



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2009-00650

24 October 2017

27 November 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 (CWA).

APPLICANT: Fort Bend County Toll Road Authority
P.O. Box 1307
Richmond, Texas 77406
Telephone: 281-343-0712
POC: Mr. Mike Stone

AGENT: BIO-WEST, Inc.
1018 Frost Street
Rosenberg, Texas 77471
Telephone: 832-595-9064
POC: Mr. Andy Boswell

LOCATION: The project site is located in wetlands and crossing over Flat Bank Creek, starting at a point 0.25 miles south of the intersection of Sienna Parkway and State Highway 6 and ending at a point 0.50 miles south of Sienna Springs Drive and Sienna Ranch Road, near the City of Missouri City, in Fort Bend County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Missouri City, Texas.

LATITUDE & LONGITUDE (NAD 83):

Start Latitude: 29.527932° North;

Longitude: 095.534802° West

End Latitude: 29.522184° North;

Longitude: 095.555173° West

PROJECT DESCRIPTION: The applicant proposes to discharge 944 cubic yards of fill material into seven wetlands totaling 1.17 acres during the construction of a 1.33-mile roadway. The applicant will elevate the roadway to span, a distance of 302 linear feet, over Flat Bank Creek. The roadway's associated outfall pipe and rip rap will be placed above the ordinary high water mark of Flat Bank Creek resulting in no discharge of fill material into Flat Bank Creek.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by reducing the project footprint to the minimum width of 300 feet to construct the roadway and associated infrastructure and by limiting the impacts to only 1.17 acres of wetlands. They have also avoided impacts by spanning the channel of Flat Bank Creek and not discharging fill material below the ordinary high water mark of Flat Bank Creek during the placement of the associated outfalls and rip rap bank stabilization. The work occurring over and near Flat Bank Creek is included for reference but is occurring outside of the geographic limits of the Corps jurisdiction.

MITIGATION: The applicant proposed to mitigate for the impacts by purchasing the applicable number of palustrine forested credits from Danza del Rio Mitigation Bank. The applicant used the Interim Riverine Forested Hydrogeomorphic (HGM) assessment model to calculate the appropriate number of credits to debit from the Danza del Rio Mitigation Bank. The impacts to 1.17 acres of forested wetlands will be compensated by the purchase of 0.7 functional credit units (FCUs) in Temporary Storage and Detention of Storage Water category, 1.0 FCUs in Maintain Plant and Animal Community category, and 0.9 FCUs in Removal and Sequestration of Elements and Compounds category. The project site is located within the secondary service area of Danza del Rio Mitigation Bank therefore a 1.5 multiplier has been applied to all credit calculations.

CURRENT SITE CONDITIONS: The project site can be characterized as an unmaintained, semi-forested vacant property that is surrounded by a residential development titled Sienna Plantation. The subject property is bordered on the west by Sienna Ranch Road, the intersection of Fort Bend Parkway Toll Road and Sienna Parkway on the east, and residential development to the north and south. The subject wetlands are adjacent to Flat Bank 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. The Interim Riverine Forested HGM has been verified by the Corps. The applicant's plans are enclosed in 20 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 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 1,500 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 is likely to yield resources eligible for inclusion in the National Register of Historic Places. An investigation for the presence of potentially eligible historic properties is justified.

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 **27 November 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-2009-00650**, and should be submitted to:

Central Unit
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS