

Draft Environmental Assessment

City of Clute Parks and Recreation Department Building Replacement Project

FEMA-DR-1791-TX, PW 12768

Brazoria County, Texas

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FEMA

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APE	Area of Potential Effects
BMP	Best Management Practice
CAA	Clean Air Act
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resource System
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	carbon monoxide
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
dB	decibel
DNL	Day-Night Average Sound Level
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
GLO	Texas General Land Office
HGAC	Houston Galveston Area Council
NAAQS	National Ambient Air Quality Standards
NAVD 88	North American Vertical Datum of 1988
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NO ₂	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
NWR	National Wildlife Refuge
O ₃	ozone
OSHA	Occupational Safety and Health Administration
Pb	lead



PM _{2.5}	particulate matter less than 2.5 microns
PM ₁₀	particulate matter less than 10 microns
SHPO	State Historic Preservation Office
SO ₂	sulfur dioxide
SWPPP	Stormwater Pollution Prevention Plan
T&E	threatened and endangered
TCEQ	Texas Commission on Environmental Quality
TCMP	Texas Coastal Management Plan
TDEM	Texas Department of Emergency Management
THC	Texas Historical Commission
TPDES	Texas Pollutant Discharge Elimination System
TPWD	Texas Parks and Wildlife Department
TWDB	Texas Water Development Board
USACE	U.S. Army Corps of Engineers
USCB	U.S. Census Bureau
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WOUS	Waters of the United States

SECTION ONE INTRODUCTION

On September 13, 2008, Hurricane Ike struck the Texas Gulf Coast, causing extensive damage. Subsequently, a Presidential Disaster Declaration, FEMA-DR-1791-TX, was signed for Hurricane Ike. High winds associated with Hurricane Ike caused a large tree to break and fall onto the City of Clute Parks and Recreation Department building, causing severe damage. The building has since been demolished due to public health and safety concerns. The City of Clute, Texas, has submitted an improved project application (Project Worksheet 12768) for Federal Emergency Management Agency (FEMA) funding under FEMA's Public Assistance Program being administered in response to FEMA-DR-1791-TX for the replacement and expansion of the City of Clute Parks and Recreation Department Building. As an Improved Project, applicants performing restoration work on a damaged facility may use the opportunity to make additional improvements, while restoring the facility to its pre-disaster function and capacity.

In accordance with 44 Code of Federal Regulations (CFR), Part 10, FEMA has prepared this Environmental Assessment (EA) to meet the requirements of the National Environmental Policy Act of 1969 (NEPA), the President's Council on Environmental Quality (CEQ) regulations to implement NEPA (40 CFR Parts 1500-1508), and FEMA's regulations implementing NEPA (44 CFR Part 10). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the proposed City of Clute Parks and Recreation Department Building Replacement Project. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The City of Clute is located southeast of Lake Jackson and approximately 60 miles south of Houston in south central Brazoria County, Texas. The proposed project consists of constructing a new Parks and Recreation Department Building at the former building site located at 100 Parkview Drive, within the Clute Municipal Park (Appendix A, Figure 1).

SECTION TWO PURPOSE AND NEED

On September 13, 2008, high winds associated with Hurricane Ike caused a large tree to break and fall onto the City of Clute Parks and Recreation Department building. The building sustained severe damage to interior and exterior building components from the fallen tree and subsequent exposure to wind driven rain. The damages exceeded the 50% repair/replacement ratio, meeting FEMA's criteria for demolition and replacement of the building. The building has since been demolished due to public health and safety concerns.

The Parks and Recreation Department operates and maintains the City's five (5) municipal parks, the Clute Municipal Pool, and the Clute Community Center. The Parks and Recreation Department also coordinates the City's special events, including the annual Great Texas Mosquito Festival at Clute Municipal Park. In addition to department operations, the building also provided the community with a room for receptions and special events.

The Parks and Recreation Department is currently leasing office space at the BASF Building located at 218 Highway 332 in Clute because no special events facility for community use is available in Clute Municipal Park. Consequently, there is a need to provide the Parks and Recreation Department with a suitable permanent replacement facility at Clute Municipal Park that will provide all of the functions of the predisaster facility. Construction of a replacement facility in a location outside of the park could provide adequate office space, but would not restore the community-use function of the predisaster facility. The City has submitted an improved project application to FEMA for the construction of a new, larger facility that would include space for a new community center and visitor's bureau. A larger facility would also meet the increased public demand for the delivery of public services since the original facility was constructed in 1984. The proposed project would provide the Parks and Recreation Department with a new permanent facility and additional park amenities to better serve the community, and would support local tourism for the City.

SECTION THREE ALTERNATIVES

This section describes the alternatives that were considered in addressing the purpose and need stated in Section 2 above. Two alternatives are evaluated in this EA: the No Action Alternative (Alternative 1), and the Proposed Action Alternative (Alternative 2), which is the construction of a new Parks and Recreation Department building. Reconstruction of the building within its original footprint was also considered but has been dismissed from further consideration (Alternative 3).

3.1 ALTERNATIVE 1: NO ACTION

Under the No Action Alternative, the City of Clute would not construct a replacement facility. The Parks and Recreation Department would continue operating without a permanent facility and would continue leasing office space at the BASF Building located at 218 Highway 332 in Clute. The BASF building is located approximately 1.5 miles southeast of Clute Municipal Park. This distance creates logistical problems for the Department because they are removed from the park system that they are charged with administering and maintaining. Additionally, park amenities at Clute Municipal Park would not be restored to pre-disaster condition because the community would no longer have a venue at the park for reception and special events.

3.2 ALTERNATIVE 2: NEW PARKS AND RECREATION DEPARTMENT FACILITY (PROPOSED ACTION)

Under the Proposed Action Alternative, the City of Clute proposes to use FEMA funding, in conjunction with City reserve funding, for an Improved Project to construct a new 12,452-square foot Parks and Recreation Department Building. The new building would be constructed in an expanded footprint at the former building's location at 100 Parkview Drive (29.0239 North Latitude, 95.4083 West Longitude), and would include office space for the City's Park and Recreation Department, a visitor's bureau, and a community center. Construction of the new building would require demolition of the former building's concrete slab foundation, tree removal, and site leveling and grading (Appendix A, Figure 2). The new building would connect to existing water and sewer utilities that served the former building. The existing parking lot located along Parkview Drive would provide parking for the new facility. A preliminary site plan for the proposed facility is provided in Appendix B. A photographic log of the proposed project site is provided in Appendix C.

3.3 ALTERNATIVES CONSIDERED AND DISMISSED

The City of Clute also considered options to rebuild the former facility on its pre-disaster footprint. However, the City determined that the original foundation of the former building does not meet current windstorm requirements and that it is not feasible to modify, remove, or replace it. In addition, replacement of the building to its pre-disaster footprint and size would not accommodate the increased public demand for public services at Clute Municipal Park. Therefore, this alternative was dismissed from further consideration.

SECTION FOUR AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

This section describes the potential impacts of the Proposed Action Alternative and the No-Action Alternative. Where potential impacts exist, conditions or mitigation measures to offset these impacts are detailed. A summary table is provided in Section 4.7.

4.1 PHYSICAL RESOURCES

4.1.1 Geology, Soils, and Seismicity

According to the Geologic Atlas of Texas, Houston Sheet, the project area is in the Alluvium sediment deposits in the Holocene epoch of the Quaternary time period. Alluvium is defined as an unconsolidated accumulation of stream-deposited sediments, including clay, silt, sand, and organic matter abundant locally, and includes point-bar, natural levee, stream channel, back swamp, coastal marsh, mud-flat, and narrow beach deposits (Texas Water Development Board (TWDB) 2011a). A review of the U.S. Geological Survey (USGS) 7.5-minute topographic map for the Lake Jackson, Texas quadrangle indicates that the elevation of Clute is relatively flat at 10 to 15 feet North American Vertical Datum of 1988 (NAVD88; USGS 2010).

According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) online Web Soil Survey, the proposed project site contains soils classified as Pledger clay. The Pledger series consists of very deep, moderately well-drained, very slowly permeable soils on nearly level floodplains. The soils formed from calcareous stratified clayey alluvium. Slopes range from 0 to 1 percent (USDA/NRCS 1997).

The Farmland Protection Policy Act (FPPA) states that Federal agencies must “minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses...” The resources protected by the FPPA include prime and unique farmland. These lands are categorized by the USDA/NRCS based on underlying soil mapping units. Pledger clay is classified as a prime farmland soil (USDA/NRCS 2009). A letter requesting project review was sent to the NRCS on September 14, 2011. In a response letter dated September 19, 2011, the NRCS identified the site as farmland areas that are already converted to urban uses and therefore excluded from the FPPA (Appendix D).

Executive Order (EO) 12699 (Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction) establishes responsibilities regarding the seismic-related safety of buildings owned, leased, or funded by Federal agencies. Under this EO, each Federal agency responsible for the design and construction of a Federal or federally funded building must ensure that the building is designed and constructed in accordance with appropriate seismic design and construction standards.

The Texas gulf coastal region is located along the Gulf-margin Normal Faults, a fault belt with strikingly low historical seismicity; the stress field and seismogenic potential of the underlying crust are unknown; and, therefore, the ability of the fault belt to generate significant seismic ruptures that could cause damaging ground motion is unclear (Wheeler 1999, USGS 2011). According to the USGS National Seismic Hazard Maps, the Texas Gulf Coast, including the proposed project area, is located in the lowest hazard probability area for seismicity (USGS 2008).



No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to geology or soils.

Proposed Action Alternative – Under the Proposed Action Alternative, construction activities would not be deep enough to impact underlying geologic resources. However, minor, short-term impacts to 0.5 acre of soils would occur during demolition of the former building foundation, site preparation, and construction of the new building. Additionally, long-term, minor impacts to approximately 0.2 acre of soils will occur as a result of the proposed building's expanded footprint. Soils on the proposed project site have been previously disturbed from previous land clearing and development of the municipal park, and from construction of the former Parks and Recreation Department Building.

The applicant would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and obtain a Texas Pollutant Discharge Elimination System (TPDES) permit prior to construction. Implementation of appropriate Best Management Practices (BMPs), as described in the SWPPP and required for the TPDES permit, would help minimize site runoff and would also satisfy the NRCS recommendations in their September 19, 2011 response letter, that BMPs be implemented for the project (Appendix D). BMPs could include the installation of silt fences and the revegetation of disturbed soils to minimize 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 construction activities, the work will cease until the appropriate procedures and permits can be implemented.

4.1.2 Air Quality

The Clean Air Act (CAA) requires that States adopt ambient air quality standards. The standards have been established to protect the public from potentially harmful amounts of pollutants. Under the CAA, the U.S. Environmental Protection Agency (USEPA) establishes primary and secondary air quality standards. Primary air quality standards protect the public health, including the health of “sensitive populations, such as people with asthma, children, and older adults.” Secondary air quality standards protect public welfare by promoting ecosystem health, and preventing decreased visibility and damage to crops and buildings. The USEPA has set national ambient air quality standards (NAAQS) for the following six criteria pollutants: ozone (O₃), particulate matter (PM_{2.5}, PM₁₀), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), and lead (Pb).

The Texas Commission on Environmental Quality (TCEQ) has adopted USEPA's NAAQS as Texas' criteria pollutants. Areas that fail to meet Federal standards for ambient air quality are considered non-attainment. The General Conformity Final Rule (40 CFR Parts 51) specifies criteria or requirements for conformity determinations for Federal projects. The General Conformity Rule ensures that the actions taken by Federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. TCEQ and USEPA consider Brazoria County a severe non-attainment area for O₃ (TCEQ 2011).

Agency letters requesting project review were sent to the USEPA and TCEQ on September 14, 2011. No responses have been received to date.

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no effect on air quality.



Proposed Action Alternative – Under the Proposed Action Alternative, no long-term impacts to air quality would occur. Short-term, minor impacts to air quality may occur during construction. To reduce these impacts, the construction contractors would be required to water down construction areas to control dust when necessary. Emissions from fuel-burning internal combustion engines (e.g., heavy equipment and earthmoving machinery) could temporarily increase the levels of some of the criteria pollutants, including CO, NO₂, O₃, PM₁₀, and non-criteria pollutants such as volatile organic compounds. To reduce the emission of criteria pollutants, fuel-burning equipment running times would be kept to a minimum and engines would be properly maintained.

4.2 WATER RESOURCES

4.2.1 Surface Water

The Clean Water Act (CWA), as amended in 1977, established the basic framework for regulating discharges of pollutants into the Waters of the United States (WOUS).

The proposed project site contains no surface water features. The proposed project site is located 0.7 mile south of Oyster Creek, 2.8 miles north of the Brazos River, and 8.0 miles from the Gulf of Mexico. Several freshwater lakes and ponds are located within 0.5 mile of the proposed project site. Stormwater runoff from Clute Municipal Park primarily drains into a concrete V-bottom drainage ditch which extends east-west through the park, approximately 400 feet northwest of the project site, then north to the Velasco Drainage Ditch. The Velasco Drainage Ditch flows to the northeast into Oyster Creek. However, this drainage ditch is upgradient of the proposed project site and would not receive stormwater runoff from the project site. Stormwater from the project site drains south to a 3-foot-wide concrete ditch, located at the intersection of Emerald Drive and Parkview Drive, that provides stormwater conveyance along the southeast corner of the park. The concrete ditch conveys stormwater to the municipal storm sewer via a catch basin, located in the southeast corner of the park. The storm sewer drains south under Marion Street and into the Temple Drainage Ditch. The Temple Drainage Ditch extends south from Marion Street to the Clute/Lake Jackson Ditch, located along Highway 332/288, which drains into Flag Lake Drainage Canal and East Union Bayou (USGS 2010).

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to surface waters.

Proposed Action Alternative – Under the Proposed Action Alternative, minor short-term impacts to offsite surface waters may occur due to transport of sediment from disturbed soils by stormwater runoff during construction. To reduce impacts, the applicant would implement appropriate BMPs, such as installing silt fences and revegetating bare soils. The applicant would also be required to prepare a SWPPP and obtain a TPDES permit prior to construction.

4.2.2 Groundwater

The Gulf Coast Aquifer forms a wide belt along the Gulf of Mexico from Florida to Mexico. In Texas, the aquifer provides water to all or parts of 54 counties and extends from the Rio Grande northeastward to the Louisiana-Texas border. Municipal and irrigation uses account for 90 percent of the total pumpage from the aquifer. The Greater Houston metropolitan area is the



largest municipal user, where well yields average about 1,600 gallons/minute (TWDB 2011b). According to the TWDB Groundwater Database, previous groundwater levels recorded at a City of Clute Water Plant (State Well Number 6561918), located at the southwest corner of Clute Municipal Park, were recorded at 86 feet below the land surface (TWDB 2009).

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to groundwater.

Proposed Action Alternative – Under the Proposed Action Alternative, no impacts to groundwater are anticipated. The proposed facility would connect to existing water and sanitary sewer connections associated with the former building; therefore no new water well or septic systems would be installed. Construction activities are not anticipated to reach a sufficient depth to directly impact groundwater.

4.2.3 Waters of the U.S. Including Wetlands

The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into WOUS, including wetlands, pursuant to Section 404 of the CWA. Additionally, EO 11990 (Protection of Wetlands) requires Federal agencies to avoid, to the extent possible, adverse impacts to wetlands.

The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) of the project area was reviewed to identify the potential for wetlands and/or other WOUS to occur within the project area. The NWI map identified no wetlands on or adjacent to the proposed project site (USFWS 2011a). A site visit by a FEMA Environmental Specialist on August 18, 2011, confirmed that no wetlands or other WOUS under USACE jurisdiction are present on the proposed project site.

The concrete V-bottom drainage ditch that extends east-west through the park approximately 400 feet northwest of the project site, appears to be a modified natural stream and would likely be considered a WOUS under the jurisdiction of the USACE. However, the smaller concrete ditch that drains the project site to the municipal storm sewer is a manmade drainage feature that was constructed in and drains only uplands, and would therefore not be considered a WOUS and would not be under the jurisdiction of the USACE.

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to wetlands or other WOUS.

Proposed Action Alternative – Under the Proposed Action Alternative, no impacts to WOUS including wetlands, would occur. Appropriate BMPs would be implemented to minimize soil erosion and reduce sediment transport to offsite surface waters and wetland areas.

4.2.4 Floodplains

EO 11988 (Floodplain Management) requires Federal agencies to avoid direct or indirect support of development within the 100-year floodplain whenever there is a practicable alternative. FEMA uses Flood Insurance Rate Maps (FIRMs) to identify the regulatory 100-year floodplain for the National Flood Insurance Program. Consistent with EO 11988, FIRMs were examined during the preparation of this EA (Figure 3). The proposed project site is location within Flood

Zone X, outside the 100- and 500-year floodplains (FEMA 1989; Map Number 48039C0620H, Effective June 5, 1989).

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to floodplains.

Proposed Action Alternative – Under the Proposed Action Alternative, construction would take place outside the 100-year floodplain and the proposed project would have no impact on the floodplain.

4.3 COASTAL RESOURCES

The Coastal Zone Management Act (CZMA) enables coastal States, including Texas, to designate State coastal zone boundaries and develop coastal management programs to improve protection of sensitive shoreline resources and guide sustainable use of coastal areas. The Texas General Land Office (GLO) monitors and manages coastal zone actions in partnership with the Federal government under the CZMA within the Texas Coastal Zone. All federally funded projects must be consistent with the Texas Coastal Management Program (TCMP).

The Coastal Barrier Resources Act (CBRA) of 1982, administered by USFWS, was enacted to protect sensitive and vulnerable barrier islands found along the U.S. Atlantic, Gulf, and Great Lakes coastlines. The CBRA established the Coastal Barrier Resources System (CBRS), which is composed of undeveloped coastal barrier islands, including those in the Great Lakes. With limited exceptions, areas contained within a CBRS are ineligible for direct or indirect Federal funds that might support or promote coastal development, thereby discouraging development in coastal areas.

According to the GLO Coastal Zone Boundary Map, the proposed project site is located within the Texas Coastal Zone (Texas GLO 2011). A review of the USFWS CBRS maps identified that the proposed project site is located outside of the CBRS (USFWS 2011b).

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to coastal resources.

Proposed Action Alternative – Under the Proposed Action Alternative, the City of Clute would construct a new Parks and Recreation Department Building to replace the former structure at the same location. Although the new building would be enlarged to accommodate a community center and other park services, the project is not intended to promote additional development within the coastal zone; rather it is meant to meet the existing community's demand for additional public services at Clute Municipal Park. In addition, the proposed project site is not located within the CBRS and is not anticipated to promote additional development within the Texas Coastal Zone. Based on consultation with Texas General Land Office (GLO) and review of Coastal Coordination Council (CCC) General Concurrence #5, FEMA has determined that this project is consistent with the goals and policies of the Texas Coastal Management Program (CMP) and consistency review procedures as implemented by the GLO. (Appendix D).

4.4 BIOLOGICAL RESOURCES

The Endangered Species Act (ESA) of 1973 provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. Section 7



of the ESA requires Federal agencies, in consultation with the USFWS and/or the National Oceanic and Atmospheric Administration Fisheries Service (NOAA), to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The ESA also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife.

The USFWS lists the following federally threatened and endangered (T&E) species for Brazoria County:

Common Name	Scientific Name	Status
Piping Plover	<i>Charadrius melodus</i>	T
West Indian manatee	<i>Trichechus manatus</i>	E
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>	E
Leatherback sea turtle	<i>Dermochelys coriacea</i>	E
Kemp's Ridley sea turtle	<i>Lepidochelys kempii</i>	E
Green sea turtle	<i>Chelonia mydas</i>	T
Loggerhead sea turtle	<i>Caretta caretta</i>	T
Source: USFWS 2011c; T = Threatened, E = Endangered		

In addition to the federally listed T&E species, Texas Parks and Wildlife Department (TPWD) also lists the following state-listed threatened and endangered species for Brazoria County:

Common Name	Scientific Name	Status
American Peregrine Falcon	<i>Falco peregrinus anatum</i>	T
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T
Brown pelican	<i>Pelecanus occidentalis</i>	E
Eskimo Curlew	<i>Numenius borealis</i>	E
Peregrine Falcon	<i>Falco peregrinus</i>	T
Piping Plover	<i>Charadrius melodus</i>	T
Reddish Egret	<i>Egretta rufescens</i>	T
Sooty Tern	<i>Sterna fuscata</i>	T
White-faced Ibis	<i>Plegadis chihi</i>	T
White-tailed Hawk	<i>Buteo albicaudatus</i>	T
Whooping Crane	<i>Grus Americana</i>	E
Wood Stork	<i>Mycteria americana</i>	T
Smalltooth Sawfish	<i>Pristis pectinata</i>	E
Jaguarundi	<i>Herpailurus yaguarondi</i>	E
Louisiana Black Bear	<i>Ursus americanus luteolus</i>	T

Common Name	Scientific Name	Status
Ocelot	<i>Leopardus pardalis</i>	E
Red Wolf	<i>Canis rufus</i>	E
False spike mussel	<i>Quadrula mitchelli</i>	T
Smooth pimpleback	<i>Quadrula houstonensis</i>	T
Texas fawnsfoot	<i>Truncilla macrodon</i>	T
Alligator snapping turtle	<i>Macrochelys temminckii</i>	T
Atlantic hawksbill sea turtle	<i>Eretmochelys imbricata</i>	E
Texas horned lizard	<i>Phrynosoma cornutum</i>	T
Timber/Canebrake rattlesnake	<i>Crotalus horridus</i>	T
Source: TPWD 2011; T = Threatened, E = Endangered		

A site visit was conducted by a FEMA Environmental Specialist on August 18, 2011. The proposed project site is located within Clute Municipal Park and consists of the former Parks and Recreation Department Building’s foundation and adjacent park open space. The open spaced area consists of maintained grass lawn with ten (10) trees located adjacent to the former building foundation and within the proposed project boundary. The majority of the trees observed in the project area consisted of Southern Live Oaks (*Quercus virginiana*), ranging from 3 to 12 inches in diameter. Four (4) larger trees are also observed within the project area, and include approximate 24- and 60-inch Southern Live Oaks, a 36-inch Green Ash (*Fraxinus pennsylvanica*), and a 16-inch Shumard Oak (*Quercus shumardii*). The 60-inch Southern Live Oak was severely damaged during Hurricane Ike, and a large portion of the tree subsequently broke and fell onto the former Parks and Recreation Department Building. Park amenities, including playground equipment, sandpit volleyball courts, and a covered pavilion, are located to the north and west of the proposed project site. No habitat for any federally or state-listed threatened and endangered species was identified during the site reconnaissance.

According to the USFWS Migratory Bird Program (USFWS 2011d), the State of Texas is located within the Central Flyway where lands may provide resting, feeding, and breeding grounds for migratory birds, especially flocking species. The proposed project area has the potential to provide open upland resting for many species of birds; however, the area is urbanized and therefore not likely to attract migratory birds. Higher quality habitat exists in undeveloped lands throughout the Clute and Lake Jackson area, and the Brazoria National Wildlife Refuge (NWR) located 8.5 miles east of the project area. The Brazoria NWR, San Bernard NWR, and Big Boggy NWR form the Texas Mid-Coast Refuge Complex. According to the USFWS, the refuge complex “forms a vital complex of coastal wetlands harboring more than 300 bird species. ... it serve(s) as an end point of the Central Flyway for waterfowl in winter, and an entry point for neotropical migratory songbirds tired from a 600-mile Gulf crossing from Mexico’s Yucatan Peninsula” (USFWS 2009).

No Action Alternative – Under the No Action Alternative, there would be no impacts to biological resources, including Federal and state protected species.



Proposed Action Alternative – Under the Proposed Action Alternative, 0.5 acre of previously disturbed park open space would be cleared. Site preparation would require the removal of approximately 10 trees (ranging from 3 to 60 inches in diameter). Smaller trees would potentially be relocated or transplanted into the landscaping for the proposed building. The proposed project site provides little habitat for wildlife and no suitable habitat for any federally or state-listed threatened or endangered species. No impacts to threatened and endangered species or migratory birds are anticipated. Based on these findings, FEMA has determined that the proposed project would have “No Effect” on federally listed T&E species or migratory birds, and that coordination with USFWS is not required. A consultation letter requesting project review was sent to the TPWD on September 14, 2011. In a response letter dated September 26, 2011, TPWD stated that it does not anticipate significant adverse impacts to rare, threatened or endangered species, or other fish and wildlife resources (Appendix D).

4.5 CULTURAL RESOURCES

The National Historic Preservation Act (NHPA) of 1966, (PL 89-665; 16 USC 470 *et seq.*) as amended, outlines Federal policy to protect historic properties and promote historic preservation in cooperation with States, Tribal Governments, local governments, and other consulting parties. The NHPA established the National Register of Historic Places (NRHP) and designated the State Historic Preservation Office (SHPO) as the entity responsible for administering State-level programs. The NHPA also created the Advisory Council on Historic Preservation, the Federal agency responsible for overseeing the Section 106 process and providing commentary on Federal activities, programs, and policies that affect historic properties.

Section 106 of the NHPA and its implementing regulations (36 CFR 800) outline the procedures for Federal agencies to follow to take into account the effect of their actions on historic properties. The Section 106 process applies to a Federal undertaking that has the potential to affect historic properties, defined in the NHPA as those properties (archaeological sites, standing structures, or other historic resources) that are listed in or eligible for listing in the NRHP. Although buildings and archaeological sites are most readily recognizable as historic properties, a diverse range of resources are listed in the NRHP, including roads, landscapes, and vehicles. Under Section 106, Federal agencies are responsible for identifying historic properties within the Area of Potential Effects (APE) for an undertaking, assessing the effects of the undertaking on those historic properties, if present, and considering ways to avoid, minimize, and mitigate any adverse effects of its undertaking on historic properties, it is the primary regulatory framework that is used in the NEPA process to determine impacts on cultural resources.

A FEMA Historic Preservation Specialist, qualified under the *Secretary of the Interior’s Professional Qualifications Standards* (36 CFR Part 61), conducted a review of known cultural resources within the APE. The APE is the geographic area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. For above-ground and archaeological resources, the APE consists of the proposed project site, which is located at the intersection of Parkview Drive and Emerald Drive, on the southeast corner of Clute Municipal Park.

A cultural records search was conducted of the Texas Historical Commission (THC) Historic and Archaeological Sites Atlases for known archaeological and historic resources. No previously recorded archaeological sites are located on or adjacent to the proposed project site, nor are there



any nearby properties listed as a Recorded Texas Historic Landmark. No resources individually listed on the NRHP or listed as part of a designated historic district are located on or adjacent to the proposed project site. In addition, the proposed project area has been significantly modified from development of the municipal Park and associated infrastructure; therefore, the potential for existing and intact below-ground archaeological resources is low due to extensive ground disturbance. Based on these findings, FEMA has made a determination of “No Historic Properties Affected” for the proposed undertaking. In accordance with the Programmatic Agreement between FEMA, THC, and the Texas Division of Emergency Management (TDEM) dated August 30, 2005, FEMA has submitted its findings and determination to THC for review and concurrence. An agency response letter from the THC dated September 29, 2011, provided concurrence to FEMA’s determination.

No Action Alternative – Under the No Action Alternative, no construction would occur and no historic properties would be affected.

Proposed Action Alternative – Under the Proposed Action Alternative, no impacts to archeological or cultural resources are anticipated.

4.6 SOCIOECONOMIC RESOURCES

4.6.1 Socioeconomics

The City of Clute is associated with Brazosport, a multi-city community located in south Texas at the mouth of the Brazos and San Bernard rivers. Located approximately 50 miles south of Houston, the Brazosport area is comprised of eight cities: Clute, Freeport, Jones Creek, Lake Jackson, Oyster Creek, Quintana, Richwood, and Surfside Beach. Brazosport is the home of the largest basic chemical complex in the world, which includes chemical manufacturing, petrochemical processing, varied other manufacturing, offshore extraction support complexes, deep-water port activities, airport, tourism, sports and commercial fishing (Brazosport Area Chamber of Commerce 2010).

According to the U.S. Census Bureau (USCB) American Fact Finder, in 2010 the total population of the City of Clute was estimated to be 11,211 persons (USCB 2011), with 7,791 citizens over the age of 16 participating in the work force (USCB 2009). Leading employment sectors are service occupations (22.9 percent); sales and office occupations (22.6 percent); construction, extraction, maintenance, and repair occupations (19.3 percent); management, professional, and related occupations (17.6 percent); production, transportation, and material moving occupations (17.6 percent) (USCB 2009).

No Action Alternative – Under the No Action Alternative, no impacts to socioeconomic resources would occur.

Proposed Action Alternative – Under the Proposed Action Alternative, impacts to socioeconomic resources would be minimal. No permanent employment positions would be created or lost, although temporary jobs may be created during the construction period.

4.6.2 Environmental Justice

EO 12898 (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 their programs, policies, and activities on minority and low-income populations. Socioeconomic and demographic data for the project area were reviewed to determine if a disproportionate number of minority or low-income persons have the potential to be adversely affected by the proposed project.

The following information was gathered from the USCB 2011 State and County Quickfacts, the USCB 2010 Census, and the 2005-2009 American Community Survey.

	City of Clute	Brazoria County	State of Texas
Total Population (2010)	11,211	313,166	25,145,561
Annual median household income	\$38,277	\$66,516	\$48,286
% Households below poverty level	17.1%	10.1%	17.1%
% Minority population (excluded)	11.8%	18.2%	16.4%
% Hispanic (may be of any race)	34.6%	27.7%	37.6%
% of population over 65	8.5%	9.4%	10.2%
Source: USCB 2009, 2010, 2011			

Minorities represented 46.4 percent, 45.9 percent, and 54.0 percent, respectively, of the City of Clute, Brazoria County, and the State of Texas populations. The following table shows the specific racial composition of the City of Clute, Brazoria County, and the State of Texas.

Ethnicity	City of Clute	Brazoria County	State of Texas
White	38.0%	53.2%	45.3%
Hispanic or Latino	54.0%	27.7%	37.6%
Black or African American	7.4%	12.1%	11.8%
American Indian or Native Alaskan	0.1%	0.6%	0.7%
Asian	0.4%	5.5%	3.8%
Native Hawaiian or Other Pacific Islander	—	—	0.1%
Source: USCB 2009, 2011; Note: “—“ represents zero or rounds to zero			

No Action Alternative – Under the No Action Alternative, construction of the new facility would not occur and there would be no disproportionate impacts on minority or low-income populations; all populations would continue to be adversely affected.

Proposed Action Alternative – Under the Proposed Action Alternative, the City of Clute would construct a new Parks and Recreation Department Building to replace the former structure at the previous location. The facility would be enlarged to include space for a new community center to meet the increased public demand for the delivery of public services since the former facility was constructed in 1984. The proposed project would not result in the acquisition of additional land, a change in land use, or the displacement of any populations or businesses. There would be no disproportionately high or adverse impact on minority or low-income portions of the population – all populations would benefit from the proposed project.

4.6.3 Hazardous Materials

Hazardous substances are defined as any solid, liquid, contained gaseous, or semisolid waste, or any combination of wastes that pose a substantial present or potential hazard to human health and the environment. Hazardous substances are primarily generated by industry, hospitals, research facilities, and the government. Improper management and disposal of hazardous substances can lead to pollution of groundwater or other drinking water supplies, and the contamination of surface water and soil. The primary Federal regulations for the management and disposal of hazardous substances are the Comprehensive Environmental Response, Compensation and Liability Act and the Resource Conservation and Recovery Act.

A review of the USEPA EnviroMapper for Envirofacts and TCEQ Central Registry online databases identified no known hazardous material sites on or adjacent to the proposed project sites (USEPA 2011; TCEQ 2010). In addition, a review of the Houston Galveston Area Council (HGAC) Closed and Abandoned Landfill Inventory identified no known sites in the vicinity of the proposed project site (HGAC 2011). A site visit was conducted by a FEMA Environmental Specialist on August 18, 2011. No hazardous or toxic materials or sites were observed on or adjacent to the proposed project site.

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to hazardous materials or waste.

Proposed Action Alternative – Under the Proposed Action Alternative, no hazardous materials or waste impacts are anticipated. Construction would occur within the Clute Municipal Park, on and adjacent to the former Park and Recreation Department Building site. Any hazardous materials discovered, generated, or used during construction would be handled and disposed of in accordance with applicable local, State, and Federal regulations.

4.6.4 Noise

Noise is generally defined as unwanted sound. Sound is most commonly measured in decibels (dB) on the A-weighted scale, which is the scale most similar to the range of sounds that the human ear can hear. The Day-Night Average Sound Level (DNL) is an average measure of sound. The DNL descriptor is accepted by Federal agencies as a standard for estimating sound impacts and establishing guidelines for compatible land uses. USEPA guidelines, and those of

many other Federal agencies, state that outdoor sound levels in excess of 55 dB DNL are “normally unacceptable” for noise-sensitive land uses such as residences, schools, or hospitals.

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to noise levels in the project area.

Proposed Action Alternative – Under the Proposed Action Alternative, temporary short-term increases in noise levels are anticipated during the construction period. The proposed project site is located on the southeast corner of Clute Municipal Park and borders residential neighborhoods to the east and south of the park. Additional nearby noise sensitive receptors include the First Baptist Church of Clute, Jerome Catholic Church, and two schools (T.W. Ogg Elementary School and Brazoswood High School).

To mitigate noise impacts to these noise sensitive receptors, construction activities would take place during normal business hours. Equipment and machinery used at the proposed project site would meet all local, State, and Federal noise regulations.

4.6.5 Transportation

The proposed project site is located on the southeast corner of Clute Municipal Park at 100 Parkview Drive. The proposed project site is accessed to the north by Parkview Drive via Brazoswood Drive, and to the east by Emerald Drive via North Oaks Street and North Shanks Street. A large public parking lot for Clute Municipal Park is located along the eastern boundary of the proposed project site on Parkview Drive.

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to transportation.

Proposed Action Alternative – Under the Proposed Action Alternative, a minor, short-term increase in construction traffic on roadways adjacent to the proposed project site could potentially result in slower traffic flow during construction. The existing parking lot located along Parkview Drive would provide sufficient parking for the new building and would not be modified or expanded. Construction activities would also have minor, short-term impacts to the availability of public parking at Clute Municipal Park – a portion of the parking lot would be partitioned off from public use during construction to allow construction equipment and vehicles to access the proposed project site and parking of construction workers’ personal vehicles. No road closures are anticipated. Appropriate signage and barriers would be in place prior to construction activities to alert pedestrians and motorists of project activities. Minor long-term impacts to traffic levels in the vicinity of Clute Municipal Park may occur from increased public use of the new community center and other building and park amenities.

4.6.6 Public Health and Safety

EO 13045 (Protection of Children) requires Federal agencies to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children. Safety and security issues considered in this EA include the health and safety of area residents, the public-at-large, and the protection of personnel involved in the activities related to the proposed construction of the project. Clute Municipal Park is a recreational park that is used by children and is near religious and educational facilities where children congregate, including the

First Baptist Church of Clute, Jerome Catholic Church, and two schools (T.W. Ogg Elementary School and Brazoswood High School).

No Action Alternative – Under the No Action Alternative, no construction would occur and there would be no impacts to public health and safety.

Proposed Action Alternative – Under the Proposed Action Alternative, construction activities could present safety risks to those performing the activities and the general public, including children using the park facilities. To minimize risks to public safety and human health, appropriate signage and barriers would be put in place around the proposed project site to prohibit public access to the project area. In addition, all construction activities would be performed by qualified personnel trained in the proper use of the appropriate equipment, including all appropriate safety precautions. Additionally, all activities would be conducted in a safe manner in accordance with the standards specified in the Occupational Safety and Health Administration (OSHA) regulations. The construction contractor will be responsible for adhering to the Texas One-Call Law.

4.7 SUMMARY

The following table summarizes the potential impacts of the Proposed Action Alternative and conditions or mitigation measures to offset those impacts.

Affected Environment	Impacts	Mitigation
Geology, Soils, and Seismicity	No impacts to geology or seismicity are anticipated. Minor, short-term impacts to soils would occur during site preparation and construction of the new building. Additionally, long-term, minor impacts to approximately 0.2 acre of soils will occur as a result of the proposed building's expanded footprint. No impacts to prime and unique farmlands will occur.	A SWPPP must be prepared and a TPDES permit obtained prior to construction. Implementation of appropriate BMPs would be required at the construction location, including installation of silt fences and revegetation of soils.
Air Quality	Minor, short-term impacts to air quality would occur during the construction period.	Construction contractors would be required to water down construction areas when necessary. Fuel-burning equipment running times would be kept to a minimum and engines would be properly maintained.
Surface Water	Minor, short-term impacts to offsite surface waters may occur due to transport of sediment from disturbed soils by stormwater runoff during construction.	The applicant will prepare a SWPPP and obtain a TPDES permit for the project. Appropriate BMPs, such as installing silt fences and revegetating bare soils, would reduce impacts.



Affected Environment and Potential Impacts

Affected Environment	Impacts	Mitigation
Groundwater	No impacts to groundwater are anticipated.	None
Waters of the U.S. including Wetlands	No impacts to wetlands or other WOUS are anticipated.	Appropriate BMPs would be implemented to minimize soil erosion and reduce sediment transport to offsite surface waters and wetland areas.
Floodplains	No impacts to floodplains are anticipated.	None
Coastal Resources	The new building would be constructed within the Texas coastal zone. Based on consultation with Texas General Land Office (GLO) and review of Coastal Coordination Council (CCC) General Concurrence #5, FEMA has determined that this project is consistent with the goals and policies of the Texas Coastal Management Program (CMP) and consistency review procedures as implemented by the GLO. The proposed project site is not located within the CBRS.	None
Biological Resources	Minor long-term impact to biological resources from clearing of 0.5 acre of park open space vegetation (trees and mowed grass areas) for development of the new building. No impacts to any federally and state-listed protected species or their habitats are anticipated.	None
Cultural Resources	No impacts to cultural resources are anticipated.	None
Socioeconomics	No adverse socioeconomic impacts are anticipated. Temporary jobs may be created during site construction.	None
Environmental Justice	No disproportionately high or adverse effect on minority or low-income populations is anticipated. All populations would benefit from the proposed project.	None



Affected Environment and Potential Impacts

Affected Environment	Impacts	Mitigation
Hazardous Materials	No hazardous materials or waste impacts are anticipated.	Any hazardous materials discovered, generated, or used during construction would be disposed of and handled in accordance with applicable local, State, and Federal regulations.
Noise	Short-term impacts to noise levels would occur at the proposed project site during the construction period.	Construction would take place during normal business hours and equipment would meet all local, State, and Federal noise regulations.
Transportation	<p>Short-term, minor increases in the volume of construction traffic on adjacent roadways of the proposed project site could potentially result in slower traffic flow during construction activities.</p> <p>Construction activities would also have minor, short-term impacts to the availability of public parking at Clute Municipal Park.</p> <p>Minor long-term impacts to traffic levels in the vicinity of Clute Municipal Park may occur from increased public use of the new community center and other building and park amenities.</p>	Construction vehicles and equipment would be stored on-site during project construction and appropriate signage would be posted on affected roadways. The appropriate signage and barriers should be in place prior to construction activities to alert pedestrians and motorists of project activities.
Public Health and Safety	None	Appropriate signage and barriers would be put in place around the proposed project site to prohibit public access to the project area. All construction activities would be performed by qualified personnel and in accordance with the standards specified in OSHA regulations.

SECTION FIVE CUMULATIVE IMPACTS

According to CEQ regulations, cumulative impacts represent the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).” In accordance with NEPA and to the extent reasonable and practical, this EA considered the combined effect of the Proposed Action Alternative and other actions occurring or proposed in the vicinity of the proposed project site.

Communities located along the Texas Gulf Coast are undergoing recovery efforts after Hurricanes Ike and Dolly caused extensive damages. The recovery efforts in the area include demolition, reconstruction, and new construction. These projects and the proposed project may have a cumulative temporary impact on local air quality by increasing criteria pollutants during construction activities. No other cumulative effects are anticipated.

SECTION SIX PUBLIC INVOLVEMENT

FEMA is the lead Federal agency for conducting the NEPA compliance process for the proposed City of Clute Parks and Recreation Department Building Replacement Project. It is the goal of the lead agency to expedite the preparation and review of NEPA documents and to be responsive to the needs of the community and the purpose and need of the proposed action while meeting the intent of NEPA and complying with all NEPA provisions.

The City of Clute will notify the public of the availability of the draft EA through publication of a public notice in the *Brazosport Facts* newspaper. The draft EA will also be made available for public review at the following locations:

- Clute Library - 215 North Shanks Road, Clute, Texas; and
- City of Clute Parks and Recreation Department – 218 Highway 332, Clute, Texas.

In addition, the draft EA will be available for public viewing on FEMA's website (<http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>). FEMA will conduct a 30-day public comment period commencing on the initial date of publication of the public notice.

SECTION SEVEN AGENCY COORDINATION

As part of the development of the EA, Federal and State resource protection agencies were contacted. Responses received to date are included in Appendix D.

- U.S. Environmental Protection Agency, Region VI
- U.S. Department of Agriculture, Natural Resources Conservation Service
- Texas Commission on Environmental Quality
- Texas Historical Commission
- Texas Parks and Wildlife Department

In accordance with applicable local, State, and Federal regulations, the applicant would be responsible for acquiring any necessary permits prior to commencing construction at the proposed project site.

SECTION EIGHT CONCLUSIONS

No impacts to geology, seismicity, groundwater, wetlands and other WOUS, floodplains, coastal resources, threatened or endangered species, cultural resources, socioeconomics, environmental justice, hazardous materials, and public health and safety are anticipated under the Proposed Action Alternative. During the construction period, minor short-term impacts to soils, air quality, offsite surface water, noise, transportation, and air quality are anticipated. These impacts will be minimized using erosion and sediment control BMPs, limiting construction to normal business hours, using appropriate signage, and ensuring proper equipment maintenance. Minor long-term permanent impacts to biological resources consist of the removal of 0.5 acre of park open space vegetation, including grasses and approximately 10 trees. Minor long-term impacts to transportation may occur from an increase in traffic levels in the vicinity of Clute Municipal Park from increased public use of the new community center and other building and park amenities.

The preliminary findings of this EA indicate that the proposed project would result in no significant environmental impacts to the human or natural environment. Therefore, it is anticipated that the proposed action will meet 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.

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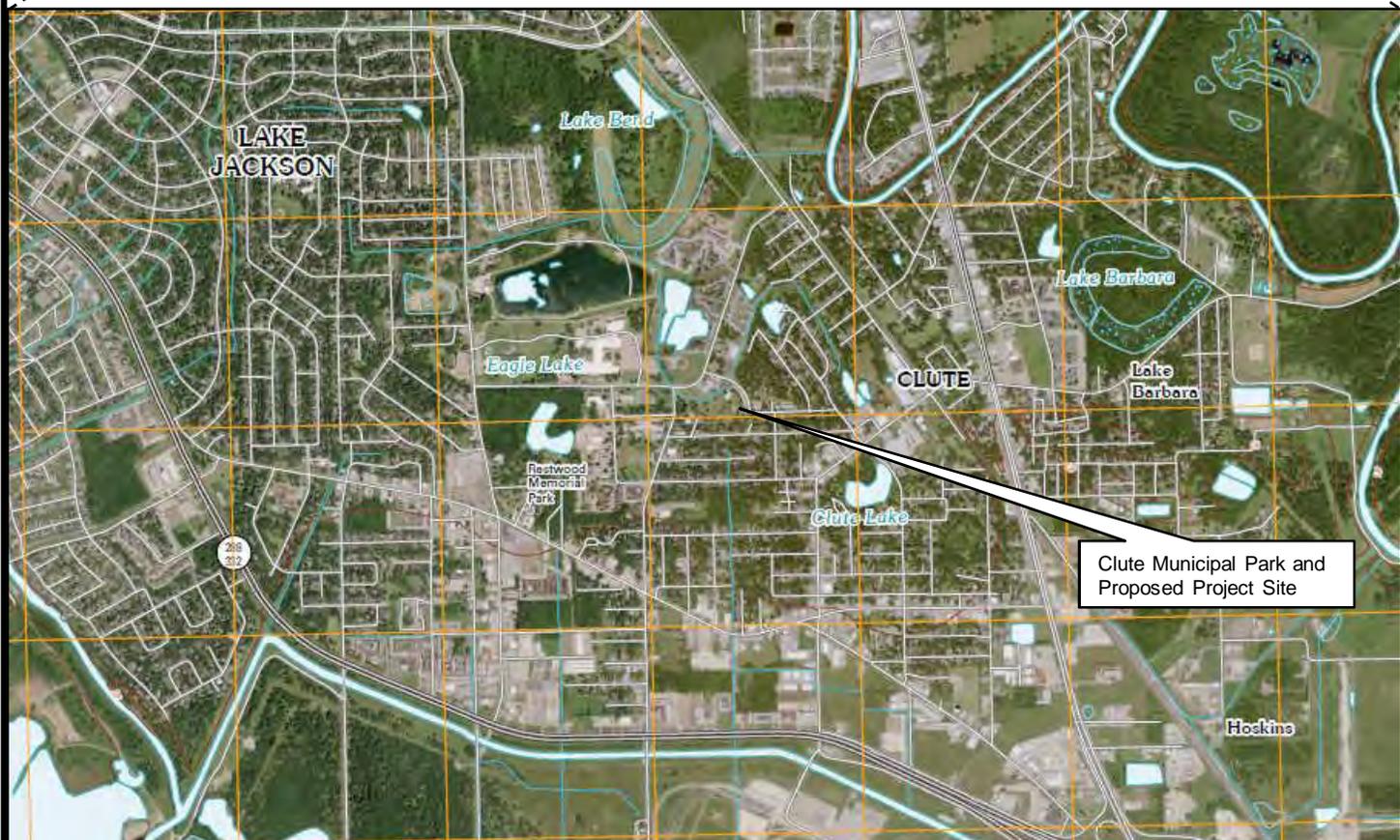
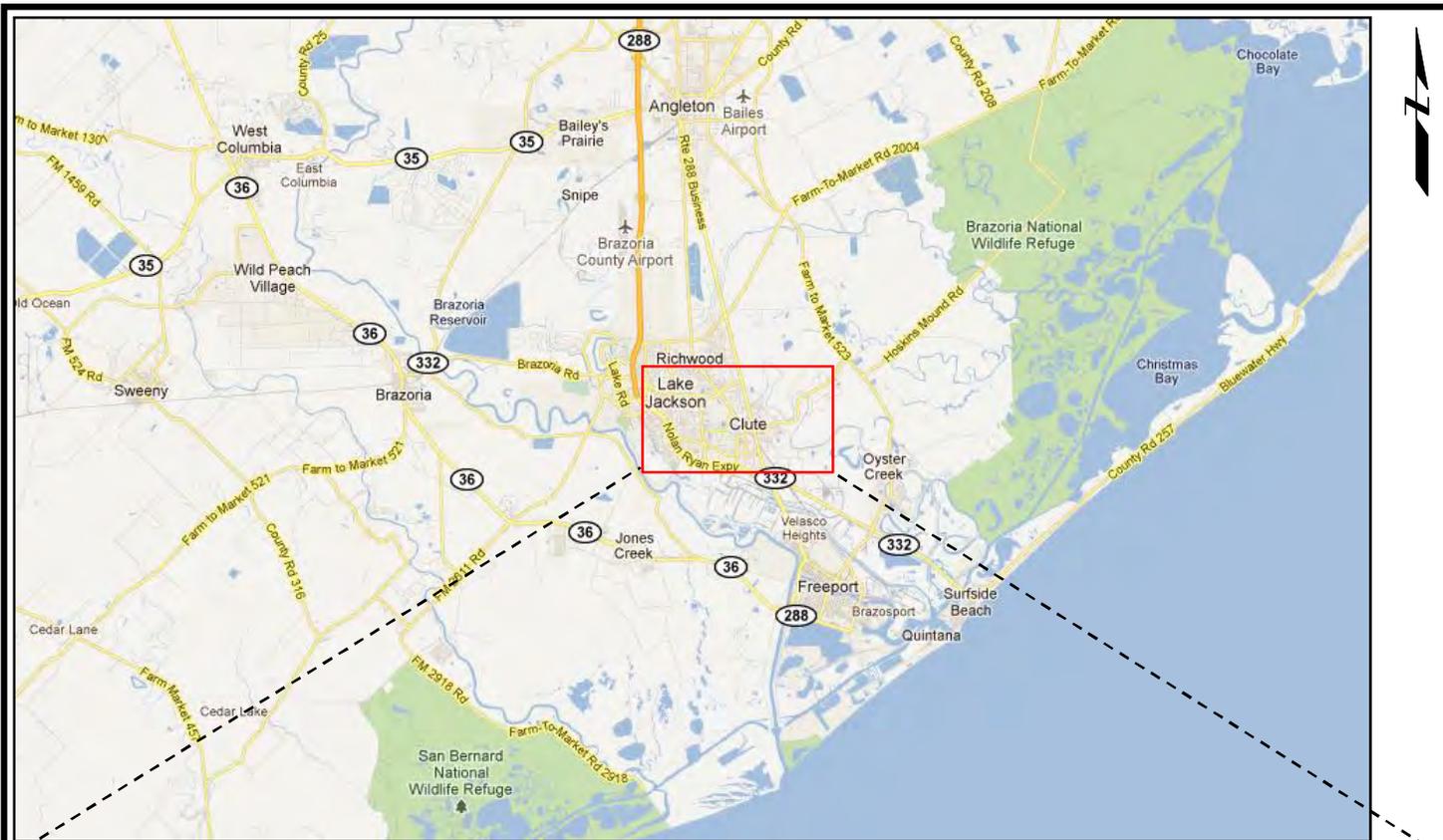
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Appendix A
Figures



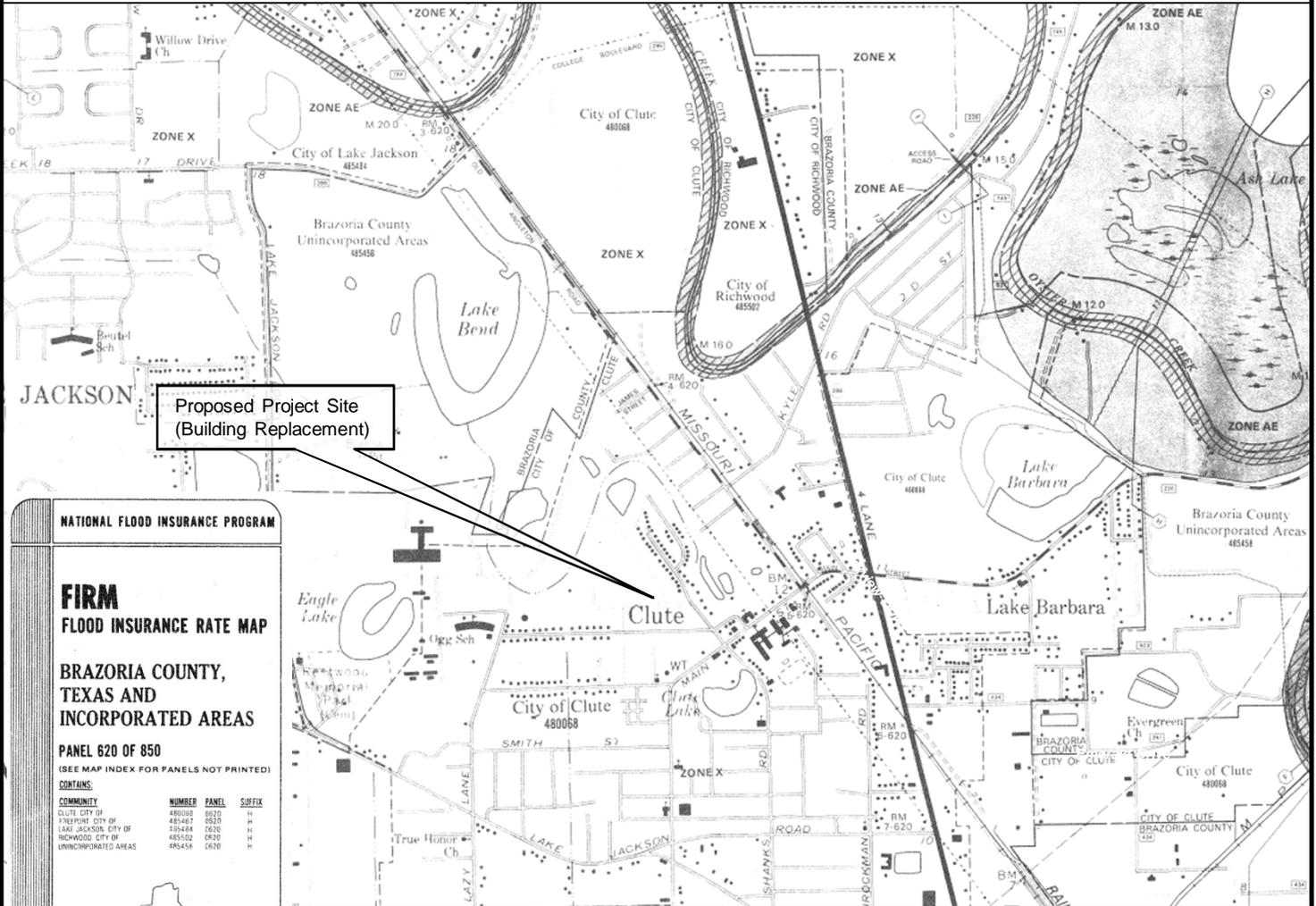
Source: USGS 7.5-Minute Series Topographic Maps; Lake Jackson, Texas Quadrangle (2010)

APPLICANT City of Clute		TITLE PROJECT VICINITY	FIGURE 1
PROJECT Parks and Recreation Department Building Replacement Project			
DATE 09/06/2011	SCALE Not to Scale		



Source: USGS 7.5-Minute Series Topographic Map Orthoimagery; Lake Jackson, Texas Quadrangle (2010)

APPLICANT	City of Clute	TITLE	PROJECT AREA
PROJECT	Parks and Recreation Department Building Replacement Project		FIGURE
DATE	09/06/2011		2
SCALE	Not to Scale		



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

BRAZORIA COUNTY, TEXAS AND INCORPORATED AREAS

PANEL 620 OF 850
(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
CLUTE CITY OF	480068	0620	H
FREEMONT CITY OF	485467	0620	H
LAKE JACKSON CITY OF	485484	0620	H
RICHWOOD CITY OF	485502	0620	H
UNINCORPORATED AREAS	485458	0620	H

PANEL LOCATION **MAP NUMBER**
48039C0620 H

EFFECTIVE DATE:
JUNE 5, 1989



Federal Emergency Management Agency

Source: FEMA Map Service Center, FEMA Flood Insurance Rate Map, Map Number 48039C0620H, Effective June 5, 1989.

APPLICANT City of Clute		TITLE Flood Insurance Rate Map	
PROJECT Parks and Recreation Department Building Replacement Project		 FIGURE 3	
DATE 09/06/2011	SCALE Not to Scale		

Appendix B
Preliminary Site Plan

**Clute Parks
& Recreation
/ Visitor's
Bureau /
Community
Center**

100 Park View Dr.
Clute, TX 77531
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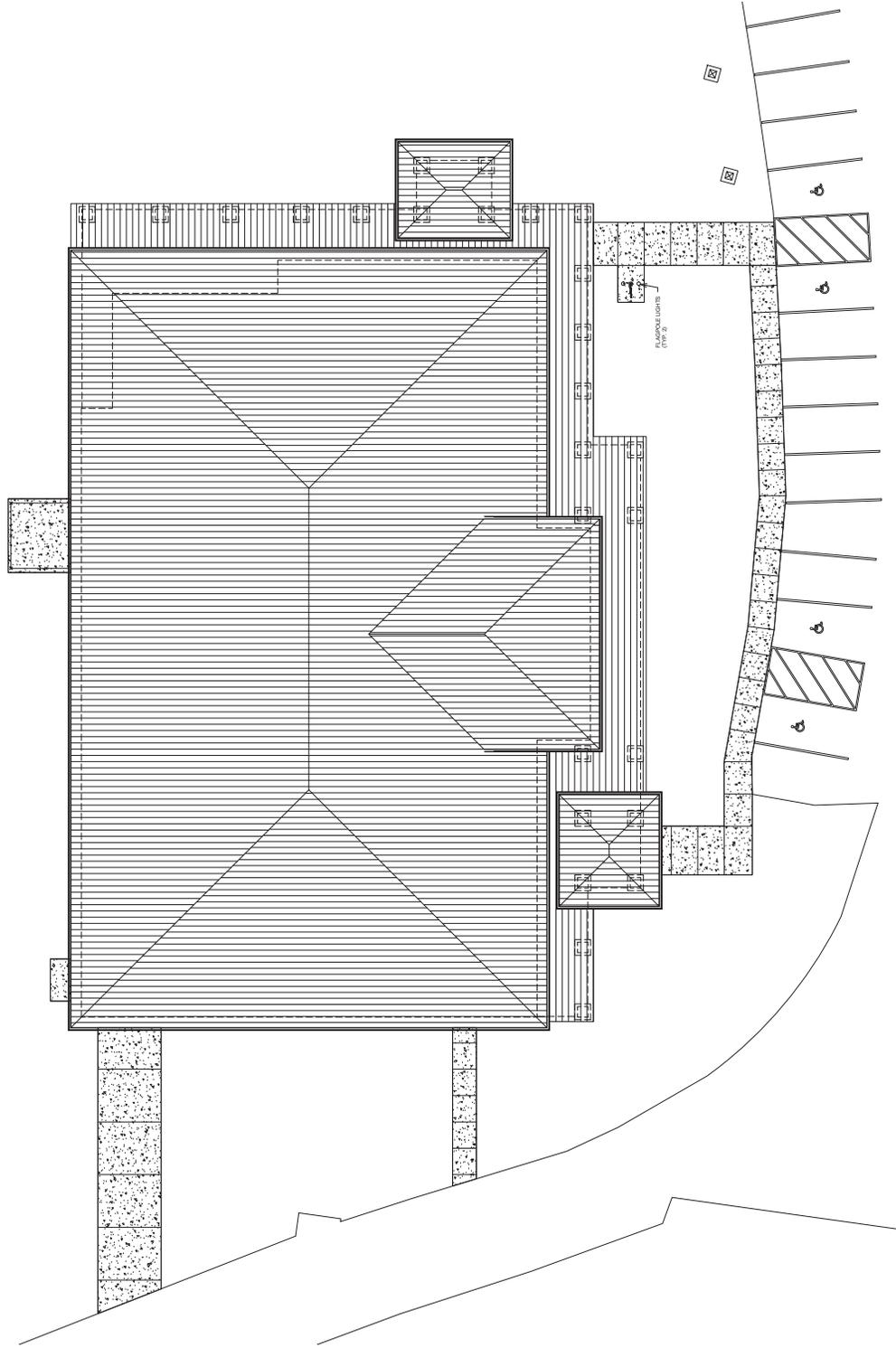
IAD PROJECT # 11003
ISSUE DATE 08/17/11

REVISION LOG

SITE PLAN

A1.00

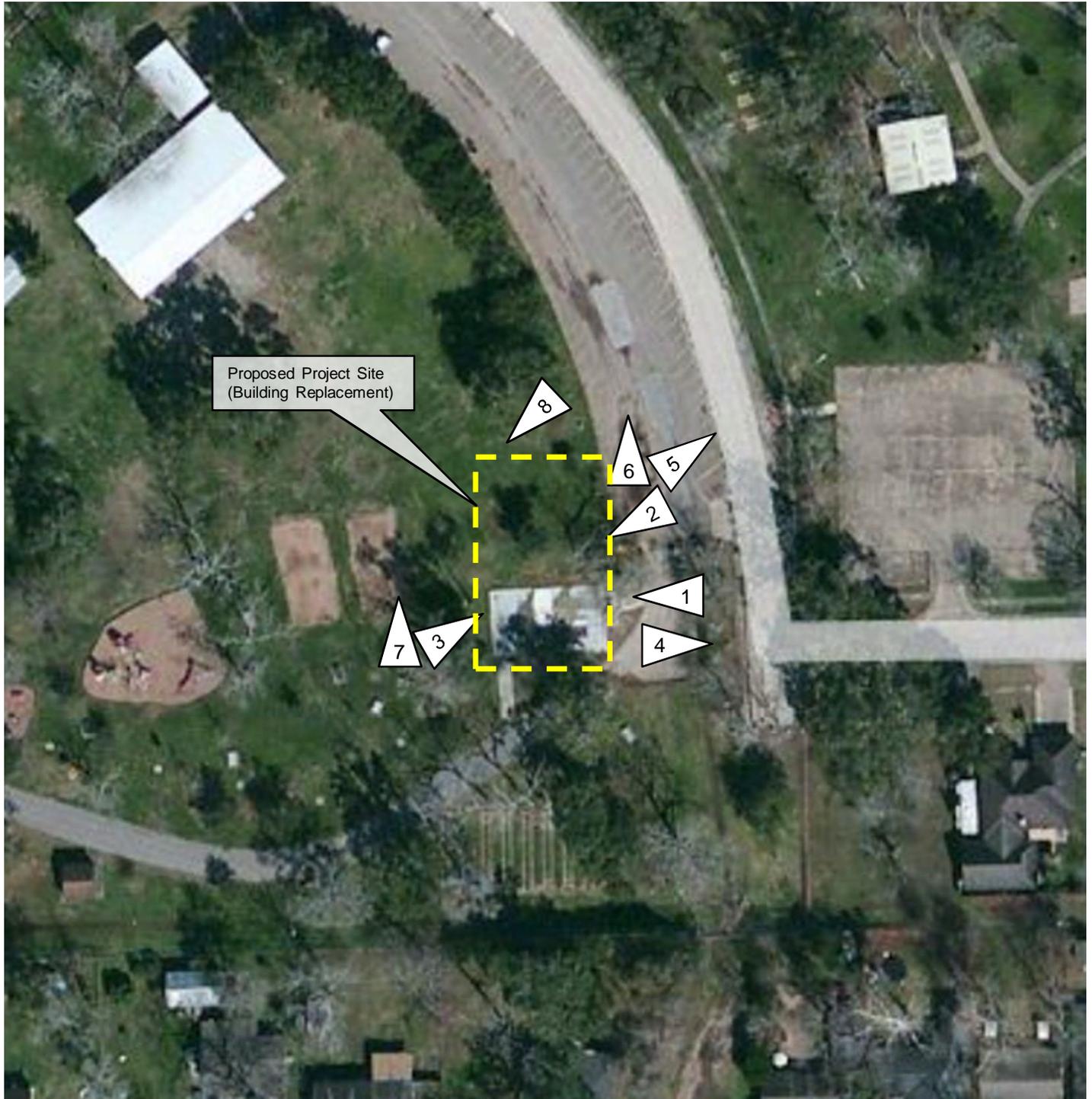
SCALE: AS NOTED
COPYRIGHT IAD ARCHITECTS, LLC



EXISTING PARKING LOT

1 Site Plan
1" = 10'-0"

Appendix C
Photograph Log



Proposed Project Site
(Building Replacement)

Note: Numbers correspond to the photographs in the following photographic log.

APPLICANT	City of Clute
PROJECT	Parks and Recreation Department Building Replacement Project
DATE	09/06/2011
SCALE	Not to Scale

TITLE	Key to Photographic Log
FIGURE	

Project Name:
City of Clute Parks and Recreation
Department Building Replacement Project

Site Location:
100 Parkview Drive, Clute, Texas

Project No.

Date
8/18/2011

Photo No.
1

Direction Photo Taken:

West

Description:

View of former building site and remaining concrete slab.



Date
8/18/2011

Photo No.
2

Direction Photo Taken:

West

Description:

View of proposed project site. Construction activities would include demolition of the remaining building foundation (left), tree removal and site leveling and grading.



Project Name:
City of Clute Parks and Recreation
Department Building Replacement Project

Site Location:
100 Parkview Drive, Clute, Texas

Project No.

Date
8/18/2011

Photo No.
3

Direction Photo Taken:

East

Description:

View of proposed project site. Access to the site would be from Parkview Drive (left) and Emerald Drive (right).



Date
8/18/2011

Photo No.
4

Direction Photo Taken:

East

Description:

View of Emerald Drive and adjacent residential properties from proposed project site and Parkview Drive.



Project Name:

City of Clute Parks and Recreation
Department Building Replacement Project

Site Location:

100 Parkview Drive, Clute, Texas

Project No.

Date 8/18/2011	Photo No. 5
Direction Photo Taken: Northeast	



Description:

View of park amenities located northeast of the proposed site, across Parkview Drive.

Date 8/18/2011	Photo No. 6
Direction Photo Taken: North	



Description:

View of adjacent parking lot, Parkview Drive, and First Baptist Church of Clute located north of the proposed site.

Project Name:
City of Clute Parks and Recreation
Department Building Replacement Project

Site Location:
100 Parkview Drive, Clute, Texas

Project No.

Date
8/18/2011

Photo No.
7

Direction Photo Taken:

North

Description:

View of park amenities located north of the proposed site.



Date
8/18/2011

Photo No.
8

Direction Photo Taken:

West

Description:

View of park amenities located west of the proposed site.



Appendix D
Agency Coordination



FEMA

September 14, 2011

Texas Parks and Wildlife Department
Wildlife Division
Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744-3291

RE: Request for Project Review - City of Clute Parks and Recreation Department Building Replacement Project, Brazoria County, Texas

To Whom It May Concern:

The City of Clute, Texas has applied for Federal Emergency Management Agency (FEMA) funding under the Public Assistance program, being administered in response to Hurricane Ike (FEMA-1791-DR-TX), for the proposed Crystal Beach City of Clute Parks and Recreation Department Building Replacement Project. The proposed project will replace a 2,652-square foot, one-story, prefabricated metal Parks and Recreation Department building, constructed in 1984, which was severely damaged during Hurricane Ike. The damages exceeded the 50% repair/replacement ratio, meeting FEMA's criteria for demolition and replacement of the building. The building has since been demolished due to public health and safety concerns. This building was located at 100 Parkview Drive, within Clute Municipal Park (Lat/Long: 29.02391, -95.40827).

The City of Clute proposes to utilize FEMA funding, in conjunction with City reserve funding, for an Improved Project to construct a new 12,452-square foot Parks and Recreation Building. The new building would be constructed at the former building's location, and include office space for the City's Park and Recreation Department, a new community center and visitor's bureau. Construction of the new building would require demolition of the former building slab foundation, tree removal, and site leveling and grading. The facility would connect into existing water and sewer utilities from the former building. The existing parking lot footprint located along Parkview Drive would remain the same for the new facility. Per the FEMA Flood Insurance Rate Map (Community Panel #: 48039C0620H, Effective Date July 5, 1993), the proposed site is located in Flood Zone X, outside the 100- and 500-year floodplains. According to the GLO Coastal Zone Boundary Map, the proposed project site is located within the Texas Coastal Zone.

A site visit was conducted by a FEMA Environmental Specialist on August 18, 2011. The proposed site is located at the intersection of Parkview Drive and Emerald Drive, on the southeast corner of Clute Municipal Park. The proposed site consists of the former building foundation and adjacent park open space. The open spaced area consists of maintained grass lawn with intermittent trees. Three (3) large trees (ranging from 24" to 60" in diameter) would be removed for construction of the new building. Six (6) smaller trees (ranging from 6" to 12" in diameter) would also be removed or relocated. No park amenities or equipment would be removed or relocated for construction of the new

September 9, 2011

City of Clute Parks and Recreation Department Building Replacement Project

Page 2

building. No wetlands or other Waters of the United States were observed onsite. In addition, no federally or state-listed threatened and endangered species or habitats were observed during site reconnaissance.

In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, FEMA is preparing an Environmental Assessment for the proposed project. FEMA requests that your agency review the proposed project and provide comments and any available information or resources under your agency's jurisdiction within the project area. If you have any questions or need additional information, please contact me at 713-824-8059 and electronic mail at brian.mehok@associates.dhs.gov, or by U.S. mail to my attention to the Hurricane Ike Recovery Office, 5938 Broadway Avenue, Galveston, Texas 77551.

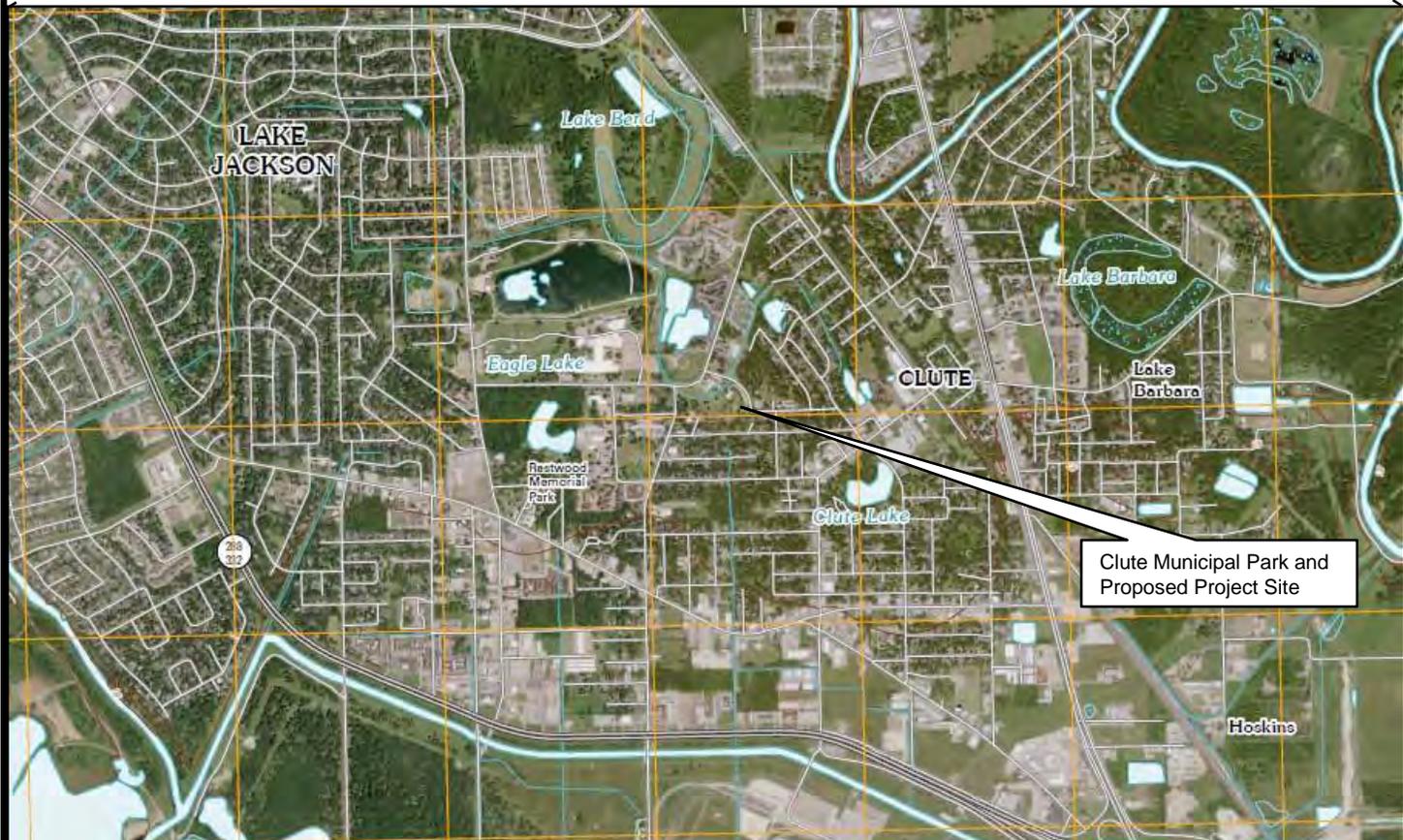
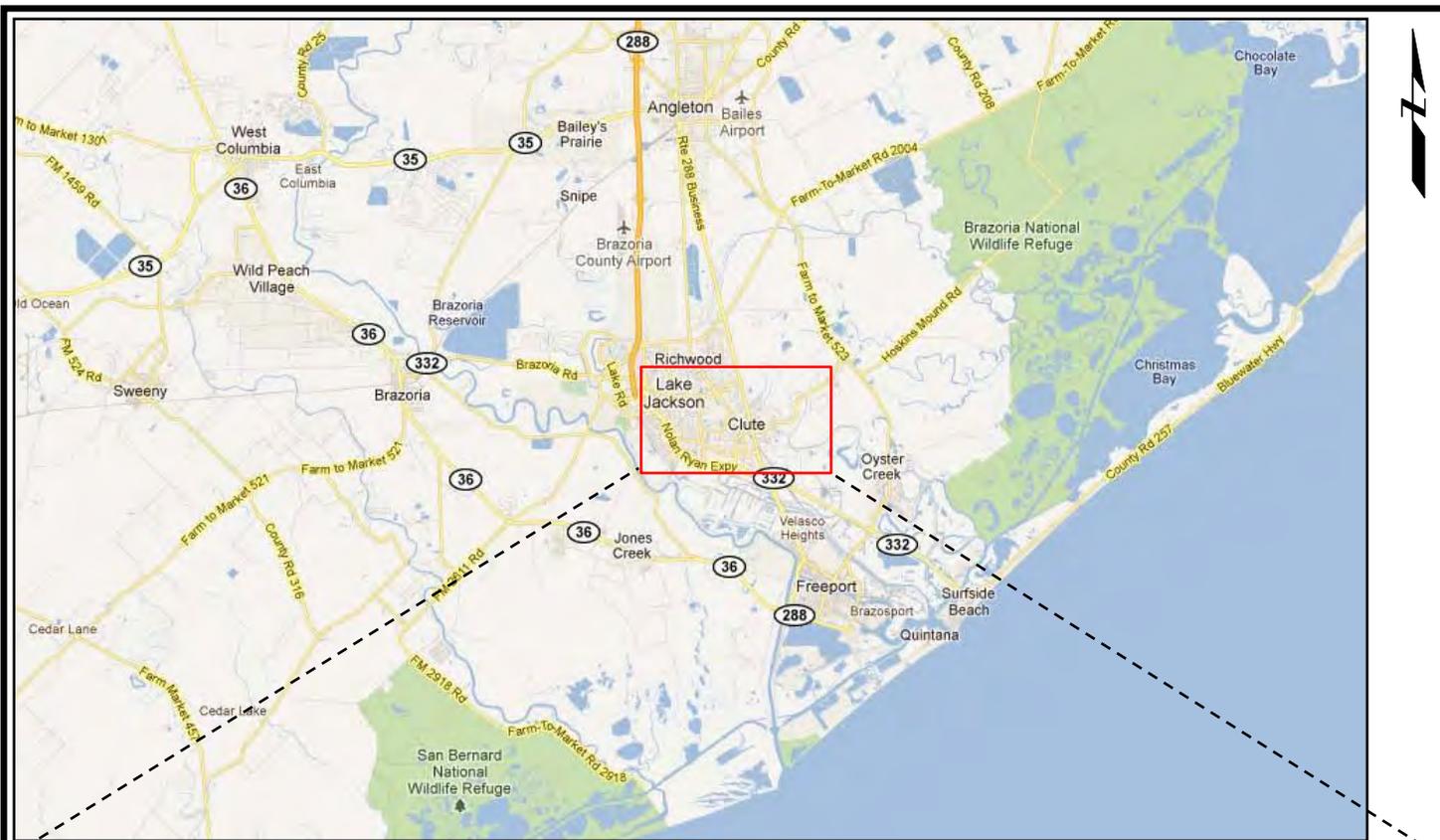
Sincerely,



Brian Mehok, CFM
Environmental Specialist
Technical Assistance Contractor to FEMA
FEMA-1791-DR-TX
Hurricane Ike Recovery Office- Galveston, TX

Enclosures

Cc: Kevin Jaynes, CHHM – FEMA Regional Environmental Officer, Region VI – Denton, TX
Ashley Bechtold – Environmental/Historic Preservation Specialist, FEMA Region VI



Source: USGS 7.5-Minute Series Topographic Maps; Lake Jackson, Texas Quadrangle (2010)

APPLICANT City of Clute		TITLE PROJECT VICINITY	
PROJECT Parks and Recreation Building Replacement Project			FIGURE
DATE 09/06/2011	SCALE Not to Scale		1



Source: USGS 7.5-Minute Series Topographic Map Orthoimagery; Lake Jackson, Texas Quadrangle (2010)

APPLICANT	City of Clute	TITLE	PROJECT AREA
PROJECT	Parks and Recreation Building Replacement Project		FIGURE
DATE	09/06/2011		SCALE
			2

**Clute Parks
& Recreation
/ Visitor's
Bureau /
Community
Center**

100 Park View Dr.
Clute, TX 77531
Contact: Dana Pomereke



Integrated Architecture & Design, LLC
107 West Way, Suite 16
Lake Jackson, Texas 77566
979.233.7177
www.iadarchitects.com

PROJECT CONSULTANTS

Civil
Dana Pomereke
1512 North Avenue J
Freeport, TX 77541
979.233.7177 p / 979.233.3877 f

Structural
CIB Engineers
3200 Wilcrest Dr., Suite 305
Houston, TX 77042
713.237.8800 p / 713.237.8801 f

Mechanical/Electrical/Plumbing
Redding Lunden Burr Consulting Engineers
801 Travis, Suite 2000
Houston, TX 77002
713.237.8800 p / 713.237.8801 f

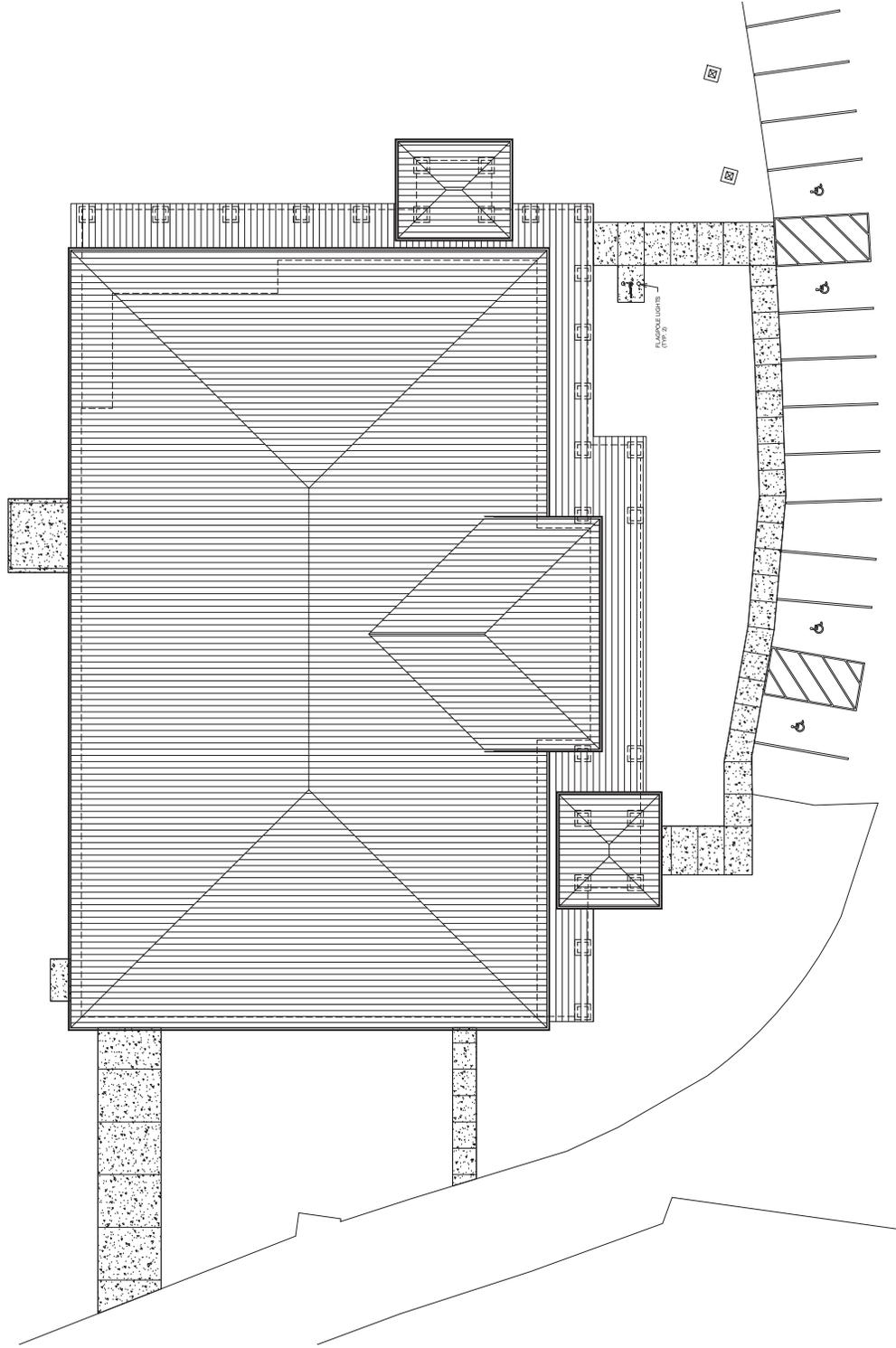
IAD PROJECT # 11003
ISSUE DATE 08/17/11

REVISION LOG

SITE PLAN

A1.00

SCALE: AS NOTED
COPYRIGHT IAD ARCHITECTS, LLC



EXISTING PARKING LOT

1 Site Plan
1" = 10'-0"



FEMA

September 14, 2011

Texas Parks & Wildlife Dept.

SEP 19 2011

Texas Parks and Wildlife Department
Wildlife Division
Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744-3291

Wildlife Habitat Assessment Program

RE: Request for Project Review - City of Clute Parks and Recreation Department Building Replacement Project, Brazoria County, Texas

To Whom It May Concern:

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September 9, 2011

City of Clute Parks and Recreation Department Building Replacement Project

Page 2

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In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, FEMA is preparing an Environmental Assessment for the proposed project. FEMA requests that your agency review the proposed project and provide comments and any available information or resources under your agency's jurisdiction within the project area. If you have any questions or need additional information, please contact me at 713-824-8059 and electronic mail at brian.mehok@associates.dhs.gov, or by U.S. mail to my attention to the Hurricane Ike Recovery Office, 5938 Broadway Avenue, Galveston, Texas 77551.

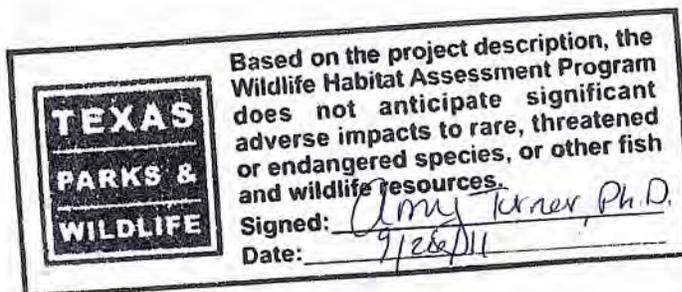
Sincerely,



Brian Mehok, CFM
Environmental Specialist
Technical Assistance Contractor to FEMA
FEMA-1791-DR-TX
Hurricane Ike Recovery Office- Galveston, TX

Enclosures

Cc: Kevin Jaynes, CHHM – FEMA Regional Environmental Officer, Region VI – Denton, TX
Ashley Bechtold – Environmental/Historic Preservation Specialist, FEMA Region VI





U.S. Department of Homeland Security
FEMA Region 6
800 North Loop 288
Denton, TX 76209-3698

FEMA

September 14, 2011

Dennis Williamson
State Soil Scientist/MLRA Office Leader
USDA-Natural Resources Conservation Service
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501-7682

RE: Request for Project Review - City of Clute Parks and Recreation Department Building Replacement Project, Brazoria County, Texas

Dear Mr. Williamson:

The City of Clute, Texas has applied for Federal Emergency Management Agency (FEMA) funding under the Public Assistance program, being administered in response to Hurricane Ike (FEMA-1791-DR-TX), for the proposed Crystal Beach City of Clute Parks and Recreation Department Building Replacement Project. The proposed project will replace a 2,652-square foot, one-story, prefabricated metal Parks and Recreation Department building, constructed in 1984, which was severely damaged during Hurricane Ike. The damages exceeded the 50% repair/replacement ratio, meeting FEMA's criteria for demolition and replacement of the building. The building has since been demolished due to public health and safety concerns. This building was located at 100 Parkview Drive, within Clute Municipal Park (Lat/Long: 29.02391, -95.40827).

The City of Clute proposes to utilize FEMA funding, in conjunction with City reserve funding, for an Improved Project to construct a new 12,452-square foot Parks and Recreation Building. The new building would be constructed at the former building's location, and include office space for the City's Park and Recreation Department, a new community center, and a visitor's bureau. Construction of the new building would require demolition of the former building slab foundation, tree removal, and site leveling and grading. The facility would connect into existing water and sewer utilities from the former building. The existing parking lot footprint located along Parkview Drive would remain the same for the new facility. Per the FEMA Flood Insurance Rate Map (Community Panel #: 48039C0620H, Effective Date July 5, 1993), the proposed site is located in Flood Zone X, outside the 100- and 500-year floodplains. According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) online Web Soil Survey, the proposed project site contains soils classified as Pledger clay, a prime farmland soil.

A site visit was conducted by a FEMA Environmental Specialist on August 18, 2011. The proposed site is located at the intersection of Parkview Drive and Emerald Drive, on the southeast corner of Clute Municipal Park. The proposed site consists of the former building foundation and adjacent park open space. The open spaced area consists of maintained grass lawn with intermittent trees. Three (3) large trees (ranging from 24" to 60" in diameter) would be removed for construction of the new

September 9, 2011

City of Clute Parks and Recreation Department Building Replacement Project

Page 2

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In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, FEMA is preparing an Environmental Assessment for the proposed project. FEMA requests that your agency review the proposed project and provide comments and any available information or resources under your agency's jurisdiction within the project area. If you have any questions or need additional information, please contact me at 713-824-8059 and electronic mail at brian.mehok@associates.dhs.gov, or by U.S. mail to my attention to the Hurricane Ike Recovery Office, 5938 Broadway Avenue, Galveston, Texas 77551.

Sincerely,



Brian Mehok, CFM
Environmental Specialist
Technical Assistance Contractor to FEMA
FEMA-1791-DR-TX
Hurricane Ike Recovery Office- Galveston, TX

Enclosures

Cc: Kevin Jaynes, CHHM – FEMA Regional Environmental Officer, Region VI – Denton, TX
Ashley Bechtold – Environmental/Historic Preservation Specialist, FEMA Region VI

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

September 19, 2011

Hurricane Ike Recovery Office
5938 Broadway Avenue
Galveston, TX 77551

Attention: Brian Mehok, Environmental Specialist

Subject: LNU-Farmland Protection
City of Clute Parks and Recreation Department Building
Brazoria County, Texas

We have reviewed the information provided concerning the proposed replacement of the Parks and Recreation Building in the City of Clute, Brazoria County, Texas, as outlined in your letter dated September 14, 2011. This review is part of the National Environmental Policy Act (NEPA) evaluation for FEMA. We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The FPPA excludes from the definition of "Farmland" areas that are already converted to urban uses. We have completed a Farmland Conversion Impact Rating (form AD-1006) indicating the exemption for this project. We urge you to use accepted erosion control methods during construction.

We are enclosing the completed form. Thank you for the resource materials you submitted to evaluate this project. If you have any questions please call me at (254)-742-9861, Fax (254)-742-9859.

Sincerely,

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

Laurie N. Kiniry
Soil Scientist

Enclosure

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 9/14/2011			
Name of Project Clute Parks and Recreation Department Building		Federal Agency Involved FEMA			
Proposed Land Use urban		County and State Brazoria County, Texas			
PART II (To be completed by NRCS)		Date Request Received By NRCS 9/19/2011		Person Completing Form: L. Kiniry	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input type="checkbox"/>	NO X	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 9/19/2011			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (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					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Famed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (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			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	
Reason For Selection:					

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-1791-DR-TX
800 N Loop 288
Denton, Texas, 76309



FEMA

RECEIVED

SEP 26 2011

THC-Purchasing

September 21, 2011

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

RE: Section 106 Review Consultation, FEMA-1791-DR-TX, Hurricane Ike
City of Clute Improved Project
100 Parkview Drive, Brazoria County, Clute, Texas
Coordinates: 29.02404, -95.40817

2011 OCT -6 P 3:04

RECEIVED THC M/A ROOM
FEMA REGION V

Dear Mr. Wolfe:

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to the major Disaster Declaration for FEMA-1791-DR-TX, dated September 7, 2008. FEMA is initiating Section 106 review for the above referenced property in accordance with the Programmatic Agreement between FEMA, the Texas Historical Commission (SHPO), and the Texas Division of Emergency Management (TDEM) dated August 30, 2005.

During Hurricane Ike, the City of Clute was impacted by high winds and wind driven rain. The City's Park and Recreation Department Office Building was impacted by a fallen tree, which caused water to infiltrate the building. Mold was later identified in the building. This has resulted in the need for federal funding for repairs through FEMA's Public Assistance Program. The damages exceeded the 50% repair/replacement ratio, meeting FEMA's criteria for demolition and replacement of the building. The building has since been demolished due to public health and safety concerns.

The City of Clute (Applicant) is proposing an Improved Project to construct a new Park and Recreation Department Office Building (Undertaking).

The previous Parks and Recreation Department Building was a 2,652-square foot, one-story, prefabricated metal building constructed in 1984. The proposed project site is located directly adjacent to the previous Park and Recreation Office Building. The Area of Potential Effect (APE) is limited to the proposed project site, which is located at the intersection of Parkview Drive and Emerald Drive, on

the southeast corner of Clute Municipal Park. The proposed site consists of the former building foundation and adjacent park open space. The open spaced area consists of maintained grass lawn with intermittent trees. Three large trees (greater than 18" in circumference) would be removed for construction of the new building. Three smaller trees (less than 18" in circumference) would also be removed. No park amenities or equipment would be removed or relocated for construction of the new building.

The proposed construction of the new office building involves offsetting the building approximately 100 -150 feet from the previous building footprint. The previous building foundation could not be re-used because it does not meet current windstorm requirements. The new building will be 12, 452 square feet and include office space for the City's Park and Recreation Department, a visitor's bureau, and a community center. Construction of the new building would require demolition of the former building slab foundation and tree removal. The new building will connect into the existing water and sewer utilities from the former building. The project parcel was substantially disturbed during the construction of the previous building. The entire area was leveled and graded.

A cultural records search in the Texas Historical Commission (THC) Archaeological Sites Atlas was conducted for known archaeological and historic resources. There are no previously recorded archeological sites located on or adjacent to the proposed project site, nor are there any nearby properties listed as a Recorded Texas Historic Landmark, or individually listed on the National Register of Historic Places, nor as part of a designated historic district.

As there are no identified archaeological resources located within the project parcel, and it is unlikely that any intact resources would be identified due to the substantially disturbed nature of the parcel, FEMA makes a determination of **No Historic Properties Affected**. We request concurrence with this determination. Photographs and a USGS Topographic map showing the project location are attached.

Your prompt review of this project is greatly appreciated. Should you need additional information please contact Ashley Bechtold Historic Preservation Specialist at (940) 898-5361.

Sincerely,



for Kevin Jaynes, CHMM
Regional Environmental Officer
FEMA Region VI

Enclosures

Aerial Map of Location
USGS Quad Location Map
Photographs of site
Site Plan

CONCUR	
by	
for Mark Wolfe State Historic Preservation Officer	
Date	8/29/11
Track#	

**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

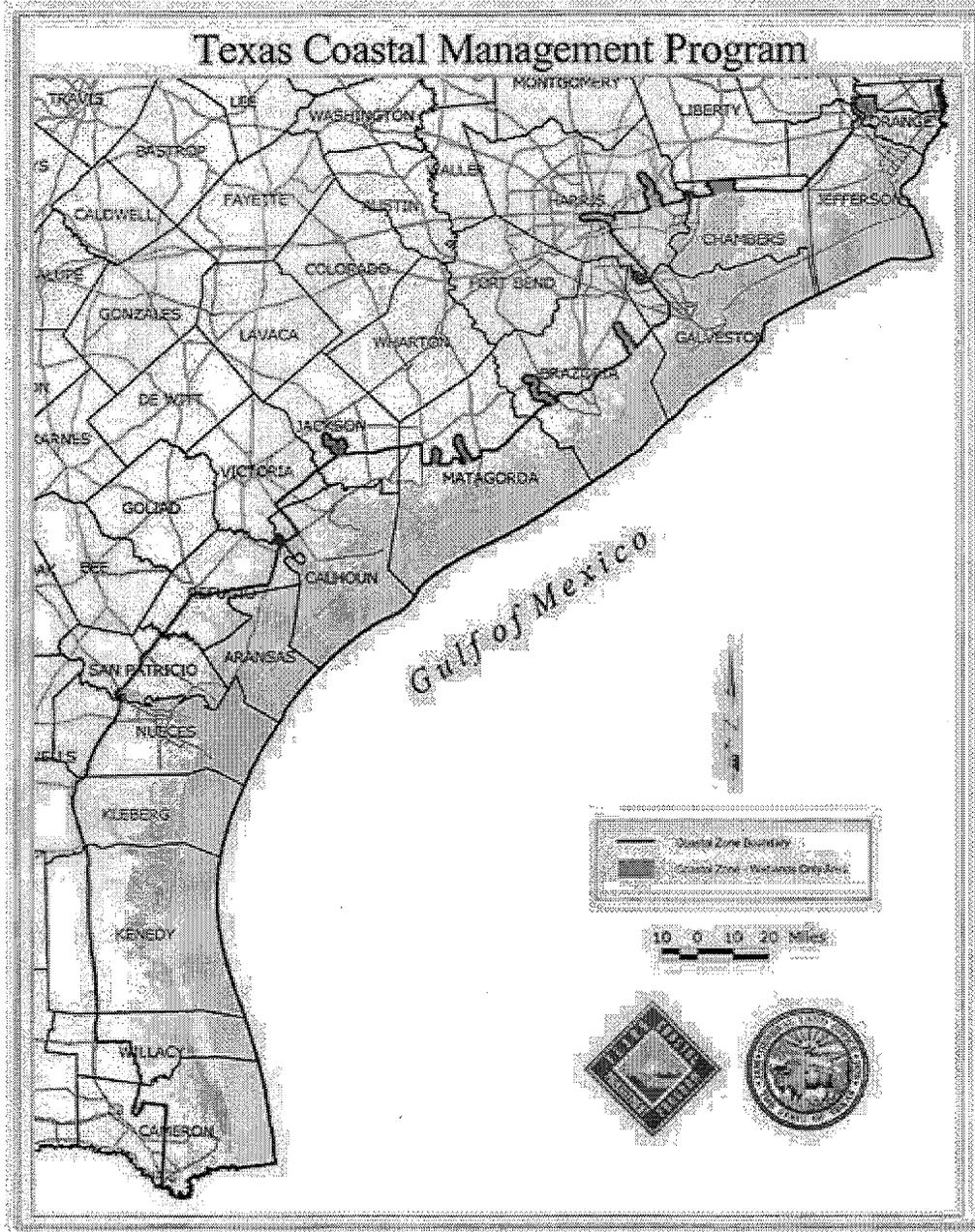
11-13-02

Date

Chief Financial Officer

Texas Department of Public Safety

FEMA General Concurrence 5
APPENDIX A – MAP OF COASTAL MANAGEMENT PROGRAM BOUNDARY



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.



U.S. Department of Homeland Security
FEMA Region 6
800 North Loop 288
Denton, TX 76209-3698

FEMA

September 14, 2011

U.S. EPA Region VI
Office of Planning & Coordination
Compliance Assurance and Enforcement Division
1445 Ross Avenue, 6EN-XP
Dallas, TX 75202-2733

RE: Request for Project Review - City of Clute Parks and Recreation Department Building Replacement Project, Brazoria County, Texas

To Whom It May Concern:

The City of Clute, Texas has applied for Federal Emergency Management Agency (FEMA) funding under the Public Assistance program, being administered in response to Hurricane Ike (FEMA-1791-DR-TX), for the proposed Crystal Beach City of Clute Parks and Recreation Department Building Replacement Project. The proposed project will replace a 2,652-square foot, one-story, prefabricated metal Parks and Recreation Department building, constructed in 1984, which was severely damaged during Hurricane Ike. The damages exceeded the 50% repair/replacement ratio, meeting FEMA's criteria for demolition and replacement of the building. The building has since been demolished due to public health and safety concerns. This building was located at 100 Parkview Drive, within Clute Municipal Park (Lat/Long: 29.02391, -95.40827).

The City of Clute proposes to utilize FEMA funding, in conjunction with City reserve funding, for an Improved Project to construct a new 12,452-square foot Parks and Recreation Building. The new building would be constructed at the former building's location, and include office space for the City's Park and Recreation Department, a new community center and visitor's bureau. Construction of the new building would require demolition of the former building slab foundation, tree removal, and site leveling and grading. The facility would connect into existing water and sewer utilities from the former building. The existing parking lot footprint located along Parkview Drive would remain the same for the new facility. Per the FEMA Flood Insurance Rate Map (Community Panel #: 48039C0620H, Effective Date July 5, 1993), the proposed site is located in Flood Zone X, outside the 100- and 500-year floodplains.

A site visit was conducted by a FEMA Environmental Specialist on August 18, 2011. The proposed site is located at the intersection of Parkview Drive and Emerald Drive, on the southeast corner of Clute Municipal Park. The proposed site consists of the former building foundation and adjacent park open space. The open spaced area consists of maintained grass lawn with intermittent trees. Three (3) large trees (ranging from 24" to 60" in diameter) would be removed for construction of the new building. Six (6) smaller trees (ranging from 6" to 12" in diameter) would also be removed or relocated. No park amenities or equipment would be removed or relocated for construction of the new building. No wetlands or other Waters of the United States were observed onsite. In addition, no

September 9, 2011

City of Clute Parks and Recreation Department Building Replacement Project

Page 2

federally or state-listed threatened and endangered species or habitats were observed during site reconnaissance.

In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, FEMA is preparing an Environmental Assessment for the proposed project. FEMA requests that your agency review the proposed project and provide comments and any available information or resources under your agency's jurisdiction within the project area. If you have any questions or need additional information, please contact me at 713-824-8059 and electronic mail at brian.mehok@associates.dhs.gov, or by U.S. mail to my attention to the Hurricane Ike Recovery Office, 5938 Broadway Avenue, Galveston, Texas 77551.

Sincerely,



Brian Mehok, CFM
Environmental Specialist
Technical Assistance Contractor to FEMA
FEMA-1791-DR-TX
Hurricane Ike Recovery Office- Galveston, TX

Enclosures

Cc: Kevin Jaynes, CHHM – FEMA Regional Environmental Officer, Region VI – Denton, TX
Ashley Bechtold – Environmental/Historic Preservation Specialist, FEMA Region VI



U.S. Department of Homeland Security
FEMA Region 6
800 North Loop 288
Denton, TX 76209-3698

FEMA

September 14, 2011

Linda K. Vasse, P.G.
TCEQ- Region 12, Houston
5425 Polk Ave., Ste. H
Houston TX 77023-1452

RE: Request for Project Review - City of Clute Parks and Recreation Department Building Replacement Project, Brazoria County, Texas

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City of Clute Parks and Recreation Department Building Replacement Project

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Sincerely,



Brian Mehok, CFM
Environmental Specialist
Technical Assistance Contractor to FEMA
FEMA-1791-DR-TX
Hurricane Ike Recovery Office- Galveston, TX

Enclosures

Cc: Kevin Jaynes, CHHM – FEMA Regional Environmental Officer, Region VI – Denton, TX
Ashley Bechtold – Environmental/Historic Preservation Specialist, FEMA Region VI