

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT & INTENT TO REQUEST
RELEASE OF FUNDS - & FINAL NOTICE & PUBLIC EXPLANATION OF A PROPOSED
ACTIVITY IN A WETLAND**

November 26, 2024

Jasper County 121 N Austin,
Room 106 Jasper, TX, 75951
Ph: 409-384-2612

These notices shall satisfy three separate but related procedural requirements for activities to be undertaken by Jasper County.

To All Interested Parties Including: USACE, HUD, TXGLO, Groups & Individuals of Jasper County, Tx.

REQUEST FOR RELEASE OF FUNDS

On or about, December 12, 2024, Jasper County (County) will submit a request to the TEXAS GENERAL LAND OFFICE (TGLO) for the release of Community Development Block Grant funds under the U.S. Department of Housing & Urban Development's Community Development Block Grant Mitigation ("CDBGMIT") program to provide financial assistance with funds appropriated under the Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (Public Law 115-123), enacted on February 9, 2018, for necessary expenses for Activities authorized under Title I of the Housing & Community Development Act of 1974 (42 U.S.C. § 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure & housing, economic revitalization, mitigation, & affirmatively furthering fair housing, in accordance with 12892, disasters that occurred in 2015, 2016, or 2017 pursuant to the Robert T. Stafford Disaster Relief & Emergency Assistance Act (42 U.S.C. § 5121 et seq.) to undertake projects known as:

Contract No. 24-065-033-E488 / # B-18-DP-48-0002.

Jasper Co Street Improvements

- Precincts 2/3 - CR 328/CR 317 # GLO17-32108-P
- Precinct 2 - CR 323/322 # GLO17-32107-P under 2023.

The County will remove & replace a total of approximately 33,811.50 LF of roadway. Project description, locations, & sites are outlined in Table 1. Project activities include administration, engineering & environmental activities. Total disturbance approx. 31 Acres. Natural & beneficial values include primarily rural residential & forested areas typical to east Texas environment.

Budget: Contract Amount: \$13,254,000.00 HUD MID- DETCOG, Street Improvements: \$ 4,194,894.68, Local Match \$ -0- . Total Project: \$4,194,894.68

Project Need: Activities to increase its resilience to disasters & reduce or eliminate long-term risk of disaster-related loss of life, injury, damage to & loss of property, & suffering & hardship by lessening the impact of future disasters.

Table 1 - Project Locations and Descriptions
Street Improvements Jasper County
Precinct 2/3 - CR 328/CR 317 Precinct 2 - CR 323/ CR 322

Sites	Lat/Long Mid Point	General Description of Work	Specific Activities Identified	Total Disturbance approx. 40 ft width (Sqft/Acres)*
Preparation right-of-way; hardening, scarifying, reshaping & recompacting the existing roadway; installing crushed limestone base, asphaltic prime coat & hot mix asphaltic concrete surface.				
P1 - CR328 10,560 LF	30.7482456/ -94.0613223	Twelve (12) to fifteen (15) new culverts as necessary with riprap are projected	P1: CR 328: <ul style="list-style-type: none"> • Culverts 8 EA 24” culverts at crossings and 7 EA Culverts sized up to 18” at driveways. Includes 180 SF of riprap on each side of road. • Guard railing will be added to both sides of roadway at larger existing cross culverts • There are a few drives and cross culverts that appear to be in acceptable condition and are not planned to be replaced. • Culverts not specifically labeled 24”, would be no larger than 18”. • 12 new culverts will be installed on CR 328 (7 at driveways / 8 at CR 328 crossings). • Depth of culvert excavation no more than 24”. • Depth of roadway construction excavation is expected to be no more than 12”. • Width of roadway construction is expected to be no more than 40’. • This zone is regularly re-shaped / re-graded by the County. 	420,000 sqft/ 9.6 acres
P2 - CR317 1,930 LF	30.7459156/ -94.0433526	No new culverts are projected.	P2: CR 317/West Segment: (No culverts) <ul style="list-style-type: none"> • Depth of roadway construction excavation is expected to be no more than 12”. • This zone is regularly re-shaped / re-graded by the County. • Width of roadway construction is expected to be no more than 40’. 	76,800 sqft/ 1.8 acres
P3 - CR 317 at FM1005 5,920 LF	30.7382139/ -94.0352866	Twelve (12) new culverts with riprap are projected.	P3: CR 317/ FM 1005 Segment - <ul style="list-style-type: none"> • Culverts sized up to 18” at 11 driveways and 1 at intersection of CR317 @ CR331. • 70 SF of Rock Riprap on both sides of road at West end of project. (Engineering P 3-2) • No culvert replacement where the road crosses Walker Branch. Road reconstruction over the creek only. • Rock Riprap planned on the roadway front slopes and in the creek at each existing culvert end; • Rock riprap placement on each side of this crossing would not exceed 70 square feet or 140 square feet total. • Guard railing on both sides of the roadway (80 LF each side). • 12 new small culverts on CR 317 (11 at driveways / 1 at intersection with CR 331). 	236,800 sqft/ 5.4 acres
P4 - CR323 14,651.50 LF	30.7947316, -94.0968448	At Pickering Creek, the roadway will be reconstructed over & above the creek, the culvert will not be replaced. Seventeen (17) new culverts with riprap are projected.	P4 CR 323 / CR 322 Construction Notes <ul style="list-style-type: none"> • CR 323 stops at Walnut Run Creek (but doesn’t cross the creek). Reduces original length • No culvert replacement where the road crosses Pickering Creek. Road reconstruction over the creek only. • No culvert replacement where the road crosses Walnut Run Tributary west of Pickering Creek. Road reconstruction over the creek only. • Approximately 17 new culverts will be added on CR 323 (all at driveways). 	586,060 sqft/ 13.5 acres
P5 - CR322 750 LF	30.8040383/ -94.0799204	No new culverts expected.	<ul style="list-style-type: none"> • No culvert installation on CR 322 is expected. • Culvert sizes are expect to be no larger than 18”. • Depth of culvert excavation no more than 24”. • No rock riprap is planned. • Depth of roadway construction excavation is expected to be no more than 12”. • This zone is regularly re-shaped / re-graded by the County. • Nationwide 14 for clearance of roadways at existing low water crossings. 	30,000 sqft/ 0.7 acres

FINDING OF NO SIGNIFICANT IMPACT

Jasper County has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at Jasper County, 121 N Austin Room 106, Jasper, TX, 75951, Ph: 409-384-2612 where the ERR can be examined & is available for review & or copied weekdays 8:00 AM to 5:00 PM. In addition, ERR can be accessed electronically at

https://www.dropbox.com/scl/fi/s6mkfvs3koyswpt83nr0r/HVMID_JASPERCO_ROAD_IMPROVEMEN TS_CR-323_322_328_317.pdf?rlkey=igqjrsh8cmf3lg5t0h1990tgu&st=8dds4tj5&dl=0 Comments may also be submitted via email to: mark.allen@co.jasper.tx.us.

FINAL NOTICE & PUBLIC EXPLANATION OF PROPOSED ACTIVITY IN A WETLAND

Permit Nationwide Permit 14 for CR 317 (west), CR323, CR 322

This is to give notice that **Jasper County** has conducted an evaluation as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management & Wetlands Protection. The activity is funded under the U.S. Department of Housing & Urban Development’s Community Development Block Grant Mitigation (“CDBGMIT”) Contract # 24-065-033-E488.

Contract No. 24-065-033-E488 / # B-18-DP-48-0002.

Total approximately 33,81.50 LF improvements

Jasper Co Street Improvements

- Precincts 2/3 - CR 328/CR 317 # GLO17-32108-P
- Precinct 2 - CR 323/322 # GLO17-32107-P under 2023.

Sites	Lat/Long Mid Point	Specific Activities Identified	Total Disturbance approx. 40 ft width (Sqft/Acres)*
Preparation right-of-way; hardening, scarifying, reshaping & recompacting the existing roadway; installing crushed limestone base, asphaltic prime coat & hot mix asphaltic concrete surface.			
P3 - CR 317 at FM1005 5,920 LF	30.7382139/ -94.0352866	P3: CR 317/ FM 1005 Segment - (See Engineering referenced as P 3-2) <ul style="list-style-type: none"> • Culverts sized up to 18” at 11 driveways and 1 at intersection of CR317 @ CR331. • 70 SF of Rock Riprap on both sides of road at West end of project. (Engineering P 3-2) • No culvert replacement where the road crosses Walker Branch. Road reconstruction over the creek only. • Rock Riprap planned on the roadway front slopes and in the creek at each existing culvert end; • Rock riprap placement on each side of this crossing would not exceed 70 square feet or 140 square feet total. • Guard railing on both sides of the roadway (80 LF each side). • 12 new small culverts on CR 317 (11 at driveways / 1 at intersection with CR 331). 	236,800 sqft/ 5.4 acres
P4 - CR323 14,651.50 LF	30.7947316, -94.0968448	P4 CR 323 / CR 322 Construction Notes <ul style="list-style-type: none"> • CR 323 stops at Walnut Run Creek (but doesn’t cross the creek). Reduces original length • No culvert replacement where the road crosses Pickering Creek. Road reconstruction over the creek only. • No culvert replacement where the road crosses Walnut Run Tributary west of Pickering Creek. Road reconstruction over the creek only. • Approximately 17 new culverts will be added on CR 323 (all at driveways). • No culvert installation on CR 322 is expected. • Culvert sizes are expected to be no larger than 18”. • Depth of culvert excavation no more than 24”. • No rock riprap is planned. • Depth of roadway construction excavation is expected to be no more than 12”. 	586,060 sqft/ 13.5 acres

Sites	Lat/Long Mid Point	Specific Activities Identified	Total Disturbance approx. 40 ft width (Sqft/Acres)*
		Preparation right-of-way; hardening, scarifying, reshaping & recompacting the existing roadway; installing crushed limestone base, asphaltic prime coat & hot mix asphaltic concrete surface.	
		<ul style="list-style-type: none"> This zone is regularly re-shaped / re-graded by the County. Nationwide 14 for clearance of roadways at existing low water crossings. 	

A portion of the project is located at wetlands according to the USFWS National Wetlands Inventory. **The extent of the impact includes the following:**

JASPER COUNTY ROADS TOTAL WETLAND IMPACT		
Project #	Road	R2UBH Riverine Acres
P3	P3 - CR 317 at FM1005	0.01106
P4	P4 - CR323	0.01186
	Total	0.02292

Natural & beneficial values include rural residential & agriculture areas. The intrinsic value of the roads and bridges prevent impact to area creeks from travelers along the roadways. The road and bridges provide flood controls and protection for area residents for safe travel in and out of the areas. Total area acreage potentially impacted includes R2UBH - Riverine located at or near Walker Branch at P3 CR 317 at FM 1005 (approximately .01106 acres) riprap will be installed at Walker Branch total of 140 sqft - .00321396. and Pickering Creek P4 CR 323 (approximately .01186 acres). However, work will be conducted on the road over the creeks.

The County has considered the following alternatives & mitigation measures to be taken to minimize adverse impacts & to restore & preserve natural & beneficial functions & intrinsic values of the existing floodplain/wetland: 1) Doing nothing will not ensure the public health & the environment. 2) Moving the project to another location is not an option, as the roadways that exist are in disrepair & in need of improvements. 3) Patching the roadway was considered, however, this would not meet the need for improvements that are sustainable, & rehabilitation will not be effective. No Action Alternative [24 CFR 58.40(e)]: Not conducting these improvements will not be consistent with human health & the environment as the current improvements will ensure that the roadways are safe for travel.

MITIGATION MEASURES:

Endangered Species:

Federal Law: Migratory Bird Treaty Act

Site(s) review for nests prior to construction to avoid disturbance from a minimum zone of 100 meters surrounding any raptor nest February 1 through July 15 or minimum zone of 25' for other bird nests from March 1 to June 30. If any nests are discovered in vegetation or bare ground of occupied nests, avoid disturbance until the eggs have hatched and the young have fledged. Construction may continue on other areas of the site.

State Law: Parks and Wildlife Code

Site(s) review prior to and during construction will occur to ensure no wildlife species are located within the construction area and action will be taken to avoid impact if found. Notification of TPWD will occur if endangered species are found or if further assistance is necessary to clear an area. In general, the species will be permitted to leave the sight without disturbance. Where possible, construction will avoid clearing during the height of nesting season and in general will avoid wildlife impact.

Environmental documentation will be provided to contractors to ensure an understanding of the mitigation necessary to prevent impact to wildlife in the construction areas.

Site Specific Mitigation Measures

1. To prevent impact to potential mollusks/clams in the area, it is recommended to examine the site prior to construction to ensure no wildlife is present onsite. If presence is observed, stop work and contact TPWD for further direction. This may include conducting a survey area for relocating or addressing the presence of mollusks in the area. Obtain the TPWD guidance document, "Guidelines for Aquatic Resource Relocation Plans for Fish and Shellfish, Including Freshwater Mussels".
2. Culvert replacements and new installations are possible at all locations. It is recommended to limit vegetation clearing as much as possible and examine the site prior to construction to ensure no impact to species of concern.
3. Incorporate sediment control technologies that incorporate best management practices wherein human, domestic animal and wildlife impact are protected will be utilized where necessary; this includes silt fencing and riprap. If erosion control blankets are used, no plastic mesh matting will be used. Routine monitoring of the site will occur for safety.
4. If bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation. As an alternative to riprap, TPWD recommends considering biotechnical streambank stabilization methods using live native vegetation or a combination of vegetative and structural materials.
5. Engineering will avoid impact to SGCN flora, fauna and natural plant communities as well as state fish and wildlife resources.
6. Where indicated, reseeded of specific native grasses will be used and if encountered during construction and maintenance activities, wildlife will be allowed to safely leave the premises.
7. Industry specific mitigation will be used to return the area to its original condition. Reseeding the area with native grasses to prevent erosion and soil stabilization will occur as possible consistent with current BMP and methodologies that prevent impact to wildlife. Interest will be paid to monitoring potential wildlife or other animals that may wander onsite. The activities are not intended for site cleanup.
8. Precautions will be taken to examine the site prior to construction to determine if nesting birds are visible prior to construction and if found will be handled in accordance with TPWD provided directions to avoid impact until immature birds have fledged. The site visit did not reveal flowering plants of the Navasota Ladies Tresses.
9. The site must be monitored regularly by a dedicated staff person to prevent impact to any snakes, mollusks, including the Louisiana Pine Snake *Pituophis ruthveni*. Terrestrial State-listed Species (specifically the timber rattlesnake and northern scarlet snake)
10. To minimize potential disturbance to freshwater mussels and other aquatic life and to avoid disturbance to stream beds, stream banks, and adjacent riparian vegetation, TPWD recommends the use of bridge spans rather than culverts. Spans enable both aquatic and terrestrial wildlife to more freely travel the stream and its riparian corridor and to pass under the road uninhibited.
11. If a bridge span is not feasible and culverts will be added, then TPWD recommends ensuring that the flowline of the culvert, aprons, and top of riprap are at or below the existing flowline of the stream to enable aquatic life passage during low flow conditions.
12. The County does not intend to introduce fish, shellfish or aquatic plants to the area. If needed however, TPWD will be contacted and/or ARRP will be submitted to TPWD in accordance with requirements.

13. For work that would be required within surface waters, the project should be coordinated with the TPWD Kills and Spills Team (KAST) for appropriate authorization and to ensure protection of state-listed aquatic wildlife. For construction in any creeks, TPWD recommends relocating native aquatic resources in conjunction with a Permit to Introduce Fish shellfish or Aquatic Plants into Public Waters. If this is possible, the contractors must contact TPWD Region 2 at 903-566-2518. Also TPWD recommends following an aquatic invasive species transfer prevention plan which outlines BMPs for preventing inadvertent transfer of aquatic invasive plants and animals on project equipment and fill materials. TPWD recommends all contractors review and adhere to the TPWD Clean/Drain/Dry Procedures and Zebra Mussel Decontamination Procedures for Contractors Working in Inland Public Waters.
14. Industry specific mitigation will be used to return the area to its original condition. Reseeding the area with native grasses to prevent erosion and soil stabilization will occur consistent with current BMP and methodologies that prevent impact to wildlife. Interest will be paid to monitoring potential wildlife or other animals that may wander onsite.

Historic & Cultural Resources: Because unmarked burials are largely encountered outside the “assumed boundaries” of historic cemeteries and are afforded protection under the Texas Health and Safety Code, Section 711. Given the proximity of the project to these historic cemeteries, please develop a detailed inadvertent discovery plan prior to any ground disturbance activities, in case human remains are encountered during the project. The plan should include details regarding who the project will notify in the event of an encounter and what steps will be taken to ensure protection of any human remains until a plan of action can be developed. For additional information on cemetery preservation, please see *Preserving Historic Cemeteries-Texas Preservation Guidelines*, Texas Historical Commission.

Wetlands: Construction activities will be consistent with USACE Nationwide Permit 14 for linear transportation projects as the impact to waters of the US will not be more than 1/10 acre per area. Due to proximity of surrounding wetlands and floodplain, contractor will ensure that best management practices during construction to floodplain & preserve area natural values associated with coastal development. This may include use disturbance-free buffers contiguous to wetlands or aquatic systems, where possible place top of riprap at or below the proposed streambed flowline elevation & where applicable, place culverts & riprap such that up & downstream flow connections are present under low flow conditions. The use of best management practices to prevent erosion, such as silt fencing & returning the area to preconstruction conditions, will be employed. Construction will be implemented in compliance with Army Corp of Engineers Nationwide Permit 14 – Linear Transportation Projects

Public Safety - Police, Fire & Emergency Medical: The Tri-Community Volunteer Fire Department is located in the town of Magnolia Springs at the south end of Section P3 at the intersection of CR317 & FM1005. Contractors should coordinate with the Tri-Community Volunteer Fire Department to ensure the Department’s response activities will not be impaired.

The County has reevaluated alternatives to building in the wetlands and has determined that it has no practicable alternative to wetland development. Environmental files documenting compliance with Executive Order 11990, are available for public inspection, review & copying upon request at the times & location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons: improvements are necessary to ensure human health & environment through improved road access in case of emergencies for low-to-moderate income persons within rural residential areas. Project will ensure no impact to wildlife &/or endangered species during construction. Minimal or short-term impact will incorporate BMPs returning area to previous contours & conditions & preserve area Wetlands and be consistent with USACE Nationwide Permit 14 & ensure natural values are restored after roadway improvements will occur. County will ensure consistency with state & local floodplain protection procedures.

There are three primary purposes for this notice. First, people who may be affected by activities in wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns & provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information & request for public comment about wetlands can facilitate & enhance Federal efforts to reduce the risks & impacts associated with the occupancy & modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in wetlands, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR DOCUMENT to Jasper County. All comments received by **December 11, 2024**, will be considered by Jasper County prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing during the hours of 8:00 AM to 5:00 PM.

Written comments regarding the Final Floodplain Notice must be received by Jasper County at the following address on or before **December 3, 2024** Mark W. Allen, Judge, 121 N Austin Room 106, Jasper, TX, 75951, Ph: 409-384-2612 during the hours of 8:00 AM to 5:00 PM. Comments may also be submitted via email to: mark.allen@co.jasper.tx.us

ENVIRONMENTAL CERTIFICATION

Jasper County certifies to TGLO that Mark Allen, in his capacity as Judge consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process & that these responsibilities have been satisfied. TGLO approval of the certification satisfies its responsibilities under NEPA & related laws & authorities & allows County to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

TGLO will accept objections to its release of funds & Jasper County certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the County. (b) the County has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the County or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by TGLO, or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared & submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) & shall be addressed to Heather Lagrone, Environmental Review Specialist, Texas General Land Office, PO Box 12873, Austin, TX 78711-2873, via email at env.reviews@recovery.texas.gov. Potential objectors should contact TGLO to verify the actual last day of the objection period.

Mark W. Allen, Judge
Ph: 409-384-2612