



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

December 16, 2011

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability for the Draft Supplemental Environmental Impact Statement for the Clear Creek General Reevaluation Study, Brazoria, Fort Bend, Galveston, and Harris Counties, Texas

AGENCY: Department of the Army, U.S. Army Corps of Engineers, Department of Defense; U.S. Environmental Protection Agency

ACTION: Notice of Availability

SUMMARY: The U.S. Army Corps of Engineers (USACE), Galveston District announces the release of the Draft General Reevaluation Report (DGRR), the Draft Supplemental Environmental Impact Statement (DSEIS), and the Draft General Conformity Determination (DGCD), and their public comment periods, for the Clear Creek General Reevaluation Study.

DATES: The USACE, Galveston District will accept written public comments on the DSEIS and the DGCD from December 16, 2011 through January 30, 2012. Comments on the DSEIS and the DGCD must be postmarked by January 30, 2012.

ADDRESSES: You may send written comments to the USACE, Galveston District, Attn: Andrea Catanzaro, P.O. Box 1229, Galveston, TX 77553-1229.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the DSEIS may be referred to Ms. Andrea Catanzaro, (409) 766-6346.

SUPPLEMENTARY INFORMATION:

Authority: The lead agency for the proposed project is the USACE, under the authority of Section 203 of the Flood Control Act of 1968 (Public Law 90-483).

Background: The Clear Creek Flood Control Project was authorized by Congress in the Flood Control Act of 1968 (Public Law 90-483, Section 203). The authorized project extended 31 miles from Clear Lake to the Fort Bend County line. In 1982 the Phase I General Design Memorandum, including the FEIS, was signed by the Southwest Division Engineer, thus authorizing the detailed design (USACE, 1982). A formal agreement was signed in 1986 by the non-Federal sponsors (Harris County Flood Control District and Galveston County) and the USACE to construct the 14-mile reach of the project downstream of Dixie Farm Road. Only the Second Outlet Channel and Gate Structure portions of the authorized project were constructed. In 1997, the non-Federal sponsors requested that the USACE adopt changes to the plans based on concerns regarding the project design and environmental

impacts. The changes requested by the non-Federal sponsors were beyond the discretionary authority of the USACE Division Commander to approve. As a result, in February 1999 the USACE decided that a general reevaluation study would be needed. In April 1999, the non-Federal sponsors agreed to accept the USACE recommendation to conduct the general reevaluation study. The general reevaluation study reconsiders the previously authorized project as well as non-Federal sponsor-proposed alternatives and other alternatives that are deemed reasonable. As of June 1999, Brazos County Drainage District 4 (BCDD4) joined the non-Federal sponsors in this effort.

The congressional authorization for this project only allows the consideration of reducing flood damage caused by rainfall runoff along the main channel of Clear Creek and does not include coastal flooding caused by tropical storm systems (USACE, 1982). This DSEIS was prepared as required by the National Environmental Policy Act (NEPA) to present an evaluation of potential impacts associated with the tentatively proposed project. The DSEIS and associated documentation is now available for public review and comment.

Project Description: The tentatively proposed project includes both conveyance and in-line detention measures along the main stem of Clear Creek and conveyance along three of its tributaries (Mary's Creek, Mud Gully and Turkey Creek). Excavated material from construction and maintenance activities would need to be placed in upland confined placement areas. As part of the environmentally sensitive design, the tentatively proposed project encompasses measures to avoid and minimize impacts to habitat including preserving and rehabilitating 122 acres of floodplain forest, and reestablishing 33 acres of floodplain forest. Compensation for unavoidable construction impacts would consist of rehabilitating an additional 31 acres of floodplain forest.

Availability of Draft Supplemental Environmental Impact Statement (DSEIS): Pursuant to section 102(2)(c) of the NEPA of 1969, as amended and as implemented by the Council on Environmental Quality (40 CFR parts 1500-1508), a DSEIS for the proposed Clear Creek General Reevaluation Study has been filed with the EPA and is being made available to Federal, State, and local agencies, and all interested parties. The DSEIS can be viewed at <http://www.swg.usace.army.mil/pao/HotTopic.asp>. Copies of the DSEIS can be requested from Ms. Andrea Catanzaro at the address above. In addition, copies of the DSEIS are available for viewing at the following libraries:

- Brazoria Library, 620 South Brooks, Brazoria, TX
- Friendswood Public Library, 416 South Friendswood Drive, Friendswood, TX
- Rosenberg Library, 2310 Sealy Street, Galveston, TX
- Clear Lake City-County Freeman Library, 16616 Diana Lane, Houston, TX
- City of League City, Helen Hall Library, 100 W. Walter Street, League City, TX
- Houston Public Library, 500 McKinney Street, Houston, TX
- Stimley-Blue Ridge Library, 7007 W. Fuqua Drive, Missouri City, TX
- Pearland Library, 3522 Liberty Drive, Pearland, TX
- Evelyn Meador Library, 2400 North Meyer Road, Seabrook, TX

Texas Council on Environmental Quality (TCEQ) Water Quality Certification: A Clean Water Act §404(b)(1) evaluation of the proposed action, provided in the DSEIS (Appendix L), describes the effects of the proposed discharges. Short-term increases in turbidity may be caused during construction activities. Best management practices would be implemented to reduce and control turbidity during construction. Increased habitat diversity is anticipated from the restoration of creek sinuosity and vegetation along the low-flow channel of Clear Creek. The USACE has requested a 401 State Water Quality Certification from the TCEQ.

