



Public Notice

U.S. Army Corps	Permit Application No:	SWG-2015-00169
Of Engineers	Date Issued:	16 June 2020
Galveston District	Comments Due:	17 July 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Tarkington Bayou, LLC (Sponsor)
4317 Elm Street
Chevy Chase, Maryland 20815

AGENT: Alluvion Resource Company, LLC
8010 FM 699
Joaquin, Texas 75954
POC: Chance Kimbrough
Phone: 936-465-5247
Email: chance@alluvionrc.com

LOCATION: The Tarkington Bayou Mitigation Bank (TBMB) is a 1,438.5-acre wetland and stream mitigation bank. The TBMB is located at Latitude 30.235351° North and Longitude -95.033182° West on the Plum Grove, USGS 7.5-minute quadrangle topographic map, and is situated within the South-Central Plains Level III Ecoregion. The TBMB is approximately 5 miles east of the City of Splendora on U.S. Highway 59, and can be accessed from Farm-to-Market Road 1010, approximately 2.5 miles north of Plum Grove or 6 miles south of Cleveland, in Liberty County, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.235351° North; Longitude: -95.033182° West

PROJECT DESCRIPTION: The applicant proposes to modify the credit release schedule and financial assurances components of the approved Tarkington Bayou Mitigation Banking Instrument in accordance with Regulatory Guidance Letter 19-01 (RGL): *Mitigation Bank Credit Release Schedules and Equivalency in Mitigation Bank and In-Lieu Fee Program Service Areas*. The Compensatory Mitigation for Losses of Aquatic Resources, Final Rule (CMLAR 2008) identifies that a streamlined review process may be utilized for the following modifications of instruments: changes reflecting adaptive management of the mitigation bank, **credit releases, changes in credit releases and credit release schedules**, and changes that the District Engineer determines are not significant.

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 modify the credit release schedule and financial assurances components of an existing compensatory mitigation bank.

CURRENT SITE CONDITIONS: The TBMB was approved in July of 2018. The TBMB consists of three Monitoring Units (MUs). Construction of Monitoring Unit 3 was completed in 2018 and at this time construction of Monitoring Units 1 and 2 is estimated to be complete by late 2020 or mid-2021. Monitoring Unit 3 was assessed to evaluate existing conditions and all performance standards were met and/or exceeded. Financial assurances requirements (short and long-term) have also been met.

NOTES: This public notice is being issued based on information furnished by the applicant. The applicant's banking instrument modification which includes a more detailed description of the modifications are enclosed in 115 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.

NATIONAL REGISTER OF HISTORIC PLACES: Not Applicable

THREATENED AND ENDANGERED SPECIES: No work is being proposed outside of the previously approved management prescription that was approved by the USACE in 2018.

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 **17 July 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-2015-00169**, and should be submitted to:

Policy Analysis Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS