



# Public Notice

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| <b>U.S. Army Corps</b>    | Permit Application No: | SWG-2011-01181 |
| <b>Of Engineers</b>       | Date Issued:           | 11 July 2019   |
| <b>Galveston District</b> | Comments Due:          | 12 August 2019 |

## 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:** Gin City Restoration, LLC (Sponsor)  
P.O. Box 1174  
Huffman, Texas 77336

**AGENT:** Alluvion Resource Company, LLC  
8010 FM 699  
Joaquin, Texas 75954  
POC: Chance Kimbrough  
Phone: 936-465-5247  
Email: [chance@alluvionrc.com](mailto:chance@alluvionrc.com)

**LOCATION:** The Gin City Mitigation Bank (GCMB) consists of approximately 544 acres of historic farm land located west of and adjacent to Cedar Bayou, south of FM 1960, in northeast Harris County, Texas. The site can be located on the U.S.G.S. quadrangle map entitled: Huffman, Texas (see Location Map); Universal Transverse Mercator (UTM) Zone 15, North 3322858 meters and East 301213 meters based on the North American Datum of 1983 projection (NAD83).

### LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.02364° North;

Longitude: -95.06338° West

**PROJECT DESCRIPTION:** The applicant proposes to modify the credit release schedule and financial assurances components of the approved “*Gin City Mitigation Banking Instrument - Amendment 1, Gin City Mitigation Bank, Harris County, Texas, SWG-2011-01181*”, dated 8 October 2018, in accordance with Regulatory Guidance Letter 19-01 (issued 22 February 2019): *Mitigation Bank Credit Release Schedules and Equivalency in Mitigation Bank and In-Lieu Fee Program Service Areas (RGL)*.

**AVOIDANCE AND MINIMIZATION:** The specific objectives of the GCMB are to restore and sustain physical, chemical, and biological forested wetland functions.

**MITIGATION:** The applicant proposes to modify the credit release schedule and financial assurances components of an existing compensatory mitigation bank.

**CURRENT SITE CONDITIONS:** The GCMB was authorized approved 1 May 2014. Three subsequent credit releases have been authorized by the Corps, including the second and third credit releases issued on 10 November 2015, associated with the completion of construction activities and planting. Since that time the Sponsor has been monitoring the performance of the wetlands. Due to extended ponding following large rainfall and flood events, the Sponsor proposed the construction of minor hydrologic modifications and site enhancements to improve performance of GCMB. The “*Gin City Mitigation Banking Instrument - Amendment 1, Gin City Mitigation Bank, Harris County, Texas, SWG-2011-01181*”, dated 8 October 2018, was approved on 14 May 2019. This reduced the credited wetland acres within the bank from 514 to 511 acres. Current conditions of the GCMB is that of early successional stages of restored bottomland hardwood wetlands. Prior to construction, there were no jurisdictional wetlands within the GCMB, as it was managed for agriculture, specifically rice (*Oryza sativa*), soybean (*Glycine max*), and hay production.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has been verified by the Corps. The applicant’s plans in 99 sheets may be viewed in their entirety at the Galveston District Regulatory Division web site at <http://www.swg.usace.army.mil/reg/pn.asp>

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.

**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 modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

**THREATENED AND ENDANGERED SPECIES:** 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 **12 August 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-2011-01181**, and should be submitted to:

Policy Analysis Branch  
Regulatory Division, CESWG-RDP  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS