



**US Army Corps
of Engineers®**

**Galveston District
Regulatory Branch**

**Special Public Notice
Record of Decision
Luce Bayou Inter-basin Transfer Project
January 31, 2014**

**Record of Decision for Coastal Water Authority's Luce Bayou
Inter-basin Transfer Project in Liberty, and Harris Counties,
Texas**

PURPOSE OF PUBLIC NOTICE: To inform you of that the U.S. Army Corps of Engineers, Galveston District (Corps), is issuing a notice to advise the public that the Record of Decision, for which you might be interested, has been completed and is available for review.

ENVIRONMENTAL DOCUMENTS: A Public Notice for Permit Application SWG-2009-00188 was published in 2010 and comments were requested and compiled for evaluation. A Notice of Intent (NOI) to prepare an EIS was published on May 25, 2011 in the Federal Register, and a scoping meeting was held on July 21, 2011 in Dayton, Texas at the Dayton Community Center. The Corps made a Draft Environmental Impact Statement (DEIS) available for public review and comment online through the Corps website, through U.S. EPA's NEPA Net site, and provided copies of the DEIS to the Dayton, Texas library. The DEIS was available for comment for 52 days beginning October 26, 2012 through December 17, 2012. The DEIS public hearing was held in Dayton, Texas on November 28, 2012. The Corps made the Final Environmental Impact Statement (FEIS) available for public review on their website and through U.S. EPA's NEPA Net site, as well as published a notice of availability of the FEIS in the *Federal Register* on October 4, 2013 and a subsequent Special Public Notice through its standard public notice process. The FEIS review period began October 3, 2013 and ended November 18, 2013.

The environmental documents are available online through a link via the SWG Special Projects web site at:

<http://www.swg.usace.army.mil/BusinessWithUs/RegulatoryBranch/SpecialProjectsEnvironmentalImpactStatements.aspx>

INFORMATION: The Coastal Water Authority proposes to construct a 26.5 mile water supply conveyance consisting of subsurface pipeline and surface canal within a 300 ft. wide right of way from the Trinity River in Liberty County, TX to Lake Houston in Harris County, TX. The proposed project would transfer water from the Trinity River basin to the San Jacinto River basin. The Coastal Water Authority is the applicant for the Department of Army permit (DA) SWG-2009-00188. A pump station would be constructed on the Trinity River at Capers Ridge approximately 10 miles north of Dayton, Texas. Water from the river would be conveyed by pipeline to a sedimentation basin and then conveyed by earthen canal to Lake Houston to a discharge point in the lake. The canal right of way would include canal side berms, a maintenance access roadway, drainage ditches, and perimeter fencing surrounding the canal. Other elements of the project proposal include the following:

- a. Dual 108 inch diameter pipelines constructed to convey water 3.5 miles to a 20 acre sedimentation/settling basin.
- b. A 23.5 mile clay lined earthen canal with 4:1 side slopes within a 300 ft. wide right of way (ROW) which would include a maintenance roadway, access roads, chain link perimeter fencing, flow control and metering facilities.
- c. Other facilities include box culverts at roadway and canal crossings, and multiple below ground siphons constructed to maintain existing drainage patterns along the length of the conveyance.
- d. A maintenance facility is proposed 6 miles north of Dayton, Texas.
- e. A discharge structure is proposed along the southeast shoreline of Lake Houston.

The proposed inter-basin transfer of water from the Trinity River basin to the San Jacinto River basin is an effort by the City of Houston to continue replacing groundwater use with previously secured water resources stored in Lake Livingston. The Applicant has indicated that groundwater reduction is a statutory requirement and is critical to managing the damaging consequences of subsidence throughout the Houston/Harris County area. In addition, water demand projections developed by the City of Houston and State of Texas regional water plan analysis indicate substantial new demand from residential, commercial, industrial, and other water users over the next 50 years. In order to both reduce reliance on groundwater and to continue to meet existing and projected demand with surface water supplies, the Applicant proposes to use the previously secured surface water resources in the Trinity River basin. Up to 400 million gallons per day is proposed to be conveyed in accordance with existing water rights.

The applicant has proposed to compensate for unavoidable impacts to 365 acres of wetlands and 65 linear feet of Luce Bayou by preserving a 2,979-acre tract along the Trinity River. The mitigation tract is comprised of 1,132 acres of high functioning

wetlands and 12,100 linear feet of Gillen Bayou, a tributary of the Trinity River. The compensatory mitigation tract will be conveyed to the Trinity National Wildlife Refuge who will manage and protect the site in perpetuity. The Corps concludes that the proposed compensatory mitigation plan will offset the loss of functions and values of the proposed project impacts. A special condition will be added to the permit to require the compensatory mitigation plan be implemented prior to work in Waters of the United States.

CONCLUSION: The Corps reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application, as well as the stated views of other interested Federal and non-Federal agencies and the concerned public, relative to the proposed work in waters of the United States. This evaluation is in accordance with the guidelines contained in 40 CFR 230 pursuant to Section 404(b)(1) of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The Corps has required the Applicant to avoid, minimize, and mitigate for impacts and believes that the project, with conditions, represents the least environmentally damaging practicable alternative based on the Applicant's purpose and need for the project. After weighing favorable and unfavorable effects as discussed in this document, the Corps finds that issuance of a Department of the Army permit, with conditions, is not contrary to the public interest.

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