

Final Notice and Public Explanation of a Proposed Activity in a Floodplain

To: All interested Agencies, Groups and Individuals

This is to give notice that the **City of New Waverly** has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management Protection. The activity is funded under the HUD CDBG Program under **CDV23-0248, New Waverly - CDV23-0248 - Wastewater**.

Project Location:

All work will occur in the City of New Waverly, Walker County, Texas in the following location:

- ROW - on south side of Hwy 1375 starting at 465 LF east of Gourd Creek Road (30.54252, -95.47711) south 1,5,70 LF (30.53883, -95.47569)

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

Sewer Facilities

Replace approximately one thousand five hundred seventy linear feet (1,570 LF) of six-inch to eight-inch (6in - 8in.) sewer main, manholes, service reconnections, and all associated appurtenances. Construction activities shall include:

- Remove/Replace 8" Sewer line - 1,540 LF
- Remove/Replace 6" Sewer Line - 30 LF
- Remove/Replace 48" Manhole - 4 EA
- Install 48" Manhole - 1 Ea

Professional Services including Grant Administrator and Project Engineer activities.

Natural Values of Floodplain: The natural resources of the floodplain include water, biological, and societal resources. The proposed project will have minimal impacts to the floodplain as the project involves minimal ground disturbance within the floodplain.

The **City of New Waverly** has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. Below are the alternatives considered and reasons for non-selection:

1. Complete work outside the floodplain. - Because the costs to relocate the sewer line outside of the floodplain would exceed available funding, it is not possible to complete the work without disturbing the floodplain. (not viable)
2. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR). - The locations in concern are in areas unlikely to qualify for a LOMA and there is insufficient time to apply for a LOMA. (not viable)
3. Other infrastructure considered. - While there is other infrastructure in the City that needs to be addressed, the City concluded that the chosen infrastructure in this project was the highest priority. (not viable)
4. No Action or Alternative Actions that Serve the Same Purpose. - If this project is not completed, the proposed sewer line to be addressed will continue to be inadequate, which could pose a health threat to the community. (not viable).

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

1. Preserving Property: Project designs should, to the best extent possible, incorporate measures to reduce the risk of damage to the new infrastructure via a flood.
2. Preserving Natural Values and Minimizing Impacts: After construction is completed, disturbed areas will need to be immediately re-vegetated with native grasses. Only native plants are to be used in the floodplain and on the site.
3. Deposition and excavation of materials will need to be performed in such a manner that erosion and sedimentation will be controlled.
4. Precautions will need to be taken in handling of fuels or other hazardous materials to prevent discharge or spillage resulting in lower groundwater quality.
5. Erosion control measures such as hay bales or silt screen barriers will need to be implemented and maintained during construction as required.
6. The project engineer will need to incorporate best management practices into the specifications and plans.

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

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

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the **City of New Waverly** at the following address on or before **September 18, 2024**, a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication: **City of New Waverly City Hall 200 Gibbs Street, New Waverly, TX 77358, (936) 344-6621**. A full description of the project may also be reviewed from 8:00 am to 5:00 pm from the previously mentioned address. Comments may also be submitted via email at todd@texasenvironmentals.com.

Date: September 10, 2024

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:
8-STEP PROCESS - FLOODPLAINS

Project Name: New Waverly - CDV23-0248 - Wastewater

Responsible Entity: City of New Waverly

State/Local Identifier: CDV23-0248

Project Location:

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Professional Services including Grant Administrator and Project Engineer activities.

Step 1: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).

According to the Federal Flood Standard Support Tool (FFRMST), no data exists for the project area.

According to FEMA Map #48471C0525D (effective date 8/16/11) the entire project will occur within Zone A (100-year floodplain).

Area of Disturbance: 0.158 acres

Exemptions to Part 55:

Actions listed in the revised 24 CFR 55.12 that are exempt from the floodplain management requirements of Part 55 include:

- *Exempt activities and actions that are Categorically Excluded Not Subject to 50.4 or 58.5*
 - *Restoration or preservation of floodplains, acquisition of floodplains property provided the site is used for flood control or open space but only if structures are cleared and improvements are specifically limited*
 - *Receivership or foreclosure and related actions*
 - *Policy-level actions not involving site-based work*
 - *Issuance of non-project-based housing vouchers*
 - *A minor amendment to a previously approved action*
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The project is subject to Part 55 because it meets the criteria for none of the exemptions.

Critical Actions:

Critical action means any activity for which even a slight chance of flooding would be too great because such flooding might result in loss of life, injury to persons, or damage to property.

Critical actions include activities that create, maintain, or extend the useful life of those structures or facilities that:

- *Produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials*
- *Provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., community stormwater management infrastructure, water treatment plants, data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas)*
- *Are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g., persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers; housing for independent living for the elderly is not considered a critical action*

Because the project meets none of the above criteria, the project is not considered a critical action.

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

There is a designated floodplain associated with the proposed project sites. An early floodplain notice was published regarding the project, affording the opportunity for public input. No comments were received.

Publication Date: August 20, 2024

Step 3: *Identify and evaluate practicable alternatives.*

The City project site selection criteria are:

- (a) The project cannot cause current residents to become displaced;
- (b) The project must be within the City in order for grant proceeds to be used;
- (c) The project must benefit low-to-moderate income people as required by HUD.

The City considered several alternative sites and actions:

1. **Complete work outside the floodplain.** – It is not possible to locate the project outside of the floodplain as the costs associated with relocating the line to be replaced would exceed available funding.
2. **Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR).** - A LOMA was considered, but it was determined that there is insufficient time to apply and the locations are not good candidates
3. **Other infrastructure considered.** - Other infrastructure projects were also considered within the City Jurisdictional limits. However, the City concluded that this project was the highest priority of any eligible projects.
4. **No Action or Alternative Actions that Serve the Same Purpose.** - A no-action alternative was considered but the section of sewer line is not functioning properly which could pose a health hazard to the community.

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

1. A flood could damage the new proposed infrastructure. However, such damage is not anticipated as flooding of the magnitude necessary to damage the new infrastructure is unlikely to occur.
2. In addition to concerns for life and property, the City has considered the natural values of the floodplain. The natural resources of the floodplain include water, biological, and societal resources. The proposed project will have minimal impacts to the floodplain as the project involves minimal ground disturbance within the floodplain.
3. After reviewing a Threatened and Endangered Species Assessment, it was concluded that the construction of the facilities will have no quantifiable impact on plant and animal life. Only native plants are to be used in the floodplain and on the site.
4. Societal resources should also be considered during the design process. The designs are meant to complement the natural features of the area and to offer an aesthetically pleasing structure. The site will not have an effect on agricultural lands.

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

Mitigation Requirements:

CFR 55.20 (e)(1):

For actions in the FFRMS floodplain, the required elevation described in this section must be documented on an Elevation Certificate or a Floodproofing Certificate in the Environmental Review Record prior to construction, or by such other means as HUD may from time to time direct, provided that notwithstanding any language to the contrary, the minimum elevation or floodproofing requirement for new construction or substantial improvement actions shall be the elevation of the FFRMS floodplain as defined in this section.

Non-Critical Actions

CFR 55.7(d)(1):

- The FFRMS floodplain includes those areas that result from adding an additional two feet to the base flood elevation based on best available information.

Critical Actions

CFR 55.7(d)(2):

- The FFRMS floodplain includes those areas that result from adding an additional three feet to the base flood elevation based on best available information.

Applicable Projects

According to the HUD Exchange on Floodplain Management (Complying with 24 CFR Part 55 (2)), if a project involves new construction or substantial improvement, elevation requirements apply.

Substantial Improvement:

A substantial improvement is any repair, reconstruction, modernization or improvement of a structure, including one of the following:

1. The cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred
2. That results in an increase of more than 20 percent in the number of dwelling units in a residential project or in the average peak number of customers and employees likely to be on-site at any one time for a commercial or industrial project

Certain types of projects are specifically not considered substantial improvement under Part 55.

- Any project solely for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that is solely necessary to assure safe living conditions
 - Any alteration of a structure listed on the National Register of Historical Places or on a State Inventory of Historic Places
 - Structural repairs, reconstruction, or improvements not meeting the definition for substantial improvement are considered "minor improvements."
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Because this project is not a structure, mitigation is not required.

1. Preserving Property: Project designs should, to the best extent possible, incorporate measures to reduce the risk of damage to the new infrastructure via a flood.
2. Preserving Natural Values and Minimizing Impacts: After construction is completed, disturbed areas will need to be immediately re-vegetated with native grasses. Only native plants are to be used in the floodplain and on the site.
3. Deposition and excavation of materials will need to be performed in such a manner that erosion and sedimentation will be controlled.
4. Precautions will need to be taken in handling of fuels or other hazardous materials to prevent discharge or spillage resulting in lower groundwater quality.
5. Erosion control measures such as hay bales or silt screen barriers will need to be implemented and maintained during construction as required.
6. The project engineer will need to incorporate best management practices into the specifications and plans.

Step 6: *Reevaluate the Alternatives.*

1. **Complete work outside the floodplain.** - Because the costs to relocate the sewer line outside of the floodplain would exceed available funding, it is not possible to complete the work without disturbing the floodplain. (not viable)
2. **Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR).** - The locations in concern are in areas unlikely to qualify for a LOMA and there is insufficient time to apply for a LOMA. (not viable)
3. **Other infrastructure considered.** - While there is other infrastructure in the City that needs to be addressed, the City concluded that the chosen infrastructure in this project was the highest priority. (not viable)
4. **No Action or Alternative Actions that Serve the Same Purpose.** - If this project is not completed, the proposed sewer line to be addressed will continue to be inadequate, which could pose a health threat to the community. (not viable).

Step 7: *Determination of No Practicable Alternative*

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

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

Publication Date: 9/10/24

Step 8: *Implement the Proposed Action*

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