



CITY OF BAYTOWN

PUBLIC NOTICE

2401 Market Street • P.O. Box 424
Baytown, Texas 77522-0424
281-422-8281

Final Notice and Public Explanation of a Proposed Activity in a Floodplain

To: All interested Agencies, Groups and Individuals

This is to give notice that the City of Baytown 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. The activity is funded under the HUD CDBG Disaster Recovery Program under **Baytown - West Baytown Drainage Improvements**.

Project Location:

All work will occur in the City of Baytown, Harris County, Texas at the following locations:

- Along Oklahoma Street, extending from approximately from 29.729937438, -95.006429591 to 29.721861468, -95.007779769
- Staging Area, located at 3223 Minnesota St, Baytown, TX 77520.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Flood and Drainage Facilities

The scope of this project includes drainage improvements to the existing right-of-way (ROW) area within Oklahoma Street extending from Minnesota Street to San Jacinto Bay. The design will also include sidewalk, full reconstruction of Oklahoma Street pavement and any water, wastewater utilities and pavement that will need to be replaced in order to construct the new storm sewer system consisting of 60-inch diameter, 10'x5' reinforced concrete boxes and 10'x7' outfall into San Jacinto Bay along with inlets, leads and manholes.

FLOODPLAIN

Exemptions to Part 55:

Actions listed in the revised 24 CFR 55.12 that are exempt from the floodplain management requirements of Part 55 include:

- *Exempt activities and actions that are Categorically Excluded Not Subject to 50.4 or 58.5*
- *Restoration or preservation of floodplains, acquisition of floodplains property provided the site is used for flood control or open space but only if structures are cleared and improvements are specifically limited*
- *Receivership or foreclosure and related actions*
- *Policy-level actions not involving site-based work*
- *Issuance of non-project-based housing vouchers*
- *A minor amendment to a previously approved action*

The project is subject to Part 55 because it meets the criteria for none of the exemptions.

Critical Actions:

Critical action means any activity for which even a slight chance of flooding would be too great because such flooding might result in loss of life, injury to persons, or damage to property. Critical actions include activities that create, maintain, or extend the useful life of those structures or facilities that:

- Produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials
- Provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., community stormwater management infrastructure, water treatment plants, data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas)
- Are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g., persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers; housing for independent living for the elderly is not considered a critical action

Because the project meets none of the above criteria, it is not considered a critical action.

How FFRMS was determined:

The FFRMS is determined by utilizing a tiered approach:

- **Climate-Informed Science Approach (CISA) - Preferred Method**
- **0.2-Percent-Annual Chance Floodplain Approach (0.2PFA)**
- **Freeboard Value Approach (FVA)**

Climate-Informed Science Approach (CISA)

- **Federal CISA data must be equal to or greater than base flood elevation (BFE) to be used.**

According to the Federal Flood Standard Support Tool (FFSST), it was concluded that there is no CISA data available for the project area. As such, this approach could not provide a determination as to whether the project was in the FFRMS floodplain. The next tiered approach, 0.2PFA (500-year floodplain method), was therefore considered.

FEMA 0.2PFA (500-year floodplain)

- **FEMA maps must show a 500-year floodplain to be used**
- **Critical Actions require both the 0.2PFA and the Freeboard Value Approach (FVA) be used to determine which elevation is higher, the 0.2PFA or FVA.**

According to FEMA floodplain map #48201C0935M (Effective Date 1/6/2017), the project is located in Zone AE (100-year floodplain and Zone X (500-year floodplain). Since both zones are considered FFRMS floodplains, the 8-step process is required. Further, since the 500-year floodplain was shown on the map and the project is not a critical action, this method can be used to determine the FFRMS floodplain.

Area of Disturbance: 4.55 acres

Additional Mapping Considered

In order to ensure that all appropriate FEMA floodplain data was considered and the most stringent data source was used for the comparable flood data, all available effective, preliminary and pending FIRMS were reviewed:

Effective Maps - 52

Preliminary Maps - 0

Pending Maps - 0

Upon completion of this review, it was concluded that no additional information exists which would change the FFRMS determination.

WATERS OF THE UNITED STATES (WOTUS)

Based on the results of a Wetland and Waterbody Delineation, one (1) tidally influenced water body was identified in the project area. The water body delineated was Black Duck Bay and is considered to be potentially jurisdictional. No wetlands were identified. As such, the 8-step process is not required. Further, according to the Harris County Flood Control District, because the jurisdictional water body will be impacted by the project, any work that disturbs the water feature must be constructed under Nationwide Permit 3 (Maintenance), which requires no Pre-Construction Notification.

Natural Values of the Floodplain:

The natural resources of the floodplain include water, biological, and societal resources. The proposed project will have minimal impacts to the floodplain because appropriate mitigation will be in place.

The City of Baytown has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

1. **Do work only outside the floodplains.** Completing the project without disturbing any floodplain is not possible. (Not Viable)
2. **Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR).** - It was determined that neither a LOMA nor a LOMR was likely nor practical for the project area. (Not Viable)
3. **Other infrastructure considered.** - After considering other potential projects in the City, it was determined that of the eligible projects, this project was of the highest priority. (Not Viable)
4. **No Action or Alternative Actions that Serve the Same Purpose.** - The current storm drainage

system in the project area is inadequate and must be addressed to prevent public health hazards. (Not Viable)

Mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

1. Preserving Property: Project designs should, to the best extent possible, incorporate measures to reduce the risk of damage to the new infrastructure via a flood.
2. Preserving Natural Values and Minimizing Impacts: After construction is completed, the disturbed area will need to be immediately re-vegetated with native grasses. Only native plants are to be used in the floodplain, and on the site.
3. Deposition and excavation of materials will need to be performed in such a manner that erosion and sedimentation will be controlled.
4. Precautions will need to be taken in the handling of fuels or other hazardous materials to prevent discharge or spillage resulting in lower groundwater quality.
5. Erosion control measures such as hay bales or silt screen barriers will need to be implemented and maintained during construction as required.
6. The project engineer will need to incorporate best management practices into the specifications and plans.

Date of any final or conditional LOMR's or LOMA's from FEMA: None requested.

The City of Baytown will ensure applicable state and local floodplain protection procedures are followed. The City of Baytown 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, is 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 Baytown at the following address **on or before June 20, 2025, Baytown City Hall, 2401 Market Street, Baytown, TX 77522**. A full description of the project may also be reviewed from **9:00 AM to 5:00 PM**. at the address above. Comments may also be submitted via email at **todd@texasenvironmentals.com**.

The City of Baytown is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request. For assistance please call the ADA Compliance Coordinator at 281-420-6522, Fax 281-420-6586, or contact 281-420-6522 via Relay Texas at 711 or 1-800-735- 2988 for TYY services. For more information concerning Relay Texas, please visit <http://relaytexas.com>. Individuals who require auxiliary aids or services for this meeting should contact the City of Baytown at least two (2) days before the meeting so that appropriate arrangements can be made.

For more information or questions, please contact the City Clerk at 281-420-6504.



Angela Jackson, City Clerk
Posting Date: June 12, 2025
Time: 12:00 P.M.