



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2014-00335 Revised
	Date Issued: _____	4 August 2016
	Comments _____	
<b>Galveston District</b>	Due: _____	19 August 2016

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT  
AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT**

**PURPOSE OF PUBLIC NOTICE:** To inform you of Tier II notification for the 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 (HCED)  
1001 Preston Street, 7<sup>th</sup> Floor  
Houston, Texas 77002  
Telephone 713-755-7144  
POC: Dwayne Rogers

**AGENT:** RPS Klotz Associates  
1160 Dairy Ashford, Suite 500  
Houston, Texas 77079  
Telephone 281-589-7257  
POC: Mathew Clinton

**LOCATION:** The project site is located in a drainage channel identified by the Harris County Flood Control District as M128-00-00 which flows along the west side of Cypress Rose Hill, in Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Rose Hill, Texas.

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

<b>Termini</b>	<b>Latitude, Longitude</b>
880 feet south of Burkhardt Rd	30.066961 N, -95.698537 W
500 feet north of Seidel Cemetery Rd	30.076076 N, -95.700262 W

**PROJECT DESCRIPTION:** Harris County proposes to widen and upgrade Cypress Rose Hill Road Segment 10 from 1,700 feet south of Burkhardt Road to 500 feet north of Seidel Cemetery Road, in Harris County, Texas. The proposed project is approximately 0.68 mile in length.

Existing Cypress Rose Hill is currently a two-lane undivided roadway. Shoulders are typically minimal with a width of less than one foot. Harris County Flood Control District Channel M128-00-00 is adjacent to the west side of Cypress Rose Hill Road.

On 13 May 2014, USACE determined that M128-00-00 was jurisdictional due to its nexus with Willow Creek. Portions of M128-00-00 are concrete lined. A 25-acre pasture is located on the eastside of Cypress Rose Hill Road between Seidel Cemetery Road and Burkhardt Road. Harris County is proposing to widen Cypress Rose Hill Road to a four-lane divided highway. Approximately 2.34 acres of additional right-of-way (ROW) will be required. M128-00-00 will be culverted for the entire length of the project. Approximately 0.461 acre of permanent impacts to waters of the U.S. are anticipated as a result of construction.

The types of materials that would be discharged would be in compliance with the current Harris County specifications and standards. Material would be granular material that is free from vegetation or other objectionable material and meets Harris County's requirements. A Storm Water Pollution Prevention Plan (SW3P) will be prepared in accordance to Harris County standards. The SW3P will help to control sedimentation transport during construction. Approximately 436.07 cubic yards of fill have been calculated for the proposed project.

**AVOIDANCE AND MINIMIZATION:** Impacts that could not be avoided have been minimized to the greatest extent practicable while still meeting the purpose and need of the proposed project.

During the early planning phase of the proposed project, engineers realized that the jurisdictional water of the U.S. M128-00-00 would be impacted by the proposed roadway improvements. In the area where the ROW was only 60 feet in width, existing M128-00-00 needed to be filled and relocated. During the alternative analyses phase, alternatives were developed shifting Cypress Rose Hill Road to the east and west of the existing alignment in order to avoid M128-00-00. The alignment of Cypress Rose Hill Road shifting to the right (east) of the existing alignment would require a significant cost to acquire new ROW and would impact and possibly displace six residential homes. The alignment of Cypress Rose Hill Road shifting to the left (west) of the existing alignment would require a significant cost to acquire new ROW and would impact and possibly displace three residential homes and one commercial horse stable. M128-00-00 would still have to be relocated for this alternative.

Once complete avoidance of M128-00-00 determined was impracticable and infeasible, an alternative was designed to minimize the impacts the jurisdictional water. In order to keep M128-00-00 at its current location and not be filled, the jurisdictional water would be culverted. Cypress Rose Hill Road would shift to the east at some locations along the project but ROW acquisition would be less and no displacements would occur. Although vegetation would be lost in the new culverted areas, upstream and downstream flow would be maintained in their original state as opposed to the relocation of M128-00-00.

**MITIGATION:** An assessment determined that M128-00-00 was an intermittent stream with no perennial pools, perennial streams or wadeable rivers; therefore, a Level 1 Stream Condition Assessment was completed for the project.

The Stream Condition Assessment (2013) tool utilized by the USACE Galveston District calculated that 3,175 stream credits are required for mitigating the impacts of this project, using a formula that requires a minimum 2:1 ratio in compensatory mitigation for projects. Based on the research, it would cost nearly \$682,797.00 to purchase this amount of stream mitigation in order to culvert a roadside ditch that has a very poor to severe functional stream assessment score which is not practicable and way beyond sufficient to replace lost aquatic resource.

Per 33 CFR 332.3(f)(1), the District Engineer allow HCED to utilize the revised metric of the condition assessment consenting the applicant to purchase 1,178  $(0.67[\text{RCI Delta}] \times 1[\text{F}] \times 1758 [\text{linear feet}])$  stream credits from the Katy Prairie Stream Umbrella Mitigation Bank for an impact to 1,758 feet of stream (number excludes 612 linear feet of excising culverts and concrete lined channel). This revised metric allows HCED to mitigate impacts to M128-00-00 at a 1:1 ratio rather than the instrument minimum 2:1 ratio per the implied impact minimum impact factor of "2". The Corps believes that this compensatory mitigation, to the extent practicable, is sufficient to replace lost aquatic resource function. The revised cost to purchase 1,178 credits will be approximately \$253,270.00.

**CURRENT SITE CONDITIONS:** Cypress Rose Hill Road extends between US 290 and FM 2920, in northwest Harris County, Texas. Cypress Rose Hill Road in the study area is typically a two-lane undivided roadway. Shoulders are typically minimal with width less than one foot. ROW width varies from 60 to 110 feet. One 90-degree curve exists within the proposed project. The radius of the curve is approximately 300 feet. The posted speed limit is 45 mph on Cypress Rose Hill Road and 20 mph in the area of the curves. The land uses in the vicinity of the project limits are mixed including residential, agricultural, recreational and undeveloped. Vegetation in the existing ROW receives regularly mowing, allowing mainly herbaceous vegetation to grow. The high banks of the west/south side of the flood control channel were generally dominated by vegetative species including loblolly pine (*Pinus taeda*), yaupon (*Ilex vomitoria*), and common hackberry (*Celtis occidentalis*) and the high banks of the east/north side of the flood control channel were dominated by vegetative species including common bermudagrass (*Cynodon dactylon*) and common Texas wildflowers. Areas exhibiting vegetation cover between the ordinary high water mark (OHWM) and high banks on the west/south side of the flood control channel were dominated by vegetative species including yaupon and common bermudagrass. Areas exhibiting vegetation cover between the OHWM and high banks on the east/north side of the flood control channel were dominated by vegetative species including common bermudagrass, woodrush flat sedge (*Cyperus entrerianus*), and common Texas wildflowers. Areas exhibiting vegetation cover within the OHWM limits of the flood control channel were dominated by vegetative species including alligator-weed (*Alternanthera philoxeroides*) and woodrush flat sedge. The 25-acre tract is pasture land dominated with dallisgrass (*Paspalum dilatatum*) with some Chinese tallow tree (*Triadica sebifera*) and eastern redcedar (*Juniperus virginiana*) growing throughout.

**NOTES:** This public notice is being issued based on information furnished by the applicant. The project information has been verified by the Corps. The applicant's plans are enclosed in 12 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 15 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 not 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 has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

No previously recorded cultural resources exist within the proposed project area. However, the project area has potential to contain historic archeological resources, specifically, at the current location of the proposed detention pond area where there is some potential for historic period archeological remains associated with buildings that once formed the core of the Rose Hill community. Coordination with the Texas Historical Commission has been initiated; however no response has been given at this time.

**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 **19 August 2016**. 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-2014-00335**, and should be submitted to:

Dwayne Johnson  
Regulatory Division, CESWG-RD-P  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
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DISTRICT ENGINEER  
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