

A303

**Environmental Review
for Activity/Project that is Exempt or
Categorically Excluded Not Subject to Section 58.5
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

Project Information

Project Name: 2017-2018 Texas Community Development Project – Water Improvements

**Responsible Entity: Sabine County
Office of the County Judge
Post Office Box 716
Hemphill, Texas 75948**

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer: Randy Blanks

Certifying Officer Name and Title: Daryl Melton, County Judge

Consultant (if applicable): David J. Waxman, Inc.

**Project Location: Shamrock Shores Subdivision Water Improvement Project : G-M
Water Supply Corporation Provider**

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

Sabine County will assist G-M Water Supply Corporation in the replacement of the deteriorated water main that is attached to the FM 276 (Carter's Ferry Road) bridge which crosses a portion of the Toledo Bend Reservoir. The project will install 4,000 linear feet of new six inch (6") water main. 2,200 linear feet of the line will be directional drilled under Toledo Bend Reservoir. The remaining 1,800 linear feet of line will be installed open cut along the existing road right-of-way. Work shall include valves and interconnections to the existing water distribution system.

Level of Environmental Review Determination:

☒ Activity/Project is Exempt per 24 CFR 58.34(a): (1) Environmental and other studies, (3) Administration and management activities, and (8) Engineering or design costs.

Project Name

Project Locality and State

HEROS Number

☐ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

Funding Information

Grant Number	HUD Program	Funding Amount
Pending	CDBG 14 228	\$275,000.00

Estimated Total HUD Funded Amount: \$275,000.00

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable): No other Federal agency is involved with the project. There is no required local match for Community Development Projects in Deep East Texas Council of Governments.

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$275.000.00

Compliance with 24 CFR §50.4 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 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is outside the Airport Runway Clear Zones and Accident Potential Zones. All water lines will be installed below ground level and will serve an existing developed subdivision.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Shamrock Shores Subdivision is over 120 miles north of the Upper Texas Coast line.

Project Name

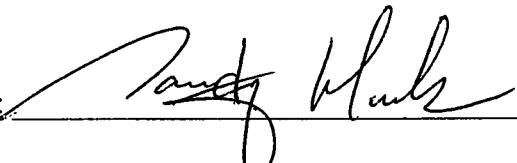
Project Locality and State

HEROS Number

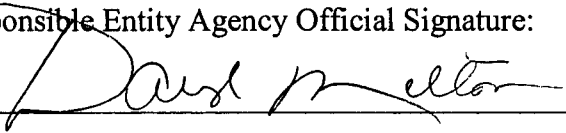
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The County participates in the Flood Insurance Program. Shamrock Shores is located in FEMA FIRM unmapped area.
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Mitigation Measures and Conditions [40 CFR 1505.2(c)]
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
None	

Preparer Signature:  Date: Dec 6, 2017

Name/Title/Organization: Randy Blanks, Planner / Project Manager, David J. Waxman, Inc.

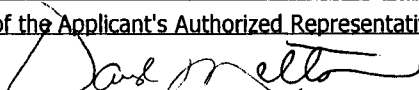
Responsible Entity Agency Official Signature:  Date: 1-9-17

Name/Title: Daryl Melton, County Judge of Sabine County, Texas

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).

APPLICATION FOR TxCDBG ASSISTANCE

OMB Approval No.0348-0043

1. TYPE OF SUBMISSION Application: <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Pre-application: <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED: Feb 9, 2017	APPLICANT IDENTIFIER:
		3. DATE RECEIVED BY STATE:	STATE APPLICATION IDENTIFIER:
		4. DATE REC'D by FEDERAL AGENCY:	FEDERAL IDENTIFIER:
5. APPLICANT INFORMATION:			
Legal Name: County of Sabine		Organizational Unit: County Commissioner's Court	
Address (City, County, State, and Zip Code) of applicant: County of Sabine P. O. Box 716 201 Main Street Hemphill, TX 75948		Name/Title, Agency or Company, Address, Area Code, Telephone and Fax Numbers, and e-mail address of application preparer: David J. Waxman, Vice President David J. Waxman, Inc. Post Office Box 900 Jasper, Texas 75951 Phone: (409)384-3458 Fax: (409)384-5719 Email: lesley.waxman@sbcglobal.net	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 75-6000136		6a. DUNS NUMBER: 084969302	
7. TYPE OF APPLICANT: <input type="checkbox"/> A. Municipal <input checked="" type="checkbox"/> B. County		8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	
9. NAME OF FEDERAL / STATE AGENCY: Texas Department of Agriculture		10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 14-228 Title: Texas Community Development Block Grant Program (TxCDBG)	
11. PROJECT TYPE: Water Improvements (03J)		11a. TYPE OF APPLICATION: Community Development Fund	
12. TARGET AREA(S) AFFECTED BY THE PROJECT: G-M Water Supply Corporation service area in Shamrock Shore Subdivision		13. APPLICANT'S FISCAL YEAR: Beginning Date: 10/01 Ending Date: 09/30	
14. CONGRESSIONAL DISTRICTS:		Representative: 9 Senate: 3 Congress: 1	
15. ESTIMATED FUNDING: A. TxCDBG REQUEST: \$275,000.00 B. FEDERAL: _____ C. STATE: _____ D. APPLICANT: _____ E. LOCAL: _____ F. OTHER: _____ G. TOTAL: \$275,000.00		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? <input type="checkbox"/> Yes the preapplication / application was made available to the State Executive Order 12372 process for review on: Date: _____ <input checked="" type="checkbox"/> No <input type="checkbox"/> Program is not covered by E.O. 12372 -OR- <input checked="" type="checkbox"/> Program has not been selected by the State for review	
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes. If "Yes", attach an explanation. <input checked="" type="checkbox"/> No			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE CERTIFICATIONS AND CITIZEN PARTICIPATION PLAN INCLUDED IN THE PROCEDURES SECTION OF THE TxCDBG PROGRAM APPLICATION GUIDE IF THE ASSISTANCE IS AWARDED.			
Typed Name of the Applicant's Authorized Representative: Daryl Melton		Title County Judge	Telephone Number +1 (409) 787-3543
		E-mail Address daryl.melton@co.sabine.tx.us	
Signature of the Applicant's Authorized Representative: 			Date 1-9-2017

Previous Editions Not Usable

STANDARD FORM 424 (REV-4-88)

RESOLUTION

A RESOLUTION OF THE COMMISSIONER'S COURT OF THE COUNTY OF SABINE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE COUNTY JUDGE TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE 2017-2018 FUNDING CYCLE.

WHEREAS, the Commissioner's Court of Sabine County desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

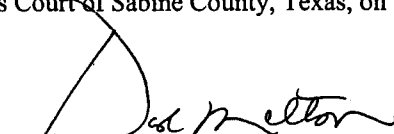
WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of Sabine County to apply for funding under the Texas Community Development Block Grant Program;

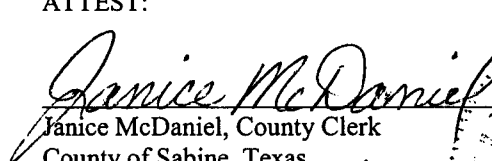
NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONER'S COURT OF SABINE COUNTY, TEXAS:

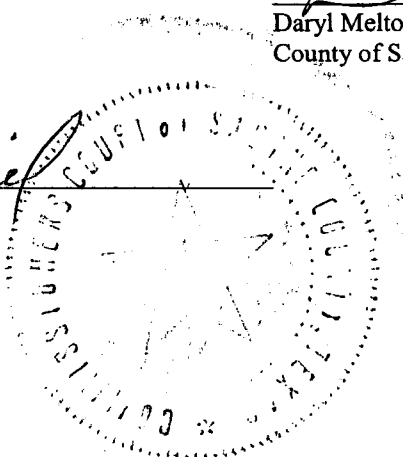
1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the County with the Texas Department of Agriculture.
2. That the County's application be placed in competition for funding under the Community Development Fund.
3. That the application be for \$275,000.00 of grant funds to provide water system improvements project with G-M Water Supply Corporation with \$0.00 matching funds.
4. That the Commissioner's Court directs and designates the County Judge as the County's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition and civil rights requirements.

PASSED AND APPROVED by the Commissioner's Court of Sabine County, Texas, on this the 9th day of January, 2017.


Daryl Melton, County Judge
County of Sabine, Texas

ATTEST:


Janice McDaniel, County Clerk
County of Sabine, Texas



**INTER-GOVERNMENTAL AGREEMENT
BETWEEN
COUNTY OF SABINE
AND
G-M WATER SUPPLY CORPORATION**

STATE OF TEXAS

COUNTY OF SABINE

This Agreement between the COUNTY OF SABINE, TEXAS, whose address is, P. O. Box 716, Hemphill, Texas 75948 hereinafter referred to as "County" and the GM Water Supply Corporation whose address is P. O. Box 727, Hemphill, Texas 75948 hereinafter referred to as GM, is as follows:

WHEREAS, the County will apply for a Texas Community Development Block Grant Program (TxCDBGP) Grant from the Texas Department of Agriculture in the amount of \$275,000.00 of funds for construction & engineering is being applied on behalf of GM Water Supply Corporation for water improvements that will serve the residents in Shamrock Shores community.

WHEREAS, the County and GM are desirous of reciting in writing certain duties and obligations between the parties hereto:

FOR AND IN CONSIDERATION of the mutual benefits flowing to GM as well as the County as a result of the application by the County and the receipt of a contract award under the Texas Community Development Block Grant Program and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

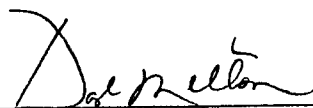
1. In the event the County should incur any costs at the request or under the direction of/ or approved by the GM which is determined by the Texas Department of Agriculture to exceed actual or reasonable costs for performances rendered under said Texas Community Development Block Grant Program Contract, the GM will be responsible and pay for any such costs on or before thirty (30) days from the date of notice and demand for payment of same with the County providing a copy of the paid receipt or invoice in question.
2. The Project Engineer shall coordinate with the County and GM all plans and specifications.
3. Prior to the bidding process, the Project Engineer shall submit specifications to the County, Texas Commission on Environmental Quality and GM for approval.
4. The County shall fully and satisfactorily perform all of the conditions and obligations of the County as contractor under the terms of the TxCDBGP Contract.
5. GM will fully and satisfactorily perform all of its obligations under the terms of this contract.

6. The County shall submit such reports as are required under the TxCDBGP Contract. GM shall provide the County with all information and documents in the possession of GM necessary for such required reports of the County. Should GM fail to timely furnish any such information or documents in the possession of GM following timely request for same, should the County incur any expenses or damages whatsoever as a result of GM failing to timely furnish such information necessary to comply with the reporting requirements of said TxCDBGP Contract then the District shall be required to repay such expenses to the County and otherwise indemnify the County for any loss or damages sustained as a result thereof.
7. GM hereby agrees to indemnify and hold harmless the County against any and all claims, demands, causes of action of every kind or character which may be asserted by the Texas Department of Agriculture, an agency of the State of Texas, occurring or in any way incident to, arising out of, or in connection with the services to be performed by the GM under this Contract.
8. In the event of the termination of the TxCDBGP CONTRACT for any grounds other than the negligence or intentional violation of the TxCDBGP CONTRACT by the County resulting in said termination, the GM shall indemnify and hold harmless the County for any and all claims, demands, damages, or other causes of action asserted by any subcontractors or suppliers or others, as a result of any contract entered into by and between the County and any said subcontractors or others as a result of the award of said TxCDBGP CONTRACT to the County.
9. The County and/or GM may terminate this Contract in whole or in part at either of the following times: (1) Upon notification by the Department of the termination of said TxCDBGP CONTRACT, or (2) upon a violation of the terms of the Contract by other party.
10. The parties expressly agree that the County requested and obtained the partial amount allocated for this proposed TxCDBGP Grant at the request of GM for the benefit of the citizens in the project area. Therefore, it is expressly agreed that any expenses or damages suffered by the County as a result of said project under the TxCDBGP Contract or grant, other than such damages or unreasonable expenses which are incurred as a result of the intentional conduct of the County, shall be paid by GM. All said additional expenses not covered by the allocated grant funds shall be paid for by GM.
11. The parties further agree that all land purchases and improvements placed thereon, and all water facility improvements acquired by funds from said TxCDBGP CONTRACT and/or purchased or provided by GM shall be conveyed in fee simple to GM by the County upon completion of the grant contract. In consideration therefore, GM agrees and will assume all legal responsibilities and obligations connected with the improvements and operation of said water facilities.
12. This is a good faith effort between the County and GM to accommodate and assist the citizens of the County by providing improved on-site sewer facilities to the project

