



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2015-00838
	Date Issued: _____	1 December 2020
	Comments _____	
Galveston District	Due: _____	4 January 2021

**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: Baywood Newco, L.P.
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Houston, Texas 77046-1140
POC: Jason Pennington
Telephone: 713-622-7028
Email: jason@penningtonchen.com

AGENT: Berg Oliver Associates, Inc.
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Houston, Texas 77079-2932
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LOCATION: The project site is located in wetlands adjacent to Armand Bayou, at 7366-7398 Red Bluff Road, in Pasadena, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: La Porte, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.629399° North; Longitude: 095.104826° West

PROJECT DESCRIPTION: The applicant proposes to discharge fill into 0.14 acre of wetlands (0.09 acre forested area + 0.05 emergent acre fringe area), 0.11 acre of an existing man-made pond, and 354 square feet of Armand Bayou, for the purpose of developing a commercial property with a building and parking lot.

AVOIDANCE AND MINIMIZATION: The applicant has reduced impacts to potential, jurisdictional features to the most practical extent possible while still meeting the needs of the project. The applicant will avoid 1.30 acres of an existing retention pond within the project boundary. The retention pond may have emergent vegetation in the bottom that functions as emergent wetlands.

MITIGATION: The applicant proposed to mitigate for the proposed impacts to 0.09 acres of forested wetlands, the applicant is proposing to purchase 0.039 Physical Functional Credit Units (FCU's), 0.033 Biological FCU's, and 0.041 Chemical FCU's; and in order to compensate for the unavoidable impacts to 0.16 herbaceous wetlands (for compensatory mitigation purposes the applicant has elected to consider the open water area as an emergent wetland), the applicant is proposing to purchase 0.067 Physical FCU's, 0.072 Biological FCUs, and 0.063 Chemical FCUs, all from the Lower Brazos River Mitigation Bank.

CURRENT SITE CONDITIONS: The project area was previously utilized as a golf course before it was abandoned in 2009. Currently, the project site is vacant, surrounded by residential development and roadways to the north; and undeveloped land and Armand Bayou to the south.

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 7 sheets and attached mitigation plan 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: Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

This application was received prior to September 2020 and 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 activity being permitted by the Corps is of such limited nature and scope that it has 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 **4 January 2021**. 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-2015-00838**, and should be submitted to:

North Evaluation Unit
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS