

Draft Environmental Assessment

# Nixon Road Drainage Project

Combes, Texas

FEMA-1780-DR-TX

*July 2009*



**FEMA**

**U.S. Department of Homeland Security**  
FRC 800 North Loop 288  
Denton, TX 76209-3698

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## LIST OF ACRONYMS

CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impacts
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetland Inventory
RCRA	Resource Conservation and Recovery Act
TCEQ	Texas Commission on Environmental Quality
THC	Texas Historical Commission
TPDES	Texas Pollutant Discharge Elimination System
TPWD	Texas Parks and Wildlife Department
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

## **1.0 INTRODUCTION**

### **1.1 Project Authority**

On July 24, 2008, President Bush declared a major disaster as a result of damage due to Hurricane Dolly (FEMA-1780-DR-TX). As a direct result of Hurricane Dolly's heavy rainfall inundating the Town of Combes, severe flooding caused damages to several structures located in the community including the storm sewer system along Nixon Road. This damage was caused by the lack of a positive drainage discharge point for stormflows in the project area. According to the Mayor of Combes, this area including Nixon Road and the adjacent residential properties and agricultural fields were inundated for approximately four weeks following Hurricane Dolly. The Town of Combes has prepared and submitted an application (PW 1182) for Federal Emergency Management Agency (FEMA) funding under the Public Assistance program being administered in response to FEMA-1780-DR-TX. FEMA is considering funding the construction of improvements to the stormwater drainage system along Nixon Road to reduce the likelihood of future flooding in this area under Section 406(e) of the Stafford Act. Hazard Mitigation, Section 406 of the Stafford Act, is a funding source for cost-effective measures that would reduce or eliminate the threat of future similar damage to a facility damaged during a disaster.

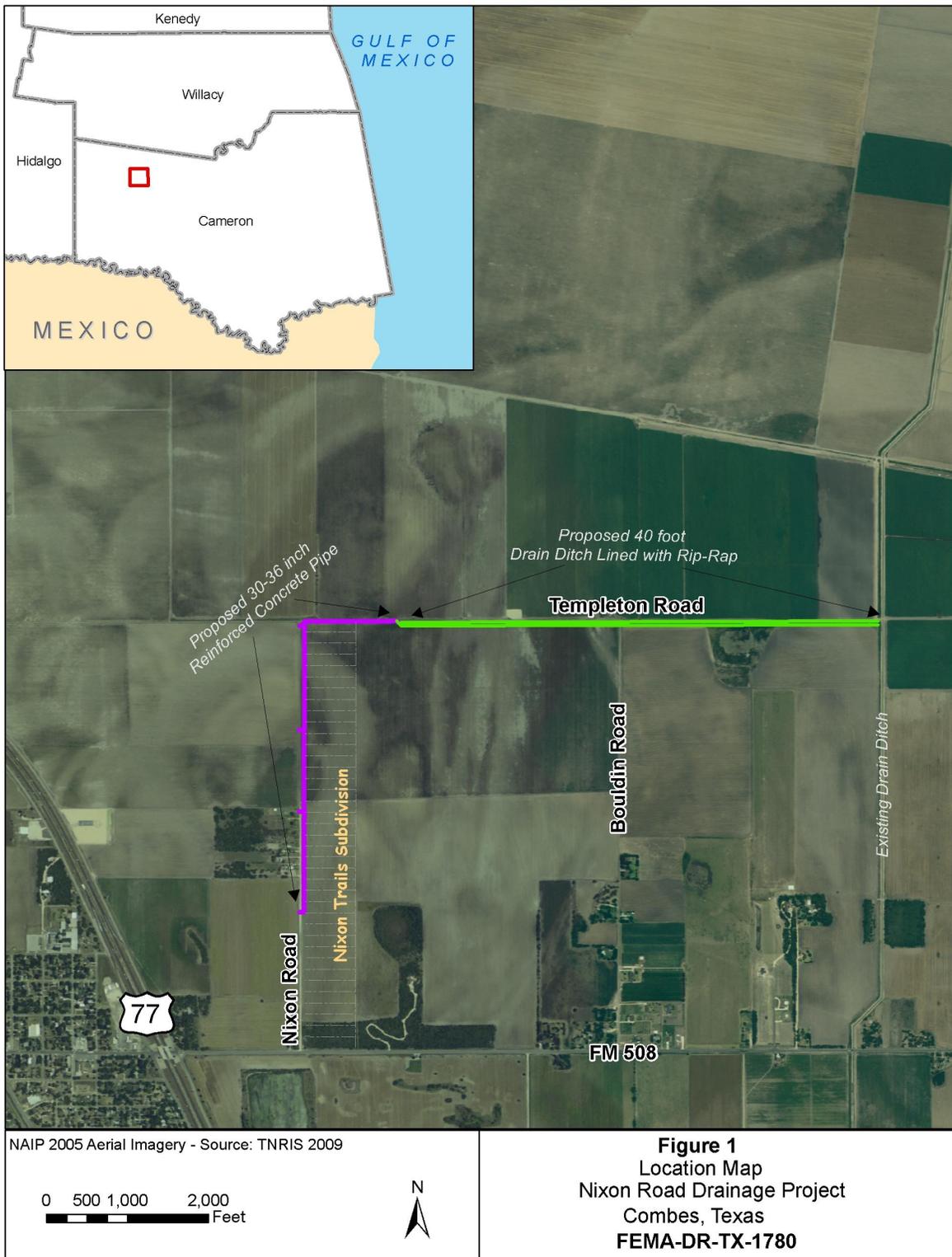
In accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288, as amended, and implementing regulations at 44 Code of Federal Regulations (CFR) Part 206, FEMA is required to review the environmental effects of the proposed action prior to making a funding decision. In accordance with 44 CFR, Part 10, FEMA has prepared this Environmental Assessment (EA) to meet the requirements of Section 102 of the National Environmental Policy Act of 1969 (NEPA). The purpose of this EA is to analyze the alternatives and assess the potential environmental impacts associated with the proposed project.

### **1.2 Project Location**

The proposed project is located along Nixon Road, east of U.S. Highway 77 in Combes, Cameron County, Texas. The proposed drainage improvements would be constructed along the east side of Nixon Road for approximately 3,600 feet north to the intersection with Templeton Road and along the south side of Templeton Road for approximately 7,050 feet east to connect with an existing drainage ditch (see *Figure 1*).

## **2.0 PURPOSE AND NEED**

The Town of Combes is a small community in Cameron County located just north of Harlingen, Texas with a population of 2,705. As a direct result of Hurricane Dolly, the Town of Combes received 18 to 23 inches of rain in a 48-hour period. The project area was inundated for approximately four weeks due to the lack of a positive drainage discharge for stormflows (conversation with Silvestre Garcia, Town of Combes, March 9, 2009). The purpose of the proposed action is to improve the stormwater drainage system along Nixon Road which would reduce the likelihood of flooding in this area. This project would benefit the residences along Nixon Road, the residences along Templeton Road and the agricultural land in the project area. The drainage area for the proposed project is 2,235 acres.



## **3.0 ALTERNATIVES**

### **3.1 No Action**

The No Action alternative would entail no improvements to the drainage system in the project area. Consequently, the citizens living adjacent to the Nixon Road and Templeton Road would be without an adequate drainage system to prevent flooding. Without the construction the proposed project, the community would remain unprotected from storm events and could again experience flood inundation for an extended period of time.

### **3.2 Proposed Action**

The Town of Combes has prepared and submitted an application for FEMA funding under FEMA's Public Assistance Program being administered in response to FEMA-1780-DR-TX. The proposed action is to improve the stormwater drainage system along Nixon Road. The project would begin approximately 1,720 feet north of the FM 508/Nixon Road intersection. A 30-36 inch reinforced concrete pipe would be constructed along the east side of Nixon Road for approximately 3,600 feet and turn east along the south side of Templeton Road for approximately 1,150 feet. There are four proposed inlets along Nixon Road. A 36 inch reinforced concrete pipe would connect to an existing 5,900 feet long drainage ditch which would be expanded to a top width of 40 feet and a depth of 5 feet with a 2:1 slope. A headwall would be constructed and concrete rip rap would be placed to connect the reinforced concrete pipe with the 40 feet wide drainage ditch. It would cross under Bouldin Road. This ditch would connect to an existing 35 feet wide drainage ditch via a proposed discharge structure. Construction of these facilities would consist of excavation, soil compaction, the placement of reinforced concrete pipe and inlets, the placement of concrete rip rap, construction of a headwall and a discharge structure. *Appendix A* shows a plan view and typical section of the proposed project and *Appendix B* includes site photos.

### **3.3 Alternatives Considered but not Carried Forward**

There were a number of alternatives considered but not carried forward. These alternatives were eliminated due to cost and/or feasibility. These alternatives included slight modifications to the proposed project including the size of the reinforced concrete pipe, the location of inlets, the dimensions of the drainage ditch, and the size of the concrete rip rap.

## **4.0 AFFECTED ENVIRONMENT AND IMPACTS**

### **4.1 Geology and Soils**

The proposed project is located in the southern part of Texas in the physiographic region known as the West Gulf Coastal Plain. The land surface in the region is a nearly flat depositional plain rising from sea level to about 35 feet. Cameron County is drained by the Rio Grande River and its tributaries. Cameron County has a warm climate with hot summers and mild winters. The precipitation averages 26 inches annually (Texas State Historical Association 2009).

The Geologic Atlas of Texas (GAT), McAllen-Brownsville Sheet, indicates the proposed project is underlain by Quaternary-age deposits of the Beaumont Formation. Sediments of the Beaumont Formation consist mostly of clays and mud, with some sand and silt layers. These clays have low permeability, high water-holding capacity, poor drainage, and high shrink-swell potential (Barnes 1976).

The soils on the site are mapped as Racombes complex 0 to 1 percent slopes, Raymondville complex 0 to 1 percent, and Willacy complex 0 to 1 percent. The Racombes and Raymondville series consists of moderately well drained soils that generally form in loamy and clayey sediments. The Willacy series consist of well drained soils that form in sandy sediments (USDA 2009).

The Farmland Protection Policy Act (FPPA) (P.L. 97-98, Sec. 1539-1549; 7 U.S. Code 4201, et seq.) was enacted to minimize the unnecessary conversion of farmland to non-agricultural uses as a result of federal actions. The NRCS is responsible for protecting significant agricultural lands from irreversible conversions that result in the loss of an essential food or environmental resource. Prime farmland is characterized as land with the best physical and chemical characteristics for the production of food, feed, forage, fiber, and oilseed crops. This land is either used for food or fiber crops or is available for those crops, but is not urban, built-up land, or water areas. Unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. The site is mapped as Racombes, Raymondville, and Willacy soils which are classified as prime farmland (USDA 2009).

Alternative A – No Action: The No Action alternative would have no impacts on the soils or geology of the area.

Alternative B – Construct an Improved Drainage System: Construction of the proposed project would cause some disturbance soils as part of the site preparation work. Since the site is relatively flat, the grading needed at the site would be minor. Exposed soils could be subject to erosion, therefore, silt fence and/or other storm water runoff best management practices would be utilized during construction. In general, effects to geology and soils would be minor and temporary in nature.

FPPA is intended to minimize the unnecessary conversion of farmland to non-agricultural uses as a result of federal actions. The proposed project would impact soils defined as prime farmland which are located within an existing drainage ditch; however these soils are not classified by NRCS as Important Farmland Soils because the proposed project area is already converted to urban uses. FPPA excludes such areas from the definition of “Farmland.” In compliance with FPPA, the proposed project was scored using the Farmland Conversion Impact Rating Form (AD-1006). The coordination letter from NRCS and Form AD-1006 are included in *Appendix C*.

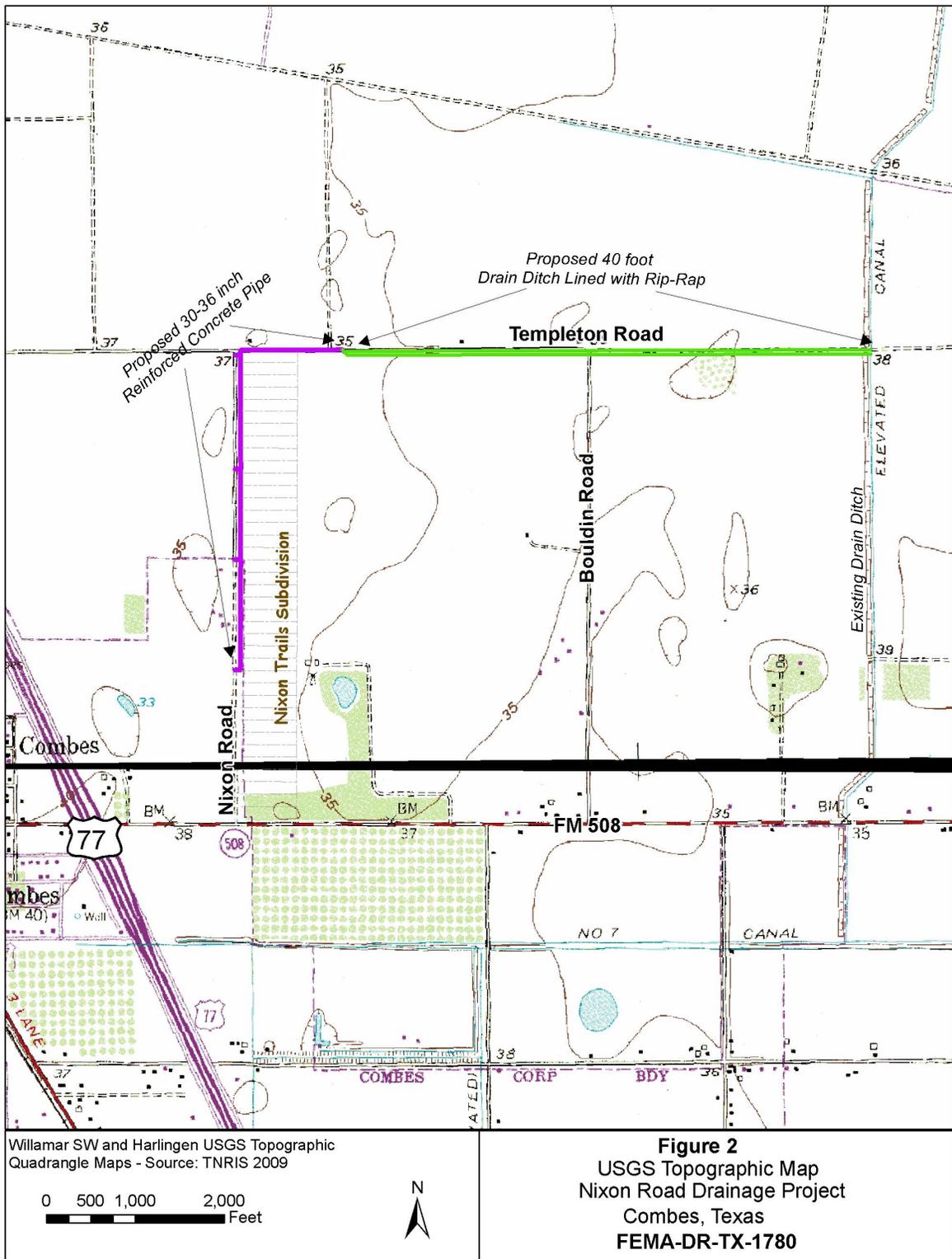
## **4.2 Water Resources**

### **4.2.1 Surface Water**

There are no rivers or creeks on the project site (see *Figure 2*). Storm water currently leaves the project site via sheet flow into a system of canals and eventually flows into the Arroyo Colorado River. This river flows into Laguna Madre and in turn into the Gulf of Mexico. There are no wild and scenic rivers, as designated under the Wild and Scenic Rivers Act, in the project area.

Alternative A – No Action: The No Action alternative would not change the site drainage nor have an effect on the surface water quality of the area.

Alternative B – Construct an Improved Drainage System: Potential impacts to surface waters associated with the construction of the proposed project include the potential for erosion and sedimentation during construction. Excavation and grading would be needed as part of the site



preparation work. During this period, stormwater runoff could carry sediment offsite into receiving waters. The impacts to receiving waterways downstream of this project would be negligible. Currently when flood levels get high enough near Nixon Road the water overflows into the existing drainage ditch along Templeton Road which drains into another existing drainage ditch along the eastern end of the project. A slight increase in runoff to the existing ditch could be expected. The additional area adjacent to Nixon Road which would be drained by the proposed improvements is only a small percentage of the entire drainage area for this project which comprises 2,235 acres. This

project would benefit the residences along Nixon Road, the residences along Templeton Road and the agricultural land in the project area. A Storm Water Pollution Prevention Plan would be prepared and erosion and sedimentation control measures would be implemented to minimize any detrimental effects to water quality during construction.

Because the project would disturb more than one acre, a Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) storm water permit would be required. This permit would require that a copy of the Storm Water Pollution Prevention Plan is kept on the construction site and that all sediment control measures identified in this plan are maintained. Any effects to water quality associated with the construction of the new facility would be short term and minimized by the use of best management practices. No long-term effects to water quality are expected as a result of the proposed project.

#### 4.2.2 Waters of the United States (U.S.) Including Wetlands

The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, pursuant to Section 404 of the Clean Water Act. Wetlands are identified as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. In addition, Executive Order 11990, Protection of Wetlands, directs federal agencies to take actions to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the values of wetlands on federal property.

Under Section 404 of the Clean Water Act, a permit is required from the USACE for any activities involving the discharge of dredged or fill material into waters of the U.S., including wetlands and tidally influenced waters. Dependent on the scope and type of impacts to waters of the U.S., authorizations may be in one of three primary forms: general permit, a letter of permission, or a standard individual permit.

A review of the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) map of the area was conducted in order to identify the potential for wetlands and/or other waters of the U.S. There are two existing drainage ditches in the project area. One is an earthen ditch which runs along the south side of Templeton Road and the other is a concrete lined canal on the eastern edge of the project. Both existing drainage ditches only carry water during storm events and neither flow into a navigable waterway. Additionally, there is no indication that these ditches were excavated through existing waters of the U.S. An onsite review of the project site by a qualified wetland scientist on March 9, 2009 did not find any potential areas meeting the definition of waters of the U.S., including wetlands.

Alternative A – No Action: The No Action alternative would have no effect on wetlands or other waters of the U.S. and would not require a Section 404 permit.

Alternative B – Construct an Improved Drainage System: The only water features in the project area are two existing drainage ditches which, based on the aforementioned description and a site visit by a qualified wetland scientist, do not meet the definition of waters of the U.S. The proposed project would not impact waters of the U.S., including wetlands, and therefore would not require a Section 404 permit. There are no navigable waters in the area; therefore, Section 10 of the Rivers and Harbors Act of 1899 does not apply.

#### 4.2.3 Floodplains

Executive Order 11988 (Floodplain Management) requires federal agencies to avoid or minimize development in the floodplain except when there are no practicable alternatives. According to the National Flood Insurance Program's Flood Insurance Rate Map (Community-Panel Number 4801010150-B), the project site is designated as Zone C and is not located within the 100-year or 500-year floodplain.

Alternative A – No Action: The No Action alternative would not result in impacts to the 100-year or 500-year floodplain.

Alternative B – Construct an Improved Drainage System: Since the proposed project site is not located within a designated floodplain, construction of the proposed project would have no impact on the 100-year or 500-year floodplain and does not require a review under Executive Order 11988.

### 4.3 Biological Resources

#### 4.3.1 Flora and Fauna

The project area is located in the Gulf Coast Prairies and Marshes natural region of Texas, as depicted in *Preserving Texas' Natural Heritage* (LBJ School of Public Affairs 1978). The prairies and marshes of the Texas Gulf Coast are among the richest grazing lands in the state. This region is also an excellent habitat for upland game and waterfowl and an important recreational hunting and fishing area (Hatch 1999).

The faunal communities in the Gulf Coast Prairies and Marshes natural region typically include coyote, ringtail, hog-nosed skunk, ocelot, and collared peccary. Smaller mammals include Mexican ground squirrel, Texas pocket mouse, northern pygmy mouse, and southern Plains woodrat. Birds of freshwater marshes, lakes, ponds, and rivers include reddish egret, white-faced ibis, black-billed whistling duck, white-fronted goose, and olivaceous cormorant. Reptiles and amphibians include eastern spadefoot toad, Gulf coast toad, American alligator, diamondback terrapin, spiny-tailed iguana, Texas horned lizard, Texas spotted whiptail, and indigo snake (USDA 2009). Due to the developed nature of the project area there is little habitat for faunal communities within the project area.

The project area is highly disturbed and the vegetation consists of secondary growth dominated by Bermuda grass (*Cynodon dactylon*). There were also several active agricultural fields growing crops such as sugar cane and corn and areas previously used for agricultural purposes surrounding the proposed project.

#### 4.3.2 Threatened and Endangered Species

As shown in *Table 1*, the USFWS lists ten species in Cameron County as being endangered (USFWS 2009). These species are the brown pelican (*Pelecanus occidentalis*), Northern Aplomado falcon (*Falco femoralis septentrionalis*), south Texas ambrosia (*Ambrosia cheiranthifolia*), Texas ayenia (*Ayenia limitaris*), Gulf Coast jaguarundi (*Herpailurus yagouaroundi cacomitli*), ocelot (*Leopardus pardalis*), West Indian manatee (*Trichechus manatus*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp’s Ridely sea turtle (*Lepidochelys kempii*), and the leatherback sea turtle (*Dermochelys coriacea*). Although currently listed as endangered, as a result of recovery efforts the brown pelican has made a strong comeback and has been proposed to be “delisted” throughout its range. The USFWS lists three species as being threatened, the green sea turtle (*Chelonia mydas*), the loggerhead sea turtle (*Caretta caretta*) and the piping plover (*Charadrius melodus*).

The Endangered Species Act (ESA) of 1973 provides for the protection of all listed threatened and endangered species from take as defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Harm is further defined by the USFWS to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined by USFWS as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering.

**Table 1**  
**Federal Listed Threatened/ Endangered Species in Cameron County**

Species	Status	Comments
<b>Birds</b>		
Brown Pelican	Proposed for Delisting, Endangered	coastal species - no habitat present in project area
Northern Aplomado Falcon	Endangered	migratory/ transient species
Piping Plover	Threatened	migratory/ transient species
<b>Flowering Plants</b>		
South Texas Ambrosia	Endangered	no habitat present in project area
Texas Ayenia	Endangered	no habitat present in project area
<b>Mammals</b>		
Gulf Coast Jaguarundi	Endangered	no habitat present in project area
Ocelot	Endangered	no habitat present in project area
West Indian Manatee	Endangered	marine species - no habitat present in project area
<b>Reptiles</b>		
Green Sea Turtle	Threatened	coastal species - no habitat present in project area
Hawksbill Sea Turtle	Endangered	coastal species - no habitat present in project area
Kemp’s Ridley Sea Turtle	Endangered	coastal species - no habitat present in project area
Leatherback Sea Turtle	Endangered	coastal species - no habitat present in project area

Species	Status	Comments
Loggerhead Sea Turtle	Threatened	coastal species - no habitat present in project area

Source: USFWS 2009

The following descriptions for each species is based on information provided by the USFWS and Texas Parks and Wildlife Department (TPWD).

The Northern Aplomado falcon's range includes Arizona to the southern tip of South America. In Texas, the falcons are found in south Texas and Trans-Pecos regions (TPWD 2009a). Currently, Aplomado falcons are being reintroduced in south Texas. The open grassland or savannah with scattered trees and shrubs preferred by the falcon is not found in the project area.

The piping plover migrates annually between its breeding and wintering grounds. The piping plover winters in Texas from approximately September to late March or early April (TPWD 2009b). The sand and gravel beaches, bay shores, sandflats, mudflats, algal mats and dunes preferred by this species are not found in the project area.

South Texas ambrosia blooms in the late summer and fall. The plant occurs in open grasslands or savannas varying from clay loam to sand loam soils in plant associations such as Texas grama, Texas wintergrass, and buffalograss. South Texas ambrosia has historically occurred in Cameron, Jim Wells, Kleberg, and Nueces counties in south Texas and in the state of Tamaulipas in Mexico. Today the species occurs at six known locations in Nueces and Kleberg counties (TPWD 2009c). The open grasslands or savannas varying from clay loam to sand loam soils preferred by this species does not occur in the project area.

