U.S. Department of Housing and Urban Development:

8-Step Process - Wetland

Project Name: DD6 MIT MOD Corley Diversion Project
State/Local Identifier: 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 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

Step 1: *Determine whether the action is located in a Wetland.*

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.

Pre--application/Project Scoping Request:

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

Step 2: ***Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.***

There are designated Wetlands associated with the proposed project sites. An early Wetland notice was posted regarding the project, affording the opportunity for public input. No comments were received.

Posting Date: 2/20/25

Step 3: ***Identify and evaluate practicable alternatives.***

The project site selection criteria are:

(a) The project cannot cause current residents to become displaced;
(b) The project must be within the City in order for grant proceeds to be used;
(c) The project must address infrastructure which was damaged due to recent flooding.

The City considered several alternative sites and actions:

1. **Do only work outside the wetlands. -** It is not possible to complete this project without disturbing the wetlands and the project must be completed.

2. **Other infrastructure considered. -** Other infrastructure projects were also considered within the City Jurisdictional limits. However, the Jefferson County Drainage District No. 6 concluded that this project was the highest priority of any eligible projects.

3. **No Action or Alternative Actions that Serve the Same Purpose**. - A no-action alternative was considered but the drainage system is currently not functioning properly which could pose a health hazard to the community.

Step 4: ***Identify Potential Direct and Indirect Impacts of Associated with Wetland Development.***

1. 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.

2. 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

3. 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 as it does not include activities including new construction or acquisition of undeveloped land or conversion that could convert agricultural land to non-agricultural land.

Step 5: ***Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the Wetland and to restore, and preserve the values of the Wetland.***

1. 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 wetland and on the site.
2. Deposition and excavation of materials will need to be performed in such a manner that erosion and sedimentation will be controlled.
3. 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.
4. Erosion control measures such as hay bales or silt screen barriers will need to be implemented and maintained during construction as required.
5. The project engineer will need to incorporate best management practices into the specifications and plans.
6. 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.
7. 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.

Step 6: *Reevaluate the Alternatives.*

1. **Do only work outside the wetlands. -** Some drainage infrastructure that was damaged by the floods is located within a wetland and must be addressed. (Not Viable)

2. **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)

3. **No Action or Alternative Actions that Serve the Same Purpose**. - The current storm drainage system is inadequate for the area and must be addressed to prevent public health hazards and loss of property. (Not Viable)

Step 7: *Determination of No Practicable Alternative*

It is our determination that there are no practical alternatives for locating the project in the wetland.

A final notice was published detailing the reasons why the project must be located in the Wetland, a list of *alternatives* considered, and all mitigation measures are taken to minimize adverse impacts and preserve natural and beneficial Wetland values. No concerns were expressed by the public concerning this notice.

Posting Date: 3/13/25

Step 8: *Implement the Proposed Action*

The General Land Office will ensure that this plan, as modified and described above, is executed and necessary language will be included in all agreements with participating parties. The Office will also take an active role in monitoring the construction process to ensure no unnecessary impacts occur nor unnecessary risks are taken.