



Public Notice

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

Galveston District

Permit Application No: SWG-2019-00077

Date Issued: 22 December 2020

Comments

Due: 29 January 2021

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a MITIGATION BANK proposal for work (PROSPECTUS) 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 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act.

APPLICANT: LH RANCH, LTD. / LAKE HOUSTON MITIGATION BANK
500 West 5th Street, Suite 700
Austin, TX 78701
POC: Bill Goodrum
Telephone 936-366-0800
Email: BGoodrum@ENDEAVOR-RE.com

AGENT: ENDEAVOR REAL ESTATE GROUP, L.P.
500 West 5th Street, Suite 700
Austin, TX 78701
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Email: NBoitnott@ENDEAVOR-RE.com

LOCATION: The project is located along the East Fork of the San Jacinto River. Specifically, the proposed mitigation bank is situated on either side of FM 2100 (Huffman-Cleveland Road) and approximately 3.7 miles north of Lake Houston. The western portion of the mitigation bank is bound by the East Fork San Jacinto River, directly adjacent to the Lake Houston Wilderness Park and is within Harris County. The eastern portion of the mitigation bank contains nearly a mile of Luce Bayou and is within Liberty County.

LATITUDE & LONGITUDE (NAD 83):

Parent Tract: Latitude: 30.12340 North; Longitude: -95.09000 West

Center Western Tract: Latitude: 30.11828443 North; Longitude: -95.12664702 West

Center Eastern Tract: Latitude: 30.12180822 North; Longitude: -95.05316633 West

PROJECT DESCRIPTION: Proposed Mitigation Bank Prospectus. The applicant proposes the establishment and operation of a western and eastern tract within a larger parent tract of the Lake Houston Mitigation Bank (LHMB). The Western Tract is 351.46 acres. The Eastern Tract is 601.19 Acres. The combined tracts are 952.65 acres in total. The Sponsor is proposing the restoration and enhancement of wetlands and streams within the East Fork San Jacinto USGS Hydrologic Unit Code 12040103 to serve as compensatory mitigation for unavoidable, permitted impacts to waters of the United States.

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

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

CURRENT SITE CONDITIONS: Undeveloped land. See wetland and stream assessments pending verification finalization.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet finalized the verification of the Wetland Delineation or the Functional Assessment. The applicant's prospectus and associated documents are enclosed in 418 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.

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 relative to this proposed project. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: The proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected 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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 **29 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-2019-00077 Lake Houston MB**, and should be submitted to:

Mitigation Banking Program / Policy Branch
Regulatory Division
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS