



Public Notice

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

Galveston District

Permit Application No: SWG-2007-00913

Date Issued: 20 August 2020

Comments

Due: 21 September 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: Fort Bend County Drainage District
1124 Blume Road
Rosenberg, Texas 77471
POC: Mr. Jeffrey Janecek
Telephone:
Email:

AGENT: Wetland Technologies Corporation
1831 Pinewood Court
Sugar Land, Texas 77498
POC: Mr. Glenn Jarrett
Telephone: 281-242-8734
Email: glenn@wet-tech.net

LOCATION: The project site is located in Big Creek, a man-altered waterway bisected by Highway 36, south of Rosenberg, in Fort Bend County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Needville, Texas.

LATITUDE & LONGITUDE (NAD 83):

Eastern Terminus: Latitude: 29.45352° North;

Longitude: -95.72802° West

Western Terminus: Latitude: 29.48253° North;

Longitude: -95.81831° West

PROJECT DESCRIPTION: The applicant proposes to extend the construction timeframe to complete the previously authorized project. The applicant proposes to discharge approximately 6,158 cubic yards of fill material into a 5.1-mile segment of Big Creek that is north of Farm-to-Market Road 2977. The project in the 5.1-mile segment of Big Creek will consist of laying back the existing side slopes to create slopes with an estimated 3:1 ratio, to widen the bottom width to a distance of 30- to 40-feet-wide, to deepen the stream bed to 19-feet-deep, to create new floodplains, and to install six weir/pool complexes, to install four weirs at the mouths of adjacent tributaries connecting to Big Creek, and to construct wetlands at or near the existing overbank drain pipes. The applicant also proposes to discharge fill material into a 5-mile segment of Big Creek that is south of Farm-to-Market Road 2977 during the installation of two weir/pool complexes and construction of wetlands at or near the existing overbank drain pipes.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by laying back of the existing side slopes, widening the bottom width of Big Creek, and installing weir/pool complexes to increase channel stability and avoid future engineered management of the stream channel.

The original project design in 2012 included channel straightening, shortening the channel length, and construction of channel by-passes. The applicant re-designed the project so that all flow remained within an enlarged flow-way from the headwaters to the end of the project. The incorporation of weir/pool complexes assisted with stream stability.

MITIGATION: The applicant does not propose compensatory mitigation as the project is designed to maintain stream function. The creation of features within the stream demonstrate a positive gain in stream function at project completion.

BACKGROUND: DA Permit No. SWG-2007-00913 was issued on 21 October 2014 and expired on 31 December 2019, authorized the discharge of fill material into a 10.1-mile segment of Big Creek. The 5.1-mile segment of Big Creek, north of Farm-to-Market Road 2977, as labeled Future Work Area on the plans, has not been excavated to date. The applicant has excavated the widened bottom, created new floodplains and a sinuous stream bed, and retained one weir in the 5-mile segment of Big Creek that is south of Farm-to-Market Road 2977, as labeled In-Work Section on the plans.

The applicant conducted adaptive management techniques to meet the goals and intent of the authorization although not the prescriptive design elements as originally authorized and illustrated on the permitted plans. Due to landowner permissions and other restrictions, not all overbank drain pipes have a wetland constructed prior to the pipe as previously authorized. The applicant constructed wetlands and/or expanded existing wetlands at or near to the pipe as allowed by landowner restrictions.

The sinuous stream bed and shallow marshes near each weir/pool complex were removed by natural causes during the first storm event after construction. To maintain and reestablish the sinuous stream bed and wetlands within the channel would be a continuous effort to be conducted after each storm event. Therefore, the applicant employed adaptive management techniques and constructed expanded wetlands or enhanced existing wetlands to provide wetland habitat for those areas within the channel that were impacted by natural causes. The applicant also identified additional areas along the stream for additional wetland creation. These lessons learned within the channel of Big Creek will be employed in the 5.1-mile segment of Big Creek. The applicant will not excavate a sinuous stream bed or create shallow marshes near each weir/pool complex. The applicant will instead construct expanded wetlands or enhance existing wetlands pending landowner restrictions.

CURRENT SITE CONDITIONS: The project site is located along the Upper Reach and Middle Reach of the Big Creek channel and is roughly 10.1 miles feet in length. The Big Creek channel was first excavated as a drainage feature in the 1950s and was constructed from an existing natural drainage way. Over the years the channel has incised, and erosion has occurred along the banks of Big Creek in some areas. The project is surrounded by light residential development mixed with predominately cleared farm and pastureland, and there is no zoning in this portion of Fort Bend County. There are two small residential subdivisions along the project's reach. The area has remained undeveloped pastureland and cropland since the original drainage work in Big Creek.

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 26 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 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 previously investigated for historic properties and none were identified as documented in the report titled "Archeological Survey for the Big Creek Channel Improvement Project, FM 2977 to Gless-Big Creek Road, Fort Bend County, Texas" prepared by Prewitt and Associates, Inc. and dated August 2007. The current project, an extension of time to complete the previously permitted project, does not require additional investigations.

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 **21 September 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-2007-00913**, and should be submitted to:

Central Unit/Evaluation Branch
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
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