



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2022-00191
	Date Issued: _____	21 June 2022
	Comments _____	
<b>Galveston District</b>	Due: _____	22 July 2022

## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**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:** Fort Bend County  
401 Jackson Street  
Richmond, Texas 77469  
POC: The Honorable K.P. George  
Telephone: 281-633-8606  
Email: county.judge@fortbendcountytexas.gov

**AGENT:** Bio-West, Inc.  
1625 Cottonwood School Road  
Rosenberg, Texas 77471  
POC: Andrew Boswell  
Telephone: 832-595-9064  
Email: aboswell@bio-west.com

**LOCATION:** The project site is located in unnamed waters and wetlands along a 0.72-mile-long segment of West Sycamore Road, from approximately 150 feet east of FM 521 to approximately 550 feet west of South Post Oak Boulevard, in Fresno, Fort Bend County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Almeda, Texas.

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

**Latitude:** 29.524947 North;      **Longitude:** 095.460783 West

**PROJECT DESCRIPTION:** The applicant proposes to permanently impact approximately 3.47 acres of palustrine forested wetlands, through clearing, excavation, grading, and the discharge of 172 cubic yards of fill material, during construction activities associated with roadway improvements to a 0.72-mile-long segment of West Sycamore Road. Proposed improvements include the creation of an 8.38-acre retention pond for stormwater runoff protection and the expansion of West Sycamore Road from a two-lane road with no shoulders to a four-lane road with dedicated turn lane and intermittent grass median. The expansion will result in 30-feet of additional paved roadway on both the north and south of the existing roadway.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by selecting a project design which avoids 0.67-acre of wetlands and minimizes impacts to non-vegetated waters through route selection and incorporation of a bridge crossing design. Additionally, best management practices, including the use of silt fencing, rock berms, and vegetative erosion blankets, will be used as appropriate during construction.

**MITIGATION:** The applicant proposes to mitigate for the unavoidable impacts to 3.47 acres of palustrine forested wetlands through the purchase of credits from an approved mitigation bank. Due to the lack of available credits at mitigation banks within the primary service area, the applicant proposes to purchase credits from the Danza Del Rio Mitigation Bank, whose secondary service area covers the project area. The Galveston District Interim Hydrogeomorphic Wetland Functional Assessment for Riverine Forested Wetlands was used to evaluate wetland impacts. See Attachment A.

**CURRENT SITE CONDITIONS:** The project area is an approximate 24.94-acre site that is situated along an existing 0.72-mile section of West Sycamore Road. The site includes 20.78 acres of mixed-use uplands, 4.13 acres of palustrine forested wetlands, and 0.03 acres of a non-vegetated unnamed tributary. The area south of West Sycamore Road is primarily unmaintained forested uplands and wetlands and, in general, the site slopes to the south toward Briscoe Canal.

**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 applicant's plans are enclosed in 16 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review 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. The applicant contacted TCEQ and initiated the Section 401 CWA process, on 17 May 2022. If you have comments or questions on this proposed project's State water quality certification, please contact [401certs@tceq.texas.gov](mailto:401certs@tceq.texas.gov). You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

**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 investigate for historic properties.

The permit area may have resources of interest to the Alabama Coushatta Tribe of TX, the Apache Tribe of OK, the Comanche Nation of OK, the Coushatta Tribe of LA, the Kiowa Indian Tribe of OK, the Mescalero Apache Tribe, the Northern Arapaho Tribe, the Tonkawa Tribe of OK, and the Wichita and Affiliated Tribes. The project is being coordinated with these Native American Tribes.

**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 2022**. 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-2022-00191**, and should be submitted to:

Central Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS