



United States Department of the Interior

NATIONAL PARK SERVICE

Interior Regions 3, 4, 5

601 Riverfront Dr

Omaha, NE 68102

(MWR-LWCF)

FINDING OF NO SIGNIFICANT IMPACT

**Joe Matthews Park
Environmental Assessment
Mont Belvieu, Texas**

February 2023

BACKGROUND

In compliance with the National Environmental Policy Act (NEPA), this Finding of No Significant Impact (FONSI) documents the decision of the National Park Service (NPS) to approve a Land and Water Conservation Fund (LWCF) grant application for the development of enhanced public outdoor recreation at the existing Joe Matthews Park within the city of Mont Belvieu, Texas. The NPS is providing up to 50% of the funding for this public outdoor recreation development project and as needed for this federal action to approve the grant application and subsequent development of the park, is adopting the Texas Parks and Wildlife Department (TPWD) Environmental Assessment (EA) dated November 2022 that evaluates the impacts of developing Joe Matthews Park. The remaining matching funds for this development will come from non-federal sources. The funds will be used to re-design and construct Joe Matthews Park on an existing public park and purchase additional land to add to the park space. Specifically, the proposed project at Joe Matthews Park includes the construction of an access road, parking lots, associated drainage, removal of existing metal, concrete, and wood materials associated with a non-working water pump system, installation of six 4-inch diameter steel posts into the bed of Old River for the purpose of installing a kayak and canoe dock, construction of an observation deck, walking loop, hike/bike trail, renovation of a pee-wee ballfield and basketball court, installation of a playground, picnic pavilion and will include minor additions to vegetation and landscaping with a focus on native tree, shrub, and grass species specific to this eco-region.

The statements and conclusion reached in this FONSI are based on the documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA and Appendices are incorporated by reference below. Except where noted, references can be found in the EA.

SELECTED ALTERNATIVE AND RATIONALE FOR DECISION

Two alternatives were analyzed: 1) The No-Action Alternative, would deny the approval of the proposed grant application, and 2) the Proposed Action/Preferred Alternative (NPS Selected Alternative), which entails park design development including constructing an access road, parking lots, associated drainage, kayak and canoe dock, observation deck, walking loop, hike/bike trail, renovated pee-wee ballfield, renovated basketball court, playground, picnic pavilion, and minor additions to vegetation and landscaping. The preferred alternative will enhance the overall visitor experience and protect the natural and cultural resources. A detailed description of the actions for each area are described in section 3 of the EA.

After careful analysis of resource impacts, consultation with agencies, and review of stakeholder and public comments, the proposed action alternative was selected by the NPS. NPS will approve the LWCF grant application submitted by TPWD in order to assist with the development of Joe Matthews Park for public outdoor recreation. TPWD will implement the selected action.

SIGNIFICANCE CRITERIA REVIEW

Potentially Affected Environment

The potentially affected environment covers approximately 21 acres of maintained but undeveloped park land located north of the Oak Ridge Drive and Canal Street intersection in Chambers County, approximately 4.6 miles northeast of Mont Belvieu, Texas. Old River forms the project's western boundary, and the project site rises in elevation from west to east across the property. The existing site is maintained as a park at this time and is mowed regularly to keep vegetation height to a minimum.

Degree of Effects of the Action

NPS considered the following actual or potential project impacts in evaluating the degree of the effects (40 Code of Federal Regulations [CFR] 1501.3(b)(2)) for the selected action.

a. Beneficial and adverse, and short- and long-term effects of the proposed action.

Cultural Resources

Archaeological survey and investigations at the project site within the APE identified the presence of two historic sites within the APE. The proposed park construction activities will be in the vicinity of these sites. Some planned park components will impact the new archaeological sites however, no significant features will be affected. Initial park plan concepts were revised to avoid the portion of Site 41CH409 containing the only semi-intact features. The remainder of the site is in poor condition. Site 41CH410 is highly disturbed and park construction will not have an adverse effect on significant features in that area.

Socioeconomic Environment

Construction of the Proposed Action would have beneficial effects for the surrounding community by expanding recreation and park facilities. The project is likely to bring out of town visitors to Mont Belvieu, increasing various sales of goods and providing additional sales tax revenue. Construction activities will provide temporary labor jobs for the area. The Proposed Action would benefit historically disadvantaged groups of people by providing additional low- or no-cost park settings for their use.

Aquatic Species

Impact to fish and other aquatic species would be short term and minimal. The proposed project would remove an existing but abandoned water pump support platform located in a connected but off-channel, human-made, excavated area. The support platform consists of four concrete support beams set into the river bottom and various metal frameworks. Disturbance of the natural channel of Old River will not occur; however, the off-channel, human-made area will be impacted through the action of removal of the support platform. To prevent siltation a coffer dam will be utilized to control silt and other potential debris from entering the river channel.

The proposed project also consists of the installation of six, 4-inch diameter steel posts, which the floating kayak and canoe dock would be anchored to. The posts would be driven into the channel bottom, and no concrete or other footings would be used in their deployment. The kayak and canoe dock infrastructure is designed to float on the surface of the water and slide up and down the posts as the water level fluctuates. The support platform removal will take place from dry land to avoid harmful lasting siltation or other issues during removal activities.

b. Degree to which the proposed action affects public health and safety.

