

**FINAL NOTICE AND PUBLIC EXPLANATION OF PROPOSED ACTIVITY
IN OR NEAR THE FLOODPLAIN AND WETLAND**

City of Montgomery
P.O. Box 708
Montgomery, Texas 77356
936-597-6434

Publication: September 18, 2015

PROJECT NAME: Mont15TCF-Kroger

PROJECT DESCRIPTION

This economic development project will provide water, sewer, street and drainage improvements for the City of Montgomery in support of Kroger Texas Limited Partnership (herein referred to as the “Company”) a 114,000 square foot building and parking retail grocery center. The location of the building and land at the corner of State Highway 105 and Lone Star Parkway is defined as the Company’s project site. The infrastructure improvements are the minimum necessary and will enable the company to begin operations in the City of Montgomery.

Location:

All work will occur in the City of Montgomery, Montgomery County, Texas at the northwest corner of the intersection of SH 105 and Lone Star Parkway.

ACTIVITIES

ED Financial Assistance to For-Profits Contractor shall provide water, sewer, street and drainage improvements to enable the Company to begin operations on Texas State Highway 105 in Montgomery, Texas.

Water Improvements

Contractor shall install approximately one thousand six hundred linear feet (1,600 l.f.) of eight-inch (8”) water line, four (4) fire hydrants, seven (7) valves and necessary appurtances.

Construction shall take place at the following locations:

- Texas State Highway 105 from west edge of property site to approximately 500 linear feet east
- West edge of property site from Texas State Highway 105 to approximately 700 linear feet north
- North edge of property site from Lone Star Parkway to approximately 400 linear feet east

Sewer Improvements

Contractor shall install approximately two thousand one hundred linear feet (2,100 l.f.) of ten-inch (10”) sewer line, nine (9) manholes, two (2) connections to existing manholes and necessary appurtances. Construction shall take place at the following locations:

- Texas State Highway 105 from west edge of property site to approximately 500 linear feet east
- West edge of property site from Texas State Highway 105 to approximately 500 linear feet north
- North edge of property site from Lone Star Parkway to approximately 1,100 linear feet east

Street Improvements

Contractor shall install approximately three thousand eight hundred square yards (3,800 s.y.) of eight-inch (8'') pavement, one thousand nine hundred linear feet (1,900 l.f.) of curb and gutter and necessary appurtenances. Construction shall take place at the following locations:

- West edge of property site from Texas State Highway 105 to approximately 950 linear feet north

Drainage Improvements

Contractor shall install approximately one thousand eight hundred linear feet (1,800 l.f.) of reinforced concrete pipe, seven (7) manholes, six (6) inlets, one (1) junction box and necessary appurtenances. Construction shall take place at the following locations:

- Texas State Highway 105 from West edge of property site to approximately 800 linear feet east
- West edge of property site from Texas State Highway 105 to approximately 800 linear feet north
- West edge of parking lot from approximately 400 linear feet north of Texas State Highway 105 to approximately 100 linear feet east
- North edge of property site from west edge of property site to approximately 100 linear feet east

To: All interested Agencies, Groups and Individuals

This is to give notice that the **City of Montgomery** 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 and Wetlands Management, to determine the potential effect that its activity in or near the floodplain or wetland will have on the human environment for Texas Community Development Block Grant Program project, **Contract # 7215102**.

According to FEMA MAP(S): FM48339C0200G and NEPAassist, a portion of the project is located in a FEMA designated floodzone (A) and a part of the project involves enhancing an existing creek with is within a FEMA "regulated floodway".

- Area within FEMA Zone A (northeast and southeast portions of project site - approximately 5.0 acres)
- Area within FEMA "regulated floodway" (Along Steward Creek = approximately 2.0 acres)

According to a Phase 1 Environmental Site Assessment - April, 2015, a portion of the project (approximately 2.0 acres) will occur within a wetland, adjacent to the Ordinary High Water Mark (OHWM) of Steward Creek in the SE part of the site.

The City of Montgomery has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

Alternatives:

- Construct a drainage system to direct all new storm water runoff created from property away from creek and do no work in the creek.
 - The costs associated would exceed available funds. (not feasible)
- Other projects considered
 - Other projects were also considered within the city limits. However, the city concluded that this project, as proposed, was the highest priority. (not feasible)
- No Action or Alternative Actions that Serve the Same Purpose
 - A no action alternative was considered and rejected because the business is needed in the community and the creek enhancement is the only feasible way to control stormwater at the site. In addition, the business cannot relocate to a different area of the City. (not feasible)

Mitigation Measures:

- Construction techniques prohibiting construction equipment in the creek and requiring all trees be hand cut, not dozed, could be included in construction plans.
- Best management practices should be used to control runoff from construction sites to prevent detrimental impact to surface and groundwater.
- Deposition and excavation of materials will need to be performed in such a manner that erosion and sedimentation will be controlled.
- Preserving Property: Project designs should, to the best extent possible, incorporate measures to reduce the risk of damage to the new water and sewer line from a flood.

Although a portion of the project is in a floodplain and a wetland, the project has been adapted in order to minimize effects on floodplain values.

The City of Montgomery has reevaluated the alternatives to building in or near the 100 year floodplains and wetlands 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 at the times and location delineated in the last paragraph of this notice for receipt of comments. **The proposed project will have minimal impacts to the floodplain because the project does not include any realignment of the creek and TXDOT has already identified it as a “Designated**

Drainage Channel” and will have minimal effects on the wetland because the project entails increasing the capacity of the creek above the wetland mark.

There are three (3) primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands 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 about floodplains and wetlands can facilitate and enhance Federal efforts to reduce the risks 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 and wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by the **City of Montgomery** at the following address on or before September 28, 2015 or seven (7) days after publication of this notice, whichever is longer: **City of Montgomery, P.O. Box 708, Montgomery, Texas 77356 and (775) 574-8318** during the hours of **9:00 AM to 5:00 PM**.