



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2001-01156

6 October 2020

6 November 2020

**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: Harris County Engineering Department
1001 Preston Street, 7th Floor
Houston, Texas 77002
Telephone:
POC: Kathy Williams
Email: Kathy.williams@eng.hctx.net

AGENT: Berg Oliver Associates, Inc.
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Houston, Texas 77079
Telephone: 281-589-0898
POC: Jeremiah Mathis
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LOCATION: The project site is located near the Sheldon Reservoir, at 12702 West Lake Houston Parkway, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Harmaston, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.924250° North; Longitude: 095.195440° West

PROJECT DESCRIPTION (MODIFICATION): The applicant proposes to modify an existing permit by permanently discharging 242 cubic yards of concrete into 0.30 acres of wetlands to construct a sidewalk along the north and south sides of West Lake Houston Parkway near the Sheldon Reservoir.

HISTORY: Department of the Army (DA) Permit SWG-2001-01156 (formerly 22461) was issued on 5 February 2003 to Genstar Summerwood, L.P. and authorized the discharge of fill material into approximately 5.98 acres of wetlands and to excavate 1.70 acres of wetlands to construct the Summerwood residential development. To compensate for the unavoidable impacts to wetland habitat, the permittee was to 1) maintain a 30-foot-wide upland buffer around the avoided wetlands; 2) enhance avoided jurisdictional areas; 3) reconnect historic drainage patterns to Carpenter Bayou by installing 2 weirs and a box culvert; 4) create 2.5 acres of forest wetlands; and 5) place a deed restriction over all mitigation areas. On 22 May 2019, DA Permit SWG-2001-01156 (formerly 22461) was transferred from Genstar Summerwood, L.P. to Harris County Engineering Department as the responsible party for all obligations, terms and conditions of the permit.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they will avoid and minimize the environmental impacts by installing a reinforced filter fabric barrier along both the north and south sides of West Lake Houston Parkway surrounding the entire project impact area to prevent any unnecessary impacts into jurisdictional areas. After consideration of multiple alternatives, the applicant selected a design which minimizes impacts to waters of the US to the greatest extent practicable. Originally, the applicant proposed an 11-foot by 0.50-mile concrete boardwalk in-lieu of the ground level concrete sidewalk. However, this alternative was eliminated for the following reasons: 1) the elevated boardwalk cannot be elevated high enough to prevent shading of the wetlands due to American Disability Act (ADA) restrictions, thus resulting in loss of the wetlands under the elevated boardwalk; 2) the elevated boardwalk needed to be wider than a ground level sidewalk for stability purposes thus resulting in greater impacts, 0.97 acres versus 0.30 acres for the ground level sidewalk; and 3) the cost to construct the boardwalk would cost approximately 10 times more than the costs for the ground level sidewalk construction.

MITIGATION FOR MODIFICATION REQUEST: The applicant proposed to mitigate for the proposed impacts by to 0.30 acres of forested wetlands by purchasing 0.2 Physical Functional Capacity Units (FCUs), 0.2 Biological FCUs, and 0.2 Chemical FCUs from the Greens Bayou Wetland Mitigation Bank (GBWMB). In order to compensate for the unavoidable impacts to 0.05 acres of previously deed restricted wetlands, the applicant is proposing to purchase 0.1 Physical FCUs, 0.1 Biological FCUs, and 0.1 Chemical FCUs, from the GBWMB as well.

CURRENT SITE CONDITIONS: The project site is along the north and south sides of West Lake Houston Parkway in Harris County, Texas. The area is characterized by an existing residential development and a mix of herbaceous and forested wetlands that are within a deed restricted area related to compensatory mitigation for the original authorization. Wetland vegetation on site consists primarily of Savannah panicum (*Phanopyrum gymnocarpon*), Chinese tallow (*Triadica sebifera*), and Green ash (*Fraxinus pennsylvanica*). Approximately 0.05 acre of wetlands to be impacted by the proposed sidewalk installation on the north side of West Lake Houston Parkway are within the deed restricted area established for compensatory mitigation in the original authorization for DA Permit SWG-2001-01156 (formerly 22461). Approximately 0.25 acre of wetlands along the south side of West Lake Houston Parkway are to be impacted by the proposed sidewalk installation but are not within the deed restricted area.

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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

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 is confined to an existing right-of-way that has been so extensively impacted by previous project activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to affect historic properties.

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 **6 November 2020**. 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-2001-01156**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS