

NOV 12 2019

Approved

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Rexann Knowles

TODAY'S DATE: 11/5/19

DEPARTMENT:

COUNTY JUDGE

SIGNATURE OF DEPARTMENT HEAD:

X _____

REQUESTED AGENDA DATE:

November 12, 2019

SPECIFIC AGENDA WORDING: Consideration of Environmental Review Record/Assessment, Johnson County TX CDBG Contract No. 7218250 Water Improvements, Letter to TDA, Request for Release of Funds and Affidavit of Posting Environmental Finding of No Significant Impact

PERSON(S) TO PRESENT ITEM: Rexann Knowles

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 2 minutes

ACTION ITEM: X

WORKSHOP: _____

(Anticipated number of minutes needed to discuss item) **CONSENT:** _____

EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY: XX

IT DEPARTMENT: _____

AUDITOR: XX

PURCHASING DEPARTMENT: _____

PERSONNEL: _____

PUBLIC WORKS: _____

BUDGET COORDINATOR: _____

OTHER: _____

*****This Section to be Completed by County Judge's Office*****

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____ Date _____

Environmental Review Record

Environmental Assessment

Johnson County

Texas Community Development Block Grant Program Community Development Fund

Contract No. 7218250

Water Improvements

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- I. Environmental Assessment Determinations and Compliance Findings
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- VI. Source Documentation



Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: Johnson County - Water Improvements

Responsible Entity: Johnson County

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: TX CDBG CD: 7218250

Preparer: Suzy Riley, Environmental Specialist

Certifying Officer Name and Title: Roger Harmon, County Judge

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): GrantWorks, Inc.

Direct Comments to: Suzy Riley, Environmental Specialist
GrantWorks, Inc
suzy@grantworks.net
Phone: (512) 420-0303 x 402
Fax: (888) 281-2245

Project Location: on CR 1121 from Overhill Drive to a point approximately 4,100 LF west; and on FM 4 from County Road 406 to a point approximately 3,975 LF southeast, Cleburne, Texas.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]: The County proposes to install approximately 8,075 LF of 6-inch water line, valves, service reconnections and all associated appurtenances, as well as acquiring all necessary easements.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:
The target areas of Johnson County Special Utility District have deteriorated and undersized water line. The County shall replace the existing 3-inch line with 6-inch water line in order to improve the services to impacted residents.

Existing Conditions and Trends [24 CFR 58.40(a)]:
The target areas of Johnson County Special Utility District have deteriorated and undersized water lines that need to be replaced in order to improve services to impacted residents.

Funding Information

Grant Number	HUD Program	Funding Amount
7218250	CD	\$275,000

Estimated Total HUD Funded Amount: \$275,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:
Grant funds: \$275,000, Match: \$13,750

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance Determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not within 2,500 feet of a civilian airport or within 15,000 feet of a military airfield. Therefore, the project shall have no impact to Runway Clear Zones. See Attachment A – Airport Hazards for map. Sources: US Department of Transportation NGDA Runways; Runway/Airport Proximity Map
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located in a Coastal Barrier Resources System. Please see Attachment B for map. Source: USFWS, Coastal Barrier Resources
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	A portion of the project construction zone is located in a FEMA designated Special Flood Hazard Area, FIRM 48251C0350J and 48251C0300J. Johnson County is participating in the National Flood Insurance Program. Please see Attachment C – Flood Insurance for NFIP participation status and Attachment J – Floodplain Management for Floodplain Maps. Source: FEMA Flood Maps; FEMA Community Status Book Report
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is located within an area of the state that is considered moderate and marginal non-attainment for Ozone (0.070 ppm and 0.075ppm). However, the project is a replacement water line project that does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units; therefore, under 40 CFR 93.153, it can be assumed that the project emissions will be below de minimis levels and that the project is in compliance with the Clean Air Act. During project construction, there will be some increase in ambient dust particulate from machinery and soil disturbances. These will be only temporary in nature and all efforts will be made through proper construction methods to ensure dust control and properly functioning equipment. Please see Attachment D – Clean Air for reference map.

		<p>Source: TCEQ Texas Attainment Status by Region</p>
<p>Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not located within, nor does it affect the Texas Coastal Zone as defined by the Texas Coastal Zone Management Plan. Please see Attachment E for map.</p> <p>Source: GLO Texas Coastal Zone Boundary Map</p>
<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>EPA's NEPAAssist Enviromapper was used to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Non-compliant facilities were not found on or near the project site that could affect or be affected by the project activities. Additionally, a site visit was conducted and photos were taken to document the absence of these sites. Please see project photos and Attachment F – Contamination and Toxic Substances for Field Observation Report, NEPAAssist Report, and ECHO reports for all facilities within 0.5 miles of the project site.</p> <p>Source: NEPAAssist Enviromapper</p>
<p>Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Project activities shall be confined to existing rights-of-way in previously disturbed areas committed primarily to urban and residential land use. A list of the endangered and threatened species for Johnson County has been reviewed as well as the USFWS Information, Planning and Conservation System (IPaC) system. Suitable habitats for each listed species have been compared with the project site to determine if any impacts could be expected. The project area is not consistent with the preferred habitats of any endangered species found in the County, and project activities shall not occur on, or adjacent to, mapped wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources. Per IPaC, there are no critical habitats or refuges within the project area. Based on the level of disturbance present at the project sites and the lack of evidence of endangered species habitat, no endangered species shall likely be affected. Please see project photos and Attachment G – Endangered Species for supporting documentation and memo to file.</p> <p>If construction workers identify or encounter threatened or endangered species during construction, they should cease construction immediately and contact Texas Parks & Wildlife for guidance.</p> <p>The following are general recommendations for the construction period: Consider avoiding clearing vegetation during general bird nesting season (between March and August), provide state listed and rare species to construction workers to ensure consistency with requirements to prevent</p>

		<p>impact to and/or avoid federally or state listed, threatened, endangered, or special status species; use best management practices including silt fencing and berming to prevent stormwater runoff.</p> <p>Sources: USFWS IPaC Resource List; TPWD Special Status Species List</p>
<p>Explosive and Flammable Hazards 24 CFR Part 51 Subpart C</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This project does not include a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries) or any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion; therefore, this project is in compliance with 24 CFR 51 C. See Attachment H and photos of project areas.</p> <p>Sources: Site observations (November 2018), NEPAssist, TCEQ</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>While portions of the project shall occur in soils classified as prime farmland, the installation of below ground water lines are not considered a permanent conversion of farmland by the NRCS. The infrastructure shall be buried and farming activities may resume after construction is complete. Therefore, no prime farmland shall be converted as a result of this project. NRCS encourages the use of accepted erosion control methods during construction and to place topsoil back as surface layer when backfilling trenches. Please see Attachments I for the soils map and correspondence with USDA, NRCS</p> <p>Source: USDA Web Soil Survey</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Approximately 0.50 acres of the project construction zone is located within a 100-year floodplain; therefore, Executive Order 11988 and NFIP conditions are applicable. The eight-step decision making process was followed, including public notices and an examination of practicable alternatives. No comments were received. A review of the proposed activities was completed, and the determination was made that the project shall have minimal impact on the community's flood hazard area. Additionally, prior to construction, the project plans will meet any applicable, additional local floodplain requirements set forth by the community's Floodplain Administrator. Attachment J – Floodplain Management includes the FEMA Floodplain Map, the description of the 8-step decision making process, and a copy of the letter sent to FEMA for comment on the location of the project.</p> <p>Source: FEMA Flood Maps; Floodplain 8 Step Review</p>
<p>Historic Preservation</p>	<p>Yes No</p>	<p>In accordance with the required statutes and provisions, a listing of state and federal register properties has been</p>

National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>reviewed. The Texas Historical Commission conducted a Section 106 Review of the project and has concurred with the determination that there shall be no historical properties affected as a result of this project. Please see project photos and Attachment K – Historic Preservation for the determination.</p> <p>TRIBAL: Due to the nature of the project, consultation with interested tribal nations was carried out, and they concurred that no historic properties would be impacted or made no objections to the project during the 30-day comment period. See Attachment K – Historic Preservation for correspondence</p> <p>Source: THC Historic Sites Atlas; THC consultation; Tribal consultation</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The project does not involve housing or a noise sensitive development; therefore, a noise study is not applicable. However, minimal noise will be created during construction. The construction period shall be brief (approximately 120 days) and will take place during normal business hours on weekdays. Local residents have been notified of the nature and location of the project during a formal hearing process during the application phase of this project. Any complaints will be taken into consideration.</p> <p>Sources: Project Performance Statement; Engineer drawings; Project Map</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The only Sole Source Aquifer in the State of Texas is the Edwards Aquifer. No portion of the project is located within a designated Sole Source Aquifer. See Attachment M – Sole Source Aquifers for the map.</p> <p>Source: EPA Edwards Aquifer</p>
<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>According to the Wetland Maps provided by the US Fish & Wildlife, and the US Geologic Survey a portion of the project appears to be located within a wetland; therefore, Executive Order 11990 conditions are applicable. The eight-step decision making process was followed, including public notices and an examination of practicable alternatives. No comments were received. A review of the proposed activities has been completed and the project shall have minimal impact on the community's wetland area. Attachment N – Wetlands Protection includes the Wetlands Map and the description of the 8-step decision making process.</p> <p>Sources: NWI Wetlands Map; Wetland 8 Step Review</p>
<p>Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>A review of the project has been made in accordance with The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. seq.) as amended. The only Wild & Scenic River (WSR) in Texas is the Rio Grande River in Big Bend National Park. No portion of the project is adjacent to a Wild & Scenic River, a Study River, or an Inventory River. Please see Attachment O – Wild and Scenic Rivers.</p> <p>Source: Rio Grande WSR, National Wild and Scenic Rivers System</p>

ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project will not have disproportionate adverse impacts to low-income or minority populations. The project was funded based on the fact that conditions would be improved for low-to-moderate income households. See Attachment P. Please see Attachment P – Environmental Justice for the EPA ACS Summary Report. Source: Project Performance Statement

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning/Scale and Urban Design	2	Since this project involves the replacement of existing facilities, there will be no change in land use and no changes in zoning required. There are no Comprehensive Plans in place in the project area.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The project area is relatively flat and there shall be effectively no change to or effect on erosion. See project photos. There are no negative impacts to the soils due to the limited nature of the project area. The project engineer has considered the soil association during the design phase of the project. Activities will take place in locations with previously disturbed soils from past construction of roadways, utilities, and other infrastructure. The contractor shall take steps to control erosion during construction through best management practices such as the use of erosion blankets. Sources: NEPAassist Enviromapper; Field observations (November 2018)
Hazards and Nuisances including Site Safety and Noise	2	Work will be performed during the weekday during normal business hours using heavy equipment. Particulate dust matter may be increased in the area during construction, but will return to normal after the work is completed. Engineer will ensure that proper site safeguards will be in place, including trench safety. No hazardous sites are known to be present within the project area. See Attachment F, Attachment G, and site photos. Sources: Project Performance Statement; Field observations (November 2018)
Energy Consumption	2	The replacement of deteriorated lines shall decrease energy consumption by reducing the amount of water loss and the frequency of repairs and maintenance.

		Sources: Project Performance Statement; Field observations (November 2018)
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Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	Since this project involves the replacement of existing facilities, employment opportunities will not be enhanced. The short-term nature of the project shall only affect job availability as directly related to the temporary construction activities. Sources: Project Performance Statement; Field observations (November 2018)
Demographic Character Changes, Displacement	2	The purpose of this project is to improve the conditions of those most in need in this community. This project will not result in major changes in the demographic makeup of the area or result in population displacement since the work will occur in rights of way, utility easements and to be acquired easements in existing urban and residential areas. Sources: Project Performance Statement; Field observations (November 2018)

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	Educational: The project shall not lead to any increased demands on the educational facilities. Any potential disturbance to educational facilities in the area will be minor and temporary traffic disturbances. There are no community schools located on the streets proposed for construction activities. After project completion, the service area shall benefit from improved water pressure and fire protection. See Attachment Q. Cultural: Any potential disturbance to cultural facilities in the area will be minor and temporary traffic disturbances. Sources: Area Facilities Map; Field observations (November 2018)
Commercial Facilities	2	The project shall not lead to any increased demands on commercial facilities. Any potential disturbance to commercial facilities in the area will be minor and temporary traffic disturbances. Some local commercial facilities may benefit from project activities as contractors use facilities for supplies and services during the construction period. There are no commercial facilities located on the streets proposed for construction activities. After project completion, the service area shall benefit from improved water pressure and fire protection. Sources: Project Photos; Field observations (November 2018)
Health Care and Social Services	2	Health Care: The project shall not lead to any increased demands on the health care facilities. Any potential disturbance to health care facilities in the area will be minor and temporary traffic disturbances. There are no hospitals or healthcare facilities located in the project area. After project completion, the service area shall benefit from improved water pressure and fire protection. See Attachment Q. Social Services: The project shall not lead to any increased demands on the social services. Any potential disturbance to social service facilities in the area will be minor and temporary traffic disturbances. There are no social services facilities located in the project area. After project completion, the service area

		shall benefit from improved water pressure and fire protection. See Attachment Q. Sources: Area Facilities Map; Field observations (November 2018)
Solid Waste Disposal / Recycling	2	The project shall not generate substantial amounts of solid waste. The local disposal system will be able to adequately service the proposed development over its expected lifetime. All solid waste generated during construction will be disposed of in a permitted site. Sources: Project Performance Statement; Field observations (November 2018)
Waste Water / Sanitary Sewers	2	This project does not include any activities that may impact the wastewater system. Sources: Project Performance Statement; Field observations (November 2018)
Water Supply	1	The replacement of deteriorated water lines shall reduce leakage and waste and positively impact the water supply. Sources: Project Performance Statement; Field observations (November 2018)
Public Safety - Police, Fire and Emergency Medical	2	The project shall not lead to increased demand for public safety services. Any potential disturbance to police, fire, or emergency medical vehicles in the area will be minor and temporary traffic disturbances. Detours will be clearly marked during construction to permit traffic flow. Access for emergency vehicles shall be maintained. See Attachment P. Sources: Project Performance Statement; Area Facilities Map; Field observations (November 2018)
Parks, Open Space and Recreation	2	All activities will occur in public rights-of-way or to be acquired easements and will not impact open space. Any potential disturbance to recreational facilities in the area will be minor and temporary traffic disturbances. Sources: Project Performance Statement; Project Map; Field observations (November 2018)
Transportation and Accessibility	3	Transportation along the project route could be disrupted during construction activities. These disruptions will be temporary and detours will be provided and clearly marked. Sources: Project Map; Field observations (November 2018)

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	Project activities shall be confined to existing rights-of-way and to be acquired easements, in a residential neighborhood. There are no unique natural features or agricultural lands present at the project site. See photos of project area. Sources: Project Map; Field observations (November 2018)
Vegetation, Wildlife	2	Project activities shall be confined to previously disturbed areas committed primarily to urban and residential land use. A list of the endangered and threatened species for Johnson County has been reviewed. Suitable habitats for each listed species have been compared with the project site to determine if any impacts could be expected. The project area is not consistent with the preferred habitats of any endangered species found in the County, and project activities shall not occur on, or adjacent to, mapped wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources. Based on the level of disturbance present at the project sites and the lack of

		evidence of endangered species habitat, no endangered species shall likely be affected. Please see project photos and Attachments E for supporting documentation and memo to file.
		Sources: USFWS IPaC Resource List; TPWD Special Status Species List; Field observations (November 2018)
Other Factors		N/A

Additional Studies Performed: No additional studies are required for this project.

Field Inspection (Date and completed by): November 2018 by Cesar Acosta

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Office of Compliance and Enforcement
Texas Commission on Environmental Quality (TCEQ)
PO Box 13087 - MC-119
Austin TX 78711-3087
NEPA@tceq.texas.gov

Eli Martinez
Office of Planning and Coordination
Compliance Assurance and Enforcement Division
Environmental Protection Agency
1445 Ross Avenue, St. 1200
Dallas, TX 75202-2733

Apache Tribe of Oklahoma
Bobby Komardley, Chairman
P.O. Box 1330
Anadarko, OK 73005

Comanche Nation
William Nelson, Chairman
P.O. Box 908
Lawton, OK 73502
Cc: Ms. Martina Callahan, THPO
martinac@comanchenation.com

Tonkawa Tribe of Oklahoma
Russell Martin, President
1 Rush Buffalo Rd
Tonkawa, OK 74653
Cc: Lauren Brown, NAGPRA Coordinator
lbrown@tonkawatribe.com

Wichita and Affiliated Tribes, Oklahoma
Terri Parton, President
P.O. Box 729
Anadarko, OK 73005
Cc: Gary McAdams, Cultural Planner
gary.mcadams@wichtatribe.com &
Terri.Parton@wichtatribe.com

Coushatta Tribe of Louisiana
David Sickey, Chairman
P.O. BOX 10
Elton, LA 70532
Cc: Dr. Linda Langley, THPO
llangley@coushattatribela.org

Delaware Nation
Deborah Dotson, President
P.O. Box 825
Anadarko, OK 73005
Cc: Erin Thompson, THPO
ethompson@delawarenation-nsn.gov

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
PO Box 12276
Austin TX 78711-2276

Alan Stahnke
Soil Scientist
Natural Resources Conservation Service (NRCS)
United States Department of Agriculture (USDA)
101 S Main
Temple TX 76501-7682

Sandy Keefe
Mitigation Director, DHS/FEMA Region 6
Floodplain Management & Insurance Branch
800 North Loop 288
Denton, TX 76209

United States Fish and Wildlife Service (USFWS),
Ecological Services
2005 NE Green Oaks Blvd, Ste. 140
Arlington, Texas 76006

List of Permits Obtained: Any permits required for the project will be coordinated by the project engineer.

Public Outreach [24 CFR 50.23 & 58.43]: The Floodplain 8-Step Process was performed which required the publication of 2 separate publications in the Cleburne Times-Review; The Wetlands 8-Step Process was performed which required the publication of 2 separate publications in the Cleburne Times-Review; A combined notice of a Finding of No Significant Impact and Notice of Intent to Request the Release of Funds will be posted at County Courthouse for public review.

Cumulative Impact Analysis [24 CFR 58.32]: Cumulative impacts result from incremental consequences of program actions when added to other past, present, and reasonably foreseeable future actions (24 CFR 58.32). The project activities were aggregated based on their functional and geographic relationship and includes water improvements within Johnson County. Cumulative effects may be imperceptible when viewed at the individual level of context but can lead to a measurable environmental change when seen cumulatively. This project, in conjunction with other similar water improvement projects in Johnson County, are providing necessary improvements to ensure adequate water pressure and supply and are essential to the health, safety, and welfare of the County.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]: Size Reduction/Revised Location: The proposed project activities represent the minimum improvements necessary to provide adequate water services to the residents in the affected area; therefore, a reduction in size is not possible. There is no alternative routing of water lines that would both serve the residents living in the project area and be located in public rights-of-way in previously disturbed areas. Any alternative water line routes would be overland, requiring easement acquisition, disturbing native soils, and removal of existing flora, which would be economically and environmentally prohibitive.

No Action Alternative [24 CFR 58.40(e)]: Eliminating the project altogether would preclude the project goal of improving water services to residents the affected area. The "no action" alternative is not feasible, as the proposed improvements are essential the health, safety, and welfare of the community.

Summary of Findings and Conclusions: A review of this project has determined that it shall have No Significant Impact on the quality of the Human Environment. A combined Finding of No Significant Impact and Notice of Intent to Request the Release of Grant Funds will be posted at County Courthouse, and a Request for the Release of Grant Funds will be submitted to the State.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Section 7 of the Endangered Species Act, Endangered Species	<p>Consider avoiding clearing vegetation during general bird nesting season (between March and August), provide state listed and rare species to construction workers to ensure consistency with requirements to prevent impact to and/or avoid federally or state listed, threatened, endangered, or special status species; use best management practices including silt fencing and berming to prevent stormwater runoff.</p> <p>If construction workers identify or encounter threatened or endangered species during construction, they should cease construction immediately and contact Texas Parks & Wildlife for guidance.</p>

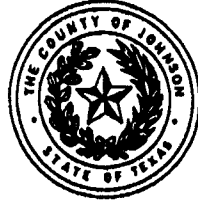
Executive Order 11988, Floodplain Management	<p>Due to the nature and scope of the project, the proposed project activities shall have little or no impact on the floodplain. However, the following efforts shall be made to minimize negative impacts on the natural and beneficial floodplain values for restoration and preservation:</p> <p>The project shall be implemented using best management practices designed to protect improvements from flood damage;</p> <p>The project shall be implemented using best management practices designed to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration;</p> <p>The consulting engineer shall take into consideration additional specifications to minimize damage to, and/or restore, the native plant species;</p> <p>The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the floodplain.</p> <p>Additionally, prior to construction, the project plans will meet any applicable, additional local floodplain requirements set forth by the community's Floodplain Administrator.</p>
Section 106 of the National Historic Preservation Act, Historic Preservation	<p>If historic properties are discovered or unanticipated effects on historic properties are found, or if buried materials are encountered during construction or disturbance activities, work should cease in the immediate area and the Texas Historical Commission should be contacted for guidance; work can continue where no historic or cultural materials are present.</p>
Executive Order 11990, Wetland Management	<p>Due to the nature and scope of the project, the proposed project activities shall have little or no negative impact on the wetland. However, the following efforts shall be made to minimize negative impacts on the natural and beneficial wetlands values for restoration and preservation:</p> <p>The project shall be implemented using best management practices designed to protect natural landscapes that serve to maintain or restore natural hydrology through infiltration;</p> <p>Best management practices shall be used during construction to ensue erosion control and to prevent the unintentional discharge of dredged or fill material into the wetland;</p> <p>The consulting engineer shall take into consideration additional specifications to minimize damage to, and/or restore, the native plant species;</p> <p>The project shall not lead to any significant increases in impermeable cover and shall have no negative impacts on the wetland.</p> <p>The consulting engineer will acquire all necessary permits, including any from USACE relating to wetlands, prior to construction.</p>
Transportation and Accessibility	<p>Transportation along the project route could be disrupted during construction activities. These disruptions will be temporary, and the construction contractor shall ensure that detours are provided and clearly marked.</p>

Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]

ROGER HARMON
JOHNSON COUNTY JUDGE

Carla Hester, Administrative Assistant
Rexann Knowles, Budget Coordinator



Abby Nino, Secretary
Amber Neathery, Receptionist

#2 Main St – Johnson County Courthouse, Cleburne, Texas 76033

11/5/2019

Pamela Wozniak
Environmental Regulatory Officer
Texas Community Development Block Grant Program
Texas Department Agriculture - Office of Rural Affairs
PO Box 12847
Austin, Texas 78711

RE: Johnson County
TX CDBG Contract No. 7218250

Dear Ms. Wozniak,

This letter is to advise the Texas Department Agriculture – Office of Rural Affairs that Johnson County has completed an Environmental Assessment of its Community Development Block Grant Program Project. It has determined a Finding of No Significant Impact resulting from the proposed activities based upon observations by the project engineers, the grant consultant, and the staff of Johnson County. Consultation with the Texas Historical Commission, Comanche Nation, Apache Tribe of Oklahoma, Coushatta Tribe of Louisiana, Tonkawa Tribe of Indians of Oklahoma, Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Delaware Nation, Oklahoma, the USDA Natural Resources Conservation Service, the Federal Emergency Management Agency, the Texas Commission on Environmental Quality, and the Environmental Protection Agency has yielded no objections to our findings. The consensus opinion is that implementation of this Water Improvements project will correct health and safety issues in the local community without negatively impacting the environment.

Johnson County has complied with the regulations concerning the coordination and compliance with this project with all other Federal and State laws and authorities as specified by 24 CFR 58.75 and has documented this compliance in its Environmental Review File.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Harmon".

Roger Harmon, County Judge

Cc: suzy@grantworks.net

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 03/31/2020)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Texas Community Development Block Grant	2. HUD/State Identification Number 7218250	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) CFDA No. 14.228	5. Name and address of responsible entity Roger Harmon, County Judge Johnson County Johnson County Courthouse, 2 N Main St, Room 120, 2 N Main St, Room 120 Cleburne, TX 76033	
6. For information about this request, contact (name & phone number) Sam Abbott (512) 420-0303 x305	7. Name and address of recipient (if different than responsible entity) <p style="text-align: center;">N/A</p>	
8. HUD or State Agency and office unit to receive request Texas Department of Agriculture Office of Rural Affairs PO Box 12847 Austin, TX 78711		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) Johnson County Water Improvements	10. Location (Street address, city, county, State) on CR 1121 from Overhill Drive to a point approximately 4,100 LF west; on FM 4 from County Road 406 to a point approximately 3,975 LF southeast, Cleburne, Johnson County, Texas.
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11. Program Activity/Project Description
Johnson County proposes Administrative and Engineering Fees and Services and to install approximately 8,075 LF of 6-inch water line, valves, service reconnections and all associated appurtenances, as well as all necessary easements, with the grant from the Texas Department of Agriculture - Office of Rural Affairs in the amount of \$275,000.

The environmental notice was posted at County Courthouse on 10/17/2019. The local comment period ended 11/4/2019. This RROF was signed on 11/5/2019 and submitted to the state. The state comment period is anticipated to end 11/20/2019 or 15 days after receipt of this request, whichever is later, with the issuance of the AUGF anticipated on 11/21/2019 or next business day after the end of the objection period.

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying office of the responsible entity

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Roger Harmon, County Judge

Date signed

11/5/2019

X 

Address of Certifying Officer

Johnson County

Johnson County Courthouse, 2 N Main St, Room 120, 2 N Main St, Room 120

Cleburne, TX 76033

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Affidavit of Posting – Environmental
Finding of No Significant Impact (FONSI)
and
Notice of Intent to Request Release of Funds (NOI/RROF)

I, Roger Harmon, do hereby certify that pursuant to the laws of the State of Texas and of the County of Johnson, a Notice of the

County's Environmental Finding of No Significant Impact (FONSI) and Request Release of Funds (RROF) was posted on 10/17/2019 posted in both English and Spanish. The public notices were conspicuously posted at Johnson County Courthouse and County website, in a manner plainly visible to the general public on 10/17/2019 through 11/4/2019 (at least 18 days after the original posting and at least one day prior to signing of this affidavit). Pursuant to TxCDBG contract, the physical address and location of the notice was as follows: (for example, lower left corner of east window, or in the center of the north door, etc.)

Attach a photograph of the Notice(s) as posted on the premises.

.....
Roger Harmon County Judge
Applicant Signature and Title

November 12, 2019
Date
TxCDBG # 7218250

State of Texas
County of Johnson
Subscribed and sworn to before me by Roger Harmon
this 12 day of November, 2019.

SEAL Notary Signature
Carla Hester



My Commission expires:
11/16/2021

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Date of Notice: 10/17/2019

Johnson County, Johnson County Courthouse, 2 N Main St, Room 120, 2 N Main St, Room 120, Cleburne, TX
76033, (817) 556-6360

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

REQUEST FOR RELEASE OF FUNDS

On or about 11/5/2019 Johnson County will submit a request to the Texas Department of Agriculture - Office of Rural Affairs (TDA-ORA) for the release of Texas Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), as amended, to undertake a project known as Water Improvements 7218250, for the purpose of Administrative and Engineering Fees and Services and install approximately 8,075 LF of 6-inch water line, valves, service reconnections and all associated appurtenances, as well as acquiring all necessary easements on CR 1121 from Overhill Drive to a point approximately 4,100 LF west; and on FM 4 from County Road 406 to a point approximately 3,975 LF southeast, Cleburne, Texas. Johnson County has been awarded \$275,000 in grant funds and shall contribute \$13,750 in match funds.

FINDING OF NO SIGNIFICANT IMPACT

Johnson 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 the Johnson County Courthouse, 2 N Main St, Room 120, Cleburne, TX 76033 and may be examined or copied weekdays from 8:00 AM to 5:00 PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Office of the County Judge. All comments received by 11/4/2019 will be considered by Johnson County prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

Johnson County certifies to TDA-ORA that Roger Harmon in their 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. TDA-ORA approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows Johnson County to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

TDA-ORA will accept objections to its release of funds and Johnson 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 Johnson County approved by TDA-ORA (b) Johnson 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 TDA-ORA; 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 The Texas Department of Agriculture - Office of Rural Affairs at P.O. Box 12847, Austin, Texas 78711. Potential objectors should contact TDA-ORA to verify the actual last day of the objection period.

