

January 22, 2019

**Evaluation Branch, North Unit Regulatory Division,
CESWG-RD-E Galveston District, U.S. Army Corps of Engineers**
P.O. Box 1229, Galveston, Texas 77553-1229

Texas Commission on Environmental Quality
401 Coordinator MSC-150
P.O. Box 13087, Austin, Texas 78711-3087

RE: Permit Application No. SWG-2016-00384, Romerica Investments, LLC

U.S.A.C.o.E. and TCEQ,

We are writing to:

Provide feedback on **Permit Application No. SWG-2016-00384**, and
Request a Public Hearing be held before any decisions are made on this permit application.

We, and other Kingwood residents we have talked to have observed that the Project associated with Permit Application No. SWG-2016-00384, is so ill conceived in so many ways, that it “just doesn't smell right”.

What we and other Kingwood residents absolutely don't want is for this ill-conceived Project to go forward to the point where earth moving and tree removal takes place, then (following even a minor flooding event or economic turn) for the whole Project to fold (like adjacent Barrington development has done multiple times) leaving the San Jacinto River with another giant scar in what used to be a landmark Riparian Forest.

The USACoE states in **Public Notice for Permit Application SWG-2016-00384** issued on December 27, 2018, that their evaluation shall include all factors which may be relevant to the proposed Project under evaluation. Among these are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. They also state that the benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments.

Following our review of the proposed Project it is very clear to us that **the foreseeable detriments of this project far out way any perceivable benefits as indicated by the factors listed below. These identified factors should be fully evaluated by TCEQ and the USACoE, be subject to Public Hearing and used by TCEQ and the USACoE as a basis for permit denial:**

Conservation: The Project proposes to fill numerous acres of pine and hardwood riverine wetlands, home to a diverse biota, and replace that with multiple residential high rises, parking lots, commercial buildings, a high-density marina and related amenities. These proposed activities are the antithesis of conservation of a unique and increasingly rare ecosystem.

Economics: We believe there is no conceivable financial viability to the proposed Project for multiple reasons, including those detailed below:

- The “marina”, even if dredged to the depth needed to support larger boats, would feed to an un-navigable water body (The West Fork , San Jacinto River; NW Lake Houston) that contains numerous shoal areas with as little as 1-2’ of draft. The proposed marina would accrue limited benefit to the project unless the builders also committed to extensive and ongoing dredging. At normal lake/river stage (42.5') there is now very limited access for most types of recreational boats to navigate from Lake Houston to the proposed marina area due to river sediment that has accumulated within and at the mouth of the river (stream mouth bar/SMB). To remove the stream mouth bar sediment and do maintenance dredging on the West Fork of the San Jacinto River from the proposed marina down to Lake Houston would incur dredging costs that could exceed \$100M. Is the Developer willing to consider this as a cost of business needed to make the Project viable? If removal of the stream mouth bar downstream of this development is not addressed then there can be no foreseeable economically viable outcome for this Project.

- Data over the last 3 years has shown increasing frequency of flooding in this area with only moderate rainfall. Hurricane Harvey showed the economically calamitous impact of a major rain event. The SMB blocking the flow of water from the river to the lake is a significant cause of upstream flooding, and that flow barrier continues to grow. While the Developer may be able to elevate some of the development areas by infill above the (current) 100- year flood stage, the marina area – at lake level - will be subject to damage by nearly every storm that comes into the San Jacinto River Basin (e.g. adjacent River Grove Park and FFA regularly flood and still hold standing water). Can the project economics remain viable when incorporating costs of continuous flood reclamation? What client would ever purchase or take a lease on any of these facilities if they did any due diligence regarding these circumstances? If yet another major flood event hits that area either during construction or after completion (look at impact of Harvey on the new HEB development in Kingwood) – the costs of recovery would fully erode any conceivable economic viability.

- Water quality in this area is always turbid/muddy, in part due to the effects of the mines upstream which contribute sand and mud to the water and may also introduce additional toxins. That won't likely change in the near future and is not consistent with the image or the name the developers have attached to the proposed marina basin – “Emerald Lake”. Given the difference between the true nature of this muddy water body with the artist’s renderings – what potential customers would not feel deceived upon visiting the site.

-They are building around an area – Barrington – that was built on 6+ ft of fill. Houses there had as much as 6’ of water during Harvey. To exceed most recent local flood heights in an area that appears to be in the heart of the current floodway, they would need over 12 ‘ of fill which would create two potential problems:

1) Fill and associated buildings in the floodplains would create islands, impacting flood drainage patterns and likely contribute to flooding in adjacent areas during high water. An extensive drainage and flood impact study would be needed to address this.

2) Structural integrity? The area is underlain by soft recent flood-plain sediment. Adding twelve plus additional ft of fill and building 50 story high rises on top raises questions about how deep and extensive the foundation pilings would have to go to safely carry that load and at what cost?

- Road access in/out, particularly getting to 59 – would the Developer bear the significant additional road construction costs to provide direct access to the freeway or are the plans to tie into existing already congested roadways? If the latter is the case will the Developer provide traffic flow studies that show that impact on current Kingwood residents will be minimal?

- An Indoor shopping mall is advertised in the project prospectus. Such malls are going out of business all over the country, as are movie theaters, another advertised amenity. These elements are not likely to draw customers, and they seem both dated and indicative of how old and poorly researched this promotional material is.

