



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

## PUBLIC NOTICE

### REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS FEDERALLY AUTHORIZED CIVIL WORKS PROJECT UNDER 33 USC SECTION 408

**REQUEST ID:** 408-SWG-2024-0007 Houston Parks Board

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: April 01, 2024

Ends: May 01, 2024

**SUBJECT:** Request for a Section 408 permission to alter the Brays Bayou Flood Control Channel, a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project. Written comments are being solicited from anyone having an interest in this proposed alteration. Comments will become part of the USACE administrative record and will be considered in determining whether to approve the proposed alteration. Comments supporting, opposing, or identifying concerns that may be considered by the USACE in its decision process are welcomed. Issuance of this notice does not imply USACE endorsement of the proposed alteration as described.

**REQUESTER:** Houston Parks Board

**LOCATION:** Brays Bayou Flood Control Channel

**NON-FEDERAL SPONSOR:** Harris County Flood Control District

**REQUESTERS PROPOSED ALTERATION:** The proposed project includes the installation of a 4,200-foot segment of 10-foot wide concrete pedestrian trail that begins at the termination of the Upper Brays Bayou Trail, located near Brays Bayou and US 59 bridge, and terminates at the Beechnut Street and Commerce Park Drive Intersection. The trail will begin at Sta. 1+99, where it will tie into the Upper Brays Bayou Trail (currently under construction). The portion of the trail from Sta. 8+90 to the end of the trail at Sta. 45+00 is not within government-controlled property.

The section of trail between Sta. 1+99 to Sta. 5+06 is within Harris County Flood Control District (HCFCD) right-of-way (R.O.W.) and is within government-controlled property. The proposed 10-foot wide concrete trail is located within the upper portion of the grass-lined channel side slope. Work required within this section includes the excavation between 6-inches and 30-inches of soil. The concrete trail will tie-in to the elevation of the bank on the south portion of the trail. A 2-foot cantilever retaining wall will be installed that will tie-in to the elevation of the bank on the north portion of the trail. Refer to Plans Sheets 21-22 for the trail layout and Sheet 104 for the trail cross-sections.

The section of trail between Sta. 5+06 and Sta. 8+11, is located within TxDOT R.O.W. and is within government-controlled property. Work required within this section includes removal of existing riprap (slope paving) under the US 59 bridge, installation of temporary shoring under the bridge (reference Geotechnical Sec. 5.3, Sheet 34), construction of 10-foot concrete trail with 2-foot tall cantilever retaining wall, including doweling into the existing rip rap under the bridge. The trail will have approximately 4-foot wide slope paving that connects the trail to the existing top of bank of the concrete lined, Brays Bayou channel. Refer to Plans Sheets 22-23 for the trail layout and Sheets 104-105 for the trail cross-sections.

The section of trail from Sta. 8+11 to Sta. 8+90, is located within HCFCD R.O.W. and is within government-controlled property. This section of trail is located on the grass-lined channel side slope and runs up the channel slope adjacent to US 59. Work required within this section includes the excavation between 6-inches and 6-foot of soil. Work also includes the installation of cantilever walls from 5-foot to 7-foot height supported by 48-inch diameter concrete drill shafts of varied depth. On the west side of the trail that is closest to the tributary channel, a sheet pile retaining wall will be installed that is 1-foot to 5-foot in height, which will be tied into existing side slope concrete paving. At Sta. 8+50, there is a proposed inlet and 24-inch pipe that collects runoff behind the drill shaft retaining wall and outfalls into the concrete-lined channel. Installation of the outfall will require removal and replacement of approximately 13 square yards of existing concrete side slope paving. Refer to Plans Sheet 23 for the trail layout and sheet 105 for the trail cross-sections.

The construction of the trail will require approximately 338 cubic yards of excavation within the segment of trails that runs adjacent to the government-controlled property (Sta. 1+99 to Sta. 8+90). The width of the disturbed area between Sta. 1+99 to Sta. 5+06 is approximately 15-foot, between Sta. 5+06 to Sta. 8+11 is approximately 33-foot and between Sta. 8+11 to Sta. 8+90) is approximately 20-foot wide. The total amount of ground surface that will be disturbed is approximately 0.37 acres, which is less than 1 acre of disturbed area.

Construction of the majority of the trail will require small to medium sized equipment, including sized backhoes, excavators and proof-rollers. The contractor will place the subgrade and steel reinforcement in preparation for the concrete trail to be poured.

Temporary shoring will be required for the portion and shall be backfilled with a granular backfill material. Drill shafts are to be cast-in-place per the plans. Sheet piling walls will be installed using a crane arm that will be operated just behind the existing headwall and will reach out to the desired location. The anticipated work area for the crane operation will not be within government-controlled property and is shown on Sheet 23. SWPPP protection includes reinforced filter fabric fence and inlet protection barriers that will be installed and maintained for the duration of the project. No cofferdams or bypasses will be required. It is anticipated that the work material storage areas will be along CenterPoint R.O.W. between Sta. 12+00 and 18+00.

There is no access across government-controlled property required for the construction of this project.

The Geotechnical report has been included for this submittal.

A drainage analysis using HEC-RAS was performed along Brays Bayou within the project area and it was determined that the project will result in no adverse effects. A letter of no impact/no-rise certification has been included with this submittal package.

In addition to the U.S. Army Corps of Engineers review, Cobb Fendley has submitted plans for approval to Harris County Flood Control District and TxDOT.

**AUTHORITY:** The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 U.S.C. Section 408. Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a Federal project if the proposed action will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE Chief of Engineers as further delegated to the Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

**LIMITS OF SECTION 408 AUTHORITY:** A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

**EVALUATION FACTORS:** The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1. **Impacts to the Usefulness of the USACE Project Determination.** The review team will determine if the proposed alteration would limit the ability of the federally authorized project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs.

2. **Injurious to the Public Interest Determination.** The review team will determine the probable impacts of the proposed alteration, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest may include, but are not limited to, such things as conservation, economic development, historic properties, cultural

resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation.

**3. Environmental Compliance.** A decision on a Section 408 request is a federal action subject to the National Environmental Policy Act (NEPA) and other applicable federal environmental and cultural resources compliance requirements. Pursuant to NEPA, the review team will review relevant documentation to comply.

**PUBLIC INVOLVEMENT:** The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the Requester's Proposed Alteration. Comments received within 30 calendar days of this public notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project.

Only the specific activities that have the potential to occupy, use, or alter the Brays Bayou Flood Control Channel will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the proposed project. Also note that comment letters received may be subject to release to the public through the Freedom of Information Act (FOIA).

**SUBMITTING COMMENTS:** Written comments, must reference Identification Number 408-SWG-2024-0007 and be submitted to the office listed below on or before the Public Notice Ends. If no comments are received by that date, it will be considered that there are no objections.

Email: CESWG-OD-INT-REV@USACE  
SWG 408 Coordinator  
U.S. Army Corps of Engineers, Galveston District  
Operations Division  
2000 Fort Point Road  
Galveston, TX 77550

For archives of Section 408 Public Notices and more information on our Section 408 Program, visit the Galveston District Section 408 webpage at:  
<https://www.swg.usace.army.mil/Media/408-Public-Notices/>

## Attachment 1: Project Vicinity Map and Plans