

PART II
APPENDIX IID
FLOODPLAINS AND WETLANDS

APPENDIX IID-1

FEMA LETTER OF MAP AMENDMENT



Federal Emergency Management Agency

Washington, D.C. 20472

July 17, 2020

MR. KYLE BLANK
JONES|CARTER
6330 WEST LOOP SOUTH
SUITE 150
BELLAIRE, TX 77401

CASE NO.: 20-06-2644A
COMMUNITY: CITY OF HOUSTON, HARRIS
COUNTY, TEXAS
COMMUNITY NO.: 480296

DEAR MR. BLANK:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region



Federal Emergency Management Agency

Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

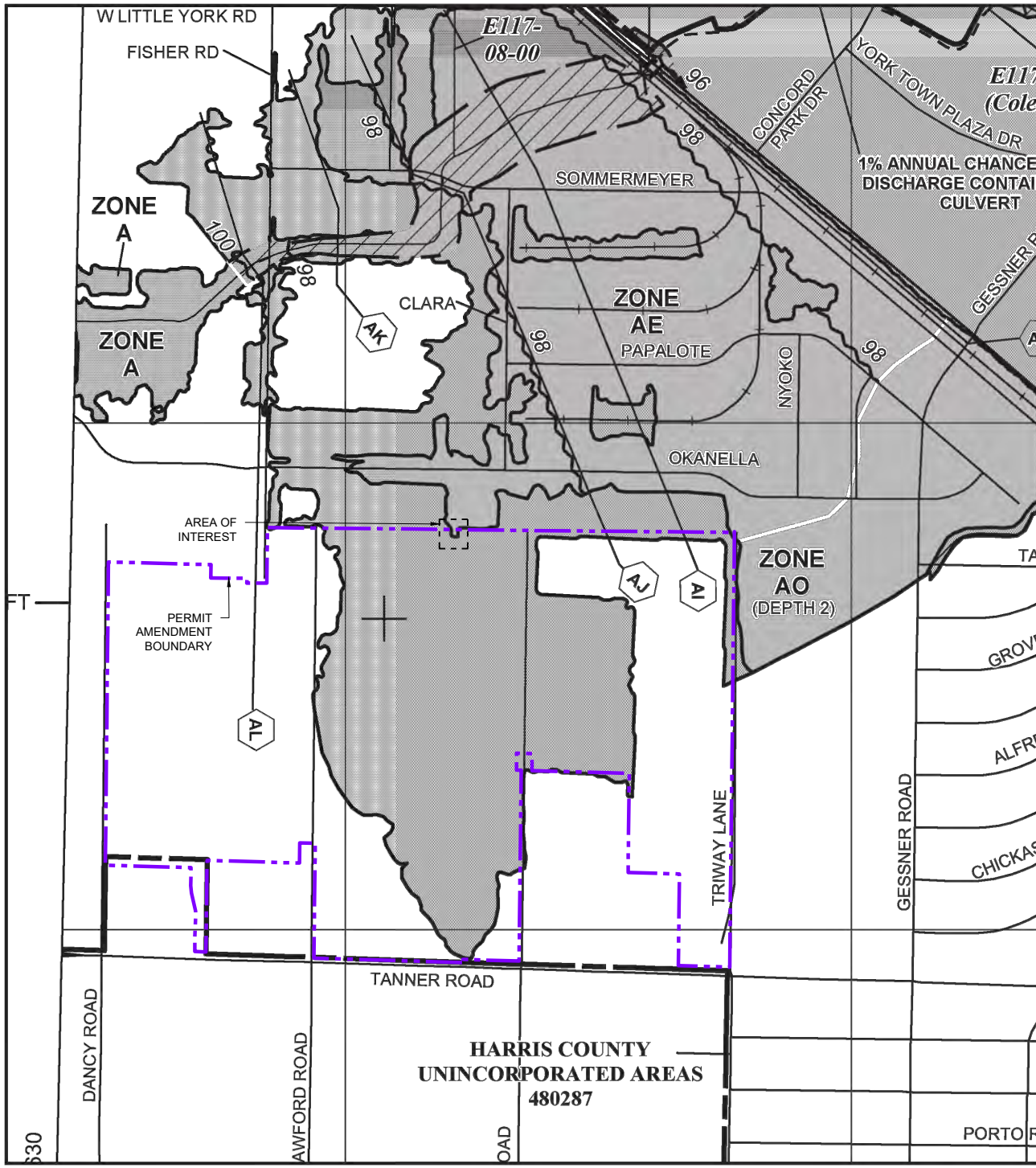
The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

