

## **Final Notice and Public Explanation 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 conducted an evaluation 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 Floodplain Management and Wetlands Protection. The activity is funded under the HUD CDBG Disaster Recovery Program under **DD6 MIT MOD Corley Diversion Project, #24-065-004-E161 / B-18-DP-48-0002.**

### **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 Neches 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 is considered “community stormwater management infrastructure”, it is considered a critical action.

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***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 (0.2PFPA)*
- *Freeboard Value Approach (FVA)*

*Climate-Informed Science Approach (CISA)*

- *Federal CISA data must be equal to or greater than base flood elevation (BFE) to be used.*

According to the Federal Flood Standard Support Tool (FFSST), it was concluded that no CISA data is available for the project area. As such, this approach could not provide a determination as to whether the project was in the FFRMS floodplain. The next tiered approach, 0.2PFPA (500-year floodplain method), was therefore considered.

*FEMA 0.2PFPA (500-year floodplain)*

- *FEMA maps must show a 500-year floodplain in order to be used*
- *Critical Actions require both the 0.2PFPA and the Freeboard Value Approach (FVA) be used to determine which elevation is higher, the 0.2PFPA 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. The map also showed the highest floodplain base elevation at 10 feet.

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)

Because 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.

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 highest Floodplain Base Elevation in the project area, which must be used in the FVA calculation, 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.**

- Total Area of FFRMS Floodplain Disturbance: 24.9 acres
- **FVA FFRMS = 24 feet**

## WETLANDS

According to a Wetland and Waterbody Delineation Report of the project area, the following was concluded:

The purpose of this wetland and waterbody delineation report was to identify and delineate all wetlands and waterbodies, including WOTUS, for the Corley Diversion Project (CDBG-MIT #24-065-004-E161) located in Beaumont, Jefferson County, Texas 77701.

There is one jurisdictional tidal waterbody, the Neches River (0.02-acre) within the project area at the northeast end of the project route within the Port of Beaumont. In addition, there is one palustrine emergent wetland (Wetland 1, 0.09-acre) within an isolated depression in the existing ROW near the west end of the route between S 5th Street and Prairie Street.

The Neches River is considered a TNW at the project location and would be considered jurisdictional under Section 404 of the CWA and Section 10 of the RHA. The MHW elevation of the Neches River near the site is 0.93 feet.

Wetland 1 is located within an isolated depression within the ROW near the west end of the route between S 5th Street and Prairie Street. Wetland 1 does not connect to any other wetlands or waterbodies and does not have any hydrological connection to a TNW or other WOTUS. Therefore, it is CEC's opinion that Wetland 1 would be considered an isolated, non-adjacent wetland that is non-jurisdictional under Section 404 of the CWA.

Any proposed activities within the project area should be designed in a manner to avoid and minimize impacts to WOTUS to the greatest extent practicable. Any proposed dredged material or fill placement within the jurisdictional boundary of the Neches River will require a Section 404/10 permit from the USACE Galveston District.

It is CEC's understanding that the proposed stormwater outfall to be constructed at the northeast end of the project route along the shoreline of the Neches River at the Port of Beaumont Turning Basin is located 1,570 feet west of the Setback Hazard Zone designated by the USACE Galveston District in this area. Outfall structures constructed outside of the SNWW Setback Hazard Zone may be authorized under a Nationwide Permit. However, should the USACE determine that the project is located within the Setback Hazard Zone, a Letter of Permission may be required for authorization of the proposed outfall structure.

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Pre-application/Project Scoping Request:

- Sent to the United States Army Corp of Engineers (USACE) on October 11, 2024.

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**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.

The **General Land office** has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

1. **Do only work outside the floodplain and wetland.** - Because the infrastructure to be addressed is located within the FFRMS floodplain and wetland and must be addressed, it is not possible to complete this project outside of the floodplain. (Not Viable)
2. **Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR).** - It was determined that neither a LOMA nor a LOMR was likely nor practical for the project area. (Not Viable)
3. **Other infrastructure considered.** - After considering other potential projects in the City, it was determined that of the eligible projects, this project was of the highest priority. (Not Viable)
4. **No Action or Alternative Actions that Serve the Same Purpose.** - The infrastructure to be addressed is inadequate for the area and must be addressed to prevent public health hazards. (Not Viable)

**Mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:**

- Preserving Natural Values and Minimizing Impacts: After construction is completed, the disturbed area will need to be immediately re-vegetated with native grasses. Only native plants are to be used in the floodplain and wetland and on the site.
- Deposition and excavation of materials will need to be performed in such a manner that erosion and sedimentation will be controlled.
- Precautions will need to be taken in the handling of fuels or other hazardous materials to prevent discharge or spillage resulting in lower groundwater quality.
- Erosion control measures such as hay bales or silt screen barriers will need to be implemented and maintained during construction as required.
- The project engineer will need to incorporate best management practices into the specifications and plans.
- Any proposed activities within the project area should be designed in a manner to avoid and minimize impacts to WOTUS to the greatest extent practicable. Any proposed dredged material or fill placement within the jurisdictional boundary of the Neches River will require a Section 10 permit from the USACE Galveston District.
- Outfall structures constructed outside of the Sabine Neches Waterway Setback Hazard Zone (SNWW) Setback Hazard Zone may be authorized under a Nationwide Permit. However, should the United States Army Corps of Engineers (USACE) determine that the project is located within the Setback Hazard Zone, a Letter of Permission may be required for authorization of the proposed outfall structure.

**Date of any final or conditional LOMR's or LOMA's from FEMA:** None requested.

The **General Land Office** will ensure applicable state and local floodplain protection procedures are followed. The **General Land Office** has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Orders 11988 and 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

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. 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 21, 2025** a minimum 7 calendar day comment period will begin the day after the publication and end on the 8<sup>th</sup> day after the publication: **General Land Office, Environmental Protection Specialist, 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 from the previously mentioned address. Comments may also be submitted via email at [todd@texasenvironmentals.com](mailto:todd@texasenvironmentals.com).

**Date: March 13, 2025**