



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2016-00028
	Date Issued: _____	20 June 2017
	Comments _____	
Galveston District	Due: _____	20 July 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.

APPLICANT: Skymark Development Company
1616 Voss, Suite 618
Houston, Texas 77057-2620
POC: Eric Ungar
Telephone: (713) 978-5900

AGENT: Wayne J. Crouch Environmental Services
11907 Park Meadow Court, Suite 100
Houston, Texas 77089-2210
POC: Wayne Crouch
Telephone: (281) 481-5262

LOCATION: The project site is located on the northwest corner of the intersection of Townsen Boulevard and Interstate Highway 59, in Humble, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Maedan, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 30.020332° North; Longitude: 095.265161° West

PROJECT DESCRIPTION: The applicant proposes discharge fill material into 1,351 linear feet of an existing channelized tributary of Spring Creek. This existing channel contains 0.47 acre of wetlands. A new 1,030 linear foot channel is proposed to be excavated with the same cross section as the existing channel and 0.36 acre of wetlands. This work is proposed to facilitate commercial development.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by improving the movement of water through the tributary by removing the 90° bend and shortening the tributary by 321 linear feet. The applicant has also stated that the new channel will have the same capacity as the existing channel.

MITIGATION: The applicant states that a functional assessment was performed that demonstrates no degradation of the stream, and no change within the reach condition index, between pre construction and post construction assessments. For this reason the applicant has not proposed compensatory mitigation for the loss of 321 linear feet of stream or the 0.11 acre of wetlands proposed to be filled.

CURRENT SITE CONDITIONS: The project site is currently a tributary to Spring Creek that was straightened and channelized prior to 1978. This tributary separates a portion of a larger tract of land undergoing commercial development. The separated tract was a previously forested undeveloped tract in close proximity to Spring Creek. The project site receives regularly mowing, allowing mainly herbaceous vegetation to grow. The wetland vegetation consists of alligator weed (*Alternanthera philoxeroides*), common rush (*Juncus effusus*), and broadleaf cattail (*Typha latifolia*). The subject wetlands in and adjacent to the stream share a surface hydrologic connection with Spring Creek.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 4 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 Clean Water Act (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 1500

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 has been so extensively impacted by construction of the canal 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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 July 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-2016-00028**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS