



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2019-00556

Date Issued: 30 July 2020

Comments

Due: 31 August 2020

---

**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:** Medio Management, LLC  
16007 West Bellfort Street  
Sugar Land, Texas 77498  
POC: Mr. Joseph Swinbank  
Telephone: 281-277-7344  
Email: [jswinbank@sprintwaste.com](mailto:jswinbank@sprintwaste.com)

**AGENT:** SMC Consulting, Inc.  
3418 Pickering Lane  
Pearland, Texas 77584  
POC: Mr. Steve McElyea  
Telephone: 281-997-7911  
Email: [steve@smcenvironmental.com](mailto:steve@smcenvironmental.com)

**LOCATION:** The project site is located in Red Gully, at 16007 West Bellfort, in Sugar Land, Fort Bend County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Clodine, Texas.

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

Latitude: 29.659800° North; Longitude: 095.669500° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge fill material into 5,037 linear feet of the existing Red Gully channel. The applicant proposes to discharge fill material during the re-establishment of 5,700 linear feet of the Red Gully channel that will connect at the northern and southern ends of the existing channel and be situated south of the existing channel alignment. The re-established Red Gully channel will vary from 117-144 feet wide at the top of bank to 10-50 feet wide at the ordinary high water mark (OHWM). The applicant also proposes to discharge fill material during the creation of a 3,000-linear-foot meander channel and 2.1-acre retention pond situated adjacent to the new Red Gully channel alignment. The meander channel and retention pond will be connected to the re-established Red Gully channel by a 24-inch-diameter reinforced concrete pipe inflow and a 24-inch-diameter reinforced concrete pipe outfall. The meander channel will be nested inside the larger retention pond. The meander channel will be initially 135 feet wide at the top of the bank and 12 feet wide at the OHWM. The meander channel within the retention pond will vary from 236-250 feet wide at the top of bank and 14 feet at the OHWM for the meander channel and 104-158 feet wide at the OHWM for the retention pond.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by re-establishing the Red Gully channel in a new alignment and constructing a meandering channel and retention pond. The applicant has stated they have also constructed these features adjacent to the surrounding residential development to provide separation from the existing and proposed landfill cells.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts by constructing an on-site new channel alignment, a meander channel, and a retention pond. The new channel alignment will provide an additional 663 linear feet of in-kind stream habitat. The new meander channel will also provide an additional 3,000 linear feet of in-kind stream habitat. The retention pond will create 2.1-acres of open water habitat. The new alignment, meander channel, and retention pond will be protected with an easement recorded with Fort Bend County.

**BACKGROUND:** The applicant stated the Sprint Fort Bend County Landfill has been in operations for decades and is a construction debris landfill. The landfill currently holds an existing Texas Commission on Environmental Quality (TCEQ) permit to expand the landfill to the south of the existing alignment of Red Gully. As currently approved by TCEQ, the applicant will build the next landfill cell immediately adjacent to the southern edge of Red Gully. The result will be additional confinement of Red Gully between two landfill cells and a lack of flood relief for the nearby neighborhoods. This plan as approved by TCEQ is not the ecologically preferred plan and also does not provide flood control for the adjacent neighborhoods.

In consultation with the adjacent neighborhoods, the Fort Bend County Engineering Department, the Fort Bend County Flood Control District, the Fort Bend County Commissioners Court, and the TCEQ, the applicant developed a plan to re-establish Red Gully into a new location to meet the dual goals of providing an improved ecological habitat within the Red Gully alignment and flood control to the adjacent residential development. The proposed project is to remove the potentially confined Red Gully from between two landfill cells and re-construct Red Gully along the western and southern edges of the property. The proposed project also includes green space, a meandering channel, and a retention pond to provide flood control. The ownership of the re-established Red Gully will be transferred to the Fort Bend County Drainage District upon completion of the project.

**CURRENT SITE CONDITIONS:** The project site is currently a landfill with the existing 5,037-linear-foot Red Gully channel bisecting the property from west to east. The project site is surrounded on all sides by a mixture of commercial and residential development. The Red Gully channel is a mowed and maintained channel that receives flow from upstream storm water discharge and wastewater treatment plants.

**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 Galveston District Interim Level 2 Stream Condition Assessment has not been verified by the Corps. 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 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 has been so extensively impacted by channelization of Red Gully and various other earth moving activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect 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 **31 August 2020**. 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-2019-00556**, and should be submitted to:

Central Unit/Evaluation Branch  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS