



Public Notice

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

Permit Application No:	SWG-2017-00420
Date Issued:	25 July 2017
Comments Due:	24 August 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 involving development of a mitigation bank 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 Flood Control District
9900 Northwest Freeway
Houston, Texas 77092
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AGENT: SWCA Environmental Consultants
10245 West Little York Road, Suite 600
Houston, Texas 77040
Contact: Mr. Richard Howard
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LOCATION: The site is in rural western Harris County, Texas, approximately 7.15 miles south of Hockley, Texas, and 9.89 miles north of Katy, Texas. The approximate 152-acre tract is located immediately west of the intersection of Katy-Hockley Road and House and Hahl Road, in Harris County, Texas.

LATITUDE & LONGITUDE (NAD 83): The approximate center of the site is located within the geographic limits of the Warren Lake, Texas U.S. Geological Survey (USGS) 7.5-minute quadrangle at Latitude: 29.93069° North and Longitude: 95.81083° West.

PROJECT DESCRIPTION: The applicant proposes the establishment and operation of a 152-acre mitigation bank named the Katy Hockley Mitigation Bank (KHMB). The Sponsor is proposing the re-establishment of herbaceous-prairie wetlands to serve as compensatory mitigation of 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 proposes to construct a compensatory mitigation bank.

CURRENT SITE CONDITIONS: Historically, the 152-acre KHMB site was native tallgrass prairie characteristic of native Gulf Coast prairie ecosystems. Likely used for livestock grazing prior to 1930, the site began to be farmed for rice sometime prior to 1944. Rice production ended prior to 1989 and the tract reverted to improved pastureland, with grazing continuing until 2012. Since the removal of livestock, the site has been fallow and the establishment of native species is being encouraged via mowing, removal of invasive species, and prescribed burns. The site is typified by improved pasture species and is dominated by common carpetgrass (*Axonopus fissifolius*), bahiagrass (*Paspalum notatum*), and Bermudagrass (*Cynodon dactylon*). Surrounding land use is still limited primarily to open-space, prairie preservation and restoration, livestock grazing, and low-density residential areas.

This public notice is being issued based on information furnished by the applicant. Not all of this project information has not been verified by the Corps. As of the date of this public notice, some of the wetland delineation information has not yet verified the wetland delineation amendments. The applicant's plans are enclosed as the Prospectus – Katy Hockley Mitigation Bank, dated 26 May 2017 in 24 sheets. Also included is the Prospectus Checklist for Mitigation Banks.

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 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:

The permit area has been so extensively modified 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, 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 **24 August 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-2017-00420**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS