

Final Notice and Public Explanation of a Proposed Activity in a Floodplain

To: All interested Agencies, Groups and Individuals

This is to give notice that Hardin County has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. The activity is funded under the HUD CDBG Disaster Recovery Program under **Hardin Co MIT MOD – Street Drainage - Kountze, #24-065-065-E596 / B-18-DP-48-0002.**

Project Location:

All work will occur in the City of Kountz, Hardin County, Texas in the following locations:

Roadside Ditch Improvements

- 1ST STREET from Blackgum St. to 450' west of N. Cherry St.
- 2ND STREET from N. Oak St. to 110' west of N. Cherry St.
- 3RD STREET from N. Oak St. to 110' west of N. Cherry St.
- 4TH STREET from Blackgum St. to 90' west of N. Cherry St.
- ROW on north side of ALLEN ST from Tubb St. to Feagin St.
- ALLUMS STREET from Old FM 418 to 170' west of N. Cherry St.
- N. ASH STREET from 1st St. to Hwy 418 W
- S. ASH STREET from Deer St. to E Brown St.
- ROW ON NORTH SIDE OF BARRET STREET from Feagin St. to Villa Rd
- N. BEECH STREET from Hwy 418 W to 1st St.
- S. BEECH STREET from E Deer St. to E Brown St
- BEAR STREET from Old FM 418 to 180' west of N. Cherry St.
- BLACKGUM STREET from 1st St. to 2,914' northwest
- E. BROWN STREET southernmost section from the E Brown Street Fork east 1,132' to end
- E. BROWN STREET from Alums St. to 170' west of N. Cherry St.
- CARIKER STREET from Otis St. to Allen St.
- ROW ON NORTH SIDE OF CHARLES STREET from Allison St. to Riggs St.
- N. CHERRY STREET from 2nd St. to 3rd St.
- N. CHERRY STREET from 3rd St. to Hwy 418 W
- S. CHERRY STREET from E Brown St. to E Deer St.
- CYPRESS STREET from 1st St. to 230' north of 4th St.
- CYPRESS STREET from Bear St. to Deer St.
- CYPRESS STREET from Deer St. north 537'
- ROW NORTH OF DALE STREET from Tubb St. to Villa Rd.
- DEER STREET from Old FM 418 to 190' west of S. Cherry St.
- FEAGIN STREET from 40' north of Allen St. to Tubb St.
- FOX STREET from Old FM 418 to 215' west of N. Cherry St.
- KIMBERLY LANE from E. Williford Rd. north 359' to end
- ROW NORTH OF LINDSEY STREET from Feagin St. to Tubb St.
- ROW NORTH OF M.L. KING STREET from Pan-Am Rd. to Villa Rd.
- MARSHALL STREET from 50' north of Allen St. to 918' south
- MILL STREET from E Brown St. to 170' west of N. Cherry St.
- S. OAK STREET from E. Brown St. to Deer St.
- N. OAK STREET from 2nd St. to 1st St
- N. OAK STREET from Hwy 418 W to 3rd St.
- OLD FM 418 from Allums St. to Deer St.

- ROW NORTH OF OTIS STREET from Feagin St. to Tubb St.
- ROW ON EAST OF PAN-AM ROAD from M.L. King St. to 40' north of Dale St.
- ROW ON EAST SIDE OF RIGGS STREET from Charles St. to 75' north of Barrett St.
- ROW N OF SMITH STREET from Feagin St. to Tubb St.
- ROW NORTH OF TIGER STREET east 470' then north on Tiger St. 270' to end
- TUBB ST from Allison St. to Allen St.
- ROW NORTH OF E. VANDERBURG STREET from Villa Rd. to Feagin St.
- E. VANDERBURG STREET from Feagin St. to Tubb St.
- VILLA ROAD from Rocky Richardson Rd. south 3,558'
- N. WALNUT STREET from 1st St. to 160' north of 4th St.
- S. WALNUT STREET from Deer St. to E Brown St.
- WALTERS LANE from E Williford Rd north 800'
- WIGGINS STREET from Feagin St. to Tubb St.
- E. WILLIFORD from Wallers Ln. to Hwy 287

Channel Improvements

- ROW ON EAST SIDE OF E BROWN ST. from E. Williford Rd (30.37047, -94.30961) northeast 5,248' (30.37716, -94.29661)
- ROW ON THE EAST SIDE OF CHILE DANIEL ROAD and 1,300' North of Hwy 418 W (30.38409, -94.31148) to south to Hwy 418 W (30.38136, -94.31135)
- ROW ON THE EAST SIDE OF CHILE DANIEL ROAD and 1,300' North of Hwy 418 (30.38409, -94.31148) to southwest 1,044 l.f. to Villa Rd (30.38282, -94.31442)
- ROW ON NORTH SIDE OF DALE ST. from the intersection of Feagin St and Dale St. southeast to the west side of Chile Daniel Rd. and 1,300' North of Hwy 418 W (30.38409, -94.31148)
- ROW 70' EAST OF THE EASTERN END OF TIGER ST (30.37675, -94.30692) southeast 1,241' (30.37574, -94.30339)
- ROW 100' SOUTH OF THE INTERSECTION OF SMITH ST AND FEIGIN ST. southeast to Barret St. 115' east of the intersection of Riggs St. and Barrett St. (30.38985, -94.31712)

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Provide Roadside Ditch and Channel Improvements. Construction activities include:

- Driveway Culvert Replacements - 3,000 LF
- Roadside Ditch Excavation - 122,000 LF
- Channel Clearing and Shaping - 14,100 LF

FLOODPLAIN

Exemptions to Part 55:

Actions listed in the revised 24 CFR 55.12 that are exempt from the floodplain management requirements of Part 55 include:

- *Exempt activities and actions that are Categorically Excluded Not Subject to 50.4 or 58.5*
- *Restoration or preservation of floodplains, acquisition of floodplains property provided the site is used for flood control or open space but only if structures are cleared and improvements are specifically limited*
- *Receivership or foreclosure and related actions*
- *Policy-level actions not involving site-based work*
- *Issuance of non-project-based housing vouchers*
- *A minor amendment to a previously approved action*

The project is subject to Part 55 because it meets the criteria for none of the exemptions.

Critical Actions:

Critical action means any activity for which even a slight chance of flooding would be too great because such flooding might result in loss of life, injury to persons, or damage to property. Critical actions include activities that create, maintain, or extend the useful life of those structures or facilities that:

- *Produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials*
- *Provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., community stormwater management infrastructure, water treatment plants, data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas)*
- *Are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g., persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers; housing for independent living for the elderly is not considered a critical action*

Because the project meets none of this criteria, it is not considered a critical action.

How Federal Flood Risk Management Standard (FFRMS) was determined:

The FFRMS is determined by utilizing a tiered approach:

- *Climate-Informed Science Approach (CISA) - **Preferred Method***
- *0.2-Percent-Annual Chance Floodplain Approach (0.2PFA)*
- *Freeboard Value Approach (FVA)*

Climate-Informed Science Approach (CISA)

- *Federal CISA data must be equal to or greater than base flood elevation (BFE) to be used.*

According to the Federal Flood Standard Support Tool (FFSST), there is no CISA data available for the project area. As such, this approach could not provide a determination as to whether the project was in the FFRMS floodplain. The next tiered approach, 0.2PFA (500-year floodplain method), was therefore considered.

FEMA 0.2PFA (500-year floodplain)

- *FEMA maps must show a 500-year floodplain in order to be used*
- *Critical Actions require both the 0.2PFA and the Freeboard Value Approach (FVA) be used to determine which elevation is higher, the 0.2PFA or FVA.*

According to FEMA floodplain map #4899C0225F (Effective Date 10/06/10), a portion of the project is located within a 100-year floodplain which is considered a FFRMS floodplain:

- **ROW ON EAST SIDE OF E BROWN ST. from E. Williford Rd (30.37047, -94.30961) northeast 5,248' (30.37716, -94.29661)**

Since a 100-year floodplain is considered a FFRMS floodplain, it was determined that this portion of the project is located within the FFRMS floodplain. The 8-step process is required.

According to FEMA floodplain map #4899C0225F (Effective Date 10/06/10) and #48199C0375F (Effective Date 10/6/10), the majority of the project is located in Zone X (Area of Minimal Flood Hazard) which is not considered a FFRMS floodplain.

In order to ensure that all appropriate FEMA floodplain data was considered and the most stringent data source was used for the comparable flood data, all available effective, preliminary and pending FIRMS were reviewed:

- Effective Maps - 7
- Preliminary Maps - 0
- Pending Maps - 0

Upon completion of this review, it was discovered that there was no additional data that would change the FFRMS floodplain determination. Further, since none of the maps showed the 500-year floodplain, this approach could not provide a determination as to whether the project was in the FFRMS floodplain. The next tiered approach, Freeboard Value Approach (FVA), was therefore considered.

Freeboard Value Approach (FVA):

FVA defines the FFRMS floodplain as the elevation and flood hazard area that results from:

1. *Adding two (2) feet to the base flood elevation (BFE) **for non-critical actions** or*
2. *Adding three (3) feet to the BFE **for critical actions.***

*This approach is used for noncritical actions if neither CISA data nor FEMA-mapped 0.2-percent-annual-chance floodplain data is available or actionable. **For critical actions, the higher of 0.2PFA or FVA must be used.***

According to the FEMA Floodplain Base Elevation Mapper, the following Floodplain Base Elevations were determined:

- Base floodplain elevation (BFE) 83.558 feet.

Since the project is not a critical action, and the FVA requires the highest Floodplain Base elevation be used, the FFRMS floodplain was determined to be BFE 83.558 + 2 feet:

- FFRMS Floodplain = 85.558'

According to the USGS Topo builder, the entire project is located at a lower elevation than the FFRMS floodplain. As such, it was determined that the entire project is located within FFRMS floodplain.

Area of disturbance:

- Drainage Channel Improvements – 8.35 acres at a depth of 4' (ft)
- Roadside Ditches – 21.11 acres at a depth of 3' (ft)

WOTUS

Because no wetlands are present, the 8-step process is not required. However, because WOTUS were identified, any proposed dredged material or fill placement within WOTUS would require a permit from the USACE Galveston District; all impacts to WOTUS should be minimized to the maximum extent practicable; any activities resulting in the loss of greater than 3/100-acre stream would require stream mitigation.

Natural Values of the Floodplain:

The natural resources of the floodplain include water, biological, and societal resources. The proposed project will have minimal impacts to the floodplain because appropriate mitigation will be in place.

Hardin County has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

1. **Do work only outside the floodplains.** Completing the project without disturbing any floodplain is not possible. (Not Viable)
2. **Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR).** - It was determined that neither a LOMA nor a LOMR was likely nor practical for the project area. (Not Viable)
3. **Other infrastructure considered.** - After considering other potential projects in the County, it was determined that of the eligible projects, this project was of the highest priority. (Not Viable)
4. **No Action or Alternative Actions that Serve the Same Purpose.** - The current storm drainage system in the project area is inadequate and must be addressed to prevent public health hazards. (Not Viable)

Mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

1. Preserving Property: Project designs should, to the best extent possible, incorporate measures to reduce the risk of damage to the new infrastructure via a flood.
2. Preserving Natural Values and Minimizing Impacts: After construction is completed, the disturbed area will need to be immediately re-vegetated with native grasses. Only native plants are to be used in the floodplain, and on the site.
3. Deposition and excavation of materials will need to be performed in such a manner that erosion and sedimentation will be controlled.
4. Precautions will need to be taken in the handling of fuels or other hazardous materials to prevent discharge or spillage resulting in lower groundwater quality.
5. Erosion control measures such as hay bales or silt screen barriers will need to be implemented and maintained during construction as required.
6. The project engineer will need to incorporate best management practices into the specifications and plans.

Date of any final or conditional LOMR's or LOMA's from FEMA: None requested.

Hardin County will ensure applicable state and local floodplain protection procedures are followed. Hardin County has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

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

Written comments must be received by Hardin County at the following address on or before **August 1, 2025**, a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication: **Hardin County Courthouse, 300 West Monroe Street, Kountze, Texas 77625**. A full description of the project may also be reviewed from 9:00 am to 5:00 pm from the previously mentioned address. Comments may also be submitted via email at todd@texasenvironmentals.com.

Date: July 24, 2025