

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT & INTENT TO REQUEST
RELEASE OF FUNDS- & FINAL NOTICE & PUBLIC EXPLANATION OF A PROPOSED ACTIVITY
IN A 100-YEAR FLOODPLAIN & WETLAND**

September 21, 2023

Tyler County 201 Veterans Way, Woodville TX 75979 Ph: 409-283-2141

These notices shall satisfy three separate but related procedural requirements for activities to be undertaken by Tyler County.

To: All interested Agencies TWDB Floodplain Coordinator, Tyler County, TPWD, Groups & Citizens of Tyler County

On or about October 9, 2023 the Tyler County (“County”) will submit a request to the Texas General Land Office (“TGLO”) for the release of Community Development Block Grant Mitigation funds under The U.S. Department of Housing and Urban Development’s Community Development Block Grant Mitigation (“CDBG-MIT”) program to provide financial assistance with funds appropriated under Public Law 115-123, enacted on August 30, 2019, to facilitate disaster recovery, restoration, mitigation, & economic revitalization & to affirmatively further fair housing, in accordance with Executive Order 12892, in areas affected by 2015, 2016, & 2017 disasters, which are Presidentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief & Emergency Assistance Act (42 U.S.C. § 5121, et seq.) to undertake a project known as Tyler County Flood & Drainage Facilities for Precinct 3– Group 1, GLO Contract #22-119-009-D419 & for the purpose of drainage improvement. These activities will increase resilience to disasters & reduce or eliminate the long-term risk of loss of life, injury, damage to & loss of property, & suffering & hardship, by lessening the impact of future disasters.

The County shall reconstruct roadway & ditches which will correct poor drainage handling; Remove & dispose of existing failed drainage structures to specified elevations; Replace or Install new drainage structures including barrel culverts & tank car culverts; Grade ditches to drain; Scarify, shape & re-compact 18” wide roadway cross section; Stabilize subgrade material with cement where specified; & Place & compact 4-inches of crushed limestone flexible base & complete all associated appurtenances at the following four (4) locations: P1-CR 3750 30.965289°, -94.328586° Length: 21,330 LF (approx. 8.81405 Acres); P5– CR 4151 (Woodland St) 30.809411°, -94.201619° Length: 500LF (approx. .207 acres disturbance); P7- CR 3630 (Moot Moore Rd) 30.867892°, -94.303678° Length: 700 LF (approx. .289 acres disturbance) Includes installation of headwall, plus rip rap & metal beam guard fence to improve safety & P8- CR 3560 30.821792°, -94.381117° Length: 1000 LF (approx. .413 acres disturbance). Includes installation of rip rap. Total approximate disturbance area is 9.72305 acres. Estimated funding for these four sites is approximately \$2,972,819.16. Total Grant contract amount is \$6,435,022.

FINDING OF NO SIGNIFICANT IMPACT

The County has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (“NEPA”) is not required. Additional project information is contained in the Environmental Review Record (“ERR”) on file at Tyler County, 201 Veterans Way Woodville, TX, 75979 where the ERR can be examined & is available for review & or copied weekdays 9 A.M to 3:00 P.M.

**FINAL NOTICE & PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR
FLOODPLAIN & WETLAND**

This is to give notice that the County under Part 58 has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain & wetland will have on the human environment The U.S. Department

of Housing and Urban Development's CDBG-MIT program under contract #22-119-009-D419. The proposed project located at CR 3630 (Moot Moore Rd) 30.867892 °, -94.303678° in Tyler County includes 700 lf of reconstructing roadway & ditches by installing new drainage structures to the specified elevations; grading ditches to drain; scarifying, shaping & re-compacting roadway cross sections; Stabilizing subgrade material with cement; placing & compacting 4-inches of crushed limestone flexible base & installing headwall, plus rip rap & metal beam guard fence to improve safety. Per FIRM Panel 48457C0350C eff. 04/04/2011, P7 - CR 3630 includes approximately 0.289 acres of construction located within Zone A of the 100-year floodplain & according to the National Wetlands Inventory ("NWI") a total amount of approximately 0.020 acre is located within a wetland: 0.012 acre is a riverine feature – R5UBH & 0.008 acre at a forested feature PFO1A. Natural & beneficial values include residential rural & rural drainage controls.

