

Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain and Wetland

To: All interested Agencies including all Federal, State, and Local, Groups and Individuals

This is to give notice that the Harris County Community Services Department (HCCSD) under Part 58 has conducted an evaluation as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the Single-Family New Construction Program (SFNCP) under Community Development Block Grant (CDBG) #B-20-UC-48-0002 & B-21-UC-48-0002, and CDBG–Disaster Recovery (CDGB-DR) #B-17-DM-48-0001 and GLO Contract #19-147-002-B490. The proposed project is located at the southwest corner of Lake Houston on West Lake Houston Pkwy south of the Lakeshore Dr, Houston, Harris County, Precinct 2. The proposed project (Proposed Action) involves the acquisition and development of approx. 23 acres. The development would include free-standing yard homes and duplexes, roads, alleys, greenspaces, and a detention pond. CDBG funds will be used for acquisition. CDBG-DR funds will be utilized for design and construction, including an estimated 145 homes, with 74 (51%) reserved for Low-to-Moderate households. Approx. 0.5 miles of interior paved roads would be created to provide access throughout the housing area. An estimated 4 acres of the project area are identified as Freshwater Forested/Shrub wetlands. An estimated 1 acre is in the 500-year floodplain and 4 acres are in the 100-year floodplain. All areas in the floodplains will not be developed and will be left as greenspaces.

HCCSD has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

The project would add much-needed affordable housing to Harris County (HC). It would result in no ground disturbance within the floodplain but would result in the loss of some wetlands after construction is completed. HCCSD examined 4 alternatives to the Proposed Action, including alternate locations for the Proposed Action and a “No Action” Alternative.

Alternative 1 is located on approx. 18 privately-owned acres east of W Lake Houston Pkwy, west of Lake Houston. *Alternative 1* is suitable for acquisition; however, a USACE-verified delineation indicates the development of *Alternative 1* would impact 10.33 acres of wetlands. For this reason, *Alternative 1* was rejected.

Alternative 2 is located on approx. 18 privately-owned acres east of W Lake Houston Pkwy, west of Lake Houston. *Alternative 2* is suitable for acquisition; however, a USACE-verified delineation indicates the development of *Alternative 2* would impact 2.16 acres of wetlands. While less environmentally damaging, *Alternative 2* would require the acquisition of a property that is not presently for sale. Additionally, it would entail a total project redesign, further prolonging the shortage of affordable housing within HC. For these reasons, *Alternative 2* was rejected.”

Alternative 3 is located on approx. 18 privately-owned acres east of W Lake Houston Pkwy, west of Lake Houston. *Alternative 3* is suitable for acquisition; however, a USACE-verified delineation indicates the development of *Alternative 3* would impact 10.81 acres of wetlands. For this reason, *Alternative 3* was rejected.

Under the *No Action Alternative*, the HC housing inventory would remain depleted because of housing units destroyed by Hurricane Harvey or removed from the housing inventory through the Post Disaster Relocation and Buyout Program and the Voluntary Residential Buyout Program. For this reason, the *No Action Alternative* was rejected.

The Proposed Action would impact up to 4 acres of wetlands. No development would occur in the floodplain, which would be retained as greenspaces post-development. To mitigate the loss of the wetlands, in October 2016, Harris County Housing Authority purchased 17 mitigation credits from the Greens Bayou Wetland Mitigation Bank. The Proposed Action would restore and preserve the natural and beneficial values of the wetlands in HC via these credits. Post-development, any remaining wetlands would be sectioned off and protected with deed restrictions. The project complies with state and local floodplain/wetland protection procedures.

HCCSD has reevaluated the alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Orders 11988 and 11990 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains/wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains/wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains/wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by HCCSD at the following address on or before **October 25, 2021**: Harris County Community Services Department, 8410 Lantern Point Drive, Houston, Texas 77054 and 832-927-4700, Attention: Adrienne M. Holloway, PhD, Executive Director. A full description of the project may also be reviewed from 8:00 AM - 5:00 PM at the address above and at <https://csd.harriscountytexas.gov/Pages/PublicNotices.aspx>. Comments may also be submitted via email at plancomments@csd.hctx.net.

Date: 10/18/2021

**FLOODPLAIN 8-STEP DECISION MAKING PROCESS IN ACCORDANCE WITH
EXECUTIVE ORDER 11988: FLOODPLAIN MANAGEMENT**

**SINGLE FAMILY NEW CONSTRUCTION PROGRAM
LAKE HOUSTON
HARRIS COUNTY, TEXAS**

Introduction & Overview

The purpose of Executive Order (EO) 11988, Floodplain Management, is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” The analysis that follows is prescribed by 24 CFR Part 55 and documents the eight-step decision making process for the Proposed Action.

The Harris County Community Services Department (HCCSD) proposes to buy approximately 23 acres of a 91-acre parcel east of W Lake Houston Pkwy between Lake Passage Ln and Westmont Heights Ln south of the Lakeshore neighborhood of Houston, Harris County, Texas (29.951209, -95.171306) for the purposes of constructing a residential development, to help replace the lack of single family housing in Harris county after the destruction of Hurricane Harvey. The purpose of the project is to repopulate the housing stock depleted by Hurricane Harvey, create replacement housing for residential units removed from the housing inventory through the Post Disaster Relocation and Buyout Program and the Voluntary Residential Buyout Program, and increase the number of affordable housing units in Harris County. The property is currently unoccupied, heavily vegetated land.

Step 1: Determine whether the action is located in a 100-year floodplain, floodway (or a 500-year floodplain for critical actions) or wetland.

Of the 91 acres, approximately 1 acre of the project site is in the 100-year floodplain AE zone and approximately 1 acre of the project site is in the 500-year floodplain X zone. 12.21 acres wetlands will be preserved (10.875 acres in deed restrictions). 16.11 acres wetlands will not be preserved (wetland bank credits will replace these [1 for 1], and USACE permit to be extended before expiration in December; 2.15 acres of these appear within acquisition parcel). In total, approximately 28.32 acres of Freshwater Forested/Shrub Wetland habitat total, classified as a PFO1A, PSS1C, and PFO1C in the National Wetlands Inventory wetlands will be affected.

Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process.

A “Notice for Early Public Review of a Proposal to Support Activity in the 100-Year Floodplain and Wetland” was published in the Houston Chronicle on September 29, 2021. The notice targeted local residents, including those in the 100-year floodplain and wetlands. The 15-day comment period for the notice expires on October 14, 2021. The early notice publication affidavit is attached.

HCCSD also sent the notice and cover letters to the Alabama-Coushatta Tribe of Texas; Apache

Tribe of Oklahoma; Comanche Nation; Coshatta Tribe of Louisiana; Federal Emergency Management Agency; Harris County Floodplain Administrator; National Flood Insurance Program State Coordinator, Texas Water Development Board; Texas Commission on Environmental Quality, Air Quality Division; Texas Commission on Environmental Quality, Water Quality Planning Division; Texas General Land Office, Coastal Resources Division; Texas Historical Commission; Tonkawa Tribe of Indians of Oklahoma; US Army Engineer District, Galveston; US Fish and Wildlife Service; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie).

No comments were received.

Step 3: Identify and evaluate practicable alternatives

HCCSD examined four (4) alternatives to the Proposed Action: Due to the objectives of the Proposed Action, the available alternatives are limited. HCCSD considered alternate locations for the Proposed Action and the “No Action Alternative.” The Harris County Single Family New Construction Program has been working closely with the Harris County Precincts and the Harris County Housing Authority to ensure that the Program is meeting the community’s need and desire for affordable housing developments. Precinct 1 was significantly impacted by Hurricane Harvey and there is limited to no new housing planned for the area. There is also limited land for sale in Precinct 1. In addition to the proposed project, the following alternatives were considered.

Alternative 1 is located on approximately 18 acres east of W Lake Houston Pkwy, west of Lake Houston. The project location consists of a privately-owned lot and a former oil and gas production site with a plugged well. Alternative 1 is suitable for acquisition to develop affordable housing. Based on data from the USACE-verified delineation, 10.33 acres of jurisdictional impacts would result from the acquisition and development of Alternative 1. This alternative is not the Least Environmentally Damaging of the alternatives. Table 1 summarizes the details.

Alternative 2 is located on approximately 18 acres east of W Lake Houston Pkwy, west of Lake Houston. The project location consists of privately-owned lot. Alternative 2 is suitable for acquisition to develop affordable housing. Based on data from the USACE-verified delineation, 2.16 acres of jurisdictional impacts would result from the acquisition and development of Alternative 2. This alternative is the Least Environmentally Damaging of the alternatives. Table 1 summarizes the details.

Alternative 3 is located on approximately 18 acres east of W Lake Houston Pkwy, west of Lake Houston. The project location consists of a privately-owned lot. Alternative 3 (Exhibit 17) is suitable for acquisition to develop affordable housing. Based on data from the USACE-verified delineation, 10.81 acres of jurisdictional impacts would result from the acquisition and development of Alternative 2. This alternative is not the Least Environmentally Damaging of the alternatives. Table 1 summarizes the details.

Table 1: Summary of Alternatives

	No Action/ No-Build	Alt. 1	Alt. 2 (Preferred)	Alt. 3
Tract Size (acre)	0	18	18	18
Area of Impacted Palustrine Forested Wetlands (acre)	None	10.34	2.16	10.81
Area of Impacted Palustrine Emergent Wetlands (acre)	None	0	0	0
Total Area of Jurisdictional Impacts (acre)	None	10.34	2.16	10.81

Harris County has selected Alternative 2 as the Preferred Alternative because it meets the purpose and need of the project and is the least Environmentally Damaging Alternative (LEDA). The alternative is LEDA because it generates the lowest area of jurisdictional impacts.

No Action Alternative:

Under the no action alternative, the Harris County housing inventory would remain depleted because of housing units destroyed by Hurricane Harvey or removed from the housing inventory through the Post Disaster Relocation and Buyout Program and the Voluntary Residential Buyout Program.

There are no practicable alternatives to the Proposed Action.

Step 4: Identify and evaluate the Proposed Action’s potential direct and indirect effects associated with occupying or modifying the 100-year floodplain or wetland

The Proposed Action would result in no ground disturbance within the floodplain, but would result in the loss of Freshwater Forested/Shrub Wetland habitat after construction is completed. Following completion of these activities, the floodplain would stay its natural and beneficial function. However, to mitigate the loss of these wetlands, in October 2016, Harris County Housing Authority purchased 17 mitigation credits from the Greens Bayou Wetland Mitigation Bank operated by Harris County Flood Control District to mitigate the loss of the acres of the wetlands affected in the Proposed Action.

The Proposed Action would not increase floodplain development or occupancy.

Step 5: Design or modify the Proposed Action to minimize the potential adverse 100-year floodplain impacts and to restore and preserve the natural and beneficial values

Disturbance of the wetlands by the Proposed Action would be permanent after construction and

would remain static once these activities are completed. The wetlands are wooded areas not previously disturbed in the buyout area. Because the Proposed Action also involves construction and permanent change the disturbed areas wetlands, Harris County Housing Authority purchased 17 mitigation credits from the Greens Bayou Wetland Mitigation Bank operated by Harris County Flood Control District to mitigate the loss of the acres of the wetlands affected in the Proposed Action. The activities under the Proposed Action would restore and preserve the natural and beneficial values of the wetlands via the credits, while some the wetlands onsite would be removed to place housing, and others would be sectioned off and protected with deed restrictions. No disturbance of the floodplains are anticipated, they are only being acquired in the buying of the property and will remain greenspaces.

Step 6: Reevaluate the Proposed Action and alternatives

Following the analysis under Steps 4 and 5, the Proposed Action is still practicable because it will not affect the floodplain, and is the least harmful action compared to the other alternatives towards wetland conditions when attempting to meet the goals of the Single Family New Construction Program. The No Action Alternative and the other alternatives still not practicable because they do not involve fewer floodplain impacts, and do not minimize risks to human life and property or increase floodplain benefits when compared to the Proposed Action, and would fail to meet the needs of the community from the Single Family New Construction Program.

Step 7: Determine no practicable alternative and publish a final notice

As stated under Step 6, there is no practicable alternative to locating the Proposed Action in the 100-year floodplain or wetland areas. A final notice will be published with a seven-day comment period.

A “Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain or Wetlands” was published in the Houston Chronicle on September XX, 2021. The notice explained the alternatives to the Proposed Action, presented the reasons that these alternatives are not practicable, and summarized the mitigation measures taken to minimize adverse impacts. The seven-day comment period expired on October 26, 2021. No comments were received. The final notice publication affidavit is attached.

Step 8: Implement the Proposed Action

HCCSD will implement the Proposed Action. Implementation may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.