



# Public Notice

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

Permit Application No: SWG-2009-00937

Date Issued: 14 November 2024

**Galveston District**

Comments Due: 16 December 2024

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## 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** Katy Prairie MB Holdings, LLC  
c/o Conservation Equity Management, LLC  
P.O. Box 192689  
Dallas, Texas 75219

**AGENT:** Conservation Equity Partners, LLC  
1215 Wright Drive  
Nacogdoches, Texas 75964  
POC: Tamara Wood  
Telephone: 936-404-3818  
Email: tw@cem-tx.com

**LOCATION:** Katy Prairie Stream Mitigation Bank site is located on an unnamed tributary to Cypress Creek, on the Warren Ranch, 5 miles south of Hockley, in Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Hockley, Texas. Approximate UTM Coordinates in NAD 83 (meters): Zone 15; Easting: 225759; Northing: 3325133.

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

**Latitude:** 30.02653 North; **Longitude:** -95.843587 West

**PROJECT DESCRIPTION:** The Sponsor, Katy Prairie MB Holdings, LLC, is requesting approval to modify the existing KPSMUB Mitigation Banking Instrument (MBI), to develop Phase II of the KPSMUB on properties owned by Coastal Prairie Conservancy (CPC) and the Warren Ranch Group. The goals of the KPSMUB are to successfully restore stream functions associated with the lands occurring within the Bank; and to perpetually protect these restored habitats within the site. As proposed the KPSMUB will continue to be used for compensatory mitigation for unavoidable impacts to waters of the United States, including streams, that result from activities authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, provided such activities have met all applicable requirements and are authorized by the U.S. Army Corps of Engineers (USACE).

**AVOIDANCE AND MINIMIZATION:** The specific objectives of the project are to restore the biological, physical, and chemical functional capacities of the site.

**MITIGATION:** N/A; The applicant proposes to construct a compensatory mitigation bank.

**CURRENT SITE CONDITIONS:** The site is comprised of undeveloped land containing pasture land, uplands and stream resources. The project area and its onsite effective drainage areas are characterized by agricultural land and riparian buffers are dominated by invasive species. Areas outside of the riparian zone and not used for agricultural purposes are best described as disturbed prairie frequently dominated by invasive and unwanted scrub-shrub species. The invasive Chinese tallow (*Triadica sebifera*) is prevalent within the project area. Macartney rose (*Rosa bracteata*), deep-rooted sedge (*Cyperus entrerianus*), and Chinese privet (*Ligustrum senense*) are not listed as noxious and invasive species by the Texas Department of Agriculture; however, are unwanted vegetation that inhibits the ability of native grass establishment.

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 verified the wetland delineation. The applicant's proposal (plans) are enclosed in 125 sheets.

#### **PRELIMINARY REVIEW OF SELECTED FACTORS:**

EIS DETERMINATION - 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.

**COASTAL ZONE MANAGEMENT** – Consistency with the State of Texas Coastal Management Plan is not required.

**WATER QUALITY** – The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on 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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

**NATIONAL REGISTER OF HISTORIC PLACES** – The staff archaeologist has not reviewed the latest published version of the National Register of Historic Places (NRHP), 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 the project has no potential to affect a Historic property.

**THREATENED AND ENDANGERED SPECIES** – An evaluation will be conducted on the bank site and proposed design processed under this proposal to determine if threatened and/or endangered species, or their critical habitat, will be affected by the proposed work. If necessary, consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species. Preliminary indications are that no known threatened and/or endangered species or 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 **16 December 2024**. 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-2009-00937**, and should be submitted to:

Regulatory Division, CESWG-RDP  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS