



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**GALVESTON DISTRICT, CORPS OF ENGINEERS**  
P.O. BOX 1229  
GALVESTON, TEXAS 77553-1229

Environmental Section

**August 27, 2010**

**JOINT PUBLIC NOTICE**  
**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT**  
**AND**  
**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**PUBLIC NOTICE NO. BB-10-01**

**BRAYS BAYOU FEDERAL FLOOD CONTROL PROJECT**  
**2008 UPDATED RIGHT-OF-WAY ON THE DETENTION ELEMENT**

**UPPER WATERSHED OF BRAYS BAYOU, HARRIS COUNTY, TEXAS**

**PURPOSE**

This public notice is to inform interested parties that the U.S. Army Corps of Engineers, Galveston District (USACE) and the Harris County Flood Control District (HCFCD), have prepared a draft environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA), Public Law 91-190, and regulations for implementing the procedural provisions of the NEPA, 40 Code of Federal Regulations 1500-1508 for the Brays Bayou Federal Flood Control Project, 2008 Updated Right-of-Way on the Detention Element, Upper Watershed of Brays Bayou (project). The project is being pursued by HCFCD under Section 211(f) of the Water Resources Development Act of 1996 in cooperation with the USACE.

This notice is being distributed to interested State, Federal, and local agencies, private organizations, and individuals in order to assist in collecting facts and recommendations concerning the proposed construction of the Brays Bayou Federal Flood Control Project, Alternative to the Diversion Separable Element.

**PROJECT LOCATION**

The general project location is shown on the attached Exhibit A. The proposed project sites are located along Brays Bayou, upstream from the West Sam Houston Tollway (Beltway 8). The Arthur Storey Park Basin is located on the southwest corner of Bellaire Boulevard and West Sam Houston Tollway, and the Eldridge Basin is located on the northeast corner of State Highway 6 and Alief-Clodine Road.

## PROJECT DESCRIPTION

- **Arthur Storey Park Detention Basin** - The Arthur Storey Park Detention Basin (HCFCD Unit No. D500-06-00) is located west of Sam Houston Tollway and south of Bellaire Boulevard. A total of four tracts, totaling an estimated 35 acres, were identified for proposed expansion of this regional detention facility. The authorized design storage capacity of the Arthur Storey Park Detention Basin is 2,500 acre-feet. HCFCD proposes to create an additional 1,000 acre-feet of storage by adding 35 acres of additional property and increasing the overall size of the authorized detention facility. The proposed action would require the excavation of approximately 1.07 million cubic yards of additional earthen materials.
- **Eldridge Detention Basin** - The Eldridge Detention Basin (HCFCD Unit D500-04-00) is located west of Eldridge Road and east of SH 6. A total of 21 tracts, totaling approximately 153 acres, were identified for the proposed expansion activities at this regional detention facility. The authorized design storage capacity of the Eldridge Detention Basin is 3,200 acre-feet. HCFCD proposes to create an additional 1,466 acre-feet of storage by increasing the overall size of the detention facility through the addition of 153 acres of property. The proposed action requires the excavation of approximately 4.16 million cubic yards of additional earthen materials.
- **Soil Placement Areas** – Approximately 5.23 million cubic yards have been identified to accommodate excavated soil from the detention basin expansion activities. It is the intent of HCFCD to utilize the soil for beneficial purposes. "Beneficial use" is defined as utilization of the excavated soil for construction purposes as opposed to hauling to a designated soil placement area. If beneficial use is not available, Records of Environmental Consideration will be prepared to document evaluation of potential environmental impacts and coordination of the use of these proposed disposal sites.

## NEED FOR WORK

Following approval of the detention element plan, HCFCD began purchasing tracts within the proposed project areas of the authorized regional detention basins (Arthur Storey Park Detention Basin, Eldridge Detention Basin, and Old Westheimer Detention Basin). It was at this time that HCFCD learned that a substantial portion of the proposed Old Westheimer Detention Basin project area (approximately 70 acres) was no longer available for acquisition. Collectively, the regional detention basins were planned to contain approximately 8,100 acre-feet of storage. Reductions in the overall storage capacity of the basins would render the detention basin plan incapable of obtaining the documented level of performance for the authorized project. The loss of acreage at the Old Westheimer Detention Basin equates to 1,800 acre-feet of storage. Therefore, the purpose of the proposed action is to construct additional stormwater storage in a new location within the upper watershed of Brays Bayou to compensate for this loss in storage capacity at the Old Westheimer Detention Basin.

