

**FINDING OF NO SIGNIFICANT IMPACT**  
**For**  
**MCCOLLUM PARK PROJECT**  
**CHAMBERS COUNTY, TEXAS**  
**FEMA-1791-DR-TX**

BACKGROUND

In accordance with 44 Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), Subpart B - Agency Implementing Procedures, Section 10.9, an environmental assessment (EA) was prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969. The purpose of the proposed action is to repair and protect the eroded embankment located at the edge of McCollum Park, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The participation of FEMA in the proposed action is dictated by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288, as amended, and implementing regulations at 44 CFR Part 206, Federal Disaster Assistance for Disasters Declared on or after November 23, 1988. These rules control the eligibility and funding for public assistance disaster relief. Any assistance FEMA can provide is determined and controlled by these regulations.

The project site is located in Chambers County between Beach City and Anahuac, Texas within McCollum Park. The proposed project would be constructed at the edge of McCollum Park along the Trinity Bay shoreline 10 feet landward of the existing bulkhead over a distance of 812 feet.

As a direct result of the storm surge and intense wave action from Hurricane Ike, McCollum Park experienced severe erosion along its shoreline. The shoreline has continued to erode since Hurricane Ike hit in September 2008. Due to this erosion, the bay shoreline along the park has been fenced off to protect visitors from falling approximately 14 feet down the eroded embankment; therefore the bay is currently inaccessible from the park. In addition, continued erosion places the covered picnic areas, large oak trees and other park amenities at risk of being lost completely. The purpose of the proposed project is to provide protection to McCollum Park and the park amenities landward of the shoreline and to restore bay access for park visitors. The proposed alternatives are 1) No Action and 2) Proposed Action – construction of a Cement Stabilized Sand (CSS) wave erosion control wall. The no action alternative would entail no activities to stabilize erosion. Consequently, McCollum Park and its amenities would be left unprotected and erosion would continue unabated. The CSS wall would extend 812 feet along the embankment and the top of the wall would be 17.1 feet elevation. Other alternatives considered but dismissed were slope replacement with no mitigation, placement of gabion baskets, and construction of a sea wall. The gabion basket alternative was not carried forward on account of on-going maintenance and the other two alternatives did not fulfill the project purpose requirements.

The public was invited to comment on the proposed action and the Draft Environmental Assessment. A legal notice was posted in the *Anahuac Progress* on August 19 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

Chambers County Annex located at 201 Airport Road, Anahuac, Texas.

## FINDINGS

FEMA has made the following determinations from the information contained in the EA:

The proposed project as described in the EA will not result in any significant adverse impacts to existing land use, water resources (surface water, groundwater, waters of the United States, wetlands, and floodplains), air quality, noise, biological resources (vegetation, fish and wildlife, state and Federally-listed threatened or endangered species and critical habitats), safety, hazardous materials and waste, cultural resources, or result in disproportionately high or adverse effects on minority or low-income populations. The proposed action is also in compliance with all relevant Federal, state and local laws, including Executive Orders (EO) 11988 (Floodplain Management), EO 11990 (Protection of Wetlands), and EO 12898 (Environmental Justice).

## CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize Federal funds:

The EA and this FONSI apply only to the project area that has been specifically described and evaluated in the EA. Any other areas beyond the project area that may be impacted due to changes in the project plan must be evaluated for compliance with NEPA and other applicable Federal, State and local environmental and historic preservation laws, regulations, and Executive Orders.

Because the project will disturb more than one acre, a Texas Pollutant Discharge Elimination System storm water permit will be required. This permit requires 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.

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 will be initiated in accordance with applicable Federal, state, and local regulations. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area and project work area.

No historic or cultural remains are likely to be encountered during the construction activity; however, in accordance with Section 106 of the National Historic Preservation Act, should unanticipated historic or cultural materials be encountered during construction, all construction activities will cease immediately until their cultural affiliation and ultimate disposition is determined in consultation between FEMA and the State Historic Preservation Officer.

## CONCLUSIONS

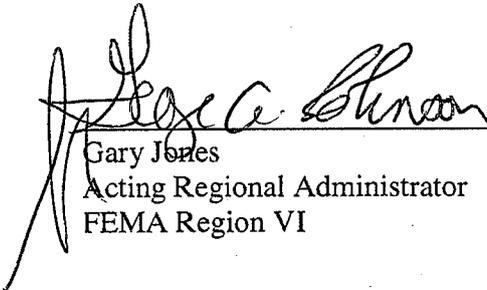
Based on the findings of the EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that

the proposed project qualifies as a major Federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.9) and the proposed project as described in the attached EA may proceed.

APPROVAL

  
\_\_\_\_\_  
Jomar Maldonado  
Agency Environmental Officer  
FEMA

Date 10/23/09

  
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Gary Jones  
Acting Regional Administrator  
FEMA Region VI

Date 10/23/09