



Environmental Services, Inc.

17 January 2011

Ms. Catherine Yeargan
US Fish and Wildlife Service
Ecological Services Field Office – Clear Lake
17629 El Camino Real, Suite 211
Houston, Texas 77058-3051

**RE: Proposed Jefferson County Drainage District No. 6 Project:
Tyrrell Park Subdivision Drainage Improvements
Beaumont, Jefferson County, Texas
HJN 090042 EA**

Dear Ms. Yeargan:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with drainage improvements in the Tyrrell Park Subdivision of Beaumont. The federal funding process requires compliance with the National Environmental Policy Act (NEPA). This coordination letter is being provided for your agency's response in conformance with NEPA procedures and coordination requirements under the Endangered Species Act.

The 131-acre watershed in the City of Beaumont, which is the subject of this grant application, experiences frequent structure flooding. The watershed is a developed subdivision known as the "Upper Ditch 200-B2 Watershed." The subdivision is known as Tyrrell Park and it lies in southern Beaumont, Texas. Some level of structure flooding occurs during rainfall events with a recurrence interval of five (5) years. The cause of the structure flooding is the fact that the finished floor elevations of the structures are right at natural ground elevation, and this natural ground is lower in many circumstances than the elevation of the outfall structures that drain to Willow Marsh Bayou. The flow rates generated by the run-off from the 131 acres causes head loss through the crossings and ditches, and causes floodwaters to enter the houses in the area.

The proposed drainage improvements include construction of two small detention basins (14 acre feet), increasing the size of a road crossing, and buyout of five (5) homes which are situated in the lowest elevations in the area and subject to repetitive flooding. The buyout area will be used for the detention basins. The net result of this effort will be a lower 100-year water surface in the area, and a significant reduction in flooding. By removing the lowest homes, the design water surface can be increased.

Maps depicting the proposed drainage improvements are attached. The proposed project is located within the FEMA 500-year floodplain (Zone X). The project will not impact wetlands or waters of the US. On-site photographs are also attached.

090042_USFWS_itr ©

CORPORATE HEADQUARTERS

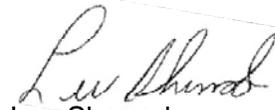
1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
Certified WBE/DBE/HUB

Federally listed threatened or endangered (T/E) species known to occur in Jefferson County include bald eagle (*Haliaeetus leucocephalus*) (delisted, but monitored), piping plover (*Charadrius melodus*), green sea turtle (*Chelonia mydas*), Atlantic hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempi*), leatherback sea turtle (*Dermochelys coriacea*), and loggerhead sea turtle (*Caretta caretta*) (USFWS, 2011). Additionally, the USFWS lists the following migratory bird species as being of potential occurrence in many or all Texas counties: Eskimo curlew (*Numerius borealis*), interior least tern (*Sterna antillarum athalossos*), and whooping crane (*Grus americana*).

The project site is within an existing residential subdivision. Horizon observed no federally listed T/E species or potential habitats on or within the immediate vicinity of the project area. We are requesting that your office indicate below whether or not any Federally-listed T&E species are known to occur in the vicinity of the project. Your prompt attention to this matter would be greatly appreciated, as your response is important in completing the application for a Flood Mitigation Assistance Program Grant from the FEMA.

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



Lee Sherrod
Vice President

YES (please circle one) NO
Federally-listed T&E species known to occur in project vicinity

For U.S. Fish and Wildlife Service / Date

References:

(USFWS) Endangered Species List web site, <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/ListSpecies.cfm>. Accessed 17 January 2011.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Division of Ecological Services
17629 El Camino Real #211
Houston, Texas 77058-3051



November 2010

Thank you for your request for threatened and endangered species information in the Clear Lake Ecological Services Field Office's area of responsibility. According to Section 7(a)(2) of the Endangered Species Act and the implementing regulations, it is the responsibility of each Federal agency to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any federally listed species.

Please note that while a Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment, the Federal agency must notify the U.S. Fish and Wildlife Service (Service) in writing of such designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

A county by county listing of federally listed threatened and endangered species that occur within this office's work area can be found at <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/default.cfm>. You should use the county by county listing and other current species information to determine whether suitable habitat for a listed species is present at your project site. If suitable habitat is present, a qualified individual should conduct surveys to determine whether a listed species is present.

After completing a habitat evaluation and/or any necessary surveys, you should evaluate the project for potential effects to listed species and make one of the following determinations:

- **No effect** – the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.
- **Is not likely to adversely affect** – the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.



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

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

The Service’s Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Endangered Species Act requirements for your projects at <http://endangered.fws.gov/consultations/s7hndbk/s7hndbk.htm>.

If we can further assist you in understanding a federal agency’s obligations under the Endangered Species Act, please contact Donna Anderson, Moni Belton, Kelsey Gocke, David Hoth, Charrish Stevens, or Arturo Vale at 281/286-8282.

Sincerely,



Edith Erfling
Field Supervisor, Clear Lake Field Office



Environmental Services, Inc.

17 January 2011

Ms. Tammy S. Brooks
Coastal Coordination Council Secretary
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

**RE: Proposed Jefferson County Drainage District No. 6 Project:
Tyrrell Park Subdivision Drainage Improvements
Beaumont, Jefferson County, Texas
HJN 090042 EA**

Dear Ms. Brooks:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to indentify flood-prone areas to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with drainage improvements in the Tyrrell Park Subdivision of Beaumont. The federal funding process requires compliance with the National Environmental Policy Act (NEPA). This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

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Maps depicting the proposed drainage improvements are attached. The proposed project is located within the FEMA 500-year floodplain (Zone X). The project will not impact wetlands or waters of the US. On-site photographs are also attached.

CORPORATE HEADQUARTERS

1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
Certified HUB/DBE/SBE

Please review the attached figures and information concerning the proposed project to determine if the project is consistent with your agency's environmental regulations or policies. Please respond by letter at your earliest convenience. Your prompt attention to this matter would be greatly appreciated, as your correspondence is necessary to complete the application for a Flood Mitigation Assistance Program Grant with the FEMA.

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Vice President



Coastal Coordination Council

P.O. Box 12873 ♦ Austin, Texas 78711-2873 ♦ (800) 998-4GLO ♦ FAX (512) 475-0680

Chairman

Jerry Patterson

Texas Land Commissioner



Members

Karen Hixon

Parks & Wildlife Commission
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Texas Commission on
Environmental Quality

Robert R. Stickney

Sea Grant College Program

Robert "Bob" Jones

Coastal Resident Representative

Jerry Mohn

Coastal Business Representative

George Deshotels

Coastal Government
Representative

Bob McCan

Agriculture Representative



Kate Zultner

Council Secretary

Jesse Solis, Jr.

Permit Service Center
Corpus Christi
1-866-894-3578

Permit Service Center
Galveston
1-866-894-7664

March 17, 2011

Horizon Environmental Services, Inc.
1507 South IH 35
Austin, TX 78741

**Re: Proposed Jefferson Co. Drainage District No. 6 project:
Tyrrell Park Subdivision Drainage Improvements
Beaumont, Jefferson County, Texas
HJN 090042
CMP #: 11-0287-F5**

Based on information provided to the Texas Coastal Management Program on the above project, it has been determined that it will likely not have adverse impacts on coastal natural resource areas (CNRAs) in the coastal zone. However, siting and construction should avoid and minimize impacts to CNRAs. If a U. S. Army Corps of Engineers permit is required, it will be subject to consistency review under the Texas Coastal Management Program.

If you have any questions or concerns, please contact me at (512) 936-9581 or at kate.zultner@glo.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Kate Zultner".

Kate Zultner
Consistency Review Coordinator
Texas General Land Office



Environmental Services, Inc.

17 January 2011

Ms. Kelly Holligan
Director of Water Quality Planning
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

**RE: Proposed Jefferson County Drainage District No. 6 Project:
Tyrrell Park Subdivision Drainage Improvements
Beaumont, Jefferson County, Texas
HJN 090042 EA**

Dear Ms. Holligan:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with drainage improvements in the Tyrrell Park Subdivision of Beaumont. The federal funding process requires compliance with the National Environmental Policy Act (NEPA). This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

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Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Vice President

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 1, 2011

Mr. Lee Sherrod
Horizon Environmental Services, Inc.
1507 South IH 35
Austin, TX 78741

Re: TCEQ Grant and Texas Review and Comment System (TRACS) #2011-054, City of Beaumont, Jefferson County - Proposed Drainage District No. 6 Project: Tyrrell Park Subdivision Drainage Improvements

Dear Mr. Sherrod:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers following comments:

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 and Title 30, Texas Administrative Code § 101.30 indicates that the proposed project is located in Jefferson County, which is currently classified as a maintenance ozone area. Therefore, General Conformity rules apply.

The two criteria pollutants of concern as precursors to ozone formation are volatile organic compounds (VOCs) and nitrogen oxides (NO_x). An increase of 100 tons per year for VOCs or NO_x, resulting from the proposed project, could trigger general conformity analysis. However, the emissions from the proposed project are expected to be well below the 100 tons per year significance level. Therefore, a General Conformity analysis will not be required.

Although any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions should pose no significant impact upon air quality standards. Any minimal dust and particulate emissions should be easily controlled by the construction contractors using standard dust mitigation techniques.

We do not anticipate significant long term environmental impacts from this project as long as construction and waste disposal activities associated with it are completed in accordance with applicable local, state, and federal environmental permits and regulations. We recommend that the applicant take necessary steps to insure that best management practices are utilized to control runoff from construction sites to prevent detrimental impact to surface and ground water.

Thank you for the opportunity to review this project. If you have any questions, please contact Ms. Tangela Niemann at (512) 239-3786 or tangela.niemann@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Harrison".

Jim Harrison, Director
Intergovernmental Relations Division

Lee Sherrod

From: Lee Sherrod
Sent: Wednesday, January 19, 2011 7:44 PM
To: 'txnidd@tpwd.state.tx.us'
Subject: FW: Tyrrell Park Drainage Improvements, Jefferson County, Texas
Attachments: 090042A04vic.pdf; 090042A01_topo.pdf

Please provide an EOR for the Beaumont West Quad in Jefferson County. See attached.

Thank you.

C. Lee Sherrod
Vice President
Horizon Environmental Services, Inc.™
1507 South IH 35
Austin, TX 78741
(512)328-2430
(512)328-1804 fax
(512)431-3562 cell
lee_sherrod@horizon-esi.com
www.horizon-esi.com

Horizon
Environmental Services, Inc.

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Environmental Services, Inc.

17 January 2011

Texas Natural Diversity Database
Wildlife Diversity Program
Texas Parks and Wildlife Department
3000 South IH-35, Suite 100
Austin, TX 78704

**RE: Proposed Jefferson County Drainage District No. 6 Project:
Tyrrell Park Subdivision Drainage Improvements
Beaumont, Jefferson County, Texas
HJN 090042 EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with drainage improvements in the Tyrrell Park Subdivision of Beaumont. The federal funding process requires compliance with the National Environmental Policy Act (NEPA). This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

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Maps depicting the proposed drainage improvements are attached. The proposed project is located within the FEMA 500-year floodplain (Zone X). The project will not impact wetlands or waters of the US. On-site photographs are also attached.

CORPORATE HEADQUARTERS

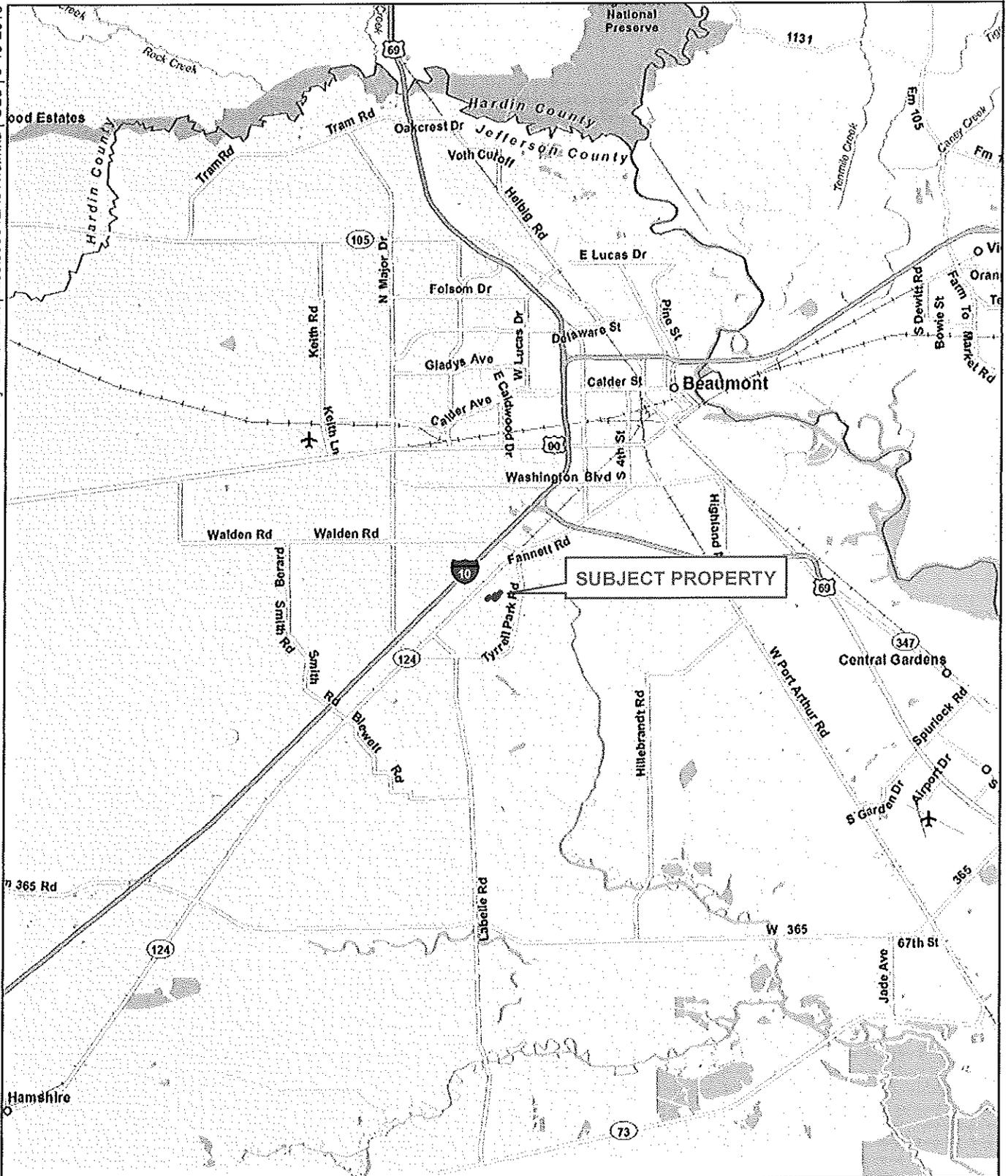
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Certified HUB/DBE/SBE

The project location is mapped on Beaumont West USGS Quadrangle. We are requesting that you review the attached figures and information concerning the proposed project and provide an element occurrence record to Horizon for the project vicinity. Your prompt attention to this matter would be greatly appreciated, as this information is needed to complete the application for a Flood Mitigation Assistance Program Grant with the FEMA.

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.


Lee Sherrod
Vice President



MAP SOURCE: ESRI, 2009.

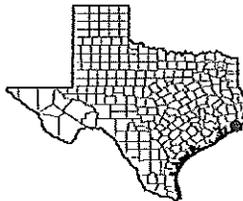
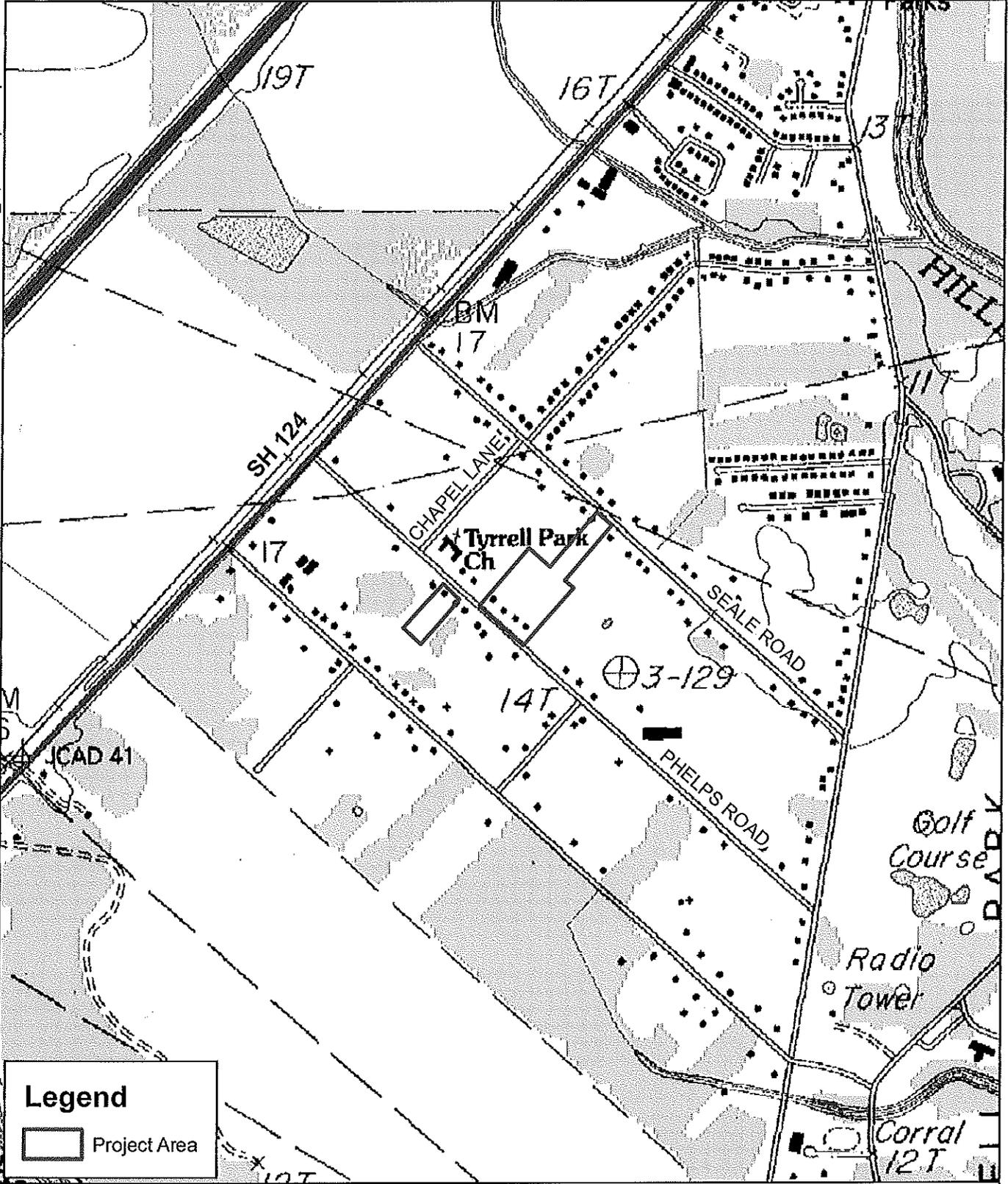


FIGURE 1

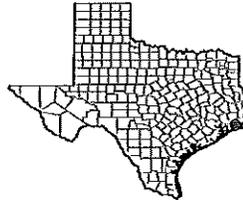
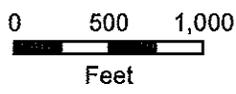
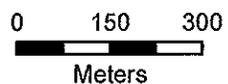
PROJECT LOCATION MAP
 TYRRELL PARK DRAINAGE IMPROVEMENTS
 SEALE ROAD AND SH 124
 BEAUMONT, JEFFERSON COUNTY, TEXAS



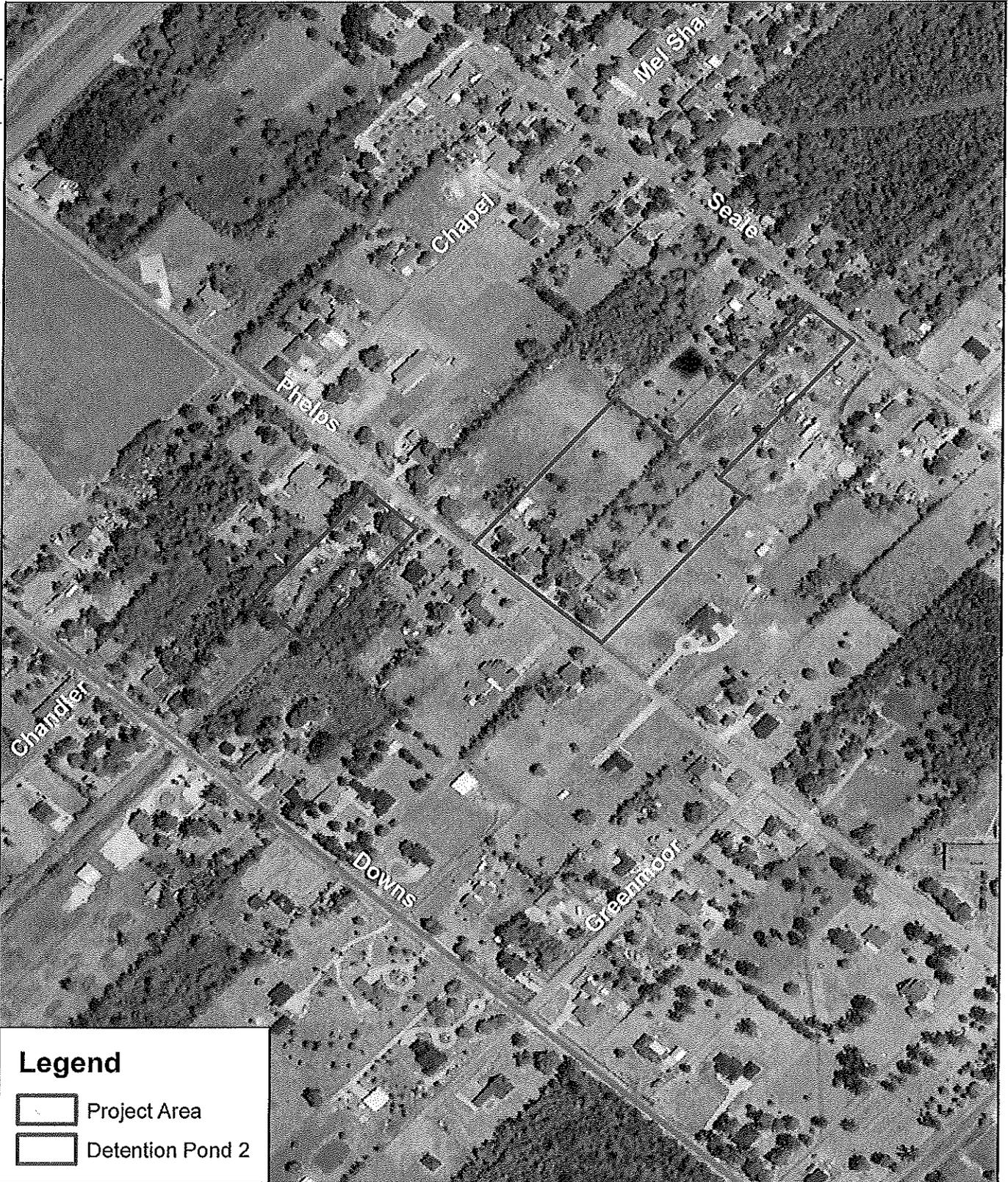
Legend

 Project Area

MAP SOURCE: USGS, 7.5' SERIES, TEXAS QUADRANGLES, BEAUMONT WEST, 1994.



JEFFERSON COUNTY
 DRAINAGE DISTRICT #6
 PROPOSED TYRELL PARK
 DETENTION PONDS
 BEAUMONT, JEFFERSON COUNTY, TEXAS



Legend

-  Project Area
-  Detention Pond 2

MAP SOURCE: USDA, 2010.



FIGURE 2

2010 AERIAL PHOTOGRAPH
TYRRELL PARK DRAINAGE IMPROVEMENTS
SEALE ROAD AND SH 124
BEAUMONT, JEFFERSON COUNTY, TEXAS



Photo 1: Typical view of project site



Photo 2: Typical view of project site.

Lee,

The Texas Natural Diversity Database (TXNDD) includes federal, and state listed and tracked Threatened, Endangered, and Rare species. The attached .zip file contains documents that will guide you in appropriate use, restrictions, and shapefile interpretation of Texas NDD data as well as a request for adding data to the TXNDD. At this time, the NDD is showing that we **do not** have available information in the requested quads; areas where EO data are absent **do not mean** absence of occurrence for Threatened, Endangered, and Rare species. Included is an EO **list** of the T&E and Rare species element occurrences, information the TXNDD has available presently, buffered to approximately 10 miles from the requested quad boundaries to notify you of other potential federal, and state listed and tracked Threatened, Endangered, and Rare species within the area. To round out your review, please use the pertinent TPWD Annotated County lists of Rare Species; webpage address found below. For questions on these county lists please contact Celeste Brancel at celeste.brancel@tpwd.state.tx.us or (512)389-8021.

Your information request includes one or more records for **colonial waterbirds**. For more up-to-date information on the **colonial waterbirds** you will need to contact Brent Ortego at brent.ortego@tpwd.state.tx.us or (361) 576-0022.

As there are designated Ecologically Significant Stream Segments in your request area or downstream, here's the link to more information on our website: http://www.tpwd.state.tx.us/landwater/water/enviroconcerns/water_quality/sigsegs/. In addition, the sigstrmsegs shapefiles are available for download at http://www.tpwd.state.tx.us/landwater/land/maps/gis/data_downloads/.

Absence of information in an area does not mean absence of occurrence. *Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Data from the TXNDD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within your project area. These data cannot substitute for an on-site evaluation by qualified biologists.*

TPWD Annotated County Lists:

http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/

USFWS species lists: http://ecos.fws.gov/tess_public/servlet/gov.doi.tess_public.servlets.EntryPage

USFWS CRITICAL HABITAT: <http://criticalhabitat.fws.gov/>

There is a one week turn-around due to the number of requests that we receive. Thank you for your patience.

Bob Gottfried
Texas Natural Diversity Database Admin.

-----Original Message-----

From: Lee Sherrod [mailto:lee_sherrod@horizon-esi.com]

Sent: Wed 2011-01-19 7:44 PM

To: Texas Natural Diversity Database

Subject: FW: Tyrrell Park Drainage Improvements, Jefferson County, Texas

Please provide an EOR for the Beaumont West Quad in Jefferson County. See attached.

Thank you.

C. Lee Sherrod
Vice President
Horizon Environmental Services, Inc.™
1507 South IH 35
Austin, TX 78741
(512)328-2430
(512)328-1804 fax
(512)431-3562 cell
lee_sherrod@horizon-esi.com
www.horizon-esi.com



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Environmental Services, Inc.

17 January 2011

Mike Segner
State Coordinator for NFIP Program.
Texas Water Development Board
1700 Congress
Stephen F. Austin State Office Building
Austin, Texas 78711

**RE: Proposed Jefferson County Drainage District No. 6 Project:
Tyrrell Park Subdivision Drainage Improvements
Beaumont, Jefferson County, Texas
HJN 090042 EA**

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1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
Certified HUB/DBE/SBE

Please review the attached figures and information concerning the proposed project to determine if the project is consistent with your agency's environmental regulations or policies. Please respond by letter at your earliest convenience. Your prompt attention to this matter would be greatly appreciated, as your correspondence is necessary to complete the application for a Flood Mitigation Assistance Program Grant with the FEMA.

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Vice President

Texas Water Development Board

P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.state.tx.us
Phone (512) 463-7847, Fax (512) 475-2053
1-800-RELAYTX (for hearing impaired)

January 26, 2011

C. Lee Sherrod
Vice President
Horizon Environmental Services, Inc.
1507 South IH 35
Austin, TX 78741

Re: Proposed Jefferson County Drainage District No. 6 project:
Tyrrell Park Subdivision Drainage Improvements
Beaumont, Jefferson County, Texas
HJN 090042 EA

Dear Mr. Sherrod:

This is in response your letter of January 17, 2011, concerning the referenced project. After a review of the information you provided for an Application for Approval of Reclamation Project, our findings indicate that as a participant in the National Flood Insurance Program (NFIP), that Jefferson County has approval authority for projects within their jurisdiction. Please ensure that you coordinate with the community for any specific details concerning development within the Special Flood Hazard Area.

Thank you for bringing this matter to our attention.

Sincerely,



Michael Segner, CFM
NFIP State Coordinator

Our Mission

To provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas

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