

# 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

4/21/21

City of Nixon, 100 W. 3rd Street, Nixon, Gonzales County, TX 78140, (830) 582-1924

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

To: All interested Agencies, Groups, and Individuals

## REQUEST FOR RELEASE OF FUNDS

On or about 5/7/21, the City of Nixon 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 two drainage channels under GLO Contract # 20-065-051-C160. Description: Subrecipient shall replace storm sewer culverts and increase the depth and width of a 130-acre drainage channel; and reshape a 480-foot drainage channel (5th/Alley), and complete associated appurtenances. Acquisition is not required.

The proposed project is located on Lee Avenue from 10th Street to 4th Street following drainage channel 29.274452, -97.76084; and 5th Street/Alley, from 5th Street alleyway between N. Nixon and N. Washington Avenues, then west on 5th Street 29.271335, -97.965261, Nixon, Gonzales County, TX. Estimated funding: GLO CDBG-DR \$671,903.

## FINDING OF NO SIGNIFICANT IMPACT

The City of Nixon 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 City of Nixon at the address above, or by email to [citysecretary@nixon.texas.gov](mailto:citysecretary@nixon.texas.gov). The ERR can be accessed online at the following website <https://nixon.texas.gov/notice-category/notices/>.

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

This is to give notice that the City of Nixon 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 <.5 acres of project activities will be in Zone A of the 100-Year Floodplain, and approximately <1.0 acres will be in a Riverine Wetland. A Wetland Delineation was conducted, and it determined that the area classified as Wetland on the USFWS National Wetland Inventory map is non-jurisdictional; therefore, permitting from the USACE is not required. There are no adverse effects anticipated as the project will improve the water conveyance in two existing drainage channels. 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 Nixon 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 Location/Activities: Because of the low-lying topography, the City of Nixon is prone to flooding in a major storm event. Drainage improvements could be made along N. Parker Avenue or N. Roosevelt Avenue, and directed to the drainage channel beyond 10th Street. To do so would require new infrastructure and would not be as efficient or cost effective as performing the improvements to the existing channels, particularly at the Lee Avenue site. More cost and less efficient made this an unacceptable alternative. No Project: Funding would not be required or expensed if improvements were not performed; however, taking no action would allow future flooding to occur, causing damage to property and threatening the lives of the public and emergency responders.

The City of Nixon 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 Nixon. All comments received by 5/6/21 will be considered by the City of Nixon 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 Nixon at [citysecretary@nixon.texas.gov](mailto:citysecretary@nixon.texas.gov) or by mail to City of Nixon, 100 W. 3rd Street, Nixon, TX 78140. Comments should specify which Notice they are addressing. Potential objectors should contact the City of Nixon via email to verify the actual last day of the objection period.

## ENVIRONMENTAL CERTIFICATION

The City of Nixon certifies to the Texas General Land Office that Dorothy Riojas, in her 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 Nixon to use Program funds.

## OBJECTIONS TO RELEASE OF FUNDS

GLO will accept objections to its release of funds and The City of Nixon'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 Nixon; (b) The City of Nixon 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](mailto:cdr@recovery.texas.gov). Potential objectors should contact the GLO at (512) 475-5000 to verify the actual last day of the objection period.

Dorothy Riojas, Mayor