



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2016-00616

Date Issued: 3 July 2019

Comments

Due: 5 August 2019

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**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:** Tranquility Ranch  
20917 Karen Switch Road  
Magnolia, Texas 77354  
Telephone: 281-914-1012  
POC: Mr. Nathan Ingram

**AGENT:** SWCA Environmental Consultants  
10245 West Little York Road, Suite 600  
Houston, Texas 77040  
Telephone: 281-617-3217  
POC: Lee Forbes  
Email Address: lforbes@swca.com

**LOCATION:** The project site is located in wetlands adjacent to Lake Creek, 1.5 miles northeast of the intersection of Farm-to-Market Road (FM) 149 and FM 1488, 5 miles northeast of Magnolia, in Montgomery County, Texas. The project can be located on the U.S.G.S. quadrangle maps entitled: Keenan and Magnolia East, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 30.255 North;

Longitude: -95.686 West

**PROJECT DESCRIPTION:** The applicant proposes to establish and operate the West Montgomery Mitigation Bank (WMMB), on a 1,211-acre property known as Tranquility Ranch. This notice is intended to provide information concerning potential modifications of the proposed West Montgomery Mitigation Bank (WMMB), and the prospectus released on public notice in August 2016. The following supplements the projects August 2016 prospectus. This site consists of bottomland hardwood forest and cleared pasture. The WMMB would encompass 1,002.31 acres, in the largely forested western portion of the property, adjacent to Lake Creek. The WMMB is located in the South Central Plains Level III Ecoregion. The goal of the WMMB is to improve chemical, physical, and biological functions within the West Fork San Jacinto River watershed by implementing a mitigation work plan (MWP) that focuses on managing previously impacted forested areas (enhancement/restoration), preserving those areas that are currently functioning as native riparian zones adjacent to Lake Creek, and re-establishing a relic stream channel that will outfall to Lake Creek within the WMMB easement. Functional increases will be quantified and used to replace functions lost or degraded through permitted impacts to waters of the U.S. within the service area.

The objectives of WMMB are to:

- 1) preserve 331.36 acres of high-functioning palustrine forested (PFO) wetlands;
- 2) preserve 15.18 acres of palustrine scrub-shrub (PSS) wetlands;
- 3) preserve 4.26 acres of palustrine herbaceous wetlands;
- 4) enhance 57.77 acres of partially degraded wetlands;
- 5) restore 274.80 acres which were historically PFO wetlands converted to ag use;
- 6) preserve 257.21 acres of adjacent upland buffer area; and
- 7) re-establish 9,050 linear feet of stream with buffers; totaling approximately 41.48 acres.

**AVOIDANCE AND MINIMIZATION:** The purpose of the project is to preserve, enhance, and restore the wetland and stream functions on the site.

**MITIGATION:** The applicant proposed to construct a compensatory mitigation bank.

**CURRENT SITE CONDITIONS:** The project site is primarily made up of Palustrine Forested Wetlands, comprising 312.44 acres. Palustrine Scrub-Shrub comprise 20.34 acres. Lake Creek flows along the northeastern boundary of the property. The applicant delineated 37 streams, 13 man-made ponds, and 1 beaver pond within the project boundaries. A Corps verified delineation of waters of the U.S. determined that there are 419.17 acres of jurisdictional wetlands and 19.58 acres of waters on-site. Detailed information on the wetlands and waterbody types and vegetation are described below. Periodic flooding of Lake Creek influences the hydrology of wetlands, streams, and ponds onsite.

**NOTES:** This public notice is being issued based on information furnished by the applicant. The complete bank prospectus supplement is included in 43 pages, and the Plan Summary in 3 pages.

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 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 Sponsor submitted a request for State Historic Preservation Office (SHPO) consultation to the THC on 20 August 2018. In a response dated 24 September 2018, the THC determined that the proposed activities within WMMB would result in NO HISTORIC PROPERTIES AFFECTED and indicated that the project could proceed.

**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 **5 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-2016-00616**, and should be submitted to:

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

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS