



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2013-00768
	Date Issued: _____	28 May 2019
	Comments _____	
Galveston District	Due: _____	26 June 2019

**U.S. 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 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.

APPLICANT: HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD)
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Houston, Texas 77092
POC: Ryan Robol
Telephone: 713-684-4050
Email: ryan.robol@hcfcd.hctx.net

AGENT: TERRACON CONSULTING, INC
11555 Clay Road, Suite 100
Houston, Texas 77043
POC: Chris Garza
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LOCATION: The project is located in wetlands, unnamed tributaries to Little Cypress Creek, and Little Cypress Creek, Harris County, Texas. This project includes the construction of a detention basin (HCFCD Unit L500-01-00) and re-establishment of a portion of Little Cypress Creek (HCFCD Unit L100-00-00) from Roberts Road to approximately 700 feet east of Becker Road. The project can be located on the U.S.G.S. quadrangle map entitled: Hockley, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 30.030318 North; Longitude: -95.806013 West

PROJECT DESCRIPTION:

The proposed project would result in unavoidable impacts to 8,000 linear feet (LF; 3.01 acres) of Little Cypress Creek, 196 LF (0.10 acre) of tributaries to Little Cypress Creek, and 3.15 acres of Palustrine emergent wetlands (PEW) to construct a stormwater basin for the purpose of floodwater detention. The proposed project will use natural channel design to minimize impacts and provide ecological functional lift. Little Cypress Creek will be realigned through the project area and the pattern, profile, and dimension of the natural channel will be re-established and will incorporate a geomorphic floodplain bench, riffle pool complexes, boulder vanes, toe wood and log vanes, and an approximate 100-foot vegetated riparian buffer on each stream bank. The project will include stormwater treatment wetlands in the bottom of the basin. The applicant's project plans in 9 pages, Stream Construction Plan in 39 pages, and the Vegetation Planting and Monitoring Plan in 29 pages are enclosed.

The proposed realigned channel would provide a net increase in the length of the ultimate channel through the implementation of natural sinuosity, resulting in a net gain of 600 linear feet of channel. Based on the Stream Condition Assessment (SCA) dated October 2017, the pre-construction Reach Condition Index (RCI) for Little Cypress Creek was calculated to be 3.73. The proposed final alignment of Little Cypress Creek would result in an estimated post-construction RCI will be 4.50. The proposed stormwater basin project has been designed with natural channel design features to improve the existing natural function of Little Cypress Creek along the project reach and would be self-compensating.

AVOIDANCE AND MINIMIZATION: The project was designed to avoid impacts to 4.77 acres of emergent wetlands and 1.14 acre of open waters. Complete avoidance of all jurisdictional features is not practicable, as the project requires excavation of a contiguous area of land for stormwater detention capacity to reduce downstream flood risk. Additionally, the proposed project would avoid permanent impacts to Little Cypress Creek by incorporating natural channel design into 8,850 linear feet of stream channel re-establishment. Incorporation of natural stable channel design features will improve the natural functions of the stream by reducing erosion and sedimentation and resulting in a net increase in stream function.

Impacts to Little Cypress Creek will be minimized through the implementation of various short-term and long-term water quality best management practices (BMPs). Temporary impacts to downstream waterways will be minimized by implementing short-term BMPs into the project, including rock filter dams, silt fencing, sod strips, inlet protection and vegetated buffers. These BMPs will minimize sediment runoff into nearby waterways and will be removed post-construction, following site stabilization. Vegetative cover, including both turf and riparian buffer establishment, will be the long-term measure that stabilizes soils on the project site. Additionally, the channel has been designed to minimize long-term erosion concerns using natural channel design features that reduce water velocity.

MITIGATION: Wetland impacts (3.15 acres of PEW) will be mitigated by purchasing credits from the Greens Bayou Wetland Mitigation Bank. Temporary stream impacts will be self-compensated on-site by the proposed stream realignment, which would upgrade the existing function of the natural stream channel and result in a net increase of reach length by 600 linear feet. The existing pre-construction RCI was calculated to be 3.73 and the estimated post construction RCI will be 4.50. Thus, the function of the existing channel will be enhanced by incorporating vegetative plantings, constructed riffles and pools, boulder vanes, and other natural stable channel features.

CURRENT SITE CONDITIONS: The proposed project area consists of approximately 180 acres of land and is located within primarily undeveloped portions of a public recreational area, Zube Park, which is operated and maintained by Harris County. The project area is primarily composed of mixed hardwood forest and herbaceous mowed and maintained areas. Approximately 8,000 linear feet of Little Cypress Creek traverses the project area from west to east. Emergent wetlands (3.14 acres), scrub-shrub wetlands (0.18 acre), forested wetlands (4.60 acres), and an open water pond (1.14 acres) are also located within the project area.

Wooded areas are dominated by yaupon (*Ilex vomitoria*), Chinese privet (*Ligustrum sinense*), water oak (*Quercus phellos*), and hawthorn (*Crataegus spp.*). Additional woody species include black willow (*Salix nigra*), winged elm (*Ulmus alata*), and slippery elm (*Ulmus rubra*). Woody vines include sawtooth greenbrier (*Smilax bona nox*), roundleaf greenbrier (*Smilax rotundifolia*), muscadine (*Vitis rotundifolia*), peppervine (*Ampelopsis arborea*), eastern poison ivy (*Toxicodendron radicans*), Japanese climbing fern (*Lygodium japonicum*), and southern dewberry (*Rubus trivialis*). The herbaceous strata underneath woody canopies was largely a sparsely vegetated surface due to dense yaupon and Chinese privet growth. Wooded areas that did contain a herbaceous stratum were dominated by wood oats (*Chasmanthium spp.*), and sedges (*Carex spp.* and *Cyperus spp.*).

Herbaceous species within mowed and maintained areas include bahiagrass (*Paspalum notatum*), Bermudagrass (*Cynodon dactylon*), yellow bluestem (*Bothriochloa ischaemum*), windmill grass (*Chloris spp.*), woodrush flatsedge (*Cyperus entrerianus*), goldenrod (*Solidago spp.*), ragweed (*Ambrosia spp.*), and St. Augustine grass (*Stenotaphrum secundatum*). In-stream and stream-bank herbaceous growth was noted in the northern herbaceous ROW and was largely dominated by alligatorweed (*Alternanthera philoxeroides*).

Little Cypress Creek exhibits perennial flow through the project area, with some deeper pools present. Water within pools averages two to four feet deep, often with rooted emergent vegetation in areas with sufficient sunlight. Stream sediments throughout the survey reach consist of sand, silt, gravel, and clay, with deep fine particulates accumulating within perennial pools. Habitats noted within Little Cypress Creek include coarse woody debris, overhanging vegetation, roots, and log jams. The upstream and downstream portions of Little Cypress Creek within the limits of the project site are historically man-altered by channelization/straightening.

NOTES: This public notice is being issued based on information furnished by the applicant. The jurisdictional determination and stream assessment has been verified by the Corps. The applicant's project plans in 9 pages, Stream Construction Plan in 39 pages, and the Vegetation Planting and Monitoring Plan in 29 pages are enclosed.

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 Clean Water Act (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 1500 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 project area was investigated for historic properties and none were identified as documented in a series of technical reports: 1) "A Cultural Resources Survey for the Proposed Zube Park Detention Basin HCFCD Project ID L500-01-00-E001, Harris County, Texas" prepared by Atkins and dated September 2013; 2) "A Cultural Resources Survey of the Zube Park Detention Basin Project, Harris County, Texas" prepared by Moore Archeological Consulting, Inc. and dated July 2015; 3) "Amended Desktop Cultural Resources Assessment, HCFCD Project L500-01-00-E002 Zube Detention Basin Supplemental Approximately 300 Feet Upstream and 400 Feet Downstream of Becker Road on Little Cypress Creek, Hockley, Harris County, Texas" prepared by Terracon and dated November 7, 2017; and, 4) "Zube Detention Basin and Conveyance Project (HCFCD Project Number L500-01-00-E002), Harris County, Texas, Revised Project Boundaries, Texas Antiquities Permit #8117" prepared by Stone Point Services, LLC and dated November 7, 2017.

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 of Engineers, 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 of Engineers 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 of Engineers 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 Environmental Impact Statement 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 of Engineers 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 **26 June 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-2013-00768**, and should be submitted to:

Policy Analysis Branch
Regulatory Division, CESWG-RD-P
U.S. Army Corps of Engineers
P.O. Box 1229
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409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS