

Environmental Review Record

Environmental Assessment

City of Iowa Colony

Texas Community Development Block Grant Program – Disaster Recovery Harvey Disaster Recovery

Contract No. 20-065-008-C011

Flood & Drainage Improvements

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Executive Summary

The City of Iowa Colony has completed an Environmental Assessment of its Community Development Block Grant Program Disaster Recovery Project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

Based upon observations by the project engineers, the grant consultant, and the staff of the City of Iowa Colony, a Finding of No Significant Impact as a result of the proposed activities has been determined. Consultation with the Texas Historical Commission, Comanche Nation, Apache Tribe of Oklahoma, Coushatta Tribe of Louisiana, Tonkawa Tribe of Indians of Oklahoma, Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma, the Federal Emergency Management Agency, the Texas General Land Office, the Texas Commission on Environmental Quality, and the Environmental Protection Agency has yielded no objections to our findings. The consensus opinion is that implementation of this Flood & Drainage Improvements project will correct health and safety issues in the local community without negatively impacting the environment.

The City of Iowa Colony has complied with the regulations concerning the coordination and compliance of this project with all other Federal and State laws and authorities as specified by 24 CFR 58 and has documented this compliance in its Environmental Review Record.

Project Activity	Project Location	Approximate Lat./ Long.	Approximate Length (LF)
Flood & Drainage Improvements	Ames Blvd. (north side of Hayes Creek) to Ames Blvd. south side of Hayes Creek)	29° 24' 33.8976" N, 95° 26' 37.6044" W	220

Performance Statement and Project Map

CITY OF IOWA COLONY 20-065-008-C011

PERFORMANCE STATEMENT

Hurricane Harvey overwhelmed the drainage system of the City of Iowa Colony (Subrecipient). Heavy rainfall caused massive area-wide flooding and damage to the city's streets and drainage system. An undersized culvert kept stormwater from draining effectively, which caused structural damage to the Hayes Creek crossing/bridge, rendering it a safety hazard. This threatened public health, safety, and welfare. Subrecipient will conduct drainage Infrastructure improvements to facilitate proper stormwater conveyance and reduce the impact of future flooding.

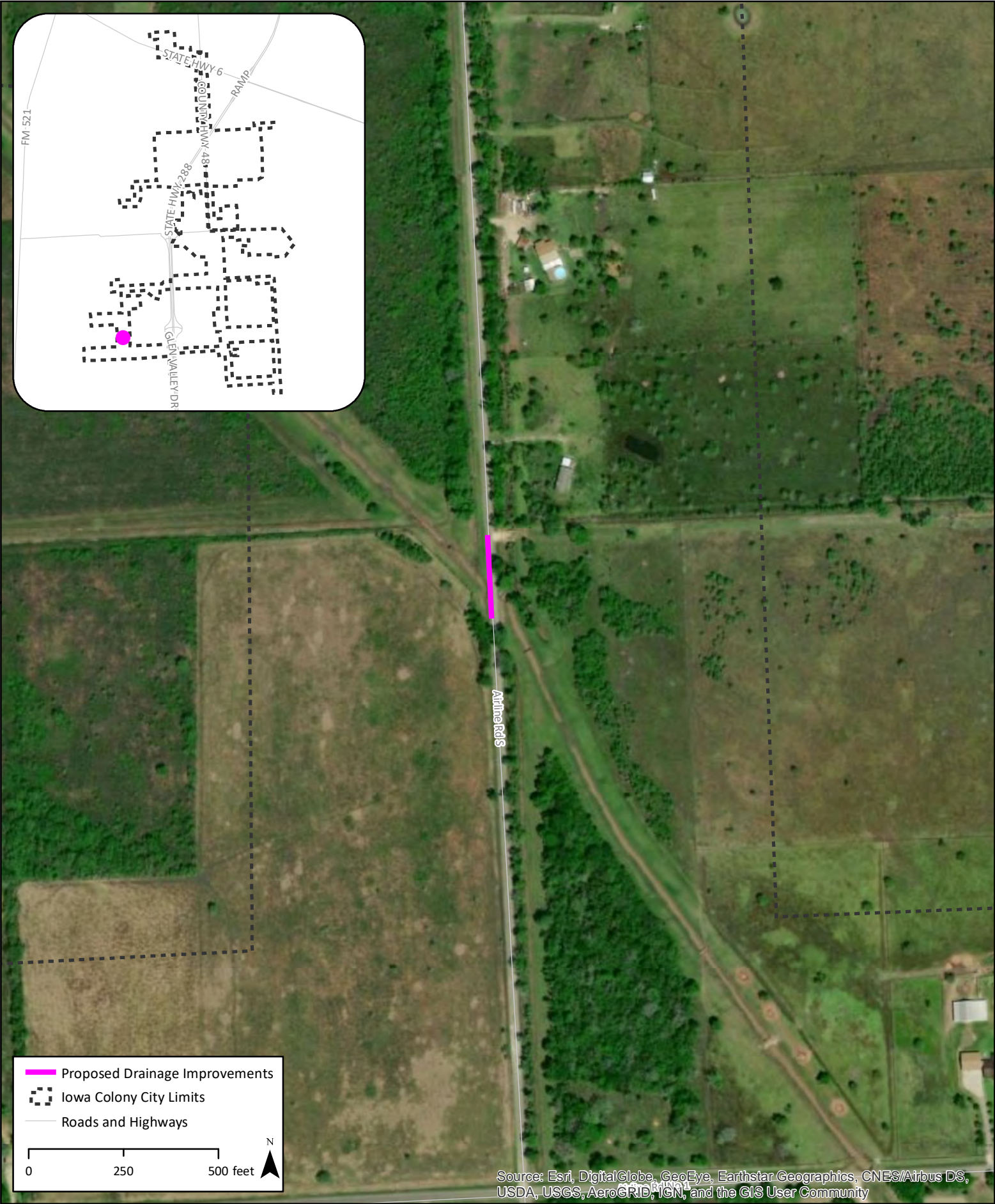
Subrecipient shall perform the Activities identified herein for the target area specified in its approved Texas Community Development Block Grant Disaster Recovery Supplemental Grant Application to aid areas most impacted by Hurricane Harvey. The persons to benefit from the Activities described herein must receive the prescribed service or benefit, and all eligibility requirements must be met to fulfill contractual obligations.

The grant total is \$131,675.00. Subrecipient will be required to maintain a detailed Budget breakdown in the official system of record of the GLO's Community Development and Revitalization division (GLO-CDR).

Flood and Drainage Facilities

Subrecipient shall replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances. Construction shall take place at the following locations on the south-west side of the city.

Flood and Drainage Facilities	Location Approximate Lat/Long	Proposed HUD Performance Measures	Census Tract	Block Group
Ames Boulevard Crossing of Hayes Creek	Ames Blvd. (north side of Hayes Creek) to Ames Blvd, (south side of Hayes Creek 29.409416, -95.443779	220 LF	6619.00	01
These Activities shall benefit one hundred ninety-four (194) persons. Of these persons, one hundred twenty-seven (127), or sixty-five and forty-six hundredths percent (65.46%), are of low to moderate income.				



Certificate of Exemption – Administrative & Engineering Services



U.S. Department of Housing and Urban
Development

451 Seventh Street, SW
Washington, DC 20410
www.hud.gov

espanol.hud.gov

**Environmental Review for Activity/Project that is Exempt or Categorically
Excluded Not Subject to Section 58.5**
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)

Project Information

Project Name: City of Iowa Colony - Hurricane Harvey CDBG-Disaster Recovery Infrastructure Grant

Responsible Entity: City of Iowa Colony

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: TX CDBG-DR: Hurricane Harvey CDBG-Disaster Recovery Grant

Preparer: Suzy Riley, Environmental Specialist

Certifying Officer Name and Title: Michael Holton, Mayor

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): GrantWorks, Inc.

Direct Comments to: Suzy Riley, Environmental Specialist
GrantWorks, Inc
suzy@grantworks.net
Phone: (512) 420-0303 x402
Fax: (888) 281-2245

Project Location: 12003 County Rd. 65, Rosharon, TX.

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

Administrative, engineering, and environmental services for Hurricane Harvey CDBG-DR funds for the City of Iowa Colony.

Level of Environmental Review Determination:

- ☒ Activity/Project is Exempt per 24 CFR 58.34(a):
- (1) Environmental and other studies, resource identification and the development of plans and strategies;
 - (3) Administrative and management activities;
 - (8) Engineering or design costs
- ☐ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

Funding Information

Grant Number	HUD Program	Funding Amount
TBD	CDBG-DR	\$131,675

Estimated Total HUD Funded Amount: \$131,675

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable):

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: Grant funds: TBD,
Match: TBD.

Compliance with 24 CFR 50.4 and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4 and §58.6	Are formal compliance steps or mitigation required?	Compliance Determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No portion of the administrative, engineering, or environmental services will take place within 2,500 feet of a civilian airport or within 15,000 feet of a military airfield. Therefore, the project shall have no impact to Runway Clear Zones. This compliance factor will be re-assessed for the project being funded during the project environmental review. See Attachment A in the project Environmental Review Record for map.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No portion of the administrative, engineering, or environmental services will take place within a Coastal Barrier Resources System. This compliance factor will be re-assessed for the project being funded during the project environmental review. Please see Attachment B in Environmental Review Record for map.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No portion of the administrative, engineering, or environmental services will take place in a FEMA designated Special Flood Hazard Area; therefore, participation in the National Flood Insurance Program is not required for this portion of the project. This compliance factor will be re-assessed for the project being funded during the project environmental review. Please see Attachments C in Environmental Review Record for Floodplain Map.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
N/A	<i>None Required</i>



Preparer's Signature

July 16, 2018

Date

Suzy Riley, Environmental Specialist

Preparer's Name and Title

Grantworks, Inc

Preparer's Agency



Responsible Entity Certifying Official Signature

July 16, 2018

Date

Michael Holton, Mayor

Responsible Entity Certifying Official Name and Title

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



FIRM REGISTRATION NUMBER: F-13495

March 17, 2020

Mr. Dinh V. Ho, P.E.
Principal
2114 El Dorado Blvd, Suite 400
Friendswood, TX 77546

RE: Drainage Structure Analysis @ County Road 48
Iowa Colony, TX 77583

Dear Mr. Ho,

City of Iowa Colony plans to replace the existing bridge at CR 48 with a box culvert structure. This memo is the summary of drainage analysis to determine the size of proposed box culvert.

Project Information

The existing bridge at CR 48 is located west of SH 288, and north of CR 62, as shown on **Exhibit 1**



Exhibit 1: Project Location

The project site is located on floodway and floodplain Zone AE with a base flood elevation of 52.3 feet per FEMA Panel # 48039C0115H, effective dated June 5, 1989. **Exhibit 2** shows the floodplain map.

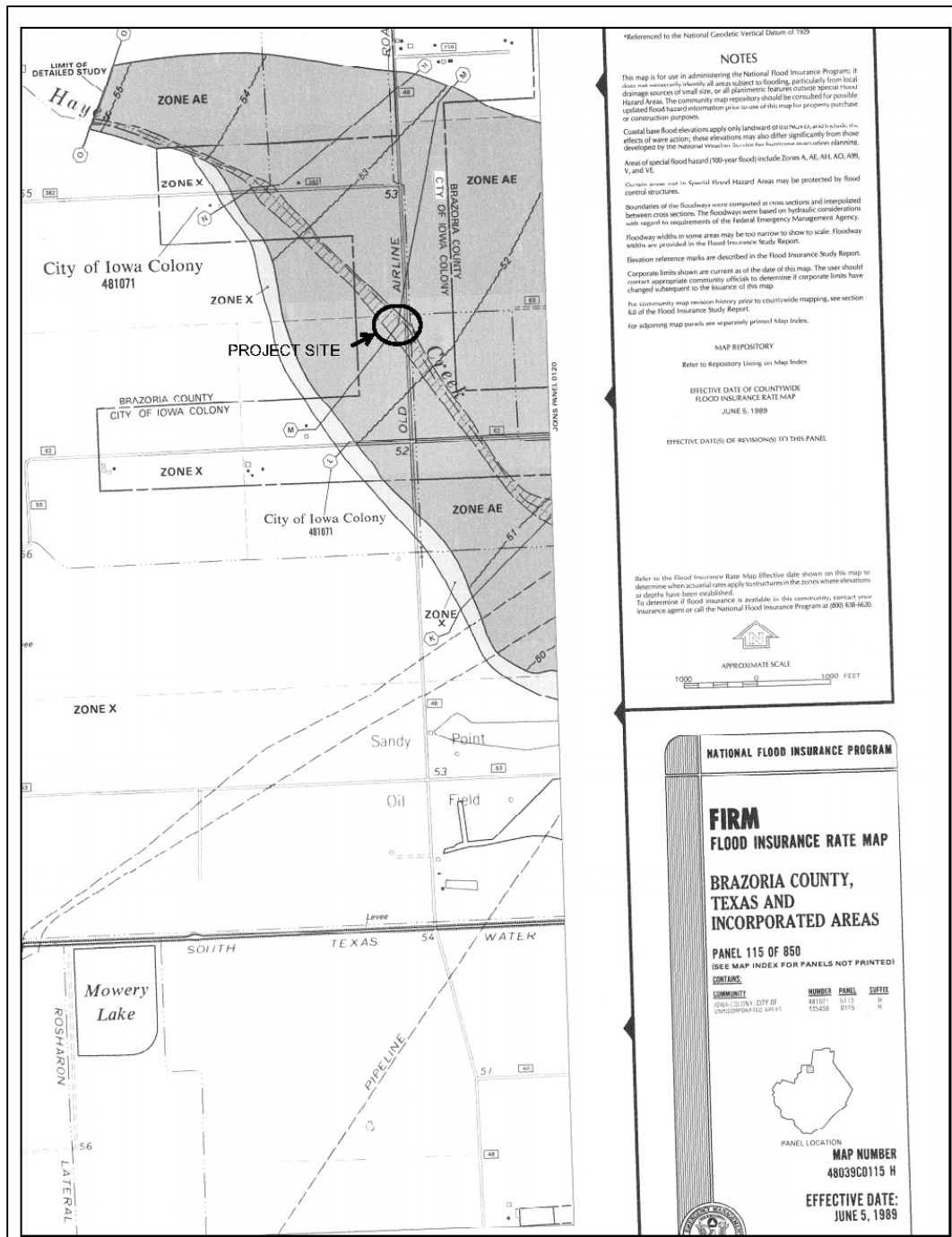


Exhibit 2: Floodplain Map

Exhibit 3, 4, and 5 show the condition of existing bridge at CR 48 from an onsite visit on January 16, 2020.



Exhibit 3: Existing Bridge Deck at CR 48



Exhibit 4: Upstream of Existing Bridge at CR 48



Exhibit 5: Downstream of Existing Bridge at CR 48

Methodology

The USACE HEC-RAS Version 5.0.7 was used to calculate the water surface elevations along South Hayes Creek. All elevations shown on this memo are based on Texas State Plan Coordinate System, South Central Zone (4204) and North American Datum of 1983.

Hydraulics model of South Hayes Creek from 2003 Brazoria County Master Drainage Plan, considered as the best available model, was used as the base model for this drainage analysis. Nine surveyed cross sections of South Hayes Creek at CR 48 were added to 2003 hydraulics model to create the existing condition model. Topographic survey drawing is attached to this memo.

Exhibit 6 shows locations of added cross sections.

Replacing the existing bridge, proposed two 6'x6' box culverts were inserted to existing condition model as the drainage structure at CR 48 to create the proposed condition HEC-RAS model.

Exhibit 7 shows the proposed two 6'x6' box culverts.



Exhibit 6: Added Cross Section Location

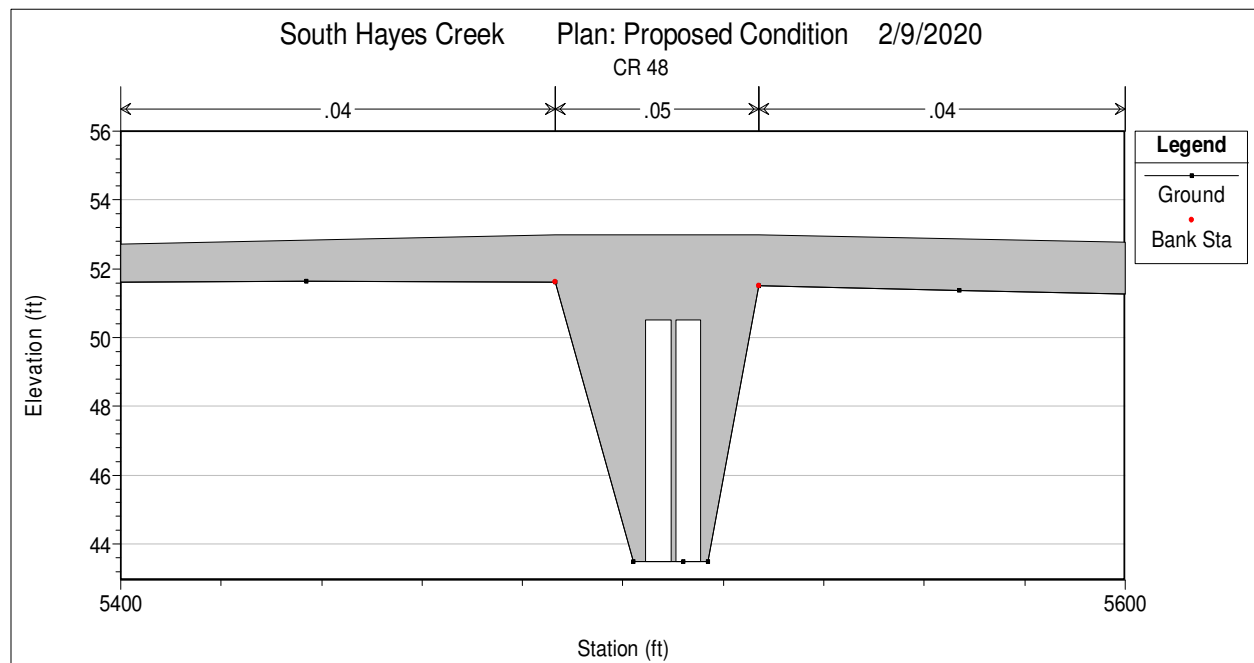


Exhibit 7: Proposed Two 6'x6' Box Culverts

Result and Conclusion

Table 1 shows the comparisons of 100-year water surface elevations between the existing condition (with existing bridge) and proposed condition (with 2~6'x6' Box Culverts).

Table 1: 100-Year Water Surface Elevation Comparison

Cross Section #	Location	Existing Condition	Proposed Condition	Difference (ft)
44	2,500-ft U/S of CR 48	53.01	52.96	- 0.05
43	130 ft U/S of CR 48	53.07	53.03	- 0.04
42	Upstream of CR 48	53.07	53.03	- 0.04
41	Downstream of CR 48	53.07	53.03	- 0.04
40	320 ft D/S of CR 48	52.07	52.07	0.00

The construction of two 6'x6' box culverts to replace the existing bridge at County Road 48 will not have any adverse impact on 100-year water surface elevations along South Hayes Creek.

Please let me know if you have any question.

Sincerely,

Dong Nguyen, P.E., CFM
albengineering@entouch.net



Environmental Assessment Determinations and Compliance Findings

Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: City of Iowa Colony – Flood & Drainage Improvements

Responsible Entity: City of Iowa Colony

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: TX CDBG-DR: 20-065-008-C011

Preparer: Samuel Becker, Environmental Specialist
Andrea Garcia, Environmental Specialist

Certifying Officer Name and Title: Michael Byrum-Bratsen, Mayor

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): GrantWorks, Inc.

Direct Comments to: Samuel Becker, Environmental Specialist
Andrea Garcia, Environmental Specialist
GrantWorks, Inc
andrea.garcia@grantworks.net
Phone: (512) 420-0303
Fax: (888) 883-5417

Project Location:

Construction activities will take place at the Ames Boulevard (CR-46) Crossing of Hayes Creek South in Iowa Colony, TX.

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

The City of Iowa Colony proposes a Flood & Drainage Improvements project to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF/0.2 acres of crossing/bridge construction. According to FEMA FIRM Panel 48039C0115K effective date 6/29/2018, the entirety of this drainage infrastructure project is located in a Zone AE Floodway. Per 24 CFR 55.2(6), these drainage infrastructure rehabilitation activities are a functionally dependent use due to their necessity to be performed on the Hayes Creek crossing. This project does not involve acquisition.

Project Activity	Project Location	Approximate Lat./ Long.	Approximate Length (LF)
Flood & Drainage Improvements	Ames Blvd. (north side of Hayes Creek) to Ames Blvd. south side of Hayes Creek)	29° 24' 33.8976" N, 95° 26' 37.6044" W	220

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

Iowa Colony received over 32-inches of rain during Hurricane Harvey. The drainage systems were unable to accommodate the heavy rainfalls, causing massive areawide flooding and damaging to the City's street and drainage system. The S. Hayes Creek crossing on Ames Boulevard experienced structural damages as a result of the flood waters, rendering the crossing a safety hazard to the motoring public. Overall, the deteriorated condition of the creek crossing has compromised the structural integrity of the bridge crossing, making this crossing is unsafe and its removal and replacement by concrete box culverts necessary for the public safety. The purpose of these proposed project activities is to reinstate the safety that was present at this crossing before the damage to it from Hurricane Harvey occurred.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The Ames Boulevard crossing of South Hayes Creek, a tributary of Chocolate Bayou, was significantly damaged during the flooding of Hurricane Harvey. The Iowa Colony area received over 32 inches during the hurricane with area drainage systems unable to accommodate the volume of rainwater, resulting in significant areawide flooding. South Hayes Creek, normally a shallow slow-moving bayou canal, overflowed its banks and inundated the area, including Ames Boulevard. The crossing of South Hayes Creek on Ames Boulevard is provided by a decades old timber structure which has been rendered unsafe due to sheet flows of flood waters causing structural damage. As documented in the attached engineering report documents, the creek crossing suffered structural damage and immediate replacement is essential. Should the creek crossing not be removed and replaced with concrete box culverts, Ames Boulevard may have to be closed. This street has extensive automobile traffic as well as occasional heavy trucks. The deteriorated condition of the existing crossing makes it unsafe to the motoring public with a real potential for bridge failure. Taking no action to repair the canal crossing is not an alternative.

Funding Information

Grant Number	HUD Program	Funding Amount
Federal Award No. B-17-DM-48-0001 GLO Contract No. 20-065-008-C011	CDBG-DR	\$131,675

Estimated Total HUD Funded Amount: \$131,675

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

Grant funds: \$131,675; Match: \$0

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance Determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		

Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not within 2,500 feet of a civilian airport or within 15,000 feet of a military airfield. Therefore, the project shall have no impact to Runway Clear Zones. See Attachment A – Airport Hazards for map. Sources: US Department of Transportation NGDA Runways; Runway/Airport Proximity Map
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located in a Coastal Barrier Resources System. Please see Attachment B – Coastal Barrier Resources for map. Source: USFWS, Coastal Barrier Resources
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The Iowa Colony is participating in the National Flood Insurance Program. The proposed activities do not meet the definition of “financial assistance for acquisition or construction purposes” and is therefore in compliance with the Flood Disaster Protection Act of 1973. Additionally, the Iowa Colony is participating in the National Flood Insurance Program. Please see Attachment C – Flood Insurance for NFIP participation status and Attachment J – Floodplain Management for Floodplain Maps. Source: FEMA Flood Maps; FEMA Community Status Book Report
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is located within an area of the state that is within non-attainment of the guidelines of the Federal Clean Air Act. However, the project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units; therefore, under 40 CFR 93.153, it can be assumed that the project emissions will be below de minimis levels and that the project is in compliance with the Clean Air Act. Please see Attachment D – Clean Air for reference map. Best Management Practices: <i>During project construction, there will be some increase in ambient dust particulate from machinery and soil disturbances. These will be only temporary in nature and all efforts will be made through proper construction methods to ensure dust control and properly functioning equipment.</i> Source: TCEQ Texas Attainment Status by Region
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located within, nor does it affect the Texas Coastal Zone as defined by the Texas Coastal

		<p>Zone Management Plan. Please see Attachment E – Coastal Zone Management for map.</p> <p>Source: GLO Texas Coastal Zone Boundary Map</p>
<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>EPA's NEPAAssist Enviromapper was used to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Non-compliant facilities were not found on or near the project site that could affect or be affected by the project activities. Additionally, a site visit was conducted and photos were taken to document the absence of these sites. Please see project photos and Attachment F – Contamination and Toxic Substances for Field Observation Report, NEPAAssist Report, and ECHO reports for all facilities within 0.5 miles of the project site.</p> <p>(GLO) Latest mapping and research for TCEQ data review hazardous waste facilities, including waste generators, storage facilities, or transporters reflected no registration at or immediately adjacent to the project site areas. TCEQ data indicates approximately 2 industrial and hazardous waste (IHW) Treatment, Storage, and Disposal (TSD) sites located within 0.5 miles of the project area. No impact from these facilities is expected.</p> <p>With regards to underground storage tanks (UST), TCEQ research indicates that there are no tanks located adjacent to the project areas. No impact is expected.</p> <p>Leaking UST information from the TCEQ database reflects no leaking USTs within 0.5 miles of the project area. Considering the distance to the tanks and the scope of work, significant amounts of ground disturbances that have occurred in the project area already, no impact is expected. Please see Attachment F – Contamination and Toxic Substances for the TCEQ reports.</p> <p>Source: NEPAAssist Enviromapper, TCEQ Central Registry</p>
<p>Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Project activities shall be confined to existing rights-of-way in previously disturbed areas committed primarily to urban and residential land use. A list of the endangered and threatened species for Brazoria County has been reviewed as well as the USFWS Information, Planning and Conservation System (IPaC) system. Suitable habitats for each listed species have been compared with the project site to determine if any impacts could be expected. The project area is not consistent with the preferred habitats of any endangered species found in the County, and project activities shall not occur on, or adjacent to, mapped wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources. Per IPaC, there are no critical habitats or refuges within the project area. A site visit was completed on 6/16/2020 and no special wildlife habitats or</p>

		<p>wildlife were observed, including bird and bat colonies. Based on the level of disturbance present at the project sites and the lack of evidence of endangered species habitat, the Responsible Entity has made the determination of “no effect” on any federally or state listed species and project activities will not result in the destruction or adverse modification of critical habitats. Please see project photos Please see project photos and Attachments G for supporting documentation and memo to file.</p> <p>Best Management Practices:</p> <p><i>Consider avoiding clearing vegetation during general bird nesting season (between March and August), provide state listed and rare species to construction workers to ensure consistency with requirements to prevent impact to and/or avoid federally or state listed, threatened, endangered, or special status species; use best management practices including silt fencing and berming to prevent stormwater runoff. If construction workers identify or encounter threatened or endangered species during construction, they should cease construction immediately and contact Texas Parks & Wildlife for guidance.</i></p> <p>Sources: USFWS IPaC Resource List; TPWD Special Status Species List, Site observations (06/16/2020)</p>
<p>Explosive and Flammable Hazards 24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project does not include a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries) or any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion; therefore, this project is in compliance with 24 CFR 51 C. See Attachment H – Explosive and Flammable Hazards and photos of project areas.</p> <p>Sources: Site observations (06/16/2020), NEPAassist, TCEQ Central Registry</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to the USDA Web Soil Survey, a portion of the project area is located within prime farmland. The USDA NRCS division was contacted on 6/23/21 for comment. The NRCS stated in a letter on 9/10/21 that the proposed activities are exempt from the FPPA because “<i>The installation of sewer lines or subterranean water systems and appurtenances are not considered a permanent conversion of farmland.</i>” Therefore, no further consideration from protection is necessary. The NRCS also stated that “<i>We strongly encourage the use of acceptable erosion control methods during the construction of this project.</i>”</p> <p>Please see Attachment I for the soils map and correspondence with USDA, NRCS (Attachment I – Farmlands Protection).</p> <p>Source: USDA Web Soil Survey, USDA, NRCS</p>

Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input checked="checked" type="checkbox"/> <input type="checkbox"/>	<p>Project activities involve replacing storm sewer culverts, regrading roadside ditches, installing outfall ditches with associated pavement repair, and complete associated appurtenances for the rehabilitation of flood & drainage infrastructure at the Ames Blvd. Crossing of Hayes Creek. According to FIRM Panel 48039C0115K preliminary issue date 6/29/2018, the entirety, approximately 0.2 acres, of these project activities are located in a Zone AE Floodway; therefore, Executive Order 11988 and NFIP conditions are applicable. Per both 24 CFR 55.2 (b)(6) and correspondence with the GLO, these activities are of a functionally dependent use; each project activity is connected to the overall project goal of rehabilitating crossing and drainage infrastructure that is necessarily located in floodway at Ames Blvd. crossing of Hayes Creek, meaning these rehabilitation activities cannot perform their intended purposes unless they are located at this crossing of a floodway. Therefore, the proposed activities are permissible to be conducted within a floodway. The eight-step decision making process was followed, including public notices and an examination of practicable alternatives. No comments were received. A letter to FEMA consulting them for a determination of impacts and effects was sent, and they have determined that the project activities will not negatively impact or affect the flood zone its located in. A review of the proposed activities was completed, and the determination was made that the project shall have minimal impact on the community's flood hazard area. Additionally, prior to construction, the project plans will meet any applicable, additional local floodplain requirements set forth by the community's Floodplain Administrator, as requested by FEMA. Attachment J – Floodplain Management includes the FEMA Floodplain Map, the description of the 8-step decision making process, a copy of the letter sent to FEMA for comment on the location of the project, GLO correspondence, engineer correspondence, and supporting documentation.</p> <p>Best Management Practices: <i>The project shall implement methods designed to protect improvements from flood damage and to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration. The consulting engineer shall take into consideration additional specifications to minimize damage to, and/or restore, the native plant species. The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the floodplain. Additionally, prior to construction, the project plans will meet any applicable local floodplain requirements set forth by the community's Floodplain Administrator.</i></p> <p>Source: FEMA Flood Maps; Floodplain 8-Step Review</p>
Historic Preservation	Yes No <input type="checkbox"/> <input checked="checked" type="checkbox"/>	In accordance with the required statutes and provisions, a listing of state and federal register properties has been reviewed. The Texas Historical Commission conducted a

<p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>		<p>Section 106 Review of the project and has concurred with the determination that the project shall have no adverse effect on historic properties. Please see project photos and Attachment K – Historic Preservation for the determination.</p> <p>The THC also made the following comments:</p> <p>Above-Ground Resources</p> <ul style="list-style-type: none"> • No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853, and the GLO, to consult on further actions that may be necessary to protect historic properties. <p>Archeology Comments</p> <ul style="list-style-type: none"> • No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096, and the GLO, to consult on further actions that may be necessary to protect the cultural remains. <p>TRIBAL: Due to the nature of the project, consultation with interested tribal nations was carried out, and they concurred that no historic properties would be impacted or made no objections to the project during the 30-day comment period. See Attachment K – Historic Preservation for correspondence.</p> <p>Source: Texas Historical Commission; Tribal consultation</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project does not involve housing or a noise sensitive development; therefore, a noise study is not applicable. However, minimal noise will be created during construction. The construction period shall be brief (approximately 120 days) and will take place during normal business hours on weekdays. Local residents have been notified of the nature and location of the project during a formal hearing process during the application phase of this project. Any complaints will be taken into consideration.</p> <p>Sources: Project Performance Statement; Engineer drawings; Project Map</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No portion of the project is located within a designated Sole Source Aquifer. See Attachment M – Sole Source Aquifers for the map.</p>

<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Source: EPA Edwards Aquifer</p> <p>According to the Wetland Maps provided by the US Fish & Wildlife, and the US Geologic Survey, the entirety of the ~0.2 acre project area appears to be located within a wetland, coded R4SBCx; therefore, Executive Order 11990 conditions are applicable. Permanent impacts to the wetland are anticipated as a result of the following construction activities tallied by the engineer:</p> <ol style="list-style-type: none"> 1. Demolition of existing wooden bridge and substructures 2. Install reinforced concrete culverts. 3. Regrade, shape and stabilized drainage channel side slopes 4. Prepare subgrade, include lime stabilization and compact soils. 5. Place concrete pavement at the crossing and asphalt pavement at the transition to the existing roadway. <p>None of the roadway improvements are outside of the footprints of the existing facilities (this applies to the paving, culverts, ditches and existing City maintained area). The engineer has stated that the proposed infrastructure improvements associated with Ames Blvd. crossing within Iowa Colony qualify for the application of NWP 14 for linear transportation projects, and that the project will be designed and will be constructed to avoid and minimize adverse impacts to the jurisdictional waters of the United States (WOUS) to the maximum extent practicable. Furthermore, the anticipated permanent impacts to WOUS associated with some of the sites associated with the proposed critical infrastructure improvements have been calculated to range approximately 0.091 acres, which are significantly less than the maximum permissible limit of 0.5 acres and the USACE notification limit of 0.1 acres as set forth in NWP 14. Due to the information stated here, the construction activities associated with the proposed critical infrastructure improvements at this site within the City of Iowa Colony can be pursued under NWP 14 and that formal notification to the USACE will not be required. The general conditions for NWP 14 will be followed. The eight-step decision making process was followed, including public notices and an examination of practicable alternatives.</p> <p>Per Step 7 of this process, the City of Iowa Colony has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: a reduction in scope, alternate locations, and no action. The scope and location of project activities were chosen based on minimum improvements necessary to correct the health and safety risks existing facilities pose to the natural and human environment. Because the project scope includes only flood & drainage facilities and streets most in need of repairs, the alternatives considered would preclude correction of these risks or environmental compliance violations. Additionally, there shall be no significant increase to impervious surface, best management practices shall be employed during construction to ensure erosion control and to prevent the unintentional discharge of dredged or fill material into the wetland, and the activity shall comply with state and local floodplain management/wetlands protection procedures. No comments were received. A review of the proposed activities has been completed and the project shall have minimal impact on the community's wetland area. Attachment N – Wetlands Protection includes the Wetlands Map, the description of the 8-step decision making process, and the Nationwide Permit documentation of compliance.</p> <p>Best Management Practices: <i>The project shall implement methods designed to protect natural landscapes that serve to maintain or restore natural hydrology</i></p>
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		<p><i>through infiltration. Erosion control will be utilized during construction to prevent the unintentional discharge of dredged or fill material into the wetland. The consulting engineer shall take into consideration additional specifications to minimize damage to identified wetlands by avoiding staging and operating heavy machinery within the wetland. The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the wetland.</i></p> <p>Sources: NWI Wetlands Map; Wetlands 8-Step Review</p>
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>A review of the project has been made in accordance with The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. seq.) as amended. The only Wild & Scenic River (WSR) in Texas is the Rio Grande River in Big Bend National Park. No portion of the project is adjacent to a Wild & Scenic River, a Study River, or an Inventory River. Please see Attachment O – Wild and Scenic Rivers.</p> <p>Source: Rio Grande WSR, National Wild and Scenic Rivers System</p>
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Per EPA NEPAassist 2010 Demographics (ACS), the project area is comprised of ~29% Below Poverty and ~77% Minority Status.</p> <p>No displacements or negative impacts to minority or low-income populations are anticipated from the proposed project. Please see Attachment P – Environmental Justice for the EPA ACS Summary Report.</p> <p>Source: EPA EJView ACS Summary Report</p>

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		

Conformance with Plans / Compatible Land Use and Zoning/Scale and Urban Design	2	<p>Since this project involves the rehabilitation of existing facilities, there will be no change in land use and no changes in zoning required.</p> <p>Sources: Field observations (06/16/2020)</p>
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	<p>The project activities are designed to improve storm water runoff and drainage. The project engineer has considered the soil suitability and slope during the design phase of the project. Activities will take place in locations with previously disturbed soils from past construction of roadways, utilities, and other infrastructure. The contractor shall take steps to control erosion during construction through best management practices such as the use of erosion blankets.</p> <p>Sources: NEPAAssist Enviromapper; Field observations (06/16/2020)</p>
Hazards and Nuisances including Site Safety and Noise	2	<p>A site visit was conducted on 06/16/2020 of the existing project area and surrounding areas. In general, no significant signs of hazards or nuisances were observed where the project activities are planned. There were no observed stains on ground surfaces, no PCBs identified on ground surfaces, no hazardous materials, incidental trash, or other indications of possible hazards on the site.</p> <p>Work will be performed during the weekday during normal business hours using heavy equipment. Particulate dust matter may be increased in the area during construction, but will return to normal after the work is completed. Engineer will ensure that proper site safeguards will be in place, including trench safety. No hazardous sites are known to be present within the project area. See Attachment F – Contamination and Toxic Substances and site photos.</p> <p>Sources: Project Performance Statement; Field observations (06/16/2020)</p>
Energy Consumption	1	<p>The streets and drainage work will not result in increased energy consumption. This work may decrease energy use as less energy resources will be needed if there are fewer flooding events in the City.</p> <p>Sources: Project Performance Statement; Field observations (06/16/2020)</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	<p>Since this project involves the rehabilitation or replacement of existing drainage facilities, employment opportunities will not be enhanced. The short-term nature of the project shall only affect job availability as directly related to the temporary construction activities.</p> <p>Sources: Project Performance Statement; Field observations (06/16/2020)</p>
Demographic Character Changes, Displacement	2	<p>The purpose of this project is to improve the conditions of those most in need in this community. This project will not result in major changes in the demographic makeup of the area or result in population displacement since the work will occur in rights of way and utility easements in existing urban and residential areas.</p> <p>Sources: Project Performance Statement; Field observations (06/16/2020)</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
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COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	<p>Educational: The project shall not lead to any increased demands on the educational facilities. Any potential disturbance to educational facilities in the area will be minor and temporary traffic disturbances. There are no community schools located on the streets proposed for construction activities.</p> <p>Cultural: Any potential disturbance to cultural facilities in the area will be minor and temporary traffic disturbances.</p> <p>Sources: Area Facilities Map; Field observations (06/16/2020)</p>
Commercial Facilities	2	<p>The project shall not lead to any increased demands on commercial facilities. Any potential disturbance to commercial facilities in the area will be minor and temporary traffic disturbances. Some local commercial facilities may benefit from project activities as contractors use facilities for supplies and services during the construction period. There are no commercial facilities located on the streets proposed for construction activities.</p> <p>Sources: Project Photos; Field observations (06/16/2020)</p>
Health Care and Social Services	2	<p>Health Care: The project shall not lead to any increased demands on the health care facilities. Any potential disturbance to health care facilities in the area will be minor and temporary traffic disturbances. There are no hospitals or healthcare facilities located in the project area.</p> <p>Social Services: The project shall not lead to any increased demands on the social services. Any potential disturbance to social service facilities in the area will be minor and temporary traffic disturbances. There are no social services facilities located in the project area.</p> <p>Sources: Area Facilities Map; Field observations (06/16/2020)</p>
Solid Waste Disposal / Recycling	2	<p>The project shall not generate substantial amounts of solid waste. The local disposal system will be able to adequately service the proposed development over its expected lifetime. All solid waste generated during construction will be disposed of in a permitted site.</p> <p>Sources: Project Performance Statement; Field observations (06/16/2020)</p>
Waste Water / Sanitary Sewers	1	<p>The proposed drainage improvements may have a beneficial impact on the wastewater system, as adequate drainage can prevent flooding due to runoff that can overload the WWTP and lead to the unintentional discharge of wastewater effluent into the environment during wet weather.</p> <p>Sources: Project Performance Statement; Field observations (06/16/2020)</p>
Water Supply	1	<p>The proposed drainage improvements may have a beneficial impact on the water supply, as adequate drainage can prevent polluted runoff from entering the water supply reservoir during wet weather.</p> <p>Sources: Project Performance Statement; Field observations (06/16/2020)</p>
Public Safety - Police, Fire and Emergency Medical	2	<p>The project shall not lead to increased demand for public safety services. Any potential disturbance to police, fire, or emergency medical vehicles in the area will be minor and temporary traffic disturbances. Detours will be clearly marked during construction to permit traffic flow.</p> <p>Sources: Project Performance Statement; Area Facilities Map; Field observations (06/16/2020)</p>

Parks, Open Space and Recreation	2	All activities will occur in public rights-of-way and will not impact open space. Any potential disturbance to recreational facilities in the area will be minor and temporary traffic disturbances. Sources: Project Performance Statement; Project Map; Field observations (06/16/2020)
Transportation and Accessibility	2	Transportation along the project route could be disrupted during construction activities. These disruptions will be temporary and detours will be provided and clearly marked. Sources: Project Map; Field observations (06/16/2020)

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	Project activities shall be confined to existing rights-of-way in a residential neighborhood. There are no unique natural features or agricultural lands present at the project site. See photos of project area. Sources: Project Map; Field observations (06/16/2020)
Vegetation, Wildlife	2	The project area currently consists of previously developed residential streets. Project activities shall be confined to previously disturbed areas committed primarily to urban and residential land use. A list of the endangered and threatened species for Montgomery County has been reviewed. Suitable habitats for each listed species have been compared with the project site to determine if any impacts could be expected. The project area is not consistent with the preferred habitats of any endangered species found in the County, and project activities shall not occur on, or adjacent to, mapped wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources. Based on the level of disturbance present at the project sites and the lack of evidence of endangered species habitat, no endangered species shall likely be affected. Please see project photos and Attachment G – Endangered Species for supporting documentation and memo to file. Sources: USFWS IPaC Resource List; TPWD Special Status Species List; Field observations (06/16/2020)
Other Factors		N/A

Additional Studies Performed: No additional studies are required for this project.

Field Inspection (Date and completed by): John Groberg, 06/16/2020

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Office of Compliance and Enforcement
Texas Commission on Environmental Quality (TCEQ)
PO Box 13087 - MC-119
Austin TX 78711-3087
NEPA@tceq.texas.gov

Eli Martinez
Office of Planning and Coordination
Compliance Assurance and Enforcement Division
Environmental Protection Agency
1445 Ross Avenue, St. 1200
Dallas, TX 75202-2733

Apache Tribe of Oklahoma
Durrell Cooper, Chairman
P.O. Box 1330
Anadarko, OK 73005

Comanche Nation
William Nelson, Chairman
P.O. Box 908
Lawton, OK 73502
Cc: Ms. Martina M. Callahan, THPO
martinac@comanchenation.com

Tonkawa Tribe of Oklahoma
Russell Martin, President
1 Rush Buffalo Rd
Tonkawa, OK 74653
Cc: Lauren Brown, NAGPRA Coordinator
lbrown@tonkawatribe.com

Wichita and Affiliated Tribes, Oklahoma
Terri Parton, President
P.O. Box 729
Anadarko, OK 73005
Cc: Gary McAdams, Cultural Planner
gary.mcadams@wichitatribe.com &
Terri.Parton@wichitatribe.com

Coushatta Tribe of Louisiana
David Sickey, Chairman
P.O. BOX 818
Elton, LA 70532
Cc: Dr. Linda Langley, THPO
llangley@coushattatribela.org

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
PO Box 12276
Austin TX 78711-2276

Sandy Keefe
Mitigation Director, DHS/FEMA Region 6
Floodplain Management & Insurance Branch
800 North Loop 288
Denton, TX 76209

List of Permits Obtained: The project engineer will coordinate any permits that need to be obtained as part of this project.

Public Outreach [24 CFR 50.23 & 58.43]: The Floodplain 8-Step Process was performed which required the publication of 2 separate publications in the Alvin Sun; The Wetlands 8-Step Process was performed which required the publication of 2 separate publications in the Alvin Sun; A combined notice of a Finding of No Significant Impact and Notice of Intent to Request the Release of Funds will be posted at **[City Hall / online]** for public review.

Cumulative Impact Analysis [40 CFR 1508.7]: The federal Council on Environmental Quality's regulations implementing procedural provisions of NEPA are set forth in 40 CFR 1508.7. They require federal agencies to consider the environmental consequences of their actions, including not only direct and indirect effects, but also cumulative effects. Cumulative impacts result from incremental consequences of program actions when added to other past, present, and reasonably foreseeable future actions.

According to the Wetland Maps provided by the US Fish & Wildlife, and the US Geologic Survey, the entirety of the ~0.2 acre project area appears to be located within a wetland, coded R4SBCx; therefore, Executive Order 11990 conditions are applicable. Permanent impacts to the wetland are anticipated as a result of the following construction activities tallied by the engineer:

1. Demolition of existing wooden bridge and substructures
2. Install reinforced concrete culverts.
3. Regrade, shape and stabilized drainage channel side slopes
4. Prepare subgrade, include lime stabilization and compact soils.
5. Place concrete pavement at the crossing and asphalt pavement at the transition to the existing roadway.

None of the roadway improvements are outside of the footprints of the existing facilities (this applies to the paving, culverts, ditches and existing City maintained area). The engineer has stated that the proposed

infrastructure improvements associated with Ames Blvd. crossing within Iowa Colony qualify for the application of NWP 14 for linear transportation projects, and that the project will be designed and will be constructed to avoid and minimize adverse impacts to the jurisdictional waters of the United States (WOUS) to the maximum extent practicable. Furthermore, the anticipated permanent impacts to WOUS associated with some of the sites associated with the proposed critical infrastructure improvements have been calculated to range approximately 0.091 acres, which are significantly less than the maximum permissible limit of 0.5 acres and the USACE notification limit of 0.1 acres as set forth in NWP 14. Due to the information stated here, the construction activities associated with the proposed critical infrastructure improvements at this site within the City of Iowa Colony can be pursued under NWP 14 and that formal notification to the USACE will not be required. Continued wetland reduction could lead to increased soil erosion, fragmentation of species habitat, and a reduction in the size of the groundwater recharge zone. However, increasing the volume of undersized culverts and roadside ditches can reduce the risk of blockages and increased erosion rates within the wetland.

Additionally, according to FIRM Panel 48039C0115K preliminary issue date 6/29/2018, the entirety of these project activities are located in a Zone AE Floodway; therefore, Executive Order 11988 and NFIP conditions are applicable. Per both 24 CFR 55.2 (b)(6) and correspondence with the GLO, these activities are of a functionally dependent use; each project activity is connected to the overall project goal of rehabilitating crossing and drainage infrastructure that is necessarily located in floodway at Ames Blvd. crossing of Hayes Creek, meaning these rehabilitation activities cannot perform their intended purposes unless they are located at this crossing of a floodway. Therefore, the proposed activities are permissible to be conducted within a floodway. The eight-step decision making process was followed, including public notices and an examination of practicable alternatives. No comments were received. A review of the proposed activities was completed, and the determination was made that the project shall have minimal impact on the community's flood hazard area. Additionally, prior to construction, the project plans will meet any applicable, additional local floodplain requirements set forth by the community's Floodplain Administrator. Building within a floodplain displaces floodwaters and could lead to an expansion in the size of the effected area during wet weather conditions. However, the described project activities will reduce the likelihood of inundation within residential and commercial areas and will not lead to an increase in base flood elevation within the area. Due to the size and scope of this project, any cumulative impacts will be negligible to the environment and any historically significant resources in the area.

Iowa Colony received over 32-inches of rain during Hurricane Harvey. The drainage systems were unable to accommodate the heavy rainfalls, causing massive areawide flooding and damaging to the City's street and drainage system. The S. Hayes Creek crossing on Ames Boulevard experienced structural damages as a result of the flood waters, rendering the crossing a safety hazard to the motoring public. Overall, the deteriorated condition of the creek crossing has compromised the structural integrity of the bridge crossing, making this crossing is unsafe and its removal and replacement by concrete box culverts necessary for the public safety. The purpose of these proposed project activities is to reinstate the safety that was present at this crossing before the damage to it from Hurricane Harvey occurred.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]:

Size Reduction: The proposed project activities represent the minimum improvements necessary to provide adequate drainage and access to residents in the affected area; therefore, a reduction in size is not possible.

Revised Location: There is no alternative routing of drainage facilities that would both serve the residents living in the project area and be located in public rights-of-way in previously disturbed areas. Any alternative drainage routes would require easement acquisition, disturbing native soils, and removal of existing flora, which would be economically and environmentally prohibitive. The project cannot be relocated in order to serve the affected area.

No Action Alternative [24 CFR 58.40(e)]: Eliminating the project altogether would preclude the project goal of providing adequate drainage to ensure the safety of residents in the affected area. The “no action” alternative is not feasible, as the proposed improvements are essential the health, safety, and welfare of the community.

Summary of Findings and Conclusions: A review of this project has determined that it shall have No Significant Impact on the quality of the Human Environment. A combined Finding of No Significant Impact and Notice of Intent to Request the Release of Grant Funds will be posted at [\[City Hall / online\]](#), and a Request for the Release of Grant Funds will be submitted to the State.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measures and Conditions
Section 106 of the National Historic Preservation Act, Historic Preservation	<p>If buried materials are encountered during construction or disturbance activities, work should cease in the immediate area and the Texas Historical Commission should be contacted for guidance; work can continue where no cultural materials are present.</p> <p>The THC also made the following comments:</p> <p>Above-Ground Resources</p> <ul style="list-style-type: none"> • No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853, and the GLO, to consult on further actions that may be necessary to protect historic properties. <p>Archeology Comments</p> <ul style="list-style-type: none"> • No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096, and the GLO, to consult on further actions that may be necessary to protect the cultural remains.
Executive Order 11988, Floodplain Management, particularly section 2(a); 24 CFR Part 55	<p><i>The project shall implement methods designed to protect improvements from flood damage and to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration. Note that the proposed project activities are designed to improve flood drainage and reduce the likelihood of inundation. The consulting engineer shall take into consideration additional specifications to minimize damage to, and/or restore, the native plant species. The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the floodplain. Additionally, prior to construction, the project</i></p>

	<i>plans will meet any applicable local floodplain requirements set forth by the community's Floodplain Administrator.</i>
Executive Order 11990, Wetland Management	<p>Due to the nature and scope of the project, the proposed project activities shall have minimal negative impact on the wetland. However, the following efforts shall be made to minimize negative impacts on the natural and beneficial wetlands values for restoration and preservation:</p> <p>The project shall be implemented using best management practices designed to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration; Best management practices shall be used during construction to ensue erosion control and to prevent the unintentional discharge of dredged or fill material into the wetland; The consulting engineer shall take into consideration additional specifications to minimize damage to, and/or restore, the native plant species;</p> <p>The project shall not lead to any significant increases in impermeable cover and shall have minimal negative impacts on the wetland.</p> <p>Best Management Practices: <i>The project shall implement methods designed to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration. Erosion control will be utilized during construction to prevent the unintentional discharge of dredged or fill material into the wetland. The consulting engineer shall take into consideration additional specifications to minimize damage to identified wetlands by avoiding staging and operating heavy machinery within the wetland. The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the wetland.</i></p>
Transportation and Accessibility	Transportation along the project route could be disrupted during construction activities. These disruptions will be temporary, and the construction contractor shall ensure that detours are provided and clearly marked.
Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Best Management Practices: <i>During project construction, there will be some increase in ambient dust particulate from machinery and soil disturbances. These will be only temporary in nature and all efforts will be made through proper construction methods to ensure dust control and properly functioning equipment.</i>

Section 7 of the Endangered Species Act, Endangered Species	<p>Best Management Practices: <i>Consider avoiding clearing vegetation during general bird nesting season (between March and August), provide state listed and rare species to construction workers to ensure consistency with requirements to prevent impact to and/or avoid federally or state listed, threatened, endangered, or special status species; use best management practices including silt fencing and berming to prevent stormwater runoff.</i></p> <p><i>If construction workers identify or encounter threatened or endangered species during construction, they should cease construction immediately and contact Texas Parks & Wildlife for guidance.</i></p>
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Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

*Andrea Garcia*September 21st, 2020

Preparer's Signature

Date

Samuel Becker, Environmental Specialist

Andrea Garcia, Environmental Specialist

GrantWorks, Inc

Preparer's Name and Title

Preparer's Agency

Date, 2021

Responsible Entity Certifying Official Signature

Date

Michael Byrum-Bratsen, Mayor

Responsible Entity Certifying Official Name and Title

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s)

Attachment A

Airport Hazards

Airport Hazards (CEST and EA)

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D
References		
https://www.hudexchange.info/environmental-review/airport-hazards		

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

- ☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within the applicable distances to a military or civilian airport.*
- ☐ Yes → *Continue to Question 2.*

1. Is your project located within a Runway Potential Zone/Clear Zone (RPZ/CZ) or Accident Potential Zone (APZ)?

- ☐ Yes, project is in an APZ → *Continue to Question 3.*
- ☐ Yes, project is an RPZ/CZ → *Project cannot proceed at this location.*
- ☐ No, project is not within an APZ or RPZ/CZ
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*

2. Is the project in conformance with DOD guidelines for APZ?

- ☐ Yes, project is consistent with DOD guidelines without further action.

Explain how you determined that the project is consistent:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

- ☐ No, the project cannot be brought into conformance with DOD guidelines and has not been approved. → *Project cannot proceed at this location.*

- ☐ Project is not consistent with DOD guidelines, but it has been approved by Certifying Officer or HUD Approving Official.

Explain approval process:

If mitigation measures have been or will be taken, explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

Worksheet Summary**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project area is not within 2,500 feet of a civilian airport or within 15,000 feet of a military airfield. Therefore, the project shall have no impact to Runway Clear Zones. See Attachment A – Airport Hazards for map.

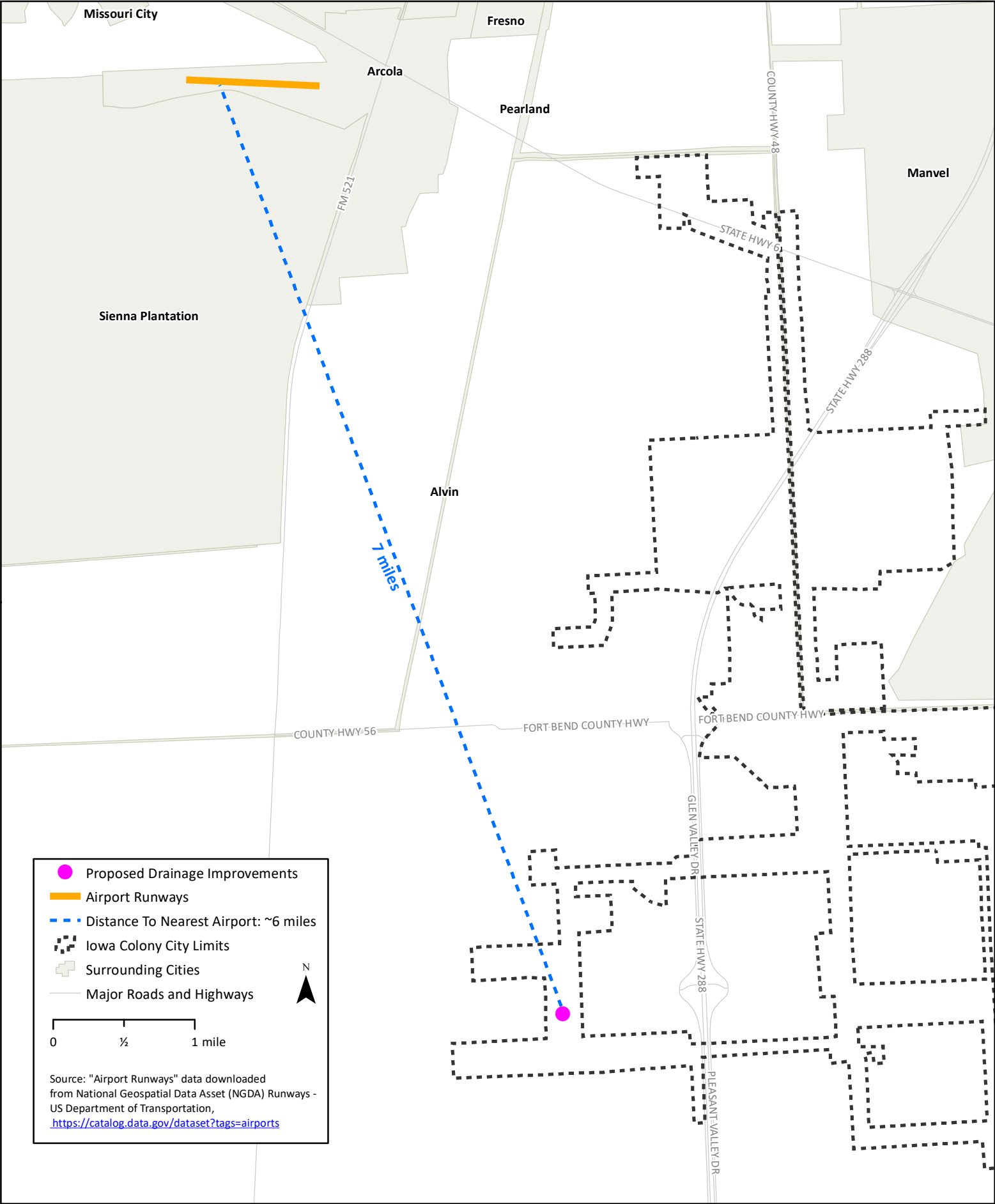
Are formal compliance steps or mitigation required?

☐ Yes

☒ No

City of Iowa Colony

CDBG-DR Contract No. 20-065-008-C01 - Airports



Attachment B

Coastal Barrier Resources

Coastal Barrier Resources (CEST and EA)

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	
References		
https://www.hudexchange.info/environmental-review/coastal-barrier-resources		

Projects located in the following states must complete this form.

Alabama	Georgia	Massachusetts	New Jersey	Puerto Rico	Virgin Islands
Connecticut	Louisiana	Michigan	New York	Rhode Island	Virginia
Delaware	Maine	Minnesota	North Carolina	South Carolina	Wisconsin
Florida	Maryland	Mississippi	Ohio	Texas	

1. Is the project located in a CBRS Unit?

- ☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a CBRS Unit.*
- ☐ Yes → *Continue to Question 2.*

Federal assistance for most activities may not be used at this location. You must either choose an alternate site or cancel the project. In very rare cases, federal monies can be spent within CBRS units for certain exempted activities (e.g., a nature trail), after consultation with the Fish and Wildlife Service (FWS) (see [16 USC 3505](#) for exceptions to limitations on expenditures).

1. Indicate your selected course of action.

- ☐ After consultation with the FWS the project was given approval to continue
 → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map and documentation of a FWS approval.*
- ☐ Project was not given approval
Project cannot proceed at this location.

Worksheet Summary**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project area is not located in a Coastal Barrier Resources System. Please see Attachment B – Coastal Barrier Resources for map.

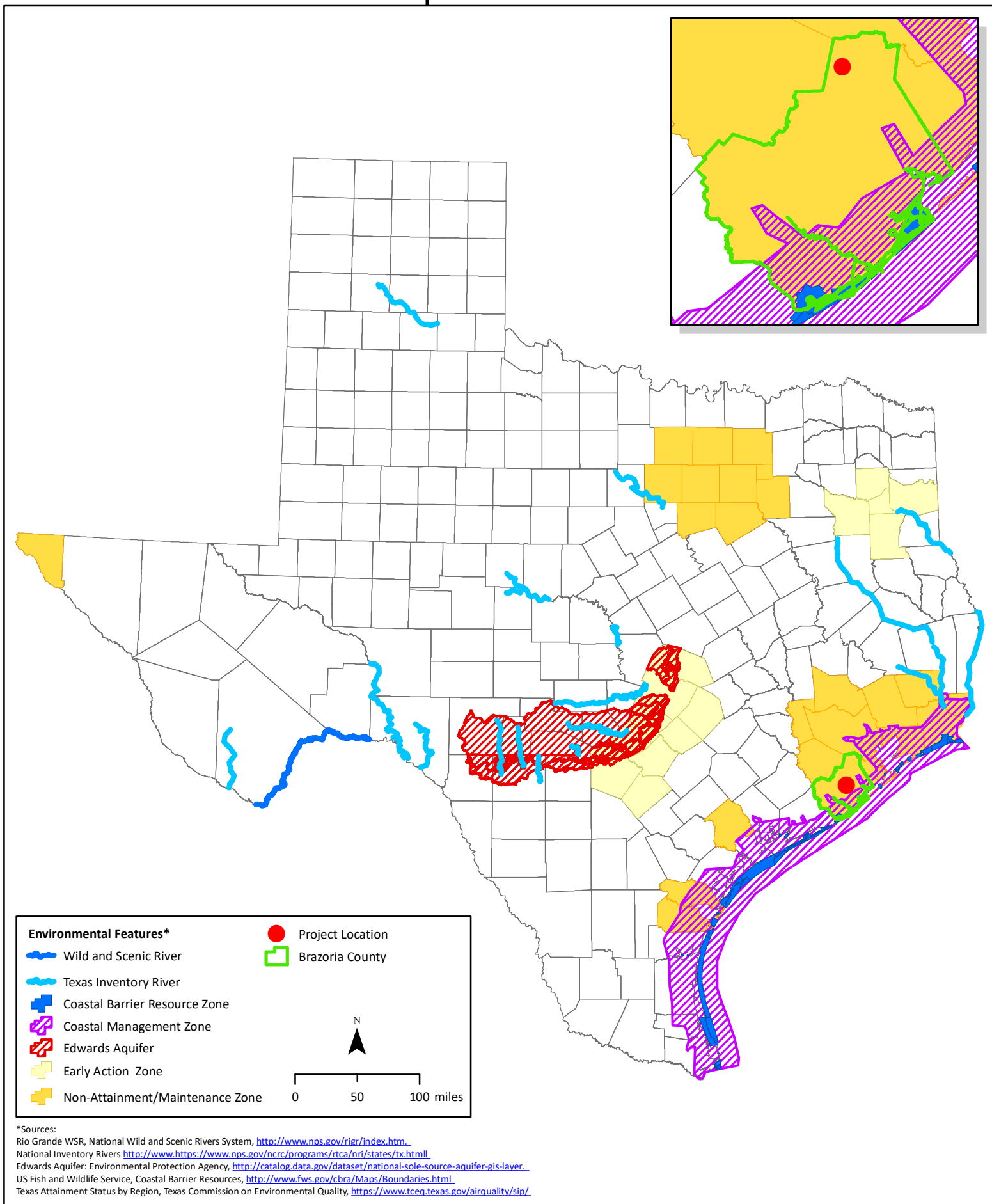
Are formal compliance steps or mitigation required?

- ☐ Yes
- ☒ No

City of Iowa Colony

CDBG-DR Contract No. 20-065-008-C01

Environmental Features Map



Attachment C

Flood Insurance

Flood Insurance (CEST and EA)

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).
Reference		
https://www.hudexchange.info/environmental-review/flood-insurance		

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

☒ No. This project does not require flood insurance or is excepted from flood insurance. → *Continue to the Worksheet Summary.*

☐ Yes → *Continue to Question 2.*

2. Provide a FEMA/FIRM map showing the site.

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

☒ No → *Continue to the Worksheet Summary.*

☐ Yes → *Continue to Question 3.*

3. Is the community participating in the National Flood Insurance Program *or* has less than one year passed since FEMA notification of Special Flood Hazards?

☐ Yes, the community is participating in the National Flood Insurance Program.

For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.

Provide a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.

→ *Continue to the Worksheet Summary.*

☐ Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

If less than one year has passed since notification of Special Flood Hazards, no flood Insurance is required.

→ *Continue to the Worksheet Summary.*

☐ No. The community is not participating, or its participation has been suspended.

Federal assistance may not be used at this location. Cancel the project at this location.

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates

- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The Iowa Colony is participating in the National Flood Insurance Program. The proposed activities do not meet the definition of “financial assistance for acquisition or construction purposes” and is therefore in compliance with the Flood Disaster Protection Act of 1973. Additionally, the Iowa Colony is participating in the National Flood Insurance Program.

Please see Attachment C – Flood Insurance for NFIP participation status and Attachment J – Floodplain Management for Floodplain Maps.

Are formal compliance steps or mitigation required?

☐ Yes

☒ No

Federal Emergency Management Agency

Community Status Book Report

TEXAS

Communities Participating in the National Flood Program

CID	Community Name	County	Init FHBM Identified	Init FIRM Identified	Curr Eff Map Date	Reg-Emer Date	Tribal
	COURT ROAD MUD						
481227#	HOWARD COUNTY*	HOWARD COUNTY	12/13/77	02/01/88	10/06/10(L)	02/01/88	No
481535#	HOWARDWICK, CITY OF	DONLEY COUNTY	01/02/80		01/02/80	07/05/06(E)	No
480833#	HOWE, TOWN OF	GRAYSON COUNTY	10/29/76	09/04/85	09/29/10(M)	09/04/85	No
480859#	HUBBARD, CITY OF	HILL COUNTY	10/29/76	05/01/85	06/02/11(M)	05/01/85	No
480147B	HUDSON OAKS, CITY OF	PARKER COUNTY		09/26/08	(NSFHA)	09/18/09	No
480011#	HUDSON, CITY OF	ANGELINA COUNTY		09/29/10	09/29/10(M)	09/29/10	No
480361#	HUDSPETH COUNTY *	HUDSPETH COUNTY	04/18/78	11/01/85	11/01/85(M)	11/01/85	No
480734#	HUGHES SPRINGS, CITY OF	CASS COUNTY	08/27/76	01/01/92	04/03/12(M)	01/01/92	No
480297#	HUMBLE, CITY OF	HARRIS COUNTY	11/29/77	09/16/82	06/09/14	09/16/82	No
480363#	HUNT COUNTY*	HUNT COUNTY	08/22/78	09/04/91	01/06/12	09/04/91	No
480298#	HUNTER'S CREEK VILLAGE, CITY OF	HARRIS COUNTY	05/10/74	11/05/80	06/09/14	11/05/80	No
481077#	HUNTINGTON, CITY OF	ANGELINA COUNTY	07/30/76	08/01/08	09/29/10(M)	08/01/08	No
480639#	HUNTSVILLE, CITY OF	WALKER COUNTY	05/24/74	02/04/81	08/16/11	02/04/81	No
480601B	HURST, CITY OF	TARRANT COUNTY	06/14/74	10/15/85	03/21/19	10/15/85	No
480179#	HUTCHINS, CITY OF	DALLAS COUNTY	03/22/74	05/01/80	07/07/14	05/01/80	No
481047#	HUTTO, CITY OF	WILLIAMSON COUNTY		09/27/91	09/26/08	01/09/07	No
481311	HUXLEY, CITY OF	SHELBY COUNTY				11/28/01(E)	No
480916#	IDALOU, CITY OF	LUBBOCK COUNTY	11/12/76	06/01/88	09/28/07(M)	06/01/88	No
481695A	INDIAN LAKE, TOWN OF	CAMERON COUNTY		02/16/18	02/16/18	09/24/02	No
481645A	INGLESIDE ON THE BAY, CITY OF	SAN PATRICIO COUNTY		11/04/16	11/04/16	05/11/92	No
	USE THE SAN PATRICIO COUNTY [485506] FIRM.						
485480A	INGLESIDE, CITY OF	SAN PATRICIO COUNTY	06/17/70	06/25/71	11/04/16	06/25/71	No
481592#	INGRAM, CITY OF	KERR COUNTY		05/01/79	03/03/11	05/01/79	No
481071#	IOWA COLONY, CITY OF	BRAZORIA COUNTY	07/02/76	05/17/82	09/22/99	05/17/82	No
480660#	IOWA PARK, CITY OF	WICHITA COUNTY	04/05/74	12/15/82	02/03/10	12/15/82	No
480973	IRAAN, CITY OF	PECOS COUNTY	07/30/76	06/05/85	06/05/85(M)	06/05/85	No
481072#	IREDELL, CITY OF	BOSQUE COUNTY	11/01/74	11/01/92	01/06/11(L)	11/01/92	No
481228	IRION COUNTY *	IRION COUNTY				10/12/01(E)	No
480180E	IRVING, CITY OF	DALLAS COUNTY	06/19/70	11/19/80	03/21/19	11/19/80	No
480800#	ITALY, CITY OF	ELLIS COUNTY	08/15/75	01/20/99	06/03/13	08/12/10	No
480860#	ITASCA, CITY OF	HILL COUNTY	11/05/76	07/06/82	06/02/11(M)	07/06/82	No
480695	IVANHOE, CITY OF	TYLER COUNTY				09/16/11	No
480299F	JACINTO CITY, CITY OF	HARRIS COUNTY	06/28/74	09/02/81	01/06/17	09/02/81	No
480377	JACK COUNTY*	JACK COUNTY			(NSFHA)	02/11/09	No
480378#	JACKSBORO, CITY OF	JACK COUNTY	06/07/74	01/15/88	01/15/88	01/15/88	No
480379#	JACKSON COUNTY *	JACKSON COUNTY	10/25/74	08/15/78	09/17/14	08/15/78	No
480123#	JACKSONVILLE, CITY OF	CHEROKEE COUNTY	05/24/74	02/18/81	01/06/11	02/18/81	No
481271A	JAMAICA BEACH, CITY OF	GALVESTON COUNTY		04/08/71	08/15/19	04/08/71	No
481080#	JASPER COUNTY*	JASPER COUNTY	05/17/77	04/01/91	12/17/10	04/01/91	No
480383#	JASPER, CITY OF	JASPER COUNTY	03/29/74	01/02/81	12/17/10	01/02/81	No
481690	JAYTON, CITY OF	KENT COUNTY				01/16/01(E)	No
481251#	JEFF DAVIS COUNTY *	JEFF DAVIS COUNTY	02/07/78	07/18/85	07/18/85(M)	07/18/85	No
480385#	JEFFERSON COUNTY *	JEFFERSON COUNTY	08/30/77	06/01/83	08/06/02	06/01/83	No
480465#	JEFFERSON, CITY OF	MARION COUNTY	06/07/74	10/26/82	10/26/82(M)	10/26/82	No
480300#	JERSEY VILLAGE, CITY OF	HARRIS COUNTY	04/05/74	03/15/82	06/09/14	03/15/82	No
480906A	JEWETT, CITY OF	LEON COUNTY	12/24/76	10/01/07	11/20/13	10/01/07	No
481081#	JIM HOGG COUNTY*	JIM HOGG COUNTY	01/31/75	11/01/87	11/01/87(L)	11/01/87	No
481258A	JIM WELLS COUNTY *	JIM WELLS COUNTY	06/10/77	05/02/83	08/15/17	05/02/83	No
481005	JOAQUIN, CITY OF	SHELBY COUNTY	10/22/76	07/18/85	07/18/85(M)	07/18/85	No
480712#	JOHNSON CITY, CITY OF	BLANCO COUNTY	04/18/75	03/01/86	02/06/91	03/01/86	No

Attachment D

Clean Air

Air Quality (CEST and EA)

General Requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93
Reference		
https://www.hudexchange.info/environmental-review/air-quality		

Scope of Work

- 1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

☐ Yes

→ *Continue to Question 2.*

☒ No

Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

Air Quality Attainment Status of Project's County or Air Quality Management District

- 2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

Follow the link below to determine compliance status of project county or air quality management district:

<http://www.epa.gov/oaqps001/greenbk/>

☐ No, project's county or air quality management district is in attainment status for all criteria pollutants

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

☐ Yes, project's management district or county is in non-attainment or maintenance status for one or more criteria pollutants.

Describe the findings:

→ *Continue to Question 3.*

- 3. Determine the estimated emissions levels of your project for each of those criteria pollutants that are in non-attainment or maintenance status on your project area. Will your project exceed any of the *de minimis* or *threshold* emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?**

☐ No, the project will not exceed *de minimis* or threshold emissions levels or screening levels

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Explain how you determined that the project would not exceed de minimis or threshold emissions.*

☐ Yes, the project exceeds *de minimis* emissions levels or screening levels.

→ Continue to Question 4. Explain how you determined that the project would not exceed de minimis or threshold emissions in the Worksheet Summary.

- 4. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project area is located within an area of the state that is within non-attainment of the guidelines of the Federal Clean Air Act. However, the project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units; therefore, under 40 CFR 93.153, it can be assumed that the project emissions will be below de minimis levels and that the project is in compliance with the Clean Air Act. During project construction, there will be some increase in ambient dust particulate from machinery and soil disturbances. These will be only temporary in nature and all efforts will be made through proper construction methods to ensure dust control and properly functioning equipment. Please see Attachment D – Clean Air for reference map.

Are formal compliance steps or mitigation required?

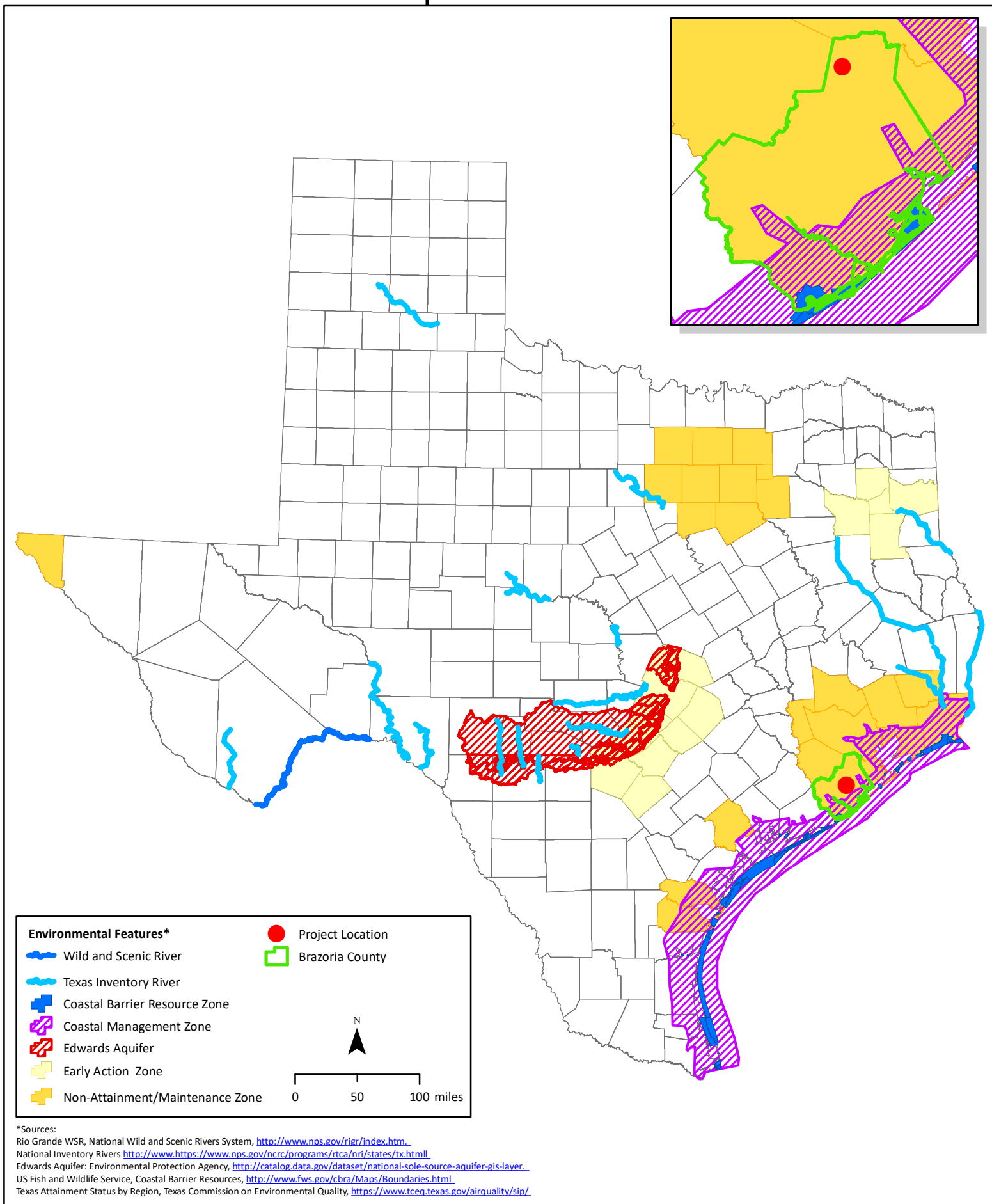
☐ Yes

☒ No

City of Iowa Colony

CDBG-DR Contract No. 20-065-008-C01

Environmental Features Map



Finding on Air Quality General Conformity Review Summary of Projects

Valid Sept. 23, 2019-Sept. 23, 2021

Projects	Project Summary
Water/Wastewater Improvements	
Palos Verdes Recycled Water Pipeline Project, 2017	Extending an existing water pipeline 20,000 linear feet to provide service to additional facilities, additional laterals to other facilities, a new 100 hp booster pump station
Sacramento Regional County Sanitation District's South Sacramento County Agriculture and Habitat Lands Recycled Water Program, 2017	Installation of 13.8 miles of transmission pipelines and distribution mains, and an undetermined length of service lateral connections.
Las Vegas Paiute Tribe Snow Mountain Reservation Public Water System Improvement Project, 2017	Installation of a new well, water tank, pump, shut off valves, connection piping, and other essential system components
Bay Bridge Pump Station and Force Mains Replacement Project, 2017	Replacement of the existing pump station and force mains
Regional Salinity Management Project - Hueneme Outfall Replacement Project, 2007	Installation and operation of approximately 2 miles of 48-inch diameter pipeline using traditional trenching methods and replacement of outfall structure
Flood and Drainage Improvements	
Termino Avenue Drain Project, 2008	Construction of a storm drain mainline, six lateral drains, low flow treatment pump station, catch basin screens and an outlet.
Fagatogo Stormwater Modification, American Samoa Disaster Relief Office, 2019	Excavation and installation of box drains and culverts, placement of riprap and/or gabions, installation of trench drains.
Wildwood Creek Detention Basins, City of Yucaipa, 2007	Construction of one desilting basin, two detention basins, and a natural bottom channel on approx 20-25 acres.
Alamo Creek and Ulati Creek Detention Basins Project, 2011	Construction of a detention basin on approx 77 acres, inlet and outfall structures, berms, emergency spillway, an access road, two parking areas, perimeter fencing and gates.
Lawton Interceptor Protection, City of Reno, 2010	River bank stabilization and installation of a refusal trench parallel to the existing sewer line.
Street Improvements	
Century Boulevard Extension Project Between Grape Street and Alameda Street, City of Los Angeles	Extension of Century Boulevard approx 2600 feet including intersecting streets. The street would include one lane in each direction, parking lanes along the street, dedicated bike lane in each direction, landscaped parkways and pedestrian amenities.

Public Facilities	
Los Angeles Department of Water and Power West Los Angeles District Headquarters, Administration Building, 2005	Demolition and removal of the existing asphalt parking lot and construction of a new two-story administration building.
Hollywood-La Kretz Customer Service and Community Center Project, 2011	Demolition of the existing structures and construction of a new customer service and community center. The new facility would be a one story building with a customer payment center/waiting area, office area, community center, offices for staff, public restrooms, courtyard with water feature, exterior lighting, and landscaping.
Housing	
Reseda Boulevard Mixed-Use Project, City of Los Angeles, 2018	Demolition of the existing Post Office, surface parking lot and landscaping for the construction of a 4 story mixed-use development with 128 residential units, 5,725 square-feet of ground floor commercial uses, 240 subterranean parking spaces and 157 bike spaces.
The Alexan Project, City of Los Angeles, 2016	Construction of a 27-story mixed-use highrise with up to 305 residential units, 3500 sq ft of restaurant uses, 2671 sq ft of retail uses, and 336 parking spaces.
Sepulveda LLC Apartments Project, City of Los Angeles, 2016	Demolition of a former commercial plant nursery and associated parking for the construction of a multi-story residential apartment complex. The project includes 364 dwelling units, 557 parking spaces and 405 bike parking spaces.
Morgan Knolls Subdivision, Placer County, California, 2018	Development of a 16.4 acre project site for a residential subdivision with 61 single family lots. Homes constructed will be both one and two story single-family homes.
Quail Cove Subdivision Project, Antioch, California, 2018	Development of a 5.59-acre vacant parcel as a 30 lot single-family residential subdivision with associated infrastructure and connections to water, sewer, storm drainage, electricity, natural gas service, communications, and City circulation system.
13-Lot Residential Development (APN 224-142-01) and Annexation, Escondido, California, 2014	Development of approximately 5.7 acres and demolition of one single-family dwelling and related storage structures for the construction of a 13-lot single family residential subdivision.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

(<https://www.tceq.texas.gov>)

Home (<https://www.tceq.texas.gov>) / Air Quality (<https://www.tceq.texas.gov/airquality>) / SIP (<https://www.tceq.texas.gov/airquality/sip>) / HGB SIP (<https://www.tceq.texas.gov/airquality/sip/hgb>) / Houston-Galveston-Brazoria: Current Attainment Status

Houston-Galveston-Brazoria: Current Attainment Status

Compliance of HGB-area counties with the National Ambient Air Quality Standards (NAAQS).

Note: This table is intended to provide a listing of designations and classifications for current, active National Ambient Air Quality Standards (NAAQS). While NAAQS which have been revoked by the EPA do not appear in this table, some anti-backsliding obligations may continue to apply for revoked standards. This table is to be used for informational purposes only and should not be used to determine regulatory requirements in any of the counties listed.

HGB Area: Attainment Status by Pollutant

Pollutant	Primary NAAQS	Averaging Period	Designation	Counties	Attainment Deadline
Ozone (O ₃)*	0.070 ppm (2015 standard)	8-hour	Marginal Nonattainment	Brazoria, Chambers, Fort Bend, Galveston, Harris, Montgomery	August 3, 2021
	0.075 ppm (2008 standard)	8-hour	Serious Nonattainment	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller	July 20, 2021
Lead (Pb)	0.15 µg/m ³ (2008 standard)	Rolling 3-Month Average	Unclassifiable/Attainment		
Carbon Monoxide (CO)	9 ppm	8-hour	Unclassifiable/Attainment		
	35 ppm	1-hour	Unclassifiable/Attainment		
Nitrogen Dioxide (NO ₂)	0.053 ppm	Annual	Unclassifiable/Attainment		
	100 ppb	1-hour	Unclassifiable/Attainment		

Particulate Matter (PM ₁₀)	150 µg/m ³	24-hour	Unclassifiable/Attainment
Particulate Matter (PM _{2.5})	12.0 µg/m ³ (2012 standard)	Annual (Arithmetic Mean)	Unclassifiable/Attainment
	15.0 µg/m ³ (1997 standard)	Annual (Arithmetic Mean)	Unclassifiable/Attainment
	35 µg/m ³	24-hour	Unclassifiable/Attainment
Sulfur Dioxide (SO ₂)	0.03 ppm**	Annual (Arithmetic Mean)	Unclassifiable/Attainment
	0.14 ppm**	24-hour	Unclassifiable/Attainment
	75 ppb	1-hour	Attainment/Unclassifiable

*The United States Environmental Protection Agency (EPA) revoked the one-hour ozone standard and the 1997 eight-hour ozone standard in all areas, although some areas have continuing obligations under these standards. See **ozone history** (<https://www.tceq.texas.gov/airquality/sip/hgb/hgb-ozone-history>) for more information.

**Standard will be revoked one year after the effective date of final designations for the 75 ppb standard.

For more information on attainment status, visit the EPA's **Green Book** (<https://www.epa.gov/green-book>) webpage regarding nonattainment areas for criteria pollutants.

HGB Nonattainment Areas

2015 Eight-Hour Ozone Standard Designations: Marginal Nonattainment, effective August 3, 2018 (**83 FR 25776** ([https://www.gpo.gov/fdsys/pkg/FR-2018-06-04/pdf/2018-11838.pdf?](https://www.gpo.gov/fdsys/pkg/FR-2018-06-04/pdf/2018-11838.pdf?utm_campaign=subscription%20mailing%20list&utm_source=federalregister.gov&utm_medium=email)

[utm_campaign=subscription%20mailing%20list&utm_source=federalregister.gov&utm_medium=email](https://www.gpo.gov/fdsys/pkg/FR-2018-06-04/pdf/2018-11838.pdf?utm_campaign=subscription%20mailing%20list&utm_source=federalregister.gov&utm_medium=email))).

On October 1, 2015, the EPA lowered the primary and secondary eight-hour ozone NAAQS to 0.070 parts per million (**80 FR 65292** (<https://www.gpo.gov/fdsys/pkg/FR-2015-10-26/pdf/2015-26594.pdf>)). A six-county HGB area including Brazoria, Chambers, Fort Bend, Galveston, Harris, and Montgomery Counties was designated nonattainment and classified marginal under the 2015 eight-hour ozone NAAQS, effective August 3, 2018. The HGB nonattainment area includes six of the eight counties that were designated nonattainment under the 2008 eight-hour ozone but does not include Liberty or Waller Counties, which were designated attainment/unclassifiable.

2008 Eight-Hour Ozone Standard Designations: Serious Nonattainment, effective September 23, 2019 (**84 FR 44239** (<https://www.govinfo.gov/content/pkg/FR-2019-08-23/pdf/2019-17796.pdf>))

Former 2008 Eight-Hour Ozone Standard Designations: Marginal Nonattainment, effective July 20, 2012 (**77 FR 30088** (<http://www.gpo.gov/fdsys/pkg/FR-2012-05-21/pdf/2012-11618.pdf>)) and Moderate Nonattainment, effective December 14, 2016 (**81 FR 90207** (<https://www.gpo.gov/fdsys/pkg/FR-2016-12-14/pdf/2016-29999.pdf>)) and **82 FR 3172** (https://www.gpo.gov/fdsys/pkg/FR-2017-01-11/pdf/2017-00086.pdf?utm_campaign=subscription%20mailing%20list&utm_source=federalregister.gov&utm_medium=email)).

On March 27, 2008, the EPA lowered the primary and secondary eight-hour ozone NAAQS to 0.075 parts per million (ppm) (**73 FR 16436** (<http://edocket.access.gpo.gov/2008/pdf/E8-5645.pdf>)). An eight-county HGB area including Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties was designated "nonattainment" and classified "marginal" under the 2008 eight-hour ozone NAAQS, effective July 20, 2012. The HGB area includes the same eight counties that were designated "nonattainment" under the 1997 eight-hour ozone standard. The attainment deadline for the HGB marginal nonattainment area was July 20, 2015. On May 4, 2016, the EPA published a final rule in the *Federal Register* (**81 FR 26697** (<https://www.gpo.gov/fdsys/pkg/FR-2016-05-04/pdf/2016-09729.pdf>)) granting a one-year attainment deadline extension for the HGB 2008 eight-hour ozone marginal nonattainment area to July 20, 2016. Because the HGB area's 2015 design value exceeded the 2008 eight-hour ozone NAAQS, the EPA published a final determination of nonattainment and reclassification of the HGB 2008 eight-hour ozone nonattainment area from marginal to moderate nonattainment on December 14, 2016, effective on the same date (**81 FR 90207** (<https://www.gpo.gov/fdsys/pkg/FR-2016-12-14/pdf/2016-29999.pdf>)). The attainment deadline for the HGB moderate nonattainment area was July 20, 2018. On August 23, 2019, the EPA reclassified the eight-county HGB area from moderate to serious nonattainment. The attainment date for serious nonattainment areas is July 20, 2021 with a 2020 attainment year.

1997 Eight-Hour Ozone Standard Designation: Severe Nonattainment, October 1, 2008 (**73 FR 56983** (<http://edocket.access.gpo.gov/2008/pdf/E8-22685.pdf>))


Former 1997 Eight-Hour Ozone Standard Designation: Moderate Nonattainment, April 30, 2004 (**69 FR 23858** (<http://edocket.access.gpo.gov/2004/pdf/04-9152.pdf>))

An eight-county HGB area was designated "nonattainment" under the 1997 eight-hour ozone NAAQS, and classified as a moderate nonattainment area on April 30, 2004. The counties affected under this designation are Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. The EPA granted the governor's request to voluntarily reclassify the HGB ozone nonattainment area from a moderate to a severe nonattainment area for the 1997 eight-hour ozone standard, effective October 31, 2008. The HGB area's new attainment deadline for the 1997 eight-hour ozone standard was expeditiously as practicable but no later than June 15, 2019.

Status: The EPA published a final determination of attainment for the 1997 eight-hour ozone standard for the HGB area on December 30, 2015 (**80 FR 81466** (<https://www.gpo.gov/fdsys/pkg/FR-2015-12-30/pdf/2015-32752.pdf>)). On August 18, 2015, the TCEQ submitted the **Redesignation Substitute Report for the HGB 1997 Eight-Hour Ozone Standard Nonattainment Area**

(http://www.tceq.texas.gov/assets/public/implementation/air/sip/hgb/1997ozone_RS_Report/HGB_RS_1997_8Hr_report.pdf) to the EPA. This report fulfilled the EPA's redesignation substitute requirements to lift anti-backsliding obligations for the 1997 eight-hour ozone NAAQS which was revoked effective April 6, 2015. The EPA published final approval of the redesignation substitute report on November 8, 2016 (**81 FR 78691** (<https://www.gpo.gov/fdsys/pkg/FR-2016-11-08/pdf/2016-26586.pdf>)) with an effective date of December 8, 2016. On December 14, 2018, the TCEQ submitted a **redesignation request and maintenance plan SIP revision** (/assets/public/implementation/air/sip/sipdocs/2018-19_OzoneRedesignations/2018_HGB_1hr-1997Ozone_Redes_archive.pdf) to the EPA requesting formal redesignation of the HGB area to attainment for the 1997 eight-hour ozone NAAQS. On May 16, 2019, the EPA proposed approval of the redesignation request SIP revision (**84 FR 22093** (<https://www.govinfo.gov/content/pkg/FR-2019-05-16/pdf/2019-09943.pdf>)).

National Ambient Air Quality Standards

The EPA sets **National Ambient Air Quality Standards** (<https://www.epa.gov/criteria-air-pollutants/naaqs-table>)  for six principal criteria pollutants: ground-level ozone, lead, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter.

Within one year after promulgation of a new or revised NAAQS for any pollutant, the governor must submit designation recommendations to the EPA for all areas of the state. The EPA must then promulgate the designations within two years of promulgation of the revised NAAQS. Areas that do not meet (or contribute to ambient air quality in a nearby area that does not meet) the NAAQS are designated “nonattainment.” Areas that meet the NAAQS are designated “attainment,” and areas that cannot be classified based on the available information, “unclassifiable.”

For ozone, the federal Clean Air Act establishes nonattainment-area classifications ranked according to the severity of the area’s air-pollution problem. These classifications—*marginal*, *moderate*, *serious*, *severe*, and *extreme*—translate to varying requirements with which Texas and nonattainment areas must comply.

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 23, 2019

Leslie Bradley
Acting Regional Administrator
U.S. Department of Housing and Urban Development
Fort Worth Regional Office
801 Cherry Street, Unit #45
Suite 2500
Fort Worth, TX 76102

Subject: Finding on Air Quality General Conformity Review

Dear Ms. Bradley:

The Texas Commission on Environmental Quality (TCEQ) reviewed the federal regulations at 40 Code of Federal Regulations (CFR) Part 93, Subpart B related to general conformity of federal actions with air quality state implementation plans. A federal action for which emissions are considered to be *de minimis* is exempt from general conformity requirements (40 CFR §93.153). The TCEQ also reviewed general conformity guidance documents issued by the United States Environmental Protection Agency (EPA), which provide that emissions analyses for similar, historical projects may be used to assess general conformity applicability.¹

General conformity *de minimis* thresholds, listed at 40 CFR §93.153(b)(1), are based on criteria pollutant and classification, with lower thresholds associated with higher nonattainment classifications. While general conformity applies to all of the criteria pollutants for which the EPA sets National Ambient Air Quality Standards (NAAQS), this finding applies solely to ozone. Four areas in Texas are designated nonattainment or maintenance for the 2008 and/or the 2015 eight-hour ozone NAAQS. As of September 23, 2019, the effective date of the EPA's reclassification of the Dallas-Fort Worth and Houston-Galveston-Brazoria nonattainment areas to 'serious' for the 2008 eight-hour ozone NAAQS (84 FR 44238), general conformity *de minimis* is reduced to 50 tons per year (tpy) of nitrogen oxides (NO_x) or volatile organic compounds (VOC) emissions, the lowest general conformity ozone *de minimis* threshold for any area in Texas.

Based on federal general conformity regulations and EPA guidance, a federal agency may determine that an action is exempt from general conformity requirements if it concludes the action to be *de minimis* based on comparison to a previous project that is similar in size and scope to the proposed action and for which an emissions analysis was completed. Thus, a proposed federal action that is smaller in size and scope to a similar, historical project for which an emissions analysis was completed may also be determined to be *de minimis* and, therefore, exempt from federal general conformity requirements.

The TCEQ reviewed several historical projects determined by HUD Region VI to be categorically similar to HUD-funded projects to assess the methodologies used to calculate NO_x and VOC emissions. Attachment A: *Finding on Air Quality General Conformity Review* comprises a listing

¹ See Section 3.2 *Emissions Calculations* of the EPA's "General Conformity Training Modules," <https://www.epa.gov/general-conformity/general-conformity-training-modules>, accessed August 6, 2019.
P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

of the historical projects found by the TCEQ to contain adequate emissions analysis documentation. The listing is organized according to project categories provided by HUD staff.

The TCEQ finds that proposed HUD-funded projects in Texas that are categorically similar to the historical projects listed in Attachment A and that are comparable or smaller in scope and size are not expected to exceed the 50 tpy *de minimis* threshold for serious ozone nonattainment areas; therefore, a general conformity determination would not be required. Similarly, the TCEQ finds that HUD-funded projects that fall within the project categories listed in Attachment A and that qualify as HUD categorical exclusions under 24 CFR §58.35 are not expected to, under normal circumstances, exceed the 50 tpy *de minimis* threshold for serious ozone nonattainment areas; therefore, a general conformity determination would not be required. However, it is a federal agency's responsibility to comply with the National Environmental Policy Act and federal general conformity requirements.

This finding is valid until September 23, 2021, two years from signature, unless a final EPA action changes the relevant general conformity *de minimis* thresholds in Texas in such a way as to invalidate this finding. When expired or invalidated by EPA action, the finding and project categories and historical analyses included in Attachment A will be revisited to assess whether updates are necessary.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DHF', is positioned above the typed name of Donna F. Huff.

Donna F. Huff, Director
Air Quality Division
Texas Commission on Environmental Quality

Attachment

cc: Mr. Ken McQueen, U.S. Environmental Protection Agency Region 6 Administrator

Attachment A: Finding on Air Quality General Conformity Review

The following is a listing of historical projects for use by Region VI of the United States Department of Housing and Urban Development (HUD) to determine whether projects in Texas would be considered by the Texas Commission on Environmental Quality (TCEQ) to be *de minimis* for air quality general conformity purposes. The TCEQ finds that projects that are categorically similar to these historical projects and are comparable or smaller in scope and size are not expected to exceed the 50 tons per year (tpy) *de minimis* threshold for serious ozone nonattainment areas; therefore, a general conformity determination would not be required. Similarly, the TCEQ finds that HUD-funded projects that fall within these HUD project categories and that qualify as HUD categorical exclusions under 24 CFR §58.35 are not expected to, under normal circumstances, exceed the 50 tpy *de minimis* threshold for serious ozone nonattainment areas; therefore, a general conformity determination would not be required. However, it is a federal agency's responsibility to comply with the National Environmental Policy Act and federal general conformity requirements.

WATER/WASTEWATER IMPROVEMENTS

Palos Verdes Recycled Water Pipeline Project, 2017,
http://www.westbasin.org/sites/default/files/PV_Pipeline_Project.pdf, accessed August 26, 2019.

Sacramento Regional County Sanitation District's South Sacramento County Agriculture and Habitat Lands Recycled Water Program, 2017,
https://www.regionalsan.com/sites/main/files/file-attachments/feir_southcountyag_2-10-2017002_0_0.pdf, accessed August 26, 2019.

Las Vegas Paiute Tribe Snow Mountain Reservation Public Water System Improvement Project, 2017, https://www.epa.gov/sites/production/files/2017-08/documents/environmental_assessment_for_the_las_vegas_paiute_tribe_snow_mountain_reservation_public_water_system_improvement_project.pdf, accessed August 26, 2019.

Bay Bridge Pump Station and Force Mains Replacement Project (Project No. SP-178), 2017,
<https://www.ocsd.com/Home/ShowDocument?id=19600>, accessed August 26, 2019.

Regional Salinity Management Project – Hueneme Outfall Replacement Project (SCH No. 2007021026), 2007, <http://www.calleguas.com/images/docs-documents-reports/hofseircompdoc.pdf>, accessed August 26, 2019.

FLOOD AND DRAINAGE IMPROVEMENTS

Termino Avenue Drain Project (SCH No. 2000111022), 2008,
http://www.ladpw.org/pdd/reports/Termino_EIR08_Final.pdf, accessed August 26, 2019.

Fagatogo Stormwater Modification, American Samoa Disaster Relief Office (FEMA-1506-DR-AS, HMGP #1506-4), 2008, https://www.fema.gov/media-library-data/20130726-1626-20490-7354/fagatogo_final_ea.pdf, accessed August 26, 2019.

Wildwood Creek Detention Basins, City of Yucaipa (PDMC-PJ-09-CA-2005-036), 2007,
https://www.fema.gov/media-library-data/20130726-1622-20490-8825/yucaipa_sea.pdf, accessed August 26, 2019.

Alamo Creek and Ulatris Creek Detention Basins Project (SCH No. 2010022023), 2011,
<https://www.ci.vacaville.ca.us/home/showdocument?id=1154>, accessed August 26, 2019.

Lawton Interceptor Protection, City of Reno (FEMA-1629-DR-NV, HMGP 1629-4-4), 2010,
https://www.fema.gov/media-library-data/20130726-1743-25045-9888/lawton_interceptor_ea.pdf, accessed August 26, 2019.

Period of Applicability: September 23, 2019 to September 23, 2021

STREET IMPROVEMENTS

Century Boulevard Extension Project Between Grape Street and Alameda Street, City of Los Angeles (CML-5006(810)), 2016,
<http://eng2.lacity.org/techdocs/emg/docs/CenturyBoulevardExtension/EnvironmentalAssessment.pdf>, accessed August 26, 2019.

PUBLIC FACILITIES

Los Angeles Department of Water and Power West Los Angeles District Headquarters Administration Building, 2005,
https://www.ladwp.com/cs/idcplg?IdcService=GET_FILE&dDocName=LADWP004459&RevisionSelectionMethod=LatestReleased, accessed August 26, 2019.

Hollywood-La Kretz Customer Service and Community Center Project, 2011,
https://www.ladwp.com/cs/idcplg?IdcService=GET_FILE&dDocName=LADWP003782&RevisionSelectionMethod=LatestReleased, accessed August 26, 2019.

HOUSING

Reseda Boulevard Mixed-Use Project, City of Los Angeles (Case No. ENV-2015-3703-MND), 2018,
<http://planning.lacity.org/StaffRpt/InitialRpts/CPC-2015-3702.PDF>, accessed August 26, 2019.

The Alexan Project, City of Los Angeles (Case No. ENV-2006-6302-MND-REC 1), 2016,
<http://planning.lacity.org/StaffRpt/MND/ENV-2006-6302-MND-REC1.pdf>, accessed August 26, 2019.

Sepulveda LLC Apartments Project, City of Los Angeles (Case No. ENV-2016-2752-MND), 2016,
https://planning.lacity.org/staffrpt/mnd/Pub_010517/ENV-2016-2752.pdf, accessed August 26, 2019.

Morgan Knolls Subdivision, Placer County, California, 2018,
<https://www.placer.ca.gov/DocumentCenter/View/32554/Morgan-Knolls-Tentative-Subdivision-Map-and-Variance---Extension-of-Time-20130316-PDF>, accessed August 26, 2019.

Quail Cove Subdivision Project, Antioch, California, 2018,
<https://www.antiochca.gov/fc/community-development/planning/QuailCove/QuailCoveISMND.pdf>, accessed August 26, 2019.

13-Lot Residential Development (APN 224-142-01) and Annexation, Escondido, California, 2014,
[https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/Pickering/Initial%20Study-MNDPickering2ResidentialAnnexationProject2014-06-17\(Final\).pdf](https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/Pickering/Initial%20Study-MNDPickering2ResidentialAnnexationProject2014-06-17(Final).pdf), accessed August 26, 2019.

Attachment E

Coastal Zone Management

Coastal Zone Management Act (CEST and EA)

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930
References		
https://www.onecpd.info/environmental-review/coastal-zone-management		

Projects located in the following states must complete this form.

Alabama	Florida	Louisiana	Mississippi	Ohio	Texas
Alaska	Georgia	Maine	New Hampshire	Oregon	Virgin Islands
American Samona	Guam	Maryland	New Jersey	Pennsylvania	Virginia
California	Hawaii	Massachusetts	New York	Puerto Rico	Washington
Connecticut	Illinois	Michigan	North Carolina	Rhode Island	Wisconsin
Delaware	Indiana	Minnesota	Northern Mariana Islands	South Carolina	

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

☐ Yes → *Continue to Question 2.*

☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a Coastal Zone.*

2. Does this project include activities that are subject to state review?

☐ Yes → *Continue to Question 3.*

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.*

3. Has this project been determined to be consistent with the State Coastal Management Program?

☐ Yes, with mitigation. → *Continue to Question 4.*

☐ Yes, without mitigation. → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.*

☐ No, project must be canceled.

Project cannot proceed at this location.

4. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the State Coastal Management Program letter of consistency) and any other documentation used to make your determination.*

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates

- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project is not located within, nor does it affect the Texas Coastal Zone as defined by the Texas Coastal Zone Management Plan. Please see Attachment E – Coastal Zone Management for map.

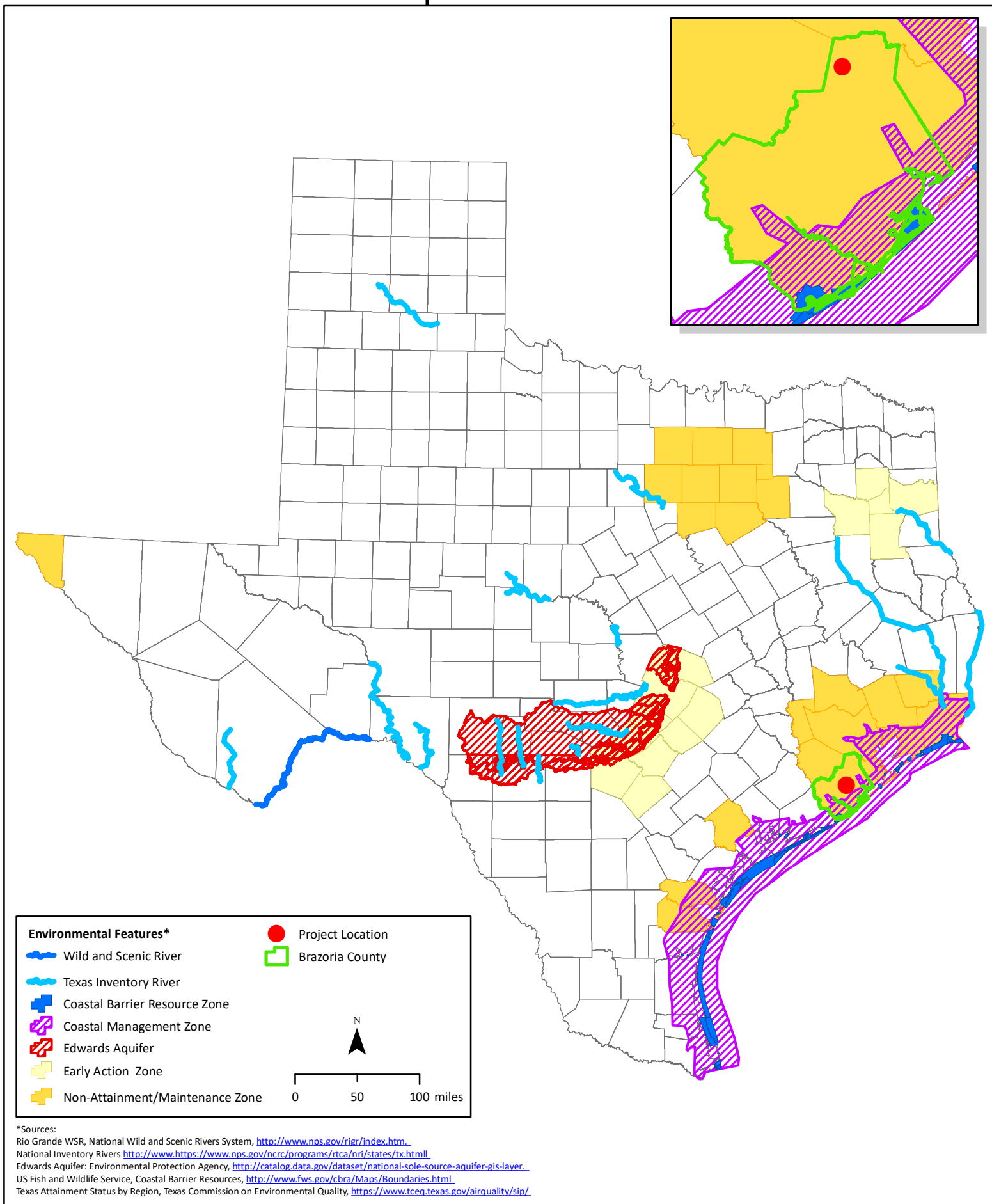
Are formal compliance steps or mitigation required?

- ☐ Yes
- ☒ No

City of Iowa Colony

CDBG-DR Contract No. 20-065-008-C01

Environmental Features Map



Attachment F

Contamination and Toxic Substances

Contamination and Toxic Substances (Single Family Properties)

This Worksheet was designed to be used by those “Partners” (including Public Housing Authorities, consultants, contractors, and nonprofits) who assist Responsible Entities and HUD in preparing environmental reviews, but legally cannot take full responsibilities for these reviews themselves. Responsible Entities and HUD should use the RE/HUD version of the Worksheet

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
https://www.hudexchange.info/programs/environmental-review/site-contamination		

1. Evaluate the site for contamination. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property?

Provide a map or other documentation of absence or presence of contamination¹ and explain evaluation of site contamination in the Worksheet below.

☒ No

Explain:

EPA’s NEPAAssist Enviromapper was used to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Non-compliant facilities were not found on or near the project site that could affect or be affected by the project activities. Additionally, a site visit was conducted and photos were taken to document the absence of these sites. Please see project photos and Attachment F – Contamination and Toxic Substances for Field Observation Report, NEPAAssist Report, and ECHO reports for all facilities within 0.5 miles of the project site.

Latest mapping and research for TCEQ data review hazardous waste facilities, including waste generators, storage facilities, or transporters reflected no registration at or immediately adjacent to the project site areas. TCEQ data indicates approximately 2 industrial and hazardous waste (IHW) Treatment, Storage, and Disposal (TSD) sites located within 0.5 miles of the project area. No impact from these facilities is expected.

With regards to underground storage tanks (UST), TCEQ research indicates that there are no tanks located adjacent to the project areas. No impact is expected.

Leaking UST information from the TCEQ database reflects no leaking USTs within 0.5 miles of the project area. Considering the distance to the tanks and the scope of work, significant amounts of ground disturbances that have occurred in the project area already, no impact is expected. Please see Attachment F – Contamination and Toxic Substances for the TCEQ reports.

¹ Utilize EPA’s Enviromapper and state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

→ If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ Yes

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 2.

Check here if an ASTM Phase I Environmental Site Assessment (ESA) report was utilized. [Note: HUD regulations does not require an ASTM Phase I ESA report for single family homes]

2. Mitigation

Work with the RE/HUD to identify the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental mitigation cannot be mitigated, then HUD assistance may not be used for the project at this site.

Can adverse environmental impacts be mitigated?

☐ Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

☐ Yes, adverse environmental impacts can be eliminated through mitigation.

→ Provide all mitigation requirements² and documents. Continue to Question 3.

3. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls³, or use of institutional controls⁴.

If a remediation plan or clean-up program was necessary, which standard does it follow?

☐ Complete removal

☐ Risk-based corrective action (RBCA)

☐ Other

→ Continue to the Worksheet Summary.

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates

² Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

³ Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

⁴ Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

EPA's NEPAAssist Enviromapper was used to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Non-compliant facilities were not found on or near the project site that could affect or be affected by the project activities. Additionally, a site visit was conducted and photos were taken to document the absence of these sites. Please see project photos and Attachment F – Contamination and Toxic Substances for Field Observation Report, NEPAAssist Report, and ECHO reports for all facilities within 0.5 miles of the project site.

(GLO) Latest mapping and research for TCEQ data review hazardous waste facilities, including waste generators, storage facilities, or transporters reflected no registration at or immediately adjacent to the project site areas. TCEQ data indicates approximately 2 industrial and hazardous waste (IHW) Treatment, Storage, and Disposal (TSD) sites located within 0.5 miles of the project area. No impact from these facilities is expected.

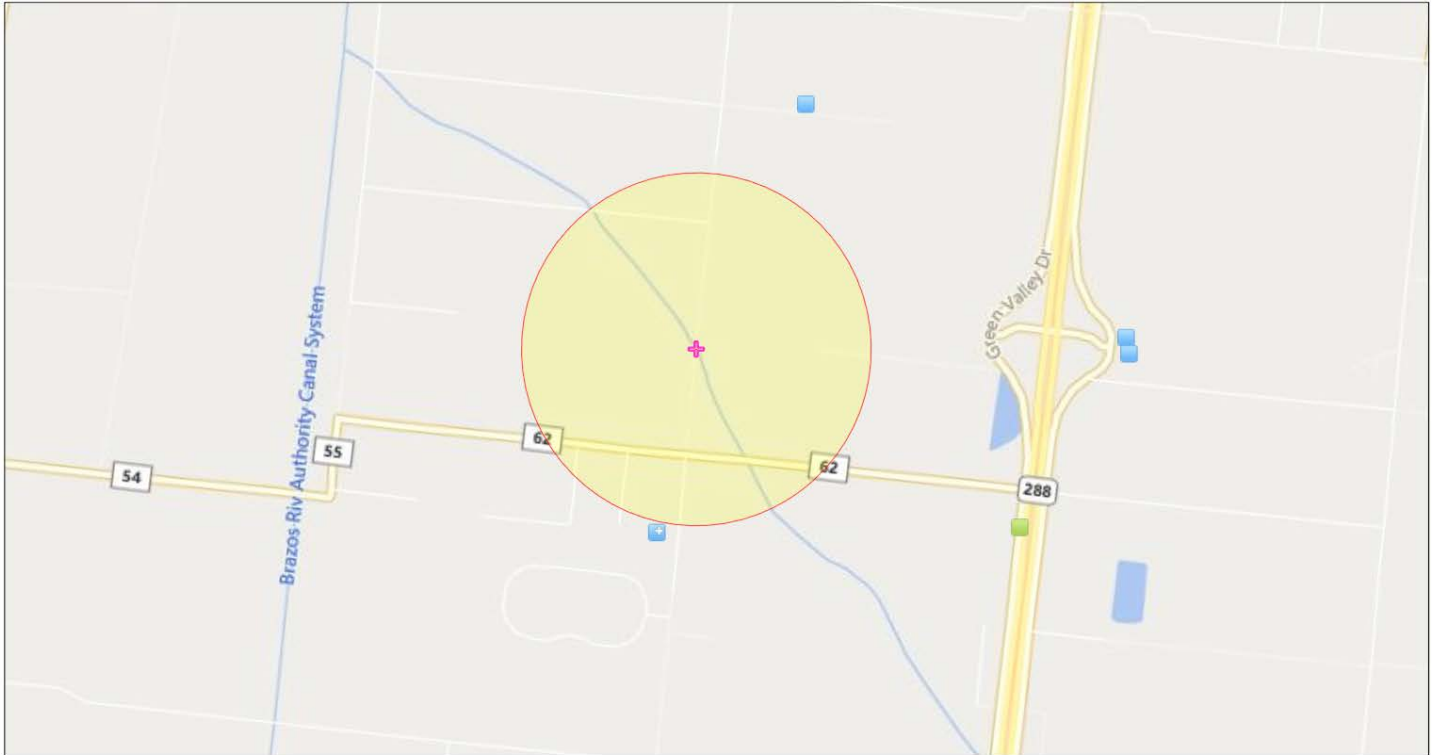
With regards to underground storage tanks (UST), TCEQ research indicates that there are no tanks located adjacent to the project areas. No impact is expected.

Leaking UST information from the TCEQ database reflects no leaking USTs within 0.5 miles of the project area. Considering the distance to the tanks and the scope of work, significant amounts of ground disturbances that have occurred in the project area already, no impact is expected. Please see Attachment F – Contamination and Toxic Substances for the TCEQ reports.

Are formal compliance steps or mitigation required?

- ☐ Yes
☒ No

NEPAssist Report



May 13, 2020

- Water Dischargers (NPDES)
- Hazardous Waste (RCRAInfo)
- Project Buffer
- Project 1
- + Search Result (point)

1:18,799

0 0.2 0.4 0.8 mi

0 0.33 0.65 1.3 km

© 2020 Microsoft Corporation © 2020 HERE

Input Coordinates: 29.409440,-95.443777,29.409378,-95.443766

Length of digitized line	0.00 mi
Within 0.5 miles of an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	yes
Within 0.5 miles of an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	yes
Within 0.5 miles of a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within 0.5 miles of a Federal Land?	no
Within 0.5 miles of an impaired stream?	no
Within 0.5 miles of an impaired waterbody?	no
Within 0.5 miles of a waterbody?	no
Within 0.5 miles of a stream?	yes
Within 0.5 miles of an NWI wetland?	Available Online
Within 0.5 miles of a Brownfields site?	no
Within 0.5 miles of a Superfund site?	no
Within 0.5 miles of a Toxic Release Inventory (TRI) site?	no
Within 0.5 miles of a water discharger (NPDES)?	yes
Within 0.5 miles of a hazardous waste (RCRA) facility?	no
Within 0.5 miles of an air emission facility?	no
Within 0.5 miles of a school?	no

Within 0.5 miles of an airport?	no
Within 0.5 miles of a hospital?	no
Within 0.5 miles of a designated sole source aquifer?	no
Within 0.5 miles of a historic property on the National Register of Historic Places?	no
Within 0.5 miles of a Toxic Substances Control Act (TSCA) site?	no
Within 0.5 miles of a Land Cession Boundary?	no
Within 0.5 miles of a tribal area (lower 48 states)?	no

Created on: 5/13/2020 11:31:17 AM

Detailed Facility Report

Facility Summary

MEADOW RANCH PARKWAY

THE SITE IS LOCATED APPROXIMATELY 0.5 MILES

NORTH, RICHMOND, TX 77407

FRS (Facility Registry Service) ID: 110070380808

EPA Region: 06

Latitude: 29.4017

Longitude: -95.4446

Locational Data Source: NPDES

Industry: Water, Sewer, And Utility Lines

Indian Country: N

Enforcement and Compliance Summary

Statute	Insp (5 Years)	Date of Last Inspection	Compliance Status	Qtrs with NC (Noncompliance) (of 12)	Qtrs with Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CWA	--	--	Terminated Permit	0	0	--	--	--	--	--

Regulatory Information

Clean Air Act (CAA): No Information

Clean Water Act (CWA): Minor, Permit

Terminated; Compliance Tracking Off

(TXR15325S)

Resource Conservation and Recovery Act

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information

Greenhouse Gas Emissions (eGGRT): No Information

Toxic Releases (TRI): No Information

Compliance and Emissions Data Reporting Interface (CEDRI):

No Information

Known Data Problems

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110070380808					N	29.4017	-95.4446
ICIS-NPDES	CWA	TXR15325S	Minor: General Permit Covered Facility	Terminated; Compliance Tracking Off	Storm Water Construction	03/04/2023	N	29.4017	-95.4446

System	Statute	Identifier	Facility Name	Facility Address
FRS		110070380808	MEADOW RANCH PARKWAY	THE SITE IS LOCATED APPROXIMATELY 0.5 MILES NORTH, RICHMOND, TX 77407
ICIS-NPDES	CWA	TXR15325S	MEADOW RANCH PARKWAY	THE SITE IS LOCATED APPROXIMATELY 0.5 MILES NORTH, RICHMOND, TX 77407

System	Identifier	SIC Code	SIC Description
ICIS-NPDES	TXR15325S	1623	Water, Sewer, And Utility Lines

System	Identifier	NAICS Code	NAICS Description
No data records returned			

Identifier	Effluent Guideline (40 CFR Part)	Effluent Guideline Description
No data records returned		

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned			

Compliance Monitoring History (5 years)

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
No data records returned							

Entries in italics are not counted in EPA compliance monitoring strategies or annual results.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CWA	TXR15325S	No	12/31/2019	0	05/08/2020

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13+
CWA (Source ID: TXR15325S)		01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18	04/01-06/30/18	07/01-09/30/18	10/01-12/31/18	01/01-03/31/19	04/01-06/30/19	07/01-09/30/19	10/01-12/31/19	01/01-05/08/20
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	Unknown	Terminated Permit	Terminated Permit
	Quarterly Noncompliance Report History											Undetermined	Undetermined	

Informal Enforcement Actions (5 Years)

Statute	System	Source ID	Type of Action	Lead Agency	Date
No data records returned					

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions (5 Years)

Statute	System	Law/Section	Source ID	Action Type	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
No data records returned														

Environmental Conditions

Water Quality

Permit ID	Combined Sewer System?	Number of CSO (Combined Sewer Overflow) Outfalls	12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Impaired Waters	Impaired Class	Causes of Impairment(s) by Group(s)	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
TXR15325S						No			No

Water Body Designated Uses

Reach Code	Water Body Name	Exceptional Use	Recreational Use	Aquatic Life Use	Shellfish Use	Beach Closure Within Last Year	Beach Closure Within Last Two Years
		No	No	No	No	No	No

Air Quality

Nonattainment Area?	Pollutant(s)	Applicable Nonattainment Standard(s)
---------------------	--------------	--------------------------------------

Nonattainment Area?	Pollutant(s)	Applicable Nonattainment Standard(s)
Yes	Ozone	8-Hour Ozone (1997), 8-Hour Ozone (2008), 8-Hour Ozone (2015)
No	Lead	
No	Particulate Matter	
No	Carbon Monoxide	
No	Nitrogen Dioxide	
No	Sulfur Dioxide	

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Transfers
No data records returned								

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
No data records returned

Demographic Profile

EJSCREEN EJ Indexes

Eleven primary environmental justice (EJ) indexes of EJSCREEN, EPA's screening tool for EJ concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. The index values below are for the Census block group in which the facility is located. Note that use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJSCREEN provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the [EJSCREEN home page](#).

Census Block Group EJ Indexes (percentile)	
Particulate Matter (PM 2.5)	96.2
Ozone NATA Diesel PM	94
NATA Air Toxics Cancer Risk	95.3
NATA Respiratory Hazard Index (HI)	93.3
Traffic Proximity	78.1
Lead Paint Indicator	73.4
Superfund Proximity	84.7

Number of EJ Indexes Above 80th Percentile
7

[View EJSCREEN Report](#)

Census Block Group EJ Indexes (percentile)	
Risk Management Plan (RMP) Proximity	76.5
Hazardous Waste Proximity	78.6
Wastewater Discharge Proximity	87.9

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 U.S. Census and 2006-2010 American Community Survey 5-Year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. EPA’s spatial processing methodology considers the overlap between the selected radii and the census blocks (for U.S. Census demographics) and census block groups (for ACS demographics) in determining the demographics surrounding the facility. For more detail about this methodology, see the [DFR Data Dictionary](#).

General Statistics	
Total Persons	3,557
Population Density	128/sq.mi.
Percent Minority	69%
Households in Area	557
Housing Units in Area	645
Households on Public Assistance	7
Persons Below Poverty Level	325

Geography	
Radius of Selected Area	3 mi.
Center Latitude	29.4017
Center Longitude	-95.4446
Land Area	99%
Water Area	1%

Income Breakdown - Households (%)	
Less than \$15,000	49 (10.14%)
\$15,000 - \$25,000	61 (12.63%)
\$25,000 - \$50,000	72 (14.91%)
\$50,000 - \$75,000	112 (23.19%)
Greater than \$75,000	189 (39.13%)

Age Breakdown - Persons (%)	
Children 5 years and younger	130 (4%)
Minors 17 years and younger	452 (13%)
Adults 18 years and older	3,105 (87%)
Seniors 65 years and older	163 (5%)

Race Breakdown - Persons (%)	
White	1,757 (49%)
African-American	1,313 (37%)
Hispanic-Origin	1,032 (29%)
Asian/Pacific Islander	94 (3%)
American Indian	14 (0%)
Other/Multiracial	380 (11%)

Education Level (Persons 25 & older) - Persons (%)	
Less than 9th Grade	276 (10.38%)
9th through 12th Grade	551 (20.71%)
High School Diploma	1,009 (37.93%)
Some College/2-year	612 (23.01%)
B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	212 (7.97%)

Central Registry Query - Regulated Entity Search

Search for a person, organization, place, or thing that is of environmental interest to the TCEQ, where regulatory activities or interest to us occur or have occurred in the past.

! No results were found for the criteria you entered. Please try again. For hints on searching for Central Registry data, please see the [Search Hints](#) page.

Regulated Entity Search

Option 1: Enter a Regulated Entity Reference Number (RN):

RN Number  : (9 digits or RN + 9 digits)

Option 2: Complete one or more of these fields:

Regulated Entity: (Name or part of name 2-40 characters.)

Program: ▼

Program ID: (Permit, registration, or other program identifier.)

ID Status: ▼ (ID status, only used if program or ID entered.)

Street Address  : (3-35 characters.)

City: (Enter complete or partial city name, 3-30 characters.)

ZIP Code: (Must be numeric and 5 digits.)

County: ▼

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Central Registry Query - Regulated Entity Search

Search for a person, organization, place, or thing that is of environmental interest to the TCEQ, where regulatory activities or interest to us occur or have occurred in the past.

! No results were found for the criteria you entered. Please try again. For hints on searching for Central Registry data, please see the [Search Hints](#) page.

Regulated Entity Search

Option 1: Enter a Regulated Entity Reference Number (RN):

RN Number  : (9 digits or RN + 9 digits)

Option 2: Complete one or more of these fields:

Regulated Entity: (Name or part of name 2-40 characters.)

Program: LEAKING PETROLEUM STORAGE TANKS REMEDIATION ▼

Program ID: (Permit, registration, or other program identifier.)

ID Status: ACTIVE ▼ (ID status, only used if program or ID entered.)

Street Address  : (3-35 characters.)

City: IOWA COLONY (Enter complete or partial city name, 3-30 characters.)

ZIP Code: (Must be numeric and 5 digits.)

County: BRAZORIA ▼

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ZIP Code: (Must be numeric and 5 digits.)

County: ▼

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Central Registry Query - Regulated Entity Search

Search for a person, organization, place, or thing that is of environmental interest to the TCEQ, where regulatory activities or interest to us occur or have occurred in the past.

! No results were found for the criteria you entered. Please try again. For hints on searching for Central Registry data, please see the [Search Hints](#) page.

Regulated Entity Search

Option 1: Enter a Regulated Entity Reference Number (RN):

RN Number  : (9 digits or RN + 9 digits)

Option 2: Complete one or more of these fields:

Regulated Entity: (Name or part of name 2-40 characters.)

Program: ▼

Program ID: (Permit, registration, or other program identifier.)

ID Status: ▼ (ID status, only used if program or ID entered.)

Street Address  : (3-35 characters.)

City: (Enter complete or partial city name, 3-30 characters.)

ZIP Code: (Must be numeric and 5 digits.)

County: ▼

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Central Registry Query - Regulated Entity Search Results List

The regulated entity name search looks for current and prior customer names. Therefore, the result list could return a name that doesn't exactly match the search criteria.

Your Search Returned **2** Records. Click on a column name to change the sort or a RN to view the regulated entity information.

1-2 of 2 Records

RN Number	Regulated Entity Name ▲	County	Location
RN101737484	CEMEX ARCOLA READY MIX PLANT	BRAZORIA	15800 HIGHWAY 6 ROSHARON TX 77583 3259
RN108157165	OLD AIRLINE MARKET	BRAZORIA	16377 HIGHWAY 6 MANVEL TX 77578 3717

1-2 of 2 Records

The following search criteria was entered:

Program Area: PSTREG

ID Status: ACTIVE

City: IOWA COLONY

County: BRAZORIA

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Attachment G

Endangered Species

Endangered Species Act (CEST and EA)

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service ("FWS" and "NMFS" or "the Services").	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402
References		
https://www.hudexchange.info/environmental-review/endangered-species		

1. Does the project involve any activities that have the potential to affect species or habitats?

☐ No, the project will have No Effect due to the nature of the activities involved in the project.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

☐ No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

☒ Yes, the activities involved in the project have the potential to affect species and/or habitats. → *Continue to Question 2.*

2. Are federally listed species or designated critical habitats present in the action area?

Obtain a list of protected species from the Services. This information is available on the FWS Website or you may contact your local FWS and/or NMFS offices directly.

☐ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.*

☒ Yes, there are federally listed species or designated critical habitats present in the action area. → *Continue to Question 3.*

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

☒ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

☐ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

→ *Continue to Question 4, Informal Consultation.*

☐ Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

→ Continue to Question 5, Formal Consultation.

4. Informal Consultation is required

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?

☐ Yes, the Service(s) concurred with the finding.

→ Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:

- (1) A biological evaluation or equivalent document
- (2) Concurrence(s) from FWS and/or NMFS
- (3) Any other documentation of informal consultation

Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.

☐ No, the Service(s) did not concur with the finding. → Continue to Question 5.

5. Formal consultation is required

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

→ Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:

- (1) A biological assessment, evaluation, or equivalent document
- (2) Biological opinion(s) issued by FWS and/or NMFS
- (3) Any other documentation of formal consultation

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that will be implemented to mitigate for the impact or effect, including the timeline for implementation.

☐ Mitigation as follows will be implemented:

☐ No mitigation is necessary.

Explain why mitigation will not be made here:

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Project activities shall be confined to existing rights-of-way in previously disturbed areas committed primarily to urban and residential land use. A list of the endangered and threatened species for Brazoria County has been reviewed as well as the USFWS Information, Planning and Conservation System (IPaC) system. Suitable habitats for each listed species have been compared with the project site to determine if any impacts could be expected. The project area is not consistent with the preferred habitats of any endangered species found in the County, and project activities shall not occur on, or adjacent to, mapped wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources. Per IPaC, there are no critical habitats or refuges within the project area. A site visit was completed on 6/16/2020 and no special wildlife habitats or wildlife were observed, including bird and bat colonies. Based on the level of disturbance present at the project sites and the lack of evidence of endangered species habitat, the Responsible Entity has made the determination of “no effect” on any federally or state listed species and project activities will not result in the destruction or adverse modification of critical habitats. Please see project photos and Attachments G for supporting documentation and memo to file.

If construction workers identify or encounter threatened or endangered species during construction, they should cease construction immediately and contact Texas Parks & Wildlife for guidance.

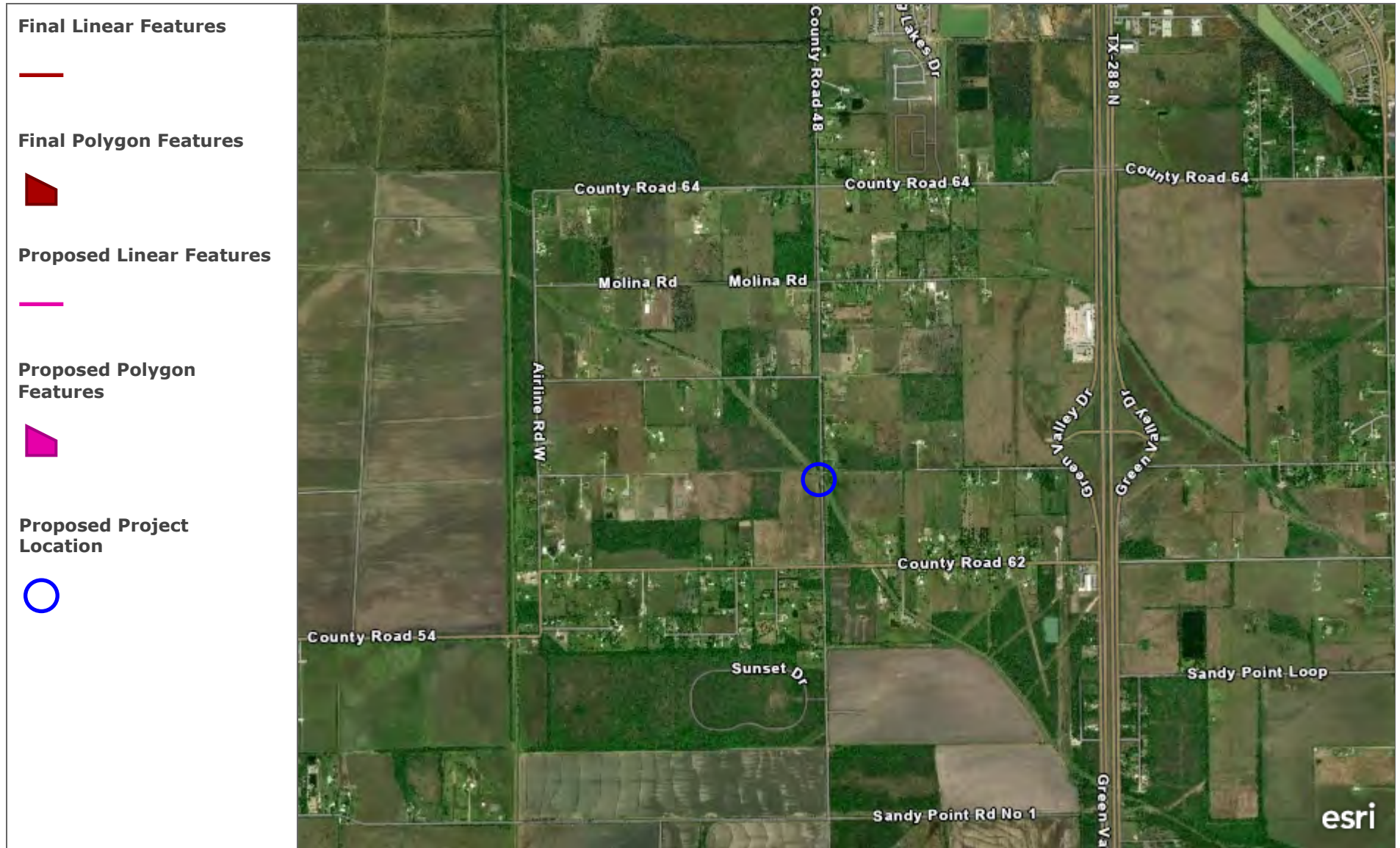
The following are general recommendations for the construction period:
Consider avoiding clearing vegetation during general bird nesting season (between March and August), provide state listed and rare species to construction workers to ensure consistency with requirements to prevent impact to and/or avoid federally or state listed, threatened, endangered, or special status species; use best management practices including silt fencing and berming to prevent stormwater runoff.

Are formal compliance steps or mitigation required?

☐ Yes

☒ No

Critical Habitat for Threatened & Endangered Species [USFWS]



A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

0.6mi

U.S. Fish and Wildlife Service | USDA FSA, GeoEye, Maxar, CNES/Airbus DS | Esri Community Maps Contributors, Texas Parks & Wildlife, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

Phone: (281) 286-8282 Fax: (281) 488-5882

<http://www.fws.gov/southwest/es/TexasCoastal/>

http://www.fws.gov/southwest/es/ES_Lists_Main2.html

In Reply Refer To:

May 13, 2020

Consultation Code: 02ETTX00-2020-SLI-2094

Event Code: 02ETTX00-2020-E-04341

Project Name: Iowa Colony

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Tx, and Corpus Christi, Tx, have combined administratively to form the Texas Coastal Ecological Services Field Office. A map of the Texas Coastal Ecological Services Field Office area of responsibility can be found at: <http://www.fws.gov/southwest/es/TexasCoastal/Map.html>. All project related correspondence should be sent to the field office responsible for the area in which your project occurs. For projects located in southeast Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058. For projects located in southern Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; P.O. Box 81468; Corpus Christi, Texas 78468-1468. For projects located in six counties in southern Texas (Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata) please write: Santa Ana NWR, ATTN: Ecological Services Sub Office, 3325 Green Jay Road, Alamo, Texas 78516.

The enclosed species list identifies federally threatened, endangered, and proposed to be listed species; designated critical habitat; and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project.

New information from updated surveys, changes in the abundance and distribution of species, changes in habitat conditions, or other factors could change the list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation for updates to species list and information. An updated list may be

requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Candidate species have no protection under the Act but are included for consideration because they could be listed prior to the completion of your project. The other species information should help you determine if suitable habitat for these listed species exists in any of the proposed project areas or if project activities may affect species on-site, off-site, and/or result in "take" of a federally listed species.

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if the activity results in the death or injury of wildlife by removing essential habitat components or significantly alters essential behavior patterns, including breeding, feeding, or sheltering.

Section 7

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that actions authorized, funded or carried out by such agencies do not jeopardize the continued existence of any listed threatened or endangered species or adversely modify or destroy critical habitat of such species. It is the responsibility of the Federal action agency to determine if the proposed project may affect threatened or endangered species. If a "may affect" determination is made, the Federal agency shall initiate the section 7 consultation process by writing to the office that has responsibility for the area in which your project occurs.

Is not likely to adversely affect - the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect - adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal section 7 consultation with this office.

No effect - the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No further coordination or contact with the Service is necessary. However, if the

project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

Please be advised that while a Federal agency may designate a non-Federal representative to conduct informal consultations with the Service, assess project effects, or prepare a biological assessment, the Federal agency must notify the Service in writing of such a designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Act requirements for your projects at: http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf

Section 10

If there is no federal involvement and the proposed project is being funded or carried out by private interests and/or non-federal government agencies, and the project as proposed may affect listed species, a section 10(a)(1)(B) permit is recommended. The Habitat Conservation Planning Handbook is available at: http://www.fws.gov/endangered/esa-library/pdf/HCP_Handbook.pdf

Service Response

Please note that the Service strives to respond to requests for project review within 30 days of receipt, however, this time period is not mandated by regulation. Responses may be delayed due to workload and lack of staff. Failure to meet the 30-day timeframe does not constitute a concurrence from the Service that the proposed project will not have impacts to threatened and endangered species.

Proposed Species and/or Proposed Critical Habitat

While consultations are required when the proposed action may affect listed species, section 7(a)(4) was added to the ESA to provide a mechanism for identifying and resolving potential conflicts between a proposed action and proposed species or proposed critical habitat at an early planning stage. The action agency should seek concurrence from the Service to assist the action agency in determining effects and to advise the agency on ways to avoid or minimize adverse effect to proposed species or proposed critical habitat.

Candidate Species

Candidate species are species that are being considered for possible addition to the threatened and endangered species list. They currently have no legal protection under the ESA. If you find you have potential project impacts to these species the Service would like to provide technical

assistance to help avoid or minimize adverse effects. Addressing potential impacts to these species at this stage could better provide for overall ecosystem health in the local area and avert potential future listing.

Several species of freshwater mussels occur in Texas and four are candidates for listing under the ESA. The Service is also reviewing the status of six other species for potential listing under the ESA. One of the main contributors to mussel die offs is sedimentation, which smothers and suffocates mussels. To reduce sedimentation within rivers, streams, and tributaries crossed by a project, the Service recommends that you implement the best management practices found at: <http://www.fws.gov/southwest/es/TexasCoastal/FreshwaterMussels.html>.

Candidate Conservation Agreements (CCAs) or Candidate Conservation Agreements with Assurances (CCAAs) are voluntary agreements between the Service and public or private entities to implement conservation measures to address threats to candidate species. Implementing conservation efforts before species are listed increases the likelihood that simpler, flexible, and more cost-effective conservation options are available. A CCAA can provide participants with assurances that if they engage in conservation actions, they will not be required to implement additional conservation measures beyond those in the agreement. For additional information on CCAs/CCAAs please visit the Service's website at <http://www.fws.gov/endangered/what-we-do/cca.html>.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Many may nest in trees, brush areas or other suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals or eggs. If project activities must be conducted during this time, we recommend surveying for active nests prior to commencing work. A list of migratory birds may be viewed at <http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html>.

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the Act on August 9, 2007. Both the bald eagle and the golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For more information on bald and golden eagle management guidelines, we recommend you review information provided at <http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>.

The construction of overhead power lines creates threats of avian collision and electrocution. The Service recommends the installation of underground rather than overhead power lines whenever possible. For new overhead lines or retrofitting of old lines, we recommend that project

developers implement, to the maximum extent practicable, the Avian Power Line Interaction Committee guidelines found at <http://www.aplic.org/>.