Aesthetics: the proposed structures and activities are the opposite of the aesthetics of the Kingwood area since its inception (“The Liveable Forest”). This aesthetic is very important to the citizens of Kingwood, and should be given full consideration in reviewing and evaluating the permit application.

General environmental concerns, Fish and wildlife values: With development rapidly encroaching Kingwood from all directions, relatively wild lands such as those proposed for development are becoming increasingly rare and valuable. To replace them with such a development would erode all beneficial aspects of this Riparian wetland for plants, animals and humans.

Wetlands: the applicant is requesting to fill or flood riverine wetlands and minimize impacts by only partially filling some various small wetland areas scattered through the site. This “minimization step” will not replace the functions and values of the filled wetlands. The Developer is also proposing to buy “offset” conservation grants to make up for the damage they are going to do to Kingwoods wetlands. This is unacceptable.

Flood hazards and Floodplain values: We understand that the Developer "has not applied for a Harris County Flood Control Permit". Is the Developer going to provide studies (vetted by outside experts) that show that this development will not adversely impact an already very bad flooding situation? Can they produce hard data that would show how this development could have anything but a negative impact on future flooding events (i.e. by dredging, significant retention ponds etc)? Our concern is that the extensive wetlands that are adjacent to the West Fork of the San Jacinto River are the conveyance route for almost all of the rivers overbank flow. If the wetlands, a natural water sink, are filled in and built up the developments will both displace ground water and become obstructions to flow by diverting and pushing floodwaters into adjacent areas and further up into Kingwood than before.

In the Developer's proposal there are estimates of how much fill dirt will be required in each area. They state that they want to elevate above the 100 year flood plain (56-58' elevation) which is approximately 12' above current topographic elevation. When examining their estimates of fill volume however it appears that they are assuming an average fill depth of only 1' per designated acre. This is either a gross miscalculation or, as one of their elevation cross sections suggests, only the high-rise buildings will be elevated to this +12' level and everything else will be left at current grade. In the first case this means that they will require significantly more fill dirt in the wetlands (i.e.12x current estimate) than proposed – with significant cost and project viability implications. In the second case, it means they have a non-

viable development because during future floods they will have their tall buildings stranded as islands while everything else is at or below the 100 year flood level (i.e. commercial buildings, parking garages, marina, access roads, sewage treatment plant etc.) and subject to significant damage. Which is it and at what cost?

Land use: Part of the proposal is that they will be using fill dirt to "fill existing streams". Those small streams exist because they move water out of upstream areas (i.e. Kingwood) into the San Jacinto River. Has the developer modeled the impact of filling in these streams on overall drainage in Kingwood?

Water supply and conservation: What are waste water treatment plans for this proposed project? A development of this size cannot simply force its way into existing infrastructure. Part of the Development Plan must include a full, on-site waste water treatment facility. Where will this be located and will it be above the 100 year flood stage level? How about the 500 year flood stage level? What are the impacts if this treatment facility is breached by floods and discharges into the City of Houston's primary water supply? What mitigation plans does the Developer propose? At what cost?

Water quality: the applicant proposed to convert ground now supporting native vegetation, forested uplands and bottomland hardwood wetlands into concrete pavement. The applicant's proposed structures and paved surfaces are designed to shed runoff as quickly as possible. The proposal will also add 1000's of additional vehicles in the proposed development area with associated petroleum residue added to runoff. The additional fertilizer and animal feces introduced into runoff from the proposed "green space" areas, will further degrade already poor existing water quality parameters. Has the Developer submitted the proper documentation to show how they plan to mitigate these impacts? Lake Houston is the primary water supply for Houston which is growing at unprecedented rates. Are we willing to jeopardize the water supply for 2+ million people by allowing a poorly planned development to add to the stress on Houston's water supply?

Safety: We are concerned that the proposed development will have significant negative impacts on public safety in the area. These include negative impacts of higher future flood levels and potential hazards to human health and public safety due to the significant increase in road traffic. We are concerned how drainage runoff from elevated project areas to adjacent properties and associated increased flooding risk to those properties is going to be managed? This is an issue during every rain event and one that the City of Houston has failed to manage within Loop 610 (i.e. The Heights Area). In the Heights, developers build up lots 2-3' higher than adjacent lots and fill the lot with impermeable surfaces with no mitigation for the impact of runoff on to the adjacent lots. The Barrington neighborhood, which will be surrounded by this Development, could become the retention pond for the Development during flood events, depending on how they handle grade elevation and drainage.

Needs and welfare of the people: Most residents of Kingwood have chosen to live in this area for its natural beauty and to escape the road congestion, high population density and high-rise building environment of the inner city. These environmental preferences are enshrined in the deed restrictions issued for every other developed area in Kingwood since its inception. These esthetic considerations that are so important to the health and welfare of the citizens of Kingwood should be given full consideration.

We hope in the coming months, that our concerns about these factors will be carefully evaluated by U.S.A.C.o.E. and TCEQ and that a Public Hearing be held before any decisions are made on this permit application. Without any detailed information concerning the viability of the project – including dredging costs, environmental impacts, costs of elevated future flood levels, sewage disposal plans and water quality impacts and potential hazards to human health due and public safety concerns attributed to flooding and increased traffic loads; it is our opinion that **the permit application should be denied by the USACE and TCEQ** upon completion of the Public Notice review period. It is also requested that any revisions and supplements to this proposed Project by this applicant or any others which involve this Project be placed on a full 30-day Public Notice in order to allow all stakeholders an opportunity to provide additional comments to USACE and TCEQ.

Respectfully,

RD Kissling

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