



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2018-00908
	Date Issued: _____	5 February 2019
	Comments _____	
Galveston District	Due: _____	8 March 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 (CWA).

APPLICANT: Maple Group, LP
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Houston, Texas 77002
POC: Jeff Stallones
Telephone: 713-236-1800
email: jeffstallones@gmail.com

AGENT: InControl Technologies, Inc.
14731 Pebble Bend
Houston, Texas 77068
POC: Michael F. Marcon
Telephone: 281-580-8892
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LOCATION: The project site is located north of Willow Creek, approximately 2 miles south of Tomball, within Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Tomball, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.067812° North;

Longitude: -95.621500° West

PROJECT DESCRIPTION: The applicant proposes to construct 13 residential buildings ranging in size from 26,107- to 36,528-square-foot, 490 exposed parking spaces, 47 garage spaces, 19 truck/van parking spaces, a 5-acre detention pond, and associated utilities. As a result of this development, the applicant requests authorization to fill 2.92 acres (5,962.37 cubic yards) of wetlands in order to elevate the property out of the 100-year special flood hazard area.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by limiting the impacts to the minimum necessary to accomplish the purpose of the project.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by purchasing credits from an approved mitigation bank.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land surrounded by commercial development to the northwest, State Highway 249 to the west, Holderrieth Road to the south, and undeveloped land to the south. The project site is located north of Willow Creek. Several roadside drainage ditches are within the project area.

The herbaceous upland community consists of non-wetland areas dominated by non-woody vegetation such as grasses and forbs. The most common species included King Ranch Bluestem (*Bothriochloa ischaemum*), Bermuda grass (*Cynodon dactylon*), bahia grass (*Paspalum notatum*), blackberry (*Rubus trivialis*), Canada wildrye (*Elymus canadensis*), and woolly plantain (*Plantago patagonica*). The majority of the project site was scrub-shrub upland community consisting of non-wetland areas dominated by shrubs, saplings, and herbaceous species. Four main species were the primary constituents of the shrub stratum and included Chinese tallow tree (*Triadica sebifera*), false willow (*Baccharis halimifolia*), blackberry, and yaupon (*Ilex vomitoria*). The herbaceous stratum included lawnflower (*Calyptocarpus vialis*), arrowleaf sida (*Sida rhombifolia*), American beautyberry (*Callicarpa americana*), Cherokee sedge (*Carex cherokeensis*), western ragweed (*Ambrosia psyllostachya*), American nightshade (*Solanum ptycanthum*), and woolly plantain. The forested upland community identified within the project site consisted of non-wetland areas dominated by mature trees, shrubs, and herbaceous species. Two principal tree species, Chinese tallow and black willow (*Salix nigra*), were identified as the dominant components within the community. The sapling/shrub and herbaceous strata consisted primarily of blackberry, American beautyberry, yaupon, Cherokee sedge, lawnflower, and Johnson's grass (*Sorghum halepense*).

The forested wetland community identified within the project site consisted of wetland areas dominated by trees with a diameter at breast height of greater than 3 inches. This habitat generally contains shrubs, and herbaceous species as well. Two principal tree species, Chinese tallow, and black willow were identified as the dominant components within the community. The sapling/shrub and herbaceous strata consisted primarily of blackberry, yaupon, Cherokee sedge, and lawnflower. The Palustrine scrub-shrub wetland communities encountered at the project site were primarily dominated by two woody species, black willow and Chinese tallow tree. The herbaceous community within these communities is dense and diverse. The primary herbaceous constituents included: torpedo grass (*Panicum repens*), maidencane (*Panicum hemitomon*), big bluestem (*Andropogon gerrardii*), big bluestem, Louisiana sedge (*Carex louisianica*), hop sedge (*Carex lupulina*), deep-rooted sedge (*Cyperus entrerianus*), and soft rush (*Juncus effusus*). Palustrine emergent marsh habitats consisted primarily herbaceous components including: cattail (*Typha latifolia*), torpedo grass, deep-rooted sedge, big bluestem, and soft rush.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps.

As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. 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: 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 permit area has been so extensively impacted by previous earth moving activities in 2006 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 **8 March 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-2018-00908**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
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