The County has considered the following alternatives & mitigation measures to be taken to minimize adverse impacts & to restore & preserve natural & beneficial values: 1) moving the project to another location would not assure the improved drainage at the existing project locations preventing future flooding during emergency weather events; 2) Using another form of drainage improvements was considered such as rerouting flow, however, this would potentially have more detrimental impacts to the environment and & other flood controls and & would be cost prohibitive; 3) not conducting the improvements will not facilitate future preservation of human health and & the environment in case of urgent flood control needs. 4) if construction encounters endangered species, suspend work to allow for voluntary escape, 5) provide workers with environmental awareness docs and TPWD contact information, 6) employ impact avoidance measures for aquatic organisms, 7) review areas prior to construction to prevent unintended impact to endangered species, 8) use scheduling and confine work to ROW and bridges to facilitate Best Management Practices ("BMPs") for safety of wildlife, fishes and mussels and obtain regulatory permits if necessary, 9) take specified precautions if turtles are encountered, 10) where possible construct culverts and bridges with wildlife in mind, providing space under bridges and culverts for wildlife to cross below the roadway- use disturbance-free buffers contiguous to wetlands or aquatic systems, 11) where possible place top of riprap at or below the proposed streambed flowline elevation & where applicable, place culverts and riprap such that up and downstream flow connections are present under low flow conditions, 12) where possible, prevent removal of trees with large hollows for bat habitat, 13) limit work in streams to areas above the ordinary highwater mark (OHWM), 14) utilize USACE Nationwide Permit 14 for linear road projects and follow requirements for wetland consistency – construction will occur within the existing ROW and above the OHWM, 15) ensure proper disposal of demolition debris and clear away incidental waste, 16) use BMPs to (a) prevent impact to 100-year floodplain and as a functionally dependent project, (b) activities should prevent impact to the floodway where applicable and c) be consistent with state and local floodplain/wetland protection 17) use BMPs to prevent erosion and restore disrupted soils to natural contours and appearance and to preserve surrounding terrain in floodplain, 18) locate utilities and potential underground gas lines prior to construction, 19) use scheduling to prevent impact to community traffic conditions.

The County has reevaluated the alternatives to building in the floodplain & has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and/or 11990, are available for public inspection, review & copying upon request at the times & location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons: 1) the project will ensure continued functionality of the roads ensuring safety & emergency access for area residents; 2) the project will follow BMPs that reduce floodplain & wetland impacts. There are three primary purposes for this floodplain/wetland notice. First, people who may be affected by activities in floodplains & those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns & provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate & enhance Federal efforts to reduce the risks associated with the occupancy & 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, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the County of Tyler. All comments received by October 6, 2023, will be considered by the County prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing during the hours of 8:00 AM - 4:00 PM. Written comments regarding the Final Floodplain Notice must be received by September 28, 2023, at Tyler County Courthouse 201 Veterans Way, Woodville, TX. 75979 & phone #409-283-2141. Attention: Milton Powers, County Judge, during the hours of 8:00 AM - 4:00 PM. Comments may also be submitted via email to: judge@co.tyler.tx.us The ERR documentation is available to view at <https://www.co.tyler.tx.us/page/tyler.Public.Notices.Calendar> .

ENVIRONMENTAL CERTIFICATION

The County certifies to TDA that Milton Powers, in his capacity as County Judge consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process & that these responsibilities have been satisfied. TGLO approval of the certification satisfies its responsibilities under NEPA & related laws & authorities & allows the County to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

TGLO will accept objections to its release of fund & the County's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Tyler County; (b) the County has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by TGLO; or d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared & submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) & shall be addressed to the Texas General Land Office, Heather Lagrone, Texas General Land Office, PO Box 12873, Austin, TX 78711-2873, env.reviews@recovery.texas.gov. Potential objectors should contact TGLO to verify the actual last day of the objection period.

Milton Powers, County Judge