

Draft Tiered Site-Specific Environmental Assessment

Marine Unit Command and Control
Facility Project
Houston, Texas

Port Security Grant Program
Project # 2013-PU-00272-IJ-1 (18232)

November 2014



FEMA

Federal Emergency Management Agency
Department of Homeland Security
500 C Street, SW
Washington, DC 20472

I. Background

In accordance with 44 Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), Subpart B, Agency Implementing Procedures, Part 10.9, a Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Programs was prepared and a Finding of No Significant Impacts (FONSI) was issued in July 2010 (Appendix C), pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). This Tiered Site-Specific Environmental Assessment (SEA) is being prepared in accordance with the July 2010 PEA. The focus of this Tiered SEA is on those areas of concern requiring additional discussion or analysis that are beyond the scope of the PEA.

The proposed project will involve the construction of a Marine Unit Command and Control Facility. The additional building will provide the Harris County Sheriff's Office with a facility to coordinate water and landside patrols with partner agencies and a location to safely and securely store equipment purchased with Port Security Grant Funds. The facility is proposed to be built at the Washburn Tunnel near the Houston Ship Channel located at 3100 Federal Road Houston, Texas 77015 (Latitude: 29.7287, Longitude: -95.2117) (Appendix A – Exhibits A to C).

II. Purpose and Need

The Harris County Sheriff's Office (Applicant) has applied for Port Security Grant Program funding under application number 2013-PU-00272-IJ-1 (18232). The purpose of this program is to provide for activities, which help to enhance the security and safety of ports in the United States.

Currently, the Harris County Sheriff's Office does not have a facility where law enforcement can coordinate water and landside patrols with partner agencies. In addition, the Harris County Sheriff's Office needs a location to safely and securely store equipment purchased with Port Security Grant Funds. To be effective, the facility will need to be near existing infrastructure including site utilities, adjacent to the ship channel, centrally located, and minimally susceptible to tidal surges.

III. Alternatives

Two project alternatives are proposed in this SEA: 1) No Action and 2) Proposed Action Alternative – the construction of a Marine Unit Command and Control Facility.

Under the No Action Alternative, no changes would be made to the existing site. As a result of this alternative, the Harris County Sheriff's Office would continue to lack a facility that is minimally impacted by tidal surges and is able to support coordinated water and landside patrols near the ship channel with partner agencies.

The Proposed Action Alternative for the proposed Marine Unit Command and Control Facility will be either one (1) two story or two (2) one story buildings, providing for offices, restrooms,

boat storage and maintenance. The 3,400 square foot “Office” will provide office space for personnel assigned to patrol the Houston Ship Channel, a conference room for strategy meetings, a squad room where deputies will be able to complete reports, secured storage, lockers, showers, and kitchen. The 5,000 square foot “Garage” will provide for the storage of boats and equipment, and an area to allow for maintenance of the equipment. The “Site Improvements” will disturb an additional 2,000 square feet, including parking and underground utilities, including sanitary sewer, potable water and electric. A Storm Water Pollution and Prevention Plan (SWPPP) and Storm Water Quality and Management Plan (SWQMP) will be provided for this action. The total disturbance is approximately 10,400 square feet, (0.24 Acres) and storm water detention will be provided to mitigate additional site storm water runoff. The location is currently county owned and surrounded by a barbed wire fence and is under 24-hour surveillance via a ship channel security system funded by a 2005 Port Security Grant.

The existing grassed area within the “disturbed area” will be stripped. Additional fill materials will be imported and compacted to provide for a building pad and site grading. Drilled and under reamed piers, 12-18 inches in diameter, will be installed to a depth of approximately 10 feet below Finished Floor Elevation. In addition, a trench to a depth of approximately 3 feet below finished grade will be required for underground utilities.

The underlying soils were placed and compacted during the construction of the underlying Washburn Tunnel. The surfaces include lawn areas and either concrete or asphalt paving. Currently the area is used as a vehicular turn around for Precinct equipment and to provide access to the Houston Ship Channel.

IV. Environmental Impacts

Discussion of the environmental impacts associated with the No Action Alternative is included in the July 2010 PEA. This document incorporates the PEA by reference. The PEA can be found in FEMA’s electronic library at <http://www.fema.gov/library/viewRecord.do?id=4143>. Environmental impacts are not anticipated to occur as a result of the No Action Alternative. Therefore, only the environmental impacts associated with the Proposed Action Alternative were evaluated in this Environmental Assessment.

FEMA’s environmental planning and historic preservation review reveals that all environmental areas of concern are appropriately accounted for in the PEA with the exception of floodplain impacts. Table 1-1 provides a summary of the findings for the environmental areas of concern that FEMA typically reviews.

Table 1-1. Summary of Other Environmental Areas of Concern

Area of Concern	No Action Alternative	Proposed Action Alternative
Historic properties	No effects.	A Request for SHPO Consultation Form was submitted on behalf of the Harris County Sheriff's Office by Moore Archeological Consulting. In a response dated November 27, 2012, the SHPO concurred with the recommendations and determined that no survey is required and the project may proceed (Appendix B). Based on these findings, FEMA has determined that the proposed action will have no effect on cultural and historic resources.
Endangered and threatened species and critical habitat	No effects.	No effects. The proposed site has been developed.
Migratory birds	No effects.	No effects. The proposed site has been developed.
Water quality	No effects.	No effects. A SWPPP and SWQMP plan must be prepared prior to construction.
Coastal resources	No effects.	Based on a review of Coastal Coordination Council General Concurrence #5, FEMA has determined that the Proposed Action Alternative is deemed consistent with the goals and policies of the Texas Coastal Management Program and consistency review procedures as implemented by the Texas General Land Office (Appendix B)
Wetlands	No effects.	The proposed site has been developed. (Appendix A – Exhibit E).
Low-income and minority populations	No effects.	No effects.

In compliance with FEMA regulations implementing Executive Order 11988, Floodplain Management, FEMA is required to carry out the Eight-step decision-making process for actions that are proposed in the floodplain per 44 CFR §9.6. Executive Order 11988 requires federal agencies “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of the floodplain and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.”

This Eight-step process is applied to the proposed Houston, TX - Marine Unit Command and Control Facility Project. The steps in the decision making process are as follows:

Step 1 Determine if the Proposed Action Alternative is located in the Base Floodplain

The Proposed Action Alternative involves the Houston, TX - Marine Unit Command and Control Facility Project. FEMA has determined that the Proposed Action Alternative is located in a 100-year floodplain, Zone AE (Base flood elevations determined), as depicted on Flood Insurance Rate Map Community Panel 48201C0905L, with the effective date June 18, 2007 (Appendix A – Exhibit D).

Step 2 Early public notice (Preliminary Notice)

A public notice for the proposed Houston, TX - Marine Unit Command and Control Facility Project will be published in the regional newspaper, *Houston Chronicle*, as part of the notice of availability for this SEA.

Step 3 Identify and evaluate alternatives to locating in the base floodplain

The proposed Houston, TX - Marine Unit Command and Control Facility Project must take place in the floodplain because the project would be considered as functionally dependent use. Other sites were considered by the Harris County Sherriff's Office, but none offered minimally protection against tidal surges and were able to support coordinated water and landside patrols near the ship channel with partner agencies. Therefore no practicable alternative outside of the floodplain exists that would provide the port community adequate response times for security personnel.

Step 4 Identify impacts of Proposed Action Alternative associated with occupancy or modification of the floodplain

Impact on natural function of the floodplain

The proposed Houston, TX - Marine Unit Command and Control Facility Project would not affect the functions and values of the 100-year floodplain nor would it impede or redirect flood flows. The Houston, TX - Marine Unit Command and Control Facility Project would be located in a partially developed area with existing infrastructure. When compared to the extensive floodplain area, the proposed Houston, TX - Marine Unit Command and Control Facility Project will have little potential to impact the floodplain. Therefore, the Proposed Action Alternative should not result in an increased base discharge or increase the flood hazard potential to other structures.

Impact of the floodwater on the proposed facilities

The proposed Houston, TX - Marine Unit Command and Control Facility Project has been designed for maritime environment to minimize impacts from flooding. To minimize damage from flooding, the structure will be designed for a maritime environment. The selection of materials and design shall be in accordance with Harris County's current building regulations for construction of facilities within or adjacent to floodplains. For example, the foundations will incorporate reinforced concrete piers, grade beams and slabs. The proposed metal building structural framing members will be hot dip galvanized and have finishes that allow for periodic water immersion. However, there is a potential that the facility could be damaged if a catastrophic flooding event were to occur.

In addition, the proposed facilities will have a finished floor elevation and all equipment will be 1.00-1.50 feet above the base flood elevation (BFE). The design will consider combining the boat storage and office area into a single two (2)-story building with the occupied areas being on the 2nd floor.

Step 5 Design or modify the Proposed Action Alternative to minimize threats to life and property and preserve its natural and beneficial floodplain values

In order to reduce the impact identified in Step 4 of flood hazards on the proposed new facilities, the proposed Houston, TX - Marine Unit Command and Control Facility Project will be designed to be compliant with FEMA recommendations for construction in flood hazard areas.

Harris County Permits Department is the Floodplain Administrator for the proposed location. As part of the design process, the drawings will be forwarded to the Floodplain Administrator for their review, including an Express Review Sheet. Harris County requires that any building project (such as the proposed Marine Facility), within its jurisdiction, be approved and permitted in order for the project to be bid.

The Applicant must follow all applicable local, state, and federal laws, regulations and requirements and obtain and comply with all required permits and approvals, prior to initiating work on this project. No staging of equipment or project activities shall begin until all permits are obtained.

Step 6 Re-evaluate the Proposed Action Alternative

Per the discussions above, the proposed site will be appropriately designed for the 100-year floodplain. The project would be considered as functional dependent use. The proposed Port of Houston, TX - Marine Unit Command and Control Facility Project is intended to improve the patrol operation in the port region.

The Proposed Action Alternative will not aggravate the current flood hazard because the project would not impede or redirect flood flows. The project will not disrupt floodplain values because it will not change water levels in the floodplain. Therefore, it is still practicable to construct the proposed project within the floodplain. Alternatives consisting of locating the project outside the floodplain or taking “no action” are not practicable.

Step 7 Findings and Public Explanation (Final Notification)

In accordance with 44 CFR §9.12, the Harris County Sherriff’s Office Harris County Sherriff’s Office must prepare and provide a final public notice 15 days prior to the start of construction activities. Documentation of the public notices is to be forwarded to FEMA for inclusion in the permanent project files.

Step 8 Implement the action

The Harris County Sherriff’s Office will incorporate into the project design necessary mitigation efforts for building within a 100-year floodplain.

As a result of this Eight-step process, FEMA has determined that the proposed Houston, TX - Marine Unit Command and Control Facility Project is in compliance with 44 CFR §9.6 because there are no practicable alternatives outside the 100-year floodplain.

V. Mitigation

1. Significant change, addition, and/or supplement to the approved scope of work which alters the existing use and function of the structure, including additional work not funded by FEMA but performed substantially at the same time, will require re-submission of the application prior to construction to FEMA for re-evaluation under the National Environmental Policy Act.
2. A SWPPP and SWQMP plan must be prepared prior to construction. Implementation of appropriate best management practices (BMPs) would be required at the construction location. BMPs could include the installation of silt fences and the revegetation of disturbed soils to minimize the potential for erosion. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state, and federal regulations. If contaminated materials are discovered during the construction activities, the work will cease until the appropriate procedures and permits can be implemented.

3. The Harris County Sherriff's Office must comply with all permit conditions and conditions required by the local floodplain management ordinance for this project. A copy of the permit and documentation of compliance with permit conditions will be forwarded to FEMA for inclusion in the permanent project file.
4. In accordance with 44 CFR §9.12, The Harris County Sherriff's Office must publish a public notice 15 days prior to the start of construction activities. Documentation of the public notice is to be forwarded to FEMA for inclusion in the permanent project files.
5. Excavated soil and waste materials will be managed and disposed in accordance with applicable local, state and federal regulations. If contaminated materials are discovered during the construction activities, the work could cease until appropriate procedures and permits can be implemented. Hazardous materials discovered, generated, or used during construction must be handled and disposed of in accordance with applicable local, state, and federal regulations.
6. In the event that archeological deposits, including Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the Applicant shall stop work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured by the Harris County Sherriff's Office and access to the sensitive area will be restricted by the Harris County Sherriff's Office. The Applicant will inform the State Administrative Agency and FEMA immediately, and FEMA will consult with the State Historic Preservation Officer (SHPO). Work in sensitive areas shall not resume until consultation is completed and until FEMA determines that the appropriate measures have been taken to ensure the complete project is in compliance with the National Historic Preservation Act (NHPA) and its implementing regulations.

In addition, Harris County Sherriff's Office will be required to comply with the conditions that are stated in the PEA FONSI, dated July 7, 2010, for the Proposed Action Alternative (see Appendix C).

VI. Correspondence and Agencies Consulted (see Appendix B)

- Texas Historical Commission, the State Historic Preservation Officer
- Texas Coastal Coordination Council

VII. Public Comment

The public was notified of the availability of the Draft SEA through the publication of a public notice on November 14 and 21, 2014 in the *Houston Chronicle*. The Draft SEA document was also made available for public review on the FEMA's website at <http://www.fema.gov/media-library/assets/documents> and at the Harris County Administration Building, HCPID Architectural and Engineering Division – 7th Floor, 1001 Preston Ave, Houston, Texas 77002 between November 14, 2014 and November 29, 2014 during the hours of 8:00 AM to 5:00 PM,

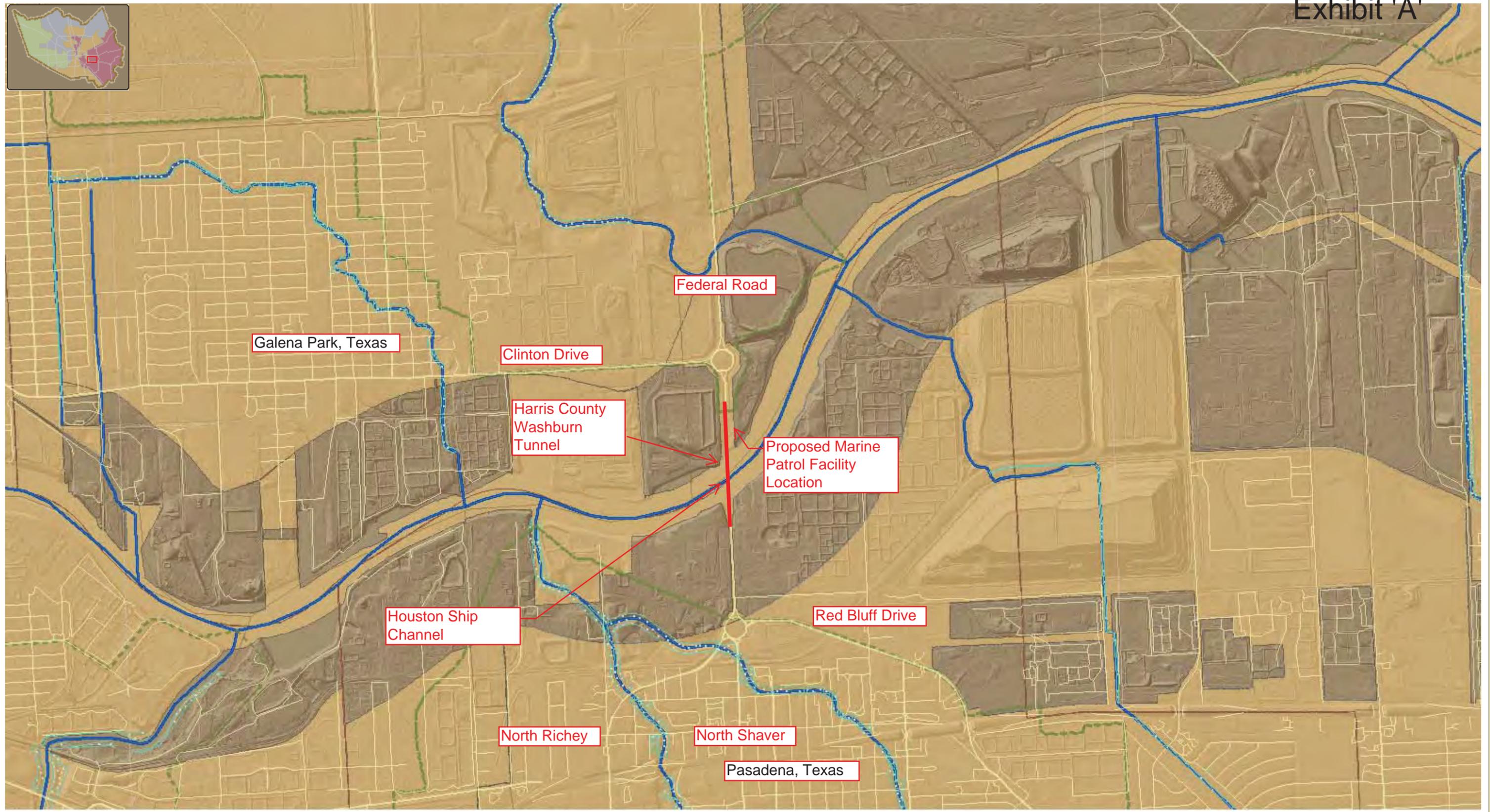
Monday through Friday. A 15-day public comment period will commence on the initial date of the public notice. FEMA will consider and respond to all public comments in the Final SEA.

VIII. List of Preparers

Kevin Jaynes, Regional Environmental Officer, FEMA Region VI
Alan Hermely, EHP Specialist, FEMA Region VI

Appendix A

Plans, Figures and Photographs (Exhibits A to E)



- Legend**
- Subdivision
 - ▲ Benchmarks
 - Traffic Signals**
 - Existing
 - Modification
 - Proposed
 - COH Major Thoroughfares**
 - FWY - Sufficient Width
 - FWY - To be Widened
 - FWY - To be Acquired
 - MTF - Sufficient Width
 - MTF - To be Widened
 - MTF - To be Acquired
 - MTF - Other
 - MC - Sufficient Width
 - MC - To be Widened
 - MC - To be Acquired

- Road Log
- Roads
- 1' contours
- Streams
- Cypress Creek - WSEL - Cross Section
- Effective-WSEL-Cross Section
- Cypress Creek - WSEL - BFE
- Effective-WSEL-BFE
- LOMR-WSEL-BFE

- 2000 Census Tracts
- 1990 Census Tracts
- Watershed Boundaries
- HCFCFD Right of Way
- 10yr FloodZones
- FEMA LOMRs

- Cypress Creek LOMR**
- Floodway - 100 yr
 - Zone A - 100 yr
 - Zone AO - 100 yr
 - Zone X (shaded) - 500 yr
 - Zone X (Unshaded)

- Effective Floodzone**
- Floodway - 100 yr
 - Zone A - 100 yr
 - Zone VE - 100 yr
 - Zone X (shaded) - 500 yr
 - Zone X (unshaded)

- FIRM Panel
- Zip Code
- School District
- Park
- Parcel
- Fire Band Area
- Airport
- No Man's Land
- Cities Boundary
- Communities Boundary
- Unincorporated Harris County
- Harris County Boundary



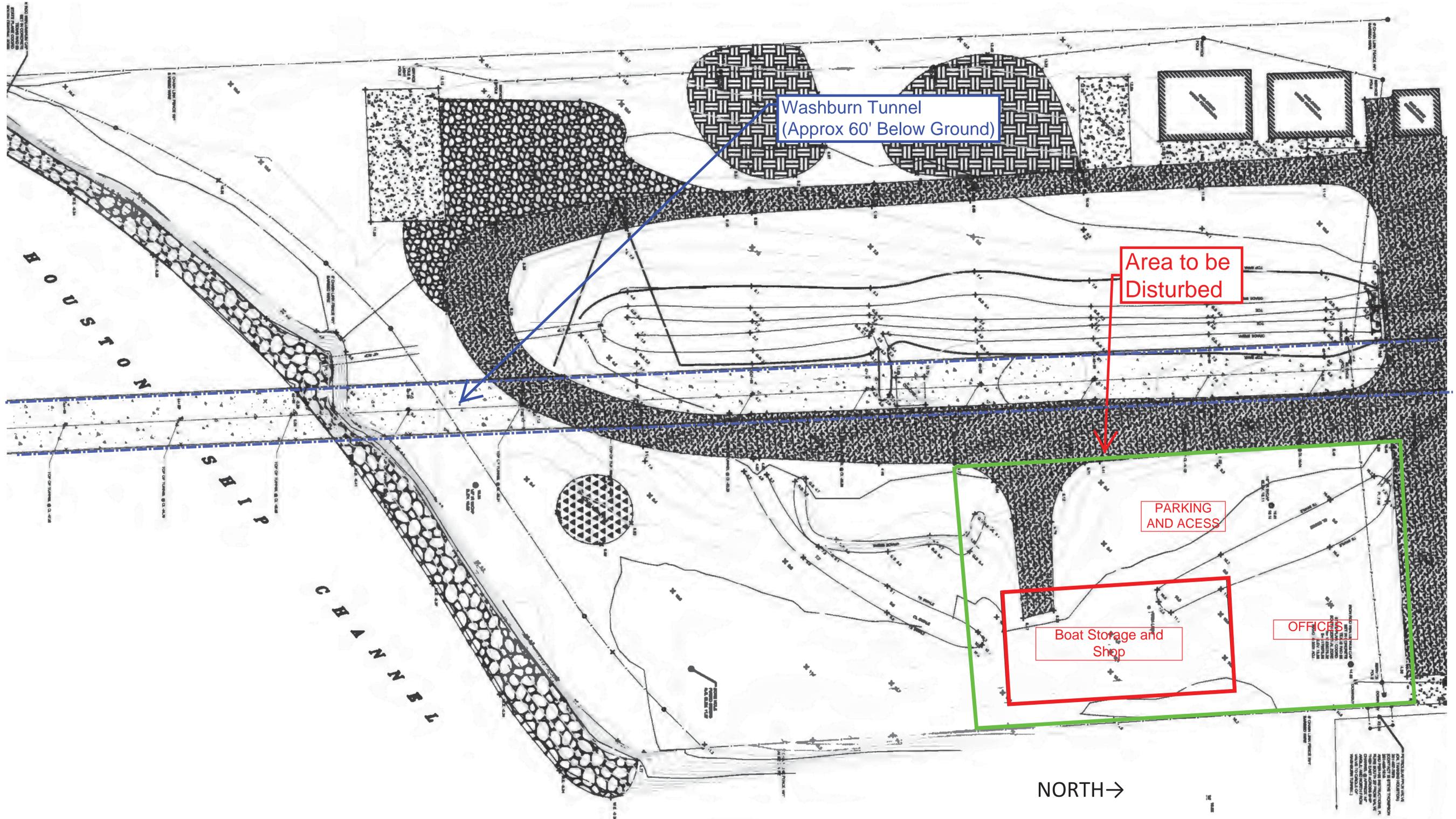
1 in = 1,802 ft







<p>Floodzone</p> <ul style="list-style-type: none"> ■ Floodway (100 year) ■ Zones A, AE, AO (100 yr) ■ Zone VE (100 yr) ■ Zone X (shaded-500 yr) <p>Floodzone with LOMR</p> <ul style="list-style-type: none"> — LOMR Base Flood Elevation — Model Cross Section (XS) <p>Ten Year Floodzone</p> <ul style="list-style-type: none"> ■ FloodZone — Model Cross Section 	<p>Floodzone (2007)</p> <ul style="list-style-type: none"> — Base Flood Elevation — Model Cross Section <p>— One Foot Contour</p> <p>■ FEMA LOMRs</p> <p>Cypress Creek LOMR</p> <ul style="list-style-type: none"> ■ Floodway - 100 yr ■ Zone A - 100 yr ■ Zone AO - 100 yr ■ Zone X (shaded) - 500 yr ■ Zone X (Unshaded) ■ Zone X (unshaded) 	<p>Cypress Creek LOMR</p> <ul style="list-style-type: none"> — Base Flood Elevation — Model Cross Section (XS) <p>Channels ROW</p> <ul style="list-style-type: none"> ■ Streams ■ FCD Right of Way <p>Points</p> <ul style="list-style-type: none"> ▲ Benchmarks ⊙ Air Monitor Sites ★ Superfund Sites 	<ul style="list-style-type: none"> ⊙ PWS Wells ⊙ PWS Intake ⊙ Wastewater Outfall <p>Capital Projects</p> <table border="0"> <tr> <td>Design/Study</td> <td>Acceptance</td> </tr> <tr> <td>■ Active</td> <td>■ Active</td> </tr> <tr> <td>■ Hold</td> <td>■ Inactive</td> </tr> <tr> <td>■ Inactive</td> <td>■ Construction</td> </tr> <tr> <td>■ Active</td> <td>■ Active</td> </tr> <tr> <td>■ Closed</td> <td>■ Closed</td> </tr> </table>	Design/Study	Acceptance	■ Active	■ Active	■ Hold	■ Inactive	■ Inactive	■ Construction	■ Active	■ Active	■ Closed	■ Closed	<ul style="list-style-type: none"> — Road Log — Park <p>Major Thoroughfares</p> <ul style="list-style-type: none"> — FWY - Proposed Algmt — FWY - Sufficient Width — FWY - To be Widened — FWY - To be Acquired — MTF - Other — MTF - Sufficeint Width 	<ul style="list-style-type: none"> — MTF - To be Widened — MTF - To be Acquired — MC - Sufficient Width — MC - To be Widened — MC - To be Acquired <p>■ Parcels</p> <p>■ Subdivisions</p> <p>■ HCAD Facets</p> <p>■ 1990 Tracts</p> <p>■ FIRM Panel</p>	<p>Boundaries</p> <ul style="list-style-type: none"> ■ No Man's Land ■ Incorporated City <p>City Of Houston</p> <ul style="list-style-type: none"> ■ Full Service ■ Limited Service ■ Communities ■ City Of Houston ETJ ■ County 	<p>County Interim</p> <ul style="list-style-type: none"> ■ Voter Precincts ■ Commissioners' Precincts ■ Precinct Camps ■ Voter Precincts <p>Utility District</p> <ul style="list-style-type: none"> ■ School Districts <p>Zip Codes</p> <ul style="list-style-type: none"> ■ Watershed 	<div style="text-align: center;"> </div> <div style="text-align: center;"> </div> <div style="text-align: center;"> </div>
Design/Study	Acceptance																			
■ Active	■ Active																			
■ Hold	■ Inactive																			
■ Inactive	■ Construction																			
■ Active	■ Active																			
■ Closed	■ Closed																			



Harris County Sheriff's Office - Marine Unit Command and Control Facility Site Plan

REVISIONS			
NO.	DATE	C.O.	BY

PRELIMINARY - NOT FOR REGULATORY
 APPROVAL, PERMITTING OR CONSTRUCTION
 RONALD K. BRINK, ARCHITECT (6974)

PID

HARRIS COUNTY
 PUBLIC INFRASTRUCTURE
 DEPARTMENT
 ARCHITECTURE GROUP
 1001 PRESTON 7TH FLOOR
 HOUSTON, TEXAS 77002

PROJECT TITLE:
 HARRIS COUNTY SHERIFF
 OFFICE - MARINE

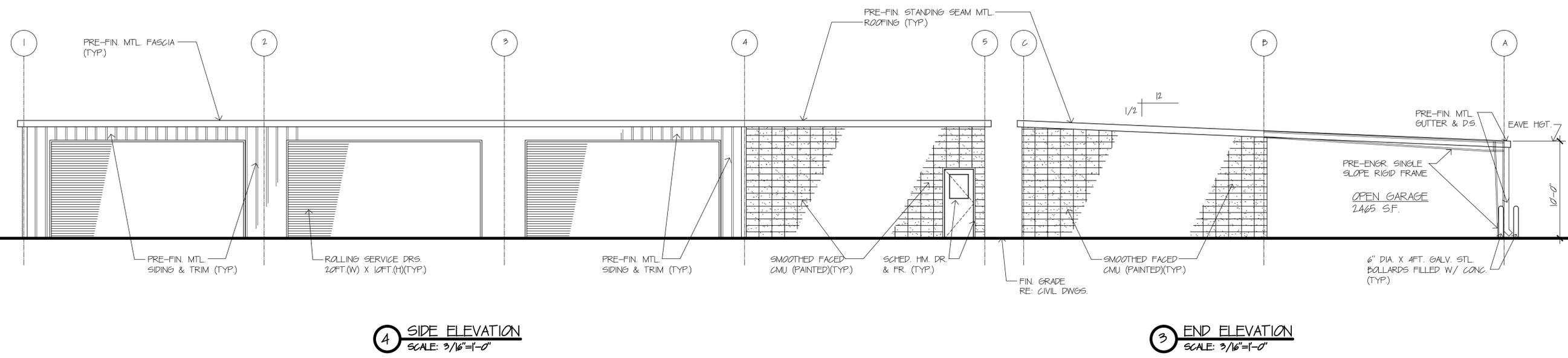
PROJECT LOCATION:
 HARRIS COUNTY, TEXAS

SHEET TITLE:
 ARCHITECTURAL - GARAGE
 PLAN, ELEVATIONS, SECTION
 SCHEME B

SHEET DATE: 08-15-2012

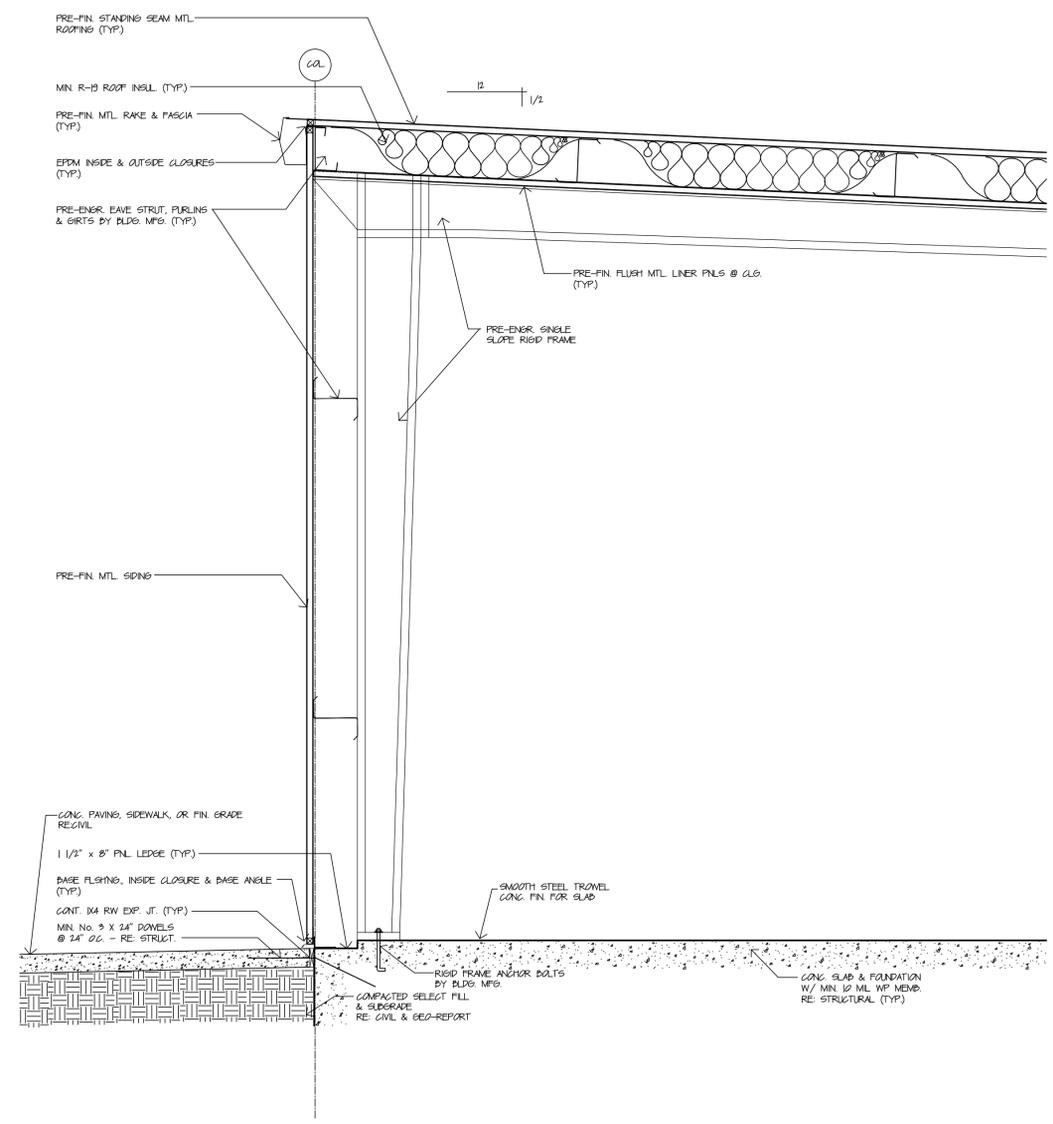
SHEET NUMBER:
A2.00

DRAWN BY: RKB
 CHECKED BY: RKB
 SCALE: AS SHOWN
 JOB NO:

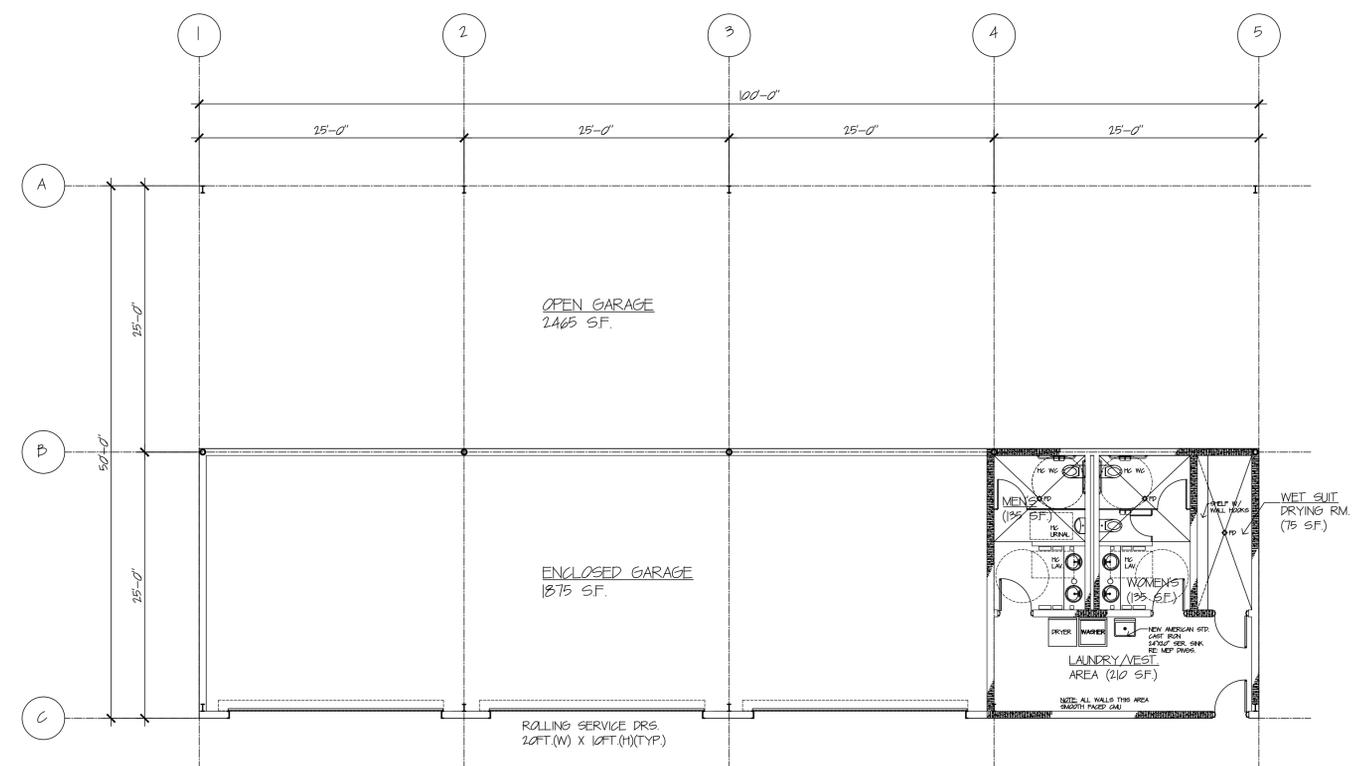


4 SIDE ELEVATION
 SCALE: 3/16"=1'-0"

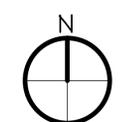
3 END ELEVATION
 SCALE: 3/16"=1'-0"



2 TYP. EXTERIOR WALL SECTION
 SCALE: 1"=1'-0"



1 FLOOR PLAN
 SCALE: 1/8"=1'-0" (5,000 SF.)



SCHMATIC DESIGN PHASE

Exhibit 'B' – Site Photos

Proposed Site at the Harris County Washburn Tunnel, 3100 Federal Road, Houston, Texas 77015



Exhibit 'B' – Site Photos

Proposed Site at the Harris County Washburn Tunnel, 3100 Federal Road, Houston, Texas 77015

Photo 2 – Proposed Site Plan Showing Proximity of Ventilator Building at the North Entrance to the Tunnel. Note: The Tunnel is approximately 60' below the ground level.



Exhibit 'B' – Site Photos

Proposed Site at the Harris County Washburn Tunnel, 3100 Federal Road, Houston, Texas 77015

Photo 3 – Proposed site looking South towards the Houston Ship Channel





Google earth



Appendix B

**Agency Correspondence
(Exhibit F)**

TEXAS HISTORICAL COMMISSION

**REQUEST FOR SHPO CONSULTATION:
Projects Subject to Section 106 of the National Historic Preservation Act
and/or the Antiquities Code of Texas**

Submission of this form only initiates consultation with the Texas Historical Commission, the State Historic Preservation Officer (SHPO) for Texas. The SHPO may require additional information to complete the review for some projects.

FCC projects: this form should not be completed when submitting Form 620 or 621 for communications towers.

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to consider the effects of their undertakings on historic properties and to consult with the State Historic Preservation Officer (SHPO) regarding the undertaking. An undertaking is any action by or on behalf of a federal agency that has the potential to affect historic resources and includes funding, permits, or other approvals. Federal agencies are required to identify historic resources that may be affected and to avoid, minimize, or mitigate any adverse effects. The Section 106 regulations are codified in 36 CFR 800 and are available from the Advisory Council on Historic Preservation website at www.achp.gov. Regulations allow 30 days upon receipt for SHPO review.

The Antiquities Code of Texas (Title 9, Chapter 191 of the Texas Natural Resources Code) is intended to protect historic and archeological landmarks and is applicable to public lands owned by the state of Texas or a political subdivision of the state, including state agencies, counties, cities, school districts, and public colleges and universities, as well as other public authorities. Notification of the Texas Historical Commission is required before breaking ground at a project location on state or local public land.

- This is a new submission
Complete all pages of this form and include required attachments.
- This is additional information relating to original submission made on or about _____
Complete only the first page of this form and add any new information, including attachments.

1. Project Information		
PROJECT NAME Washburn Tunnel Sheriff's Office Boat Storage Facility		
PROJECT ADDRESS 3100 Federal Way	PROJECT CITY Houston	PROJECT ZIP CODE(S) 77015
PROJECT COUNTY OR COUNTIES		
PROJECT TYPE (Check all that apply)		
<input type="checkbox"/> Road/Highway Construction or Improvement	<input type="checkbox"/> Repair, Rehabilitation or Renovation of Structure(s)	
<input type="checkbox"/> Site Excavation	<input type="checkbox"/> Addition to Existing Structure(s)	
<input type="checkbox"/> Utilities & Infrastructure	<input type="checkbox"/> Demolition or Relocation of Existing Structure(s)	
<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> None of these	
BRIEF PROJECT SUMMARY: Please provide a one or two sentence description to explain the project. More details will be provided separately in Part 5, the Project Work Description Attachment. New construction of boat storage facilities for the Harris County Sheriffs office on Harris County Pct. 2 property.		

2. Project Contact Information			
PROJECT CONTACT NAME Dwayne Rogers	TITLE Environmental Planner	ORGANIZATION Harris County	
ADDRESS 1001 Preston, 7th Floor	CITY Houston	STATE TX	ZIP 77002
PHONE 713-755-7144	EMAIL dwayne.rogers@hcpid.org		

For SHPO Use Only	Date Stamp Below:
Track Review to:	
<input type="checkbox"/> Archeology Division: Reviewer:	
<input type="checkbox"/> History Programs Division: Reviewer:	
<input type="checkbox"/> Architecture Division: Reviewer:	

3. Federal Involvement

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

FEDERAL PROGRAM, FUNDING, OR PERMIT TYPE:

FEMA

2009 Port Security Grant – American Reinvestment and Recovery Act - ARRA

FEDERAL AGENCY CONTACT PERSON

PHONE

ADDRESS

EMAIL

Has the federal agency (if other than HUD) formally delegated authority to consult with SHPO on the agency's behalf? Yes (Please attach delegation letter) No

4. State Involvement

Does this project involve approval, permit, license, or funding from a state agency?

Yes (Please complete this section) No (Skip to next box)

STATE AGENCY

STATE PROGRAM, FUNDING, OR PERMIT TYPE:

STATE AGENCY CONTACT PERSON

PHONE

ADDRESS

EMAIL

Will this project involve public land owned by the State of Texas or a political subdivision of the state? (State Agency, County, City, School District, Public Authority, Public College or University, etc.)

Yes No

CURRENT OR FUTURE OWNER OF THE PUBLIC LAND

Harris County

5. Project Work Description

Attach a detailed written description of the project that fully explains what will be constructed, altered, or demolished. Include architectural or engineering plans, site plans, specifications, or NEPA documents, as necessary, to illustrate the project.

6. Identification of Project Location and Area of Potential Effect (APE)

The APE includes the entire area within which historic properties could be affected by the project. This includes all areas of construction, demolition, and ground disturbance (direct effects) and the broader surrounding area that might experience visual or other effects from the project (indirect effects).

1. **Attach** map(s) indicating the location and specific boundaries of the project. Road names must be included and legible. Identify the project location, boundaries, and APE on the map(s) as precisely as possible. Suggested maps may include USGS 7.5 minute quadrangle maps (or relevant portions thereof), tax maps, satellite images, etc. The number and types of map(s) will depend on the nature and complexity of the project as well as the extent of the APE. **Projects involving ground disturbance must include the appropriate 7.5 minute USGS quadrangle.**
2. **Attach** a brief written description of the APE, including a discussion of the potential for direct and indirect effects that might result from the project and the justification for the boundaries chosen for the APE.

PROJECT NAME

7. Identification of Historic Properties within the APE (Attach additional materials as necessary)

A. Archeological Resources

Does this project involve ground-disturbing activity?

- Yes (Please complete this section) No (Skip to Structures section)

Describe the nature, width, length, and depth of the proposed ground-disturbing activity.
unknown at this time

Describe previous land use and disturbances.

Previous land use is related to Washburn Tunnel facility.

Describe the current land use and conditions.

Currently serves as maintenance storage area for Harris Count Pct. 2 and the Washburn Tunnel facility

B. Structures

Are there any structures, buildings, or designed landscape features (park, cemetery, etc.) 45 years old or older within the project area or APE?

- Yes No

Is the project located within or adjacent to a district that is listed in or eligible for the National Register of Historic Places? Eligible districts may include locally designated districts or areas identified in historic resource surveys.

- Yes, name of district: No Do not know

If the Texas Historic Sites Atlas (<http://atlas.thc.state.tx.us>) has been consulted, were previously identified architectural resources identified within the project area or APE?

- Yes No Did not consult Atlas

If the answer to any of the above questions is yes, use the space below or provide an attachment indentifying each structure, building, designed landscape feature, or district within the APE that is 45 years old or older.

Include an actual or estimated date of construction and the location of each of the features.

Washburn Tunnel constructed in the 1950s

Does the project involve the rehabilitation, alteration, removal, or demolition of any structure, building, designed landscape feature, or district that is 45 years old or older?

- Yes No

If yes, include information with the attachments for Part 5: Project Work Description and Part 8: Photographs.

8. Photographs

Attach clear, high-resolution color photographs that illustrate the project area and APE as defined in Section 6. Images from the internet are not acceptable due to low resolution. Photography should document the project area and properties within the APE, including clear views of any buildings or structures. Please number and label all photographs, and include a map or site plan labeled to show the location and direction of each view. Where applicable, include photographs of the surrounding area from the project site and streetscape images. Should your project entail the alteration of existing structures, please also provide photographs of the existing conditions of sites, buildings, and exterior and interior areas to be affected.

9. Consulting Parties/Public Notification (Section 106 only)

Attach a description of the actions taken to notify the public or invite consultation with parties other than SHPO. Provide a summary of any consultation and comments received from consulting parties or the public.

The SHPO is only one consulting party under Section 106. Refer to 36 CFR 800.2 for information about other participants who are entitled to comment on the Section 106 process, including Native American tribes, interested parties, and the public. Consultation with the SHPO is not a substitution for consultation with Native American tribes. When identifying historic resources within the APE and determining the effect of an undertaking, applicants should consider consulting with the county historical commission and the local historic preservation officer, if any.

PROJECT NAME

10. Applicant's Determination of Effect (Section 106 only)

An effect occurs when an action alters the characteristics of a property that qualify it for listing in the National Register of Historic Places, including changes to the property's location, design, setting, materials, workmanship, feeling, and association. Effects can be direct or indirect, and can be physical, visual, audible, or economic. They may include a change in ownership or change in use.

- No Historic Properties Affected** based on 36 CFR 800.4(d)(1). Please provide the basis for this determination.
- No Adverse Effect** on historic properties based on 36 CFR 800.5(b). Please explain why the criteria of adverse effect at 36 CFR 800.5(a)(1) were not found to be applicable for your project.
- Adverse Effect** on historic properties based on 36 CFR 800.5(d)(2). Please explain why the criteria of adverse effect at 36 CFR 800.5(a)(1) were found to be applicable to your project. You may also wish to include an explanation of how these adverse effects might be avoided, minimized, or mitigated.

In the space below or as an attachment, please explain the effect of the project on historic properties.
See attached report.

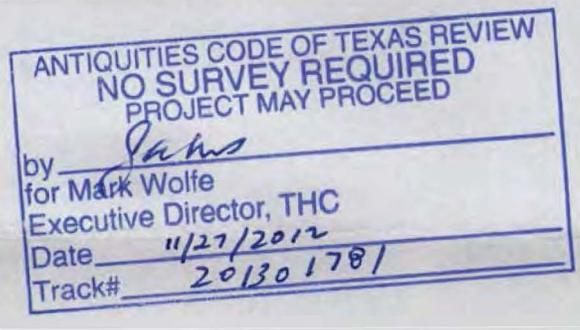
Submit Completed Form and Attachments to:

Via mail:
Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
PO Box 12276
Austin, TX 78711

Via hand delivery or private express delivery:
Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
108 West 16th St.
Austin, TX 78701

Faxes and email are not acceptable.

For SHPO Use Only



PROJECT NAME			Washburn Tunnel Sheriff's Office Boat Storage Facility		
PROJECT ADDRESS	PROJECT CITY	PROJECT ZIP CODE(S)			
3100 Federal Way	Houston	77015			
PROJECT COUNTY OR COUNTIES					
PROJECT CONTACT NAME		TITLE	ORGANIZATION		
Dwayne Rogers		Environmental Planner	Harris County		
ADDRESS	CITY	STATE	ZIP		
1001 Preston, 7th Floor	Houston	TX	77002		
PHONE	EMAIL				
713-755-7144	dwayne.rogers@hcpid.org				

Moore Archeological Consulting, Inc.

3511 Houston Avenue Suite B
Houston, Texas 77009
www.moore-archeological.com

Office (713) 861-8663
Laboratory (713) 861-2323
Fax (713) 861-8627

February 4, 2008

Ryan Nelson
Crouch Environmental Service, Inc.
402 Teetshorn
Houston, Texas 77009

Re: Washburn Tunnel Sheriff's Office Boat Dock Project Archeological Assessment,
Harris County, Texas (MAC PN 08-01)

Mr. Nelson,

We have examined the map plotting for the above referenced project per your request. The subject property has been reviewed with reference to the State of Texas archeological site files, soil classifications in Harris County, topography, and possible tract disturbances. These data were then compared to an existing site location predictive model (Moore 1996) for prehistoric sites in the region as well as additional MAC GIS databases.

Location

The area of investigations consists of approximately 3.5 acre tract adjacent to Buffalo Bayou, in southeast Harris County. The proposed project consists of the construction of bulkheads and dock structures, and logistical support facilities for the Sheriff's Office Boat Patrol Operations from Washburn Tunnel. The project area is depicted on the Pasadena, Texas, 7.5' USGS topographic quadrangle map (Figure 1).

Previously Identified Cultural Resources

A review of site records at the Texas Archeological Research Laboratory (TARL) at the University of Texas at Austin was conducted by the TARL staff. The review indicated that there are no previously recorded prehistoric or historical sites within the proposed project area.

Potential for Cultural Resources

The project area was also assessed with respect to the following hierarchy of environmental factors that combine to make a locality attractive for prehistoric settlement within the region. The factors in combination constitute a set of settlement rules that define good locations for prehistoric campsites (Moore 1996). These include preferences for the following:

- (1) Site locations in forested environments.
- (2) Site locations in the floodplain or on the floodplain/upland margin.
- (3) Site locations in proximity to sources of potable water.
- (4) Site locations on well-drained, loamy soils.
- (5) Site locations on topographic high points.
- (6) Site locations on geologic terraces in watersheds with broad 100-year floodplains. These terraces may range from 100-1000 meters in width and may be of Late Pleistocene age or younger. They thus present good settings for the discovery of cultural remains as much as 10,000-12,000 years old.
- (7) Site locations on the upland/floodplain margin typified by the Lissie and Beaumont slopes to streams with broad floodplains. As geologically old surfaces, these upland margins also present potentially good settings for prehistoric remains.

The property is depicted on sheet 105 of the *Soil Survey of Harris County, Texas* (Wheeler 1976). The single soil type identified in the project area is Lake Charles clay, 0 to 1 percent slopes (LcA). Lake Charles clay soils are identified as somewhat poorly drained with very slow surface runoff (Wheeler 1976:18). The PALM model identifies Harris soils as upland clayey ancient (pre-Holocene) alluvium with low potential for containing deeply buried sites (Abbott 2001:156). A boring test conducted near the center of the tract documented fills down to 38 ft in depth (Figure 2).

The association with sources of water has been demonstrated to be a dominant factor affecting the probability of prehistoric sites in southeast Texas. Most sites within the region are found within 300 m of a current or former source of natural potable water. The project area is located on the north bank of Buffalo Bayou.

In terms of potential historic cultural resources, the project area is located in an area of limited modern development. However, a review of curated Pasadena (Deepwater) USGS maps (1919, 1943, 1947, 1955, 1967) indicates that the project tract has been heavily impacted by previous road construction. The 1940s maps depict Federal Road extending to the bayou edge, with the final 250 feet (the majority of the current project area) showing extensive cutting and filling in order to maintain a level grade close to the bank. Examinations of recent aerial photographs (Figure 2) show additional disturbances to the project area, including the remnants of old Federal Road, and the construction of several parking areas, roadways, and commercial structures. In addition, portions of the project area were undoubtedly disturbed during the construction of the Washburn Tunnel, which runs directly underneath the middle of the tract and along the line of Federal Road. Constructed during the 1950s, the tunnel connected the town of Pasadena to the north side of Buffalo Bayou, and was built “in order to reduce the number of hazardous automobile ferries” (Henson 1996:482).

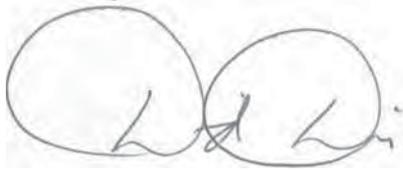
Conclusions

In summary, no historic or prehistoric archeological sites have been documented within or near the project property. While the project property appears to meet one of the criteria often associated with preferred locations for prehistoric settlement (distance to water), the degree of previous construction disturbance, depths of fill in some areas, and the nature of the soil type present in other areas, suggests that little of the natural topography remains intact. Consequently, we conclude that the probability for encountering intact prehistoric or historic cultural resources within the project area is extremely low, and that no further archaeological investigation is justified.

Concurrence with these recommendations should be sought from the Archeology Division of the Texas Historical Commission prior to the beginning of any construction. Further, in the event that unanticipated archaeological deposits are encountered during construction, work should be halted immediately and the Archeology Division of the Texas Historical Commission should be contacted.

Thank you for the opportunity to evaluate this project location. If you have any questions or comments regarding this assessment, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "David Driver", written over a light gray circular stamp or watermark.

David Driver
wdaviddriver@hotmail.com
Staff Archaeologist

References Cited

Abbott, James T.

2001 *Houston Area Geoarcheology; A Framework for Archeological Investigation, Interpretation, and Cultural Resource Management in the Houston Highway District*. Texas Department of Transportation, Environmental Affairs Division, Archeological Studies Program, Report 27.

Moore, Roger G.

1996 *An Empirical Analysis of Elements of Prehistoric Site Location and Formation in Harris County, Texas*. Report of Investigations No. 149. Moore Archeological Consulting, Inc., Houston.

Henson, Margaret Swett

1996 Harris County. In *The New Handbook of Texas, Vol. 3*. The Texas State Historical Association, Austin.

Wheeler, Frankie F.

1976 *Soil Survey of Harris County, Texas*. United States Department of Agriculture, Soil Conservation Service in cooperation with the Texas Agricultural Experiment Station and the Texas State Soil and Water Conservation Board

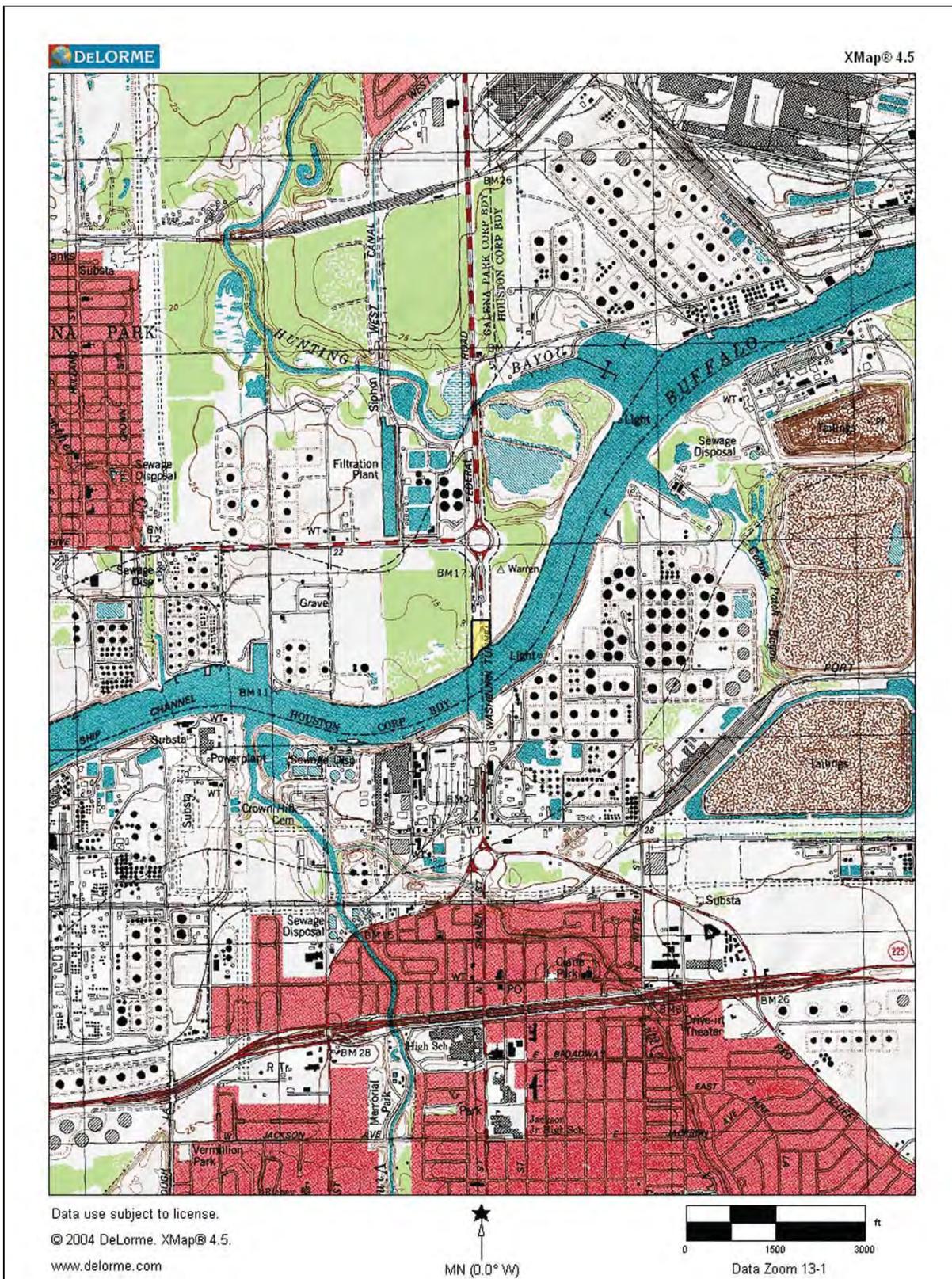


Figure 1. Map of the project area (Pasadena Quad, USGS).



Figure 2. Aerial photograph of project area (Google map provided by Crouch Environmental Services, Inc., modified by MAC).

**COASTAL COORDINATION COUNCIL
GENERAL CONCURRENCE #5**

**Regarding Federal Emergency Management Agency (FEMA) assistance to areas of
Texas designated as major disaster areas**

Pursuant to 31 Texas Administrative Code (TAC) §§506.28 & 506.35 and 15 Code of Federal Regulations (CFR) §930.53(b), the Coastal Coordination Council (Council) issues the following General Concurrence #5 (GC5) for FEMA assistance in federally declared disaster areas.

