



Public Notice

U.S. Army Corps Of Engineers	Permit Application No:	SWG-2009-00937
	Date Issued:	22 December 2016
	Comments	
Galveston District	Due:	24 January 2017

**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.

APPLICANT: Prairie Creek Ventures
1101 Haynes Street, Suite 211
Raleigh, North Carolina 27604
POC: Mr. George Howard
george@restorationsystems.com

LOCATION: The proposed site is located south of Cypress Creek, approximately 11 miles south of Waller, 7 miles north of Katy, and 2.3 miles west of the intersection of Katy-Hockley and Longenbaugh Roads, where it is situated along the eastern boundary of Waller County, Texas. It can be depicted on the United States Geological Survey (USGS) 7.5 Minute Topographic Quadrangle Map Titled: WARREN LAKE, TX.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.895894° North; Longitude: -95.869563° West

PROJECT DESCRIPTION: Prairie Wetland Ventures (Sponsor) is proposing to modify the existing Katy Prairie Stream Mitigation Umbrella Bank (KPSMUB) to establish and operate a 364-acre wetland site named the KPSMUB-Hebert II Wetland Site (KPSMUBH); with the intention of offering wetland mitigation credits within the existing KPSMUB service area. The primary goals of the mitigation plan include: 1) re-establishing wetland hydrology across a significant portion of the Site, and 2) restoring native wetland and upland vegetation and prairie habitat. Primary activities include: 1) re-establish and enhance wetland hydrology, 2) upland buffer restoration, 3) establish native vegetation, and 4) permanently protect the Site through a conservation easement. These activities will restore approximately 131 acres of native prairie wetlands, enhance approximately 88 acres of existing wetlands, restore approximately 48 acres of transitional zones between wetlands and uplands, and restore approximately 76 acres of native tall prairie grasslands including prairie mounds. The KPSMUBH will be established in accordance with the requirements specified in 33CFR332.8 in collaboration with the United States Army Corps of Engineers and the Interagency Review Team.

AVOIDANCE AND MINIMIZATION: The specific objectives of the project are to restore, enhance and preserve the physical, chemical, and biological characteristics of the site.

MITIGATION: The applicant proposes to construct a compensatory mitigation bank.

CURRENT SITE CONDITIONS: The KPSMUBH site consists of undeveloped, fallow agricultural land that is currently used as cattle pasture. The site comprises approximately 364 acres, which is expected to yield approximately 219 acres of wetland enhancement and restoration, 48 acres of transitional zones and 76 acres of upland buffers. The site contains 88.06 acres of waters of the United States, specifically, 15 adjacent wetlands. Cypress Creek, a perennial relatively permanent water and the closest water of the United States, is located approximately 1,550 feet north of the tract. The 15 adjacent wetlands are neighboring Cypress Creek and have more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of the downstream traditional navigable water. The wetlands were identified using the Atlantic and Gulf Coastal Plain Region Supplement of the 1987 Corps of Engineers Wetland Delineation Manual and under normal circumstances exhibit wetland hydrology, a dominance of hydrophytic vegetation, and hydric soils.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The wetland delineation has been completed and was verified by the Corps on 29 March 2016. The applicant's plans are enclosed in 78 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 proposed project was coordinated with the Texas State Historic Preservation Officer who concluded the project could proceed without an archeological survey. The Corps took into consideration the SHPO's position, the fact the area had been previously impacted by farming activities, and the limited nature of the ground disturbing activities associated with the proposed project to determine the project had no potential to effect historic properties, even if present within the permit area.

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 **24 January 2017**. 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-RD-P
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

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GALVESTON DISTRICT
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