The Texas Azenia is an unarmed shrub about two to five feet tall with alternate leaves that are oval and toothed. They are found at low elevations in dense, subtropical woodland communities. The species had previously been reported from Cameron and Hidalgo Counties in Texas and the states of Coahuila and Tamaulipas in Mexico. Currently the species is known from Hidalgo County and the state of Tamaulipas (TPWD 2009d). The subtropical woodlands preferred by this species does not occur in the project area.

There is very little known about the habitat of jaguarundi in Texas. It is thought that they occur in dense thorny shrublands of the Rio Grande Valley consisting of mixed thorn species such as: spiny hackberry, brasil, desert yaupon, wolfberry, lotebush, amargosa, white-brush, catclaw, blackbrush, lantana, guayacan, cenizo, elbowbush, and Texas persimmon. Texas counties where the jaguarundi has occurred during the past 30 years include Cameron and Willacy. The project area lacks the brushy habitat preferred by this species.

In Texas, ocelots are known to occur in the dense thorny shrub lands of the Lower Rio Grande Valley and Rio Grande Plains which consists of mixed brush species such as spiny hackberry, brasil, desert yaupon, wolfberry, lotebush, amargosa, white brush, catclaw, blackbrush, lantana, guayacan, cenizo, elbowbush, and Texas persimmon. Today, Texas counties that contain areas identified as occupied habitat are: Cameron, Duval, Hidalgo, Jim Wells, Kennedy, Kleberg, Live Oak, McMullen, Nueces, San Patricio, Starr, Willacy and Zapata (TPWD 2009f). The brushy habitat preferred by the species does not occur in the project area.

Alternative A - No Action: The No Action alternative would have no effect on threatened and endangered species.

Alternative B – Construct an Improved Drainage System: The site visit conducted on March 9, 2009 did not indicate the presence of habitat suitable for the endangered or threatened species listed in Cameron County. The project area is highly disturbed and the vegetation consists of secondary growth dominated by Bermuda grass. Immediately adjacent to the property are residential homes to the east, and corn and sugarcane fields to the north. As seen in *Figure 1*, the remaining adjacent lands are previously disturbed open fields. The proposed project would have no effect on threatened and endangered species.

#### **4.4 Air Quality**

The Clean Air Act requires that states adopt ambient air quality standards. The standards have been established in order to protect the public from potentially harmful amounts of pollutants. The U.S. Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS) for six air pollutants. These pollutants include sulfur dioxide (SO<sub>2</sub>), particulate matter with a diameter less than or equal to ten micrometers (PM<sub>10</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), and lead. The EPA has designated specific areas as NAAQS attainment or non-attainment areas. Non-attainment areas are any areas that do not meet (or that contribute to ambient air quality in a nearby area that does not meet) the quality standard for a pollutant. Attainment areas are any areas that meet ambient air quality standards. According to the TCEQ, Cameron County is currently designated as inside an attainment area (TCEQ 2009).

Alternative A – No Action: The No Action alternative would have no effect on air quality.

Alternative B – Construct an Improved Drainage System: Pollutant emissions from construction equipment may result in minor, temporary effects to air quality in the area immediately surrounding the construction activity. Vehicular exhaust emissions would be produced by the operation of diesel engines and other construction equipment. These effects would be localized and of short duration. The contractor would be required to keep all equipment in good working order to minimize air pollution.

#### **4.5 Transportation**

The proposed project is located along Nixon Road and Templeton Road, east of U.S. Highway 77 in Combes, Texas. The proposed project area is bounded by Nixon Road on the west, Templeton Road on the north, an elevated canal on the east and FM 508 on the south. A rural residential access called Bouldin Road runs north-south through the middle of the proposed project. U.S. Highway 77, located east of the project, is a rural highway that runs in a north/south direction connecting Corpus Christi to Brownsville.

Alternative A – No Action: The No Action alternative would have no effect on transportation in the area.

Alternative B – Construct an Improved Drainage System: Construction of the proposed project may have a temporary effect on transportation by increasing the number of vehicles on both Nixon Road and Templeton Road. The increase would be expected to be minor and would be due to contractors traveling to and from the proposed site during construction. There would be no road closures due to the fact that the construction would be done along the drainage adjacent to the roads.

## 4.6 Noise

Noise is generally defined as unwanted sound. The closest noise receivers to the proposed project site would be a few rural residences located along Nixon Road and Templeton Road. Noise levels within and adjacent to the project area would increase during the proposed construction activities as a result of construction equipment and vehicular traffic. The noise levels generated would be limited to workday daylight hours for the duration of the construction work. There are no local noise ordinances that would apply to the proposed project.

Alternative A – No Action: The No Action alternative would not result in impacts to noise receivers in the area.

Alternative B – Construct an Improved Drainage System: Construction of the proposed project would result in a slight increase in noise during the construction of the facility. The increase in noise is expected to be minor and would not affect any sensitive noise receivers.

## 4.7 Cultural Resources

Section 106 of the National Historic Preservation Act of 1966, as amended requires federal agencies “to take into account” the “effect” that an undertaking would have on “historic properties”. Historic properties are those included in or eligible for inclusion in the National Register of Historic Places (NRHP) and may include archeological sites, buildings, structures, sites, objects, and districts. In accordance with the Advisory Council on Historic Places regulations pertaining to the protection of historic properties (36 CFR 800.4), federal agencies are required to identify and evaluate historic-age resources for NRHP eligibility and assess the effects that the undertaking would have on historic properties.

A search of the Texas Historic Sites Atlas resulted in one historic property within 1000 meters of the proposed project. This property is denoted by Atlas Historical Marker Number 5061002724 and is located west of Nixon Road. This property commemorates James Henry Dishman, a key figure in Combes history. The area surrounding the project is primarily rural and agricultural. The Nixon Trails Subdivision, located adjacent to Nixon Road, consists of platted parcels and a few residences under construction. Residential structures in the project, aside from those under construction within the Nixon Trails Subdivision, appear to be low, single-story homes with extensive modifications or mobile home units.

Coordination with the Texas Historical Commission (THC) was initiated to provide information regarding potential archeological properties and National Register eligibility. The surrounding structures were not evaluated for eligibility for the NRHP as the Area of Potential Effect for this undertaking is limited to right-of-way along Nixon Road and Templeton Road. The main issue of concern was the ground disturbance relating to the improved drainage system. Due to the type and location of the documented historic properties returned by a search of the THC database, and the surrounding land use, FEMA has determined this property to be ineligible for the NRHP under Criterion D.

Alternative A – No Action: The No Action alternative would have no effect on cultural resources in the area.

Alternative B – Construct an Improved Drainage System: The THC was contacted by letter regarding the potential for archeological or historic resources to be impacted by the proposed project.

The THC concurred with FEMA's determination that no historic properties would be affected by the proposed project (see letter attached in *Appendix C*). Should any historic or archaeological materials be discovered during construction, all activities on the site would be halted immediately and the contractor and/or the Town of Combes would contact the THC for further guidance.

#### **4.8 Socioeconomic**

The project is located in the Town of Combes in northwest Cameron County. According to Census 2000, the Town of Combes, population 2,553 and per capita income of \$9,546, is located in Cameron County (USCB 2000). In comparison, Cameron County has a population of 335,227 and a per capita income of \$10,960. The primary industries in Cameron County are related to tourism and agriculture.

Alternative A – No Action: The No Action alternative would entail no improvements to the stormwater drainage system in the area. Consequently, Nixon Road and the adjacent residences would be left unprotected from possible flooding during the next storm event. This could result in a monetary burden to the community and property owners along Nixon Road.

Alternative B – Construct an Improved Drainage System: All residents in the area are expected to benefit from the improvements to the storm water drainage system. In addition, the construction the proposed project is expected to create jobs for construction activities in the short term.

#### **4.9 Environmental Justice**

Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," mandates that federal agencies identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs on minority and low-income populations. This Executive Order also tasks federal agencies with ensuring that public notifications regarding environmental issues are concise, understandable, and readily accessible. Socioeconomic and demographic data were studied to determine if a disproportionate number of minority or low-income persons have the potential to be adversely affected by the proposed project.

The 2000 Census lists 80.4 percent of the Town of Combes residents as white and therefore 19.6 percent as a minority consisting of Black or African Americans, American Indians, Alaska Natives, Asians, Native Hawaiians and other Pacific Islanders. Of the 2,553 residents of Combes 76.3 percent identify themselves as Hispanic or Latino. The median family income in 1999 was \$31,190 and 18.9 percent of families were below the poverty level (USCB 2000).

In comparison, the 2000 Census lists 80.3 percent of Cameron County's residents as white and therefore 19.7 percent as a minority. Of the 335,227 residents, 84.3 percent identify themselves as Hispanic or Latino. The median family income in 1999 is \$27,853 and 28.2 percent of families were below the poverty level (USCB 2000).

Alternative A – No Action: The No Action alternative would not have disproportionate impacts on minority or low-income populations.

Alternative B – Construct an Improved Drainage System: The proposed action is not expected to have adverse or disproportionate impacts on minority or low-income populations. The benefits of the proposed project are expected to be proportional to all residents in the area.

#### **4.10 Safety**

Safety and security issues that were considered in this environmental assessment include the health and safety of area residents, the public at-large, and the protection of personnel involved in activities related to the implementation of the proposed project.

Alternative A – No Action: The No Action alternative could have a negative effect on the general safety of the residents within the proposed project area. The lack of an adequate storm drainage system could flood some of the homes and agricultural fields in the area. The current drainage system caused the project area to be inundated for a four week duration as a result of Hurricane Dolly.

Alternative B – Construct an Improved Drainage System: Improvements to the stormwater drainage system in the project area would provide the community of Combes with flood protection due to the drainage system's ability to carry water away from Nixon Road and the surrounding residences.

#### **4.11 Hazardous Materials**

Hazardous wastes, as defined by the Resource Conservation and Recovery Act (RCRA), are defined as “a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may; (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or; (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.”

Hazardous materials and wastes are regulated in Texas by a combination of federal laws and state laws. Federal regulations governing the assessment and disposal of hazardous wastes include RCRA, the RCRA Hazardous and Solid Waste Amendments, Comprehensive Environmental Response, Compensation and Liability Act, Solid Waste Act, and Toxic Substances Control Act.

Visual observation of the project area did not reveal obvious existing or potential hazardous materials, substances, or conditions. No drums or other sources of potential hazardous materials were observed in the project area.

The following is a list of the federal and state databases reviewed for this project: EPA, National Priorities List, EPA Comprehensive Environmental Response, Compensation and Liability Information System List, EPA Resource Conservation and Recovery Information System List, TCEQ Superfund Registry, TCEQ Leaking Petroleum Storage Tank List, and TCEQ Petroleum Storage Tank List. The databases were searched by zip code, county, and street name. No facilities or properties in the project area were listed on the databases reviewed.

Alternative A – No Action: The No Action alternative would not disturb any hazardous materials or create any potential hazard to human health.

Alternative B – Construct an Improved Drainage System: Construction of the proposed project would not disturb any known hazardous materials or create any potential hazard to human health. If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination would be initiated in accordance with applicable federal, state, and

local regulations. The contractor would take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.

## **5.0 CUMULATIVE IMPACTS**

Cumulative impacts are those effects on the environment that result from the incremental effect of the action when added to past, present and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time. The only known projects planned within the vicinity of the proposed project are the repair of the damaged sewer system associated with Nixon, Hand and Kayla Roads. There are no other known projects that, when added to the sewer system repairs and the planned drainage system improvements, would have a cumulative impact on the human or natural environment.

## **6.0 PUBLIC INVOLVEMENT**

The public was invited to comment on the proposed action and the Draft Environmental Assessment. A legal notice was posted in the Valley Morning Star on July 3, 2009, and on FEMA's website (<http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>). Additionally, the Draft Environmental Assessment was made available for review for a period of 30 days at the Combes Town Hall located at 306 Templeton Avenue, Combes, Texas. A copy of the notice is attached in *Appendix D*.

## **7.0 AGENCY COORDINATION AND PERMITS**

As part of the development of this Environmental Assessment federal and state resource protection agencies were contacted. It is anticipated that no permits or approvals would be needed from any of the other regulatory agencies; however, the following agencies have been contacted and asked to comment on the proposed project:

- Texas Historical Commission
- Natural Resources Conservation Service

Agency response letters are attached in *Appendix C*.

## **8.0 CONCLUSION**

The findings of this Environmental Assessment conclude that the proposed project would result in no significant environmental impacts to the human or natural environment; therefore, the proposed action meets the requirements of a Finding of No Significant Impact (FONSI) under NEPA and the preparation of an Environmental Impact Statement (EIS) will not be required.

## 9.0 REFERENCES

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## **10.0 LIST OF PREPARERS**

### **Government Contributors:**

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### **Document Preparers:**

*Project Manager*

**Carlos Swonke, P.G.**, AECOM, Austin, Texas

*Principal Investigator*

**Tricia Bruck**, AECOM, Austin, Texas

**Kate Turner**, AECOM, Austin, Texas

## **APPENDICES**

**APPENDIX A    SITE PLANS**

TEMPLETON ROAD

PROP. 36" RCP  
PROP. INLETS

PROPOSED HEADWALL AND CONC. RIP RAP

PROPOSED 40' DRAIN DITCH

PROPOSED CROSSING UNDER BOULDIN ROAD

PROPOSED 40' DRAIN DITCH

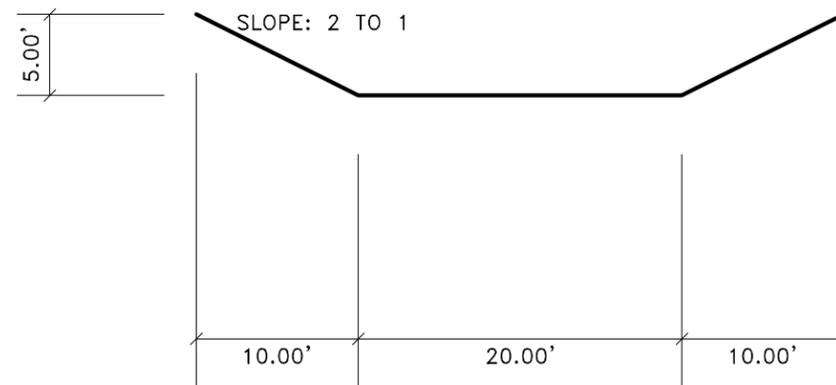
CONNECT TO EXISTING DITCH  
PROPOSED DISCHARGE STRUCTURE

EXISTING 35' DRAIN DITCH

BOULDIN ROAD

# NIXON ROAD MITIGATION PROJECT

## PROPOSED DITCH SECTION



PROP. 36" RCP

PROP. INLETS

PROP. 30" RCP

PROP. INLETS

PROP. 30" RCP

PROP. INLETS

NIXON TRAILS SUBDIVISION

NIXON ROAD

**APPENDIX B    SITE PHOTOS**



Photo 1 – Looking south along Nixon Road from the intersection with Templeton Road (30-36 inch RCP is proposed at this location)



Photo 2 – Looking east along Templeton Road from the intersection with Nixon Road (30-36 inch RCP is proposed at this location)



Photo 3 – Looking east along existing drainage ditch along Templeton Road (this ditch would be excavated to a 40 foot top-width and five foot height at a 2:1 slope)



Photo 4 – Looking south at an existing drainage ditch from its intersection with Templeton Road (the proposed project would connect at this location)

**APPENDIX C    AGENCY CORRESPONDENCE**

United States Department of Agriculture



Natural Resources Conservation Service

101 S. Main Street  
Temple, TX 76501-6624  
Phone: 254-742-9861  
FAX: 254-742-9859

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June 30, 2009

AECOM  
400 West 15<sup>th</sup> Street, Suite 500  
Austin, Texas 78701  
Attention: Kate Turner, Environmental Specialist

Subject: LNU--Farmland Protection  
Nixon Road Storm Sewer System  
Cameron County, Texas

We have reviewed the information provided concerning the Nixon Road Storm Sewer System near the town of Combes in Cameron County, Texas, as outlined in your letter dated May 26, 2009. This is part of the National Environmental Policy Act (NEPA) evaluation for the Federal Emergency Management Agency (FEMA). We have evaluated the proposed area as required by the Farmland Protection Policy Act (FPPA).

The soils at the proposed project are not classified as Important Farmland Soils because the work area is already converted to urban uses. The FPPA excludes such areas from the definition of "Farmland." We have completed the Farmland Conversion Impact Rating (form AD-1006) indicating the exemption. We encourage you to use accepted erosion control methods during the construction of the project.

We have attached the completed AD-1006 form for this project. Thank you for the resource materials you submitted to help in our evaluation. If you have any questions please call Laurie Kiniry at (254) 742-9861, Fax (254)-742-9859.

Sincerely,

A handwritten signature in cursive script that reads "Laurie N. Kiniry".

Laurie N. Kiniry  
Soil Scientist

Attachment

## FARMLAND CONVERSION IMPACT RATING

<b>PART I</b> (To be completed by Federal Agency)		Date Of Land Evaluation Request 5/26/2009			
Name of Project Combes Underground Storm Sewer System and drain		Federal Agency Involved FEMA			
Proposed Land Use drainage system		County and State Cameron County, Texas			
<b>PART II</b> (To be completed by NRCS)		Date Request Received By NRCS 5/28/2009		Person Completing Form: L. Kiniry	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land in Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System NONE	Date Land Evaluation Returned by NRCS 6/29/2009			
<b>PART III</b> (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		0.2			
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site		0.2			
<b>PART IV</b> (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
<b>PART V</b> (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
<b>PART VI</b> (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		<b>Maximum Points</b>	Site A	Site B	Site C
1. Area In Non-urban Use		(15)	8		
2. Perimeter In Non-urban Use		(10)	7		
3. Percent Of Site Being Farmed		(20)	12		
4. Protection Provided By State and Local Government		(20)	12		
5. Distance From Urban Built-up Area		(15)	8		
6. Distance To Urban Support Services		(15)	9		
7. Size Of Present Farm Unit Compared To Average		(10)	5		
8. Creation Of Non-farmable Farmland		(10)	2		
9. Availability Of Farm Support Services		(5)	1		
10. On-Farm Investments		(20)	10		
11. Effects Of Conversion On Farm Support Services		(10)	2		
12. Compatibility With Existing Agricultural Use		(10)	5		
<b>TOTAL SITE ASSESSMENT POINTS</b>		<b>160</b>	<b>81</b>		
<b>PART VII</b> (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160	81		
<b>TOTAL POINTS (Total of above 2 lines)</b>		<b>260</b>			
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:

U.S. Department of Homeland Security  
Federal Emergency Management Agency  
Austin Functional Service Center  
FEMA-1791-DR-TX  
6001 Airport Blvd., Suite D-200  
Austin, Texas 78752



**FEMA**



May 28, 2009

F. Lawrence Oaks  
State Historic Preservation Officer  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711-2276

Re: Nixon Road Storm Sewer System, Combes, Cameron County, Texas, FEMA Project Worksheet #1182; Determination of No Historic Properties Affected

Dear Mr. Oaks,

The purpose of the Federal Emergency Management Agency's (FEMA) Public Assistance Program is to provide funding to restore damaged facilities to their pre-disaster condition or to a condition sufficient to perform their pre-disaster functions. Hurricane Dolly caused high winds, wind-driven rain and flooding during the incident period between July 22 and August 1, 2008. As a result, a Presidential Disaster, referenced as DR-1780-TX, was declared which made Public Assistance funding available to Cameron County.

During the incident period, severe wind and rain from Hurricane Dolly damaged the existing drainage system throughout the Town of Combes. A Project Worksheet (PW) has been written to address this damage; it is referenced as FEMA PW #1182.

**Damage Description and Scope of Work**

Heavy rains from Hurricane Dolly saturated the ground and entered the sewer system of Combes, damaging it in several locations. The sewer and drainage lines associated with Nixon Road, Hand Road, and Kayla Road were extensively damaged. This included damage to sewer and drainage lines as well as manholes.

The scope of work includes repair of the sewer and drainage facilities on Hand and Kayla Roads to pre-disaster condition. No new ground disturbance will be required, and the facilities along those two sections will be repaired in-kind per the FEMA Programmatic Agreement.

However, the Town of Combes (the applicant) wishes to alleviate the problem on Nixon Road. Damage to the sewer system there occurred because the area does not have a point of positive drainage discharge for storm flows. The applicant proposes a drainage project that would construct a storm sewer system to drain the water on Nixon Road. Reinforced concrete pipes (RCPs, or concrete culverts) measuring thirty inches and thirty-six inches in diameter would be placed along Nixon Road, from the start of the Nixon Trails Subdivision on the south end (26.25327, -97.7224) to the intersection with Templeton Road on the north end (26.263, -97.72239).

Where Nixon Road connects to Templeton Road, the existing drainage ditch will be expanded. This drainage ditch runs from the intersection of Nixon Road and Templeton Road (26.263, -97.72239) east along the south side of Templeton Road to an existing Harlingen Irrigation District drain ditch (26.26289, -97.70055). In order to handle the flows from Nixon Road, this ditch will be expanded to forty feet wide and five feet deep, on a 2:1 slope (see attached mitigation sketch for ditch section).

The total project distance is approximately two miles (.67 mile on Nixon Road and 1.35 miles on Templeton Road).

### **Site History and Research**

A search of the Texas Historical Commission's online database resulted in only one historic property within approximately 1000 meters. Atlas Historical Marker No. 5061002724 is located west of the Nixon Road section of the project site. It commemorates James Henry Dishman, a key figure in Combes history. The area surrounding the project site is primarily rural and agricultural. The Nixon Trails Subdivision only consists of a few residences under construction, aside from the demarcation of parcels. Residential structures in the project area, aside from these newer buildings, appear to be low, single-story homes with extensive modifications or mobile home units.

### **Determination of Eligibility**

The surrounding structures were not evaluated for eligibility for the National Register of Historic Places as the Area of Potential Effect for this Undertaking is limited to the immediate property parcels. The main issue of concern was the ground disturbance relating to the new sewer system and drainage. Because of the type and location of documented historic properties returned by a search of the Texas Historical Commission database, and the surrounding land use, this property has been determined to be **ineligible** for the National Register of Historic Places under Criterion D.



**APPENDIX D PUBLIC NOTICE**

**Federal Emergency Management Agency  
PUBLIC NOTICE**

Notice of Availability of the Draft Environmental Assessment for the Construction of Improvements to a Stormwater Drainage System  
Combes, Cameron County, Texas  
FEMA-1780-DR-TX

Interested persons are hereby notified that the Town of Combes has applied to the Federal Emergency Management Agency (FEMA) for assistance with the construction of improvements to a stormwater drainage system to be located along Nixon Road and Templeton Road, east of U.S. Highway 77, in Combes, Texas. The proposed improvements would be constructed along the east side of Nixon Road for approximately 3,600 feet north to the intersection with Templeton Road and along the south side of Templeton Road for approximately 7,050 feet east to connect with an existing drainage ditch. The purpose of the proposed action is to improve the stormwater drainage along Nixon Road which would reduce the likelihood of flooding in this area. This project would benefit the residences along Nixon Road, the residences along Templeton Road and the agricultural land in the project area.

In accordance with the National Environmental Policy Act (NEPA) of 1969 and the implementing regulations of FEMA, an Environmental Assessment (EA) was prepared to assess the potential impacts of the proposed action on the human and natural environment. The Draft EA summarizes the purpose and need, alternatives, affected environmental, and potential environmental consequences for the proposed action. The Draft EA is available for comment and can be viewed and downloaded from FEMA's website at <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm> or viewed at the following location between July 3, 2009 and August 1, 2009:

Combes Town Hall  
306 Templeton Avenue  
Combes, Texas

The comment period will end 30 days from the initial notice publication date of July 3, 2009. Written comments on the Draft EA can be mailed or faxed to the contact listed below. If no substantive comments are received by 5:00 pm on August 1, 2009, the Draft EA will become final and a Finding of No Significant Impact (FONSI) will be issued for the project. Substantive comments will be addressed as appropriate in the final documents.

AECOM  
c/o Carlos Swonke  
400 West 15th Street, Suite 500 FAX - 512-472-7519  
Austin, TX 78701