

**FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY
LOCATED IN A 100-YEAR FLOODPLAIN
and
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Location of Posting: Marion County Courthouse
Date of Posting: August 12, 2025 through September 2, 2025
Address: Marion County
102 West Austin Street
Jefferson, Texas 75657
(903) 665-8732

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

**FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY
LOCATED IN A 100-YEAR FLOODPLAIN**

This is to give notice that Marion County has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the Texas Community Development Block Grant Program and CDV23-0389. The proposed project(s) shall take place along FM 1968 from the intersection with FM 726 to the intersection with Old Jefferson Road and the intersection with FM 1968 and the intersection with Macedonia Road.

Marion County shall replace approximately 19,040 linear feet of 4-inch water line and bore and encase in 8-inch steel encasement pipe, directional bore 3,000 linear feet of 4-inch water line, install service reconnections, and all related appurtenances. Project will also include all associated administration and engineering services.

The proposed water system improvements are located in Marion County, Texas, which is currently not mapped as FEMA has not completed a study to determine flood hazard areas within the County. Impacts to the potential floodplain will be minimized by utilizing directional boring to install the proposed water lines. Disturbance by the directional bore under the lake will consist of a bore pit approx. 10 feet by 10 feet for the machine, otherwise there will be no other acreage disturbed along the possible floodplain/floodway. No portion of the project will occur in a wetland.

Marion County 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) Constructing water improvements outside the floodplain was considered, but projects would not be economically feasible. 2) No action; but that would allow the current conditions to remain the same, resulting in continuous service interruptions and a threat to public health. 3) Proceed with the repairs as proposed. Mitigation Measures: 1) All proposed repairs/improvements must be performed within the existing footprint only and not widened, whereby no new or additional impacts to waters of the U.S., or other waters, are incurred. 2) Texas Commission on Environmental Quality (TCEQ) best management practices (BMP's) must be incorporated to ensure that water quality standards are maintained. BMP's that should be implemented during and after construction activities may include, but are not limited to, the following: a) Installation of hay bales and/or silt fencing along portions of the project route to minimize soil erosion if deemed necessary; b) Routine visual inspections of the project route after rainfall events; and 3) Seed the appropriate areas of the project route with perennial grasses following the completion of construction activities to reduce erosion.

The no action alternative is also impracticable because it will not satisfy the need to provide assistance to residents in the project area. Without the proposed improvements, continuous service outages and the threat to public health will persist due to the undersized and deteriorated water lines.

It is our determination that there is no practicable alternative for locating the project in the floodplain area. This is due to: 1) replacing undersized and deteriorated water lines that will prevent continuous service outages and the threat to public health, which makes the project more cost effective; 2) the need to construct an economically feasible project; and 3) the ability to mitigate and minimize impacts on human health, public property, and floodplain values.

Marion County 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 and/or 11990, are available for public inspection, review and copying upon request.

There are three primary purposes for this notice. First, people who may be affected by activities in a floodplain 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. Commenters are encouraged to offer alternative sites outside of the floodplain, alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplain 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 a floodplain, it must inform those who may be put at greater or continued risk.

REQUEST FOR RELEASE OF FUNDS

On or about September 3, 2025 Marion County will submit a request to the Texas Department of Agriculture for the release of Community Development Block Grant Program funds under Section 104 of Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as water improvements, under Contract# CDV23-0389 that will include the replacement of approximately 19,040 linear feet of 4-inch water line and bore and encase in 8-inch steel encasement pipe, directional bore 3,000 linear feet of 4-inch water line, install service reconnections, and all related appurtenances. Project will also include all associated administration and engineering services, for an estimated cost of \$500,000.00 in HUD funds and \$10,000.00 in non-HUD funds. The project shall take place along FM 1968 from the intersection with FM 726 to the intersection with Old Jefferson Road and the intersection with FM 1968 and the intersection with Macedonia Road.

FINDING OF NO SIGNIFICANT IMPACT

Marion 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) that documents the environmental determinations for this project is on file at the Marion County Courthouse, 102 West Austin Street, Jefferson, Texas 75657 and may be examined or copied weekdays at 8:30 a.m. to 4:30 p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to Ms. Shanna Solomon, County Auditor, at ssolomon@co.marion.tx.us. All comments received by September 2, 2025 will be considered by Marion County prior to authorizing submission of a request for release of funds.

Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

Marion County certifies to the State of Texas that Leward J. LaFleur, in his 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. The State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows Marion County to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

The State will accept objections to its release of funds and Marion 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 Marion County (b) Marion 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 the State; 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 Texas Department of Agriculture at CDBG_EnvReview@TexasAgriculture.gov or PO Box 12847, Austin, Texas 78711. Potential objectors should contact the State to verify the actual last day of the objection period.

The Honorable Leward J. LaFleur
County Judge