

**Final Notice and Public Review of a Proposed
Activity in a 100-Year/500-year Floodplain & Wetland**

To: All interested Agencies (FEMA, U.S. EPA Region 6, U.S. Army Corps of Engineers, Harris County Flood Control District, and City of Houston Floodplain Administrator), as well as Groups and Individuals (OST/Almeda TIRZ #7) and the Public at Large

This is to give notice that the City of Houston Housing & Community Development Department (HCDD), designated as **Responsible Entity under Part 58** has conducted an evaluation for this proposed action under Section 108, as required by **Executive Order 11988 and 11990**, in accordance with regulations found at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. This evaluation has been performed in order to determine the potential effects that this project's activities will have on the site, since it is located partly within the **100-year floodplain and wholly within the 500-year floodplain**,

The proposed Section 108 project entails land acquisition for the purpose of new construction of an HEB Grocery Store in south Houston, whose goal is to promote economic development and combat food deserts. It is located on an approximately 12.4 acre subject property at the NE Corner of SH 288 & N. MacGregor Way, Houston, Texas 77004. The size of the grocery store to be developed is roughly 72,000 square feet (1.65 acres). Roughly 300,000 square feet of land, or 6.9 acres (northern and eastern parts of site) were estimated to lie within the 100-year floodplain.

A stream on the eastern border of the site, although not identified in the National Wetland Inventory, is being taken into account since it contains approximately 1,100 linear feet of wetlands, none of which will be disturbed as part of the project. A Section 404 permit verification letter has been received for this area of stream.

No part of the subject property to be developed contains wetland, whether jurisdictional or non-jurisdictional (isolated).

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:

(i) ALL of the reasons why the action must take place in a floodplain: The location of the proposed MacGregor HEB named above has been determined to be to only viable location for a functioning grocery store that will effectively meet the economic development goals of combating food deserts in this portion of south Houston (MacGregor and OST/South Union area).

(ii) alternatives considered and reasons for non-selection: Alternative sites in an approximate 2-mile radius were determined to be non-viable from a commercial standpoint since they would not allow a functioning business, and the economic development related to said business, to survive. Reasons included lack of necessary location for customer base to be established; size of site; avoiding the disruption of residential areas, and insufficient availability of undeveloped land or prospective sellers. Furthermore, it was determined not to be viable to avoid the floodplain entirely, since the proposed store would then be much smaller and would be unlikely to attract enough of a customer base to be sustainable, and it would not effectively meet the economic development goal of combating food deserts.

(iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values]

It has been established that locating the proposed HEB grocery store at the MacGregor site would have minimal adverse impacts on the building and lot space to be developed and to the land surrounding the facility, since a) the property will be elevated out of the 100-year floodplain, and b) the drainage provided by the detention system and basin will allow water to flow offsite in flooding events so that the store and surrounding properties are not adversely impacted.

This conclusion is based on the Conditional Letter of Map Revision (CLOMR) application sent to FEMA by the developer on August 29, 2016.

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 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. This activity will have no significant impact on the environment for the following reasons:

Elevating the grocery store out of the floodplain will minimize any potential adverse impacts to the structure. The presence of the detention system will allow for minimization of any potential adverse impacts to the store as well, and to surrounding properties. The area of the property where natural values will be preserved (eastern portion of the site in the vicinity of the stream) is of particular importance, since it is the portion of the site where a path for water is present, plus the trees on the site are clustered in the area to be preserved as well.

Furthermore, the area of the detention basin (north portion of site) will have a graded riparian buffer, the stream on the eastern portion of the site will have a riparian corridor replaced, and the palustrine (PEM) wetland (jurisdictional) in the waterway on the eastern edge of the site will be avoided. These steps will also minimize any potential impacts to the 100-year floodplain.

Finally, the water surface elevations at off site locations will not be changed as a result of development according to duplicate and corrected effective water surface elevations. This demonstrates further that there will be no increased risk of flooding as a result of this project.

In addition to 24 CFR 55, all state, federal, and local requirements will be followed in the course of the work to be performed, including all floodplain development permit requirements of Chapter 19 of the Houston City Code, and other parts of the Code as applicable.

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. Commenters are encouraged to offer alternative sites outside of the **floodplain/wetland**, alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. 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.

HCDD has also run a general Public Notice for this project in the Houston Chronicle on Friday, August 12, 2016, and the Early Floodplain/Wetland Public Notice per 24 CFR 55 on August 29, 2016. A public meeting on Wednesday, September 7, 2016 at 6:00 p.m. was held at the Judson Robinson Community Center in order to discuss topics related to this project, including regulatory compliance with the 8-step process. No major concerns were noted regarding floodplain related issues.

Written comments for this public notice must be received by **HCDD** at the following address on or before **the close of business Friday, August 11, 2017**: **City of Houston, Housing & Community Development Department, 601 Sawyer, 4th Floor, Houston, Harris County, Texas**, Attention: Matt Jenkins, **Environmental Investigator IV**. A full description of the project may also be reviewed from **8:00 AM to 5:00 PM** at the address provided above. Comments may also be submitted via email at matthew.jenkins@houstontx.gov and pirooz.farhoomand@houstontx.gov.

Date: Friday, August 4, 2017