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 Hardin County 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 **Hardin County MIT MOD - Drainage - Lumberton, #24-065-065-E596 / B-18-DP-48-0002,** is located in a floodplain and wetland, and Hardin County 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 Lumberton, Hardin County, Texas in the following locations:

Lumberton; Adler Ditch Channel Improvements

- Adler Ditch starting at a point located on the west side of S. LHS Dr. (Hwy 69) - (30.24851, -94.21259) approximately 685 l.f. north west of Cobblestone Terrace running southwest to a point on the north side of FM 421 approximately 160 l.f. west of Temple Rd. (30.2393, -94.21492).

El Pinto – Fletcher Channel and Detention Improvements - Lumberton

- El Pinto Channel (A) from Lumberton Early Childhood Campus to U.s. Hwy 69 (Start: 30.237238°, -94.197460°; Mid/Center: 30.233892°, -94.199274°, End: 30.2302500°, -94.201286°)
- El Pinto Roadway starting at point between King Palms Way and Mandaville Way (30.23314, -94.19971) running southward to a point on the east side of El Pinto and a point northeast of S Lhs Dr. (30.2303, -94.1991)
- Fletcher Channel from point located on west side of S. Main St. (Hwy 96) approximately 150 l.f. south of Church Loop (30.23264, -94.1947) running southwest to S. Lhs. Dr. (Hwy 69), approximately 215 l.f. southeast of El Pinto (30.22948, -94.20057)
- Fletcher Detention Pond located on a 5.87 acre area approximately 450 l.f. east of the intersection of El Pinto and S. Lhs Dr (Hwy 69) - (30.22965, -94.19821)

Lumberton; Woodcrest Area Roadside Ditch Improvements

- Harvard Dr. from Chestnut St. to east to point located 537 l.f. east of 3rd St. (30.23135, -94.17302)
- Cornell Dr. from Chestnut St. to 3rd St.
- Wingfield Dr. from Chestnut St. east to point located 559 l.f. east of 3rd St. (30.229, -94.17284)
- Rice Dr. from Chestnut St. east to point located 882 l.f. east of Yale St. (30.22824, -94.17512)

- Chestnut St. from Princeton St. to Dogwood Dr.
- 1st St. from Ash Dr. to Cedar Dr.
- Cedar Dr. from 1st St. to Birch Dr.
- 3rd St. from Birch Dr. to Princeton St.
- Princeton St. from 3rd St. to point 75' north of the intersection of Princeton St. and Windwood Blvd. (30.23215, -94.1843)
- Ash Dr. from Birch Dr. west to point west 260 l.f. of Pine St. (30.2258, -94.18699)
- Ratliff Dr. from Birch Dr. to Dogwood Dr.
- Birch Dr. from 1st St. to point east of of 3rd St. (30.22638, -94.17273)
- Duke St. from Princeton St. to Dogwood Dr.
- 2nd St. from Birch Dr. to Cypress Dr.
- Yale St. from Dogwood Dr. to Princeton St.
- Hickory St. from Dogwood St. south 645 l.f. to end
- Pine St. from Ash Dr. south 249 l.f. to end
- Dogwood Dr. all - 4,519 l.f. - east (30.22741, -94.17269), west (30.22619, -94.18614)
- Crosswind from Windwood Blvd. to W. Wind St.
- N. Wind St. from W. Wind St. to Windwood Blvd.
- W. Wind St. from S. Wind St. north 934 l.f. to end (30.23131, -94.18705)
- S. Wind St. from W. Wind St. to Windwood Blvd.
- Windwood Blvd. from S. Wind St. to Princeton St.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**:**
Lumberton Adler - Ditch and Channel Improvements

- Box Culvert Adjustments - 5 EA
- Concrete Headwalls - 2 EA
- Channel Concrete Lining - 4,000 LF
- Excavation - 45,000 CY

Lumberton El Pinto / Fletcher - Channel Improvements and Detention Pond

- The project will require acquisition to ensure adequate ROW is available. 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.).
- Asphalt Pavement - 2,167 SY
- Box Culverts - 1, 200 LF
- Concrete Headwalls - 2 EA
- Channel Concrete Lining - 2,150 LF
- Highway Culvert Crossing - 1,000 LF
- Detention Pond - 8,000 CY

Lumberton Woodcrest Roadside Ditch Improvements

- Driveway Culvert Replacement - 1,000 LF
- Roadside Ditch Excavation - 100,000 LF
- New Roadside Ditches and Drives - 10,000 - LF

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 Categorically Excluded 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,

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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 does not meet any of the above criteria, it is not 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)

- *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), there is no CISA data 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, 0.2PFA (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 floodplain maps #48190C0550F (Effective Date 10/06/10), #48199C0530F (Effective Date 10/6/10) the majority of the project is located in Zone X (Area of Minimal Flood Hazard) but a portion of the project is located in Zone A (100-year floodplain). Since the 100-year floodplain is considered a FFRMS floodplain, the portion of the project in the 100-year floodplain is considered in the FFRMS Floodplain and the 8-step Process is required..

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 - 12
- Preliminary Maps - 0
- Pending Maps - 0

Upon completion of this review, it was discovered that there was no additional data that would change the FFRMS floodplain determination. Further, since none of the maps showed the 500-year floodplain, this approach could not provide a determination as to whether the project was in the FFRMS floodplain. The next tiered approach, Freeboard Value Approach (FVA), was therefore 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.***

*This approach is used for noncritical actions if neither CISA data nor FEMA-mapped 0.2-percent-annual-chance floodplain data is available or actionable. **For critical actions, the higher of 0.2PFA or FVA must be used.***

According to the FEMA Floodplain Base Elevation Mapper, the following Floodplain Base

Elevations were determined:

- Adder Ditch: 39.982’
- El Pinto / Fletcher: 23.665’
- Lumberton Roadside Ditches: 31.438’

Since the project is not a critical action, and the FVA requires the highest Floodplain Base elevation be used, the FFRMS floodplain was determined to be 39.982’ + 2’ = 41.982’.

According to the USGS Topo Mapper, the entire project appears to be at or below the 41.982’. As such, it was concluded that the entire project is in the FFRMS floodplain.

Area of Disturbance: 41.96 acres

WETLAND
According to a Wetland and Waterbody Delineation Report, the following was concluded:

The purpose of this wetland delineation report was to identify and delineate all wetlands and other waterbodies, including WOTUS, for the Lumberton Street and Drainage Improvements Project
(CDBG-MIT #24-065-065-E596) located in Lumberton, Hardin County, Texas.

One potentially jurisdictional intermittent stream (Adler Ditch: 3,810 LF, 1.04-acre) was identified in the project area. Since Adler Ditch exhibits a relatively permanent flow of water and has a downstream
connection to a TNW (Neches River), it is CEC’s opinion that Adler Ditch would be considered an RPW and jurisdictional under Section 404 of the CWA.

In addition, five potentially non-jurisdictional aquatic features were also identified in the project area, including two manmade storm water drainage ditches (Ditch 1: 2,780 LF, 0.72-acre; Ditch 2: 2,250 LF, 0.45-acre) and three non-adjacent wetlands totaling 0.40 acre of wetlands. The non-adjacent wetlands include two PSS wetlands (Wetland 1: 0.09-acre; Wetland 2: 0.28-acre) and one PEM wetland (Wetland 3: 0.03-acre). Ditch 1 and Ditch 2 were constructed through former uplands between 1946 and 1952 and do not exhibit a relatively permanent flow of water. In addition, Wetlands 1, 2, and 3 occur in depressions associated with prior clearing activities within a vacant tract of land. None of the wetlands abut a potential WOTUS and none of the wetlands exhibit a continuous surface connection with any WOTUS.

Therefore, it is CEC opinion that Ditches 1 and 2 and Wetlands 1, 2, and 3
would not be jurisdictional under Section 404 of the CWA.

Natural and beneficial values potentially adversely affected by the activity:

1. Preserving Property: Project designs should, to the best extent possible, incorporate measures to reduce the risk of damage to the new infrastructure via another flood.
2. 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, wetland and on the site.

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

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 Hardin County at the following address on or before **June, 9th, 2025, Hardin County Courthouse, 300 West Monroe Street, Kountze, Texas 77625.** 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: May 19th, 2025