

Appendix A-3
Agency Coordination Letters

TEXAS HISTORICAL COMMISSION

real places telling real stories

25 September 2012

Jeffrey S. Ward, CFM
President, JSW & Associates, Inc.
Hazard Mitigation Consultants
14401 Bookcliff Ct.
Purcellville, VA 20132

*Re: Project review under Section 106 of the National Historic Preservation Act of 1966, as amended
Federal Emergency Management Agency (FEMA), Hazard Mitigation Grant Program (HMGP),
Hazardous Fuel Reduction, City of Panorama Village, Montgomery County, Texas*

Dear Mr. Ward:

Thank you for contacting our office regarding the above-referenced project. We received your letter on August 30, 2012. This letter serves as official comment from the State Historic Preservation Officer (SHPO), the Executive Director of the Texas Historical Commission (THC). At this time we are unable to complete our Section 106 review based on the provided letter.

The Federal Emergency Management Agency (FEMA), as a federal agency, has legal obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) and its implementing regulations. Section 106 requires federal agencies to consider the effects of federally funded, licensed, or permitted projects on historic and cultural resources. The THC serves as the SHPO, a consulting party to the federal Section 106 process. Because the City of Panorama Village has submitted a grant application to the Texas Division of Emergency Management (TDEM) who receives the grant funding from FEMA, the work is subject to Section 106 review.

As the SHPO for Texas we have made efforts to standardize the information that is required by Section 106 and submitted to our office. Our website outlines the minimum amount of information our staff needs to review these projects. You can find more information about this review process and what to send for future projects on our website www.thc.state.tx.us.

At this time, to assist in our review of the above-referenced project, we request the following information:

- Project location(s), including complete street address and/or nearest intersection(s)
- Description of the scope of work and nature of the project
- Map(s) of the project location(s) and area of potential effects
- Photographs of the project location(s) and surrounding area(s)
- Identification of any historic properties within the area of potential effects
- Determination of eligibility
- Determination of effects

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Sarah K. Birtchet, Historian, Federal Programs at sarah.birtchet@thc.state.tx.us or 512/936.7403.

Thank you,



Sarah K. Birtchet, Historian, Federal Programs
For: Mark Wolfe, State Historic Preservation Officer



March 18, 2013

Ms. Sarah K. Birtchet
Texas Historical Commission
Historian, Federal Programs
P.O. Box 12276
Austin, TX 78711-2276

Dear Ms. Birtchet

Thank you for your letter with regard to the City of Panorama Village Hazardous Fuel Reduction HMGP application before FEMA. The letter requests that the City provide:

- Project location(s)
- Description of the scope of work and nature of project
- Maps of the project location and area of potential effects
- Photographs of the project location and surrounding area
- Identification of any historic properties with in the area of potential effects
- Determination of eligibility
- Determination of effects

Attached are responses to the information requested and maps and photographs. Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ward", written in a cursive style.

Jeffrey S. Ward, CFM
President

Project Location

Panorama Village is located in Montgomery County, near Conroe, Texas According to the United States Census Bureau, the City has a total area of 1.11 square miles (2.87 km²). 1.09 square miles (2.82 km²) of it is land and 0.02 square miles (0.005 km²) of it (0.02%) is water. The City is comprised of residential homes that have been built around a The Village Golf Club which is located ½ mile west of I-45 on League Line Road and 3 miles east of Lake Conroe. The location of the fuel reduction project is around the golf club located at 73 Greenbriar Drive, Conroe, TX 77304.

Description of Scope of Work and Nature of Project

As a consequence of the ongoing county wide fire hazard the City of Panorama Village had a significant fire that fortunately was extinguished with the aid of the DC-10 tanker, which dropped fire retardant to help extinguish the fire. It brought to the forefront the realization how susceptible the community is to a significant fire potential, due in large measure to the excessive number of dead trees caused by the drought.

It is estimated there are between 400 - 450 trees in need of removal. The City of Panorama Village is a heavily treed community that has over the past few years removed hundreds of trees as the result of both IKE and the ongoing drought condition which has left hundreds more in need of removal. The city budget is taxed to the limit and assistance is needed to clear the remaining fire hazard trees. These dead trees are also a safety hazard to homes in close proximity should they fall which several have luckily missing nearby homes. In addition to dead tree removal the City will reduce tree density (remove live trees from heavily treed areas), raise the existing canopy of standing trees to a minimum of 15 feet, and remove shrubs and underbrush, which could act as lateral fuel.

The City has only few alternatives to Fuel Reduction: defensible space or no action. The City is heavily wooded and recent drought conditions have left 100's of dead and dying trees as well as a bed of dead leaves and brush. No action is not an acceptable alternative because it leaves the homes and residents in harm's way. Defensible space alone is also not a viable option as it is much more costly, participation from individual homeowners is not guaranteed and the dead trees would still be present and a constant fire threat. In either no action or defensible space homes will continue to be at risk of loss. The affected citizens would be burdened with tremendous expenditures of repair and/or relocation to avoid future Wildfire losses. Therefore, fuel reduction would result in the best reduction of damages and emergency services.

Maps of the project location and area of potential effects

The green is the project area. The pink are homes that are directly impacted by the project (475), the white are the remaining homes in the City (625)



Photographs of the project location and area of potential effects

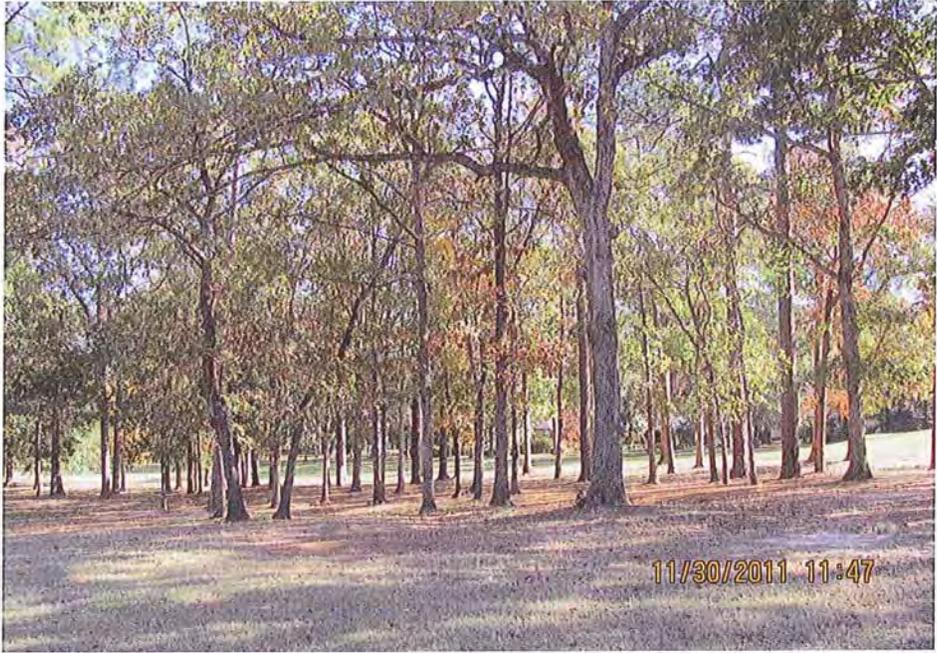












Identification of any Historic Properties within the Area

A search of Panorama Village, Texas in the National Register of Historic Places indicated that No records were found. Residential homes are built around the golf course with central appraisal district records indicating that the oldest of these homes were built in the sixties. However, there are no residential homes on the Historic Places.

Determination of Eligibility

Eligibility is determined by the agency official. The project is cutting down dead trees and clearing brush that could cause the spread of fire and protects homes.

Determination of Effects

Effects are determined by the agency official. However, the project is cutting down dead trees and clearing brush that could cause the spread of fire and protects homes.



JSW & Associates, Inc.
Hazard Mitigation Consultants

14401 Bookcliff Ct.
Purcellville, VA 20132

(W) 540-668-6945 (F) 866-635-6582
jward@rstarmail.com

March 26, 2013

Ms. Sarah K. Birtchet
Texas Historical Commission
Historian, Federal Programs
P.O. Box 12276
Austin, TX 78711-2276

RECEIVED
APR - 3 2013
Texas Historical Commission

Dear Ms. Birtchet,

Thank you for your letter with regard to the City of Panorama Village Hazardous Fuel Reduction HMGP application before FEMA. The letter requests that the City provide:

- Project location(s)
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Attached are responses to the information requested and maps and photographs. Should you have any questions, please feel free to contact me.

Sincerely,

Jeffrey S. Ward, CFM
President

NO HISTORIC
PROPERTIES AFFECTED
PROCESSED UNDER FEDERAL
by
for Asst. Dir.
State Historic Preservation Officer
Date 4/22/2013



Life's better outside.® September 24, 2012

Commissioners

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Ralph H. Duggins
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Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

Jeffrey Ward
JSW & Associates, Inc.
14401 Bookcliff Ct.
Purcellville, VA 20132

RE: Hazardous Fuel Reduction Project
The City of Panorama Village, Montgomery County

Dear Mr. Ward:

The Texas Parks and Wildlife Department (TPWD) has received your request for information regarding potential impacts to threatened and endangered species and for information on other issues of concern relating to the project referenced above. Under Section 12.0011 of the Texas Parks and Wildlife Code, TPWD is charged with "providing recommendations that will protect fish and wildlife resources to local, state, and federal agencies that approve, permit, license, or construct developmental projects" and "providing information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources."

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife Code, Section 12.0011, which can be found online at <http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.12.htm#12.0011>. For tracking purposes, please refer to TPWD project numbers ERCS-2577 in any return correspondence regarding this project.

The City of Panorama Village proposes to conduct hazardous fuel reduction under the Hazard Mitigation Grant Program.

Federal Regulations

Endangered Species Act (ESA)

Federally-listed animal species and their habitat are protected from "take" on any property by the ESA. Take of a federally-listed species can be allowed if it is "incidental" to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Federally-listed plants are not protected from take except on lands under federal/state jurisdiction or for which a federal/state nexus (i.e., permits or funding) exists. Any take of a federally-listed species or its habitat without the required allowance from U.S. Fish and Wildlife Service (USFWS) is a violation of the ESA.

The Texas Natural Diversity Database (TXNDD) is intended to assist users in avoiding harm to rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously based on new, updated and undigitized records; for questions regarding a record, please contact txndd@tpwd.state.tx.us.

Due to the large scope of the project, TPWD recommends that the applicant contact the TXNDD through the email above and request the TXNDD data to adequately evaluate the proposed project's impacts upon rare resources.

Migratory Bird Treaty Act (MBTA)

MBTA implicitly prohibits intentional and unintentional take of migratory birds, including their nests and eggs, except where permitted. Measures should be taken to ensure that migratory bird species within and near the project area are not adversely impacted by clearing and construction activities.

Recommendation: TPWD recommends that vegetation removal be avoided during the primary migratory bird nesting season, March through August, to avoid adverse impacts to this group. If clearing vegetation during the nesting season is unavoidable, TPWD recommends the construction area be surveyed to ensure that no nests with eggs or young will be disturbed by construction. Any vegetation (trees, shrubs, and grasses) where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged. For additional information regarding potential impacts of the project on migratory birds, contact the USFWS - Migratory Bird Office at (505) 248-7882.

Clean Water Act (CWA)

The U.S. Army Corps of Engineers (USACE) as authorized by Section 404 of the CWA of 1972 issues permits for unavoidable discharge of dredged or fill material into Waters of the U.S., including wetlands. Any unavoidable impacts to jurisdictional streams and wetlands would be subject to review and approval of the USACE. If potential impacts to jurisdictional wetlands are anticipated, the appropriate USACE district office should be consulted pursuant to CWA.

Wetlands, riparian areas, and bottomland forests generally provide valuable habitat for wildlife and protect waterways from sediment loads in runoff water. Such habitats are priority habitat types targeted for conservation by TPWD across the state.

Recommendation: The City of Panorama Village should minimize disturbance to inert microhabitats, i.e., snags, brush piles, fallen logs, creek banks, and pools as these provide habitat for a variety of wildlife species and their food sources.

Recommendation: In wetland areas, only vegetation impeding construction should be removed, equipment should not be driven over vegetation when it is extremely wet, and heavy machinery should not be stored on vegetative cover for long periods of time. Protective mats should be placed within streambeds during construction to reduce the amount of soil and root disturbance and aid in the recovery of plants.

Recommendation: Vehicles not needed specifically at creek crossings should utilize nearby roadways and bridges when crossing wetlands and streams to avoid soil disturbances.

State Regulations

Section 68.015, Parks and Wildlife Code – State-listed Species

Section 68.015 of the Parks and Wildlife Code regulates state-listed species. Please note that there is no provision for take (incidental or otherwise) of state-listed species. State-listed species may only be handled by persons with a scientific collection permit obtained through TPWD. For more information on this permit, please contact the Wildlife Permits Office at (512) 389-4647.

The TPWD county lists for rare species may be obtained from the following link: http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/. These lists provide information regarding rare species that have potential to occur within each county. Rare species could potentially be impacted if suitable habitat is present at or near the project site.

Recommendation: TPWD recommends that the City of Panorama Village consult the above-reference TPWD county lists to determine if habitat for state-threatened species occurs within the project area. An on-the-ground survey by a qualified biologist should be performed in areas of suitable habitat to determine if species are present. If present, City of Panorama Village should incorporate actions into the project to avoid impacts to these species.

Potential adverse impacts should be identified and conservation measures to offset harm should be incorporated into the project mitigation plan. If rare, threatened, and endangered species are to be adversely affected, TPWD should be contacted for further coordination.

Jeffery Ward
Page 4
September 24, 2012

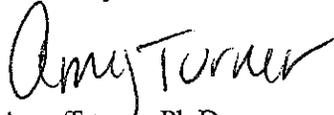
Revegetation

Recommendation: TPWD recommends that the City of Panorama Village reseed disturbed soils with a mixture of grasses and forbs native to Montgomery County. To enhance native grasses available to wildlife in the project area, TPWD recommends that Bermuda grass be avoided to the extent possible in reseeding efforts, though TPWD understands that slopes may require certain grasses to control erosion. As an introduced species that can be extremely invasive, its use in federally funded projects may be inconsistent with Executive Order 13112 on Invasive Species.

For assistance in determining the best native seed mix for the project area, please contact our staff. Runoff control measures should be maintained until native plants have been reestablished on disturbed areas.

TPWD advises review and implementation of these recommendations. If you have any questions, please contact me at (361) 576-0022.

Sincerely,



Amy Turner, Ph.D.
Wildlife Habitat Assessment Program
Wildlife Division

/ajt:ERCS- 2577

Weir, Dorothy

To: Allen, Robert
Subject: RE: Red Cockaded Woodpecker Montgomery County, TX

From: Allen, Robert [mailto:robert_allen@fws.gov]
Sent: Thursday, April 18, 2013 7:51 AM
To: Weir, Dorothy
Subject: Re: Red Cockaded Woodpecker Montgomery County, TX

Dorothy,

There are no known RCW locations in the immediate project vicinity. I've attached a map depicting the nearest known RCW locations.

Robert Allen
Wildlife Biologist
U.S. Fish and Wildlife Service
East Texas Sub-office
2221 North Raguet Street
Lufkin, Texas 75904
O: 936 639-8592
Fax: 936 639-8549
M: 936 676-8549
robert_allen@fws.gov

On Tue, Apr 16, 2013 at 11:23 AM, Weir, Dorothy <Dorothy.Weir@fema.dhs.gov> wrote:

Hi Robert,

FEMA also is reviewing a wildfire mitigation/fuels management project in Montgomery County, TX where the red cockaded woodpecker is listed. We plan to have a biologist conduct a site visit to determine whether suitable habitat is present to support our determination under the Endangered Species Act.

Do you have known locations of red cockaded woodpeckers in Montgomery County, TX related to this location? The location description is below and a map of the project area is also attached.

LOCATION: 570 acre area west of Interstate-45; south of FM 830, east of Rolling Hills Drive, and north of League Line Road (Latitude: 30.38104; Longitude: -95.49355), Panorama Village, Montgomery County, Texas.

Thanks for your help,

Dorothy

Dorothy Weir

Environmental Specialist

FEMA Region 6

909 N. Loop 288

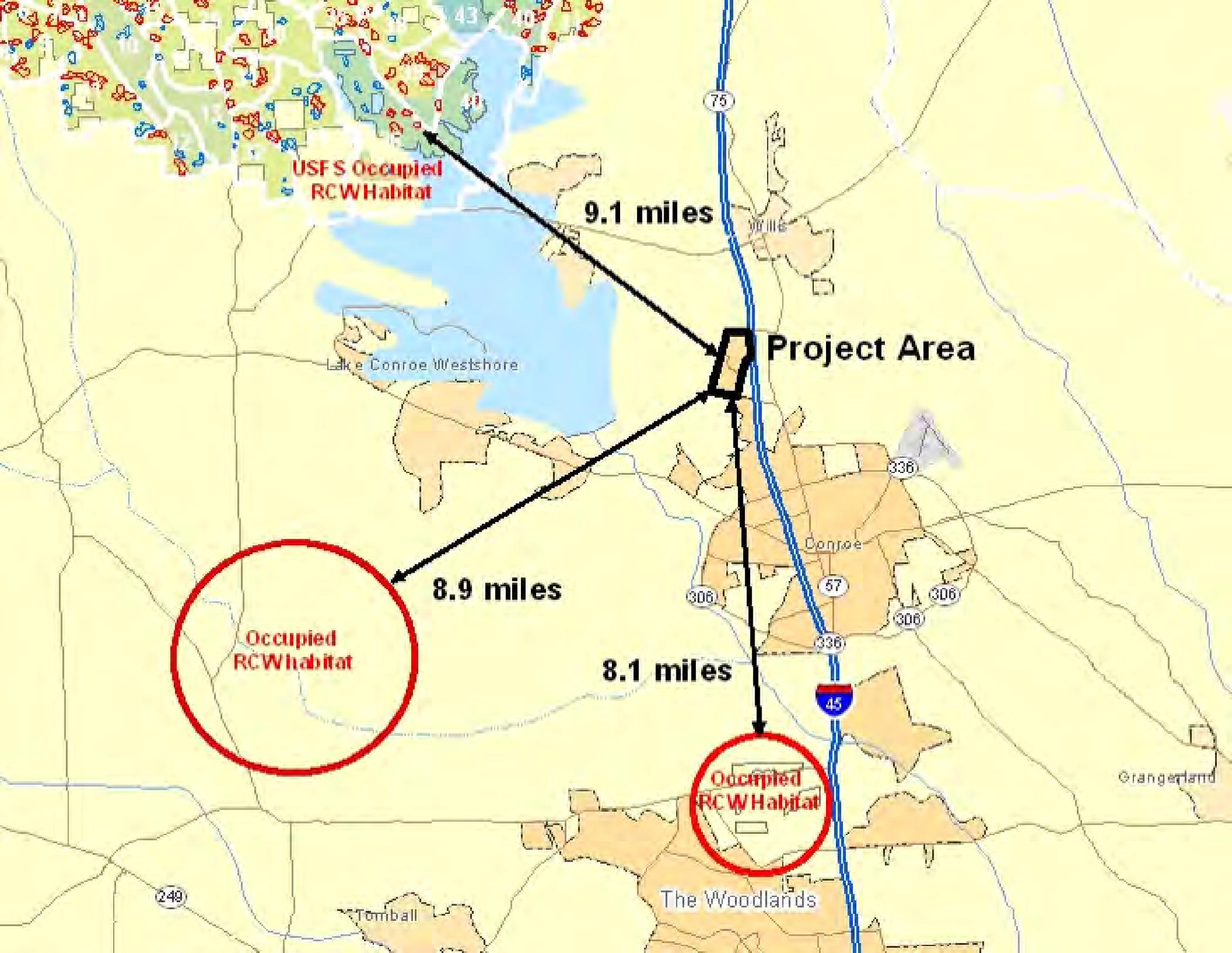
Denton, TX 76209

Phone: 940-383-7250

BB#: 940-435-9275

Fax: 940-383-7299

Dorothy.Weir@fema.dhs.gov



USFS Occupied RCW Habitat

9.1 miles

Project Area

Lake Conroe Westshore

8.9 miles

Occupied RCW Habitat

8.1 miles

Occupied RCW Habitat

The Woodlands

Grangerland

249

Tomball

306

57

306

306

336

45

336

75

43

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 30, 2012

Mr. Jeffrey S. Ward
President
JSW & Associates, Inc.
14401 Bookcliff Ct.
Purcellville, VA 20132

Re: TCEQ Grant and Texas Review and Comment System (TRACS) #2012-346, Montgomery County - City of Panorama Hazardous Fuel Reduction Project

Dear Mr. Ward:

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

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 indicates that the proposed project is located in Montgomery County, which is currently classified by the United States Environmental Protection Agency as severe nonattainment for the 1997 National Ambient Air Quality (NAAQS) ozone standard and marginal nonattainment for the 2008 NAAQS. Therefore, General Conformity rules apply.

The two primary precursors to ozone are volatile organic compounds (VOCs) and nitrogen oxides (NO_x). An increase of 25 tons per year for VOCs or NO_x, resulting from the proposed project, could trigger general conformity analysis. However, the emissions from the proposed project are expected to be below the 25 tons per year *de minimis* level. Therefore, a general conformity analysis will not be required.

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

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

Thank you for the opportunity to review this project. If you have any questions, please contact Ms. Janie Roman at (512) 239-0604 or janie.roman@tceq.texas.gov.

Sincerely,

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

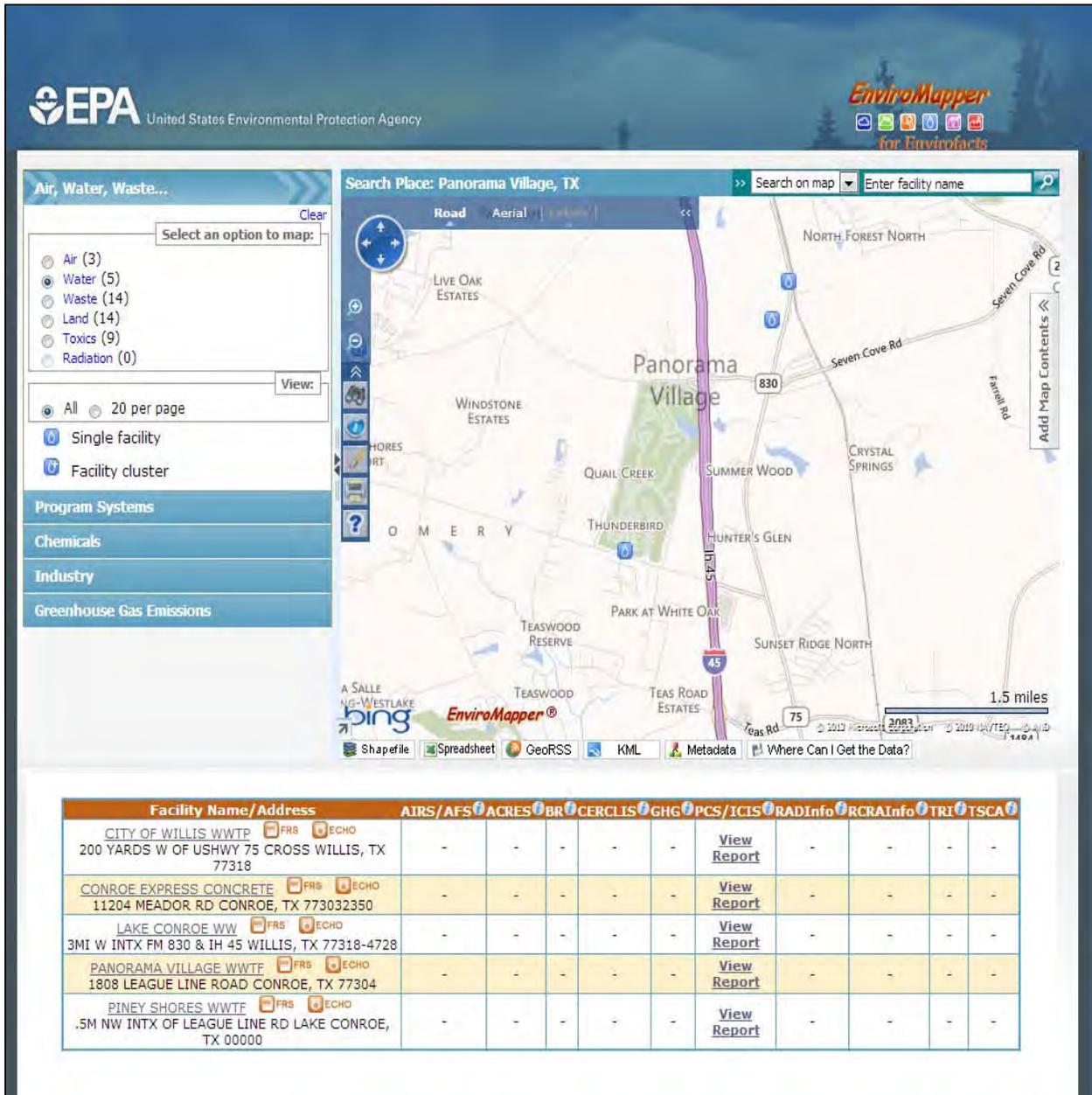
Jim Harrison, Director
Intergovernmental Relations Division

Appendix A-4
Envirofacts Mapper Figures

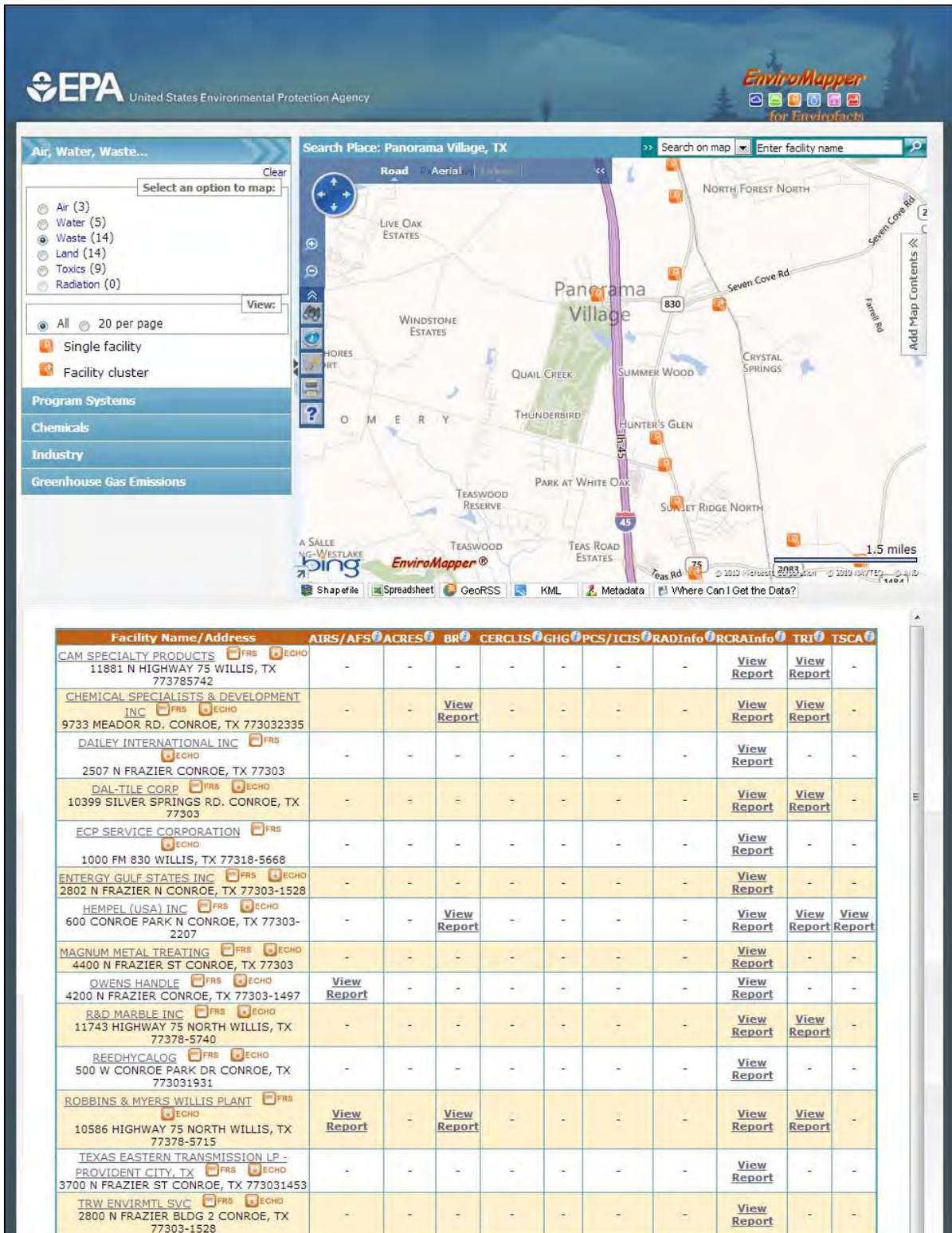
The screenshot displays the EPA EnviroMapper web application. The top left features the EPA logo and the text "United States Environmental Protection Agency". The top right has the "EnviroMapper for Envirofacts" logo. The main interface includes a search bar with "Search Place: Panorama Village, TX" and a search button. Below the search bar are map controls (pan, zoom, layers) and a list of facility categories: Air (2), Water (7), Waste (11), Land (11), Toxics (8), and Radiation (0). The map shows various residential areas like Live Oak Estates, Windstone Estates, and Quail Creek. Below the map is a table of facility data.

Facility Name/Address	AIRS/AFS	ACRES	BR	CERCLIS	GHG	PCS/ICIS	RADInfo	RCRAInfo	TRI	TSCA
OWENS HANDLE 4200 N FRAZIER CONROE, TX 77303-1497	View Report	-	-	-	-	-	-	View Report	-	-
ROBBINS & MYERS WILLIS PLANT 10586 HIGHWAY 75 NORTH WILLIS, TX 77378-5715	View Report	-	View Report	-	-	-	-	View Report	View Report	-

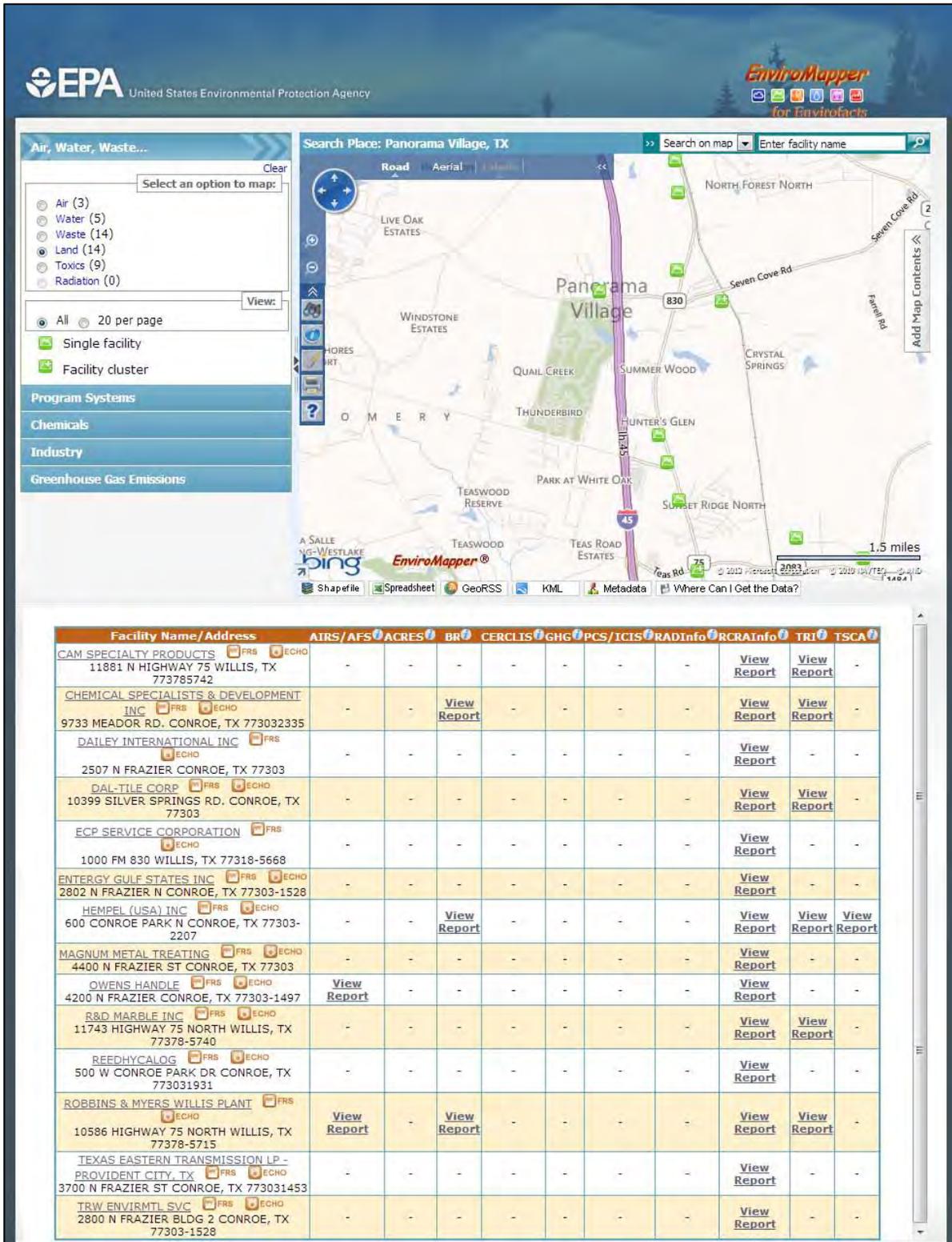
Envirofacts Mapper – Air



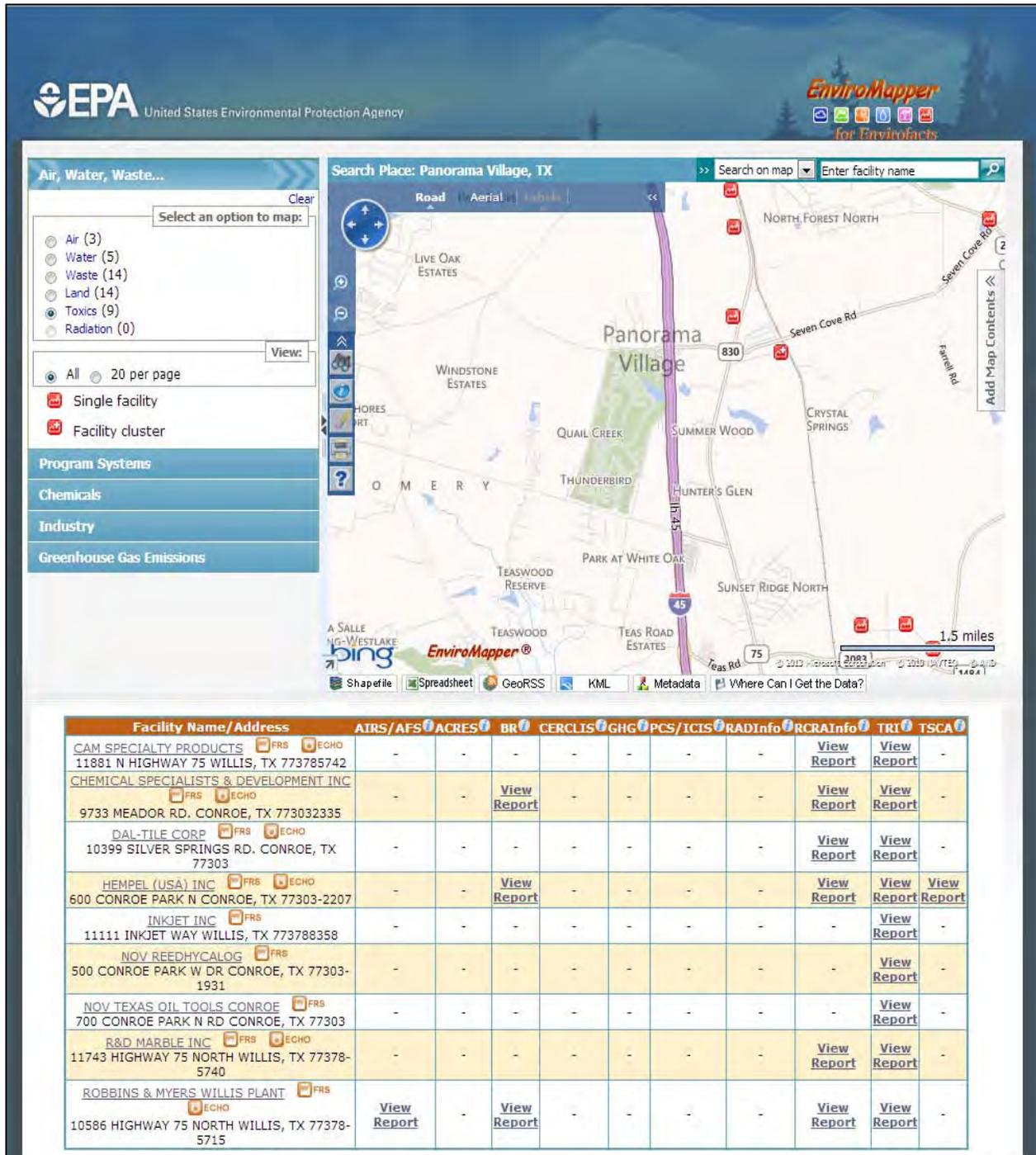
Envirofacts Mapper – Water



Envirofacts Mapper – Waste



Envirofacts Mapper – Land



Envirofacts Mapper – Toxics