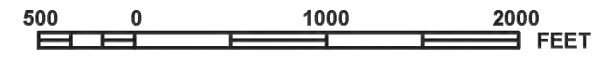
LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0635M

FIRM
FLOOD INSURANCE RATE MAP
HARRIS COUNTY,
TEXAS
AND INCORPORATED AREAS

PANEL 635 OF 1150

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
HARRIS COUNTY, UNINCORPORATED AREAS	480287	0635	M
HOUSTON, CITY OF	480298	0635	M
JERSEY VILLAGE, CITY OF	480300	0635	M

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
48201C0635M

MAP REVISED
JUNE 9, 2014

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF HOUSTON, HARRIS COUNTY, TEXAS	Lot 18, and a portion of Lot 17, Block 4, Independence Gardens, as described in the General Warranty Deed recorded as Document No. 20110197277, in the Office of the County Clerk, Harris County, Texas The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 480296	
AFFECTED MAP PANEL	NUMBER: 48201C0635M DATE: 6/9/2014	
FLOODING SOURCE: E117-00-00 (COLE CREEK)		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 29.857915, -95.554676 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
17, 18	4	Independence Gardens	--	Portion of Property	X (shaded)	--	--	98.1 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION
PORTIONS REMAIN IN THE SFHA
STATE LOCAL CONSIDERATIONS

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



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LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

COMMENCING at the northeast corner of said 8.207 acre tract; THENCE, South 87°46'28" West, with the northerly line of said 8.207 acres, a distance of 420.49 feet to the POINT OF BEGINNING of the herein described tract; THENCE, over and across said 8.207 acres the following 3 calls; 1. South 00 Degrees 17 Minutes 19 Seconds East, a distance of 50.07 feet; 2. South 89 Degrees 53 Minutes 45 Seconds West, a distance of 49.64 feet; 3. North 00 Degrees 06 Minutes 55 Seconds West, a distance of 48.24 feet to a point in the northerly line said 8.207 acres; THENCE, North 87 Degrees 46 Minutes 28 Seconds East, with the northerly line of said 8.207 acres, a distance of 49.52 feet to the POINT OF BEGINNING

Please note: All Elevations in this Determination Document are referenced to the North American Vertical Datum of 1988 (2001 Adjustment).

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez".

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

APPENDIX IID-2
UNITED STATES ARMY CORPS OF ENGINEERS (USACE)
DOCUMENTATION

Appendix IID-2A

Jurisdictional Determination Approval Request Letter



May 15, 2020

Andria Davis

Regulatory Manager
Galveston District Regulatory
P.O. Box 1229
Galveston, TX 77553

RE: Approved Jurisdictional Determination for the Hawthorn Park Landfill Expansion Project Houston Harris County, Texas

To Whom it May Concern,

The applicant, Golder Associates Inc. (Golder) on behalf of USA Waste of Texas Landfills, Inc (USA Waste) is requesting an Approved Jurisdictional Determination of 28.57 acres of non-jurisdictional "Waters of the U.S." (WOUS), including 1.00-acre of isolated wetlands, 21.17 acres of open waters resulting from manmade excavations of upland areas, and 6.40 acres (15,604 linear feet) of upland manmade drainage ditches associated with the Hawthorn Park Landfill Expansion Project (Project). The Project is located on an approximate 253-acre tract, north of Tanner Road, west of Gessner Road, and east of the Sam Houston Parkway in Houston, Harris County, Texas. (Please refer to the attached maps in the Wetland Delineation Report).

USA Waste is proposing expansion of the existing Hawthorn Park Landfill currently permitted as Texas Commission on Environmental Quality (TCEQ) Municipal Solid Waste (MSW) Permit No. 2185. This jurisdictional determination request is completed in compliance with applicable TCEQ MSW permitting requirements for Wetlands (30 Texas Administrative Code [TAC] §330.61(m)), Endangered or Threatened Species (30 TAC §330.61(n)), and Texas Historical Commission Review (30 TAC §330.61(o)). This expansion includes increasing the permitted area for landfill development to approximately 211 acres by including additional adjacent properties and previously abandoned road rights-of-ways (ROWs). Approximately 96% of the proposed permit area has been previously developed as part of ongoing landfill operations, recycling areas, access roads, and drainage features.

