



Public Notice

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

Galveston District

Permit Application No: SWG-2019-00446

Date Issued: 20 July 2022

Comments

Due: 19 August 2022

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: Howard Hughes Corporation
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The Woodlands, Texas 77380
POC: Mark Gehringer
Telephone: 281-213-9600
Email: mark.gehringer@howardhughes.com

AGENT: BGE, Inc.
10777 Westheimer, Suite 400
Houston, Texas 77042
POC: Derek Nicholas
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LOCATION: The project site is located in wetlands and waters adjacent to Cypress Creek, at 23720 House Hahl Road, in Cypress, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Warren Lake, Texas.

LATITUDE & LONGITUDE (NAD 83):

Center point Latitude: 29.951509° North; **Longitude:** -95.787246° West

PROJECT DESCRIPTION: The applicant proposes to permanently impact 155.27 acres of waters of the United States adjacent to Cypress Creek by the discharge of an estimated 28,000 cubic yards of fill material during the development of a 4,954-acre Bridgeland West Master Planned Community.

The applicant proposes to discharge fill material to construct single and multi-family residential homes, commercial, office, and retail spaces, and light industrial complexes with the supporting infrastructure such as roadways, electrical, water, wastewater treatment, and stormwater drainage utilities, detention, and floodplain mitigation. The applicant also proposes to excavate floodplain mitigation basins to contain the 100-year floodplain and generate fill to raise the elevation of the tract to be consistent with current county building codes.

Specifically, the applicant proposes to:

- Permanently discharge fill material into 39 separate palustrine emergent (PEM) wetlands totally 110.22 acres
- Permanently discharge fill material into 8 separate palustrine scrub/shrub (PSS) wetlands totaling 9.09 acres
- Permanently discharge fill material into 10 separate palustrine forested (PFO) wetlands totaling 29.38 acres
- Permanently discharge fill material into 6 separate palustrine unconsolidated bottom (PUB) ponds totally 6.59 acres

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding impacts to 217.26 acres of waters of the US comprised of 152.68 acres of PEM wetlands, 19.78 acres of PSS wetlands, 41.63 acres of PFO wetlands, and 3.17 acres of open water. The applicant has also stated that they will avoid impacts to 13,526 linear feet of streams within the project area. The applicant's Alternative Analysis is enclosed in, Attachment A, in 52 sheets.

MITIGATION: The applicant proposed to mitigate for the 155.27 acres of permanent wetland impacts by the creation of a permittee responsible mitigation (PRM) area within a 195-acre tract located five miles southwest from the project site. The PRM area is located within Harris County, between the cities of Katy and Hockley, within the Katy Prairie and Cypress Creek watershed. The applicant stated the goals of the PRM plan will establish 29.50 acres of PFO wetlands, 7.57 acres of PSS wetlands, and re-establish 95.79 acres of PEM wetlands and prairie depressional wetlands. The applicant utilized the Galveston District Interim Hydrogeomorphic functional analysis to determine the compensatory mitigation amounts. The applicant's Mitigation Plan is enclosed in, Attachment B, in 245 sheets.

The applicant stated as per the Corps 2013 Memorandum for Record, SWG Watershed Approach for Compensatory Mitigation in the Addicks and Barker Project Region, compensatory mitigation for impacts to aquatic resource functions within the Addicks & Barker Project Regional Watershed (ABPRW) should be located within the ABPRW in order to restore flood attenuation functions back to the region and watershed to decrease risks to the Addicks and Barker Reservoirs. The applicant stated all of the project impacts are located within the ABPRW and therefore the compensatory mitigation should be located within the ABPRW. The applicant stated the proposed PRM tract is within the ABPRW.

The applicant acknowledges that Greens Bayou Wetland Mitigation Bank, Mill Creek Mitigation Bank, and Tarkington Bayou Mitigation Bank are suitable mitigation banking options in the vicinity of the project location. As of the date of this notice and as stated by the applicant, Greens Bayou Mitigation Bank is a private, single user mitigation bank, Mill Creek Mitigation Bank is sold out of credits, and Tarkington Bayou does not have enough forested wetlands credits for the proposed project impacts.

CURRENT SITE CONDITIONS: The project site is a partially developed 4,954-acre tract located on the Katy Prairie situated west of and adjacent to State Highway 99 and west of the existing Bridgeland Master Planned Community. The project site spans both sides of Cypress Creek and is bordered on the north by the proposed expansion of Jack Road, on the west by Katy-Hockley Road, on the east by State Highway 99, and on the south by John Paul Landing Park at West Road. The project site is surrounded by largely undeveloped land and situated within the Hydrological Unit code 12040102, Mallard Lake-Cypress Creek watershed.

NOTES: 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 applicant's wetland delineation, SWG Interim Hydrogeomorphic Assessments, or mitigation plan. The applicant's plans are enclosed in 17 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 of 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 contacted TCEQ and initiated the Section 401 CWA process, on 24 May 2022. 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 was investigated for historic properties and three (41HR796, -1246, and -1248) were identified as documented in the technical report titled "*An Intensive Cultural Resources Survey for the Bridgeland West Project, Harris County, Texas*" prepared by BGE, Inc. and dated March 2022. The applicant will need to make edits to the report before the Corps can complete our review and consult with the Texas State Historic Preservation Officer.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that the proposed activity may affect, but is not likely to adversely affect, Texas Prairie Dawn-flower (*Hymenoxys texana*). Consultation with the U.S. Fish and Wildlife may be needed to assess the effect on endangered species.

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 August 2022**. 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-2019-00446**, and should be submitted to:

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DISTRICT ENGINEER
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