



Public Notice


U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2019-00046
	Date Issued: _____	25 May 2021
	Comments _____	
Galveston District	Due: _____	25 June 2021

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT


PURPOSE OF PUBLIC NOTICE: To inform you of a Revised Public Notice for 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: Tomball Independent School District
310 South Cherry Street
Tomball, Texas 77375

POC: James Ross
Telephone: 281-357-3100 
Email: jamesross@tomballisd.net

AGENT: Terracon Consultants, Inc.
11555 Clay Road, #100
Houston, Texas 77043

POC: Chris Garza
Telephone: 713-329-2567 
Email: chris.garza@terracon.com

LOCATION: The project site is located in a tributary adjacent to Willow Creek, near Cypress-Rosehill Road, in Tomball, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Rose Hill, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.059416° North; **Longitude:** 095.700726° West

PUBLIC NOTICE HISTORY: A public notice for the proposed project was originally posted on 25 May 2021 with incorrect amount of impacts of 140-linear-foot in the project description. The correct amount of proposed impacts is 300-linear-foot to a tributary within the project site.

REVISED PROJECT DESCRIPTION: The applicant proposes to impact 300-linear-foot of a tributary (Tributary A) to facilitate the installation of reinforced-concrete box (RCB) culvert at the "Main Entrance" and an "Access Road" at the south end of the project site to cross Tributary A. The 20-linear-foot of concrete riprap will serve as erosion control for water entering and exiting the previously permitted culvert at the "Main Entrance". The remaining 280-linear-foot of impacts to Tributary A is for the construction of the "Access Road". The 100-linear-foot of culvert will structurally support the access road as it crosses Tributary A.

AVOIDANCE AND MINIMIZATION: The applicant states that the proposed impacts are the minimum necessary to match Harris County Flood Control District (HCFCD) requirements, cross the tributary safely, and prevent erosion.

MITIGATION: The applicant is proposing compensatory mitigation for the additional 300-linear-foot of impacts. The compensatory mitigation will be calculated using the same Level I Stream Assessment methodology that was approved by the USACE for similar impacts permitted by Nationwide Permit 39, issued 23 September 2019. The proposed credits will be purchased from the Katy-Prairie Stream Mitigation Bank. The project is located within the primary service area of the bank.

CURRENT SITE CONDITIONS: The project site is west of Cypress Hill Road and is an undeveloped tract of land that is mainly cleared uplands with a tributary that runs parallel to Cypress Hill Road.

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 5 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 has not yet reached out to the TCEQ to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification process, please contact 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 has been so extensively impacted by construction of the educational facility 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 **25 June 2021**. 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-2019-00046**, and should be submitted to:

North Unit
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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