

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 Nome** 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 Protection. The activity is funded under the HUD CDBG Disaster Recovery Program under **Nome - 24-067-028-E216 - Sewer, # 24-067-028-E216 / B-19-DF-48-0001.**

Project Location:

All work will occur in the City of Nome, Jefferson County, Texas at the Nome Waste Water Treatment Plant (WWTP) which is located on the east side of 3rd Street, 2,050 LF north of Hwy 90 (30.041966, -94.422786)

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

Sewer Facilities

Subrecipient shall install drum screens, improve piping and electrical, install generator (max 200 gallons) and structural cover, construct a permanent chlorine disinfection system, complete grading and modifications to the levee, and complete associated appurtenances.

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 is considered an “essential service” it is 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), there is no CISA data available for Jefferson County. 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 the National Flood Insurance Program (NFIP) map #4803850100 B (effective date 6/1/83), the entire project is located within Zone A (100-Year Floodplain). Since the 100-Year Floodplain is considered a FFRMS floodplain, it was concluded that the project is in the FFRMS floodplain and the 8-step process is required.

- Area of Disturbance in the FFRMS floodplain: 0.15 acres

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 - 4
- Preliminary Maps - 44
- Pending Maps - 0

Upon completion of this review, it was discovered that Preliminary Flood Insurance Rate Map (FIRM) #48245C0100F (Effective Date 8/30/12), showed the entire project is in a floodway. Because this project (WWTP) is dependent upon water and is located in close proximity to a creek, it was determined that it would be considered “Functionally Dependent” and therefore allowed to be constructed within the floodway. Further, the project is located between the Floodplain Base Elevation (BFE) of 41 feet and 42 feet. **As required by HUD, the higher BFE of 42 feet was used.**

A Flood Insurance Study (FIS) titled "Flood Profiles, Cotton Creek" associated with this FIRM, also showed a 0.2PFA (500-year floodplain) with an elevation of 42.5 feet. Because the 500-year floodplain is considered a FFRMS floodplain, it was concluded that this method could be used to determine the FFRMS floodplain.

- **0.2PFA FFRMS Floodplain = 42.5 feet**

Because the project is a Critical Action, the Freeboard Value Approach (FVA) was also considered to determine which elevation is higher, the 0.2PFA or FVA, as the higher must be utilized.

Freeboard Value Approach (FVA):

FVA defines the FFRMS floodplain as the elevation and flood hazard area that results from:

1. *Adding two (2) feet to the base flood elevation (BFE) for non-critical actions or*
2. *Adding three (3) feet to the BFE for critical actions.*

This approach is used for noncritical actions if neither CISA data nor FEMA-mapped 0.2-percent-annual-chance floodplain data is available or actionable. For critical actions, the higher of 0.2PFA or FVA must be used.

Since the BFE is 42 feet and the project is a critical action, the FFRMS is equal to the BFE + 3 feet:

- **FVA FFRMS Floodplain: 42 feet (BFE) + 3 feet (critical actions) = 45 feet.**

Since the FVA elevation (45 feet) was higher than the 0.2PFA elevation (42.5 feet), the FFRMS elevation which must be used for this project is the FVA Elevation of 45 feet.

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 ground disturbance in these areas and appropriate mitigation will be implemented.

The **City of Nome** 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. **Elevate or Floodproof structures and machinery.** - Ensure that all machinery and structures included in this project are elevated or floodproofed. (viable)
2. **Complete work outside the floodplain.** - Because the costs to relocate the WWTP outside of the floodplain would exceed available funding, it is not possible to complete the work without disturbing the floodplain. (not viable)
3. **Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR).** - The location in concern is in an area unlikely to qualify for a LOMA and there is insufficient time to apply for a LOMA. (not viable)
4. **Other infrastructure considered.** - While there is other infrastructure in the City that needs to be addressed, the City concluded that the chosen infrastructure in this project was the highest priority. (not viable)

5. **No Action or Alternative Actions that Serve the Same Purpose.** - If this project is not completed, the WWTP will continue to be inadequate, which could pose a health threat to the community. (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, disturbed areas 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 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.
7. All structures and machinery **must either be floodproofed or elevated to at least 45 feet (FFRMS floodplain elevation)**
8. Prior to the start of construction, **an elevation and/or floodproofing certificate must be obtained for any structures or machinery elevated or floodproofed as result of the requirements of this project and added to the Environmental Review Record (ERR).**

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

The **City of Nome** will ensure applicable state and local floodplain protection procedures are followed. The **City of Nome** 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 Nome** at the following address on or before **December 11, 2024** a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication: **City of Nome City Hall, 1586 2nd St, Nome, Texas 77629**. 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.

Date: December 3, 2024