

**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 FEDERAL FLOOD RISK MANAGEMENT STANDARD DESIGNATED
FLOODPLAIN & WETLAND**

Date of Notice: August 19, 2025

Polk County
410 East Church Street
Livingston, TX, 77351
Ph 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 ***Livingston area, Precinct 4, Polk County, TX***

REQUEST FOR RELEASE OF FUNDS

On or about September 4, 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 and Bridge Improvements, for Contract 24-065-044-E536 / B-18-DP-48-0002.

The purpose of the Street and Bridge 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 4.

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

PROJECT DESCRIPTION

Bridge Improvements at 3 locations:

Polk County shall remove and demolish existing wooden and/or steel bridge to increase hydraulic capacities to handle additional storm water flow. There will be construction of three new (taller/wider/longer) 40-ft concrete bridge structures with piping and the installation of abutment slab beams, reinforced slab, and backfill. The project includes no detours; however, the contractor may close Tom Cummings Bridge #2 concurrently with one other bridge closure (either Tom Cummings Bridge #1 or Mill Gate Bridge). Contractor may not close all three bridge locations at the same time. Also included are ROW clearance, embankment excavation, road fill, 16" prestress concrete piling, concrete abutment, prestressed concrete slab beams, reinforced concrete slab & bridge deck, cement stabilized abutment backfill, reinforced concrete approach slab, metal railing & end protection. A 24" maximum large rock rip rap on embankment & around bridge abutment is included for erosion & scour protection. Piling will be a maximum of 40 ft depth. On either side of the bridge, 200 LF on either end of bridge for vehicle access will be reconstructed. A staging area is included onsite. The elevation of both the road & bridge structures will be raised 4" to 6". The bridges will be elevated above the base flood elevation where possible.

Street Improvements at all locations:

Plantation Rd & Tom Cummings Rd: Polk County shall construct 6,120 LF of road improvements by scarifying, shaping & compacting road section, stabilizing subgrade, placing limestone base, asphaltic surface, traffic rail, guard fence, guardrail terminal, downstream terminal anchor, concrete rip rap slope protection, 200 LF of culverts, geotechnical foundation bores, SWPPP, & associated appurtenances. The depth of impact is approximately one foot for reconstruction plus ditch grading. The total width impacted ROW is approximately 50 feet. The depth at culverts is expected to be a maximum of 42" (36-inch culvert plus 6-inches additional disturbance). Roads will be elevated by 4" to 6" where necessary to address flooding.

Project clearance includes Administration, Engineering & Environmental Activities. Total Area of Disturbance = Approximately 6.9 Acres. Project locations are outlined in Table 1.

Locations are located within the Livingston area, Precinct 4, Polk County, TX 77351

TABLE 1 Polk County Precinct 4 Street & Bridge Improvements – General Location Information						
Polk Co Pct 4 Project ID & Name	From ...To...Location	Lat/Long	Width (LF)	Culverts Total Approx (LF)	Road Length Approx (LF)	Total Area of Disturbance Approx (Acres)
4a Plantation Road	Tom Cummings Road to Turkey Creek Drive	30.671725, -94.854181	50	100	2,520	2.9
4b Tom Cummings Road Bridge 1	150ft north of Turkey Creek to 150ft south of creek	30.689909, -94.869814	50	-0-	300	0.3
4c Tom Cummings Road	Mill Gate Road to Plantation Road (this 2700 LF section includes no bridge)	30.676248, -94.865064	50	120	2,700	3.1
4d Tom Cummings Road Bridge 2	150 ft north of Turkey Creek to 150 ft south of creek	30.676804, -94.865879	50	-0-	300	0.3
4e Mill Gate Road Bridge	150 ft north of Turkey Creek on to 150 ft south of creek	30.671218, -94.876754	50	-0-	300	0.3
TOTAL APPROXIMATE POLK COUNTY PRECINCT 4 STREET AND BRIDGES				220	6,120	6.9

GRANT BUDGET

Grant Number	HUD Program	Funding Amount
# 24-065-044-E536	CDBG MIT	\$15,510,000.00

Estimated Total HUD Funded Amount:

HUD MID E536 Grant \$15,510,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

CDBG MIT Performance Statement Project Title: *Tom Cummings/ Plantation Rd*

Pct 4 Street / Bridge Total Project - \$7,096,335.11

Project Locations - Precinct 4 Street and Bridge /GLO #	Grant Funds	Match Funds
<i>Tom Cummings/Plantation Rd Precinct 4 GLO17-32540-P (includes Tom Cummings Road Bridge #1, Bridge #2 & Mill Gate Bridge)</i>	\$7,096,335.11	\$ 0
TOTAL	\$7,096,335.11	\$ 0

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/95h41p5t8nxs1mioq1vuo/PolkCountyPrecinct4RoadsBridgesContract24-065-044-E536ERR.pdf?rlkey=vmw5v4heqw9fo7rtlmbotjewp&dl=0>

FINAL NOTICE & PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN FEDERAL FLOOD RISK MANAGEMENT STANDARD DESIGNATED FLOODPLAIN & WETLAND

This is to give notice that Polk County has conducted an evaluation as required by Executive Orders 11988, 11990 & 13690, 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, 2023 Street & Bridge Improvements for Precinct 4. The Project description and project locations are described in Table 1 above.

Floodplain Impact:

A portion of one project site is located in the floodplain. The extent of the FFRMS floodplain has been determined using a freeboard value approach which includes analyzing the 0.2% floodplain maps for Polk County as well as USGS 7.5-minute TOPO maps and Elevation Point Query Service tool. According to the Floodplain FEMA map panels 43873C0475C, effective 9/3/2010, Mill Gate Road Bridge is located within 0.23 acres of Zone A of the .1% annual chance flood hazard area. According to FEMA map panel 48373C0C500C eff. 09/03/2010, no other sites are within a floodplain. The floodplain project areas include all proposed project roads as listed Table 2.

Table 2 PRECINCT 4 Floodplain Impact (.1% / FFRMS)		
PPRNCT ID & Name	FEMA FIRM Map Panel	Approx 100 YR (1%) Floodplain Total Acres of Disturbance Zone A
4e Mill Gate Road Bridge	43873C0475C, effective 9/3/2010	0.23
Approx Total Precinct 4		0.23 acres

Wetlands Impact:

According to USFWS National Wetland Inventory, the project contains wetlands along all project roads. The Wetland total impact is approximately 0.11 acres & includes R4SBC (Riverine, Surface Flooding, Seasonal), & R5UBH (Riverine, Unknown Perennial, Unconsolidated Bottom, Permanently Flooded). See Table 3 below for the area of impacts.

Table 3 PRECINCT 4 Wetland Impacts/ Approximate Total Acres of Disturbance			
PPRNCT ID & Name	R4SBC (Acres)	R5UBH (Acres)	Approx Total Impact Acres (All)
4b Tom Cummings Road Bridge 1	0.0	0.03	0.03
4d Tom Cummings Road Bridge 2	0.0	0.04	0.04
4e Mill Gate Road Bridge	0.04	0.0	0.04
Approx Total Precinct 4	0.04	0.07	0.11

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

Alternatives

1. Moving this construction to other locations would not be feasible as the issues with failing roadways and bridges are 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 & patching of the roads was considered, however, this is cost-prohibitive & has resulted in other environmental effects from continuous erosion & subsidence of the existing roadways 3. Not performing the work was considered, but the roadways & bridges are failing & becoming more difficult to traverse where the usefulness of the roads & bridges are in jeopardy. In addition, the failing roads & bridges make it more difficult for emergency vehicles to access these communities in urgent conditions & matters where human health is at risk. If these improvements cannot occur, the ongoing deterioration of the roadways & bridges will cause environmental problems with erosion & stormwater runoff into local creeks & other water ways.

Mitigation/ Best Management Practices (BMPs)

Accessibility: No displacement of citizens is expected. However, detours are planned for the two of the 3 bridges and the project area. This includes providing signage & directions for using alternate roads during construction. The plans include a safe & secure ingress/egress into the communities, and not all roads should have detours implemented at once to ensure safe and continued accessibility into and out of the area. The engineering plans reflect the signage plans for the area in order to ensure continuous access for the residence during the construction. Informing the public & local government emergency vehicles about the upcoming changes will be vital for this project in order to prevent unexpected delays in access to the areas.

Floodplain: The elevation of both the road and bridge structures will be raised 4" to 6". The bridges will be elevated above the base flood elevation where possible. Best management practices should be implemented to return the area to preconstruction conditions and contours to ensure proper flood control. The new roadway will be reshaped/reggraded to allow vehicular traffic to navigate the new bridges' elevation. Bridges will be elevated to based flood elevations where possible. Additionally, the new roadway will be strengthened by stabilizing the subgrade, placing new limestone gravel base & installing a new asphalt travel surface

Wetland: Limited impact will occur to surrounding wetlands as all proposed construction will occur at the existing drainage structures. Improvements will be consistent with regulatory requirements including remaining consistent with Nationwide Permit (NWP) 14 for linear transportation projects - non-reporting as well as NWP 13 Bank Stabilization projects at bridge replacements. The new concrete bridges will be designed to current TxDOT standards. The abutment banks will be shaped to provide better water flow through/around the structure & lined with large (18"x24") rock riprap to prevent erosion. Ditches along the roadway will be cleaned & reshaped to allow water to flow into the ditches & then will be capable of carrying/moving storm water to the creek.

Historic/Cultural Above-Ground Resources/ Archeology Comments: No historic properties are present or affected by the project as proposed. However, if historic properties and/or cultural materials are encountered, or discovered during construction/disturbance activities; or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic/ cultural properties are present. Please contact the THC History Programs Division at 512-463-5853 & the THC Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect historic properties/ cultural remains.

Threatened & Endangered Species: General Construction Recommendations & Mitigation for all project activities include judicious use and placement of sediment control fence to exclude wildlife from the construction area. Where possible include no-till drilling, hydromulching and/or hydroseeding rather than erosion control blankets or mats to reduce risk to wildlife. Federal Law: Migratory Bird Treaty Act - Review sites for nests prior to construction to avoid disturbance from a minimum zone of 100 meters surrounding any raptor nest February 1 through July 15 or minimum zone of 25' for other bird nests from March 1 to June 30.

If any nests are discovered in vegetation or bare ground of occupied nests, avoid disturbance until the eggs have hatched and the young have fledged. Construction may continue on other areas of the site. State Law: Parks and Wildlife Code - Review sites prior to and during construction will occur to ensure no wildlife species are located within the construction area and action will be taken to avoid impact if found. Notification of TPWD will occur if endangered species are found or if further assistance is necessary to clear an area. In general, the species will be permitted to leave the site without disturbance. Where possible, construction will avoid clearing during the height of nesting season and in general will avoid wildlife impact. These include some reptiles such as turtles & if necessary, relocate the turtles out of the project area, pointing the animal in the same direction the turtle was traveling is recommended.

Overall, the activities associated with the project to rework the existing roadways and bridges will not provide significant impact to area wildlife. However, it is recommended to review the project area prior to construction to monitor the site closely during construction to prevent impact to any wildlife. Employ impact avoidance measures for aquatic organisms and any wildlife, use scheduling & confine work to ROW & bridges to facilitate "BMPs for safety of wildlife, fishes & mussels & obtain regulatory permits if necessary. If the site comes in contact with any species identified on the list, contact the project engineer and follow the proper process by contacting TPWD and TGLO for further directions on how to address the situation.

Polk County has reevaluated alternatives to building in a floodplain and/or wetland and has determined that it has no practicable alternative to constructing where Federal Flood Risk Management Standard, 100-Year Floodplain, & Wetlands exist. Environmental files documenting compliance with Executive Orders 11988, 11990 and 13690, are available for public inspection, review and copying upon request. The ERR can be accessed at the offices of Sydney Murphy, Judge, Polk County, 410 East Church St, Livingston, TX, 77351 during 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.

There are three primary purposes for this notice. First, people who may be affected by activities in a Federal Flood Risk Management Standard, 100-Year Floodplain, 500- Year Floodplain & 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 Federal Flood Risk Management Standard, 100-Year Floodplain, 500- Year Floodplain & 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 Federal Flood Risk Management Standard, 100-Year Floodplain, 500- Year Floodplain & 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 Federal Flood Risk Management Standard, 100-Year Floodplain, 500- Year Floodplain & 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 September 3, 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 during 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. Comments should specify which Notice they are addressing.

Written comments regarding the final notice and public explanation of a proposed activity in a federal flood risk management standard, designated floodplain & wetland must be received by county at the following address on or before September 3, 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.

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 Polk County 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. Potential objectors should contact TGLO to verify the actual last day of the objection period.

Sydney Murphy, Judge
Polk County