



Public Notice

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

Galveston District

Permit Application No: SWG-2016-00105

Date Issued: 21 June 2016

Comments

Due: 22 July 2016

**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: Lutheran Education Association of Houston
718 Farm-to-Market (FM) Road 1959, Suite B
Houston, Texas 77034
POC: Mr. Wayne Kramer
Telephone: 281-617-5189

AGENT: Crouch Environmental Services, Inc.
402 Teetshorn
Houston, Texas 77009
POC: Ms. Kay Crouch
Telephone: 713-868-1043

LOCATION: The project site is located in wetlands located in the southwest quadrant of the intersection of Interstate 45 and Dixie Farm Road (FM 1959), in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Friendswood, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.583375° North;

Longitude: 095.191894° West

PROJECT DESCRIPTION: The applicant proposes to discharge fill material into 4.95 acres of wetlands on a 21-acre site for the purpose of constructing extra-curricular facilities adjacent to the existing Lutheran South Academy campus.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the proposed environmental impacts to the extent practicable by evaluating potential off-site locations that may have been able to fulfill the project's purpose and need, and by evaluating multiple on-site alternatives.

MITIGATION: The project site lies outside the primary and secondary service areas of the Greens Bayou Wetland Mitigation Bank. The applicant is proposing to mitigate for these proposed impacts by developing a permittee responsible mitigation plan that will enhance and preserve 10 acres of coastal prairie wetlands within the Armand Bayou Nature Center (ABNC). Highlights of this conceptual enhancement and restoration proposal include: 1) being located 7 miles from the site (to the east within the same watershed as the impact site, 2) Mechanical removal of all woody vegetation from a 10-acre restoration site, 3) Direct treatment of cut stumps with a herbicide effective in controlling woody vegetation (tallow and privet) that has been demonstrated to work in ABNC, 4) Performing a treatment of the entire site with a broad spectrum herbicide that treats both woody and unwanted herbaceous vegetation. This would be applied once sprouting has occurred, 5) Re-vegetate the site with high quality prairie vegetation that will either be harvested (borrowed) from nearby sites and transplanted in the mitigation site or cultivated by ABNC for this purpose, 6) Five years of monitoring and maintenance will be performed by the Applicant, 7) Funds will be provided to ABNC for the continued maintenance of the site.

CURRENT SITE CONDITIONS: The project site is currently a 21-acre undeveloped tract of land surrounded by commercial development to the south and east, the main portion of the Lutheran South Academy and a housing subdivision to the north, and a residential subdivision to the west. The tract has access to FM 1959 and is bifurcated by a pipeline corridor. The project site contains approximately 4.90 acres of palustrine wetlands and 0.05 acre of palustrine forested wetlands.

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 6 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 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 **22 July 2016**. 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-2016-00105**, and should be submitted to:

Mr. Brian J. Bader
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3037 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS