



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2014-00625
	Date Issued: _____	27 February 2018
	Comments	
Galveston District	Due: _____	29 March 2018

**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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Inverness Associates, LLC
109 North Post Oak Lane, Suite 300
Houston, Texas 77024-7755

AGENT: SMC Consulting, Inc.
3418 Pickering Lane
Pearland, Texas 77584
POC: Mr. Steve McElyea
Telephone: 281-997-7911

LOCATION: The project site includes 1.14 acres of non-tidal wetlands that are adjacent to Old Langham Creek and is south of the Addicks Reservoir levee and east of the intersection of Central Park West and Park Row Drive, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: TX-ADDICKS, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.7888° North;

Longitude: -95.6263° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 5,230 cubic yards of earthen fill material into 1.14 acres of non-tidal wetlands to construct an apartment complex. The applicant is proposing to perform in-kind permittee responsible enhancement at an off-site location in Waller County to offset the losses of aquatic functions and values that would result from the proposed work.

AVOIDANCE AND MINIMIZATION: The applicant has stated that the wetlands are scattered throughout the property in a manner that makes avoidance of impacts impracticable. Additionally, the avoidance of archeological resources on the site presents additional constraints on property development. Finally, the applicant stated that physical avoidance of the wetland mosaic throughout the site would still render these areas as affected areas that would be rendered isolated after development.

MITIGATION: The applicant is proposing to perform in-kind permittee responsible enhancement at an off-site location to offset the losses of aquatic functions and values that would result from the proposed work.

CURRENT SITE CONDITIONS: The project site is currently a 10.4-acre mosaic of uplands and non-tidal wetlands. The site is located on the north side of Park Row, west of North Eldridge Parkway and east of State Highway 6, in western Houston, Harris County, Texas. The site is vacant and undeveloped land which, according to the applicant, has historically been utilized for cattle and hay production. The site is centrally located in an area of in the Energy Corridor off Park Row.

The site, according to the applicant, is within walking distance of ConocoPhillips, Shell, and the planned MD Anderson campus.

NOTES: This public notice is being issued based on information furnished by the applicant. An approved jurisdictional determination has been verified by the Corps. The applicant's plans are enclosed in 5 sheets, the mitigation plan in 8 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 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 permit area is likely to contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant has conducted an investigation for historic properties. The results of their investigation are under review. Additional field work may be required.

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. Both the United States Fish and Wildlife Service and the National Marine Fisheries Service will review the public notice and may provide additional input.

ESSENTIAL FISH HABITAT: The project area contains no Essential Fish Habitat.

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 **29 March 2018**. 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-2014-00625**, and should be submitted to:

Central Evaluation Unit
Regulatory Division, CESWG-RD-E
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

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS