

Early Notice and Public Review of a Proposed Activity in a Floodplain and Wetland

To: All interested Agencies, Groups and Individuals.

This is to give notice that the **General Land Office** has determined that the following proposed action under the Community Development Block Grant - Disaster Recovery Program administered by the Texas General Land Office – U.S. Department of Housing and Urban Development’s Community Development Block Grant Mitigation (CDBG-MIT) and **DD6 MIT MOD Corley Diversion Project, #24-065-004-E161 / B-18-DP-48-0002**, is located in a floodplain and wetland, and the **General Land Office** will be identifying and evaluating practicable alternatives to locating the action in the floodplain and wetland and the potential impacts on the floodplain and wetland from the proposed action, as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Protection of floodplains and wetlands.

Project Location:

All work will occur in the City of Beaumont, Jefferson County, Texas at the following locations:

- S 5th Street from 75 l.f. north of Blanchette St. to 195 l.f. south of Terrell Ave.
- Prairie Ave. from S 5th St. to 90 l.f. east of Ave. D
- Ave. D from 150 l.f. south of Terrell Ave. to 200 l.f. northwest of Irma St.
- Irma St. from Ave. D to 90 l.f. east of Neches St.
- Jones St. from Irma St. northwest 225 l.f.
- Gary St. from Irma St. north 240 l.f.
- Neches St. from 115 l.f. south of Irma St. to 106 l.f. north of Blanchette. St.
- Blanchette St. from 130 l.f. southwest of Nechest St. to 115 l.f. northeast of Pearl St.
- ROW From Blanchette St. and Pennsylvania Ave. southeast 315 l.f. to the Neches River.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Contractor shall install 18,300 LF of Concrete Box Culverts within a ROW. Construction activities shall also include:

- Outfall - 1 LS
- Ancillary Drainage Improvements - 1 LS
- Remove/Replace Pavement – 14,470 LF
- Water/Sanitary Sewer Relocation – 1 LS

Acquisition:

Grantee shall acquire easements as needed to accommodate construction and carry out all acquisition of needed easements and/or rights-of-way in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq)

FLOODPLAIN

Exemptions to Part 55:

Actions listed in the revised 24 CFR 55.12 that are exempt from the floodplain management requirements of Part 55 include:

- *Exempt activities and actions that are Categorical Exclusions Not Subject to 50.4 or 58.5*
- *Restoration or preservation of floodplains, acquisition of floodplains property provided the site is used for flood control or open space but only if structures are cleared and improvements are specifically limited*
- *Receivership or foreclosure and related actions*
- *Policy-level actions not involving site-based work*

- Issuance of non-project-based housing vouchers
- A minor amendment to a previously approved action

The project is subject to Part 55 because it meets the criteria for none of the exemptions.

Critical Actions:

Critical action means any activity for which even a slight chance of flooding would be too great because such flooding might result in loss of life, injury to persons, or damage to property. Critical actions include activities that create, maintain, or extend the useful life of those structures or facilities that:

- Produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials
- Provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., community stormwater management infrastructure, water treatment plants, data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas)
- Are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g., persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers; housing for independent living for the elderly is not considered a critical action

Because the project meets is considered “community stormwater management infrastructure”, it is considered a critical action.

How FFRMS was determined:

The FFRMS is determined by utilizing a tiered approach:

- Climate-Informed Science Approach (CISA) - **Preferred Method**
- 0.2-Percent-Annual Chance Floodplain Approach (0.2PFA)
- Freeboard Value Approach (FVA)

Climate-Informed Science Approach (CISA)

After multiple attempts to obtain mapping information from the Federal Flood Standard Support Tool (FFSST), it was concluded that no CISA data is available for the project area as each attempt resulted in an error. As such, this approach could not provide a determination as to whether the project was in the FFRMS floodplain. The next tiered approach, 0.2PFA (500-year floodplain method), was therefore considered.

FEMA 0.2PFA (500-year floodplain)

- FEMA maps must show a 500-year floodplain in order to be used
- Critical Actions require both the 0.2PFA and the Freeboard Value Approach (FVA) be used to determine which elevation is higher, the 0.2PFA or FVA.

According to FEMA Map #485470020 C (effective date 8/6/02), the portion of the project that occurs on the south side of Blanchette St. and the east side of S Sabine Pass Ave and occurs within the Neches River is located in a 100-year floodplain (Zone AE). Since projects which occur within a 100-year floodplain are considered within a FFRMS floodplain, **the 8-step process is required for this project.**

Area of Disturbance in the FFRMS floodplain: 0.110 acres

Further, according to FEMA Map #485470020 C (effective date 8/6/02) and #485470025 C (effective date 8/6/02) the majority of the project is located in Zone X which is not considered a special flood hazard area. However, because no 500-year floodplains were identified on the maps, these maps could not be used to determine whether these sections of the project are located in a FFRMS floodplain.

In order to ensure that all appropriate FEMA floodplain data was considered and the most stringent data source was used for the comparable flood data, all available effective, preliminary and pending FIRMS were reviewed:

Effective Maps - 40

Preliminary Maps - 44

Pending Maps - 0

Upon completion of this review, it was discovered that two (2) Preliminary Maps showed the majority of the project was in Zone X which represents no changes from the Effective FEMA maps previously mentioned:

- #48245C0165F (Effective Date - TBD)
- 48245C0155F (Effective Date - TBD)

The maps provided a Floodplain Base Elevation of 10 feet.

Because the project is a Critical Action and the 0.2FA method could not be used to determine if all elements of the project are located in the FFRMS floodplain, the Freeboard Value Approach (FVA) was also considered. Per FVA, the FFRMS elevations is the higher of the 0.2PFA and FVA.

Freeboard Value Approach (FVA):

FVA defines the FFRMS floodplain as the elevation and flood hazard area that results from:

1. *Adding two (2) feet to the base flood elevation (BFE) for non-critical actions or*
2. *Adding three (3) feet to the BFE for critical actions.*

Based on the FEMA Flood Elevation Tool, the Floodplain Base Elevation is 21 feet. According to the FVA, because the project is a critical action, **the FFRMS floodplain elevation would be the Floodplain Base Elevation (21 feet) plus three (3) feet or 24 feet.** In addition, the tool showed that the majority of the project is in a High risk (1%) zone. **Therefore, the entire project is considered to be in an FFRMS floodplain and is therefore subject to the 8-step process.**

Further, since the higher of the 0.2FA and FVA FFRMS floodplain elevations must be used, **it was determined that the FVA FFRMS floodplain (24 feet) would be utilized as the FFRMS floodplain elevation.**

Total Area of FFRMS Floodplain Disturbance: 84 acres

Natural and beneficial values potentially adversely affected by the activity:

1. Preventing loss of life and property as a result of flooding is the highest priority. A flood could damage the new infrastructure.
2. In addition to concerns for life and property, the General Land Office has considered the natural values of the floodplain and wetland. The natural resources of the floodplain and wetland include water, biological, and societal resources. The proposed project will have minimal impacts to the floodplains and wetlands because appropriate mitigation will be in place.
3. After review an Endangered Species Assessment and consultation with the USFWS and TPWD, it was concluded that the construction of the facilities will have no quantifiable impact on plant and animal life. Only native plants are to be used in the floodplain, wetland and on the site.

4. Societal resources should also be considered during the design process. The designs are meant to complement the natural features of the area and to offer an aesthetically pleasing structure. The site will not have an effect on agricultural lands.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the floodplain and wetland, alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains and wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by the **General Land Office** at the following address on or before **March 11, 2025, Ms. Heather Lagrone, Texas General Land Office, PO Box 12873, Austin, TX 78711-2873**. A full description of the project may also be reviewed from **9:00 AM to 5:00 PM**. at the address above. Comments may also be submitted via email at **todd@texasenvironmentals.com**.

Posting Date: February 20th, 2025