Draft General Conformity: As required by the Clean Air Act, the Environmental Protection Agency (EPA) has promulgated rules to ensure that Federal actions conform to the appropriate State Implementation Plan (SIP). The General Conformity Rule (40 CFR Part 51, Subpart W) applies to Federal actions, within maintenance or nonattainment areas. Pursuant to Section 176 of the Clean Air Act Amendments of 1990, the USACE has prepared a document entitled, "Draft General Conformity Determination, Clear Creek General Reevaluation Plan Alternative, Brazoria, Fort Bend, Galveston, and Harris Counties, Texas" (Appendix H of the DSEIS). This document is hereby noticed for public comment and will be submitted by the USACE to the TCEQ and EPA concurrently with this DSEIS. As part of the General Conformity process, the USACE will make this document available to the public for review and comment for a period of 30 days. During this time, the USACE will consult with the TCEQ and the EPA seeking concurrence that emissions from the tentatively Recommended Plan are conformant with the SIP for the Houston-Galveston-Brazoria ozone nonattainment area. Once written confirmation is received from the TCEQ and the EPA, the USACE will prepare a Final General Conformity Determination for the proposed project. The tentatively Recommended Plan is expected to increase air emissions in the Houston-Galveston Air Quality Control Region, which is currently classified as a severe nonattainment area for ozone. An analysis of estimated emissions associated with the proposed project indicates that there may be short-term impacts on air quality in the immediate vicinity of the project area, but no long-term impacts are expected. However, the estimated project emissions of nitrous oxides (NO_x) are expected to exceed the conformity threshold of 25 tons per year.

National Register of Historic Places (NRHP): Compliance with the National Historic Preservation Act (NHPA) of 1966, as amended, requires identification of all NRHP-listed or NRHP-eligible properties in the project area and development of mitigation measures for those adversely affected in coordination with the Texas State Historic Preservation Officer and the Advisory Council on Historic Preservation. A thorough file review did not identify any existing NRHP-listed or NRHP-eligible sites or State Archeological Landmarks within the project footprint. Historical research and investigations performed for this study did not identify any NRHP-listed or NRHP-eligible sites within the project footprint. Additional investigations for construction and maintenance of the project would be conducted under the conditions of the Programmatic Agreement executed for this project (Appendix F-1 of the

DSEIS). Compliance with the Programmatic Agreement places the project in compliance with NHPA.

Threatened and Endangered Species: Interagency consultation procedures under Section 7 of the Endangered Species Act have been undertaken. A draft Biological Assessment (BA) was prepared describing the study area, federally listed threatened and endangered species of potential occurrence in the study area as provided by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), and potential impacts on these listed species (Appendix E of the DSEIS). This draft BA is being submitted to NMFS and USFWS for review with the DSEIS. Because of the nature and location of the expected project effects, the lack of suitable habitat and/or the extreme unlikelihood that these species are present within the project area, the USACE has determined that the proposed project would have no effect on federally listed threatened or endangered species or their critical habitat.

Other Agency Authorizations: Texas Coastal Zone consistency certification is required. The USACE has determined that the project is consistent with the Texas Coastal Management Program's goals and policies and would be conducted in a manner consistent with the Program. Additional information can be found in Appendix K of the DSEIS. The DSEIS and Texas Coastal Consistency Determination have been submitted to the General Land Office for review.

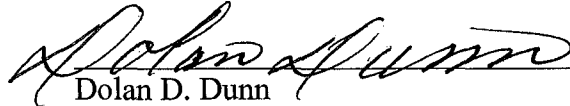
Public Comment and Public Hearing: If you wish to voice your comments, a Public Hearing on the proposed project will be held on January 11, 2012, at the Marie Spence Flickenger Fine Arts Building located at San Jacinto College South, 13735 Beamer Road, Houston, Texas. Project team members will be present to discuss the DSEIS at an open-house that will precede the hearing. The open-house will be held from 5:30 p.m. to 6:30 p.m., and the formal hearing will be held from 7:00 p.m. to 8:30 p.m.

Public Interest Review Factors: The decision whether to implement the tentatively Recommended Plan 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 reasonably foreseeable detriments associated with the proposal. All factors which may be relevant to the tentatively proposed project will be considered. These include, but are not limited to: air quality, economics, general environmental concerns, historic resources, protected species, recreation, water and sediment quality, energy needs, safety, hazardous materials, and, in general, the welfare of the people.

Solicitation of Comments: The USACE 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. Comments will be considered in the evaluation of impacts on endangered species, historic properties, water

quality, general environmental effects, and other public interest factors listed above. Comments will be used in preparation of the Final Supplemental Environmental Impact Statement pursuant to NEPA. Comments are also used to determine the overall public interest of the proposed activity.

Date 12/17/11


Dolan D. Dunn
Chief, Planning, Environmental and
Regulatory Division