



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2016-00530
	Date Issued: _____	5 January 2017
	Comments	
<b>Galveston District</b>	Due: _____	6 February 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 (CWA).

**APPLICANT:** Mr. Thomas Franklin  
The Sam Houston Area Council: Boy Scouts of America  
PO Box 924528  
Houston, Texas, 77292

**AGENT:** Berg♦Oliver Associates, Inc.  
14701 St. Mary's Lane, Suite 400  
Houston, Texas 77079-2932  
Telephone: 281-589-0898  
POC: Natalie Hall

**LOCATION:** The project site is located in a non-tidal tributary to the East Fork of the San Jacinto River, north of Texas SH 150 and west of Hines Road, in Cole Springs, San Jacinto County, Texas. The site can be located on the U.S.G.S. quadrangle map titled: MAYNARD, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 30.62271 °N      **Longitude:** 95.25356°W

**PROJECT DESCRIPTION:** The applicant proposes to impound approximately 6,139 linear feet of non-tidal stream to create an 18-acre lake with a pool elevation of

approximately 6 feet. The applicant also proposes 2 roadway crossings and 3 trail crossings of streams to provide access to the proposed camp. Stream road crossing impacts vary from 40-60 feet long and 20-feet-wide, and involve minor stream rerouting. Trail crossings vary from 8-20-feet long and are approximately 5-feet wide. The purpose of the project is to provide a secluded and protected camping and recreation area for the Boy Scouts of America, with recreational amenities that include fishing and canoeing.

**AVOIDANCE AND MINIMIZATION:** The applicant is proposing to avoid and protect 0.04-acre of jurisdictional wetlands and approximately 3.9 acres (23,213 linear feet) of jurisdictional Waters of the U.S. Thus, the applicant has stated that approximately 80% of the Waters of the U.S. identified on-site will be avoided. Additionally, the applicant is proposing to preserve approximately 210 acres of riparian buffer along 61,100 linear of potential jurisdictional tributaries within a 1,400 acre tract of land located adjacent to the northern boundary of the proposed project tract.

**MITIGATION:** To compensate for the proposed impacts, the applicant is proposing to construct a lacustrine system on-site and preserve and enhance approximately 210 acres of riparian buffer along 61,000 linear feet of non-tidal streams within a 1400-acre tract located adjacent to the project. The applicant is proposing light buffer planting (<400 stems per acre) along the 61,000 foot buffer area.

**CURRENT SITE CONDITIONS:** The subject property is an undeveloped tract of land surrounded by undeveloped land. The subject property was previously utilized for pine forest farming. Vegetative communities were evaluated and documented to delineate wetland and upland boundaries. In upland areas, the subject property was dominated by loblolly pine (*Pinus taeda*), sweetgum (*Liquidambar styraciflua*), yaupon (*Ilex vomitoria*), American beautyberry (*Callicarpa americana*), common greenbrier (*Smilax rotundifolia*), and golden rod (*Solidago altissima*). In wetland areas, the subject property was dominated by sycamore (*Platanus occidentalis*), sweetgum, and willow oak (*Quercus phellos*).

**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 16 sheets. The mitigation plan is enclosed in 9 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:** This project would result in a direct impact of greater than three acres of waters of the state or 1500 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 permit area was investigated for Historic Properties and none were identified as documented in the technical report titled "Cultural resources Survey of 574 Acres for the Proposed New Camp Strake in San Jacinto County, Texas" prepared by Gray & Pape and dated September 2016. A letter was sent to the State Historic Preservation Officer on December 21, 2016, requesting concurrence with these findings. As of the date of this notice, no response has been received.

**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 **08 February 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-2016-00530**, and should be submitted to:

Steve Walls  
Regulatory Branch, 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