



U.S. Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR 58.35(a)

This is a suggested format that may be used by Responsible Entities to document completion of a
Categorically Excluded Subject to Section 58.5 environmental review.

Project Information

Project Name: Wastewater Treatment Plant No. 1 and System Improvements

Responsible Entity: City of Wharton, TX

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: 17460025574

Preparer: Ardurra

Certifying Officer Name and Title: Tim Barker, Mayor City of Wharton

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): Ardurra

Direct Comments to: Brandi Jimenez at bjimenez@cityofwharton.com

Project Location:

Wastewater Treatment Plant (WWTP) No. 1, Park Lane Lift Station (LS), and Alabama Rd Lift Station, Wharton, TX 77488; street addresses and Google Earth coordinates are shown below in Table 1. See also attached **Exhibit A** Site Location Map(s).

Table 1. Project Location(s) and Flood Zone Acres per FEMA Flood Insurance Rate Map(s) Panel Nos. 484810C0355F, and 484810C0365F both eff. 12/21/2017.

Site Name	Location in 77488	Latitude	Longitude	Zone AE (Acres)	Zone X Shaded (Acres)	Zone X Unshaded (Acres)
WWTP No. 1	806 S East Ave	29.30135	-96.09756	11.29	2.01	0
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043	0.01	0	0
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708	0	0	0.01

Description of the Proposed Project [24 CFR 50.21 & 58.32]:

City of Wharton proposes to use \$4.3M in CDBG-MIT funding for improvements to the existing

Wastewater Treatment Plant No. 1, that include headworks and influent lift station, aeration basin, chlorine contact basin and digester, chemical storage, belt press conveyor system, and site improvements. The proposed project would also include flood proofing the upstream lift station(s) at Park Lane and Alabama Road. Site locations and the flood zone acres are provided above in Table 1. The work that would be done at each site location is as follows:

**WWTP No. 1 –
Within Zone X Shaded**

The headworks channel (18 ft. x 12 ft.) is at the beginning of the treatment process. Headworks channel components to be replaced would include three 24 inch by 24 inch slide gates, and check valves, as well as removal/replacement of grating.

Influent Lift Station (32 ft. x 15 ft.) improvements, i.e., the lift station that is part of WWTP No.1, would include removal/replacement of the lift pump discharge valves.

Aeration Basin(s) (76 ft. x 60 ft.) improvements would include replacing piping and diffusers and grit removal.

Chlorine Contact Basin(s) (36 ft. x 34 ft) improvements would include gate removal/replacement of four slide gates in the first two trains of the chlorine contact basin.

Chlorine Storage Shed (6 ft. x 6 ft.) - construct or install a new chlorine storage shed within the existing footprint.

Digester(s) (58 ft. x 36 ft.) improvements would include replacing piping and diffusers and install new control valves.

Sodium Bisulfite Storage (10 ft. x 10 ft.) - construct or install secondary containment for the sodium bisulfite tanks within existing footprint.

Site improvements would include removal/replacement of the existing crushed gravel access road from the site entrance to the sludge building at WWTP No. 1. The total length of the road to be replaced is 650 LF (~9,750 sq ft). The first 550 LF of the access road on the east side of the site, beginning at site entrance and extending to the Belt Filter Press Building is in Zone X shaded. The final 100 LF (~1,500 sq ft) are in Zone AE.

**WWTP No. 1 –
Within Zone AE**

Belt Filter Press Building (60 ft. x 38 ft or 0.05 acres) - replace the Conveyor System located inside the Belt Filter Press Building [Google Earth Coordinates: 29.30057, -96.09794]. Work would occur within the existing building footprint.

The conveyor is rated for wet service and would be re-installed at its existing elevation, with its lower portion approximately 2 feet above finished floor elevation (finished floor elevation is EL 101.89), placing it ~ EL103.89. The conveyor's associated electrical and control components would be floodproofed to an elevation of 104.00 (3 ft above the BFE).

Site improvements would include removal/replacement of the existing crushed gravel access road from the site entrance to the sludge building at WWTP No. 1. The total length of the road to be replaced is 650 LF (~9,750 sq ft). The final 100 LF (~1,500 sq ft) are in Zone AE. The first 550 LF

of the access road on the east side of the site, beginning at site entrance and extending to the Belt Filter Press Building is in Zone X shaded.

Flood proofing the upstream lift station(s) at Park Lane and Alabama Rd would include converting the lift stations to submersible pump configuration and installing submersible pumps, installing access hatches and raising critical components, such as control panels, to ensure their operation during and after flood events to minimize the release of untreated sewage into the community.

WWTP No. 1 and Park Lane Lift Station are in Special Flood Hazard Areas and therefore improvements at these sites are Critical Action(s) as defined in 24 CFR 55.2(b)(3). Equipment at these locations will be floodproofed or elevated in accordance with the requirements set forth in the Federal Register Vol. 84 No. 169 August 30, 2019, page 45864. Details are in the Floodplain Management Section and shown in **Exhibit N**.

Geotechnical services, surveying services and resident inspection during construction are anticipated beyond the basic engineering services.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: 24 CFR 58.35(a)(3)(iii) public facilities and non-residential buildings no change in land use, change in size or capacity by more than 20%.

Funding Information

Grant Number	HUD Program	Funding Amount
B-18-DP-48-0002	CDBG-MIT	\$4,360,800.00

Estimated Total HUD Funded Amount: \$4,360,800 Total; \$0 other funding sources

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

\$4,360,800.00 Total; accounted for as:

\$3,624,500 Construction

\$535,700 Engineering; cost is within 15% of construction cost

\$15,000 Environmental

\$185,600 Grant Administration

\$0 for acquisition, planning and special environmental

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The Project Site is not located within 15,000 feet of a military airport or within 2,500 feet of a civilian airport. It is also not located within 3,000 feet from the end of a civil airport runway or 2.5 miles from the end of a runway at a military field.

		<p>The closest military airport, Joint Reserve Base Ellington Field (FAA ID: EFD), is 59 miles northeast of the Project Site.</p> <p>The Project Site is 54.5 miles southeast of William P. Hobby Airport (FAA ID: HOU), and 5.35 miles north of Wharton Regional Airport (FAA ID: ARM).</p> <p>Therefore, the Project Site is not located within the Runway Clear Zone or Runway Protection Zone, or within a military airfield Clear Zone or Accident Potential Zone. The proposed project does not require a formal compliance determination.</p> <p>See attached Airport Location Map Exhibit B</p>
<p>Coastal Barrier Resources</p> <p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Based on the review of the U.S. Fish and Wildlife Service (USFWS) Coastal Barrier Resources System Mapper, the Project Site is not located within a designated Coastal Barrier Resources (CBR) Unit as established by the U.S. Congress through the Coastal Barrier Improvement Act. The closest CBR unit is the Sargent Beach Otherwise Protected Area T07P, on the Matagorda Peninsula, which is over 43 miles southeast of the City of Wharton. Therefore, the proposed project does not require a formal compliance determination. See attached Coastal Barrier Resources Map Exhibit C.</p>
<p>Flood Insurance</p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>The City of Wharton participates in the National Flood Insurance Program.</p> <p>Flood insurance is needed for the proposed project as it does meet the Flood Disaster Protection Act of 1973 of “financial assistance for acquisition or construction purposes” which means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or</p>

		privately owned building or mobile home, and for any machinery, equipment fixtures. See attached Exhibit D - FEMA community status book report, City of Wharton, TX
--	--	---

DRAFT

[42 USC 4001-4128 and 42 USC 5154a]		
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposed project does not involve the acquisition of undeveloped land, a change of land use, or re-construction.</p> <p>The proposed project is not located in a non-attainment area. Wharton County is in attainment status for all criteria pollutants.</p> <p>Site improvements may result in temporary elevated dust levels surrounding the WWTP No. 1 site but are not anticipated to affect air quality. Dust(s) will be actively controlled using standard dust suppression best management practices (BMPs) and engineering controls.</p> <p>Therefore, the proposed project does not require a formal compliance determination.</p> <p>TCEQ Emissions Inventory Reporting Requirements 2024 attached as Exhibit E. Source: 2024ei_reportingmap.pdf</p>
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposed project sites are not located within the Texas Coastal Management Program (CMP) Zone; the City of Wharton is over 40 miles west of the coastal zone boundary established by the GLO.</p> <p>Therefore, the proposed activity does not require formal compliance determination.</p> <p>See attached Exhibit F, Texas Coastal Zone Map and TX GLO Memo dated May 1, 2023</p>
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>EPA's NEPAassist shows 14 EPA Facilities (Hazardous Waste RCRA) within the City of Wharton. The two below are less than 0.50 miles from the project sites:</p> <ol style="list-style-type: none"> 1) Lone Star Cleaning & Laundry at 1309 N Alabama Rd. It is 0.25 miles north of the Alabama Rd Lift Station and 0.30 miles east of the Park Lane Lift Station. The corresponding ECHO facility report shows no violations from July 2022 to March 31, 2025. 2) Wharton County at 911 Boiling Hwy. It is 0.42 miles Northeast of the Park Lane Lift Station. It is ~ 0.60 miles north of the

Alabama Rd Lift Station. The corresponding ECHO facility report shows no violations from July 2022 to June 2025.

The remaining 12 facilities, listed below, are all over 0.50 miles from either of the Lift Stations and/or WWTP No. 1.

Facility Name	Address
1 Sherwin Williams Co	300 W MILAM STREET
2 Von Will Ford Inc	316 N RICHMOND ROAD
3 Bj Services	707 Nelson Ln
4 Koonce Petroleum Co Inc	901 STAFFORD LN
5 Schlumberger Technology Corp	1005 NELSON LN
6 Don Elliot Chevrolet	1225 N RICHMOND
7 THE GOODYEAR Tire & Rubber Co	1108 N RICHMOND RD
8 Centerpoint Energy Houston Electric Llc	1407 N RICHMOND
9 Texas Eastern Transmission Lp	627 SUNSET DRIVE
10 Caney Auto Service Inc.	1827 N RICHMOND RD
11 CVS Pharmacy 6738	1710 1710 N RICHMOND RD
12 Houston Pipeline - Wharton District Office	1333 FM 1301

NEPAssist also showed one Toxic Release Inventory (TRI) site, Nan Ya Plastics at 700 Hwy 59 Loop PR, which is ~2 miles west of the Park Lane Lift Station and ~2.3 miles west of the Alabama Rd Lift Station, and over 5 miles from WWTP No. 1; no violations were identified from 07/01/2022 through 06/20/2025.

Additionally, site visit(s) and field observation(s), with photographs, were conducted on May 7, 2025 by Ardurra (provided in **Exhibit K**). A visual inspection of all 3 project sites did not show any of the following:

Distressed vegetation, vent or fill pipes, storage oil tanks or questionable containers, pits, ponds, lagoons, stained soil or pavement, pungent, foul, or noxious odors, dumped material, soil, mounds of dirt, rubble or fill.

None of the 3 project sites have USTs or suspected contamination by toxic chemicals or radioactive materials. None of the 3 project sites are near an industry or commercial facility disposing of chemicals or hazardous wastes, e.g. Dry cleaner, gas station. There are no nearby source(s) of toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of any of the 3 project sites.

TCEQ IHW Facility Viewer shows no industrial and hazardous waste (IHW), no industrial non-hazardous waste as authorized

		<p>under state regulations (ISW), and no post-closure order for the maintaining of a facility in post-closure care (IHW-PCO) in the City of Wharton.</p> <p>TCEQ's Petroleum Storage Tanks viewer shows there are 14 within City of Wharton. The closest one is approximately 1,181 feet southwest of the Park Lane Lift Station (LS); this LS is un-manned and any disturbance would occur within the existing footprint.</p> <p>TCEQ's 2024 Public Record Summary Information on Leaking Petroleum Storage Tanks lists 38 records for the City of Wharton; 37 are closed. The ne open LPST is located at 1902 N Richmond Rd Lone Star Auto Trade, which is over one-half mile northwest of the Park Lane LS. Considering the distance to the tank and the scope of work, no impact is expected.</p> <p>Compliance with this section is complete.</p> <p>Exhibit G contains NEPAassist Enviromapper for Hazardous Waste RCRA Facilities Map, the ECHO reports for the two facilities less than 0.50 miles from the project sites, TCEQ Industrial Hazardous Waste Map, and a TCEQ Petroleum Storage Tank Viewer Map.</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Section 7(a)(2) directs all Federal agencies to ensure that any action they authorize, fund, or carry-out does not jeopardize the continued existence of an endangered or threatened species or designated or proposed critical habitat (collectively, referred to as protected resources). 50 CFR 402 states that Federal agencies must review their actions and determine whether the action may affect federally listed and proposed species or proposed or designated critical habitat.</p> <p>The Texas Parks & Wildlife Dept. Annotated County Lists of Rare Species for Wharton County provides county-level information regarding potential occurrence of protected, i.e., federal or state-listed threatened or endangered species and Species of Greatest Conservation Need (SGCN). There are 3 amphibians, 2 fish, 2 insects (the bumblebee and monarch butterfly), 30 birds, 7 mammals, 7 mollusks, 11 reptiles and 3 plants listed with reasonable potential to occur in</p>

		<p>Wharton County.</p> <p>See TPWD Endangered Species Annotated County List Exhibit H.</p> <p>The freshwater and vegetated banks of the Colorado River are the preferred habitats for the 7 mollusks, 3 amphibians, 11 of the 30 birds, 2 insects, 2 fish, 4 mammals, 11 reptiles, and the 3 plants. However, all work would occur within the footprint of the existing site for WWTP No. 1, the Park Ln LS and the Alabama Rd LS. The proposed project would not negatively impact the Colorado River. All species in and near the river would benefit from improved water quality due to the operation of the equipment upgrades. No freshwater bodies or wetlands are present near either of the two Lift Stations.</p> <p>The remaining 18 of the birds prefer saltwater or brackish habitats, with the final bird (<i>T. cupido attwateri</i>) preferring open prairie grass one to three feet tall. None of these habitat types occur within or near WWTP No. 1, the Park Ln or Alabama Rd, Lift Stations. The remaining 3 mammals, i.e., the eastern spotted skunk (<i>S. putorius</i>) and the plains spotted skunk (<i>S. interrupta</i>), prefer open areas or woodlands, while the mountain lion (<i>P. concolor</i>) is most frequently found in rugged mountains and riparian zones. None of these habitat types occur within or near WWTP No. 1, the Park Ln or Alabama Rd Lift Stations.</p> <p>The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) report is a list of species and other resources such as critical habitat (collectively referred to as trust resources) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the City of Wharton. The list may also include trust resources that occur outside of the City, but that could potentially be directly or indirectly affected by activities in the City.</p> <p>IPaC states, "there are no critical habitats at this location" and lists no amphibians or fish as being potentially affected by activities in the</p>
--	--	---

		<p>City of Wharton.</p> <p>IPaC reports that one mammal the tri- colored bat (<i>P. subflavus</i>), three birds (listed below), two freshwater clams, and one insect (the Monarch butterfly) as being potentially affected by activities in the City of Wharton.</p> <p>IPaC lists the Tricolored bat (<i>P. subflavus</i>) as Proposed Endangered. These small (2.8 to 3.74 inches, 0.2 to 0.3 ounces) mammals are often found in caves and abandoned mines. Though in the southern U. S. where caves are sparse, they often roost in road-associated culverts where they exhibit shorter torpor bouts and forage during warm nights. During the spring, summer, and fall, tricolored bats are found in forested habitats where they roost in trees, primarily among leaves of live or recently dead deciduous hardwood trees, but may also be found in Spanish moss, pine trees, and occasionally human structures. While there are mature trees adjacent to the western boundary of the WWTP site and near both lift stations, the proposed project will not involve cutting down the trees. Any culverts near proposed project sites would not be disturbed as all work would occur within existing footprint(s).</p> <p>The Piping Plover (<i>Charadrius melodus</i>), and Red Knot (<i>Calidris canutus rufa</i>) only need to be considered for wind related projects in the migratory route. The proposed project does not involve wind related projects. The Whooping Crane (<i>Grus americana</i>) the City does not overlap with its final critical habitat.</p> <p>IPaC states “There is final critical habitat for this species. Your project location does not overlap the critical habitat” for each of the freshwater clams (<i>T. macrodon</i> and <i>C. petrina</i>).</p> <p>The Monarch Butterfly (<i>Danaus plexippus</i>) is listed as being potentially affected in the project area. Adult monarchs feed on the nectar of many flowers, but they breed only where milkweeds are found. Milkweed plants are the only food for Monarch caterpillars.</p> <p>The WWTP No.1 and the two lift stations are</p>
--	--	--

	<p>mowed maintained and do not contain any flowering plants. The western edge of the WWTP No.1 site and residential sites near the lift stations may have gardens that support milkweed growth, but they will remain untouched by the proposed project.</p> <p>IPaC lists 8 Bird of Conservation Concern (BCC) throughout their range in the continental USA and Alaska. The overall goal of the BCC is to accurately identify the migratory and non-migratory bird species (beyond those already designated as Federally threatened or endangered) that represent highest conservation priorities.</p> <p>The Bald Eagle is among the BCC listed and the report states: “This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities”.</p> <p>Two of the 8 BCC species are listed as “breeds elsewhere”. The breeding seasons of five overlap from Feb 01 to Aug 25, and the Bald Eagle’s breeding season is Sept 1 to July 31.</p> <p>Due to the absence of development and grassy nature of the location of the Park Ln and Alabama Rd LS locations, potential habitat for protected migratory species exists. There will be no Tree removal or clearing or cutting of vegetation. Driving or parking equipment on vegetation that might harbor nesting birds, will be limited to the fullest extent possible during removal of existing old equipment and installation of new equipment. Prior to beginning site construction, a survey for active bird nests shall be completed by the field crew. If active nests are observed at the LS sites, work in the immediate area should cease and a professional wildlife biologist consulted to determine next steps.</p> <p>Migratory bird habitat is present within the area as it is within the Central Migratory flyway of North America. The USFWS lists the below conservation measures to avoid and minimize impacts to birds.</p>
--	---

		<p>“During the project impact analysis process, developers should identify project-related impacts to migratory birds and the conservation measures that will be used to mitigate them. Under the National Environmental Protection Act (NEPA) framework, mitigation measures (conservation measures) may fall into at least one of 5 categories. Each category manages the level of impact to birds from a specific project or activity differently, and attempts should be made to avoid and minimize to the maximum extent practicable before advancing to restoration or compensation options. A given mitigation measure may:</p> <ol style="list-style-type: none"> 1. Avoid the production of a stressor/impact to birds altogether by not taking a certain action; 2. Minimize the exposure of birds and their resources to project-related stressors by limiting the degree or magnitude of the action and its implementation; 3. Rectify the effects of an impact by repairing, rehabilitating, or restoring the affected environment; 4. Reduce or eliminate the stressor/impact over time; or 5. Compensate for the impact by replacing or providing substitute resources or environments. <p>Measures may either be in the form of ecological or habitat-based measures (those that are aimed specifically at conserving or compensating for impacts to bird habitat) or avian mortality-based (those that are specifically aimed at reducing sources of direct mortality to birds).”</p> <p>Upon review of the USFWS proposed and designated critical habitats it is determined that there are no proposed or designated critical habitats within or adjacent to the Site of the existing WWTP No.1, and the sites for the Park Ln and Alabama Rd lift station(s). Therefore, the proposed project will have no effect on proposed or designated critical habitats and no formal compliance determination is required.</p> <p>See attached Exhibit I USFWS IPaC Report.</p>
--	--	---

<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project does not involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use. City of Wharton's Planning & Capacity Studies 2018-2028 (attached as Exhibit J) classifies land used for wastewater facilities as "Public".</p> <p>Ardurra performed a site visit and field observation on May 7, 2025 which documents there are no above ground storage tanks within line of site of the existing WWTP No.1, the Park Lane Lift Station or the Alabama Rd Lift Station. Aerial imagery review indicated potential large storage tanks in vicinity. Field verification (see photo in attached site and field visit log) confirmed the storage tanks in question were for the City's potable water treatment and storage. City staff confirmed they were not aware of any aboveground storage tanks planned or currently in the area. Therefore, the project site(s) are NOT within 1 mile of current or planned stationary aboveground storage tanks of more than 100-gallon capacity, containing common liquid industrial fuels.</p> <p>There are no industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from any of the project sites.</p> <p>Compliance with this section is complete.</p> <p>Exhibit K- Ardurra May 7, 2025 Site Visit and Field Observation Logs.</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The purpose of the Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201 et seq, implementing regulations 7 CFR Part 658, of the Agriculture and Food Act of 1981, as amended) is to minimize the effect of Federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses.</p> <p>The United States Department of Agriculture (USDA) National Resource Conservation (NRCS) Web Soil Survey Data Report was obtained for the area that encompasses WWTP No. 1, Park Ln LS and Alabama Rd LS. Surface soil is comprised of varying</p>

		<p>percentages of three different soils types, which are:</p> <p>Brazoria Clay (Me) – 21.4% 0-1% slopes, rarely flooded, moderately well drained</p> <p>Norwood Loam (NoA) – 71.3% 0-1% slopes, rarely flooded, well drained</p> <p>Norwood Silt Loam (NoB) – 7.3% 1-5% slopes, rarely flooded, well drained</p> <p>All three soil types are listed as prime farmland.</p> <p>The City of Wharton is designated as an Urban Area (UA) as mapped by the Census Bureau in 2020, i.e., area encompassing at least 2,000 housing units or 5,000 people. Land within a census designated UA is exempt from the FPPA. Therefore, the proposed project is exempt from the FPPA.</p> <p>Acceptable erosion control methods will be used during the removal of old equipment and installation of new equipment, and site preparation for the proposed project.</p> <p>Exhibit L NCRS Web Soil Survey Maps and Exhibit M Census Urban Area Map</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The Federal Register Vol. 84 No. 169 August 30, 2019, page 45864 states: “All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with FEMA Standards) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain (Zone X shaded) is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least three feet above the 100-year floodplain elevation”.</p> <p>WWTP No. 1 and Park Lane Lift Station are Critical Actions by definition and by location, as both are in a Special Flood Hazard Area (SFHA) having a 1-percent annual chance flood, also referred to as the base flood or 100-year flood (Zone AE), as shown on FEMA</p>

FIRM Panel #484810C0365F, and #484810C0355F both eff. 12/21/2017, and in **Exhibit N**.

Therefore, the project is in the FFRMS floodplain and also in a Special Flood Hazard Area (Zone AE). Table 1 above in this CEST shows that the WWTP No.1 site has a total of 2.01 acres in Zone X Shaded, and 11.29 acres in Zone AE.

The only ground disturbing activity that would occur within the existing **WWTP No. 1** site is the replacement of the existing 650 LF or gravel road with pavement. Approximately 550 LF (0.18 acres) of the road are in Zone X Shaded and ~100 LF (0.03 acres) are in Zone AE. All other work would occur within the footprint of an existing structure. No new construction would occur in the floodplain.

The Belt Filter Press Building (60 ft. x 38 ft or 0.05 acres) is in Zone AE. The Conveyor System, which is located inside the Belt Filter Press Building [Google Earth Coordinates: 29.30057, -96.09794], would be replaced. Work would occur within the existing building footprint.

The conveyor is rated for wet service and would be re-installed at its existing elevation, with its lower portion approximately 2 feet above finished floor elevation (finished floor elevation is EL 101.89), placing it ~ EL103.89. The conveyor's associated electrical and control components would be floodproofed to an elevation of 104.00 (3 ft above the BFE).

Park Lane Lift Station improvements would elevate electrical and control panels above base flood elevation to EL 105.00 (3 ft above the BFE). A total of ~ 0.01 acres of Zone AE would be impacted.

The **Alabama Rd Lift Station** is a Critical Action by definition, but not by location as it is in the area of minimal flood hazard, outside the SFHA and higher than the elevation of the 0.2-

		<p>percent-annual-chance flood, which is Zone X (Unshaded). It is approximately 90 feet east of a culvert and drainage channel associated with Caney Creek. See attached FEMA FIRM Panel #484810C0355F, eff. 12/21/2017, and in Exhibit N). However, as this upstream Lift Station provides a critical service, the City of Wharton will proactively install new submersible (rated for wet service) pumps and elevate electrical and control panels above base flood elevation, to EL 105.00.</p> <p>See attached FEMA FIRMette(s), 8-Step process documentation, including floodplain notices, in Exhibit N.</p>
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project would not involve ground disturbance at the Park Lane or Alabama Rd Lift Stations. The only ground disturbance at the existing WWTP No. 1 site would be replacement of the existing eastern 650 LF gravel road with pavement inside the boundaries of the existing site. Approximately 550 LF of the road are in Zone X Shaded and ~100 LF are in Zone AE.</p> <p>None of the three Project Sites are located in a historic district.</p> <p>The proposed project is exempt from Texas Historical Commission (THC) review as it is consistent with Infrastructure “exempt from review when they occur 25 feet or greater from the fence line or boundary of a cemetery, or where no work will occur within 15 feet of a cemetery” as WTTP No.1, the Park Ln Lift Station, and Alabama Rd Lift Station are all respectively:</p> <p>~3,696 feet/0.70 miles southwest ~3,168 feet/0.60 miles northeast ~1,848 feet/0.35 miles northeast</p> <p>from the nearest cemeteries, which are Wharton City Cemetery at 801 E Caney St. and Wharton Hispanic Cemetery at the intersection of E. Alabama St and North East Ave (marker at 29° 18.714' N, 96° 5.579' W)</p> <p>AND</p> <p>Infrastructure Item E “Minor alterations or additions to existing water or wastewater treatment plants or other facilities that are less</p>

	<p>than 45 years old. (Excavation of new treatment ponds or enlargement of existing ponds are not considered minor alterations and subject to review)” per the TX GLO and THC Programmatic Agreement, including Amendment No.1, to GLO Contract No. 19-127-000-B465 attached as Exhibit O. Photos of the surround area(s) are in the Site Visit and Field Observation Logs dated May 7, 2025 in Exhibit K</p> <p>Wharton County Historical Commission was invited to participate in the review of the proposed project on June 09, 2025. Their June 11,2025 reply signed by Chair Patricia Blair, stated:</p> <p>“Thank you for your letter of June 9, 2025, inviting the historical commission to participate in the review of the Wastewater Treatment Plant and system improvement project. Since the historic areas of the city are not part of the plan and I am unable to provide any new and more relevant information regarding them. I decline to participate. If our help is needed later. don't hesitate to let me know”. The invitation sent to Wharton County Historic Commission on June 09, 2025 and their June 11, 2025 reply is attached in Exhibit O.</p> <p>Review of the “When to Consult with Tribes Under Section 106” Checklist confirmed that the proposed project does not match any of the 7 (seven) types of activities that require Tribal consultation. The completed checklist is attached as Exhibit P.</p> <p>The RE has found that the proposed project meet the THC/GLO PA exemption (Infrastructure and Infrastructure item E), and as a result, has determined the proposed undertaking has no potential to cause effects on historic properties per 106 [36CFR800.3(a)(1)], assuming such historic properties were present, and, therefore the proposed undertaking requires no further review under the terms of the GLO/THC Programmatic Agreement.</p>
--	--

<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project does not involve a noise sensitive use such as a residential structure, school, hospital, nursing home, or library.</p> <p>The closest military airport, Joint Reserve Base Ellington Field (FAA ID: EFD), is 59 miles northeast of the Project Site.</p> <p>The Project Sites are 54.5 miles southeast of William P. Hobby Airport (FAA ID: HOU), and 5.35 miles north of Wharton Regional Airport (FAA ID: ARM). The proposed project would not impact nor would it be impacted by Ellington Field, Hobby Airport, or Wharton Regional Airport. See also Exhibit B – Airport Location Map.</p> <p>Compliance with this section is complete.</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The U.S. EPA defines a sole or principal source aquifer as one which supplies at least 50% of the drinking water consumed in the area overlying the aquifer. These areas have no alternative drinking water source(s) which could physically, legally, and economically supply all those who depend on the aquifer for drinking water.</p> <p>The City of Wharton’s drinking water comes from four groundwater wells that draw from the Edward II Aquifer. However, the proposed project does not involve new construction or land use conversion. Therefore, the Edward II Aquifer would not be impacted and compliance with this section is complete.</p> <p>Exhibit Q Sole Source Aquifer.</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No wetlands are within or adjacent to the site of WWTP No. 1, the Park Ln or Alabama Rd Lift Stations. The May 7, 2025 site visit confirmed there are also no marshes, wet meadows, mud flats or natural ponds within or adjacent to any of the proposed project sites named above. This is also confirmed on the USFWS NWI map attached as Exhibit R.</p> <p>The Colorado River borders WWTP NO. 1 to the west, but work on the proposed project will not impact the river. The completed project will protect the water quality of the River by upgrading equipment and preventing wastewater overflows during and after storm events.</p> <p>NRCS web soil survey (see Exhibit L) did not ID any hydric soils at any of the three project</p>

		sites named above. Soil types are listed above under Farmland Protection.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The proposed project sites are not located in proximity to a designated Wild and Scenic River. The only Wild and Scenic River located in Texas is the Rio Grande, which is located in the southwestern boundary of the State. Therefore, the proposed project will not impact a Wild and Scenic River and does not require a formal compliance determination. See attached Wild and Scenic Rivers Exhibit S Wild and Scenic Rivers Map

Field Inspection (Date and completed by): Ardurra on May 7, 2025; see Exhibit K.

Summary of Findings and Conclusions:

In finding that of the three project alternatives considered (see **Exhibit N**, 8-step Documentation) 1) the proposed project is the most reasonable and practicable course of action and that 2) the proposed project is in compliance with all 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities concerned, the Conclusion is that there would be no significant impact to the environment as result of the proposed activity.

Mitigation Measures and Conditions

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Floodplain Management	<p>The extent of the FFRMS floodplain was determined using the 0.2 percent flood approach as specified in The Federal Register Vol. 84 No. 169 August 30, 2019, page 45864 re: Critical Actions.</p> <p>WWTP No. 1 The conveyor is rated for wet service and would be re-installed at its existing elevation, with its lower portion approximately 2 feet above finished floor elevation (finished floor elevation is EL 101.89), placing it ~ EL103.89. The conveyor's associated electrical and control components would be floodproofed to an elevation of 104.00 (3 ft above BFE).</p>

	<p>Park Lane Lift Station elevate electrical and control panels above base flood elevation to EL 105.00 (3 ft above the BFE). A total of ~ 0.01 acres of Zone AE would be impacted. Refer to FIRM Panel #484810C0365F, eff. 12/21/2017.</p> <p>Alabama Road List Station install new submersible (rated for wet service) pumps and elevate electrical and control panels above base flood elevation, to EL 105.00, and install new access doors/hatches for the wet wells, including watertight options with rubber-sealed gaskets. new access doors/hatches for the wet wells. This Lift Station is in Zone X (Unshaded). It is approximately 90 feet east of a culvert and drainage channel associated with Caney Creek. See attached FEMA FIRM Panel #484810C0355F, eff. 12/21/2017.</p>

Determination:

- ☐ This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- ☒ This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- ☐ This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature:

Kelly A. Scrimmon

Date: 08/26/25

Name/Title/Organization: Project Manager, Ardurra

Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: _____

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

DRAFT

Exhibit A

SITE LOCATION MAP(S)

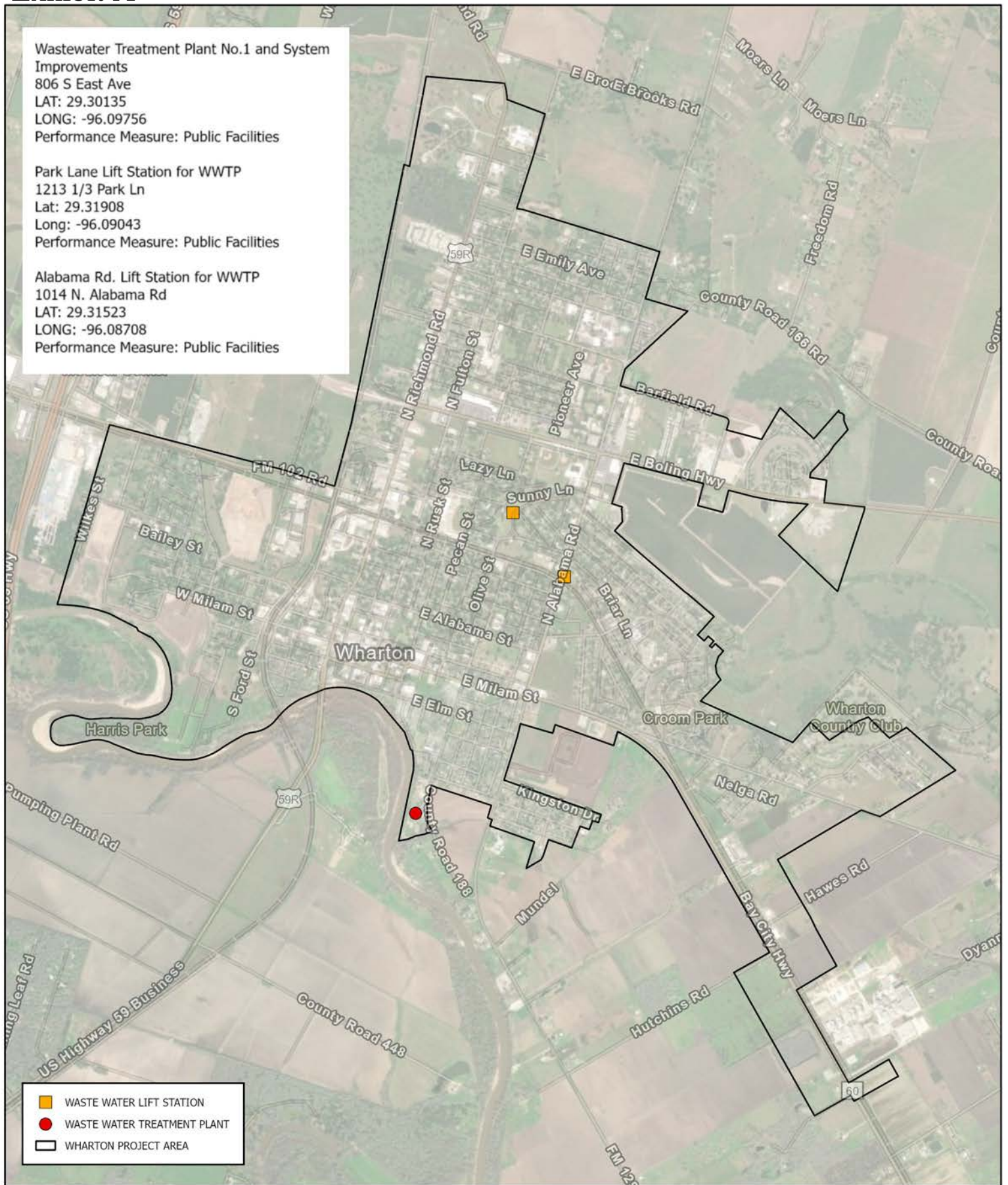


Exhibit A

Wastewater Treatment Plant No.1 and System Improvements
806 S East Ave
LAT: 29.30135
LONG: -96.09756
Performance Measure: Public Facilities

Park Lane Lift Station for WWTP
1213 1/3 Park Ln
Lat: 29.31908
Long: -96.09043
Performance Measure: Public Facilities

Alabama Rd. Lift Station for WWTP
1014 N. Alabama Rd
LAT: 29.31523
LONG: -96.08708
Performance Measure: Public Facilities



SITE LOCATION MAP-OVERALL

Wastewater Treatment Plant No. 1 and System Improvements
City of Wharton



0 1,875 3,750 Feet

Exhibit A



SITE LOCATION MAP

Wastewater Treatment Plant No. 1 and System Improvements
City of Wharton



0 275 550 Feet

Exhibit A



SITE LOCATION MAP ALABAMA RD LIFT STATION FOR WWTP

Wastewater Treatment Plant No. 1 and System Improvements
City of Wharton



0 155 310 Feet

Exhibit A



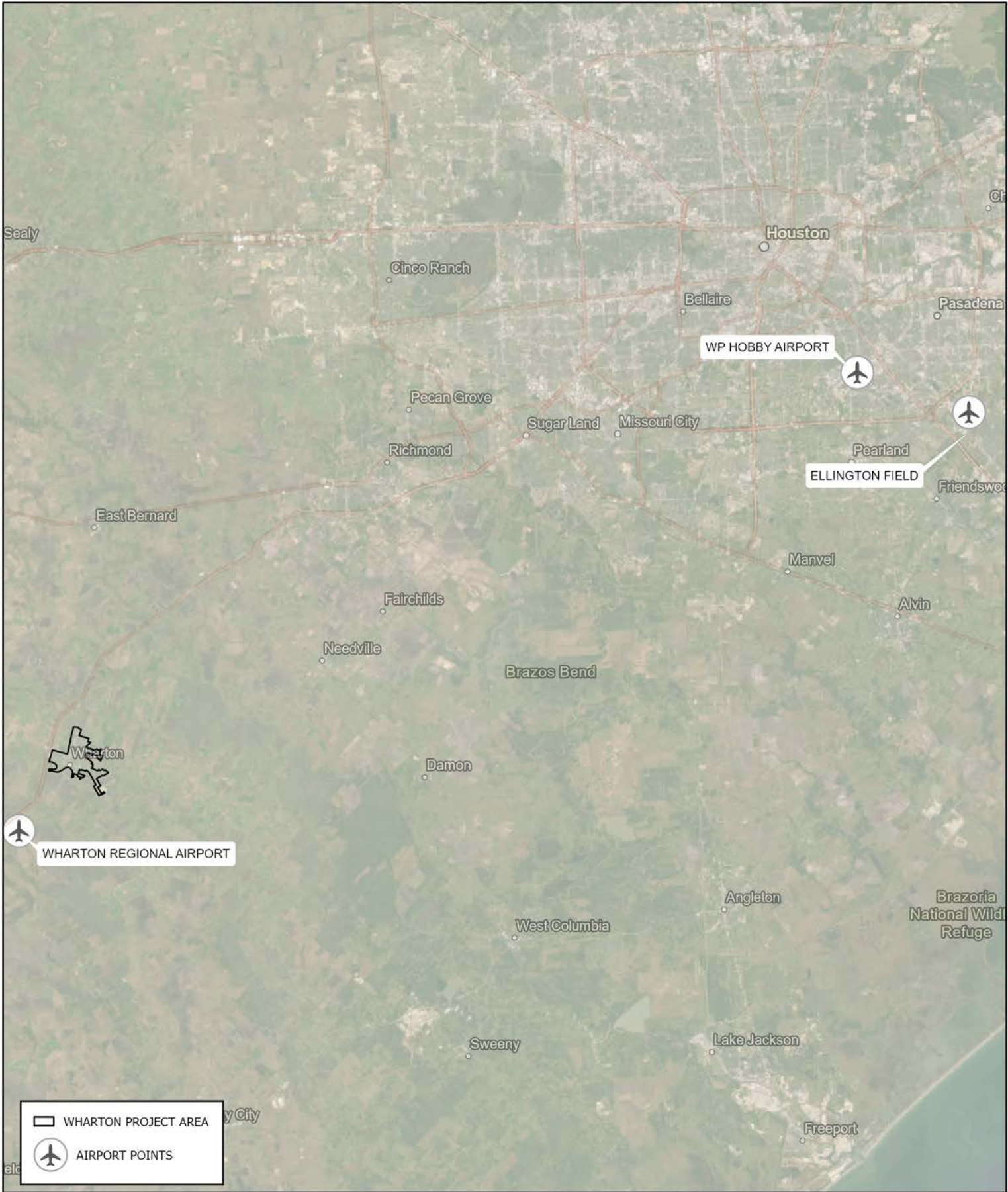
<p>SITE LOCATION MAP PARK LANE LIFT STATION FOR WWTP</p> <p>Wastewater Treatment Plant No. 1 and System Improvements City of Wharton</p>	<div data-bbox="651 1881 776 2007"></div> <div data-bbox="875 1881 1019 1997"><p>ARDURRA</p><p>COLLABORATE. INNOVATE. CREATE.</p></div>	<div data-bbox="1455 1871 1539 1955"></div> <div data-bbox="1247 1990 1555 2028"><p>0 155 310 Feet</p></div>
--	---	--

Exhibit B

AIRPORT LOCATION



Exhibit B



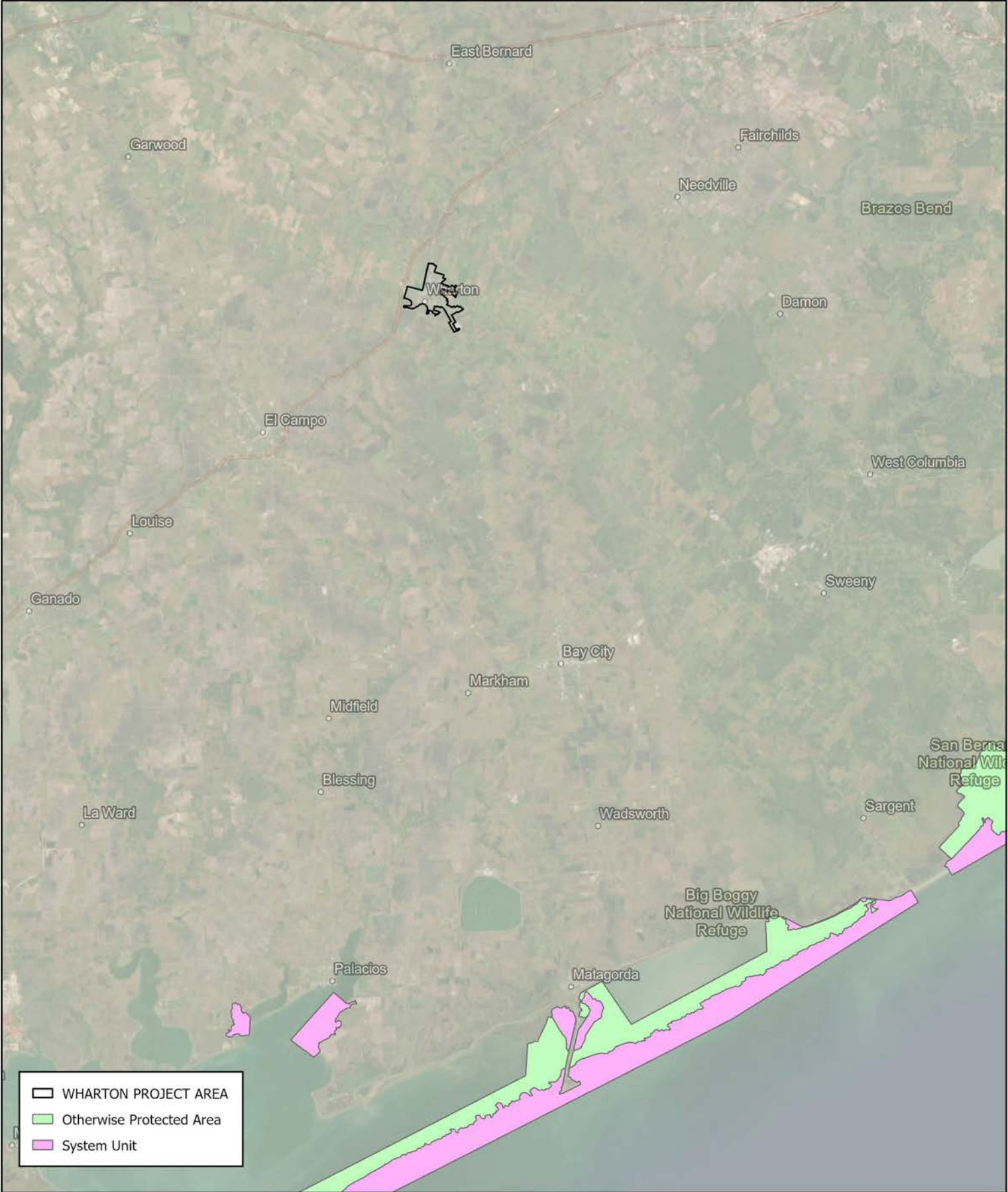
<p>AIRPORT HAZARDS LOCATION MAP</p> <p>Wastewater Treatment Plant No. 1 and System Improvements City of Wharton</p>	 	 
---	--	--

Exhibit C

COASTAL BARRIER RESOURCES



Exhibit C



<p>COASTAL BARRIER RESOURCES MAP</p> <p>Wastewater Treatment Plant No. 1 and System Improvements City of Wharton</p>	 	
--	--	---

Exhibit D

FEMA NFIP BOOK REPORT – WHARTON, TX





FEMA

Community Status Book Report

Communities Participating in the National Flood Program



TEXAS

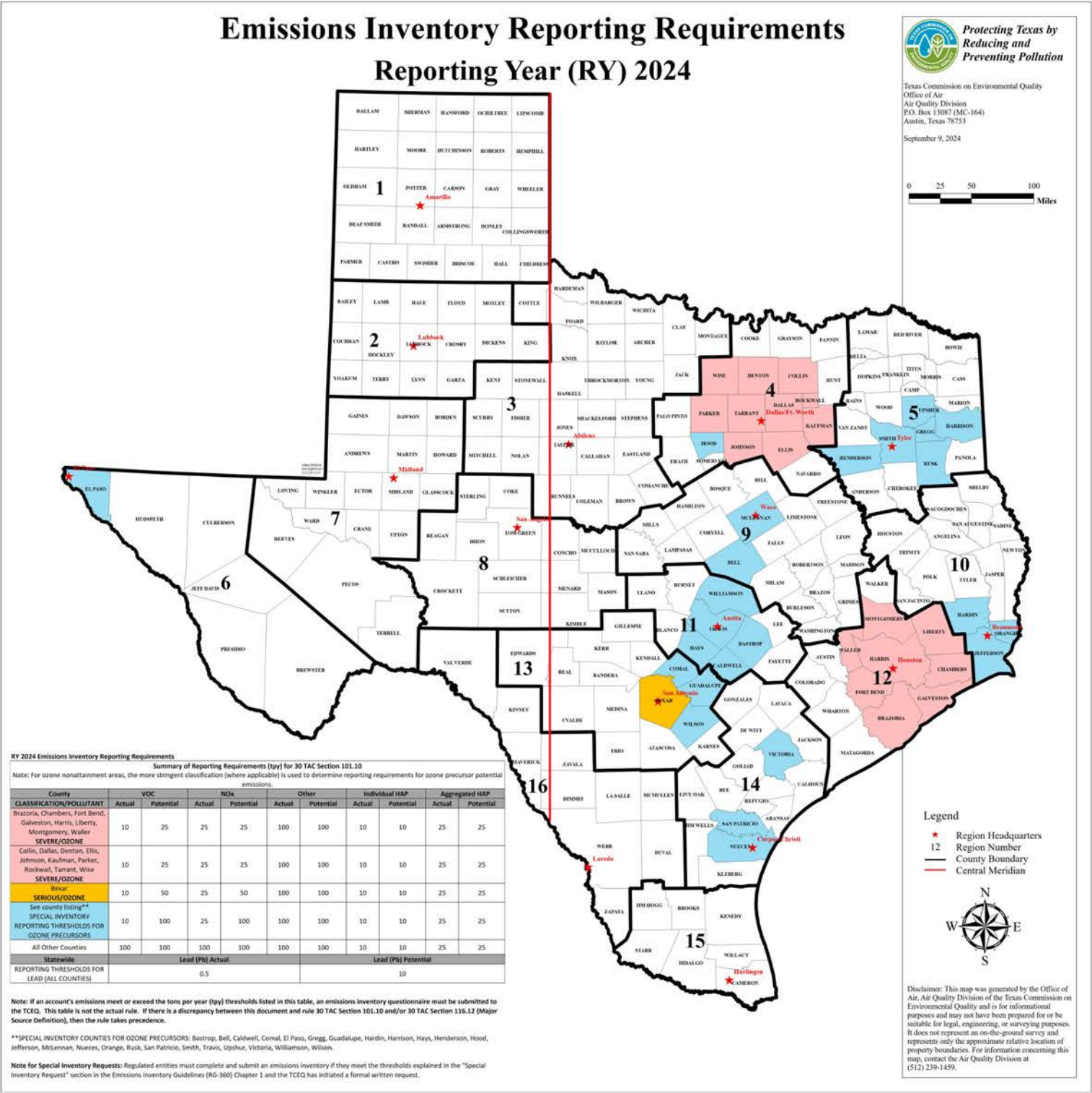
CID	Community Name	County	Init FHBM Identified	Init FIRM Identified	Curr Eff Map Date	Reg-Emer Date	Tribal	CRS Entry Date	Curr Eff Date	Curr Class	% Disc SFHA	% Disc Non SFHA
	USE PANEL #48453C0280E OF THE TRAVIS COUNTY (4810260 FIRM.											
480450#	VON ORMY, CITY OF	BEXAR COUNTY		09/29/10	09/29/10	12/04/09	No					
	Please reference the Bexar County Map 48029C0595E Community Number 480035 dated 2/16/1996.											
480461B	WACO, CITY OF	MCLENNAN COUNTY	06/21/74	11/02/77	12/20/19	11/02/77	No					
480255#	WAELDER, CITY OF	GONZALES COUNTY	07/19/74	12/01/77	12/03/10	12/01/77	No					
480061B	WAKE VILLAGE, CITY OF	BOWIE COUNTY	01/16/74	10/15/85	12/21/17(M)	10/15/85	No					
481042#	WALKER COUNTY*	WALKER COUNTY	07/19/77	05/01/87	08/16/11	05/01/87	No					
480640B	WALLER COUNTY*	WALLER COUNTY	08/23/77	12/18/86	05/16/19	12/18/86	No					
480641B	WALLER, CITY OF	HARRIS COUNTY/WALLER COUNTY	11/01/74	09/14/79	05/16/19	09/14/79	No					
480018B	WALLIS, CITY OF	AUSTIN COUNTY	05/24/74	10/24/78	10/18/19	10/24/78	No					
480713#	WALNUT SPRINGS, CITY OF	BOSQUE COUNTY	10/01/76	12/01/89	01/06/11(L)	12/01/89	No					
481249#	WARD COUNTY *	WARD COUNTY	10/23/77		10/25/77	11/07/03(E)	No					
480840#	WARREN CITY, CITY OF	UPSHUR COUNTY/GREGG COUNTY	08/13/76	07/03/85	09/03/14(M)	07/03/85	No					
481188B	WASHINGTON COUNTY*	WASHINGTON COUNTY	05/24/77	12/01/07	05/16/19	12/01/07	No					
480850A	WASKOM, CITY OF	HARRISON COUNTY	10/29/76	09/03/14	09/03/14(M)	09/03/14	No					
480613B	WATAUGA, CITY OF	TARRANT COUNTY	03/08/74	06/01/82	03/21/19	06/01/82	No					
480211C	WAXAHACHIE, CITY OF	ELLIS COUNTY	06/28/74	08/01/80	10/19/23	08/01/80	No					
480522B	WEATHERFORD, CITY OF	PARKER COUNTY	03/08/74	08/05/86	04/05/19	08/05/86	No					
481059#	WEBB COUNTY*	WEBB COUNTY	05/09/78	05/17/82	04/02/08	09/08/98	No					
485516G	WEBSTER, CITY OF	HARRIS COUNTY	05/19/72	12/31/74	01/06/17	05/19/72	No					
481121#	WEIMAR, CITY OF	COLORADO COUNTY	04/29/77	01/03/90	02/04/11(M)	09/01/87	No					
481674B	WEIR, CITY OF	WILLIAMSON COUNTY		09/27/91	12/20/19	04/19/96	No					
480143#	WELLINGTON, CITY OF	COLLINGSWORTH COUNTY	06/21/74	04/03/89	04/03/89	04/03/89	No					
480741#	WELLS, CITY OF	CHEROKEE COUNTY	07/11/75	06/01/91	01/06/11(M)	06/01/91	No					
480349#	WESLACO, CITY OF	HIDALGO COUNTY	03/29/74	03/04/80	03/04/80	03/04/80	No					
480081A	WEST COLUMBIA, CITY OF	BRAZORIA COUNTY	06/14/74	12/15/83	12/30/20	12/15/83	No					
481602#	WEST KEEGANS BAYOU IMPROVEMENT DISTRICT	HARRIS COUNTY/FORT BEND COUNTY		01/03/97	04/02/14	08/18/86	No					
	USE THE FORT BEND COUNTY [480228] FIRM AND THE HARRIS COUNTY [480287] FIRM											
481030D	WEST LAKE HILLS, CITY OF	TRAVIS COUNTY	02/07/75	07/17/78	01/22/20	07/17/78	No					
480515A	WEST ORANGE, CITY OF	ORANGE COUNTY	05/31/74	01/06/83	12/16/21	01/06/83	No					
480371#	WEST TAWAKONI, CITY OF	HUNT COUNTY	04/16/76	09/04/91	01/06/12(M)	03/03/14	No					
480318#	WEST UNIVERSITY PLACE, CITY OF	HARRIS COUNTY		04/20/00	06/18/07	05/26/78	No	10/01/19	10/01/19	7	15%	05%
480931B	WEST, CITY OF	MCLENNAN COUNTY	07/02/76	09/26/08	12/20/19	06/04/15	No					
480614#	WESTLAKE, TOWN OF	DENTON COUNTY/TARRANT COUNTY	12/10/76	06/02/93	04/18/11	06/02/93	No					
480758#	WESTMINSTER, TOWN OF	COLLIN COUNTY	11/05/76	04/02/91	06/02/09(M)	05/10/93	No					
481197C	WESTON LAKES, CITY OF	FORT BEND COUNTY	07/09/76	08/05/86	01/29/21	04/28/09	No					
	As of today March 15,2010 and by letter from the community dated February 2010 the City of Weston Lakes (CID 481197) assumes responsibility for area previously held by the Fort Bend City MUD #81 (CID 481600). PDS											
481324#	WESTON, CITY OF	COLLIN COUNTY	05/23/78	04/02/91	06/02/09(M)	11/16/09	No					
480615B	WESTOVER HILLS, TOWN OF	TARRANT COUNTY	08/30/74	06/05/85	03/21/19	06/05/85	No					
480616B	WESTWORTH VILLAGE, CITY OF	TARRANT COUNTY	03/08/74	06/03/86	03/21/19	06/03/86	No					
480652B	WHARTON COUNTY*	WHARTON COUNTY	08/02/74	04/18/83	12/21/17	02/27/87	No					
480654B	WHARTON, CITY OF	WHARTON COUNTY	12/31/76	09/16/82	12/21/17	09/16/82	No	10/01/11	10/01/16	9	05%	05%
480657	WHEELER, CITY OF	WHEELER COUNTY	03/29/74	07/01/88	07/01/88(L)	07/01/88	No					
480729	WHITE DEER, TOWN OF	CARSON COUNTY	07/02/76		07/02/76	06/08/12(E)	No					

Exhibit E

TCEQ EMISSIONS INVENTORY REPORTING REQUIREMENTS

REPORTING YEAR (RY) 2024





TCEQ EMISSIONS MAP

2024 EIGHT-HOUR OZONE

NON-ATTAINMENT AREAS

Wastewater Treatment Plant No. 1 and System Improvements
City of Wharton

0 155 310 Feet

Exhibit F

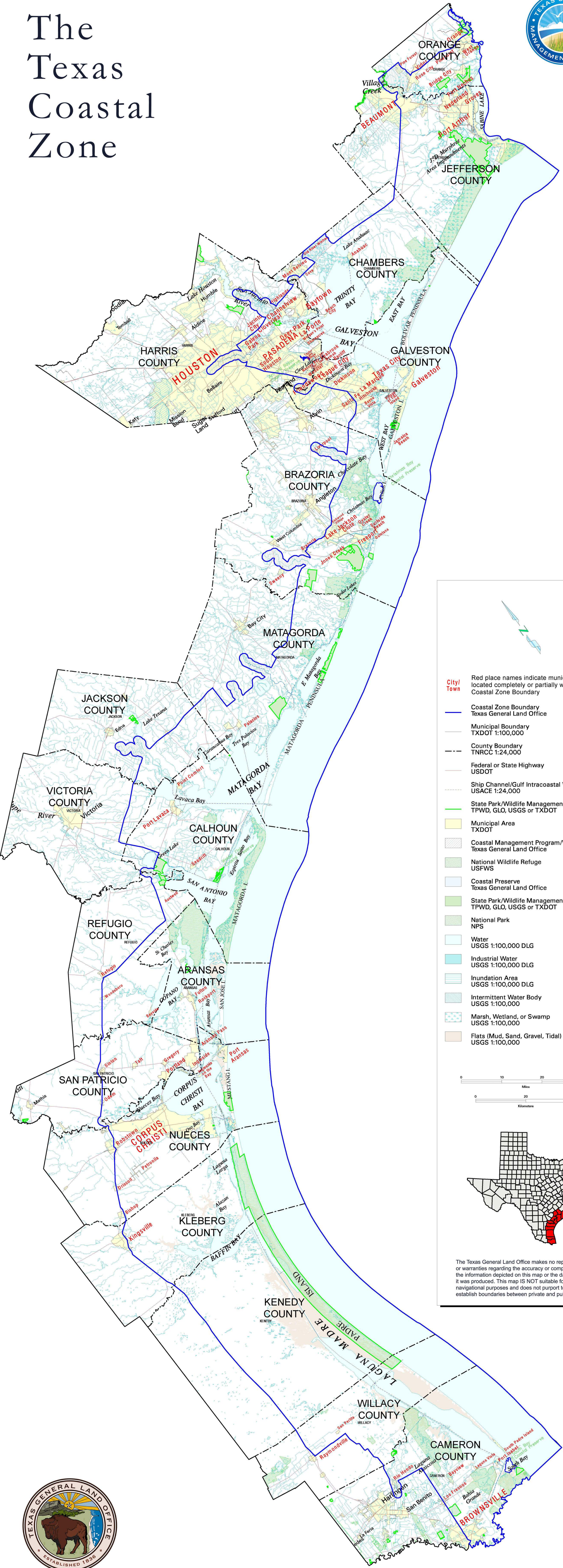
TEXAS COASTAL ZONE MAP

AND

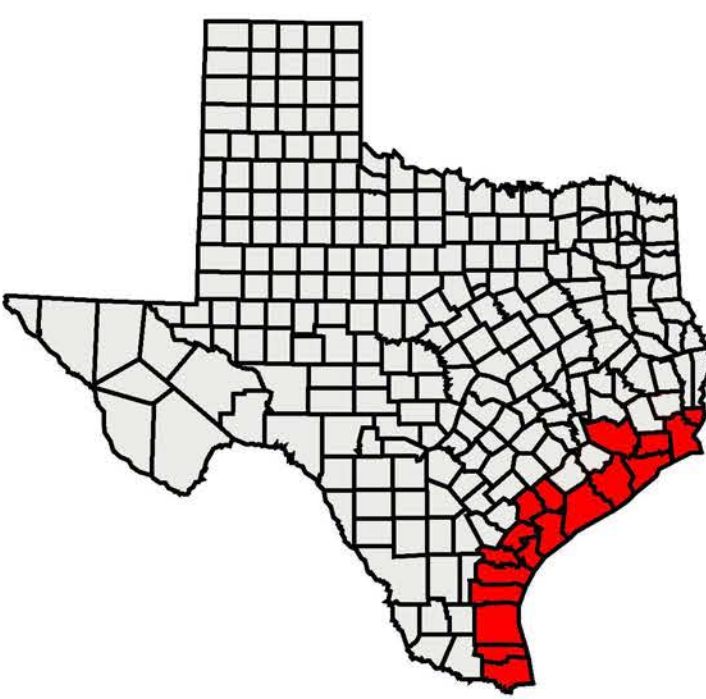
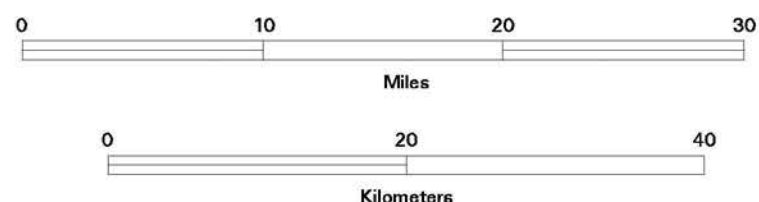
TX GLO MEMO DATED MAY 1, 2023



The Texas Coastal Zone



- City/ Town
Red place names indicate municipal areas located completely or partially within the Coastal Zone Boundary
- Coastal Zone Boundary
Texas General Land Office
- Municipal Boundary
TXDOT 1:100,000
- County Boundary
TNRCC 1:24,000
- Federal or State Highway
USDOT
- Ship Channel/Gulf Intracoastal Waterway
USACE 1:24,000
- State Park/Wildlife Management Area
TPWD, GLO, USGS or TXDOT
- Municipal Area
TXDOT
- Coastal Management Program/Wetlands Only
Texas General Land Office
- National Wildlife Refuge
USFWS
- Coastal Preserve
Texas General Land Office
- State Park/Wildlife Management Area
TPWD, GLO, USGS or TXDOT
- National Park
NPS
- Water
USGS 1:100,000 DLG
- Industrial Water
USGS 1:100,000 DLG
- Inundation Area
USGS 1:100,000 DLG
- Intermittent Water Body
USGS 1:100,000
- Marsh, Wetland, or Swamp
USGS 1:100,000
- Flats (Mud, Sand, Gravel, Tidal)
USGS 1:100,000



The Texas General Land Office makes no representations or warranties regarding the accuracy or completeness of the information depicted on this map or the data from which it was produced. This map IS NOT suitable for navigational purposes and does not purport to depict or establish boundaries between private and public land.





TEXAS GENERAL LAND OFFICE
COMMISSIONER DAWN BUCKINGHAM, M.D.

May 1, 2023

David A. Storms
Regional Environmental Officer
U.S. Department of Housing and Urban Development 801
Cherry Street, Unit #45, Suite 2500
Fort Worth, Texas 76102

RE: CMP consistency determinations for HUD/CDBG-DR financial assistance activities

Dear Mr. Storms:

In response to major disaster declarations along the Texas coast, the GLO is providing notice that the GLO has identified a list of HUD/CDBG-DR financial assistance activities that are minor in scope because the identified activities do not have reasonably foreseeable effects, have insignificant or de minimis effects, or solely have environmentally beneficial effects. As a result, the GLO considers these projects consistent in regard to their funding source unless HUD/CDBG-DR deems that circumstances warrant submission of a consistency determination to the GLO. If a U. S. Army Corps of Engineers permit is required, it will be subject to consistency review under the Texas Coastal Management Program. This letter is valid for a duration of two years to help expedite HUD/CDBG-DR financial assistance activities to repair and restore Texas coastal uses and resources to pre-storm conditions and to help mitigate any storm-induced hazards attributable to major disasters in affected coastal areas.

The GLO also recognizes that emergency and exigent circumstances caused by major disasters warrant rapid response and expeditious assistance. In accordance with 15 C.F.R. §930.32(b), "a federal agency may deviate from full consistency with an approved management program when such deviation is justified because of an emergency or other similar unforeseen circumstance ("exigent circumstance") which presents the federal agency with a substantial obstacle that prevents complete adherence to the approved program."

Beginning on September 1, 2023, and extending through September 1, 2025, the GLO has determined that the following financial assistance activities do not require consistency determinations:

1. Water/Wastewater improvements relating to:
 - a. Installation of generators at existing facilities for lift stations, wells, and wastewater treatment plants;
 - b. Smoke testing;

- c. Installation of Supervisory Control and Data Acquisition (SCADA); and
 - d. Response and replacement of broken pipes so long as there is no increase in capacity.
- 2. Water/Wastewater improvements that do not increase capacity during:
 - a. Replacement of water/sewer lines;
 - b. Sewers/septic systems/drain fields;
 - c. Culvert replacement;
 - d. Rehabilitation of water storage tanks; and
 - e. Replacement and rehabilitation of lift stations.
- 3. Housing activities relating to acquisition, and buyouts of single-family housing with a deed restriction that the property may only be used for public green space.
- 4. Homeowner reimbursement transactions where the homeowner is provided financial compensation for damages sustained from the disaster.
- 5. Flood and drainage activities to remove debris and restore the natural flow of channels so long as no Coastal Natural Resource Areas (CNRAs), wetlands, or waters of the U.S. are directly, indirectly, or cumulatively impacted.
- 6. Pedestrian bridge rehabilitation and reconstruction.
- 7. Street rehabilitation and reconstruction of damaged streets.
- 8. Public Facilities rehabilitation and reconstruction so long as no CNRAs, wetlands, or waters of the U.S. are directly, indirectly, or cumulatively impacted:
 - a. Replacement of cell phone communication towers; and
 - b. Rehabilitation of emergency shelters, storm shelters, community centers, recreation centers, fire departments, and educational facilities, and rehabilitation or reconstruction of public health clinics.
- 9. Housing improvements so long as no CNRAs, wetlands, or waters of the U.S. are directly, indirectly, or cumulatively impacted:
 - a. Rehabilitation and reconstruction of multifamily housing;
 - b. Rehabilitation and reconstruction of single-family housing;
 - c. Elevation of existing housing (multifamily and single-family);
 - d. Demolition and rehabilitation of residential and commercial properties; and
 - e. Replacement and rehabilitation of manufactured housing.
- 10. New construction of multifamily housing and single-family housing provided that:
 - a. There are no CNRAs, wetlands, or waters of the U.S. that would be directly, indirectly, or cumulatively impacted; or
 - b. There are no navigable waters of the U.S. within the property boundary and a USACE Section 404 Individual Permit is not required.

During the two-year period, HUD/CDBG-DR should keep a record of funded activities that occur

David Green 5/1/2023

Heather Lagrone 5/1/23

3

Exhibit G

NEPASSIST EPA FACILITIES MAP

WITH ECHO REPORTS FOR FACILITIES LESS THAN
0.50 MILES FROM THE PROJECT SITES

TCEQ INDUSTRIAL HAZARDOUS WASTE MAP

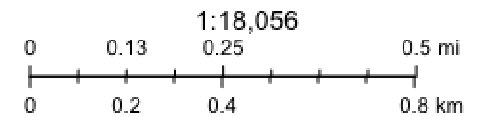
TCEQQ PETROLEUM STORAGE TANK VIEWER MAP



NEPAssist EPA Facilities



Hazardous Waste (RCRAInfo)



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Maxar



Detailed Facility Report

Facility Summary

LONE STAR CLEANING & LAUNDRY

1309 N ALABAMA RD, WHARTON, TX 77488

FRS (Facility Registry Service) ID: 110005015474

EPA Region: 06

Latitude: 29.31826

Longitude: -96.0861

Locational Data Source: FRS

Industries: --

Indian Country: N

Enforcement and Compliance Summary

Statute	RCRA
Compliance Monitoring Activities (5 years)	--
Date of Last Compliance Monitoring Activity	05/22/2006
Compliance Status	No Violation Identified
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Regulatory Information

Clean Air Act (CAA): No Information

Clean Water Act (CWA): No Information

Resource Conservation and Recovery Act (RCRA): Inactive Other, (TX0000241851)

Safe Drinking Water Act (SDWA): No Information

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information

Greenhouse Gas Emissions (eGGRT): No Information

Toxic Releases (TRI): No Information

Compliance and Emissions Data Reporting Interface (CEDRI): No Information

Go To Enforcement/Compliance Details

Known Data Problems <<https://epa.gov/resources/echo-data/known-data-problems>>

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110005015474					N	29.31826	-96.0861
RCRAInfo	RCRA	TX0000241851	Other	Inactive ()			N	29.31829	-96.086118

Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110005015474	LONE STAR CLEANING & LAUNDRY	1309 N ALABAMA RD, WHARTON, TX 77488	Wharton County
RCRAInfo	RCRA	TX0000241851	LONE STAR CLEANING & LAUNDRY	1309 N ALABAMA RD, WHARTON, TX 77488	Wharton County

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
--------	------------	----------	-----------------

No data records returned

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
--------	------------	------------	-------------------

No data records returned

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
------------------	------------	---------------	---------------------------

No data records returned

Enforcement and Compliance

Compliance Monitoring History

Last 5 Years

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
---------	-----------	--------	---------------	----------------------------	-------------	------	-------------------------

No data records returned

Entries in *italics* are not included in ECHO's Compliance Monitoring Activity counts because they are not compliance monitoring strategy <<https://www.epa.gov/compliance/compliance-monitoring-programs>> activities or because they are not counted as inspections within EPA's Annual Results <<https://www.epa.gov/enforcement/enforcement-data-and-results>>.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
RCRA	TX0000241851	No	06/21/2025	0	06/20/2025

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11
RCRA	Source ID: TX0000241851	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23	07/01-09/30/23	10/01-12/31/23	01/01-03/31/24	04/01-06/30/24	07/01-09/30/24	10/01-12/31/24	01/01-03/31/25
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
	Violation											
	Agency											

Informal Enforcement Actions

Last 5 Years

Statute	System	Source ID	Type of Action	Lead Agency	Date
---------	--------	-----------	----------------	-------------	------

No data records returned

Entries in *italics* are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions

Last 5 Years

Statute	System	Law/ Section	Source ID	Type of Action	Case No.	Lead Agency	Case Name	Issued/ Filed Date	Settlements/ Actions	Settlement/ Action Date	Federal Penalty Assessed	State/ Local Penalty Assessed	Penalty Amount Collected	SEP Value	Comp Action Cost
---------	--------	--------------	-----------	----------------	----------	-------------	-----------	--------------------	----------------------	-------------------------	--------------------------	-------------------------------	--------------------------	-----------	------------------

No data records returned

Environmental Conditions

Watersheds

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
--	---	---	---------------------------------	--------------------------------------	--	---

No data records returned

Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Ecological Use	Fish Consumption Use	Recreation Use	Other Use
-------	--------------	--------------------	----------------------	-----------------	-----------------------	--------------------	----------------	----------------------	----------------	-----------

No data records returned

Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
-----------	-----------------------------------	---	---------------------------------	---

No data records returned

Pollutants

Toxics Release Inventory History of Reported Chemicals Released or Transferred in Pounds per Year at Site

TRI Facility ID	Year	Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Disposal to Land	Total On-Site Releases	Total Off-Site Transfers
-----------------	------	---------------	--------------------------	--	------------------------	------------------	------------------------	--------------------------

No data records returned

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name

No data records returned

Community

Demographic Profile of Surrounding Area (1-Mile Radius)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2022 American Community Survey (ACS) 5-year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. Census boundaries and demographic data for U.S. Territories are based on the "2020 Island Areas Demographic Profiles" from the U.S. Census Bureau. EPA's spatial processing methodology considers the overlap between the selected radii and ACS census block groups in determining the demographics surrounding the facility. For more detail about this methodology, see the DFR Data Dictionary <<https://epa.gov/help/reports/dfr-data-dictionary#demographic>>.

General Statistics (ACS (American Community Survey))		Age Breakdown (ACS (American Community Survey)) - Persons (%)	
Total Persons	4,316	Children 5 years and younger	415 (10%)
Population Density	1,392/sq.mi.	Minors 17 years and younger	877 (20%)
Housing Units in Area	2,074	Adults 18 years and older	3,438 (80%)
Percent People of Color	76%	Seniors 65 years and older	734 (17%)
Households in Area	1,784	Race Breakdown (ACS (American Community Survey)) - Persons (%)	
Households on Public Assistance	209	White	2,366 (55%)
Persons With Low Income	1,636	African-American	1,080 (25%)
Percent With Low Income	39%	Hispanic-Origin	1,988 (46%)
Geography		Asian	27 (1%)
Radius of Selected Area	1 mi.	Hawaiian/Pacific Islander	0 (0%)
Center Latitude	29.31826	American Indian	0 (0%)
Center Longitude	-96.0861	Other/Multiracial	486 (11%)
Total Area	3.121 sq.mi.	Education Level (Persons 25 & older) (ACS (American Community Survey)) - Persons (%)	
Land Area	99%	Less than 9th Grade	225 (7.67%)
Water Area	1%	9th through 12th Grade	487 (16.59%)
Income Breakdown (ACS (American Community Survey)) - Households (%)		High School Diploma	973 (33.15%)
Less than \$15,000	409 (22.98%)	Some College/2-year	796 (27.12%)
\$15,000 - \$25,000	127 (7.13%)	B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	292 (9.95%)
\$25,000 - \$50,000	568 (31.91%)		
\$50,000 - \$75,000	203 (11.4%)		
Greater than \$75,000	473 (26.57%)		



Detailed Facility Report

Facility Summary
WHARTON COUNTY

911 BOLING HWY, WHARTON, TX 77488

FRS (Facility Registry Service) ID: 110005107384

EPA Region: 06

Latitude: 29.32307

Longitude: -96.086425

Locational Data Source: FRS

Industries: –

Indian Country: N

Enforcement and Compliance Summary

Statute	RCRA
Compliance Monitoring Activities (5 years)	--
Date of Last Compliance Monitoring Activity	--
Compliance Status	No Violation Identified
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Regulatory Information

Clean Air Act (CAA): No Information
Clean Water Act (CWA): No Information
Resource Conservation and Recovery Act (RCRA): Inactive Other, (TXD982551723)
Safe Drinking Water Act (SDWA): No Information

Go To Enforcement/Compliance Details
Known Data Problems <<https://epa.gov/resources/echo-data/known-data-problems>>

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRI): No Information
Compliance and Emissions Data Reporting Interface (CEDRI): No Information

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110005107384					N	29.32307	-96.086425
RCRAInfo	RCRA	TXD982551723	Other	Inactive ()			N	29.322704	-96.084988

Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110005107384	WHARTON COUNTY	911 BOLING HWY, WHARTON, TX 77488	Wharton County
RCRAInfo	RCRA	TXD982551723	WHARTON COUNTY	911 BOLING HWY, WHARTON, TX 77488	Wharton County

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
--------	------------	----------	-----------------

No data records returned

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
--------	------------	------------	-------------------

No data records returned

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
------------------	------------	---------------	---------------------------

No data records returned

Enforcement and Compliance

Compliance Monitoring History

Last 5 Years

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
---------	-----------	--------	---------------	----------------------------	-------------	------	-------------------------

No data records returned

Entries in *italics* are not included in ECHO's Compliance Monitoring Activity counts because they are not compliance monitoring strategy <<https://www.epa.gov/compliance/compliance-monitoring-programs>> activities or because they are not counted as inspections within EPA's Annual Results <<https://www.epa.gov/enforcement/enforcement-data-and-results>>.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
RCRA	TXD982551723	No	06/21/2025	0	06/20/2025

Three-Year Compliance History by Quarter

Three-Year Compliance History by Quarter													Download Data
Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
RCRA (Source ID: TXD982551723)		07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23	07/01-09/30/23	10/01-12/31/23	01/01-03/31/24	04/01-06/30/24	07/01-09/30/24	10/01-12/31/24	01/01-03/31/25	04/01-06/30/25
	Facility-Level Status	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified	No Violations Identified
	Violation												
	Agency												

Informal Enforcement Actions

Last 5 Years

Statute	System	Source ID	Type of Action	Lead Agency	Date
---------	--------	-----------	----------------	-------------	------

No data records returned

Entries in *italics* are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions

Last 5 Years

Statute	System	Law/Section	Source ID	Type of Action	Case No.	Lead Agency	Case Name	Issued/ Filed Date	Settlements/ Actions	Settlement/ Action Date	Federal Penalty Assessed	State/ Local Penalty Assessed	Penalty Amount Collected	SEP Value	Comp Action Cost
---------	--------	-------------	-----------	----------------	----------	-------------	-----------	--------------------	----------------------	-------------------------	--------------------------	-------------------------------	--------------------------	-----------	------------------

No data records returned

Environmental Conditions

Watersheds

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
--	---	---	---------------------------------	--------------------------------------	--	---

No data records returned

Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Ecological Use	Fish Consumption Use	Recreation Use	Other Use
-------	--------------	--------------------	----------------------	-----------------	-----------------------	--------------------	----------------	----------------------	----------------	-----------

No data records returned

Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
-----------	-----------------------------------	---	---------------------------------	---

No data records returned

Pollutants

Toxics Release Inventory History of Reported Chemicals Released or Transferred in Pounds per Year at Site

TRI Facility ID	Year	Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Disposal to Land	Total On-Site Releases	Total Off-Site Transfers
-----------------	------	---------------	--------------------------	--	------------------------	------------------	------------------------	--------------------------

No data records returned

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name

No data records returned

Community

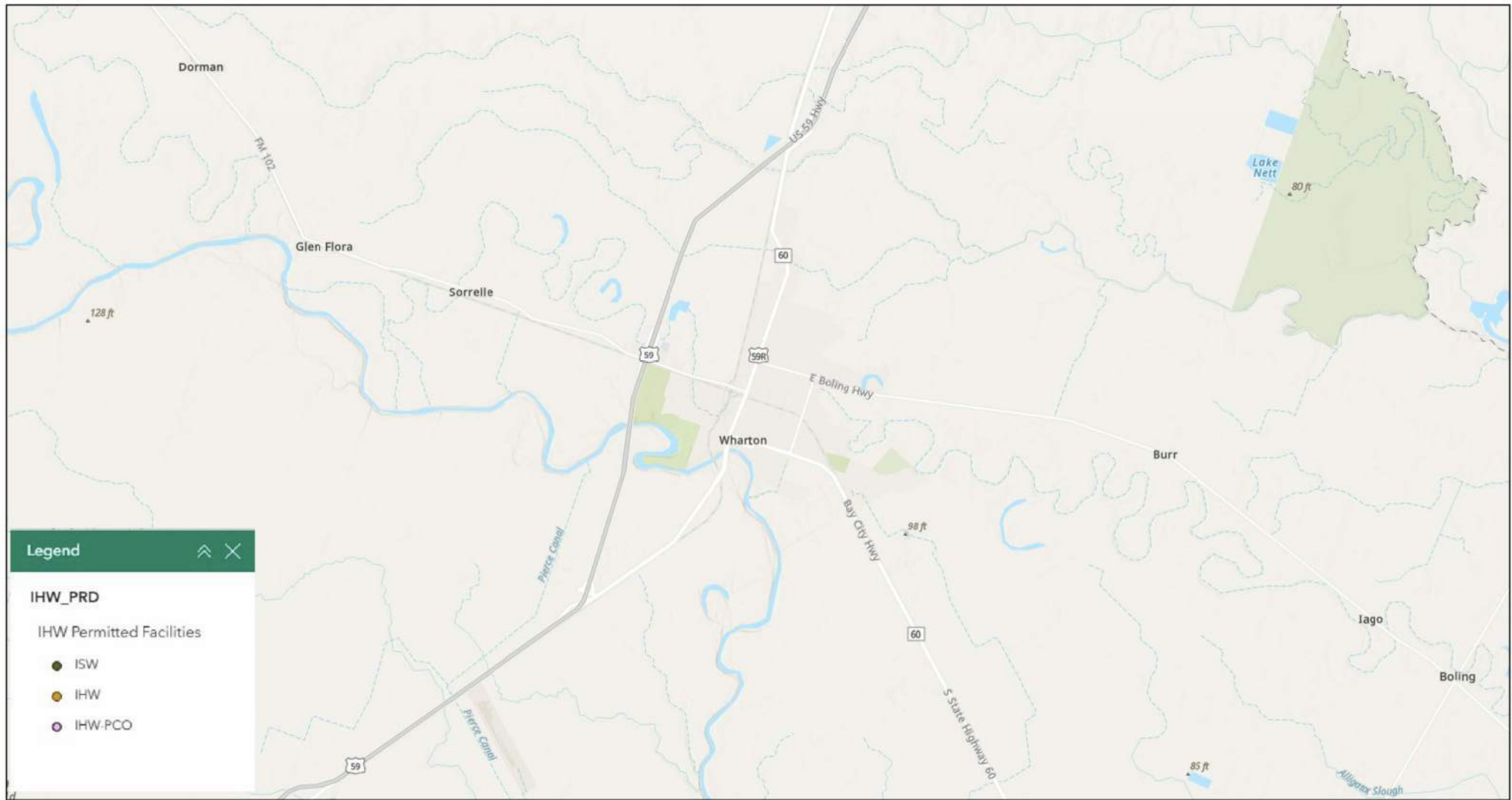
Demographic Profile of Surrounding Area (1-Mile Radius)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2022 American Community Survey (ACS) 5-year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. Census boundaries and demographic data for U.S. Territories are based on the "2020 Island Areas Demographic Profiles" from the U.S. Census Bureau. EPA's spatial processing methodology considers the overlap between the selected radii and ACS census block groups in determining the demographics surrounding the facility. For more detail about this methodology, see the DFR Data Dictionary <<https://epa.gov/help/reports/dfr-data-dictionary#demographic>>.

