

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT  
AND INTENT TO REQUEST RELEASE OF FUNDS  
AND FINAL NOTICE & PUBLIC EXPLANATION OF  
A PROPOSED ACTIVITY IN A WETLAND**

Date of Notice: July 1, 2025

Polk County  
410 East Church Street  
Livingston, TX, 77351  
936-327-6813

This notice shall satisfy three separate but related procedural requirements for activities to be undertaken by Polk County.

To All Interested Parties Including: Federal Emergency Management Agency, Flood Mitigation Planning Texas Water Development Board, Texas Parks and Wildlife Department (TPWD), Regional Flood Management Association, Groups & Individuals of Polk County , the City of Corrigan & Seven Oaks areas in Precinct 3, Polk County, TX

**REQUEST FOR RELEASE OF FUNDS**

On or about July 17, 2025, Polk County (County) will submit a request to the Texas General Land Office (TGLO) for the release of Community Development Block Grant funds under Community Development Block Grant Mitigation ("CDBG-MIT") appropriated under Supplemental Appropriations for Disaster Relief Requirements Act, 2018 Public Law 115-123 as amended, to undertake a project known as Polk County 2023 Street Improvements, for Contract 24-065-044-E536 & 24-065-045-E537 / B-18-DP-48-0002.

The purpose of the road improvement project is to eliminate dangerous road conditions, to improve safety & roadway reliability for all residents, and to ensure emergency & public safety vehicles have safe access to local communities, particularly during storms & flooding events. All improvements shall take place within Polk County, Precinct 3.

Texas General Land Office CDBG-MIT  
DRGR Activity: MIT - Public Facilities and Improvements-Non-Covered Projects- LMI  
Activity Type: Street Improvements

Project Titles & Locations:  
MLK Road GLO17-32124-P  
Union Spr Road GLO17-32130-P  
One Such/ Mabank GLO17-32541-P

**PROJECT DESCRIPTION**

County shall construct approximately 13,940 LF of road improvements by scarifying, reshaping & recompacting the existing roadway & stabilizing the subgrade. Street surfaces will be rehabbed using crushed limestone base, asphaltic prime coat & 2-inch HMAC Type D surface. The County shall also install approximately 1830 LF of small & larger cross culverts as necessary. This will include roadway, mailbox & driveway turnouts & associated appurtenances. Culvert sizes will vary from 12"-36". Clearance includes Administration, Engineering & Environmental Activities. Total Area of Disturbance 16.00 Acres.

Project locations are outlined in Table 1 below:

<b>TABLE 1 Polk County Precinct 3 Street Improvements Corrigan/ Seven Oaks areas 75939 / 77350 / 77351</b>						
<b>Polk Co Pct 3 PPrinct ID &amp; Name</b>	<b>From ..To</b>	<b>Culverts Total Approx LF</b>	<b>Road Length Approx LF</b>	<b>Width LF</b>	<b>Approximate Area of Disturbance (Acres)</b>	<b>Lat/Long</b>
3a MLK Road	74 feet east of Benjamin Lane 2500 LF East to 551 ft SW of Dry Creek	390	2500	50	2.9	30.98394, -94.83054
3b Union Springs Road	0.82 mi east of Plano Drive extending past Hooks Road by 322 feet	180	3000	50	3.4	31.00734, -94.83546
3c Rockdale Road	Carthage Road to Mabank Road	390	2500	50	2.9	30.83373, -94.897785
3d Carthage Road	Mabank Road to Rockdale Road	150	1080	50	1.2	30.83655, -94.89863
3e Mabank Road	One Such Road to Carthage Road	360	2010	50	2.3	30.8337, -94.89688
3f One Such Road	Fagan Farm Road to Mabank Road	360	2850	50	3.3	30.83185, -94.89330
<b>Total Precinct 3 (approximate)</b>		<b>1,830</b>	<b>13,940</b>		<b>16.00</b>	

#### **GRANT BUDGET**

ESTIMATED TOTAL HUD FUNDED AMT \$ 17,098,000.00

HUD MID E536 GRANT AMT: \$15,510,000.00

STATE- MID-DETCOG E537 GRANT AMT: \$ 1,588,000.00

#### **Precinct 3 Roads Project Budget:**

MLK Road	#E537 / GLO17-32124-P	\$ 428,244.68
Union Springs Rd	#E537 / GLO17-32130-P	\$ 554,085.11
One Such/ Mabank	#E536 / GLO17-32541-P	\$1,469,404.26
	TOTAL	\$2,451,734.04

#### **FINDING OF NO SIGNIFICANT IMPACT**

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) on file at Polk County, 410 East Church Street, Livingston, TX, 77351, Ph 936-327-6813 where the ERR can be examined & is available for review & or copied weekdays from 8:30 AM – 4:30 PM CST. In addition, ERR can be accessed electronically at

[https://www.dropbox.com/scl/fi/cje3mft8v189h1yu67v3u/Polk-County-Precinct3RoadImprov\\_ERR\\_24065044E536\\_24065045E537.pdf?rlkey=13loq84zeplr1h28zbibk3t&dl=0](https://www.dropbox.com/scl/fi/cje3mft8v189h1yu67v3u/Polk-County-Precinct3RoadImprov_ERR_24065044E536_24065045E537.pdf?rlkey=13loq84zeplr1h28zbibk3t&dl=0)

## **FINAL NOTICE & PUBLIC EXPLANATION OF PROPOSED ACTIVITY IN A WETLAND**

This is to give notice that Polk County has conducted an evaluation as required by Executive Order Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under Community Development Block Grant Mitigation ("CDBG-MIT") program for Polk County Contract 24-065-044-E536 & 24-065-045-E537, 2023 Street Improvements for Precinct 3. Project description of the Street Improvements and project locations are described in Table 1 above

A portion of the project is located in a wetland. The following table describes the area of potential impacts.

<b><i>Table 3 Precinct 3 Wetlands Impact</i></b>		
<b><i>PPRNCT ID &amp; Name</i></b>	<b><i>R4SBC Total Area of Disturbance (Acres)</i></b>	<b><i>Approximate Area Impact Acres</i></b>
3a MLK Road	0.023	0.023
3e Mabank Road	0.040	0.040
3f One Such Road	0.023	0.023
<b>TOTAL Precinct 3 Acres</b>	<b>0.086</b>	<b>0.086</b>

According to USFWS National Wetland Inventory, the project will impact approximately 0.086 acres of wetlands consisting of R4SBC (Riverine intermittent streambed seasonally flooded) will be encountered along a portion of the roads described in Table 3.

Polk County has considered the following alternatives & mitigation measures to be taken to minimize adverse impacts & to restore & preserve natural & beneficial functions and intrinsic values of the existing wetland values which include primarily residential & commercial uses, as wetland areas are important for area flood controls. Alternatives considered for this project include:

1. Moving this construction to other locations would not be feasible as the issues with failing roadways is occurring at the selected roads where accessibility by local residents has been an ever increasing problem, especially during significant rain or other weather events occur.
2. Using other materials for ongoing maintenance and patching of the roads was considered, however, this is cost prohibitive and has resulted in other environmental effects from continuous erosion and subsidence of the existing roadways.
3. Not performing the work was considered, but the roadways are failing and becoming more difficult to traverse where the usefulness of the roads are in jeopardy. In addition, the failing roads make it more difficult for emergency vehicles to access these communities in urgent conditions and matters where human health is at risk. If these improvements cannot occur, the ongoing deterioration of the roadways will cause environmental problems with erosion and stormwater runoff into local creeks and other water ways.

Mitigation: Construction activities will be consistent with USACE Nationwide Permit 14 non-reporting for linear transportation projects as the impact to waters of the US will not be more than 1/10 acre per area. Due to proximity of surrounding wetlands, contractor will ensure that best management practices ("BMPs") during construction. This may include use of disturbance-free buffers contiguous to wetlands or aquatic systems, where possible place top of riprap at or below the proposed

streambed flowline elevation and where applicable, place culverts and riprap such that up and downstream flow connections are present under low flow conditions.

Other mitigation for these areas includes 1) Judicious use and placement of sediment control fence to exclude wildlife from the construction area. Where possible include no-till drilling, hydromulching &/or hydroseeding rather than erosion control blankets or mats to reduce risk to wildlife; 2) Employ avoidance and if necessary relocate turtles out of the project area, pointing the animal in the same direction the turtle was traveling is recommended. 3) Review project area prior to construction and monitor the site closely during construction to prevent impact to any wildlife. 4) If construction workers encounter endangered species, suspend work to allow for voluntary escape; 5) provide workers with environmental awareness docs & TPWD contact information; 6) employ impact avoidance measures for aquatic organisms & any wildlife, use scheduling & confine work to ROW and bridges to facilitate BMPs for safety of wildlife, fishes & mussels and obtain regulatory permits if necessary., i.e., where necessary review project area for nests prior to construction to avoid disturbance; maintain a minimum zone of 100 meters surrounding any raptor nest February 1 - July 15 or minimum zone of 25' for other bird nests from March 1 - June 30. If any nests are discovered in vegetation or bare ground of occupied nests; avoid disturbance until the eggs have hatched & the young have fledged. Construction may continue on other areas of the site; 7) use BMPs to prevent erosion & restore disrupted soils to natural contours & appearance & to preserve surrounding terrain in wetland; 8) locate utilities & potential underground gas lines prior to construction; 9) use scheduling to prevent impact to community traffic conditions; 10) for proposed project activities at Union Springs Road project area, contractor must take appropriate measures outlined below as proposed construction activities are adjacent to the historic Union Springs Cemetery. The potential for unmarked burials within 200 feet of the currently fenced cemetery area is high. All work will be confined to the existing roadway. No vehicular traffic, sub-surface grading or other ground disturbance will occur outside of the existing roadbed within 200 feet of the cemetery. If not possible, additional consultation with this office is required and archeological investigations may be warranted. If historic properties are discovered or cultural materials are encountered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC History Programs Division at 512-463-5853 as well as TGLO for further direction. 11) Cool Springs Church is located on Union Springs Road directly across the street from the Union Springs Cemetery. Scheduling construction during times of minimal impact will be needed to avoid conflicts with the activities at Cool Springs Church and cemetery. 12) use BMPs & schedule to ensure appropriate access to parks or recreation areas and to identify where utility lines and other lines are located prior to construction, and 13) ensure proper disposal of demolition debris & clear away incidental waste in compliance with federal and state requirements.

Polk County has reevaluated alternatives to building in a wetland and has determined that it has no practicable alternative to constructing where wetlands exist. Environmental files documenting compliance with Executive Order 11990, 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 a Wetland & those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns & provide information about these areas. Commenters are encouraged to offer alternative sites outside of the Wetland, alternative methods to serve the same project purpose, & methods to minimize & mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information & request for public comment about Wetlands can facilitate & enhance Federal efforts to reduce the risks &

impacts associated with the occupancy & modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in Wetland areas, it must inform those who may be put at greater or continued risk.

### **PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR DOCUMENT to the County. All comments received by July 16, 2025, will be considered by County prior to authorizing submission of a request for release of funds. Comments may be submitted to Sydney Murphy, Judge, 410 East Church St, Livingston, TX, 77351 weekdays from 8:30 AM – 4:30 PM CST, Phone: 936-327-6813. Comments may also be submitted via email to: [sydney.murphy@co.polk.tx.us](mailto:sydney.murphy@co.polk.tx.us) . Comments should specify which Notice they are addressing.

Written comments regarding the Final Wetland Notice must be received by County at the following address on or before July 16, 2025. Comments can be submitted to Sydney Murphy, Judge, 410 East Church Street , Livingston, TX, 77351, weekdays from 8:30 AM – 4:30 PM CST, Phone: 936-327-6813. Comments may also be submitted via email to: [sydney.murphy@co.polk.tx.us](mailto:sydney.murphy@co.polk.tx.us) .

### **ENVIRONMENTAL CERTIFICATION**

Polk County certifies to TGLO that Sydney Murphy, in her capacity as 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 & that these responsibilities have been satisfied. TGLO approval of the certification satisfies its responsibilities under NEPA & related laws & authorities & allows County to use Program funds.

### **OBJECTIONS TO RELEASE OF FUNDS**

TGLO will accept objections to its release of funds & the Polk County 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 Polk County. (b) County has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) County 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 TGLO; 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 Heather Lagrone, Texas General Land Office, PO Box 12873, Austin, TX 78711-2873, via email at [env.reviews@recovery.texas.gov](mailto:env.reviews@recovery.texas.gov) . Potential objectors should contact TGLO to verify the actual last day of the objection period.

Sydney Murphy, Judge  
Polk County