



# 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 FFRMS 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 - Market St. Street and Drainage Improvements - DR, E., Application 1028.**

### **Project Location:**

Market Street is located within the city limits of Baytown, Texas and Precinct 2 of Harris County, Texas. The roadway is in the southwestern area of Baytown and this project runs from Bayway Drive to W. Sterling Avenue. It is designated as a major and minor arterial with the split occurring at SH 146. It currently serves two existing high schools, a community college, the Sterling library, six places of worship, community center, four park areas, a wetlands education center, existing trails and an elementary school.

The project locations are as follows:

- Along Market Street, from Bayway Drive to West Sterling Avenue.

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

Street and Drainage Facilities:

A 5' sidewalk will be placed along the north side of the road and a 12' shared use path will be placed along the south side of the roadway. Four signalized intersections will also be removed and replaced with roundabouts. The two main areas of focus for drainage improvements were determined to be Channel 0101-00-00 crossing and the intersection of Market Street and Minnesota Street.

At HCFCO Outfall Channel 0101-00 00, the existing roadway is below the 100-year flood elevation. The proposed roadway is being raised approximately 7' in this area to have it above the 100-year flood elevation.

For the intersection with Minnesota Street, the drainage storm sewer system is being upgraded by increasing the size of the storm sewer lines. With the drainage improvements, the project will not cause any adverse impact to the receiving drainage systems.

### 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 Categorical Exclusions 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.

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**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 no portion of the project meets any of the above criteria the project is not considered a critical action:

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**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), there is no CISA data available for the project areas. 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 in order 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 #48051C935M (Effective Date 1/16/17), #48201C0955M (Effective Date 1/6/17), portions of the project are located in Zone X (Area of Minimal Flood Hazard), Zone AE (100-Year Floodplain), the 500-year floodplain and the Floodway. Since the 500-year floodplain is shown on the flood maps, this method can be utilized to determine the FFRMS floodplain. Since Zone X is not considered a FFRMS floodplain, no further action is required for this portion of the project. Since the 100-Year Floodplain, 500-Year Floodplain and Floodway are all considered FFRMS floodplains, **the 8-step process is required.**

#### 100-Year Floodplain

- Area of Disturbance: 0.90 acres

#### 500-Year Floodplain

- Area of Disturbance: 1.94 acres

#### Floodway

- Area of Disturbance: 0.29 acres (Note: work will occur on a bridge which is elevated above the floodway)

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 - 987
- Preliminary Maps - 0
- Pending Maps - 0

Upon completion of this review, it was determined that there was no additional data which would change the FFRMS determination.

#### Allowable Activities in the Floodway

Under 24 CFR 55.1(c)(1), no HUD financial assistance may be approved concerning any action located in a floodway other than a functionally dependent use project or floodplain function restoration activity, or unless an exception in section § 55.12(c) excludes the action from Part 55 compliance. There is also a strict prohibition on using federal funds for any critical action located in a floodway or coastal high-hazard area [§55.2(b)(3)(ii)].

The regulations at § 55.2(b)(6) defines a functionally dependent use as a land use project that must be constructed in close proximity to water (e.g., dams, marinas, port facilities, waterfront parks, culverts, outfalls, and bridges). Floodplain function restoration activities include restoring and preserving the natural and beneficial functions and values of floodplains by clearing out all physical improvements and restoring the area to its natural state.

Several activities listed in § 55.12(c) include floodplain restoration with an associated permanent covenant, sites where FEMA has issued a final Letter of Map Revision or final Letter of Map Amendment, actions that are Categorically Excluded and Not Subject to 58.5, and sites where the “incidental floodplain exception” applies. If the project is a functionally dependent use or floodplain restoration activity that does not meet all requirements of § 55.12(c)(3), the 8-Step decision-making process is required.

Housing and construction or repair of most linear infrastructure, such as road improvements, do not fit into the above categories and can present challenges to HUD-assisted projects with activities located in a floodway. For example, HUD will not fund the road replacement of a culvert project or the road approaches to a bridge project in the floodway. However, other non-HUD funds could be used for the associated road improvements.

Based on the project description, the proposed activities are allowed in the floodway under 24 CFR 55.8(a)(1) as it is considered Functionally Dependent.

#### WATERS OF THE UNITED STATES (WOTUS)

Since no wetlands were identified in the project area, the 8-Step Process is not required. However, the following mitigation will be required for the identified WOTUS:

#### Mitigation:

- Should there be any discharge of dredged and/or fill material into WOTUS, a USACE Army will be obtained prior to any discharge.

#### 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 there will be minimal disturbance to the floodplain.

**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 County, 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 streets and storm drainage system in the project area are 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, 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.

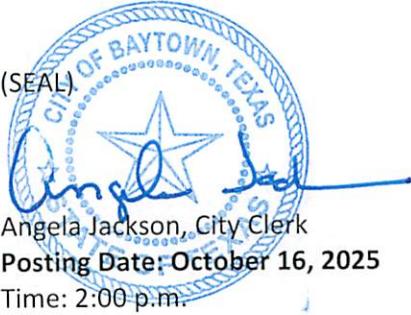
Written comments must be received by the City of Baytown at the following address on or before **October 24, 2025**, a minimum 7 calendar day comment period will begin the day after the publication and end on the 8<sup>th</sup> day after the publication: **Baytown City Hall 2401 Market Street, Baytown, TX 77522**. A full description of the project may also be reviewed from 9:00 am to 5:00 pm from the previously mentioned address. Comments may also be submitted via email at [todd@texasenvironmentals.com](mailto:todd@texasenvironmentals.com).

**Date: October 16, 2025**

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.

(SEAL)



Angela Jackson, City Clerk

Posting Date: **October 16, 2025**

Time: 2:00 p.m.