

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT and NOTICE OF INTENT TO REQUEST
RELEASE OF FUNDS and FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A
FLOODPLAIN AND WETLAND

3/22/23

Bastrop County, 804 Pecan Street, Bastrop, TX 78602, (512) 581-7100

This Notice shall satisfy the above-cited three separate but related procedural notification requirements to be undertaken by Bastrop County

To: All interested Agencies, Groups, and Individuals

REQUEST FOR RELEASE OF FUNDS

On or about 4/7/23, Bastrop County (County) will submit a request to the Texas General Land Office for the release of Community Development Block Grant Mitigation (CDBG-MIT) funds appropriated under the Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (Pub. L. 115-123), as amended, to undertake a project known as Street, Flood and Drainage Improvements, to prevent flood waters overtopping the roads, under GLO Contract #22-119-008-D418. Description: Street Improvements - Subrecipient shall repair and reconstruct the driving surface, apply asphalt, and stripe the street, and complete all associated appurtenances. Flood and Drainage Facilities - Subrecipient shall extend the existing secondary channel to prevent street erosion, and complete associated appurtenances. Locations: Caldwell Road, 227' south of SH21 W traveling southward 875', 30.054032, -97.619005, 875 LF, and Caldwell Road at the secondary channel eastward 160', 30.053513, -97.618872, 160 LF, Dale, Bastrop County, TX 78616; Tuck Street, from approximately 62' east of 152 Tuck Street driveway eastward 270', 30.120781, -97.470400, 270 LF, Cedar Creek, Bastrop County, TX 78612; Lake View Drive, diversion eastward along Lake View Drive, 30.119240, -97.469010, 470 LF, Cedar Creek, Bastrop County, TX 78612.

Estimated Total HUD Funded Amount and Estimated Total Project Cost (HUD and non-HUD funds) \$855,352.11 (\$837,432.46 construction/reconstruction of streets and \$17,919.65 construction/reconstruction of public improvements).

FINDING OF NO SIGNIFICANT IMPACT

The 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). The ERR will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to the County at the address above, or by email to lyndsey.schroeder@co.bastrop.tx.us.

FINAL NOTICE AND PUBLIC EXPLANATION OF PROPOSED ACTIVITY IN A FLOODPLAIN AND WETLAND

This is to give notice that the County under Part 58 has conducted an evaluation as required by Executive Order 11988 and 11990 in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and the Protection of Wetlands. Approximately <1.0- acre of the project on Caldwell Road will be in Zone A of the of the 100-Year Floodplain. Tuck Street and Lake View Drive are in Zone-X, area of minimal flood hazard. Per the USFWS National Wetlands Inventory maps, there is a Riverine Wetland running through the project sites on Tuck Street and Lake View Drive. On Caldwell Road there is a Freshwater Forest/Shrub Wetland and a Freshwater Emergent Wetland that cross the project site. Work will be performed under NWP 14, *Linear Transportation Projects* with limits of ½ acre. impacts to Waters of the U.S. for this project will be under the pre-construction thresholds. All conditions of the NWP permit will be adhered to. Sediment erosion controls will be used when appropriate to minimize releases of material into the area classified as wetland. Temporary fills will be removed in their entirety and the affected areas returned to preconstruction elevations. The 8-Step Process for Floodplains and Wetlands was followed.

There are no adverse effects to the floodplain and wetland anticipated as the project will mitigate possible future flooding. HUD's 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55 was completed because the proposed project is located within the 100-Year Floodplain and Wetlands.

The 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: Lake View Drive: Initially, there were two proposed culvert improvement locations; however, it was discovered that the city replaced the westernmost culverts already with an upsized pipe, so that portion was removed from the scope. Relief culverts were considered, that would be east of the existing culverts; however, the H&H Study revealed they were not needed. Caldwell Road:

Initially, the existing culverts were planned for removal and replacement. It was determined that leaving the existing culverts and adding two new culverts would produce a better outcome. Smaller culverts were considered; however, it was determined that the smaller culverts would not control water conveyance and would cause impacts to homes in the floodplain. Using precast culverts for speed in construction was considered, if it would be best for traffic to not be detoured off the roadway. No Action: Taking no action would incur no costs for the project and would cause no construction-related environmental impact. but would be unable to address the problems of flooding that overtops the roadways and threatens the lives and properties of nearby homeowners.

The County has reevaluated the alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Orders 11988 and 11990 are available for public inspection, review and copying as outlined in the paragraph of FINDING OF NO SIGNIFICANT IMPACT.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments/objections on the ERR to Bastrop County. All comments received by 4/6/23 will be considered by the County prior to authorizing submission of a request for release of funds. Comments must be prepared and submitted via email in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Bastrop County at lyndsey.schroeder@co.bastrop.tx.us or by mail to the County at the address above. Comments should specify which Notice they are addressing. Potential objectors should contact the County via email to verify the actual last day of the objection period.

ENVIRONMENTAL CERTIFICATION

Bastrop County certifies to the Texas General Land Office that Gregory Klaus, in his capacity as County 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 and that these responsibilities have been satisfied. GLO's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows Bastrop County to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

GLO will accept objections to its release of funds and Bastrop County's 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 Bastrop County; (b) Bastrop County has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient 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 GLO (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, Community Development and Revitalization, P.O. Box 12873, Austin, TX 78711-2873, or cdr@recovery.texas.gov. Potential objectors should contact the GLO at (512) 475-5000 to verify the actual last day of the objection period.

Gregory Klaus, County Judge