



September 5, 2013

VIA U. S. FIRST CLASS MAIL

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1001 Preston, Suite 911
Houston, Texas 77002

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Harris County Commissioner R. Jack Cagle
Precinct 4
1001 Preston, Suite 950
Houston, Texas 77002

RE: Nationwide #27 Permit Process for Memorial Park Demonstration Project on Buffalo Bayou

Dear Judge Emmett and County Commissioners:

The Houston Audubon Society has recently become aware of the permit process chosen by the Harris County Flood Control District (HCFCD) to construct the Memorial Park Demonstration Project on Buffalo Bayou. HCFCD could have elected to submit an application to the U.S. Army Corps of Engineers for an individual permit under Section 404 of the Clean Water Act. Instead, HCFCD chose to pursue a Nationwide #27 (restoration) permit.

This choice by HCFCD effectively removes the permit process from public review. A Nationwide #27 process restricts input to two entities: the applicant, namely HCFCD in this case, and the Corps. The public has no knowledge of what the applicant has submitted to the Corps or what claims the applicant has made to justify the request for a Nationwide #27 permit until *after* the Corps has issued a decision. The Nationwide #27 process does not include a public notice or a 30-day public comment period or the possibility of a public meeting.

Executive Director
Helen E. Drummond

The meetings at which the HCFCD has presented information about the draft plans (either the 60% plan or pre-80% plan) have been restricted largely to specific stakeholder groups. We understand that these include local landowners, the River Oaks Country Club, the Memorial Park Conservancy, and a local Texas Master Naturalists chapter.

Although it is important that HCFCD reach out to these stakeholders, the public is the most important stakeholder in the process. The HCFCD has not reached out to the public. Its choice of the Nationwide #27 permit process essentially shuts down public dialogue and the ability of the public to participate.

The public – and that includes the Houston Audubon Society - has an important stake in decisions that impact Buffalo Bayou and Memorial Park. The HAS is aware that within the 7,800 linear feet of bayou and park encompassed by the Demonstration Project are key linkages to remaining natural habitat within the inner city of Houston. The Hogg Bird Sanctuary is at the terminus of the Demonstration Project

The public requires *transparency* from the HCFCD and Harris County so that it has the necessary information to make decisions on the appropriateness of projects proposed by HCFCD that would impact these irreplaceable natural assets. We note that HCFCD did take the route of requesting an individual permit from the Corps for its current construction work on the Sabine to Shepherd stretch of Buffalo Bayou and we applaud their respect for the public process.

We have learned that there are an additional ten segments of Buffalo Bayou that could be proposed as restoration projects, all upstream of the currently proposed Demonstration Project. The Nationwide #27 permit process chosen for the Demonstration Project should not serve as a model to disenfranchise the public during future project proposals.

Since this Demonstration Project involves two icons of the Houston landscape – Buffalo Bayou and Memorial Park –we request that Commissioners Court re-evaluate the decision made by HCFCD to pursue a Nationwide #27 permit. There is a better alternative.

We request that the Court analyze the situation in regard to the effect it would have on the public's ability to participate in this project proposal and for the precedent HCFCD could set.

Thank you for your attention to our concerns.

Sincerely,

HOUSTON AUDUBON SOCIETY



Helen Drummond, Executive Director