The expansion will also include completion of a detention basin located adjacent and east of the property. The detention pond will encompass approximately 45 acres and was approved by the City of Houston and Harris County Flood Control District in 1995. Construction of this detention pond has continued as part of ongoing landfill construction and operations.

Golder biologists conducted a routine wetland and waterbody delineation of "Waters of the United States" (WOUS) for the Project on March 9-12, 2020. The field delineation was performed in accordance with the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic Gulf Coastal Plains Region* (Version 2.0) (USACE, 2012). Golder followed USACE standard procedures to evaluate WOUS, including wetland subject to regulation under the Clean Water Act (Jurisdictional waters), as established in the Regional Supplement and the USACE Jurisdictional Determination Form Instructional Guidebook (USACE, 2007).

wetland subject to regulation under the Clean Water Act (Jurisdictional waters), as established in the Regional Supplement and the USACE Jurisdictional Determination Form Instructional Guidebook (USACE, 2007).

A copy of the Wetland Delineation Report has been included for your convenience. Please contact Ashley Thompson at (941) 773-1848 or by email at Ashley_Thompson@Golder.com for any questions or require further information.

Golder is acting as the duly authorized agent of USA Waste.



Ashley Thompson
Senior Biologist



Jacob Trahan
Project Manager

Approved for submittal on behalf of USA Waste of Texas Landfills, Inc.



Charles A. Rivette, PE
Director, Planning and Project Development

Attachments: Attachment 1: Jurisdictional Determination Request Form
Attachment 2: Wetland Delineation Report

Appendix IID-2B
Jurisdictional Determination Request Form

**REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD)
or "NO PERMIT REQUIRED" VERIFICATION (NPR)**

Send to: *Regulatory Division, Compliance Branch, P.O. Box 1229, Galveston, Texas 77553-1229*

I am requesting a JD or NPR on property located at: North of Tanner Rd. west of Gessner Rd. and east of Sam Houston Parkway
(Street Address)

City/Township/Parish: Houston County: Harris State: Texas

Acreage of Parcel/Review Area for JD: 253.06

Latitude (decimal degrees): 29.854249 Longitude (decimal degrees): -95.553903

(For linear projects, please include the center point of the proposed alignment.)

*** Require also a survey/plat map and/or a vicinity map identifying location & boundaries of subject parcel.***

I currently own or lease this property/parcel.

I plan to purchase this property/parcel & have approval from the landowner; or under contract for finalizing the purchase of the parcel.

I am an agent/consultant acting on behalf of the requester & approval from the landowner.

Other (please explain): _____

Reason for this request: (check as many as applicable)

I intend to construct/develop a project and/or perform activities on this parcel and this request is accompanied by my permit application and the JD is to be used in the permit evaluation process. (PJD and/or AJD)

I intend to construct/develop a project and/or perform activities in or effecting a "navigable water of the U.S." (PJD or AJD)

A Corps response (JD or NPR) is required prior to obtaining local/state authorization and/or associated resource funding. (PJD or AJD)

I intend to construct/develop a project and/or perform activities on this parcel which would be designed to avoid all aquatic resources. (AJD and/or PJD)

I intend to construct/develop a project and/or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority. (AJD)

I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel. (AJD)

I believe that the site may be comprised entirely of dry land. (AJD)

Other: _____

Type of jurisdictional determination (JD) or a no permit required verification (NPR) being requested:

I am requesting an approved jurisdictional determination (AJD).

I am requesting a preliminary jurisdictional determination (PJD).

I am requesting a NPR letter as I believe my proposed activity is not regulated. (NPR)

I am unclear as to what I would like to request and require additional information to inform my decision.

By signing below, you are indicating that you have the legal authority, or are acting as the duly authorized agent of a person(s) or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the action requested. Your signature shall be an affirmation that you possess the requisite property rights to request such action on the subject property (or properties).

Signature: 

Date: 5/15/2020

Typed or Printed Name: Jake Trahan

Mailing Address: 14950 Heathrow Forest Parkway, Suite 280, Houston, Texas, USA 77032

Daytime Phone Number: (832) 360-5122

Email Address: jacob_trahan@golder.com

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above and/or if a Department of the Army Permit is required for a proposed action.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be finalized.