



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2019-00181
	Date Issued: _____	18 June 2019
	Comments _____	
Galveston District	Due: _____	18 July 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)
9900 Northwest Freeway
Houston, Texas 77092
POC: Lela Shepherd
Telephone 713-316-4849
Email: Lela.Shepherd@hcfcd.org

AGENT: r.g. Miller Engineers
16340 Park Ten Place, Suite 350
Houston, Texas 77084
Telephone 713-461-9600
www.rgmiller.com

LOCATION: The project is located on 129 acre tract adjacent to Hood's and Greens Bayous, Houston, Harris County, Texas. Specifically, the tract is located north of Beltway 8, east of Aldine-Westfield Road and south of Greens Road, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Humble, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.943914 North; Longitude: -95.353354 West

PROJECT DESCRIPTION: HCFCD is proposing to construct the second phase of a two phased flood risk reduction project known as the Aldine-Westfield Stormwater Detention Basin - Phase II (HCFCD Project ID No. P500-04-00-E005). Phase II project work will involve the excavation of approximately 583 acre-feet of water storage volume, the construction of maintenance and access berms, backslope swales and drains, the placement of two 5 ft. x 4 ft. reinforced concrete box culverts under two petroleum pipelines to equalize water surface elevations between the previously designed and permitted Phase I basin and the proposed Phase II basin, and the construction of a concrete and rip-rap side weir allowing flow to and from Hood's Bayou and the proposed Phase II basin.

Excavation of the proposed detention basin area will remove 0.017 acres of Palustrine Forested (PFO) wetlands and 0.933 acres of Palustrine Emergent (PEM) wetlands area in order to achieve the project purpose and proposed detention storage volume. Placement of rip-rap outfall protection in Hood's Bayou to minimize the potential for channel erosion near the side weir will impact 0.0263 acres of waters of the U.S. below the ordinary high water mark. Project plans are enclosed in 3 sheets.

AVOIDANCE AND MINIMIZATION: The applicant states avoidance and minimization was accomplished by selecting the Least Environmentally Damaging Preferred Alternative that still achieves the project purpose. Compensation for unavoidable impacts to Waters of the U.S. will be accomplished by purchasing mitigation credits from the Greens Bayou Wetlands Mitigation Bank.

For erosion controls the disturbed areas will be stabilized to prevent the introduction of sediment to adjacent wetlands or water bodies during wet weather conditions (erosion). The applicant will use temporary vegetation, blankets/matting, and mulch/sod. After construction has been completed and the site is stabilized, total suspended solids (TSS) loadings will be controlled by the extended detention basin. For sediment control, the applicant will use silt fences and rock berms to minimize these impacts.

MITIGATION: HCFCD proposes to mitigate the unavoidable impacts through the purchase of compensatory mitigation credits available in the Greens Bayou Wetland Mitigation Bank (GBWMB). The applicant has reserved credits within Subdivision B, Phase I in GBWMB. The reservation is for 0.9763 acres of wetland impacts in the primary service area. The actual wetland mitigation acreage may be higher or lower than the impact acreage depending on functional assessment of the impacted wetlands. The WET 2 analysis will be required to complete the mitigation credit purchase.

SITE DESCRIPTION: Based on historical aerial imagery of the site and historical topographic maps, as of 1944, the site was previously occupied by large farm and ranchland lots and was bordered on the south and east by natural, sinuous bayous with riparian forested corridors and agricultural floodplain. In the 1958 aerial photography, it is evident that a portion of the site was allowed to become revegetated with natural succession forest. The 1978 aerial photograph shows a natural growth forest across the site, a channelized Greens Bayou to the south, a channelized Hood's Bayou to the east, and a roadway along the eastern boundary of the site. The 1989 aerial photograph shows

a fully forested site with new growth trees and shrubs, a cattle tank pond, and a pipeline corridor intersecting the property. Aerial photographs from 1989 to 2003 show a fully forested site. An aerial photograph taken in 2003 shows a large portion of the site was cleared in preparation for excavation activities associated with the HCFCD Excavation and Removal program. Photography from 2005 shows that excavation was initiated on the southern side of the site. Photography from late 2010 shows excavation of the north side of the site. Excavated areas can be seen in both recent aerial photography as well as the most recent USGS topography maps.

The topography of the site is generally flat with a shallow (0-1%) slope from north to south. The elevations at the site range from approximately 74 ft. in the north to 68 ft. in the south based on 2008 Adjusted LiDAR Bare Earth grid (NAD83 Datum). The 2008 LiDAR shows the excavation area on the southern portion of the property that can also be seen by recent aerial imagery. The northern excavation area and some of the southern area was not excavated at the time of the LiDAR data collection. Therefore, those excavated areas do not appear in the elevation data but do appear in the recent aerial imagery.

The proposed Aldine Westfield Detention Basin site lies within the USGS Hydrologic Unit Code (HUC) watershed basin number 12040104, the Buffalo-San Jacinto subbasin. More specifically, the site lies in the 12-digit HUC 120401040605, the Upper Greens Bayou watershed. All overland runoff from the site flows to Greens Bayou either directly or via Hood's Bayou on the eastern boundary. Nearly the entire project area lies within the 100-year floodplain of Greens Bayou with a significant area of the southern portion lying within the effective floodway.

Four general vegetation communities were observed, including upland pine forest, herbaceous upland, palustrine forested wetland (PFO), and palustrine emergent wetland (PEM).

The upland pine forest community was typically observed in the northern portions of the site and on the eastern side of the site. The upland pine forest community is dominated by loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), Chinese tallow (*Triadica sebifera*), and sweet-gum (*Liquidambar styraciflua*). The understory species commonly seen in this community are yaupon (*Ilex vomitoria*), possumhaw (*Ilex decidua*), and privet (*Ligustrum sinense*, *Ligustrum japonicum*). Woody vines such as southern dewberry (*Rubus trivialis*), greenbrier (*Smilax* sp.) and trumpet creeper (*Campsis radicans*), dominate the understory in new growth areas and on the perimeter of previously disturbed areas. Minimal herbaceous vegetation was observed in the upland pine forest community due to canopy cover, dense deciduous leaves and pine needle floor, and time of the year but included some loblolly pine (*Pinus taeda*), Chinese privet, (*Ligustrum sinense*) and rosette grass (*Dichanthelium laxiflorum*).

The upland herbaceous community occurs mainly in the center of the site, to the west of the excavated area and along the maintained pipeline corridor. Herbaceous species found in this community include bushy bluestem (*Andropogon glomeratus*), sand dropseed (*Sporobolus cryptandrus*), woodrush flat sedge (*Cyperus entrerianus*), sunflower (*Helianthus angustifolius*), willow baccharis (*Baccharis halimifolia*), and dense areas of southern dewberry vine (*Rubus trivialis*).

The PFO wetland community consisted of a dominance of water oak (*Quercus nigra*), sweet-gum (*Liquidambar styraciflua*), sugarberry (*Celtis laevigata*), sycamore (*Platanus occidentalis*), and Chinese tallow (*Triadica sebifera*). The understory species commonly seen in this community are yaupon (*Ilex vomitoria*), possumhaw (*Ilex decidua*) with some prevalence of water oak sapling and shrub (*Quercus nigra*) and green ash (*Fraxinus pennsylvanica*). Alabama supplejack (*Berchemia scandens*) and trumpet creeper (*Campsis radicans*) are common vine species in the PFO wetland community. *Centella erecta*, dwarf palmetto (*Sabal minor*), *Eleocharis parvula* and *Carex* sp. are also dominant herbaceous species, although herbaceous plants made up minimal relative cover.

The PEM wetland areas occur as fringe wetlands to the open water ponded area and in the center of the site where prior clearing and disturbance has occurred. These wetlands consist of mosaic areas and a large continuous PEM wetland area. The community found in the PEM wetland consists of predominately bushy bluestem (*Andropogon glomeratus*), *Eleocharis parvula*, *Eleocharis albida*, *Carex* sp., eastern annual saltmarsh aster (*Symphotrichum subulatum*) woodrush flatsedge (*Cyperus entrerianus*) and dwarf palmetto (*Sabal minor*).

It appears that this site is in transitional state from a wetter site to a drier site due to the channelization of both Hood's and Greens Bayou over 60 years ago. Channelization by straightening, deepening, and widening of the bayous appears to have somewhat drained the site over time. Intermittent overbank flooding from Greens Bayou is likely the only source of hydrology that remains in this area due to the dewatering of the water table, of which the recurrence of flooding has been greatly reduced over time by the channelization and other flood control measures employed upstream.

NOTES: This public notice is being issued based on information furnished by the applicant. This project delineation and approved jurisdictional determination was verified by the Corps on 11 October 2017. The applicant's plans are enclosed in 3 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 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 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 1500 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 not reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information.

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 **18 July 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-2019-00181**, and should be submitted to:

Regulatory Division, CESWG-RD-P
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