



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: SWG-2012-00153

Date Issued: 15 December 2020

Comments

Due: 19 January 2021

**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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Grand Parkway Infrastructure, LLC
8111 FM 1960 Bypass West, Suite 400
Humble, Texas 77338

LOCATION: The project site is located northeast of Houston, within Chambers, Harris, Liberty, and Montgomery Counties, Texas. The project site can be located on the United States Geological Survey (USGS) quadrangle maps entitled: Cove and Splendor, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.854911° North; Longitude: -94.869411° West

PROJECT DESCRIPTION: The applicant is proposing to modify the currently authorized Department of the Army (DA) Permit SWG-2012-00153. The modifications will include:

- 1) Church House Gully (Stream 5): The design for this crossing has been modified from being straightened to facilitate drainage to adding a culvert crossing at Station 1355+00. Box culverts will be added under the Westbound Frontage Road (WBFR), Mainlanes (ML), and Eastbound Frontage Road (EBFR). Stream 5 will be straightened 427 linear feet where the culverts are proposed. In addition, a new driveway has been proposed along the WBFR at Station 1354+00 to maintain access for this landowner.
- 2) Hackberry Gully (FM 565 Drainage Improvements – Ditch 1): Ditch 1 is palustrine emergent wetland (PEM). This design modification consists of widening and enlarging the existing drainage ditch along FM 565 at the northeast corner of FM 565 and SH 99. The drainage ditch would outfall into Ditch 1 (Hackberry Gully). In addition, the existing access off FM 565 will be improved in order to maintain access to the adjacent property. The improvement will include an extension of the existing driveway over the future drainage channel.
- 3) Future Langston Boulevard Drainage Easement (Wetland 1, Wetland 2, and Wetland 5): A drainage analysis was completed for the project and it was determined that additional drainage would be required for the project. The future Langston Boulevard drainage easement consists of a 0.7-acre drainage easement. The drainage easement would be aligned parallel to the City of Mont Belvieu's proposed Langston Boulevard. The drainage easement would outfall into Wetland 5 (Hackberry Gully).

The below table summarize the proposed modified impacts:

Table 1: Summary of Fill Material

Feature Name	Area (acres)	Cubic Yards (CY) of fill	Length (linear feet (LF))
Wetland 1	0.019	30.65	NA
Wetland 2	0.391	630.81	NA
Wetland 5	0.18	290.40	NA
Ditch 1	0.043	69.37	NA
Stream 5	0.020	31.63	427
TOTAL:	0.653	1052.87	427 LF

BACKGROUND: A Final Environmental Impact Statement (FEIS) was prepared for SH 99 Segments H and I-1 and Record of Decision (ROD) was issued on 24 June 2014. The impacts to wetlands and waters of the U.S. (WOUS) associated with the FEIS were authorized on 27 October 2017.

The permit authorized the applicant to construct an approximately 37.5-mile-long, controlled access toll road with intermittent frontage roads within a 250-foot to 400-foot right-of-way (ROW) beginning at US 59/IH 69 and terminating at 11-J 10 East along with associated compensatory mitigation (mitigation bank credits). Total authorized impacts consisted of 1,392 LF of stream impacts and 53.41 acres of wetlands. After the approval of the FEIS and IP, design modifications to SH 99 H&I-1 were required. Three of the design modifications require additional impacts to the wetlands and waters in addition to the areas that were permitted which are the subject of the permit request.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts to the greatest extent practicable. The FEIS identified eleven build alternatives for the alignment of SH 99: Segments H and I1. The current proposed route was the “Selected Alternative.” The Selected Alternative was carried forward because it met the purpose and need of the project, while providing avoidance where possible. The proposed project would include design modifications to SH 99: Segments H and I1 that were required to accommodate additional drainage needs and to provide property access to adjacent landowners.

MITIGATION: The applicant proposes to compensate for these losses through the purchase of wetland mitigation credits. Credits from the approved Gulf Coastal Plains Mitigation Bank (GCPMB) and stream credits from the approved Houston-Conroe Mitigation Bank (HCMB).

The 0.633 acres of unavoidable impacts to wetlands only are located within the primary and secondary service area of the GCPMB. The applicant is proposing a 1:1 ratio for impacts in the primary service area and 1:1.5 ratio for impacts in the secondary service area. Total functional credit units (FCU) to be purchased would be 0.302 physical FCU, 0.302 biological FCU, and 0.302 chemical FCU.

Unavoidable impacts to streams are within the primary service area of the HCMB. The applicant is proposing a 1:1 ratio for impacts within the primary service area. The applicant is proposing to mitigate for the 427 LF of stream impacts with the purchase of 210 credits at the HCMB.

CURRENT SITE CONDITIONS: The project site is located within the Atlantic and Gulf Coast Lowland Forest and Crop Land Resource Region (LRR T) of the Gulf Coast and is more specifically located in Major Land Resource Area (MLRA) 150A (Gulf Coast Prairies). This area is characterized by nearly level plains that have low local relief, with deep soils with a loamy or clayey surface layer. This area was originally a natural grass prairie with hardwood trees along the rivers and streams, however most of the area is in farm and agricultural management.

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 applicant's plans are enclosed in 7 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: This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with 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 has been so extensively impacted by construction and maintenance of FM 565 and channelization of Church House Gully and Hackberry Gully that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

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 **19 January 2021**. 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-2012-00153** and should be submitted to:

Central Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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