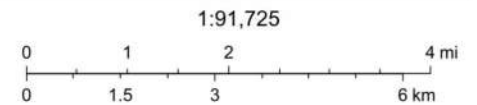
General Statistics (ACS (American Community Survey))		Age Breakdown (ACS (American Community Survey)) - Persons (%)	
Total Persons	4,198	Children 5 years and younger	361 (9%)
Population Density	1,353/sq.mi.	Minors 17 years and younger	851 (20%)
Housing Units in Area	2,065	Adults 18 years and older	3,348 (80%)
Percent People of Color	77%	Seniors 65 years and older	684 (16%)
Households in Area	1,767	Race Breakdown (ACS (American Community Survey)) - Persons (%)	
Households on Public Assistance	178	White	2,220 (53%)
Persons With Low Income	1,612	African-American	1,106 (26%)
Percent With Low Income	39%	Hispanic-Origin	1,925 (46%)
Geography		Asian	40 (1%)
Radius of Selected Area	1 mi.	Hawaiian/Pacific Islander	0 (0%)
Center Latitude	29.32307	American Indian	0 (0%)
Center Longitude	-96.086425	Other/Multiracial	496 (12%)
Total Area	3.121 sq.mi.	Education Level (Persons 25 & older) (ACS (American Community Survey)) - Persons (%)	
Land Area	99%	Less than 9th Grade	177 (6.32%)
Water Area	1%	9th through 12th Grade	454 (16.22%)
Income Breakdown (ACS (American Community Survey)) - Households (%)		High School Diploma	872 (31.15%)
Less than \$15,000	426 (24.1%)	Some College/2-year	826 (29.51%)
\$15,000 - \$25,000	140 (7.92%)	B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	304 (10.86%)
\$25,000 - \$50,000	525 (29.69%)		
\$50,000 - \$75,000	167 (9.45%)		
Greater than \$75,000	510 (28.85%)		

Exhibit G

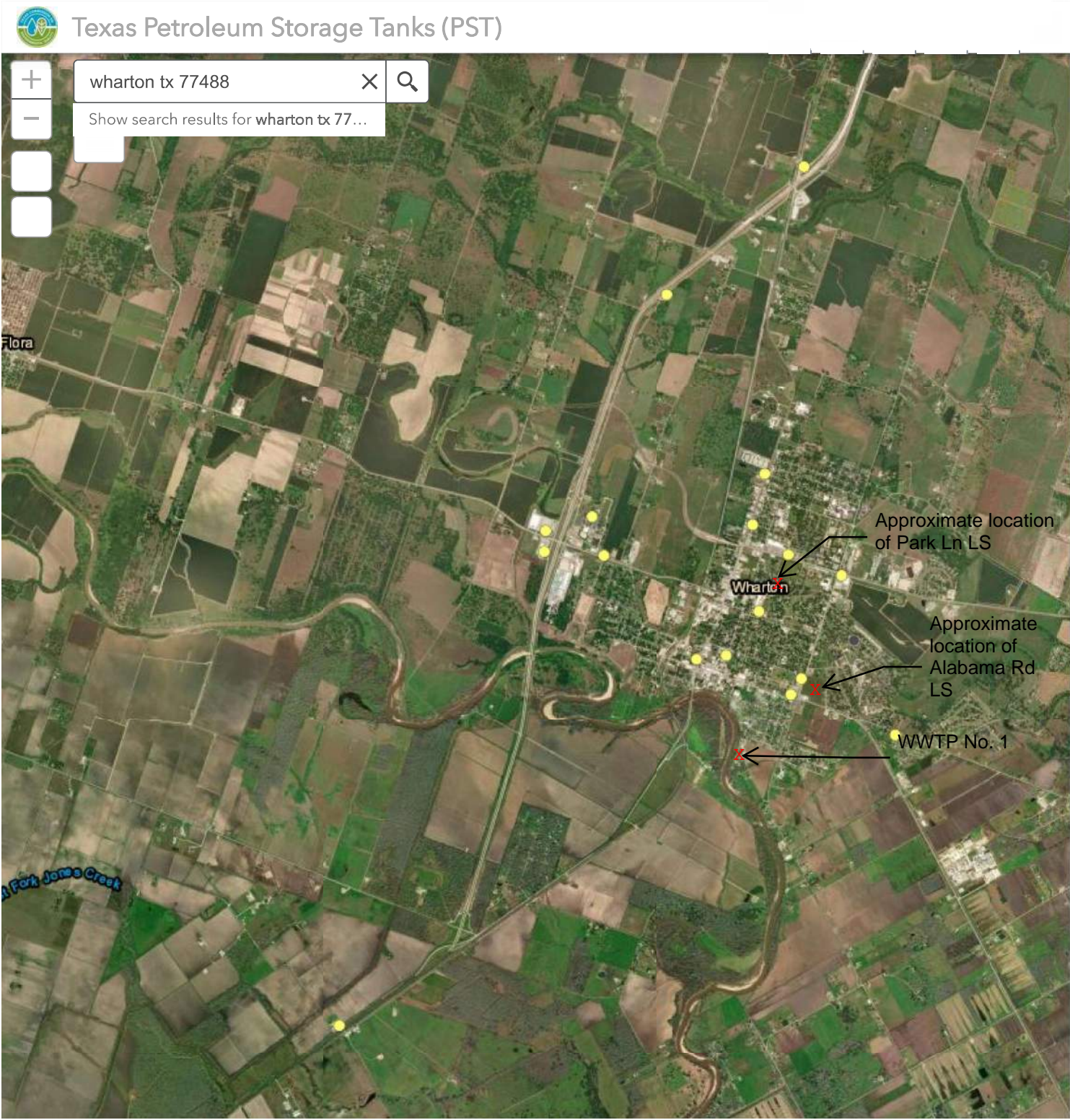
TCEQ Industrial and Hazardous Waste



Wastewater Treatment Plant No. 1 and System Improvements
City of Wharton



Esri, NASA, NGA, USGS, FEMA, Texas Parks & Wildlife, CONANP, Esri, TomTom, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS



Wastewater Treatment Plant No. 1 and System Improvements
City of Wharton



Exhibit H

TEXAS PARKS AND WILDLIFE

ENDANGERED SPECIES ANNOTATED COUNTY LIST -
WHARTON COUNTY



Last Update: 1/15/2025

WHARTON COUNTY

AMPHIBIANS

southern crawfish frog*Lithobates areolatus areolatus*

Terrestrial and aquatic: The terrestrial habitat is primarily grassland and can vary from pasture to intact prairie; it can also include small prairies in the middle of large forested areas. Aquatic habitat is any body of water but preferred habitat is ephemeral wetlands.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G4T4

State Rank: S3

Strecker's chorus frog*Pseudacris streckeri*

Terrestrial and aquatic: Wooded floodplains and flats, prairies, cultivated fields and marshes. Likes sandy substrates.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3

Woodhouse's toad*Anaxyrus woodhousii*

Terrestrial and aquatic: A wide variety of terrestrial habitats are used by this species, including forests, grasslands, and barrier island sand dunes. Aquatic habitats are equally varied.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S5

BIRDS

Attwater's greater prairie-chicken *Tympanuchus cupido attwateri*

Open prairies of mostly thick grass one to three feet tall; sandhill country with bunch grass, sage, and shinnery oak. From near sea level to 200 feet along coastal plain on upper two-thirds of Texas coast; males form communal display flocks during late winter-early spring; booming grounds important; breeding February-July

Federal Status: E

State Status: E

SGCN: Y

Endemic: N

Global Rank: G4T1

State Rank: S1

bald eagle*Haliaeetus leucocephalus*

Found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds

Federal Status:

State Status:

SGCN: N

Endemic: N

Global Rank: G5

State Rank: S3B,S3N

Bank Swallow*Riparia riparia*

Bank Swallows live in low areas along rivers, streams, ocean coasts, and reservoirs. Their territories usually include vertical cliffs or banks where they nest in colonies of 10 to 2,000 nests. Though in the past Bank Swallows were most commonly found around natural bluffs or eroding streamside banks, they now often nest in human-made sites, such as sand and gravel quarries or road cuts. They forage in open areas and avoid places with tree cover.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S2B,S4N

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

BIRDS

black rail *Laterallus jamaicensis*

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. Salt, brackish, and freshwater marshes, pond borders, wet meadows, and grassy swamps; nests in or along edge of marsh, sometimes on damp ground, but usually on mat of previous years dead grasses; nest usually hidden in marsh grass or at base of Salicornia

Federal Status: T	State Status: T	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S2

Brewer's Blackbird *Euphagus cyanocephalus*

Shrubby and bushy areas (especially near water), riparian woodland, aspen parklands, cultivated lands, marshes, and around human habitation; in migration and winter also in pastures and fields (AOU 1983).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

Brown Pelican *Pelecanus occidentalis*

Largely coastal and near shore areas, where it roosts and nests on islands and spoil banks. Feeds in lagunas and shallow seaward waters.

Federal Status:	State Status:	SGCN: N
Endemic: N	Global Rank: G4	State Rank: S3B

Common Grackle *Quiscalus quiscula*

Common Grackles do well in human landscapes, using scattered trees for nesting and open ground for foraging. Typical natural habitats include open woodland, forest edge, grassland, meadows, swamps, marshes, and palmetto hammocks. They are also very common near agricultural fields and feedlots, suburbs, city parks, cemeteries, pine plantations, and hedgerows. Unbroken tracts of forest are the only places where you are unlikely to find Common Grackles.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5B

Common Nighthawk *Chordeiles minor*

Common Nighthawks nest in both rural and urban habitats including coastal sand dunes and beaches, logged forest, recently burned forest, woodland clearings, prairies, plains, sagebrush, grasslands, open forests, and rock outcrops. They also nest on flat gravel rooftops, though less often as gravel roofs are being replaced by smooth, rubberized roofs that provide an unsuitable surface.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4B

Franklin's gull *Leucophaeus pipixcan*

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. This species is only a spring and fall migrant throughout Texas. It does not breed in or near Texas. Winter records are unusual consisting of one or a few individuals at a given site (especially along the Gulf coastline). During migration, these gulls fly during daylight hours but often come down to wetlands, lake shore, or islands to roost for the night.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2N

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

BIRDS

Henslow's Sparrow *Centronyx henslowii*

Wintering individuals (not flocks) found in weedy fields or cut-over areas where lots of bunch grasses occur along with vines and brambles; a key component is bare ground for running/walking

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S2S3N,SXB

interior least tern *Sternula antillarum athalassos*

Sand beaches, flats, bays, inlets, lagoons, islands. Subspecies is listed only when inland (more than 50 miles from a coastline); nests along sand and gravel bars within braided streams, rivers; also know to nest on man-made structures (inland beaches, wastewater treatment plants, gravel mines, etc); eats small fish and crustaceans, when breeding forages within a few hundred feet of colony

Federal Status:	State Status: E	SGCN: N
Endemic: N	Global Rank: G4T3Q	State Rank: S1B

Least Tern *Sternula antillarum*

Sand beaches, flats, bays, inlets, lagoons, islands, river sandbars and flat gravel rooftops in urban areas.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S2B

Loggerhead Shrike *Lanius ludovicianus*

Loggerhead Shrikes inhabit open country with short vegetation and well-spaced shrubs or low trees, particularly those with spines or thorns. They frequent agricultural fields, pastures, old orchards, riparian areas, desert scrublands, savannas, prairies, golf courses, and cemeteries. Loggerhead Shrikes are often seen along mowed roadsides with access to fence lines and utility poles.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S4B

Mottled Duck *Anas fulvigula*

Estuaries, ponds, lakes, secondary bays.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S4B

Northern Bobwhite *Colinus virginianus*

Inhabits a wide variety of vegetation types, particularly early successional stages. Occurs in croplands, grasslands, pastures, fallow fields, grass-brush rangelands, open pinelands, open mixed pine-hardwood forests, and habitat mosaics (Brennan 1999).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S4B

piping plover *Charadrius melodus*

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

BIRDS

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. Beaches, sandflats, and dunes along Gulf Coast beaches and adjacent offshore islands. Also spoil islands in the Intracoastal Waterway. Based on the November 30, 1992 Section 6 Job No. 9.1, Piping Plover and Snowy Plover Winter Habitat Status Survey, algal flats appear to be the highest quality habitat. Some of the most important aspects of algal flats are their relative inaccessibility and their continuous availability throughout all tidal conditions. Sand flats often appear to be preferred over algal flats when both are available, but large portions of sand flats along the Texas coast are available only during low-very low tides and are often completely unavailable during extreme high tides or strong north winds. Beaches appear to serve as a secondary habitat to the flats associated with the primary bays, lagoons, and inter-island passes. Beaches are rarely used on the southern Texas coast, where bayside habitat is always available, and are abandoned as bayside habitats become available on the central and northern coast. However, beaches are probably a vital habitat along the central and northern coast (i.e. north of Padre Island) during periods of extreme high tides that cover the flats. Optimal site characteristics appear to be large in area, sparsely vegetated, continuously available or in close proximity to secondary habitat, and with limited human disturbance.

Federal Status: T	State Status: T	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S2N

rufa red knot *Calidris canutus rufa*

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. Habitat: Primarily seacoasts on tidal flats and beaches, herbaceous wetland, and Tidal flat/shore. Bolivar Flats in Galveston County, sandy beaches Mustang Island, few on outer coastal and barrier beaches, tidal mudflats and salt marshes.

Federal Status: T	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4T2	State Rank: S2N

Sanderling *Calidris alba*

Nonbreeding: primarily sandy beaches, less frequently on mud flats and shores of lakes or rivers (AOU 1983) also on exposed reefs (Pratt et al. 1987). Sleeps/loafs on upper beach or on salt pond dike.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

Snowy Plover *Charadrius nivosus*

Algal flats appear to be the highest quality habitat. Some of the most important aspects of algal flats are their relative inaccessibility and their continuous availability throughout all tidal conditions. An optimal site characteristic would be large in size. The size of populations appear to be roughly proportional to the total area of suitable habitat used. Formerly an uncommon breeder in the Panhandle; potential migrant; winter along coast.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S3B

Sprague's pipit *Anthus spragueii*

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. Habitat during migration and in winter consists of pastures and weedy fields (AOU 1983), including grasslands with dense herbaceous vegetation or grassy agricultural fields.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S3N

swallow-tailed kite *Elanoides forficatus*

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

BIRDS

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. Lowland forested regions, especially swampy areas, ranging into open woodland; marshes, along rivers, lakes, and ponds; nests high in tall tree in clearing or on forest woodland edge, usually in pine, cypress, or various deciduous trees.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2B

western burrowing owl *Athene cunicularia hypugaea*

Open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

Federal Status:	State Status:	SGCN: N
Endemic: N	Global Rank: G4T4	State Rank: S2

white-faced ibis *Plegadis chihi*

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. Prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; currently confined to near-coastal rookeries in so-called hog-wallow prairies. Nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats.

Federal Status:	State Status: T	SGCN: N
Endemic: N	Global Rank: G5	State Rank: S4B

white-tailed hawk *Buteo albicaudatus*

Near coast on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March-May

Federal Status:	State Status: T	SGCN: N
Endemic: N	Global Rank: G4G5	State Rank: S4B

whooping crane *Grus americana*

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. Small ponds, marshes, and flooded grain fields for both roosting and foraging. Potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties.

Federal Status: E	State Status: E	SGCN: Y
Endemic: N	Global Rank: G1	State Rank: S1S2N

Willet *Tringa semipalmata*

Marshes, tidal mudflats, beaches, lake margins, mangroves, tidal channels, river mouths, coastal lagoons, sandy or rocky shores, and, less frequently, open grassland (AOU 1983, Stiles and Skutch 1989).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5B

Wilson's Warbler *Cardellina pusilla*

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

BIRDS

Wilson's warblers key in on forests and scrubby areas along streams to fatten up during migration. During the nonbreeding season they use many types of habitats from lowland thickets near streams to high-elevation cloud forests in Mexico and Central America.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4

wood stork *Mycteria americana*

The county distribution for this species includes geographic areas that the species may use during migration. Time of year should be factored into evaluations to determine potential presence of this species in a specific county. Prefers to nest in large tracts of baldcypress (*Taxodium distichum*) or red mangrove (*Rhizophora mangle*); forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: SHB,S3N

Yellow Rail *Coturnicops noveboracensis*

BREEDING: Emergent wetlands, grass or sedge marshes and wet meadows in freshwater situations. Some breeding territories in these wet meadows contain firm footing and only a few remnant pools of water (Berkey 1991). These areas can range from damp to 38 cm (15 inches) of water but the average depth used for nesting is 8 to 15 cm (3 to 6 inches) (Savalloja 1981). **NON-BREEDING:** Grain fields in winter and when migrating. Winters in both freshwater and brackish marshes, as well as in dense, deep grass. During fall migration, will use many open habitats, from rice paddies to dry hayfields.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S3N

yellow-billed cuckoo *Coccyzus americanus*

In Texas, the populations of concern are found breeding in riparian areas in the Trans Pecos (known as part of the Western Distinct Population Segment). It is the Western DPS that is on the U.S. ESA threatened list and includes the Texas counties Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio. Riparian woodlands below 6,000' in elevation consisting of cottonwoods and willows are prime habitat. This species is a long-distant migrant that summers in Texas, but winters mainly in South America. Breeding birds of the Trans Pecos populations typically arrive on their breeding grounds possibly in late April but the peak arrival time is in May. Threats to preferred habitat include hydrologic changes that don't promote the regeneration of cottonwoods and willows, plus livestock browsing and trampling of sapling trees in sensitive riparian areas.

Federal Status: T	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4S5B

FISH

silverband shiner *Notropis shumardi*

In Texas, found from Red River to Lavaca River; Main channel with moderate to swift current velocities and moderate to deep depths; associated with turbid water over silt, sand, and gravel.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

FISH

spotted sucker *Minytrema melanops*

Found primarily in east Texas streams from the Red to the Brazos river basins. An isolated, disjunct population occurs in the Llano River near Junction downstream to about Mason; this may be an introduced population. Typically in clear creeks with firm substrates.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

INSECTS

American bumblebee *Bombus pensylvanicus*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic:	Global Rank: G3G4	State Rank: SNR

migratory monarch butterfly *Danaus plexippus plexippus*

Habitat description is not available at this time.

Federal Status: C	State Status:	SGCN: Y
Endemic:	Global Rank: G4T3	State Rank: SNR

MAMMALS

big free-tailed bat *Nyctinomops macrotis*

Habitat data sparse but records indicate that species prefers to roost in crevices and cracks in high canyon walls, but will use buildings, as well; reproduction data sparse, gives birth to single offspring late June-early July; females gather in nursery colonies; winter habits undetermined, but may hibernate in the Trans-Pecos; opportunistic insectivore

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

eastern spotted skunk *Spilogale putorius*

Generalist; open fields prairies, croplands, fence rows, farmyards, forest edges & woodlands. Prefer wooded, brushy areas & tallgrass prairies. S.p. ssp. interrupta found in wooded areas and tallgrass prairies, preferring rocky canyons and outcrops when such sites are available.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S1S3

hoary bat *Lasiurus cinereus*

Hoary bats are highly migratory, high-flying bats that have been noted throughout the state. Females are known to migrate to Mexico in the winter, males tend to remain further north and may stay in Texas year-round. Commonly associated with forests (foliage roosting species) but are found in unforested parts of the state and lowland deserts. Tend to be captured over water and large, open flyways.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S3

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

MAMMALS

mountain lion

Puma concolor

Generalist; found in a wide range of habitats statewide. Found most frequently in rugged mountains & riparian zones.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S2S3

plains spotted skunk

Spilogale interrupta

Generalist; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3

State Rank: S1S3

Seminole bat

Lasiurus seminolus

Pine-oak and long-leaf pine in east Texas. Habitats include pine, mixed pine-hardwood, and hardwood forests of uplands and bottomlands, particularly pine-dominated forests, including mature pine and pine-hardwood corridors in managed pine forest landscapes (Menzel et al. 1998, 1999, 2000; Carter et al. 2004; Marks and Marks 2006; Perry and Thill 2007; Perry et al. 2007; Hein et al. 2008; Ammerman et al. 2012).

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3

tricolored bat

Perimyotis subflavus

Forest, woodland and riparian areas are important. Caves are very important to this species.

Federal Status: PE

State Status:

SGCN: Y

Endemic: N

Global Rank: G3G4

State Rank: S2

MOLLUSKS

Lilliput

Toxolasma parvum

Reported from small streams, where it may penetrate into the headwaters, to large rivers, oxbows, sloughs, lakes, ponds, canals, borrow pits, and reservoirs. Primarily occurs in still to slow currents in mud and sand substrates (Coker et al. 1921; Read 1954; Neck and Metcalf 1988; Williams et al. 2008; Watters et al. 2009).

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3

Mapleleaf

Quadrula quadrula

Reported from streams to rivers, lakes, and reservoirs. In riverine habitats, it may be found in main-channel habitats such as riffles or runs in sand, gravel, and cobble substrates with moderate to swift currents. May also be found in nearshore habitats such as banks and backwaters to include pools in sand or mud substrates with little to no flow. (Williams et al. 2008; Howells 2016; Haag and Cicerello 2016).

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

MOLLUSKS

Pimpleback

Cyclonaias pustulosa

Occurs in small streams to large rivers in habitats including riffles and runs with flowing water, also found in nearshore habitats such as banks and backwaters or pools. Can occur in reservoirs but varies based by population. Is often found in substrates comprising of sand, gravel, and cobble but also mud and silt (Howells et al. 1996; Williams et al. 2008; Watters et al. 2009).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: SNR

Pistolgrip

Tritogonia verrucosa

Reported from streams to rivers, lakes, and reservoirs, but considered less tolerant of impoundment (Haag and Cicerello 2016). Can occur in a variety of habitat types but most often found in main channel habitats such as riffles and runs with moderate current and sand, gravel, or cobble substrates (Howells et al. 1996; Williams et al. 2008).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S3S4

Tampico Pearlymussel

Cyrtonaias tampicoensis

Reported from streams to rivers, reservoirs, and canals. In riverine habitats often found in nearshore habitats such as banks and backwaters, to include pools and oxbows, in mud or sand or among cobble and boulders with still to moderate currents (Howells et al. 1996).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4

Texas fawnsfoot

Truncilla macrodon

Occurs in large rivers but may also be found in medium-sized streams. Is found in protected near shore areas such as banks and backwaters but also riffles and point bar habitats with low to moderate water velocities. Typically occurs in substrates of mud, sandy mud, gravel and cobble. Considered intolerant of reservoirs (Randklev et al. 2010; Howells 2010o; Randklev et al. 2014b,c; Randklev et al. 2017a,b). [Mussels of Texas 2019]

Federal Status: T	State Status: T	SGCN: Y
Endemic: Y	Global Rank: G1	State Rank: S2

Texas pimpleback

Cyclonaias petrina

Occurs in medium-size streams to large rivers primarily in riffles and runs. Often found in substrates composed of sand, gravel, and cobble, including mud-silt or gravel-filled cracks in bedrock slabs. Considered intolerant of reservoirs (Howells 2010m; Randklev et al. 2017b). [Mussels of Texas 2019]

Federal Status: E	State Status: E	SGCN: Y
Endemic: Y	Global Rank: G1	State Rank: S1

REPTILES

American alligator

Alligator mississippiensis

Aquatic: Coastal marshes; inland natural rivers, swamps and marshes; manmade impoundments.

Federal Status: SAT	State Status:	SGCN: N
Endemic: N	Global Rank: G5	State Rank: S4

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

REPTILES

common garter snake *Thamnophis sirtalis*

Terrestrial and aquatic: Habitats used include the grasslands and modified open areas in the vicinity of aquatic features, such as ponds, streams or marshes. Damp soils and debris for cover are thought to be critical.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2

eastern box turtle *Terrapene carolina*

Terrestrial: Eastern box turtles inhabit forests, fields, forest-brush, and forest-field ecotones. In some areas they move seasonally from fields in spring to forest in summer. They commonly enters pools of shallow water in summer. For shelter, they burrow into loose soil, debris, mud, old stump holes, or under leaf litter. They can successfully hibernate in sites that may experience subfreezing temperatures.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

prairie skink *Plestiodon septentrionalis*

The prairie skink can occur in any native grassland habitat across the Rolling Plains, Blackland Prairie, Post Oak Savanna and Pineywoods ecoregions.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2

pygmy rattlesnake *Sistrurus miliarius*

The pygmy rattlesnake occurs in a variety of wooded habitats from bottomland coastal hardwood forests to upland savannas. The species is frequently found in association with standing water.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2S3

slender glass lizard *Ophisaurus attenuatus*

Terrestrial: Habitats include open grassland, prairie, woodland edge, open woodland, oak savannas, longleaf pine flatwoods, scrubby areas, fallow fields, and areas near streams and ponds, often in habitats with sandy soil.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

smooth softshell *Apalone mutica*

Aquatic: Large rivers and streams; in some areas also found in lakes and impoundments (Ernst and Barbour 1972). Usually in water with sandy or mud bottom and few aquatic plants. Often basks on sand bars and mudflats at edge of water. Eggs are laid in nests dug in high open sandbars and banks close to water, usually within 90 m of water (Fitch and Plummer 1975).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

Texas horned lizard *Phrynosoma cornutum*

Terrestrial: Open habitats with sparse vegetation, including grass, prairie, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive. Occurs to 6000 feet, but largely limited below the pinyon-juniper zone on mountains in the Big Bend area.

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

WHARTON COUNTY

REPTILES

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S3

Texas map turtle *Graptemys versa*

Aquatic: Primarily a river turtle but can also be found in reservoirs. Can be found in deep and shallow water with sufficient basking sites (emergent rocks and woody debris).

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G4	State Rank: SU

western box turtle *Terrapene ornata*

Terrestrial: Ornate or western box turtles inhabit prairie grassland, pasture, fields, sandhills, and open woodland. They are essentially terrestrial but sometimes enter slow, shallow streams and creek pools. For shelter, they burrow into soil (e.g., under plants such as yucca) (Converse et al. 2002) or enter burrows made by other species.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S3

western chicken turtle *Deirochelys reticularia miaria*

Aquatic and terrestrial: This species uses aquatic habitats in the late winter, spring and early summer and then terrestrial habitats the remainder of the year. Preferred aquatic habitats seem to be highly vegetated shallow wetlands with gentle slopes. Specific terrestrial habitats are not well known.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5T5	State Rank: S2S3

PLANTS

green hawthorn *Crataegus viridis var. glabriuscula*

In mesic soils of woods or on edge of woods, treeline/fenceline, or thicket. Above/near creeks and draws, in river bottoms. Flowering Mar-Apr; fruiting May-Oct.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5T3T4	State Rank: S3

South Texas spikeseed *Eleocharis austrotexana*

Occurring in miscellaneous wetlands at scattered locations on the coastal plain; Perennial; Flowering/Fruiting Sept

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G3	State Rank: S3

Texas tauschia *Tauschia texana*

Occurs in loamy soils in deciduous forests or woodlands on river and stream terraces; Perennial; Flowering/Fruiting Feb-April

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G3	State Rank: S3

DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

Exhibit I
UFWS IPAC REPORT



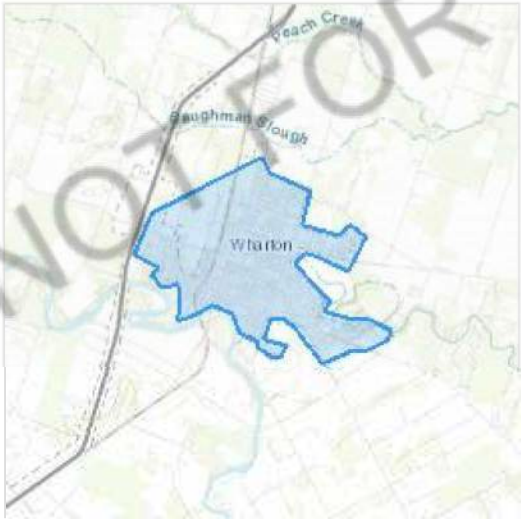
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Wharton County, Texas



Local office

Texas Coastal & Central Plains Esfo

☎ (281) 286-8282

📅 (281) 488-5882

MAILING ADDRESS

17629 El Camino Real, Suite 211
Houston, TX 77058-3051

PHYSICAL ADDRESS

17629 El Camino Real
Houston, TX 77058-3051

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
<p>Tricolored Bat <i>Perimyotis subflavus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/10515</p>	Proposed Endangered

Birds

NAME	STATUS
<p>Piping Plover <i>Charadrius melodus</i></p> <p>This species only needs to be considered if the following condition applies:</p> <ul style="list-style-type: none"> Wind related projects within migratory route. <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/6039</p>	Threatened
<p>Rufa Red Knot <i>Calidris canutus rufa</i></p> <p>Wherever found</p> <p>This species only needs to be considered if the following condition applies:</p> <ul style="list-style-type: none"> Wind related projects within migratory route. <p>There is proposed critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/1864</p>	Threatened
<p>Whooping Crane <i>Grus americana</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/758</p>	Endangered

Clams

NAME	STATUS
------	--------

Texas Fawnsfoot *Truncilla macrodon*

Threatened

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/8965>

Texas Pimpleback *Cyclonaias petrina*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/8966>

Insects

NAME

STATUS

Monarch Butterfly *Danaus plexippus*

Proposed Threatened

Wherever found

There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/9743>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

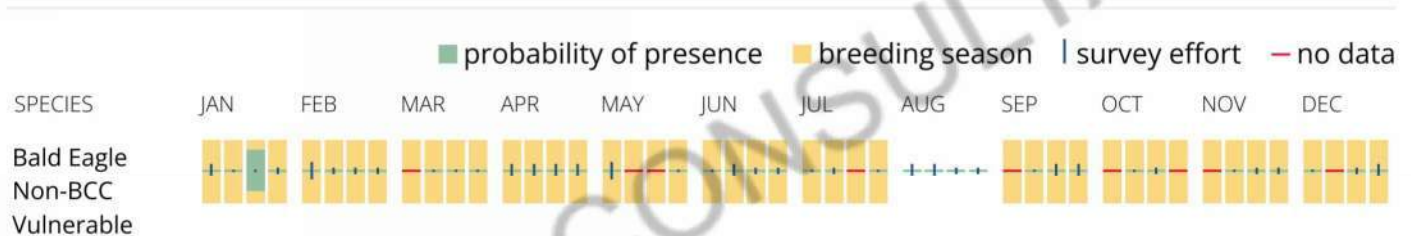
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases [birds of concern](#), including [Birds of Conservation Concern \(BCC\)](#), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the [Nationwide avoidance and minimization measures for birds](#) document, and any other project-specific avoidance and minimization measures suggested at the link [Measures for avoiding and minimizing impacts to birds](#) for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles document](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME

BREEDING SEASON

Bald Eagle *Haliaeetus leucocephalus*

Breeds Sep 1 to Jul 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Chimney Swift *Chaetura pelagica*

Breeds Mar 15 to Aug 25

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Dickcissel *Spiza americana*

Breeds May 5 to Aug 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Forster's Tern *Sterna forsteri*

Breeds Mar 1 to Aug 15

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Lesser Yellowlegs *Tringa flavipes*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Painted Bunting *Passerina ciris*

Breeds Apr 25 to Aug 15

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Pectoral Sandpiper *Calidris melanotos*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Prairie Loggerhead Shrike *Lanius ludovicianus excubitorides*

Breeds Feb 1 to Jul 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/8833>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (I)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Avoidance & Minimization Measures for Birds](#) describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways

to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the [Bald and Golden Eagle Protection Act](#) and those species marked as "Vulnerable". See the FAQ "What are the levels of concern for migratory birds?" for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars

on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Bald and Golden Eagle Protection Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts

from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1F](#)
[PEM1C](#)
[PEM1A](#)
[PEM1Ch](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PFO1A](#)

FRESHWATER POND

[PUBHh](#)
[PUBH](#)
[PUBFh](#)
[PUBFx](#)
[PUBE](#)

RIVERINE

[R4SBCx](#)
[R4SBC](#)

[R5UBFx](#)[R5UBH](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Exhibit J

CITY OF WHARTON'S PLANNING AND CAPACITY STUDY 2018-2028 VOLUME I

Cover page and Table 4A.1 are provided due to large document size



City of Wharton

Planning & Capacity Studies 2018-2028 Contract #7216124 Volume I: Text



*FINANCED THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE.
The preparation of this document was financed through provisions of a
Texas Community Development Block Grant Program (TxCDBG) grant
from the U.S. Department of Housing and Urban Development.*



4.6 Appendix 4A: Land Use Methodology

GrantWorks Inc. conducted a land use survey in Wharton in February 2017. Land use data was collected by driving by every property in the city and extraterritorial jurisdiction (ETJ), using aerial imagery available from the Texas Natural Resources Information System (www.tnris.org), and consulting with City staff. *Table 4A.1: Land Use Classifications* defines the land uses that were chosen to describe property in Wharton.

Table 4A.1: Land Use Classifications

Classification	Examples
Agricultural / Undeveloped	Fields, farms, woodlands, open flood plain
Agricultural Processing	Cotton Gin; Grain/Seed Storage; Mills; Feed Lots; Slaughterhouses; Chick or Pig "Factories"; Livestock showing; Peanut Processing
Single-family Residential	Single-family houses, mobile homes
Small-scale Multifamily	Duplexes, triplexes, quadplexes
Multifamily Residential	Apartments, condominiums, multifamily structures with five or more units
Mixed Use	Apartment over office or store, home occupation with store/office front
Commercial	Stores, mini-storage businesses, offices, including medical offices, and commercial parking lots/facilities
Industrial	Factories, salvage yards, mines, large warehouses, industrial yards and refineries
Institutional	Educational and religious institutions, and hospitals, jails, prisons, and nursing homes, including associated parking lots and recreation/park areas for the institutional use only
Recreational	Developed recreational or open space (public or private), not associated with other uses
Public	Government offices and facilities, water and wastewater facilities, public utilities
ROW	Highway and street right-of-way, railroad right of way
Utility	Private utility, including cell phone towers, electrical stations, transformer stations, etc.
Semi-Developed	Vacant subdivided lots of less than 10 acres in areas with or very near water, sewer, and street infrastructure

Exhibit K

SITE VISIT LOGS AND PHOTOS

MAY 07, 2025



Exhibit K

Date: 5/07/25

By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

Site Visit & Field Observation Log [circle location in Table 1 below]

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

§58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

☒ Yes ☐ No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Was a field observation performed by a qualified professional which documents there are above ground storage tanks within line of site of the project?

☒ Yes ☐ No

Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?

☐ Yes ☒ No

Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?

☐ Yes ☒ No

If Yes to any of b – d above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

Is the project located at an Acceptable Separation Distance from any above-ground explosive or flammable fuels or chemicals containers as calculated above?

☐ Yes ☐ No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

☐ Yes ☐ No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

If No, HUD assistance cannot be used for this project.

Section break

Date: 5/07/25

By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

Site Visit & Field Observation Log [circle location in Table 1 below]

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

Contamination and Toxic Substances

Did a visual inspection of the site show the following?

Mark Appropriate Column with an "X"; Photo document "Yes"	Yes	Photo	No
Distressed vegetation			X
Vent or Fill Pipes			X
Storage Oil Tanks or Questionable Containers			X
Pits, Ponds or Lagoons			X
Stained Soil or Pavement (other than water stains)			X
Pungent, Foul or Noxious Odors			X
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.			X*

**Facility to north of plant appears to be contractor lay down area for soil, gravel and other clean materials.*

Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?

☐ Yes ☒ No

Is the project site near an industry or commercial facility disposing of chemicals or hazardous wastes? E.g. Dry cleaner, gas station

☐ Yes ☒ No

Could a nearby source of toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?

☐ Yes or ☒ No

Walk of site did not indicate any concerns for site contamination. Site did not have onsite backup generation. Thus, diesel was not stored on the site.

End Section

Date: 5/07/25

By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

THC Historic Site Visit Photos

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

Take photographs at each location as indicated:

WWTP No.1 806 S East Ave, 77488 (29.30135,-96.09756 Google Earth Coordinates)





Photo to North of WWTP Site – Showing Contractor Laydown Yard



Photo to West of WWTP Site – Showing Forested Area Next to Banks of Colorado River



Photo to South of WWTP Site – Showing Forested Area



Photo to East of Site – Showing Agricultural Fields and Top of Residential Home(s)

Date: 05/07/25

By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

Site Visit & Field Observation Log [circle location in Table 1 below]

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

§58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

☒ Yes ☐ No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

Was a field observation performed by a qualified professional which documents there are above ground storage tanks within line of site of the project?

☒ Yes ☐ No

Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?

☐ Yes ☒ No



Note: aerial imagery review indicated potential large storage tanks in vicinity. Field verification (see photo above) confirmed the storage tanks in question were for the City's potable water treatment and storage. City staff confirmed they were not aware of any aboveground storage tanks planned or currently in the area.

Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?

☐ Yes ☒ No

If Yes to any of b – d above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

Is the project located at an Acceptable Separation Distance from any above-ground explosive or flammable fuels or chemicals containers as calculated above?

☐ Yes ☐ No

If Yes, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If No, continue.

Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

☐ Yes ☐ No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

If No, HUD assistance cannot be used for this project.

Date: 05/07/25 By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

Site Visit & Field Observation Log [circle location in Table 1 below]

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

Contamination and Toxic Substances

Did a visual inspection of the site show the following?

Mark Appropriate Column with an "X"; Photo document "Yes"	Yes	Photo	No
Distressed vegetation			X
Vent or Fill Pipes			X
Storage Oil Tanks or Questionable Containers			X
Pits, Ponds or Lagoons			X
Stained Soil or Pavement (other than water stains)			X
Pungent, Foul or Noxious Odors			X
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.			X

Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?

☐ Yes ☒ No

Is the project site near an industry or commercial facility disposing of chemicals or hazardous wastes? E.g. Dry cleaner, gas station

☐ Yes ☒ No

Could a nearby source of toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?

☐ Yes or ☒ No

End Section

Date: 05/07/25 By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

THC Historic Site Visit Photos

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

Park Ln Lift Station 1213 1/3 Park Lane, 77448

(29.31908,-96.09043 Google Earth Coordinates)





Photograph 1 – Area South of Park Lane Lift Station – Open Field and Roadways



Photograph 2 – Area North of Park Lane Lift Station – Open Field and Roadway



Photograph 3 – Area to the West of Park Lane Lift Station – Open Field for drainage and residential neighborhood.



Photograph 4 – Park Lane Lift Station – Residential area to East of lift station

Date: 5/07/25

By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

Site Visit & Field Observation Log [circle location in Table 1 below]

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

§58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

☒ Yes ☐ No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

Was a field observation performed by a qualified professional which documents there are above ground storage tanks within line of site of the project?

☒ Yes ☐ No

Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?

☐ Yes ☒ No



Note: aerial imagery review indicated potential large storage tanks in vicinity. Field verification (see photo above) confirmed the storage tanks in question were for the City's potable water treatment and storage. City staff confirmed they were not aware of any aboveground storage tanks planned or currently in the area.

Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?

☐ Yes ☒ No

If Yes to any of b – d above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

Is the project located at an Acceptable Separation Distance from any above-ground explosive or flammable fuels or chemicals containers as calculated above?

☐ Yes ☐ No

If Yes, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If No, continue.

Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

☐ Yes ☐ No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

If No, HUD assistance cannot be used for this project.

Section break

Date: 5/07/25

By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

Site Visit & Field Observation Log [circle location in Table 1 below]

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

Contamination and Toxic Substances

Did a visual inspection of the site show the following?

Mark Appropriate Column with an "X"; Photo document "Yes"	Yes	Photo	No
Distressed vegetation			X
Vent or Fill Pipes			X
Storage Oil Tanks or Questionable Containers			X
Pits, Ponds or Lagoons			X
Stained Soil or Pavement (other than water stains)			X
Pungent, Foul or Noxious Odors			X
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.			X

Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?

☐ Yes ☒ No

Is the project site near an industry or commercial facility disposing of chemicals or hazardous wastes? E.g. Dry cleaner, gas station

☐ Yes ☒ No

Could a nearby source of toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?

☐ Yes or ☒ No

End Section

Date: 5/07/25

By: Adam Faschan

Wastewater Treatment Plant No. 1 and System Improvements

THC Historic Site Visit Photos

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

Alabama Rd Lift Station 1014 N. Alabama Rd (29.31523,-96.08708 Google Earth Coordinates)





Photo to North of Alabama Lift Station – Shows Roadway and Residential Neighborhood



Photo to East of Alabama Lift Station - Showing Neighborhood Playground



Photo to South of Alabama Lift Station – Showing Roadway and Residential Development



Photo to West of Alabama Lift Station – Showing Commercial Development and City Water Treatment Facility.

Exhibit L

NCRS WEB SOIL SURVEY MAPS



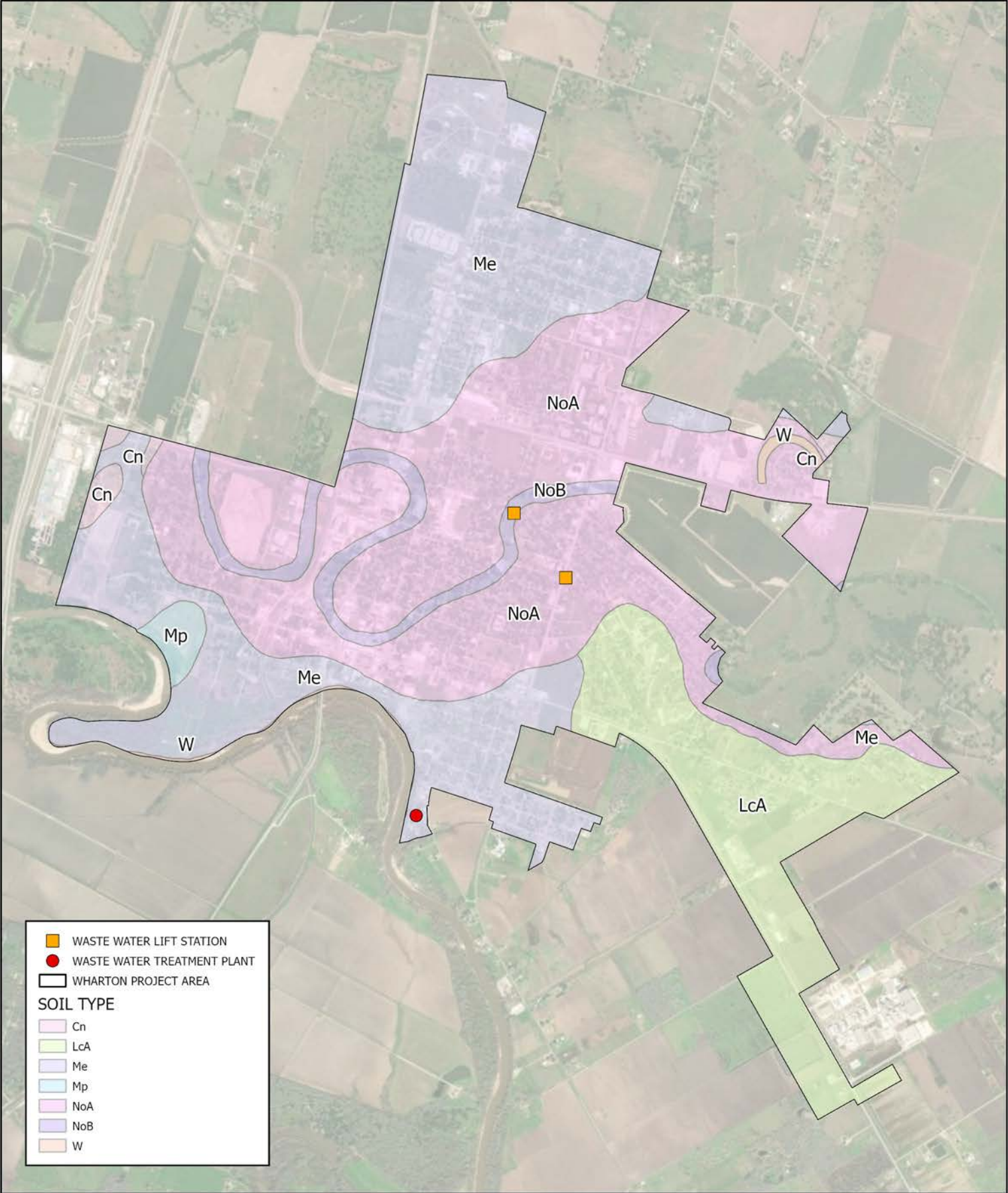
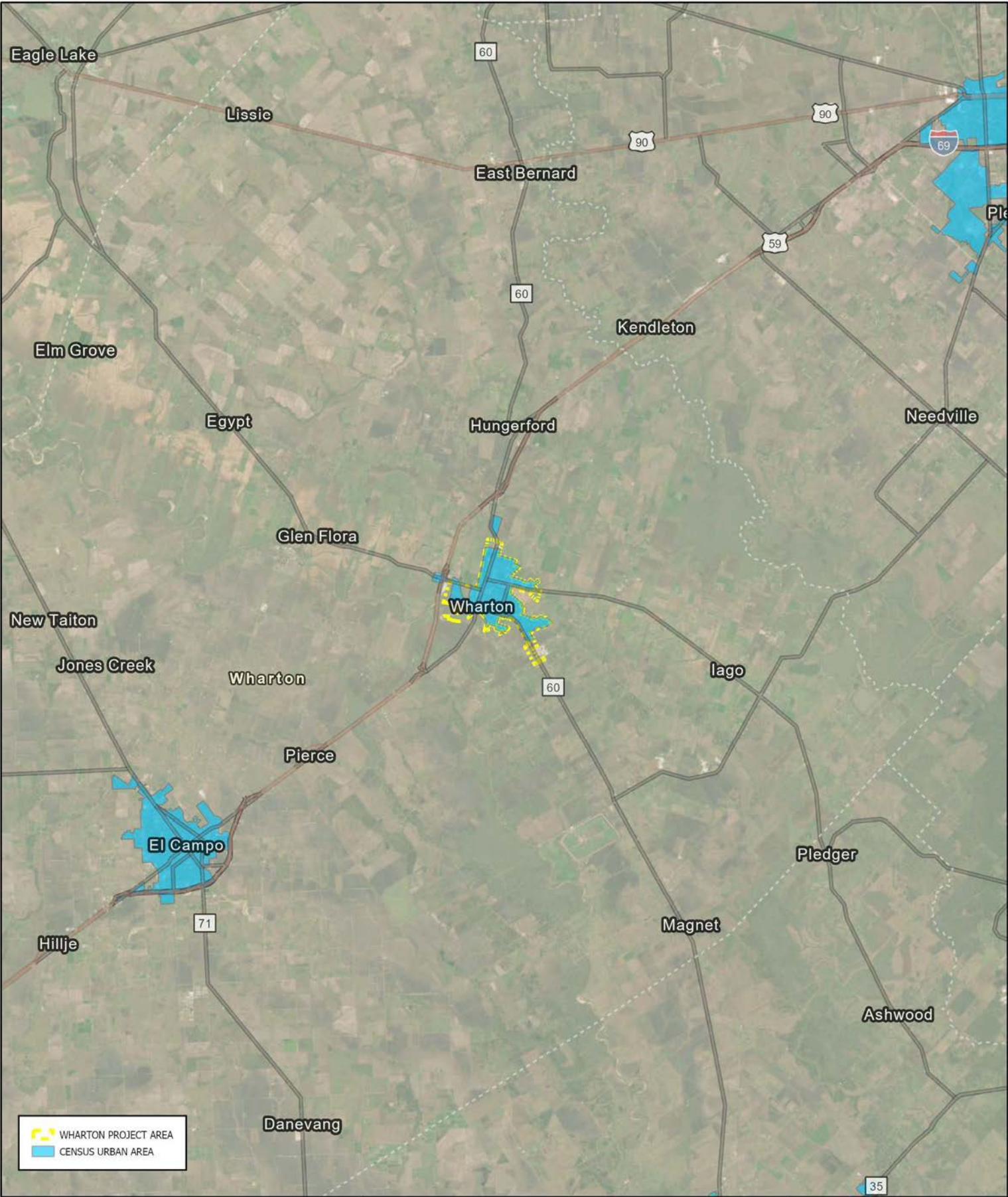


Exhibit M

CENSUS URBAN AREA MAP





<p align="center">CENSUS URBAN AREA MAP</p> <p align="center">Wastewater Treatment Plant No. 1 and System Improvements City of Wharton</p>	<div data-bbox="649 1879 779 2005"></div> <div data-bbox="876 1879 1023 1995"> <p>ARDURRA COLLABORATE. INNOVATE. CREATE.</p> </div> <div data-bbox="1047 1879 1218 1995"> <p>8918 Tesoro Dr., Suite 401 San Antonio, Texas 78217 Phone: (210) 822-2232 www.ardurra.com</p> <p>Engineering License #F-10053 Arduro Group, Inc. Surveying Firm 10194688</p> </div>	<div data-bbox="1453 1869 1542 1963"></div> <div data-bbox="1242 1984 1550 2026"> <p>0 15,500 31,000 Feet</p> </div>
---	---	--

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

8-STEP DECISION-MAKING PROCESS

Wastewater Treatment Plant No. 1 and System Improvements

Decision-Making Process for E.O. 11988 and E.O. 13690 as Provided by 24 CFR §55.20

Step 1: Determine whether the action is located within the Federal Flood Risk Management Standard (FFRMS) floodplain; this was done using the 0.2-Percent-Annual-Chance (500-Year) Flood Approach which uses the elevation and flood hazard area as depicted by the 0.2-Percent-Annual-Chance floodplain.

The proposed project involves the existing Wastewater Treatment Plant (WWTP) No. 1 and the two existing upstream Alabama Rd and Park Lane Lift Stations to ensure their operation during and after flood events to minimize the release of untreated sewage into the community. The project locations are below in Table 1.

Zone AE is a Special Flood Hazard Area (SFHA) having a 1-percent annual chance flood is also referred to as the base flood.

Zone X Shaded, is the area between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood; also referred to as the moderate flood hazard area.

Zone X unshaded, which is the area of minimal flood hazard, is outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood.

Below are the approximate dimensions of existing structures where miscellaneous piping, valves, gates will be replaced in kind and within the same locations:

The work that would be done at each facility is as follows:

WWTP No. 1 –

Within Zone X Shaded

The headworks channel (18 ft. x 12 ft.) is at the beginning of the treatment process. Headworks channel components to be replaced would include three 24 inch by 24 inch slide gates, and check valves, as well as removal/replacement of grating.

Influent Lift Station (32 ft. x 15 ft.) improvements, i.e., the lift station that is part of WWTP No.1, would include removal/replacement of the lift pump discharge valves.

Aeration Basin(s) (76 ft. x 60 ft.) improvements would include replacing piping and diffusers and grit removal.

Chlorine Contact Basin(s) (36 ft. x 34 ft) improvements would include gate removal/replacement of four slide gates in the first two trains of the chlorine contact basin.

Chlorine Storage Shed (6 ft. x 6 ft.) - construct or install a new chlorine storage shed within the existing footprint.

Digester(s) (58 ft. x 36 ft.) improvements would include replacing piping and diffusers and install new control valves.

Sodium Bisulfite Storage (10 ft. x 10 ft.) - construct or install secondary containment for the sodium bisulfite tanks within existing footprint.

Replacing the existing gravel access road with pavement would impact a total of ~ 8,250 sq. ft. or ~ 0.18 acres of Zone X Shaded at WWTP No.1. All other work would occur within existing footprints and subsequently would not impact any of the 2.01 acres in Zone X Shaded.

WWTP No. 1 –

Within Zone AE

Belt Filter Press Building (60 ft. x 38 ft or 0.05 acres) - replace the Conveyor System located inside the Belt Filter Press Building [Google Earth Coordinates: 29.30057, -96.09794]. Work would occur within the existing building footprint.

The conveyor is rated for wet service and would be re-installed at its existing elevation, with its lower portion approximately 2 feet above finished floor elevation (finished floor elevation is EL 101.89), placing it ~ EL103.89. The conveyor's associated electrical and control components would be floodproofed to an elevation of 104.00 (3 ft above the BFE).

Site improvements would include removal/replacement of the existing crushed gravel access road from the site entrance to the sludge building at WWTP No. 1. The total length of the road to be replaced is 650 LF (~9,750 sq ft). The final 100 LF (~1,500 sq ft) are in Zone AE. The first 550 LF of the access road on the east side of the site, beginning at site entrance and extending to the Belt Filter Press Building is in Zone X shaded.

Replacing the final 100 LF of the existing gravel access road with pavement would impact a total of ~1,500 square feet or ~0.03 acres of Zone AE at WWTP No.1. All other work would occur within an existing footprint and subsequently would not impact any of the 11.29 acres in Zone AE.

Alabama Road Lift Station within Zone X UnShaded:

- Install new submersible (rated for wet service) pumps
- Elevate electrical and control panels above base flood elevation to EL 105.00
- Install new access doors/hatches for the wet wells, including watertight options with rubber-sealed gaskets
- There would be no significant ground disturbance.
- A total of ~ 0.01 acres of Zone X UnShaded would be impacted.

Park Lane Lift Station within Zone AE:

- Install new submersible pumps (rated for wet service)
- Elevate electrical and control panels above base flood elevation to EL 105.00 (3 ft above the BFE).
- Install new access doors/hatches for the wet wells
- There would be no significant ground disturbance.
- A total of ~ 0.01 acres of Zone AE would be impacted.

Table 1. Project Locations and Flood Zone Acres per FEMA Flood Insurance Rate Map(s) Panel Nos. 484810C0355F, and 484810C0365F both eff. 12/21/2017:

Site Name	Location in 77488	Latitude	Longitude	Zone AE (Acres)	Zone X Shaded (Acres)	Zone X Unshaded (Acres)
WWTP No. 1	806 S East Ave	29.30135	-96.09756	11.29	2.01	0
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043	0.01	0	0
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708	0	0	0.01

Therefore, the project is in the FFRMS floodplain and also in a Special Flood Hazard Area (Zone AE). As shown in Table 1., at WWTP No.1, there are a total of 2.01 acres of the site in Zone X Shaded, 11.29 acres of the site in Zone AE and 0.00 acres of the site in Zone X UnShaded. However, only 0.18 acres in Zone X Shaded and 0.03 acres in Zone AE would be impacted by the proposed project at WWTP No. 1.

At the Park Lane Lift Station a total of 0.01 acres in Zone AE would be impacted and 0.01 acres in Zone X Un-Shaded would be impacted at the Alabama Rd Lift Station.

Because the project is a critical action, using the 0.2-percent-annual-chance flood approach is appropriate per the Oct 2015 Implementing Guidelines for EO 11998 and EO 13690 and the August 30, 2019 Federal Register Vol. 84 No. 169, page 45864, which states:

“All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with FEMA Standards) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain (Zone X Shaded) is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least three feet above the 100-year floodplain elevation”.

None of the exceptions at 55.12 or 55.13 apply, so the 8-step process is required, including an evaluation of direct and indirect impacts associated with construction, occupancy, and modification of the floodplain.

Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process.

A public notice describing the project was published on the City of Wharton's website at <https://www.cityofwharton.com/page/Planning%20and%20Development>

on July 22, 2025. The public comment period was July 23 to Aug 06, 2025.

Copies of the notice were sent to the regional FEMA office, HUD Forth Worth Field Office, U.S. EPA Region 6 Houston, United States Army Corps of Engineers Galveston District Regulatory Division, Texas Water Development Board, and the Texas Division of Emergency Management Region 4 , which previously expressed interests in receiving floodplain notices. The notice was also published in Spanish and made accessible for individuals with disabilities. Public comments were accepted through August 06, 2025. The only comment received was via email on 07-23-25 from FEMA requesting that we contact the community floodplain administrator for review and possible permit requirements and EO 11988 and EO 11990 compliance”

The notice included the project name, proposed location, and description of the activity; the total number of acres of floodplain involved; the related natural and beneficial functions and values of the floodplain or wetland that may be adversely affected by the proposed activity; the name of the Certifying Officer (Mayor of City of Wharton); and the phone number to call for information. The notice included the hours of the City's office as well. Copies of the notice are included in the environmental review record.

Step 3: Identify and evaluate practicable alternatives.

The City of Wharton considered an alternative site and design in terms of the goals identified in the project description and reviewed or considered through the lenses of natural, social, and economic values explained at 24 CFR 55.20(c)(2) and the determination not to approve any action proposing the occupancy or modification of a floodplain:

1. **Design alternative: Re-route the flows from the Park Lane and Alabama Rd Lift Stations to the WWTP on Rte 59**, which is fully outside of the FFRMS, by installing a new 3.5 mile force main. The force main would have to cross Caney Creek, Hwy 59 and the Southern Pacific railroad tracks that run parallel N Sunset St. Installing more powerful pumps at each lift station would be required as the WWTP on Rte 59 is at an elevation higher (108 ft) than each Lift Station (~105 feet). A study would have to be done to confirm the WWTP on Rte 59 has the capacity to treat the increased flow and a modification to the TPDES permit would be required. WWTP No. 1 would be decommissioned in place and no new equipment would be installed. The Park Lane and Alabama Rd Lift Stations would be floodproofed. Completing the capacity study, construction duration including obtaining all the necessary permits, and modifying the TPDES permit would take at least two years. In the meantime, WWTP No.1 would continue to operate using equipment that has reached the end of its service life and both lift stations remain at risk for flooding. For these reasons Alternative 1 is not practicable.
2. **Build new WWTP on a site outside of the FFRMS.** The City of Wharton could purchase an undeveloped, vegetated, 1-acre site in the southeastern city-limits, north of FM 3012. The

site is outside of the SFHA in Zone X unshaded and Zone X shaded. The site would have to be developed and re-zoned as Public Land. A new force main, approximately 2 miles in length, would have to be installed from the new WWTP to the Park Lane and Alabama Road Lift Stations. A new TPDES permit would be needed to operate the new WWTP. WWTP No. 1 would be abandoned in place and no new equipment would be installed. The Park Lane and Alabama Rd Lift Stations would be floodproofed. Re-zoning the site as public land may not receive public support as the change would not be compatible with surrounding land use(s), the majority of which is residential. Completing the environmental clearance, site development, and construction of the WWTP and the force main would take three years. The TPDES permit application could be during that same three years. In the meantime, WWTP No.1 would continue to operate using equipment that has reached the end of its service life, and both lift stations remain at risk for flooding. For these reasons Alternative 2 is not practicable.

3. The **No Action** Alternative would result in WWTP No.1 continuing to operate using equipment that has reached the end of its service life, as no new equipment would be installed. Both lift stations would remain at risk for flooding as they would not be flood proofed. WWTP No.1 would remain in service until failure of the existing equipment and subsequent release of untreated wastewater into the Colorado River or even back into homes through sewer lines. This would negatively impact public health and safety. For these reasons, the No Action alternative is not feasible.

Step 4: Identify potential direct and indirect impacts associated with floodplain development.

The proposed project would have no significant impacts to the floodplain as all work would occur within the boundaries of the existing WWTP No. 1 and within the existing footprint(s) of the Park Lane and Alabama Rd Lift Stations. No new construction would occur in the floodplain. There would be no impacts to the floodplain, wetlands, or threatened and endangered species. The electrical and control components for the conveyor system, that is located within the Belt Filter Press Building, will be floodproofed by installing them at EL 104.00 (3 ft above the 100-year floodplain elevation).

It is anticipated that the proposed action will positively impact economic growth and employment by avoiding costs of frequent disruptions in wastewater service.

There are no anticipated legal impacts associated with the proposed action.

The City of Wharton participates in the National Flood Insurance Program. Any structure owned by the City that is located in a Special Flood Hazard Area must be covered by flood insurance; this includes WWTP No. 1 and the Park Lane Lift Station. The Alabama Rd Lift Station is not located in a Special Flood Hazard Area, but the City will still maintain flood insurance for it building as a precaution. ←confirm and then keep or remove as needed

In addition to concerns for life and property, the City considered the natural and beneficial values of the floodplain. The natural resources of the floodplain include water, biological, and societal resources.

Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore and preserve the values of the floodplain.

The proposed project would have no significant impacts to the floodplain as all work would occur within the boundaries of the existing WWTP No. 1 and the within the existing footprint(s) of the Park Lane and Alabama Rd Lift Stations. No new construction would occur in the floodplain.

The proposed action improves the operation and resilience of the existing WWTP No. 1 and the Park Lane and Alabama Rd Lift Stations, which protects public health and safety, while enhancing the values of the floodplain. The improvements will also aid in protecting the water quality of the nearby Colorado River. NFIP compliance is required as part of WWTP No. 1 and the entirety of the Park Lane Lift Station are in the FFRMS. Lift Stations often have to be located in the floodplain in order to perform their function, i.e., lift wastewater from a lower to higher elevation.

(b) Preserving Property: To preserve property at:
WWTP No. 1

The conveyor is rated for wet service and would be re-installed at its existing elevation, with its lower portion approximately 2 feet above finished floor elevation (finished floor elevation is EL 101.89), placing it ~ EL103.89. The conveyor's associated electrical and control components would be floodproofed by installing them at EL 104.00 (3 ft above the BFE).

All other work would occur within the footprint of an existing structure. No new construction would occur in the floodplain.

Park Lane Lift Station improvements would elevate electrical and control panels above base flood elevation to EL 105.00 (3 ft above the BFE). A total of ~ 0.01 acres of Zone AE would be impacted.

Alabama Road List Station install new submersible (rated for wet service) pumps and elevate electrical and control panels above base flood elevation, to EL 105.00.

Step 6: Reevaluate the alternatives

1. **Design alternative: Re-route the flows from the Park Lane and Alabama Rd Lift Stations to the WWTP on Rte 59**, which is fully outside of the FFRMS, by installing a new 3.5 mile force main. The force main would have to cross Caney Creek, Hwy 59 and the Southern Pacific railroad tracks that run parallel N Sunset St. Installing more powerful pumps at each lift station would be required as the WWTP on Rte 59 is at an elevation higher (108 ft) than each Lift Station (~105 feet). A study would have to be done to confirm the WWTP on Rte 59

has the capacity to treat the increased flow and a modification to the TPDES permit would be required. WWTP No. 1 would be decommissioned in place and no new equipment would be installed. The Park Lane and Alabama Rd Lift Stations would be floodproofed. Completing the capacity study, construction duration including obtaining all the necessary permits, and modifying the TPDES permit would take at least two years. In the meantime, WWTP No.1 would continue to operate using equipment that has reached the end of its service life and both lift stations remain at risk for flooding. For these reasons Alternative 1 is not practicable.

2. **Build new WWTP on a site outside of the FFRMS.** The City of Wharton could purchase an undeveloped, vegetated, 1-acre site in the southeastern city-limits, north of FM 3012. The site is outside of the SFHA in Zone X unshaded and Zone X shaded. The site would have to be developed and re-zoned as Public Land. A new force main, approximately 2 miles in length, would have to be installed from the new WWTP to the Park Lane and Alabama Road Lift Stations. A new TPDES permit would be needed to operate the new WWTP. WWTP No. 1 would be abandoned in place and no new equipment would be installed. The Park Lane and Alabama Rd Lift Stations would be floodproofed. Re-zoning the site as public land may not receive public support as the change would not be compatible with surrounding land use(s), the majority of which is residential. Completing the environmental clearance, site development, and construction of the WWTP and the force main would take three years. The TPDES permit application could be during that same three years. In the meantime, WWTP No.1 would continue to operate using equipment that has reached the end of its service life, and both lift stations remain at risk for flooding. For these reasons Alternative 2 is not practicable.
3. The **No Action** Alternative would result in WWTP No.1 continuing to operate using equipment that has reached the end of its service life, as no new equipment would be installed. Both lift stations would remain at risk for flooding as they would not be flood proofed. WWTP No.1 would remain in service until failure of the existing equipment and subsequent release of untreated wastewater into the Colorado River or even back into homes through sewer lines. This would negatively impact public health and safety. For these reasons, the No Action alternative is not feasible.

Step 7: Determination of no practicable alternative and publication of final notice

It is the City of Wharton's determination that there is no practicable alternative for upgrading the equipment at the existing WWTP No.1 which has 2.01 acres in the Zone X Shaded and 11.29 acres in Zone AE, and floodproofing the upstream lift stations at Park Lane (~0.01 acres in Zone AE) and Alabama Rd (0.01 acres in Zone X Un-shaded). Replacing the existing gravel road with pavement within WWTP No.1 would impact ~0.18 acres in Zone X Shaded and ~0.03 acres in Zone AE. All other work at WWTP No.1 would occur with an existing footprint and would not result in new construction in the floodplain. The work must be done at these locations in order to continue to provide reliable wastewater treatment services and protect public health and safety.

A final notice was published [add in dates] and posted consistent with the prior notice. The notice explains the impact of the proposed project on the floodplain, offers a list of alternatives considered at Steps 3 and 6, and describes all mitigation measures at Step 5 taken to minimize

adverse impacts and preserve natural and beneficial floodplain values. The notice is attached to this document.

No concerns were expressed by the public concerning this notice. ← confirm after notice is published

Step 8: Implement the proposed action

The City of Wharton will assure that this plan, as described above, is executed and that the necessary language will be included in all agreements with participating parties. The City of Wharton will also take an active role in monitoring the construction process to ensure no unnecessary impacts occur nor unnecessary risks are taken.

If flood insurance is required, e.g., activities involving structures located within the Special Flood Hazard Areas, the City of Wharton will maintain documentation evidencing compliance with such requirements as specified in GLO Contact No. 24-065-132-E990.

Early Notice and Public Review of a Proposed Activity
in a Federal Flood Risk Management Standard
Designated Floodplain

To: All interested Agencies, Groups and Individuals

This is to give notice that the City of Wharton, Texas under 24 CFR Part 58 has determined that the following proposed action, “Wastewater Treatment Plant No. 1 and System Improvements”, under the U.S. Department of Housing and Urban Development’s Community Development Block Grant Mitigation (HUD CDBG-MIT) Federal Award Number B-18-DP-48-0002, as administered by the Texas General Land Office (TX GLO), is located in the Federal Flood Risk Management Standard (FFRMS) floodplain.

The City of Wharton will be identifying and evaluating practicable alternatives to locating the action in the floodplain and the potential impacts on the floodplain from the proposed action, as required by Executive Order 11988, as amended by Executive Order 13690, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management.

The proposed \$4.3M project involves improvements to the existing Wastewater Treatment Plant No. 1 (WWTP No. 1 at 806 S East Ave), i.e., site, headworks and lift station (at WWTP No. 1), aeration basin, chlorine contact basin and digester, and replacing the existing gravel road with pavement. Also included would be floodproofing the existing upstream lift station(s) at 1213 1/3 Park Lane and 1014 N. Alabama Road. All work would occur within existing disturbed sites. No wetlands are present within or adjacent to any of the three sites. The extent of the FFRMS floodplain was determined using the 0.2 percent flood approach.

The WWTP No.1 site has 11.29 acres in Zone AE and 2.01 acres in Zone X Shaded, per FEMA FIRM panel 484810C0365F, eff. 12/21/2017. Approximately 0.03 acres in Zone AE and 0.18 acres in Zone X Shaded would be impacted by replacing the existing ~650 linear foot gravel road with pavement at WWTP No. 1. All other work would occur within an existing building or equipment footprints.

Per FEMA FIRM panel 484810C0355F, eff. 12/21/2017, the entire 0.01-acre Park Lane Lift Station site is in Zone AE. Therefore, the proposed project would impact 0.01 acres in Zone AE.

The Alabama Rd Lift Station (0.01 acres) is entirely within Zone X Unshaded, i.e., the area of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, per FEMA FIRM panel 484810C0355F, eff. 12/21/2017. Therefore, the proposed project would impact 0.01 acres in Zone X Unshaded.

There are three primary purposes for this notice. First, people who may be affected by activities in 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 project impacts on the floodplain. 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 floodplain, it must inform those who may be put at greater or continued risk.

Written comments must be received by the City of Wharton at the following address on or before August 6, 2025: City of Wharton, 120 E. Caney St., 77488 and 979-532-2491, Attention: Gwyneth Teves, CFM, Floodplain Administrator. A full description of the project may also be reviewed from Monday to Thursday 7:30 am to

5:30 pm CST, and 8:00 am to 5:00 pm CST on Friday at 120 E. Caney St. and www.cityofwharton.com.
Comments may also be submitted via email to gteves@cityofwharton.com.

Date: July 22, 2025

Aviso Temprano y Revisión Pública de una Actividad Propuesta
en una Llanura Inundable Designada por las Normas Federales
de Gestión del Riesgo de Inundaciones

A: Todas las Agencias, Grupos, e Individuos Interesados

Se notifica por este aviso que la Ciudad de Wharton, Texas conforme a 24 CFR Parte 58, ha determinado que la siguiente acción propuesta, “Mejoras a la Planta de Tratamiento de Aguas Residuales No. 1 y al Sistema”, bajo el Programa de Subvención en Bloque para el Desarrollo Comunitario de Mitigación del Departamento de Vivienda y Desarrollo Urbano de EE. UU. (HUD CDBG-MIT), Adjudicación Federal Número B-18-DP-48-0002, administrada por la Oficina General de Tierras de Texas (TX GLO), se encuentra localizada en la llanura inundable del Estándar Federal para el Manejo de Riesgo de Inundación (FFRMS).

La Ciudad de Wharton identificará y evaluará alternativas viables para evitar la ubicación de esta acción dentro de la llanura inundable y los posibles impactos en la llanura, conforme lo requiere la Orden Ejecutiva 11988, enmendada por la Orden Ejecutiva 13690, de acuerdo con los reglamentos de HUD en 24 CFR 55.20 Subparte C, Procedimientos para la Determinación sobre la Gestión de Llanuras Inundables.

El proyecto propuesto, de \$4.3 millones, incluye mejoras en la Planta de Tratamiento de Aguas Residuales No. 1 (WWTP No. 1, ubicada en 806 S East Ave), específicamente mejoras al sitio, obra de entrada, la estación de bombeo (en la WWTP No. 1), tanque de aireación, tanque de contacto de cloro y digestor, y reemplazo del camino de grava existente por pavimento. También se incluiría la protección contra inundaciones de las estaciones de bombeo aguas arriba ubicadas en 1213 1/3 Park Lane y 1014 N. Alabama Road. Todo el trabajo se realizaría dentro de los sitios previamente alterados. No hay humedales dentro ni adyacentes a ninguno de los tres sitios. La extensión de la llanura inundable del FFRMS se determinó utilizando el enfoque de inundación del 0.2 por ciento.

El sitio del WWTP No. 1 tiene 11.29 acres en la Zona AE y 2.01 acres en la Zona X Sombreada, según el panel FIRM 484810C0365F de FEMA, vigente desde el 21/12/2017. Aproximadamente 0.03 acres en la Zona AE y 0.18 acres en la Zona X Sombreada se verían afectadas por el reemplazo del camino de grava existente de aproximadamente 650 pies lineales por pavimento en la WWTP No. 1. El resto del trabajo se realizará dentro de las huellas existentes de edificios o equipos.

Según el panel FIRM 484810C0355F de FEMA, efectivo desde el 21/12/2017, la el sitio entero de la Estación de Bombeo Park Lane, de 0.01 acres, se encuentra en la Zona AE. Por lo tanto, el proyecto propuesto afectaría 0.01 acres en la Zona AE.

La Estación de Bombeo Alabama Rd (0.01 acres) se encuentra completamente dentro de la Zona X No Sombreada, es decir, el área de riesgo mínimo de inundación, ubicada fuera del área especial de riesgo de inundación (SFHA) y por encima de la elevación correspondiente a la inundación con una probabilidad del 0.2 por ciento anual, según el panel FIRM 484810C0355F de FEMA, efectivo desde el 21/12/2017. Por lo tanto, el proyecto propuesto afectaría 0.01 acres en la Zona X No Sombreada.

Este aviso tiene tres propósitos principales. En primer lugar, a las personas que puedan verse afectadas por las actividades en la llanura inundable y a quienes estén interesados en la protección del medio ambiente natural, se les debe brindar la oportunidad de expresar sus inquietudes y proporcionar información sobre estas áreas. Se les invita a quienes realicen comentarios a sugerir sitios alternativos fuera de la llanura inundable, métodos alternativos para lograr el mismo propósito del proyecto y métodos para minimizar y mitigar los impactos del proyecto en la llanura inundable. En segundo lugar, un programa adecuado de avisos públicos puede ser una herramienta educativa importante. La difusión de información y la solicitud de comentarios públicos sobre la llanura inundable pueden facilitar y fortalecer las iniciativas federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales. En tercer lugar, como cuestión de equidad, cuando el gobierno federal determina que participará en acciones que se lleven a cabo en la llanura inundable, debe informar a quienes puedan estar expuestos a un riesgo mayor o continuo.

Los comentarios por escrito deben ser recibidos por la Ciudad de Wharton a la siguiente dirección a más tardar el 08/06/25: City of Wharton, 120 E. Caney St., 77488 and 979-532-2491, Atención: Gwyneth Teves, CFM, Administradora de Llanuras Inundables. También se puede consultar una descripción completa del proyecto de lunes a jueves de 7:30 a.m. a 5:30 p.m. CST y los viernes de 8:00 a.m. a 5:00 p.m. CST en 120 E. Caney St. y en www.cityofwharton.com. Los comentarios también pueden enviarse por correo electrónico a gteves@cityofwharton.com.

