



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2017-00274

Date Issued: 21 March 2019

Comments

Due: 22 April 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:** TCG Residential, LLC  
1095 Evergreen Circle, Suite 200-521  
The Woodlands, Texas 77380-3645  
POC: Tim Crawford  
Telephone: 281-210-7768  
Email: tim@palmettobuilt.com

**AGENT:** Kimley-Horn and Associates, Inc.  
Two Galleria Office Tower, 13455 Noel Road, Suite 700  
Dallas, Texas 75240-6620  
POC: Carland Holstead  
Telephone: 469-914-8717  
Email: carland.holstead@kimley-horn.com

**LOCATION:** The project site is located in wetlands and an open water area adjacent to the West Fork San Jacinto River, approximately 0.30-mile northwest of the intersection of South Loop 336 West and Sergeant Ed Holcomb Boulevard South, in Conroe, Montgomery County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Conroe, Texas.

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

**Latitude:** 30.289661° North; **Longitude:** 095.487784489° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 1,300,000 cubic yards of fill material into 5.6 acres of emergent wetlands, 4.14 acres of scrub/shrub wetlands, and 0.06 acres of open waters. The purpose of the fill is to develop a 33.7-acre tract for residential communities with amenities, associated parking, infrastructure and utilities. This project will temporarily impact a total of 3.4 acres of wetlands for floodplain mitigation, (2.54 acres of emergent wetlands, 0.09 acre of scrub/shrub wetlands). The applicant proposes to hydroseed and selectively plant the floodplain mitigation areas totaling 6.2 acres, which includes the 3.4 acres of wetlands of temporary impacts on the project tract.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by minimizing the footprint of the development to the extent practicable. The proposed project will avoid impacts to 4.57 acres of emergent wetlands on the project site 0.46-acre scrub/shrub wetlands, located on the project tract.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts through the purchase of credits at the Tarkington Mitigation Bank pending credit availability, or another approved wetland mitigation bank. A functional assessment has been provided and estimates a functional capacity unit mitigation requirement of 22.68 units. Compensatory mitigation is not proposed for the 3.4 acres of temporary impacts.

**CURRENT SITE CONDITIONS:** The project site is 33.7-acre tract located in southwest Conroe. This tract contains 18.2 acres of wetlands adjacent to the West Fork San Jacinto, and 0.06 acre of open water. These wetlands include 12.7 acres of emergent wetlands, and 5.5 acres of scrub/shrub wetlands. The subject tract is bounded to the north and west by residential development and to the east by a commercial development along State Highway 336. The subject tract is also bounded by an undeveloped tract to the south.

**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 5 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 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 Corps 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 project area was investigated for historic properties and none were identified as documented in the technical report titled "Intensive Cultural Resources Survey of a Proposed 171.0-Acre Residential Development, Conroe, Montgomery County, Texas" prepared by Horizon Environmental Services, Inc. and dated November 2013.

**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 April 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-2017-00274**, and should be submitted to:

North Evaluation Unit  
Regulatory Division, CESWG-RDE  
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