



# Public Notice

**U.S. Army Corps  
Of Engineers**

**Galveston District**

Permit Application No: \_\_\_\_\_ SWG-2020-00271

Date Issued: \_\_\_\_\_ 22 July 2021

Comments

Due: \_\_\_\_\_ 23 August 2021

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## 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:**

City of Houston  
611 Walker Street, 10th Floor  
Houston, Texas 77002  
Contact: Carol Haddock  
Phone: 832-395-2500  
Email: [carol.haddock@houstontx.gov](mailto:carol.haddock@houstontx.gov)

**AGENT:**

Hollaway Environmental + Communications Services  
2500 Summer Street, Suite 1130  
Houston, Texas 77007  
Contact: Claire Garvin  
Phone: 713-868-1043  
Email: [claire@hollawayenv.com](mailto:claire@hollawayenv.com)

**LOCATION:** The project site is located at the Lake Houston Dam (3501 Aqueduct Road, in Houston, Harris County, Texas 77044). The project can be located on the U.S.G.S. quadrangle maps entitled: Harmaston, TX, and Crosby, TX. Approximate UTM Coordinates in NAD 27 (meters): Zone 15N; Easting: 294508; Northing: 3311620.

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

**Latitude:** 29.918144 North; **Longitude:** -95.128611 West

**PROJECT DESCRIPTION:** The applicant proposes to improve 1,000 ft of the uncontrolled Ambursen spillway with the installation of new, controlled, Obermeyer spillway gates along the western portion of the existing Lake Houston Dam structure. To accomplish this, the existing spillway crest would be lowered approximately 3.5 ft and fitted with an Obermeyer spillway gate structure. To further stabilize the dam structure, 150,000 cubic yards (cy) of rubble backfill will be deposited within the same 1,000 ft of the existing concrete structure. The temporary cofferdam would be installed in sections that would enable the construction of a single Obermeyer spillway gate at a time. To facilitate access from the downstream side, backfill would then be installed within the Ambursen bays and in the downstream concrete-lined channel (hearth). The spillway crest of the existing Ambursen spillway would then be demolished and the new concrete crest with the associated Obermeyer spillway gates and hydromechanical works would be built. The timeframe to complete this project will be approximately 18 to 24 months.

**AVOIDANCE AND MINIMIZATION:** The applicant conducted a thorough and extensive planning process to design a project that avoids and minimizes impacts to wetlands, special aquatic sites, and Waters of the United States (WOUS) as much as possible and feasible, that also satisfies the applicant's purpose and need. The proposed project would result in impacts to 3.75 acres of WOUS (Lake Houston Reservoir) within the existing structural footprint to previously disturbed, concrete substrates with no new impacts anticipated. The applicant will be avoiding 99.64 acres of jurisdictional wetlands and 108.32 acres or 15,313.87 linear feet of jurisdictional waters. The proposed project would avoid impacts to wetlands or special aquatic sites and would therefore not require mitigation. Due to the water-dependent nature of this project, impacts to WOUS are unavoidable. The applicant's alternative analysis is attached (SWG-2020-00271 Alternative Analysis.pdf).

**CURRENT SITE CONDITIONS:** The existing dam structure, which impounds Lake Houston, is nearly 70 years old and requires renovation to properly manage water levels prior to, during, and following major storm events. Over the past ten years, Houston has faced increasing weather extremes, from the worst drought seen in 60 years in 2011, to the worst rain event in United States history in 2017. During Hurricane Harvey, rainwater entered the lake at a rate of 430,000 cubic feet per second (cfs). An estimated 20,000 homes and businesses were flooded upstream as the 160,000 ac-ft reservoir passed the equivalent of its own storage capacity every half hour. Due to the large influx of water over a short amount of time, the Lake Houston Dam was not able to release water fast enough, as it is designed to, causing area homes, businesses, and public infrastructure to flood. Improvements are needed to the Lake Houston Dam to enable controlled releases ahead of major storm events and to further stabilize the structure.

In response to Hurricane Harvey, the Federal Emergency Management Agency (FEMA) issued a federal disaster declaration [DR-4332-TX] on 25 August 2017. Under this declaration, Harris County became eligible for both individual and public assistance. After obtaining approval from Congress in August 2019, FEMA awarded the first set of federal grants to the Applicant for a pair of large-scale flood mitigation projects; one being this proposed project.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The wetland delineation has been completed and was verified by the Corps on 29 April 2021. The applicant's plans are enclosed in 5 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:**

Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review 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. The applicant has not yet reached out to the TCEQ to initiate the Section 401 CWA process.

**LEAD FEDERAL AGENCY:** The Federal Emergency Management Agency (FEMA) has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act and lead for Tribal Consultation. As such, please direct all comments, questions, or concerns regarding these Acts to FEMA:

Mr. Robert Moyer, Historic Preservation Specialist, Environmental and Historic  
Preservation, Mitigation, Region 6,  
(940) 297-0216, [robert.moyer@fema.dhs.gov](mailto:robert.moyer@fema.dhs.gov)

Robert W. Scoggin, MA, Tribal Liaison, Environmental and Historic  
Preservation, Region 6, Mitigation, (202) 716-4139  
[robert.w.scoggin@fema.dhs.gov](mailto:robert.w.scoggin@fema.dhs.gov)

**Threatened and Endangered Species Habitat Assessment:** Halff conducted a Threatened and Endangered (T&E) Species Habitat Assessment in May, June, and July 2020, to determine the presence or likely presence of federally and state listed species. Seven habitat types were identified across 552 ac consisting of open water, herbaceous uplands, forested uplands, emergent wetlands, hardwood palustrine forested wetlands, Chinese tallow swamp, and bald cypress swamp. No federally or state listed T&E species were observed on the Subject Property. No federally or state listed species are recorded on the Subject Property by the Texas Parks and Wildlife Department (TPWD) Natural Diversity Database (NDD). Additionally, there is no U.S. Fish and Wildlife Service (USFWS)-designated critical habitat for any of the federally protected species within the Subject Property.

Of the identified habitat types, only two habitat types, open water and herbaceous uplands, will be impacted by the proposed project. Since the herbaceous uplands are mowed and maintained and the open water areas consist of previously disturbed concrete substrate, impacts to federal or state listed species are not anticipated. Suitable habitat for bald eagles (*Haliaeetus leucocephalus*) protected under the Bald and Golden Eagle Protection Act (BGEPA) and migratory birds protected under the Migratory Bird Treaty Act (MBTA) is present near the proposed project. None of these habitats will be impacted by the proposed project. During surveys, an active bald eagle nest was identified approximately 600 ft south of the proposed project; however, no impacts are anticipated to this area.

**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 **23 August 2021**. 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-2020-00271**, 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