

APPENDIX A – AGENCY COORDINATION

U.S. Army Corps of Engineers Permit No. SWG-2018-00806



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

January 26, 2020

Evaluation Branch

SUBJECT: Permit No. SWG-2018-00806; Nationwide Permit Verification

Fort Bend County Levee Improvement District No. 7
Attn: Jim Grotte
1300 Post Oak Boulevard, Suite 1400
Houston, Texas 77056

Dear Mr. Grotte:

This is in reference to your request, dated January 7, 2020, submitted on your behalf by AECOM, to discharge 1,720 cubic yards of rip rap, in the form of 8 bendway weirs, along 3,265 linear feet below the ordinary high water mark (OHWM) of the northern bank of the Brazos River for bank stabilization activities. Additionally, approximately 1,330 cubic yards of fill material will be discharged into 0.008 acre below the OHWM at a total of 14 locations in the same vicinity along the northern bank of the Brazos River in order to restore uplands eroded due to Hurricane Harvey. Two wetlands (0.09-acre and 0.04-acre) along the upper northern bank of the river would be protected and avoided during construction activities. The project site is located in along the northern bank of the Brazos River between river stations STA 115+16, 325' LT and STA 147+81, 281' LT near Sugar Land in Fort Bend County, Texas.

This request is verified by Nationwide Permit (NWP) 13 and 45 pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. This NWP verification is valid provided the activity is compliant with the enclosed plans, in 13 sheets. In addition, the activity must be in compliance with the NWP General/Regional Conditions, Section 401 Water Quality Certification, and the Coastal Management Program, which can be found at: <http://www.swg.usace.army.mil/Business-With-Us/Regulatory/Permits/Nationwide-General-Permits/>, a hard copy can be provided to you upon request.

NWP 13. Bank Stabilization: Authorizes activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of other methods.

NWP 45. Repair of Uplands Damaged by Discrete Events: Authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged.

We have determined the proposed activity would comply with all the terms and conditions of NWP 13 and 45 and that the adverse environmental effects of the proposed project would be minimal both individually and cumulatively. Therefore, in this case, we are waiving that the activity is no more the 500 feet in length along the bank for bank stabilization activities (NWP 13) and that the permittee must submit a pre-construction notification to the district engineer within 12 months of the date of damage for the repair of uplands damaged by discrete events (NWP 45).

The NWP verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

The impacts to waters of the United States (U.S.) associated with this NWP verification are based upon an Approved Jurisdictional Determination (AJD); specifically, federal jurisdiction under the statute of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. The determination that the waters on this project site are waters of the U.S. is based upon the fact that they are: that are subject to the ebb and flow of the tide and/or waters that are, were historically, or may be susceptible, for use to transport interstate or foreign commerce. This AJD is valid for 5 years from the date of this letter unless new information warrants a revision prior to the expiration date.

If you disagree with this AJD, you may appeal the AJD under the Corps of Engineers Administrative Appeal Process (33 CFR Part 331) by completing Section II of the enclosed Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this AJD, you must submit the completed RFA form to the Southwestern Division Office at the following address:

Mr. Elliott Carman
Regulatory Appeals Officer
Southwest Division USACE (CESWD-PD-O)
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-487-7061; FAX: 469-487-7199

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP; noting the

NAP date is considered day 1. It is not necessary to submit an RFA form to the Division office if you accept this AJD in its entirety.

Corps determinations are conducted to identify the limits of the Corps Clean Water Act jurisdiction for particular sites. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

If you have any question regarding this verification please contact Dr. Tasha L. Metz at the letterhead address or by telephone at 409-766-6384. Please notify the Chief of the Compliance Branch in the Galveston District Regulatory Division in writing at the letterhead address, upon completion of the authorized project.

FOR THE DISTRICT COMMANDER:

Kristi N. McMillan
Leader, Central Evaluation Unit

cc w/Encl.

AECOM, Attn: Roy Knowles, 19219 Katy Freeway, Suite 100, Houston, Texas 77094,
Email: Roy.Knowles@aecom.com

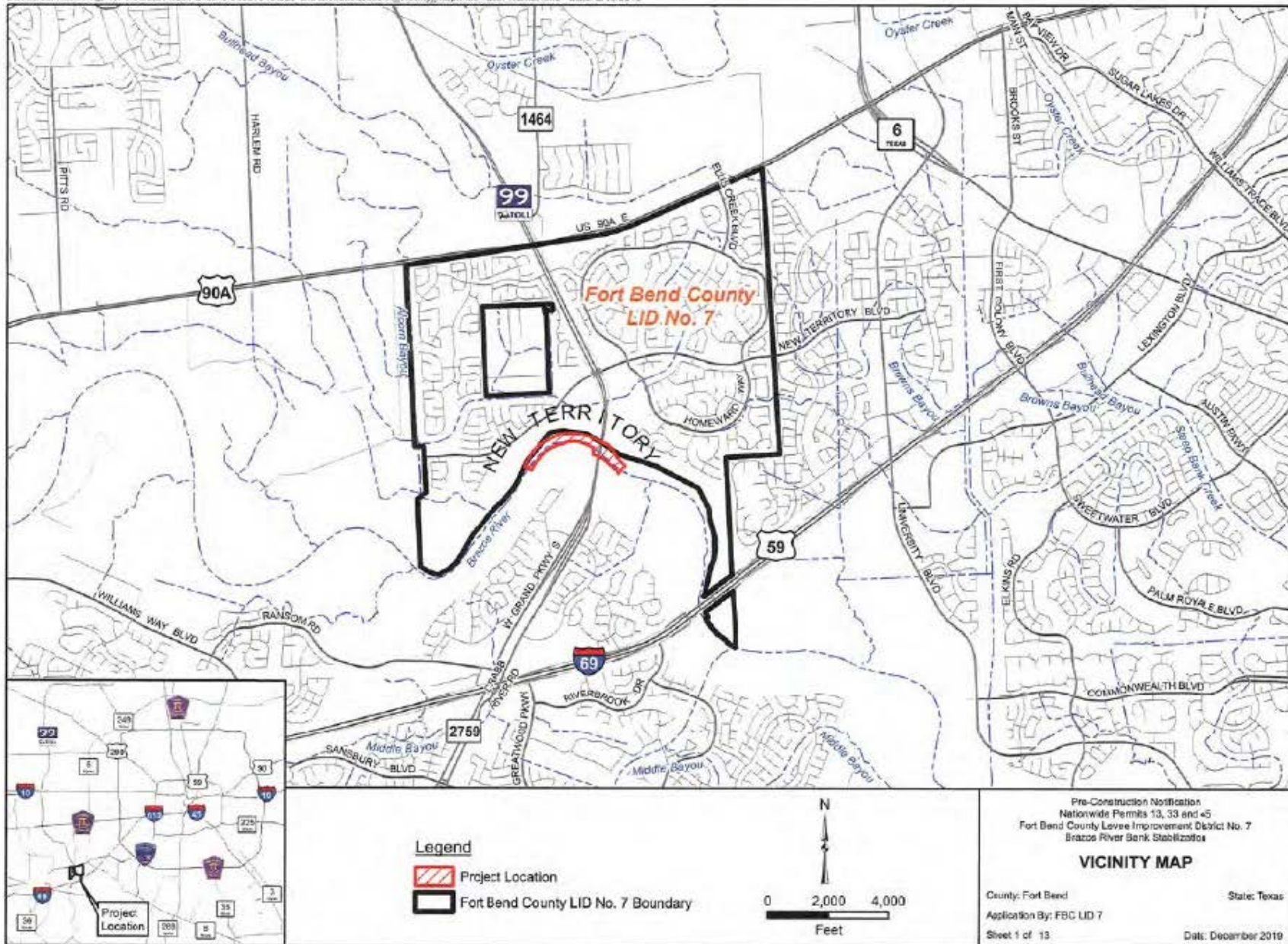
Eighth Coast Guard District, New Orleans, LA

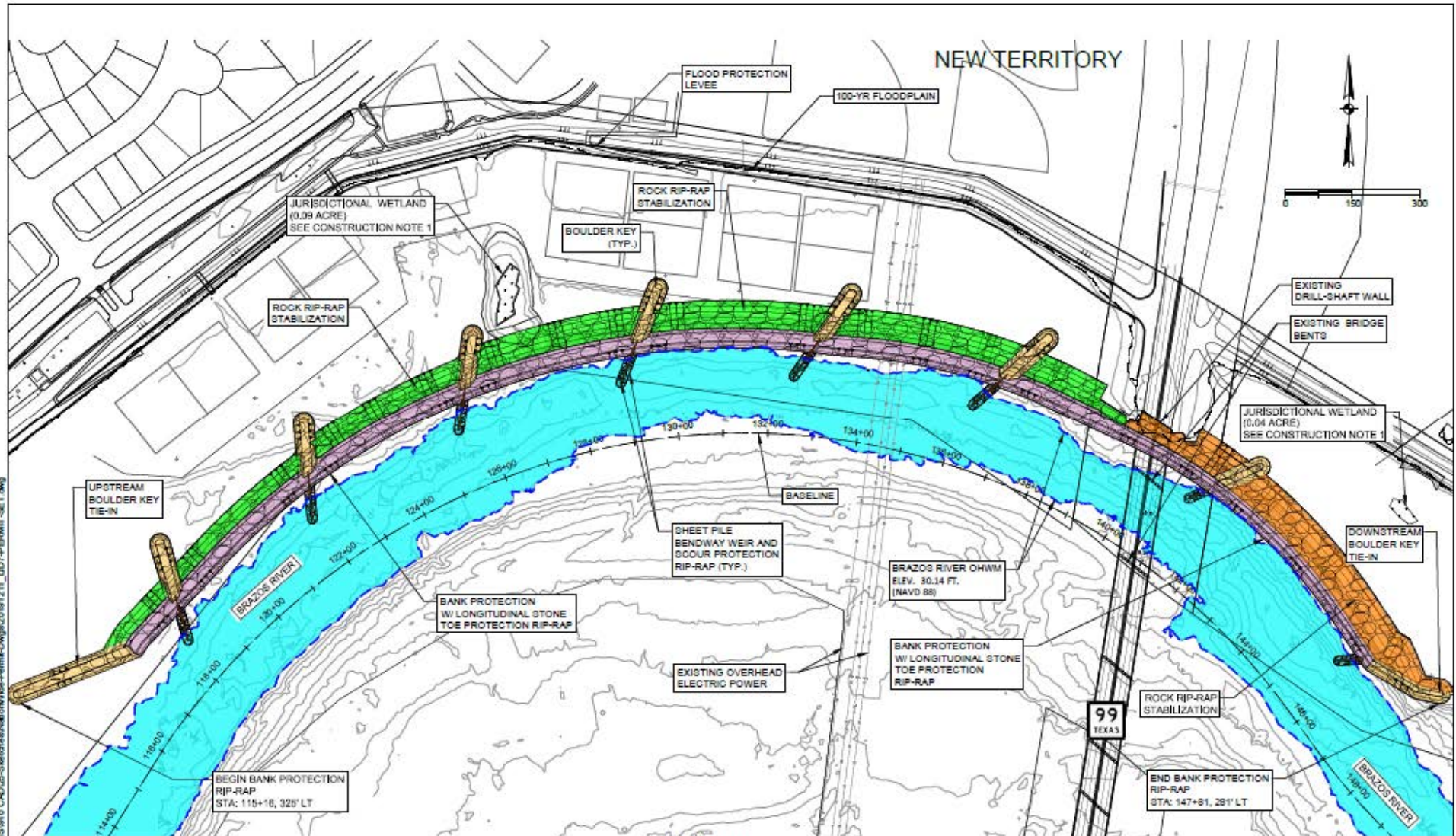
National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Coast & Geodetic Survey, Silver Spring, MD

Texas Commission on Environmental Quality

Texas General Land Office

Document Path: P:\PWPF\FID\7\Task Order\6-60587343\920 GIS\Exhibits\Exhibit1_Vicinity_Map.mxd User Name: lms Date: 2/19/2019





LEGEND:

- | | | | |
|--|---------------------------------------------|--|--------------------------|
| | ROCK RIP-RAP STABILIZATION
2.5H:1V SLOPE | | BOULDER KEY
RIP-RAP |
| | ROCK RIP-RAP STABILIZATION
3H:1V SLOPE | | BENDWAY WEIR |
| | LONGITUDINAL STONE TOE
PROTECTION (LSTP) | | BRAZOS RIVER (2018) |
| | SCOUR PROTECTION
RIP-RAP TOE | | JURISDICTIONAL WETLAND |
| | | | BRAZOS RIVER OHWM (2018) |

SITE LAYOUT
SCALE: 1"=300'

**ANTICIPATED IMPACTS TO JURISDICTIONAL WATERS OF THE UNITED STATES
BELOW THE ORDINARY HIGH WATER MARK OF THE BRAZOS RIVER**

	Total Square Feet	Total Acreage	Total Cubic Yards
Nationwide Permit 13	8,355	0.19	1,720
Nationwide Permit 45	358	0.008	1,330
Wetland 1 (0.09 acre)		No Impact	
Wetland 2 (0.04 acre)		No Impact	

NOTE:
ALL ELEVATIONS BASED
ON NORTH AMERICAN
VERTICAL DATUM OF
1988 (NAVD 88).

GENERAL CONSTRUCTION NOTE:

1: WETLAND TO BE PROTECTED DURING CONSTRUCTION

Pre-Construction Notification
Nationwide Permits 13, 33 and 45
Fort Bend County Levee Improvement District No. 7
Brazos River Bank Stabilization

PROJECT SITE MAP

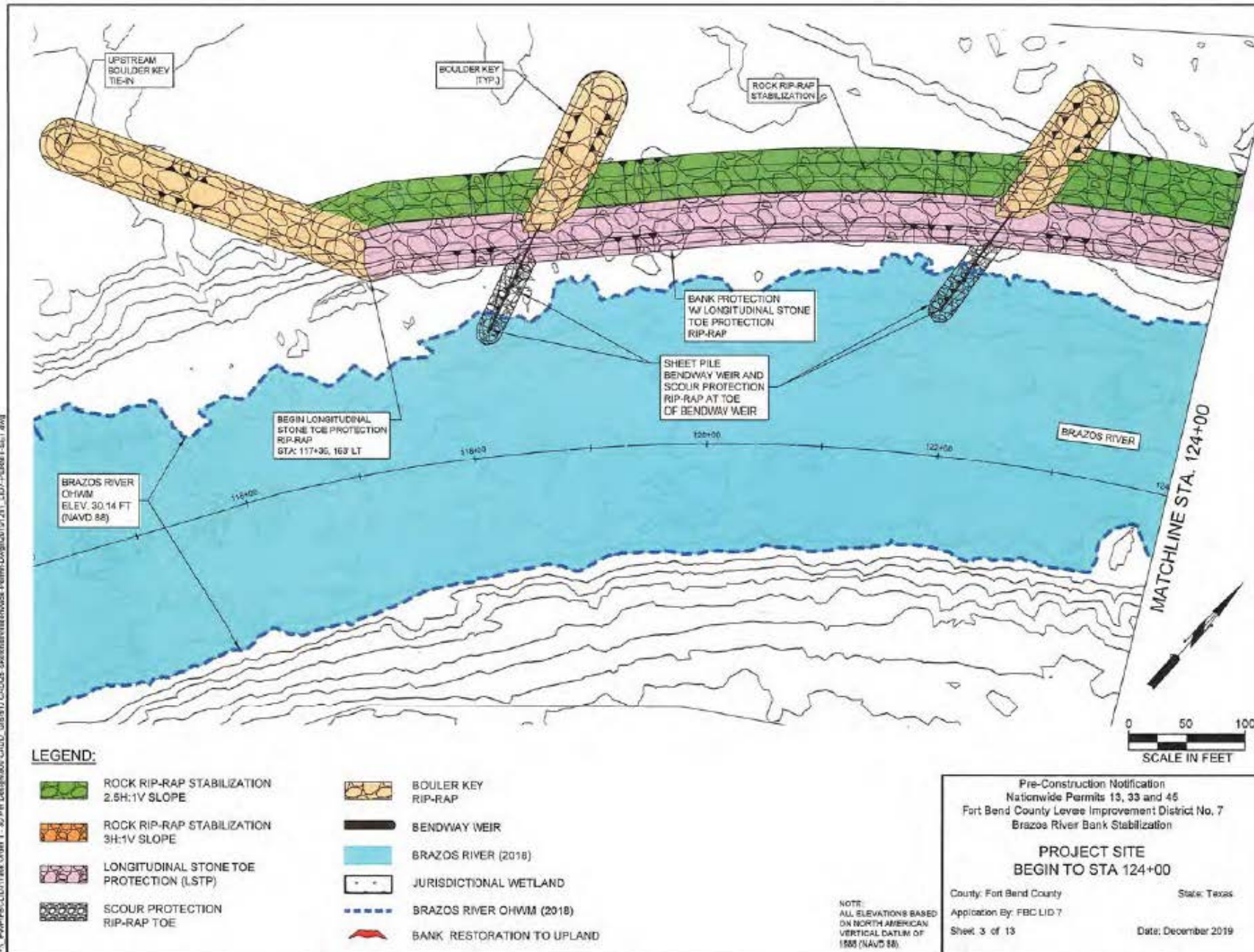
County: Fort Bend County

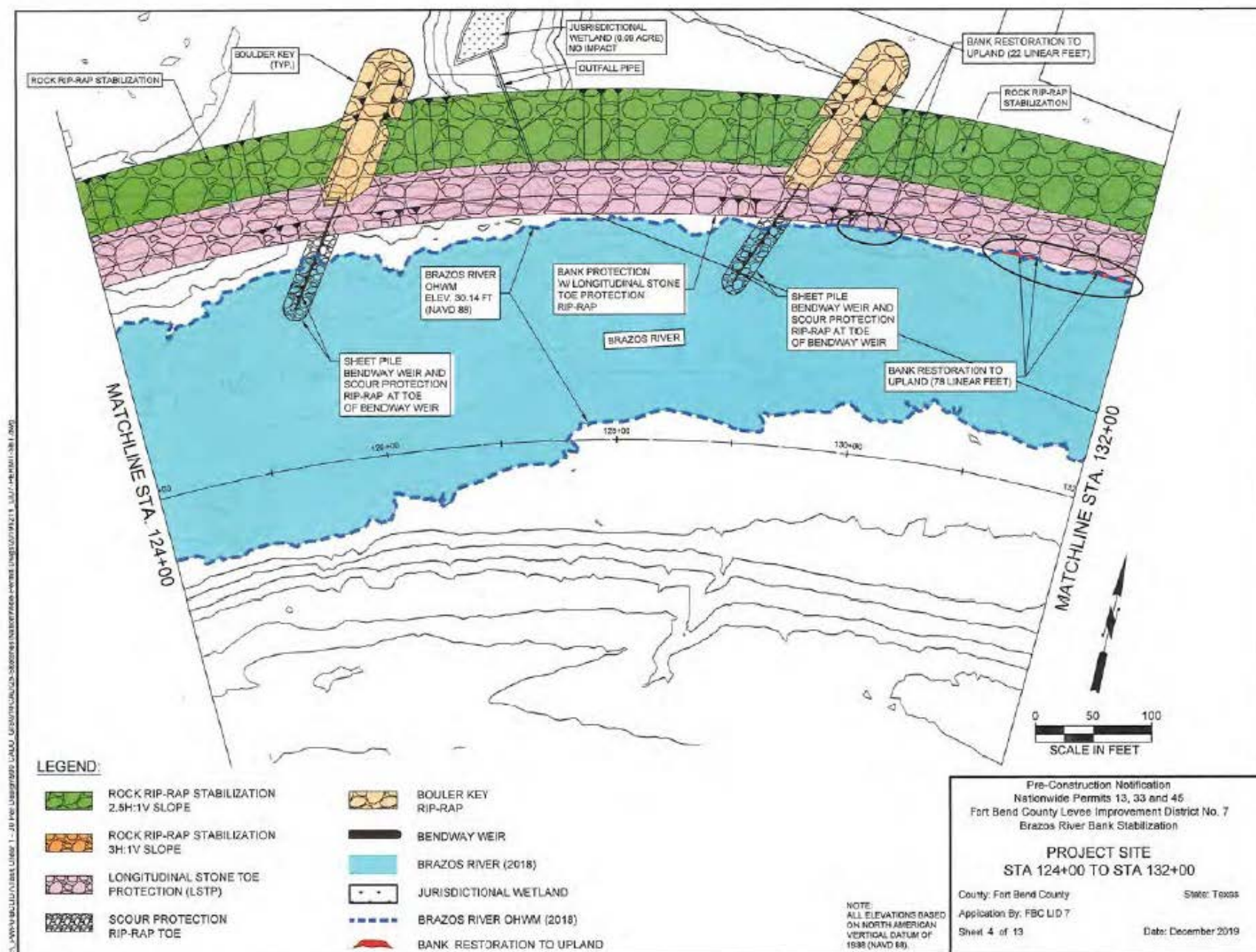
State: Texas

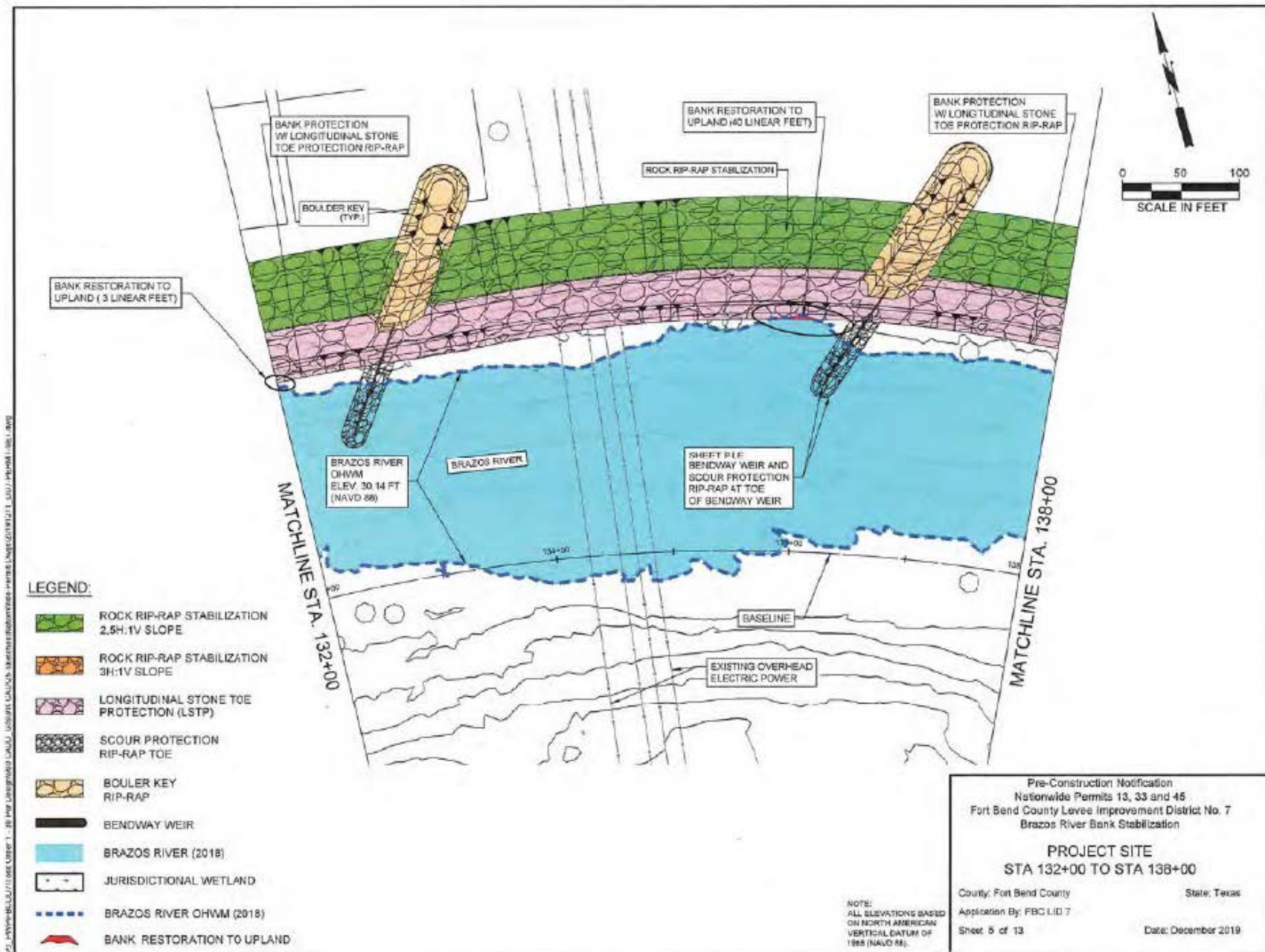
Application By: FBC LID 7

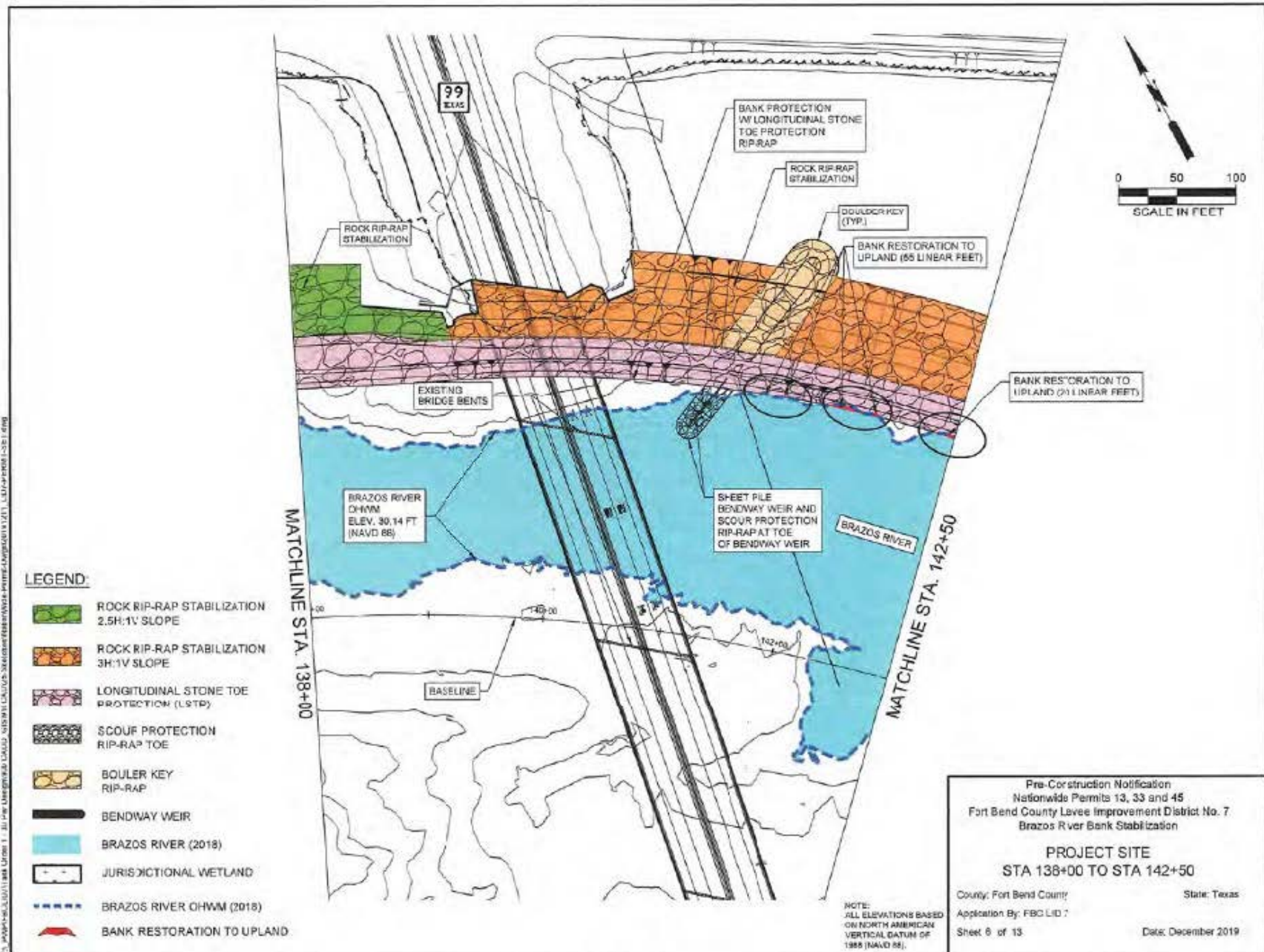
Sheet 2 of 13

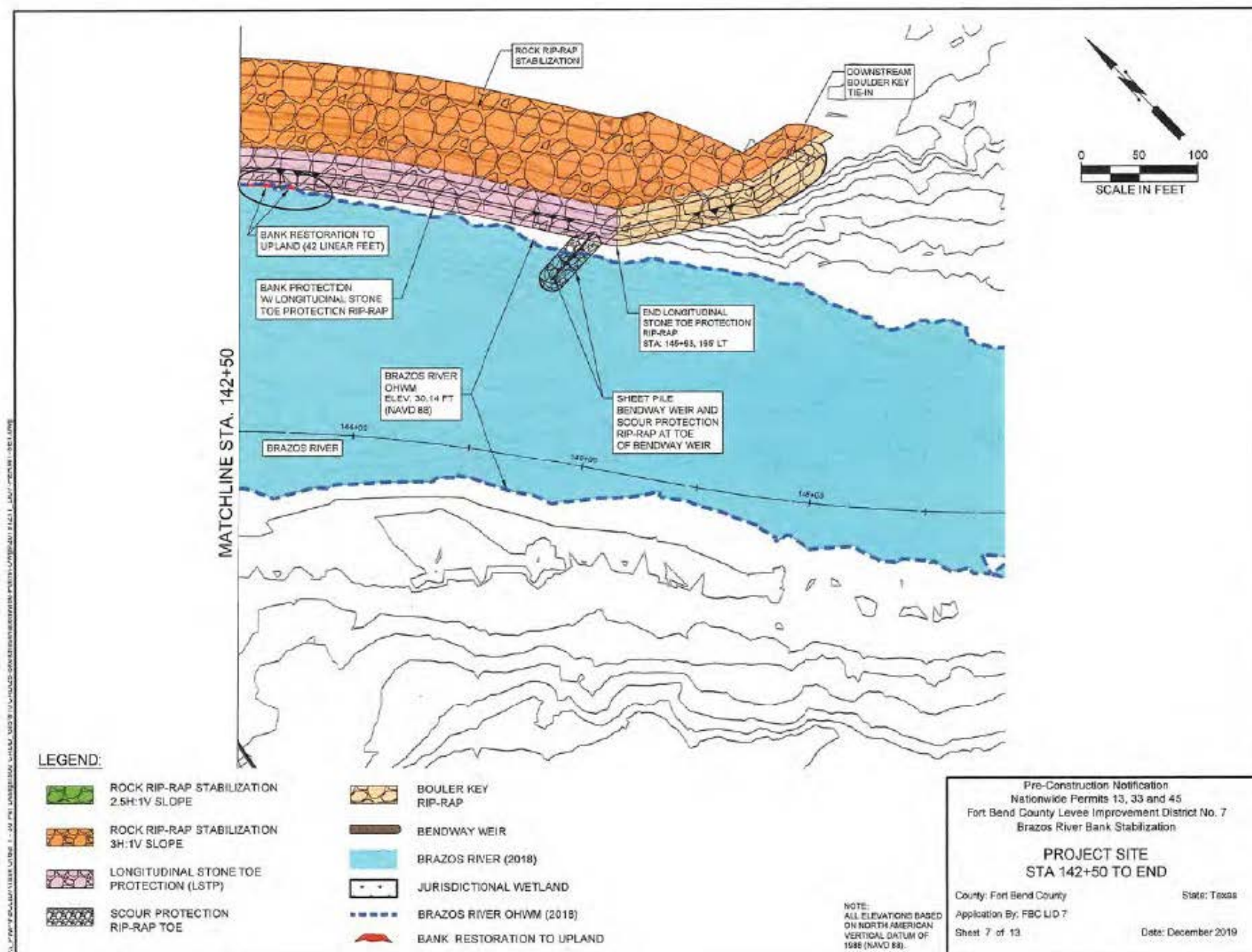
Date: December 2019

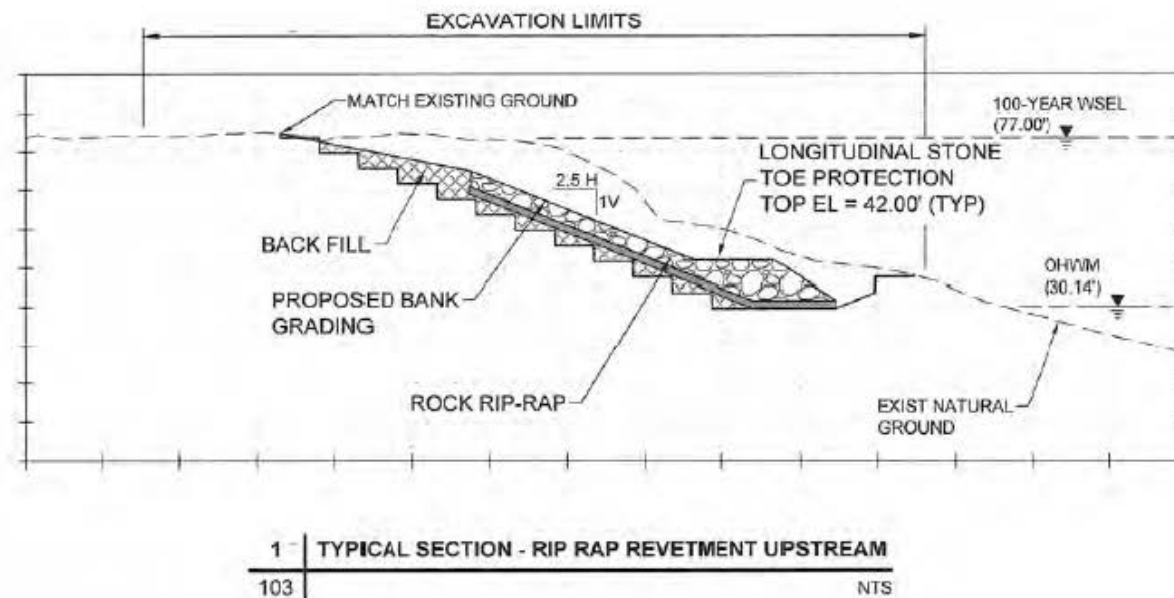












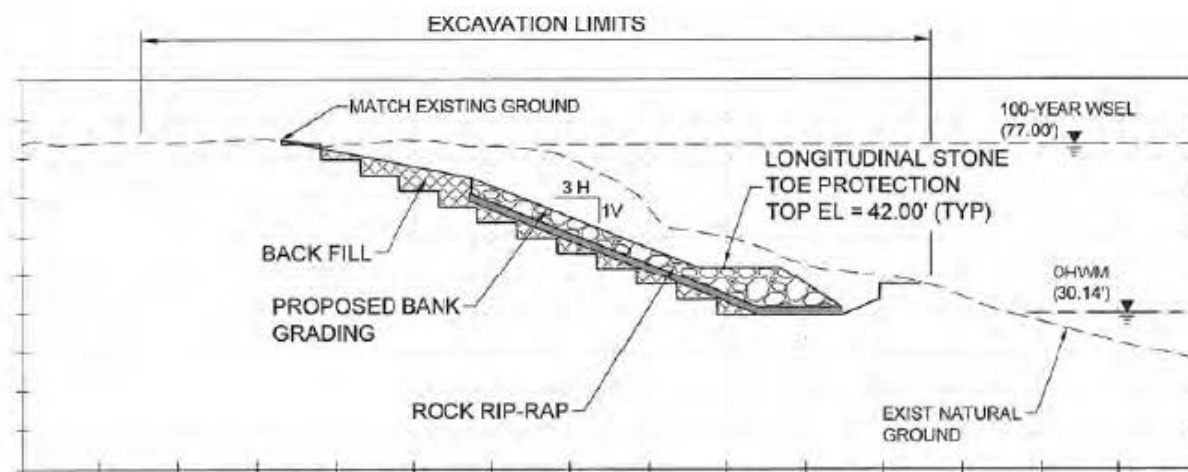
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Pre-Construction Notification
Nationwide Permits 13, 33 and 45
Fort Bend County Levee Improvement District No. 7
Brazos River Bank Stabilization

**TYPICAL SECTION - RIP RAP
REVTMENT UPSTREAM**

County: Fort Bend County
Application By: FBC LID 7
Sheet 8 of 13

State: Texas
Date: December 2019



2 | TYPICAL SECTION - RIP RAP STABILIZATION DOWNSTREAM
103 | NTS

NOTE:
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Pre-Construction Notification
Nationwide Permits 13, 33 and 45
Fort Bend County Levee Improvement District No. 7
Brazos River Bank Stabilization

**TYPICAL SECTION - RIP RAP
STABILIZATION DOWNSTREAM**

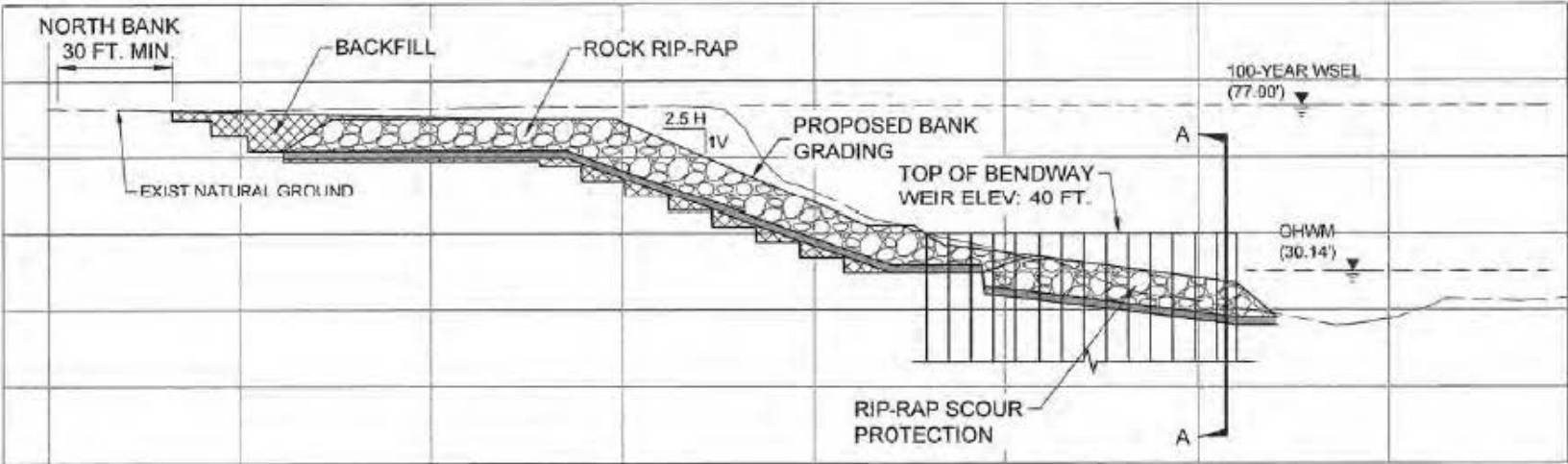
County: Fort Bend County

State: Texas

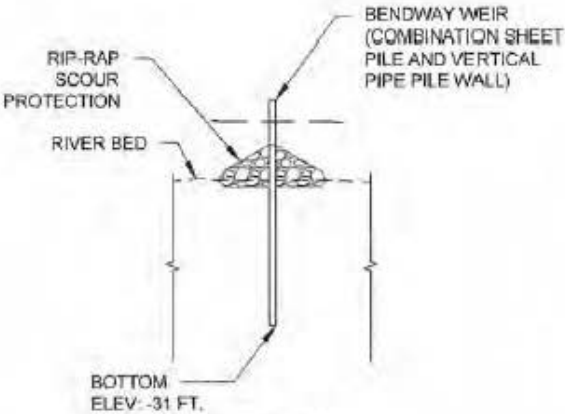
Application By: FBC LID 7

Sheet 9 of 13

Date: December 2019



3 | TYPICAL SECTION AT BENDWAY WEIR
104 | NTS



A-A | SECTION A-A
104 | NTS

NOTE:
ALL ELEVATIONS BASED
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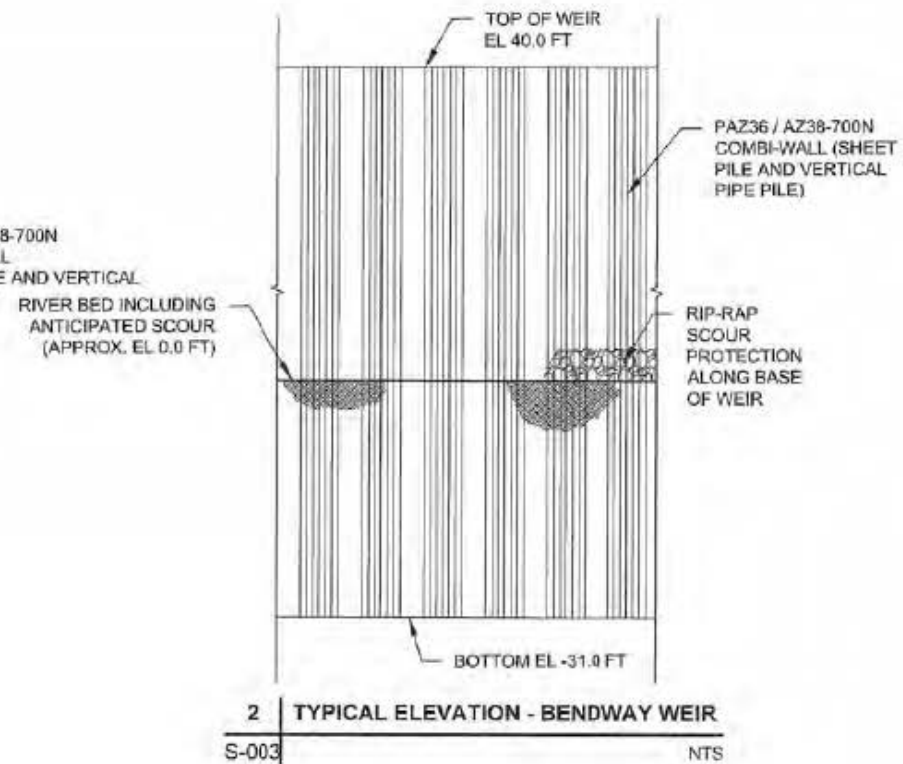
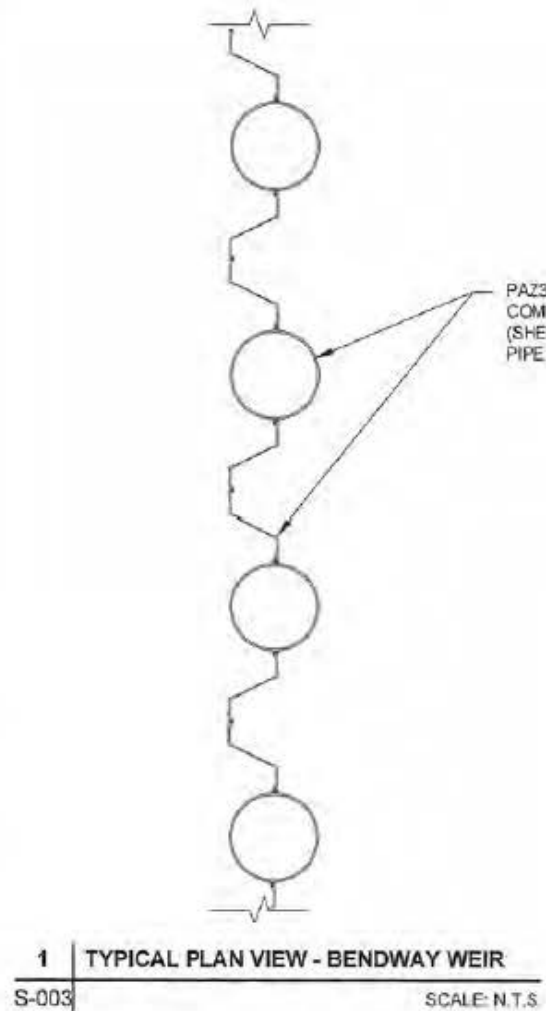
Pre-Construction Notification
Nationwide Permits 13, 33 and 45
Fort Bend County Levee Improvement District No. 7
Brazos River Bank Stabilization

TYPICAL SECTION - BENDWAY WEIR

County: Fort Bend County
Application By: FBC LID 7
Sheet 10 of 13

State: Texas

Date: December 2019



NOTE:
ALL ELEVATIONS BASED
ON NORTH AMERICAN
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Pre-Construction Notification
Nationwide Permits 13, 33 and 45
Fort Bend County Levee Improvement District No. 7
Brazos River Bank Stabilization

BENDWAY WEIR PLAN AND PROFILE

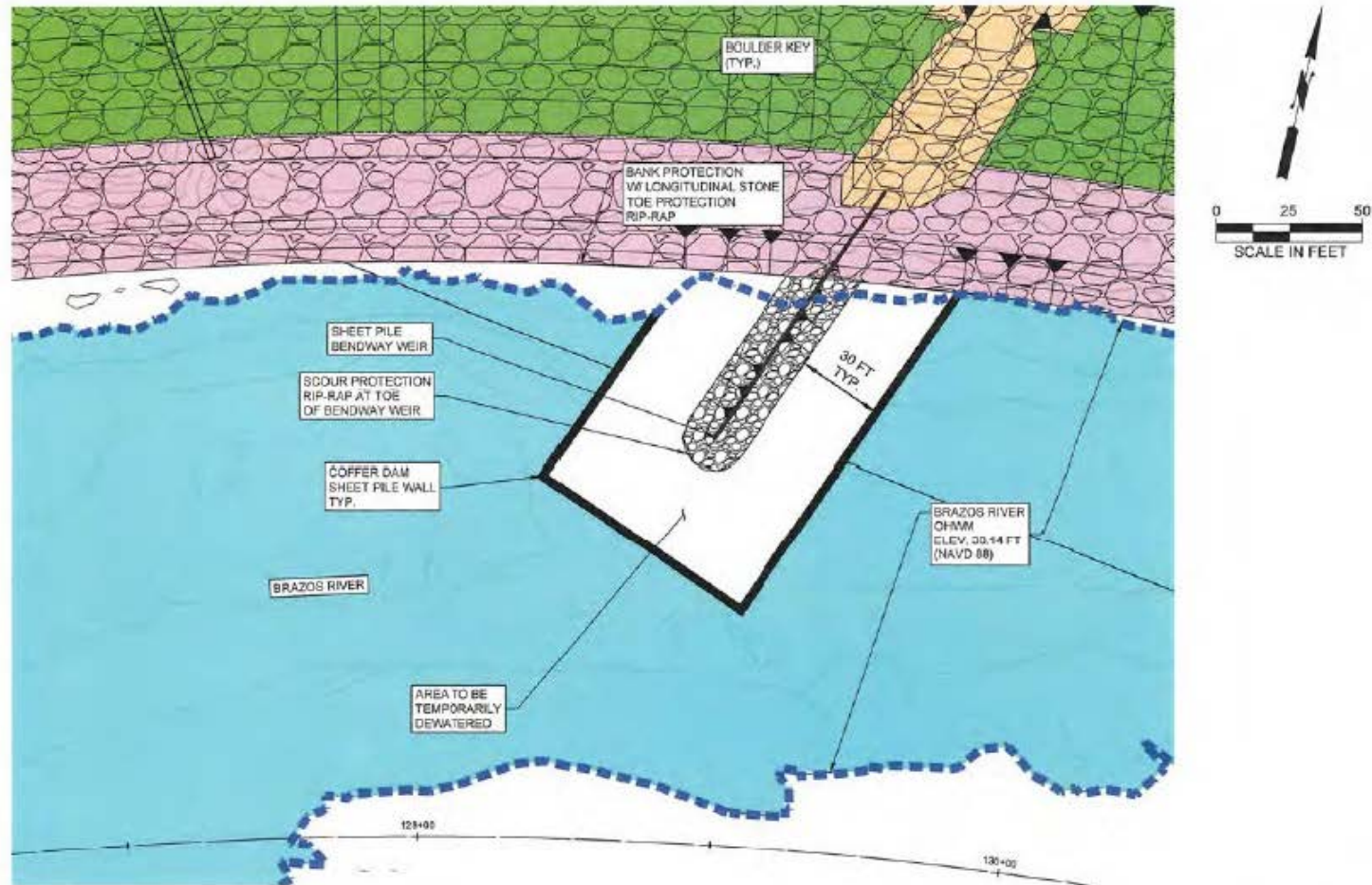
County: Fort Bend County

State: Texas

Application By: FBC LID 7

Sheet 11 of 13

Date: December 2019



LEGEND:

- | | | | |
|--|---------------------------------------------|--|--------------------------|
| | ROCK RIP-RAP STABILIZATION
2.5H:1V SLOPE | | BOULDER KEY
RIP-RAP |
| | ROCK RIP-RAP STABILIZATION
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| | SCOUR PROTECTION
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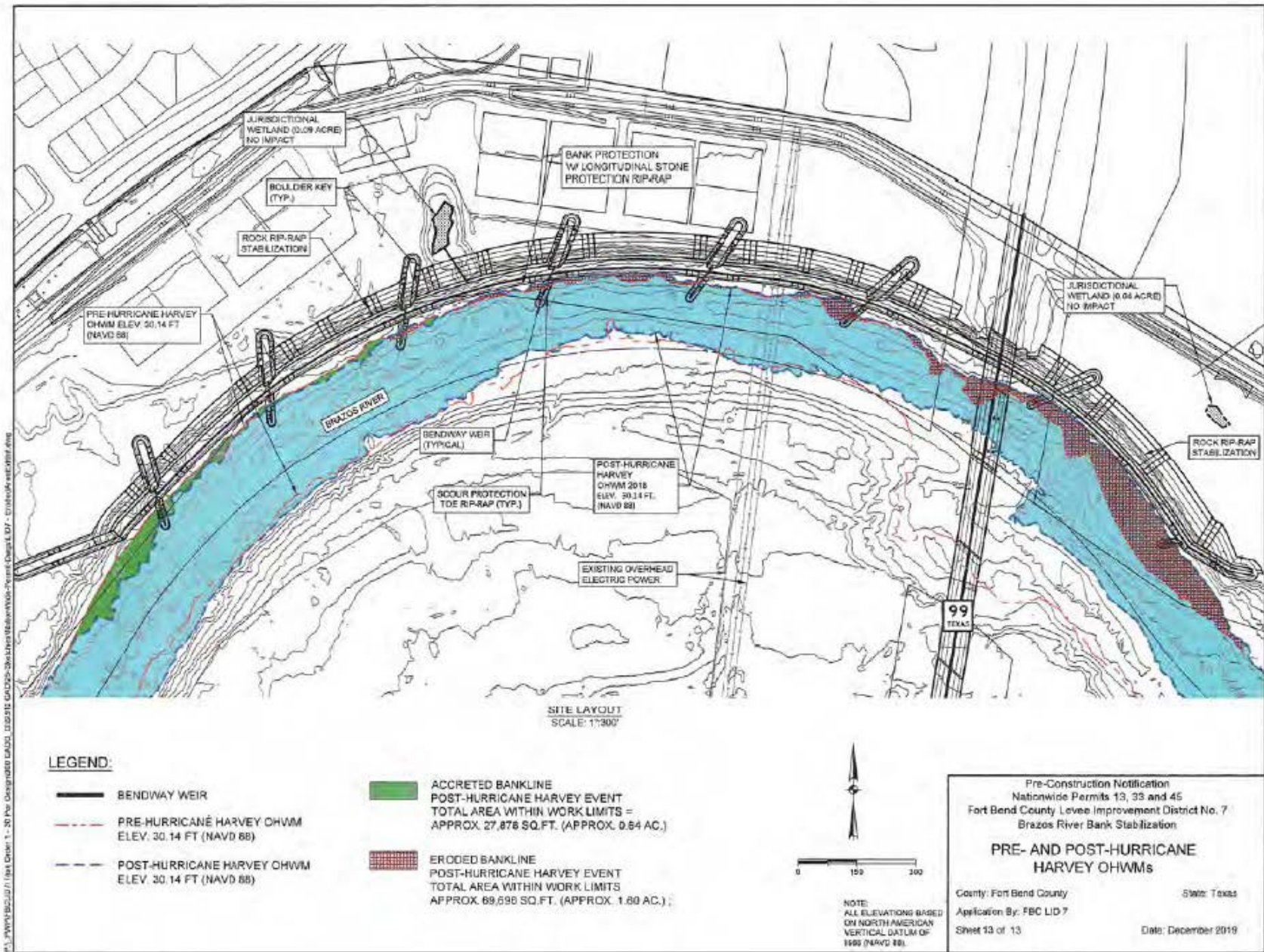
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Pre-Construction Notification
Nationwide Permits 13, 33 and 45
Fort Bend County Levee Improvement District No. 7
Brazos River Bank Stabilization

TYPICAL COFFER DAM

County: Fort Bend County
Application By: FBC LID 7
Sheet 12 of 13

State: Texas
Date: December 2019



TEXAS HISTORICAL COMMISSION

real places telling real stories

Friday, July 3, 2020

Jim GroUe. Chaiunan. Board of Directors
Fort Bend County Levee Improvement District NO. 7
1300 Post Oak BreL Suite 1400
Houston. Texas 77056

Re: Project review under the Antiquities Code of Texas
Final Report: Brazos River Erosion Control Project
Texas Antiquities Permit # 9425

Dear Colleague:

Thank you for your Antiquities Permit Application for the above referenced project. This letter presents the final copy of the permit from the Executive Director of the Texas Historical Commission (THC), the state agency responsible for administering the Antiquities Code of Texas.

Please keep this copy for your records. The Antiquities Permit investigations requires the production and submittal of one printed copy of the final report, a completed abstract form submitted via our online system, two copies of the tagged PDF final report on CD (one with site location information & one without), and verification that any artifacts recovered and records produced during the investigations are curated at the repository listed in the permit. The abstract form maybe submitted via the THC website (www.thc.state.tx.us) or use url:

<http://xapps.thc.state.tx.us/Abstract/login.aspx>

Additionally, you must send the THC shapefiles showing the boundaries of the project area and the areas actually surveyed via email to archeological_projects@thc.texas.gov.

If you have any questions concerning this permit or if we can be of further assistance, please contact the reviewer, Bill Martin at (512) 463-5867.

Sincerely,

Laney Fisher :
Antiquities Permit Coordinator
(512) 463-5394

Enclosures

Cc :Shelley Hartsfield
Cc :Fort Bend County Levee Improvement District N



State of Texas
TEXAS ANTIQUITIES COMMITTEE

ARCHEOLOGY PERMIT 9425

This permit is issued by the Texas Historical Commission, hereafter referred to as the Commission, represented herein by and through its duly authorized and empowered representatives. The Commission, under authority of the Texas Natural Resources Code, Title 9, Chapter 191, and subject to the conditions hereinafter set forth, grants this permit for:

Intensive Survey

To be performed on a potential or designated landmark or other public land known as:

Title: Brazos River Erosion Control Project

County: Fort Bend

Location: North bank of meander of Brazos River at Grand Parkway (SH99)

Owned or Controlled by: (hereafter known as the Permittee):

New Territory Residential Community Association

6101 Homeward Way

SUGar Land. Texas 77497

Sponsored by (hereafter known as the Sponsor)

Fort Bend County Levee Improvement District NO. 7

1300 Post Oak BreL Suite 1400

Houston. Texas 77056

The Principal Investigator/Investigation Firm representing the Owner or Sponsor is:

Shelley Hartsfield

AECOM-Dallas Office

13355 Noel Rd., Suite 400

Dallas, TX 75240

This permit is to be in effect for a period of:

2 Years and 0 Months

and Will Expire on:

05/23/2022

During the preservation, analysis, and preparation of a final report or until further notice by the Commission, artifacts, field notes, and other data gathered during the investigation will be kept temporarily at:

AECOM-Dallas Office

Upon completion of the final permit report, the same artifacts, field notes, and other data will be placed in a permanent curatorial repository at:

Texas Archeological Research Laboratory

Scope of Work under this permit shall consist of:


An intensive pedestrian archaeological survey that meets or exceeds the State Archeological Survey Standards for Texas. See attached

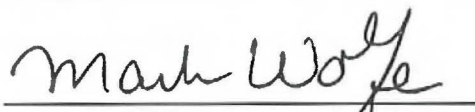
ARCHEOLOGY PERMIT #9425

This permit is granted on the following terms and conditions:

- 1) This project must be carried out in such a manner that the maximum amount of historic, scientific, archeological, and educational information will be recovered and preserved and must include the scientific techniques for recovery, recording, preservation and analysis commonly used in archeological investigations. All survey level investigations must follow the state survey standards and the THC survey requirements established with the projects sponsor(s).
- 2) The Principal Investigator/Investigation Firm, serving for the Owner/Permittee and/or the Project Sponsor, is responsible for insuring that specimens, samples, artifacts, materials and records that are collected as a result of this permit are appropriately cleaned, and cataloged for curation. These tasks will be accomplished at no charge to the Commission, and all specimens, artifacts, materials, samples, and original field notes, maps, drawings, and photographs resulting from the investigations remain the property of the State of Texas, or its political subdivision, and must be curated at a certified repository. Verification of curation by the repository is also required, and duplicate copies of any requested records shall be furnished to the Commission before any permit will be considered complete.
- 3) The Principal Investigator/Investigation Firm serving for the Owner/Permittee, and/or the Project Sponsor is responsible for the publication of results of the investigations in a thorough technical report containing relevant descriptions, maps, documents, drawings, and photographs. A draft copy of the report must be submitted to the Commission for review and approval. Any changes to the draft report requested by the Commission must be made or addressed in the report, or under separate written response to the Commission. Once a draft has been approved by the Commission, one (1) printed, unbound copy of the final report containing at least one map with the plotted location of any and all sites recorded and two copies of the report in tagged PDF format on an archival quality CD or DVD shall be furnished to the commission. One copy must include the plotted location of any and all sites recorded and the other should not include the site location data. A paper copy and an electronic copy of the completed Abstracts in Texas Contract Archeology Summary Form must also be submitted with the final report to the Commission. (Printed copies of forms are available from the Commission or also online at www.thc.state.tx.us.)
- 4) If the Owner/Permittee, Project Sponsor or Principal Investigator/Investigation Firm fails to comply with any of the Commission's Rules of Practice and Procedure or with any of the specific terms of this permit, or fails to properly conduct or complete this project within the allotted time, the permit will fall into default status. A notification of Default status shall be sent to the Principal Investigator/Investigation Firm, and the Principal Investigator will not be eligible to be issued any new permits until such time that the conditions of this permit are complete or, if applicable, extended.
- 5) The Owner/Permittee, Project Sponsor, and Principal Investigator/Investigation Firm, in the conduct of the activities hereby authorizes, must comply with all laws, ordinances and regulations of the State of Texas and of its political subdivisions including, but not limited to, the Antiquities Code of Texas; they must conduct the investigation in such a manner as to afford protection to the rights of any and all lessees or easement holders or other persons having an interest in the property and they must return the property to its original condition insofar as possible, to leave it in a state which will not create hazard to life nor contribute to the deterioration of the site or adjacent lands by natural forces.
- 6) Any duly authorized and empowered representative of the Commission may, at any time, visit the site to inspect the fieldwork as well as the field records, materials, and specimens being recovered.
- 7) For reasons of site security associated with historical resources, the Project Sponsor (if not the Owner/Permittee), Principal Investigator, Owner, and Investigation Firm shall not issue any press releases, or divulge to the news media, either directly or indirectly, information regarding the specific location of, or other information that might endanger those resources, or their associated artifacts without first consulting with the Commission, and the State agency or political subdivision of the State that owns or controls the land where the resource has been discovered.
- 8) This permit may not be assigned by the Principal Investigator/Investigation Firm, Owner/Permittee, or Project Sponsor in whole, or in part to any other individual, organization, or corporation not specifically mentioned in this permit without the written consent of the Commission.
- 9) Hold Harmless: The Owner/Permittee hereby expressly releases the State and agrees that Owner/Permittee will hold harmless, indemnify, and defend (including reasonable attorney's fees and cost of litigation) the State, its officers, agents, and employees in their official and/or individual capacities from every liability, loss, or claim for damages to persons or property, direct or indirect of whatsoever nature arising out of, or in any way connected with, any of the activities covered under this permit. The provisions of this paragraph are solely for the benefit of the State and the Texas Historical Commission and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.
- 10) Addendum: The Owner/Permittee, Project Sponsor and Principal Investigator/Investigation Firm must abide by any addenda hereto attached.

Upon a finding that it is in the best interest of the State, this permit is issued on 05/23/2020.


Brad Jones,
Archeology Division Director


Mark Wolfe,
Executive Director



U.S. Department of Homeland Security
FEMA Region 6
800 N. Loop 288
Denton, TX 76209
FEMA

August 11, 2021

RE: Section 106 Review Consultation, FEMA-4332-DR-TX, HMGP #35
Fort Bend County Levee Improvement District No. 7 Brazos River Bank Stabilization Project,
Sugar Land, Fort Bend County, TX
(29.583815, -95.678576)

To: Representatives of Federally recognized Tribes with Interest in this Project Area

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to the major Disaster Declaration for FEMA-DR-4332-TX, Hurricane Harvey, dated August 25, 2017. FEMA is initiating Section 106 review for the above referenced project based on your Tribe's ancestral interest in the project area.

Through FEMA's Hazard Mitigation Grant Program, FEMA proposes to fund the Fort Bend County Levee Improvement District Number 7 (Applicant) proposed bank stabilization (Undertaking).

The Applicant proposes to reconstruct a stable bank at or near the current river bank location of the Brazos River at State Highway 99. Earthen material along the existing bank would be removed to create a sloped bank that would be protected with stone riprap. Larger stone boulders would be placed along the river bank toe, with the intent being that as minor erosion occurs along the bank toe, the larger stone boulders would fall to fill in eroded areas (launching stone toe protection). The reconstructed bank would facilitate the conveyance of flood flows through the bend in the Brazos River and the SH 99 bridge structure. The improved hydraulics would reduce the scouring and erosion that would lead to accelerated bank loss. The toe of the reconstructed bank would be configured to maintain a consistent geometric curve along the bank. Placing the reconstructed toe at or near the existing bank toe would minimize work and fill within the jurisdictional waters of the Brazos River, thereby minimizing overall environmental impacts. Upslope of the bank toe, materials and techniques appropriate for stabilizing and protecting the river bank from the erosive forces of flood flows would be installed.

A series of bendway weirs, which would extend partially into the channel of the Brazos River and would be stabilized at their bases with rock riprap, are proposed to be constructed as part of the Undertaking. The bendway weirs would assist in improving the river hydraulics in the project area. The intent of the bendway weirs would be to alter the flow characteristics in the immediate vicinity of the weir structures to capture suspended sediment and allow the sediment to settle in the area of the bendway weirs and the reconstructed bank toe. Over time, the accumulation of sediment would accrete along the northern river bank, shifting the river channel farther south, away from the adjacent flood protection levee. The Undertaking would optimize stabilization of the northern river bank in the available area between the bank toe and the flood protection levee while minimizing potential environmental impacts to the river.

Portions of the mitigation work will take place in undisturbed ground.

In a response from the Texas Historical Commission (THC), as the SHPO, in a letter dated March 23, 2020, THC requested an archaeological survey of the project area. AECOM completed the survey in October 2020.

The Area of Potential Effects (APE) as defined in the archeological survey is on the basis of construction schematics/plans and encompasses the limits of ground disturbing activities. The APE totals 22.5 acres and includes the 13.5-acre excavation limits along 0.7 miles (1.1 km) of the northern bank, 5.5 acres of laydown areas, and 3.5 acres of construction access. The depths of impacts will extend as much as 30 ft (9 m) below the existing ground. FEMA concurs with this APE.

We are writing to request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed Undertaking. Any comments you may have on FEMA's findings and recommendations should also be provided.

The archeological survey identified Site 41FB168 as being located in the APE. The investigation at archaeological site 41FB168 showed the historic homestead site has been impacted by the construction of the soccer fields encompassing the site.

In a response letter for this project dated November 9, 2020, THC concurred with the findings in the archaeological survey report and further recommended an archaeological monitor.

Based on the available information gathered to date through this review process, there are no eligible archeological sites within the project area, and it is unlikely that the Undertaking would impact any intact archeological deposits due to previous ground disturbance. FEMA has determined that there will be **No Historic Properties Affected** as a result of the Undertaking.

Please provide your comments within 30 days of receipt of this letter. Any comments provided after 30 days may be taken into consideration. If you concur with FEMA's determination, please sign below. If you notify us that your review identifies cultural properties within the APE, or project work discloses the presence of archeological deposits, FEMA will contact your Tribe to continue consultation.

A copy of the archeological survey is attached. Your prompt review of this project is greatly appreciated. Should you need additional information please contact Robert Scoggin, EHP Tribal Liaison at Robert.w.scoggin@fema.dhs.gov (202) 716-4139.

Sincerely,

Kevin Jaynes
Regional Environmental Officer
FEMA Region 6

Concurrence by:

Date:

Tribe