

**FINDING OF NO SIGNIFICANT IMPACT
FOR
HUNTING BAYOU FEDERAL FLOOD RISK MANAGEMENT
HUNTING BAYOU WATERSHED
HARRIS COUNTY, TEXAS**

1. **Purpose.** This document addresses the Hunting Bayou Federal Flood Risk Management Project from U.S 59, 3.8 miles downstream to the Englewood Railroad Yard consisting of a 60-foot maximum bottom width channel and a 75-acre detention basin. The purpose of the proposed action is to reduce damages from flooding in the upper, most populous reach of Hunting Bayou and to reasonably maximize net economic benefits. The Final Environmental Assessment (EA) was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321-4370) and Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508).
2. **Proposed Action.** The proposed action includes modifying the Hunting Bayou channel for 3.8 miles, and constructing a 75-acre detention basin at Homestead Road. These improvements would require 17 roadway, railroad and pedestrian bridge modifications; 96 utility, storm sewer and pipeline relocations; and removal of several inactive utilities and street segments.

The proposed plan requires excavation of earthen material during construction of the channel modifications and the detention basin. All soil placement sites have been reviewed for wetlands, hazardous materials, cultural resources, and threatened and endangered species to avoid impacts to significant resources. HCFCD will conduct appropriate NEPA review and documentation and coordination for all proposed alternative soil disposal sites that may be proposed during construction.

3. **Alternatives.** During the initial stages of alternative formulation, flood damage reduction measures or components to reduce flood damages along Hunting Bayou were identified through hydraulic and hydrologic modeling; engineering and economic analyses; and environmental screening. The components were then further analyzed to determine their effectiveness and economic feasibility. Further analysis produced a 32-scale array of National Economic Development (NED) alternatives evaluated under the fiscal year 2013 condition.

Nineteen plan scales produce net excess benefits within 5 percent of the top producing scale and are considered to reasonably maximize net excess benefits. When ranked based on net excess benefit, NED alternative scale B60-A75, which includes a 75-acre detention basin, is the first alternative scale that does not induce damages downstream with a rise in the base flood elevation. Higher ranked alternative scales all include either a 25-acre or 50-acre detention basin, and all induce damages downstream. When these damages were included as NED costs to the project, this did not change the identification of the NED Plan. However, the damages induced would require mitigation based on Federal Emergency Management Agency (FEMA) guidelines, and would be an additional cost to the local communities participating in the National Flood Insurance Program. The B60-A75 plan scale is the NED alternative scale which best maximized net excess benefits without inducing downstream damages and is the Tentatively Selected Plan or Proposed Action. It is designed to avoid potential impacts to natural and cultural resources and to minimize residential and business displacements.

4. **Coordination.** The plan was coordinated with Federal and State resource agencies and the public. A draft EA was made available for a 30-day public review on (date). Correspondence between the USACE, HCFCD, resource agencies, and public and agency comments and responses will be included in the Final EA.

5. **Environmental Effects.** Every reasonable measure has been taken to evaluate the environmental, social, cultural, and economic effects of the Tentatively Selected Plan. Based upon information provided in the EA and coordination with Federal, State, and local agencies, temporary and permanent effects resulting from the proposed action have been identified and are described in Section 5.0 of the Integrated General Reevaluation Report and EA. The following resources and effects upon them from the proposed project have been identified and disclosed in the EA:
- The project would permanently affect 3.67 acres of forested and scrub-shrub wetlands, and would affect another 0.7 acres of emergent wetlands if the soil disposal sites are used. 1.18 acres of fringe wetland will be temporarily affected. Wetlands were identified as the only significant resource warranting compensatory mitigation. Wetland impacts would be mitigated through the use of the Greens Bayou Wetland Mitigation Bank.
 - The proposed project would require 309 acres of additional real estate including the following: 115 acres for channel improvements, 119 for excavation placement, and 75 acres for detention. 109 acres of this real estate is composed of unmaintained upland vegetation.
 - The proposed project would require 70 displacement actions. For the acquisition of residential and commercial structures, just compensation and relocation assistance will be coordinated as needed.
 - Construction impacts of the Tentatively Selected Plan will be temporary in duration and limited in spatial extent and are not anticipated to significantly affect the overall project area.
 - It is anticipated that implementation of the Tentatively Selected Plan would be below the *de minimis* threshold and project emissions are below air conformity emission thresholds.
 - Noise levels from proposed construction activities would be short-term and limited to workday daylight hours for the duration of construction. Therefore, no significant noise related impacts are anticipated.
 - Temporary and localized impacts to water quality within the project area are anticipated. A Storm-water Pollution Prevention Plan and Best Management Practices (BMP's) would be developed and implemented; therefore, impacts to water quality are anticipated to be minimal and no significant impacts to water quality of the project area are anticipated to occur.
 - No impacts to prime or unique farmlands are anticipated.
 - Implementation of the Tentatively Selected Plan is not anticipated to directly affect any historical properties, structures, objects, sites included in or eligible for inclusion in the National Registry of Historical Properties.
 - Implementation of the Tentatively Selected Plan is not anticipated to impact aesthetic resources in the project area.
 - Implementation of the Tentatively Selected Plan would not affect any federally threatened or endangered species or their preferred habitat.
 - Implementation of the Tentatively Selected Plan would not disproportionately impact minority or low-income populations. Permanent adverse impacts to socioeconomic resources and environmental justice populations within the project area are not anticipated.

Thus, it is concluded that no significant impacts on the environment or to the surrounding human population are expected to occur as a result of the proposed action.

6. **Determinations.** The Hunting Bayou Federal Flood Risk Management Project, Watershed of Hunting Bayou was determined to be compliant with the following Federal legislation:

- National Environmental Policy Act
- Fish and Wildlife Coordination Act
- Rivers and Harbors Act of 1899
- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act
- Clean Air Act
- Responsibilities of Federal Agencies to Protect Migratory Birds and the Migratory Bird Treaty Act, Executive Order (E.O.) 13186
- Magnuson-Stevens Fishery Conservation and Management Act
- Coastal Zone Management Act
- Section 106 of the National Historic Preservation Act
- Federal Aviation Administration—Hazardous Wildlife Attractants on and Near Airports
- Farmland Protection Policy Act of 1981 and CEQ Memorandum Concerning Prime and Unique Farmlands
- Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, E.O. 12898
- Protection of Children from Environmental Health Risks and Safety Risks, E.O. 13045
- Farmland Protection Policy Act
- Protection of Wetlands, E.O. 11990
- Environmental Justice, E.O. 12898
- Limited English Proficiency, E.O. 13166
- Invasive Species, E.O. 13112
- Floodplain Management, E.O. 11988

7. **Findings.** Based on my analysis of the Final EA and other information pertaining to the proposed project, I find that the Hunting Bayou Federal Flood Risk Management Project will not have a significant impact on the quality of the environment. After consideration of the information presented in the Final EA, I have determined that preparation of an Environmental Impact Statement (EIS) is not required under the provisions of NEPA, Section 102, and other applicable regulations of the U.S. Army Corps of Engineers, and that the proposed project may be constructed.

Richard P. Pannell
Colonel, U.S. Army Corps of Engineers
District Engineer

Date