



Public Notice

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

Galveston District

Permit Application No: SWG-2018-00473

Date Issued: 19 July 2018

Comments

Due: 20 August 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 404 of the Clean Water Act (CWA).

APPLICANT: City of Missouri City
1522 Texas Parkway
Missouri City, Texas 77489
POC: Mr. Scott Elmer
Telephone: 281-408-8572
Elmer@MissouriCityTX.gov

AGENT: BIO-WEST, Inc.
1018 Frost Street
Rosenberg, Texas 77471
POC: Mr. Andrew Boswell
Telephone: 832-595-9064
ABoswell@Bio-West.com

LOCATION: The project site is located in wetlands, adjacent to Oyster Creek Bypass Channel and Briscoe Canal, along the existing Knight Road, southwest of State Highway 6, south of the Fort Bend Tollway, and east of Sienna Plantation, and west of Farm-to-Market Road 521, in Fort Bend County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Missouri City, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.528698° North;

Longitude: 95.508918° West

PROJECT DESCRIPTION: The applicant proposes to permanently discharge 775 cubic yards of fill material into 0.96 acre of palustrine forested (PFO) wetlands.

AVOIDANCE AND MINIMIZATION: The applicant has avoided and minimized impacts to the most practical extent while still meeting the minimum needs of the project. By choosing a project design which uses spanning and bridges, the applicant was able to avoid a total of 0.38 acre of jurisdictional wetlands and minimize impacts to non-vegetated waters of the U.S. This avoidance and minimization has been accomplished by limiting the overall final width of the road to 30 feet, maintaining a two-lane roadway without an added 12 feet for turning lanes or 10 feet for shoulders. Impacts to the Briscoe Canal will be avoided through the construction of a bridge that spans all jurisdictional areas. Initially, impacts to Oyster Creek Bypass Channel consisted of support structures for the bridge as well as concrete slope-paving on either side of the creek's banks at the bridge approach; however the applicant has chosen to avoid and minimize impacts by only placing concrete support structures within the jurisdictional areas. No other fill material will be placed below the ordinary high water mark of Oyster Creek Bypass Channel.

MITIGATION: The applicant proposed to mitigate for the proposed impacts to PFO wetlands by purchasing the appropriate number of credits at the Danza del Rio Mitigation Bank. This information is based on an interim hydrogeomorphic model submitted with the permit application.

CURRENT SITE CONDITIONS: The applicant stated that the property contains 18.50 acres of mixed use uplands, 1.34 acres of adjacent wetlands, and 0.58 acres (373 linear feet) of non-vegetated waters of the U.S., Oyster Creek Bypass Channel and Briscoe Canal. The project site is currently situated along an existing 0.33-mile section of Knight Road, the northern section; an existing 0.35-mile section of Knight Road, the southern section; and an undeveloped 0.86-mile section of semi-forested, vacant property. Within the 0.86-mile-long section and north of Oyster Creek Bypass Channel, a 0.45-mile existing improved gravel/rock road is currently used for general ranch activities. The area investigated is not currently used for cattle grazing, timber harvesting, or any other type of agricultural production as the majority is situated along an existing county maintained road, an improved maintained private road, and maintained unimproved dirt road. The forested uplands are dominated by sugarberry (*Celtis laevigata*), pecan (*Carya illinoensis*), cedar elm (*Ulmus crassifolia*), Chinese tallow (*Triadica sebifera*), and Cherokee sedge (*Carex cherokeensis*). Herbaceous uplands were dominated by Bahia grass (*Paspalum notatum*), St. Augustine grass (*Stenotaphrum secundatum*), Bermuda grass (*Cynodon dactylon*), woodrush flatsedge (*Cyperus entrerianus*), giant ragweed (*Ambrosia trifida*), and Johnson grass (*Sorghum halepense*). PFO wetlands were dominated by green ash (*Fraxinus pennsylvanica*), Chinese tallow (*Triadica sebifera*), box elder (*Acer negundo*), horned beakbrush (*Rhynchospora orniculata*), marsh seedbox (*Ludwigia palustris*), and maidencane (*Panicum hemitomon*). Scrub/shrub wetlands were dominated by green ash (*Fraxinus pennsylvanica*), Chinese tallow (*Triadica sebifera*), and horned beakbrush (*Rhynchospora corniculata*). Herbaceous wetlands were dominated by swamp smartweed (*Persicaria hydropiperoides*), horned beakbrush (*Rhynchospora corniculata*), broadleaf arrowhead (*Sagittaria latifolia*), and erect burhead (*Echinodorus rostratus*).

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 27 sheets. The mitigation plan is also included in Attachment A, in 13 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 will need to conduct an investigation for historic properties.

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 **20 August 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-2018-00473**, and should be submitted to:

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P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS