



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2023-00109

20 December 2023

22 January 2024

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

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: Harris County Engineering Department (HCED)
1111 Fannin Street, 12th Floor
Houston, Texas 77002
POC: Brady Johnson
Telephone: 713-274-3644
Email: Brady.Johnson@harriscountytexas.gov

AGENT: Cypress Environmental Consulting LLC
10605 Grant Road, Suite 106
Houston, Texas 77070
POC: Melissa Fontenot
Telephone: 281-640-4475
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LOCATION: The project site is located in Highlands Reservoir, at south of Barbers Hill Road, in Highlands, Harris County, Texas 77562. The project can be located on the U.S.G.S. quadrangle map entitled: New Waverly, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.843378 North; **Longitude:** -95.025066 West

PROJECT DESCRIPTION: Harris County Engineering Department (HCED) is proposing to construct the Highland Ridge and Highland Estates Drainage Improvements Project (UPIN: 19102MF13001) located in Highlands, Harris County, Texas 77562. The project area consists mainly of suburban streets and maintained rights-of-way within the Highland Ridge and Highland Estates Subdivisions, as well as undeveloped lands, totaling 70.52 acres. The proposed project involves the expansion of a Harris County Flood Control District (HCFCD) drainage channel to add linear detention 8 feet below the surrounding grade.

The proposed project will have unavoidable impacts to waters of the United States (WOTUS). Impacts to WOTUS include grading and clean fill dirt placement of 13,455 CY of fill within 1.39 acres of palustrine emergent (PEM) wetland. These impacts are associated with the excavation of a linear detention basin along an existing non-jurisdictional HCFCD drainage ditch (O119-00-00). The detention basin will be excavated 8 feet below existing grade. Grading and fill placement within the PEM wetland will occur at the berm and backslope swale around the perimeter of the detention basin. No fill will be placed within a jurisdictional drainage ditch located south of O119-00-00. Activities within the jurisdictional drainage ditch are excavation activities only (1.124 acre; 1,402 linear feet).

AVOIDANCE AND MINIMIZATION: Alternatives were evaluated to avoid and minimize impacts to waters of the U.S., including wetlands, while meeting the need and purpose of the proposed project. See Alternatives Analysis attachment.

MITIGATION: Due to unavoidable impacts to waters of the United States (WOTUS), a compensatory mitigation plan has been developed for the proposed project. The following summarizes the mitigation plan for the proposed project impacts to jurisdictional wetlands. HCED plans to provide compensatory mitigation for the proposed PEM wetland impacts by purchasing credits from an existing mitigation bank. The project is not located within the primary service area of any mitigation banks. The project is located within the case-by-case service area of the Greens Bayou Wetland Mitigation Bank (GBWMB), which requires a multiplier of 2.0 for the required number of mitigation credits for utilization of the bank.

Based on the report entitled "Functional & Conditional Assessment Report, Highland Ridge and Highland Estates Drainage Improvement Project" dated 17 November 2023, and our 26 October 2023, site visit, we have determined the following: The total project impact to 1.39 acres of PEM wetland will result in the overall loss of 0.310 physical, 0.837 biological, and 0.411 chemical FCUs. HCED proposed to purchase credits from GBWMB in the case-by-case service area, at a 2.0 multiplier. Therefore, HCED plans to purchase 1.674 FCU from the Greens Bayou Wetland Mitigation Bank to compensate for impacts to 1.39 acres of PEM wetlands for the project.

CURRENT SITE CONDITIONS: The review area is located within the Highland Ridge and Highland Estates Subdivisions, approximately 1.5-miles east of the intersection of Barbers Hill Road and Crosby Lynchburg Road, in Highlands, Harris County, Texas. The review area is comprised of approximately 70 acres including the residential subdivisions and undeveloped land south of Barbers Hill Road. The review area is located on the Highlands, Texas USGS topographic quadrangle sheet and is sloped towards the south with elevations ranging from approximately 46 feet above mean sea level (AMSL) near the north end to 40 feet AMSL near the south end. Topographic maps depict one drainage ditch extending in an east-west alignment along the south side of Barbers Hill Road within the review area. Another drainage ditch is depicted outside of the review area running north to south along the eastern boundary of the subdivisions, north of Barbers Hill Road. Highlands Reservoir is depicted approximately 0.10-mile south of the review area. The northern portion of the review area is comprised of residential development (Highland Ridge and Highland Estates Subdivisions). The portion of the review area south of Barbers Hill Road is comprised of undeveloped agricultural land. There are two stormwater drainage ditches managed by the Harris County Flood Control District (HCFCD) located within the review area: HCFCD Unit #O119-00-00 and O119-04-00. Surrounding land use is comprised of residential development to the north and west, agricultural land to the east, and Highlands Reservoir and adjacent undeveloped land borders the review area to the south.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has been verified by the Corps. The wetland delineation has been completed and was verified by the Corps on 8 May 2023. 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The TCEQ will review 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. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact 401certs@tceq.texas.gov. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>. The Corps of Engineers has been identified as the lead federal agency for complying with

Section 7 of the Endangered Species Act, National Historic Preservation Act, and (if needed) Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the Corps of Engineers.

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:

That three cultural resources surveys have been conducted in the vicinity of the project area and no cultural resources have been identified within or in the vicinity of the proposed project 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 **22 January 2024**. 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-2023-00109**, and should be submitted to:

Policy Analysis
Regulatory Division, CESWG-RDP
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Galveston, Texas 77550
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS