

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

To: All interested Federal, State, and Local Agencies (FEMA, U.S. EPA Region 6, U.S. Army Corps of Engineers, and Harris County Flood Control District) and the Public at Large

This is to give notice that the City of Houston Housing and Community Development Department (HCDD) has conducted an evaluation as required by Executive Order 11988 (Floodplain Management) and 11990 (Wetlands Protection), in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain will have on the human environment for the Heritage Corridor Bike Trail. Federal funding, specifically EDI funding, will go towards this project, thus necessitating the application of federal floodplain regulations.

The subject property for this location is the land on which the proposed hike and bike trail will be built. The land is located on the northernmost portion of what is now the Houston Housing Authority's Clayton Homes housing development at 1919 Runnels, Houston, Harris County, Texas, Zip Code 77003. The proposed trail will be located along the south bank of Buffalo Bayou, which flows adjacent to the Housing Authority's property.

The stretch along the south bank of Buffalo Bayou lies entirely within the 100-year floodplain. A large portion of this floodplain area happens to be in the floodway, since it is very close to the bayou. The area of the land on which the proposed hike and bike trail will lie is estimated to be roughly 16 feet in width and 1600 feet in length, for a total of approximately 25,600 square feet (0.587695 acres). The proposed trail lies within FEMA Flood Panel 48201C0690L.

Because of its partial location in the floodway, this project is being treated as a functionally dependent use as defined by HUD floodplain regulations found at 24 CFR 55.2(b)(5), which includes any land use that must necessarily be conducted in close proximity to water (e.g. a dam, marina, port facility, water-front park, and many types of bridges). As a standard operating procedure, hike and bike trails in the Houston area are constructed along the banks of the area bayous, in part because of a lack of available land in other locations and also because the recreational value and appeal of the hike and bike trails is enhanced by the water-front views offered by this location. Hence the Heritage Corridor Bike Trail has been determined to be a water-front park.

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

Once the City of Houston Public Works and Engineering Department is ready to develop the Heritage Corridor Bike Trail, they will be required to comply with all permit and mitigation requirements in place at that time, as enforced by the office of the City's Floodplain Administrator, Jamila Johnson, just as any project in Houston constructed within the floodplain would require.

The requirements as listed by Ms. Johnson's office are as follows--

A floodplain development permit showing compliance with Chapter 19 of the Houston City Code will be required. Chapter 19 ensures that any construction in the floodplain is protective of the floodplain does not unduly compromise the natural environment of the floodplain, or lead to flood hazards.

The fact that the trail is partly in the floodway will require the following mitigation steps:

- 1) Any trail development that adds material to the floodplain (i.e. concrete) should be compensated with a cut for fill. In other words, if concrete is added to the floodway, the same amount of soil should be removed from that area of the floodway in order to ensure that floodway waters are not displaced during heavy rain/flooding events.
- 2) A No Impact Certificate will need to be obtained from an engineer, and it is recommended that this Certificate be backed up by a hydrological study, in order to demonstrate that flood levels are not increased by this development.

HCDD has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 (Floodplain Management), 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. This activity will have no significant impact on the environment for the following reasons:

It has been determined that that plans implemented for the development of the Heritage Corridor Bike Trail 1) will necessarily entail compliance of the trail's development with any and all floodplain requirements through the office of Floodplain Administrator Jamila Johnson, and 2) development of the trail at this location will outweigh the minimal impact on the floodplain if proper permit and mitigation requirements are followed.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains 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 about floodplains can facilitate and enhance Federal efforts to reduce the risks 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, it must inform those who may be put at greater or continued risk.

Written comments must be received by HCDD on or before the close of business on Tuesday, August 21, 2012. They should be addressed to: Kimesha Sonnier, Environmental Investigator IV, City of Houston, Housing and Community Development Department, 601 Sawyer, 4th Floor, Houston, Texas 77007, ATTN: Environmental Section. Office hours will be between the hours of 8:00 AM to 5:00 PM. Comments may also be submitted via email to Kimesha.sonnier@houstontx.gov and Matthew.jenkins@houstontx.gov or telephone at (713) 868-8324.

Date: August 14, 2012