



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6
DITCH 505 COMMUNITY FLOOD CONTROL DETENTION PROJECT
JEFFERSON COUNTY, TEXAS
EMT-2020-FM-007-0009**

BACKGROUND

In accordance with the Federal Emergency Management Agency's (FEMA) Instruction 108-1-1, an Environmental Assessment (EA) has been prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). The purpose of the Project is to provide flood relief to residents of Fannett and their homes/personal property in Jefferson County, Texas. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Jefferson County Drainage District No. 6 (JCDD6) has applied for FEMA funding assistance through FEMA's Flood Mitigation Assistance (FMA) Program, EMT-2020-FM-007-0009, for providing flood relief to residents of Fannett and their homes/personal property in Jefferson County. Through FMA, FEMA provides grants for flood hazard mitigation projects as well as plan development. The FMA Program is authorized by Section 1366 of the National Flood Insurance Act of 1968, as amended (NFIA), 42. U.S.C. 4104c with the purpose of reducing or eliminating claims under the National Flood Insurance Program (NFIP).

Two project alternatives were evaluated in this EA: 1) No Action Alternative; and 2) Proposed Action Alternative. For additional alternative actions, other parcels were considered for the detention basin but were dismissed from further consideration due to their increased adverse environmental impacts, environmental constraints, and potential increases in project costs.

Under the No Action Alternative, the construction of the proposed detention area would not take place. Thus, the No Action Alternative would result in continued flooding issues in Fannett. The No Action Alternative would not meet the purpose and need of the proposed project.

Under the Proposed Action Alternative, JCDD6 would provide flood relief in the City of Fannett, Jefferson County, Texas. JCDD6 would construct an approximately 230-acre detention basin on Ditch 505 just north of IH-10 and south of Clubb Road. Additional culverts would also be installed under Clubb Road to improve conveyance into the detention basin from areas upstream. The detention basin would be excavated approximately 4 feet deep in addition to a detention berm placed around the lower portion of the basin to increase detention capacity. The excavation would be deep enough to add significant detention volume upstream of Fannett, however,

JCDD6 proposes to stay above the Ordinary High Water Mark (OHWM) of Ditch 505 and Ditch 505-B, such that there are no jurisdictional impacts to these streams.

A public notice was posted in the Beaumont Enterprise and on FEMA's website. The draft EA was made available for public comment for 30 days on FEMA's website and upon request in hard or electronic copy from FEMA. No comments were received from the public during the comment period.

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action as described in the EA would not significantly impact geology, seismicity, climate change, ground water resources, developed water resources, coastal resources, threatened and endangered species, coastal zone resources, cultural resources, hazardous materials, minority and low-income populations, or public services and utilities. During construction, short-term, minor impacts to soils, air quality, surface water quality, migratory birds, wildlife communities and habitat, noise, and traffic are anticipated. Three small, low-quality, and non-jurisdictional wetlands would be permanently impacted by the proposed project, but the impacts are not significant. Despite the Project Area sitting within a mapped floodplain, the proposed project aims to lower elevations throughout the Project Area and provide a new basin for floodwaters to occupy before they extend into mapped floodplain areas. The project would result in long term beneficial impacts to hydraulic conditions and public health and safety. No long-term significant adverse impacts are anticipated. All adverse impacts to the proposed project site and surrounding areas would be minimized and/or mitigated through required project conditions.

CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize the receipt of federal funding.

1. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
2. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

3. The applicant will either utilize excavated soils on-site for fill material, dispose of excess soils at existing permitted landfills or sandpits, or will coordinate with private landowners in the project area regarding placement of any excess excavated soils. Excavated soils that are placed on private lands must be placed outside of wetlands, the 100-year floodplain, and any National Register of Historic Places (NRHP)-listed or eligible historic sites. Soil placement areas must not be graded or otherwise excavated for the sole purpose of placement of fill.
4. Contractors will water down construction areas as needed to mitigate excess dust. Vehicle running times on site will be kept to a minimum and engines will be properly maintained.
5. The applicant must comply with conditions of Texas Pollutant Discharge Elimination System (TPDES) Construction Storm Water General Permit TXR 150000, including preparation of a Storm Water Pollution Prevention Plan, filing a Notice of Intent (NOI) with the Texas Commission on Environmental Quality (TCEQ) prior to the start of construction. Monitoring and maintenance of emplaced Best Management Practices (BMPs) for storm water management must be conducted on a regular basis as prescribed by the TPDES construction General Permit.
6. Best management practices (BMPs) will be implemented to prevent erosion and sedimentation to surrounding, nearby, or adjacent non-jurisdictional wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation.
7. The applicant is responsible for coordinating with and obtaining any required Section 404 Permit(s) from the United States Army Corps of Engineers (USACE) and/or any Section 401/402 Permit(s) from the State prior to initiating work. The applicant must comply with all conditions of the required permit(s). All coordination pertaining to these activities should be retained as part of the project file in accordance with the respective grant program instructions.
8. JCDD6 must coordinate with the local floodplain administrator, obtain required permits prior to initiating work, and comply with any conditions of the permit to ensure harm to and from the floodplain is minimized. All coordination pertaining to these activities should be retained as part of the project file in accordance with HMGP instructions.
9. To minimize impacts to migratory bird species, applicant will limit vegetation management work during the peak migratory bird-nesting period of March through August as much as possible to avoid destruction of individuals, nests, or eggs. If vegetation reduction activities must occur during the nesting season, applicant will deploy a qualified biological monitor with experience conducting breeding bird surveys to survey the vegetation management area for nests prior to conducting work. The biologist will determine the appropriate timing of surveys in advance of work activities. If an occupied migratory bird nest is found, work within a buffer zone around the nest

will be postponed until the nest is vacated and juveniles have fledged. The biological monitor will determine an appropriate buffering radius based on species present, real-time site conditions, and proposed vegetation management methodology and equipment. For work near an occupied nest, the biological monitor would prepare a report documenting the migratory species present and the rationale for the buffer radius determination, and submit that report to FEMA for inclusion in project files.

10. In the event that archeological deposits, including any buried cultural resources or human remains, are uncovered, the Project shall be halted, and the Applicant shall stop all work immediately in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured by JCDD6, and access to the sensitive area will be restricted by JCDD6. The applicant will inform FEMA immediately, and FEMA will consult with the SHPO. Work in sensitive areas shall not resume until consultation is completed and until FEMA determines that the appropriate measures have been taken to ensure complete project compliance with the NHPA.
11. Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the Project, applicant shall handle, manage, and dispose of petroleum products, hazardous materials and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.
12. To reduce noise levels during construction, construction will be timed to occur during the daytime hours. Machinery and equipment operating at the proposed Project Area will meet all local, state, and federal noise regulations.
13. If any undocumented utilities, pipelines, cable, or wells are encountered during construction, the applicant would stop activities and report to the appropriate agency.
14. Appropriate signage and barriers must be in place prior to construction to notify pedestrians and motorists of construction activities.

CONCLUSION

Based on the findings of the EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (FEMA Instruction 108-1-1) and the proposed project as described in the attached EA may proceed.

APPROVAL AND ENDORSEMENT

DOROTHY K COOK	Digitally signed by DOROTHY K COOK Date: 2023.09.11 11:19:34 -05'00'
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Dorothy Cook
Acting Regional Environmental Officer
FEMA Region 6

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Brianne Schmidtke
Hazard Mitigation Assistance Branch Chief
FEMA Region 6