FEMA) 100-year floodplain of the West Fork San Jacinto River.

Commercial District (64.41 acres) (Plan View C)

The applicant proposes to discharge 959.6 cubic yards of fill material into a total of 0.59 acres of wetlands and 110 linear feet of streams to construct the commercial district. The applicant proposes to construct, within 47 acres, retail, residential, and office space. The applicant proposes to construct three towers ranging in height from 230 to 400 feet for the retail offices and residential condominium towers. The applicant proposes to construct additional mid-rise residential and retail spreads at a height of 70 feet. The applicant proposes to discharge fill material to raise the elevation of the commercial district from 45 feet to 57 feet over base flood elevation, to raise the proposed structures over the FEMA 100-year floodplain of the West Fork San Jacinto. The applicant proposes to construct parking garages with two below grade levels and concealed above grade levels to increase the footprint density. The applicant proposes to expand an existing 16.25-acre lake to a 19.25-acre size to create a smaller marina area for personal watercraft parking. The applicant proposes to create a 125-foot wide interconnecting channel between the 80-acre marina and the 19.25-acre marina to provide navigable access between the two marinas and the marina/resort district and the commercial district.

Residential District (136.93 acres) (Plan Views A & B)

The applicant proposes to discharge 46,213.9 cubic yards of fill material into a total of 28.60 acres of wetlands and 404 linear feet of streams to construct the residential district. The applicant proposes to construct, within 64 acres, condominium structures, at a height of 65 feet, on pier and beam foundations with elevated first floor parking and four stories. The applicant will construct the pier and beam condominium structures at a height of

58.5 feet, above the FEMA 100-year floodplain of the West Fork San Jacinto River. The applicant also proposes to construct, within 6 acres of the southern portion of the residential district, 25-story condominiums with parking garages. The applicant will discharge fill material within the southern portion of the residential district to raise the proposed structures and elevations to 57 feet above the FEMA 100-year floodplain of the West Fork San Jacinto River. The applicant proposes to construct four lakes at a total of 6.75 acres throughout the western portion of the residential district. The applicant proposes to construct 1.95 miles of 41-foot-wide roadways with 60-foot-wide right-of-way throughout the residential district beginning at Woodland Hills Drive. The applicant proposes to construct 4-foot and 8-foot wide trails, with a 20-foot-wide easement, around the perimeter of the residential district using bridges over all stream and channels. The applicant proposes to avoid trees and construct the trails of natural materials. The applicant proposes to relocate the existing utility easement within the proposed 20-foot proposed pedestrian trail easement.

Woodland Hills Road Expansion (22.7 acres) (Plan View C)

The applicant proposes to discharge 1,743.8 cubic yards of fill material into a total of 0.960 acres of wetlands and 257 linear feet of streams to construct the Woodland Hills Roadway expansion. The applicant proposes to expand Woodland Hills Drive within the existing right-of-way from two lanes to four lanes. The expanded roadway will include turn lanes and a raised median for a distance of 1.45 miles beginning 0.08 mile south of Kingwood Drive and ending at Hamblen Road.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by configuring the location of the proposed structures and reducing the size of the proposed lakes within each district.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by developing a permittee responsible mitigation site and/or purchasing credits from an approved mitigation bank within the Galveston District boundaries.

CURRENT SITE CONDITIONS: The project area consists of 331.45 acres of undeveloped woodlands located approximately 0.50 mile south of the intersection of Kingwood Drive and Woodland Hills Drive within the City of Houston, in Harris County, Texas. A 1.45-mile long expansion of Woodland Hills Drive, beginning 0.08 mile south of Kingwood Drive and ending at Hamblen Road, is also included in the project area. The applicant stated that bald eagles and their potential habitat were observed within the project area; however, no nests were found. The project area is bordered on the east by Barrington subdivision and the Clubs of Kingwood, on the south by River Grove Park and the waters of the West Fork of San Jacinto River, on the west by Deer Ridge Park, Kingwood United Methodist Church, and Trailwood Village subdivision, and on the north by Kingwood Lakes Village subdivision. The applicant stated an existing 17.59-acre conservation easement exists within the commercial and residential district which is associated with a compensatory mitigation area for Department of the Army Permit SWG-99-26-012 verified on 25 May 1999. This permit was conditioned to place 21.90 acres (12.19 acres of wetlands and 8.99 acres of upland buffer) into a conservation easement.

The aquatic features onsite include open water, forested wetlands, emergent wetlands, and streams. The subject wetlands and waters are located in the Bens Branch-Frontal Lake Houston watershed (United States Geological Survey (USGS) Hydrologic Unit Code (HUC) 12040101) which flows into the West Fork of the San Jacinto River and Lake Houston.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The wetland delineation has been completed and was verified by the Corps on 10 May 2018. As of the date of this Public Notice, the Corps has received the Interim Hydrogeomorphic assessment and Level 1 Stream assessment but has not verified this information. The applicant's plans are enclosed in 28 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 Clean Water Act (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 would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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 permit area was investigated for historic properties and none were identified as documented in the reports titled "Intensive Archaeological Survey of the Kingwood Marina Residential District Project, Harris County, Texas" dated March 2017 and "Intensive Archaeological Survey of the Proposed Kingwood Marina, Harris County, Texas" dated May 2016. Both reports were prepared by SWCA Environmental Consultants.

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 of Engineers, 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 of Engineers 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 of Engineers 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 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 of Engineers 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 **29 January 2019**. 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-2016-00384**, and should be submitted to:

Evaluation Branch, North Unit
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS