



Public Notice

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

Galveston District

Permit Application No: SWG-2021-00231

Date Issued: 19 December 2023

Comments

Due: 22 January 2024

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. 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: Montgomery County Drainage District #6
2727 Allen Parkway, Suite 1100
Houston, Texas 77019-xxxx
POC: John Planchard
Telephone: 713-652-6500
Email: jplanchard@mcdd6.org

AGENT: Huitt-Zollars, Inc.
10350 Richmond Avenue, Suite 300
Houston, Texas 77042-xxxx
POC: Jamie Salinas, P.E.
Telephone: 281-496-0066
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LOCATION: The project site is located at 8 separate sites within Channel II-B, a man altered channel, is located in Spring, east of North Freeway/I-45 and north of Grand Parkway/SH-99. Channel II-B starts 0.25 miles east of the intersection of the I-45 service road and Rayford Road (30.126842, -95.438305). The channel is south of Rayford Road between AAMCO Transmissions (400 Rayford Road) and VCA Woodlands Animal Hospital (428 Rayford Road). The channel flows south, east, and then south to its outfall in Spring Creek (30.115155° N, 095.427423° W), in Spring, Montgomery County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Spring, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.126842° North; Longitude: 95.438305° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 3,705 cubic yards of material below the ordinary high-water mark into 691 linear feet of Channel II-B at 8 separate locations in an unnamed tributary to Spring Creek to stabilize maintenance berms, side slopes and channel bottoms for the purpose of re-establishing eroded and storm damaged areas to improve flood control and maintenance of the drainage system.

AVOIDANCE AND MINIMIZATION: Impacts to water of the United States are being avoided and minimized by only repairing the most damaged areas of the channel and using permeable materials. In many places, the channel will be returned to soil and grass. The work will be constructed under a stormwater management plan and a TCEQ construction stormwater permit using best management practices, including in-channel silt curtains immediately upstream and downstream of the work areas.

MITIGATION: The applicant has performed a Stream Condition Assessment functional assessment on the stream proposed to be impacted has been performed. Compensatory mitigation should not be required for these impacts as the Stream Condition Assessment scoring shows no change in the reach condition index of the channel before and after the repairs.

CURRENT SITE CONDITIONS: The project site is pre-dominantly a grass lined, maintained trapezoidal-shaped engineered drainage channel. The bottom of which is steep and incised below the ordinary high-water mark. Portions of the project site appear to be a rerouted tributary visible on topographic maps as Sam Bell Gully. The project channels lie mostly within the 100-year flood plain and flow into Spring Creek.

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 11 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review 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. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

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 channelization and maintenance of the tributaries 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 **22 January 2024**. 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-2021-00231**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RDE
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS