



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6
DITCH 609 SOUTH CHINA RELIEF PROJECT
CHINA, JEFFERSON COUNTY, TEXAS
HMGP-DR-4332-TX PROJECT #166**

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 proposed project is to provide improved drainage for the Town of China south of US 90, thus significantly reducing repetitive structure damage due to flooding in this area. 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 N. 6 (JCDD6) has applied for Hazard Mitigation Grant Program (HMGP) funding, through the Texas Division of Emergency Management (TDEM), under HMGP-DR-4332-TX Project #166. 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.

Four project alternatives were considered in this EA: 1) No Action; 2) Detention Alternative; 3) Buyout Alternative; and 4) Proposed Action Alternative-Improve Ditch 609. Under the No Action Alternative, JCDD6 would take no action for flood mitigation and frequent and severe flooding would continue to occur. Alternative 2, construction of a detention basin to alleviate flooding, would entail purchase of over 100 acres of land and excavation of more than 880,000 cubic yards of soils with associated ditch and pipe system installation to ensure floodwaters reached the basin. This alternative was determined to be cost-prohibitive, with costs-benefits far exceeding those of the Proposed Action Alternative. Alternative 3 would include the acquisition and demolition of existing homes at an estimated cost in excess of \$10 million.

Under the Proposed Action Alternative, JCDD6 proposes to quadruple the capacity of existing Ditch No. 609 by excavating the channel to a 9-ft depth and a 15-ft and 10-ft bottom width, with 4:1 side slopes. The excavated material would be stacked along the sides of the channel, with gaps every 500 feet to allow for adjacent property drainage. A 140-ft wide right of way (ROW)

will be surveyed through five property owners, appraised and purchased for the ditch widening project. An additional 90-ft wide ROW east of South China Rd. will be surveyed, appraised and purchased on each side of the ditch for additional dirt spoils placement.

The Proposed Action Alternative also includes two other ditches that will be excavated as tributaries to the main channel. One new ditch will be excavated parallel and on the east side of South China Road to deliver runoff from a 78-acre sub-watershed to the north. This ditch will prevent water flowing over the road from east to west into the problem area. A 90-ft wide ROW will be surveyed, appraised and purchased for this new channel. In the process of constructing this channel, it will be required that an irrigation lateral be moved 90 feet to the east. A second tributary will be excavated along the LNVA Canal, which runs between project benefit areas 2 and 3. This channel construction will require moving the canal westerly to make room for this channel, which will drain the west ends of the neighborhood roads.

In addition to the above-mentioned channel excavation and canal adjustments, eight crossings will be enlarged to either three strings of 8-ft x 8-ft box culverts or three strings of 7-ft x 7-ft box culverts. The crossing lengths will vary from 22 feet to 40 feet. The crossings of the canals and laterals will require that maintenance vehicles have the ability to traverse both the drainage ditch and the irrigation canals. Aluminum inverted siphons will be placed under the box culverts to convey the irrigation water across the ditch crossings. An additional inverted siphon will be replaced under Ditch No. 609 just east of South China Road. Six-inch thick, reinforced concrete slope paving will be constructed at the ends of all culverts for erosion control. Downspouts or culverts will be placed to convey runoff from the adjacent fields to the main channel. Concrete erosion control will also be constructed on each end of the downspouts. A water line and sewer line will be adjusted to allow for the new crossing at South China Road. Disturbed areas will be seeded with a native grass mix.

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 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 will not significantly impact geology, seismicity, groundwater, floodplains, migratory birds, threatened and endangered species or critical habitat, coastal zone resources, hazardous materials, zoning and land use, visual resources, public services, minority and low-income populations, safety and security, and cultural resources. During construction, short-term, minor impacts to surface water quality, air quality, noise, utilities, traffic, are anticipated. The project will result in conversion of prime farmland soils and the filling of non-jurisdictional wetlands that cannot be avoided. 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. All abandoned wells must be capped or properly abandoned according to the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code (TAC), Chapter 76, effective 3 January 1999. A plugging report must be submitted by a licensed water well driller to the Texas Department of Licensing and Regulation, Water Well Drillers Program, Austin, Texas. If a well is intended for use, it must comply with rules stipulated in 16 TAC §76.
4. JCDD6 must prepare a Storm Water Pollution Prevention Plan (SWPPP) and file a Notice of Intent (NOI) with the Texas Commission on Environmental Quality (TCEQ) at least 48 hours prior to start of construction. Monitoring and maintenance of emplaced Best Management Practices (BMPs) for storm water management will be conducted on a regular basis as prescribed by the Texas Pollutant Discharge Elimination System (TPDES) General Permit.
5. 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.
6. Contractors are required to water down construction areas as needed in order to mitigate excess dust. To reduce emissions, vehicle running times on site will be kept to a minimum and engines will be properly maintained.
7. JCDD6 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 and complying with all permit conditions.

8. To the extent feasible, non-jurisdictional wetland areas will be avoided for spoil disposal.
9. JCDD6 will ensure that best management practices are implemented to prevent erosion and sedimentation wetlands within and adjacent to the right of way. This includes equipment storage and staging of construction materials to prevent erosion and sedimentation to ensure that impacts to wetlands are avoided and minimized to the greatest extent practicable per the Clean Water Act and Executive Order 11990.
10. 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.
11. To reduce noise levels during construction, construction activities will take place during normal business hours.
12. Appropriate construction barricades and signage will be utilized during construction.
13. In the event that archeological deposits, including any Native American pottery, stone tools, bones, 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. JCDD6 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 National Historic Preservation Act (NHPA) and its implementing 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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