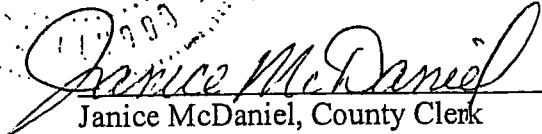
target area and each of the entities here do pledge their best efforts to fulfill the obligation set forth herein as well as the obligations and requirements set forth in said TxCDBGP Contract if awarded by the Texas Department of Agriculture, the same being incorporated herein by reference the same as if fully set forth in this Contract.

COUNTY OF SABINE

WITNESS OUR HANDS effective this 9th day of January, 2017.

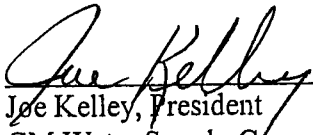

Daryl Melton, County Judge
County of Sabine, Texas

ATTEST:

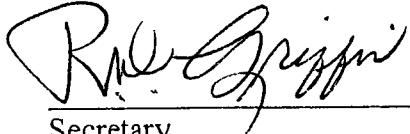

Janice McDaniel, County Clerk
County of Sabine, Texas

GM WATER SUPPLY CORPORATION

WITNESS OUR HANDS effective this 10th day of January, 2017.


Joe Kelley, President
GM Water Supply Corporation

ATTEST:


Secretary
GM Water Supply Corporation

RESOLUTION

A RESOLUTION OF THE BOARD OF DIRECTORS OF G-M WATER SUPPLY CORPORATION OF SABINE COUNTY, TEXAS, REQUESTING SABINE COUNTY TO SUBMIT A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND ON BEHALF OF THE DISTRICT AND AUTHORIZING THE PRESIDENT OF THE CORPORATION TO ACT AS THE CORPORATION'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CORPORATION'S PARTICIPATION WITH SABINE COUNTY IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE 2017 -2018 FUNDING CYCLE.

WHEREAS, G-M Water Supply Corporation desires to develop a viable community, including decent housing and suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income, and

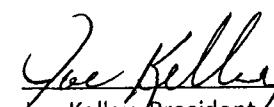
WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the County of Sabine, Texas to apply for funding under the Texas Community Development Block Grant Program;


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF G-M WATER SUPPLY CORPORATION OF SABINE COUNTY, TEXAS:

1. That a Texas Community Development Block Grant application for the Community Development Fund be requested to be filed by the County of Sabine to the Texas Department of Agriculture.
2. That the application be for \$275,000.00 of grant funds to provide a water system improvements project with G-M Water Supply Corporation.
3. That the Board of Directors directs and designates the President as the Corporation's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the Corporation's participation with the Sabine County in the Texas Community Development Block Grant Program.

PASSED AND APPROVED on this the 10th day of January, 2017.


Joe Kelley, President
G-M Water Supply Corporation

ATTEST:

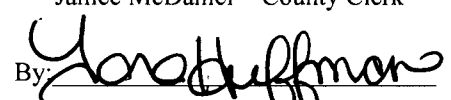

Secretary
G-M Water Supply Corporation
VOL 3-L PG 226

The State Of Texas §
County Of Sabine §

I hereby certify that these documents were filed and duly recorded in the Commissioner Court Minutes of Sabine County, Texas.

Volume 3-L Page 174
Janice McDaniel ~ County Clerk



By: 
Deputy