



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
HARDIN COUNTY LUMBERTON DETENTION POND
HARDIN COUNTY, TEXAS
HMGP-4332-0232-TX**

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 this project is to reduce, or mitigate, the impact of flooding events to structures and infrastructure, displacement costs, life-safety factors in Hardin County and surrounding areas. The County aims to reduce or eliminate flood losses to residential and commercial properties and protect the lives of those affected by flooding events. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Hardin County has applied for Hazard Mitigation Grant Program (HMGP) funding, through the Texas Division of Emergency Management (TDEM), under HMGP-4332-0232-TX. Through HMGP, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures, including flood mitigation. The purpose of HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Five alternatives, including the No Action Alternative, were considered to address the need for the proposed project. Two alternatives were evaluated in this EA, the No Action Alternative and the Proposed Action Alternative. Three additional alternatives were initially developed and considered but were dismissed from further consideration.

Under the No Action alternative, nothing would be done to improve drainage or minimize flooding. The existing drainage facilities (i.e., the storm sewer systems and waterways) are insufficient during significant rainfall events and cause the project area to be vulnerable to flooding. This alternative has no immediate or direct resource area impacts and no direct cost. However, indirectly and over the long-term, avoidable damage costs and resource area impacts could occur. The No Action Alternative would not meet the proposed project's purpose and need.

Under the Proposed Action Alternative, Hardin County proposes the 42-acre expansion of an existing 30-acre detention pond. Construction would involve sub-surface disturbance and removal of soil and clearing of approximately 4.5 acres of standing trees. The resulting detention complex would serve as a large-scale 'catch basin', receiving flood water inflows from an adjacent drainage channel, temporarily storing them, and thereby significantly reduce and slow the amount of flood water discharged into downstream channels and reduce flood water surface elevation for the surrounding area. Excavation of the proposed detention pond would range between 6-18 feet in depth with 3 to 1 embankment slopes utilizing erosion prevention until vegetation is established. Conveyance channels will be constructed to direct runoff from Adler ditch through the upper portion of the detention pond to the lower portion of the detention pond. The pond outlet will discharge into the existing detention pond to allow for longer detention. A concrete low flow swale will be constructed to direct runoff to the control structures and minimize erosion. This project would mitigate, but not entirely eliminate potential flood impacts in the future. Importantly, this project would significantly reduce potential flood impacts for a waste-water facility directly downstream.

A public notice was posted in the local newspaper of record and on FEMA's website. The draft EA was made available for public comment at a local public building and on FEMA's website for 30 days. No comments were received from the public during the comment period.

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action as described in the EA will not significantly impact wetlands, migratory birds, threatened or endangered species, geology, seismicity, soils, climate change, coastal resources, groundwater, historic properties, minority and low-income populations, public services, utilities, or hazardous materials sites. During construction, short-term, minor impacts to floodplain, air quality, water quality, wildlife habitat, noise, and traffic are anticipated. Long-term beneficial impacts to public health and safety are expected. No long-term adverse impacts are anticipated. All adverse impacts require conditions to minimize and mitigate impacts to the proposed project site and surrounding areas.

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. 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, then work will cease until appropriate procedures and/or permits can be implemented/obtained.
4. 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.
5. Hardin County will be required to prepare a Storm Water Pollution Prevention Plan (SW3P) and obtain a National Pollutant Discharge Elimination System (NPDES) permit. Implementation of appropriate erosion and sediment control Best Management Practices (BMPs) would be required during construction. Upon completion of construction activities, unpaved portions of the proposed project area would be revegetated with native seed mix to permanently stabilize soils.
6. Hardin County must coordinate with the local floodplain administrator to obtain required permits prior to initiating work. Coordination pertaining to these activities and applicant compliance with conditions should be retained as part of the project file in accordance with HMGP instructions.
7. Hardin County will limit vegetation management work during the peak migratory bird nesting period of March 15 through September 15, as much as possible, to avoid destruction of individuals, nests, or eggs. If vegetation clearing activities must occur during the nesting season, then the City of Pasadena will implement measures, such as deploying a qualified biological monitor with experience conducting breeding bird surveys to survey vegetation management areas for nests no more than five days prior to construction, to ensure active nests are not present prior to vegetative clearing. No vegetation containing active nests, eggs, or young will be removed if they are present on a project site. If nests are observed during the surveys, then a vegetation buffer area of no less than 150 feet in diameter will remain around the nest until all young have fledged.
8. In the event that archeological deposits, including Native American pottery, stone tools, or human remains, are discovered during project construction, all work will be stopped in the vicinity of the discovery, and measures will be taken immediately to restrict public access and to avoid or minimize further disturbance of the discovery site. In the event of an unexpected discovery, or if it appears that the project has affected a previously unidentified archeological resource, or if it has affected a known historic property in an

unanticipated manner, the Hardin County will immediately notify the TDEM, who will immediately notify FEMA of the discovery. Upon notification of the unanticipated discoveries or effects, FEMA will consult with the Texas State Historic Preservation Office (SHPO) and Tribal representatives who have expressed their cultural affiliation and interest in the project. Work in sensitive areas will not resume until archeological consultation is completed and appropriate measures have been taken to ensure that the project complies with the National Historic Preservation Act. Human burials, both prehistoric and historic-age, are protected under the Texas Health and Safety Code. In the event that human remains or burial objects are inadvertently discovered during construction, use, or ongoing maintenance in the project area, even in previously surveyed areas, all work will stop immediately, and the Texas Historical Commission will be notified of the discovery.

9. The contractor would take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area. The use of construction equipment within environmentally sensitive areas would be minimized. Construction materials and equipment used for the project would be removed as soon as work schedules permit.
10. Construction activities will take place during normal business hours. Machinery operating at the proposed Project Area will meet all local, state, and federal noise regulations.

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

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