Public Notice

US Army Corps Of Engineers

Galveston District

Permit Application No: SWG-2017-00335

Date Issued: 4 February 2020

Comments Due: 6 March 2020

US 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 United States (US) 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:
Harris County Flood Control District (HCFCD)
9900 Northwest Freeway
Houston, Texas 77092
Russ.poppe@hcfcd.hctx.net
Russell Poppe

APPLICANT:
Harris County Flood Control District (HCFCD)
9900 Northwest Freeway
Houston, Texas 77092
713-684-4050 or 346-289-4155
POC: Denise Wade (Denise.Wade@hcfcd.hctx.net)
Jonathan Holley (Jonathan.Holley@hcfcd.hctx.net)

LOCATION: The Inwood Forest Stormwater Detention Basin project is located within the former Inwood Forest golf course, which is a 226-acre property located along Antoine Drive, near the confluence of White Oak Drive and Vogel Creek (E121-00-00), south and west of Beltway 8, east of Highway (HWY) 249, north of Little York Road, and northeast of HWY 290, in Houston, northwest Harris County, Texas. The project can be located on the USGS quadrangle maps titled: Houston Heights, Texas.

Center Latitude: 29.876010° N; Longitude: -95.472630° W

PROJECT DESCRIPTION: During the construction of the proposed detention basins, the HCFCD proposes to discharge 1,210 cubic yards of clean fill material, 512 cubic yards of concrete, and 831 cubic yards of riprap into 1.17 acres (4,456 linear feet) into waters of the United States (US). This project will impact White Oak Bayou (E100-00-00), Vogel Creek (E121-00-00) other waters of the US, as described in the summary table of impacts in Attachment A.

The project activities include excavation of eleven stormwater detention basins (Basins A, B, C, D, E, F, G, H, I, J, and L). Basins A, C, D, E, H, I, and L are designed to be wet bottom basins and Basins B, F, G, and J are designed to be dry bottom basins. Construction activities would include excavation of all eleven basins, which includes deepening and widening of the existing HCFCD Unit #E121-02-00 stream channel within the footprint of Basin I, deepening and widening of an existing unnamed tributary to Vogel Creek (unnamed Ditch 1) within the footprint of Basin L, construction of two inflow structures along White Oak Bayou, and construction of two inflow structures and two outfall structures along Vogel Creek. The proposed project would create a total proposed flood volume storage of approximately 1,250 ac-ft.

The basins located west of Antoine Drive will connect to White Oak Bayou (Basins A, B, C, D, E, F, G) and are to be interconnected using culverts under existing roadways and the clubhouse parking lot. The interconnected basins on the north bank of White Oak Bayou (Basins A through E) will pull flow via two new inflow structures on Basin D. Within the project area, White Oak Bayou has a relatively low level of service, as the existing 10-year storm event is already out of banks at several cross sections and flow will spill into the basin from other locations during larger events. Basin F is an independent basin located south of White Oak Bayou. Basin G is a dry-shelf expansion on the south bank of White Oak Bayou meant to add floodplain volume directly to White Oak Bayou. While the primary purpose of the five interconnected cells (Basin A through E) will pull flow from White Oak Bayou, the basin will be partially be influenced by spillover from HCFCD Unit #E140-00-00.

The basins located east of Antoine Drive will connect to Vogel Creek and include three wet-bottom basins (Basins H, I, L) and one dry-shelf expansion (Basin J). Basins H and L are proposed to be interconnected, with flow entering the offline configured Basin H through a new inflow structure along Vogel Creek and flow exiting back to Vogel Creek through a new outfall structure on Basin L. Basin I will pull flow from Vogel Creek and HCFCD Unit #E121-02-00 through two new inflow structures and flow will exit to Vogel Creek through one new outfall structure.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by limiting fill material to suitable and clean construction grade fill, concrete, and riprap in accordance with the 404 (b)(1) Guidelines and per HCFCD standard stormwater pollution prevention practice in their stormwater pollution prevention plan (SWPPP).

During construction, silt fencing will be installed around the perimeter of the areas to be filled to address short-term turbidity and suspended solids to keep sediments from running off during rain events into surrounding aquatic habitats. Where wetlands or waterbodies are adjacent to and downslope of construction work areas, sediment barriers will be installed along the edge of these areas, as necessary to prevent sediment flow into the wetland or waterbody. If sediment barriers are in use, when the depth of sediment reaches about one-third of the height, the sediment must be removed. These sediment barriers will include filter dams, stabilized construction access, and inlet protection barriers.

To minimize the long-term turbidity and suspended solids in jurisdictional streams in the project area, seeding, sodding, and native wetland plantings will be utilized around the work areas.

Best Management Practices (BMPs) including reinforced silt fences, filter dams, stabilized construction access, sodding, and inlet protection barriers will be installed within and around the work area to prevent sediments from running off during rain events into surrounding aquatic habitats. For long term purposes, exposed soils will be vegetated via seeding or sodding to provide bank stabilization and enhance stormwater sediment reduction upon completion of the excavation of the basin and construction of outfalls.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by utilizing in-stream design techniques including: variable channel widths and depths, a bankfull bench along the floodplain, streambank plantings within adjacent wetlands, a lay back bank along the channel, and adding stream meanders where practicable to enhance the existing stream channel condition and mitigate for impacts to waters of the US by improving the stream reach condition along HCFCD Unit #E121-02-00 and an unnamed tributary to Vogel Creek (Ditch 1). The in-stream design will incorporate techniques to minimize erosion, improve natural stream function, and stabilize the banks that have eroded. Stabilization measures include improvements to the dimensions and profile of the impacted streams, allowing each stream to convey stormwater and sediment loads more efficiently without aggrading or degrading. HCFCD has developed a planting plan identified in the SWPPP to be implemented upon completion of construction activities that will be used to re-establish native vegetation and stabilize the banks.

Refer to the Work Plan, in 29 sheets.

CURRENT SITE CONDITIONS: The project area is located in and along the former Inwood Forest golf course between West Gulf Bank Road and Victory Drive, in Houston, Harris County, Texas. According to the FEMA Flood Insurance Rate Map Panels 48201C0654M (eff. 06/9/2014) and 48201C0655M (eff. 06/9/2014), most of the project area is located within the 100-year floodplain Zone AE of White Oak Bayou and Vogel Creek with significant portions lying within the regulatory floodways of White Oak Bayou and Vogel Creek.

The project area is comprised of maintained public lands with surrounding land use including a mixture of residential developments and commercial properties in a highly urban area within the City of Houston. The topography of the site is generally flat with a shallow (0-1%) slope from north to south. As described in the 2017 Wetland Delineation Report for the property (R.G. Miller Engineers 2017), there are six aquatic features. The project site is currently surrounded by development to the north, west, east, and south. The project site along the banks is regularly mowed and maintained, allowing mainly herbaceous vegetation to grow. These waterbodies (Vogel Creek and White Oak Bayou are perennial.

This public notice is being issued based on information furnished by the applicant. This project information has been verified by the Corps, during a site visit conducted on 6 December 2019. The revised stream tool assessments are currently being reviewed by the Corps for final approval. Jurisdiction of the aquatic features within the project area is based on the findings of an Approved Jurisdictional Determination under SWG-2017-00335, and issued 25 October 2017.

The applicant's plans, in 15 sheets, tables of impacts (Attachment A), in 1 sheet, the work plan, in 29 sheets, are enclosed.

A preliminary review of these proposed RGP 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 of the project will also follow the guidelines published by the US 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 would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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 contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct an investigation for historic properties.

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 project.

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 **6 March 2020**. 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-2017-00335**, and should be submitted to:

Policy Analysis Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS