

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
100-YEAR FLOODPLAIN AND WETLAND

5/11/22

City of Yoakum, P. O. Box 738, Yoakum, TX 77995, (361) 293-6321

This Notice shall satisfy the above-cited three separate but related procedural notification requirements to be undertaken by the City of Yoakum.

To: All interested Agencies, Groups, and Individuals

REQUEST FOR RELEASE OF FUNDS

On or about 5/27/22, the City of Yoakum will submit a request to the Texas General Land Office for the release of Community Development Block Grant Disaster Recovery Funds under Section 104(f) of Title 1 of the Housing and Community Development Act of 1974 as amended, to undertake a project known as Flood and Drainage Facilities to rehabilitate a drainage channel under GLO Contract # 20-065-085-C246. Description: Flood and Drainage Facilities: Beginning at Dunn Street, existing riprap will be removed and replaced with a 220 LF gabion mattress, and approximately 1,145 LF of channel regrading. No new ROW or easements are required. Private landowner granted access to his land that is in the project area. Sediment erosion controls will be used when appropriate to minimize releases of material into the area classified as intermittent stream, or Waters of the US. Work will be performed under USACE NWP 43, with limits of ½ acre, and for which a PCN is required per the project engineer. All conditions of the NWP permit, and other required permits, if any, will be adhered to. The project totals approximately 2.16 acres, the entirety of which is in Zone A of the 100-Year Floodplain. Project Location: Unnamed Tributary to Big Brushy Creek, from Dunn Street at approximately 29.278696, -97.150967 for approximately 1,365 LF. Estimated funding: GLO CDBG-DR \$271,992.31.

FINDING OF NO SIGNIFICANT IMPACT

The City of Yoakum 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 City of Yoakum, P. O. Box 738, Yoakum, TX 77995, (361) 293-6321, or by email to citymanager@cityofyoakum.org.

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

This is to give notice that the City of Yoakum 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. An estimated 2.16-acres of project activities will be in Zone A of the 100-Year Floodplain, and approximately <2-acres will be in an area identified by Wetland Delineation as an Intermittent Stream. A Wetland Delineation was completed, and it was determined that the tributary should be considered jurisdictional waters. Work will be performed under USACE NWP 43, with limits of ½ acre, and for which a PCN is required per the project engineer. All conditions of the NWP permit, and any other required permits, will be adhered to. Private landowner granted access to his land that is in the project area. The project totals approximately 2.16 acres. There are no adverse effects anticipated as the project will improve the water conveyance in the existing drainage channel. 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 a Wetland. Sediment erosion controls will be used when appropriate to minimize releases of material into the area classified as floodplain and wetland.

The City of Yoakum has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: Different Project Activities: A new channel could be cut, to begin north of the current naturally occurring tributary from Dunn Street, taking most of the new drainage channel out of the floodplain. It would then rejoin the tributary downstream past the project area. This alternative was not chosen because the land is owned by an individual, who granted access to perform the proposed activities on the existing channel only. No Action: Taking no action would incur no costs for the flood and drainage improvements and would cause no construction-related environmental impact, but the

problems of future flooding in this area from poor water conveyance in the tributary/drainage channel would continue.

The City of Yoakum 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 the City of Yoakum. All comments received by 5/26/22 will be considered by the City of Yoakum 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 the City of Yoakum at citymanager@cityofyoakum.org or by mail to City of Yoakum, P. O. Box 738, Yoakum, TX 77995. (361) 293-6321. Comments should specify which Notice they are addressing. Potential objectors should contact the City of Yoakum via email to verify the actual last day of the objection period.

ENVIRONMENTAL CERTIFICATION

The City of Yoakum certifies to the Texas General Land Office that Carl O'Neill, in his capacity as Mayor, 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 the City of Yoakum to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

GLO will accept objections to its release of funds and The City of Yoakum'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 The City of Yoakum; (b) The City of Yoakum 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.

Carl O'Neill, Mayor

CERTIFICATION: I certify that the above and foregoing notice was posted on the glass window adjacent to the front door of City Hall, facing the outside, and on the City of Yoakum website (www.cityofyoakum.org), on Wednesday, May 4, 2022 at 12:15 PM o'clock.



_____/s/_____
Theresa A. Bowe, City Clerk

Agenda removed from window on _____ at _____ o'clock.

By: _____
Theresa A. Bowe, City Clerk