Section 1: Purpose and Intent

- A. The purpose of this GC5 is to assist FEMA by expediting consistency review of certain FEMA-funded activities under the Texas Coastal Management Program (CMP) and to identify the certain activities affecting certain coastal natural resource areas (CNRAs) that must undergo a full consistency determination. The purpose of the GC5 is to minimize the number of consistency reviews that must be performed for activities that are minor in scope and that do not have significant adverse effects on CNRAs within the Texas CMP boundary. The CMP boundary is depicted in Appendix A of this document and is more particularly described in 31 TAC §503.1.
- B. FEMA and the Council acknowledge that the implementation of disaster assistance will be more effective if specific procedures are developed to expedite consistency review activities by the Council for activities with little potential to affect CMP Areas. This GC5 should shorten the time needed to comply with the Texas CMP for FEMA-funded projects and allow FEMA to more readily provide assistance following a federally declared disaster on the Texas coast.
- C. FEMA and DEM implement the Individual and Public 'grants' under FEMA's Individual and Public Assistance programs, as defined in 44 CFR §206.2(15)&(20). FEMA has determined that the implementation of the programs in 44 CFR Part 206 may have an effect upon properties within the Texas CMP boundary. Therefore, FEMA and the Council agree that these disaster assistance programs shall be administered in accordance with the following Sections, which will ensure compliance under the CMP.

Section 2: Activities Covered

- A. This GC5 is intended to incorporate FEMA's existing process for providing assistance for projects in major disaster areas. FEMA proposes to administer federal programs pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (Stafford Act), and its implementing regulations contained in Title 44 CFR Part 206, regarding assistance for the repair or replacement of damaged facilities and structures,

including approved Stafford Act Section 404 and 406 mitigation measures, 42 U.S.C. §§5170c & 5172.

B. The Council finds that the following assistance activities will not have direct or significant adverse effects on CNRAs and determines that FEMA or its grantees and subgrantees need not submit consistency findings for the following activities within the Texas CMP boundaries:

1. Funding of emergency response activities as provided under Stafford Act Section 403 (42 U.S.C. §5170b), Category A: Debris Removal and Category B: Emergency Protective Measures that are necessary when there is an unacceptable hazard to life, when there is an immediate threat of significant loss of property, or where an immediate and unforeseen economic hardship is likely if corrective action is not taken within a time period less than the normal time needed under standard procedures in 31 TAC §506.51. This includes activities that are necessary to protect public health and safety, as defined in Emergency 44 CFR §206.2(9), including direct federal assistance, funded by FEMA, such as water, ice, and power generation teams.
2. Individual 'grants' under FEMA's Individual Assistance Program, as defined in 44 CFR § 206.2(15).
3. Repair and construction projects that are covered under Categories C: Roads and Bridges, D: Water Control Facilities, E: Buildings and Equipment, F: Utilities, and G: Parks, Recreational Facilities, and other Items included in Stafford Act Section 403 (42 U.S.C. §5170b), and that have the same function, capacity, and footprint as existed prior to the major disaster, including upgrades to current codes and standards, provided that all three conditions are met. These projects are only exempt from the consistency requirements if they do not fall within the CNRAs listed in subsection "C" below. Even if all three conditions are met, a project may require a consistency determination, as outlined in subsection "C" below.
4. Repair or replacement of automobiles and equipment.
5. Repairs and construction inside or outside of structures in the same footprint, even if the repairs have a different function and capacity than previously existed; and which may occur in previously disturbed areas around the exterior of the structure.
6. Reconstruction of Coastal Historic Areas. A historic area is defined as a site that is specially identified in rules adopted by the Texas Historical Commission as being coastal in character and that is: (A) a site on or eligible for the National Register of Historic Places, designated under 16 USC §470a and 36 CFR, Part 63, Chapter 1: or (B) a state archaeological landmark, as defined by Texas Natural Resource Code (TNRC), Subchapter D, Ch. 191. These are governed by the *Programmatic Agreement Among the Federal Emergency Management Agency, the Texas State Historic Preservation Office, the Texas Department of Public*

Safety, Division of Emergency Management, and the Advisory Council on Historic Preservation (PA) or any subsequent replacement documents. Compliance with the PA satisfies the requirements of 31 TAC §501.14(o), and no separate consistency review is required.

- C. Consistency determinations are required for activities over which the Council has jurisdiction, if they occur in certain CNRA areas within the CMP boundary, even if the project has the same function, capacity, and footprint as existed prior to the major disaster. FEMA may fund a necessary emergency response activity within a CNRA without a consistency determination when the emergency response activity was performed to prevent an unacceptable hazard to life, an immediate threat of significant loss of property, or where an immediate and unforeseen economic hardship is likely if corrective action were not taken within a time period less than the normal time needed under standard procedures in 31 TAC §506.51. Maps and information on all of the CNRA areas below may be found on the General Land Office's web site at <http://www.glo.state.tx.us/gisdata/gisdata.html>. FEMA must provide consistency determinations for projects that fall within the following CNRA areas.
1. Critical Areas. These are defined in TNRC §33.203(8) and 31 TAC §501.3(a)(8) as a coastal wetland, oyster reef, hard substrate reef, submerged aquatic vegetation, or tidal sand or mud flat. Each of these critical areas is more specifically described under 31 TAC §501.3(b) (See Appendix B). Dredging and construction of structures in, or the discharge of dredged or fill material into critical areas must comply with the policies in 31 TAC §501.14(h).
 2. Submerged Lands "Submerged land" means land located under waters under tidal influence or under waters of the open Gulf of Mexico, without regard to whether the land is owned by the state or a person other than the state. TNRC §33.203(15) and 31 TAC §501.3(b)(12). Development on submerged lands must comply with the policies in 31 TAC §501.14(i).
 3. Beach/Dune System and Critical Dune Areas. "Critical dune area" is defined as a protected sand dune complex on the Gulf shoreline within 1,000 feet of Mean High Tide in TNRC §33.203(9) and 31 TAC §501.3(b)(6). Construction in critical dune areas and adjacent to Gulf beaches must comply with the policies in 31 TAC §501.14(k).
 4. Coastal Hazard Areas. These are defined in 31 TAC §501.3(a)(4) as special hazard areas and critical erosion areas. Definitions of special hazard areas and critical erosion areas may be found in Appendix C. Goals and policies for determining the consistency of development in coastal hazard areas are found in 31 TAC §501.14(l).
 5. Coastal Barriers. These are defined in TNRC §33.203(2) and 31 TAC §501.3(b)(1) as an undeveloped area on a barrier island, peninsula, or other protected area, as designated by United States Fish and Wildlife Service maps. Development of new infrastructure or major repair of

existing infrastructure within or supporting development within Coastal Barrier Resource System Units and Otherwise Protected Areas designated on maps dated October 24, 1990, under the Coastal Barrier Resources Act, 16 United States Code Annotated, §3503(a), must comply with the policies in 31 TAC §501.14(m).

6. State Parks, Wildlife Management Areas or Preserves. "Coastal preserve" is defined in 31 TAC §501.3(b)(3) as any land, including a park or wildlife management area, that is owned by the state and that is subject to Chapter 26, Parks and Wildlife Code, because it is a park, recreation area, scientific area, wildlife refuge, or historic site; and designated by the Texas Parks and Wildlife Commission as being coastal in character. Under 31 TAC §501.14(n), development by a person other than the Parks and Wildlife Department that requires the use or taking of any public land in such areas must comply with Texas Parks and Wildlife Code, Chapter 26.
7. Coastal shore areas, defined in TNRC §33.203(5) as an area within 100 feet landward of the highwater mark on submerged land.
8. Water under tidal influence, defined in TNRC §33.203(19) as water in this state, as defined by Section 26.001(5), Water Code, that is subject to tidal influence according to the Texas Commission on Environmental Quality's (formerly the Texas Natural Resource Conservation Commission's) stream segment map. The term includes coastal wetlands. The Council shall provide FEMA a detailed map indicating these areas influenced by tidal waters.

Section 3: Notification Procedures

For those proposed activities that will be reviewed for consistency with the CMP under the Council's rules (31 TAC §§506.50-506.52), FEMA shall submit to the Council Secretary FEMA's project worksheet, proposed work, and the name, address and telephone number for a point of contact. A description of the project must include at least the application, and location map, and supporting material required by FEMA, as well as the information required by Council rules at 31 TAC §506.50(c), which includes a brief evaluation on the relationship of the proposed activity to the CMP goals and policies and an evaluation of any reasonably foreseeable coastal effects. Under 31 TAC §506.51(d), if three members do not refer an application to the Council within 30 days of the date the Council Secretary receives a copy of the application, then the application is conclusively presumed to be consistent with the CMP.

Section 4: Interagency Coordination Procedures

The Council will work with FEMA and DEM in scoping meetings to identify CMP concerns and CMP applicability to FEMA activities following a federally declared disaster. FEMA and the Council may adopt amendments to this GC5 based on the scope of an individual disaster.

Section 5: Termination

- A. The Council may modify this GC5 by issuing another general concurrence, amendment or further revision. Prior to issuing any general concurrence or amendment that modifies or revises this GC5, the Council shall coordinate any modifications or revisions with FEMA.
- B. After consultation with FEMA, the Council may terminate this GC5 by publishing notice of the termination in the *Texas Register* at least thirty days prior to the termination date.
- C. FEMA may terminate this GC5 by providing 30 days written notice to the Council, provided that FEMA and the Council will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. This GC5 may be terminated by the execution of a subsequent GC that explicitly terminates or supersedes its terms.

Coastal Coordination Council
General Concurrence #5

David Dewhurst

David Dewhurst
Chairman
Coastal Coordination Council

10-25-2002

Date

Ron Castleman

Ron Castleman
Regional Director
FEMA, Region VI

11-6-02

Date

~~Jack Colley
State Coordinator
Texas Department of Public Safety
Division of Emergency Management~~

~~Date~~

Tom Haas

Tom Haas

11-13-02

Date

Chief Financial Officer

Texas Department of Public Safety

FEMA General Concurrence 5
APPENDIX B – CRITICAL AREAS

Critical Areas. Defined in Texas Natural Resource Code (TNRC) §33.203(8) and 31 TAC §501.3(a)(8) as a coastal wetland, oyster reef, hard substrate reef, submerged aquatic vegetation, or tidal sand or mud flat. Dredging and construction of structures in, or the discharge of dredged or fill material into critical areas must comply with the policies in 31 TAC §501.14(h).

a. Coastal Wetlands. Defined in TNRC §33.203(7) and 31 TAC §501.3(b)(5), are Wetlands, as the term is defined by Texas Water Code §11.502, located:

(1) seaward of the Coastal Facility Designation Line, established by rules adopted under Texas Natural Resources Code, Chapter 40;

(2) within rivers and streams to the extent of tidal influence, as shown on the Texas Natural Resource Conservation Commission's stream segment maps and described as follows:

(a) Arroyo Colorado from FM Road 1847 to a point 100 meters (110 yards) downstream of Cemetery Road south of the Port of Harlingen in Cameron County;

(b) Nueces River from US Highway 77 to the Calallen Dam 1.7 kilometers (1.1 miles) upstream of U.S. Highway 77 in Nueces/San Patricio County;

(c) Guadalupe River from State Highway 35 to the Guadalupe-Blanco River Authority Salt Water Barrier at 0.7 kilometers (0.4 miles) downstream of the confluence with the San Antonio River in Calhoun/Refugio County;

(d) Lavaca River from FM Road 616 to a point 8.6 kilometers (5.3 miles) downstream of US Highway 59 in Jackson County;

(e) Navidad River from FM Road 616 to Palmetto Bend Dam in Jackson County;

(f) Tres Palacios Creek from FM Road 521 to a point 0.6 kilometer (0.4 mile) upstream of the confluence with Wilson Creek in Matagorda County;

(g) Colorado River from FM Road 521 to a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County;

(h) San Bernard River from FM Road 521 to a point 3.2 kilometers (2.0 miles) upstream of State Highway 35 in Brazoria County;

(i) Chocolate Bayou from FM Road 2004 to a point 4.2 kilometers (2.6 miles) downstream of State Highway 35 in Brazoria County;

(j) Clear Creek from Interstate Highway 45 to a point 100 meters (110 yards) upstream of FM Road 528 in Galveston/Harris County;

(k) Buffalo Bayou (Houston Ship Channel) from Interstate Highway 610 to a point 400 meters (440 yards) upstream of Shepherd Drive in Harris County;

(l) San Jacinto River from Interstate Highway 10 upstream to the Lake Houston dam in Harris County;

(m) Cedar Bayou from Interstate Highway 10 to a point 2.2 kilometers (1.4 miles) upstream of Interstate Highway 10 in Chambers/Harris County;

(n) Trinity River from Interstate Highway 10 to the border between Chambers and Liberty Counties;

(o) Neches River from Interstate Highway 10 to a point 11.3 kilometers (7.0 miles) upstream of Interstate Highway 10 in Orange County;

(p) Sabine River from Interstate Highway 10 upstream to Morgan Bluff in Orange County; or

(3) within one mile of the mean high tide line of the portion of rivers and streams described by subparagraph (2) of this paragraph, except for the Trinity and Neches rivers.

(a) For the portion of the Trinity River described by subparagraph (2) of this paragraph, coastal wetlands include those wetlands located between the mean high tide line on the western shoreline of that portion of the river and FM Road 565 and FM Road 1409 or located between the mean high tide line on the eastern shoreline of that portion of the river and FM Road 563.

(b) For the portion of the Neches River described by subparagraph (2) of this paragraph, coastal wetlands include those wetlands located within one mile of the mean high tide line of the western shoreline of that portion of the river or located between the mean high tide line on the eastern shoreline of that portion of the river and FM Road 105.

b. Oyster reef. Defined in TNRC §33.203(13) and 31 TAC §501.3(b)(10), as a natural or artificial formation that is:

- (1) composed of oyster shell, live oysters, and other living or dead organisms;
- (2) discrete, contiguous, and clearly distinguishable from scattered oyster shell or oysters; and
- (3) located in an intertidal or subtidal area.

c. Hard substrate reef. A naturally occurring hard substrate formation, including a rock outcrop or serpulid worm reef, living or dead, in an intertidal or subtidal area. TNRC §33.203(12) and 31 TAC §501.3(b)(9).

d. Submerged aquatic vegetation. Rooted aquatic vegetation growing in permanently inundated areas in estuarine and marine systems. TNRC §33.203(16) and 31 TAC §501.3(b)(13).

e. Tidal sand or mud flat. A silt, clay, or sand substrate, without regard to whether it is vegetated by algal mats, that occur in intertidal areas and that are regularly or intermittently exposed and flooded by tides, including tides induced by weather. TNRC §33.203(17) and 31 TAC §501.3(b)(14).

FEMA General Concurrence 5
APPENDIX C – COASTAL HAZARD AREAS

Coastal Hazard Areas are defined in 31 TAC §501.3(a)(4) as special hazard areas and critical erosion areas. Goals and policies for determining the consistency of development in coastal hazard areas are found in 31 TAC §501.14(1).

a. A “special hazard area” is defined in TNRC §33.203(14) and 31 TAC §501.3(b)(11) as an area designated under 42 USCA §4001 et seq. as having special flood, mudslide or mudflow, or flood-related erosion hazards and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. Under 31 TAC §501.14(1)(1), subdivisions participating in the National Flood Insurance Program shall adopt ordinances or orders governing development in special hazard areas.

b. A “critical coastal erosion area” or “critical erosion area” is defined in TNRC §33.601(4) and 31 TAC §501.3(b)(7) as a coastal area that is experiencing historical erosion, according to the most recently published data of the Bureau of Economic Geology of The University of Texas at Austin, that the commissioner finds to be a threat to:

1. Public health, safety, or welfare;
2. Public beach use or access;
3. General recreation;
4. Traffic safety;
5. Public property or infrastructure;
6. Private commercial or residential property;
7. Fish or wildlife habitat; or
8. An area of regional or national importance.

Appendix C

Finding of No Significant Impact (FONSI)

For

**Final Programmatic Environmental Assessment
Grant Programs
Directorate Programs**



FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

**FINAL PROGRAMMATIC ENVIRONMENTAL ASSESSMENT
FOR THE EVALUATION OF FEMA'S GRANT PROGRAMS
DIRECTORATE PROGRAMS**

BACKGROUND

In accordance with the National Environmental Policy Act (NEPA) of 1969, FEMA's regulations for implementing NEPA at 44 Code of Federal Regulations (CFR) Part 10, and the President's Council on Environmental Quality NEPA implementing regulations at 40 CFR Parts 1500-1508, FEMA prepared a draft Programmatic Environmental Assessment (PEA) to evaluate the potential impacts to the human environment resulting from typical actions funded by FEMA's Grant Programs Directorate (GPD) through the homeland security and emergency preparedness grant programs. These programs provide grant funding to States, territories, local and Tribal governments, and private entities to enhance their homeland security and emergency preparedness efforts. The PEA is incorporated by reference into this FONSI.

The PEA is intended for actions that are relatively minor in scale and typically considered for funding under the various GPD programs. The PEA evaluated two alternatives: no action and program implementation. Under the program implementation alternative, FEMA evaluated the following seven project types: planning; management and administration; training; exercises; purchase of mobile and portable equipment; modification of existing structures and facilities; and new construction. FEMA will develop Tiered Site-specific Environmental Assessments (SEA) for those GPD actions requiring evaluation under areas of concern not evaluated in this PEA, having impacts beyond those described in the PEA, requiring mitigation to reduce the level of impacts below significance, or otherwise requiring a Tiered SEA as identified in Table 5-1 in the PEA.

Notice of the availability of the PEA was published in the Federal Register on April 8, 2010, for a 30-day public comment period. Based on comments received, FEMA removed communication towers as a project type evaluated in the PEA. FEMA will develop a separate analysis tiered from this PEA to address communication towers and will provide a 15-day public comment period on that document.

CONDITIONS

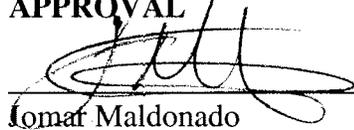
Actions under this PEA and FONSI must meet the following conditions. Failure to comply with these conditions would make the FONSI determination inapplicable for the project and could jeopardize the receipt of FEMA funding.

1. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state, and federal regulations. If contaminated materials are discovered during construction activities, the work will cease until the appropriate procedures and permits are implemented.
2. The grantee and subgrantee will follow applicable mitigation measures as identified in Section 7 of the PEA to the maximum extent possible.
3. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the grantee and subgrantee will immediately halt construction activities in the vicinity of the discovery, secure the site, and take reasonable measures to avoid or minimize harm to the finds. All archaeological findings will be secured and access to the sensitive area restricted. The grantee and subgrantee will inform FEMA immediately and FEMA will consult with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) or appropriate Tribal official. Construction work cannot resume until FEMA completes consultation and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act and other applicable Federal and State requirements.
4. The grantee and subgrantee must meet any project-specific conditions developed and agreed upon between FEMA and with environmental planning or historic preservation resource and regulatory agencies during consultation or coordination.
5. The grantee and subgrantee are responsible for obtaining and complying with all required local, State and Federal permits and approvals.

FINDING

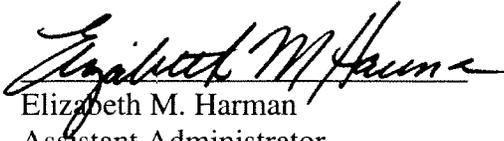
Based upon the information contained in the Final PEA, the potential impacts resulting from the seven project types analyzed in the PEA, and in accordance with FEMA's regulations at 44 CFR Part 10 and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), FEMA finds that the implementation of the proposed action will not have significant impacts to the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will not be prepared. This FONSI is based upon proposed actions fitting one of the seven project types described in the Final PEA and meeting all conditions prescribed for that particular project type.

APPROVAL



Omar Maldonado
Environmental Officer

Date 7/2/10



Elizabeth M. Harman
Assistant Administrator
Grant Programs Directorate

Date 7/6/10