

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
AND INTENT TO REQUEST RELEASE OF FUNDS
AND FINAL NOTICE & PUBLIC EXPLANATION OF
A PROPOSED ACTIVITY IN A FEDERAL FLOOD RISK MANAGEMENT STANDARD (FFRMS),
FLOODPLAIN AND WETLAND**

Date of Notice: August 22, 2025

Austin County
One East Main
Bellville, TX 77418
Ph: (979) 865-5911

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

To All Interested Parties Including: Federal Emergency Management Agency, Flood Mitigation Planning Texas Water Development Board, Texas Parks and Wildlife Department (TPWD), Regional Flood Management Association, Groups & Individuals of Austin County, the Sealy and Wallis Areas in Austin County, TX.

REQUEST FOR RELEASE OF FUNDS

On or about September 9, 2025, Austin County (County) will submit a request to the Texas General Land Office (TGLO) for the release of Community Development Block Grant funds under Community Development Block Grant Mitigation ("CDBG-MIT") appropriated under Supplemental Appropriations for Disaster Relief Requirements Act, 2018 Public Law 115-123 as amended, to undertake a project known as Austin County 2022 Drainage Improvements, for Contract DRS 22-085-007-D235, B-18-DP-48-0002 HUD MIT/STATE.

The purpose of project is to increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters. All improvements shall take place within Sealy and Wallis Areas of Austin County, TX.

Texas General Land Office CDBG-MIT
DRGR Activity: MIT - Public Facilities and Improvements-Non-Covered Projects- LMI
Activity Type: Drainage Improvements
GLO Project # GLO17-12269-P

PROJECT DESCRIPTION

Austin County Sector 2 Drainage Improvements: Austin County has identified drainage improvement activities that will increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters. County shall perform channel creation, widening, and/or deepening, and complete all associated appurtenances. Drainage improvements and re-grading of existing swales to reduce the impact of future stormwater events. County will obtain easements to facilitate the continued maintenance of the improvements that result from this project. Clearance includes Administration, Acquisition of Easements, Engineering & Environmental Activities. Total area of disturbance for drainage improvements is approximately 196.5 acres. Table 1 provides breakdown of construction at the following locations (midpoint coordinates per segments). The

project areas are located at Allen's Creek between Sealy and Wallis Areas of Austin County, TX. See Table 1.

TABLE 1 AUSTIN COUNTY SECTOR 2 DRAINAGE IMPROVEMENTS					
Section	Approx. Length (LF)	Width of Improvements (LF)	Approx Total Disturbance (SF)	Approx Total Disturbance (acres)	Lat/Long Midpoint
AC-1.11	4,259	200	851,861	19.6	29.7399083, -96.1364761
AC-2.1	8,678	200	1,735,600	39.84	29.7613813, -96.1110582
AC-2.2	9,749	200	1,949,800	44.7	29.7422982, -96.1230653
AC-3.1	6,726	200	1,345,263	30.9	29.7286651, -96.1321713
AC-3.2	1,729	200	345,745	7.9	29.7176001, -96.1314910
AC-3.3	2,781	200	556,211	12.8	29.7126065, -96.1306294
AC-3.4	3,709	200	741,727	17	29.7052125, -96.1299391
AC-3.5	3,088	200	617,602	14.2	29.6974688, -96.1273303
AC 3.6	2,075	200	415,000	9	29.692748, -96.124829
Totals	42,794	200	8,558,812	196.5	

CDBG MIT GRANT BUDGET

ESTIMATED TOTAL HUD GRANT FUNDED AMOUNT \$ 37,310,397.88

Sector 2 Drainage Improvements:

HUD FUNDS \$ 23,203,631.30 + Local Funds \$ 373,103.98 = TOTAL \$ 23,576,735.28

FINDING OF NO SIGNIFICANT IMPACT

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 Austin County Courthouse, One East Main, Bellville, TX 77418, (979) 865-5911 where the ERR can be examined & is available for review & or copied weekdays from 8:00 AM – 5:00 PM CST. In addition, ERR can be accessed electronically at

<https://www.dropbox.com/scl/fi/2ccrwu4xu4qvew4wwx52/AustinCountySector2FloodDrainageImprovements22085007D235.pdf?rlkey=ej3ss3jt8kmmxbj4v5dd9nx54&dl=0>

FINAL NOTICE & PUBLIC EXPLANATION OF PROPOSED ACTIVITY IN A FEDERAL FLOOD RISK MANAGEMENT STANDARD (FFRMS), FLOODPLAIN AND WETLAND

This is to give notice that Austin County has conducted an evaluation as required by Executive Order Executive Orders 13690, 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activities are funded under Community Development Block Grant Mitigation ("CDBG-MIT") program for Austin County Contract 22-085-007-D235, 2022 Drainage Improvements for Sector 2. Project description of the Drainage Improvements and project locations are described the previous PROJECT DESCRIPTION paragraph and in Table 1 above.

FFRMS Floodplain: The project is located in the floodplain. The following table describes the area of potential impacts. The extent of the FFRMS floodplain has been determined using a freeboard value approach which included analyzing the 0.2% floodplain maps for Austin County as well as USGS 7.5 minute TOPO maps. According to the Floodplain FEMA FIRM map panels 48015C0400F,

EFF 10/18/2019, 48015C0350F, EFF 10/18/2019, and 48015C0425F, EFF 10/18/2019, an estimated 196.5 acres are located within the 1% annual chance flood hazard area. The floodplain project areas include all proposed project roads as listed in Table 2 below.

TABLE 2 AUSTIN COUNTY SECTOR 2 DRAINAGE IMPROVEMENTS PROJECT FLOODPLAIN ACRES						
SEGMENT	MAP PANEL	ZONE	LENGTH (LF)	WIDTH (LF)	APPROX ACRES	Long Midpoint (DD)
AC-1.11	48015C0400F	AE	4,259.31	200	19.56	29.7399083, -96.1364761
AC-2.1	48015C0350F	AE,X	8,678.00	200	39.84	29.7613813, -96.1110582
AC-2.2	48015C0425 48015C0400F	AE	9,749.00	200	44.76	29.7422982, -96.1230653
AC-3.1	48015C0400F	AE	6,726.32	200	30.88	29.7286651, -96.1321713
AC-3.2	48015C0400F	AE	1,728.73	200	7.94	29.7176001, -96.1314910
AC-3.3	48015C0400F	AE	2,781.05	200	12.77	29.7126065, -96.1306294
AC-3.4	48015C0400F	AE	3,708.64	200	17.03	29.7052125, -96.1299391
AC-3.5	48015C0400F	AE,A	3,088.01	200	14.18	29.6974688, -96.1273303
AC-3.6	48015C0400F, 48015C0425F	AE,A	2,075.00	200	9.53	29.6872830, -96.1208975
Total			42,794.10		196.5	

Wetlands: A portion of the project is located in a wetland. The following table describes the area of potential impacts. According to a wetland delineation conducted for the drainage improvement project, wetland avoidance is necessary throughout the project. Total wetland impact is approximately 22.38 acres and includes 1) Emergent, 2) Ephemeral, 3) Forested, 4) Intermittent, 5) Intermittent / Perennial, and 6) Open Water. See Table 3 below. This survey area extends beyond the limits of segment 3.6. This area may be representative of portions of Sector 3 project area. Mitigation measures remain the same for Sectors 2 and 3. See detailed outlined in Tables 3.1 & 3.2 below.

TABLE 3.1 AUSTIN COUNTY SECTOR 2 DRAINAGE IMPROVEMENTS WETLAND		
ALLEN'S CREEK WETLAND STREAMS INVESTIGATED	TYPE	LOCATION
Unnamed Tributary 1 (UT-1)	Ephemeral	29.739711, -96.138583
Unnamed Tributary 2 (UT-2)	Ephemeral	29.740043, -96.135651
Unnamed Tributary 3 (UT-3)	Intermittent	29.689506, -96.123378
Allens Creek and Main Tributary	Intermittent/ Perennial	29.697801, -96.127045

TABLE 3.2 AUSTIN COUNTY SECTOR 2 DRAINAGE IMPROVEMENTS Approximate Wetland Impacts/ Total Areas of Disturbance			
Aquatic Resource	Type	Area (ac)	LAT/ LONG (NAD83)
Wetland A	Emergent	0.59	29.768524, -96.104555
Wetland B	Emergent	0.17	29.767208, -96.107276
Wetland G	Emergent	0.06	29.761812, -96.110497
Wetland J	Emergent	0.08	29.760801, -96.111982
Wetland N	Emergent	0.16	29.758584, -96.112752
Wetland O	Emergent	0.52	29.757938, -96.112923
Wetland Y	Emergent	0.11	29.741838, -96.124792
Wetland AB	Emergent	0.37	29.740489, -96.131738

TABLE 3.2 AUSTIN COUNTY SECTOR 2 DRAINAGE IMPROVEMENTS
Approximate Wetland Impacts/ Total Areas of Disturbance

Aquatic Resource	Type	Area (ac)	LAT/ LONG (NAD83)
Wetland AC	Emergent	0.02	29.738606, -96.132379
Wetland AV	Emergent	0.15	29.727584, -96.132166
Wetland AW	Emergent	0.31	29.726738, -96.132285
Wetland AY	Emergent	0.02	29.725851, -96.132309
Wetland AZ	Emergent	0.06	29.724393, -96.131519
Wetland BA	Emergent	0.07	29.723469, -96.131499
Wetland BB	Emergent	0.4	29.723325, -96.131272
Wetland BE	Emergent	0.09	29.721210, -96.132081
Wetland BF	Emergent	0.02	29.720847, -96.131826
Wetland BG	Emergent	0.05	29.720664, -96.132202
TOTAL EMERGENT		3.25	
Wetland C	Forested	0.08	29.766034, -96.108212
Wetland D	Forested	0.07	29.764260, -96.108865
Wetland E	Forested	0.14	29.763528, -96.109373
Wetland F	Forested	0.05	29.762057, -96.110148
Wetland H	Forested	0.04	29.761804, -96.110821
Wetland I	Forested	0.02	29.761658, -96.110952
Wetland K	Forested	0.02	29.760571, -96.111993
Wetland L	Forested	0.34	29.760193, -96.112579
Wetland M	Forested	0.57	29.759203, -96.112927
Wetland P	Forested	1.14	29.758202, -96.112623
Wetland Q	Forested	0.04	29.757168, -96.113342
Wetland R	Forested	0.18	29.757029, -96.113152
Wetland S	Forested	2.6	29.755025, -96.111199
Wetland T	Forested	1.99	29.752617, -96.112797
Wetland U	Forested	2.8	29.752991, -96.111857
Wetland V	Forested	2.14	29.750342, -96.115148
Wetland W	Forested	2.21	29.74992, -96.115079
Wetland X	Forested	0.1	29.742244, -96.122402
Wetland Z	Forested	0.02	29.741175, -96.131664
Wetland AA	Forested	0.02	29.741111, -96.131616
Wetland AD	Forested	0.1	29.737766, -96.132462
Wetland AE	Forested	0.05	29.737653, -96.132563
Wetland AF	Forested	0.33	29.736692, -96.132615
Wetland AG	Forested	0.23	29.735708, -96.132434
Wetland AH	Forested	0.34	29.734892, -96.131949
Wetland AI	Forested	0.31	29.734259, -96.131521
Wetland AJ	Forested	0.12	29.732809, -96.131954
Wetland AK	Forested	0.04	29.732707, -96.131829
Wetland AL	Forested	0.09	29.732019, -96.131755
Wetland AM	Forested	0.31	29.731327, -96.132175
Wetland AN	Forested	0.21	29.730769, -96.132104

TABLE 3.2 AUSTIN COUNTY SECTOR 2 DRAINAGE IMPROVEMENTS Approximate Wetland Impacts/ Total Areas of Disturbance			
Aquatic Resource	Type	Area (ac)	LAT/ LONG (NAD83)
Wetland AO	Forested	0.18	29.730085, -96.132405
Wetland AP	Forested	0.03	29.730001, -96.132325
Wetland AQ	Forested	0.08	29.729532, -96.132273
Wetland AR	Forested	0.08	29.729078, -96.132358
Wetland AS	Forested	0.4	29.728559, -96.132113
Wetland AT	Forested	0.12	29.728273, -96.132291
Wetland AU	Forested	0.07	29.727907, -96.132192
Wetland AX	Forested	0.03	29.726568, -96.132213
Wetland BC	Forested	0.12	29.723357, -96.131760
Wetland BD	Forested	0.1	29.722274, -96.131835
Wetland BH	Forested	0.14	29.713518, -96.130440
Wetland BI	Forested	0.05	29.709806, -96.130355
Wetland BJ	Forested	0.16	29.706192, -96.130337
Wetland BK	Forested	0.04	29.705842, -96.130351
Wetland BL	Forested	0.11	29.699145, -96.127388
Wetland BM	Forested	0.06	29.689447, -96.122655
Wetland BN	Forested	0.12	29.686089, -96.119973
Wetland BO	Forested	0.07	29.681930, -96.113093
TOTAL FORESTED		18.66	
Open Water 1 (OW-1)	Open Water	0.08	29.732171, -96.131628
Open Water 2 (OW-2)	Open Water	0.09	29.705022, -96.130112
Open Water 3 (OW-3)	Open Water	0.12	29.742688, -96.12653
Open Water 4 (OW-4)	Open Water	0.18	29.700237, -96.128381
TOTAL OPEN WATER		0.47	
TOTAL AQUATIC RESOURCES WITHIN PROJECT AREA		22.38	

The type of beneficial values includes primarily rural residential wetland areas important for area flood controls. Intrinsic Values include archaeological, cultural, historic, natural, recreational, and scenic elements.

Austin County has considered the following alternatives & mitigation measures to be taken to minimize adverse impacts & to restore & preserve natural & beneficial functions and intrinsic values of the existing wetland values which include primarily residential & commercial uses, as wetland areas are important for area flood controls

Alternatives considered for this project include:

- 1) Not improving the drainage conditions at Austin County Sealy Sector 2 would not ensure human health and environment during extreme weather events that promote flooding in the area cutting off access to homes by residents and emergency vehicles when necessary.
- 2) Moving the project activities to another location would not be feasible as the flooding is occurring from the conditions occurring at Allens Creek in Sealy Texas. Flood conditions can

be improved by conducting the proposed construction activities identified. It will ensure human health and the environment and will preserve property and structures regularly impacted by flooding in the area.

- 3) Using a different type of construction to address water controls during significant rain and/or other impactful weather events have been ongoing and considered for future prevention, however this has proven to be impracticable considering the frequency and ongoing level of flooding occurring.

This project location is a part of a larger effort planned for Sealy and for Wallis. Improving the locations will help create a unified approach to reduce flooding by quickly moving the water further downstream.

Mitigation:

Wetland:

Types of mitigation for the possibility of affecting wetlands includes avoidance and only working 1) above the ordinary high-water mark (OHWM), 2) within the jurisdictional boundary of each stream, and 3) outside of all identified wetland. . Use USGS Nationwide Permit (NWP) 33 for temporary construction, access and dewatering is possible during construction. 2) Properly constructed bank stabilization should include planted with native riparian & wetland vegetation to provide stability & other benefits - consider biotechnical stabilization methods using live native vegetation or a combination of vegetative & structural materials such as reticulated concrete mats; judicious use & placement of sediment control fence to exclude wildlife from the construction area - where possible include no-till drilling, hydromulching and/or hydroseeding rather than erosion control blankets or mats to reduce risk to wildlife and for consistency to NWP33.

Floodplain/FFRMS:

The proposed project will be under the guidance of using Best Management Practices during construction by implementing silt fencing to prevent erosion and restoring the disrupted soils to its natural contours and appearance and to preserve the surrounding terrain in the floodplain. Construction will include appropriate grades to ensure proper drainage and be advised to keep within the compliance of State and local floodplain protection procedures.

Other Mitigation:

Other mitigation for these areas includes 1) Judicious use and placement of sediment control fence to exclude wildlife from the construction area. Where possible include no-till drilling, hydromulching &/or hydroseeding rather than erosion control blankets or mats to reduce risk to wildlife; 2) Employ avoidance and if necessary relocate turtles out of the project area, pointing the animal in the same direction the turtle was traveling is recommended. 3) Review project area prior to construction and monitor the site closely during construction to prevent impact to any wildlife. 4) If construction workers encounter endangered species, suspend work to allow for voluntary escape; 5) provide workers with environmental awareness docs & TPWD contact information; 6) employ impact avoidance measures for aquatic organisms & any wildlife, use scheduling & confine work to 100' buffer on both sides of the creek (200' total) where possible for safety of wildlife, fishes & mussels and obtain regulatory permits if feet necessary., i.e., where necessary review project area for nests prior to construction to avoid disturbance; maintain a minimum zone of 100 meters surrounding any raptor nest Feb 1 - July 15 or minimum zone of 25' for other bird nests from March 1 - June 30. If any nests are discovered in vegetation or bare ground of occupied nests; avoid disturbance until the eggs have hatched & the young have fledged. Construction may continue on other areas of the site; 7) use BMPs to prevent erosion & restore disrupted soils to natural contours & appearance & to preserve surrounding terrain in wetland & floodplain 8) locate utilities & potential underground gas lines prior to construction; 9) use scheduling to prevent impact to community

traffic conditions; 10) If historic properties are discovered or cultural materials are encountered 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 History Programs Division at 512-463-5853 as well as TGLO for further direction. 11) Use BMPs & adjust schedule to ensure appropriate access to parks or recreation areas and to identify where utility lines and other lines are located prior to construction.

Austin County has reevaluated alternatives to building in floodplains and wetlands and has determined that it has no practicable alternative to constructing where FFRMS floodplains and wetlands exist. Environmental files documenting compliance with Executive Orders 13690, 11990 and 11988, are available for public inspection, review and copying upon request at Austin County Courthouse, One East Main, Bellville, TX 77418, (979) 865-5911 Attention: Tim Lapham, County Judge from 8:00 am to 5:00 pm CST. Comments may also be submitted via email at tlapham@austincounty.com.

There are three primary purposes for this notice. First, people who may be affected by activities in an FFRMS floodplain and Wetland & 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. Commenters are encouraged to offer alternative sites outside of the FFRMS, floodplains and Wetland, alternative methods to serve the same project purpose, & methods to minimize & mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information & request for public comment about FFRMS, floodplains and 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 Wetland areas, 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 the County. All comments received by September 8, 2025, will be considered by Austin County prior to authorizing submission of a request for release of funds. Comments may be submitted to Austin County Courthouse, One East Main, Bellville, TX 77418 Attention: Tim Lapham, County Judge. A full description of the project may also be reviewed from 8:00 am to 5:00 pm CST at Austin County Courthouse, One East Main, Bellville, TX 77418, (979) 865-5911. Comments may also be submitted via email at tlapham@austincounty.com. Comments should specify which Notice they are addressing.

Written comments regarding the Final FFRMS floodplains and Wetland Notice must be received by County at the following address on or before September 8, 2025. Comments can be submitted to Austin County Courthouse, One East Main, Bellville, TX 77418, Attention: Tim Lapham, County Judge. A full description of the project may also be reviewed from 8:00 am to 5:00 pm CST at Austin County Courthouse, One East Main, Bellville, TX 77418, (979) 865-5911. Comments may also be submitted via email at tlapham@austincounty.com.

ENVIRONMENTAL CERTIFICATION

Austin County certifies to TGLO that Tim Lapham, 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 & the Austin 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 Austin County. (b) County has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) 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 and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Heather Lagrone, 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.

Tim Lapham, Judge
Austin County