

January 15, 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 789711-3087

RE: Section 10/404 proposed Permit Application No. SWG-2016-00384, Romerica Investments, LLC.

Dear Corps and TCEQ,

I will be directly affected by the development of the proposed “The Herons Kingwood Marina” project by Romerica Investments, LLC, and live within a mile of the proposed site.

It appears, at least to the public, that little has been done to investigate the potential damage to this part of the San Jacinto West Fork environment & ecosystem and the potential impact on drinking water in Lake Houston. The need for an EIS (Environmental Impact Statement) for a project of this magnitude is greatly needed to ensure the healthy future of the area and of Houston’s natural water sources. I would also like to request that the Army Corps of Engineers provide a public hearing to inform the public of the project and its own findings regarding these concerns.

The proposed development of “The Herons Kingwood Marina” raises concerns for the impact of the San Jacinto West Fork environment & ecosystem. The San Jacinto river and wetlands will not only be affected by the new construction and modification but also by the increase of pollutants from additional commercial and public transportation, parking facilities, pollutants from commercial landscaping practices, pollutants from businesses and retail practices and pollutants from the proposed marina. These pollutants will make their way into the proposed waterways and marina and then into the surrounding wetland areas and San Jacinto river.

The San Jacinto West Fork wetlands will also be affected by filling in 84.71 acres of these wetlands with 136,931 cubic yards of fill material. The construction and development of an 80-acre marina with a capacity of 640 boats and 2 new navigation channels, will eliminate portions of wetlands and affect the surrounding areas of the San Jacinto river. Marinas can negatively affect waterways as noted by the Environmental Protection Agency (EPA);

Because marinas are located right at the water's edge, there is a strong potential for marina waters to become contaminated with pollutants generated from the various activities that occur at marinas—such as boat cleaning, fueling operations and marine head discharge—or from the entry of storm water runoff from parking lots and hull maintenance and repair areas into marina basins.

<https://www.epa.gov/nps/nonpoint-source-marinas-and-boating>

It is also noted that a marina the size proposed by Romerica Investments, LLC, goes against the Texas Parks & Wildlife analysis indicating that;

Both forks of the San Jacinto have limited flows of water, and recreational usage depends upon sufficient rainfall to increase the volume of water. The main stream is infeasible as a recreational waterway.

[https://tpwd.texas.gov/publications/pwdpubs/pwd\\_rp\\_t3200\\_1047/09\\_e\\_tx\\_san\\_jacinto\\_trinity\\_elm.phtml](https://tpwd.texas.gov/publications/pwdpubs/pwd_rp_t3200_1047/09_e_tx_san_jacinto_trinity_elm.phtml)

The river and wetlands in the West Fork area serve as a natural habitat for many native mammals, birds, fish, and fauna. It is a resting stop for migratory birds and is a safe passage for wildlife from Lake Houston all the way up to Lake Conroe.

The wetlands along the river also play an integral part of helping maintain water quality. The San Jacinto West Fork serves as a major tributary to Lake Houston and plays a crucial role in protecting the drinking water of residents throughout the region, including the city of Houston. The EPA states;

Wetlands and riparian areas typically occur as natural buffers between uplands and adjacent water bodies. They act as natural filters of nonpoint source pollutants, including sediment, nutrients, pathogens and metals, to waterbodies, such as rivers, streams, lakes and coastal waters. It is important to preserve and restore wetlands and riparian areas because these areas can play a significant role in managing adverse water quality impacts. Wetlands, including depressional wetlands, and riparian areas help decrease the need for costly stormwater and flood protection facilities.

Wetlands are important because they protect and improve water quality, provide fish and wildlife habitats, store floodwaters and maintain surface water flow during dry periods.

<https://www.epa.gov/wetlands>, <https://www.epa.gov/nps/nonpoint-source-wetlandriparian-management>

The Army Corps of Engineers places a high value on wetland areas themselves and understands the necessity of wetlands as a natural filtration system:

Wetlands are areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted for life in saturated soil. Wetlands include swamps, marshes, bogs and similar areas. As a significant natural resource, wetlands serve important functions relating to fish and wildlife. Such functions include food chain production, habitat, nesting spawning, rearing and resting sites for aquatic and land species. They also provide protection of other areas from wave action and erosion; storage areas for storm and flood waters; natural recharge areas where ground and surface water are interconnected; and natural water filtration and purification functions.

Although individual alterations of wetlands may constitute a minor change, the cumulative effect of numerous changes often results in major damage to wetland resources.

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Frequently-Asked-Questions/>

The Texas Commission on Environmental Quality (TCEQ) acknowledges the potential increase of urban runoff into tributaries that affect Lake Houston.

As the Houston metroplex expands to the north, numerous wastewater treatment plants and urban runoff increase the organic and nutrient loading and fecal coliform bacteria levels in all major tributaries to Lake Houston. Major tributaries to Lake Houston in northwestern Harris County are Cypress Creek, the West Fork of the San Jacinto River, and Spring Creek. Dissolved oxygen deficiencies can also occur in these streams. ... In the future, the quality of these water bodies may be affected by urban expansion.

<https://www.tceq.texas.gov/assets/public/waterquality/swqm/assess/02twqi/basin10.pdf>

I request the TCEQ ensure the protection of the West Fork wetlands and San Jacinto river by following their own forward in the 404 Permit documentation.

Every state sets its own water quality standards. They serve many purposes, including acting as the yardsticks for measuring whether the quality of each body of water in the state is kept at the level necessary to perpetuate the human and aquatic life that has historically existed there. In allowing pollutants to be added to state water (which includes a broad range of substances such as chemicals, concrete, rock, sand, or other materials), both the federal and the state governments are required to be sure that the discharge will not create a condition that will impair the ability of life existing in or depending on the water to survive and reproduce. The state is charged with confirming that the federal permit accomplishes this. The TCEQ is the agency with primary responsibility for making sure we adopt and enforce state water quality standards. It conducts 401 certification reviews to ensure that Texas is involved in decisions made by the federal government that affect the quality of the water resources of this state.

<https://www.tceq.texas.gov/assets/public/permitting/assess/401cert/401cov.pdf>

If there was any doubt that further analysis is necessary, marketing material for the proposed development tries to suggest the creation of a “‘concentrated’ wetland effect, using plants and naturally occurring bacteria” as a means for habitat and clean water. This 1,435 square meters of a “Floating Treatment Wetlands” equates to .35 acres, a shortcoming to the removal of 84.71 acres of wetlands. Rather than putting the environment and ecosystem in the hands of a developer it would be better served to conduct actual studies and require real mitigation proposals.

Due to the concerns raised in this letter I request that the Corps deny the permit application. I appreciate the opportunity to provide public comment on this proposed permit application.