Roger Harmon, County Judge

**AVISO DE CONSTATACIÓN DE IMPACTO SIGNIFICATIVO Y
AVISO DE INTENCIÓN DE SOLICITAR LA LIBERACIÓN DE FONDOS**

Fecha de notificación: 10/17/2019

Johnson County, Johnson County Courthouse, 2 N Main St, Room 120, 2 N Main St, Room 120, Cleburne, TX
76033, (817) 556-6360

Estos avisos deberán satisfacer dos requisitos de procedimiento distintos pero relacionados con las actividades que deberá llevar a cabo el Condado de Johnson

SOLICITUD DE LIBERACION DE FONDOS

En o alrededor de 11/5/2019, el Condado de Johnson presentará una solicitud al Departamento de Agricultura de Texas - Oficina de Asuntos Rurales (TDA-ORA) para la liberación de fondos de *Texas Community Development Block Grant* bajo el Título I de la Ley de Vivienda y Ley de Desarrollo Comunitario de 1974 (PL 93-383), según enmendada, para emprender un proyecto conocido como mejoras de agua 7218250 con el propósito de Servicios y tarifas de administración e ingeniería y instalar aproximadamente 8,075 pies lineales de línea de agua de 6 pulgadas, válvulas, reconexiones de servicio y todos los accesorios asociados, así como adquirir todas las servidumbres necesarias en CR 1121 desde Overhill Drive hasta un punto de aproximadamente 4,100 pies lineales al oeste; y en FM 4 desde County Road 406 hasta un punto de aproximadamente 3,975 pies lineales al sureste, Cleburne, Texas. El Condado de Johnson recibió el premio \$275,000 en los fondos de la subvención y contribuirá con \$13,750.

CONCLUSIÓN DE IMPACTO SIGNIFICATIVO

El Condado de Johnson ha determinado que el proyecto no tendrá un impacto significativo en el medio ambiente. Por lo tanto, no se requiere una Declaración de Impacto Ambiental bajo la Ley de Política Ambiental Nacional de 1969 (NEPA). Información adicional sobre el proyecto forma parte del Registro de Revisión Ambiental (ERR) que se localiza en el Condado de Johnson, 2 N Main St, Room 120, Cleburne, TX 76033 y pueden ser revisado o reproducido de lunes a viernes de 8:00 am a 5:00pm.

COMENTARIOS DEL PÚBLICO

Cualquier persona, grupo o agencia puede enviar comentarios escritos sobre el ERR a la Oficina del Juez del condado. Todos los comentarios recibidos hasta 11/4/2019 serán considerados por el Condado de Johnson antes de autorizar la presentación de una solicitud de liberación de fondos. Los comentarios deben hacer referencia a la notificación correspondiente.

CERTIFICACIÓN AMBIENTAL

El Condado de Johnson certifica a la TDA-ORA que Roger Harmon en su calidad de Juez del condado consiente en aceptar la jurisdicción de los Tribunales Federales si se lleva a cabo una acción para hacer cumplir las responsabilidades en relación con el proceso de revisión ambiental y que estas responsabilidades han sido satisfechas. La aprobación de TDA-ORA de la certificación cumple con sus responsabilidades conforme a NEPA y leyes y autoridades relacionadas, y permite que el Condado de Johnson utilice los fondos del programa HUD.

OBJECIONES A LA LIBERACIÓN DE FONDOS

TDA-ORA aceptará las objeciones a la liberación de fondos y la certificación del Condado de Johnson durante un período de quince días después de la fecha de presentación anticipada o su recibo real de la solicitud (lo que sea posterior) sólo si se encuentran en una de las siguientes bases: (a) la certificación no fue ejecutada por el Oficial de Certificación u otro funcionario del Condado de Johnson aprobado por TDA-ORA (b) el Condado de Johnson ha omitido un paso o no ha realizado una decisión o hallazgo requerido por las regulaciones de HUD en 24 CFR Parte 58; (c) el beneficiario de la subvención u otros participantes en el proceso de desarrollo han comprometido fondos, han incurrido costos o actividades no autorizadas por 24 CFR Parte 58 han sido emprendidas antes de la aprobación de una liberación de fondos por TDA-ORA; o (d) otra agencia federal que actúa de conformidad con 40 CFR Parte 1504 ha presentado una conclusión por escrito que el proyecto es insatisfactorio desde el punto de vista de la calidad ambiental. Las objeciones deben ser preparadas y presentadas de acuerdo con los procedimientos requeridos (24 CFR Parte 58, Sec. 58.76) y deben ser dirigidas al Departamento de Agricultura de Texas - Oficina