There are two potential sources of emissions from the proposed project:

1. Construction emissions which would be temporary; and
2. Operational emissions which would continue for the life of the park.

Construction emission sources would include exhaust from construction equipment and worker commuting, material delivery, and fugitive dust from earthmoving activity. The Occupational Safety Health Administration regulates worker safety under the Occupational Safety and Health Act of 1970, and these regulations apply to activities conducted by Mont Belvieu. During construction and implementation of this project all health and safety protocols will be adhered to.

Construction of the Proposed Action would not disrupt the community within Mont Belvieu as all activities are proposed within a singular property. No private homes, community services, fire protection, health and emergency care would be affected by the project.

Furthermore, pursuant to Executive Order 12898, Environmental Justice in Minority and Low-Income Populations, the proposed project has been assessed to determine if it would have disproportionately high and adverse human health or environmental effects on minority and low-income populations. This project will not result in the relocation or closure of any parks that would decrease the accessibility of these facilities. The project will have a beneficial affect by increasing accessibility of the existing facilities planned facilities within the park. Due to these factors, there is no evidence that there would be any adverse human health or environmental effects on minority and low-income populations.

c. Effects that would violate federal, state, tribal, or local law protecting the environment.

The selected alternative does not threaten or violate applicable federal, state, or local environmental laws or requirements imposed for the protection of the environment. A detailed description of consultation and coordination efforts for the project can be found in sections 3 and 4 of the EA, pages 12 through 22. A brief summary of these efforts is below.

Consultation for compliance with Section 106 of the National Historic Preservation Act has been carried out with multiple stakeholders including Texas Historical Commission (THC) which serves as the State Historic Preservation Office (SHPO), Federally Recognized tribal governments and the public. A full archeological report was conducted and submitted to the to the THC, completed on January 18, 2022. In addition, the NPS is responsible for carrying out government-to-government consultation with all federally recognized Indian Tribes and Native Hawaiian Organizations pursuant to 36 C.F.R. § 800.2(c)(2)(ii)(C). There are six federally recognized Indian Tribes in Chambers County, TX and therefore with interest in the project area. These tribes include the Alabama-Coushatta Tribe of Texas, the Alabama-Quassarte Tribal Town, the Apache Tribe of Oklahoma, the Coushatta Tribe of Louisiana, the Tonkawa Tribe of Indians of Oklahoma, and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie) of Oklahoma. Consultation with these tribal governments was initiated in July of 2021 no tribes chose to consult on this project. NPS issued a final determination of No Historic Properties Affected on May 13, 2022. This letter is included as an attachment to the EA. An unanticipated discoveries plan has been prepared and is recommended to be followed in all portions of the project area in the event that an intact archaeological feature be discovered during construction activities.

Field investigations completed in November 2021, confirmed no wetlands are present in the project area. Old River, which is a Clean Water Act Section 404 and Rivers and Harbors Act Section 10 waterbody, forms the western boundary of the project area and a portion of Old River is within the project impact footprint. The proposed project will impact two square feet of non-vegetated waters of the U.S., a portion of Old River for the purpose of installing the steel support poles for the floating dock and kayak launch. A nationwide permit (NWP), Number SWG-2022-00269, and Letter of Permission (LOP) was obtained for this project through the Army Corps of Engineers (USACE) and was issued on June 16, 2022. This project through coordination with the USACE was found to comply with Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, the NWP General/Regional Conditions, and Section 401 Water Quality Certification. The permit and its associated documentation and detailed plans for the kayak and canoe dock can be found in Appendix A of the EA.


A Biological Assessment was prepared, and the property was surveyed for the presence of federally listed species and critical habitat in compliance with Section 7 of the Endangered Species Act. The work was performed by TPWD consultant Bio-West Incorporated in September of 2022. Nine federally threatened, endangered or candidate species were identified as potentially present in the area through the Fish and Wildlife Service (FWS) Information for Planning and Construction (IPaC) database: Eastern Black Rail, Green Sea Turtle, Hawksbill Sea Turtle, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle, Loggerhead Sea Turtle, Monarch Butterfly, Piping Plover, and Red Knot. The on-site surveys of the project area concluded that these species and associated critical habitat are not present in the subject property. TPWD concluded and the NPS agrees with the determination of No Effect for these species because (1) the project area is outside of what is considered their normal range, (2) no suitable habitat for the species is present on the subject property, (3) the species was not found on the subject property, and (4) project features would not impact the species or critical habitat.

FINDING OF NO SIGNIFICANT IMPACT

- Based on the information contained in the EA, I have determined that the proposed action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement will not be required.

- This finding is based on consideration of the Council on Environmental Quality criteria for significance (40 CFR 1501.3 [b] [2020]), regarding the potentially affected environment and degrees of effects of the impacts described in the EA (which is hereby incorporated by reference).

Recommended by:



2/24/2023

Neal Bedlan, Regional Program Officer Team Leader, Date
Land and Water Conservation Fund
Interior Region 3, 4, 5
National Park Service

Reviewed by:

Stephanie Stephens Date
Associate Regional Director
Cultural Resources, Land and Water Conservation Fund, and
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Interior Region 3, 4, 5
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Approved by:

Herbert C. Frost, Ph.D. Date
Regional Director
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