Meteorological and communication towers are estimated to kill millions of birds per year. We recommend following the guidance set forth in the Service Interim Guidelines for Recommendations on Communications Tower Siting, Constructions, Operation and Decommissioning, found online at: <http://www.fws.gov/habitatconservation/communicationtowers.html>, to minimize the threat of avian mortality at these towers. Monitoring at these towers would provide insight into the effectiveness of the minimization measures. We request the results of any wildlife mortality monitoring at towers associated with this project.

We request that you provide us with the final location and specifications of your proposed towers, as well as the recommendations implemented. A Tower Site Evaluation Form is also available via the above website; we recommend you complete this form and keep it in your files. If meteorological towers are to be constructed, please forward this completed form to our office.

More information concerning sections 7 and 10 of the Act, migratory birds, candidate species, and landowner tools can be found on our website at: <http://www.fws.gov/southwest/es/TexasCoastal/ProjectReviews.html>.

Wetlands and Wildlife Habitat

Wetlands and riparian zones provide valuable fish and wildlife habitat as well as contribute to flood control, water quality enhancement, and groundwater recharge. Wetland and riparian vegetation provides food and cover for wildlife, stabilizes banks and decreases soil erosion. These areas are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, major construction, or earth disturbance. Executive Order 11990 asserts that each agency shall provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands in carrying out the agency's responsibilities. Construction activities near riparian zones should be carefully designed to minimize impacts. If vegetation clearing is needed in these riparian areas, they should be re-vegetated with native wetland and riparian vegetation to prevent erosion or loss of habitat. We recommend minimizing the area of soil scarification and initiating incremental re-establishment of herbaceous vegetation at the proposed work sites. Denuded and/or disturbed areas should be re-vegetated with a mixture of native legumes and grasses. Species commonly used for soil stabilization are listed in the Texas Department of Agriculture's (TDA) Native Tree and Plant Directory, available from TDA at P.O. Box 12847, Austin, Texas 78711. The Service also urges taking precautions to ensure sediment loading does not occur to any receiving streams in the proposed project area. To prevent and/or minimize soil erosion and compaction associated with construction activities, avoid any unnecessary clearing of vegetation, and follow established rights-of-way whenever possible. All machinery and petroleum products should be stored outside the floodplain and/or wetland area during construction to prevent possible contamination of water and soils.

Wetlands and riparian areas are high priority fish and wildlife habitat, serving as important sources of food, cover, and shelter for numerous species of resident and migratory wildlife. Waterfowl and other migratory birds use wetlands and riparian corridors as stopover, feeding, and nesting areas. We strongly recommend that the selected project site not impact wetlands and riparian areas, and be located as far as practical from these areas. Migratory birds tend to concentrate in or near wetlands and riparian areas and use these areas as migratory flyways or corridors. After every effort has been made to avoid impacting wetlands, you anticipate unavoidable wetland impacts will occur; you should contact the appropriate U.S. Army Corps of Engineers office to determine if a permit is necessary prior to commencement of construction activities.

If your project will involve filling, dredging, or trenching of a wetland or riparian area it may require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (COE). For permitting requirements please contact the U.S. Corps of Engineers, District Engineer, P.O. Box 1229, Galveston, Texas 77553-1229, (409) 766-3002.

Beneficial Landscaping

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping (42 C.F.R. 26961), where possible, any landscaping associated with project plans should be limited to seeding and replanting with native species. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although Bermuda grass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. The Service also recommends the use of native trees, shrubs, and herbaceous species that are adaptable, drought tolerant and conserve water.

State Listed Species

The State of Texas protects certain species. Please contact the Texas Parks and Wildlife Department (Endangered Resources Branch), 4200 Smith School Road, Austin, Texas 78744 (telephone 512/389-8021) for information concerning fish, wildlife, and plants of State concern or visit their website at: http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/texas_rare_species/listed_species/.

If we can be of further assistance, or if you have any questions about these comments, please contact 281/286-8282 if your project is in southeast Texas, or 361/994-9005, ext. 246, if your project is in southern Texas. Please refer to the Service consultation number listed above in any future correspondence regarding this project.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

(281) 286-8282

Project Summary

Consultation Code: 02ETTX00-2020-SLI-2094

Event Code: 02ETTX00-2020-E-04341

Project Name: Iowa Colony

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: Bridge reconstruction due to Harvey damage.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/29.409461450496536N95.4437755827642W>



Counties: Brazoria, TX

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
West Indian Manatee <i>Trichechus manatus</i> There is final critical habitat for this species. Your location is outside the critical habitat. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

Reptiles

NAME	STATUS
Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6199	Threatened
Hawksbill Sea Turtle <i>Eretmochelys imbricata</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3656	Endangered
Kemp's Ridley Sea Turtle <i>Lepidochelys kempii</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5523	Endangered
Leatherback Sea Turtle <i>Dermochelys coriacea</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1493	Endangered
Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1110	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

Phone: (281) 286-8282 Fax: (281) 488-5882

<http://www.fws.gov/southwest/es/TexasCoastal/>

http://www.fws.gov/southwest/es/ES_Lists_Main2.html

In Reply Refer To:

May 25, 2021

Consultation Code: 02ETTX00-2021-SLI-1962

Event Code: 02ETTX00-2021-E-04543

Project Name: Iowa Colony 2

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Tx, and Corpus Christi, Tx, have combined administratively to form the Texas Coastal Ecological Services Field Office. A map of the Texas Coastal Ecological Services Field Office area of responsibility can be found at: <http://www.fws.gov/southwest/es/TexasCoastal/Map.html>. All project related correspondence should be sent to the field office responsible for the area in which your project occurs. For projects located in southeast Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058. For projects located in southern Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; P.O. Box 81468; Corpus Christi, Texas 78468-1468. For projects located in six counties in southern Texas (Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata) please write: Santa Ana NWR, ATTN: Ecological Services Sub Office, 3325 Green Jay Road, Alamo, Texas 78516.

The enclosed species list identifies federally threatened, endangered, and proposed to be listed species; designated critical habitat; and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project.

New information from updated surveys, changes in the abundance and distribution of species, changes in habitat conditions, or other factors could change the list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation for updates to species list and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Candidate species have no protection under the Act but are included for consideration because they could be listed prior to the completion of your project. The other species information should help you determine if suitable habitat for these listed species exists in any of the proposed project areas or if project activities may affect species on-site, off-site, and/or result in "take" of a federally listed species.

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if the activity results in the death or injury of wildlife by removing essential habitat components or significantly alters essential behavior patterns, including breeding, feeding, or sheltering.

Section 7

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that actions authorized, funded or carried out by such agencies do not jeopardize the continued existence of any listed threatened or endangered species or adversely modify or destroy critical habitat of such species. It is the responsibility of the Federal action agency to determine if the proposed project may affect threatened or endangered species. If a "may affect" determination is made, the Federal agency shall initiate the section 7 consultation process by writing to the office that has responsibility for the area in which your project occurs.

Is not likely to adversely affect - the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial.

Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect - adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal section 7 consultation with this office.

No effect - the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No further coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

Please be advised that while a Federal agency may designate a non-Federal representative to conduct informal consultations with the Service, assess project effects, or prepare a biological assessment, the Federal agency must notify the Service in writing of such a designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Act requirements for your projects at: http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf

Section 10

If there is no federal involvement and the proposed project is being funded or carried out by private interests and/or non-federal government agencies, and the project as proposed may affect listed species, a section 10(a)(1)(B) permit is recommended. The Habitat Conservation Planning Handbook is available at: http://www.fws.gov/endangered/esa-library/pdf/HCP_Handbook.pdf

Service Response

Please note that the Service strives to respond to requests for project review within 30 days of receipt, however, this time period is not mandated by regulation. Responses may be delayed due to workload and lack of staff. Failure to meet the 30-day timeframe does not constitute a concurrence from the Service that the proposed project will not have impacts to threatened and endangered species.

Proposed Species and/or Proposed Critical Habitat

While consultations are required when the proposed action may affect listed species, section 7(a)(4) was added to the ESA to provide a mechanism for identifying and resolving potential conflicts between a proposed action and proposed species or proposed critical habitat at an early planning stage. The action agency should seek concurrence from the Service to assist the action agency in determining effects and to advise the agency on ways to avoid or minimize adverse effect to proposed species or proposed critical habitat.

Candidate Species

Candidate species are species that are being considered for possible addition to the threatened and endangered species list. They currently have no legal protection under the ESA. If you find you have potential project impacts to these species the Service would like to provide technical assistance to help avoid or minimize adverse effects. Addressing potential impacts to these species at this stage could better provide for overall ecosystem health in the local area and avert potential future listing.

Several species of freshwater mussels occur in Texas and four are candidates for listing under the ESA. The Service is also reviewing the status of six other species for potential listing under the ESA. One of the main contributors to mussel die offs is sedimentation, which smothers and suffocates mussels. To reduce sedimentation within rivers, streams, and tributaries crossed by a

project, the Service recommends that that you implement the best management practices found at: <http://www.fws.gov/southwest/es/TexasCoastal/FreshwaterMussels.html>.

Candidate Conservation Agreements (CCAs) or Candidate Conservation Agreements with Assurances (CCAAs) are voluntary agreements between the Service and public or private entities to implement conservation measures to address threats to candidate species. Implementing conservation efforts before species are listed increases the likelihood that simpler, flexible, and more cost-effective conservation options are available. A CCAA can provide participants with assurances that if they engage in conservation actions, they will not be required to implement additional conservation measures beyond those in the agreement. For additional information on CCAs/CCAAs please visit the Service's website at <http://www.fws.gov/endangered/what-we-do/cca.html>.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Many may nest in trees, brush areas or other suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals or eggs. If project activities must be conducted during this time, we recommend surveying for active nests prior to commencing work. A list of migratory birds may be viewed at <http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html>.

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the Act on August 9, 2007. Both the bald eagle and the golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For more information on bald and golden eagle management guidelines, we recommend you review information provided at <http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>.

The construction of overhead power lines creates threats of avian collision and electrocution. The Service recommends the installation of underground rather than overhead power lines whenever possible. For new overhead lines or retrofitting of old lines, we recommend that project developers implement, to the maximum extent practicable, the Avian Power Line Interaction Committee guidelines found at <http://www.aplic.org/>.

Meteorological and communication towers are estimated to kill millions of birds per year. We recommend following the guidance set forth in the Service Interim Guidelines for Recommendations on Communications Tower Siting, Construction, Operation and Decommissioning, found online at: <http://www.fws.gov/habitatconservation/communicationtowers.html>, to minimize the threat of avian mortality at these towers.

Monitoring at these towers would provide insight into the effectiveness of the minimization measures. We request the results of any wildlife mortality monitoring at towers associated with this project.

We request that you provide us with the final location and specifications of your proposed towers, as well as the recommendations implemented. A Tower Site Evaluation Form is also available via the above website; we recommend you complete this form and keep it in your files.

If meteorological towers are to be constructed, please forward this completed form to our office.

More information concerning sections 7 and 10 of the Act, migratory birds, candidate species, and landowner tools can be found on our website at: <http://www.fws.gov/southwest/es/TexasCoastal/ProjectReviews.html>.

Wetlands and Wildlife Habitat

Wetlands and riparian zones provide valuable fish and wildlife habitat as well as contribute to flood control, water quality enhancement, and groundwater recharge. Wetland and riparian vegetation provides food and cover for wildlife, stabilizes banks and decreases soil erosion.

These areas are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, major construction, or earth disturbance. Executive Order 11990 asserts that each agency shall provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands in carrying out the agency's responsibilities. Construction activities near riparian zones should be carefully designed to minimize impacts. If vegetation clearing is needed in these riparian areas, they should be re-vegetated with native wetland and riparian vegetation to prevent erosion or loss of habitat. We recommend minimizing the area of soil scarification and initiating incremental re-establishment of herbaceous vegetation at the proposed work sites. Denuded and/or disturbed areas should be re-vegetated with a mixture of native legumes and grasses.

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If we can be of further assistance, or if you have any questions about these comments, please contact 281/286-8282 if your project is in southeast Texas, or 361/994-9005, ext. 246, if your project is in southern Texas. Please refer to the Service consultation number listed above in any future correspondence regarding this project.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

(281) 286-8282

Project Summary

Consultation Code: 02ETTX00-2021-SLI-1962

Event Code: 02ETTX00-2021-E-04543

Project Name: Iowa Colony 2

Project Type: TRANSPORTATION

Project Description: Iowa Colony crossing rehabilitation CR 48.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@29.40938795,-95.44377237684077,14z>



Counties: Brazoria County, Texas

Endangered Species Act Species

There is a total of 10 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
West Indian Manatee <i>Trichechus manatus</i> There is final critical habitat for this species. The location of the critical habitat is not available. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

Reptiles

NAME	STATUS
Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6199	Threatened
Hawksbill Sea Turtle <i>Eretmochelys imbricata</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3656	Endangered
Kemp's Ridley Sea Turtle <i>Lepidochelys kempii</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5523	Endangered
Leatherback Sea Turtle <i>Dermochelys coriacea</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1493	Endangered
Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1110	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Last Update: 8/25/2020

BRAZORIA COUNTY

AMPHIBIANS

cajun chorus frog *Pseudacris fouquettei*

Aquatic and terrestrial: Habitats of this ground-dwelling frog are diverse and include forests, fields, swamps, marshes, irrigation ditches, and temporarily flooded areas (Bartlett and Bartlett 1999, Lemmon et al. 2008). Eggs are laid in small clusters that adhere to submerged vegetation in shallow temporary pools, ditches, and flooded areas where emergent vegetation or a grassy margin is present (Dundee and Rossman 1989).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: SU

southern crawfish frog *Lithobates areolatus areolatus*

Terrestrial and aquatic: The terrestrial habitat is primarily grassland and can vary from pasture to intact prairie; it can also include small prairies in the middle of large forested areas. Aquatic habitat is any body of water but preferred habitat is ephemeral wetlands.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4T4	State Rank: S3

Strecker's chorus frog *Pseudacris streckeri*

Terrestrial and aquatic: Wooded floodplains and flats, prairies, cultivated fields and marshes. Likes sandy substrates.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

Woodhouse's toad *Anaxyrus woodhousii*

Terrestrial and aquatic: A wide variety of terrestrial habitats are used by this species, including forests, grasslands, and barrier island sand dunes. Aquatic habitats are equally varied.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: SU

BIRDS

bald eagle *Haliaeetus leucocephalus*

Found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3B,S3N

Black Rail *Laterallus jamaicensis*

Salt, brackish, and freshwater marshes, pond borders, wet meadows, and grassy swamps; nests in or along edge of marsh, sometimes on damp ground, but usually on mat of previous years dead grasses; nest usually hidden in marsh grass or at base of Salicornia

Federal Status: PT	State Status: T	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S2

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

BRAZORIA COUNTY

BIRDS

Franklin's gull *Leucophaeus pipixcan*

This species is only a spring and fall migrant throughout Texas. It does not breed in or near Texas. Winter records are unusual consisting of one or a few individuals at a given site (especially along the Gulf coastline). During migration, these gulls fly during daylight hours but often come down to wetlands, lake shore, or islands to roost for the night.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2N

piping plover *Charadrius melodus*

Beaches, sandflats, and dunes along Gulf Coast beaches and adjacent offshore islands. Also spoil islands in the Intracoastal Waterway. Based on the November 30, 1992 Section 6 Job No. 9.1, Piping Plover and Snowy Plover Winter Habitat Status Survey, algal flats appear to be the highest quality habitat. Some of the most important aspects of algal flats are their relative inaccessibility and their continuous availability throughout all tidal conditions. Sand flats often appear to be preferred over algal flats when both are available, but large portions of sand flats along the Texas coast are available only during low-very low tides and are often completely unavailable during extreme high tides or strong north winds. Beaches appear to serve as a secondary habitat to the flats associated with the primary bays, lagoons, and inter-island passes. Beaches are rarely used on the southern Texas coast, where bayside habitat is always available, and are abandoned as bayside habitats become available on the central and northern coast. However, beaches are probably a vital habitat along the central and northern coast (i.e. north of Padre Island) during periods of extreme high tides that cover the flats. Optimal site characteristics appear to be large in area, sparsely vegetated, continuously available or in close proximity to secondary habitat, and with limited human disturbance.

Federal Status: LT	State Status: T	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S2N

reddish egret *Egretta rufescens*

Resident of the Texas Gulf Coast; brackish marshes and shallow salt ponds and tidal flats; nests on ground or in trees or bushes, on dry coastal islands in brushy thickets of yucca and prickly pear

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S2B

Rufa Red Knot *Calidris canutus rufa*

Red knots migrate long distances in flocks northward through the contiguous United States mainly April-June, southward July-October. A small plump-bodied, short-necked shorebird that in breeding plumage, typically held from May through August, is a distinctive and unique pottery orange color. Its bill is dark, straight and, relative to other shorebirds, short-to-medium in length. After molting in late summer, this species is in a drab gray-and-white non-breeding plumage, typically held from September through April. In the non-breeding plumage, the knot might be confused with the omnipresent Sanderling. During this plumage, look for the knot's prominent pale eyebrow and whitish flanks with dark barring. The Red Knot prefers the shoreline of coast and bays and also uses mudflats during rare inland encounters. Primary prey items include coquina clam (*Donax* spp.) on beaches and dwarf surf clam (*Mulinia lateralis*) in bays, at least in the Laguna Madre. Wintering Range includes-Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kennedy, Kleberg, Matagorda, Nueces, San Patricio, and Willacy. Habitat: Primarily seacoasts on tidal flats and beaches, herbaceous wetland, and Tidal flat/shore.

Federal Status: LT	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4T2	State Rank: S2N

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BRAZORIA COUNTY

BIRDS

swallow-tailed kite *Elanoides forficatus*

Lowland forested regions, especially swampy areas, ranging into open woodland; marshes, along rivers, lakes, and ponds; nests high in tall tree in clearing or on forest woodland edge, usually in pine, cypress, or various deciduous trees

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2B

tropical kingbird *Tyrannus melancholicus*

This look-alike to the Couch's Kingbird can be found across the Lower Rio Grande Valley, namely in or adjacent to urban settings, but it also appears to be slowly expanding in urban areas up along the coast. This species frequents telephone poles and wires in urban settings plus fields or agricultural lands, especially along the edges of these habitat types where commanding perches occur.

Federal Status:	State Status:	SGCN: N
Endemic: N	Global Rank: G5	State Rank: S1B,S2N

western burrowing owl *Athene cunicularia hypugaea*

Open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4T4	State Rank: S2

white-faced ibis *Plegadis chihi*

Prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; currently confined to near-coastal rookeries in so-called hog-wallow prairies. Nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4B

white-tailed hawk *Buteo albicaudatus*

Near coast on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March-May

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S4B

whooping crane *Grus americana*

Small ponds, marshes, and flooded grain fields for both roosting and foraging. Potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties.

Federal Status: LE	State Status: E	SGCN: Y
Endemic: N	Global Rank: G1	State Rank: S1N

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BRAZORIA COUNTY

BIRDS

wood stork *Mycteria americana*

Prefers to nest in large tracts of baldcypress (*Taxodium distichum*) or red mangrove (*Rhizophora mangle*); forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: SHB,S2N

CRUSTACEANS

Brazoria crayfish *Procambarus brazoriensis*

The species is found in roadside ditches. In droughts, animals may burrow into substrate. The type locality is described as a ditch beside a road. The ditch was 100 m long and one metre wide which commonly contains water up to 0.3 m deep although does dry completely when there is no rain (Albaugh, 1975).

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G1	State Rank: S1

FISH

alligator gar *Atractosteus spatula*

From the Red River to the Rio Grande (Hubbs et al. 2008); occurs in the Trinity River upstream of Lake Livingston. Found in rivers, streams, lakes, swamps, bayous, bays and estuaries typically in pools and backwater habitats. Floodplains inundated with flood waters provide spawning and nursery habitats.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S4

Oceanic Whitetip Shark *Carcharhinus longimanus*

Habitat description is not available at this time.

Federal Status: LT	State Status: T	SGCN: Y
Endemic: N	Global Rank: GNR	State Rank: S2

opossum pipefish *Microphis brachyurus*

Adults are only found in low salinity waters of estuaries or freshwater tributaries within 30 miles of the coast (Gilmore 1992), where they also give birth. Young move or are carried into more saline waters off the coast after birth. Newly released larvae must have conditions near 18 ppt salinity for at least two weeks after birth to survive, indicating a physiology adapted for downstream transport to estuarine and marine environments (Frias-Torres 2002). Juvenile migration toward the ocean depends on water flow regimes, salinity, and vegetation for cover and capturing prey (Frias-Torres 2002). Seawalls, docks, and riprap construction destroy habitat and poor water quality and alteration of flow regimes may prevent migration (NMFS 2009).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S3N

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BRAZORIA COUNTY

FISH

saltmarsh topminnow *Fundulus jenkinsi*

Occupies estuaries and the edges of saltmarsh habitats along the Gulf coast in salinities of 4-20 ppt in *Spartina* dominated tidal creeks and wetlands (Peterson & Ross 1991; Peterson & Turner 1994; Lopez et al. 2010; and Griffith 1974). Requires access to small interconnected tidal creeks for feeding and reproduction. Spawning occurs from March to August during high tide events (Robertson Thesis, 2016). Non-migratory.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S1

Shortfin Mako Shark *Isurus oxyrinchus*

Habitat description is not available at this time.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: GNR	State Rank: S2

silverband shiner *Notropis shumardi*

In Texas, found from Red River to Lavaca River; Main channel with moderate to swift current velocities and moderate to deep depths; associated with turbid water over silt, sand, and gravel.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4

southern flounder *Paralichthys lethostigma*

This is an estuarine-dependent species that inhabits riverine, estuarine and coastal waters, and prefers muddy, sandy, or silty substrates (Reagan and Wingo 1985). Individuals can tolerate wide temperature (~5-35°C) and salinity ranges (0-60 ppt). Southern Flounder spawn in offshore waters of the Gulf of Mexico from October to February (Reagan and Wingo 1985). The oceanic larval stage is pelagic and lasts 30–60 days. Metamorphosing individuals enter estuaries and migrate towards low-salinity headwaters, where settlement occurs (Burke et al. 1991, Walsh et al. 1999). The young fish enter the bays during late winter and early spring, occupying seagrass; some may move further into coastal rivers and bayous. Juveniles remain in estuaries until the onset of sexual maturation (approximately two years), at which time they migrate out of estuaries to join adults on the inner continental shelf. Adult southern flounder leave the bays during the fall for spawning in the Gulf of Mexico. They spawn for the first time when two years old at depths of 50 to 100 feet. Although most of the adults leave the bays and enter the Gulf for spawning during the winter, some remain behind and spend winter in the bays. Those in the Gulf will reenter the bays in the spring. The spring influx is gradual and does not occur with large concentrations that characterize the fall emigration.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

INSECTS

American bumblebee *Bombus pensylvanicus*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic:	Global Rank: G3G4	State Rank: SNR

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BRAZORIA COUNTY

INSECTS

American burying beetle *Nicrophorus americanus*

Varies widely from oak-hickory and coniferous forest ridges tops or hillsides to riparian corridors and valley floor pastures; extremely xeric, saturated, or loose sandy soils unsuitable; adults primarily above ground, eggs in soil adjacent to buried carcass, teneral adults overwinter in soil

Federal Status: LE	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S1

Gulf Dune Grasshopper *Trimerotropis schaefferi*

Coastal dunes and areas behind the dunes.

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G2G3	State Rank: S2?

MAMMALS

American badger *Taxidea taxus*

Generalist. Prefers areas with soft soils that sustain ground squirrels for food. When inactive, occupies underground burrow. Young are born in underground burrows.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

big brown bat *Eptesicus fuscus*

Any wooded areas or woodlands except south Texas. Riparian areas in west Texas.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

big free-tailed bat *Nyctinomops macrotis*

Habitat data sparse but records indicate that species prefers to roost in crevices and cracks in high canyon walls, but will use buildings, as well; reproduction data sparse, gives birth to single offspring late June-early July; females gather in nursery colonies; winter habits undetermined, but may hibernate in the Trans-Pecos; opportunistic insectivore

Federal Status:	State Status:	SGCN: Y
Endemic:	Global Rank: G5	State Rank: S3

blue whale *Balaenoptera musculus*

Inhabits tropical, subtropical, temperate, and subpolar waters worldwide, but are infrequently sighted in the Gulf of Mexico. They migrate seasonally between summer feeding grounds and winter breeding grounds, but specifics vary. Commonly observed at the surface in open ocean.

Federal Status: LE	State Status: E	SGCN: N
Endemic: N	Global Rank: G3G4	State Rank: SH

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BRAZORIA COUNTY

MAMMALS

eastern red bat

Lasiurus borealis

Found in a variety of habitats in Texas. Usually associated with wooded areas. Found in towns especially during migration.

Federal Status:

State Status:

SGCN: N

Endemic: N

Global Rank: G3G4

State Rank: S4

eastern spotted skunk

Spilogale putorius

Generalist; open fields prairies, croplands, fence rows, farmyards, forest edges & woodlands. Prefer wooded, brushy areas & tallgrass prairies. S.p. ssp. interrupta found in wooded areas and tallgrass prairies, preferring rocky canyons and outcrops when such sites are available.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G4

State Rank: S1S3

Gulf of Mexico Bryde's Whale

Balaenoptera edeni

Habitat description is not available at this time.

Federal Status: LE

State Status: E

SGCN: N

Endemic: N

Global Rank: G4

State Rank: SNR

hoary bat

Lasiurus cinereus

Known from montane and riparian woodland in Trans-Pecos, forests and woods in east and central Texas.

Federal Status:

State Status:

SGCN: N

Endemic: N

Global Rank: G3G4

State Rank: S4

humpback whale

Megaptera novaeangliae

Inhabits tropical, subtropical, temperate, and subpolar waters world wide. Migrate up to 5,000 miles between colder water (feeding grounds) and warmer water (calving grounds) each year. They will use both open ocean and coastal waters, sometimes including inshore areas such as bays, and are often found near the surface; however, this species is rare in the Gulf of Mexico. The northwest Atlantic/Gulf of Mexico distinct population segment is not considered at risk of extinction and is not listed as Endangered on the Endangered Species Act.

Federal Status: LE

State Status:

SGCN: N

Endemic: N

Global Rank: G4

State Rank: SNR

long-tailed weasel

Mustela frenata

Includes brushlands, fence rows, upland woods and bottomland hardwoods, forest edges & rocky desert scrub. Usually live close to water.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S5

Mexican free-tailed bat

Tadarida brasiliensis

Roosts in buildings in east Texas. Largest maternity roosts are in limestone caves on the Edwards Plateau. Found in all habitats, forest to desert.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S5

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BRAZORIA COUNTY

MAMMALS

mink	<i>Neovison vison</i>	
Intimately associated with water; coastal swamps & marshes, wooded riparian zones, edges of lakes. Prefer floodplains.		
Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4
mountain lion	<i>Puma concolor</i>	
Generalist; found in a wide range of habitats statewide. Found most frequently in rugged mountains & riparian zones.		
Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2S3
North Atlantic right whale	<i>Eubalaena glacialis</i>	
Inhabits subtropical and temperate waters in the northern Atlantic. Commonly found in coastal waters or close to the continental shelf near the surface. They migrate from feeding grounds in cooler waters (Canada and New England) to warmer waters of the southeast US (South Carolina, Georgia, and Florida) to give birth in the fall/winter - both areas are identified as critical habitat by NOAA-NMFS. Nursery areas are in shallow, coastal waters. This species is very rare in the Gulf of Mexico and the few reported sightings are likely vagrants (Ward-Geiger et al 2011).		
Federal Status: LE	State Status: E	SGCN: N
Endemic: N	Global Rank: G1	State Rank: S1
plains spotted skunk	<i>Spilogale putorius interrupta</i>	
Generalist; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie		
Federal Status:	State Status:	SGCN: N
Endemic: N	Global Rank: G4T4	State Rank: S1S3
Rafinesque's big-eared bat	<i>Corynorhinus rafinesquii</i>	
Historically, lowland pine and hardwood forests with large hollow trees. roosts in cavity trees of bottomland hardwoods, concrete culverts, and abandoned man-made structures		
Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S2
Sei Whale	<i>Balaenoptera borealis</i>	
Habitat description is not available at this time.		
Federal Status: LE	State Status: E	SGCN: N
Endemic: N	Global Rank: G3	State Rank: SNR

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BRAZORIA COUNTY

MAMMALS

southeastern myotis bat *Myotis austroriparius*

Caves are rare in Texas portion of range; buildings, hollow trees are probably important. Historically, lowland pine and hardwood forests with large hollow trees; associated with ecological communities near water. Roosts in cavity trees of bottomland hardwoods, concrete culverts, and abandoned man-made structures.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S3

southern short-tailed shrew *Blarina carolinensis*

Found in East Texas pine forests and agricultural land. May favor areas with abundant leaf litter and fallen logs (Baumgardner et al. 1992). Nest sites are probably under logs, stumps and other debris.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4

sperm whale *Physeter macrocephalus*

Inhabits tropical, subtropical, and temperate waters world wide, avoiding icy waters. Distribution is highly dependent on their food source (squids, sharks, skates, and fish), breeding, and composition of the pod. In general, this species migrates from north to south in the winter and south to north in the summer; however, individuals in tropical and temperate waters don't seem to migrate at all. Routinely dive to catch their prey (2,000-10,000 feet) and generally occupies water at least 3,300 feet deep near ocean trenches.

Federal Status: LE	State Status: E	SGCN: N
Endemic: N	Global Rank: G3G4	State Rank: S1

swamp rabbit *Sylvilagus aquaticus*

Primarily found in lowland areas near water including: cypress bogs and marshes, floodplains, creeks and rivers.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

thirteen-lined ground squirrel *Ictidomys tridecemlineatus*

Prefers short grass prairies with deep soils for burrowing. Frequently found in grazed ranchland, mowed pastures, and golf courses.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

tricolored bat *Perimyotis subflavus*

Forest, woodland and riparian areas are important. Caves are very important to this species.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G2G3	State Rank: S3S4

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BRAZORIA COUNTY

MAMMALS

West Indian manatee *Trichechus manatus*

Large rivers, brackish water bays, coastal waters. Warm waters of the tropics, in rivers and brackish bays but may also survive in salt water habitats. Very sensitive to cold water temperatures. Rarely occurring as far north as Texas. Gulf and bay system; opportunistic, aquatic herbivore.

Federal Status: LT	State Status: T	SGCN: Y
Endemic: N	Global Rank: G2	State Rank: S1

MOLLUSKS

Brazos Heelsplitter *Potamilus streckersoni*

Habitat description is not available at this time.

Federal Status:	State Status: T	SGCN: N
Endemic: Y	Global Rank: GNR	State Rank: SNR

Texas Fawnsfoot *Truncilla macrodonta*

Occurs in large rivers but may also be found in medium-sized streams. Is found in protected near shore areas such as banks and backwaters but also riffles and point bar habitats with low to moderate water velocities. Typically occurs in substrates of mud, sandy mud, gravel and cobble. Considered intolerant of reservoirs (Randklev et al. 2010; Howells 2010; Randklev et al. 2014b,c; Randklev et al. 2017a,b). [Mussels of Texas 2019]

Federal Status: C	State Status: T	SGCN: Y
Endemic: Y	Global Rank: G1	State Rank: S2

REPTILES

alligator snapping turtle *Macrochelys temminckii*

Aquatic: Perennial water bodies; rivers, canals, lakes, and oxbows; also swamps, bayous, and ponds near running water; sometimes enters brackish coastal waters. Females emerge to lay eggs close to the water's edge.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G2G3	State Rank: S2

common garter snake *Thamnophis sirtalis*

Terrestrial and aquatic: Habitats used include the grasslands and modified open areas in the vicinity of aquatic features, such as ponds, streams or marshes. Damp soils and debris for cover are thought to be critical.

Federal Status:	State Status:	SGCN: N
Endemic:	Global Rank: G5	State Rank: S2

eastern box turtle *Terrapene carolina*

Terrestrial: Eastern box turtles inhabit forests, fields, forest-brush, and forest-field ecotones. In some areas they move seasonally from fields in spring to forest in summer. They commonly enter pools of shallow water in summer. For shelter, they burrow into loose soil, debris, mud, old stump holes, or under leaf litter. They can successfully hibernate in sites that may experience subfreezing temperatures.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

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BRAZORIA COUNTY

REPTILES

green sea turtle

Chelonia mydas

Inhabits tropical, subtropical, and temperate waters worldwide, including the Gulf of Mexico. Adults and juveniles occupy inshore and nearshore areas, including bays and lagoons with reefs and seagrass. They migrate from feeding grounds (open ocean) to nesting grounds (beaches/barrier islands) and some nesting does occur in Texas (April to September). Adults are herbivorous feeding on sea grass and seaweed; juveniles are omnivorous feeding initially on marine invertebrates, then increasingly on sea grasses and seaweeds.

Federal Status: LT

State Status: T

SGCN: Y

Endemic:

Global Rank: G3

State Rank: S3B, S3N

Kemp's Ridley sea turtle

Lepidochelys kempii

Inhabits tropical, subtropical, and temperate waters of the northwestern Atlantic Ocean and Gulf of Mexico. Adults are found in coastal waters with muddy or sandy bottoms. Some males migrate between feeding grounds and breeding grounds, but some don't. Females migrate between feeding and nesting areas, often returning to the same destinations. Nesting in Texas occurs on a smaller scale compared to other areas (i.e. Mexico). Hatchlings are quickly swept out to open water and are rarely found nearshore. Similarly, juveniles often congregate near floating algae/seagrass mats offshore, and move into nearshore, coastal, neritic areas after 1-2 years and remain until they reach maturity. They feed primarily on crabs, but also snails, clams, other crustaceans and plants, juveniles feed on sargassum and its associated fauna; nests April through August.

Federal Status: LE

State Status: E

SGCN: Y

Endemic:

Global Rank: G1

State Rank: S3

leatherback sea turtle

Dermochelys coriacea

Inhabit tropical, subtropical, and temperate waters worldwide, including the Gulf of Mexico. Nesting is not common in Texas (March to July). Most pelagic of the seaturtles with the longest migration (>10,000 miles) between nesting and foraging sites. Are able to dive to depths of 4,000 feet. They are omnivorous, showing a preference for jellyfish.

Federal Status: LE

State Status: E

SGCN: Y

Endemic:

Global Rank: G2

State Rank: S1S2

loggerhead sea turtle

Caretta caretta

Inhabits tropical, subtropical, and temperate waters worldwide, including the Gulf of Mexico. They migrate from feeding grounds to nesting beaches/barrier islands and some nesting does occur in Texas (April to September). Beaches that are narrow, steeply sloped, with coarse-grain sand are preferred for nesting. Newly hatched individuals depend on floating algae/seaweed for protection and foraging, which eventually transport them offshore and into open ocean. Juveniles and young adults spend their lives in open ocean, offshore before migrating to coastal areas to breed and nest. Foraging areas for adults include shallow continental shelf waters.

Federal Status: LT

State Status: T

SGCN: Y

Endemic:

Global Rank: G3

State Rank: S4

massasauga

Sistrurus tergeminus

Terrestrial: Shortgrass or mixed grass prairie, with gravel or sandy soils. Often found associated with draws, floodplains, and more mesic habitats within the arid landscape. Frequently occurs in shrub encroached grasslands.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3G4

State Rank: S3S4

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BRAZORIA COUNTY

REPTILES

slender glass lizard *Ophisaurus attenuatus*

Terrestrial: Habitats include open grassland, prairie, woodland edge, open woodland, oak savannas, longleaf pine flatwoods, scrubby areas, fallow fields, and areas near streams and ponds, often in habitats with sandy soil.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

smooth softshell *Apalone mutica*

Aquatic: Large rivers and streams; in some areas also found in lakes and impoundments (Ernst and Barbour 1972). Usually in water with sandy or mud bottom and few aquatic plants. Often basks on sand bars and mudflats at edge of water. Eggs are laid in nests dug in high open sandbars and banks close to water, usually within 90 m of water (Fitch and Plummer 1975).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

Texas diamondback terrapin *Malaclemys terrapin littoralis*

Coastal marshes, tidal flats, coves, estuaries, and lagoons behind barrier beaches; brackish and salt water; burrows into mud when inactive. Bay islands are important habitats. Nests on oyster shell beaches.

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G4T3Q	State Rank: S2

Texas garter snake *Thamnophis sirtalis annectens*

Terrestrial and aquatic: Habitats used include the grasslands and modified open areas in the vicinity of aquatic features, such as ponds, streams or marshes. Damp soils and debris for cover are thought to be critical.

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G5T4	State Rank: S1

Texas horned lizard *Phrynosoma cornutum*

Terrestrial: Open habitats with sparse vegetation, including grass, prairie, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive. Occurs to 6000 feet, but largely limited below the piñon-juniper zone on mountains in the Big Bend area.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S3

timber (canebrake) rattlesnake *Crotalus horridus*

Terrestrial: Swamps, floodplains, upland pine and deciduous woodland, riparian zones, abandoned farmland. Limestone bluffs, sandy soil or black clay. Prefers dense ground cover, i.e. grapevines, palmetto.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S4

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BRAZORIA COUNTY

REPTILES

western box turtle *Terrapene ornata*

Terrestrial: Ornate or western box turtles inhabit prairie grassland, pasture, fields, sandhills, and open woodland. They are essentially terrestrial but sometimes enter slow, shallow streams and creek pools. For shelter, they burrow into soil (e.g., under plants such as yucca) (Converse et al. 2002) or enter burrows made by other species.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

PLANTS

awnless bluestem *Bothriochloa exaristata*

Coastal prairies on black clay; Perennial; Flowering April-Dec; Fruiting April- Dec

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S3

coastal gay-feather *Liatris bracteata*

Coastal prairie grasslands of various types, from salty prairie on low- lying somewhat saline clay loams to upland prairie on nonsaline clayey to sandy loams; flowering in fall

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G2G3	State Rank: S2S3

corkwood *Leitneria pilosa ssp. pilosa*

Wet or saturated silty soils along brackish or freshwater swamps and ponds and other low, poorly drained sites; flowers in early spring, fruiting as early as May

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G2G3T2	State Rank: S2

Florida pinkroot *Spigelia texana*

Woodlands on loamy soils; Perennial; Flowering March-Nov; Fruiting April-Nov

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G3	State Rank: S3

giant sharpstem umbrella-sedge *Cyperus cephalanthus*

In Texas on saturated, fine sandy loam soils, along nearly level fringes of deep prairie depressions; also in depressional area within coastal prairie remnant on heavy black clay; in Louisiana, most sites are coastal prairie on poorly drained sites, some on slightly elevated areas surrounded by standing shallow water, and on moderately drained sites; soils include very strongly acid to moderately alkaline silt loams and silty clay loams; flowering/fruiting May-June, August-September, and possibly other times in response to rainfall

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3?Q	State Rank: S1

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BRAZORIA COUNTY

PLANTS

Heller's marbleseed *Onosmodium helleri*

Occurs in loamy calcareous soils in oak-juniper woodlands on rocky limestone slopes, often in more mesic portions of canyons; Perennial; Flowering March-May

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G3	State Rank: S3

Runyon's water-willow *Justicia runyonii*

Margins of and openings within subtropical woodlands or thorn shrublands on calcareous, alluvial, silty or clayey soils derived from Holocene silt and sand floodplain deposits of the Rio Grande Delta; can be common in narrow openings such as those provided by trails through dense ebony woodlands and is sometimes restricted to microdepressions; flowering (July-) September-November

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G2	State Rank: S2

South Texas false cudweed *Pseudognaphalium austrotexanum*

In sandy grasslands on eroded area above saline flats; along edge of sendero through mesquite woodland and shrub mottes on sandy loam; on gravel and silt bars and flats in scour plain of streams (TEX-LL specimens Carr 23682, 29264, 22647, 27206). Oct-Jan, sometimes in spring.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S3

South Texas spikeseedge *Eleocharis austrotexana*

Occurring in miscellaneous wetlands at scattered locations on the coastal plain; Perennial; Flowering/Fruiting Sept

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G3	State Rank: S3

Texas meadow-rue *Thalictrum texanum*

Mostly found in woodlands and woodland margins on soils with a surface layer of sandy loam, but it also occurs on prairie pimple mounds; both on uplands and creek terraces, but perhaps most common on claypan savannas; soils are very moist during its active growing season; flowering/fruiting (January-)February-May, withering by midsummer, foliage reappears in late fall(November) and may persist through the winter

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G2Q	State Rank: S2

Texas sunflower *Helianthus praecox ssp. praecox*

Sandy open areas along the upper Texas coast; Annual; Flowering April-Sept

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G4T2	State Rank: S2

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BRAZORIA COUNTY

PLANTS

Texas tauschia

Tauschia texana

Occurs in loamy soils in deciduous forests or woodlands on river and stream terraces; Perennial; Flowering/Fruiting Feb-April

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G3

State Rank: S3

Texas willkommia

Willkommia texana var. *texana*

Mostly in sparsely vegetated shortgrass patches within taller prairies on alkaline or saline soils on the Coastal Plain (Carr 2015).

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G3G4T3

State Rank: S3

Texas windmill grass

Chloris texensis

Sandy to sandy loam soils in relatively bare areas in coastal prairie grassland remnants, often on roadsides where regular mowing may mimic natural prairie fire regimes; flowering in fall

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G2

State Rank: S2

Tharp's dropseed

Sporobolus tharpii

Occurs on barrier islands, shores of lagoons and bays protected by the barrier islands, and on shores of a few near-coastal ponds. Plants occur at the bases of dunes, in interdune swales and sandflats, and on upper beaches. The substrate is of Holocene age.

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G3

State Rank: S3

threeflower broomweed

Thurovia triflora

Near coast in sparse, low vegetation on a veneer of light colored silt or fine sand over saline clay along drier upper margins of ecotone between between salty prairies and tidal flats; further inland associated with vegetated slick spots on prairie mima mounds; flowering September-November

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G2G3

State Rank: S2S3

Traub's rainlily

Cooperia traubii

Primarily sandy loam, open fields, coastal plains. Flowering early summer--mid fall (Jul--Nov) (Flagg, Smith & Flory 2002).

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G3

State Rank: S3

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CITY OF IOWA COLONY

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Certification
Endangered Species
Environmental Review
Flood & Drainage Improvements
City of Iowa Colony, Brazoria County, Texas
Texas Disaster Recovery ERR No: DRS20-065-008-C011

Proposed Action:

The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

Grantworks has researched the listed threatened or endangered species and designated critical habitat for the project area. This includes any such species that have been reported to exist within the action area where the project is located. The list of federally threatened or endangered species was acquired through the U.S. Fish and Wildlife Service's Information, Planning, and Consultation system (IPaC). A list of species and site observations are summarized in the following table:

Species / Resource Name	Federal Status	Habitat Description	Recommendation of Effect	Notes / Documentation
Green Sea Turtle (<i>Chelonia mydas</i>)	Threatened	Inhabits tropical, subtropical, and temperate waters worldwide, including the Gulf of Mexico. Adults and juveniles occupy inshore and nearshore areas, including bays and lagoons with reefs and seagrass.	No Effect	Habitat assessment indicated no potential habitat present
Hawksbill Sea Turtle (<i>Eretmochelys imbricata</i>)	Endangered	Inhabits tropical and subtropical waters worldwide, in the Gulf of Mexico, and especially Texas.	No Effect	Habitat assessment indicated no potential habitat present

Kemp's Ridley Sea Turtle (<i>Lepidochelys kempii</i>)	Endangered	Inhabits tropical, subtropical, and temperate waters of the northwestern Atlantic Ocean and Gulf of Mexico. Adults are found in coastal waters with muddy or sandy bottoms.	No Effect	Habitat assessment indicated no potential habitat present
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)	Endangered	Inhabits tropical, subtropical, and temperate waters worldwide, including the Gulf of Mexico. Nesting is not common in Texas (March to July).	No Effect	Habitat assessment indicated no potential habitat present
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	Threatened	Inhabits tropical, subtropical, and temperate waters worldwide, including the Gulf of Mexico. They migrate from feeding grounds to nesting beaches/barrier islands and some nesting does occur in Texas.	No Effect	Habitat assessment indicated no potential habitat present
Piping Plover (<i>Charadrius melodus</i>)	Threatened	Nests on sandy beaches, sandflats, barrier islands, alkaline lakes, riverine sand / gravel bars, reservoirs, and sand / gravel pits	No Effect	Habitat assessment indicated no potential habitat present
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	Wintering and migration habitats consist of large, sandy tidal flats and coastlines near inlets of bays and estuaries that have remained undeveloped	No Effect	Habitat assessment indicated no potential habitat present
West Indian Manatee (<i>Trichechus manatus</i>)	Threatened	Inhabits large rivers, brackish water bays, coastal waters, warm waters of the tropics, and may also survive in salt water habitats. Very	No Effect	Habitat assessment indicated no potential habitat present

		sensitive to cold water temperatures. Rarely occurring as far north as Texas. Gulf and bay system; opportunistic, aquatic herbivore.		
Whooping Crane (<i>Grus americana</i>)	Endangered	Inhabits small ponds, marshes, and flooded grain fields for both roosting and foraging. Potential migrant via plains throughout most of state to coast; spends winters in coastal marshes of Aransas, Calhoun, and Refugio counties.	No Effect	Habitat assessment indicated no potential habitat present

We have carefully reviewed the Texas Parks and Wildlife Department's list as well as the IPaC listing of federally threatened and endangered species for the City of Iowa Colony and have determined that there is no suitable habitat for the listed species within the project area. Based on the efforts undertaken during our assessment, project specifications and the current data made available, we have concluded that there is no potential for the proposed project to have a significant effect on listed threatened and endangered species, their designated critical habitat, or migratory birds.

Signed,



Michael Byrum-Bratsen, Mayor

Attachment H

Explosive and Flammable Toxic Substances

Explosive and Flammable Hazards (CEST and EA)

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C
Reference		
https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities		

1. Does the proposed HUD-assisted project include a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

☒ No

→ Continue to Question 2.

☐ Yes

Explain:

→ Continue to Question 5.

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

☒ No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ Yes

→ Continue to Question 3.

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers:

- Of more than 100-gallon capacity, containing common liquid industrial fuels OR
- Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?

☐ No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide all documents used to make your determination.

☐ Yes

→ Continue to Question 4.

4. Is the Separation Distance from the project acceptable based on standards in the Regulation?

Please visit [HUD's website](#) for information on calculating Acceptable Separation Distance.

☐ Yes

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to any tanks and your separation distance calculations. If the map identifies more than one tank, please identify the tank you have chosen as the "assessed tank."

☐ No

→ Provide map(s) showing the location of the project site relative to any tanks and your separation distance calculations. If the map identifies more than one tank, please identify the tank you have chosen as the "assessed tank."
Continue to Question 6.

5. Is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present?

Please visit [HUD's website](#) for information on calculating Acceptable Separation Distance.

☐ Yes

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.

☐ No

→ Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.

Continue to Question 6.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to make the Separation Distance acceptable, including the timeline for implementation. If negative effects cannot be mitigated, cancel the project at this location.

Note that only licensed professional engineers should design and implement blast barriers. If a barrier will be used or the project will be modified to compensate for an unacceptable separation distance, provide approval from a licensed professional engineer.

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

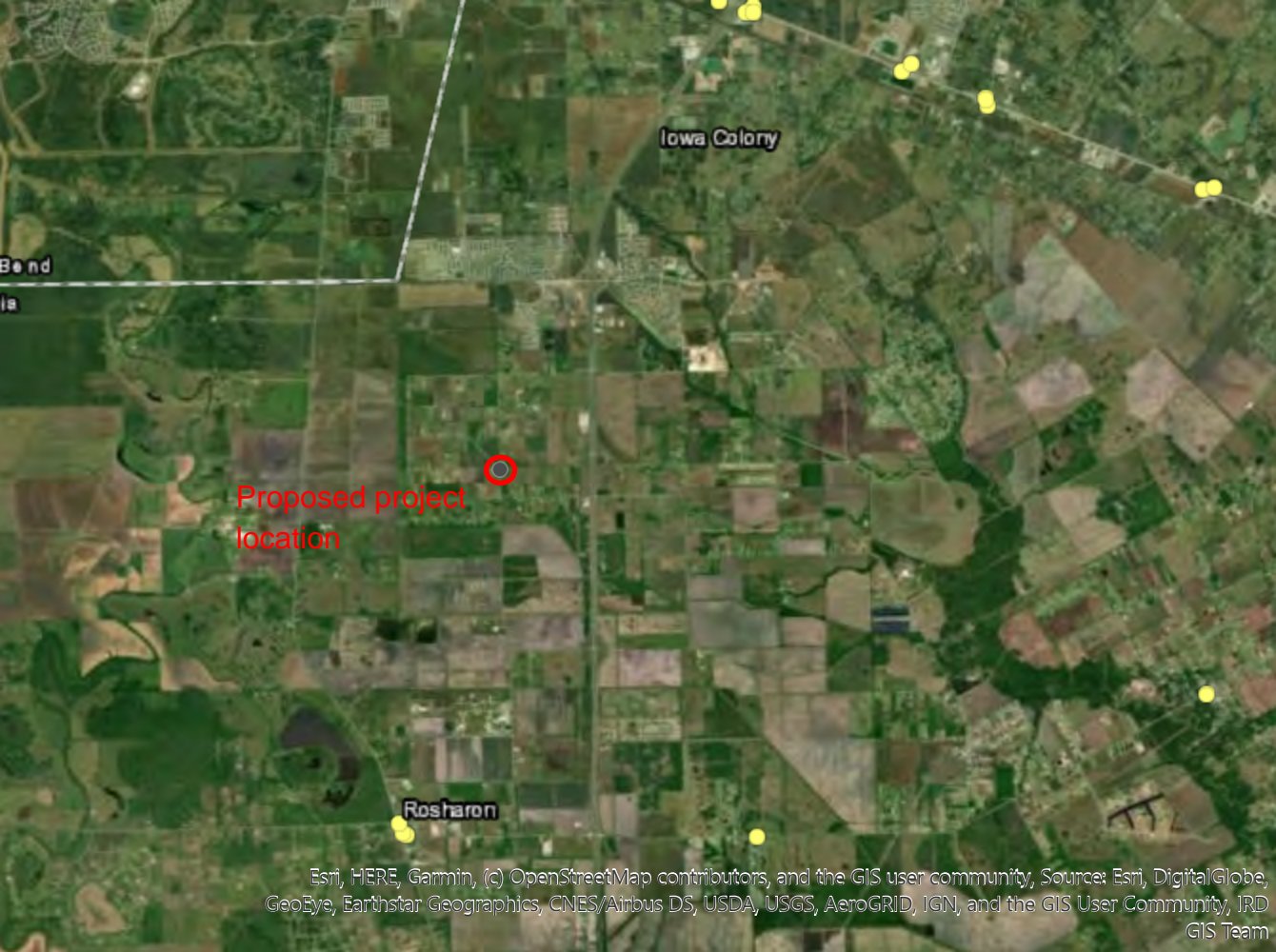
- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

This project does not include a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries) or any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion; therefore, this project is in compliance with 24 CFR 51 C. See Attachment H – Explosive and Flammable Hazards and photos of project areas.

Are formal compliance steps or mitigation required?

☐ Yes

☒ No



Iowa Colony

Bend

ia

Proposed project
location

Rosharon

Attachment I

Farmlands Protection

Farmlands Protection (CEST and EA)

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658
Reference		
https://www.hudexchange.info/environmental-review/farmlands-protection		

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion that could convert agricultural land to a non-agricultural use?

☐ Yes → Continue to Question 2.

☒ No

Explain how you determined that agricultural land would not be converted:

While portions of the project shall occur in soils classified as prime farmland, the infrastructure shall be installed on an already existing right-of-way and farming activities may resume after construction is complete. Therefore, no prime farmland shall be converted as a result of this project. Please see Attachments F for the soils map and correspondence with USDA, NRCS attached (Attachment I – Farmlands Protection).

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting your determination.

2. Does “important farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?

You may use the links below to determine important farmland occurs on the project site:

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist http://soils.usda.gov/contact/state_offices/ for assistance

☐ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ Yes → Continue to Question 3.

3. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.

- Complete form **AD-1006**, “Farmland Conversion Impact Rating” http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf and contact the state soil scientist before sending it to the local NRCS District Conservationist.
(NOTE: for corridor type projects, use instead form **NRCS-CPA-106**, “Farmland Conversion Impact Rating for Corridor Type Projects: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf.)

- Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 (or form NRCS-CPA-106 if applicable) to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

Document your conclusion:

☐ Project will proceed with mitigation.

Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

☐ Project will proceed without mitigation.

Explain why mitigation will not be made here:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

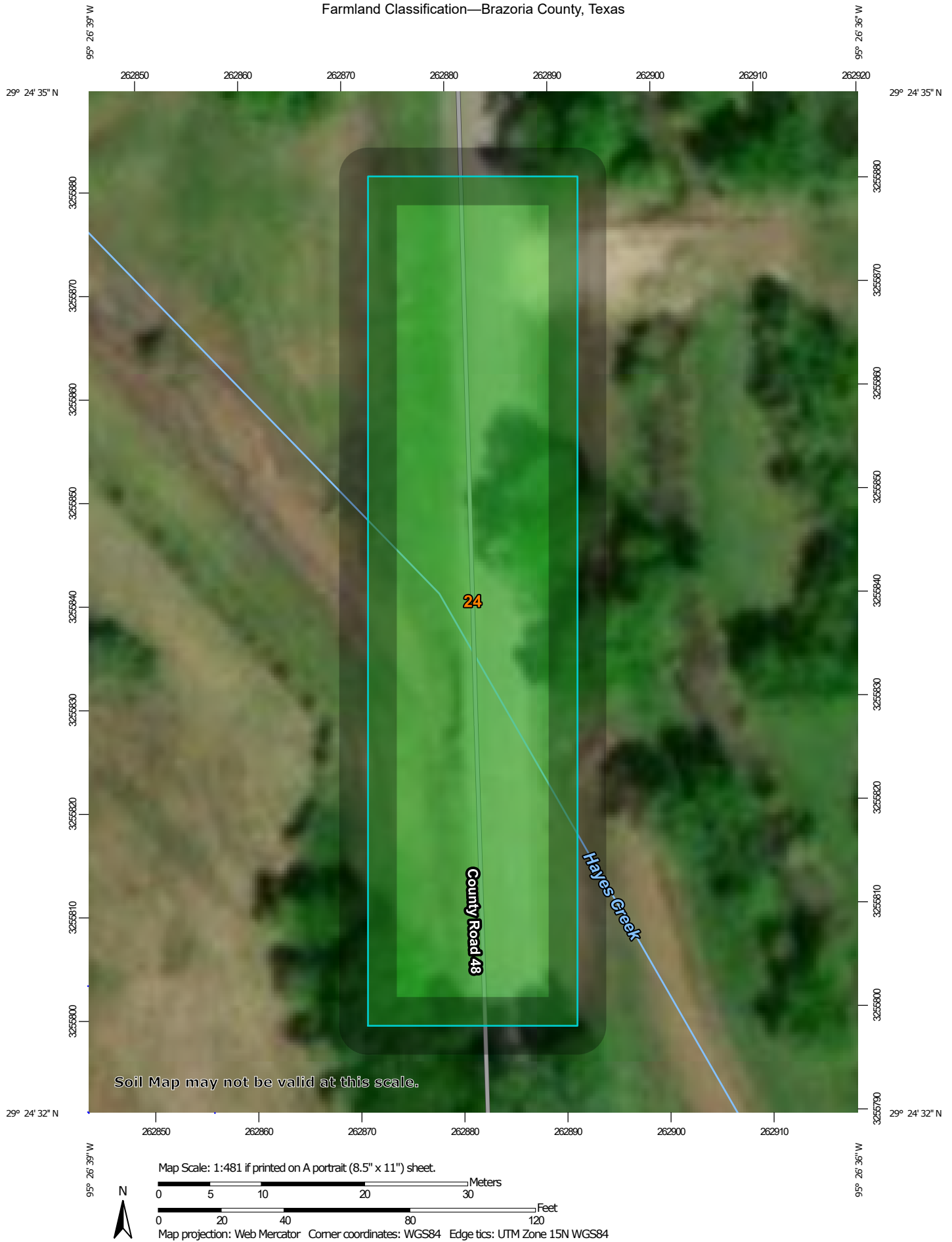
While portions of the project shall occur in soils classified as prime farmland, the infrastructure shall be installed on an already existing right-of-way and farming activities may resume after construction is complete. Therefore, no prime farmland shall be converted as a result of this project. Please see Attachments F for the soils map and correspondence with USDA, NRCS attached citing activities in previously existing rights-of-way not subject to the Farmland Protection Policy Act (Attachment I – Farmlands Protection).

Are formal compliance steps or mitigation required?

☐ Yes


☒ No

Farmland Classification—Brazoria County, Texas











MAP LEGEND








Area of Interest (AOI)






-  Area of Interest (AOI)








Soils



Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season









-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of statewide importance, if thawed
-  Farmland of local importance
-  Farmland of local importance, if irrigated

-  Farmland of unique importance
-  Not rated or not available

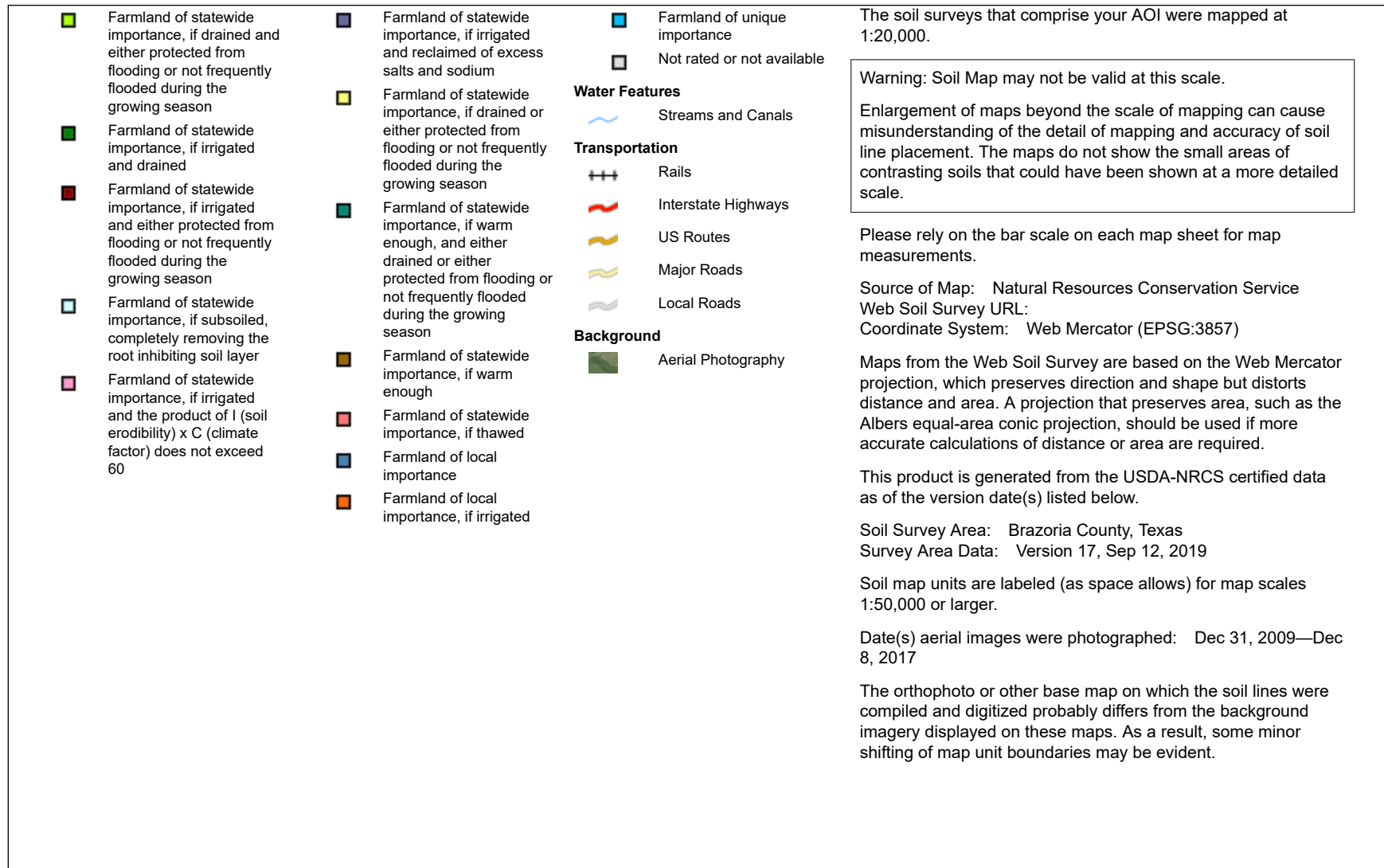
Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—Brazoria County, Texas

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season	Soil Rating Points			Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Not prime farmland		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if thawed		Prime farmland if drained		Farmland of statewide importance
	Farmland of statewide importance, if drained		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of local importance		Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if drained
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season				Farmland of local importance, if irrigated		Prime farmland if irrigated		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
	Farmland of statewide importance, if irrigated						Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated
							Prime farmland if irrigated and drained		
							Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		

Farmland Classification—Brazoria County, Texas



Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
24	Lake Charles clay, 0 to 1 percent slopes	All areas are prime farmland	0.4	100.0%
Totals for Area of Interest			0.4	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



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Phone: 281-369-2471
www.iowacolonytx.gov

June 23, 2021

Alan Stahnke
Soil Data Quality Specialist
101 South Main Street
Temple, Texas 76501-7602
Alan.Stahnke@tx.usda.gov

RE: City of Iowa Colony Contract 20-065-008-C011 - Flood & Drainage Improvements

Dear Mr. Stahnke;

The City of Iowa Colony, Brazoria County, Texas has received a Disaster Recovery grant from the Texas General Land Office - Disaster Recovery Program for a Flood & Drainage Improvements project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

According to the NRCS Soil mapper, the project area is located on prime farmland. The proposed flood and drainage facilities shall be located along the existing roadway and drainage lines and will have minimal impact on adjacent prime farmland.

Please find attached the farmland conversion worksheet along with maps and photos of the project area.

Please review this information to determine if your Department has any objections to this project, and if so, please forward a written response within 30 calendar days to: Samuel Becker, samuel@grantworks.net, 2201 Northland Dr, Austin, TX 78756.

Sincerely,

Michael Byrum-Bratsen
Mayor

Enclosures:
Performance Statement
Project Map
Soils map
Farmland Conversion Worksheet



Natural Resources
Conservation Service

State Office

101 S. Main Street
Temple, TX 76501
Voice 254.742.9800
Fax 254.742.9819

Attention: Andrea Garcia

Subject: Iowa Colony Water System Improvements
Project NEPA/FPPA Evaluation

We have reviewed the information provided in your correspondence concerning the proposed project. This review is part of the National Environmental Policy Act (NEPA) evaluation. We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed site may involve areas of Prime Farmland; however, we consider the location to be exempt from provisions of FPPA due to one or more of the following reasons:

The installation of sewer lines or subterranean water systems and appurtenances are not considered a permanent conversion of farmland.

As such, no further consideration from protection is necessary. We strongly encourage the use of acceptable erosion control methods during the construction of this project.

If you have further questions, please contact me at 505-516-7822 or by email at mark.palmer@tx.usda.gov.

Sincerely,

Mark V. Palmer Jr.
NRCS Cartographic Technician

Attachment: None

Attachment J

Floodplain Management

Floodplain Management (CEST and EA)

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55
Reference		
https://www.hudexchange.info/environmental-review/floodplain-management		

1. Does [24 CFR 55.12\(c\)](#) exempt this project from compliance with HUD's floodplain management regulations in Part 55?

☐ Yes

Provide the applicable citation at 24 CFR 55.12(c) here. If project is exempt under 55.12(c)(7) or (8), provide supporting documentation.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☒ No → Continue to Question 2.

2. Provide a FEMA/FIRM or ABFE map showing the site.

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs) or Advisory Base Flood Elevations (ABFEs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

☐ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☒ Yes

Select the applicable floodplain using the FEMA map or the best available information:

☒ Floodway → Continue to Question 3, Floodways

☐ Coastal High Hazard Area (V Zone) → Continue to Question 4, Coastal High Hazard Areas

☐ 500-year floodplain (B Zone or shaded X Zone) → Continue to Question 5, 500-year Floodplains

☐ 100-year floodplain (A Zone) → The 8-Step Process is required. Continue to Question 6, 8-Step Process

3. Floodways

Is this a functionally dependent use?

☒ Yes

The 8-Step Process is required. Work with your HUD FEO to determine a way to satisfactorily continue with this project. Provide a completed 8-Step Process, including the early public notice and the final notice.

→ Continue to Question 6, 8-Step Process

☐ No

Federal assistance may not be used at this location unless a 55.12(c) exception applies. You must either choose an alternate site or cancel the project at this location.

4. Coastal High Hazard Area**Is this a critical action?**☐ Yes

Critical actions are prohibited in coastal high hazard areas. Federal assistance may not be used at this location. Unless the action is excepted at 24 CFR 55.12(c), you must either choose an alternate site or cancel the project.

☐ No

Does this action include construction that is not a functionally dependent use, existing construction (including improvements), or reconstruction following destruction caused by a disaster?

☐ Yes, there is new construction.

New construction is prohibited in V Zones ((24 CFR 55.1(c)(3)).

☐ No, this action concerns only a functionally dependent use, existing construction(including improvements), or reconstruction following destruction caused by a disaster.

This construction must have met FEMA elevation and construction standards for a coastal high hazard area or other standards applicable at the time of construction.

→ *Continue to Question 6, 8-Step Process*

5. 500-year Floodplain**Is this a critical action?**

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☐ Yes → *Continue to Question 6, 8-Step Process*

6. 8-Step Process.**Does the 8-Step Process apply? Select one of the following options:**☒ 8-Step Process applies.

Provide a completed 8-Step Process, including the early public notice and the final notice.

→ *Continue to Question 7, Mitigation*

☐ 5-Step Process is applicable per 55.12(a)(1-3).

Provide documentation of 5-Step Process.

Select the applicable citation:

☐ *55.12(a)(1)* HUD actions involving the disposition of HUD-acquired multifamily housing projects or “bulk sales” of HUD-acquired one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24).

☐ *55.12(a)(2)* HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.

☐ *55.12(a)(3)* HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the

thresholds for “substantial improvement” under § 55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.

- ☐ 55.12(a)(4) HUD’s (or the recipient’s) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased.

→ *Continue to Question 7, Mitigation*

- ☐ 8-Step Process is inapplicable per 55.12(b)(1-4).

Select the applicable citation:

- ☐ 55.12(b)(1) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway or coastal high hazard area.
- ☐ 55.12(b)(2) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for “substantial improvement” under § 55.2(b)(10)
- ☐ 55.12(b)(3) HUD actions involving the disposition of individual HUD-acquired, one- to four-family properties.
- ☐ 55.12(b)(4) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573) of loans that refinance existing loans and mortgages, where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance.
- ☐ 55.12(b)(5) The approval of financial assistance to lease an existing structure located within the floodplain, but only if—
 - (i) The structure is located outside the floodway or Coastal High Hazard Area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24);
 - (ii) The project is not a critical action; and
 - (iii) The entire structure is or will be fully insured or insured to the maximum under the NFIP for at least the term of the lease.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

7. **Mitigation**

For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

Due to the nature and scope of the project, the proposed project activities shall have little or no impact on the floodplain. However, the following efforts shall be made to minimize negative impacts on the natural and beneficial floodplain values for restoration and preservation:
 The project shall be implemented using best management practices designed to protect improvements from flood damage;
 The project shall be implemented using best management practices designed to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration;
 The consulting engineer shall take into consideration additional specifications to minimize damage to and/or restore the native plant species;
 The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the floodplain.
 Additionally, prior to construction, the project plans will meet any applicable, additional local floodplain requirements set forth by the community's Floodplain Administrator.

Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.

- ☒ Permeable surfaces
- ☒ Natural landscape enhancements that maintain or restore natural hydrology
- ☒ Planting or restoring native plant species
- ☐ Bioswales
- ☐ Evapotranspiration
- ☐ Stormwater capture and reuse
- ☐ Green or vegetative roofs with drainage provisions
- ☐ Natural Resources Conservation Service conservation easements or similar easements
- ☒ Floodproofing of structures
- ☒ Elevating structures including freeboarding above the required base flood elevations
- ☐ Other

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Project activities involve replacing storm sewer culverts, regrading roadside ditches, installing outfall ditches with associated pavement repair, and complete associated appurtenances for the rehabilitation of flood & drainage infrastructure at the Ames Blvd. Crossing of Hayes Creek. According to FIRM Panel 48039C0115K preliminary issue date 6/29/2018, the entirety, approximately 0.2 acres, of these project activities are located in a Zone AE Floodway; therefore, Executive Order 11988 and NFIP conditions are applicable. Per both 24 CFR 55.2 (b)(6) and correspondence with the GLO, these activities are of a functionally dependent use; each project activity is connected to the overall project goal of rehabilitating crossing and drainage infrastructure that is necessarily located in floodway at Ames Blvd. crossing of Hayes Creek, meaning these rehabilitation activities cannot perform their intended purposes unless they are located at this crossing of a floodway. Therefore, the proposed activities are permissible to be conducted within a floodway. The eight-step decision making process was followed, including public notices and an examination of practicable alternatives. No comments were received. A letter to FEMA consulting them for a determination of impacts and effects was sent, and they have determined that the project activities will not negatively impact or affect the flood zone its located in. A review of the proposed activities was completed, and the determination was made that the project shall have minimal impact on the community's flood hazard area. Additionally, prior to construction, the project plans will meet any applicable, additional local floodplain requirements set forth by the community's Floodplain Administrator, as requested by FEMA. Attachment J – Floodplain Management includes the FEMA Floodplain Map, the description of the 8-step decision making process, a copy of the letter sent to FEMA for comment on the location of the project, GLO correspondence, engineer correspondence, and supporting documentation.

Are formal compliance steps or mitigation required?

☒ Yes

☐ No

Comparison of Flood Hazard

Effective & Preliminary Flood Hazards



FEMA

Effective



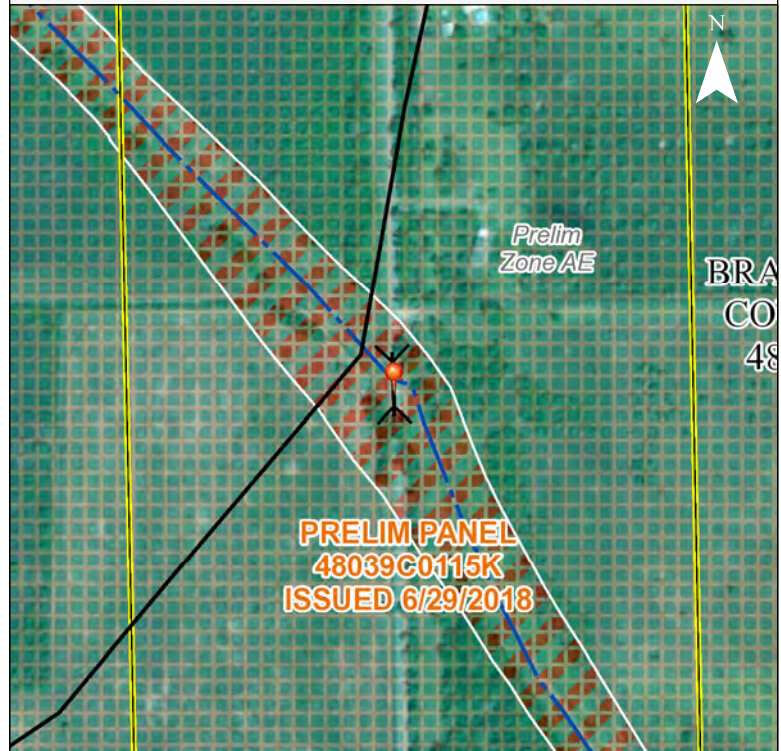
Effective

POI Longitude/Latitude	-95.4438, 29.4094
Effective FIRM Panel	48039C0115H
Effective Date	6/5/1989

There is no modernized effective data to determine the flood hazard for the selected location; please refer to the static legacy FIRM which can be accessed by selecting the following link:

<http://msc.fema.gov/portal/viewProduct?productID=48039C0115H>

Preliminary



Preliminary

POI Longitude/Latitude	-95.4438, 29.4094
Preliminary FIRM Panel	48039C0115K
Preliminary Issue Date	6/29/2018
Flood Zone	AE
Estimated Static BFE*	Not Available
Estimated Flood Depth	Not Available
Vertical Datum	Not Available

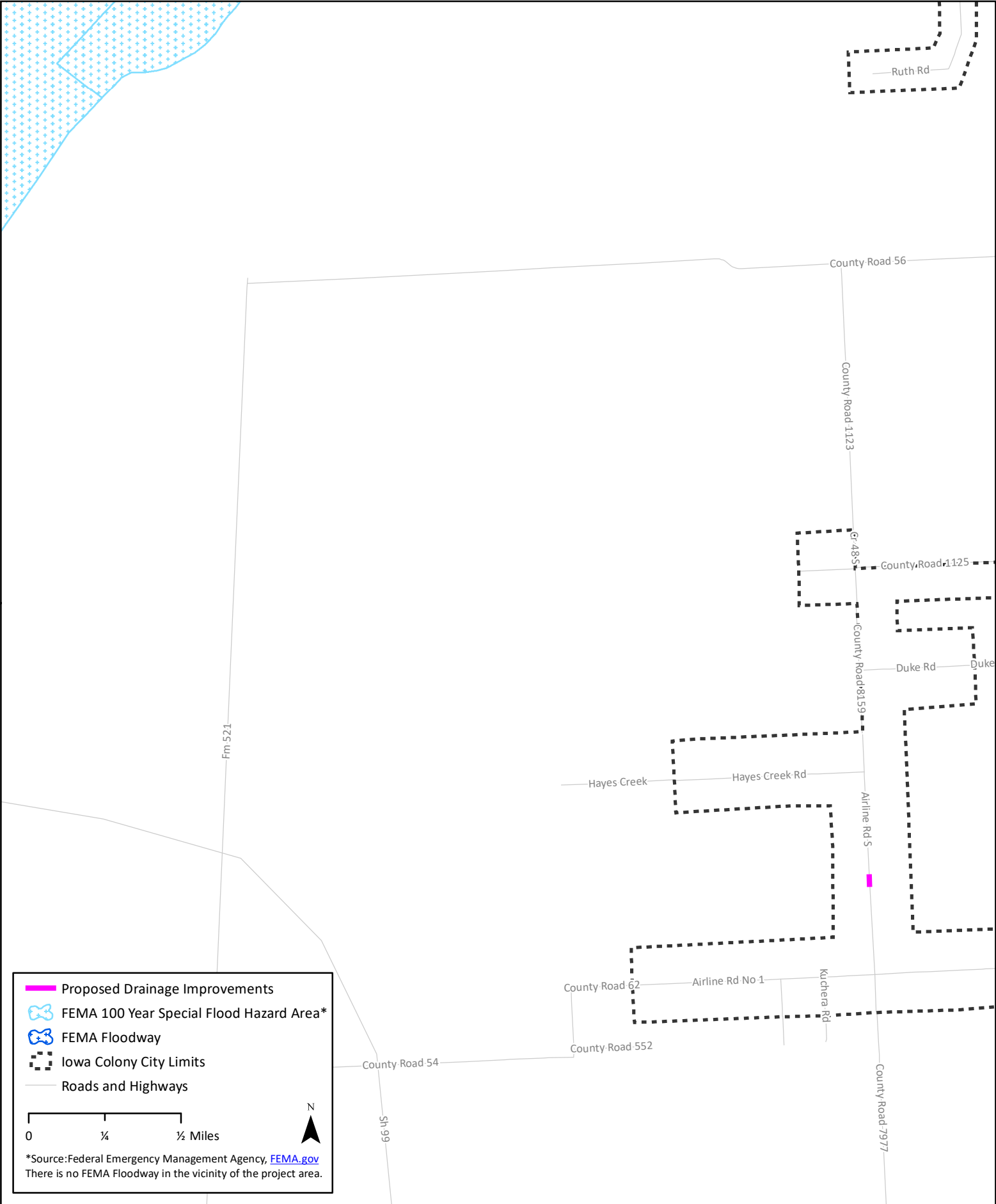
* A **Base Flood Elevation** is the expected elevation of flood water during the 1% annual chance storm event. Structures below the estimated water surface elevation may experience flooding during a base flood event.

Hazard Level	Flood Hazard Zone
High Flood Hazard	AE, A, AH, AO, VE and V Zones. Properties in these flood zones have a 1% chance of flooding each year. This represents a 26% chance of flooding over the life of a 30-year mortgage.
Moderate Flood Hazard	Shaded Zone X. Properties in the moderate flood risk areas also have a chance of flooding from storm events that have a less than 1% chance of occurring each year. Moderate flood risk indicates an area that may be provided flood risk reduction due to a flood control system or an area that is prone to flooding during a 0.2% annual chance storm event. These areas may have been indicated as areas of shallow flooding by your community. Unshaded Zone X. Properties on higher ground and away from local flooding sources have a reduced flood risk when compared to the Moderate and High Flood Risk categories. Structures in these areas may be affected by larger storm events, in excess of the 0.2% annual chance storm event.
Low Flood Hazard	Insurance Note: High Risk Areas are called 'Special Flood Hazard Areas' and flood insurance is mandatory for federally backed mortgage holders. Properties in Moderate and Low Flood Risk areas may purchase flood insurance at a lower-cost rate, known as Preferred Risk Policies. See your local insurance agent or visit https://www.fema.gov/national-flood-insurance-program for more information.

Disclaimer: This report is for informational purposes only and is not authorized for official use. The positional accuracy may be compromised in some areas. Please contact your local floodplain administrator for more information or go to msc.fema.gov to view an official copy of the Flood Insurance Rate Maps.

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

5/26/2020 5:43:33 PM





U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

Special Attention of:

HUD Regional Directors

HUD Field Office Directors

CPD Division Directors

ONAP Administrators

Regional Environmental Officers

Program Environmental Clearance Officers

Responsible Entities

Notice: CPD-17-013

Issued: December 18, 2017

Expires: This notice is effective until amended, superseded, or rescinded.

Subject: Notice for Interpreting the Limits of the Floodway for Linear Infrastructure Projects
Complying with HUD Floodplain Management Regulations, 24 CFR Part 55

Scope: This Notice applies only to linear infrastructure projects traversing a floodway that require an environmental review and compliance with 24 CFR Part 55.

I. Purpose and Background

This Notice provides guidance on interpretation of the floodway¹ for purposes of compliance with HUD's Floodplain Management and Protection of Wetlands regulation, 24 CFR Part 55 ("Part 55"). Under Part 55, "no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to any action other than a functionally dependent use or floodplain function restoration activity, located in a floodway" unless an exception in section 55.12(c) excludes the action from Part 55 compliance.² **Section 55.1 permits three categories of activities in a floodway: functionally dependent uses, floodplain restoration activities, and activities listed in section 55.12(c).** Construction or repair of linear infrastructure does not fit into any of these categories and, therefore, cannot receive HUD assistance in a floodway. This prohibition presents challenges to large linear infrastructure activities which may pass over or under a floodway (such as a river or stream) without harm. Because Part 55 prohibits the use of HUD financial assistance for any action "located in a floodway," it is important to understand when actions are within a floodway for purposes of this Part. The purpose of this Notice is to define when linear infrastructure activities are considered to be located in a floodway under Part 55.

¹ For background information on floodways, including definitions and guidance materials, see <https://www.fema.gov/floodway>.

² See 24 CFR 55.1(c)(1). A functionally dependent use is defined as "a land use that must necessarily be conducted in close proximity to water (e.g., a dam, marina, port facility, water-front park, and many types of bridges)." (24 CFR 55.2(b)(6))

II. Applicability

This Notice applies to linear infrastructure projects funded using HUD financial assistance that require an environmental review and compliance with Part 55. The guidance in this Notice describes how Responsible Entities (REs) and HUD reviewers should interpret the limits of the floodway in the environmental review of linear infrastructure projects utilizing Community Development Block Grant (CDBG) funds, including the Entitlement, State, Insular Areas, and Non-Entitled Counties in Hawaii CDBG Programs, as well as Indian Community Development Block Grant (ICDBG) funds, CDBG-Disaster Recovery funds, and Section 108 Loan Guarantee Program funds.

For purposes of this Notice, linear infrastructure projects include installation, construction, or repair of water and sewer lines, power and broadband transmission lines, and other large-scale corridor projects that connect infrastructure resources to a community. This notice is not intended to address small-scale infrastructure activities, such as projects that would extend water or sewer connections to individual homes or housing developments as part of a housing development project. Housing projects that require installation of infrastructure connections will be addressed in a separate guidance. This Notice does not apply to bridges, as bridges are considered functionally dependent uses, and therefore, subject to a different analysis under Part 55. This notice does not in any way change the interpretation of the horizontal or vertical limits of any Special Flood Hazard Area (SFHA) other than the floodway. The information provided below will assist in determining whether an activity is outside of the floodway and, therefore, eligible for HUD financial assistance.

III. Discussion

The floodway includes the channel of a river or other watercourse as well as the adjacent land areas that must be kept clear to discharge flood waters. Because the floodway is the effective part of the floodplain conveying the water, floodways are the most dangerous part of the floodplain. Part 55 is particularly conservative regarding floodway development, because HUD is committed to ensuring that sites containing floodways are not approved for housing. However, unlike housing, it is sometimes necessary and appropriate for linear infrastructure activities to cross a waterway in order to meet community needs.

Whereas HUD relies on the Federal Emergency Management Agency (FEMA)'s Flood Insurance Rate Maps (FIRMs) to define the horizontal limits of the floodway, Part 55 does not define a vertical limit for when a project is "in" the floodway. **It is HUD's interpretation that vertically, the floodway is limited to the area between ground or riverbed level and base flood elevation (BFE)³, as illustrated in the shaded area in Figure 1.** Under 24 CFR 55.1(c)(1), HUD financial assistance cannot be used within the floodway except in very limited circumstances, meaning that most HUD projects may not enter or disturb the area between ground level and base flood elevation within the horizontal limits of the floodway (see Figure 1). This precludes the use of HUD financial assistance for any ground level construction (e.g., housing or other structures or improvements) within the floodway.

³ This interpretation does not affect HUD's interpretation of the horizontal or vertical limits of any SFHA other than the floodway.

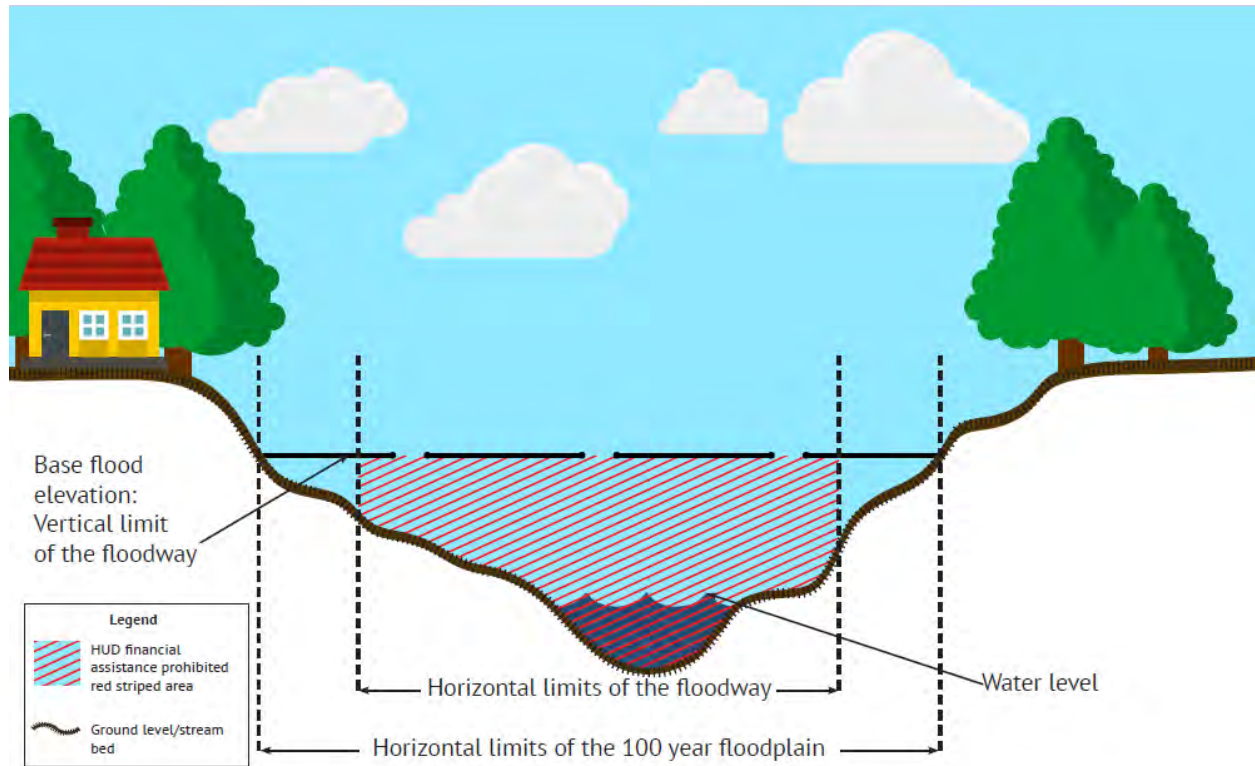


Figure 1

With the new guidance provided by this Notice, the construction, installation, or repair of linear infrastructure located entirely below ground level or entirely above base flood elevation may comply with Part 55 subject to the conditions discussed below. In other words, these activities may pass over or under the floodway if there is no new construction or ground disturbance within the floodway. Underground pipelines may pass under a floodway if installed by construction technology such as directional drilling or any other technology that would not disturb the stream or floodway. Aboveground lines may pass over a floodway by being attached to an existing bridge or supported by existing construction spanning the channel such as a utility bridge, pipeline bridges, or pipe racks, as long as the pipeline is entirely above BFE within the horizontal limits of the floodway, and there are no new supports for the bridge, such as pillars, posts, or bents, within the floodway. HUD financial assistance may not be used to install an aboveground pipeline if any part of the pipeline would be located below BFE at any point within the floodway *or* if the installation of the pipeline would require construction or installation of any supporting structures within the floodway.

a. 8-Step Decisionmaking Process

Although this interpretation allows certain projects to pass through the horizontal limits of a floodway, these projects must still comply with Part 55, including completion of the 8-Step Process to determine whether there are practicable alternatives to locating the project in a floodplain. (Refer to Section 55.20.) The information below shall be used to supplement Section 55.20 to complete the 8-Step Process with respect to linear infrastructure projects that cross the floodway.

- Step 1: Use the guidelines above to determine whether the project will be located in the horizontal limits of a floodplain. For any HUD-assisted activity within the horizontal limits of the 100-year floodplain, the 8-Step Process is required. The 8-Step Process is also required for critical actions⁴ located in the horizontal limits of the 500-year floodplain.
- Step 2: The early public notice must clearly define the project's potential impacts. It is especially important to convey the scope of the project and the potential for impacts on floodplains for a large and complex activity such as a linear infrastructure project.
- Step 3: Evaluate alternatives to avoid the floodway altogether.
- Step 4: Any potential impacts associated with the project's presence above or below the floodway must be identified and evaluated. This analysis must consider the potential for erosion and scouring of the river bed, taking into consideration the stability of the river channel. For example, underground pipelines may pass under streams through bedrock with a low risk of scouring. In contrast, the danger that erosion will expose underground pipelines increases in areas with river beds with soil or other unstable material. Exposed pipelines are more vulnerable to damage and may obstruct the flow of water in the floodway, thus increasing flood risk and damage in the surrounding area. The analysis must consider flood depths, flood velocity, hydrostatic loads, hydrodynamic loads, possible debris impact loads, erosion and localized scour, duration of floodwater, and subsidence. Analysis must also consider the health, safety and ecological impacts attributable to a potential spill or rupture of a pipeline. Consult with knowledgeable parties, such as the state or local floodplain manager or state regulatory agency, to ensure that steps 4, 5, and 6 are completed appropriately.
- Step 5: Ensure that project designs minimize potential adverse impacts to and from the floodplain. Underground linear infrastructure should be installed using directional boring under the channel bed. This step must include a report by a professional engineer demonstrating that the construction of the pipeline will not compromise the floodplain by rendering it vulnerable to hydromodification of flow pattern or erosion. For channels subject to erosion, the analysis must demonstrate that measures have been taken to prevent future exposure of the buried pipeline. In all cases, mitigation must include development of a maintenance and inspection plan and an emergency plan in case of rupture or pipeline failure. This is especially critical for infrastructure conveying materials, including sewage, that create a higher risk of contamination if a breach occurs.
- Step 6: Considering the full range of information gathered in the previous steps, reevaluate the proposed activity to determine whether the project should continue as planned, or whether there are practicable alternatives to the proposal. This step must

⁴ Critical actions are defined as an "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." See 24 CFR 55.1(b)(3) for more information on critical actions.

revisit the practicability of the alternatives considered in Step 3 and include a discussion of the potential impacts to the floodplain. In this step, consider impacts to the natural and beneficial functions of the floodplain, including the floodway's role in conveying flood waters. Also consider economic costs and benefits, including the cost of replacing utilities if functions are lost due to flooding, anticipated life of the project, the resilience of associated facilities or structures, and the potential to function without interruption.

- Step 7: Publish a final notice that communicates the reason the proposal must be located in the floodplain and cross the floodway, a list of all alternatives considered, and all intended mitigation measures.
- Step 8: Execute the proposed action, ensuring that all mitigation measures are implemented.

b. Other Environmental Review Factors

Actions to construct, install, or repair linear infrastructure must comply with the related environmental laws and authorities listed in 24 CFR 58.5 and 58.6. Even beyond compliance with Part 55, environmental review preparers must be aware of a range of environmental risks and concerns that will be more challenging for linear infrastructure projects than for the typical HUD project. For example, projects that may impact a watercourse or the land directly around it must give special consideration to archaeological resources, endangered species, and wetlands. Projects affecting rural areas should be particularly cautious of their impacts to natural resources such as prime farmlands and wild and scenic rivers.

Projects that bring new infrastructure to undeveloped areas must also evaluate the indirect and cumulative impacts of the new infrastructure access. This analysis must consider the capacity of the infrastructure and whether its installation will lead to an increase in development or population in the area. Projects that will lead to increased development of a previously undeveloped or sparsely populated area will generally have significant impacts on the human environment and will therefore require Environmental Impact Statements.

It would be highly unusual for HUD assistance to be used for pipelines containing any hazardous substances. However, if this does arise, the environmental review must evaluate the full impacts and risks associated with the project. An Environmental Impact Statement should be prepared for any such projects. Consult with HUD program staff to ensure that any proposed pipeline activity is eligible for HUD financial assistance.

Project planners should also be mindful of state and local floodplain management standards, which may impose additional requirements on actions impacting floodways.

If you have any questions about this Notice, please contact Elizabeth Zepeda at Elizabeth.G.Zepeda@hud.gov, or phone (202) 402-3988.



Sam Abbott <sam@grantworks.net>

General Environmental Question - Drainage Infrastructure projects in Floodways

Jill Seed <Jill.Seed.glo@recovery.texas.gov>

Thu, Feb 7, 2019 at 10:07 AM

To: Sam Abbott <sam@grantworks.net>

Cc: Lauren Kotwal <lauren@grantworks.net>, "suzy@grantworks.net" <suzy@grantworks.net>, Celine Finney <Celine.Finney.glo@recovery.texas.gov>, Angel Peltola <Angel.Peltola.glo@recovery.texas.gov>, David Camarena <David.Camarena.glo@recovery.texas.gov>, Chris Reynolds <chris.reynolds.glo@recovery.texas.gov>, Esmeralda Sanchez <Esmeralda.Sanchez.glo@recovery.texas.gov>, Joshua Jackson <Joshua.Jackson.GLO@recovery.texas.gov>, Cynthia Hudson <Cynthia.Hudson.GLO@recovery.texas.gov>, Brenna Gibson Minor <brenna@grantworks.net>, Martha Arosemena <marthaa@grantworks.net>

Hi Sam!

I would refer to the USACE website for guidance on 11988. Additionally, the NWP's and Regional Conditions discuss floodplain requirements (to some extent). There is this Floodplain Management site as well but I just checked and it's not currently working. Hopefully that's temporary: FLOODPLAIN MANAGEMENT

<http://www.usace.army.mil/CECW/Documents/cecwo/reg/EO11988.pdf>

If you have additional questions or would like to set up a call to discuss a specific project please let me know. Thanks for reaching out! We are glad to help with these types of questions before a project gets too far along – especially when it comes to EO 11988.

*Respectfully,**Jill Seed**Environmental Specialist**Community Development & Revitalization**Texas General Land Office, George P. Bush, Commissioner**Office (512) 475-5077 Mobile (512) 803-4169*

From: Sam Abbott <sam@grantworks.net>
Sent: Wednesday, February 6, 2019 9:13 AM
To: Jill Seed <Jill.Seed.glo@recovery.texas.gov>
Cc: Lauren Kotwal <lauren@grantworks.net>; suzy@grantworks.net; Celine Finney <Celine.Finney.glo@recovery.texas.gov>; Angel Peltola <Angel.Peltola.glo@recovery.texas.gov>; David Camarena <David.Camarena.glo@recovery.texas.gov>; Chris Reynolds <chris.reynolds.glo@recovery.texas.gov>; Esmeralda Sanchez <Esmeralda.Sanchez.glo@recovery.texas.gov>; Joshua Jackson <Joshua.Jackson.GLO@recovery.TEXAS.GOV>; Cynthia Hudson <Cynthia.Hudson.GLO@recovery.TEXAS.GOV>; Brenna Gibson Minor <brenna@grantworks.net>; Martha Arosemena <marthaa@grantworks.net>
Subject: Re: General Environmental Question - Drainage Infrastructure projects in Floodways

Thank you Jill! I agree that this category makes more sense for the type of situation I was considering.

I will be sure to seek a technical review for individual projects where this situation may arise. In the meantime, in general, do you know of any additional requirements from a consultation or engineering perspective that are needed to maintain compliance with EO 11988? I noticed that the HUD Worksheet for Floodplain Management has a provision for functionally dependent use, but not for floodplain restoration activities.

Thanks again!

Sam

Samantha Abbott, PG | Environmental Specialist | (512) 420-0303 x400 | sam@grantworks.net

GrantWorks, Inc. | 2201 Northland Drive, Austin TX 78756 | www.grantworks.net



On Tue, Feb 5, 2019 at 3:56 PM Jill Seed <Jill.Seed.glo@recovery.texas.gov> wrote:

Hi again Sam,

It seems like the drainage improvement projects your discussing would restore the function and value of the floodplain. For example, removing debris from a channel (in a floodway) – the debris really isn't "functionally dependent" on the floodway, but it does restore the floodplain for its intended use. Per **HUD Section 55.1**, three categories of activities in are allowed in floodway: functionally dependent uses, **floodplain restoration activities**, and activities listed in section 55.12(c). So you should be covered.

If you'd like me to read the project description and provide a formal response please feel free to send it along. Hope this help!

Respectfully,



Jill Seed

Environmental Specialist

Community Development & Revitalization

Texas General Land Office, George P. Bush, Commissioner

Office (512) 475-5077 Mobile (512) 803-4169

From: Sam Abbott <sam@grantworks.net>

Sent: Tuesday, February 5, 2019 2:18 PM

To: Jill Seed <Jill.Seed.glo@recovery.texas.gov>

Cc: Lauren Kotwal <lauren@grantworks.net>; suzy@grantworks.net; Celine Finney <Celine.Finney.glo@recovery.texas.gov>; Angel Peltola <Angel.Peltola.glo@recovery.texas.gov>; David Camarena <David.Camarena.glo@recovery.texas.gov>; Chris Reynolds <chris.reynolds.glo@recovery.texas.gov>; Esmeralda Sanchez <Esmeralda.Sanchez.glo@recovery.texas.gov>; Joshua Jackson <Joshua.Jackson.GLO@recovery.TEXAS.GOV>; Cynthia Hudson <Cynthia.Hudson.GLO@recovery.TEXAS.GOV>; Brenna Gibson Minor <brenna@grantworks.net>; Martha Arosemena <marthaa@grantworks.net>

Subject: Re: General Environmental Question - Drainage Infrastructure projects in Floodways

Oops, I meant Jill! But hello to Celine and all others as well :)

Samantha Abbott, PG | Environmental Specialist | (512) 420-0303 x400 | sam@grantworks.net

GrantWorks, Inc. | 2201 Northland Drive, Austin TX 78756 | www.grantworks.net



On Tue, Feb 5, 2019 at 2:17 PM Sam Abbott <sam@grantworks.net> wrote:

Celine,

Thank you for providing these references, this confirms our understanding of the regulations.

I suppose our question is really whether or not the GLO interprets drainage improvements projects to fit under the definition of "functionally dependent use," since these projects cannot perform their intended purpose unless they are located in or carried out in proximity to water (as per the definition in 44 CFR 9.4 and 24 CFR 55.2). While it is not included in the list of examples in 24 CFR 55.2, we did not interpret this to be an exhaustive list.

We did see HUD notice CPD-17-013. However, we thought that under Section II. Applicability, the line *"For purposes of this Notice, linear infrastructure projects include installation, construction, or repair of water and sewer lines,*

power and broadband transmission lines, and other large-scale corridor projects that connect infrastructure resources to a community" suggested that this notice pertained to utilities, and perhaps was not intended for drainage improvements.

Thank you for your time! Please feel free to give me a call to discuss if that would be helpful.

Sam

Samantha Abbott, PG | Environmental Specialist | (512) 420-0303 x400 | sam@grantworks.net

GrantWorks, Inc. | 2201 Northland Drive, Austin TX 78756 | www.grantworks.net



On Tue, Feb 5, 2019 at 11:15 AM Jill Seed <Jill.Seed.glo@recovery.texas.gov> wrote:

Hi Sam,

We adhere to the definition of "functionally dependent" use as defined in 24 CFR 55.2(6) <https://www.law.cornell.edu/cfr/text/24/55.2>: Functionally dependent use means a land use that must necessarily be conducted in close proximity to water (e.g., a dam, marina, port facility, water-front park, and many types of bridges).

Other supporting information is below:

- Another definition of **functionally dependent** use: <https://www.law.cornell.edu/cfr/text/44/9.4> Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, (e.g., bridges, and piers).
- <https://www.hudexchange.info/environmental-review/floodplain-management/> **A Regulatory Floodway** comprises the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This is the segment of the floodplain that will generally carry flow of flood waters during a flood and is typically the area of greatest risk to structures in the floodplain. HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) ***applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities)*** or a floodplain function restoration activity.

In addition, I've attached the *HUD CPD-17-013 Notice for Interpreting the Limits of the Floodway for Linear Infrastructure Projects Complying with HUD Floodplain Management Regulations, 24 CFR Part 55*. This memo does a good job of discussing infrastructure projects as they relate to floodways. Here is an excerpt:

Under Part 55, "no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to any action other than a functionally dependent use or floodplain function restoration activity, located in a floodway" unless an exception in section 55.12(c) excludes the action from Part 55 compliance. Section 55.1 permits three categories of activities in a floodway: functionally dependent uses, floodplain restoration activities, and activities listed in section 55.12(c). ***Construction or repair of linear infrastructure does not fit into any of these categories, and therefore, cannot receive HUD assistance in a floodway.***

Hope this helps. Please reach out if you require additional guidance.

Respectfully,

Jill Seed



Environmental Specialist

Community Development & Revitalization

Texas General Land Office, George P. Bush, Commissioner

Office (512) 475-5077 Mobile (512) 803-4169

From: Sam Abbott <sam@grantworks.net>

Sent: Tuesday, February 5, 2019 10:51 AM

To: Jill Seed <Jill.Seed.glo@recovery.texas.gov>; Chris Reynolds <chris.reynolds.glo@recovery.texas.gov>

Cc: Celine Finney <Celine.Finney.glo@recovery.texas.gov>; David Camarena <David.Camarena.glo@recovery.texas.gov>; Lauren Kotwal <lauren@grantworks.net>; Suzy Riley <suzy@grantworks.net>

Subject: General Environmental Question - Drainage Infrastructure projects in Floodways

Good morning,

We are seeking clarification on the interpretation of a "functionally dependent use" for drainage infrastructure projects (including culvert installation, ditch reshaping, etc.).

We have received guidance in the past that TDA interprets drainage infrastructure as functionally dependent on the floodway, and we want to check if the GLO interprets this in the same way.

Thank you,

Sam

Samantha Abbott, PG | Environmental Specialist | (512) 420-0303 x400 | sam@grantworks.net

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Samuel Becker <samuel@grantworks.net>

Iowa Colony - EA Questions.

5 messages

John Groberg <john.groberg@grantworks.net>

Wed, May 27, 2020 at 4:32 PM

To: Dinh Ho <dinh@adico-llc.com>

Cc: Samuel Becker <samuel@grantworks.net>

Hello Dinh,

Our Environmental Team is working through the ERR and have a few questions regarding the road repairs. Can you please advise on the following:

1. Will there be any ground disturbance involved?
2. Will the project's construction activities result in an increase in the size or capacity of the targeted flood & drainage facilities by over 20 percent?
3. Does "install[ing] outfall ditches with associated pavement repair", as stated in the PS, constitute new construction?

Samuel Becker (cc'd here) is our specialist on this project and may follow-up with you directly if any additional information is required.

Thanks Dinh. Hope all is well.

****Due to recent developments surrounding the COVID-19 outbreak, I will be working remotely while limiting travel outside of the Austin area. This adjustment has no bearing on my normal working hours, availability or my commitment to administering grant-funded projects. If you wish to reach me by phone, please use number (281) 202-8968.****

John Groberg | Community Development Project Manager | Phone: (512) 420-0303 ext 324

Email: john.groberg@grantworks.net**GrantWorks, Inc.** | 2201 Northland Drive, Austin, TX 78756 | www.grantworks.net

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Dinh Ho <dinh@adico-llc.com>

Thu, May 28, 2020 at 9:39 AM

To: John Groberg <john.groberg@grantworks.net>

Cc: Samuel Becker <samuel@grantworks.net>

John,

See below response in red.

Let me know if you have any questions.

Regards,

Dinh V. Ho, P.E.

Principal

[2114 El Dorado Blvd., Suite 400](#)

Friendswood, TX 77546

832.895.1093 (o)

dinh@adico-llc.com



From: John Groberg <john.groberg@grantworks.net>
Sent: Wednesday, May 27, 2020 4:33 PM
To: Dinh Ho <dinh@adico-llc.com>
Cc: Samuel Becker <samuel@grantworks.net>
Subject: Iowa Colony - EA Questions.

Hello Dinh,

Our Environmental Team is working through the ERR and have a few questions regarding the road repairs. Can you please advise on the following:

1. Will there be any ground disturbance involved? **Yes, we will demo existing wooden bridge and replacing with box culvert.**
2. Will the project's construction activities result in an increase in the size or capacity of the targeted flood & drainage facilities by over 20 percent? **No**
3. Does "install[ing] outfall ditches with associated pavement repair", as stated in the PS, constitute new construction? **Its really a rehabilitation of the existing facilities.**

Samuel Becker (cc'd here) is our specialist on this project and may follow-up with you directly if any additional information is required.

Thanks Dinh. Hope all is well.

****Due to recent developments surrounding the COVID-19 outbreak, I will be working remotely while limiting travel outside of the Austin area. This adjustment has no bearing on my normal working hours, availability or my commitment to administering grant-funded projects. If you wish to reach me by phone, please use number (281) 202-8968.****

John Groberg | Community Development Project Manager | Phone: (512) 420-0303 ext 324
Email: john.groberg@grantworks.net
GrantWorks, Inc. | 2201 Northland Drive, Austin, TX 78756 | www.grantworks.net

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Samuel Becker <samuel@grantworks.net>
To: Dinh Ho <dinh@adico-llc.com>

Thu, May 28, 2020 at 4:40 PM

Mr. Ho,

Thanks so much for your answers! They've definitely clarified a whole lot of stuff for things over on my end, so really appreciate you taking the time to answer them. I do have a follow-up question for you, for whenever you have the time:

Approximately what depth will the ground disturbances reach?

Saw a field report of the site on my end that includes some measurements and photos, but figure I should clarify with you, the Engineer, as that information may have changed.

Thanks again!

Samuel Becker
[Quoted text hidden]

Dinh Ho <dinh@adico-llc.com>
To: Samuel Becker <samuel@grantworks.net>

Thu, May 28, 2020 at 4:50 PM

The ditch line is approximately 8' deep. We will be excavating approximately 24" below that level for placement of the concrete slope paving.

Thanks,

Dinh V. Ho, P.E.

Principal

2114 El Dorado Blvd., Suite 400

Friendswood, TX 77546

832.895.1093 (o)

dinh@adico-llc.com



[Quoted text hidden]

Samuel Becker <samuel@grantworks.net>
To: Dinh Ho <dinh@adico-llc.com>

Fri, May 29, 2020 at 11:20 AM

Mr. Ho,

Thanks so much for all the info! Should be good to go from here.

Samuel Becker

**8-Step Decision Making Process for Projects in a Wetland
Compliance with Executive Order 11990
Wetlands Protection and with Executive Order 11988
Floodplain Management**

Step 1: Determination

A portion of the Flood & Drainage Facilities project construction zone in Iowa Colony is located within a United States Fish and Wildlife Service (USFWS) designated wetland coded: R4SBCx. Additionally, the project construction zone is located within a FEMA designated Special Flood Hazard Area (SFHA) according to FIRM Panel 48039C0115K preliminary issue date 6/29/2018; therefore, Executive Order 11988 and NFIP conditions are applicable. Note that the proposed flood & drainage improvements are of a functionally dependent use under 24 CFR §55.2 (b)(6), and are therefore permissible to be conducted within a floodway.

Step 2: Early Public Notice

Early Notice and Public Review of a Proposed Activity in a Wetland/Floodway

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Iowa Colony. To: All interested Agencies, Groups and Individuals on 7/5/2020: This is to give notice that the City of Iowa Colony has determined that the following proposed action under the Community Development Block Grant Program contract 20-065-008-C011 is located in a floodway and a wetland, and the City of Iowa Colony will be identifying and evaluating practicable alternatives to locating the action in the floodway/wetland and the potential impacts on the floodway/wetland from the proposed action, as required by Executive Order 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The City of Iowa Colony proposes a Flood & Drainage Facilities project to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction. The project shall include activities within approximately 0.2 acres of the floodway and approximately 0.2 acres of the wetland. There are three primary purposes for this notice: (1) People who may be affected by activities in floodplains/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/wetland, alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts; (2) An adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains/wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas; and (3) As a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains/wetlands, it must inform those who may be put at greater or continued risk. Written comments must be received on or before 7/20/2020 by the City of Iowa Colony at 12003 County Rd. 65 or 12003 County Rd. 65, Rosharon, TX 77583-5719, (281) 369-2471. Attention: Michael Byrum-Bratsen, Mayor, during regular business hours. A full description of the project may also be reviewed during regular business hours at 12003 County

Rd. 65, Rosharon, TX 77583-5719. Comments may also be submitted via email to samuel@grantworks.net.

Notificación Temprana y Revisión Pública de una Actividad Propuesta en un Humedal / Llanura de Inundación de 100 Años

Estos avisos satisfarán dos requisitos de procedimiento distintos pero relacionados con las actividades que emprenderá la Ciudad de Iowa Colony. A: Todas las Agencias, Grupos e Individuos interesados en 7/5/2020: Se notificará que la Ciudad de Iowa Colony ha determinado que la siguiente acción propuesta bajo el *Community Development Block Grant Program* contrato 20-065-008-C011 se encuentra en una llanura de inundación de 100 años y un humedal y la Ciudad de Iowa Colony identificará y evaluará alternativas viables para ubicar la acción en la llanura inundable / humedal y los posibles impactos en la llanura / humedal de la acción propuesta, Orden Ejecutiva 11988 y 11990, de acuerdo con las regulaciones de HUD en 24 CFR 55.20 Subparte C Procedimientos para la Determinación de Manejo de Plántulas y Protección de Humedales. la Ciudad de Iowa Colony propone un proyecto para reemplazar las alcantarillas de alcantarillas pluviales, volver a clasificar las zanjas en las carreteras, instalar zanjas de desagüe con la reparación del pavimento asociado y completar accesorios asociados desde el lado norte de Hayes Creek en Ames Blvd. hacia el lado sur de Hayes Creek en Ames Blvd, totalizando aproximadamente 220 LF de construcción de cruce / puente. El proyecto incluirá actividades dentro de aproximadamente **0.2** acres de la llanura de inundación y **0.2** acres del humedal. Hay tres propósitos principales para esta notificación: (1) Las personas que pueden verse afectadas por actividades en llanuras inundables / humedales y aquellos que tienen interés en la protección del medio ambiente natural deben tener la oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas. Se recomienda a los comentaristas que ofrezcan sitios alternativos fuera de la llanura inundable / humedal, métodos alternativos para cumplir el mismo propósito y métodos para minimizar y mitigar los impactos; (2) Un programa de aviso público adecuado puede ser una herramienta educativa pública importante. La difusión de información y la solicitud de comentarios públicos sobre las llanuras de inundación / humedales pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales; y (3) Como cuestión de equidad, cuando el gobierno federal de termine que participará en acciones llevadas a cabo en las llanuras de inundación / humedales, debe informar a aquellos que pudieran ser expuestos a un riesgo mayor o continuo. Los comentarios por escrito deben ser recibidos a más tardar el 7/20/2020 por la Ciudad de Iowa Colony en 12003 County Rd. 65 o 12003 County Rd. 65, Iowa Colony, TX 77583-5719, (281) 369-2471. Atención: Michael Byrum-Bratsen, Mayor, durante las horas hábiles. Una descripción completa del proyecto también se puede revisar durante las horas hábiles regulares en 12003 County Rd. 65, Rosharon, TX 77583-5719. Los comentarios también pueden ser enviados por correo electrónico a samuel@grantworks.net.

Step 3: Alternatives

Alternatives to the proposed project are those options which serve the same general purpose of the activity being considered. There were three types of alternatives considered – revising the location, reducing the scope, and no action.

The City could relocate the project to replace, repair, and install street and drainage facilities that lie outside of the floodplain and wetland, reduce the scope of the project by removing portions of the project that lie within the floodway and wetland, or abandon the project in its entirety.

Step 4: Impacts of Proposed Actions

The proposed project activities shall not have significant negative impacts to the environment. The project shall provide adequate access, increased safety, and improved drainage for the City of Iowa Colony.

Positive Impacts:

- Improvements shall benefit the health, safety and welfare of residents now living within the impacted area.
- Improvements shall increase the potential for revitalization within the City of Iowa Colony.
- Project activities shall improve storm water drainage, thereby benefitting both the residents dependent on the street in and the floodway and wetland.

Negative Impacts:

- Non-recoverable resources shall be used in the implementation of the improvements.

Concentrated and Dispersed Impacts:

- A concentration of population shall be benefited with improvements. There are no known dispersed impacts as a result of this project.

Short- and Long-Term Impacts:

- During project construction there may be some increase in ambient dust particulate from machinery and soil disturbances and potential minor traffic detours.
- The proposed improvements shall lead to more efficient use of resources, provide services to a population in need, and support economic growth in the long-term.
- Project activities shall increase street access, providing the potential for long-term economic development activities.
- The project shall provide for long-term adequate storm water drainage services for the affected area.
- Project activities will result in safer road conditions for residents.

Step 5: Design or Modify the Proposed Action

The impacts identified above are minor in nature and shall have little or no impact on the floodplain and wetland. However, the following efforts shall be made to minimize negative impacts on the natural and beneficial floodplain and wetland values for restoration and preservation.

- The project shall be implemented using best management practices designed to protect improvements from flood damage.
- The project shall be implemented using best management practices designed to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration.
- The consulting engineer shall take into consideration additional specifications to minimize damage to and/or restore the native plant species.
- The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the floodplain and wetland, as all lines will be subsurface, and the project area will be restored to pre-project conditions upon completion.

Step 6: Reevaluate Alternatives

The proposed route was selected on the minimum improvements required to meet the project goals of repairing drainage facilities and streets to increase access and reduce the safety threats existing facilities pose in their current conditions. The project areas identified contain the drainage and street segments most in need of repairs. Revising the location to repair less a deteriorated drainage facility or street elsewhere, reducing the scope, or taking no action would preclude the correction of these issues.

Step 7: Findings and Final Public Notice

The proposed project shall have no significant impacts on the floodplain and wetland. The alternatives to the project will not address the community needs the project is intended to serve and therefore, the project will continue as proposed.

On 7/5/2020, a public notice was published in the Refugio County Press; the text of the notice is as follows:

Final Notice and Public Explanation of a Proposed Activity in a Wetland/100-Year Floodway

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Iowa Colony. To: All interested Agencies, Groups and Individuals on 7/26/2020: This is to give notice that the City of Iowa Colony has conducted an evaluation as required by Executive Order 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 Community Development Block Grant Program under contract 20-065-008-C011. The City of Iowa Colony proposes a Flood & Drainage Facilities project to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction. The project shall include activities within approximately 0.2 acres of the floodway and approximately 0.2 acres of the wetland. The City of Iowa Colony has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: a reduction in scope, alternate locations, and no action. The scope and location of project activities were chosen based on minimum improvements necessary to correct the health and safety risks existing facilities pose to the natural and human environment. Because the project scope includes only flood & drainage facilities and streets most in need of repairs, the alternatives considered would preclude correction of these risks or environmental compliance violations. Additionally, there shall be no significant increase to impervious surface, best management practices shall be employed during construction to ensure erosion control and to prevent the unintentional discharge of dredged or fill material into the wetland, and the activity shall comply with state and local floodplain management/wetlands protection procedures. The City of Iowa Colony has reevaluated the alternatives to building in the floodplain/wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 11990 are available for public inspection, review, and copying upon request during regular business hours at the City Hall. There are three primary purposes for this notice: (1) People who may be affected by activities in floodplains/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; (2) An adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains/wetlands can

facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas; and (3) As a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains/wetlands, it must inform those who may be put at greater or continued risk. Written comments must be received on or before 8/3/2020 by the City of Iowa Colony at 12003 County Rd. 65 or 12003 County Rd. 65, Rosharon, TX 77583-5719, (281) 369-2471. Attention: Michael Byrum-Bratsen, Mayor, during regular business hours. A full description of the project may also be reviewed during regular business hours at 12003 County Rd. 65, Rosharon, TX 77583-5719. Comments may also be submitted via email to samuel@grantworks.net.

Aviso Final y Explicación Pública de una Actividad Propuesta en un Humedal / Llanura de Inundación de 100 Años

Estos avisos satisfarán dos requisitos de procedimiento distintos pero relacionados con las actividades que deberá llevar a cabo la Ciudad de Iowa Colony. A: Todas las Agencias, Grupos e Individuos interesados, el 7/26/2020: Se notificará que la Ciudad de Iowa Colony ha realizado una evaluación según lo exigido por la Orden Ejecutiva 11988 y 11990, de acuerdo con las normas HUD del 24 CFR 55.20 Subparte C Procedimientos para la Determinación de Manejo de Plántulas y Protección de Humedales. La actividad se financia en virtud del *Community Development Block Grant Program* en virtud del contrato 20-065-008-C0111. la Ciudad de Iowa Colony propone un proyecto para reemplazar las alcantarillas de alcantarillas pluviales, volver a clasificar las zanjas en las carreteras, instalar zanjas de desagüe con la reparación del pavimento asociado y completar accesorios asociados desde el lado norte de Hayes Creek en Ames Blvd. hacia el lado sur de Hayes Creek en Ames Blvd, totalizando aproximadamente 220 LF de construcción de cruce / puente. El proyecto incluirá actividades dentro de aproximadamente 0.2 acres de llanura de inundación y **0.2** acres de humedales. La Ciudad de Iowa Colony ha considerado las siguientes alternativas y medidas de mitigación para minimizar los impactos adversos y restablecer y preservar valores naturales y beneficiosos: reducción de alcance, ubicaciones alternativas y ausencia de acción. El alcance y la ubicación de las actividades del proyecto se eligieron basándose en las mejoras mínimas necesarias para corregir los riesgos para la salud y la seguridad que las instalaciones existentes plantean al ambiente natural y humano. Debido a que el alcance del proyecto incluye solo las instalaciones de inundación y drenaje y las calles que más necesitan reparaciones, las alternativas consideradas impedirían la corrección de estos riesgos o las violaciones del cumplimiento ambiental. Además, no se producirá un aumento significativo a la superficie impermeable, se empleará las mejores prácticas de manejo durante la construcción para asegurar el control de la erosión y evitar la descarga de material dragado o de relleno en el humedal y la actividad deberá cumplir con los procedimientos estatales y locales para la protección de humedales. La Ciudad de Iowa Colony ha reevaluado las alternativas a la construcción en la llanura de inundación / humedal y ha determinado que no tiene alternativa factible. Los expedientes ambientales que documentan el cumplimiento de los pasos 3 a 6 de la Orden Ejecutiva 11988 y 11990 están disponibles para la inspección, revisión y copia del público a petición durante las horas de oficina en el Municipio. Hay tres propósitos principales para esta notificación: (1) Las personas que pueden verse afectadas por actividades en llanuras inundables / humedales y aquellos que tienen interés en la protección del medio ambiente natural deben tener la oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas; (2) Un programa de aviso público adecuado puede ser una herramienta educativa pública importante. La difusión de información y la solicitud de comentarios públicos sobre las llanuras de inundación / humedales pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales; y (3) Como cuestión de equidad, cuando el gobierno federal determine que participará en acciones llevadas a cabo en las llanuras de inundación /

humedales, debe informar a aquellos que pudieran ser expuestos a un riesgo mayor o continuo. Los comentarios por escrito deben ser recibidos a más tardar el 8/3/2020 por la Ciudad de Iowa Colony en 12003 County Rd. 65 o 12003 County Rd. 65, Rosharon, TX 77583-5719, (281) 369-2471. Atención: Michael Byrum-Bratsen, Mayor, durante las horas hábiles. Una descripción completa del proyecto también se puede revisar durante las horas hábiles regulares en 12003 County Rd. 65, Rosharon, TX 77583-5719. Los comentarios también pueden ser enviados por correo electrónico a samuel@grantworks.net.

Step 8: Implement Action

The action will be implemented when all applicable notices have been published and comment received.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared a Representative who being by me duly sworn, deposes and says that they represent the *Alvin Sun* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1890; and
5. it is generally circulated within Brazoria County.

#10262

Published July 5, 2020

Early Notice and Public Review
of a Proposed Activity in a
Wetland / Floodway

Representative further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

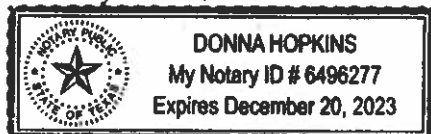
July 5, A.D. 20 20

Betty Ann Crawford
Newspaper Representative

SUBSCRIBED AND SWORN BEFORE ME by Betty Crawford who is personally known to me, on this the 9 day of July, A.D. 20 20 to certify which witness my hand and seal of office.

Donna Hopkins

Notary Public, State of Texas





With the UIL's modified fall schedule, the high school volleyball season starts on Sept. 14.

(File photo)

Fall

Continued from page 6

11-13.

This plan provides a delay for schools in highly-populated metro areas, primarily conferences 5A-6A, given the challenges with COVID-19 those communities are facing, while providing schools in other areas, primarily 1A-4A, an opportunity to start seasons on schedule.

"In a UIL press release, executive director Dr. Breithaupt said the organization's "goal in releasing this plan is to provide a path forward for Texas students and schools."

"While understanding situations change and there will likely be interruptions that will require flexibility and patience, we are hopeful this plan allows students to participate in the education-based activities they love in a way that prioritizes safety and mitigates risk of COVID-19 spread," Dr. Breithaupt

added.

"We're excited that the UIL released the information yesterday (June 21) for the sports of football, volleyball, cross country and team tennis," Bass said. "For a while, there was so much unknowns. Would we have a season and if so, how many games."

"The new excitement is trying to make it work. There are so many school districts opening up at different times. Some districts are opening up Aug. 19. Others are opening on Aug. 24th and the 31st. There are some opening up in September and there's one that may not open until October."

"You look at a district that Manvel is in like 10-5A football alone and it involves nine schools in six different school districts. So you can imagine how that can become a nightmare trying to figure out how things

will work."

UIL also releases Covid risk mitigation guidelines The UIL also released the following information about the Covid-19 risk mitigation in its press release.

Acknowledging the situation is not always clear-cut and that COVID-19 affects every community differently, the plan also allows for local flexibility and encourages districts to plan for possible interruptions in order to complete district seasons.

Additionally, the COVID-19 risk mitigation guidelines for the 2020-2021 school year can be found on the UIL website. This includes guidance around face coverings, general operations and protocol for individuals confirmed or exposed to COVID-19, congregating settings (band halls, locker rooms, etc.), practice and rehearsal activities, spectators and media, and con-

cession stands and food service.

These guidelines are in addition to guidance issued by the Texas Education Agency (TEA) and intended to be implemented along with TEA guidance, which applies to UIL academic activities and extracurricular non-UIL activities.

With the understanding that not all schools will be able to start at the same time, this plan allows for schools to make playing decisions at the local level, and the UIL will work directly with schools that have scheduling issues not addressed in this plan to allow them flexibility to complete as many contests as possible.

UIL will continue to work with state officials and monitor CDC and other federal guidance to determine any potential modifications that may become necessary.

TPWD seeks public input on potential catfish rules

AUSTIN -The Texas Parks and Wildlife Department (TPWD) is requesting feedback from the public on a new suite of potential harvest regulation options for blue and channel catfish. The goal is to obtain input from anglers on these options before proposing any changes to the Texas Parks and Wildlife Commission early next year.

"A team of TPWD fisheries biologists have worked for the past two years to review our current catfish regulations with the goals of continuing to provide good angling, meeting current angler needs, and reducing the number of regulations," said Dave Tere, TPWD's Fish Management Chief. "Obtaining feedback and making sure any new regulation options are acceptable to anglers is an important step in these ongoing efforts."

These potential options were recently presented in webinars to a group of catfish anglers, fishing guides, and outdoor writers to discuss and get their input (see link to recording of webinar at end of the release).

The first option would modify the current statewide regulations for blue and channel catfish of a 12-inch minimum length limit and a 25-fish daily bag limit that combines both species. The potential new statewide regulation would remove the minimum length limit (fish of any length could be harvested) and retain the 25-fish daily bag. However, of the 25 blue or channel catfish that could be harvested per day, anglers would be limited to harvesting no more than 10 fish that measure 20 inches or longer.

Based on population data collected by biologists, this statewide regulation would apply to about 80 percent of reservoirs and rivers. Catfish populations in these waters are generally characterized by average growth and abundance with some of these waters producing some large fish for anglers to catch.

"We know from our statewide catfish sur-

vey that most catfish anglers prefer catching a bunch of catfish to eat," said Dave Tere. "This regulation addresses what those anglers want and can be used on many of our state's waters. It will also take advantage of what the catfish populations in those locations can provide based on fish growth rates and abundance."

Tere added, "We recognize that limiting the number of catfish 20 inches or longer that could be harvested will be a new idea to many anglers. Impacts from that change will be low as we know from our angler harvest data that few anglers harvest more than 10 catfish over 20 inches on any given trip. We believe this new statewide regulation will be well suited for many water bodies and provide the type of fishing that the majority of anglers want."

The next potential option focuses on catfish populations where reproduction and survival of fingerling catfish is low. Some of these populations also experience high angler harvest. The regulations being considered for these waters are a 14-inch minimum length limit and a 15-fish daily bag that combines both species. "This is applicable to only a few reservoirs and rivers," said John Tibbs, TPWD Statewide Catfish Management Coordinator. "Our biologists' assessment is that there are about five percent of reservoirs where this might be needed."

Next there are some large reservoirs where harvest of catfish by jugline and trotline fishing is popular. For these reservoirs (about five percent of all reservoirs), the harvest regulations would be somewhat similar to the potential new statewide regulations. There would be no minimum length limit and anglers could harvest up to 25 catfish per day. Instead of being limited to harvesting no more than 10 fish 20 inches or longer per day, anglers would be limited to no more than five fish 30 inches or longer.

"This regulation is designed to limit the

number of large catfish that an angler can harvest, which is viewed as positive by most anglers. It also may reduce the chance that large catfish will be overharvested, which could have a negative effect on the population," added John Tibbs. "We have a similar regulation on Toledo Bend Reservoir, which is shared with Louisiana. Anglers there have supported this type of regulation."

Finally, there is a group of reservoirs, which account for about 10 percent of all waters, that have excellent catfish populations with many large fish. Once again, the harvest regulations would be somewhat similar to the potential new statewide regulations. There would be no minimum length limit and anglers could harvest up to 25 catfish per day. Harvest of catfish 20 inches or longer would continue to be restricted. Under this regulation, anglers would be limited to harvesting no more than five fish 20 inches or longer and only one of those fish could be 30 inches or longer.

"Since 2016, anglers at Lake Tawakoni have had similar limits on the number of catfish they can keep over certain, specifiable lengths," Tibbs said. "For Tawakoni and other reservoirs where we have enacted similar regulations, anglers have expressed their support."

"We currently have about a dozen reservoirs that would be suitable for this regulation, although additional research currently underway may slightly increase this number," Tibbs continued. "We have documented that there is a group of catfish anglers who like to fish for larger catfish and want to see the abundance of those fish increase. This regulation is designed to accomplish this by reducing harvest on catfish between 20 and 30 inches. In addition to increasing the abundance of large blue catfish and the opportunity to catch one, it will also maintain channel catfish populations at levels that should provide good angling."

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AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared a Representative who being by me duly sworn, deposes and says that they represent the *Alvin Sun* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1890; and
5. it is generally circulated within Brazoria County.

Representative further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

July 26, A.D. 20 20

Betty Anna Crawford
Newspaper Representative

SUBSCRIBED AND SWORN BEFORE ME by Betty Crawford who is personally known to me, on this the 28 day of July, A.D. 20 20 to certify which witness my hand and seal of office.

Donna Hopkins
Notary Public, State of Texas
DONNA HOPKINS
My Notary ID # 6496277
Expires December 20, 2023

#10275
PUBLISHED
JULY 26, 2020

Final Notice and Public Explanation of a Proposed Activity in a Wetland/100-Year Floodway

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Iowa Colony. To: All interested Agencies, Groups and Individuals on 7/26/2020: This is to give notice that the City of Iowa Colony has conducted an evaluation as required by Executive Order 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 Community Development Block Grant Program under contract 20-065-008-C011. The City of Iowa Colony proposes a Flood & Drainage Facilities project to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 L.F. of crossing/bridge construction. The project shall include activities within approximately 0.2 acres of the floodway and approximately 0.2 acres of the wetland. The City of Iowa Colony has considered the following alternatives and mitiga-

See Attached
Tear Sheets



12003 Iowa Colony Blvd.
Iowa Colony Tx. 77583
Phone: 281-369-2471
Fax: 281-369-0005
www.cityofiowacolony.com

June 9, 2020

Sandy Keefe
Mitigation Director, DHS/FEMA Region 6
Floodplain Management & Insurance Branch
800 North Loop 288
Denton, TX 76209

RE: City of Iowa Colony Contract 20-065-008-C011 - Flood & Drainage Improvements

Dear Ms. Keefe:

The City of Iowa Colony, Brazoria County, Texas has received a Disaster Recovery grant from the Texas General Land Office - Disaster Recovery Program for a Flood & Drainage Improvements project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

An Environmental Review is currently underway for this project, and it has been determined that a portion of the project area is located within the 100-Year floodplain. We are currently completing the 8-step process and have determined that the project should proceed as planned. The project engineers shall coordinate any additional permitting needed for the project to proceed in accordance with local floodplain requirements set forth by the community's Floodplain Administrator.

Please review this information to determine if your Department has any objections to this project, and if so, please forward a written response within 30 calendar days to: Samuel Becker, samuel@grantworks.net, 2201 Northland Dr, Austin, TX 78756.

Sincerely,

Michael Byrum-Bratsen, Mayor

Enclosures:
Project Map
Flood map
8-Step Process
Project Photos



FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY
REGION 6
MITIGATION DIVISION

RE: City of Iowa Colony Contract 20-065-008-C011-Flood & Drainage Improvements

NOTICE REVIEW/ENVIRONMENTAL CONSULTATION

☐ We have no comments to offer. ☒ We offer the following comments:

WE WOULD REQUEST THAT THE COMMUNITY FLOODPLAIN ADMINISTRATOR BE CONTACTED FOR THE REVIEW AND POSSIBLE PERMIT REQUIREMENTS FOR THIS PROJECT. IF FEDERALLY FUNDED, WE WOULD REQUEST PROJECT TO BE IN COMPLIANCE WITH EO11988 & EO 11990.

City of Iowa Colony
Kayleen Rosser
City Secretary
12003 Iowa County Road
Iowa County, TX 77583
krosser@cityofiowacolony.com
(281) 369-2471

Brazoria County
Joe Ripple
Floodplain Administrator
451 North Velasco Street
Angleton, TX 77515
joer@brazoria-county.com
(979) 864-1272

REVIEWER:

Colleen Sciano
Floodplain Management and Insurance Branch
Mitigation Division
(940) 383-7257

DATE: July 24, 2020

Attachment K

Historic Preservation

Historic Preservation (CEST and EA)

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties"
References		
https://www.hudexchange.info/environmental-review/historic-preservation		

Threshold

Is Section 106 review required for your project?

- ☐ No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the [PA Database](#) to find applicable PAs.)

Either provide the PA itself or a link to it here. Mark the applicable exemptions or include the text here:

→ Continue to the Worksheet Summary.

- ☐ No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

Either provide the memo itself or a link to it here. Explain and justify the other determination here:

→ Continue to the Worksheet Summary.

- ☒ Yes, because the project includes activities with potential to cause effects (direct or indirect). → Continue to Step 1.

The Section 106 Process

After determining the need to do a Section 106 review, initiate consultation with regulatory and other interested parties, identify and evaluate historic properties, assess effects of the project on properties listed on or eligible for the National Register of Historic Places, and resolve any adverse effects through project design modifications or mitigation.

Note that consultation continues through all phases of the review.

Step 1: Initiate consultation

Step 2: Identify and evaluate historic properties

Step 3: Assess effects of the project on historic properties

Step 4: Resolve any adverse effects

Step 1 - Initiate Consultation

The following parties are entitled to participate in Section 106 reviews: Advisory Council on Historic Preservation; State Historic Preservation Officers (SHPOs); federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); Native Hawaiian Organizations (NHOs); local governments; and project grantees. The general public and individuals and organizations with a demonstrated interest in a project may participate as consulting parties at the discretion of the RE or HUD official. Participation varies with the nature and scope of a project. Refer to HUD's website for guidance on consultation, including the required timeframes for response. Consultation should begin early to enable full consideration of preservation options.

Use the [When To Consult With Tribes checklist](#) within [Notice CPD-12-006: Process for Tribal Consultation](#) to determine if you should invite tribes to consult on a particular project. Use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes that may have an interest in the area where the project is located. Note that consultants may not initiate consultation with Tribes.

Select all consulting parties below (check all that apply):

- ☒ State Historic Preservation Officer (SHPO)
- ☐ Advisory Council on Historic Preservation
- ☒ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native
- ☐ Hawaiian Organizations (NHOs)

List all tribes that were consulted here and their status of consultation:

Comanche Nation
 Apache Tribe of Oklahoma
 Couthatta Tribe of Louisiana
 Tonkawa Tribe of Indians of Oklahoma
 Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma

- ☐ Other Consulting Parties

List all consulting parties that were consulted here and their status of consultation:

Describe the process of selecting consulting parties and initiating consultation here:

The Tribal Director Assessment Tool (TDAT) was used to determine tribes with interest in the project county. Each tribe was sent a letter from the Iowa Colony 20-065-076-C218 government elected official inviting consultation on the project, and they concurred that no historic properties would be impacted or made no objections to the project during the 30-day comment period. The Texas Historical Commission was also consulted and asked to perform a Section 106 Review of the project. Please see Attachment K – Historic Preservation for consultation documentation.

Provide all correspondence, notices, and notes (including comments and objections received) and continue to Step 2.

Step 2 - Identify and Evaluate Historic Properties

Define the Area of Potential Effect (APE), either by entering the address(es) or providing a map depicting the APE. Attach an additional page if necessary.

Please see project map and photos and Attachment K – Historic Preservation for a map of historical sites in the project area.

Gather information about known historic properties in the APE. Historic buildings, districts and archeological sites may have been identified in local, state, and national surveys and registers, local historic districts, municipal plans, town and county histories, and local history websites. If not already listed on the National Register of Historic Places, identified properties are then evaluated to see if they are eligible for the National Register. Refer to HUD's website for guidance on identifying and evaluating historic properties.

In the space below, list historic properties identified and evaluated in the APE.

Every historic property that may be affected by the project should be listed. For each historic property or district, include the National Register status, whether the SHPO has concurred with the finding, and whether information on the site is sensitive. Attach an additional page if necessary.

Please see Attachment K – Historic Preservation for Historic Properties map and SHPO correspondence and findings.

Provide the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination.

Was a survey of historic buildings and/or archeological sites done as part of the project?

If the APE contains previously unsurveyed buildings or structures over 50 years old, or there is a likely presence of previously unsurveyed archeological sites, a survey may be necessary. For Archeological surveys, refer to HP Fact Sheet #6, [Guidance on Archeological Investigations in HUD Projects](#).

☐ Yes → *Provide survey(s) and report(s) and continue to Step 3.*

Additional notes:

☒ No → *Continue to Step 3.*

Step 3 - Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. ([36 CFR 800.5](#)) Consider direct and indirect effects as applicable as per HUD guidance.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

☒ No Historic Properties Affected

Document reason for finding:

☒ No historic properties present. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

☐ Historic properties present, but project will have no effect upon them. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.4\(d\)\(1\)](#)) and consult further to try to resolve objection(s).

☐ No Adverse Effect

Document reason for finding:

Does the No Adverse Effect finding contain conditions?

☐ Yes

Check all that apply:

- ☐ Avoidance
- ☐ Modification of project
- ☐ Other

Describe conditions here:

☐ *→ Monitor satisfactory implementation of conditions. Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

☐ No *→ Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to [\(36 CFR 800.5\(c\)\(2\)\)](#) and consult further to try to resolve objection(s).

☐ Adverse Effect

Document reason for finding:

Copy and paste applicable Criteria into text box with summary and justification.

Criteria of Adverse Effect: [36 CFR 800.5](#)

Notify the Advisory Council on Historic Preservation of the Adverse Effect and provide the documentation outlined in [36 CFR 800.11\(e\)](#). The Council has 15 days to decide whether to enter the consultation (Not required for projects covered by a Programmatic Agreement).

→ Continue to Step 4.

Step 4 - Resolve Adverse Effects

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. Refer to HUD guidance and [36 CFR 800.6 and 800.7](#).

Were the Adverse Effects resolved?

☐ Yes

Describe the resolution of Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation:

For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ Provide signed Memorandum of Agreement (MOA) or Standard Mitigation Measures Agreement (SMMA). Continue to the Worksheet Summary.

☐ No

The project must be cancelled unless the "Head of Agency" approves it. Either provide approval from the "Head of Agency" or cancel the project at this location.

Describe the failure to resolve Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation and "Head of the Agency":

Explain in detail the exact conditions or measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ *Provide correspondence, comments, documentation of decision, and “Head of Agency” approval. Continue to the Worksheet Summary.*

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

In accordance with the required statutes and provisions, a listing of state and federal register properties has been reviewed. The Texas Historical Commission conducted a Section 106 Review of the project and has concurred with the determination that there shall be **no historical properties affected** as a result of this project. Please see project photos and Attachment K – Historic Preservation for the determination.

The THC also made the following comments:

Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853, and the GLO, to consult on further actions that may be necessary to protect historic properties.

Archeology Comments

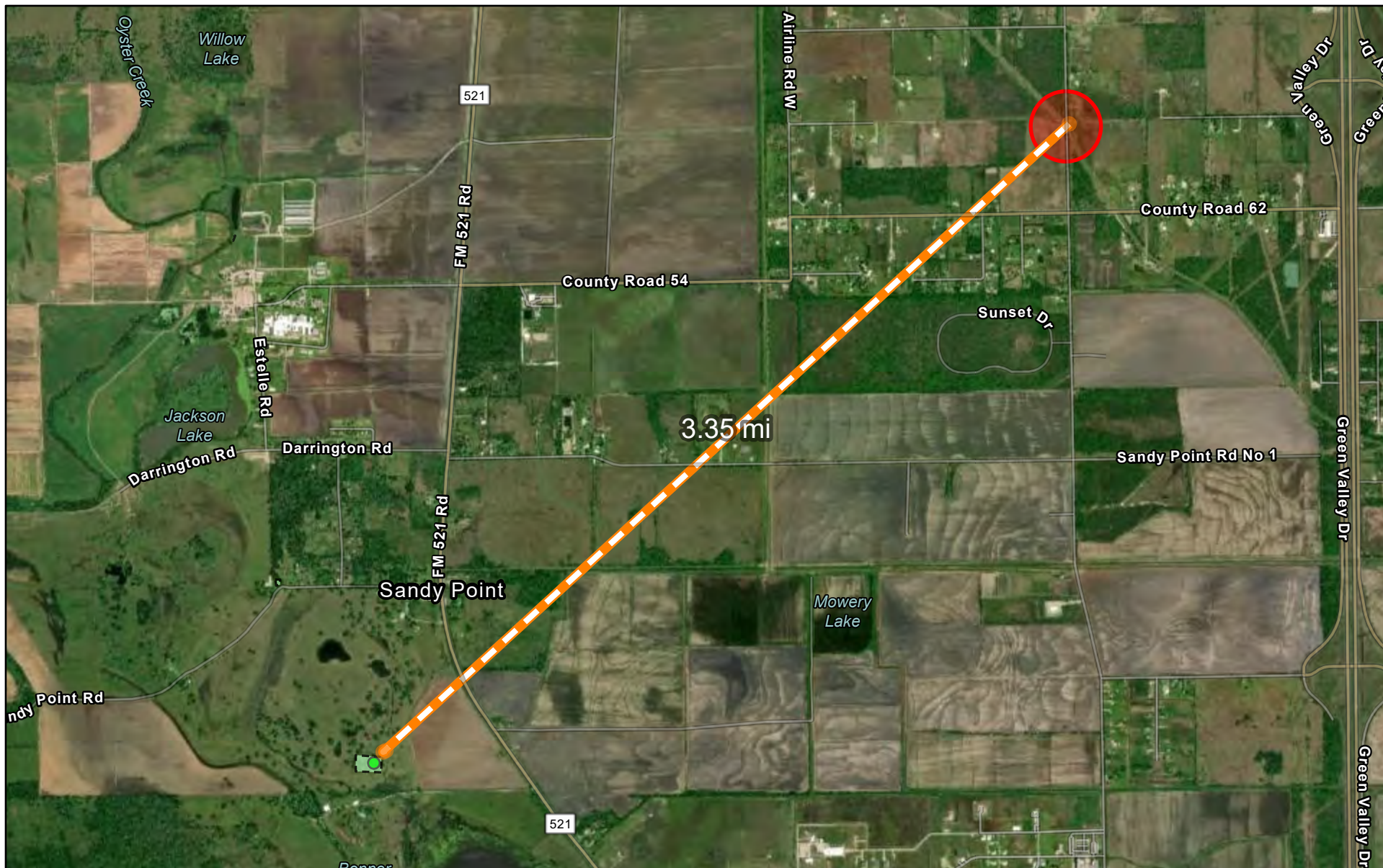
- No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096, and the GLO, to consult on further actions that may be necessary to protect the cultural remains.

TRIBAL: Due to the nature of the project, consultation with interested tribal nations was carried out, and they concurred that no historic properties would be impacted or made no objections to the project during the 30-day comment period. See Attachment K – Historic Preservation for correspondence.

Are formal compliance steps or mitigation required?

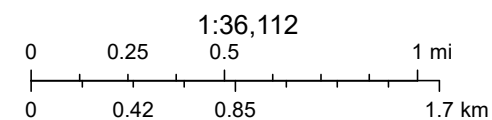
☐ Yes

☒ No



May 27, 2020

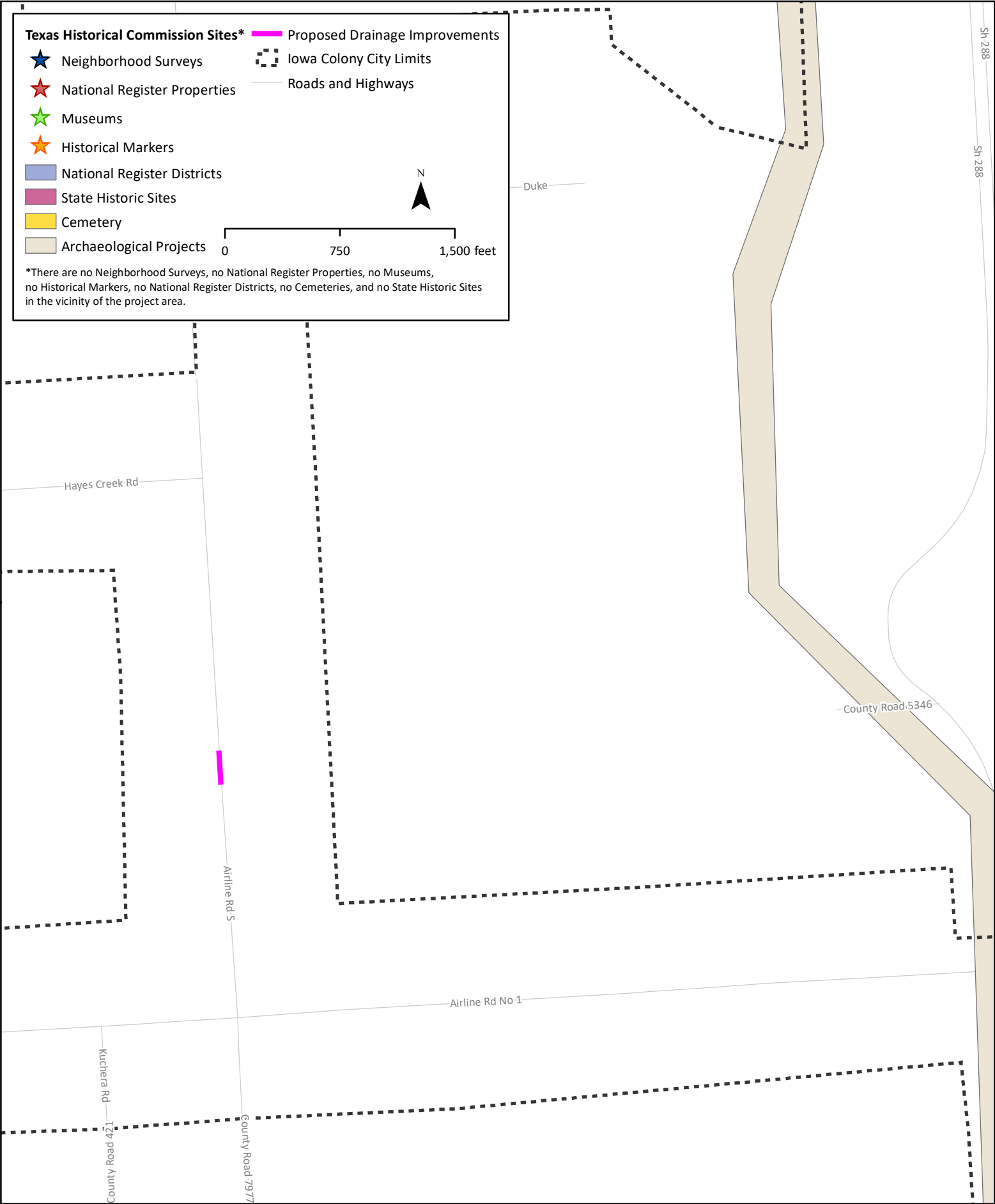
- Historical Marker
- Cemeteries



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources:

City of Iowa Colony

CDBG-DR Contract No. 20-065-008-C01 - Historic Sites





12003 Iowa Colony Blvd.
Iowa Colony Tx. 77583
Phone: 281-369-2471
Fax: 281-369-0005
www.cityofiowacolony.com

June 9, 2020

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
PO Box 12276
Austin, TX 78711

RE: City of Iowa Colony Contract 20-065-008-C011 - Flood & Drainage Improvements

Dear Mr. Wolfe:

The City of Iowa Colony, Brazoria County, Texas has received a Disaster Recovery grant from the Texas General Land Office - Disaster Recovery Program for a Flood & Drainage Improvements project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

The proposed drainage construction activities will take place in existing rights-of-way and utility easements in soils that have been disturbed by other construction activities in the past.

We have reviewed the Texas Historic Sites Atlas and to the best of our knowledge the project site has no historical significance. Based on the level of disturbance present at the project sites and the lack of evidence of historic sites, we have determined that no historic sites shall be affected.

Please review this information to determine if your Department has any objections to this project, and if so, please forward a written response within 30 calendar days to: Samuel Becker, samuel@grantworks.net, 2201 Northland Dr, Austin, TX 78756.

Sincerely,

Michael Byrum-Bratsen, Mayor

Enclosures:
SHPO Consultation Request Form
Performance Statement
Project Map
Atlas map
Photos of project area

TEXAS HISTORICAL COMMISSION

REQUEST FOR SHPO CONSULTATION:

Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

Please see instructions for completing this form and additional information on Section 106 and Antiquities Code consultation on the Texas Historical Commission website at <http://www.thc.state.tx.us/crm/crmsend.shtml>.

☒ This is a new submission

☐ This is additional information relating to THC tracking number(s): _____

Project Information

PROJECT NAME

20-065-008-C011 Flood & Drainage Improvements, City of Iowa Colony

PROJECT ADDRESS

PROJECT CITY

PROJECT ZIP CODE(S)

Ames Blvd. (north side of Hayes Creek) to Ames Blvd. (south side of Hayes Creek), Iowa Colony, TX 77583-5719

PROJECT COUNTY OR COUNTIES

Brazoria

☐ Road/Highway Construction or Improvements

☐ Repair, Rehabilitation or Renovation of Structure(s)

☐ Site Excavation

☐ Addition to Existing Structure(s)

☒ Utilities & Infrastructure

☐ Demolition or Relocation of Existing Structure(s)

☐ New Construction

☐ None of these

BRIEF PROJECT SUMMARY Replacement of storm sewer culverts, regrading of roadside ditches, installment of outfall ditches with associated pavement repair, and complete associated appurtenances.

Project Contact Information

PROJECT CONTACT NAME

TITLE

ORGANIZATION

Samuel Becker

Environmental Specialist

GrantWorks, Inc.

ADDRESS

2201 Northland Dr, Austin, TX 78756

PHONE

Office: (512) 420-0303 x329

EMAIL:

samuel@grantworks.net

Federal Involvement (Section 106 of the National Historic Preservation Act)

Does this project involve approval, permit, license, or funding from a federal agency?

☒ Yes (Please complete this section)

☐ No (Skip to next box)

FEDERAL AGENCY

HUD / GLO

FEDERAL PROGRAM, FUNDING, OR PERMIT TYPE

CDBG-DR

CONTACT PERSON

Jill Seed

PHONE

(512) 475-5000

ADDRESS

P.O. Box 12873, Austin, Texas 78711-2873

EMAIL:

Jill.Seed.glo@recovery.texas.gov

State Involvement (Antiquities Code of Texas)

Does this project occur on land or property owned by the State of Texas or a political subdivision of the state?

☒ Yes (Please complete this section)

☐ No (Skip to next box)

CURRENT OR FUTURE OWNER OF THE PUBLIC LAND

City of Iowa Colony

CONTACT PERSON

Michael Byrum-Bratsen, Mayor

PHONE

(281) 369-2471

ADDRESS

12003 County Rd. 65, Rosharon, TX 77583-5719

EMAIL:

rcox@roncoxconsulting.com

Identification of Historic Properties: Archeology
Does this project involve ground-disturbing activity? <input checked="" type="checkbox"/> Yes (Please complete this section) <input type="checkbox"/> No (Skip to next section)
Describe the nature of the ground-disturbing activity, including but not limited to depth, width, and length. Ground disturbance shall consist of demolishing the existing wooden crossing and replacing it with box culvert. The ditch line is approximately 8 ft. deep, and construction will involve excavating approximately 24 in. below that level for placement of the concrete slope paving.
Describe the previous and current land use, conditions, and disturbances. Construction activities shall be confined to existing ROWs and utility easements in previously disturbed areas, dedicated primarily to urban and residential land use.

Identification of Historic Properties: Structures									
Does the project area or area of potential effects include buildings, structures, or designed landscape features (such as parks or cemeteries) that are 45 years of age or older? <input type="checkbox"/> Yes (Please complete this section) <input checked="" type="checkbox"/> No (Skip to next section)									
Is the project located within or adjacent to a district that is listed in or eligible for the National Register of Historic Places? <input type="checkbox"/> Yes, name of property or district: _____ <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown									
In the space below or as an attachment, describe each building, structure, or landscape feature within the project area or area of potential effect that is 45 years of age or older.									
<table border="1"> <tr> <td>ADDRESS</td> <td>DATE OF CONSTRUCTION</td> <td>SOURCE FOR CONSTRUCTION DATE</td> </tr> <tr> <td>ADDRESS</td> <td>DATE OF CONSTRUCTION</td> <td>SOURCE FOR CONSTRUCTION DATE</td> </tr> <tr> <td>ADDRESS</td> <td>DATE OF CONSTRUCTION</td> <td>SOURCE FOR CONSTRUCTION DATE</td> </tr> </table>	ADDRESS	DATE OF CONSTRUCTION	SOURCE FOR CONSTRUCTION DATE	ADDRESS	DATE OF CONSTRUCTION	SOURCE FOR CONSTRUCTION DATE	ADDRESS	DATE OF CONSTRUCTION	SOURCE FOR CONSTRUCTION DATE
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Attachments

Please see detailed instructions regarding attachments. Include the following with each submission:

☒ Project Work Description

☒ Maps

☒ Identification of Historic Properties

☒ Photographs

For Section 106 reviews only, also include:

☒ Consulting Parties/Public Notification

☒ Area of Potential Effects

☒ Determination of Eligibility

☒ Determination of Effect

Submit completed form and attachments to the address below. Faxes and email are not acceptable.

Mark Wolfe

State Historic Preservation Officer

Texas Historical Commission

P.O. Box 12276, Austin, TX 78711-2276 (mail service)

108 W. 16th Street, Austin, TX 78701 (courier service)

For SHPO Use Only



Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

THC Tracking #202015580

CDBG-DR Iowa Colony 20-065-008-C011

29.409416, -95.443779

Rosharon, TX 77583

Dear Samuel Becker:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas.

The review staff, led by Taylor Bowden and Caitlin Brashear, has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

Archeology Comments

- No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: taylor.bowden@thc.texas.gov, caitlin.brashear@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,

A handwritten signature in black ink that reads "Caitlin Brashear". The script is cursive and fluid.

for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.



Tribal Directory Assessment Information



Contact Information for Tribes with Interests in Brazoria County, Texas

	Tribal Name	County Name
+	Apache Tribe of Oklahoma	Brazoria
+	Comanche Nation, Oklahoma	Brazoria
+	Coushatta Tribe of Louisiana	Brazoria
+	Tonkawa Tribe of Indians of Oklahoma	Brazoria
+	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma	Brazoria

1 - 5 of 5 results

« < 1 > » 10 ▼



12003 Iowa Colony Blvd.
Iowa Colony Tx. 77583
Phone: 281-369-2471
Fax: 281-369-0005
www.cityofiowacolony.com

Comanche Nation
William Nelson, Chairman
P.O. Box 908
Lawton, OK 73502
Cc: Ms. Martina M. Callahan, THPO
martinac@comanchenation.com

RE: City of Iowa Colony Contract 20-065-008-C011 - Flood & Drainage Improvements

Dear Mr. Nelson:

The City of Iowa Colony, Brazoria County, Texas has received a Disaster Recovery grant from the Texas General Land Office - Disaster Recovery Program for a Flood & Drainage Improvements project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

Under HUD regulation 24 CFR 58.4, the City of Iowa Colony has assumed HUD's environmental review responsibilities for this project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The City of Iowa Colony is conducting a review of the project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in any, or all, of these reviews to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The proposed drainage construction activities will take place in existing rights-of-way and utility easements in soils that have been disturbed by other construction activities in the past.

Additionally, we have reviewed the Texas Historic Sites Atlas, and to the best of our knowledge, the project site has no historical significance. Based on the level of disturbance present at the project sites and the lack of evidence of historic sites, we have determined that no historic sites shall be affected.

To meet project timeframes, please let us know of your interest to be a consulting party within 30 days to Samuel Becker, samuel@grantworks.net, 2201 Northland Dr, Austin, TX 78756, Fax: (888)-883-5417. If you have any initial concerns with impacts of the project on religious or cultural properties, please note them in your response.

If you do not wish to consult on this project, please inform us. If you do wish to consult, please include in your reply the name and contact information for the tribe's principal representative in the consultation. Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious or cultural significance to your tribe that may be affected by this project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mi Bratsen', with a stylized flourish at the end.

Michael Byrum-Bratsen, Mayor

Enclosures:

Project Map

Historic Sites Map

Photos of project area



CITY OF IOWA COLONY

12003 Iowa Colony Blvd.
Iowa Colony Tx. 77583
Phone: 281-369-2471
Fax: 281-369-0005
www.cityofiowacolony.com

6/23/2020

Apache Tribe of Oklahoma
Bobby Komardley, Chairman
P.O. Box 1330
Anadarko, OK 73005

RE: City of Iowa Colony Contract 20-065-008-C011 - Flood & Drainage Improvements

Dear Mr. Komardley:

The City of Iowa Colony, Brazoria County, Texas has received a Disaster Recovery grant from the Texas General Land Office - Disaster Recovery Program for a Flood & Drainage Improvements project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

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Sincerely,

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Michael Byrum-Bratsen, Mayor

Enclosures:

Project Map

Historic Sites Map

Photos of project area



CITY OF IOWA COLONY

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Phone: 281-369-2471
Fax: 281-369-0005
www.cityofiowacolony.com

6/23/2020

Coushatta Tribe of Louisiana
David Sickey, Chairman
P.O. BOX 818
Elton, LA 70532
Cc: Dr. Linda Langley, THPO llangley@coushattatribela.org

RE: City of Iowa Colony Contract 20-065-008-C011 - Flood & Drainage Improvements

Dear Mr. Sickey:

The City of Iowa Colony, Brazoria County, Texas has received a Disaster Recovery grant from the Texas General Land Office - Disaster Recovery Program for a Flood & Drainage Improvements project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

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Michael Byrum-Bratsen, Mayor

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Historic Sites Map

Photos of project area



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Fax: 281-369-0005
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6/23/2020

Tonkawa Tribe of Oklahoma
Russell Martin, President
1 Rush Buffalo Rd
Tonkawa, OK 74653
Cc: Lauren Brown, NAGPRA Coordinator
lbrown@tonkawatribe.com

RE: City of Iowa Colony Contract 20-065-008-C011 - Flood & Drainage Improvements

Dear Mr. Martin:

The City of Iowa Colony, Brazoria County, Texas has received a Disaster Recovery grant from the Texas General Land Office - Disaster Recovery Program for a Flood & Drainage Improvements project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

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Michael Byrum-Bratsen, Mayor

Enclosures:

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Historic Sites Map

Photos of project area



CITY OF IOWA COLONY

12003 Iowa Colony Blvd.
Iowa Colony Tx. 77583
Phone: 281-369-2471
Fax: 281-369-0005
www.cityofiowacolony.com

6/23/2020

Wichita and Affiliated Tribes, Oklahoma
Terri Parton, President
P.O. Box 729
Anadarko, OK 73005
Cc: Gary McAdams, Cultural Planner
gary.mcadams@wichitatribe.com & Terri.Parton@wichitatribe.com

RE: City of Iowa Colony Contract 20-065-008-C011 - Flood & Drainage Improvements

Dear Terri Parton:

The City of Iowa Colony, Brazoria County, Texas has received a Disaster Recovery grant from the Texas General Land Office - Disaster Recovery Program for a Flood & Drainage Improvements project. The City proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction.

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Sincerely,

A handwritten signature in blue ink, appearing to read "M. Bratsen".

Michael Byrum-Bratsen, Mayor

Enclosures:

Project Map

Historic Sites Map

Photos of project area

Attachment L

Noise Abatement and Control

Noise (EA Level Reviews)

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B
References		
https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control		

1. What activities does your project involve? Check all that apply:

- ☐ New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.
→ *Continue to Question 2.*

- ☐ Rehabilitation of an existing residential property

NOTE: For major or substantial rehabilitation in Normally Unacceptable zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. For major rehabilitation in Unacceptable zones, HUD strongly encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.
→ *Continue to Question 2.*

- ☐ A research demonstration project which does not result in new construction or reconstruction, interstate, land sales registration, or any timely emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

- ☒ None of the above

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

2. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**Indicate the findings of the Preliminary Screening below:**

- ☐ There are no noise generators found within the threshold distances above.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing the location of the project relative to any noise generators.*

- ☐ Noise generators were found within the threshold distances.

→ *Continue to Question 3.*

3. Complete the Noise Assessment Guidelines to quantify the noise exposure. Indicate the findings of the Noise Assessment below:

- ☐ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide noise analysis, including noise level and data used to complete the analysis.*

☐ Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in 24 CFR 51.105(a))

Indicate noise level here:

If project is rehabilitation:

→ *Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis.*

If project is new construction:

Is the project in a largely undeveloped area⁵?

☐ No

→ *Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.*

☐ Yes

→ *Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). Elevate this review to an EIS-level review.*

☐ Unacceptable: (Above 75 decibels)

Indicate noise level here:

If project is rehabilitation:

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels. Consider converting this property to a non-residential use compatible with high noise levels.

→ *Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.*

If project is new construction:

Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). You may either complete an EIS or provide a waiver signed by the appropriate authority. Indicate your choice:

☐ Convert to an EIS

→ *Provide noise analysis, including noise level and data used to complete the analysis.*

Continue to Question 4.

☐ Provide waiver

→ *Provide an Environmental Impact Statement waiver from the Certifying Officer or the Assistant Secretary for Community Planning and Development per 24 CFR 51.104(b)(2) and noise analysis, including noise level and data used to complete the analysis.*

Continue to Question 4.

⁵ A largely undeveloped area means the area within 2 miles of the project site is less than 50 percent developed with urban uses and does not have water and sewer capacity to serve the project.

- 4. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

☐ Mitigation as follows will be implemented:

→ Provide drawings, specifications, and other materials as needed to describe the project's noise mitigation measures. Continue to the Worksheet Summary.

☐ No mitigation is necessary.

Explain why mitigation will not be made here:

→ Continue to the Worksheet Summary.

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project does not involve housing or a noise sensitive development; therefore, a noise study is not applicable. However, minimal noise will be created during construction. The construction period shall be brief (approximately 120 days) and will take place during normal business hours on weekdays. Local residents have been notified of the nature and location of the project during a formal hearing process during the application phase of this project. Any complaints will be taken into consideration.

Are formal compliance steps or mitigation required?

☐ Yes

☒ No

Attachment M

Sole Source Aquifers

Sole Source Aquifers (CEST and EA)

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149
Reference		
https://www.hudexchange.info/environmental-review/sole-source-aquifers		

1. Does your project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

- ☐ Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*
- ☒ No → *Continue to Question 3.*

2. Is the project located on a sole source aquifer (SSA)⁶?

- ☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area.*
- ☐ Yes → *Continue to Question 2.*

3. Does your region have a memorandum of understanding (MOU) or other working agreement with EPA for HUD projects impacting a sole source aquifer?

Contact your Field or Regional Environmental Officer or visit the HUD webpage at the link above to determine if an MOU or agreement exists in your area.

- ☐ Yes → *Provide the MOU or agreement as part of your supporting documentation. Continue to Question 4.*
- ☐ No → *Continue to Question 5.*

4. Does your MOU or working agreement exclude your project from further review?

- ☐ Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination and document where your project fits within the MOU or agreement.*
- ☐ No → *Continue to Question 5.*

5. Will the proposed project contaminate the aquifer and create a significant hazard to public health?

Consult with your Regional EPA Office. Your consultation request should include detailed information about your proposed project and its relationship to the aquifer and associated streamflow source area. EPA will also want to know about water, storm water and waste water at the proposed project. Follow your MOU or working agreement or contact your Regional EPA office for specific information you may need to provide. EPA may request additional information if impacts to the aquifer are questionable after this information is submitted for review.

- ☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide your correspondence with the EPA and all documents used to make your determination.*

⁶ A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

- ☐ Yes → *Work with EPA to develop mitigation measures. If mitigation measures are approved, attach correspondence with EPA and include the mitigation measures in your environmental review documents and project contracts. If EPA determines that the project continues to pose a significant risk to the aquifer, federal financial assistance must be denied. Continue to Question 6.*

6. In order to continue with the project, any threat must be mitigated, and all mitigation must be approved by the EPA. Explain in detail the proposed measures that can be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

No portion of the project is located within a designated Sole Source Aquifer. See Attachment M – Sole Source Aquifers for the map.

Are formal compliance steps or mitigation required?

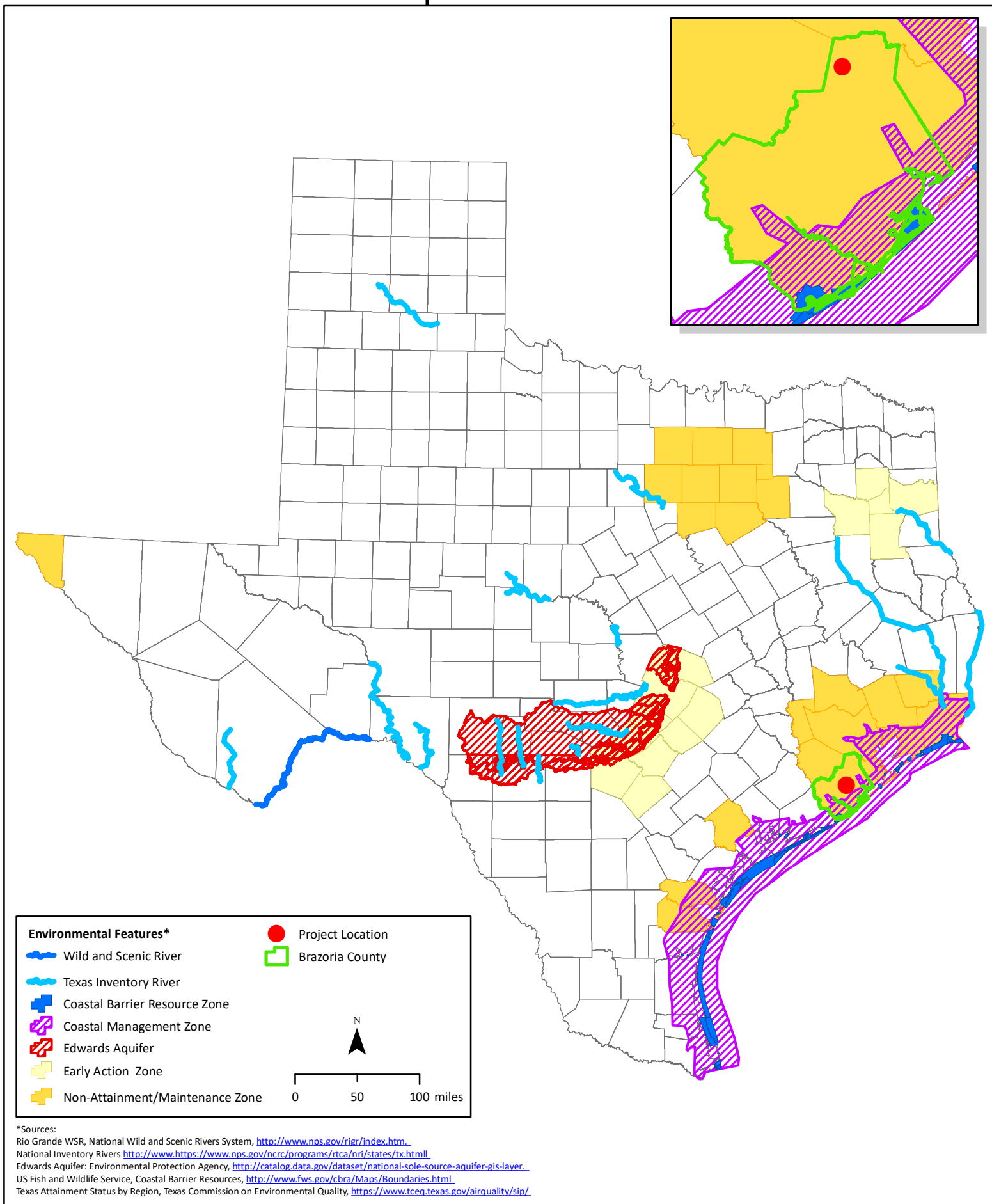
☐ Yes

☒ No

City of Iowa Colony

CDBG-DR Contract No. 20-065-008-C01

Environmental Features Map



Attachment N

Wetlands Protection

Wetlands (CEST and EA)

General requirements	Legislation	Regulation
Executive Order 11990 discourages that direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.
References		
https://www.hudexchange.info/environmental-review/wetlands-protection		

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance?

The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order.

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☒ Yes → *Continue to Question 2.*

2. Will the new construction or other ground disturbance impact an on- or off-site wetland?

The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands.

☐ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map or any other relevant documentation to explain your determination.*

☒ Yes, there is a wetland that may be impacted in terms of E.O. 11990's definition of new construction.

→ *You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.*

Provide a completed 8-Step Process as well as all documents used to make your determination, including a map. Be sure to include the early public notice and the final notice with your documentation.

Continue to Question 3.

3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

Due to the nature and scope of the project, the proposed project activities shall have little or no negative impact on the wetland. However, the following efforts shall be made to minimize negative impacts on the natural and beneficial wetlands values for restoration and preservation:

The project shall be implemented using best management practices designed to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration; Best management practices shall be used during construction to ensue erosion control and to prevent the unintentional discharge of dredged or fill material into the wetland; The consulting engineer shall take into consideration additional specifications to minimize damage to and/or restore the native plant species; The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the wetland.

Which of the following mitigation actions have been or will be taken? Select all that apply:

- ☒ Permeable surfaces
- ☒ Natural landscape enhancements that maintain or restore natural hydrology through infiltration
- ☒ Native plant species
- ☐ Bioswales
- ☐ Evapotranspiration
- ☐ Stormwater capture and reuse
- ☐ Green or vegetative roofs with drainage provisions
- ☐ Natural Resources Conservation Service conservation easements
- ☐ Compensatory mitigation

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

According to the Wetland Maps provided by the US Fish & Wildlife, and the US Geologic Survey, the entirety of the ~0.2 acre project area appears to be located within a wetland, coded R4SBCx; therefore, Executive Order 11990 conditions are applicable. Permanent impacts to the wetland are anticipated as a result of the following construction activities tallied by the engineer:

1. Demolition of existing wooden bridge and substructures
2. Install reinforced concrete culverts.
3. Regrade, shape and stabilized drainage channel side slopes
4. Prepare subgrade, include lime stabilization and compact soils.
5. Place concrete pavement at the crossing and asphalt pavement at the transition to the existing roadway.

None of the roadway improvements are outside of the footprints of the existing facilities (this applies to the paving, culverts, ditches and existing City maintained area). The engineer has stated that the proposed infrastructure improvements associated with Ames Blvd. crossing within Iowa Colony qualify for the application of NWP 14 for linear transportation projects, and that the project will be designed and will be constructed to avoid and minimize adverse impacts to the jurisdictional waters of the United States (WOUS) to the maximum extent practicable.

Furthermore, the anticipated permanent impacts to WOUS associated with some of the sites associated with the proposed critical infrastructure improvements have been calculated to range approximately 0.091 acres, which are significantly less than the maximum permissible limit of 0.5 acres and the USACE notification limit of 0.1 acres as set forth in NWP 14. Due to the information stated here, the construction activities associated with the proposed critical infrastructure improvements at this site within the City of Iowa Colony can be pursued under NWP 14 and that formal notification to the USACE will not be required. The general conditions for NWP 14 will be followed. The eight-step decision making process was followed, including public notices and an examination of practicable alternatives.

Per Step 7 of this process, the City of Iowa Colony has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: a reduction in scope, alternate locations, and no action. The scope and location of project activities were chosen based on minimum improvements necessary to correct the health and safety risks existing facilities pose to the natural and human environment. Because the project scope includes only flood & drainage facilities and streets most in need of repairs, the alternatives considered would preclude correction of these risks or environmental compliance violations. Additionally, there shall be no significant increase to impervious surface, best management practices shall be employed during construction to ensure erosion control and to prevent the unintentional discharge of dredged or fill material into the wetland, and the activity shall comply with state and local floodplain management/wetlands protection procedures. No comments were received. A review of the proposed activities has been completed and the project shall have minimal impact on the community's wetland area. Attachment N – Wetlands Protection includes the Wetlands Map, the description of the 8-step decision making process, and the Nationwide Permit documentation of compliance.

Are formal compliance steps or mitigation required?

☒ Yes

☐ No



U.S. Fish and Wildlife Service

National Wetlands Inventory

Iowa Colony 20-065-008-C011 Wetlands



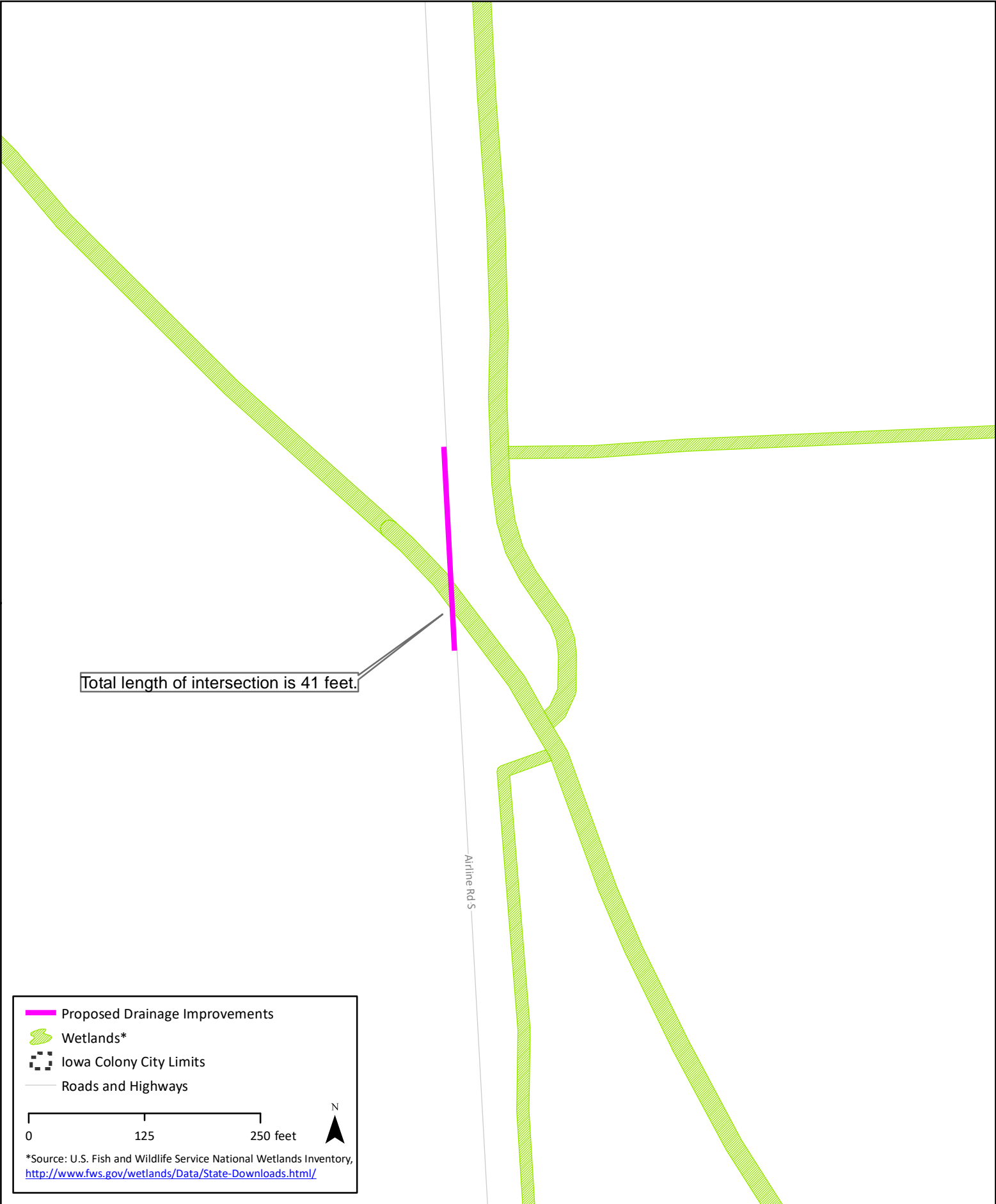
U.S. Fish and Wildlife Service, National Standards and Support Team,
wetlands_team@fws.gov

December 17, 2019

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



Total length of intersection is 41 feet.

Airline Rd S

Proposed Drainage Improvements

Wetlands*

Iowa Colony City Limits

Roads and Highways

0 125 250 feet



*Source: U.S. Fish and Wildlife Service National Wetlands Inventory,
<http://www.fws.gov/wetlands/Data/State-Downloads.html/>

December 19, 2019

Mr. John Groberg
CD Project Manager
Grantworks, Inc.
2201 Northland Drive
Austin, Texas 78756

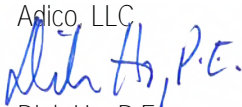
Re: Texas General Land Office (GLO) Hurricane Harvey Disaster Recovery Program CDBG-DR – Iowa Colony, Texas Environmental Constraints in Connection with the Evaluation of Potential Impacts to Waters of the United States (WOUS) Including Wetlands Associated with the Proposed Reconstruction of County Roads and Minor Culvert Replacements

Dear John:

Our firm is providing engineering services for the above reference project. As requested, below is the proposed scope of construction for replacement of the existing Ames Blvd. wooden bridge with the reinforced culvert crossing.

1. Demolition of existing wooden bridge and substructures.
2. Install reinforced concrete culverts.
3. Regrade, shape and stabilized drainage channel side slopes.
4. Prepare subgrade, include lime stabilization and compact soils.
5. Place concrete pavement at the crossing and asphalt pavement at the transition to the existing roadway.
6. None of the roadway improvements are outside of the footprints of the existing facilities (this applies to the paving, culverts, ditches and existing City maintained area.
7. In summary, we believe that the proposed infrastructure improvements associated with Ames Blvd. crossing within Iowa Colony qualify for the application of NWP 14 for linear transportation projects. Furthermore, we believe that the project will be designed and will be constructed to avoid and minimize adverse impacts to the jurisdictional waters of the United States (WOUS) to the maximum extent practicable. More specifically, the anticipated permanent impacts to WOUS associated with some of the sites associated with the proposed critical infrastructure improvements have been calculated to range approximately 0.091 acres, which are significantly less than the maximum permissible limit of 0.5 acres and the USACE notification limit of 0.1 acres as set forth in NWP 14. In summary, we believe that the construction activities associated with the proposed critical infrastructure improvements at this site within the City of Iowa Colony can be pursued under NWP 14 and that formal notification to the USACE will not be required.
8. The Roadway location is listed with coordinates in the attached table.
9. The aforementioned items are also summarized in the table with coordinates.

Please don't hesitate to call me at 832.895.1093 if you have questions or need any additional information.

Sincerely,
Adico, LLC

Dinh Ho, P.E.
Principal
TBPE No. 16423

**GLO DR 2016
NEWTON COUNTY, TEXAS
PROJECT LOCATION DATA**

[illegible]

**8-Step Decision Making Process for Projects in a Wetland
Compliance with Executive Order 11990
Wetlands Protection and with Executive Order 11988
Floodplain Management**

Step 1: Determination

A portion of the Flood & Drainage Facilities project construction zone in Iowa Colony is located within a United States Fish and Wildlife Service (USFWS) designated wetland coded: R4SBCx. Additionally, the project construction zone is located within a FEMA designated Special Flood Hazard Area (SFHA) according to FIRM Panel 48039C0115K preliminary issue date 6/29/2018; therefore, Executive Order 11988 and NFIP conditions are applicable. Note that the proposed flood & drainage improvements are of a functionally dependent use under 24 CFR §55.2 (b)(6), and are therefore permissible to be conducted within a floodway.

Step 2: Early Public Notice

Early Notice and Public Review of a Proposed Activity in a Wetland/Floodway

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Iowa Colony. To: All interested Agencies, Groups and Individuals on 7/5/2020: This is to give notice that the City of Iowa Colony has determined that the following proposed action under the Community Development Block Grant Program contract 20-065-008-C011 is located in a floodway and a wetland, and the City of Iowa Colony will be identifying and evaluating practicable alternatives to locating the action in the floodway/wetland and the potential impacts on the floodway/wetland from the proposed action, as required by Executive Order 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The City of Iowa Colony proposes a Flood & Drainage Facilities project to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction. The project shall include activities within approximately 0.2 acres of the floodway and approximately 0.2 acres of the wetland. There are three primary purposes for this notice: (1) People who may be affected by activities in floodplains/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/wetland, alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts; (2) An adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains/wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas; and (3) As a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains/wetlands, it must inform those who may be put at greater or continued risk. Written comments must be received on or before 7/20/2020 by the City of Iowa Colony at 12003 County Rd. 65 or 12003 County Rd. 65, Rosharon, TX 77583-5719, (281) 369-2471. Attention: Michael Byrum-Bratsen, Mayor, during regular business hours. A full description of the project may also be reviewed during regular business hours at 12003 County

Rd. 65, Rosharon, TX 77583-5719. Comments may also be submitted via email to samuel@grantworks.net.

Notificación Temprana y Revisión Pública de una Actividad Propuesta en un Humedal / Llanura de Inundación de 100 Años

Estos avisos satisfarán dos requisitos de procedimiento distintos pero relacionados con las actividades que emprenderá la Ciudad de Iowa Colony. A: Todas las Agencias, Grupos e Individuos interesados en 7/5/2020: Se notificará que la Ciudad de Iowa Colony ha determinado que la siguiente acción propuesta bajo el *Community Development Block Grant Program* contrato 20-065-008-C011 se encuentra en una llanura de inundación de 100 años y un humedal y la Ciudad de Iowa Colony identificará y evaluará alternativas viables para ubicar la acción en la llanura inundable / humedal y los posibles impactos en la llanura / humedal de la acción propuesta, Orden Ejecutiva 11988 y 11990, de acuerdo con las regulaciones de HUD en 24 CFR 55.20 Subparte C Procedimientos para la Determinación de Manejo de Plántulas y Protección de Humedales. la Ciudad de Iowa Colony propone un proyecto para reemplazar las alcantarillas de alcantarillas pluviales, volver a clasificar las zanjas en las carreteras, instalar zanjas de desagüe con la reparación del pavimento asociado y completar accesorios asociados desde el lado norte de Hayes Creek en Ames Blvd. hacia el lado sur de Hayes Creek en Ames Blvd, totalizando aproximadamente 220 LF de construcción de cruce / puente. El proyecto incluirá actividades dentro de aproximadamente **0.2** acres de la llanura de inundación y **0.2** acres del humedal. Hay tres propósitos principales para esta notificación: (1) Las personas que pueden verse afectadas por actividades en llanuras inundables / humedales y aquellos que tienen interés en la protección del medio ambiente natural deben tener la oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas. Se recomienda a los comentaristas que ofrezcan sitios alternativos fuera de la llanura inundable / humedal, métodos alternativos para cumplir el mismo propósito y métodos para minimizar y mitigar los impactos; (2) Un programa de aviso público adecuado puede ser una herramienta educativa pública importante. La difusión de información y la solicitud de comentarios públicos sobre las llanuras de inundación / humedales pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales; y (3) Como cuestión de equidad, cuando el gobierno federal de termine que participará en acciones llevadas a cabo en las llanuras de inundación / humedales, debe informar a aquellos que pudieran ser expuestos a un riesgo mayor o continuo. Los comentarios por escrito deben ser recibidos a más tardar el 7/20/2020 por la Ciudad de Iowa Colony en 12003 County Rd. 65 o 12003 County Rd. 65, Iowa Colony, TX 77583-5719, (281) 369-2471. Atención: Michael Byrum-Bratsen, Mayor, durante las horas hábiles. Una descripción completa del proyecto también se puede revisar durante las horas hábiles regulares en 12003 County Rd. 65, Rosharon, TX 77583-5719. Los comentarios también pueden ser enviados por correo electrónico a samuel@grantworks.net.

Step 3: Alternatives

Alternatives to the proposed project are those options which serve the same general purpose of the activity being considered. There were three types of alternatives considered – revising the location, reducing the scope, and no action.

The City could relocate the project to replace, repair, and install street and drainage facilities that lie outside of the floodplain and wetland, reduce the scope of the project by removing portions of the project that lie within the floodway and wetland, or abandon the project in its entirety.

Step 4: Impacts of Proposed Actions

The proposed project activities shall not have significant negative impacts to the environment. The project shall provide adequate access, increased safety, and improved drainage for the City of Iowa Colony.

Positive Impacts:

- Improvements shall benefit the health, safety and welfare of residents now living within the impacted area.
- Improvements shall increase the potential for revitalization within the City of Iowa Colony.
- Project activities shall improve storm water drainage, thereby benefitting both the residents dependent on the street in and the floodway and wetland.

Negative Impacts:

- Non-recoverable resources shall be used in the implementation of the improvements.

Concentrated and Dispersed Impacts:

- A concentration of population shall be benefited with improvements. There are no known dispersed impacts as a result of this project.

Short- and Long-Term Impacts:

- During project construction there may be some increase in ambient dust particulate from machinery and soil disturbances and potential minor traffic detours.
- The proposed improvements shall lead to more efficient use of resources, provide services to a population in need, and support economic growth in the long-term.
- Project activities shall increase street access, providing the potential for long-term economic development activities.
- The project shall provide for long-term adequate storm water drainage services for the affected area.
- Project activities will result in safer road conditions for residents.

Step 5: Design or Modify the Proposed Action

The impacts identified above are minor in nature and shall have little or no impact on the floodplain and wetland. However, the following efforts shall be made to minimize negative impacts on the natural and beneficial floodplain and wetland values for restoration and preservation.

- The project shall be implemented using best management practices designed to protect improvements from flood damage.
- The project shall be implemented using best management practices designed to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration.
- The consulting engineer shall take into consideration additional specifications to minimize damage to and/or restore the native plant species.
- The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the floodplain and wetland, as all lines will be subsurface, and the project area will be restored to pre-project conditions upon completion.

Step 6: Reevaluate Alternatives

The proposed route was selected on the minimum improvements required to meet the project goals of repairing drainage facilities and streets to increase access and reduce the safety threats existing facilities pose in their current conditions. The project areas identified contain the drainage and street segments most in need of repairs. Revising the location to repair less a deteriorated drainage facility or street elsewhere, reducing the scope, or taking no action would preclude the correction of these issues.

Step 7: Findings and Final Public Notice

The proposed project shall have no significant impacts on the floodplain and wetland. The alternatives to the project will not address the community needs the project is intended to serve and therefore, the project will continue as proposed.

On 7/5/2020, a public notice was published in the Refugio County Press; the text of the notice is as follows:

Final Notice and Public Explanation of a Proposed Activity in a Wetland/100-Year Floodway

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Iowa Colony. To: All interested Agencies, Groups and Individuals on 7/26/2020: This is to give notice that the City of Iowa Colony has conducted an evaluation as required by Executive Order 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 Community Development Block Grant Program under contract 20-065-008-C011. The City of Iowa Colony proposes a Flood & Drainage Facilities project to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction. The project shall include activities within approximately 0.2 acres of the floodway and approximately 0.2 acres of the wetland. The City of Iowa Colony has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: a reduction in scope, alternate locations, and no action. The scope and location of project activities were chosen based on minimum improvements necessary to correct the health and safety risks existing facilities pose to the natural and human environment. Because the project scope includes only flood & drainage facilities and streets most in need of repairs, the alternatives considered would preclude correction of these risks or environmental compliance violations. Additionally, there shall be no significant increase to impervious surface, best management practices shall be employed during construction to ensure erosion control and to prevent the unintentional discharge of dredged or fill material into the wetland, and the activity shall comply with state and local floodplain management/wetlands protection procedures. The City of Iowa Colony has reevaluated the alternatives to building in the floodplain/wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 11990 are available for public inspection, review, and copying upon request during regular business hours at the City Hall. There are three primary purposes for this notice: (1) People who may be affected by activities in floodplains/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; (2) An adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains/wetlands can

facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas; and (3) As a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains/wetlands, it must inform those who may be put at greater or continued risk. Written comments must be received on or before 8/3/2020 by the City of Iowa Colony at 12003 County Rd. 65 or 12003 County Rd. 65, Rosharon, TX 77583-5719, (281) 369-2471. Attention: Michael Byrum-Bratsen, Mayor, during regular business hours. A full description of the project may also be reviewed during regular business hours at 12003 County Rd. 65, Rosharon, TX 77583-5719. Comments may also be submitted via email to samuel@grantworks.net.

Aviso Final y Explicación Pública de una Actividad Propuesta en un Humedal / Llanura de Inundación de 100 Años

Estos avisos satisfarán dos requisitos de procedimiento distintos pero relacionados con las actividades que deberá llevar a cabo la Ciudad de Iowa Colony. A: Todas las Agencias, Grupos e Individuos interesados, el 7/26/2020: Se notificará que la Ciudad de Iowa Colony ha realizado una evaluación según lo exigido por la Orden Ejecutiva 11988 y 11990, de acuerdo con las normas HUD del 24 CFR 55.20 Subparte C Procedimientos para la Determinación de Manejo de Plántulas y Protección de Humedales. La actividad se financia en virtud del *Community Development Block Grant Program* en virtud del contrato 20-065-008-C0111. la Ciudad de Iowa Colony propone un proyecto para reemplazar las alcantarillas de alcantarillas pluviales, volver a clasificar las zanjas en las carreteras, instalar zanjas de desagüe con la reparación del pavimento asociado y completar accesorios asociados desde el lado norte de Hayes Creek en Ames Blvd. hacia el lado sur de Hayes Creek en Ames Blvd, totalizando aproximadamente 220 LF de construcción de cruce / puente. El proyecto incluirá actividades dentro de aproximadamente 0.2 acres de llanura de inundación y **0.2** acres de humedales. La Ciudad de Iowa Colony ha considerado las siguientes alternativas y medidas de mitigación para minimizar los impactos adversos y restablecer y preservar valores naturales y beneficiosos: reducción de alcance, ubicaciones alternativas y ausencia de acción. El alcance y la ubicación de las actividades del proyecto se eligieron basándose en las mejoras mínimas necesarias para corregir los riesgos para la salud y la seguridad que las instalaciones existentes plantean al ambiente natural y humano. Debido a que el alcance del proyecto incluye solo las instalaciones de inundación y drenaje y las calles que más necesitan reparaciones, las alternativas consideradas impedirían la corrección de estos riesgos o las violaciones del cumplimiento ambiental. Además, no se producirá un aumento significativo a la superficie impermeable, se empleará las mejores prácticas de manejo durante la construcción para asegurar el control de la erosión y evitar la descarga de material dragado o de relleno en el humedal y la actividad deberá cumplir con los procedimientos estatales y locales para la protección de humedales. La Ciudad de Iowa Colony ha reevaluado las alternativas a la construcción en la llanura de inundación / humedal y ha determinado que no tiene alternativa factible. Los expedientes ambientales que documentan el cumplimiento de los pasos 3 a 6 de la Orden Ejecutiva 11988 y 11990 están disponibles para la inspección, revisión y copia del público a petición durante las horas de oficina en el Municipio. Hay tres propósitos principales para esta notificación: (1) Las personas que pueden verse afectadas por actividades en llanuras inundables / humedales y aquellos que tienen interés en la protección del medio ambiente natural deben tener la oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas; (2) Un programa de aviso público adecuado puede ser una herramienta educativa pública importante. La difusión de información y la solicitud de comentarios públicos sobre las llanuras de inundación / humedales pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales; y (3) Como cuestión de equidad, cuando el gobierno federal determine que participará en acciones llevadas a cabo en las llanuras de inundación /

humedales, debe informar a aquellos que pudieran ser expuestos a un riesgo mayor o continuo. Los comentarios por escrito deben ser recibidos a más tardar el 8/3/2020 por la Ciudad de Iowa Colony en 12003 County Rd. 65 o 12003 County Rd. 65, Rosharon, TX 77583-5719, (281) 369-2471. Atención: Michael Byrum-Bratsen, Mayor, durante las horas hábiles. Una descripción completa del proyecto también se puede revisar durante las horas hábiles regulares en 12003 County Rd. 65, Rosharon, TX 77583-5719. Los comentarios también pueden ser enviados por correo electrónico a samuel@grantworks.net.

Step 8: Implement Action

The action will be implemented when all applicable notices have been published and comment received.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared a Representative who being by me duly sworn, deposes and says that they represent the *Alvin Sun* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1890; and
5. it is generally circulated within Brazoria County.

#10262

Published July 5, 2020

Early Notice and Public Review
of a Proposed Activity in a
Wetland / Floodway

Representative further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

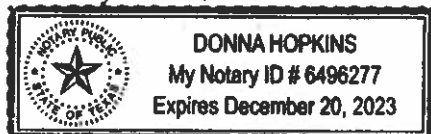
July 5, A.D. 20 20

Betty Ann Crawford
Newspaper Representative

SUBSCRIBED AND SWORN BEFORE ME by Betty Crawford who is personally known to me, on this the 9 day of July, A.D. 20 20 to certify which witness my hand and seal of office.

Donna Hopkins

Notary Public, State of Texas





With the UIL's modified fall schedule, the high school volleyball season starts on Sept. 14.

(File photo)

Fall

Continued from page 6

11-13.

This plan provides a delay for schools in highly-populated metro areas, primarily conferences 5A-6A, given the challenges with COVID-19 those communities are facing, while providing schools in other areas, primarily 1A-4A, an opportunity to start seasons on schedule.

"In a UIL press release, executive director Dr. Breithaupt said the organization's "goal in releasing this plan is to provide a path forward for Texas students and schools."

"While understanding situations change and there will likely be interruptions that will require flexibility and patience, we are hopeful this plan allows students to participate in the education-based activities they love in a way that prioritizes safety and mitigates risk of COVID-19 spread," Dr. Breithaupt

added.

"We're excited that the UIL released the information yesterday (June 21) for the sports of football, volleyball, cross country and team tennis," Bass said. "For a while, there was so much unknowns. Would we have a season and if so, how many games."

"The new excitement is trying to make it work. There are so many school districts opening up at different times. Some districts are opening up Aug. 19. Others are opening on Aug. 24th and the 31st. There are some opening up in September and there's one that may not open until October."

"You look at a district that Manvel is in like 10-5A football alone and it involves nine schools in six different school districts. So you can imagine how that can become a nightmare trying to figure out how things

will work."

UIL also releases Covid risk mitigation guidelines The UIL also released the following information about the Covid-19 risk mitigation in its press release.

Acknowledging the situation is not always clear-cut and that COVID-19 affects every community differently, the plan also allows for local flexibility and encourages districts to plan for possible interruptions in order to complete district seasons.

Additionally, the COVID-19 risk mitigation guidelines for the 2020-2021 school year can be found on the UIL website. This includes guidance around face coverings, general operations and protocol for individuals confirmed or exposed to COVID-19, congregating settings (band halls, locker rooms, etc.), practice and rehearsal activities, spectators and media, and con-

cession stands and food service.

These guidelines are in addition to guidance issued by the Texas Education Agency (TEA) and intended to be implemented along with TEA guidance, which applies to UIL academic activities and extracurricular non-UIL activities.

With the understanding that not all schools will be able to start at the same time, this plan allows for schools to make playing decisions at the local level, and the UIL will work directly with schools that have scheduling issues not addressed in this plan to allow them flexibility to complete as many contests as possible.

UIL will continue to work with state officials and monitor CDC and other federal guidance to determine any potential modifications that may become necessary.

TPWD seeks public input on potential catfish rules

AUSTIN -The Texas Parks and Wildlife Department (TPWD) is requesting feedback from the public on a new suite of potential harvest regulation options for blue and channel catfish. The goal is to obtain input from anglers on these options before proposing any changes to the Texas Parks and Wildlife Commission early next year.

"A team of TPWD fisheries biologists have worked for the past two years to review our current catfish regulations with the goals of continuing to provide good angling, meeting current angler needs, and reducing the number of regulations," said Dave Tere, TPWD's Fish Management Chief. "Obtaining feedback and making sure any new regulation options are acceptable to anglers is an important step in these ongoing efforts."

These potential options were recently presented in webinars to a group of catfish anglers, fishing guides, and outdoor writers to discuss and get their input (see link to recording of webinar at end of the release).

The first option would modify the current statewide regulations for blue and channel catfish of a 12-inch minimum length limit and a 25-fish daily bag limit that combines both species. The potential new statewide regulation would remove the minimum length limit (fish of any length could be harvested) and retain the 25-fish daily bag. However, of the 25 blue or channel catfish that could be harvested per day, anglers would be limited to harvesting no more than 10 fish that measure 20 inches or longer.

Based on population data collected by biologists, this statewide regulation would apply to about 80 percent of reservoirs and rivers. Catfish populations in these waters are generally characterized by average growth and abundance with some of these waters producing some large fish for anglers to catch.

"We know from our statewide catfish sur-

vey that most catfish anglers prefer catching a bunch of catfish to eat," said Dave Tere. "This regulation addresses what those anglers want and can be used on many of our state's waters. It will also take advantage of what the catfish populations in those locations can provide based on fish growth rates and abundance."

Tere added, "We recognize that limiting the number of catfish 20 inches or longer that could be harvested will be a new idea to many anglers. Impacts from that change will be low as we know from our angler harvest data that few anglers harvest more than 10 catfish over 20 inches on any given trip. We believe this new statewide regulation will be well suited for many water bodies and provide the type of fishing that the majority of anglers want."

The next potential option focuses on catfish populations where reproduction and survival of fingerling catfish is low. Some of these populations also experience high angler harvest. The regulations being considered for these waters are a 14-inch minimum length limit and a 15-fish daily bag that combines both species. "This is applicable to only a few reservoirs and rivers," said John Tibbs, TPWD Statewide Catfish Management Coordinator. "Our biologists' assessment is that there are about five percent of reservoirs where this might be needed."

Next there are some large reservoirs where harvest of catfish by jugline and trotline fishing is popular. For these reservoirs (about five percent of all reservoirs), the harvest regulations would be somewhat similar to the potential new statewide regulations. There would be no minimum length limit and anglers could harvest up to 25 catfish per day. Instead of being limited to harvesting no more than 10 fish 20 inches or longer per day, anglers would be limited to no more than five fish 30 inches or longer.

"This regulation is designed to limit the

number of large catfish that an angler can harvest, which is viewed as positive by most anglers. It also may reduce the chance that large catfish will be overharvested, which could have a negative effect on the population," added John Tibbs. "We have a similar regulation on Toledo Bend Reservoir, which is shared with Louisiana. Anglers there have supported this type of regulation."

Finally, there is a group of reservoirs, which account for about 10 percent of all waters, that have excellent catfish populations with many large fish. Once again, the harvest regulations would be somewhat similar to the potential new statewide regulations. There would be no minimum length limit and anglers could harvest up to 25 catfish per day. Harvest of catfish 20 inches or longer would continue to be restricted. Under this regulation, anglers would be limited to harvesting no more than five fish 20 inches or longer and only one of those fish could be 30 inches or longer.

"Since 2016, anglers at Lake Tawakoni have had similar limits on the number of catfish they can keep over certain, specifiable lengths," Tibbs said. "For Tawakoni and other reservoirs where we have enacted similar regulations, anglers have expressed their support."

"We currently have about a dozen reservoirs that would be suitable for this regulation, although additional research currently underway may slightly increase this number," Tibbs continued. "We have documented that there is a group of catfish anglers who like to fish for larger catfish and want to see the abundance of those fish increase. This regulation is designed to accomplish this by reducing harvest on catfish between 20 and 30 inches. In addition to increasing the abundance of large blue catfish and the opportunity to catch one, it will also maintain channel catfish populations at levels that should provide good angling."

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AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared a Representative who being by me duly sworn, deposes and says that they represent the *Alvin Sun* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1890; and
5. it is generally circulated within Brazoria County.

Representative further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

July 26, A.D. 20 20

Betty Anna Crawford
Newspaper Representative

SUBSCRIBED AND SWORN BEFORE ME by Betty Crawford who is personally known to me, on this the 28 day of July, A.D. 20 20 to certify which witness my hand and seal of office.

Donna Hopkins
Notary Public, State of Texas
DONNA HOPKINS
My Notary ID # 6496277
Expires December 20, 2023

#10275
PUBLISHED
JULY 26, 2020

Final Notice and Public Explanation of a Proposed Activity in a Wetland/100-Year Floodway

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Iowa Colony. To: All interested Agencies, Groups and Individuals on 7/26/2020: This is to give notice that the City of Iowa Colony has conducted an evaluation as required by Executive Order 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 Community Development Block Grant Program under contract 20-065-008-C011. The City of Iowa Colony proposes a Flood & Drainage Facilities project to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 L.F. of crossing/bridge construction. The project shall include activities within approximately 0.2 acres of the floodway and approximately 0.2 acres of the wetland. The City of Iowa Colony has considered the following alternatives and mitiga-

See Attached
Tear Sheets

Attachment O

Wild and Scenic Rivers

Wild and Scenic Rivers (CEST and EA)

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297
References		
https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers		

1. Is your project within proximity of a NWSRS river as defined below?

Wild & Scenic Rivers: These rivers or river segments have been designated by Congress or by states (with the concurrence of the Secretary of the Interior) as wild, scenic, or recreational

Study Rivers: These rivers or river segments are being studied as a potential component of the Wild & Scenic River system.

Nationwide Rivers Inventory (NRI): The National Park Service has compiled and maintains the NRI, a register of river segments that potentially qualify as national wild, scenic, or recreational river areas

☒ No

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map identifying the project site and its surrounding area or a list of rivers in your region in the Screen Summary at the conclusion of this screen.*

☐ Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

→ *Continue to Question 2.*

2. Could the project do *any* of the following?

- Have a direct and adverse effect within Wild and Scenic River Boundaries,
- Invade the area or unreasonably diminish the river outside Wild and Scenic River Boundaries, or
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment.

Consultation with the appropriate federal/state/local/tribal Managing Agency(s) is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a Wild & Scenic River or a Study River and, if so, to determine the appropriate avoidance or mitigation measures.

Note: Concurrence may be assumed if the Managing Agency does not respond within 30 days; however, you are still obligated to avoid or mitigate adverse effects on the rivers identified in the NWSRS

☐ No, the Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

☐ Yes, the Managing Agency was consulted and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Continue to Question 3.*

3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.

Worksheet Summary**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

A review of the project has been made in accordance with The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. seq.) as amended. The only Wild & Scenic River (WSR) in Texas is the Rio Grande River in Big Bend National Park. No portion of the project is adjacent to a Wild & Scenic River, a Study River, or an Inventory River. Please see Attachment O – Wild and Scenic Rivers.

Are formal compliance steps or mitigation required?

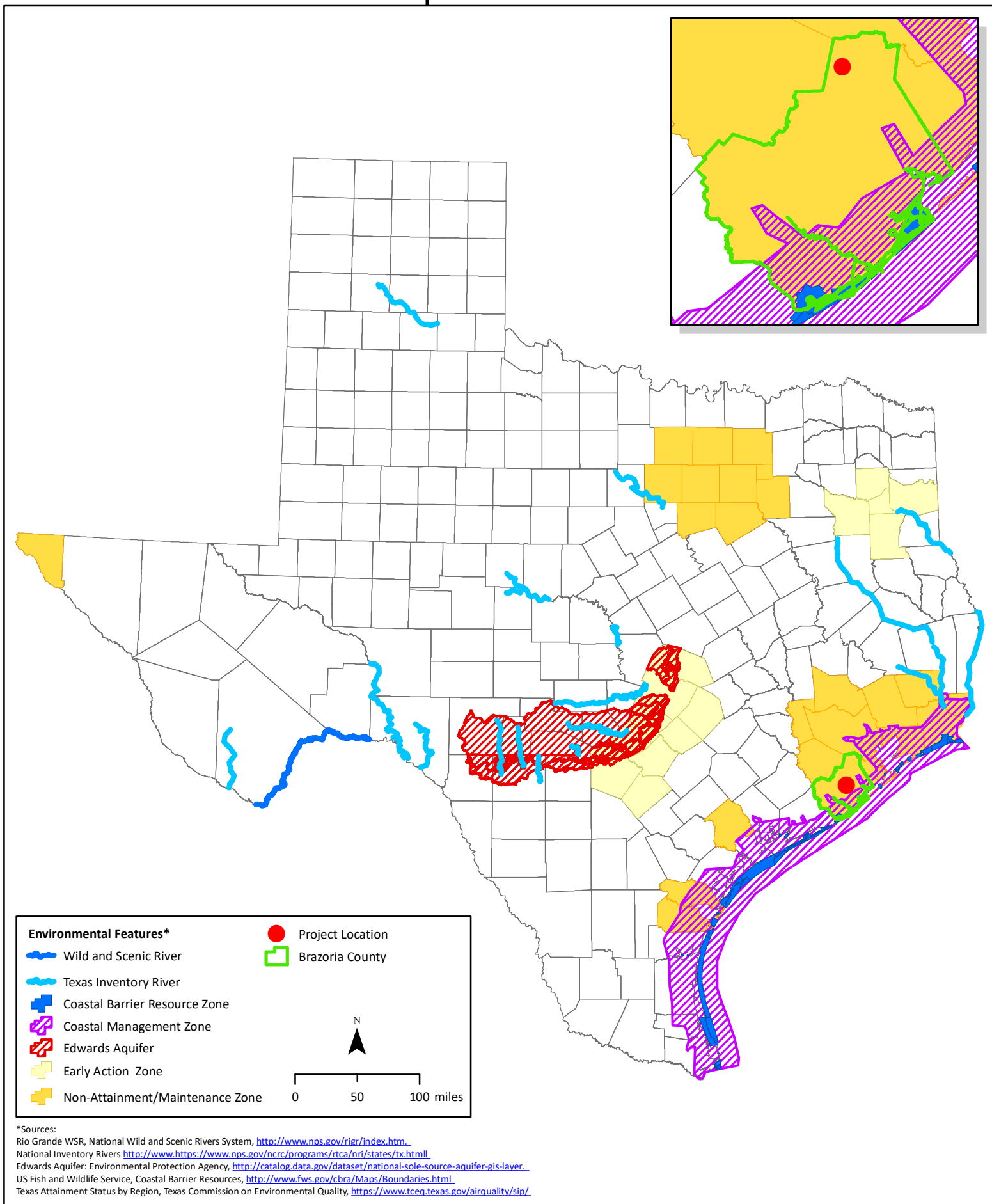
☐ Yes

☒ No

City of Iowa Colony

CDBG-DR Contract No. 20-065-008-C01

Environmental Features Map



Attachment P

Environmental Justice

Environmental Justice (CEST and EA)

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	
References		
https://www.hudexchange.info/environmental-review/environmental-justice		

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

☐ Yes → *Continue to Question 2.*

☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?

☐ Yes

Explain:

→ *Continue to Question 3. Provide any supporting documentation.*

☐ No

Explain:

→ *Continue to the Worksheet Summary and provide any supporting documentation.*

3. All adverse impacts should be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

☐ Mitigation as follows will be implemented:

→ *Continue to Question 4.*

☐ No mitigation is necessary.

Explain why mitigation will not be made here:

→ Continue to Question 4.

4. Describe how the affected low-income or minority community was engaged or meaningfully involved in the decision on what mitigation actions, if any, will be taken.

→ Continue to the Worksheet Summary and provide any supporting documentation.

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

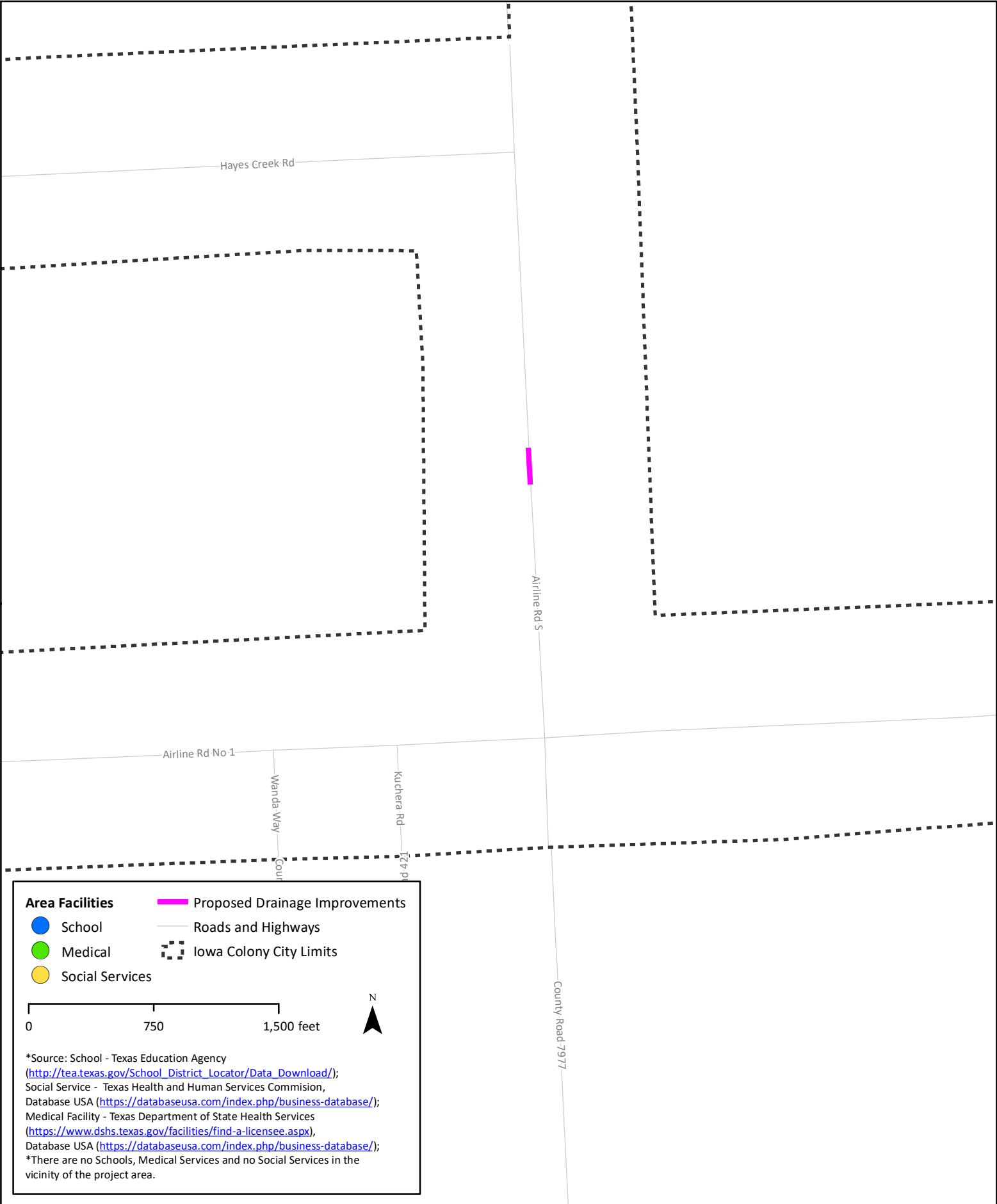
Per EPA NEPAassist 2010 Demographics (ACS), the project area is comprised of ~29% Below Poverty and ~77% Minority Status.

No displacements or negative impacts to minority or low-income populations are anticipated from the proposed project. Please see Attachment P – Environmental Justice for the EPA ACS Summary Report.

Are formal compliance steps or mitigation required?

☐ Yes

☒ No



Location: User-specified polygonal location

Ring (buffer): 0.5-miles radius

Description:

Summary of ACS Estimates		2013 - 2017	
Population		220	
Population Density (per sq. mile)		445	
Minority Population		170	
% Minority		77%	
Households		55	
Housing Units		60	
Housing Units Built Before 1950		0	
Per Capita Income		25,621	
Land Area (sq. miles) (Source: SF1)		0.50	
% Land Area		97%	
Water Area (sq. miles) (Source: SF1)		0.01	
% Water Area		3%	

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	220	100%	836
Population Reporting One Race	218	99%	1,319
White	166	75%	784
Black	40	18%	290
American Indian	0	0%	19
Asian	4	2%	87
Pacific Islander	0	0%	4
Some Other Race	7	3%	135
Population Reporting Two or More Races	2	1%	42
Total Hispanic Population	125	57%	840
Total Non-Hispanic Population	95		
White Alone	50	23%	460
Black Alone	40	18%	290
American Indian Alone	0	0%	19
Non-Hispanic Asian Alone	3	2%	71
Pacific Islander Alone	0	0%	19
Other Race Alone	0	0%	19
Two or More Races Alone	1	0%	22
Population by Sex			
Male	111	51%	457
Female	109	49%	465
Population by Age			
Age 0-4	16	7%	171
Age 0-17	69	31%	378
Age 18+	151	69%	516
Age 65+	15	7%	150

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017

Location: User-specified polygonal location

Ring (buffer): 0.5-miles radius

Description:

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	114	100%	388
Less than 9th Grade	16	14%	212
9th - 12th Grade, No Diploma	10	8%	127
High School Graduate	23	20%	194
Some College, No Degree	40	35%	241
Associate Degree	8	7%	82
Bachelor's Degree or more	26	23%	188
Population Age 5+ Years by Ability to Speak English			
Total	204	100%	755
Speak only English	115	56%	501
Non-English at Home ¹⁺²⁺³⁺⁴	89	44%	600
¹ Speak English "very well"	63	31%	487
² Speak English "well"	12	6%	216
³ Speak English "not well"	6	3%	133
⁴ Speak English "not at all"	8	4%	224
³⁺⁴ Speak English "less than well"	14	7%	259
²⁺³⁺⁴ Speak English "less than very well"	26	13%	337
Linguistically Isolated Households*			
Total	1	100%	33
Speak Spanish	0	35%	11
Speak Other Indo-European Languages	0	0%	19
Speak Asian-Pacific Island Languages	1	65%	24
Speak Other Languages	0	0%	19
Households by Household Income			
Household Income Base	55	100%	188
< \$15,000	2	3%	53
\$15,000 - \$25,000	4	8%	116
\$25,000 - \$50,000	10	18%	130
\$50,000 - \$75,000	11	19%	151
\$75,000 +	28	51%	221
Occupied Housing Units by Tenure			
Total	55	100%	188
Owner Occupied	49	89%	197
Renter Occupied	6	11%	88
Employed Population Age 16+ Years			
Total	163	100%	648
In Labor Force	105	64%	429
Civilian Unemployed in Labor Force	4	2%	104
Not In Labor Force	58	36%	429

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified polygonal location

Ring (buffer): 0.5-miles radius

Description:

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	N/A	N/A	N/A
English	N/A	N/A	N/A
Spanish	N/A	N/A	N/A
French	N/A	N/A	N/A
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	N/A	N/A	N/A
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	N/A	N/A	N/A
Chinese	N/A	N/A	N/A
Japanese	N/A	N/A	N/A
Korean	N/A	N/A	N/A
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	N/A	N/A	N/A
Other Asian	N/A	N/A	N/A
Tagalog	N/A	N/A	N/A
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	N/A	N/A	N/A
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	N/A	N/A	N/A
Total Non-English	N/A	N/A	N/A

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017.

*Population by Language Spoken at Home is available at the census tract summary level and up.

Project Photographs



Ames Blvd. north of Hayes Creek,
facing south



Ames Blvd. at Hayes Creek, facing
northwest



Ames Blvd. at Hayes Creek, facing
southeast



Ames Blvd. south of Hayes Creek,
facing north



Southeast side of bridge, facing
north



Southwest side of bridge, facing
north

Photo Log

Project Name City of Iowa Colony

Photos taken by:

Project # 20-065-008-C011

John Kaminski

Date 6/16/2020

Photo #	Location and Direction facing	Description
1	Ames Blvd (Airline Rd S?) N of Hayes Creek Facing S	(Performance Statement calls it Ames Blvd but maps label it Airline Rd S. I do believe there were some signs that said Ames) 2-lane asphalt paved road in a mostly undeveloped area. Steel plates have been laid across an old wooden bridge.
2	Ames Blvd at Hayes Creek Facing NW	Facing NW along Hayes Creek. As noted, the wooden structure has been shored up with steel plates across the driving surface.
3	Ames Blvd at Hayes Creek Facing SE	Opposite side of bridge facing SE. Excavator appears to have been doing some ditch cleaning. Pipeline (type unknown) crosses creek SE of the bridge. Very low-hanging overhead wire of some sort.
4	Ames Blvd S of Hayes Creek Facing N	Photo from south approach to bridge.
5	Ames Blvd SE of bridge Facing N	Side view of bridge from E side of Ames Blvd at bridge facing N.
6	Ames Blvd SW of bridge Facing N	Side view of bridge from W side of Ames Blvd at bridge facing N.
7		
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Photo Log

Project Name City of Iowa Colony

Photos taken by: _____

Project # 20-065-008-C011

John Kaminski

Date 6/16/2020

Photo #	Location and Direction facing	Description
16		
17		
18		
19		
20		
21		
22		
23		
24		
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26		
27		
28		
29		
30		

Photo Log

Project Name City of Iowa Colony

Photos taken by:

Project # 20-065-008-C011

John Kaminski

Date 6/16/2020

Photo #	Location and Direction facing	Description
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		

Photo Log

Project Name City of Iowa Colony

Photos taken by:

Project # 20-065-008-C011

John Kaminski

Date 6/16/2020

Photo #	Location and Direction facing	Description
46		
47		
48		
49		
50		
51		
52		
53		
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58		
59		
60		

Photo Log

Project Name City of Iowa Colony

Photos taken by:

Project # 20-065-008-C011

John Kaminski

Date 6/16/2020

Photo #	Location and Direction facing	Description
61		
62		
63		
64		
65		
66		
67		
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74		
75		

Photo Log

Project Name City of Iowa Colony

Photos taken by:

Project # 20-065-008-C011

John Kaminski

Date 6/16/2020

Photo #	Location and Direction facing	Description
76		
77		
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Field Observation Report

Project Name: City of Iowa Colony

ERR #: 20-065-008-C011

Date of Field Visit: 6/16/2020

General Information

County	Brazoria
City	Iowa Colony
GPS Site Location	Ames Blvd Crossing of Hayes Creek (29.409416, -95.443779)

Ecological Site Information

General site description (residential, commercial, forested, grassland, etc.):

The area is mostly undeveloped. There is one residence on the E side of Ames Blvd approx. 400' N of Hayes Creek. Vacant areas are a mix of trees and pastures.

Water bodies present? If yes, describe (pond, lake, creek, river, wetland, etc.):

The purpose of the project is to replace an existing bridge over Hayes Creek.

Special or unique vegetation features?

No

Special wildlife habitat?

No

Observed wildlife:

None

National, state, or locally designated park or natural reserve at, or adjacent to, project site?

No

Hazardous Material Issues

Yes/No	Does the project include any of the following activities (indicate all that apply)?
	Structure demolition operations or structure modifications.
	If yes, is there potential for the building to contain asbestos or lead-based paint?
	Pipeline and underground utility installation or adjustments.
	De-watering.
	Purchase of new ROW or easement.
	Trenching, drilled shafts, cuts or other excavations.

Project Site Survey

(Yes/No)	Specific concerns identified on, or adjacent to, project area:
No	underground storage tanks
No	vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground
No	aboveground storage tanks
Yes	electrical and transformer equipment
No	If yes, are there signs of leaking transformers oil (PCBs) on the ground?

No	injection wells, cisterns, sumps, dry wells, floor drains, or walls stained by substances other than water or emitting foul odors
No	vats, 55-gallon drums (labeled/unlabeled), canisters, barrels, bottles, etc.
No	surface dumping of trash, garbage, refuse, rubbish, debris half exposed/buried, landfill, stockpiling, storage, etc.
No	damaged or discarded automotive or industrial batteries
No	stained, discolored, barren, exposed or foreign (fill) soil
No	dead, damaged or stressed vegetation
No	oil sheen or films on surface water, seeps, lagoons, ponds, or drainage basins
No	pits, ponds, or lagoons associated with waste treatment or waste disposal
No	changes in drainage patterns from possible fill areas
No	security fencing, protected areas, placards, warning signs
No	dead animals possibly due to contamination
No	monitoring wells
No	other concerns (<i>Describe below</i>): look for monitoring wells
Miscellaneous Observations	
(Yes/No)	Other compliance factors identified on, or adjacent to, project area:
No	Historic age buildings
No	Refineries
No	Airports, runway strips
No	Educational facilities
No	Commercial facilities
No	Healthcare facilities
No	Social services facilities

Describe any “Yes” answers indicated above:

Any additional information:

{Signature of field investigator}

John Kaminski, AICP
Senior Client Services Manager
GrantWorks, Inc.

Date

RROF/FONSI
Combined Notice

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Date of Notice: 10/1/2020

City of Iowa Colony, 12003 County Rd. 65, Rosharon, TX 77583-5719, (281) 369-2471

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Iowa Colony.

REQUEST FOR RELEASE OF FUNDS

On or about 10/20/2020 the City of Iowa Colony will submit a request to the Texas General Land Office for the release of Texas Community Development Block Grant Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), as amended, to undertake a project known as Flood & Drainage Improvements 20-065-008-C011, for the purpose of replacing storm sewer culverts, regrading roadside ditches, installing outfall ditches with associated pavement repair, and complete associated appurtenances from the north side of Hayes Creek on Ames Blvd. to the south side of Hayes Creek on Ames Blvd, totaling approximately 220 LF of crossing/bridge construction, in Iowa Colony, TX. The City of Iowa Colony has been awarded \$131,675 in grant funds and shall contribute \$0 in match funds.

FINDING OF NO SIGNIFICANT IMPACT

The City of Iowa Colony 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 the Iowa Colony City Hall, 12003 County Rd. 65, Rosharon, TX 77583-5719 / on the Iowa Colony city website at 'url'] and may be examined or copied [weekdays from 8:00 AM to 5:00 PM / any time until 10/19/2020].

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Office of the Mayor. All comments received by 10/19/2020 will be considered by the City of Iowa Colony prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The City of Iowa Colony certifies to GLO that Michael Byrum-Bratsen in their capacity as Mayor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. GLO approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Iowa Colony to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

GLO will accept objections to its release of funds and the City of Iowa Colony'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 City of Iowa Colony approved by GLO (b) the City of Iowa Colony 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 GLO; 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 and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Texas General Land Office – Community Development and Revitalization at P.O. Box 12873, Austin, Texas 78711-2873. Potential objectors should contact GLO to verify the actual last day of the objection period.

Michael Byrum-Bratsen, Mayor

**AVISO DE CONSTATAción DE IMPACTO SIGNIFICATIVO Y
AVISO DE INTENCIÓN DE SOLICITAR LA LIBERACIÓN DE FONDOS**

Fecha de notificación: 10/1/2020

City of Iowa Colony, 12003 County Rd. 65, Rosharon, TX 77583-5719, (281) 369-2471

Estos avisos deberán satisfacer dos requisitos de procedimiento distintos pero relacionados con las actividades que deberá llevar a cabo la Ciudad de Iowa Colony.

SOLICITUD PARA LIBERACIÓN DE FONDOS

En o cerca del 10/20/2020, la Ciudad de Iowa Colony presentará una solicitud al Texas *General Land Office* para la liberación de fondos de *Texas Community Development Block Grant* bajo el Título I de la Ley de Vivienda y Ley de Desarrollo Comunitario de 1974 (PL 93-383), según enmendada, para llevar a cabo el proyecto conocido como Mejoras de Inundación y Drenaje 20-065-008-C011 con el propósito de reemplazo de alcantarillas de alcantarillado pluvial, recalificación de zanjas en las carreteras, instalación de zanjas de desagüe con reparación de pavimento asociada y accesorios asociados completos desde el lado norte de Hayes Creek en Ames Blvd. al lado sur de Hayes Creek en Ames Blvd, con un total de aproximadamente 220 LF de construcción de cruces / puentes, en Iowa Colony, TX. La Ciudad de Iowa Colony recibió el premio \$131,675 en los fondos de la subvención y contribuirá con \$0.

DETERMINACIÓN DE NO IMPACTO SIGNIFICATIVO

La Ciudad de Iowa Colony ha determinado que el proyecto no tendrá un impacto significativo en el ambiente ambiente. Por lo tanto, no es necesaria una Declaración de Impacto Ambiental bajo la Ley de Política Ambiental Nacional de 1969 (NEPA, por sus siglas en inglés). Un Expediente de Revisión Ambiental (ERR, por sus siglas en inglés) que contiene información adicional del proyecto está disponible en [la Ciudad de Iowa Colony, 12003 County Rd. 65, Rosharon, TX 77583-5719 / on the Iowa Colony city website at 'url'] y puede ser examinado o reproducido de [lunes a viernes de 8:00 am a 5:00pm / any time until 10/19/2020].

COMENTARIOS PÚBLICOS

Cualquier individuo, grupo o agencia puede enviar comentarios escritos sobre el ERR a la Oficina del Mayor. Todo comentario recibido hasta 10/19/2020 será considerados por la Ciudad de Iowa Colony antes de autorizar que se someta la solicitud de liberación de fondos. Los comentarios deben indicar a cuál aviso en específico responden.

CERTIFICACIÓN AMBIENTAL

La Ciudad de Iowa Colony certifica a la GLO que Michael Byrum-Bratsen en su capacidad como Mayor da su consentimiento a aceptar la jurisdicción de las cortes federales si una acción legal fuera iniciada para hacer cumplir responsabilidades relacionadas al proceso de revisión ambiental y que estas responsabilidades se satisfagan. La aprobación de la certificación por parte de GLO satisface sus responsabilidades bajo NEPA, y las leyes y autoridades relacionadas, y permite que la Ciudad de Iowa Colony utilice los fondos del programa HUD.

OBJECIONES A LA LIBERACIÓN DE FONDOS

GLO aceptará objeciones a su liberación de fondos y la certificación por parte de la Ciudad de Iowa Colony por un periodo de quince días a partir de la fecha anticipada de recibo o la fecha en que en efecto se reciba la solicitud de liberación de fondos (lo que ocurra más tarde) solamente si estas se basan en una de las siguientes posibles razones: (a) la certificación no fue firmada por el Oficial Certificador de la Ciudad de Iowa Colony aprobado por GLO (b) la Ciudad de Iowa Colony omitió un paso o no tomó una decisión o determinación que es requisito de la reglamentación de HUD en 24 CFR Parte 58; (c) el beneficiario de la subvención u otros participantes en el proceso de desarrollo comprometieron fondos, incurrieron en gastos o llevaron a cabo actividades no autorizadas por 24 CFR Parte 58 antes de que GLO apruebe la liberación de fondos; o (d) otra agencia federal actuando de acuerdo con 40 CFR Parte 1504 sometió una determinación de que el proyecto no es satisfactorio desde el punto de vista de calidad ambiental. Las objeciones deben prepararse y someterse de acuerdo con los requisitos procesales (24 CFR Parte 58, Sección 58.76) y dirigirse a Texas General Land Office – Community Development and Revitalization en P.O. Box 12873, Austin, Texas 78711-2873. Objetores potenciales deben contactar a GLO para verificar la fecha en que en efecto finaliza el periodo para objeciones.

Michael Byrum-Bratsen, Mayor

Proof of Publication

AFFIDAVIT OF POSTING

State of Texas
City of Iowa Colony
Brazoria County

BEFORE ME, the undersigned Notary Public, on this day personally appeared,

_____, who, being by me duly sworn, stated:

1. Affiant is an employee of _____ and has personal knowledge of the facts stated in this affidavit.
2. On or before the date **10/1/2020** a notice was posted in both English and Spanish at the location of _____. The notice was removed on or after close of business **10/19/2020**. A true and correct copy of the notice is attached.

Posted by

SUBSCRIBED AND SWORN TO BEFORE ME by the above-named affiant on

_____, 2020, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

My Commission expires:

Sent Newspaper and TCEQ/EPA Emails

Request for Release of Funds (RROF)

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 08/31/2023)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Texas Community Development Block Grant Disaster Recovery	2. HUD/State Identification Number Federal Award No. B-17-DM-48-0001 GLO Contract No. 20-065-008-C011	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) CFDA No. 14.228	5. Name and address of responsible entity Michael Byrum-Bratsen, Mayor City of Iowa Colony 12003 County Rd. 65 Rosharon, TX 77583-5719	
6. For information about this request, contact (name & phone number) Samuel Becker (512) 420-0303 x329		
8. HUD or State Agency and office unit to receive request Texas General Land Office Community Development and Revitalization P.O. Box 12873, Austin, Texas 78711-2873	7. Name and address of recipient (if different than responsible entity) N/A	
The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following		
9. Program Activity(ies)/Project Name(s) City of Iowa Colony Flood & Drainage Improvements	10. Location (Street address, city, county, State) Ames Boulevard (CR-48) Crossing of Hayes Creek on South at the City of Iowa Colony, Rosharon, Brazoria County, Texas.	

11. Program Activity/Project Description
The City of Iowa Colony proposes to replace storm sewer culverts, regrade roadside ditches, install outfall ditches with associated pavement repair, and complete associated appurtenances with the grant from the Texas General Land Office – Community Development and Revitalization in the amount of \$131,675 and shall contribute \$0 in match funds.

The environmental notice was posted at **[City Hall / online]** on **10/1/2020**. The local comment period ended **10/19/2020**. This RROF was signed on **10/20/2020** and submitted to the state. The state comment period is anticipated to end **11/4/2020** or 15 days after receipt of this request, whichever is later, with the issuance of the AUGF anticipated on **11/5/2020** or next business day after the end of the objection period.

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☒ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying office of the responsible entity

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer Michael Byrum-Bratsen, Mayor
X	Date signed

Address of Certifying Officer

**City of Iowa Colony
12003 County Rd. 65
Rosharon, TX 77583-5719**

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
X	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Authority to Use Grant Funds (AUGF)