Date: 07/22/25

City of Wharton, TX - Wastewater Treatment Plant No. 1 and System Improvements - Early Floodplain Notice - Invitation to Interested Parties



Kelly Simmons

To  Kelly Simmons

Cc  gteves@cityofwharton.com;  bjimenez@cityofwharton.com;  Adam Faschan

Bcc  'stevee.franks@tdem.texas.gov';  'judy.Lucio@tdem.texas.gov';  'swg_public_notice@USACE.army.mil';  'manuel.razo@twdb.texas.gov';  'carla.guthrie@twdb.texas.gov';  'houston.robert@epa.gov';  'kevin.jaynes@fema.dhs.gov';  'fema-r6-ehp@fema.dhs.gov'

 Early Notice_Wharton_English and Spanish.pdf

.pdf File

Reply

Reply All

Forward

...

Tue 7/22/2025 1:43 PM

Good Afternoon,
The City of Wharton, Texas is inviting all interested parties to comment on the attached Early Floodplain notice; provided in English and in Spanish.

The City has determined, under 24 CFR Part 58, that the following proposed action, “Wastewater Treatment Plant No. 1 and System Improvements”, under the U.S. Department of Housing and Urban Development’s Community Development Block Grant Mitigation (HUD CDBG-MIT) Federal Award Number B-18-DP-48-0002, as administered by the Texas General Land Office (TX GLO), is located in the Federal Flood Risk Management Standard (FFRMS) floodplain.

The comment period begins 7/23/25 and ends 08/06/25.
Details are in the attached notice(s).

Thank you for your time and consideration.



Kelly Simmons, PMP

Project Manager
(St. Augustine, FL 32086)

ksimmons@ardurra.com | www.ardurra.com



Kelly Simmons

From: Gwyneth Teves <gteves@cityofwharton.com>
Sent: Wednesday, July 23, 2025 2:57 PM
To: Kelly Simmons
Cc: bjimenez; Adam Faschan; darlabeck
Subject: Re: [EXTERNAL] RE: City of Wharton - GLO Contract #24-065-132-E990 Fed Award # B-18-DP-48-0002 - Early Floodplain Notices



I am duly notified....

Gwyneth Teves, CPM, CFM

Director of Planning & Development

City of Wharton
120 E. Caney Street, Wharton, TX, 77488
www.CityofWharton.com
Phone: 979-532-2491 x 238
Fax: 979-532-0181

ATTENTION OFFICIALS!

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act, please reply only to the sender.

From: "Kelly Simmons" <ksimmons@ardurra.com>
To: "Gwyneth Teves" <gteves@cityofwharton.com>, "bjimenez" <bjimenez@cityofwharton.com>
Cc: "Adam Faschan" <afaschan@ardurra.com>, "darlabeck" <darlabeck@yahoo.com>
Sent: Wednesday, July 23, 2025 12:11:19 PM
Subject: RE: [EXTERNAL] RE: City of Wharton - GLO Contract #24-065-132-E990 Fed Award # B-18-DP-48-0002 - Early Floodplain Notices

Gwyn,

The FEMA reply requests we contact the community floodplain administrator for review and possible permit requirements & EO 1198 and 11990 compliance.

If you are the community floodplain administrator, we have fulfilled this request.
If there is another CFM to send the Early FPN to please let me know.

Thank you.
Kelly

From: gteves@cityofwharton.com <gteves@cityofwharton.com>
Sent: Wednesday, July 23, 2025 12:27 PM
To: Kelly Simmons <ksimmons@ardurra.com>; bjimenez@cityofwharton.com

Exhibit O

TX GLO-THC PA INCLUDING AMENDMENT NO.1, TO GLO
CONTRACT NO. 19-127-000-B465

AND

WHARTON COUNTY HISTORIC COMMISSION
CORRESPONDENCE





**AMENDMENT NO. 1 TO
GLO CONTRACT NO. 19-127-000-B465**

THE GENERAL LAND OFFICE (the “GLO”) and **TEXAS HISTORICAL COMMISSION** (“THC”), each a “Party” and collectively “the Parties” to GLO Contract No. 19-127-000-B465 (the “Agreement”), desire to amend the Agreement.

WHEREAS, the Parties desire to amend the Agreement to reflect all GLO Programs that are subject to the terms of the Agreement; and

WHEREAS, the Parties desire to revise or replace certain language in the Agreement to clarify and accurately reflect the Parties’ respective responsibilities under the Agreement; and

WHEREAS, the Parties desire to extend the term of the Agreement; and

WHEREAS, the GLO will send a copy of this executed amendment to the ACHP;

NOW, THEREFORE, in accordance with Article XII of the Agreement, the Parties agree as follows:

1. The first three recitals of the Agreement are deleted in their entirety and replaced with the following:

“**WHEREAS**, the GLO administers the U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant – Disaster Recovery (“CDBG-DR”) and Community Development Block Grant – Mitigation (“CDBG-MIT”) programs (collectively, the “Program”) to provide financial assistance with funds appropriated by the Congress of the United States to facilitate disaster recovery, disaster relief, long-term recovery, restoration, economic revitalization, and mitigation and to affirmatively further fair housing, in accordance with Executive Order 12892, in areas which are Presidentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 et seq.); and

WHEREAS, the GLO, in consultation with the THC, has determined that activities funded under the Program may have an effect on a CDBG-MIT-served or CDBG-DR-served historic property’s eligibility to be included in the National Register and the GLO must consult with the State Historic Preservation Officer (“SHPO”) for Texas, pursuant to Section 106 of the NHPA (herein, a “Section 106 Review”); and

WHEREAS, the GLO has determined that certain routine Program activities, listed in Attachment A, attached hereto and incorporated herein for all purposes, will have no effect on a CDBG-MIT-served or CDBG-DR-served historic property’s eligibility to be included in the National Register, and should be excluded from a Section 106 Review; and”

2. **ARTICLE III (B)** of the Agreement is deleted in its entirety and replaced with the following:

“(B) For all CDBG-DR and CDBG-MIT program submissions, an expedited review process of fourteen (14) calendar days upon receipt of complete documentation by SHPO will be in effect. This expedited review process shall only cover reviews submitted pursuant to **ARTICLES V and VI**, using the THC’s online eTRAC (electronic THC Review and Compliance) system, accessible at <https://www.thc.texas.gov/etrac-system>. For properties listed in or eligible for the NRHP, the THC may contact the GLO within the fourteen (14) day period to indicate that up to thirty (30) calendar days are required for the response. Additionally, for Undertakings where a report involving fieldwork is submitted, THC staff archeologists shall be allowed the full thirty (30) day period to review and comment.”
3. **ARTICLE IV (C)** of the Agreement is deleted in its entirety and replaced with the following:

“(C) **For cumulative effects:** For the purposes of this document and paraphrasing the National Environmental Policy Act definition (40 CFR § 1508.7), cumulative effects on historic properties are the effects that result from the incremental impact of the Undertaking when added to other past, present and reasonably foreseeable future Undertakings regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time. GLO and THC shall notify the other Party if potential NRHP-eligible historic or archaeological districts are identified through consultation with interested parties during the course of program activities. Each potential district shall be evaluated for formal inclusion in CDBG-DR program evaluations as a historic district using criteria defined by the National Park Service in National Register Bulletin 15.”
4. **ARTICLE V (A) (3)** of the Agreement is deleted in its entirety and replaced with the following:

“(3) If an architectural property is at least forty-five (45) years of age, is not listed in the National Register, and has not been evaluated for National Register eligibility, the Responsible Entity shall submit documentation to the SHPO for review per **ARTICLE V (A) (5)** of this Agreement. The forty-five-year age limit was selected to ensure historic age resources were captured in the event of unforeseen potential Undertaking delays and to afford flexibility to account for potential inaccuracies in building dates. The Parties agree that prefabricated manufactured homes do not constitute an architectural property type of concern and do not need to be submitted to THC for historic property review regardless of age if this origin is confirmed by a SOI-qualified architectural historian.”
5. **ARTICLE VI (A) (1)** of the Agreement is deleted in its entirety and replaced with the following:

“(1) For Undertakings that involve new ground disturbance and are not listed as an Exempt activity under Attachment A, the Responsible Entity shall coordinate with the SHPO to determine whether archeological investigations are warranted. Documentation to aid in this determination may be provided by the Responsible Entity as outlined in **ARTICLE V (A) (5) (a)-(c)**, above. Documentation shall include, at minimum: the address (including city and county); a U.S. Geological Survey 7.5 minute quadrangle map with the property location and boundary shown; documentation establishing

whether the property is owned or controlled by a public agency; an Undertaking description noting impacts that will occur to the ground surface and the depth of the impact; and documentation of any extenuating circumstances that may be important for review, such as evidence of severe erosion or previous construction within the Undertaking area.”

6. **ARTICLE XIV** of the Agreement is amended to reflect a termination date of **October 9, 2028**.
7. **ATTACHMENT A** to the Agreement, **List of Exempt Activities**, is deleted in its entirety and replaced with the **Revised List of Exempt Activities**, attached hereto and incorporated herein in its entirety for all purposes as **ATTACHMENT A-1**.
8. This Amendment shall be effective upon the date of the last signature.
9. The terms and conditions of the Agreement not amended herein shall remain in force and effect.

SIGNATURE PAGE FOLLOWS

**SIGNATURE PAGE FOR AMENDMENT NO. 1 TO
GLO CONTRACT No. 19-127-000-B465**

GENERAL LAND OFFICE

TEXAS HISTORICAL COMMISSION

DocuSigned by:



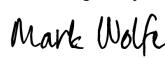
7C299F4374E7497...

Mark A. Havens, Chief Clerk/

Deputy Land Commissioner

Date of execution: 4/4/2023

DocuSigned by:



01632F3C2F7946A...

Name: Mark wolfe

Title: Executive Director

Date of execution: 4/4/2023

OGC

DS



PM

DS



SDD

DS



DGC

DS



GC

DS



ATTACHED TO THIS AMENDMENT:

ATTACHMENT A-1 – Revised List of Exempt Activities

LIST OF EXEMPT ACTIVITIES

The GLO, in consultation with the THC, has determined that the following activities do not meet the definition of an Undertaking since they either: (1) do not have the potential to cause effects on historic properties per 36 CFR § 800.4(d)(1); or (2) have limited potential to affect historic properties per 36 CFR § 800.5 and will have no adverse effect if carried out as described. The activities in this list require no further review under the terms of this Agreement. The GLO and Responsible Entities shall maintain a list of Undertakings completed per these exemptions and shall make the list available upon the request of the THC and include the updated list in the annual report.

GENERAL ACTIVITIES (Categorically Excluded under 24 CFR § 58.34)

- A. Environmental and other studies, resource identification, and the development of plans and strategies. (Implementation of such plans with federal funds may require consultation. If historic properties may be affected, SHPO recommends early consultation during planning stages.)
- B. Information and financial services.
- C. Administrative and management activities.
- D. Public services that will not have a physical impact or result in any physical changes to buildings, structures, sites, or objects, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, and welfare or recreational needs.
- E. Inspections and testing of properties for hazards or defects. (Action taken pursuant to such inspections with federal funds will require consultation.)
- F. Purchase of insurance (e.g. homeowners or flood insurance; does not include HUD mortgage insurance).
- G. Purchase of tools.
- H. Engineering or design costs. (Construction activities undertaken with federal funds will require consultation. If historic properties may be affected, SHPO recommends early consultation during design.)
- I. Technical assistance and training.
- J. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration.
- K. Payment of principal and interest on loans made or obligations guaranteed by HUD;

REHABILITATION OF BUILDINGS

Interior Rehabilitation:

Undertakings limited to interior spaces of single- or multifamily residential buildings to be retained in the same use where the work will not be visible from the exterior of the building; no structural alterations are made; no demolition of walls, ceilings, or floors occurs; no drop ceilings are added; and no walls are leveled with furring or moved.

The following list of activities that do not need consultation with the SHPO provides further clarity for residential work and establishes standards for civic, commercial, and other property types.

A. Disaster recovery measures:

1. Temporary repair to single-family residential buildings to ensure safe shelter with access to essential electrical supply, HVAC, hot water, natural gas and potable water, and protection from elements such as weatherproofing and securing broken doors and windows.
2. Interior repairs to pre-disaster condition of single- or multifamily residential buildings, excluding structural repairs (e.g. foundation, framing), or other elements requiring architectural or engineering services.

B. Heating, ventilation, and air conditioning (HVAC):

1. Installing mechanical equipment in residential buildings in a manner that does not affect the exterior of the building.
2. Installing mechanical equipment in other building types within existing mechanical closets, chases, and unfinished attics or basements when ducts are not visible within occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.
3. Routine maintenance or retrofits to existing mechanical equipment, provided there is no physical impact on the building.
4. Replacement of existing mechanical equipment or installation of supplemental equipment, provided that exterior equipment is installed within the same footprint on the same pad, and interior equipment is installed within an existing mechanical closet or unoccupied attic or basement.
5. Upgrading existing facility and infrastructure-related pumps and motors, including those for HVAC systems, to variable-speed or premium efficiency standards.
6. Sealing, restoring, or insulating HVAC ducts, provided that the ducts are not visible in occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.
7. Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors or carbon monoxide detectors (wired or non-wired).

C. Lighting and appliances:

1. Installation of fire, smoke, or carbon monoxide detectors.
2. Installation of compact fluorescent or LED bulbs in existing fixtures.
3. Replacement of fluorescent bulbs, ballasts, and/or wiring in existing fixtures.
4. Replacement of existing fluorescent fixtures with new fixtures, provided that the fixtures are not original to the building.
5. Installation of motion/occupancy sensors for lighting control.
6. Replacement of existing lighting in street lighting fixtures with high efficiency lighting.

7. Replacement of existing appliances.

D. Insulation:

1. Attic insulation with proper ventilation, provided that insulation is fiberglass batt or loose fill only (not spray foam).
2. Under-floor insulation in basements or crawl spaces, provided that insulation is fiberglass batt or loose fill only (not spray foam), and ventilation of crawl spaces.
3. Exterior blown-in wall insulation (not spray foam) where holes are not drilled through exterior wall material or decorative plasterwork on the interior and result in no permanent visible alteration to the structure.
4. Water heater tank and pipe insulation.
5. Radiant barriers in unoccupied attic spaces.

E. Plumbing:

1. Repairing plumbing systems in a manner that does not affect the interior or exterior of the building.
2. Water heater repair or replacement that does not require a visible new supply or venting.
3. Restroom improvements for handicapped access, provided the work is contained within the existing restroom.
4. Water conservation measures, such as installation of low-flow faucets, toilets, showerheads, urinals, or distribution device controls, in residential properties; and water conservation measures in other building types, provided that plumbing fixtures to be replaced are not original to the building.
5. Upgrading existing facility and infrastructure-related pumps and motors, including those for water/wastewater facilities, to variable-speed or premium efficiency standards.

F. Electrical:

Repairing or upgrading electrical systems in a manner that does not affect the interior or exterior of the building.

Exterior Rehabilitation:

A. Roofing:

1. In-kind replacement of existing roofing material.
2. Replacement of existing gutters and downspouts.
3. Installation of continuous ridge vents covered with ridge shingles or boards, or roof jacks/vents, bath and kitchen fan vents, gable vents, soffit and frieze board vents, and combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.
4. Installation of reflective roof coatings, with materials that closely match the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline.

5. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.
6. Replacement of asbestos tile roofing with composition shingle/asphalt shingle roofing matching the shape and pattern of the asbestos tile.

B. Siding, soffits, fascia, and masonry:

1. Repair or limited, in-kind replacement of existing siding, soffits, and fascia. Limited replacement shall not exceed 25% of the overall exterior area, and new material shall match existing in material, profile, and other characteristics.
2. Limited repair of masonry, including chimneys, where mortar matches the existing in color, texture, strength, joint width, and joint profile and methods are consistent with the preservation techniques in *Preservation Brief #2; Repointing Mortar Joints in Historic Masonry Buildings*. Limited repair shall not exceed 10% of the overall exterior wall area.

C. Painting:

1. Painting previously painted exterior surfaces, provided destructive surface preparation treatments, including but not limited to water-blasting, sandblasting and chemical removal, are not used.
2. Conducting lead-based paint abatement or interim controls pursuant to 24 CFR § 35.115(a)(13), if carried out by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*. (Any removal of historic building materials or encapsulation with vinyl siding or other materials is not included in this exemption.)

D. Windows and doors:

1. Weatherstripping around windows and doors, installing thresholds, and other air infiltration control measures that do not harm or obscure historic windows, doors, or trim.
2. Caulking around windows and doors, provided that the color of the sealant matches adjacent materials.
3. Installing interior storm windows or doors, or exterior storm or wood screen doors, on residential buildings, in a manner that does not harm or obscure historic windows or trim.
4. Repair or repainting of existing storm windows.
5. Installing removable film on windows (if the film is transparent), solar screens, or window louvers, on residential buildings, in a manner that does not harm or obscure historic windows or trim.
6. Repair or replacement of missing or damaged window glass.
7. Repair of windows using in-kind materials.
8. Replacement of non-historic exterior doors with compatible wood panel doors.

E. Porches:

1. Repair (not replacement) of porch ceilings, steps, floors, or railings.

2. Repair of existing wheelchair ramps.
3. Installing a new wheelchair ramp on the side or rear entrance of a home, when not visible from any public right-of-way.
4. Installing a new wheelchair ramp on the front of a home, or other entrance visible from a public right-of-way, in a manner that does not remove, compromise, or damage existing historic materials or features and would be completely reversible without damage to historic fabric.

F. Ground-disturbing activity and site work:

1. Repairing or replacing in-kind existing driveways, parking areas, and walkways with materials of similar appearance in a manner that does not disturb historic landscape materials or features.
2. Excavating to gain access to existing underground utilities to repair or replace them, in a manner that does not disturb historic exterior building or landscape materials or features, and where all construction occurs within existing trenches.
3. Repair or replacement of metal utilitarian structures (e.g. pump houses, storage buildings) less than 45 years old, when performed in previously disturbed soils.
4. Ground disturbance that is minimal and occurs in documented, previously disturbed soil.

G. Elevation: Elevation of pier-and-beam, wood frame structures four feet or less if the front entrance stair configuration is unaltered. Foundation skirting and piers shall be extended or replaced with in-kind materials; brick or stucco piers with lattice or board and batten skirting is preferred in instances where historic materials are no longer present. This exemption does not apply to buildings with other structural systems, such as masonry construction or slab-on-grade foundations.

H. Generators: Installation of generators at existing facilities, where:

1. Ground-level equipment is located to the rear or side of the building or is otherwise screened from view from any public right-of-way, and any new equipment slabs and trenching occurs within previously disturbed soils.
2. Roof-mounted equipment is not visible from the ground level.

SINGLE-FAMILY HOUSING

- A. For single-family residential CDBG-DR or CDBG-MIT programs that involve new ground disturbance, archeological review by THC is not required if the Responsible Entity's SOI-qualified archaeologist verifies and documents that no known archaeological sites, archaeological districts, or natural water features (including wetlands) are located within 100 meters of the parcel boundary.
- B. The Louisiana-Rio Grande Canal Company Irrigation System is a collection of very large NRHP-listed historic districts within the Lower Rio Grande Valley, defined by local historic events and engineering design. Archaeological review by THC is not required if project ground disturbances will occur more than 100 meters from an irrigation district canal or engineering feature, unless it is in proximity to a recorded archeological site or natural water feature, as noted Paragraph A, above.

INFRASTRUCTURE

The following projects may be exempt from review when they occur 25 feet or greater from the fence line or boundary of a cemetery, or where no work will occur within 15 feet of a cemetery. Projects which involve work within 15 feet of a cemetery must be submitted in accordance with **ARTICLE VI, ARCHEOLOGICAL REVIEW**, and will require archeological studies to verify whether or not there are any unmarked graves beyond the marked cemetery boundary. These studies may include scrapings or informant interviews with the manager of the cemetery association, local historians, funeral home directors, or other informed individuals.

- A. **Routine road maintenance and** resurfacing where work is confined to the existing right-of-way and previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no known historic properties, or historic properties would not be affected because the proposed work is clearly within a disturbed context. This exemption shall not apply in areas with brick streets or with tile curb markers or other decorative street features.
- B. Point repair to an existing water or wastewater line where construction occurs in the original trench
- C. Replacement of existing water or wastewater lines where all construction occurs within the original trench.
- D. Replacement of existing water or wastewater lines in a new trench paralleling the existing line if the following conditions are met:
 - 1. Replacement occurs beneath city streets or adjacent drainage rights-of-way (as in item A);
 - 2. Replacement does not occur within a National Register historic district or locally designated historic district;
 - 3. Replacement does not occur within the historic towns of Goliad, San Augustine, Jefferson, Nacogdoches, Bastrop, Castroville, San Ygnacio, Roma, Refugio, Ysleta, San Elizario, and Presidio;
 - 4. Replacement does not occur beneath brick-paved streets; and
 - 5. Replacement does not occur adjacent to roads in rural areas of the county (where abandoned cemeteries or unrecorded archeological sites might be impacted by a new trench).
- E. **Minor alterations or additions to existing water or wastewater treatment plants or other facilities that are less than 45 years old. (Excavation of new treatment ponds or enlargement of existing ponds are not considered minor alterations and are subject to review).**
- F. Installation of generators at existing water/wastewater or shelter facilities, where:
 - 1. Ground-level equipment is located to the rear or side of the building or is otherwise screened from view from any public right-of-way, and any new equipment slabs and trenching occurs within previously disturbed soils.
 - 2. Roof-mounted equipment is not visible from the ground level.
- G. **Addition or replacement of equipment within the same location and footprint (Examples include but not limited to; Computer monitoring equipment, bar screens, clarifiers, chlorination equipment, SCADA equipment etc.).**
- H. Repair of bridges less than 45 years old.



ORIGINAL PROGRAMMATIC AGREEMENT



**PROGRAMMATIC AGREEMENT
BETWEEN THE TEXAS HISTORICAL COMMISSION
AND
THE TEXAS GENERAL LAND OFFICE
GLO CONTRACT No. 19-127-000-B465**

The **TEXAS GENERAL LAND OFFICE** (“GLO”) and the **TEXAS HISTORICAL COMMISSION** (“THC”), agencies of the State of Texas (each a “Party” and, collectively, the “Parties”), hereby enter into this Programmatic Agreement (the “Agreement”) concerning projects (each, an “Undertaking”) possibly affecting properties eligible for inclusion in the National Register of Historic Places (“National Register”), pursuant to Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (“NHPA”), and its implementing regulations at 36 C.F.R. Part 800; and

WHEREAS, the GLO administers the U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant Disaster Recovery (“CDBG-DR”) programs (collectively, the “Program”) to provide financial assistance with funds appropriated by the Congress of the United States to facilitate disaster recovery, restoration, economic revitalization, and to affirmatively further fair housing, in accordance with Executive Order 12892, in areas which are Presidentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 *et seq.*); and

WHEREAS, the GLO, in consultation with the THC, has determined that activities funded under the Program may have an effect on a CDBG-DR-served historic property’s eligibility to be included in the National Register and the GLO must consult with the State Historic Preservation Officer (“SHPO”) for Texas, pursuant to Section 106 of the NHPA (herein, a “Section 106 Review”); and

WHEREAS, the GLO has determined that certain routine Program activities, listed in **Attachment A**, attached hereto and incorporated herein for all purposes, will have no effect on a CDBG-DR-served historic property’s eligibility to be included in the National Register, and should be excluded from a Section 106 Review; and

WHEREAS, 24 C.F.R. Part 58 allows State, tribal, and local governments to assume HUD’s environmental review responsibilities as a “Responsible Entity,” including obligations under Section 106 of the NHPA and its implementing regulations at 36 C.F.R. Part 800; and

WHEREAS, certain subrecipients selected by the GLO may be designated as a Responsible Entity participating in the Program and will be required to comply with 24 C.F.R. Part 58, 36 C.F.R. Part 800, and any other applicable statutes and rules, and will further be required to fulfill the GLO’s roles, responsibilities, and terms of this Agreement and any amendments hereto; and

WHEREAS, in accordance with 24 C.F.R. Part 58, in instances in which a subrecipient lacks the capacity to act as a Responsible Entity, the GLO is designated the Responsible Entity; and

WHEREAS, the NHPA has implemented regulations at 36 C.F.R. § 800.14(b) to allow for the use of programmatic agreements for the efficient administration of the Section 106 Review process; and

WHEREAS, the GLO and the THC, as the SHPO for the State of Texas, agree that it is in the best interest of the State to streamline the Section 106 Review process through the use of this Agreement; and

WHEREAS, the GLO has invited the Advisory Council on Historic Preservation (ACHP) to determine whether the ACHP wishes to enter into consultation on this agreement and the ACHP has chosen not to participate in consultation.

NOW, THEREFORE, the GLO and the THC agree that this Program shall be administered in accordance with the following terms and conditions in satisfaction of NHPA requirements:

ARTICLE I – EXEMPTIONS FROM REVIEW

A. The Responsible Entity shall, within a reasonable time and with good faith effort, evaluate each historic-age property to determine the potential for effects. Activities not requiring SHPO review (“Exempt Activities”), listed in **Attachment A**, attached hereto and incorporated herein for all purposes, are determined by the Parties to not have the potential to cause effects on historic properties per 36 C.F.R. § 800.4(d)(1) or have limited potential to affect historic properties per 36 C.F.R. § 800.5, with no adverse effect if carried out as described. The Responsible Entity is not required to consult with the SHPO regarding Exempt Activities. The Responsible Entity shall keep documentation of its determination of exempt status on file and available for periodic review by the SHPO and shall include this information in annual reports prepared per **ARTICLE IX** below.

B. The GLO and the SHPO may add or remove activities from **Attachment A** by written amendment to this Agreement per **ARTICLE XII**.

ARTICLE II - RESPONSIBILITIES OF THE RESPONSIBLE ENTITY

The Parties have determined that activities not listed in **Attachment A** may have the potential to have an effect on a historic property and require review pursuant to this **ARTICLE II** and **ARTICLES III** through **VIII**, below. The Responsible Entity shall ensure that the following measures are carried out:

A. General Requirements of the Responsible Entity. For each Undertaking contemplated under this Agreement, the Responsible Entity shall consult with, and submit documentation for review to, the SHPO and other consulting parties, including, but not limited to, federally recognized Indian Tribes/Tribal Historic Preservation Officers (THPOs); representatives or local governments; and applicants for Federal assistance, permits, licenses, and other approvals, for the following:

1. Establish whether the Undertaking has the potential to affect historic properties (36 C.F.R. § 800.3(a), (c), and (d));

2. Identify the consulting parties who should be invited to participate in the Undertaking (36 C.F.R. § 800.3);
3. Seek public comment for individual Undertakings, and conduct public involvement activities (36 C.F.R. § 800.3(e));
4. Determine and document the scope of identification efforts and level of effort through the internal review and screening process of the Undertaking, including the Area of Potential Effect (APE) of the Undertaking (36 C.F.R. § 800.4(a) and (b));
5. Identify historic-age properties located within the Undertaking APE (36 C.F.R. § 800.4) and evaluate the National Register eligibility of each;
6. Apply the Criteria of Adverse Effect on historic properties to determine whether the properties may be affected by the Undertaking (36 C.F.R. § 800.5(a)(1));
7. Initiate consultation on the resolution of adverse effects with appropriate consulting parties (36 C.F.R. § 800.6);
8. Consult, as appropriate, regarding the determination of the Undertaking APE, the evaluation of National Register eligibility, and the effects of a Program Undertaking on historic properties;
9. Coordinate Section 106 Review with other relevant Undertaking reviews; and
10. Document individual Undertakings and maintain a record of all Undertaking reviews carried out pursuant to this Agreement.

B. Compliance. The Responsible Entity shall comply, and ensure each subrecipient's compliance through subrecipient agreements, if any, with the terms of this Agreement for all applicable Undertakings that are funded entirely or in part by monies from the Program. For purposes of this Agreement, the GLO and each self-performing GLO subrecipient are hereafter referred to, collectively, as the "Responsible Entity," except in instances where either such entity is named individually.

C. Professional Qualifications Standards. The Responsible Entity shall ensure that all actions prescribed in this Agreement involving the identification, evaluation, assessment of effects, treatment, monitoring, or disposition of historic properties, or involving the reporting or documentation of such actions, shall be carried out by or under the direct supervision of a person or persons meeting the Secretary of the Interior's ("SOI") Professional Qualifications Standards (48 Fed. Reg. 44738, September 29, 1983; http://www.nps.gov/history/local-law/arch_stnds_9.htm) in the fields of History, Archeology, Architectural History, or other applicable discipline, as appropriate based on the nature of the Undertaking, for the identification of historic properties and assessment of effects. Completion of mitigation under **ARTICLE V(D)** of this Agreement shall be performed or overseen by appropriately qualified professionals.

D. Public Participation. The Responsible Entity shall arrange, in a manner consistent with 36 C.F.R. § 800.8(c), for public participation appropriate to the scope of the programs covered by this Agreement in consideration of the nature of the activities undertaken in the Program and the likely

effects on historic properties. The Responsible Entity shall make appropriate efforts, in accordance with HUD regulations governing the Program, to involve the interested individuals, organizations, and entities.

E. Completion Required. The Section 106 Review required under this Agreement must be resolved before the Responsible Entity's final approval of any Undertaking application; before an irrevocable commitment to an Undertaking by the Responsible Entity; and before the Responsible Entity or the property owner alters a historic property.

ARTICLE III – RESPONSIBILITIES OF THE SHPO

A. Unless otherwise provided for in **ARTICLE III(B)** or **ARTICLE VII**, the SHPO shall review and comment on Responsible Entity-submitted documentation concerning an Undertaking within thirty (30) calendar days of receipt. If any Responsible Entity-submitted documentation is determined to be inadequate, the SHPO shall respond within thirty (30) days of receipt, and any supplemental documentation will be reviewed within thirty (30) days of its receipt by the SHPO. If the SHPO does not provide comments within the appropriate time period established herein for its response, the Responsible Entity may assume the SHPO concurs with its determination and may proceed with the Undertaking in accordance with all other terms of this Agreement.

B. For state-run program submissions, an expedited review process of fourteen (14) calendar days upon receipt of complete documentation by SHPO will be in effect. This expedited review process shall only cover reviews submitted pursuant to **ARTICLE V**, using the THC's online eTRAC (electronic THC Review and Compliance) system, accessible at <http://www.thc.texas.gov/etrac-system>. For properties listed in or eligible for the NRHP, the THC may contact the GLO within the fourteen (14) day period to indicate that up to thirty (30) calendar days are required for the response. Additionally, Undertakings requiring input from SHPO staff archeologists under **ARTICLE VI** will be allowed the full thirty (30) day period.

C. The SHPO response to a request for comment will include:

1. a statement of concurrence or non-concurrence with the Responsible Entity's findings and recommendations; and/or
2. any comments related to effects findings.

ARTICLE IV – AREA OF POTENTIAL EFFECTS

The Responsible Entity shall consult with the SHPO to determine and document the Area of Potential Effects ("APE"), as defined in 36 C.F.R. § 800.16(d), for an Undertaking, as follows:

- (A) **For direct effects:** The APE shall include the footprint to be directly affected by new construction, staging areas, and access areas, with regard to the identification of archeological sites. For the rehabilitation of any building without associated new construction or additions, the APE shall consist solely of the building being rehabilitated.
- (B) **For indirect effects:** A broader APE will be required to assess Undertakings that have the potential for visual or other indirect effects on nearby architectural properties, herein defined as non-archeological historic properties, including any significant structures and/or

landscape features located on the properties. Indirect effects may change the character of the property's use or physical features within the property's setting that contribute to its historic significance; are often audible, atmospheric, and visual effects; and may relate to viewshed issues.

- (C) **For cumulative effects:** For the purposes of this document and paraphrasing the National Environmental Policy Act definition (40 CFR § 1508.7), cumulative effects on historic properties are the effects that result from the incremental impact of the Undertaking when added to other past, present and reasonably foreseeable future Undertakings regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

ARTICLE V – ARCHITECTURAL REVIEW

(A) Identification and Evaluation of Historic Properties.

The Responsible Entity shall make a reasonable and good faith effort to identify historic properties located within the APE, as follows:

- (1) For Undertakings involving ground disturbance, the Responsible Entity shall coordinate with the SHPO to determine whether archeological background research and/or a field survey is warranted pursuant to **ARTICLE VI, ARCHEOLOGICAL REVIEW**. In making this determination, all parties shall reference HUD's HP Factsheet 6 (http://portal.hud.gov/hudportal/documents/huddoc?id=env_factsheet_6.pdf) and the ACHP's Policy Statement on Affordable Housing and Historic Preservation, Implementation Principle VIII (<http://www.achp.gov/docs/fr7387.pdf>).
- (2) For Undertakings with the potential for direct or visual effects to architectural properties, the Responsible Entity shall determine if properties within the APE are individually listed in the National Register, within the boundaries of a National Register historic district, or previously determined to be eligible for inclusion in the National Register. The Responsible Entity may reference the Texas Historic Sites Atlas at <http://atlas.thc.state.tx.us> to determine if a property already has historical designations, and may rely on previous coordination with SHPO for eligibility determinations. Properties listed or eligible for listing in the National Register shall require coordination with the SHPO per **ARTICLE V** of this Agreement.
- (3) If an architectural property is at least forty-five (45) years of age, is not listed in the National Register, and has not been evaluated for National Register eligibility, the Responsible Entity shall submit documentation to the SHPO for review per **ARTICLE V(A)(5)** of this Agreement. The forty-five-year age limit was selected to ensure historic age resources were captured in the event of unforeseen potential Undertaking delays and to afford flexibility to account for potential inaccuracies in building dates.
- (4) If the Responsible Entity determines that an Undertaking application involves an architectural property constructed fewer than forty-five (45) years ago, or a property

at least forty-five (45) years of age that has been determined ineligible for the National Register within the past five (5) years, and the property is not within the boundaries of a National Register-listed or -eligible historic district, no further coordination with SHPO shall be required for that property. The Responsible Entity shall keep documentation of this determination on file and available for periodic review by the SHPO per **ARTICLE IX** of this Agreement.

- (5) The Responsible Entity shall submit documentation of each architectural property requiring Section 106 Review to the SHPO for consultation. Documentation may be provided:
 - (a) Through the THC's online eTRAC system, accessible at <http://www.thc.texas.gov/etrac-system>;
 - (b) By using a "Request for SHPO Consultation" form, submitted in hard copy by mail or delivery service, or
 - (c) In a cover letter, with attachments including required information, submitted in hard copy by mail or delivery service.

Documentation should include, at a minimum, the address of the subject property (including city and county), a map showing the property location, the known or estimated date of construction, a brief architectural description, history of the property and names of architects or builders, if known, and current, clear overall photographs of the property. The submittal should indicate whether the property is listed in the National Register, if known, or determine whether it is eligible for listing in the National Register. Upon review, the SHPO shall concur or disagree with the eligibility determination provided within thirty (30) days.

- (6) If a property within the APE is determined eligible for National Register listing, further coordination shall be required per **ARTICLE V (B)**. If all properties within the APE are determined not eligible for the National Register and are not within a National Register-eligible historic district, and no historic properties are affected by the Undertaking, the Section 106 Review process is complete and no further coordination with the SHPO shall be required for the Undertaking.
- (7) Disputes regarding determinations of eligibility shall be referred by the Responsible Entity, through the GLO, to the Keeper of the National Register in accordance with 36 CFR § 800.4(c)(2) and 36 CFR § 63.2.

(B) Assessment of Adverse Effect

The Responsible Entity shall make a reasonable and good faith effort to assess adverse effects on historic properties within the APE, as follows:

- (1) For properties listed in, or determined eligible for, the National Register, the Responsible Entity shall submit to the SHPO documentation of any proposed activities that do not fall within the exclusions listed in **Attachment A**. Documentation may be provided as outlined in **ARTICLE V(A)(5)(a)-(c)**, above, and

shall include a scope of work, plans and specifications, or other detailed description of the Undertaking. Photographs of the areas in which work is to be performed shall be included. The Responsible Entity shall assess whether the Undertaking would have an adverse effect on the historic property per 36 C.F.R. § 800.5 and the SHPO shall concur or disagree with the determination.

- (2) Upon concurrence of the Parties that an Undertaking is designed and planned in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 C.F.R. § 68, hereinafter, the "Applicable Standards"), or the Undertaking otherwise does not meet the criteria to create an adverse effect, the Undertaking shall be considered to have no adverse effect, and no further coordination with the SHPO will be required for the Undertaking.
- (3) The Responsible Entity and the SHPO shall make best efforts to expedite reviews through a finding of "no adverse effect with conditions" when the scope of work can be modified to ensure adherence with the Applicable Standards. If the Undertaking cannot meet the Applicable Standards or otherwise would result in an adverse effect to historic properties, the Responsible Entity shall proceed with further consultation.

(C) Resolution of Adverse Effect

The Responsible Entity shall make a reasonable and good faith effort to resolve adverse effects on historic properties located within the APE. To resolve adverse effects, the Responsible Entity shall consult with the SHPO, any consulting parties, and the public, as appropriate, to seek alternatives to avoid, minimize, or mitigate the effect of the Undertaking per 36 C.F.R. § 800.6. To document alternatives considered in the planning process, Undertaking Applicants should provide written justification for the proposed action that will cause an adverse effect, summarize and provide documentation of alternatives to the action, and cite the specific reasons why the proposed action was selected over other alternatives. Consultation to resolve adverse effects shall result in the issuance of a Memorandum of Agreement ("MOA") per 36 C.F.R. § 800.6(c), or where appropriate, the Responsible Entity or the SHPO may propose the use of standard mitigation measures per **ARTICLE V(D)**.

(D) Standard Mitigation Measures.

In instances which the Responsible Entity, in consultation with the SHPO and other consulting parties, if any, determines one or more Undertakings will cause adverse effects to multiple historic properties, in lieu of negotiating separate MOAs for specific Undertakings, the Responsible Entity may use the standard mitigation measures described below in their entirety or as part of a broader mitigation plan. The use of standard mitigation measures and the specific scope of the mitigation measures shall be agreed upon by a letter exchange between the Responsible Entity and the SHPO, which the letter(s) shall become a part of the Responsible Entity's files.

(1) Historic American Building Survey ("HABS") Documentation

- (a) The Responsible Entity shall be responsible for performing archival-quality documentation of a historic property affected by the Undertaking. The

documentation shall meet the Secretary of the Interior's *Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards* and National Park Service ("NPS") guidance documents, including the May 2010 transmittal guidelines *Preparing HABS/HAER/HALS Documentation; Historic American Buildings Survey Guidelines for Historical Reports*; December 2008 *HABS Guidelines; Recording Historic Structures and Sites with HABS Measured Drawings*; and June 2001 *HABS/HAER Photographs Specifications and Guidelines*; or the latest guidance from NPS at <http://www.nps.gov/history/hdp/standards/index.htm>.

- (b) The level of documentation shall be determined in consultation with the SHPO and NPS Intermountain Regional Office, and may be one of the following three (3) options:

Level I: measured drawings, large-format photography, and written history and description; or

Level II: existing drawings, large format photography, and written history and description; or

Level III: sketch plan, large format photography, and architectural data form.

- (c) The Responsible Entity shall submit the completed HABS documentation to the SHPO and NPS for review and approval. Within thirty (30) days of receipt, the SHPO shall advise the Responsible Entity if the submitted documentation is satisfactory or shall request specific revisions. The NPS may also request specific revisions to meet HABS standards. If any HABS documentation is determined to be inadequate, the SHPO shall respond within thirty (30) days of receipt, and any supplemental documentation will be reviewed within thirty (30) days of its receipt by the SHPO and NPS. Upon acceptance of the documentation by the SHPO and NPS, the Undertaking may proceed.
- (d) The Responsible Entity may also submit the complete documentation package to a local or regional archival repository or library, selected in consultation with the SHPO, in addition to, or in lieu of, review by NPS for inclusion in the HABS/HAER collection at the Library of Congress, if the SHPO agrees this alternative is acceptable. In such a case, the Undertaking may proceed following acceptance of the documentation by the SHPO and its receipt at the selected repository.

(2) **Digital Photographic Documentation**

- (a) The Responsible Entity shall be responsible for digitally photographing each historic property affected by an Undertaking or Undertakings conducted under this Agreement. Photography shall comply with the requirements of the NPS's *National Register Photograph Policy Factsheet* (<http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>), or

the latest guidance from NPS, with regard to image size and format of digital files, photograph log, and permanence requirements for prints. The number and type of views shall be determined in consultation with the SHPO.

- (b) The Responsible Entity shall submit to the SHPO electronic media containing the digital images, and a photo log for review and approval. Within thirty (30) days of receipt, the SHPO shall advise the Responsible Entity if the submitted documentation is satisfactory or shall request specific revisions. If revisions are requested, the SHPO shall specify whether the revised documentation is to be submitted to SHPO for a second thirty (30)-day review. Upon acceptance of the documentation by the SHPO, the Undertaking may proceed.
- (c) The Responsible Entity shall also provide the complete documentation package to an appropriate archival repository or library, as determined in consultation with the SHPO.

(3) National Register of Historic Places Nomination

- (a) The Responsible Entity shall be responsible for developing a National Register of Historic Places nomination in keeping with the guidance provided in NPS's *National Register Bulletin #16A: How to Complete the National Register Nomination Form* and other applicable bulletins (<http://www.nps.gov/history/nr/publications>). The nomination shall include a historic context, architectural descriptions, photographs, and maps, as required to fully document the historic property or district.
- (b) The Responsible Entity shall submit one (1) electronic media file containing the completed nomination form and attachments for review and approval to the SHPO via the Electronic THC Review And Compliance System (eTRAC) (<http://www.thc.texas.gov/etrac-system>). Within sixty (60) days of receipt, the SHPO shall advise the Responsible Entity if the submitted nomination is satisfactory or shall request specific revisions. If revisions are requested, the SHPO shall specify whether the revised documentation is to be submitted to the SHPO for a second sixty (60)-day review. Upon acceptance of the nomination by the SHPO, the Undertaking may proceed.
- (c) The Responsible Entity shall not be responsible for carrying the nomination form forward for consideration by the State Board of Review and NPS, or for any subsequent revisions required by those bodies.

(4) Historic Context Development

- (a) The Responsible Entity shall develop a historic context related to the historic property affected and selected in consultation with the SHPO. All work shall be done in accordance with the guidance on developing historic contexts in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (http://www.cr.nps.gov/local-law/arch_stnds_5.htm). The historic context shall include a methodology identifying archival

resources used and a bibliography for future research efforts.

- (b) The Responsible Entity shall submit one (1) electronic media file of the completed historic context for review and approval to the SHPO via the eTRAC system (<http://www.thc.texas.gov/etrac-system>). Within sixty (60) days of receipt, the SHPO shall advise the Responsible Entity if the submitted documentation is satisfactory or shall request specific revisions. If revisions are requested, the SHPO shall specify whether any revised documentation is to be submitted to the SHPO for a second sixty (60)-day review. Upon acceptance of the documentation by the SHPO, the Undertaking may proceed.
- (c) The Responsible Entity shall also provide the completed historic context to an appropriate archival repository or library, as determined in consultation with the SHPO.

(5) **Historic Property Inventory**

- (a) The Responsible Entity shall work with the SHPO to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the Responsible Entity shall continue to coordinate with the SHPO through the data collection process. The Responsible Entity shall use SHPO standards for the survey of historic properties and SHPO forms as appropriate.
- (b) The Responsible Entity shall prepare a draft inventory report, according to SHPO templates and guidelines. The Responsible Entity shall submit one (1) hard copy of the completed inventory and one (1) portable data storage device containing a digital file of the inventory to the SHPO for review and approval. Within sixty (60) days of receipt, the SHPO shall advise the Responsible Entity if the submitted documentation is satisfactory or shall request specific revisions, including whether any revised documentation is to be submitted to the SHPO for a second sixty (60)-day review. Upon acceptance of the documentation by the SHPO, the Undertaking may proceed.

- (6) **Public Interpretation.** Prior to implementation of the Undertaking, the Responsible Entity shall work with the SHPO to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops, and other similar mechanisms to educate the public on historic properties within the local community, state, or region. The Responsible Entity and SHPO shall continue to consult throughout implementation of the plan until all agreed upon actions have been completed.

(7) Design Review for Infill Construction

- (a) Prior to initiating the construction of a new building within a historic district or adjacent to historic properties, the Responsible Entity shall submit architectural and site plans for the proposed building to the SHPO for review and comment. For larger or complex new construction, the Responsible Entity shall establish a schedule for submittal of plans to the SHPO during plan development (e.g., 30%, 60%, and 90% construction documents) to allow for early and ongoing review. Within thirty (30) days of receipt of submitted architectural drawings, the SHPO shall provide recommendations to make the new construction compatible with the architectural character of nearby historic properties. The Responsible Entity shall consider any SHPO comments and make a reasonable and good faith effort to incorporate the SHPO's suggestions into the final architectural and site plans.
- (b) The Responsible Entity shall make reasonable attempts to use building setbacks, exterior materials, and overall building forms that are compatible with nearby historic properties.

ARTICLE VI – ARCHEOLOGICAL REVIEW

(A) Identification and Evaluation of Historic Properties

- (1) For Undertakings involving ground disturbance, the Responsible Entity shall coordinate with the SHPO to determine whether archeological investigations are warranted. Documentation to aid in this determination may be provided by the Responsible Entity as outlined in **ARTICLE V(A)(5)(a)-(c)**, above. Documentation shall include, at minimum: the address (including city and county); a U.S. Geological Survey 7.5 minute quadrangle map with the property location and boundary shown; documentation establishing whether the property is owned or controlled by a public agency; an Undertaking description noting impacts that will occur to the ground surface and the depth of the impact; and documentation of any extenuating circumstances that may be important for review, such as evidence of severe erosion or previous construction within the Undertaking area.
- (2) In determining whether archeological background research and/or field survey is warranted, all parties shall reference HUD's HP Factsheet 6 at: (http://portal.hud.gov/hudportal/documents/huddoc?id=env_factsheet_6.pdf) and ACHP's Policy Statement on Affordable Housing and Historic Preservation, Implementation Principle VIII (<http://www.achp.gov/docs/fr7387.pdf>).
- (3) At the request of the SHPO, the Responsible Entity shall make a reasonable and good faith effort to identify archeological properties within the APE. Pursuant to 36 CFR § 800.4(b)(1), the steps to fulfill this requirement may include, but are not limited to, background research, including review of the THC's Texas Archeological Sites Atlas, consultation, oral history interviews, sample field investigations, and reconnaissance or intensive field survey. All investigators will conform to the THC's *Archeological Survey Standards of Texas* (http://www.thc.texas.gov/public/upload/publications/THC_SurveyStandards_2014_0.pdf) and the Secretary of the Interior's

Standards and Guidelines for Archeology and Historic Preservation.

- (4) In accordance with Texas Natural Resources Code, Title 9, § 191.054, an Antiquities Permit may be issued by the THC to allow survey and discovery or excavation of archeological sites for Undertakings under any land within the jurisdiction of the State of Texas, such as property owned by a state agency or political subdivision of the state (cities, counties, river authorities, municipal utility districts, and school districts).
- (5) A draft report of the investigations conducted per **ARTICLE VI(A)(3)**, above, should be produced in conformance with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* and the Council of Texas Archeologists' *Guidelines for Cultural Resource Management Reports* (<http://www.thc.texas.gov/public/upload/CTAguidelines.pdf>), and submitted to the SHPO for review. The Responsible Entity shall receive a redacted version of the same archeological report for review and comment from qualified archeologists. Should the Responsible Entity employ a qualified archeologist, then unredacted versions may be submitted to the Responsible Entity. Comments received from the SHPO shall be addressed in the final reports. If no cultural resources are identified in the APE and the SHPO concurs, no further coordination with the SHPO will be required for the Undertaking.
- (6) If cultural resources are identified within the APE, the Responsible Entity shall consult with the SHPO to develop a testing plan to determine eligibility for inclusion in the National Register, in accordance with the process described in 36 CFR § 800.4(c) and criteria established in 36 C.F.R. § 60.4. Alternatively, the Undertaking applicant may redesign the Undertaking to avoid completely all effects on the identified cultural resources. All draft reports of site testing shall be submitted to the SHPO for review and comment. Comments received from the SHPO shall be addressed in the final reports.
- (7) If the Responsible Entity and the SHPO agree as to whether a property is eligible for inclusion in the National Register, such agreement is deemed conclusive for the purposes of this Agreement. Disputes regarding determinations of eligibility shall be referred by the Responsible Entity, through the GLO, to the Keeper of the National Register in accordance with 36 CFR § 800.4(c)(2). Cultural resources determined to be ineligible for the National Register shall require no further protection.
- (8) During implementation of this Agreement, the Responsible Entity will protect information about historic properties, including location information or information provided by Indian tribes to assist in the identification of such properties, to the extent allowable under Section 304 of the National Historic Preservation Act, 54 U.S.C. § 306108, 36 CFR § 800.11(c), and in accordance with the Texas Natural Resources Code Title 9, § 191.021.

(B) Assessment of Adverse Effect

For archeological sites determined eligible for the National Register, the Responsible Entity

shall submit documentation to the SHPO of any proposed activities that do not fall within the exclusions of **Attachment A**. Documentation shall include an Undertaking description noting impacts that will occur to the ground surface and the depth of the impact. The Responsible Entity should assess whether the Undertaking would have an adverse effect on the historic property. If an adverse effect determination is made, the SHPO shall concur or disagree with the determination. If no determination is reached by the Responsible Entity, the SHPO shall determine whether the work meets the Criteria of Adverse Effect in 26 C.F.R. § 800.5. If the Responsible Entity and the SHPO concur that the Undertaking will have no adverse effect on historic properties, no further coordination with the SHPO shall be required for the Undertaking.

(C) Resolution of Adverse Effect

- (1) If the Responsible Entity and the SHPO determine that an Undertaking will have an adverse effect on a historic property, the Responsible Entity shall consult with the SHPO, tribes, consulting parties, and the public, as appropriate, to seek alternatives that would avoid, minimize, or mitigate the effect of the Undertaking per 36 CFR § 800.6.
- (2) The Responsible Entity shall prepare a data recovery plan (the “Plan”) that describes mitigation measures proposed to resolve the Undertaking’s adverse effects and provide the Plan for review and comment to all consulting parties. All parties shall have thirty (30) calendar days in which to provide a written response to the Responsible Entity. The Plan may include, as appropriate, a research design; excavation or recordation strategies; work and report schedules; site monitoring; and relocation, preservation, or reburial; and curation of artifacts and records. It shall take into account all research and previous work conducted and specify, at a minimum: a) the historic property where data recovery is to be conducted (this information shall be removed in the redacted version of the report); b) the excavation or recordation that will be performed under the approved Plan; c) the methods to be used, with an explanation of their relevance to the Undertaking research design; and d) the methods to be used in analysis, data management, and dissemination of data, including a schedule of work and report submission.
- (3) When adverse effects to historic properties cannot be avoided, the Responsible Entity, in consultation with the SHPO and any consulting parties, shall develop a plan to mitigate the adverse effects. If the SHPO approves the plan for mitigating the adverse effects, the Responsible Entity shall implement the plan. Upon completion of the approved mitigation methods, the adverse effect shall be considered resolved.
- (4) If the Responsible Entity and the SHPO fail to agree on an adverse effect resolution, consultation shall proceed in accordance with 36 C.F.R. § 800.7 and **ARTICLE XI**.

ARTICLE VII – EMERGENCY SITUATIONS

- (A)** When the Responsible Entity or other local government official determines that a historic property is an imminent threat to public health or safety as a result of a natural or man-made disaster or emergency declared by the President or Governor, the Responsible Entity shall

notify the SHPO of the determination as soon as possible under the circumstances and provide all pertinent historic property information and a proposed plan of action for SHPO review.

- (B) If the SHPO objects to the proposed emergency action within seven (7) days, the Responsible Entity shall comply with all applicable non-emergency terms of this Agreement.
- (C) This Article applies only to Undertakings that will be implemented within thirty (30) days after a federal or state disaster or emergency has been formally declared, as stipulated in 36 C.F.R. § 800.12(d), unless such disaster or emergency declaration is extended by written proclamation prior to expiration of the initial thirty (30)-day period.
- (D) Immediate rescue, repair, stabilization, and salvage operations conducted to preserve life or property are exempt from the provisions of this Agreement, with the exception that the Responsible Entity shall provide documentation of the action to the SHPO within thirty (30) days of the action. Where possible, emergency actions shall be undertaken in a manner that does not foreclose future preservation or restoration of affected historic properties.

ARTICLE VIII—POST-REVIEW DISCOVERIES AND UNFORESEEN EFFECTS

- (A) If, during the implementation of an Undertaking, a previously unidentified historic property is encountered, or a known historic property may be affected in an unanticipated manner, the Responsible Entity will assume its responsibilities under 36 CFR § 800.13(b), "Post-Review Discoveries: Discoveries without Prior Planning." The Responsible Entity will stop construction activities in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the property until the Responsible Entity concludes consultation with the SHPO.
- (B) The Responsible Entity will notify the SHPO of the discovery at the earliest possible time and consult to develop actions to take into account the effects of the Undertaking. The Responsible Entity will notify the SHPO of any time constraints, and all parties shall mutually agree upon timeframes for this consultation. The Undertaking Applicant may participate in this consultation. The Responsible Entity will provide the SHPO with complete documentation on the change in the Undertaking, potential effects, and written recommendations, to take into account the effects of the Undertaking.
- (C) When the discovery contains burial sites or human remains, the Responsible Entity shall follow the post-review discovery procedures of 36 C.F.R. § 800.13 and applicable requirements of the Texas Health and Safety Code, Title 1, Chapter 711, and treat said sites and/or remains in a manner consistent with the provisions of ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, or Funerary Objects* (February 23, 2007). Work shall immediately cease within a fifty (50) foot radius of the area of discovery.
- (D) If the SHPO does not object to the Responsible Entity's recommendations within the agreed upon timeframe, as developed pursuant to Section (B) above, the Responsible Entity will modify the scope of work to implement the recommendations. If the SHPO objects to the recommendations, the Responsible Entity and the SHPO will consult further to resolve the objection through actions including, without limitation, identifying Undertaking alternatives that result in the Undertaking having no adverse effect on historic properties, or

proceeding in accordance with **ARTICLES IV through VI**.

ARTICLE IX – MONITORING AND REPORTING

The SHPO may monitor activities carried out pursuant to this Agreement and shall review activities if requested by any interested party or person. The Responsible Entity shall cooperate with the SHPO in carrying out these monitoring responsibilities.

The Responsible Entity shall provide the SHPO with an annual report on activities carried out each fiscal year under the terms of this Agreement. The reports shall be due on September 1 of each year the Agreement is in effect. Each report shall include:

- (A) A list of all Undertakings that were exempt from review under **ARTICLE I**, including the address of each property, brief description of the work performed, and the exemption type from **Attachment A**; and
- (B) The status of any mitigation prepared pursuant to **ARTICLE V(D)** or **ARTICLE VI(C)**.

ARTICLE X – ANTICIPATORY DEMOLITION

The GLO shall not issue a grant a loan, loan guarantee, or other financial assistance to a subrecipient that has intentionally allowed or failed to prevent, in instances which the subrecipient has the authority to prevent, an adverse effect to an historic property. However, the GLO may determine, after consultation with the ACHP, that circumstances justify granting such assistance despite the adverse effect created or permitted by the subrecipient and will complete consultation for the Undertaking pursuant to the terms of this Agreement.

ARTICLE XI – DISPUTE RESOLUTION

Should a Party to this Agreement or a consulting party, including a subrecipient, object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the GLO shall consult with the objecting party to resolve the objection. If the GLO determines within thirty (30) days of receipt of an objection that such objection cannot be resolved, the dispute will be addressed as follows:

- (A) The GLO will forward all documentation relevant to the dispute, including the GLO's proposed resolution, to the ACHP in accordance with 36 CFR § 800.2(b)(2).
- (B) The ACHP shall provide the GLO with its advice on the resolution of the objection within thirty (30) days of receipt of adequate documentation; whereupon, the GLO shall prepare a written final response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and consulting parties, and provide copies of this written response to the objecting party, the ACHP, signatories, and consulting parties.
- (C) If the ACHP does not provide its advice regarding the dispute within thirty (30) days of the receipt of the GLO's proposed resolution, the GLO may make a final decision regarding the dispute and proceed accordingly. The GLO shall prepare a written response that takes into

account any timely comments regarding the dispute from signatories and consulting parties and provide copies of this written response to the objecting party, the ACHP, signatories, and consulting parties.

The Parties' responsibilities to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

ARTICLE XII – AMENDMENTS

Amendments to this Agreement shall be by written agreement between the GLO and the THC. Subrecipients will be notified of any amendment to this Agreement via a Technical Guidance Letter issued under a subrecipient agreement. A copy of the amendment will be filed with the ACHP.

ARTICLE XIII – TERMINATION

A Party may terminate the Agreement upon thirty (30) days' written notification to the other. In the event of termination, the GLO will follow the procedure outlined in 36 CFR Part 800, Subpart B, "The Section 106 Process," with respect to Undertakings that had been covered by this Agreement.

ARTICLE XIV – TERM OF AGREEMENT

This Agreement shall be effective as of the date executed by the last party and will terminate five (5) years after its effective date. At any time during the term of this Agreement, the GLO and THC may extend the Agreement in accordance with ARTICLE XII. Unless a Responsible Entity terminates the Agreement earlier in accordance with ARTICLE XIII, the termination under this Article shall be effective for all Parties.

ARTICLE XV – ADDITIONAL PARTIES

Governmental bodies that are eligible to be Responsible Entities are required to comply with the terms of this Agreement as a condition of their participation in the Program. Except for ARTICLES XI, XII, and XIV, Responsible Entities other than the GLO will assume all roles, responsibilities, and terms ascribed to the GLO hereunder.

No assistance or approval for Program activities will be made by a Responsible Entity until it has approved the outcome of consultation with the THC and other consulting parties, if any. If the Responsible Entity does not approve the outcome of consultation for a specific Undertaking, then additional information, performance of additional consultations, or direct consultation with the SHPO and other parties may be required to complete the Section 106 Review process.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE FOR GLO CONTRACT NO. 19-127-000-B465

Execution and implementation of this Agreement is evidence that the GLO has afforded the ACHP an opportunity to comment on these programs and that the GLO has taken into account the effects of the programs on historic properties.

GENERAL LAND OFFICE


DocuSigned by:





Mark A. Havens, Chief Clerk/
Deputy Land Commissioner


Date of execution: 10/9/2018

OGC 

DD 

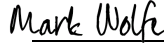
SDD 

DGC 

GC 

TEXAS HISTORICAL COMMISSION

DocuSigned by:



By Mark Wolfe

Title: Executive Director

Date of execution: 10/8/2018

ATTACHMENTS TO THIS AGREEMENT:

ATTACHMENT A – LIST OF EXEMPT ACTIVITIES

ATTACHMENT FOLLOWS

LIST OF EXEMPT ACTIVITIES

The GLO, in consultation with the THC, has determined that the following activities do not meet the definition of an Undertaking since they either: (1) do not have the potential to cause effects on historic properties per 36 CFR § 800.4(d)(1); or (2) have limited potential to affect historic properties per 36 CFR § 800.5 and will have no adverse effect if carried out as described. The activities in this list require no further review under the terms of this Agreement. The GLO and Responsible Entities shall maintain a list of Undertakings completed per these exemptions and shall make the list available upon the request of the THC and include the updated list in the annual report.

GENERAL ACTIVITIES (Categorically Excluded under 24 CFR § 58.34)

- A. Environmental and other studies, resource identification, and the development of plans and strategies. (Implementation of such plans with federal funds may require consultation. If historic properties may be affected, SHPO recommends early consultation during planning stages.)
- B. Information and financial services.
- C. Administrative and management activities.
- D. Public services that will not have a physical impact or result in any physical changes to buildings, structures, sites, or objects, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, and welfare or recreational needs.
- E. Inspections and testing of properties for hazards or defects. (Action taken pursuant to such inspections with federal funds will require consultation.)
- F. Purchase of insurance (e.g. homeowners or flood insurance; does not include HUD mortgage insurance).
- G. Purchase of tools.
- H. Engineering or design costs. (Construction activities undertaken with federal funds will require consultation. If historic properties may be affected, SHPO recommends early consultation during design.)
- I. Technical assistance and training.
- J. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration.
- K. Payment of principal and interest on loans made or obligations guaranteed by HUD;
- L. Any categorical exclusion listed in 24 C.F.R. § 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in 24 C.F.R. § 58.5.

REHABILITATION OF BUILDINGS

Interior Rehabilitation:

Undertakings limited to interior spaces of single- or multifamily residential buildings to be retained

in the same use where the work will not be visible from the exterior of the building; no structural alterations are made; no demolition of walls, ceilings, or floors occurs; no drop ceilings are added; and no walls are leveled with furring or moved.

The following list of activities that do not need consultation with the SHPO provides further clarity for residential work and establishes standards for civic, commercial, and other property types.

A. Disaster recovery measures:

1. Temporary repair to single-family residential buildings to ensure safe shelter with access to essential electrical supply, HVAC, hot water, natural gas and potable water, and protection from elements such as weatherproofing and securing broken doors and windows.
2. Interior repairs to pre-disaster condition of single- or multifamily residential buildings, excluding structural repairs (e.g. foundation, framing), or other elements requiring architectural or engineering services.

B. Heating, ventilation, and air conditioning (HVAC):

1. Installing mechanical equipment in residential buildings in a manner that does not affect the exterior of the building.
2. Installing mechanical equipment in other building types within existing mechanical closets, chases, and unfinished attics or basements when ducts are not visible within occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.
3. Routine maintenance or retrofits to existing mechanical equipment, provided there is no physical impact on the building.
4. Replacement of existing mechanical equipment or installation of supplemental equipment, provided that exterior equipment is installed within the same footprint on the same pad, and interior equipment is installed within an existing mechanical closet or unoccupied attic or basement.
5. Upgrading existing facility and infrastructure-related pumps and motors, including those for HVAC systems, to variable-speed or premium efficiency standards.
6. Sealing, restoring, or insulating HVAC ducts, provided that the ducts are not visible in occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.
7. Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors or carbon monoxide detectors (wired or non-wired).

C. Lighting and appliances:

1. Installation of fire, smoke, or carbon monoxide detectors.
2. Installation of compact fluorescent or LED bulbs in existing fixtures.
3. Replacement of fluorescent bulbs, ballasts, and/or wiring in existing fixtures.

4. Replacement of existing fluorescent fixtures with new fixtures, provided that the fixtures are not original to the building.
5. Installation of motion/occupancy sensors for lighting control.
6. Replacement of existing lighting in street lighting fixtures with high efficiency lighting.
7. Replacement of existing appliances.

D. Insulation:

1. Attic insulation with proper ventilation, provided that insulation is fiberglass batt or loose fill only (not spray foam).
2. Under-floor insulation in basements or crawl spaces, provided that insulation is fiberglass batt or loose fill only (not spray foam), and ventilation of crawl spaces.
3. Exterior blown-in wall insulation (not spray foam) where holes are not drilled through exterior wall material or decorative plasterwork on the interior and result in no permanent visible alteration to the structure.
4. Water heater tank and pipe insulation.
5. Radiant barriers in unoccupied attic spaces.

E. Plumbing:

1. Repairing plumbing systems in a manner that does not affect the interior or exterior of the building.
2. Water heater repair or replacement that does not require a visible new supply or venting.
3. Restroom improvements for handicapped access, provided the work is contained within the existing restroom.
4. Water conservation measures, such as installation of low-flow faucets, toilets, showerheads, urinals, or distribution device controls, in residential properties; and water conservation measures in other building types, provided that plumbing fixtures to be replaced are not original to the building.
5. Upgrading existing facility and infrastructure-related pumps and motors, including those for water/wastewater facilities, to variable-speed or premium efficiency standards.

F. Electrical:

Repairing or upgrading electrical systems in a manner that does not affect the interior or exterior of the building.

Exterior Rehabilitation:

A. Roofing:

1. In-kind replacement of existing roofing material.
2. Replacement of existing gutters and downspouts.
3. Installation of continuous ridge vents covered with ridge shingles or boards, or roof jacks/vents, bath and kitchen fan vents, gable vents, soffit and frieze board vents, and

combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.

4. Installation of reflective roof coatings, with materials that closely match the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline.
5. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.
6. Replacement of asbestos tile roofing with composition shingle/asphalt shingle roofing matching the shape and pattern of the asbestos tile.

B. Siding, soffits, fascia, and masonry:

1. Repair or limited, in-kind replacement of existing siding, soffits, and fascia. Limited replacement shall not exceed 25% of the overall exterior area, and new material shall match existing in material, profile, and other characteristics.
2. Limited repair of masonry, including chimneys, where mortar matches the existing in color, texture, strength, joint width, and joint profile and methods are consistent with the preservation techniques in *Preservation Brief #2: Repointing Mortar Joints in Historic Masonry Buildings*. Limited repair shall not exceed 10% of the overall exterior wall area.

C. Painting:

1. Painting previously painted exterior surfaces, provided destructive surface preparation treatments, including but not limited to water-blasting, sandblasting and chemical removal, are not used.
2. Conducting lead-based paint abatement or interim controls pursuant to 24 CFR § 35.115(a)(13), if carried out by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*. (Any removal of historic building materials or encapsulation with vinyl siding or other materials is not included in this exemption.)

D. Windows and doors:

1. Weatherstripping around windows and doors, installing thresholds, and other air infiltration control measures that do not harm or obscure historic windows, doors, or trim.
2. Caulking around windows and doors, provided that the color of the sealant matches adjacent materials.
3. Installing interior storm windows or doors, or exterior storm or wood screen doors, on residential buildings, in a manner that does not harm or obscure historic windows or trim.
4. Repair or repainting of existing storm windows.
5. Installing removable film on windows (if the film is transparent), solar screens, or window louvers, on residential buildings, in a manner that does not harm or obscure historic windows or trim.
6. Repair or replacement of missing or damaged window glass.
7. Repair of windows using in-kind materials.

8. Replacement of non-historic exterior doors with compatible wood panel doors.

E. Porches:

1. Repair (not replacement) of porch ceilings, steps, floors, or railings.
2. Repair of existing wheelchair ramps.
3. Installing a new wheelchair ramp on the side or rear entrance of a home, when not visible from any public right-of-way.
4. Installing a new wheelchair ramp on the front of a home, or other entrance visible from a public right-of-way, in a manner that does not remove, compromise, or damage existing historic materials or features and would be completely reversible without damage to historic fabric.

F. Ground-disturbing activity and site work:

1. Repairing or replacing in-kind existing driveways, parking areas, and walkways with materials of similar appearance in a manner that does not disturb historic landscape materials or features.
2. Excavating to gain access to existing underground utilities to repair or replace them, in a manner that does not disturb historic exterior building or landscape materials or features, and where all construction occurs within existing trenches.
3. Repair or replacement of metal utilitarian structures (e.g. pump houses, storage buildings) less than 45 years old, when performed in previously disturbed soils.
4. Ground disturbance that is minimal and occurs in documented, previously disturbed soil.

G. Elevation: Elevation of pier-and-beam, wood frame structures four feet or less if the front entrance stair configuration is unaltered. Foundation skirting and piers shall be extended or replaced with in-kind materials; brick or stucco piers with lattice or board and batten skirting is preferred in instances where historic materials are no longer present. This exemption does not apply to buildings with other structural systems, such as masonry construction or slab-on-grade foundations.

H. Generators: Installation of generators at existing facilities, where:

1. Ground-level equipment is located to the rear or side of the building or is otherwise screened from view from any public right-of-way, and any new equipment slabs and trenching occurs within previously disturbed soils.
2. Roof-mounted equipment is not visible from the ground level.

INFRASTRUCTURE

The following projects may be exempt from review when they occur 25 feet or greater from the fence line or boundary of a cemetery, or where no work will occur within 15 feet of a cemetery. Projects which involve work within 15 feet of a cemetery must be submitted in accordance with **ARTICLE VI, ARCHEOLOGICAL REVIEW**, and will require archeological studies to verify whether or not there are any unmarked graves beyond the marked cemetery boundary. These studies may include scrapings or informant interviews with the manager of the cemetery association, local

historians, funeral home directors, or other informed individuals.

- A. Routine road maintenance and resurfacing where work is confined to the existing right-of-way and previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no known historic properties, or historic properties would not be affected because the proposed work is clearly within a disturbed context. This exemption shall not apply in areas with brick streets or with tile curb markers or other decorative street features.
- B. Point repair to an existing water or wastewater line where construction occurs in the original trench
- C. Replacement of existing water or wastewater lines where all construction occurs within the original trench.
- D. Replacement of existing water or wastewater lines in a new trench paralleling the existing line if the following conditions are met:
 - 1. Replacement occurs beneath city streets or adjacent drainage rights-of-way (as in item A);
 - 2. Replacement does not occur within a National Register historic district or locally designated historic district;
 - 3. Replacement does not occur within the historic towns of Goliad, San Augustine, Jefferson, Nacogdoches, Bastrop, Castroville, San Ygnacio, Roma, Refugio, Ysleta, San Elizario, and Presidio;
 - 4. Replacement does not occur beneath brick-paved streets; and
 - 5. Replacement does not occur adjacent to roads in rural areas of the county (where abandoned cemeteries or unrecorded archeological sites might be impacted by a new trench).
- E. Minor alterations or additions to existing water or wastewater treatment plants or other facilities that are less than 45 years old. (Excavation of new treatment ponds or enlargement of existing ponds are not considered minor alterations and are subject to review).
- F. Installation of generators at existing water/wastewater or shelter facilities, where:
 - 1. Ground-level equipment is located to the rear or side of the building or is otherwise screened from view from any public right-of-way, and any new equipment slabs and trenching occurs within previously disturbed soils.
 - 2. Roof-mounted equipment is not visible from the ground level.
- G. Addition or replacement of equipment within the same location and footprint (Examples include but not limited to; Computer monitoring equipment, bar screens, clarifiers, chlorination equipment, SCADA equipment etc.).
- H. Repair of bridges less than 45 years old.



Wharton County Historical Commission

"We will protect, preserve and promote our heritage."

1406 Kelving Way
Wharton, TX 77488
June 11, 2025

Tim Barker
Mayor, City of Wharton
120 E. Caney Street
Wharton, TX 77488

Dear Mayor Barker:

Thank you for your letter of June 9, 2025, inviting the historical commission to participate in the review of the Wastewater Treatment Plant and system improvement project. Since the historic areas of the city are not part of the plan and I am unable to provide any new and more relevant information regarding them, I decline to participate. If our help is needed later, don't hesitate to let me know.

Sincerely,

A handwritten signature in cursive script that reads "Pat Blair".

Patricia M. Blair, Chair



City of Wharton

120 E. Caney Street • Wharton, Texas 77488
Phone (979) 532-2491 • Fax (979) 532-0181

June 09, 2025

Patricia Blair, Chair
Wharton County Historical Commission
blairpatm@gmail.com

RE: TX GLO CDBG-MIT Program - Wastewater Treatment Plant No. 1 and System Improvements, City of Wharton, TX 77488

Dear Ms. Blair,

The City of Wharton, through the Texas General Land Office (TX GLO) CDBG-MIT program, proposes to use the funding for improvements to its existing Wastewater Treatment Plant No. 1, i.e., site, headworks and on-site lift station, aeration basin, chlorine contact basin and digester, and flood proofing the upstream lift station(s) at Park Lane and Alabama Road.

The project locations, for these public facilities, are below in Table 1 and in the attached Site Location Map - Overall.

Table 1. Project Location(s)

Name	Wharton, TX 77488	Latitude	Longitude
WWTP No. 1	806 S East Ave	29.30135	-96.09756
Park Lane LS	1213 1/3 Park Lane	29.31908	-96.09043
Alabama Rd LS	1014 N. Alabama Rd	29.31523	-96.08708

All improvements at WWTP No. 1 would occur within the existing site at 806 S East Ave. Flood proofing the two upstream lift station(s) would include installing doors with rubber sealed gaskets and raising critical components, such as control panels, to ensure their operation during and after flood events to minimize the release of untreated sewage into the community. No work at any of the three sites would occur within or impact any historic districts or landmarks as listed in Texas Historical Commission (THC) Texas Historic Sites Atlas for City of Wharton, TX 77488 at atlas.thc.texas.gov (see attached screen shot).

The proposed project is exempt from THC review as it is consistent with Infrastructure Item E "Minor alterations or additions to existing water or wastewater treatment plants or other facilities that are less than 45 years old (Excavation of new treatment ponds or enlargement of existing ponds are not considered minor alterations and subject to review)" per the TX GLO and THC.

Programmatic Agreement, including Amendment No.1, to GLO Contract No. 19-127-000-B465, attached for ease of reference

Review of the attached “When to Consult with Tribes Under Section 106” Checklist confirmed that the proposed project does not match any of the 7 (seven) types of activities that require Tribal consultation

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, we are providing information for your review and to ask: 1) would you like to participate in the review of the above-referenced project and 2) can you provide any updated information about local historic districts? The proposed project is being considered for assistance in the CDBG-MIT program and is subject to review under 24 CFR Part 58.


Please provide a response no later than July 10, 2025. If you have questions regarding this review, please contact Brandi Jimenez at bjimenez@cityofwharton.com. Thank you for your attention to this matter.

Sincerely,



Tim Baker
Mayor, City of Wharton

cc.
Ardurra



WHARTON WASTEWATER TREATMENT PLANT NO. 1 AND SYSTEM IMPROVEMENTS

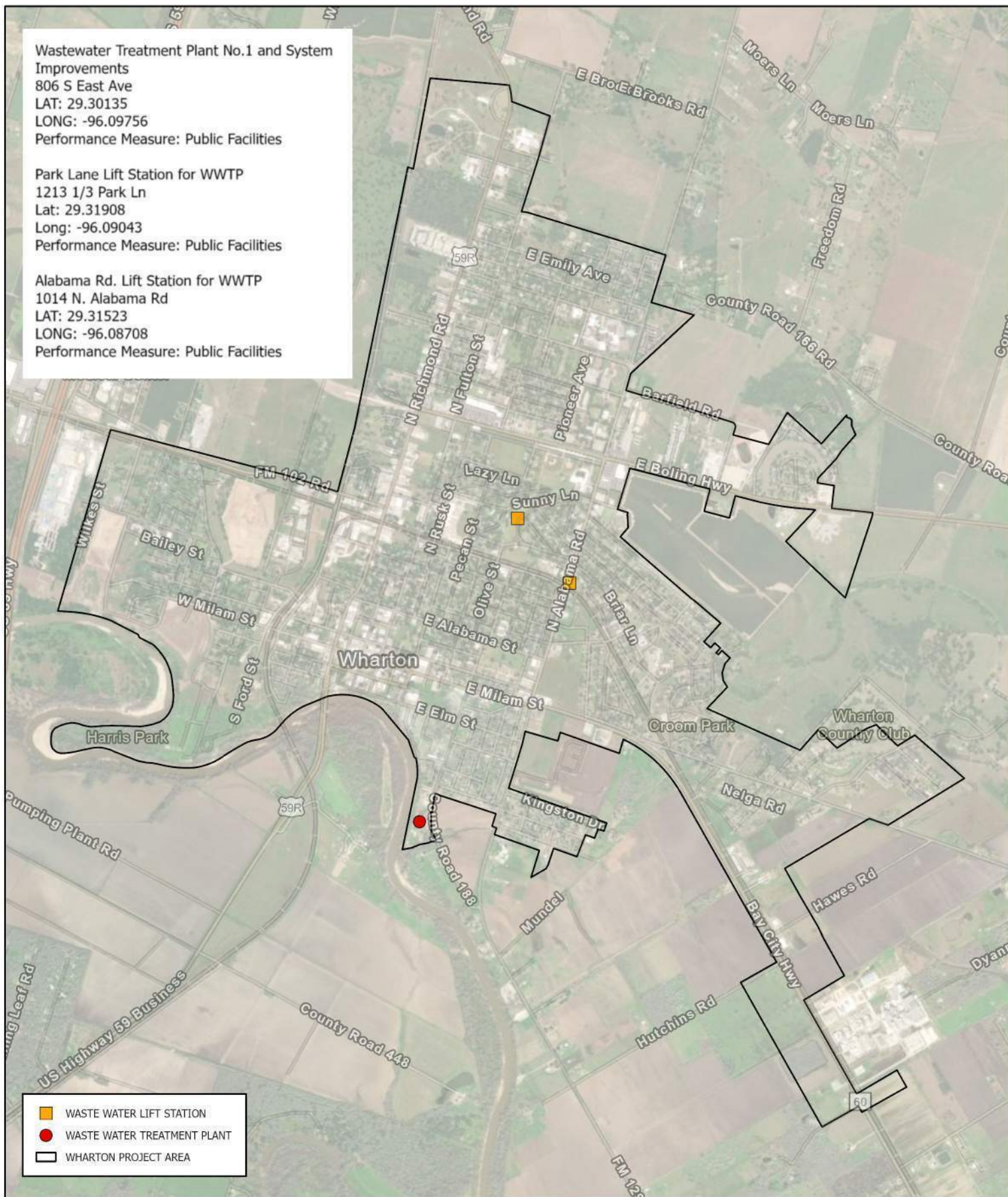
Wharton County Historic Commission Attachments

June 09, 2025

Wastewater Treatment Plant No.1 and System Improvements
 806 S East Ave
 LAT: 29.30135
 LONG: -96.09756
 Performance Measure: Public Facilities

Park Lane Lift Station for WWTP
 1213 1/3 Park Ln
 Lat: 29.31908
 Long: -96.09043
 Performance Measure: Public Facilities

Alabama Rd. Lift Station for WWTP
 1014 N. Alabama Rd
 LAT: 29.31523
 LONG: -96.08708
 Performance Measure: Public Facilities



SITE LOCATION MAP-OVERALL

Wastewater Treatment Plant No. 1 and System Improvements
 City of Wharton



0 1,875 3,750 Feet

Is for Wharton County Courthouse Historic Commercial District

al Register Listing — Atlas Number 2091001624

all detailed data



Report an error

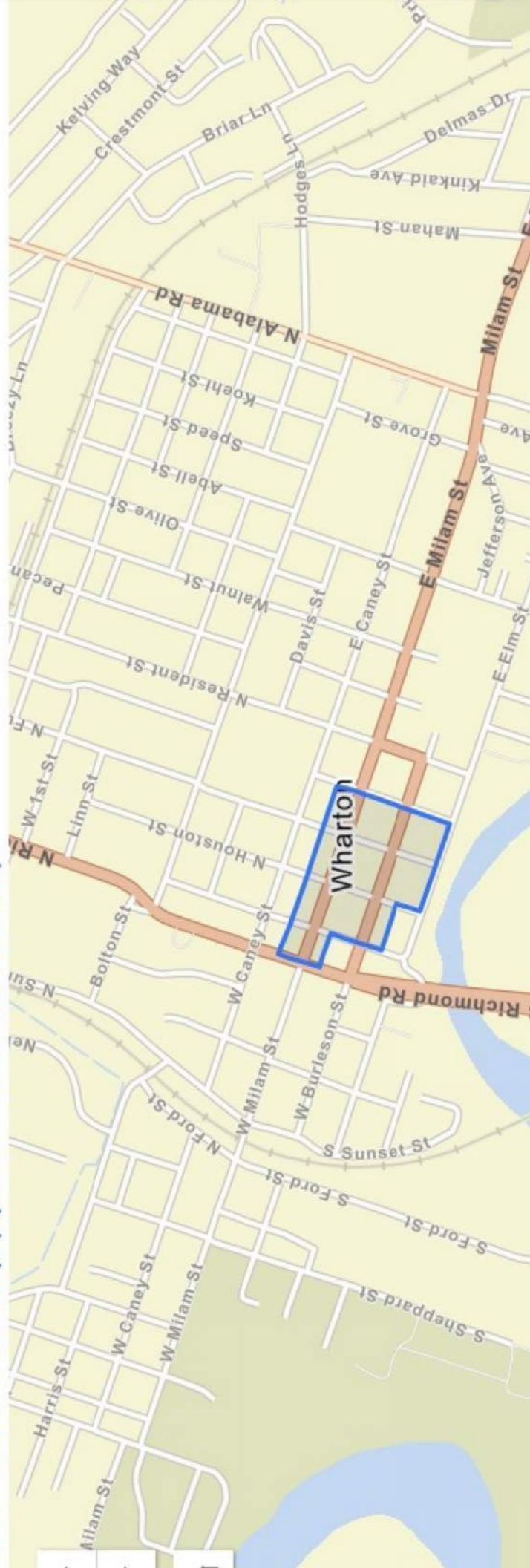
rd Data

Map

Files

Location Map

• this record in full map (opens in new tab/window)





**AMENDMENT NO. 1 TO
GLO CONTRACT NO. 19-127-000-B465**

THE GENERAL LAND OFFICE (the “GLO”) and **TEXAS HISTORICAL COMMISSION** (“THC”), each a “Party” and collectively “the Parties” to GLO Contract No. 19-127-000-B465 (the “Agreement”), desire to amend the Agreement.

