



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2018-00549
	Date Issued: _____	5 Mar-2019
	Comments _____	
<b>Galveston District</b>	Due: _____	4 Apr 2019

## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**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:** Harris County Improvement District No. 1  
1980 South Post Oak Boulevard, #1700  
Houston, Texas 77056  
POC: Andrew Jerige  
Telephone: 731-818-8296  
Email: [ajerige@uptown-houston.com](mailto:ajerige@uptown-houston.com)

**AGENT:** Berg-Oliver Associates, Inc.  
14701 St Mary's Lane, Suite 400  
Houston, Texas 77079  
POC: Jeff Dunn  
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Email: [jdunn@bergoliver.com](mailto:jdunn@bergoliver.com)

**LOCATION:** The project site is located upstream of Buffalo Bayou, within Memorial Park, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Houston Heights, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 29.7669° North; **Longitude:** 95.4455° West

**PROJECT DESCRIPTION:** The applicant proposes to construct two earthen land bridges over Memorial Drive. As a result of this project, two channelized drainage features will be redesigned to re-establish a tributary/wetland system between the two earthen land bridges and will connect to Buffalo Bayou. Approximately 1.52 acres of wetlands and 1,485 linear feet of drainage channels will be impacted as a result of this project. The applicant proposes to compensate for the potentially jurisdictional drainage channels through the creation of a tributary complex.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by avoiding 2 acres of delineated wetlands and utilizing existing drainage canals for the creation of a self-mitigating tributary system.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts by redesigning the existing drainage canals into a self-mitigating tributary complex. The applicant will redesign, restore, and deed-restrict the existing 1,485 linear feet of drainage canal and add approximately 3,800 linear feet of stream north of the existing drainage canals. The mitigation plans are included within the project plans.

**CURRENT SITE CONDITIONS:** The project site is currently a partially-maintained public park, including sports fields and parking lots. A portion of the project area is wooded, comprising of a hardwood understory and a loblolly pine (*Pinus taeda*) canopy. The diverse hardwood understory consists of post oak (*Quercus stellata*), live oak (*Quercus virginiana*), willow oak (*Quercus phellos*), water oak (*Quercus nigra*), southern red oak (*Quercus falcate*), American elm (*Ulmus Americana*), and cedar elm (*Ulmus crassifolia*), southern magnolia (*Magnolia grandifolia*), boxelder (*Acer negundo*), black hickory (*Carya texana*), and white oak (*Quercus alba*).

The wetlands within the project boundary typically contain the following species: common rush (*Juncus effusus*), woodrush flatsedge (*Cyperus entrianus*), and broadleaf cattail (*Typha latifolia*).

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 12 sheets. The applicant's mitigation plan is enclosed in 30 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 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 was investigated for historic properties and numerous historic features associated with Camp Logan and Memorial Park were found as documented in the technical report titled "2017-2018 Annual Report of Work Carried Out at Memorial Park, City of Houston, Harris County, Texas" prepared by Gray & Pape and dated August 2018. The proposed project would impact 29 of the features and the Corps is currently coordinating those impacts with the Texas State Historic Preservation Officer.

**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.

**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 **4 Apr 2019**. 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-2018-00549**, and should be submitted to:

North Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS