

APPENDIX C

**Agency Coordination Letters
& Responses Received**



Environmental Services, Inc.

12 January 2021

Consistency Review Coordinator
Texas General Land Office
P. O. Box 12873
Austin, Texas 78711-2873
Federal Consistency <Federal.Consistency@GLO.TEXAS.GOV>

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to indentify flood-prone areas, to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with the improvement to drainage of existing portions of China, north of US 90 in Jefferson County. Environmental reviews are required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines, 40 CFR Parts 1500 to 1508. This coordination letter is being provided for your agency's' response in conformance with NEPA procedures.

The project will involve widening a portion of Ditch 600 (Green Pond Gully) approximately 140 feet wide beginning on the east side of the Town of China and extending along the south side of the ditch for approximately 1.5 miles to the LNVA Beaumont Industrial Canal near Turner Road to create in-line detention. Additionally, a 19.5-acre detention basin will be constructed north of the ditch (see project figures in Appendix 1). Ditch 600 will also be widened to a 20 ft bottom width for approximately 1.2 miles downstream of the detention areas.

Appendix 1 contains maps depicting the proposed drainage improvement project, including an aerial view of the project area and a topographic map of the project area. Note that the project area is not located within the Coastal Zone boundary of Texas. Land use of the surrounding area is agricultural, residential, and commercial.

Please review the attached figures and information concerning the proposed project to determine if the project is consistent with your agency's environmental regulations or policies. Please respond by letter at your earliest convenience. Your prompt attention to this matter would be greatly appreciated, as your signed concurrence letter is necessary to complete the application for grant funding from FEMA.

CORPORATE HEADQUARTERS

1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
An LJA Company

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager

APPENDIX 1
PROJECT FIGURES

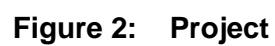
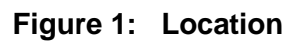




Figure 3: Topo

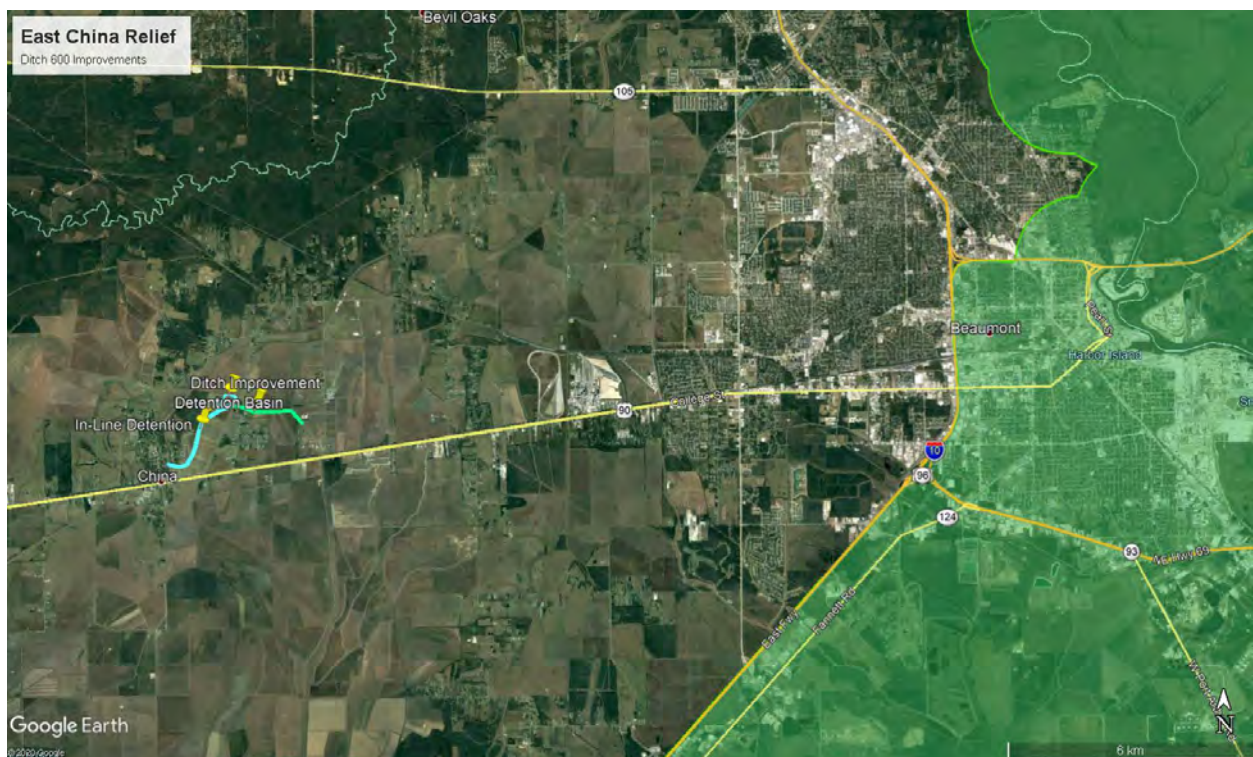


Figure 4: Coastal Zone Boundary

From: [Federal Consistency](#)
To: [Lee Sherrod](#)
Subject: RE: 3 FEMA Funded Projects in Jefferson County
Date: Friday, January 29, 2021 9:05:53 AM

[EXTERNAL EMAIL]

Since these projects are not located within the Coastal Zone, no review will be completed.

Allison Buchtien
Federal Consistency
Texas General Land Office
federal.consistency@glo.texas.gov

Please send all Federal Consistency review requests to this email address.

From: Lee Sherrod <lee_sherrod@horizon-esi.com>
Sent: Monday, January 25, 2021 12:54 PM
To: Federal Consistency <Federal.Consistency@GLO.TEXAS.GOV>
Subject: [EXTERNAL] 3 FEMA Funded Projects in Jefferson County

For your review and comment please.

Thanks,

C. Lee Sherrod
Certified Professional Wetland Scientist-Emeritus
Direct [512.439.4788](tel:512.439.4788) | **Office** [512.328.2430](tel:512.328.2430) | **Cell** [512.431.3562](tel:512.431.3562)
LJA ENVIRONMENTAL SERVICES, LLC.
1507 S INTERSTATE 35
AUSTIN TX 78741-2502
<https://ljaenvironmental.com>



Please consider the environment before printing this e-mail.

CAUTION: This email originated from OUTSIDE of the Texas General Land Office. Links or attachments may be dangerous. Please be careful clicking on any links or opening any attachments.

[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email



Environmental Services, Inc.

12 January 2021

County Engineer
County Flood Plain Administrator
Jefferson County
1149 Pearl Street, 5th Floor
Beaumont, Texas 77701

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas, to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with the improvement to drainage of existing portions of China, north of US 90 in Jefferson County. Environmental reviews are required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines, 40 CFR Parts 1500 to 1508. This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

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Appendix 1 contains maps depicting the proposed drainage improvement project, including an aerial view of the project area and a topographic map of the project area. Note that the project area is not located within the FEMA 100-year floodplain. Land use of the surrounding area is agricultural, residential, and commercial.

Please review the attached figures and information concerning the proposed project to determine if the project is consistent with your agency's environmental regulations or policies. Please respond by letter at your earliest convenience. Your prompt attention to this matter would be greatly appreciated, as your signed concurrence letter is necessary to complete the application for grant funding from FEMA.

CORPORATE HEADQUARTERS

1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
An LJA Company

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager



Environmental Services, Inc.

12 January 2021

Natural Resources Conservation Service
US Department of Agriculture
101 South Main
Temple, Texas 76501-6624
carlos.villarreal@tx.usda.gov

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas, to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with the improvement to drainage of existing portions of China, north of US 90 in Jefferson County. Environmental reviews are required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines, 40 CFR Parts 1500 to 1508. This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

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Soils on the subject site include Beaumont clay, Viterbo silty clay loam, and League clay (Soils map, Appendix 1). The League soils are listed as Prime Farmland Soils. Approximately 2000 feet of ditch widening with adjacent spoil disposal will occur within the League soil area (approximately 2.25 acres). Prime farmland soils are very prevalent throughout the watershed and region.

In accordance with NEPA and the Farmland Protection Policy Act (FPPA), your determination of impact significance to prime and other important farmlands is requested. Your prompt attention to this matter would be greatly appreciated, as your response is necessary to complete the application process for Jefferson County DD6's grant from FEMA.

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Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager



Natural Resources
Conservation Service

State Office

101 S. Main Street
Temple, TX 76501
Voice 254.742.9800
Fax 254.742.9819

Attention: C. Lee Sherrod
Subject: East China Relief Project
NEPA/FPPA Evaluation

We have reviewed the information provided in your correspondence concerning the proposed project. This review is part of the National Environmental Policy Act (NEPA) evaluation. We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed site contains less than one acre of Prime Farmland or Farmlands of State Importance and is therefore exempt from the provisions of the FPPA.

As such, no further consideration from protection is necessary. We strongly encourage the use of acceptable erosion control methods during the construction of this project.

If you have further questions, please contact me at 505-516-7822 or by email at mark.palmer@tx.usda.gov.

Sincerely,

Mark V. Palmer Jr. Digitally signed by Mark V. Palmer Jr.
Date: 2022.07.12 07:24:16 -05'00'

Mark V. Palmer Jr.



Environmental Services, Inc.

12 January 2021

Intergovernmental Relations Division
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas, to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with the improvement to drainage of existing portions of China, north of US 90 in Jefferson County. Environmental reviews are required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines, 40 CFR Parts 1500 to 1508. This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

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Appendix 1 contains maps depicting the proposed drainage improvement project, including an aerial view of the project area and a topographic map of the project area. Note that the project area is not located within the FEMA 100-year floodplain. Land use of the surrounding area is agricultural, residential, and commercial.

Minimal and temporary diesel emissions and fugitive dust emissions from equipment during construction are possible. Once construction is complete there will be no motorized equipment associated with this project. Best management practices for temporary erosion and sedimentation control will be implemented during project construction.

Please review the attached figures and information concerning the proposed project to determine if the project is consistent with your agency's environmental regulations or policies. Please respond by letter at your earliest convenience. Your prompt attention to this matter

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would be greatly appreciated, as your signed concurrence letter is necessary to complete the application for grant funding from FEMA.

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 4, 2021

C. Lee Sherrod
Certified Professional Wetland Scientist-Emeritus
LJA Environmental Services, LLC.
1507 S Interstate 35
Austin, Texas 78741-2502

Via: E-mail

Re: TCEQ NEPA Request #2020-012. East China Relief. Jefferson County.

Dear Mr. Sherrod,

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

In accordance with the general conformity regulations in 40 CFR Part 93, this proposed action was reviewed for air quality impact. The proposed action is located in County name County, which is currently designated as attainment/unclassifiable for the National Ambient Air Quality Standards for all six criteria air pollutants. The TCEQ is evaluating the South Coast Air Quality Management District v. EPA, No. 15-1115 (D.C. Cir. 2018), which may reinstate general conformity requirements for County name County as part of the Beaumont-Port Arthur maintenance area for the 1997 eight-hour ozone NAAQS. Volatile organic compounds (VOC) and nitrogen oxides (NOX) are precursor pollutants that lead to the formation of ozone. A general conformity demonstration may be required when the total projected direct and indirect VOC or NOX emissions from an applicable action are equal to or exceed the de minimis emissions level, which is 100 tons per year (tpy) for ozone NAAQS maintenance areas. Please consult with the lead federal agency associated with this project for National Environmental Policy Act compliance and/or with the United States Environmental Protection Agency to determine whether this proposed action is subject to federal general conformity regulations.

We recommend the environmental assessment address actions that will be taken to prevent surface and groundwater contamination.

Any debris or waste disposal should be at an appropriately authorized disposal facility.

Thank you for the opportunity to review this project. If you have any questions, please contact the agency NEPA coordinator at (512) 239-0010 or NEPA@tceq.texas.gov

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Vise".

Ryan Vise,
Division Director
External Relations



Environmental Services, Inc.

12 January 2021

Mr. Mark Wolfe
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas, to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with the improvement to drainage of existing portions of China, north of US 90 in Jefferson County. Environmental reviews are required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines, 40 CFR Parts 1500 to 1508. This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

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Appendix 1 contains maps depicting the proposed drainage improvement project, including an aerial view of the project area and a topographic map of the project area. Land use of the surrounding area is agricultural, residential, and commercial.

The proposed project includes the widening of existing man-made ditches and excavation of a detention basin, all within current and historical farmland. A 1938 aerial photograph is included in the Appendix 1. No structures will be affected, and the surface condition will be returned to pre-project conditions following construction. We believe that the undertaking would have a low likelihood to cause adverse impacts to any properties listed on or considered eligible for listing on the NRHP. It is also Horizon's further opinion that a formal cultural resources survey of the Project Area is unwarranted.

Should you concur with Horizon's findings and recommendations, please sign below and

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return. Otherwise, Horizon requests that your office respond with additional information pertaining to the type and intensity of cultural resources investigations you require within the Project Area. If you need any additional information, please feel free to call or email me.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager

Concurrence

Date

Jesse Owens

From: noreply@thc.state.tx.us
Sent: Tuesday, January 26, 2021 9:32 AM
To: Jesse Owens; reviews@thc.state.tx.us
Subject: Section 106 Submission

[EXTERNAL EMAIL]



TEXAS HISTORICAL COMMISSION
real places telling real stories

Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas
THC Tracking #202104992
East China Relief Project
East of China, North of US 90
China, TX 77613

Description: Request for consultation regarding cultural resources compliance requirements for 1.5 miles of ditch widening and construction of 18.5-acre detention basin in China, Jefferson County, TX.

Dear Jeffrey D. Owens:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas.

The review staff, led by Taylor Bowden, Ashley Salie, has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

Archeology Comments

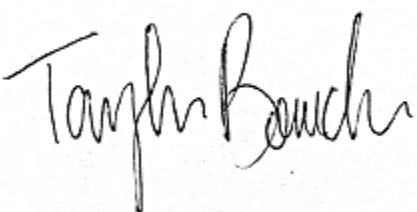
- No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the

irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: taylor.bowden@thc.texas.gov, ashley.salie@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,

A handwritten signature in black ink, reading "Taylor Bowden". The signature is written in a cursive, flowing style. The first name "Taylor" is written in a larger, more prominent script, and the last name "Bowden" follows in a similar but slightly smaller script. The signature is centered horizontally within the block.

for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.

[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email



Environmental Services, Inc.

12 January 2021

Texas Parks and Wildlife Department
Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, Texas 78744

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas, to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with the improvement to drainage of existing portions of China, north of US 90 in Jefferson County. Environmental reviews are required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines, 40 CFR Parts 1500 to 1508. This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

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Appendix 1 contains maps depicting the proposed drainage improvement project, including an aerial view of the project area and a topographic map of the project area. Land use of the surrounding area is agricultural, residential, and commercial.

The site is generally characterized as agricultural fields and man-made ditches. Dominant vegetation includes agricultural species such as rice and St. Augustine sod along with various weeds, including ragweed (*Ambrosia* sp.), Brazilian vervain (*Verbena brasiliensis*), sumpweed (*Iva annua*), and scattered trees and shrubs including sugarberry (*Celtis laevigata*), sweetgum (*Liquidambar styraciflua*), Chinese tallow (*Triadica sebifera*), water oak (*Quercus nigra*), and yaupon (*Ilex vomitoria*). On-site photographs are provided in Appendix 2.

Federally listed threatened or endangered (T/E) species known to occur in Jefferson County include eastern black rail (*Laterallus jamaicensis ssp. Jamaicensis*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), West Indian manatee (*Trichechus manatus*), green

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sea turtle (*Chelonia mydas*), Atlantic hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), and loggerhead sea turtle (*Caretta caretta*) (IPAC, 2021 – Appendix 3). No federally designated critical habitat is present in the project area. Horizon observed no federally listed T/E species or potential habitats on or within the immediate vicinity of the project area. We believe that a "No Effect" finding is appropriate for this project.

Please review the attached figures and information concerning the proposed project to determine if the project is consistent with your agency's environmental regulations or policies. Please respond by letter at your earliest convenience. Your prompt attention to this matter would be greatly appreciated, as your signed concurrence letter is necessary to complete the application for grant funding from FEMA.

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager

APPENDIX 2
PHOTOGRAPHS



PHOTO 1

Existing Ditch 600 to be widened on the left (south) side for in-line detention



PHOTO 2

Existing Ditch 600 to be widened on the right (south) side for in-line detention



PHOTO 3
Rice field to be excavated for detention basin



PHOTO 4
Typical benefit area within Town of China

APPENDIX 3
IPAC SPECIES LIST



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

Phone: (281) 286-8282 Fax: (281) 488-5882

<http://www.fws.gov/southwest/es/TexasCoastal/>

http://www.fws.gov/southwest/es/ES_Lists_Main2.html

In Reply Refer To:

January 12, 2021

Consultation Code: 02ETTX00-2021-SLI-0822

Event Code: 02ETTX00-2021-E-01883

Project Name: East China Relief

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Tx, and Corpus Christi, Tx, have combined administratively to form the Texas Coastal Ecological Services Field Office. A map of the Texas Coastal Ecological Services Field Office area of responsibility can be found at: <http://www.fws.gov/southwest/es/TexasCoastal/Map.html>. All project related correspondence should be sent to the field office responsible for the area in which your project occurs. For projects located in southeast Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058. For projects located in southern Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; P.O. Box 81468; Corpus Christi, Texas 78468-1468. For projects located in six counties in southern Texas (Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata) please write: Santa Ana NWR, ATTN: Ecological Services Sub Office, 3325 Green Jay Road, Alamo, Texas 78516.

The enclosed species list identifies federally threatened, endangered, and proposed to be listed species; designated critical habitat; and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project.

New information from updated surveys, changes in the abundance and distribution of species, changes in habitat conditions, or other factors could change the list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation for updates to species list and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Candidate species have no protection under the Act but are included for consideration because they could be listed prior to the completion of your project. The other species information should help you determine if suitable habitat for these listed species exists in any of the proposed project areas or if project activities may affect species on-site, off-site, and/or result in "take" of a federally listed species.

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if the activity results in the death or injury of wildlife by removing essential habitat components or significantly alters essential behavior patterns, including breeding, feeding, or sheltering.

Section 7

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that actions authorized, funded or carried out by such agencies do not jeopardize the continued existence of any listed threatened or endangered species or adversely modify or destroy critical habitat of such species. It is the responsibility of the Federal action agency to determine if the proposed project may affect threatened or endangered species. If a "may affect" determination is made, the Federal agency shall initiate the section 7 consultation process by writing to the office that has responsibility for the area in which your project occurs.

Is not likely to adversely affect - the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial.

Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect - adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal section 7 consultation with this office.

No effect - the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No further coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

Please be advised that while a Federal agency may designate a non-Federal representative to conduct informal consultations with the Service, assess project effects, or prepare a biological assessment, the Federal agency must notify the Service in writing of such a designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Act requirements for your projects at: http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf

Section 10

If there is no federal involvement and the proposed project is being funded or carried out by private interests and/or non-federal government agencies, and the project as proposed may affect listed species, a section 10(a)(1)(B) permit is recommended. The Habitat Conservation Planning Handbook is available at: http://www.fws.gov/endangered/esa-library/pdf/HCP_Handbook.pdf

Service Response

Please note that the Service strives to respond to requests for project review within 30 days of receipt, however, this time period is not mandated by regulation. Responses may be delayed due to workload and lack of staff. Failure to meet the 30-day timeframe does not constitute a concurrence from the Service that the proposed project will not have impacts to threatened and endangered species.

Proposed Species and/or Proposed Critical Habitat

While consultations are required when the proposed action may affect listed species, section 7(a)(4) was added to the ESA to provide a mechanism for identifying and resolving potential conflicts between a proposed action and proposed species or proposed critical habitat at an early planning stage. The action agency should seek concurrence from the Service to assist the action agency in determining effects and to advise the agency on ways to avoid or minimize adverse effect to proposed species or proposed critical habitat.

Candidate Species

Candidate species are species that are being considered for possible addition to the threatened and endangered species list. They currently have no legal protection under the ESA. If you find you have potential project impacts to these species the Service would like to provide technical assistance to help avoid or minimize adverse effects. Addressing potential impacts to these species at this stage could better provide for overall ecosystem health in the local area and avert potential future listing.

Several species of freshwater mussels occur in Texas and four are candidates for listing under the ESA. The Service is also reviewing the status of six other species for potential listing under the ESA. One of the main contributors to mussel die offs is sedimentation, which smothers and suffocates mussels. To reduce sedimentation within rivers, streams, and tributaries crossed by a

project, the Service recommends that that you implement the best management practices found at: <http://www.fws.gov/southwest/es/TexasCoastal/FreshwaterMussels.html>.

Candidate Conservation Agreements (CCAs) or Candidate Conservation Agreements with Assurances (CCAAs) are voluntary agreements between the Service and public or private entities to implement conservation measures to address threats to candidate species. Implementing conservation efforts before species are listed increases the likelihood that simpler, flexible, and more cost-effective conservation options are available. A CCAA can provide participants with assurances that if they engage in conservation actions, they will not be required to implement additional conservation measures beyond those in the agreement. For additional information on CCAs/CCAAs please visit the Service's website at <http://www.fws.gov/endangered/what-we-do/cca.html>.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Many may nest in trees, brush areas or other suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals or eggs. If project activities must be conducted during this time, we recommend surveying for active nests prior to commencing work. A list of migratory birds may be viewed at <http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html>.

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the Act on August 9, 2007. Both the bald eagle and the golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For more information on bald and golden eagle management guidelines, we recommend you review information provided at <http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>.

The construction of overhead power lines creates threats of avian collision and electrocution. The Service recommends the installation of underground rather than overhead power lines whenever possible. For new overhead lines or retrofitting of old lines, we recommend that project developers implement, to the maximum extent practicable, the Avian Power Line Interaction Committee guidelines found at <http://www.aplic.org/>.

Meteorological and communication towers are estimated to kill millions of birds per year. We recommend following the guidance set forth in the Service Interim Guidelines for Recommendations on Communications Tower Siting, Construction, Operation and Decommissioning, found online at: <http://www.fws.gov/habitatconservation/communicationtowers.html>, to minimize the threat of avian mortality at these towers.

Monitoring at these towers would provide insight into the effectiveness of the minimization measures. We request the results of any wildlife mortality monitoring at towers associated with this project.

We request that you provide us with the final location and specifications of your proposed towers, as well as the recommendations implemented. A Tower Site Evaluation Form is also available via the above website; we recommend you complete this form and keep it in your files.

If meteorological towers are to be constructed, please forward this completed form to our office.

More information concerning sections 7 and 10 of the Act, migratory birds, candidate species, and landowner tools can be found on our website at: <http://www.fws.gov/southwest/es/TexasCoastal/ProjectReviews.html>.

Wetlands and Wildlife Habitat

Wetlands and riparian zones provide valuable fish and wildlife habitat as well as contribute to flood control, water quality enhancement, and groundwater recharge. Wetland and riparian vegetation provides food and cover for wildlife, stabilizes banks and decreases soil erosion.

These areas are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, major construction, or earth disturbance. Executive Order 11990 asserts that each agency shall provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands in carrying out the agency's responsibilities. Construction activities near riparian zones should be carefully designed to minimize impacts. If vegetation clearing is needed in these riparian areas, they should be re-vegetated with native wetland and riparian vegetation to prevent erosion or loss of habitat. We recommend minimizing the area of soil scarification and initiating incremental re-establishment of herbaceous vegetation at the proposed work sites. Denuded and/or disturbed areas should be re-vegetated with a mixture of native legumes and grasses.

Species commonly used for soil stabilization are listed in the Texas Department of Agriculture's (TDA) Native Tree and Plant Directory, available from TDA at P.O. Box 12847, Austin, Texas 78711. The Service also urges taking precautions to ensure sediment loading does not occur to any receiving streams in the proposed project area. To prevent and/or minimize soil erosion and compaction associated with construction activities, avoid any unnecessary clearing of vegetation, and follow established rights-of-way whenever possible. All machinery and petroleum products should be stored outside the floodplain and/or wetland area during construction to prevent possible contamination of water and soils.

Wetlands and riparian areas are high priority fish and wildlife habitat, serving as important sources of food, cover, and shelter for numerous species of resident and migratory wildlife.

Waterfowl and other migratory birds use wetlands and riparian corridors as stopover, feeding, and nesting areas. We strongly recommend that the selected project site not impact wetlands and riparian areas, and be located as far as practical from these areas. Migratory birds tend to concentrate in or near wetlands and riparian areas and use these areas as migratory flyways or corridors. After every effort has been made to avoid impacting wetlands, you anticipate unavoidable wetland impacts will occur; you should contact the appropriate U.S. Army Corps of Engineers office to determine if a permit is necessary prior to commencement of construction activities.

If your project will involve filling, dredging, or trenching of a wetland or riparian area it may require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (COE).

For permitting requirements please contact the U.S. Corps of Engineers, District Engineer, P.O. Box 1229, Galveston, Texas 77553-1229, (409) 766-3002.

Beneficial Landscaping

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping (42 C.F.R. 26961), where possible, any landscaping associated with project plans should be limited to seeding and replanting with native species. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although Bermuda grass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. The Service also recommends the use of native trees, shrubs, and herbaceous species that are adaptable, drought tolerant and conserve water.

State Listed Species

The State of Texas protects certain species. Please contact the Texas Parks and Wildlife Department (Endangered Resources Branch), 4200 Smith School Road, Austin, Texas 78744 (telephone 512/389-8021) for information concerning fish, wildlife, and plants of State concern or visit their website at: http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/texas_rare_species/listed_species/.

If we can be of further assistance, or if you have any questions about these comments, please contact 281/286-8282 if your project is in southeast Texas, or 361/994-9005, ext. 246, if your project is in southern Texas. Please refer to the Service consultation number listed above in any future correspondence regarding this project.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215

Corpus Christi, TX 78411

(281) 286-8282

Project Summary

Consultation Code: 02ETTX00-2021-SLI-0822

Event Code: 02ETTX00-2021-E-01883

Project Name: East China Relief

Project Type: LAND - DRAINAGE

Project Description: Drainage Improvement

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@30.057029800000002,-94.32812568199611,14z>



Counties: Jefferson County, Texas

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
West Indian Manatee <i>Trichechus manatus</i> There is final critical habitat for this species. The location of the critical habitat is not available. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

Reptiles

NAME	STATUS
Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6199	Threatened
Hawksbill Sea Turtle <i>Eretmochelys imbricata</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3656	Endangered
Kemp's Ridley Sea Turtle <i>Lepidochelys kempii</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5523	Endangered
Leatherback Sea Turtle <i>Dermochelys coriacea</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1493	Endangered
Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1110	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



Life's better outside.®

March 8, 2021

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Carter P. Smith
Executive Director

Mr. Lee Sherrod
Horizon Environmental Services, Inc.
1507 South IH 35
Austin, TX 78741

RE: Proposed Jefferson County Drainage District No. 6 Project: East China Relief,
China, Jefferson County, Texas HJN 21007-001

Dear Mr. Sherrod:

Texas Parks and Wildlife Department (TPWD) has received the request for review of the proposed project referenced above. TPWD staff has reviewed the information provided and offers the following comments and recommendations concerning this project. For tracking purposes, please refer to TPWD project number 45920 in any return correspondence regarding this project.

Project Description

The project will involve widening a portion of Ditch 600 (Green Pond Gully) approximately 140 feet wide beginning on the east side of the Town of China and extending along the south side of the ditch for approximately 1.5 miles to the LNVA Beaumont Industrial Canal near Turner Road to create in-line detention. Additionally, a 19.5-acre detention basin will be constructed north of the ditch. Ditch 600 will also be widened to a 20-ft bottom width for approximately 1.2 miles downstream of the detention areas.

General Construction Recommendations

TPWD would like to provide the following general construction recommendations to assist in project planning.

Recommendation: TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from the construction area. In many cases sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. The exclusion

Mr. Lee Sherrod
Page 2
March 8, 2021

fence should be maintained for the life of the project and only be removed after the construction is completed and the disturbed site has been revegetated with site-specific native species.

For soil stabilization and/or revegetation of disturbed areas, TPWD recommends erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding due to a reduced risk to wildlife.

Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, TPWD recommends avoiding the use of plastic mesh matting. If erosion control blankets or mats containing netting must be used, the netting should be loosely woven, natural fiber material where the mesh design allows the threads to move, therefore allowing expansion of the mesh openings.

During construction, operation, and maintenance of the proposed facility, TPWD recommends observing slow (25 miles per hour, or less) speed limits within the project site. Reduced speed limits would allow personnel to see wildlife in the vehicle path and avoid harming them.

Federal Laws

Migratory Bird Treaty Act

The Migratory Bird Treaty Act prohibits direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the U.S. Fish and Wildlife Service. This protection applies to most native bird species, including ground nesting species.

Recommendation: TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to birds. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance for active nests (nests with eggs or young). Nest surveys should take place within 5 days of scheduled clearing to maximize the detection of active nests. Any vegetation (trees, shrubs, and grasses) or bare ground where occupied nests are located should not be disturbed and a vegetation buffer area of no less than 150-foot in diameter should remain around the nest until all young have fledged.

State Laws

Parks and Wildlife Code – Chapter 64, Birds

Texas Parks and Wildlife Code (PWC) Section 64.002, regarding protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. PWC Section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl.

Recommendation: Please review the *Federal Law: Migratory Bird Treaty Act* section above for recommendations as they are also applicable for PWC Chapter 64 compliance.

Species of Concern/Special Features

In addition to state and federally protected species, TPWD tracks species considered to be Species of Greatest Conservation Need (SGCN) that, due to limited distributions and/or declining populations, face threat of extirpation or extinction but currently lack the legal protections given to threatened or endangered species. Special landscape features, natural plant communities, and SGCN are rare resources for which TPWD actively promotes conservation, and TPWD considers it important to minimize impacts to such resources to reduce the likelihood of endangerment and preclude the need to list SGCN as threatened or endangered in the future. These species and communities are tracked in the Texas Natural Diversity Database (TXNDD). The most current and accurate TXNDD data can be requested from the TXNDD website.

No records of rare, threatened, or endangered species have documented within 1.5 miles of the project area in the TXNDD. Please note that the absence of TXNDD information in an area does not imply that a species is absent from that area. 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. Although it is based on the best data available to TPWD regarding rare and protected species, data from the TXNDD does 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.

Recommendation: Please review the TPWD county list for Jefferson County, as rare and protected species could be present, depending upon habitat availability. The county lists are available on the Rare, Threatened, and Endangered Species of

Mr. Lee Sherrod
Page 4
March 8, 2021

Texas website. If during construction, the project area is found to contain rare or protected species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them.

Determining the actual presence of a species in an area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency, and population density (both wildlife and human). The absence of a species can only be established with repeated negative observations and consideration of all factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting wildlife.

TPWD strives to respond to requests for project review within a 45-day comment period. Responses may be delayed due to workload and lack of staff. Failure to meet the 45-day review timeframe does not constitute a concurrence from TPWD that the proposed project will not adversely impact fish and wildlife resources.

TPWD advises review and implementation of these recommendations. If you have any questions, please contact me at (806) 761-4936 or Richard.Hanson@tpwd.texas.gov.

Sincerely,

Rick Hanson

Rick Hanson
Wildlife Habitat Assessment Program
Wildlife Division

RH: 45920



Environmental Services, Inc.

12 January 2021

NFIP State Coordinator
Texas Water Development Board
P. O. Box 13231
Austin, Texas 78711-3231

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas, to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with the improvement to drainage of existing portions of China, north of US 90 in Jefferson County. Environmental reviews are required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines, 40 CFR Parts 1500 to 1508. This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

The project will involve widening a portion of Ditch 600 (Green Pond Gully) approximately 140 feet wide beginning on the east side of the Town of China and extending along the south side of the ditch for approximately 1.5 miles to the LNVA Beaumont Industrial Canal near Turner Road to create in-line detention. Additionally, a 19.5-acre detention basin will be constructed north of the ditch (see project figures in Appendix 1). Ditch 600 will also be widened to a 20 ft bottom width for approximately 1.2 miles downstream of the detention areas.

Appendix 1 contains maps depicting the proposed drainage improvement project, including an aerial view of the project area and a topographic map of the project area. Note that the project area is not located within the FEMA 100-year floodplain. Land use of the surrounding area is agricultural, residential, and commercial.

Please review the attached figures and information concerning the proposed project to determine if the project is consistent with your agency's environmental regulations or policies. Please respond by letter at your earliest convenience. Your prompt attention to this matter would be greatly appreciated, as your signed concurrence letter is necessary to complete the application for grant funding from FEMA.

CORPORATE HEADQUARTERS

1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
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Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager



Environmental Services, Inc.

12 January 2021

US Army Corps of Engineers
Galveston Compliance Section
PO Box 1229
Galveston, TX 77553-1229

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

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The site is generally characterized as agricultural fields (rice and sod farm) and man-made ditches. Dominant vegetation includes agricultural species such as rice and St. Augustine sod along with various weeds, including ragweed (*Ambrosia* sp.), Brazilian vervain (*Verbena brasiliensis*), sumpweed (*Iva annua*), and scattered trees and shrubs including sugarberry (*Celtis laevigata*), sweetgum (*Liquidambar styraciflua*), Chinese tallow (*Triadica sebifera*), water oak (*Quercus nigra*), and yaupon (*Ilex vomitoria*). On-site photographs are provided in Appendix 2.

Soils on the subject site include Beaumont clay, Viterbo silty clay loam, and League clay (Soils map, Appendix 1). These soils are listed as hydric soils.

Review of a 1914 topographic and drainage map of Jefferson County prepared by the U.S. Department of Agriculture does not show Ditch 600 or any other drainage feature in the position it is today. A 1920 map of the Jefferson County Drainage District No. 6

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1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
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showing existing drainage features also does not show Ditch 600 as it is today or any other drainage feature in the vicinity of the project. However, a 1938 aerial photograph does show the ditch as it is today with adjacent levees (Appendix 1). It is apparent that the ditch was constructed in its present location sometime between 1920 and 1938. Therefore, it would be considered a man-made upland-cut drainage ditch.

The project site is not within the FEMA 100-year floodplain (Appendix 1) and would not be subject to flooding from a regulated water of the US during a normal year. Based on this information, we would conclude that Ditch 600 is not a Water of the US and that any adjacent wetlands would also not be jurisdictional under the 2020 NWPR.

Please review the attached figures and information concerning the proposed project to determine if the project may affect waters of the US, including wetlands subject to your regulatory purview. Please respond by letter at your earliest convenience. Your prompt attention to this matter would be greatly appreciated, as your signed concurrence letter is necessary to complete the application for grant funding from FEMA.

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
2000 FORT POINT RD
GALVESTON, TEXAS 77550

May 17, 2022

Compliance Branch

SUBJECT: **SWG-2022-00058** – Jefferson County Drainage District No.6 (DD6),
Approximate 37.4-Acre Site, Approved Jurisdictional Determination (AJD), Proposed
East China Relief Ditch 600 Drainage Project, China, Jefferson County, Texas

C. Lee Sherrod
Horizon Environmental Services, Inc.
1507 South Interstate Highway 35
Austin, Texas 78741

Dear Mr. Sherrod:

This is in response to January 12, 2021 request for an approved jurisdictional determination (AJD), on behalf of Jefferson County Drainage District No. 6 for an approximate 37.4-acre site of proposed DD6 Drainage Ditch 600 improvements. The site is located south and east of China, Jefferson County, Texas (map enclosed).

Based on our review of the submitted information, additional detailed off-site information, and the 25 January 2022 site visit, we determined the approximate 37.4-acre subject site contains one (1) approximate 3.9-acre upland man-made drainage ditch and one (1) approximate 19.1-acre artificially irrigated rice field. The site was assessed using the Atlantic and Gulf Coastal Plain Region (Version 2.0) to the 1987 Corps of Engineers Wetland Delineation Manual which requires under normal circumstances, a predominance of hydrophytic vegetation, wetland soils, and sufficient hydrology at/or near the surface for adequate duration and frequency to support this aquatic ecosystem. Site hydrology is artificially maintained in the northern portion of the subject site for the purpose of rice production. If human-induced wetland hydrology were to cease and water control berms remove the area vegetation would revert to non-obligate species. Therefore, per the 1987 Corps of Engineers Wetland Delineation Manual, Section F (Atypical Situations), Subsection 4, the subject site rice field is not considered a wetland and as such is not a water of the United States (U.S.). The subject site Ditch 600 was created for the purpose of conveying stormwater from the area, was excavated wholly within and drain only uplands, and does not carry relatively permanent water flow. Therefore, per the Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States* and *Carabell v. United States* joint guidance issued by the Environmental Protection Agency and the U.S. Army Corps of Engineers on December 2, 2008, these aquatic resources would not be considered waters of the U.S. Consequentially the discharge of dredge and/or fill material within the project sites does not require a Department of the Army (DA) permit.

This approved jurisdictional determination will remain valid for five (5) years from the date of this letter unless new information warrants revision or reissuance prior to the expiration date.

Areas of Federal Interests (federal projects, and/or work areas) may be located within the proposed project area. Any activities in these federal interest areas would also be subject to federal regulations under the authority of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408 - Section 408). Section 408 makes it unlawful for anyone to alter in any manner, in whole or in part, any work (ship channel, flood control channels, seawalls, bulkhead, jetty, piers, etc.) built by the United States unless it is authorized by the Corps (i.e., Navigation and Operations Division).

Corps determinations are conducted to identify the limits of the Corps Clean Water Act jurisdiction for particular sites. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.5. Also enclosed are a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA to the Southwestern Division Office at the following address:

Mr. Jamie Hyslop
Administrative Appeals Officer
Southwestern Division, USACE (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-487-7061; FAX: 469-487-7199

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

If you have questions concerning this matter, please reference file number **SWG-2022-00058** and contact me at the letterhead address, by e-mail at kevin.s.mannie@usace.army.mil, or by telephone at 409-766-3016. To assist us in improving our service to you, please complete the survey found at

<https://regulatory.ops.usace.army.mil/customer-service-survey/> and/or if you would prefer a hard copy of the survey form, please let us know, and one will be mailed to you.

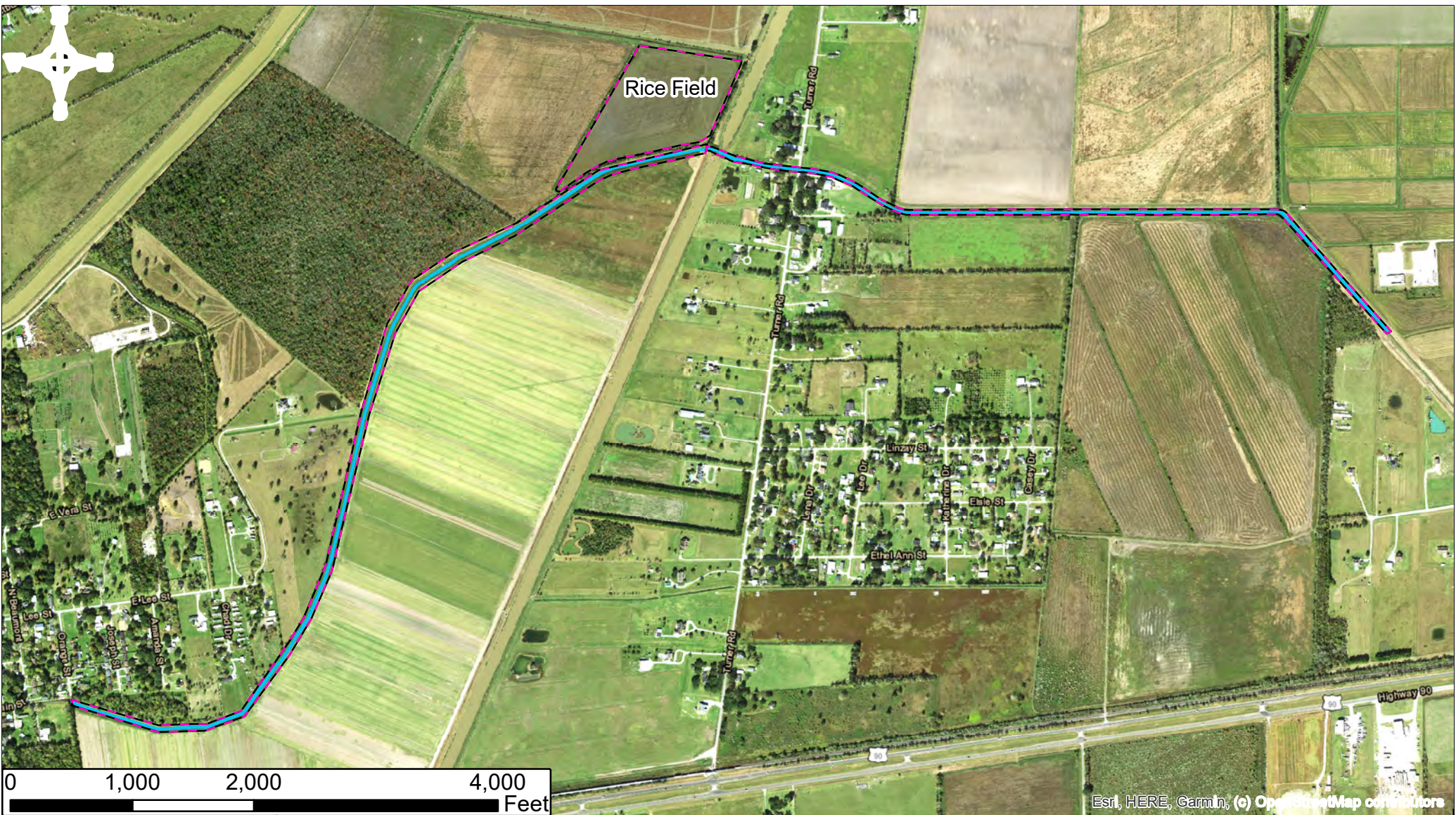
Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Mannie", is positioned above the printed name.



Kevin Mannie
Project Manager, Evaluation Branch

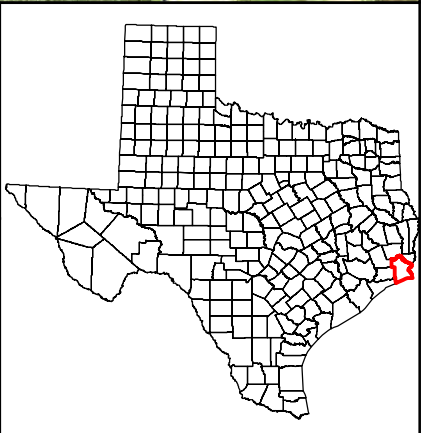
Enclosures

cc: Dorothy Cook, U. S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) Region 6 Mitigation Division, 800 North Loop 288, Denton, Texas 76209



SWG-2022-00058
Jefferson County Drainage District No. 6
Approximate 37.4-Acre Site
Proposed East China Relief Ditch Improvements
Approved Jurisdictional Determination
China, Jefferson County, Texas

-  Review_Area ~ 37.4 ac
-  Ditch_600



Imagery: 2020 National Agriculture Imagery Program (NAIP), 1.0-meter Near Color.
Note: Review area reflects neither property boundaries nor ownership.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6	File Number: SWG-2022-00058	Date: 5/17/22
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Kevin S. Mannie, Project Manager
Regulatory Division, Evaluation Branch (CESWG-RD-E)
U.S. Army Corps of Engineers, Galveston District
2000 Fort Point Road
Galveston, Texas 77550
Telephone: 409-766-3016; Fax: 409-766-3931

If you only have questions regarding the appeal process you may also contact:

Mr. Jamie Hyslop
Administrative Appeals Review Officer (CESWD-PD-O)
U.S. Army Corps of Engineers, Southwest Division
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-487-7061; Fax: 469-487-7199

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



Environmental Services, Inc.

12 January 2021

US Fish and Wildlife Service
Ecological Services Field Office – Clear Lake
17629 El Camino Real, Suite 211
Houston, Texas 77058-3051

**RE: Proposed Jefferson County Drainage District No. 6 Project:
East China Relief
China, Jefferson County, Texas
HJN 21007-001EA**

Dear Sirs:

Jefferson County Drainage District No. 6 (DD6) implements and maintains drainage projects throughout the Districts' 486 square mile area located in Jefferson County and includes the cities of Beaumont, Bevil Oaks, China and Nome, Texas. DD6 also works with other jurisdictions to identify flood-prone areas, to encourage inclusion of flood-damage avoidance measures in land development. DD6 has applied to the Federal Emergency Management Agency (FEMA) for grant funding to assist with the improvement to drainage of existing portions of China, north of US 90 in Jefferson County. Environmental reviews are required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines, 40 CFR Parts 1500 to 1508. This coordination letter is being provided for your agency's response in conformance with NEPA procedures.

The project will involve widening a portion of Ditch 600 (Green Pond Gully) approximately 140 feet wide beginning on the east side of the Town of China and extending along the south side of the ditch for approximately 1.5 miles to the LNVA Beaumont Industrial Canal near Turner Road to create in-line detention. Additionally, a 19.5-acre detention basin will be constructed north of the ditch (see project figures in Appendix 1). Ditch 600 will also be widened to a 20-ft bottom width for approximately 1.2 miles downstream of the detention areas.

Appendix 1 contains maps depicting the proposed drainage improvement project, including an aerial view of the project area and a topographic map of the project area. Land use of the surrounding area is agricultural, residential, and commercial.

The site is generally characterized as agricultural fields and man-made ditches. Dominant vegetation includes agricultural species such as rice and St. Augustine sod along with various weeds, including ragweed (*Ambrosia* sp.), Brazilian vervain (*Verbena brasiliensis*), sumpweed (*Iva annua*), and scattered trees and shrubs including sugarberry (*Celtis laevigata*), sweetgum (*Liquidambar styraciflua*), Chinese tallow (*Triadica sebifera*), water oak (*Quercus nigra*), and yaupon (*Ilex vomitoria*). On-site photographs are provided in Appendix 2.

Federally listed threatened or endangered (T/E) species known to occur in Jefferson County include eastern black rail (*Laterallus jamaicensis ssp. Jamaicensis*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), West Indian manatee (*Trichechus manatus*), green

CORPORATE HEADQUARTERS

1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
An LJA Company

sea turtle (*Chelonia mydas*), Atlantic hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), and loggerhead sea turtle (*Caretta caretta*) (IPAC, 2021 – Appendix 3).

Horizon observed no federally listed T/E species or potential habitats on or within the immediate vicinity of the project area. We believe that a "No Effect" finding is appropriate for this project. We understand that the Service does not reply in writing to No Effect determinations. Therefore, we are requesting herein whether your office has any additional information on the potential occurrence of listed T/E species in the project vicinity that we should consider in making a findings recommendation to FEMA.

Please review the attached figures and information concerning the proposed project to determine if the project is consistent with your agency's environmental regulations or policies. Please respond by letter at your earliest convenience. Your prompt attention to this matter would be greatly appreciated, as your signed concurrence letter is necessary to complete the application for grant funding from FEMA.

Please call me should you have any questions concerning this project or if I can be of any further assistance.

Sincerely,
For Horizon Environmental Services, Inc.



C. Lee Sherrod
Senior Project Manager



September 21, 2022

RE: Section 106 Review Consultation, Ditch 600 Flood Control Relief Project (EMT-2020-FM-007-0011), Jefferson County, Texas (30.063391, -94.321535).

To: Representatives of Federally recognized Tribes with Interest in this Project Area

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Flood Mitigation Assistance (FMA) Program for the South Nome Community Flood Control Relief Project (EMT-2020-FM-007-0011). FEMA's Flood Mitigation Assistance (FMA) Program is a competitive grant program that provides funding to states, local communities, federally recognized tribes, and territories. Funds can be used for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the [National Flood Insurance Program](#). FMA is authorized under Section 1366 of the National Flood Insurance Act of 1968, as amended.

FEMA proposes to fund the Jefferson County Drainage District No. 6 through the FMA Program to design and construct a drainage project that will address shallow and moderate home flooding. This flooding has and will continue to occur if not addressed in China, Texas. The existing drainage infrastructure is inadequate to convey flood flows from the area created by frequent intense rainfall. Roadside ditches are presently unable to carry the volume of runoff they receive, notably due to the lack of a receiving waterbodies downstream from the roadside ditches. Jefferson County Drainage District No. 6 (DD6) has determined that the most feasible solution to provide flood relief is to widen Ditch 600 from its origin in China eastward tying into a previous widening project. From the origin to Ditch 600's crossing with Lower Neches Valley Authority (LNVA) Beaumont Irrigation Canal, the widening would be done with the objective of creating linear detention capacity. This would tie into a detention basin excavated in an agricultural field adjacent to the Beaumont Irrigation Canal.

Ground disturbing work will involve widening a portion of Ditch 600 approximately 140 feet wide beginning on the east side of the Town of China and extending along the south side of the ditch for approximately 1.5 miles to the LNVA Beaumont Industrial Canal near Turner Road to create in-line detention. Additionally, a 19.5-acre detention basin will be constructed north of the ditch. Ditch 600 will also be widened to a 20 ft bottom width for approximately 1.2 miles downstream of the detention areas. Portions of the work will take place in undisturbed ground, but most of the area has been disturbed through agricultural activities. FEMA has determined that the Area of Potential Effect (APE) for the proposed undertaking shall include the footprint of the project based on the scale and nature of the undertaking, as well as the area reasonably required to stage materials.

We are writing to request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed undertaking. Any comments you may have on FEMA's findings and recommendations should also be provided.

On January 12, 2021, a Jefferson County DD6 performed a cultural records search using the Texas Historical Commission (THC) Archaeological Sites Atlas database and associated site files, photographs, and maps to identify historic properties within the APE. The review suggests that there exists a low potential for

undocumented prehistoric archeological resources and a low potential for historic-age architectural resources within the APE. No structures will be affected, and the surface condition will be returned to pre-project conditions following construction. The review suggests that the undertaking would have a low likelihood to cause adverse impacts to any properties listed on or considered eligible for listing on the NRHP. It is also suggested that a formal cultural resources survey of the Project Area is unwarranted.

On January 26, 2021, THC consultations resulted in the following determinations:

- Above-Ground Resources: No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.
- Archeology Comments: No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact THC's Archeology Division at 512-463-6069 to consult on further actions that may be necessary to protect the cultural remains.

We are writing to request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed undertaking. Please provide your comments within 30 days of receipt of this letter. If you concur with FEMA's determination, please sign below. If you notify us that your review identifies cultural properties within the APE, or project work discloses the presence of archeological deposits, FEMA will contact your Tribe to continue consultation.

An aerial view, a topographic map, and photos showing the project location and APE are attached. Your prompt review of this project is greatly appreciated. Should you need additional information please contact Robert Scoggin, EHP Tribal Liaison at Robert.w.scoggin@fema.dhs.gov (202) 716-4139.

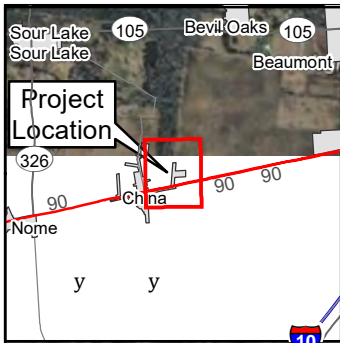
Sincerely,



Kevin Jaynes
Regional Environmental Officer
FEMA Region 6

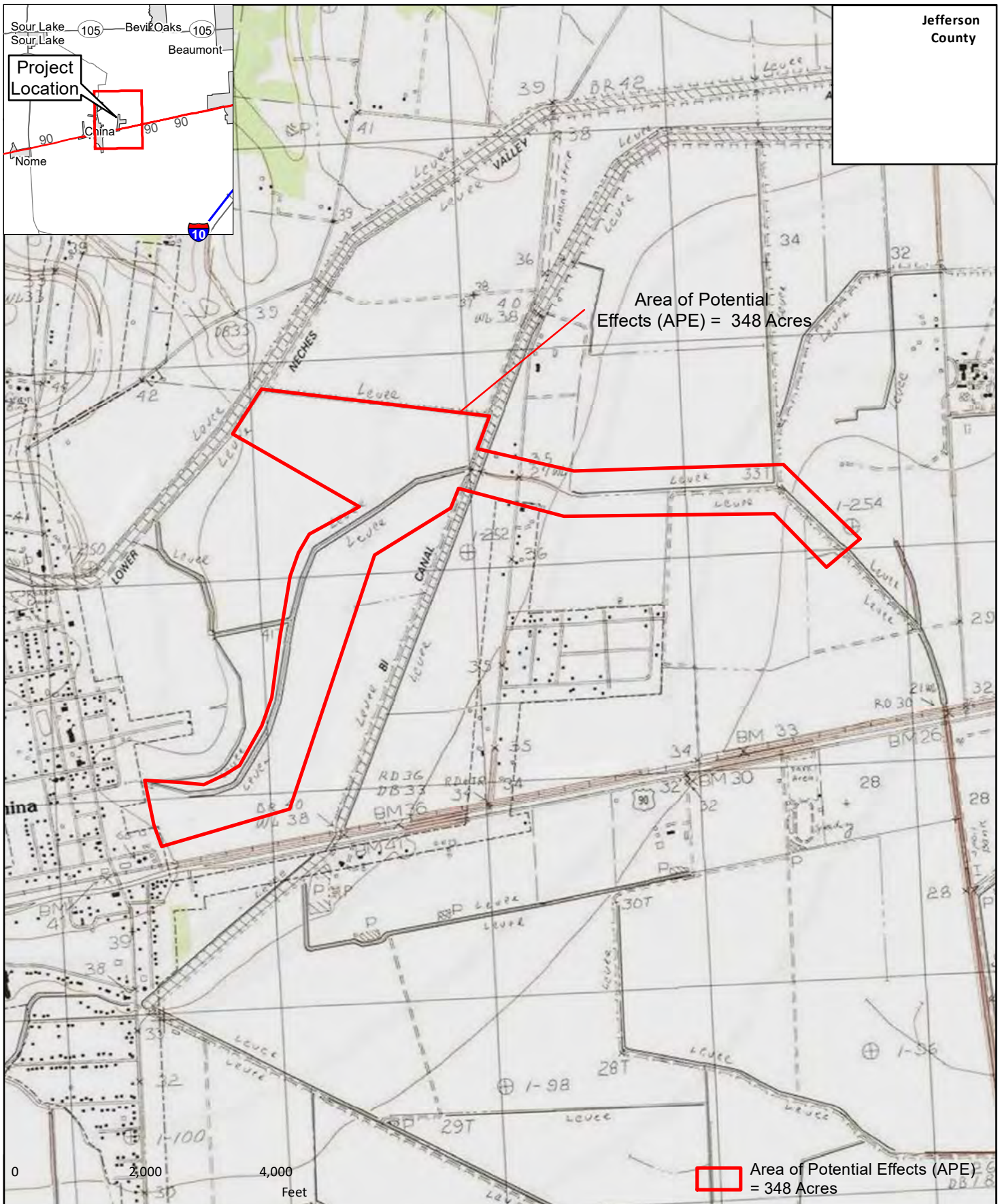
Concurrence by:

Date:

Tribe



<div><p>10497 Town and Country Way, Suite 500 Houston, TX 77024 Phone - (713) 600 - 6800</p></div>		Jefferson County Drainage District 6	FN JOB NO	JFC22354	2
		Ditch 600 (East China) Project Area	FILE NAME	Fig2_Aerial.mxd	
Aerial Map	DATE	8/23/2022			
	Scale	1:18,000			
	DESIGNED	CS			
	DRAFTED	CS			
FIGURE					



<p>FREES & NICHOLS 10497 Town and Country Way Suite 600 Houston, Texas 77024 713-600-6800</p>		<p>Jefferson County Drainage District 6</p> <p>Ditch 600 (East China) Project Area</p> <p>USGS Topographic Map</p> <p>Quad Name: China</p>		<p>FIGURE</p> <p>1</p>
		<p>FN JOB NO JFC22354</p>		<p>FIGURE</p>
		<p>FILE NAME Fig1_Topo.mxd</p>		
		<p>DATE 8/23/2022</p>		
		<p>SCALE 1:24,000</p>		
		<p>DESIGNED CS</p>	<p>FIGURE</p>	
		<p>DRAFTED CS</p>		



Photograph 1. This photo was taken by FNI staff during the April 29, 2022 site visit. The photo was taken at Turner Road (latitude/longitude: 30.06409, -94.31538) facing west. The photo shows the general width and condition of the channel. The JCDD6 is proposing to widen the channel to improve drainage downstream of the detention basin.



Photograph 2. The photo was taken at Turner Road (lat./long.: 30.06409, -94.31538) facing east. The photo shows the general width and condition of the channel. The JCDD6 is proposing to widen the channel to improve drainage downstream of the detention basin.



Photograph 3. The photo was taken at the proposed corner of the detention basin (lat./long.: 30.06287, -94.32277) facing north. The photo shows the corner of a flooded agricultural field. The JCDD6 is proposing to deepen the agricultural area to increase capacity and detain more water during storm events.



Photograph 4. The photo was taken at lat/long: 30.06342, -94.32152 facing southeast down the channel. The JCDD6 is proposing to widen the channel to improve conveyance and drainage.



Photograph 5. The photo was taken at lat/long: 30.05737, -94.32683 facing northeast. The JCDD6 is proposing to widen the channel to improve conveyance and drainage.



Photograph 6. The photo was taken at lat/long: 30.05737, -94.32683 facing southwest. The JCDD6 is proposing to widen the channel to improve conveyance and drainage.

**FEMA PUBLIC NOTICE OF AVAILABILITY
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6
DITCH 600 COMMUNITY FLOOD CONTROL EAST CHINA RELIEF PROJECT
JEFFERSON COUNTY, TEXAS
EMT-2020-FM-007-0011**

Interested persons are hereby notified that the Jefferson County Drainage District No. 6 (JCDD6) has applied to the Federal Emergency Management Agency (FEMA) for Flood Mitigation Assistance (FMA) Program funding. 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).

FEMA proposes to provide funding to JCDD6 to widen a portion of an existing ditch and construct a new detention infrastructure to provide flood relief to the residents of East China and their homes/personal property in Jefferson County, Texas. A portion of Ditch 600 would be widened from its origin on the east side of Town of China to Ditch 600's crossing with the Lower Neches Valley Authority (LNVA) Beaumont Irrigation Canal to create in-line detention. This would tie into a detention basin excavated in an agricultural field adjacent to the Beaumont Irrigation Canal. In conjunction, these detention features would have a capacity of 447 acre-feet.

A draft Environmental Assessment (EA) has been prepared to assess the potential impacts of the proposed action and alternatives on the human and natural environment in accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Parts 1500 – 1508), FEMA's Instruction 108-1-1 for implementing NEPA, the National Historic Preservation Act, Executive Order 11988, Executive Order 11990, and 44 CFR Part 9. The draft EA evaluates alternatives that provide for compliance with applicable environmental laws. The alternatives evaluated include (1) No Action; (2) the Proposed Action described above.

The draft EA is available for review and comment at Jefferson County Drainage District 6, 6550 Walden Road, Beaumont, TX 77705, from 7:00 a.m. to 4:00 p.m. Monday-Friday. An electronic version of the draft EA can also be requested from Subha Pandey, FEMA Region 6, at subha.pandey@fema.dhs.gov, or viewed on FEMA's website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/region/6>

The comment period will begin on **November X, 2022** and end 30 days later by close of business **December X, 2022**. Written comments on the draft EA can be mailed or emailed to Subha Pandey, Environmental Protection Specialist, FEMA Region 6, 800 N Loop 288, Denton, TX 76209, subha.pandey@fema.dhs.gov. If no substantive comments are received, the draft EA will become final and a Finding of No Significant Impact (FONSI) will be issued for the project. Substantive comments will be addressed as appropriate in the final documents.

All other questions regarding disaster assistance should be directed to FEMA's Helpline at 1-800-621-3362 or visit www.DisasterAssistance.gov.



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6
DITCH 600 COMMUNITY FLOOD CONTROL EAST CHINA RELIEF PROJECT
JEFFERSON COUNTY, TEXAS
EMT-2020-FM-007-0011**

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 flood relief to residents of East China 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).

The Jefferson County Drainage District No. 6 (JCDD6) has applied for FEMA funding assistance through FEMA's Flood Mitigation Assistance (FMA) Program, EMT-2020-FM-007-0011, for the improvement to drainage of existing portions of China, north of US 90 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 and a different channel widening design was considered initially but were dismissed from further consideration due to their increased adverse environmental impacts and environmental constraints.

Under the No Action Alternative, the construction of the proposed channel widening, or detention areas would not take place. Thus, the No Action Alternative would result in continued flooding issues in East China. The No Action Alternative would not meet the purpose and need of the proposed project.

Under the Proposed Action Alternative, a portion of Ditch 600 would be widened from its origin on the east side of Town of China to Ditch 600's crossing with the Lower Neches Valley Authority (LNVA) Beaumont Irrigation Canal to create in-line detention. This would tie into a

detention basin excavated in an agricultural field adjacent to the Beaumont Irrigation Canal. In conjunction, these detention features would have a capacity of 447 acre-feet.

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 will not significantly impact geology, seismicity, climate change, ground water resources, floodplain, developed water resources, threatened and endangered species, essential fish habitat, coastal zone resources, hazardous materials, land use, minority and low-income populations, public services and utilities or cultural or historic resources. During construction, short-term, minor impacts to surface water quality, air quality, wetlands, migratory birds, Wildlife Communities and Habitat, noise, and traffic, are anticipated. The project will result in long term beneficial impacts to hydraulic conditions and public health and safety.

No long-term adverse impacts are anticipated. Minimal direct impacts to conversion of prime farmland soils anticipated to occur. However, the proposed site contains less than one acre of Prime Farmlands of State Importance and is therefore exempt from the provisions of the Farmland Protection Policy Act (FPPA). All adverse impacts to the proposed project site and surrounding areas will 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. 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.

4. The applicant will employ dust control techniques, such as covering of transported material, and watering of the construction area and haul routes to control dust emissions. Emissions will be minimized by complying with the Texas low emission diesel fuel standards, limits on idling, construction equipment maintenance in accordance with the manufacturer's specifications and other emission limitation techniques, as appropriate.
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 General Permit.
6. To minimize impacts to migratory bird species, applicant will limit tree removal work during the peak migratory bird-nesting period of March through August as much as possible. Otherwise, applicant will deploy a qualified biological monitor.
7. 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.
8. The applicant will implement traffic control measures, if needed, during the construction phase of the project.
9. If any undocumented utilities or pipelines are uncovered during construction activities would cease and the proper entities (e.g., TCEQ or RRC) would be contacted.
10. Appropriate signage and barriers must be in place prior to construction to notify pedestrians and motorists of construction activities.
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. BMPs will be implemented to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation.

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

Kevin Jaynes
Regional Environmental Officer
FEMA Region 6

Brianne Schmidtke
Hazard Mitigation Assistance Branch Chief
FEMA Region 6