## **COMPLIANCE WITH LAWS AND REGULATIONS**

This proposed project has been coordinated with the U.S. Fish and Wildlife Service (USFWS) and other Federal, State, and local agencies. Consultation procedures have been initiated with the USFWS in compliance with the Endangered Species Act, as amended. Our initial determination is that the proposed action will not have any adverse impacts on threatened or endangered species.

The proposed project has also been coordinated with the Texas General Land Office's Coastal Coordination Council. Since the proposed project is located upstream of the Texas Coastal Management Program (TCMP) boundary and would not impact any wetlands within the TCMP, a CMP Consistency Determination is not required.

The proposed activity is identified within an executed Programmatic Agreement with the State Historic Preservation Officer. Our initial determination is that the proposed action will not have any adverse impacts on historic or cultural resources.

The following is a list of Federal, State, and local agencies with which these activities are being coordinated:

**Federal:**

U.S. Fish and Wildlife Service  
National Marine Fisheries Service  
U.S. Environmental Protection Agency  
U.S. Coast Guard

**State:**

Texas Parks and Wildlife Department  
Texas General Land Office, Coastal Coordination Council  
Texas Historical Commission  
Texas Commission on Environmental Quality

**Local:**

City of Houston  
Harris County

## **STATE WATER QUALITY CERTIFICATION**

The proposed project will be evaluated with regard to the requirements of Section 404(b)(1) of the Clean Water Act. The Texas Commission on Environmental Quality (TCEQ) is reviewing the proposed project under Section 401 of the Clean Water Act 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 U.S. Army Corps of Engineers 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 work may be submitted to the Texas Commission on

Environmental Quality, Attention: 401 Coordinator, (MC-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 the project is made available for review in the TCEQ's Austin office.

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, and telephone number of the person making the request; a brief description of the interest of the requester or of persons represented by the requester; and a brief description of how the project would adversely affect such interest.

### **EVALUATION FACTORS**

The decision whether to proceed with the proposed action will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources, as well as public and environmental safety and economic concerns.

### **ENVIRONMENTAL DOCUMENTATION**

The project described in this notice represents a change to an existing authorized project. A preliminary review of this proposed project indicates that an Environmental Impact Statement (EIS) is not required. This preliminary determination of EIS requirement will be changed if information brought forth in the coordination process is of a significant nature. An Environmental Assessment and the appropriate NEPA compliance documents have been prepared. These documents are available online at:  
<http://www.swg.usace.army.mil/pao/HotTopic.asp> or <http://www.projectbrays.org/2010EA>.

As documented in the EA, the project would avoid impacts to significant resources, with the exception of impacts to 5.14 acres of wetlands, which would be mitigated off-site at the Greens Bayou Wetland Mitigation Bank.

### **PUBLIC COMMENT**

Persons desiring to provide comments on the project are requested to submit their comments in writing within 30 days of the date of this notice to:

U.S. Army Corps of Engineers, Galveston District  
Attention: Mr. Steve Ireland  
P.O. Box 1229  
Galveston, TX 77553

or by email: [steven.k.ireland@usace.army.mil](mailto:steven.k.ireland@usace.army.mil)

The comments should make specific reference to Public Notice No. BB-10-01.

Any person who has an interest that may be affected by this action may request a public hearing. The request must be submitted in writing within 30 days of the date of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by this activity.

Any questions concerning the proposed action may be directed to Mr. Wayne Crull, P.E. (HCFCD) at 713-684-4087.



Dolan Dunn  
Chief, Planning, Environmental  
and Regulatory Division  
Galveston District

Attachment

**EXHIBIT A – PROJECT LOCATION**

