

Final Notice and Public Explanation of a Proposed Activity in a 100-Year and 500-year Floodplain

To: All interested Agencies, Groups, and Individuals

This is to give notice that Royal Engineers & Consultants (Royal) on behalf of the City of Port Aransas (COPA) 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 and Wetlands Protection. The activity is funded under the Community Development Block Grant under Texas General Land Office (GLO) Contract Number 20-065-143-C811. The proposed project is located in Port Aransas, Nueces County, Texas. Hurricane Harvey overwhelmed the drainage system within Port Aransas, Texas. Heavy rainfall caused flooding of homes and streets. Inadequately sized culverts and low water crossings throughout the city prohibited stormwater from draining effectively. This inundated streets, homes, and threatened public health, safety, and welfare. Utilizing CDBG funding, COPA will conduct drainage infrastructure improvements to facilitate proper stormwater conveyance, reduce the impact of future flooding, and provide continued ingress and egress to the area. Five (Sites 1, 2, 3B, 4B, and 5, 4.8 acres) of the six project sites are located within the Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA), 100-year floodplain, Flood Zone AE and one project site (Site 3A, 0.13 acres) is located in the 500-year floodplain, 0.2% Annual Chance Flood Hazard, Zone X. As proposed, the project will install new storm sewer pipe; install new storm sewer culverts and reinforced concrete pipe; regrade roadside ditches; improve outfall ditches (via excavation and box culvert installation); and complete all associated appurtenances at six locations, totaling approximately 5 acres. The proposed project is located across six sites in Port Aransas.

The City of Port Aransas has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: (i) The purpose of the project is to improve drainage infrastructure within the City of Port Aransas. Most of the city is within either the 100- or 500-year floodplain. Due to the nature of the project, it is required to be sited where the drainage infrastructure requiring improvements is currently located, which is within the 100- and 500-year floodplain. (ii) A no action alternative was also considered. Under the no-action alternative, the City would not construct the proposed Project. If the proposed Project is not constructed, stormwater drainage would not be improved, and existing outdated systems would continue to struggle to drain roadways and infrastructure. Development across the City also results in the need to add stormwater drainage improvements. If the Project is not constructed it is anticipated that flooding events in the City will become more persistent. The no-action alternative would not meet the purpose and need of the Project and was dismissed from further consideration. There are no practicable alternatives outside of the floodplain which accomplishes the purpose and meets the need of the project. (iii) The mitigation measures in Table 1 will be adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts. The project is in compliance with all applicable local and state floodplain protection procedures.

Table 1. Mitigation Measures to be implemented by the City of Port Aransas

Law, Authority, or Factor	Mitigation Measure
Endangered Species Act: Whooping Crane	<ul style="list-style-type: none"> • Tall structures including buildings, construction equipment 15 feet high or higher, fences, and antennas in the area should be marked/flagged or laid down on the ground at night or when not in use to provide higher visibility and avoid or minimize potential whooping crane collisions. • Workers should be educated, with approved service materials, to recognize whooping cranes, their habitat, and their federally- endangered status. • If a whooping crane does appear near the site and is within 1,000 feet of the construction area, work should cease until it has moved beyond that distance or left the area. Report sightings of whooping cranes to the Texas Coastal Ecological Services Field Office in Corpus Christi at (361) 533-6765.
Endangered Species Act: Black rails (BLRA)	<ul style="list-style-type: none"> • Limit project activity to daylight hours to the extent possible. If nighttime work is required, aim lighting at work zone and turn off when not needed, as possible. All permanent lighting should be pointed away from potential BLRA habitat, down shielded, and follow the International Dark-Sky Association (https://www.darksky.org/) or Bird City Texas (https://tpwd.texas.gov/wildlife/birding/bird-city-texas) guidelines. • All equipment will move at a sufficiently slow pace through potential habitat to allow birds to escape ahead of equipment. This secretive species will run to escape oncoming disturbance and are highly unlikely to fly. • Do not remove all suitable BLRA habitat in a day. Leave pockets of suitable BLRA habitat (refugia) and/or have a biological monitor ensure dense herbaceous covered pathways are maintained into unaffected areas. The refugia remaining within the project area may be cleared after two days, as needed. Acceptable refugia size is approximately 10 feet by 20 feet. • Work will stop immediately upon discovery of any BLRA (alive, injured, or dead). • The Texas Coastal Ecological Service's Office should be contacted immediately at (281)286-8282.

Law, Authority, or Factor	Mitigation Measure
Magnuson-Stevens Act	<p>The Project is designed to minimize impacts to wetlands to the greatest extent practicable. Impacts to estuarine emergent wetland habitat will be offset by restoration efforts by way of a Permittee Responsible Mitigation Plan. This plan has identified a Permittee Responsible Mitigation Area within the North Corpus Christi Bay Watershed and is owned by Coastal Bend and Bay Estuary Program. The PRM plan was submitted with USACE permit applications for these sites.</p>
National Historic Preservation Act	<p>The SHPO offered the following mitigation measures for Site 1,2,3A,3B and 5:</p> <p>Above-Ground Resources</p> <ul style="list-style-type: none"> • No historic properties are present or affected by the project as proposed. However, if historic properties are discovered 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's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. <p>Archeology Comments</p> <ul style="list-style-type: none"> • No historic properties affected. However, if cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. • THC/SHPO concurs with information provided. <p>SHPO offered the following mitigation measures for Site 4B:</p> <p>Above-Ground Resources</p> <ul style="list-style-type: none"> • No historic properties are present or affected by the project as proposed. However, if historic properties are discovered 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's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. <p>Archeology Comments</p> <ul style="list-style-type: none"> • No adverse effects on historic properties. • THC/SHPO concurs with information provided.

Law, Authority, or Factor	Mitigation Measure
Clean Water Act Section 404 / Wetlands	<p>For unavoidable, permanent impacts to wetlands at Sites 4B and 5, the City plans to mitigate via a permittee responsible mitigation (PRM) solution. A PRM plan was submitted with USACE permit applications for these sites.</p> <p>All permit conditions will be implemented during project construction. If the COPA does not receive the permits for Sites 4B and 5, a re-evaluation will be implemented</p>
Coastal Zone Management Act	<p>Mitigation Measures for Sites 1, 2, 3A, and 3B include the following:</p> <ul style="list-style-type: none"> • Siting and construction should avoid and minimize impacts to Coastal Natural Resource Areas.
Erosion	<p>Silt fencing, vegetative plantings, and wooden matting will be implemented where appropriate to reduce and minimize erosion and sedimentation of surrounding wetlands and waterways.</p> <p>Hydraulically dredged material shall be disposed of in contained disposal areas. Effluent from contained disposal areas shall not exceed a TSS concentration of 300 mg/L.</p> <p>If contaminated dredge material that was not anticipated or provided for in the permit application is encountered during dredging, operations shall cease immediately.</p> <p>Pursuant to § 26.039 (b) of the Texas Water Code, the individual operating or responsible for the dredging operations shall notify the commission's emergency response team at (512) 463-7727 as soon as possible, and not later than 24 hours after the discovery of the material. The applicant shall also notify the U.S. Army Corps of Engineers (Corps) that activities have been temporarily halted. Contaminated dredge material shall be remediated or disposed of in accordance with TCEQ rules. Dredging activities shall not be resumed until authorized in writing by the TCEQ.</p> <p>"Contaminated dredge material" is defined as dredge material which has been chemically, physically, or biologically altered by man-made or man-induced contaminants which include, but not limited to "solid waste", "hazardous waste", and "hazardous waste constituents as those terms are defined by 30 Texas Administration Code (TAC) Chapter 335, "Pollutants" as defined by Texas Water Code § 26.001 and "Hazardous Substances" as defined in the Texas Health and Safety Code, §361.003.</p>

The City of Port Aransas 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 the City of Port Aransas at the following address on or before July 9, 2024: 710 West Avenue A, Port Aransas, TX, 78373; Attention: David Parsons, City Manager; Phone: 361-749-4111. A full description of the project may also be reviewed from 8:00 AM- 12:00 PM and 1:00 PM - 5:00 PM Monday-Friday at 710 West Avenue A, Port Aransas, Texas 78373. Comments may also be submitted via email to Davidparsons@cityofportaransas.org.

Date: July 1, 2024