WHEREAS, the Parties desire to amend the Agreement to reflect all GLO Programs that are subject to the terms of the Agreement; and

WHEREAS, the Parties desire to revise or replace certain language in the Agreement to clarify and accurately reflect the Parties’ respective responsibilities under the Agreement; and

WHEREAS, the Parties desire to extend the term of the Agreement; and

WHEREAS, the GLO will send a copy of this executed amendment to the ACHP;

NOW, THEREFORE, in accordance with Article XII of the Agreement, the Parties agree as follows:

1. The first three recitals of the Agreement are deleted in their entirety and replaced with the following:

“**WHEREAS**, the GLO administers the U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant – Disaster Recovery (“CDBG-DR”) and Community Development Block Grant – Mitigation (“CDBG-MIT”) programs (collectively, the “Program”) to provide financial assistance with funds appropriated by the Congress of the United States to facilitate disaster recovery, disaster relief, long-term recovery, restoration, economic revitalization, and mitigation and to affirmatively further fair housing, in accordance with Executive Order 12892, in areas which are Presidentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 et seq.); and

WHEREAS, the GLO, in consultation with the THC, has determined that activities funded under the Program may have an effect on a CDBG-MIT-served or CDBG-DR-served historic property’s eligibility to be included in the National Register and the GLO must consult with the State Historic Preservation Officer (“SHPO”) for Texas, pursuant to Section 106 of the NHPA (herein, a “Section 106 Review”); and

WHEREAS, the GLO has determined that certain routine Program activities, listed in Attachment A, attached hereto and incorporated herein for all purposes, will have no effect on a CDBG-MIT-served or CDBG-DR-served historic property’s eligibility to be included in the National Register, and should be excluded from a Section 106 Review; and”

2. **ARTICLE III (B)** of the Agreement is deleted in its entirety and replaced with the following:

“(B) For all CDBG-DR and CDBG-MIT program submissions, an expedited review process of fourteen (14) calendar days upon receipt of complete documentation by SHPO will be in effect. This expedited review process shall only cover reviews submitted pursuant to **ARTICLES V and VI**, using the THC’s online eTRAC (electronic THC Review and Compliance) system, accessible at <https://www.thc.texas.gov/etrac-system>. For properties listed in or eligible for the NRHP, the THC may contact the GLO within the fourteen (14) day period to indicate that up to thirty (30) calendar days are required for the response. Additionally, for Undertakings where a report involving fieldwork is submitted, THC staff archeologists shall be allowed the full thirty (30) day period to review and comment.”

3. **ARTICLE IV (C)** of the Agreement is deleted in its entirety and replaced with the following:

“(C) **For cumulative effects:** For the purposes of this document and paraphrasing the National Environmental Policy Act definition (40 CFR § 1508.7), cumulative effects on historic properties are the effects that result from the incremental impact of the Undertaking when added to other past, present and reasonably foreseeable future Undertakings regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time. GLO and THC shall notify the other Party if potential NRHP-eligible historic or archaeological districts are identified through consultation with interested parties during the course of program activities. Each potential district shall be evaluated for formal inclusion in CDBG-DR program evaluations as a historic district using criteria defined by the National Park Service in National Register Bulletin 15.”

4. **ARTICLE V (A) (3)** of the Agreement is deleted in its entirety and replaced with the following:

“(3) If an architectural property is at least forty-five (45) years of age, is not listed in the National Register, and has not been evaluated for National Register eligibility, the Responsible Entity shall submit documentation to the SHPO for review per **ARTICLE V (A) (5)** of this Agreement. The forty-five-year age limit was selected to ensure historic age resources were captured in the event of unforeseen potential Undertaking delays and to afford flexibility to account for potential inaccuracies in building dates. The Parties agree that prefabricated manufactured homes do not constitute an architectural property type of concern and do not need to be submitted to THC for historic property review regardless of age if this origin is confirmed by a SOI-qualified architectural historian.”

5. **ARTICLE VI (A) (1)** of the Agreement is deleted in its entirety and replaced with the following:

“(1) For Undertakings that involve new ground disturbance and are not listed as an Exempt activity under Attachment A, the Responsible Entity shall coordinate with the SHPO to determine whether archeological investigations are warranted. Documentation to aid in this determination may be provided by the Responsible Entity as outlined in **ARTICLE V (A) (5) (a)-(c)**, above. Documentation shall include, at minimum: the address (including city and county); a U.S. Geological Survey 7.5 minute quadrangle map with the property location and boundary shown; documentation establishing


whether the property is owned or controlled by a public agency; an Undertaking description noting impacts that will occur to the ground surface and the depth of the impact; and documentation of any extenuating circumstances that may be important for review, such as evidence of severe erosion or previous construction within the Undertaking area.”

6. **ARTICLE XIV** of the Agreement is amended to reflect a termination date of **October 9, 2028**.
7. **ATTACHMENT A** to the Agreement, **List of Exempt Activities**, is deleted in its entirety and replaced with the **Revised List of Exempt Activities**, attached hereto and incorporated herein in its entirety for all purposes as **ATTACHMENT A-1**.
8. This Amendment shall be effective upon the date of the last signature.
9. The terms and conditions of the Agreement not amended herein shall remain in force and effect.

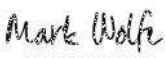
SIGNATURE PAGE FOLLOWS






**SIGNATURE PAGE FOR AMENDMENT NO. 1 TO
GLO CONTRACT No. 19-127-000-B465**

GENERAL LAND OFFICE

DocuSigned by:

7C299F4374E7497...
Mark A. Havens, Chief Clerk/
Deputy Land Commissioner
Date of execution: 4/4/2023

TEXAS HISTORICAL COMMISSION

DocuSigned by:

01632F3C4F7946A...
Name: Mark Wolfe
Title: Executive Director
Date of execution: 4/4/2023

OGC 
PM 
SDD 
DGC 
GC 

ATTACHED TO THIS AMENDMENT:

ATTACHMENT A-1 – Revised List of Exempt Activities

LIST OF EXEMPT ACTIVITIES

The GLO, in consultation with the THC, has determined that the following activities do not meet the definition of an Undertaking since they either: (1) do not have the potential to cause effects on historic properties per 36 CFR § 800.4(d)(1); or (2) have limited potential to affect historic properties per 36 CFR § 800.5 and will have no adverse effect if carried out as described. The activities in this list require no further review under the terms of this Agreement. The GLO and Responsible Entities shall maintain a list of Undertakings completed per these exemptions and shall make the list available upon the request of the THC and include the updated list in the annual report.

GENERAL ACTIVITIES (Categorically Excluded under 24 CFR § 58.34)

- A. Environmental and other studies, resource identification, and the development of plans and strategies. (Implementation of such plans with federal funds may require consultation. If historic properties may be affected, SHPO recommends early consultation during planning stages.)
- B. Information and financial services.
- C. Administrative and management activities.
- D. Public services that will not have a physical impact or result in any physical changes to buildings, structures, sites, or objects, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, and welfare or recreational needs.
- E. Inspections and testing of properties for hazards or defects. (Action taken pursuant to such inspections with federal funds will require consultation.)
- F. Purchase of insurance (e.g. homeowners or flood insurance; does not include HUD mortgage insurance).
- G. Purchase of tools.
- H. Engineering or design costs. (Construction activities undertaken with federal funds will require consultation. If historic properties may be affected, SHPO recommends early consultation during design.)
- I. Technical assistance and training.
- J. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration.
- K. Payment of principal and interest on loans made or obligations guaranteed by HUD;

REHABILITATION OF BUILDINGS

Interior Rehabilitation:

Undertakings limited to interior spaces of single- or multifamily residential buildings to be retained in the same use where the work will not be visible from the exterior of the building; no structural alterations are made; no demolition of walls, ceilings, or floors occurs; no drop ceilings are added; and no walls are leveled with furring or moved.

The following list of activities that do not need consultation with the SHPO provides further clarity for residential work and establishes standards for civic, commercial, and other property types.

A. Disaster recovery measures:

1. Temporary repair to single-family residential buildings to ensure safe shelter with access to essential electrical supply, HVAC, hot water, natural gas and potable water, and protection from elements such as weatherproofing and securing broken doors and windows.
2. Interior repairs to pre-disaster condition of single- or multifamily residential buildings, excluding structural repairs (e.g. foundation, framing), or other elements requiring architectural or engineering services.

B. Heating, ventilation, and air conditioning (HVAC):

1. Installing mechanical equipment in residential buildings in a manner that does not affect the exterior of the building.
2. Installing mechanical equipment in other building types within existing mechanical closets, chases, and unfinished attics or basements when ducts are not visible within occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.
3. Routine maintenance or retrofits to existing mechanical equipment, provided there is no physical impact on the building.
4. Replacement of existing mechanical equipment or installation of supplemental equipment, provided that exterior equipment is installed within the same footprint on the same pad, and interior equipment is installed within an existing mechanical closet or unoccupied attic or basement.
5. Upgrading existing facility and infrastructure-related pumps and motors, including those for HVAC systems, to variable-speed or premium efficiency standards.
6. Sealing, restoring, or insulating HVAC ducts, provided that the ducts are not visible in occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.
7. Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors or carbon monoxide detectors (wired or non-wired).

C. Lighting and appliances:

1. Installation of fire, smoke, or carbon monoxide detectors.
2. Installation of compact fluorescent or LED bulbs in existing fixtures.
3. Replacement of fluorescent bulbs, ballasts, and/or wiring in existing fixtures.
4. Replacement of existing fluorescent fixtures with new fixtures, provided that the fixtures are not original to the building.
5. Installation of motion/occupancy sensors for lighting control.
6. Replacement of existing lighting in street lighting fixtures with high efficiency lighting.

7. Replacement of existing appliances.

D. Insulation:

1. Attic insulation with proper ventilation, provided that insulation is fiberglass batt or loose fill only (not spray foam).
2. Under-floor insulation in basements or crawl spaces, provided that insulation is fiberglass batt or loose fill only (not spray foam), and ventilation of crawl spaces.
3. Exterior blown-in wall insulation (not spray foam) where holes are not drilled through exterior wall material or decorative plasterwork on the interior and result in no permanent visible alteration to the structure.
4. Water heater tank and pipe insulation.
5. Radiant barriers in unoccupied attic spaces.

E. Plumbing:

1. Repairing plumbing systems in a manner that does not affect the interior or exterior of the building.
2. Water heater repair or replacement that does not require a visible new supply or venting.
3. Restroom improvements for handicapped access, provided the work is contained within the existing restroom.
4. Water conservation measures, such as installation of low-flow faucets, toilets, showerheads, urinals, or distribution device controls, in residential properties; and water conservation measures in other building types, provided that plumbing fixtures to be replaced are not original to the building.
5. Upgrading existing facility and infrastructure-related pumps and motors, including those for water/wastewater facilities, to variable-speed or premium efficiency standards.

F. Electrical:

Repairing or upgrading electrical systems in a manner that does not affect the interior or exterior of the building.

Exterior Rehabilitation:

A. Roofing:

1. In-kind replacement of existing roofing material.
2. Replacement of existing gutters and downspouts.
3. Installation of continuous ridge vents covered with ridge shingles or boards, or roof jacks/vents, bath and kitchen fan vents, gable vents, soffit and frieze board vents, and combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.
4. Installation of reflective roof coatings, with materials that closely match the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline.

5. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.
6. Replacement of asbestos tile roofing with composition shingle/asphalt shingle roofing matching the shape and pattern of the asbestos tile.

B. Siding, soffits, fascia, and masonry:

1. Repair or limited, in-kind replacement of existing siding, soffits, and fascia. Limited replacement shall not exceed 25% of the overall exterior area, and new material shall match existing in material, profile, and other characteristics.
2. Limited repair of masonry, including chimneys, where mortar matches the existing in color, texture, strength, joint width, and joint profile and methods are consistent with the preservation techniques in *Preservation Brief #2; Repointing Mortar Joints in Historic Masonry Buildings*. Limited repair shall not exceed 10% of the overall exterior wall area.

C. Painting:

1. Painting previously painted exterior surfaces, provided destructive surface preparation treatments, including but not limited to water-blasting, sandblasting and chemical removal, are not used.
2. Conducting lead-based paint abatement or interim controls pursuant to 24 CFR § 35.115(a)(13), if carried out by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*. (Any removal of historic building materials or encapsulation with vinyl siding or other materials is not included in this exemption.)

D. Windows and doors:

1. Weatherstripping around windows and doors, installing thresholds, and other air infiltration control measures that do not harm or obscure historic windows, doors, or trim.
2. Caulking around windows and doors, provided that the color of the sealant matches adjacent materials.
3. Installing interior storm windows or doors, or exterior storm or wood screen doors, on residential buildings, in a manner that does not harm or obscure historic windows or trim.
4. Repair or repainting of existing storm windows.
5. Installing removable film on windows (if the film is transparent), solar screens, or window louvers, on residential buildings, in a manner that does not harm or obscure historic windows or trim.
6. Repair or replacement of missing or damaged window glass.
7. Repair of windows using in-kind materials.
8. Replacement of non-historic exterior doors with compatible wood panel doors.

E. Porches:

1. Repair (not replacement) of porch ceilings, steps, floors, or railings.

2. Repair of existing wheelchair ramps.
3. Installing a new wheelchair ramp on the side or rear entrance of a home, when not visible from any public right-of-way.
4. Installing a new wheelchair ramp on the front of a home, or other entrance visible from a public right-of-way, in a manner that does not remove, compromise, or damage existing historic materials or features and would be completely reversible without damage to historic fabric.

F. Ground-disturbing activity and site work:

1. Repairing or replacing in-kind existing driveways, parking areas, and walkways with materials of similar appearance in a manner that does not disturb historic landscape materials or features.
2. Excavating to gain access to existing underground utilities to repair or replace them, in a manner that does not disturb historic exterior building or landscape materials or features, and where all construction occurs within existing trenches.
3. Repair or replacement of metal utilitarian structures (e.g. pump houses, storage buildings) less than 45 years old, when performed in previously disturbed soils.
4. Ground disturbance that is minimal and occurs in documented, previously disturbed soil.

G. Elevation: Elevation of pier-and-beam, wood frame structures four feet or less if the front entrance stair configuration is unaltered. Foundation skirting and piers shall be extended or replaced with in-kind materials; brick or stucco piers with lattice or board and batten skirting is preferred in instances where historic materials are no longer present. This exemption does not apply to buildings with other structural systems, such as masonry construction or slab-on-grade foundations.

H. Generators: Installation of generators at existing facilities, where:

1. Ground-level equipment is located to the rear or side of the building or is otherwise screened from view from any public right-of-way, and any new equipment slabs and trenching occurs within previously disturbed soils.
2. Roof-mounted equipment is not visible from the ground level.

SINGLE-FAMILY HOUSING

- A. For single-family residential CDBG-DR or CDBG-MIT programs that involve new ground disturbance, archeological review by THC is not required if the Responsible Entity's SOI-qualified archaeologist verifies and documents that no known archaeological sites, archaeological districts, or natural water features (including wetlands) are located within 100 meters of the parcel boundary.
- B. The Louisiana-Rio Grande Canal Company Irrigation System is a collection of very large NRHP-listed historic districts within the Lower Rio Grande Valley, defined by local historic events and engineering design. Archaeological review by THC is not required if project ground disturbances will occur more than 100 meters from an irrigation district canal or engineering feature, unless it is in proximity to a recorded archeological site or natural water feature, as noted Paragraph A, above.

INFRASTRUCTURE

The following projects may be exempt from review when they occur 25 feet or greater from the fence line or boundary of a cemetery, or where no work will occur within 15 feet of a cemetery. Projects which involve work within 15 feet of a cemetery must be submitted in accordance with **ARTICLE VI, ARCHEOLOGICAL REVIEW**, and will require archeological studies to verify whether or not there are any unmarked graves beyond the marked cemetery boundary. These studies may include scrapings or informant interviews with the manager of the cemetery association, local historians, funeral home directors, or other informed individuals.

- A. **Routine road maintenance and** resurfacing where work is confined to the existing right-of-way and previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no known historic properties, or historic properties would not be affected because the proposed work is clearly within a disturbed context. This exemption shall not apply in areas with brick streets or with tile curb markers or other decorative street features.
- B. Point repair to an existing water or wastewater line where construction occurs in the original trench
- C. Replacement of existing water or wastewater lines where all construction occurs within the original trench.
- D. Replacement of existing water or wastewater lines in a new trench paralleling the existing line if the following conditions are met:
 - 1. Replacement occurs beneath city streets or adjacent drainage rights-of-way (as in item A);
 - 2. Replacement does not occur within a National Register historic district or locally designated historic district;
 - 3. Replacement does not occur within the historic towns of Goliad, San Augustine, Jefferson, Nacogdoches, Bastrop, Castroville, San Ygnacio, Roma, Refugio, Ysleta, San Elizario, and Presidio;
 - 4. Replacement does not occur beneath brick-paved streets; and
 - 5. Replacement does not occur adjacent to roads in rural areas of the county (where abandoned cemeteries or unrecorded archeological sites might be impacted by a new trench).
- E. **Minor alterations or additions to existing water or wastewater treatment plants or other facilities that are less than 45 years old. (Excavation of new treatment ponds or enlargement of existing ponds are not considered minor alterations and are subject to review).**
- F. Installation of generators at existing water/wastewater or shelter facilities, where:
 - 1. Ground-level equipment is located to the rear or side of the building or is otherwise screened from view from any public right-of-way, and any new equipment slabs and trenching occurs within previously disturbed soils.
 - 2. Roof-mounted equipment is not visible from the ground level.
- G. **Addition or replacement of equipment within the same location and footprint (Examples include but not limited to; Computer monitoring equipment, bar screens, clarifiers, chlorination equipment, SCADA equipment etc.).**
- H. Repair of bridges less than 45 years old.



ORIGINAL PROGRAMMATIC AGREEMENT



**PROGRAMMATIC AGREEMENT
BETWEEN THE TEXAS HISTORICAL COMMISSION
AND
THE TEXAS GENERAL LAND OFFICE
GLO CONTRACT No. 19-127-000-B465**

The **TEXAS GENERAL LAND OFFICE** (“GLO”) and the **TEXAS HISTORICAL COMMISSION** (“THC”), agencies of the State of Texas (each a “Party” and, collectively, the “Parties”), hereby enter into this Programmatic Agreement (the “Agreement”) concerning projects (each, an “Undertaking”) possibly affecting properties eligible for inclusion in the National Register of Historic Places (“National Register”), pursuant to Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (“NHPA”), and its implementing regulations at 36 C.F.R. Part 800; and

WHEREAS, the GLO administers the U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant Disaster Recovery (“CDBG-DR”) programs (collectively, the “Program”) to provide financial assistance with funds appropriated by the Congress of the United States to facilitate disaster recovery, restoration, economic revitalization, and to affirmatively further fair housing, in accordance with Executive Order 12892, in areas which are Presidentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 *et seq.*); and

WHEREAS, the GLO, in consultation with the THC, has determined that activities funded under the Program may have an effect on a CDBG-DR-served historic property’s eligibility to be included in the National Register and the GLO must consult with the State Historic Preservation Officer (“SHPO”) for Texas, pursuant to Section 106 of the NHPA (herein, a “Section 106 Review”); and

WHEREAS, the GLO has determined that certain routine Program activities, listed in **Attachment A**, attached hereto and incorporated herein for all purposes, will have no effect on a CDBG-DR-served historic property’s eligibility to be included in the National Register, and should be excluded from a Section 106 Review; and

WHEREAS, 24 C.F.R. Part 58 allows State, tribal, and local governments to assume HUD’s environmental review responsibilities as a “Responsible Entity,” including obligations under Section 106 of the NHPA and its implementing regulations at 36 C.F.R. Part 800; and

WHEREAS, certain subrecipients selected by the GLO may be designated as a Responsible Entity participating in the Program and will be required to comply with 24 C.F.R. Part 58, 36 C.F.R. Part 800, and any other applicable statutes and rules, and will further be required to fulfill the GLO’s roles, responsibilities, and terms of this Agreement and any amendments hereto; and

WHEREAS, in accordance with 24 C.F.R. Part 58, in instances in which a subrecipient lacks the capacity to act as a Responsible Entity, the GLO is designated the Responsible Entity; and

WHEREAS, the NHPA has implemented regulations at 36 C.F.R. § 800.14(b) to allow for the use of programmatic agreements for the efficient administration of the Section 106 Review process; and

WHEREAS, the GLO and the THC, as the SHPO for the State of Texas, agree that it is in the best interest of the State to streamline the Section 106 Review process through the use of this Agreement; and

WHEREAS, the GLO has invited the Advisory Council on Historic Preservation (ACHP) to determine whether the ACHP wishes to enter into consultation on this agreement and the ACHP has chosen not to participate in consultation.

NOW, THEREFORE, the GLO and the THC agree that this Program shall be administered in accordance with the following terms and conditions in satisfaction of NHPA requirements:

ARTICLE I – EXEMPTIONS FROM REVIEW

A. The Responsible Entity shall, within a reasonable time and with good faith effort, evaluate each historic-age property to determine the potential for effects. Activities not requiring SHPO review (“Exempt Activities”), listed in **Attachment A**, attached hereto and incorporated herein for all purposes, are determined by the Parties to not have the potential to cause effects on historic properties per 36 C.F.R. § 800.4(d)(1) or have limited potential to affect historic properties per 36 C.F.R. § 800.5, with no adverse effect if carried out as described. The Responsible Entity is not required to consult with the SHPO regarding Exempt Activities. The Responsible Entity shall keep documentation of its determination of exempt status on file and available for periodic review by the SHPO and shall include this information in annual reports prepared per **ARTICLE IX** below.

B. The GLO and the SHPO may add or remove activities from **Attachment A** by written amendment to this Agreement per **ARTICLE XII**.

ARTICLE II - RESPONSIBILITIES OF THE RESPONSIBLE ENTITY

The Parties have determined that activities not listed in **Attachment A** may have the potential to have an effect on a historic property and require review pursuant to this **ARTICLE II** and **ARTICLES III** through **VIII**, below. The Responsible Entity shall ensure that the following measures are carried out:

A. General Requirements of the Responsible Entity. For each Undertaking contemplated under this Agreement, the Responsible Entity shall consult with, and submit documentation for review to, the SHPO and other consulting parties, including, but not limited to, federally recognized Indian Tribes/Tribal Historic Preservation Officers (THPOs); representatives or local governments; and applicants for Federal assistance, permits, licenses, and other approvals, for the following:

1. Establish whether the Undertaking has the potential to affect historic properties (36 C.F.R. § 800.3(a), (c), and (d));

2. Identify the consulting parties who should be invited to participate in the Undertaking (36 C.F.R. § 800.3);
3. Seek public comment for individual Undertakings, and conduct public involvement activities (36 C.F.R. § 800.3(e));
4. Determine and document the scope of identification efforts and level of effort through the internal review and screening process of the Undertaking, including the Area of Potential Effect (APE) of the Undertaking (36 C.F.R. § 800.4(a) and (b));
5. Identify historic-age properties located within the Undertaking APE (36 C.F.R. § 800.4) and evaluate the National Register eligibility of each;
6. Apply the Criteria of Adverse Effect on historic properties to determine whether the properties may be affected by the Undertaking (36 C.F.R. § 800.5(a)(1));
7. Initiate consultation on the resolution of adverse effects with appropriate consulting parties (36 C.F.R. § 800.6);
8. Consult, as appropriate, regarding the determination of the Undertaking APE, the evaluation of National Register eligibility, and the effects of a Program Undertaking on historic properties;
9. Coordinate Section 106 Review with other relevant Undertaking reviews; and
10. Document individual Undertakings and maintain a record of all Undertaking reviews carried out pursuant to this Agreement.

B. Compliance. The Responsible Entity shall comply, and ensure each subrecipient's compliance through subrecipient agreements, if any, with the terms of this Agreement for all applicable Undertakings that are funded entirely or in part by monies from the Program. For purposes of this Agreement, the GLO and each self-performing GLO subrecipient are hereafter referred to, collectively, as the "Responsible Entity," except in instances where either such entity is named individually.

C. Professional Qualifications Standards. The Responsible Entity shall ensure that all actions prescribed in this Agreement involving the identification, evaluation, assessment of effects, treatment, monitoring, or disposition of historic properties, or involving the reporting or documentation of such actions, shall be carried out by or under the direct supervision of a person or persons meeting the Secretary of the Interior's ("SOI") Professional Qualifications Standards (48 Fed. Reg. 44738, September 29, 1983; http://www.nps.gov/history/local-law/arch_stnds_9.htm) in the fields of History, Archeology, Architectural History, or other applicable discipline, as appropriate based on the nature of the Undertaking, for the identification of historic properties and assessment of effects. Completion of mitigation under **ARTICLE V(D)** of this Agreement shall be performed or overseen by appropriately qualified professionals.

D. Public Participation. The Responsible Entity shall arrange, in a manner consistent with 36 C.F.R. § 800.8(c), for public participation appropriate to the scope of the programs covered by this Agreement in consideration of the nature of the activities undertaken in the Program and the likely

effects on historic properties. The Responsible Entity shall make appropriate efforts, in accordance with HUD regulations governing the Program, to involve the interested individuals, organizations, and entities.

E. Completion Required. The Section 106 Review required under this Agreement must be resolved before the Responsible Entity's final approval of any Undertaking application; before an irrevocable commitment to an Undertaking by the Responsible Entity; and before the Responsible Entity or the property owner alters a historic property.

ARTICLE III – RESPONSIBILITIES OF THE SHPO

A. Unless otherwise provided for in **ARTICLE III(B)** or **ARTICLE VII**, the SHPO shall review and comment on Responsible Entity-submitted documentation concerning an Undertaking within thirty (30) calendar days of receipt. If any Responsible Entity-submitted documentation is determined to be inadequate, the SHPO shall respond within thirty (30) days of receipt, and any supplemental documentation will be reviewed within thirty (30) days of its receipt by the SHPO. If the SHPO does not provide comments within the appropriate time period established herein for its response, the Responsible Entity may assume the SHPO concurs with its determination and may proceed with the Undertaking in accordance with all other terms of this Agreement.

B. For state-run program submissions, an expedited review process of fourteen (14) calendar days upon receipt of complete documentation by SHPO will be in effect. This expedited review process shall only cover reviews submitted pursuant to **ARTICLE V**, using the THC's online eTRAC (electronic THC Review and Compliance) system, accessible at <http://www.thc.texas.gov/etrac-system>. For properties listed in or eligible for the NRHP, the THC may contact the GLO within the fourteen (14) day period to indicate that up to thirty (30) calendar days are required for the response. Additionally, Undertakings requiring input from SHPO staff archeologists under **ARTICLE VI** will be allowed the full thirty (30) day period.

C. The SHPO response to a request for comment will include:

1. a statement of concurrence or non-concurrence with the Responsible Entity's findings and recommendations; and/or
2. any comments related to effects findings.

ARTICLE IV – AREA OF POTENTIAL EFFECTS

The Responsible Entity shall consult with the SHPO to determine and document the Area of Potential Effects ("APE"), as defined in 36 C.F.R. § 800.16(d), for an Undertaking, as follows:

- (A) **For direct effects:** The APE shall include the footprint to be directly affected by new construction, staging areas, and access areas, with regard to the identification of archeological sites. For the rehabilitation of any building without associated new construction or additions, the APE shall consist solely of the building being rehabilitated.
- (B) **For indirect effects:** A broader APE will be required to assess Undertakings that have the potential for visual or other indirect effects on nearby architectural properties, herein defined as non-archeological historic properties, including any significant structures and/or

landscape features located on the properties. Indirect effects may change the character of the property's use or physical features within the property's setting that contribute to its historic significance; are often audible, atmospheric, and visual effects; and may relate to viewshed issues.

- (C) **For cumulative effects:** For the purposes of this document and paraphrasing the National Environmental Policy Act definition (40 CFR § 1508.7), cumulative effects on historic properties are the effects that result from the incremental impact of the Undertaking when added to other past, present and reasonably foreseeable future Undertakings regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

ARTICLE V – ARCHITECTURAL REVIEW

(A) **Identification and Evaluation of Historic Properties.**

The Responsible Entity shall make a reasonable and good faith effort to identify historic properties located within the APE, as follows:

- (1) For Undertakings involving ground disturbance, the Responsible Entity shall coordinate with the SHPO to determine whether archeological background research and/or a field survey is warranted pursuant to **ARTICLE VI, ARCHEOLOGICAL REVIEW**. In making this determination, all parties shall reference HUD's HP Factsheet 6 (http://portal.hud.gov/hudportal/documents/huddoc?id=env_factsheet_6.pdf) and the ACHP's Policy Statement on Affordable Housing and Historic Preservation, Implementation Principle VIII (<http://www.achp.gov/docs/fr7387.pdf>).
- (2) For Undertakings with the potential for direct or visual effects to architectural properties, the Responsible Entity shall determine if properties within the APE are individually listed in the National Register, within the boundaries of a National Register historic district, or previously determined to be eligible for inclusion in the National Register. The Responsible Entity may reference the Texas Historic Sites Atlas at <http://atlas.thc.state.tx.us> to determine if a property already has historical designations, and may rely on previous coordination with SHPO for eligibility determinations. Properties listed or eligible for listing in the National Register shall require coordination with the SHPO per **ARTICLE V** of this Agreement.
- (3) If an architectural property is at least forty-five (45) years of age, is not listed in the National Register, and has not been evaluated for National Register eligibility, the Responsible Entity shall submit documentation to the SHPO for review per **ARTICLE V(A)(5)** of this Agreement. The forty-five-year age limit was selected to ensure historic age resources were captured in the event of unforeseen potential Undertaking delays and to afford flexibility to account for potential inaccuracies in building dates.
- (4) If the Responsible Entity determines that an Undertaking application involves an architectural property constructed fewer than forty-five (45) years ago, or a property

at least forty-five (45) years of age that has been determined ineligible for the National Register within the past five (5) years, and the property is not within the boundaries of a National Register-listed or -eligible historic district, no further coordination with SHPO shall be required for that property. The Responsible Entity shall keep documentation of this determination on file and available for periodic review by the SHPO per **ARTICLE IX** of this Agreement.

- (5) The Responsible Entity shall submit documentation of each architectural property requiring Section 106 Review to the SHPO for consultation. Documentation may be provided:
 - (a) Through the THC's online eTRAC system, accessible at <http://www.thc.texas.gov/etrac-system>;
 - (b) By using a "Request for SHPO Consultation" form, submitted in hard copy by mail or delivery service, or
 - (c) In a cover letter, with attachments including required information, submitted in hard copy by mail or delivery service.

Documentation should include, at a minimum, the address of the subject property (including city and county), a map showing the property location, the known or estimated date of construction, a brief architectural description, history of the property and names of architects or builders, if known, and current, clear overall photographs of the property. The submittal should indicate whether the property is listed in the National Register, if known, or determine whether it is eligible for listing in the National Register. Upon review, the SHPO shall concur or disagree with the eligibility determination provided within thirty (30) days.

- (6) If a property within the APE is determined eligible for National Register listing, further coordination shall be required per **ARTICLE V (B)**. If all properties within the APE are determined not eligible for the National Register and are not within a National Register-eligible historic district, and no historic properties are affected by the Undertaking, the Section 106 Review process is complete and no further coordination with the SHPO shall be required for the Undertaking.
- (7) Disputes regarding determinations of eligibility shall be referred by the Responsible Entity, through the GLO, to the Keeper of the National Register in accordance with 36 CFR § 800.4(c)(2) and 36 CFR § 63.2.

(B) Assessment of Adverse Effect

The Responsible Entity shall make a reasonable and good faith effort to assess adverse effects on historic properties within the APE, as follows:

- (1) For properties listed in, or determined eligible for, the National Register, the Responsible Entity shall submit to the SHPO documentation of any proposed activities that do not fall within the exclusions listed in **Attachment A**. Documentation may be provided as outlined in **ARTICLE V(A)(5)(a)-(c)**, above, and

shall include a scope of work, plans and specifications, or other detailed description of the Undertaking. Photographs of the areas in which work is to be performed shall be included. The Responsible Entity shall assess whether the Undertaking would have an adverse effect on the historic property per 36 C.F.R. § 800.5 and the SHPO shall concur or disagree with the determination.

- (2) Upon concurrence of the Parties that an Undertaking is designed and planned in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 C.F.R. § 68, hereinafter, the "Applicable Standards"), or the Undertaking otherwise does not meet the criteria to create an adverse effect, the Undertaking shall be considered to have no adverse effect, and no further coordination with the SHPO will be required for the Undertaking.
- (3) The Responsible Entity and the SHPO shall make best efforts to expedite reviews through a finding of "no adverse effect with conditions" when the scope of work can be modified to ensure adherence with the Applicable Standards. If the Undertaking cannot meet the Applicable Standards or otherwise would result in an adverse effect to historic properties, the Responsible Entity shall proceed with further consultation.

(C) Resolution of Adverse Effect

The Responsible Entity shall make a reasonable and good faith effort to resolve adverse effects on historic properties located within the APE. To resolve adverse effects, the Responsible Entity shall consult with the SHPO, any consulting parties, and the public, as appropriate, to seek alternatives to avoid, minimize, or mitigate the effect of the Undertaking per 36 C.F.R. § 800.6. To document alternatives considered in the planning process, Undertaking Applicants should provide written justification for the proposed action that will cause an adverse effect, summarize and provide documentation of alternatives to the action, and cite the specific reasons why the proposed action was selected over other alternatives. Consultation to resolve adverse effects shall result in the issuance of a Memorandum of Agreement ("MOA") per 36 C.F.R. § 800.6(c), or where appropriate, the Responsible Entity or the SHPO may propose the use of standard mitigation measures per **ARTICLE V(D)**.

(D) Standard Mitigation Measures.

In instances which the Responsible Entity, in consultation with the SHPO and other consulting parties, if any, determines one or more Undertakings will cause adverse effects to multiple historic properties, in lieu of negotiating separate MOAs for specific Undertakings, the Responsible Entity may use the standard mitigation measures described below in their entirety or as part of a broader mitigation plan. The use of standard mitigation measures and the specific scope of the mitigation measures shall be agreed upon by a letter exchange between the Responsible Entity and the SHPO, which the letter(s) shall become a part of the Responsible Entity's files.

(1) Historic American Building Survey ("HABS") Documentation

- (a) The Responsible Entity shall be responsible for performing archival-quality documentation of a historic property affected by the Undertaking. The

documentation shall meet the Secretary of the Interior's *Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards* and National Park Service ("NPS") guidance documents, including the May 2010 transmittal guidelines *Preparing HABS/HAER/HALS Documentation; Historic American Buildings Survey Guidelines for Historical Reports*; December 2008 *HABS Guidelines; Recording Historic Structures and Sites with HABS Measured Drawings*; and June 2001 *HABS/HAER Photographs Specifications and Guidelines*; or the latest guidance from NPS at <http://www.nps.gov/history/hdp/standards/index.htm>.

- (b) The level of documentation shall be determined in consultation with the SHPO and NPS Intermountain Regional Office, and may be one of the following three (3) options:

Level I: measured drawings, large-format photography, and written history and description; or

Level II: existing drawings, large format photography, and written history and description; or

Level III: sketch plan, large format photography, and architectural data form.

- (c) The Responsible Entity shall submit the completed HABS documentation to the SHPO and NPS for review and approval. Within thirty (30) days of receipt, the SHPO shall advise the Responsible Entity if the submitted documentation is satisfactory or shall request specific revisions. The NPS may also request specific revisions to meet HABS standards. If any HABS documentation is determined to be inadequate, the SHPO shall respond within thirty (30) days of receipt, and any supplemental documentation will be reviewed within thirty (30) days of its receipt by the SHPO and NPS. Upon acceptance of the documentation by the SHPO and NPS, the Undertaking may proceed.
- (d) The Responsible Entity may also submit the complete documentation package to a local or regional archival repository or library, selected in consultation with the SHPO, in addition to, or in lieu of, review by NPS for inclusion in the HABS/HAER collection at the Library of Congress, if the SHPO agrees this alternative is acceptable. In such a case, the Undertaking may proceed following acceptance of the documentation by the SHPO and its receipt at the selected repository.

(2) **Digital Photographic Documentation**

- (a) The Responsible Entity shall be responsible for digitally photographing each historic property affected by an Undertaking or Undertakings conducted under this Agreement. Photography shall comply with the requirements of the NPS's *National Register Photograph Policy Factsheet* (<http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>), or

the latest guidance from NPS, with regard to image size and format of digital files, photograph log, and permanence requirements for prints. The number and type of views shall be determined in consultation with the SHPO.

- (b) The Responsible Entity shall submit to the SHPO electronic media containing the digital images, and a photo log for review and approval. Within thirty (30) days of receipt, the SHPO shall advise the Responsible Entity if the submitted documentation is satisfactory or shall request specific revisions. If revisions are requested, the SHPO shall specify whether the revised documentation is to be submitted to SHPO for a second thirty (30)-day review. Upon acceptance of the documentation by the SHPO, the Undertaking may proceed.
- (c) The Responsible Entity shall also provide the complete documentation package to an appropriate archival repository or library, as determined in consultation with the SHPO.

(3) National Register of Historic Places Nomination

- (a) The Responsible Entity shall be responsible for developing a National Register of Historic Places nomination in keeping with the guidance provided in NPS's *National Register Bulletin #16A: How to Complete the National Register Nomination Form* and other applicable bulletins (<http://www.nps.gov/history/nr/publications>). The nomination shall include a historic context, architectural descriptions, photographs, and maps, as required to fully document the historic property or district.
- (b) The Responsible Entity shall submit one (1) electronic media file containing the completed nomination form and attachments for review and approval to the SHPO via the Electronic THC Review And Compliance System (eTRAC) (<http://www.thc.texas.gov/etrac-system>). Within sixty (60) days of receipt, the SHPO shall advise the Responsible Entity if the submitted nomination is satisfactory or shall request specific revisions. If revisions are requested, the SHPO shall specify whether the revised documentation is to be submitted to the SHPO for a second sixty (60)-day review. Upon acceptance of the nomination by the SHPO, the Undertaking may proceed.
- (c) The Responsible Entity shall not be responsible for carrying the nomination form forward for consideration by the State Board of Review and NPS, or for any subsequent revisions required by those bodies.

(4) Historic Context Development

- (a) The Responsible Entity shall develop a historic context related to the historic property affected and selected in consultation with the SHPO. All work shall be done in accordance with the guidance on developing historic contexts in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (http://www.cr.nps.gov/local-law/arch_stnds_5.htm). The historic context shall include a methodology identifying archival

resources used and a bibliography for future research efforts.

- (b) The Responsible Entity shall submit one (1) electronic media file of the completed historic context for review and approval to the SHPO via the eTRAC system (<http://www.thc.texas.gov/etrac-system>). Within sixty (60) days of receipt, the SHPO shall advise the Responsible Entity if the submitted documentation is satisfactory or shall request specific revisions. If revisions are requested, the SHPO shall specify whether any revised documentation is to be submitted to the SHPO for a second sixty (60)-day review. Upon acceptance of the documentation by the SHPO, the Undertaking may proceed.
- (c) The Responsible Entity shall also provide the completed historic context to an appropriate archival repository or library, as determined in consultation with the SHPO.

(5) **Historic Property Inventory**

- (a) The Responsible Entity shall work with the SHPO to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the Responsible Entity shall continue to coordinate with the SHPO through the data collection process. The Responsible Entity shall use SHPO standards for the survey of historic properties and SHPO forms as appropriate.
- (b) The Responsible Entity shall prepare a draft inventory report, according to SHPO templates and guidelines. The Responsible Entity shall submit one (1) hard copy of the completed inventory and one (1) portable data storage device containing a digital file of the inventory to the SHPO for review and approval. Within sixty (60) days of receipt, the SHPO shall advise the Responsible Entity if the submitted documentation is satisfactory or shall request specific revisions, including whether any revised documentation is to be submitted to the SHPO for a second sixty (60)-day review. Upon acceptance of the documentation by the SHPO, the Undertaking may proceed.

- (6) **Public Interpretation.** Prior to implementation of the Undertaking, the Responsible Entity shall work with the SHPO to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops, and other similar mechanisms to educate the public on historic properties within the local community, state, or region. The Responsible Entity and SHPO shall continue to consult throughout implementation of the plan until all agreed upon actions have been completed.

(7) Design Review for Infill Construction

- (a) Prior to initiating the construction of a new building within a historic district or adjacent to historic properties, the Responsible Entity shall submit architectural and site plans for the proposed building to the SHPO for review and comment. For larger or complex new construction, the Responsible Entity shall establish a schedule for submittal of plans to the SHPO during plan development (e.g., 30%, 60%, and 90% construction documents) to allow for early and ongoing review. Within thirty (30) days of receipt of submitted architectural drawings, the SHPO shall provide recommendations to make the new construction compatible with the architectural character of nearby historic properties. The Responsible Entity shall consider any SHPO comments and make a reasonable and good faith effort to incorporate the SHPO's suggestions into the final architectural and site plans.
- (b) The Responsible Entity shall make reasonable attempts to use building setbacks, exterior materials, and overall building forms that are compatible with nearby historic properties.

ARTICLE VI – ARCHEOLOGICAL REVIEW

(A) Identification and Evaluation of Historic Properties

- (1) For Undertakings involving ground disturbance, the Responsible Entity shall coordinate with the SHPO to determine whether archeological investigations are warranted. Documentation to aid in this determination may be provided by the Responsible Entity as outlined in **ARTICLE V(A)(5)(a)-(c)**, above. Documentation shall include, at minimum: the address (including city and county); a U.S. Geological Survey 7.5 minute quadrangle map with the property location and boundary shown; documentation establishing whether the property is owned or controlled by a public agency; an Undertaking description noting impacts that will occur to the ground surface and the depth of the impact; and documentation of any extenuating circumstances that may be important for review, such as evidence of severe erosion or previous construction within the Undertaking area.
- (2) In determining whether archeological background research and/or field survey is warranted, all parties shall reference HUD's HP Factsheet 6 at: (http://portal.hud.gov/hudportal/documents/huddoc?id=env_factsheet_6.pdf) and ACHP's Policy Statement on Affordable Housing and Historic Preservation, Implementation Principle VIII (<http://www.achp.gov/docs/fr7387.pdf>).
- (3) At the request of the SHPO, the Responsible Entity shall make a reasonable and good faith effort to identify archeological properties within the APE. Pursuant to 36 CFR § 800.4(b)(1), the steps to fulfill this requirement may include, but are not limited to, background research, including review of the THC's Texas Archeological Sites Atlas, consultation, oral history interviews, sample field investigations, and reconnaissance or intensive field survey. All investigators will conform to the THC's *Archeological Survey Standards of Texas* (http://www.thc.texas.gov/public/upload/publications/THC_SurveyStandards_2014_0.pdf) and the Secretary of the Interior's

Standards and Guidelines for Archeology and Historic Preservation.

- (4) In accordance with Texas Natural Resources Code, Title 9, § 191.054, an Antiquities Permit may be issued by the THC to allow survey and discovery or excavation of archeological sites for Undertakings under any land within the jurisdiction of the State of Texas, such as property owned by a state agency or political subdivision of the state (cities, counties, river authorities, municipal utility districts, and school districts).
- (5) A draft report of the investigations conducted per **ARTICLE VI(A)(3)**, above, should be produced in conformance with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* and the Council of Texas Archeologists' *Guidelines for Cultural Resource Management Reports* (<http://www.thc.texas.gov/public/upload/CTAguidelines.pdf>), and submitted to the SHPO for review. The Responsible Entity shall receive a redacted version of the same archeological report for review and comment from qualified archeologists. Should the Responsible Entity employ a qualified archeologist, then unredacted versions may be submitted to the Responsible Entity. Comments received from the SHPO shall be addressed in the final reports. If no cultural resources are identified in the APE and the SHPO concurs, no further coordination with the SHPO will be required for the Undertaking.
- (6) If cultural resources are identified within the APE, the Responsible Entity shall consult with the SHPO to develop a testing plan to determine eligibility for inclusion in the National Register, in accordance with the process described in 36 CFR § 800.4(c) and criteria established in 36 C.F.R. § 60.4. Alternatively, the Undertaking applicant may redesign the Undertaking to avoid completely all effects on the identified cultural resources. All draft reports of site testing shall be submitted to the SHPO for review and comment. Comments received from the SHPO shall be addressed in the final reports.
- (7) If the Responsible Entity and the SHPO agree as to whether a property is eligible for inclusion in the National Register, such agreement is deemed conclusive for the purposes of this Agreement. Disputes regarding determinations of eligibility shall be referred by the Responsible Entity, through the GLO, to the Keeper of the National Register in accordance with 36 CFR § 800.4(c)(2). Cultural resources determined to be ineligible for the National Register shall require no further protection.
- (8) During implementation of this Agreement, the Responsible Entity will protect information about historic properties, including location information or information provided by Indian tribes to assist in the identification of such properties, to the extent allowable under Section 304 of the National Historic Preservation Act, 54 U.S.C. § 306108, 36 CFR § 800.11(c), and in accordance with the Texas Natural Resources Code Title 9, § 191.021.

(B) Assessment of Adverse Effect

For archeological sites determined eligible for the National Register, the Responsible Entity

shall submit documentation to the SHPO of any proposed activities that do not fall within the exclusions of **Attachment A**. Documentation shall include an Undertaking description noting impacts that will occur to the ground surface and the depth of the impact. The Responsible Entity should assess whether the Undertaking would have an adverse effect on the historic property. If an adverse effect determination is made, the SHPO shall concur or disagree with the determination. If no determination is reached by the Responsible Entity, the SHPO shall determine whether the work meets the Criteria of Adverse Effect in 26 C.F.R. § 800.5. If the Responsible Entity and the SHPO concur that the Undertaking will have no adverse effect on historic properties, no further coordination with the SHPO shall be required for the Undertaking.

(C) Resolution of Adverse Effect

- (1) If the Responsible Entity and the SHPO determine that an Undertaking will have an adverse effect on a historic property, the Responsible Entity shall consult with the SHPO, tribes, consulting parties, and the public, as appropriate, to seek alternatives that would avoid, minimize, or mitigate the effect of the Undertaking per 36 CFR § 800.6.
- (2) The Responsible Entity shall prepare a data recovery plan (the “Plan”) that describes mitigation measures proposed to resolve the Undertaking’s adverse effects and provide the Plan for review and comment to all consulting parties. All parties shall have thirty (30) calendar days in which to provide a written response to the Responsible Entity. The Plan may include, as appropriate, a research design; excavation or recordation strategies; work and report schedules; site monitoring; and relocation, preservation, or reburial; and curation of artifacts and records. It shall take into account all research and previous work conducted and specify, at a minimum: a) the historic property where data recovery is to be conducted (this information shall be removed in the redacted version of the report); b) the excavation or recordation that will be performed under the approved Plan; c) the methods to be used, with an explanation of their relevance to the Undertaking research design; and d) the methods to be used in analysis, data management, and dissemination of data, including a schedule of work and report submission.
- (3) When adverse effects to historic properties cannot be avoided, the Responsible Entity, in consultation with the SHPO and any consulting parties, shall develop a plan to mitigate the adverse effects. If the SHPO approves the plan for mitigating the adverse effects, the Responsible Entity shall implement the plan. Upon completion of the approved mitigation methods, the adverse effect shall be considered resolved.
- (4) If the Responsible Entity and the SHPO fail to agree on an adverse effect resolution, consultation shall proceed in accordance with 36 C.F.R. § 800.7 and **ARTICLE XI**.

ARTICLE VII – EMERGENCY SITUATIONS

- (A)** When the Responsible Entity or other local government official determines that a historic property is an imminent threat to public health or safety as a result of a natural or man-made disaster or emergency declared by the President or Governor, the Responsible Entity shall

notify the SHPO of the determination as soon as possible under the circumstances and provide all pertinent historic property information and a proposed plan of action for SHPO review.

- (B) If the SHPO objects to the proposed emergency action within seven (7) days, the Responsible Entity shall comply with all applicable non-emergency terms of this Agreement.
- (C) This Article applies only to Undertakings that will be implemented within thirty (30) days after a federal or state disaster or emergency has been formally declared, as stipulated in 36 C.F.R. § 800.12(d), unless such disaster or emergency declaration is extended by written proclamation prior to expiration of the initial thirty (30)-day period.
- (D) Immediate rescue, repair, stabilization, and salvage operations conducted to preserve life or property are exempt from the provisions of this Agreement, with the exception that the Responsible Entity shall provide documentation of the action to the SHPO within thirty (30) days of the action. Where possible, emergency actions shall be undertaken in a manner that does not foreclose future preservation or restoration of affected historic properties.

ARTICLE VIII—POST-REVIEW DISCOVERIES AND UNFORESEEN EFFECTS

- (A) If, during the implementation of an Undertaking, a previously unidentified historic property is encountered, or a known historic property may be affected in an unanticipated manner, the Responsible Entity will assume its responsibilities under 36 CFR § 800.13(b), "Post-Review Discoveries: Discoveries without Prior Planning." The Responsible Entity will stop construction activities in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the property until the Responsible Entity concludes consultation with the SHPO.
- (B) The Responsible Entity will notify the SHPO of the discovery at the earliest possible time and consult to develop actions to take into account the effects of the Undertaking. The Responsible Entity will notify the SHPO of any time constraints, and all parties shall mutually agree upon timeframes for this consultation. The Undertaking Applicant may participate in this consultation. The Responsible Entity will provide the SHPO with complete documentation on the change in the Undertaking, potential effects, and written recommendations, to take into account the effects of the Undertaking.
- (C) When the discovery contains burial sites or human remains, the Responsible Entity shall follow the post-review discovery procedures of 36 C.F.R. § 800.13 and applicable requirements of the Texas Health and Safety Code, Title 1, Chapter 711, and treat said sites and/or remains in a manner consistent with the provisions of ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, or Funerary Objects* (February 23, 2007). Work shall immediately cease within a fifty (50) foot radius of the area of discovery.
- (D) If the SHPO does not object to the Responsible Entity's recommendations within the agreed upon timeframe, as developed pursuant to Section (B) above, the Responsible Entity will modify the scope of work to implement the recommendations. If the SHPO objects to the recommendations, the Responsible Entity and the SHPO will consult further to resolve the objection through actions including, without limitation, identifying Undertaking alternatives that result in the Undertaking having no adverse effect on historic properties, or

proceeding in accordance with **ARTICLES IV through VI**.

ARTICLE IX – MONITORING AND REPORTING

The SHPO may monitor activities carried out pursuant to this Agreement and shall review activities if requested by any interested party or person. The Responsible Entity shall cooperate with the SHPO in carrying out these monitoring responsibilities.

The Responsible Entity shall provide the SHPO with an annual report on activities carried out each fiscal year under the terms of this Agreement. The reports shall be due on September 1 of each year the Agreement is in effect. Each report shall include:

- (A) A list of all Undertakings that were exempt from review under **ARTICLE I**, including the address of each property, brief description of the work performed, and the exemption type from **Attachment A**; and
- (B) The status of any mitigation prepared pursuant to **ARTICLE V(D)** or **ARTICLE VI(C)**.

ARTICLE X – ANTICIPATORY DEMOLITION

The GLO shall not issue a grant a loan, loan guarantee, or other financial assistance to a subrecipient that has intentionally allowed or failed to prevent, in instances which the subrecipient has the authority to prevent, an adverse effect to an historic property. However, the GLO may determine, after consultation with the ACHP, that circumstances justify granting such assistance despite the adverse effect created or permitted by the subrecipient and will complete consultation for the Undertaking pursuant to the terms of this Agreement.

ARTICLE XI – DISPUTE RESOLUTION

Should a Party to this Agreement or a consulting party, including a subrecipient, object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the GLO shall consult with the objecting party to resolve the objection. If the GLO determines within thirty (30) days of receipt of an objection that such objection cannot be resolved, the dispute will be addressed as follows:

- (A) The GLO will forward all documentation relevant to the dispute, including the GLO's proposed resolution, to the ACHP in accordance with 36 CFR § 800.2(b)(2).
- (B) The ACHP shall provide the GLO with its advice on the resolution of the objection within thirty (30) days of receipt of adequate documentation; whereupon, the GLO shall prepare a written final response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and consulting parties, and provide copies of this written response to the objecting party, the ACHP, signatories, and consulting parties.
- (C) If the ACHP does not provide its advice regarding the dispute within thirty (30) days of the receipt of the GLO's proposed resolution, the GLO may make a final decision regarding the dispute and proceed accordingly. The GLO shall prepare a written response that takes into

account any timely comments regarding the dispute from signatories and consulting parties and provide copies of this written response to the objecting party, the ACHP, signatories, and consulting parties.

The Parties' responsibilities to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

ARTICLE XII – AMENDMENTS

Amendments to this Agreement shall be by written agreement between the GLO and the THC. Subrecipients will be notified of any amendment to this Agreement via a Technical Guidance Letter issued under a subrecipient agreement. A copy of the amendment will be filed with the ACHP.

ARTICLE XIII – TERMINATION

A Party may terminate the Agreement upon thirty (30) days' written notification to the other. In the event of termination, the GLO will follow the procedure outlined in 36 CFR Part 800, Subpart B, "The Section 106 Process," with respect to Undertakings that had been covered by this Agreement.

ARTICLE XIV – TERM OF AGREEMENT

This Agreement shall be effective as of the date executed by the last party and will terminate five (5) years after its effective date. At any time during the term of this Agreement, the GLO and THC may extend the Agreement in accordance with ARTICLE XII. Unless a Responsible Entity terminates the Agreement earlier in accordance with ARTICLE XIII, the termination under this Article shall be effective for all Parties.

ARTICLE XV – ADDITIONAL PARTIES

Governmental bodies that are eligible to be Responsible Entities are required to comply with the terms of this Agreement as a condition of their participation in the Program. Except for ARTICLES XI, XII, and XIV, Responsible Entities other than the GLO will assume all roles, responsibilities, and terms ascribed to the GLO hereunder.

No assistance or approval for Program activities will be made by a Responsible Entity until it has approved the outcome of consultation with the THC and other consulting parties, if any. If the Responsible Entity does not approve the outcome of consultation for a specific Undertaking, then additional information, performance of additional consultations, or direct consultation with the SHPO and other parties may be required to complete the Section 106 Review process.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE FOR GLO CONTRACT NO. 19-127-000-B465






Execution and implementation of this Agreement is evidence that the GLO has afforded the ACHP an opportunity to comment on these programs and that the GLO has taken into account the effects of the programs on historic properties.

GENERAL LAND OFFICE

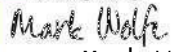
DocuSigned by:

7C299F4374E7497... ef Clerk/
Deputy Land Commissioner

Date of execution: 10/9/2018

OGC  _____
DD  _____
SDD  _____
DGC  _____
GC  _____

TEXAS HISTORICAL COMMISSION

DocuSigned by:

01632F5C4F7546A... Mark Wolfe
Title: Executive Director

Date of execution: 10/8/2018

ATTACHMENTS TO THIS AGREEMENT:

ATTACHMENT A – LIST OF EXEMPT ACTIVITIES

ATTACHMENT FOLLOWS

LIST OF EXEMPT ACTIVITIES

The GLO, in consultation with the THC, has determined that the following activities do not meet the definition of an Undertaking since they either: (1) do not have the potential to cause effects on historic properties per 36 CFR § 800.4(d)(1); or (2) have limited potential to affect historic properties per 36 CFR § 800.5 and will have no adverse effect if carried out as described. The activities in this list require no further review under the terms of this Agreement. The GLO and Responsible Entities shall maintain a list of Undertakings completed per these exemptions and shall make the list available upon the request of the THC and include the updated list in the annual report.

GENERAL ACTIVITIES (Categorically Excluded under 24 CFR § 58.34)

- A. Environmental and other studies, resource identification, and the development of plans and strategies. (Implementation of such plans with federal funds may require consultation. If historic properties may be affected, SHPO recommends early consultation during planning stages.)
- B. Information and financial services.
- C. Administrative and management activities.
- D. Public services that will not have a physical impact or result in any physical changes to buildings, structures, sites, or objects, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, and welfare or recreational needs.
- E. Inspections and testing of properties for hazards or defects. (Action taken pursuant to such inspections with federal funds will require consultation.)
- F. Purchase of insurance (e.g. homeowners or flood insurance; does not include HUD mortgage insurance).
- G. Purchase of tools.
- H. Engineering or design costs. (Construction activities undertaken with federal funds will require consultation. If historic properties may be affected, SHPO recommends early consultation during design.)
- I. Technical assistance and training.
- J. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration.
- K. Payment of principal and interest on loans made or obligations guaranteed by HUD;
- L. Any categorical exclusion listed in 24 C.F.R. § 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in 24 C.F.R. § 58.5.

REHABILITATION OF BUILDINGS

Interior Rehabilitation:

Undertakings limited to interior spaces of single- or multifamily residential buildings to be retained

in the same use where the work will not be visible from the exterior of the building; no structural alterations are made; no demolition of walls, ceilings, or floors occurs; no drop ceilings are added; and no walls are leveled with furring or moved.

The following list of activities that do not need consultation with the SHPO provides further clarity for residential work and establishes standards for civic, commercial, and other property types.

A. Disaster recovery measures:

1. Temporary repair to single-family residential buildings to ensure safe shelter with access to essential electrical supply, HVAC, hot water, natural gas and potable water, and protection from elements such as weatherproofing and securing broken doors and windows.
2. Interior repairs to pre-disaster condition of single- or multifamily residential buildings, excluding structural repairs (e.g. foundation, framing), or other elements requiring architectural or engineering services.

B. Heating, ventilation, and air conditioning (HVAC):

1. Installing mechanical equipment in residential buildings in a manner that does not affect the exterior of the building.
2. Installing mechanical equipment in other building types within existing mechanical closets, chases, and unfinished attics or basements when ducts are not visible within occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.
3. Routine maintenance or retrofits to existing mechanical equipment, provided there is no physical impact on the building.
4. Replacement of existing mechanical equipment or installation of supplemental equipment, provided that exterior equipment is installed within the same footprint on the same pad, and interior equipment is installed within an existing mechanical closet or unoccupied attic or basement.
5. Upgrading existing facility and infrastructure-related pumps and motors, including those for HVAC systems, to variable-speed or premium efficiency standards.
6. Sealing, restoring, or insulating HVAC ducts, provided that the ducts are not visible in occupied spaces of the building and access to the ducts does not require demolition of walls or ceilings in occupied spaces of the building.
7. Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors or carbon monoxide detectors (wired or non-wired).

C. Lighting and appliances:

1. Installation of fire, smoke, or carbon monoxide detectors.
2. Installation of compact fluorescent or LED bulbs in existing fixtures.
3. Replacement of fluorescent bulbs, ballasts, and/or wiring in existing fixtures.

4. Replacement of existing fluorescent fixtures with new fixtures, provided that the fixtures are not original to the building.
5. Installation of motion/occupancy sensors for lighting control.
6. Replacement of existing lighting in street lighting fixtures with high efficiency lighting.
7. Replacement of existing appliances.

D. Insulation:

1. Attic insulation with proper ventilation, provided that insulation is fiberglass batt or loose fill only (not spray foam).
2. Under-floor insulation in basements or crawl spaces, provided that insulation is fiberglass batt or loose fill only (not spray foam), and ventilation of crawl spaces.
3. Exterior blown-in wall insulation (not spray foam) where holes are not drilled through exterior wall material or decorative plasterwork on the interior and result in no permanent visible alteration to the structure.
4. Water heater tank and pipe insulation.
5. Radiant barriers in unoccupied attic spaces.

E. Plumbing:

1. Repairing plumbing systems in a manner that does not affect the interior or exterior of the building.
2. Water heater repair or replacement that does not require a visible new supply or venting.
3. Restroom improvements for handicapped access, provided the work is contained within the existing restroom.
4. Water conservation measures, such as installation of low-flow faucets, toilets, showerheads, urinals, or distribution device controls, in residential properties; and water conservation measures in other building types, provided that plumbing fixtures to be replaced are not original to the building.
5. Upgrading existing facility and infrastructure-related pumps and motors, including those for water/wastewater facilities, to variable-speed or premium efficiency standards.

F. Electrical:

Repairing or upgrading electrical systems in a manner that does not affect the interior or exterior of the building.

Exterior Rehabilitation:

A. Roofing:

1. In-kind replacement of existing roofing material.
2. Replacement of existing gutters and downspouts.
3. Installation of continuous ridge vents covered with ridge shingles or boards, or roof jacks/vents, bath and kitchen fan vents, gable vents, soffit and frieze board vents, and

combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.

4. Installation of reflective roof coatings, with materials that closely match the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline.
5. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.
6. Replacement of asbestos tile roofing with composition shingle/asphalt shingle roofing matching the shape and pattern of the asbestos tile.

B. Siding, soffits, fascia, and masonry:

1. Repair or limited, in-kind replacement of existing siding, soffits, and fascia. Limited replacement shall not exceed 25% of the overall exterior area, and new material shall match existing in material, profile, and other characteristics.
2. Limited repair of masonry, including chimneys, where mortar matches the existing in color, texture, strength, joint width, and joint profile and methods are consistent with the preservation techniques in *Preservation Brief #2: Repointing Mortar Joints in Historic Masonry Buildings*. Limited repair shall not exceed 10% of the overall exterior wall area.

C. Painting:

1. Painting previously painted exterior surfaces, provided destructive surface preparation treatments, including but not limited to water-blasting, sandblasting and chemical removal, are not used.
2. Conducting lead-based paint abatement or interim controls pursuant to 24 CFR § 35.115(a)(13), if carried out by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*. (Any removal of historic building materials or encapsulation with vinyl siding or other materials is not included in this exemption.)

D. Windows and doors:

1. Weatherstripping around windows and doors, installing thresholds, and other air infiltration control measures that do not harm or obscure historic windows, doors, or trim.
2. Caulking around windows and doors, provided that the color of the sealant matches adjacent materials.
3. Installing interior storm windows or doors, or exterior storm or wood screen doors, on residential buildings, in a manner that does not harm or obscure historic windows or trim.
4. Repair or repainting of existing storm windows.
5. Installing removable film on windows (if the film is transparent), solar screens, or window louvers, on residential buildings, in a manner that does not harm or obscure historic windows or trim.
6. Repair or replacement of missing or damaged window glass.
7. Repair of windows using in-kind materials.

8. Replacement of non-historic exterior doors with compatible wood panel doors.

E. Porches:

1. Repair (not replacement) of porch ceilings, steps, floors, or railings.
2. Repair of existing wheelchair ramps.
3. Installing a new wheelchair ramp on the side or rear entrance of a home, when not visible from any public right-of-way.
4. Installing a new wheelchair ramp on the front of a home, or other entrance visible from a public right-of-way, in a manner that does not remove, compromise, or damage existing historic materials or features and would be completely reversible without damage to historic fabric.

F. Ground-disturbing activity and site work:

1. Repairing or replacing in-kind existing driveways, parking areas, and walkways with materials of similar appearance in a manner that does not disturb historic landscape materials or features.
2. Excavating to gain access to existing underground utilities to repair or replace them, in a manner that does not disturb historic exterior building or landscape materials or features, and where all construction occurs within existing trenches.
3. Repair or replacement of metal utilitarian structures (e.g. pump houses, storage buildings) less than 45 years old, when performed in previously disturbed soils.
4. Ground disturbance that is minimal and occurs in documented, previously disturbed soil.

G. Elevation: Elevation of pier-and-beam, wood frame structures four feet or less if the front entrance stair configuration is unaltered. Foundation skirting and piers shall be extended or replaced with in-kind materials; brick or stucco piers with lattice or board and batten skirting is preferred in instances where historic materials are no longer present. This exemption does not apply to buildings with other structural systems, such as masonry construction or slab-on-grade foundations.

H. Generators: Installation of generators at existing facilities, where:

1. Ground-level equipment is located to the rear or side of the building or is otherwise screened from view from any public right-of-way, and any new equipment slabs and trenching occurs within previously disturbed soils.
2. Roof-mounted equipment is not visible from the ground level.

INFRASTRUCTURE

The following projects may be exempt from review when they occur 25 feet or greater from the fence line or boundary of a cemetery, or where no work will occur within 15 feet of a cemetery. Projects which involve work within 15 feet of a cemetery must be submitted in accordance with **ARTICLE VI, ARCHEOLOGICAL REVIEW**, and will require archeological studies to verify whether or not there are any unmarked graves beyond the marked cemetery boundary. These studies may include scrapings or informant interviews with the manager of the cemetery association, local

historians, funeral home directors, or other informed individuals.

- A. Routine road maintenance and resurfacing where work is confined to the existing right-of-way and previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no known historic properties, or historic properties would not be affected because the proposed work is clearly within a disturbed context. This exemption shall not apply in areas with brick streets or with tile curb markers or other decorative street features.
- B. Point repair to an existing water or wastewater line where construction occurs in the original trench
- C. Replacement of existing water or wastewater lines where all construction occurs within the original trench.
- D. Replacement of existing water or wastewater lines in a new trench paralleling the existing line if the following conditions are met:
 - 1. Replacement occurs beneath city streets or adjacent drainage rights-of-way (as in item A);
 - 2. Replacement does not occur within a National Register historic district or locally designated historic district;
 - 3. Replacement does not occur within the historic towns of Goliad, San Augustine, Jefferson, Nacogdoches, Bastrop, Castroville, San Ygnacio, Roma, Refugio, Ysleta, San Elizario, and Presidio;
 - 4. Replacement does not occur beneath brick-paved streets; and
 - 5. Replacement does not occur adjacent to roads in rural areas of the county (where abandoned cemeteries or unrecorded archeological sites might be impacted by a new trench).
- E. Minor alterations or additions to existing water or wastewater treatment plants or other facilities that are less than 45 years old. (Excavation of new treatment ponds or enlargement of existing ponds are not considered minor alterations and are subject to review).
- F. Installation of generators at existing water/wastewater or shelter facilities, where:
 - 1. Ground-level equipment is located to the rear or side of the building or is otherwise screened from view from any public right-of-way, and any new equipment slabs and trenching occurs within previously disturbed soils.
 - 2. Roof-mounted equipment is not visible from the ground level.
- G. Addition or replacement of equipment within the same location and footprint (Examples include but not limited to; Computer monitoring equipment, bar screens, clarifiers, chlorination equipment, SCADA equipment etc.).
- H. Repair of bridges less than 45 years old.

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- ☐ **significant ground disturbance (digging)**
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- ☐ **new construction in undeveloped natural areas**
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- ☐ **incongruent visual changes**
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- ☐ **incongruent audible changes**
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- ☐ **incongruent atmospheric changes**
Examples: introduction of lights that create skyglow in an area with a dark night sky
- ☐ **work on a building with significant tribal association**
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- ☐ **transfer, lease or sale of a historic property of religious and cultural significance**
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
- ☒ **None of the above apply**

WWTP No.1 and System Improvements

Project

Reviewed By

Date

Exhibit P

WHEN TO CONSULT WITH TRIBES UNDER SECTION 106 HUD CHECKLIST



When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- ☐ **significant ground disturbance (digging)**
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- ☐ **new construction in undeveloped natural areas**
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- ☐ **incongruent visual changes**
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- ☐ **incongruent audible changes**
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- ☐ **incongruent atmospheric changes**
Examples: introduction of lights that create skyglow in an area with a dark night sky
- ☐ **work on a building with significant tribal association**
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- ☐ **transfer, lease or sale of a historic property of religious and cultural significance**
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
- ☒ **None of the above apply**

WWTP No.1 and System Improvements

Project

Reviewed By

Date

Exhibit Q

SOLE SOURCE AQUIFER MAP





<p>SOLE SOURCE AQUIFER</p> <p>Wastewater Treatment Plant No. 1 and System Improvements City of Wharton</p>	 	 
--	--	---

Exhibit R

NATIONAL WETLANDS INVENTORY MAPS



This aerial map of Wharton County, Texas, illustrates the Riverine area and various wetlands. The map includes a legend for wetland types and labels for streets and landmarks.

Legend:

- WASTE WATER TREATMENT PLANT (Red dot)
- Estuarine and Marine Deepwater (Light blue)
- Estuarine and Marine Wetland (Yellow)
- Freshwater Emergent Wetland (Pink)
- Freshwater Forested/Shrub Wetland (Light orange)
- Freshwater Pond (Light green)
- Lake (Blue)
- Other (Light purple)
- Riverine (Light brown)

Map Labels:

- Streets: S Richmond Rd, W Elm St, S Fulton St, Black St, S East Ave, Jefferson Ave, Lincoln St, Moutray Ave, Correll Ave, S Alabama Rd, Milam St, Maple St, David St, Carolyn St, Sara Anne St, Kingston Dr, Westgate Dr, Wisteria Way St, FM 1299 Rd, Mundel.
- Landmarks: Mother Zion Baptist Church, Wharton County Sheriff's Office, City of Wharton Public Works Building.
- Wetland Types: Riverine Freshwater Forested/Shrub Wetland, Freshwater Forested/Shrub Wetland, Freshwater Forested/Shrub Wetland, Freshwater Forested/Shrub Wetland, Freshwater Forested/Shrub Wetland.
- Other: WWTP (Waste Water Treatment Plant), Riverine, County Road 188.





NATIONAL WETLANDS
INVENTORY

Wastewater Treatment Plant No. 1 and System Improvements
City of Wharton



0 65 130 Feet



NATIONAL WETLANDS
INVENTORY

Wastewater Treatment Plant No. 1 and System Improvements
City of Wharton

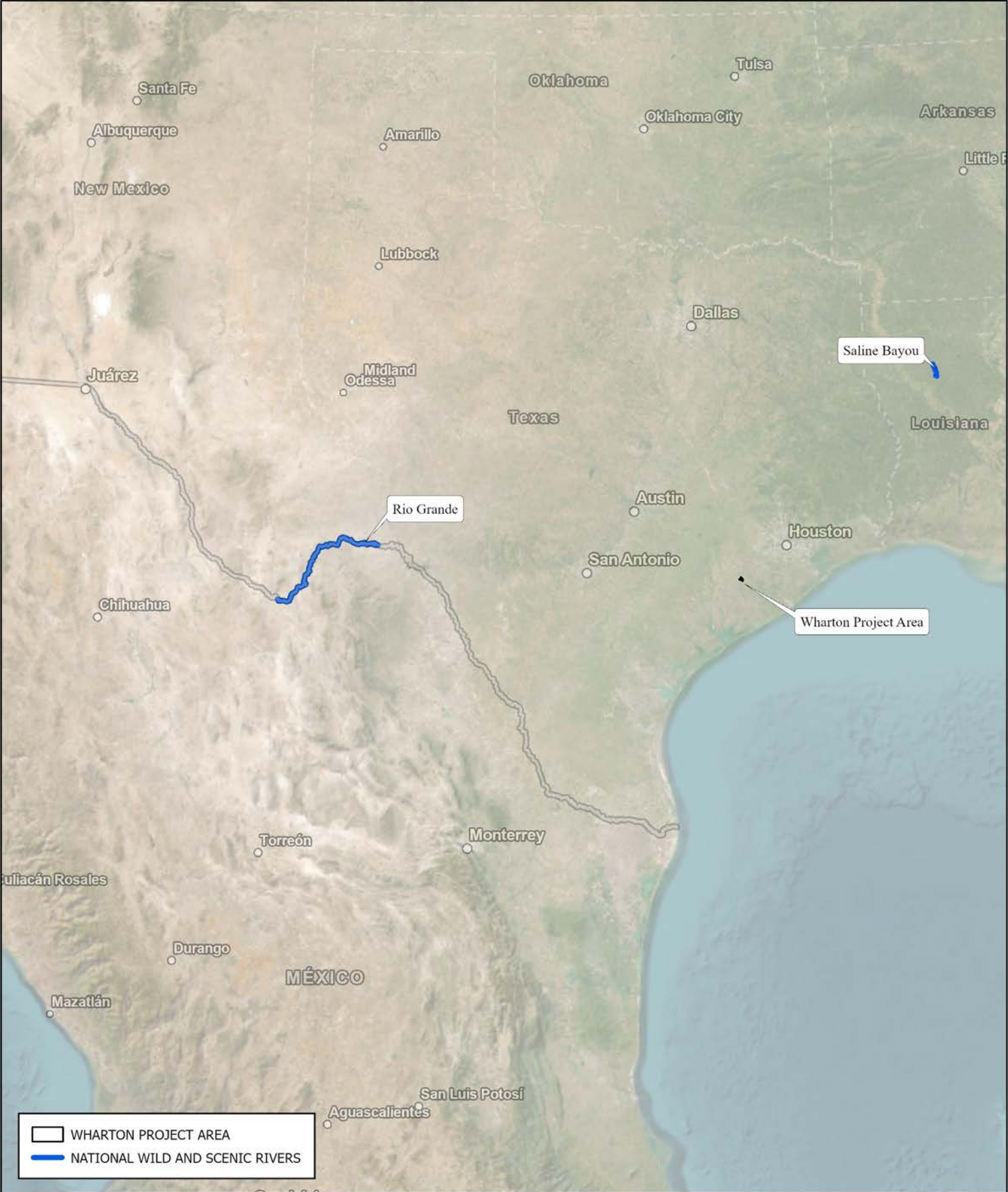


Exhibit S

WILD AND SCENIC RIVERS MAP



Exhibit S



<p>WILD AND SCENIC RIVERS</p> <p>Wastewater Treatment Plant No. 1 and System Improvements City of Wharton</p>	 	 
---	--	---

Exhibit T
FONSI/NOI



Exhibit U
RROF AND AUGF

