



Public Notice

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

Galveston District

Permit Application No: SWG-2014-00911

Date Issued: 17 October 2017

Comments

Due: 17 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: Palmetto MDR
The Woodlands Town Center
P.O. Box 7682
The Woodlands, Texas 77387-7682
POC: Mr. Tim Crawford
Telephone: 281-210-7768

AGENT: Kimley-Horn and Associates
12750 Merit Drive, Suite 1000
Dallas, Texas 75251-1214
POC: Mr. Larry Clendenen
Telephone: 972-776-1733

LOCATION: The project site is located in wetlands adjacent to Horsepen Branch of Carter's Slough, on a 7.65- acre tract just north of the intersection of David Memorial Drive and Shenandoah Park Drive, in Shenandoah, Montgomery County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Tamina, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.192° North;

Longitude: 095.447° West

PROJECT DESCRIPTION: The applicant proposes to discharge fill material into 0.98 acre of forested wetlands, and 0.23 acre of emergent wetlands adjacent to Horsepen Branch of Carter's Slough, and 0.93 acre of open water for the purpose of constructing a 3.65-acre commercial development and Phase II of a high density single family residential development on 4.00 acres.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by incorporating best management practices into the construction plans.

MITIGATION: The applicant is proposing to mitigate for impacts to waters of the United States through offsite, in-kind Permittee Responsible Mitigation. The Applicant is currently developing a permittee responsible mitigation plan however, if credits from an approved mitigation bank become available during the permit processing, the Applicant will purchase the required amount of credits.

CURRENT SITE CONDITIONS: The project site is a 7.65-acre portion of a 16.13-acre tract that is currently under development. The subject tract lies within the Crystal Creek – West Fork of the San Jacinto River watershed (HUC 1204010104). This proposed project tract is bifurcated by an existing development (Phase I). The project tract is bounded on the north by a tract currently under commercial development, a road extension project to the east, a road to the south and existing commercial development to the west. Rainfall on the project site likely drains to the north, to Horsepen Bayou and Carter's Slough. The project site has multiple aquatic resources including emergent wetlands, forested wetlands and open water areas. The forested wetlands are dominated by American Elm (*Ulmus americana*), black willow (*Salix nigra*), and Chinese Tallow (*Triadica sebifera*). Emergent wetlands on the property are dominated by swamp smartweed (*Polygonum hydropiperoides*), Baldwin's flatsedge (*Cyperus croceus*), and narrowleaf cattail (*Typha angustifolia*).

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.

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 5 sheets, also attached is the Alternatives Analysis in 8 sheets, and the Functional Assessment 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.

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 Corps 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.

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 the other public interest factors listed above, endangered species, historic properties, water quality, and general environmental effects. 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 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-2014-00911**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RD-E
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS