



WALKER COUNTY COMMISSIONERS COURT

1100 University Avenue
Huntsville, Texas 77340
936-436-4910



COLT CHRISTIAN
County Judge

DANNY KUYKENDALL
Commissioner, Precinct 1

RONNIE WHITE
Commissioner, Precinct 2

AGENDA
REGULAR SESSION
MONDAY, JUNE 5, 2023
9:00 A.M.
ROOM 104

BILL DAUGETTE
Commissioner, Precinct 3

BRANDON DECKER
Commissioner, Precinct 4

CALL TO ORDER

- Announcement by the County Judge whether a quorum is present.
- Certification that public Notice of Meeting was given in accordance with the provisions of Section 551.001 et. Seq. of the Texas Government Code.

GENERAL ITEMS

- Prayer – Pastor James Necker
- Pledge of Allegiance
- Texas Pledge – “Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible”
- Citizens Input – Agenda Items

CONSENT AGENDA

1. Approve minutes from Commissioners Court Regular Session on May 22, 2023.
2. Approve Disbursement Report for the period 5/19/23 – 5/31/23.
3. Approve Order 2023-69, Treasurer Report for March 2023.
4. Approve Order 2023-70, Treasurer Report for April 2023.
5. Receive Walker County Emergency Services District #2 annual audit for FY2022.
6. Receive Purchasing Board Order for the appointment of Interim Purchasing Agent.
7. Approve Order 2023-83, setting the salary of the Interim Purchasing Agent.
8. Approve payment of claims and invoices submitted for payment.
9. Approve Special Prosecution Unit meals for Employee Training for three days, June 21-23, 2023, not to exceed \$1800.
10. Approve Special Prosecution Unit meals for June Boarding meeting, not to exceed \$350.
11. Approve Facility Request 2023-77, Republican Party of Walker County and the Walker County Republican Women request to use of the Courthouse Gazebo, October 27, 2023 to recognize First Responders of Walker County.
12. Receive Financial Information as of May 30, 2023, for the fiscal year ending September 30, 2023.
13. Receive Financial Information as of the month ended April 30, 2023, for the fiscal year ending September 30, 2023.
14. Receive Treasurer Investment Report for April 2023.
15. Receive County Clerk Financial Report for April 2023.
16. Receive Employee Injury Report.

STATUTORY AGENDA

Emergency Medical Services

17. Discuss and take action on updated EMS event standby policy, pricing and procedures. – Rachel Parker

Information Technology

18. Discuss and take action to approve amendment to SHI contract for the Enterprise Multi-Tenant Enrollment and authorize Interim Purchasing Agent to sign Program Volume Licensing orders as needed for the Government Cloud Project within budgeted funds. – Dan Early
19. Discuss and take action to approve Microsoft Customer Agreement US Government Community Cloud. – Dan Early

Tax Assessor Collector

20. Discuss and take action to approve the Joint Election Agreement including countywide poll locations (Attachment A) for the November 7, 2023, General Election. – Diana McRae
21. Discuss and take action to approve the purchase of the document management software (Elections Bundle) from Vista Solutions Group with budgeted funds and/or Chapter 19 Funds (State Funds). – Diana McRae

Walker County Commissioners Court – Regular Session – June 5, 2023 – Agenda (cont'd)

Purchasing

- 22. Discuss and take action on the disposal of FAS #13400. – Laura Buccafurni
- 23. Discuss and take action on the disposal of FAS #12666. – Laura Buccafurni
- 24. Discuss and take action to transfer FAS# 15678 from EMS to OEM. – Laura Buccafurni

Treasurer

- 25. Presentation by Texas Association of Counties Health Employee Benefits Pool Coordinator to review medical and wellness plans for Walker County and discuss potential changes for the upcoming benefit plan year. – Ashley Cureton-Whitfield/Amy Klawinsky
- 26. Discuss and take action on renewal of Texas Association of Counties Health and Employee Benefit Program plan for FY2024. – Amy Klawinsky
- 27. Discuss and take action on Texas and County District Retirement System FY2024 plan. – Amy Klawinsky

Auditor

- 28. Discuss and approve Order 2023-80 amending the Salary Group Ranges classification system and approve personnel allocation change for the District Clerk. – Patricia Allen
- 29. Discuss and approve Order 2023-81 amending the budget for the fiscal year ending September 30, 2023. – Patricia Allen
- 30. Discuss and approve agreement for software subscription with Fifth Asset, Inc. dba DebtBook to be used for GASB statement implementation Initial term period June 1, 2023 to May 30, 2024 to be paid from budgeted funds. – Patricia Allen
- 31. Discuss and take action on amending Walker County Personnel Policy Section 2.19 on Asset Management. – Patricia Allen

Maintenance

- 32. Discuss and take action on proceeding with repairs to the Walker County Justice Center for damage caused by a water leak. – Larry Whitener

Commissioners Court

- 33. Discuss and take action on a purchase of an 84-inch roller at an approved public auction. – Commissioner White
- 34. Discuss and take action on a purchase of a rear load equipment hauling trailer from an approved public auction. – Commissioner White
- 35. Discuss and take action on acceptance of a temporary working easement from John Blanchard for drainage repairs. – Commissioner Daugette
- 36. Discuss and take action to purchase Kubota SVL 97 - 2HFC from Buyboard contract # 597-19, funding source to be determined. - Commissioner Decker
- 37. Discussion on relocating Hawthorne Road. – Commissioner Decker
- 38. Discuss and take action on US Forest Service Agreement Modification (Grant 22-RO-11081300-111). – Commissioner Decker
- 39. Discuss and take action on US Forest Service Co-op Road Projects, funded as part of the SRS Title II program and approval of Project Submission Form. – Commissioner Decker

Planning and Development

- 40. Discuss and take action on West Waverly Ranch, LLC request for variance to Section 4.37 of the Walker County Subdivision Regulations regarding Engineering Flood Study of the Zone A to determine/establish a base flood elevation (BFE) for [Plat # 2022-035] Homestead Hill Subdv. , John Sadler League, A-45 FM 1375 W - Pct. 4 – Andy Isbell
- 41. Discuss and take action on West Waverly Ranch, LLC request for variance to Section 5.03.c of the Walker County Regulations for Floodplain Management regarding base flood elevation data for subdivision proposals greater than 50 lots or 5 acres for [Plat # 2022-035] Homestead Hill Subdv., John Sadler League, A-45 - FM 1375 W - Pct. 4 – Andy Isbell
- 42. Discuss and take action on Atlas Land Partners, LLC request for variance to Section 4.37 of the Walker County Subdivision Regulations regarding Engineering Flood Study of the Zone A to determine/establish a base flood elevation (BFE) for [Plat # 2022-041] Governors Ranch Subdv. , Charles Hill Survey, A-268 IH45N- Pct. 1 – Andy Isbell
- 43. Discuss and take action on Atlas Land Partners, LLC, LLC request for variance to Section 5.03.c of the Walker County Regulations for Floodplain Management regarding base flood elevation data for subdivision proposals greater than 50 lots or 5 acres for [Plat # 2022-041] Governors Ranch Subdv., Charles Hill Survey, A-268 - IH45N - Pct. 1 – Andy Isbell
- 44. Discuss and take action on Frontier Internet Utility Installation Request along Four Notch Road - Pct. 4 – Andy Isbell
- 45. Discuss Spearpoint Engineering, LLC proposal for Mitchell Cemetery Road relocation project - Pct. 4 – Andy Isbell
- 46. Discuss and take action on allocation of \$ 65,000.00 in additional funds for Engineering Services contracts. – Andy Isbell
- 47. Discuss and take action on Waverly Manors at High Meadow Development, LLC request for variance to Section B2.2 of the Walker County Subdivision Regulations regarding 3:1 lot depth to width ratio for [Plat # 2023-010] The Manors Subdivision, Jose Maria De La Garza Survey, A-22 - SH 150 - Pct. 4 – Andy Isbell

Walker County Commissioners Court – Regular Session – June 5, 2023 – Agenda (cont'd)

48. Discuss and take action on Waverly Manors at High Meadow Development, LLC request for variance to Section B2.9 of the Walker County Subdivision Regulations regarding utility easement location for [Plat # 2023-010] The Manors Subdivision, Jose Maria De La Garza Survey, A-22 - SH 150 - Pct. 4 – Andy Isbell
49. Discuss and take action on Waverly Manors at High Meadow Development, LLC request for variance to Section B3.4.1 of the Walker County Subdivision Regulations regarding points of access for [Plat # 2023-010] The Manors Subdivision, Jose Maria De La Garza Survey, A-22 - SH 150 - Pct. 4 – Andy Isbell
50. Discuss and take action on determination of administrative completion of Permit # 1999-5928. – Andy Isbell

BUDGET WORKSHOP

Tri-County Behavioral Health Budget Presentation
Supplemental Requests

EXECUTIVE SESSION

If during the course of the meeting covered by this notice, Commissioners Court shall determine that a closed meeting of the Court is required, then such closed meeting as authorized by Texas Government Code 551, subchapter D, will be held by the Commissioners Court at the date, hour, and place in this notice or as soon after the commencement of the meeting covered by this notice as the Commissioners Court may conveniently meet in such closed meeting concerning any and all subjects and for any and all purposes permitted by Chapter 551, subchapter D, inclusive of said Texas Government Code, including but not limited to:

Section 551.071 For the purpose of private consultation between the Commissioners Court and its attorney when the attorney's advice with respect to pending or contemplated litigation settlement offers, and matters where the duty of the Commissioners Court counsel to his client pursuant to the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

Section 551.072 For the purpose of discussion with respect to the purchase, exchange, lease, or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations with a third person

Section 551.073 For the purpose of deliberation regarding prospective gifts or to deliberate a negotiated contract for prospective gift or donation to the Commissioners Court or Walker County, if deliberation in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations with a third person.

Section 551.074 For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee, unless such officer or employee requests a public hearing.

Section 551.076 To discuss the deployment, or specific occasions for implementation of security personnel or devices.


Section 551.086 Deliberation regarding economic development negotiations.

INFORMATION ITEMS

- Public Comment – Non-agenda items
- Questions from the media
- Commissioners Court

ADJOURN

On this 1ST day of June, 2023, the Executive Administrator to the County Judge filed this notice, and was posted at the main entrance of the Walker County Courthouse.


Colt Christian, County Judge


I, the undersigned County Clerk, do hereby state that the above Notice of Meeting of the above named Commissioners' Court, is a true and correct copy of said Notice, and I posted a true and correct copy of said Notice on the Courthouse Public Notices area of Huntsville, Walker County, Texas, at a place readily accessible to the general public at all times on the 1st day of June, 2023, and said Notice remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

Dated this 1st day of June, 2023.


Kari A. French, County Clerk

FILED FOR POSTING
At 4:33 o'clock P M

JUN 01 2023

KARI FRENCH COUNTY CLERK
WALKER COUNTY, TEXAS
By  Deputy

RIGHT OF WAY EASEMENT

Described as Redskin Ridge, Section 1, Lot 39.

DATE:

04/10/2023

GRANTOR:

John Blanchard

MAILING ADDRESS:

Property ID 34675 Huntsville, TX 77320

11233 FORESTVIEW DR
FLINT, TX 75762

GRANTEE:

Walker County, Texas

1100 University Avenue

Huntsville, TX 77340

Known all men by these presents, the undersigned, owning all or a controlling interest in the land described above do hereby dedicate to the Public and the County of Walker a temporary easement for general right of way maintenance purposes including the construction and or maintenance of drainage improvements. The easement hereby dedicated includes an area on the above property that extends 50 feet north/west of the north/west road right of way and is within 50 feet to the north/west of an 84" culvert that crosses under Kickapoo and onto the Blanchard property.

All parties understand that the grantor of this easement retains all rights of ingress and egress over said easement to enter adjacent lands owned or controlled by grantor.

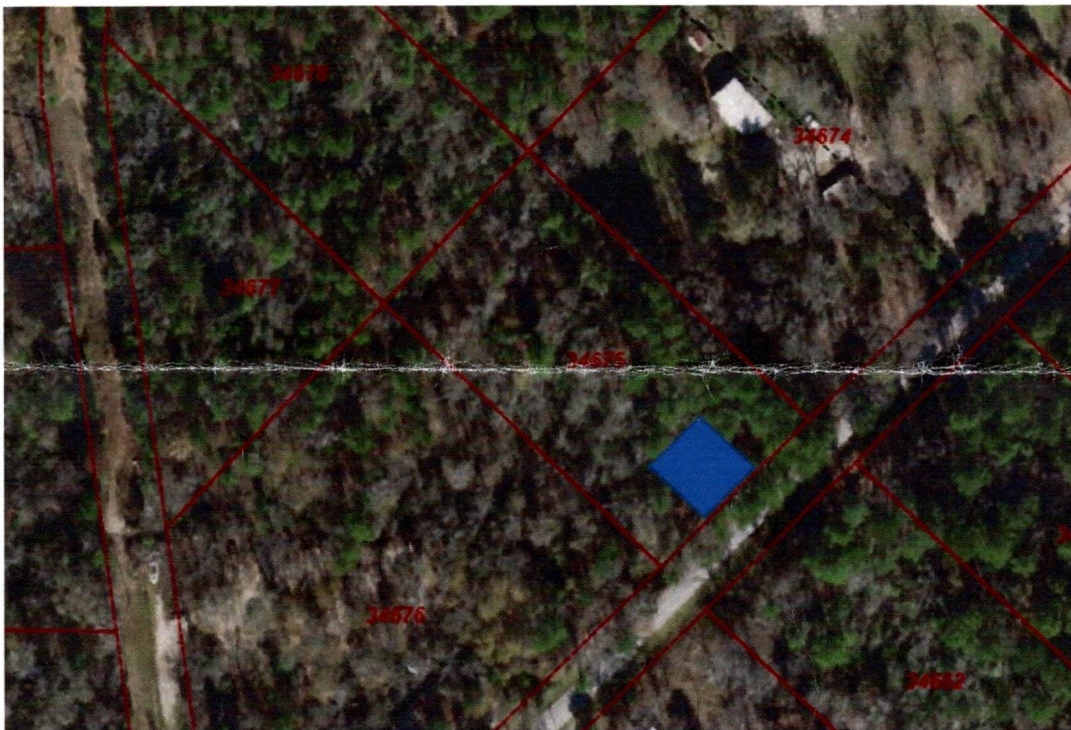
It is further understood that the granting of the easement to Walker County for right of way purposes does not affect mineral rights presently in effect and that mineral rights will remain with the present owner.

It is further understood by grantor and grantee that this easement agreement shall expire 100 days after being signed by the grantors.

The grantor covenants that he or she is the owner of the above described lands and that said lands are under his or her control at all times.

Remainder of page intentionally left blank.

Proposed Easement on Kickapoo



Landowner Signature

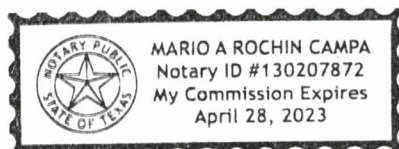
JOHN BLANCHARD

Printed Name

THE STATE OF TEXAS §
COUNTY OF WALKER §

Before me Mario A. Rochin Campa a notary public on this day personally appeared -
John Blanchard, known to me (or proved to me) to be the
person whose name is subscribed to the forgoing instrument and acknowledged to me
that he executed the same for purposes and consideration there in expressed.

Given under my hand and seal of officer this 10th Day of April, 2023



Notary of Public



Contract Numbers:
CE - #597-19
GM - #611-20

SVL97-2HFC WEB QUOTE #2647437

Date: 4/18/2023 1:03:25 PM

-- Customer Information --

DECKER, BRANDON
WALKER COUNTY PRECINCT 4
bdecker@co.walker.tx.us
9364358055

Quote Provided By
WC TRACTOR - NAVASOTA
CLINT WALTERS
10044 HWY. 6 SOUTH
NAVASOTA, TX 77868
email: clintw@wctractor.com
phone: 9792039271

-- Standard Features --

-- Custom Options --



S Series

SVL97-2HFC

*** EQUIPMENT IN STANDARD MACHINE ***

FEATURES

Final Tier 4 Certified Kubota Diesel Engine
Electronic Travel Torque Management System
Vertical Lift Path Loader Frame
Standard Front Quick Coupler, Float Standard
Hydraulic Quick Coupler Option
Loader Arm Self-Leveling
Loader Boom Lock
Open ROPS/FOPS
Optional enclosed and pressurized cab with A/C
High Back, Adjustable, Vinyl, Suspension Seat
2" Retractable Seat Belt And 2-Piece Seat Bar
23.1 gpm Auxiliary Hydraulics Standard, 40.0 gpm Option
Case Drain Line
Rigid Mounted Undercarriage, 5 Lower Track Rollers
High Grip Rubber Tracks, 17.7" Standard
Two Speed Travel System
Automatic Wet Disk Parking Brake
Kubota 4 Hydraulic Pump Load Sensing System
2 Variable Displacement Pumps
Rearview Camera
KubotaNOW Telematics
Lockable DEF Cap Guard
Hydraulic Joystick Controls
ISO Operating Pattern
Dial Knob and Foot Throttle Controls
Stall Guard Engine Controls
Automatic Glow Plugs
Key Switch Stop System
Self Bleed Fuel System
2 Front and 2 Rear Working Lights
Hour Meter, Engine Temperature, DEF, and Fuel Gauges and Warning Lights
Lockable DEF Tank Cap
Lockable Fuel Cap
Radio Ready on Enclosed Cabs

BASIC UNITS

SVL97-2S, 17.7" Rubber Tracks, Open ROPS/FOPS Cab
Quick Coupler

OPERATIONAL

Operating Weight*, SVL97-2s, 17.7" Rubber Tracks, Open ROPS/FOPS Cab, Mechanical Quick Coupler 11,299 lbs.
Rated Operating Capacity (ROC) @ 35% of Tipping Load complies with ISO 14397-1 and SAE J 818) 3,200 lbs.
Rated Operating Capacity (ROC) @ 50% of Tipping Load 4,572 lbs.
Tipping Load 9,143 lbs.
Auxiliary Hydraulics Flow 24 / 40.0 gpm
Travel Speed (Low / High) 5.0 / 7.3 mph
Reach @ Maximum Height 40.7"
Height to Hinge Pin 128.6"
Ground Pressure 4.5 psi.
Traction Force 12,178 lbf.

* Includes operator's weight, 175 lbs.

ENGINE

V3800-Tier 4 Kubota Final Tier 4 Diesel Engine
4 Cylinder, 4 Cycle, Turbo Charged
96.0 Gross HP @ 2400 rpm

DIMENSIONS

Cab Height 83.4"
Width (without attachment) 77.2"
Length (without attachment) 123.5"
Length of Track on Ground 65.6"

SVL97-2HFC Base Price: \$91,154.00

(1) SVL REAR VIEW CAMERA KIT S6780-SVL REAR VIEW CAMERA KIT	inc.
(1) SVL TELEMATICS HARNESS S6702-SVL TELEMATICS HARNESS	inc.
(1) KubotaNOW TELEMATICS MODEM DCU6700-KubotaNOW TELEMATICS MODEM	inc.
(1) SPECIAL APPLICATION DOOR KIT FOR CAB S6658-SPECIAL APPLICATION DOOR KIT FOR CAB	\$3,380.00
(1) REAR VIEW MIRROR KIT S6641-REAR VIEW MIRROR KIT	\$24.00
(1) 80" LPLF BKT W/BOCE/BOSC/SVL90 S6606-80" LPLF BKT W/BOCE/BOSC/SVL90	\$2,675.00
(1) STROBE LIGHT KIT S6676-STROBE LIGHT KIT	\$239.00
(1) SVL LED LIGHT KIT S6764-SVL LED LIGHT KIT	\$382.00
(1) AIR RIDE SEAT SUSPENSION KIT S6679-AIR RIDE SEAT SUSPENSION KIT	\$683.00
Configured Price:	\$98,537.00
BUY BOARD Discount:	(\$23,648.88)
SUBTOTAL:	\$74,888.12
1Yr SVL97-2HFC Extended Warranty (3000 hrs.)	\$1,600.00
Dealer Assembly:	\$575.67
Freight Cost:	\$887.50
PDI:	\$400.00
REAR DOOR THEFT DETERRENT	\$1,500.00

Total Unit Price: \$79,851.29
Quantity Ordered: 1
Final Sales Price: \$79,851.29

**Purchase Order Must Reflect
the Final Sales Price**

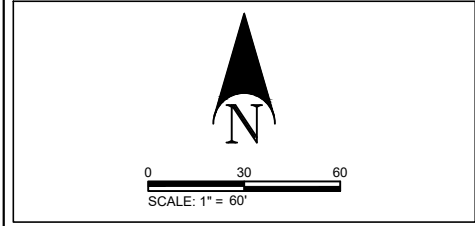
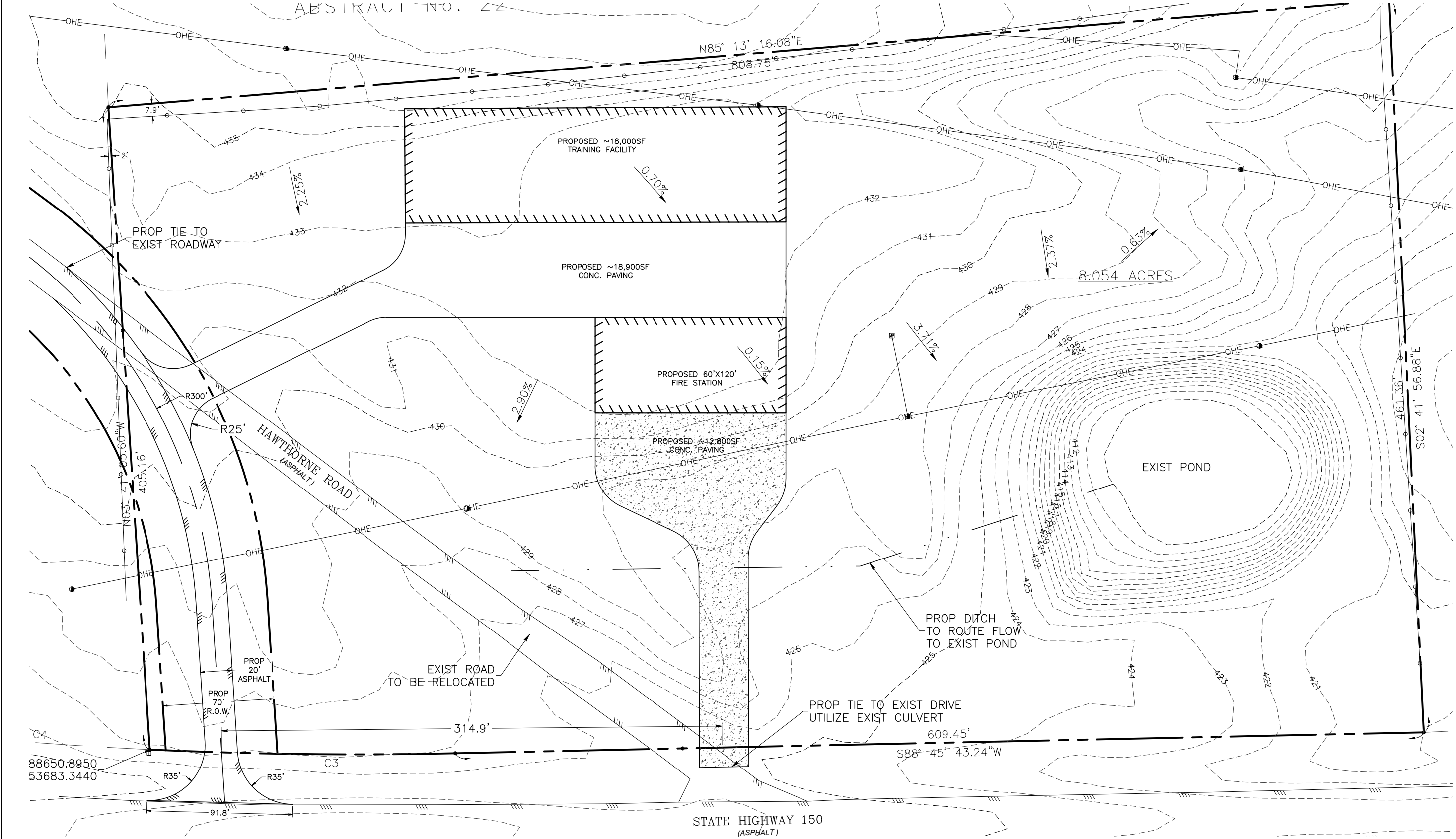
To order equipment – purchase orders must be made out and returned to:

Kubota Tractor Corporation
Attn: National Accounts
1000 Kubota Drive
Grapevine, TX 76051
or email NA.Support@kubota.com
or call 817-756-1171 or fax 844-582-1581

*All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

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192.230.86.5



PROJECT NAME:	SH 190 FIRE STATION
PROJECT NUMBER:	50302
PREPARED FOR:	WCESD#2
DATE:	MAY 15, 2023

PRELIMINARY TxDOT LAYOUT

SPEAR POINT
ENGINEERING, LLC

TBPE Firm No. 18904
604 W. Worsham St., Suite 100
Willis, TX 77378
936-256-2626

**MODIFICATION OF GRANT OR AGREEMENT**

PAGE OF PAGES

1

1. U.S. FOREST SERVICE GRANT/AGREEMENT NUMBER: 22-RO-11081300-111	2. RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY:	3. MODIFICATION NUMBER: 001
4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4): The National Forests in Texas 2221 N. Raguet St. Lufkin, TX 75904		5. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4):
6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): WALKER, COUNTY OF 1100 University Ave Ste 201, Huntsville, TX 77340		7. RECIPIENT/COOPERATOR'S HHS SUB ACCOUNT NUMBER (For HHS payment use only):

8. PURPOSE OF MODIFICATION

CHECK ALL THAT APPLY:	This modification is issued pursuant to the modification provision in the grant/agreement referenced in item no. 1, above.
<input type="checkbox"/>	CHANGE IN PERFORMANCE PERIOD:
<input checked="" type="checkbox"/>	CHANGE IN FUNDING: \$76,231.00
<input type="checkbox"/>	ADMINISTRATIVE CHANGES:
<input type="checkbox"/>	OTHER (Specify type of modification):

Except as provided herein, all terms and conditions of the Grant/Agreement referenced in 1, above, remain unchanged and in full force and effect.

9. ADDITIONAL SPACE FOR DESCRIPTION OF MODIFICATION (add additional pages as needed):

10. ATTACHED DOCUMENTATION (Check all that apply):

<input type="checkbox"/>	Revised Scope of Work
<input checked="" type="checkbox"/>	Revised Financial Plan
<input type="checkbox"/>	Other:

11. SIGNATURES

AUTHORIZED REPRESENTATIVE: BY SIGNATURE BELOW, THE SIGNING PARTIES CERTIFY THAT THEY ARE THE OFFICIAL REPRESENTATIVES OF THEIR RESPECTIVE PARTIES AND AUTHORIZED TO ACT IN THEIR RESPECTIVE AREAS FOR MATTERS RELATED TO THE ABOVE-REFERENCED GRANT/AGREEMENT.

11.A. SIGNATURE	11.B. DATE SIGNED	11.C. U.S. FOREST SERVICE SIGNATURE	11.D. DATE SIGNED
(Signature of Signatory Official)		(Signature of Signatory Official)	
11.E. NAME (type or print): Colt Christian		11.F. NAME (type or print): Kimpton Cooper	
11.G. TITLE (type or print): County Judge		11.H. TITLE (type or print): Forest Supervisor	

12. G&A REVIEW

12.A. The authority and format of this modification have been reviewed and approved for signature by: STEVEN HARRIS Steven Harris Jr. U.S. Forest Service Grants & Agreements Specialist	Digitally signed by STEVEN HARRIS Date: 2023.05.30 08:07:04 -05'00'	12.B. DATE SIGNED
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Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



INSTRUCTIONS FOR FORM FS-1500-19

1. Enter the original U.S. Forest Service agreement number.
2. Enter the cooperator's agreement number, if applicable.
3. Enter the number for this Modification, i.e. 01, 02, or 03. The first modification to an instrument is '01', subsequent modifications receive a subsequent modification number (for example, the fourth modification is '04').
4. Enter the address of the G&A Specialist/Signatory Official responsible for this agreement.
5. Enter the address of the U.S. Forest Service Program/Project Manager or Lead Scientist responsible for this agreement.
6. Enter the cooperator's address.
7. Enter the cooperator's HHS Sub-Account numbers, if funding is provided on this modification (for example: G2412345003)
(Only used by NA/S&PF and NRS)
8. Select all boxes that apply:
 - Change in Performance = updated performance period agreed to.
 - Change in Funding = obligation OR de-obligation amount and new totals.
 - Administrative = change in pay address, administrator address, correcting typing errors, etc.
 - Other = any other modification not described, such as update new objective to study plan, change the Principle Investigator, etc.
9. Insert changes such as updated provision, tasks, or any other data needed by the modification, add additional pages as needed.
10. Check all boxes that apply and ensure to attach these documents to the modification. Other attachments could include SF-424 forms.
11. A – D, self explanatory.
11. E – H, Type or print the names of signatory officials.
12. G&A Specialist signs and dates before sending to the individuals in block 11, if all modification data are approved for signature.

Attachment: USFS Agreement No.: 22-RO-11081300-111
Cooperator Agreement No.: 22-RO-11081300-110Mod. No.: **Note: This Financial Plan may be used when:**

- (1) No program income is expected and
- (2) The Cooperator is not giving cash to the FS and
- (3) There is no other Federal funding

Agreements Financial Plan (Short Form)**Financial Plan Matrix:** Note: All columns may not be used. Use depends on source and type of contribution(s).

	FOREST SERVICE CONTRIBUTIONS		COOPERATOR CONTRIBUTIONS		(e) Total
	(a) Noncash	(b) Cash to Cooperator	(c) Noncash	(d) In-Kind	
COST ELEMENTS					
Direct Costs					
Salaries/Labor	\$1,000.00	\$0.00	\$9,600.00	\$0.00	\$10,600.00
Travel	\$140.00	\$0.00	\$0.00	\$0.00	\$140.00
Equipment	\$0.00	\$0.00	\$25,000.00	\$0.00	\$25,000.00
Supplies/Materials	\$0.00	\$76,231.00	\$0.00	\$0.00	\$76,231.00
Printing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other					\$0.00
Subtotal	\$1,140.00	\$76,231.00	\$34,600.00	\$0.00	\$111,971.00
Coop Indirect Costs		\$0.00	\$0.00		\$0.00
FS Overhead Costs	\$0.00				\$0.00
Total	\$1,140.00	\$76,231.00	\$34,600.00	\$0.00	
Total Project Value:					\$111,971.00

Matching Costs Determination	
Total Forest Service Share = (a+b) ÷ (e) = (f)	(f) 69.10%
Total Cooperator Share (c+d) ÷ (e) = (g)	(g) 30.90%
Total (f+g) = (h)	(h) 100.00%

WORKSHEET FOR

FS Non-Cash Contribution Cost Analysis, Column (a)

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x \$1,200/contract= \$1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor					
Standard Calculation					
Job Description		Cost/Day	# of Days		Total
Eng Tech		\$250.00	4.00		\$1,000.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation					
--------------------------	--	--	--	--	--

Total Salaries/Labor					\$1,000.00
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Travel					
Standard Calculation					
Travel Expense	Employees	Cost/Trip	# of Trips		Total
Observations	1	\$35.00	4.00		\$140.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation					
--------------------------	--	--	--	--	--

Total Travel					\$140.00
--------------	--	--	--	--	----------

Equipment					
Standard Calculation					
Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation					
--------------------------	--	--	--	--	--

Total Equipment		\$0.00
-----------------	--	--------

Supplies/Materials				
Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation				
--------------------------	--	--	--	--

Total Supplies/Materials		\$0.00
--------------------------	--	--------

Printing				
Standard Calculation				
Paper Material		# of Units	Cost/Unit	Total
				\$0.00

Non-Standard Calculation				
--------------------------	--	--	--	--

Total Printing		\$0.00
----------------	--	--------

Other Expenses				
Standard Calculation				
Item		# of Units	Cost/Unit	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation				
--------------------------	--	--	--	--

Total Other		\$0.00
-------------	--	--------

Subtotal Direct Costs		\$1,140.00
-----------------------	--	------------

Forest Service Overhead Costs				
Current Overhead Rate	Subtotal Direct Costs			Total
	\$1,140.00			\$0.00
Total FS Overhead Costs				\$0.00

TOTAL COST		\$1,140.00
------------	--	------------

WORKSHEET FOR

FS Cash to the Cooperator Cost Analysis, Column (b)

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x \$1,200/contract= \$1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor

Standard Calculation

Job Description		Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Salaries/Labor		\$0.00
-----------------------------	--	---------------

Travel

Standard Calculation

Travel Expense	Employees	Cost/Trip	# of Trips		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Travel		\$0.00
---------------------	--	---------------

Equipment

Standard Calculation

Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Equipment		\$0.00
------------------------	--	---------------

Supplies/Materials

Standard Calculation

Supplies/Materials		# of Items	Cost/Item	Total
Asphalt Mix		1.00	\$55,231.00	\$55,231.00
Aggregate		1.00	\$21,000.00	\$21,000.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Supplies/Materials		\$76,231.00
---------------------------------	--	--------------------

Printing

Standard Calculation

Paper Material		# of Units	Cost/Unit		Total
					\$0.00

Non-Standard Calculation

Total Printing		\$0.00
-----------------------	--	---------------

Other Expenses

Standard Calculation

Item		# of Units	Cost/Unit		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Other		\$0.00
--------------------	--	---------------

Subtotal Direct Costs	\$76,231.00
------------------------------	--------------------

Cooperator Indirect Costs

Current Overhead Rate	Subtotal Direct Costs			Total
	\$76,231.00			\$0.00

Total Coop. Indirect Costs	\$0.00
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TOTAL COST	\$76,231.00
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WORKSHEET FOR

Cooperator Non-Cash Contribution Cost Analysis, Column (c)

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix.
NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x \$1,200/contract=\$1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor

Standard Calculation

Job Description		Cost/Day	# of Days		Total
Pavers,		\$2,400.00	4.00		\$9,600.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Salaries/Labor

\$9,600.00

Travel

Standard Calculation

Travel Expense	Employees	Cost/Trip	# of Trips		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Travel

\$0.00

Equipment

Standard Calculation

Piece of Equipment	# of Units	Cost/Day	# of Days		Total
Paver		\$4,200.00	4.00		\$16,800.00
Grader		\$1,200.00	4.00		\$4,800.00
Dump truck		\$850.00	4.00		\$3,400.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Equipment		\$25,000.00
-----------------	--	-------------

Supplies/Materials

Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Supplies/Materials		\$0.00
--------------------------	--	--------

Printing

Standard Calculation					
Paper Material		# of Units	Cost/Unit		Total
					\$0.00

Non-Standard Calculation

	\$0.00
--	--------

Total Printing		\$0.00
----------------	--	--------

Other Expenses

Standard Calculation					
Item		# of Units	Cost/Unit		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Other		\$0.00
-------------	--	--------

Subtotal Direct Costs	\$34,600.00
------------------------------	--------------------

Cooperator Indirect Costs

Current Overhead Rate	Subtotal Direct Costs			Total
	\$34,600.00			\$0.00
Total Coop. Indirect Costs				\$0.00

TOTAL COST	\$34,600.00
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WORKSHEET FOR

Cooperator In-Kind Contribution Cost Analysis, Column (d)

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix.
NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. $\text{cost/day} \times \# \text{ of days} = \text{total}$, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by $\text{cost/day} \times \# \text{ of days}$, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee $\times \$1,200/\text{contract} = \$1,200$. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor

Standard Calculation

Job Description		Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Salaries/Labor

\$0.00

Travel

Standard Calculation

Travel Expense	Employees	Cost/Trip	# of Trips		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Travel

\$0.00

Equipment

Standard Calculation

Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Equipment		\$0.00
------------------------	--	---------------

Supplies/Materials				
Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Supplies/Materials		\$0.00
---------------------------------	--	---------------

Printing					
Standard Calculation					
Paper Material		# of Units	Cost/Unit		Total
					\$0.00

Non-Standard Calculation

Total Printing		\$0.00
-----------------------	--	---------------

Other Expenses					
Standard Calculation					
Item		# of Units	Cost/Unit		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Other		\$0.00
--------------------	--	---------------

Subtotal Direct Costs	\$0.00
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TOTAL COST	\$0.00
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Secure Rural Schools & Community Self-Determination Act
Reauthorized by Public Law 115-141
Title II Project Submission Form
USDA Forest Service

Resource Advisory Committee

Project Number (Assigned by Designated Federal Official):

Funding Fiscal Year(s):

2. Project Name:	3a. State:
4. Project Submitted By:	3b. County(s):
6. Contact Phone Number:	5. Date:
	7. Contact E-mail:

8. Project Location:	
a. National Forest(s):	b. Forest Service District:
c. Location (Township-Range-Section)	

9. Project Goals and Objectives:

10. Project Description:
a. Brief: (<i>in one sentence</i>)
b. Detailed:

11. Types of Lands Involved?
State/Private/Other lands involved? <input type="checkbox"/> Yes <input type="checkbox"/> No
Land Status:
If Yes, specify:

12. How does the proposed project meet purposes of the Legislation? (Check at least 1)
<input type="checkbox"/> Improves maintenance of existing infrastructure.
<input type="checkbox"/> Implements stewardship objectives that enhance forest ecosystems.
<input type="checkbox"/> Restores and improves land health.
<input type="checkbox"/> Restores water quality

13. Project Type

a. Check all that apply: (check at least 1)

<input type="checkbox"/> Road Maintenance	<input type="checkbox"/> Trail Maintenance
<input type="checkbox"/> Road Decommission/Obliteration	<input type="checkbox"/> Trail Obliteration
<input type="checkbox"/> Other Infrastructure Maintenance (specify):	
<input type="checkbox"/> Soil Productivity Improvement	<input type="checkbox"/> Forest Health Improvement
<input type="checkbox"/> Watershed Restoration & Maintenance	<input type="checkbox"/> Wildlife Habitat Restoration
<input type="checkbox"/> Fish Habitat Restoration	<input type="checkbox"/> Control of Noxious Weeds
<input type="checkbox"/> Reestablish Native Species	<input type="checkbox"/> Fuels Management/Fire Prevention
<input type="checkbox"/> Implement CWPP Project	<input type="checkbox"/> Other Project Type (specify):

b. Primary Purpose (select only 1 from above):

14. Identify What the Project Will Accomplish

Miles of road maintained:

Miles of road decommissioned/obliterated:

Number of structures maintained/improved:

Acres of soil productivity improved:

Miles of stream/river restored/improved:

Miles of fish habitat restored/improved:

Acres of native species reestablished:

Acres of hazardous fuel treatment

Miles of trail maintained:

Miles of trail obliterated:

Acres of forest health improved (including fuels reduction):

Acres of rangeland improved:

Acres of wildlife habitat restored/improved:

Acres of noxious weeds controlled:

Timber volume generated (mbf):

Jobs generated in full time equivalents (FTE) to nearest tenth. One FTE is 52 forty hour weeks:

People reached (for environmental education projects/fire prevention):

Direct economic activity benefit:

Other:

15. Estimated Project Start Date:

16. Estimated Project Completion Date:

17. List known partnerships or collaborative opportunities.

18. Identify benefits to communities.

19. How does the project benefit federal lands/resources?

20. What is the Proposed Method(s) of Accomplishment? (check at least 1)

☐ Contract

☐ Federal Workforce

☐ County Workforce

☐ Volunteers

☐ Grant

☐ Agreement

☐ Americorps

☐ YCC/CCC Crews

☐ Job Corps

☐ Stewardship Contract

☐ Merchantable Timber Pilot

☐ Other (specify):

21. Will the Project Generate Merchantable Timber? ☐ Yes ☐ No

22. Anticipated Project Costs

a. Title II Funds Requested:

b. Is this a multi-year funding request? ☐ Yes ☐ No

23. Identify Source(s) of Other Funding:

24. Monitoring Plan (provide as attachment)

- a. Provide a plan that describes your process for tracking and explaining the effects of this project on your environmental and community goals outlined above.
- b. Identify who will conduct the monitoring:
- c. Identify total funding needed to carry out specified monitoring tasks (Worksheet 1, Item k):

25. Identify remedies for failure to comply with the terms of the agreement.

If project cannot be completed under the terms of this agreement:

☐ Unused funds will be returned to the RAC account.

☐ Other, please explain:

Project Recommended By:

Project Approved By:

Chairperson

Resource Advisory Committee

Forest Supervisor

_____ National Forest

Project Cost Analysis Worksheet

Worksheet 1

Please submit this worksheet with your proposal

Item	Column A Fed. Agency Appropriated Contribution	Column B Requested Title II Contribution	Column C Other Contributions	Column D Total Available Funds
a. Field Work & Site Surveys				
b. NEPA/CEQA				
c. ESA Consultation				
d. Permit Acquisition				
e. Project Design & Engineering				
f. Contract/Grant Preparation				
g. Contract/Grant Administration				
h. Contract/Grant Cost				
i. Salaries				
j. Materials & Supplies				
k. Monitoring				
l. Other - ex Partner Indirect Cost				
m. Project Sub-Total				
n. FS Indirect Costs				
Total Cost Estimate				

NOTES:

Col. A: FS costs incurred as part of proposal implementation. Coordinate with FS to identify any FS cost for items in Col. A.

Col. B: Title II funding requested to implement the proposal.

Col. C: Matching funds being contributed by proponent or third parties. Proposals funded with a Participating Agreement will require a minimum 20% match.

Col. D: Sum of columns A, B, and C for each individual row.

Row A: Costs associated with project planning, not project implementation, such as assessment of miles of trail needing maintenance. Assessments and planning needed to develop a specific proposal. For Col. B: proponents must request permission in advance to request Title II funds to complete NEPA/CEQA analyses, as this is expected to be completed prior to proposal submission.

Rows B, C, D, and E: cost associated with environmental compliance and project design. Proponents must request permission in advance to request Title II funds to complete NEPA/CEQA analyses, as this is expected to be completed prior to proposal submission.

Row G: Costs associated with preparation of contract or agreement instruments used to implement the proposal. Contracts used to complete projects have special provisions; contact the FS to identify these early in the process.

Row G: Costs associated with administration of contract or agreement instruments used to implement the proposal.

Row H: Estimated value of any contracts/agreements used to implement proposal. Contracts/agreements used to complete projects have special provisions; contact the FS to identify these early in the process.

Row I: Cost of salaries to implement project

Row L: Examples include overhead charges from other partners, vehicles, equipment rentals, travel, etc.

Row K: Costs associated with performing monitoring described in Items 24a, 24b, and 24c. Amounts should be similar between Item 24 and Row K.

Row N: Forest Service indirect costs, including contracting/grant officer costs if needed.

Example / Template
Secure Rural Schools & Community Self-Determination Act
Reauthorized by Public Law 115-141
Title II Project Submission Form
USDA Forest Service

Sam Houston NF
Resource Advisory Committee

Project Number (Assigned by Designated Federal Official):

Funding Fiscal Year(s): FY2020, FY2019

2. Project Name: Stubblefield Lake Rd Asphalt Resurfacing	3a. State: TX 3b. County(s): Walker
4. Project Submitted By: Ruben Torres	5. Date: 07/01/2021
6. Contact Phone Number: 936-438-0180	7. Contact E-mail: ruben.s.torres@usda.gov

8. Project Location: Walker County, Texas, Stubblefield Lake Rd	
a. National Forest(s): Sam Houston National Forest	b. Forest Service District: Sam Houston Ranger District
c. Location (Township-Range-Section) Stubblefield Lake Rd (Between Gus Randel Rd and FSR 216)	

9. Project Goals and Objectives: Road repair and Asphalt resurface of Stubblefield Lake Rd

10. Project Description: Asphalt resurface of 5000' linear feet of Stubblefield Lake Rd
a. Brief: (<i>in one sentence</i>)
b. Detailed: See Attached for Detailed Scope of Work

11. Types of Lands Involved?
State/Private/Other lands involved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Land Status: National Forest
If Yes, specify:

12. How does the proposed project meet purposes of the Legislation? (Check at least 1)
<input checked="" type="checkbox"/> Improves maintenance of existing infrastructure.
<input type="checkbox"/> Implements stewardship objectives that enhance forest ecosystems.
<input type="checkbox"/> Restores and improves land health.
<input type="checkbox"/> Restores water quality

13. Project Type

a. Check all that apply: (check at least 1)

<input checked="" type="checkbox"/> Road Maintenance	<input type="checkbox"/> Trail Maintenance
<input type="checkbox"/> Road Decommission/Obliteration	<input type="checkbox"/> Trail Obliteration
<input type="checkbox"/> Other Infrastructure Maintenance (specify):	
<input type="checkbox"/> Soil Productivity Improvement	<input type="checkbox"/> Forest Health Improvement
<input type="checkbox"/> Watershed Restoration & Maintenance	<input type="checkbox"/> Wildlife Habitat Restoration
<input type="checkbox"/> Fish Habitat Restoration	<input type="checkbox"/> Control of Noxious Weeds
<input type="checkbox"/> Reestablish Native Species	<input type="checkbox"/> Fuels Management/Fire Prevention
<input type="checkbox"/> Implement CWPP Project	<input type="checkbox"/> Other Project Type (specify):

b. Primary Purpose (select only 1 from above):

14. Identify What the Project Will AccomplishMiles of road maintained: Resurface 0.95 (5000') of Stubblefield Lake Rd

Miles of road decommissioned/obliterated:

Number of structures maintained/improved:

Acres of soil productivity improved:

Miles of stream/river restored/improved:

Miles of fish habitat restored/improved:

Acres of native species reestablished:

Acres of hazardous fuel treatment

Miles of trail maintained:

Miles of trail obliterated:

Acres of forest health improved (including fuels reduction):

Acres of rangeland improved:

Acres of wildlife habitat restored/improved:

Acres of noxious weeds controlled:

Timber volume generated (mbf):

Jobs generated in full time equivalents (FTE) to nearest tenth. One FTE is 52 forty hour weeks:

People reached (for environmental education projects/fire prevention):

Direct economic activity benefit:

Other:

15. Estimated Project Start Date:

16. Estimated Project Completion Date:

17. List known partnerships or collaborative opportunities.

Cooperative Road Maintenance Agreement with Walker County

18. Identify benefits to communities.

Road provides through access to 2 high traffic FM roads and access for 2 subdivisions

19. How does the project benefit federal lands/resources?

Provides access to Stubblefield Lake recreation site and Lone Star Hiking Trail

20. What is the Proposed Method(s) of Accomplishment? (check at least 1)

- | | |
|--|---|
| <input type="checkbox"/> Contract | <input type="checkbox"/> Federal Workforce |
| <input checked="" type="checkbox"/> County Workforce | <input type="checkbox"/> Volunteers |
| <input type="checkbox"/> Grant | <input type="checkbox"/> Agreement |
| <input type="checkbox"/> Americorps | <input type="checkbox"/> YCC/CCC Crews |
| <input type="checkbox"/> Job Corps | <input type="checkbox"/> Stewardship Contract |
| <input type="checkbox"/> Merchantable Timber Pilot | <input type="checkbox"/> Other (specify): |

21. Will the Project Generate Merchantable Timber? ☐ Yes ☒ No

22. Anticipated Project Costs

a. Title II Funds Requested: 134,750

b. Is this a multi-year funding request? ☒ Yes ☐ No

23. Identify Source(s) of Other Funding:

Supplemental funding provided by Walker County

24. Monitoring Plan (provide as attachment)

- Provide a plan that describes your process for tracking and explaining the effects of this project on your environmental and community goals outlined above.
- Identify who will conduct the monitoring:
- Identify total funding needed to carry out specified monitoring tasks (Worksheet 1, Item k):

25. Identify remedies for failure to comply with the terms of the agreement.

If project cannot be completed under the terms of this agreement:

- ☒ Unused funds will be returned to the RAC account.
- ☐ Other, please explain:

Project Recommended By



Doug Page

Chairperson, Resource Advisory Committee

Date 8/19/21

Project Approved By:

WILLIAM
TAYLOR

Digitally signed by WILLIAM
TAYLOR
Date: 2021.09.21 12:39:16
-05'00'

Date

William E Taylor

Forest Supervisor, National Forests & Grasslands in Texas

Project Cost Analysis Worksheet

Worksheet 1

Please submit this worksheet with your proposal

Item	Column A Fed. Agency Appropriated Contribution	Column B Requested Title II Contribution	Column C Other Contributions	Column D Total Available Funds
a. Field Work & Site Surveys				
b. NEPA/CEQA				
c. ESA Consultation				
d. Permit Acquisition				
e. Project Design & Engineering				
f. Contract/Grant Preparation				
g. Contract/Grant Administration				
h. Contract/Grant Cost				
i. Salaries (est County)				\$8,000
j. Materials & Supplies		\$77,114.53		
k. Monitoring				
l. Other - Equipment				\$23,000
m. Project Sub-Total				
n. FS Indirect Costs				
Total Cost Estimate				

NOTES:

Col. A: FS costs incurred as part of proposal implementation. Coordinate with FS to identify any FS cost for items in Col. A.

Col. B: Title II funding requested to implement the proposal.

Col. C: Matching funds being contributed by proponent or third parties. Proposals funded with a Participating Agreement will require a minimum 20% match.

Col. D: Sum of columns A, B, and C for each individual row.

Row A: Costs associated with project planning, not project implementation, such as assessment of miles of trail needing maintenance. Assessments and planning needed to develop a specific proposal. For Col. B: proponents must request permission in advance to request Title II funds to complete NEPA/CEQA analyses, as this is expected to be completed prior to proposal submission.

Rows B, C, D, and E: cost associated with environmental compliance and project design. Proponents must request permission in advance to request Title II funds to complete NEPA/CEQA analyses, as this is expected to be completed prior to proposal submission.

Row G: Costs associated with preparation of contract or agreement instruments used to implement the proposal. Contracts used to complete projects have special provisions; contact the FS to identify these early in the process.

Row G: Costs associated with administration of contract or agreement instruments used to implement the proposal.

Row H: Estimated value of any contracts/agreements used to implement proposal. Contracts/agreements used to complete projects have special provisions; contact the FS to identify these early in the process.

Row I: Cost of salaries to implement project

Row L: Examples include overhead charges from other partners, vehicles, equipment rentals, travel, etc.

Row K: Costs associated with performing monitoring described in Items 24a, 24b, and 24c. Amounts should be similar between Item 24 and Row K.

Row N: Forest Service indirect costs, including contracting/grant officer costs if needed.

FS Agreement No. 22-RO-11081300-110

Cooperator Agreement No. _____

COOPERATIVE FOREST ROAD AGREEMENT
Between The
WALKER, COUNTY OF
And The
USDA, FOREST SERVICE
SAM HOUSTON NATIONAL FOREST

PARTIES TO AGREEMENT: This agreement, made and entered into this the 28 day of February, 2022, by and between the Walker, County Of, hereinafter referred to as "Cooperator," and the USDA, Forest Service Sam Houston National Forest, hereinafter referred to as the "U.S. Forest Service."

PURPOSE OF AGREEMENT: The purpose of this agreement is to set forth the general terms and conditions, acceptable to the parties hereto, for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain Forest Roads in Walker, County Of, State of Texas, pursuant to the provisions of 16 U.S.C. 532-538, 23 U.S.C. 205, and the regulations issued by the Secretary of Agriculture.

The Congress has, from time to time, authorized and appropriated funds for "Forest Roads," which are defined as "those Forest roads of primary importance for the protection, administration, and utilization of the National Forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent." Recognizing that substantial benefits will accrue to the Nation and to the State from the construction, reconstruction, improvement, maintenance, and use of certain Forest roads and roads on the State or local road system over which Cooperator has/have jurisdiction, and further that such roads carry substantial volumes of public service traffic as well as National Forest traffic, and further that Cooperator has/have road construction, reconstruction, improvement, maintenance, and right-of-way acquisition facilities available to assist in the accomplishment of the work, it is accordingly deemed fitting and desirable to the parties hereto to express by this agreement the general terms of their mutual cooperation in that regard to achieve the maximum benefits therefrom in the public interest.

1. **INTENT TO COOPERATE.** It is the intention of the parties under this agreement to cooperate as follows:
 - a. Agree that certain roads under the jurisdiction of Cooperator or the U.S. Forest Service which serve the National Forest and also carry traffic which is properly the responsibility of Cooperator should be maintained and, if necessary, improved to a



standard adequate to accommodate safely and economically all traffic which uses such roads.

- b. Agree on the identification of roads or road segments which meet the criteria in item a by a listing and appropriate maps.
 - c. Provide for formal meetings and informal consultation on a regular basis to discuss and agree on action with respect to the roads identified pursuant to item b.
 - d. Provide for regular and adequate maintenance of the roads identified in item b, including the assignment of maintenance responsibilities.
 - e. Provide for entering into project agreements when improvements of a road under the jurisdiction of one party is to be financed in whole or in part from funds or resources provided by the other party.
 - f. Provide for appropriate jurisdictional status of roads through transfer of easements and acquisition of easements by the appropriate party.
2. IDENTIFICATION OF ROADS. A list of roads and segments of roads which meet the criteria set forth in item 1a is agreed upon and is marked "Schedule A" and attached as part of this agreement. Schedule A may be modified from time to time by agreement between Cooperator and U.S. Forest Service, by adding or removing roads or road segments, or by altering the description of a road or road segments, to give it proper identity. Each such modification shall be indicated by a revised Schedule A bearing the signatures of the parties or their authorized representatives and the effective date of the revision.
3. MAINTENANCE PLANS. At the annual meeting provided for in item 6, plans for maintaining the roads listed in Schedule A shall be agreed upon. Such plans shall include assignment of responsibility for maintenance or particular elements of maintenance to Cooperator or U.S. Forest Service for each road or segment of road listed in Schedule A. To the extent practical, and subject to availability of funds, responsibility for maintenance shall be assigned in proportion to use for which each party is properly responsible.

Maintenance shall include preserving and keeping the roads, including structures and related facilities as nearly as possible in their original condition as constructed or reconstructed to provide satisfactory and safe road service.

Maintenance plans shall provide for prompt changes in maintenance assignments during the period of the plan upon agreement by the parties or their designated representatives.
4. PROJECT AGREEMENTS. When improvement of a road listed in Schedule A is to be financed in whole or in part from funds or resources provided by the party not having jurisdiction, the parties shall enter into a project agreement providing for performing the improvement work and its financing. A project agreement is not required for



improvement of a road or a road segment over which the party performing and financing such improvement has jurisdiction. Project agreements shall be supplements to this general agreement and subject to the agreements, provisions, and conditions herein contained.

- a. A project agreement shall be entered into prior to beginning of improvement or construction work for which a project agreement is required.
- b. The project agreement shall include the following elements:
 1. Identification of road or road segment to be improved or constructed.
 2. Plans and specifications for the project or provision for their development and subsequent agreement thereon.
 3. Schedule of construction or improvement work and designation of the party or parties to perform the work.
 4. Estimates of cost of improvement or construction.
 5. Agreement as to how cost of work is to be borne including arrangements to share in the work or to deposit funds with the performing party for a share of the costs.
- c. If funds are provided by Cooperator on an advance basis for work to be performed by the U.S. Forest Service, they shall be deposited in the Treasury of the United States to the credit of cooperative work, U.S. Forest Service. Any unused balance of cooperative funds for the purposes outlined in the project agreement shall be returned to Cooperator after completion of the work performed or upon agreement of the U.S. Forest Service. If the cooperative funds are made available on a reimbursement basis as the work progresses or upon its completion, the U.S. Forest Service shall submit to Cooperator periodic billings, but not more often than monthly, or a final billing as the case may be.

The amount of cooperative funds as set forth in the project agreement shall be the maximum commitment of Cooperator to the project unless changed by a modification of the project agreement.

If funds are provided by the U.S. Forest Service for work to be performed by Cooperator the arrangements shall be set forth in the project agreement. Payments to Cooperator shall be made as provided for in the project agreement.

If it appears that the project cost may exceed the estimate and additional funds may be needed, no obligation shall arise against the Federal government with respect to the increased cost except by modification of the project agreement prior to incurring any commitment.



5. RIGHTS-OF-WAY. Easements or other interests in land acquired by either party shall be adequate to serve the road needs of both parties. The party having jurisdiction of an existing road or intended to have jurisdiction of a road to be constructed shall obtain the needed rights-of-way in its name. There shall be no provisions in any easement document that will prevent the U.S. Forest Service from using or authorizing the use of roads for which Federal funds were expended. Cooperator must be in a position to assure the U.S. Forest Service the continuance of such uses for the period needed. The party acquiring the easement or other interest in land shall obtain such title evidence and title approval as required in its acquisitions for roads of comparable standards.

The costs of such easements or other interests in land are to be at the expense of the acquiring party.

The U.S. Forest Service shall cooperate in the procurement of rights-of-way over land administered by other agencies of the United States required for any project included under this agreement and shall furnish Cooperator copies of survey notes, maps, and other records.

To the extent possible under available authority, each party agrees to convey easements over lands or interests in lands it owns or administers to the other party in order to provide jurisdiction by the appropriate party as may be agreed to for any road or road segment listed on Schedule A.

6. ANNUAL MEETING AND CONTINUING CONSULTATION. Cooperator and U.S. Forest Service shall meet at least once each year to review matters covered by this agreement and to agree on actions to implement this agreement including, but not limited to, (1) approval of changes in the listing of roads on Schedule A; (2) approval of the annual maintenance plan; (3) approval of project agreements for construction or reconstruction; and (4) approval of transfer of jurisdiction of particular roads by easement conveyance. It is also the intent of the parties to arrange for continuing consultation between their representatives with the objective of reaching prompt agreement by the parties on all matters of mutual concern which are covered by this agreement. The Forest Supervisor of the Sam Houston National Forest for the U.S. Forest Service, and Cooperator for Cooperator shall be responsible for making the arrangements for formal meetings and continuing consultation.
7. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperatives, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the



Government.

8. MODIFICATION AND TERMINATION.

- a. This agreement may be modified by mutual consent.
- b. This agreement may be terminated by either party upon at least 60 days prior written notice, except that such termination shall in no way affect or change any commitment made authorizing the use of roads or rights-of-way for purposes for which Federal funds were expended, or any operation in progress at time of notice, and provided that such termination shall in no way affect the agreement of the parties hereto with respect to any obligations incurred under the agreement until a full settlement has been made.

9. MISCELLANEOUS.

- a. The United States shall not be liable to the recipient for any costs, damages, claims, liabilities, and judgments that arise in connection with the performance of work under this award, including damage to any property owned by the recipient or any third party.
- b. Nothing herein contained shall be construed to obligate the U.S. Forest Service or Cooperator beyond the extent of available funds allocated or programmed for this work, or contrary to applicable laws, rules, and regulations.
- c. No Member of, or Delegate to, the Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom, unless it is made with a corporation for its general benefit.
- d. Where applicable, any contract, agreement, or understanding entered into pursuant to this agreement providing for work to be performed shall include the requirements of Federal laws, Executive orders, and Regulations.

10. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal Cooperator Contacts:

Cooperator Program Contact
Honorable Danny Pierce 1100 University Ave Rm 204 Huntsville, TX 77340 936-436-4914 dpierce@co.walker.tx.us

**Principal U.S. Forest Service Contacts:**

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
William Peavy 394 FM 1375 West New Waverly, TX 77358 936-639-8535, william.peavy@usda.gov	Ruben Torres 394 FM 1375 West New Waverly, TX 77358 p: 936-337-7089 f: 936-639-8588 ruben.s.torres@usda.gov

11. **ASSURANCE REGARDING FELONY CONVICTION OR TAX DELINQUENT STATUS FOR CORPORATE ENTITIES.** This agreement is subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, P.L. No. 112-74, Division E, Section 433 and 434 as continually by Consolidated and Further Continuing Appropriations Act, 2013, P.L. No. 113-6, Division F, Title I, Section 1101 (a)(3) regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by entering into this agreement Cooperator acknowledges that it: 1) does not have a tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal law within 24 months preceding the agreement, unless a suspending and debarring official of the United States Department of Agriculture has considered suspension or debarment is not necessary to protect the interests of the Government. If Cooperator fails to comply with these provisions, the U.S. Forest Service will annul this agreement and may recover any funds Cooperator has expended in violation of sections 433 and 434.
12. **SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM).** Cooperator shall maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or agreement term(s). For purposes of this agreement, System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a Cooperative. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.



13. COMMENCEMENT/EXPIRATION DATE. This agreement is executed as of the date of last signature and is effective through 02/27/2027 at which time it will expire. The expiration date is the final date for completion of all work activities under this agreement.

14. AUTHORIZED REPRESENTATIVES. By signature below, the parties certify that the individuals listed in this document as representatives of each party are authorized to act in their respective areas for matters related to this agreement.

This agreement shall be effective as of the date herein written and shall supersede all prior existing agreements, if any, for the same roads.


DANNY PIERCE, Judge
Walker, County Of

7-5-22
Date

KIMPTON COOPER Digitally signed by KIMPTON COOPER
Date: 2022.07.28 13:58:29 -05'00'

KIMPTON M. COOPER, Forest Supervisor
U.S. Forest Service, National Forests and Grasslands in Texas

Date

The authority and format of this agreement have been reviewed and approved for signature.

**STEVEN
HARRIS**

Digitally signed by
STEVEN HARRIS
Date: 2022.02.22
11:21:25 -05'00'

STEVEN HARRIS JR.
U.S. Forest Service Grants Management Specialist

Date

Burden Statement



According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

SCHEDULE A

Sam Houston National Forest
Walker County, State of Texas

USFS Acquisition Number: 606234

KIMPTON COOPER
 Digitally signed by KIMPTON COOPER
 Date: 2022.07.28 13:59:29 -05'00'

Kimptom Cooper,
 Forest Supervisor

Danny Pierce
Danny Pierce,
 County Judge

Date

Date

USFS Acquisition Number:		606234		COUNTY ROW		USFS ROW		ROAD RESTRICTIONS		ROAD MAINTENANCE & SIGNING	
ROAD NAME	ROAD NUMBER NFSR/COUNTY	TERMINI	LENGTH	OWN	EASEMENT	CLAIMED (Jud. Dec. required)	OWN EASEMENT (USFS Land)	USFS has jurisdiction to control and regulate use. Both County and USFS have law enforcement jurisdiction.	Restrictions to traffic, including class of vehicle, weight, width, seasonal use restrictions, etc.	Insert Operating Maint. Level for all NFSR; X for County	ALL COUNTY USFS
Dawson Lane/Winery Rd		FM 1791 to Forest Service Boundary	0.18					County has jurisdiction for law enforcement and authority to control and regulate use.			X
County Line Rd	208	FM 1791 to Derek Rd	1.52				X				3
Derek Rd	208B	County Line Rd to Boundary	1.04				X				3
Ball Rd - Cotton Creek Cemetery Rd		FM 1374 to Hightower Cemetery	1.56	X						X	
Bath Ln		Bath Rd to Boundary	1.63	X						X	
Ida Olivia Rd		US 190 to Boundary	0.21	X						X	
Thompson Rd		Joe Novak Rd to Boundary	1.23		X					X	
Joe Novak Rd		US 190 to Boundary	0.75		X					X	

Grant Cemetery Rd			US 190 to Grant Colony Cemetery	1.70	X						X	
King Rd	2005		FM 2821 to Boundary	0.53		X				X		2
Stubblefield Lake Rd	215		FM 1374 to Stubblefield bridge	2.24	X						X	
Pipken Rd			Stubblefield Lake Rd to Boundary	0.29			X				X	
Gus Randel Rd			Stubblefield Lake Rd to Boundary	0.75	X						X	
Sandel Dr			FM 1374 to Boundary	0.29	X						X	
Bucking Bull Rd (Fullers Dairy Rd)			FM 1374 to Boundary	0.26	X						X	
Lost Meadows Rd			FM 1374 to Lost Meadows Ranch	2.65	X						X	
Gilley Rd			Lost Meadows Rd to Boundary	0.44	X						X	
FSR 222	222		Lost Meadows Rd to Hidden Manna Rd	0.46					X			3
Hidden Manna Rd			FSR 222 to Boundary	0.17	X						X	
Little Loop Rd			FM 1375 to Boundary	0.50	X						X	
Mitchell Cemetery Rd	281		SH 75 to Cemetery	0.15			X					3
Evelyn Ln			SH 75 to Boundary	2.23							X	
Black Jack Rd - Black Jack Cemetery			FM 2296 to Boundary	2.21			X				X	
Four Notch			FM 2296 to Boundary	6.82	X						X	
JD Edwards Rd			Four Notch to Boundary	0.55				X			X	
Ballew Rd	223		Four Notch to FSR 223 Intersection	0.39					X			3
Elkins Rd			FSR 269 to Boundary	0.18				X			X	

[illegible]

VARIANCE REQUEST TO THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS

Copy all pages of this form and all attachments for (1) community official, (2) building owner.
If any section is not applicable to the proposed development project please mark that section "NA"

SECTION A – PROPERTY INFORMATION		FOR COUNTY USE ONLY
A1. Property Owner's Name West Waverly Ranch, LLC		Application Number: P-2022-035
A2. Property Owner's Street Address <div style="background-color: black; width: 100px; height: 15px;"></div>		Date of Submittal: 5-2-23
City	State	ZIP Code
New Waverly	Texas	77358
A3. Property Owner's Email Address <div style="background-color: black; width: 150px; height: 15px;"></div>		A4. Property Owner's Telephone Number <div style="background-color: black; width: 100px; height: 15px;"></div>
A5. Property Description of Parent Tract (Lot and Block Numbers, Legal Description, etc.) Sadler J (A-45), Tract 3, Acres 116.47		
SECTION B – INFORMATION FOR PROPOSED SUBDIVISION TRACT		
(For projects involving multiple map panels an additional sheet may be listed below or included in an additional attachment)		
B1. Survey and Abstract Sadler J (A-45)	B2. Tax ID Number(s) of Parent Tract 68862	B3. Deed Volume/Page 69786
B4. Existing or Proposed Name of Subdivision Homestead Hill	B5. Is the application for a division of a lot in an Existing Platted Subdivision? (Yes/No) No	
THE ABOVE NAMED APPLICANT DOES HEREBY MAKE AN APPEAL TO THE COMMISSIONER'S COURT OF WALKER COUNTY FOR A VARIANCE TO THE REGULATORY REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS.		
SECTION C – LIST OF ATTACHMENTS		
Please list any supporting documents or submittals included with the variance request as attachments.		
Description of Attachment(s)		Exhibit #
C.1 FEMA-mapped Floodplain overlaid on proposed plat.		1
C.2 FEMA Estimated Base Flood Elevation Viewer within subject area.		2
Opinion from a PE (Professional Engineer) and CFM (Certified Floodplain Management) individual using FEMA guidelines.		3
C.4		

SECTION D -VARIANCE REQUEST

(All Variance requests need to include the specific variance along with the Section(s) of the Regulation to which they apply)

- D.1 A Variance is requested to Section(s) 4.37, Page 21 of the Subdivision Regulations of Walker County, Texas as follows:

Variance of performing an Engineering Flood Study of the Zone A Floodplain impacting the proposed roadway closest to FM 1375. The existing Zone A does not impact any habitable proposed habitable structures.

SECTION E - APPLICANT'S JUSTIFICATION AND PRESENTATION FACTORS EFFECTING VARIANCE

(All variance requests to the Walker County Subdivision Regulations need to be included along with the Section(s) of the Regulation to which they apply)

- E.1 Is the variance related to the design or construction of improvements to be constructed within the subdivision?
Yes _____ No X

If "Yes" the request should be accompanied by an engineer's opinion and justification for the variance.

- E.2 Please explain the cause or reason the variance is being requested (attach additional pages as "Exhibit E.2"):

The variance is being requested as we don't believe the study will provide a benefit to the community. The Zone A has a minor encroachment into the proposed roadway and does not extend nor impact any proposed development in which we would need to protect any habitable structures. The FEMA Baseflood Elevation Viewer, which is a conservative tool available to the public, does not project or recognize the 100-year floodplain extending to the limits of our proposed roadway. We do not believe performing a engineered study of the floodplain will create a benefit to the proposed development.

- E.3 Will the failure to grant the variance requested result in any exceptional hardship to the applicant?

Yes X No _____

If yes please explain below:

Failure to obtain the variance will create an economical impact to the developer as we would need to perform a detailed study which will produce no added benefit to the County nor the proposed community. It will also create yet another delay in obtaining approvals of this fairly simple development.

- E.4 Does the applicant propose any additional conditions, mitigation, or additional requirements not addressed within the Walker County Subdivision Regulations that will or have been met by the applicant as a condition of the variance being granted?

Yes X No _____ Please list the additional measures below.

The developer is proposing a roadway which is significantly superior the the existing Krystyniak Rd. (26-foot wide concrete pavement in lieu of ±12 foot gravel road). The proposed roadway is also being installed with much better drainage than the existing roadway (two rows of 5'x4' boxes in lieu of the existing single 24-inch culvert), and the driving surface will be approximately five feet higher (at the creek crossing location) than the existing road.

SECTION F –VARIANCE(S) GRANTED

F.1 A VARIANCE TO THE WALKER COUNTY SUBDIVISION REGULATIONS IS GRANTED AS FOLLOWS:

F.2 THE FOLLOWING CONDITIONS ARE ATTACHED TO THE VARIANCE:

SECTION G - NOTICE, ACKNOWLEDGEMENT, AND CERTIFICATIONS**NOTICE**

ALL DEVELOPMENT MUST BE IN STRICT COMPLIANCE WITH THE CONDITIONS STATED HEREIN AND ANY OTHER CONDITIONS STATED WITHIN THE APPLICATION OR DURING THE PRESENTATION TO COMMISSIONERS COURT. ANY VARIATION MAY RESULT IN THE IMMEDIATE SUSPENSION OR CANCELLATION OF THIS VARIANCE. VIOLATION OF THE CONDITIONS OF THIS VARIANCE MAY ALSO RESULT IN THE COMMISSIONERS COURT SEEKING INJUNCTIVE RELIEF, CIVIL, OR CRIMINAL PENALTIES.

WARNING

THE APPLICANT ACKNOWLEDGES THAT HE/SHE IS RESPONSIBLE TO ENSURE THAT ANY VARIANCE DOES NOT DAMAGE OR THREATEN THE PUBLIC OR ADJACENT PROPERTIES AND COMPLIES WITH LOCAL, STATE, AND FEDERAL REGULATIONS.

DISCLAIMER

THE COMMISSIONER'S COURT OF WALKER COUNTY AND ANY OFFICER OR EMPLOYEE OF WALKER COUNTY ARE **NOT** LIABLE FOR DAMAGES OR LOSS RESULTING FROM THE GRANTING OF THIS VARIANCE. THIS VARIANCE IS GRANTED IN RELIANCE UPON THE STATEMENTS AND EVIDENCE SUPPLIED BY THE APPLICANT AND HIS/HER AGENTS IN THE APPLICATION AND PRESENTATION TO COMMISSIONERS COURT.

I, Diego Espinosa, do hereby acknowledge that I have reviewed the provisions, notices, warnings and disclaimers stated above and that I understand them, agree with them and intend to fully comply with them.

Signature of Owner/Applicant

Diego Espinosa

Date

5/1/2023

SECTION H – ACTION ON VARIANCE BY COMMISSIONER'S COURT

After careful consideration of the reason(s) for the request of variance, the Commissioner's Court of Walker County, Texas has determined that it is within the scope of the variance procedures as outlined in the Walker County Subdivision Regulations to _____ this request for variance.

Commissioner's Court Signature

Printed Name

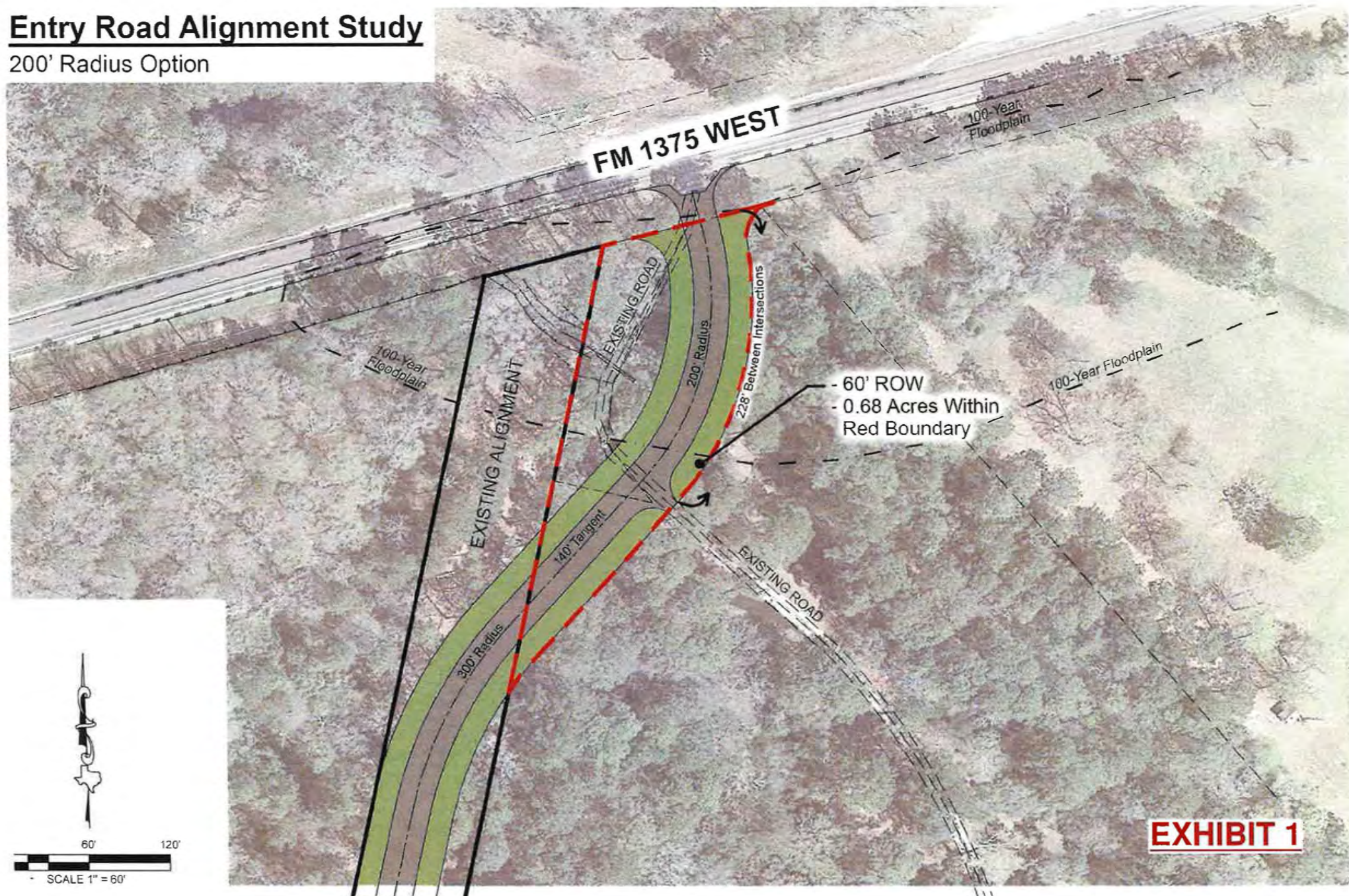
Date

Signature of Owner/Applicant acknowledging conditions after court action.

Date

Entry Road Alignment Study

200' Radius Option



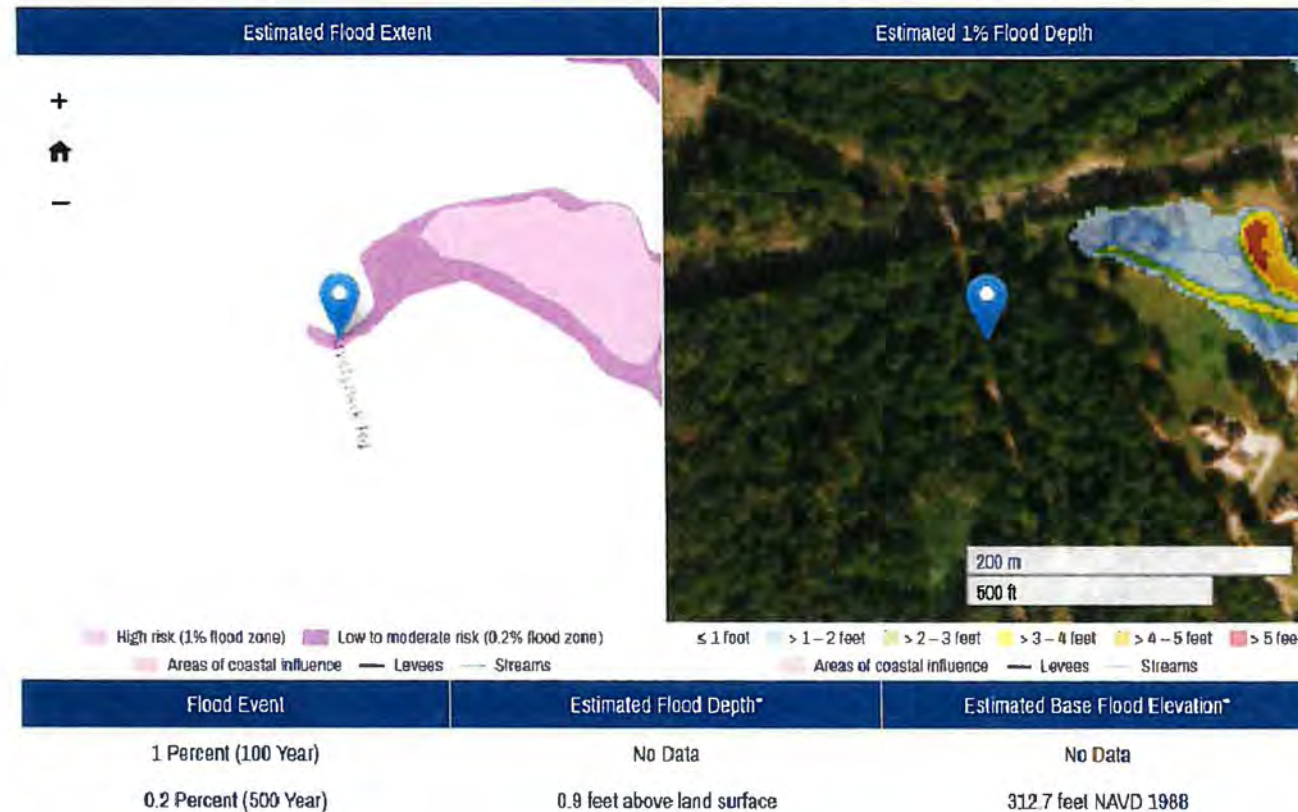
Estimated Base Flood Elevation (estBFE)



Flood Risk Information Report

Latitude 30.5331, Longitude -95.5024 (Walker County, TX)

FEMA is providing a look at flood data availability and relative Base Level Engineering analysis through the Estimated Base Flood Elevation Viewer (Estimated BFE Viewer). Base Level Engineering uses high resolution ground elevation data, flood flow calculations, and fundamental engineering modeling techniques to define flood extents for streams. The viewer is an effective tool for property owners, community officials, and land developers to identify flood risk, estimated flood elevations, and flood depths for watersheds where Base Level Engineering has been prepared.



***PROPOSED LOWEST TOP OF PAVEMENT ELEVATION OVER THE CREEK IS INTENDED TO BE ABOVE ELEVATION 315'. OVER TWO FEET HIGHER THAN THE ESTIMATED 0.2 % (500-YEAR) ESTIMATED BY FEMA FOR THIS LOCATION.**

**HOMESTEAD HILL
EXHIBIT 2
MAY 2023**



**TEXAS PROFESSIONAL
ENGINEERING**
Firm No. 21819

EXHIBIT 3

Diego Espinosa

From: Justin Pinto
Sent: Wednesday, April 12, 2023 5:13 PM
To: Diego Espinosa
Subject: FW: FEMA SFHA ZONE A Information
Attachments: fema_approx-zone-a-guide.pdf; FEMA 480 COMPLETE.pdf

Diego,

44 CFR 60.3(b)(4) states that in A Zones NFIP communities shall reasonably utilize best available data to determine base flood elevations. (I.e., Overlaying Zone A boundary on topo map, FEMA BLE, study, etc.)

44 CFR 60.3(b)(3) states that in A Zones NFIP communities shall require development greater than 50 lots, or 5 acres have base flood elevation data, does not explicitly state an H&H study

NFIP FEMA 480: NFIP floodplain management requirements manual has various examples stating that if there are no buildable home sites, a detailed engineering analysis may not be required. (example 2)

While the NFIP regulations do not require that communities develop BFE data in approximate Zone A areas when proposed development is below the thresholds in NFIP regulations Subparagraph 60.3(b)(3), there are significant advantages and financial benefits for communities, however in this case where the Zone A boundary does not encompass any proposed buildable homesites, I do not believe it would be just or valuable to require the developer to conduct an H&H study. In addition, FEMA's Base Level Engineering nearest BFE (311.4') further builds the case that all proposed development is reasonably safe from flooding and meets compliance with 44 CFR 60.3(b)(4).

Examples shown below:

1. 44 CFR 60.3(B), (CODE OF FEDERAL REGULATIONS), DISCUSSES APPROXIMATE A ZONES IN DEPTH, EXCERPTS BELOW:

44 CFR 60.3(b) When the Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:...

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data

4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, ..

2. In section 5-14 of NFIP FEMA 480, it is validates the circumstance of open space/no buildable home sites:

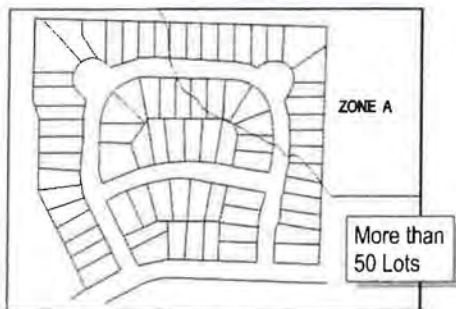
EXHIBIT 3

In Figure 5-4, the entire approximate Zone A area is to be left as open space. If the planned subdivision shows the floodplain is contained entirely within an open space lot, it may not be necessary to conduct a detailed engineering analysis to develop BFE data.



Figure 5-4: Proposed 76-lot subdivision

BFE data are required for the affected lots in the subdivisions shown in Figure 5-2 and Figure 5-3. Figure 5-2 shows a 76-lot subdivision with several lots clearly affected by an approximate Zone A area. The subdivision depicted in Figure 5-3 is only 12 lots, but BFEs are required because the subdivision covers more than five acres and clearly shows buildable sites affected by an approximate Zone A area.



3. In section 5-14 of NFIP FEMA 480, it also states that communities are required to reasonably utilize FEMA preliminary data. Argument for FEMA Base Level Engineering (BLE)

EXHIBIT 3

DRAFT REVISED NFIP DATA

The third situation where a community may vary from the official FEMA data is when FEMA has sent some preliminary data to the community for review. Communities are required to "reasonably utilize" the data from a draft or preliminary FIRM or flood insurance study.

Four scenarios are possible:

NFIP Requirements

5-14

Use the arrow keys to turn pages



- ◆ Where the original FIRM shows an A or V Zone with no BFEs: Use the draft information. In the absence of other elevation or floodway data, the draft information is presumed to be the best available.

4. The following FEMA document adds to the case of BLE being accepted in SFHA ZONE A for determining BFE's:

https://www.fema.gov/sites/default/files/documents/fema_when-use-ble.pdf

When to use Base Level Engineering

When a community has a FIRM identifying Special Flood Hazard Areas (SFHAs) and the availability of Base Level Engineering data, there are always questions. The table below provides insight to assist communities to apply the Base Level Engineering data based on the flood zones identified on the current FIRM.

Flood Zone on FIRM	The use of Base Level Engineering
Zones B, C, or X	<p>If a FIRM shows a project to be located in an area of low to moderate flood risk, there is no requirement for a community to leverage best available information for permitting review.</p> <p>Given the expansive coverage of Base Level Engineering (BLE), additional areas are identified as flood prone, expanding the understanding of potential flood risk across the nation. FEMA encourages communities to reasonably use the draft (BLE) or preliminary information to assist local floodplain management goals.</p> <p>BLE data may be used to update FIRMs in the future, adding the floodplain areas identified to the FIRMs. Local use of BLE information provides an opportunity for building with information prior to its incorporation on a FIRM.</p>
Zone A	<p>Local officials are required by minimum NFIP regulations to reasonably utilize draft or preliminary flood risk data (AFH) to manage development in Zone A areas. Examples of ways BLE can inform development decisions in Zone A areas include:</p> <ol style="list-style-type: none">1. Use BLE to determine the required minimum elevation of the first floor, HVAC, electric, and plumbing fixtures for new residential construction/substantial improvements.2. Use BLE to identify floodway boundaries, which can impact permitting submittal requirements for proposed development projects (proposed projects in the floodway must, at a minimum, demonstrate through hydraulic modeling that they will not result in any increase greater than 0.00 feet in 1-percent-annual-chance (100-year) water-surface elevations.

EXHIBIT 3

5. In learning unit 5 question 9 of FEMA 480, the following question was asked.

9. A developer downstream of Dean Lake wants to build a 40 acre subdivision that crosses Ireland Creek. You need a base flood elevation before you review the plans. What options do you tell the developer he has?

He can conduct a flood study and produce the BFEs at his expense or

He can set the A Zone aside as open space and not conduct a flood study.

6. In fact in cases where a costly study cannot be justified, overlaying the boundary on a topo map is allowed by the NFIP to obtain BFE's

YES.

Data obtained from one of these other sources should be used as

- ◆ Reasonably reflect flooding conditions expected during the b
- ◆ Are not known to be technically incorrect, and
- ◆ Represent the best data available.

**Approximate A methods
(overlaying FEMA Zone A
boundary onto Topo map)
can be used in isolated
areas where costly studies
are not justified**

The FEMA publication *Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (100-Year) Flood Elevations* provides information on a number of methodologies for developing BFEs in approximate A zones. These methodologies range from detailed methods that produce BFEs and perform floodway analyses similar to those developed for a Flood Insurance Study to simplified methods that can be used in isolated areas where more costly studies cannot be justified.

If your community has approximate A Zones that are likely to be developed, you should get a copy of this document and have your engineer review it. You can also download FEMA's Quick-2 software for computing flood elevations from the FEMA flood hazard mapping website.

For reference I have attached the two documents cited in this email above.

Best Regards.

EXHIBIT 3

Justin Pinto, P.E., C.F.M.

Project Engineer

jpinto@engineeringtexas.com



TEXAS PROFESSIONAL
ENGINEERING 

Please note our temporary address:

3210 N. Frazier, Suite B

Conroe, Texas 77303

Direct: 936.756.7450

Office: 936.756.7101

Cell: 860.538.6479

Hours of operation:

Monday – Thursday: 7:30 am - 5:30 pm

Friday: 8:00 am – 12:00 pm

www.engineeringtexas.com

VARIANCE REQUEST TO THE FLOODPLAIN MANAGEMENT REGULATIONS OF WALKER COUNTY, TEXAS

Copy all pages of this form and all attachments for (1) community official, (2) building owner.
If any section is not applicable to the proposed development project please mark that section "NA"

SECTION A – PROPERTY INFORMATION				FOR COUNTY USE ONLY	
A1. Building/Site Owner's Name West Waverly Ranch, LLC				Permit Number: Plat # 2022-035	
A2. Building/Site Street Address West of I-45 and South of Krystyniak Rd.				Date of Submittal: 5-23-2023	
City New Waverly		State Texas		ZIP Code 77358	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Sadler J (A-45), Tract 3, Acres 116.47					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
(For projects involving multiple map panels an additional sheet may be listed below or included in an additional attachment)					
B1. NFIP Community Name & Community Number Walker County / 480483 481042		B2. County Name Walker		B3. State Texas	
B4. Map/Panel Number 48471C05000 48282C02000 / 05000	B5. Suffix D	B6. FIRM Index Date 8/16/2011 12/19/1986	B7. FIRM Panel Effective/ Revised Date 8/16/2011	B8. Flood Zone(s) AE	
<p>THE ABOVE NAMED PERMIT APPLICANT DOES HEREBY MAKES AN APPEAL TO THE COMMISSIONER'S COURT OF WALKER COUNTY FOR A VARIANCE TO THE CONDITIONS OF PERMIT APPROVAL AND/OR CONSTRUCTIONS STANDARDS REQUIRED BY THE WALKER COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS FOR PROPOSED DEVELOPMENT WITHIN AN IDENTIFIED FLOOD HAZARD AREA RELATED TO THE ABOVE REFERENCED DEVELOPMENT PERMIT APPLICATION.</p>					
SECTION C – BASE FLOOD ELEVATION UTILIZED IN DESIGN					
<p>(If a determination of the base flood elevation has been made, then a copy of a <i>Determination of Base Flood Elevation Form</i> must be submitted and the elevation shown in C1 below should correspond with the elevation that appears in subsection E3 on that form. For large projects subject to varying or multiple flood heights please place an "X" in the box adjacent to D2)</p>					
<p>C1) <input type="checkbox"/> The Base Flood Elevation for the proposed location/project is: _____ ft mean sea level.</p> <p>C2) <input type="checkbox"/> This project is subject to multiple Base Flood Elevations, the BFE is provided in attached plans/submittals as project overlay, detailed method of determination, drainage plans, and BFE impact summary.</p> <p>C3) <input checked="" type="checkbox"/> No Base Flood Elevation has been determined for this property</p>					
SECTION D – VARIANCE(S) RELATED TO ELEVATION REQUIREMENTS AND DRY FLOODPROOFING					
<p>Applicant requests a variance to the elevation requirements of Sections 5:02(a), 5:02(b), or 5:02(c) (requiring that new or substantially improved structures be elevated a minimum of twelve (12) inches above the base flood elevation authorization is requested to construct the lowest floor of the listed structure(s) at the elevations listed below. (Elevation must be listed in the same datum used for the base flood elevation listed in Section "C" or if no BFE is provided then listed as a distance to the tenth of a foot above lowest natural grade.</p>					
Description of Structure(s)			Proposed Elevation of lowest floor including basement	Proposed Elevation of Flood Proofing (Non-Residential Structures Only)	
D.1 Proposed Roadway				315.57	
D.2					
D.3					
D.4					

SECTION E – OTHER VARIANCE

(All Variance requests need to include the specific variance along with the Section(s) of the Regulation to which they apply)

- E.1 A Variance is requested to Section(s) 5.03.c of the Walker County Flood Plain Regulations as follows:
A variance is being requested to avoid having to generate base flood
elevation data for the proposed subdivision.

SECTION F – APPLICANT'S JUSTIFICATION AND PRESENTATION FACTORS EFFECTING VARIANCE

(All variance requests to the Walker County Floodplain Regulations need to be included along with the Section(s) of the Regulation to which they apply)

- F.1 Is the variance for new construction or substantial improvement of a structure to be erected on a lot of one-half acre or less in sized contiguous to and surrounded by lots with existing structures constructed below the base flood elevation?

Yes _____ No X

- F.2 Please explain the cause or reason the variance is being requested (attach additional pages as "Exhibit F.2"):

We do not believe generating the data is necessary since there are no proposed habitable
structures or existing structures anywhere near that would be affected by this Zone A (undefined) floodplain.

The proposed roadway will be over five feet higher than the existing County road already crossing this
same Zone A floodplain. Furthermore the best available data, FEMA BLE viewer does not even show the 100-year floodplain
actually extending this far west nor impacting our project. The closest base flood elevation the
BLE viewer shows is a 500-year base flood elevation equal to 312.7 (almost three feet lower than our proposed road).

- F.3 Will the failure to grant the variance result in any exceptional hardship to the applicant?

Yes X No _____

If yes please explain below:

The developer will have to incur the cost of a costly hydraulic model and will
continue to delay this project more than it already has.

- F.4 Is the variance requested within a regulatory floodway?

Yes _____ No X

- F.5 Will the variance result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud, victimization of the public, or conflict with existing local laws or court orders?

Yes _____ No X Please provide analysis or explanation below or reference attachments:

We are providing a much more significant cross-sectional area for water to travel
than what is existing. Analysis is also being provided in the civil plans.

SECTION H –VARIANCE(S) GRANTED

(All design elevations shall be given in the same elevation datum used for the elevation in section D1)

H.1 A VARIANCE TO THE WALKER COUNTY FLOOD PLAIN REGULATIONS IS GRANTED AS FOLLOWS:

H.2 THE FOLLOWING CONDITIONS ARE ATTACHED TO THE VARIANCE IN ADDITION TO THE REQUIREMENTS OF THE DEVELOPMENT PERMIT AND ANY REQUIREMENTS OF THE FLOOD PLAIN MANAGEMENT REGULATIONS:

SECTION J - NOTICE, ACKNOWLEDGEMENT, AND CERTIFICATIONS**NOTICE**

ALL DEVELOPMENT MUST BE IN STRICT COMPLIANCE WITH THE VARIANCES STATED HERE AND OTHER CONDITIONS STATED ON THE DEVELOPMENT PERMIT. ANY VARIATION WILL RESULT IN IMMEDIATE SUSPENSION OF THIS VARIANCE AND THE DEVELOPMENT PERMIT. FLAGRANT VIOLATION OF THE CONDITIONS OF THIS VARIANCE MAY RESULT IN THE COMMISSIONER'S COURT SEEKING INJUNCTIVE RELIEF, CIVIL, OR CRIMINAL PENALTIES.

WARNING

THE GRANTING OF A VARIANCE IS LIMITED TO THE PERMITTING STANDARDS AND LOCAL REGULATORY STANDARD ONLY. IT IS NOT A VARIANCE FROM THE REQUIREMENT TO PURCHASE FLOOD INSURANCE. **PREMIUMS FOR FLOOD INSURANCE COVERAGE FOR THE STRUCTURE WILL INCREASE** AS A RESULT OF CONSTRUCTING THE FIRST FLOOR BELOW THE LEVEL OF THE BASE FLOOD, AND MAY INCREASE AS A RESULT OF OTHER VARIANCES GRANTED. **LOWERING THE FIRST FLOOR BELOW THE BASE FLOOD ELEVATION MAY INCREASE THE POTENTIAL FOR FLOOD DAMAGE AND LOSS OF LIFE.** THE APPLICANT ACKNOWLEDGES THAT HE/SHE IS RESPONSIBLE TO ENSURE THAT ANY VARIANCE DOES NOT DAMAGE OR THREATEN ADJASCENT PROPERTIES AND COMPLIES WITH LOCAL, STATE, AND FEDERAL REGULATIONS.

DISCLAIMER

THE COMMISSIONER'S COURT OF WALKER COUNTY AND ANY OFFICER OR EMPLOYEE OF WALKER COUNTY ARE NOT LIABLE FOR DAMAGES OR LOSS OF LIFE RESULTING FROM FLOODING OF THE PROPERTY FOR WHICH A PERMIT OR VARIANCE IS GRANTED.

I, DIEGO ESPINOSA, do hereby acknowledge that I have reviewed the provisions, warnings, notices, and disclaimers stated above and that I understand them agree with them and intend to comply fully with them. I also acknowledge that my flood insurance costs will increase and flood damage potential to any structure or property subject to this variance will increase. I am fully aware that Walker County is not liable for damages to my property or structure, and that I accept full responsibility for the risks associated with this variance. I also certify that in the event I sell this property or structure in the future, that I will give notice of the variance to the purchaser prior to sale.

Signature of Owner/Applicant

Date

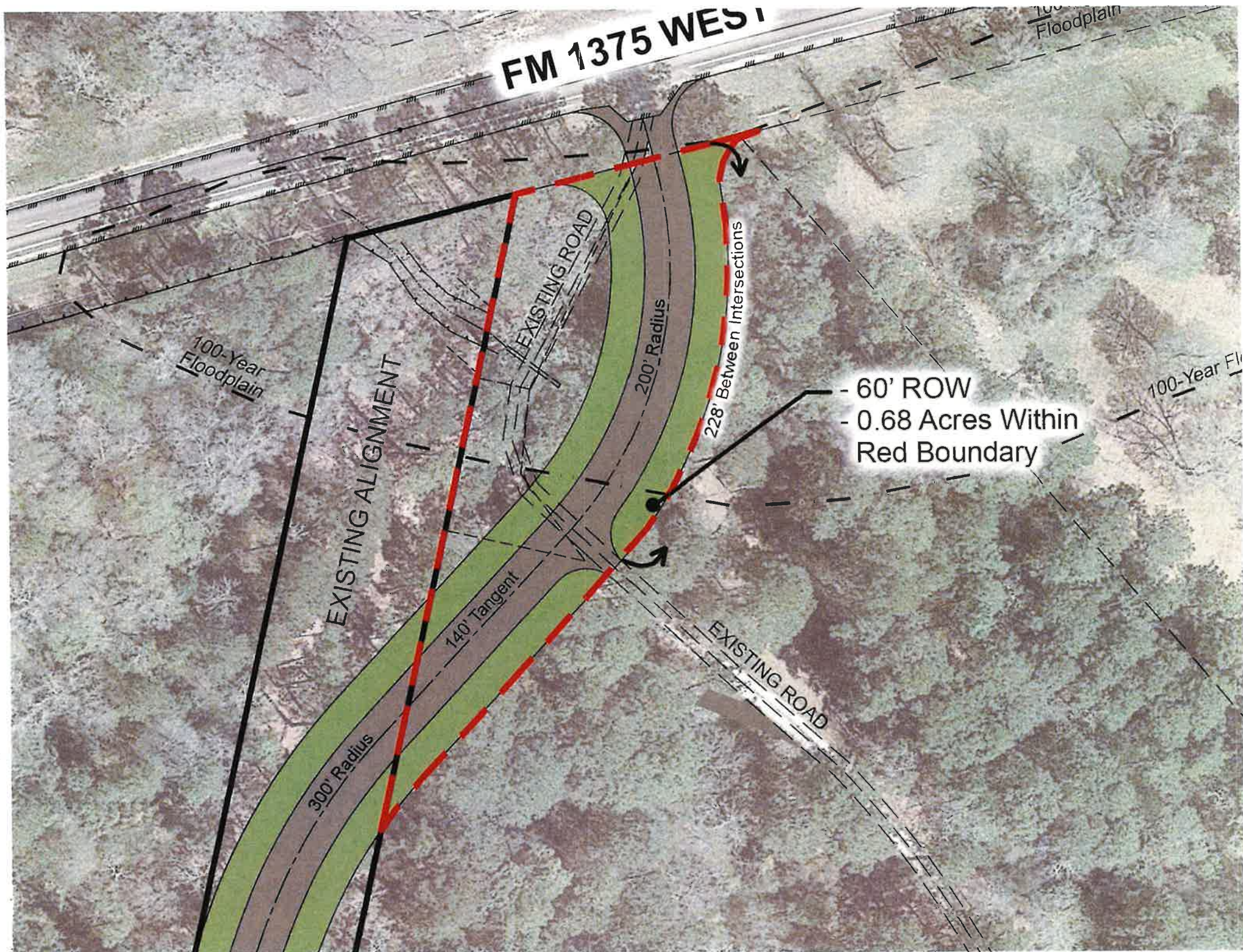
*Diego Espinosa**5/23/23***SECTION I – ACTION ON VARIANCE BY COMMISSIONER'S COURT**

After careful consideration of the reasons for the request of variance, the Commissioner's Court of Walker County, Texas has determined that it is within the scope of the variance procedures as outlined in the Walker County Flood Plain Management Regulations to _____ this request for variance.

Commissioner's Court Signature

Printed Name

Date



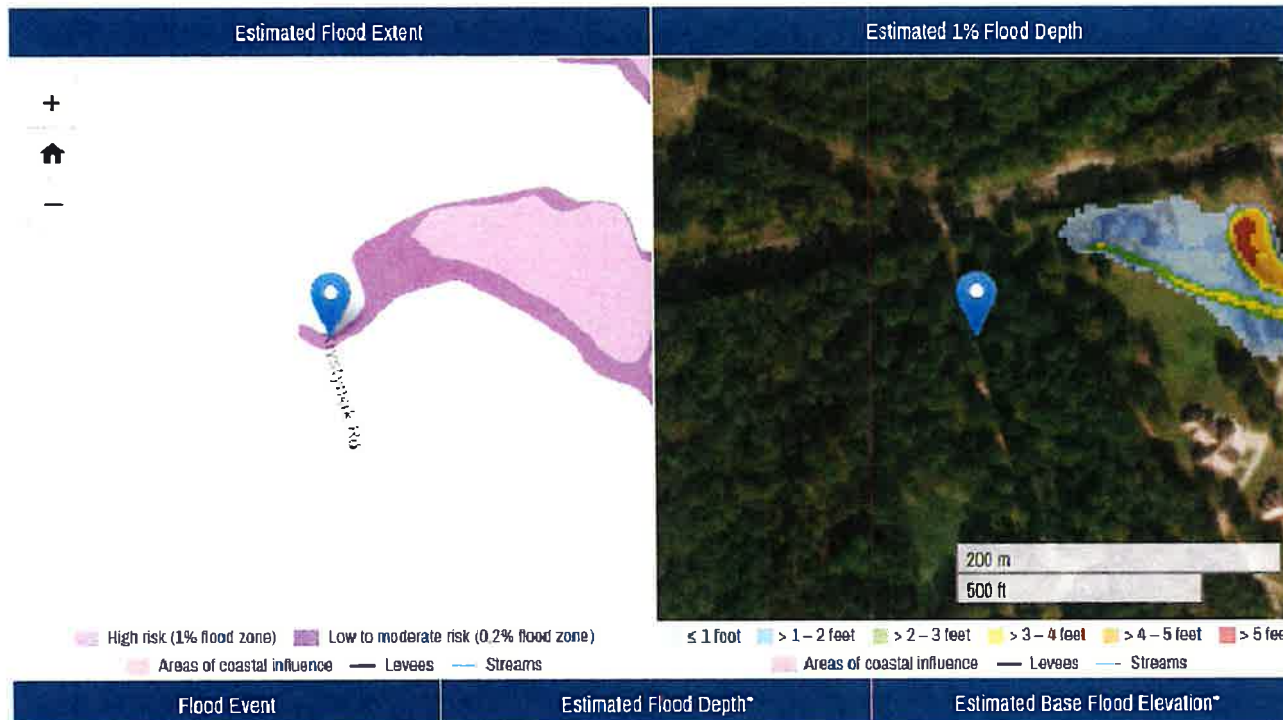
Estimated Base Flood Elevation (estBFE)



Flood Risk Information Report

Latitude 30.5331, Longitude -95.5024 (Walker County, TX)

FEMA is providing a look at flood data availability and relative Base Level Engineering analysis through the Estimated Base Flood Elevation Viewer (Estimated BFE Viewer). Base Level Engineering uses high resolution ground elevation data, flood flow calculations, and fundamental engineering modeling techniques to define flood extents for streams. The viewer is an effective tool for property owners, community officials, and land developers to identify flood risk, estimated flood elevations, and flood depths for watersheds where Base Level Engineering has been prepared.



***PROPOSED LOWEST TOP OF PAVEMENT ELEVATION OVER THE CREEK IS INTENDED TO BE ABOVE ELEVATION 315'. OVER TWO FEET HIGHER THAN THE ESTIMATED 0.2 % (500-YEAR) ESTIMATED BY FEMA FOR THIS LOCATION.**

Flood Event	Estimated Flood Depth*	Estimated Base Flood Elevation*
1 Percent (100 Year)	No Data	No Data
0.2 Percent (500 Year)	0.9 feet above land surface	312.7 feet NAVD 1988

**HOMESTEAD HILL
EXHIBIT 2
MAY 2023**



**TEXAS PROFESSIONAL
ENGINEERING**
Firm No. 21819

EXHIBIT 3

Diego Espinosa

From: Justin Pinto
Sent: Wednesday, April 12, 2023 5:13 PM
To: Diego Espinosa
Subject: FW: FEMA SFHA ZONE A Information
Attachments: fema_approx-zone-a-guide.pdf; FEMA 480 COMPLETE.pdf

Diego,

44 CFR 60.3(b)(4) states that in A Zones NFIP communities shall reasonably utilize best available data to determine base flood elevations. (I.e., Overlaying Zone A boundary on topo map, FEMA BLE, study, etc.)

44 CFR 60.3(b)(3) states that in A Zones NFIP communities shall require development greater than 50 lots, or 5 acres have base flood elevation data, **does not explicitly state an H&H study**

NFIP FEMA 480: NFIP floodplain management requirements manual has various examples stating that if **there are no buildable home sites**, a detailed engineering analysis may not be required. (example 2)

While the NFIP regulations do not require that communities develop BFE data in approximate Zone A areas when proposed development is below the thresholds in NFIP regulations Subparagraph 60.3(b)(3), there are significant advantages and financial benefits for communities, however in this case where the Zone A boundary does not encompass any proposed buildable homesites, I do not believe it would be just or valuable to require the developer to conduct an H&H study. In addition, FEMA's Base Level Engineering nearest BFE (311.4') further builds the case that all proposed development is reasonably safe from flooding and meets compliance with 44 CFR 60.3(b)(4).

Examples shown below:

1. 44 CFR 60.3(B), (CODE OF FEDERAL REGULATIONS), DISCUSSES APPROXIMATE A ZONES IN DEPTH, EXCERPTS BELOW:

44 CFR 60.3(b) When the Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:...

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, **include within such proposals base flood elevation data**

4) Obtain, review and reasonably utilize **any base flood elevation and floodway data available from a Federal, State, or other source, ..**

2. In section 5-14 of NFIP FEMA 480, it is validates the circumstance of open space/no buildable home sites:

EXHIBIT 3

In Figure 5-4, the entire approximate Zone A area is to be left as open space. If the planned subdivision shows the floodplain is contained entirely within an open space lot, it may not be necessary to conduct a detailed engineering analysis to develop BFE data.

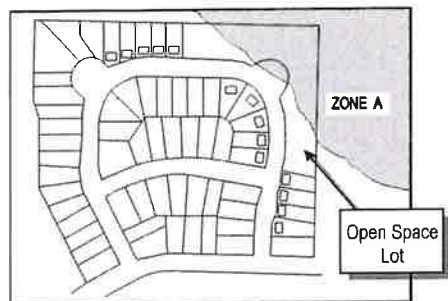
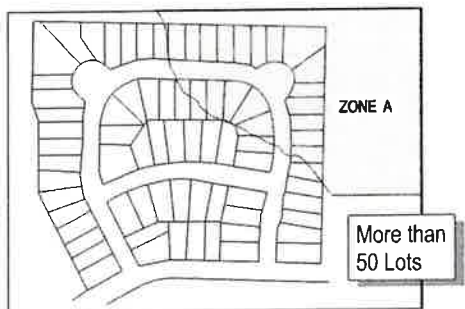


Figure 5-4: Proposed 76-lot subdivision

BFE data are required for the affected lots in the subdivisions shown in Figure 5-2 and Figure 5-3. Figure 5-2 shows a 76-lot subdivision with several lots clearly affected by an approximate Zone A area. The subdivision depicted in Figure 5-3 is only 12 lots, but BFEs are required because the subdivision covers more than five acres and clearly shows buildable sites affected by an approximate Zone A area.



3. In section 5-14 of NFIP FEMA 480, it also states that communities are required to reasonably utilize FEMA preliminary data. Argument for FEMA Base Level Engineering (BLE)

EXHIBIT 3

DRAFT REVISED NFIP DATA

The third situation where a community may vary from the official FEMA data is when FEMA has sent some preliminary data to the community for review. Communities are required to "reasonably utilize" the data from a draft or preliminary FIRM or flood insurance study.

Four scenarios are possible:

NFIP Requirements

5-14

Use the arrow keys to turn pages



- ◆ Where the original FIRM shows an A or V Zone with *no* BFEs: Use the draft information. In the absence of other elevation or floodway data, the draft information is presumed to be the best available.

4. The following FEMA document adds to the case of BLE being accepted in SFHA ZONE A for determining BFE's:

https://www.fema.gov/sites/default/files/documents/fema_when-use-ble.pdf

When to use Base Level Engineering

When a community has a FIRM identifying Special Flood Hazard Areas (SFHAs) and the availability of Base Level Engineering data, there are always questions. The table below provides insight to assist communities to apply the Base Level Engineering data based on the flood zones identified on the current FIRM.

Flood Zone on FIRM	The use of Base Level Engineering
Zones B, C, or X	<p>If a FIRM shows a project to be located in an area of low to moderate flood risk, there is no requirement for a community to leverage best available information for permitting review.</p> <p>Given the expansive coverage of Base Level Engineering (BLE), additional areas are identified as flood prone, expanding the understanding of potential flood risk across the nation. FEMA encourages communities to reasonably use the draft (BLE) or preliminary information to assist local floodplain management goals.</p> <p>BLE data may be used to update FIRMs in the future, adding the floodplain areas identified to the FIRMs. Local use of BLE information provides an opportunity for building with information prior to its incorporation on a FIRM.</p>
Zone A	<p>Local officials are required by minimum NFIP regulations to reasonably utilize draft or preliminary flood risk data AFH to manage development in Zone A areas. Examples of ways BLE can inform development decisions in Zone A areas include:</p> <ol style="list-style-type: none">1. Use BLE to determine the required minimum elevation of the first floor, HVAC, electric, and plumbing fixtures for new residential construction/substantial improvements.2. Use BLE to identify floodway boundaries, which can impact permitting, submitter requirements for proposed development projects (proposed projects in the floodway must, at a minimum, demonstrate through hydraulic modeling that they will not result in any increase greater than 0.00 feet in 1-percent-annual-chance (100-year) water-surface elevations).

EXHIBIT 3

5. In learning unit 5 question 9 of FEMA 480, the following question was asked.

9. A developer downstream of Dean Lake wants to build a 40 acre subdivision that crosses Ireland Creek. You need a base flood elevation before you review the plans. What options do you tell the developer he has?

He can conduct a flood study and produce the BFEs at his expense or

He can set the A Zone aside as open space and not conduct a flood study.

6. In fact in cases where a costly study cannot be justified, overlaying the boundary on a topo map is allowed by the NFIP to obtain BFE's

SOURCE:

Data obtained from one of these other sources should be used as

- ◆ Reasonably reflect flooding conditions expected during the b
- ◆ Are not known to be technically incorrect, and
- ◆ Represent the best data available.

**Approximate A methods
(overlaying FEMA Zone A
boundary onto Topo map)
can be used in isolated
areas where costly studies
are not justified**

The FEMA publication *Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (100-Year) Flood Elevations* provides information on a number of methodologies for developing BFEs in approximate A zones. These methodologies range from detailed methods that produce BFEs and perform floodway analyses similar to those developed for a Flood Insurance Study to simplified methods that can be used in isolated areas where more costly studies cannot be justified.

If your community has approximate A Zones that are likely to be developed, you should get a copy of this document and have your engineer review it. You can also download FEMA's Quick-2 software for computing flood elevations from the FEMA flood hazard mapping website.

For reference I have attached the two documents cited in this email above.

Best Regards.

EXHIBIT 3

Justin Pinto, P.E., C.F.M.
Project Engineer
jpinto@engineeringtexas.com



TEXAS PROFESSIONAL
ENGINEERING 

Please note our temporary address:

3210 N. Frazier, Suite B
Conroe, Texas 77303
Direct: 936.756.7450
Office: 936.756.7101
Cell: 860.538.6479

Hours of operation:

Monday – Thursday: 7:30 am - 5:30 pm

Friday: 8:00 am – 12:00 pm

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VARIANCE REQUEST TO THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS

Copy all pages of this form and all attachments for (1) community official, (2) building owner.
If any section is not applicable to the proposed development project please mark that section "NA"

SECTION A – PROPERTY INFORMATION		FOR COUNTY USE ONLY
A1. Property Owner's Name ATLAS LAND PARTNERS, LLC		Application Number: P-2022-041
A2. Property Owner's Street Address [REDACTED]		Date of Submittal: 5-24-23
City DAVIDSON	State NC	ZIP Code 28036
A3. Property Owner's Email Address [REDACTED]	A4. Property Owner's Telephone Number [REDACTED]	
A5. Property Description of Parent Tract (Lot and Block Numbers, Legal Description, etc.) MILLS S A (A-408), TRACT 1, 1434.39 - ACRES		
SECTION B – INFORMATION FOR PROPOSED SUBDIVISION TRACT (For projects involving multiple map panels an additional sheet may be listed below or included in an additional attachment)		
B1. Survey and Abstract MILLS S A (A-408), TRACT 1, 1434.395 -ACRES	B2. Tax ID Number(s) of Parent Tract 19247	B3. Deed Volume/Page 81091
B4. Existing or Proposed Name of Subdivision Proposed Governors Ranch	B5. Is the application for a division of a lot in an Existing Platted Subdivision? (Yes/No) No	
THE ABOVE NAMED APPLICANT DOES HEREBY MAKE AN APPEAL TO THE COMMISSIONER'S COURT OF WALKER COUNTY FOR A VARIANCE TO THE REGULATORY REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS.		
SECTION C – LIST OF ATTACHMENTS Please list any supporting documents or submittals included with the variance request as attachments.		
Description of Attachment(s)		Exhibit #
C.1 FEMA Firm map		1
C.2 FEMA floodplain overlaid on proposed lot layout		2
C.3		
C.4		

SECTION D –VARIANCE REQUEST

(All Variance requests need to include the specific variance along with the Section(s) of the Regulation to which they apply)

- D.1 A Variance is requested to Section(s) 4.37, Page 21 of the Subdivision Regulations of Walker County, Texas as follows:

Variance of performing an Engineering Flood Study of the Zone A Floodplain slightly impacting three of the proposed 132 ten-acre lots.

SECTION E – APPLICANT'S JUSTIFICATION AND PRESENTATION FACTORS EFFECTING VARIANCE

(All variance requests to the Walker County Subdivision Regulations need to be included along with the Section(s) of the Regulation to which they apply)

- E.1 Is the variance related to the design or construction of improvements to be constructed within the subdivision?
Yes x No _____

If "Yes" the request should be accompanied by an engineer's opinion and justification for the variance.

- E.2 Please explain the cause or reason the variance is being requested (attach additional pages as "Exhibit E.2"):

We do not believe generating the data is necessary since the Zone A floodplain barely impacts three of 132 lots.

We believe we can apply a conservative approach to achieve the same end goal which is protect future residents from possible flooding by creating a no-build easement that extends 300 feet from the floodplain boundary into the proposed 10-acre lots. This will not only create a substantial horizontal separation from the floodplain but it will also create a great vertical difference from the existing mapped floodplain. Please see attached exhibit.

- E.3 Will the failure to grant the variance requested result in any exceptional hardship to the applicant?

Yes X No _____

If yes please explain below:

The developer will have to incur the cost of a costly hydraulic model and will continue to delay this project more than it already has.

- E.4 Does the applicant propose any additional conditions, mitigation, or additional requirements not addressed within the Walker County Subdivision Regulations that will or have been met by the applicant as a condition of the variance being granted?

Yes X No _____ Please list the additional measures below.

We proposed adding a no-build easement to the lots being affected by the Zone A floodplain. The no build easement will be 300 feet into the lots measure from the outside edge of the existing floodplain. This will not only create a significant horizontal separation but will also ensure a substantial vertical separation to protect future homes from flooding.

SECTION F –VARIANCE(S) GRANTED

F.1 A VARIANCE TO THE WALKER COUNTY SUBDIVISION REGULATIONS IS GRANTED AS FOLLOWS:

F.2 THE FOLLOWING CONDITIONS ARE ATTACHED TO THE VARIANCE:

SECTION G - NOTICE, ACKNOWLEDGEMENT, AND CERTIFICATIONS

NOTICE

ALL DEVELOPMENT MUST BE IN STRICT COMPLIANCE WITH THE CONDITIONS STATED HEREIN AND ANY OTHER CONDITIONS STATED WITHIN THE APPLICATION OR DURING THE PRESENTATION TO COMMISSIONERS COURT. ANY VARIATION MAY RESULT IN THE IMMEDIATE SUSPENSION OR CANCELLATION OF THIS VARIANCE. VIOLATION OF THE CONDITIONS OF THIS VARIANCE MAY ALSO RESULT IN THE COMMISSIONERS COURT SEEKING INJUNCTIVE RELIEF, CIVIL, OR CRIMINAL PENALTIES.

WARNING

THE APPLICANT ACKNOWLEDGES THAT HE/SHE IS RESPONSIBLE TO ENSURE THAT ANY VARIANCE DOES NOT DAMAGE OR THREATEN THE PUBLIC OR ADJACENT PROPERTIES AND COMPLIES WITH LOCAL, STATE, AND FEDERAL REGULATIONS.

DISCLAIMER

THE COMMISSIONER'S COURT OF WALKER COUNTY AND ANY OFFICER OR EMPLOYEE OF WALKER COUNTY ARE **NOT** LIABLE FOR DAMAGES OR LOSS RESULTING FROM THE GRANTING OF THIS VARIANCE. THIS VARIANCE IS GRANTED IN RELIANCE UPON THE STATEMENTS AND EVIDENCE SUPPLIED BY THE APPLICANT AND HIS/HER AGENTS IN THE APPLICATION AND PRESENTATION TO COMMISSIONERS COURT.

I, BENJAMIN VANHOOK, do hereby acknowledge that I have reviewed the provisions, notices, warnings and disclaimers stated above and that I understand them, agree with them and intend to fully comply with them.

Signature of Owner/Applicant



Date

05/24/23

SECTION H – ACTION ON VARIANCE BY COMMISSIONER'S COURT

After careful consideration of the reason(s) for the request of variance, the Commissioner's Court of Walker County, Texas has determined that it is within the scope of the variance procedures as outlined in the Walker County Subdivision Regulations to _____ this request for variance.

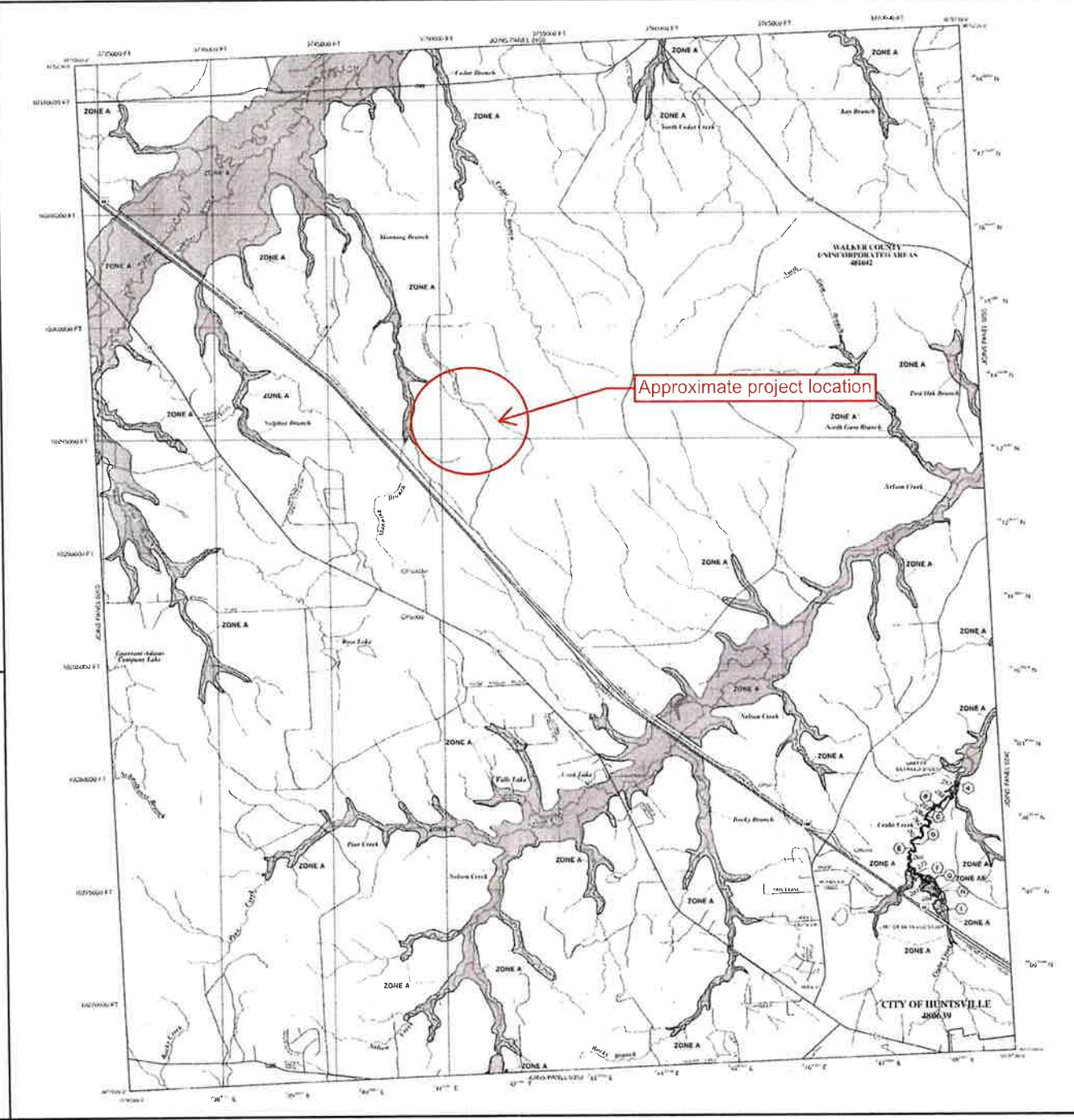
Commissioner's Court Signature

Printed Name

Date

Signature of Owner/Applicant acknowledging conditions after court action.

Date

[illegible][illegible]

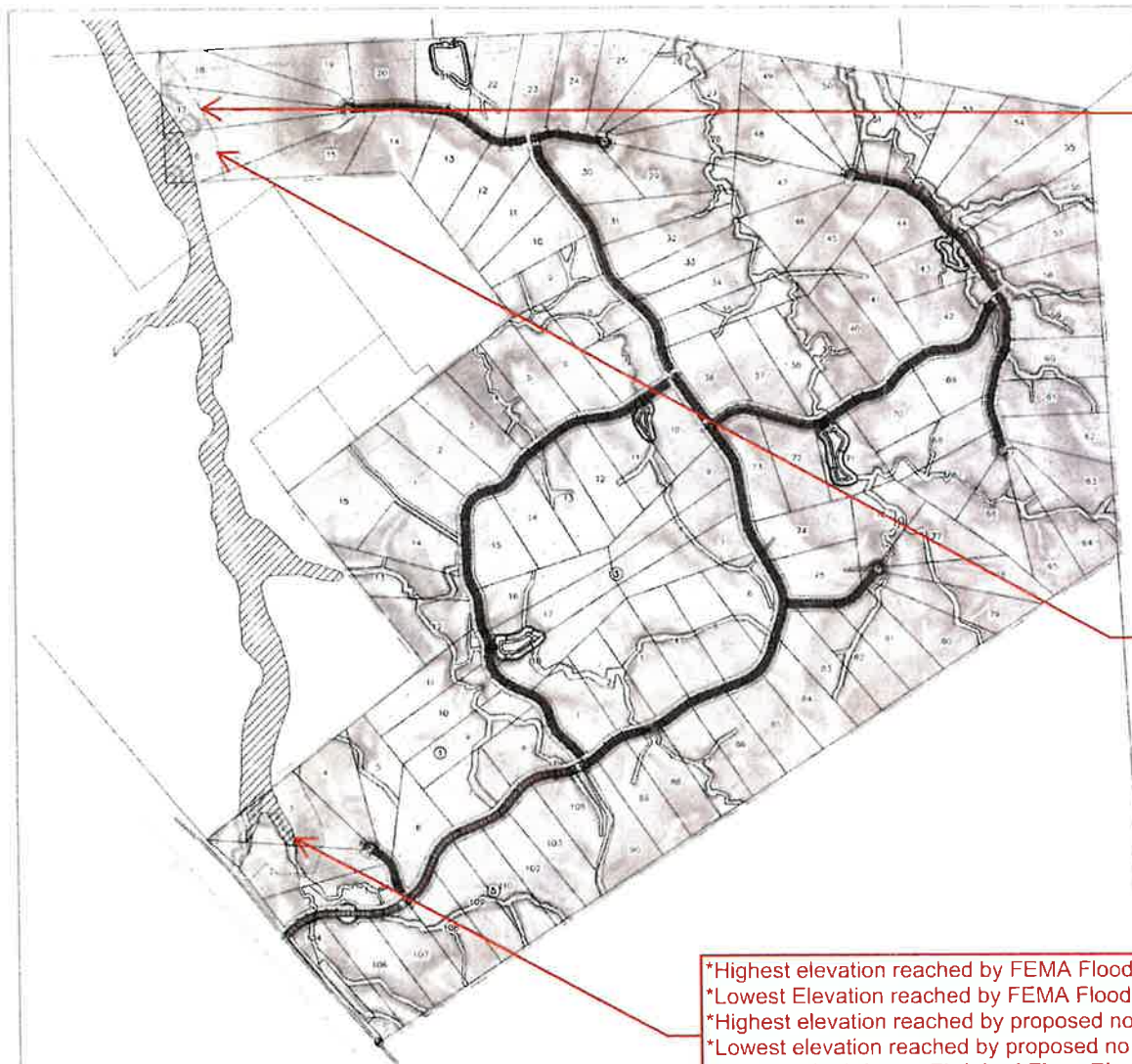
FIRM
FLOOD INSURANCE RATE MAP
WALKER COUNTY,
TEXAS
AND INCORPORATED AREAS

CONTAINS	NUMBER	PAGE	SHEET
1. LAMINATE	012	102	51

MAP NUMBER
48471C0225


EFFECTIVE DATE
AUGUST 16, 2011

Federal Emergency Management Agency



*Highest elevation reached by FEMA Floodplain Extents = 203'
 *Lowest Elevation reached by FEMA Floodplain Extents = 199'
 *Highest elevation reached by proposed no build easement = 219'
 *Lowest elevation reached by proposed no build easement = 213'
***Proposed Minimum Finished Floor Elevation = 219'**

LEGEND

 MAPPED FLOODPLAIN

*Highest elevation reached by FEMA Floodplain Extents = 210'
 *Lowest Elevation reached by FEMA Floodplain Extents = 201'
 *Highest elevation reached by proposed no build easement = 222'
 *Lowest elevation reached by proposed no build easement = 217'
***Proposed Minimum Finished Floor Elevation = 222'**



*Highest elevation reached by FEMA Floodplain Extents = 256'
 *Lowest Elevation reached by FEMA Floodplain Extents = 246'
 *Highest elevation reached by proposed no build easement = 293'
 *Lowest elevation reached by proposed no build easement = 261'
***Proposed Minimum Finished Floor Elevation = 294'**

GOVERNORS RANCH
EXHIBIT 2
MAY 2023



VARIANCE REQUEST TO THE FLOODPLAIN MANAGEMENT REGULATIONS OF WALKER COUNTY, TEXAS

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A2. Building/Site Street Address East of I-45, South of Cedar Ridge				Date of Submittal: 5-24-23	
City Huntsville		State Texas		ZIP Code 77320	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) MILLS S A (A-408), TRACT 1, 1434.39 - ACRES					
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B4. Map/Panel Number 48471C0225D / 225	B5. Suffix D	B6. FIRM Index Date 08/16/2011	B7. FIRM Panel Effective/ Revised Date 08/16/2011		B8. Flood Zone(s) A
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<p>Applicant requests a variance to the elevation requirements of Sections 5:02(a), 5:02(b), or 5:02(c) (requiring that new or substantially improved structures be elevated a minimum of twelve (12) inches above the base flood elevation authorization is requested to construct the lowest floor of the listed structure(s) at the elevations listed below. (Elevation must be listed in the same datum used for the base flood elevation listed in Section "C" or if no BFE is provided then listed as a distance to the tenth of a foot above lowest natural grade.</p>					
Description of Structure(s)			Proposed Elevation of lowest floor including basement		Proposed Elevation of Flood Proofing (Non-Residential Structures Only)
D.1 No proposed structures.			Varies (see attached)		
D.2					
D.3					
D.4					

SECTION E – OTHER VARIANCE

(All Variance requests need to include the specific variance along with the Section(s) of the Regulation to which they apply)

E.1 A Variance is requested to Section(s) 5.03.c of the Walker County Flood Plain Regulations as follows:

A variance is being requested to avoid having to generate base flood
elevation data for the portion of the Zone A floodplain that barely impacts
three of the 132 ten-acre lots.

SECTION F – APPLICANT'S JUSTIFICATION AND PRESENTATION FACTORS EFFECTING VARIANCE

(All variance requests to the Walker County Floodplain Regulations need to be included along with the Section(s) of the Regulation to which they apply)

F.1 Is the variance for new construction or substantial improvement of a structure to be erected on a lot of one-half acre or less in sized contiguous to and surrounded by lots with existing structures constructed below the base flood elevation?

Yes _____ No X

F.2 Please explain the cause or reason the variance is being requested (attach additional pages as "Exhibit F.2"):

We do not believe generating the data is necessary since the Zone A floodplain barely impacts three of 132 lots.

We believe we can apply a conservative approach to achieve the same end goal which is protect future residents from
possible flooding by creating a no-build easement that extends 300 feet from the floodplain boundary into the
proposed 10-acre lots. This will not only create a substantial horizontal separation from the floodplain but it will also
create a great vertical difference from the existing mapped floodplain. Please see attached exhibit.

F.3 Will the failure to grant the variance result in any exceptional hardship to the applicant?

Yes X No _____

If yes please explain below:

The developer will have to incur the cost of a costly hydraulic model and will
continue to delay this project more than it already has.

F.4 Is the variance requested within a regulatory floodway?

Yes _____ No X

F.5 Will the variance result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud, victimization of the public, or conflict with existing local laws or court orders?

Yes _____ No X Please provide analysis or explanation below or reference attachments:

There will be absolutely nothing build within these no-build easements. These are also 10-acre lots
that are expected to have no more than one home and one barn per lot.

SECTION H –VARIANCE(S) GRANTED

(All design elevations shall be given in the same elevation datum used for the elevation in section D1)

H.1 A VARIANCE TO THE WALKER COUNTY FLOOD PLAIN REGULATIONS IS GRANTED AS FOLLOWS:

H.2 THE FOLLOWING CONDITIONS ARE ATTACHED TO THE VARIANCE IN ADDITION TO THE REQUIREMENTS OF THE DEVELOPMENT PERMIT AND ANY REQUIREMENTS OF THE FLOOD PLAIN MANAGEMENT REGULATIONS:

SECTION J - NOTICE, ACKNOWLEDGEMENT, AND CERTIFICATIONS**NOTICE**

ALL DEVELOPMENT MUST BE IN STRICT COMPLIANCE WITH THE VARIANCES STATED HERE AND OTHER CONDITIONS STATED ON THE DEVELOPMENT PERMIT. ANY VARIATION WILL RESULT IN IMMEDIATE SUSPENSION OF THIS VARIANCE AND THE DEVELOPMENT PERMIT. FLAGRANT VIOLATION OF THE CONDITIONS OF THIS VARIANCE MAY RESULT IN THE COMMISSIONER'S COURT SEEKING INJUNCTIVE RELIEF, CIVIL, OR CRIMINAL PENALTIES.

WARNING

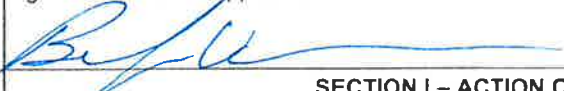
THE GRANTING OF A VARIANCE IS LIMITED TO THE PERMITTING STANDARDS AND LOCAL REGULATORY STANDARD ONLY. IT IS NOT A VARIANCE FROM THE REQUIREMENT TO PURCHASE FLOOD INSURANCE. **PREMIUMS FOR FLOOD INSURANCE COVERAGE FOR THE STRUCTURE WILL INCREASE** AS A RESULT OF CONSTRUCTING THE FIRST FLOOR BELOW THE LEVEL OF THE BASE FLOOD, AND MAY INCREASE AS A RESULT OF OTHER VARIANCES GRANTED. **LOWERING THE FIRST FLOOR BELOW THE BASE FLOOD ELEVATION MAY INCREASE THE POTENTIAL FOR FLOOD DAMAGE AND LOSS OF LIFE.** THE APPLICANT ACKNOWLEDGES THAT HE/SHE IS RESPONSIBLE TO ENSURE THAT ANY VARIANCE DOES NOT DAMAGE OR THREATEN ADJACENT PROPERTIES AND COMPLIES WITH LOCAL, STATE, AND FEDERAL REGULATIONS.

DISCLAIMER

THE COMMISSIONER'S COURT OF WALKER COUNTY AND ANY OFFICER OR EMPLOYEE OF WALKER COUNTY ARE NOT LIABLE FOR DAMAGES OR LOSS OF LIFE RESULTING FROM FLOODING OF THE PROPERTY FOR WHICH A PERMIT OR VARIANCE IS GRANTED.

I, BENJAMIN VANHOOK, do hereby acknowledge that I have reviewed the provisions, warnings, notices, and disclaimers stated above and that I understand them agree with them and intend to comply fully with them. I also acknowledge that my flood insurance costs will increase and flood damage potential to any structure or property subject to this variance will increase. I am fully aware that Walker County is not liable for damages to my property or structure, and that I accept full responsibility for the risks associated with this variance. I also certify that in the event I sell this property or structure in the future, that I will give notice of the variance to the purchaser prior to sale.

Signature of Owner/Applicant



Date

05/24/2023**SECTION I – ACTION ON VARIANCE BY COMMISSIONER'S COURT**

After careful consideration of the reasons for the request of variance, the Commissioner's Court of Walker County, Texas has determined that it is within the scope of the variance procedures as outlined in the Walker County Flood Plain Management Regulations to _____ this request for variance.

Commissioner's Court Signature

Printed Name

Date

[illegible]

Coastal Base Flood Elevations should be based most appropriately on historical or on Pacific Northwest Vertical Datum of 1988 (VVD 88). Users of this Flood Study to estimate local coastal flood elevations are also provided in the Summary of Coastal Flooding table in the Flood Inventory Study report for the maximum elevation shown in the Summary of Seismic Flooding table should be used for coastal areas under emergency management jurisdiction where they are higher than the elevations shown on the FIRM.

Embryonic blood and its Special blood islands develop into specialized blood control structures. Prior to birth, the blood "barbarians" of the blood islands gradually expand into specialized structures for blood production.

Floral illustrations on this map are referenced to the *Form. American Vertical Datum of 1911*. Their horizontal positions must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1949, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov>.

© 2000 by Blackwell Science Ltd, *Journal of Internal Medicine* 247: 391–397

The program will be distributed to all 100,000 U.S. military personnel and their families. The program will be distributed to all 100,000 U.S. military personnel and their families.

These notes to the separately printed Map Index for an individual Map of the series show the original ground lines, commonly with boundary addresses.

If you have questions about this map or are considering contacting the National Health and Medical Research Council, please call 1300 727 727. www.nhmrc.gov.au

[illegible]

 SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO

ZONE A	No Sand (Sand Equivalent 0.0000)
ZONE A1	very fine (Sand Equivalent 0.0000)
ZONE A2	fine (Sand eq. of 1 to 1 feet (usually above of water) and fine (Sand Equivalent 0.0000)
ZONE A3	very coarse (1 to 1 feet (usually above of water) and fine (Sand Equivalent 0.0000)

70665-280 Area to be protected from 1% annual chance flood (1% annual chance of greater flow)




70665-281 Area to be protected from 1% annual chance flood (1% annual chance of greater flow)

70665-282 Coastal flood zone must include flood (more water) in flood flood

☐ OTHER FLOOD AREAS

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

Boundary defining formalized mental illness areas of different
Downsight, knowledge, and knowledge to find solutions.

 Ground station line
 Frameless line
 Ungeod. coordinate referenced UTM test antenna
 Geod. coordinate referenced UTM test antenna

(K) (U)
Kearney, Mark (has explanation of hours by them as well as of
the flight panel)

Kearney, Mark

WAS REPLYING TO

1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

MAP SCALE 1" = 2000'

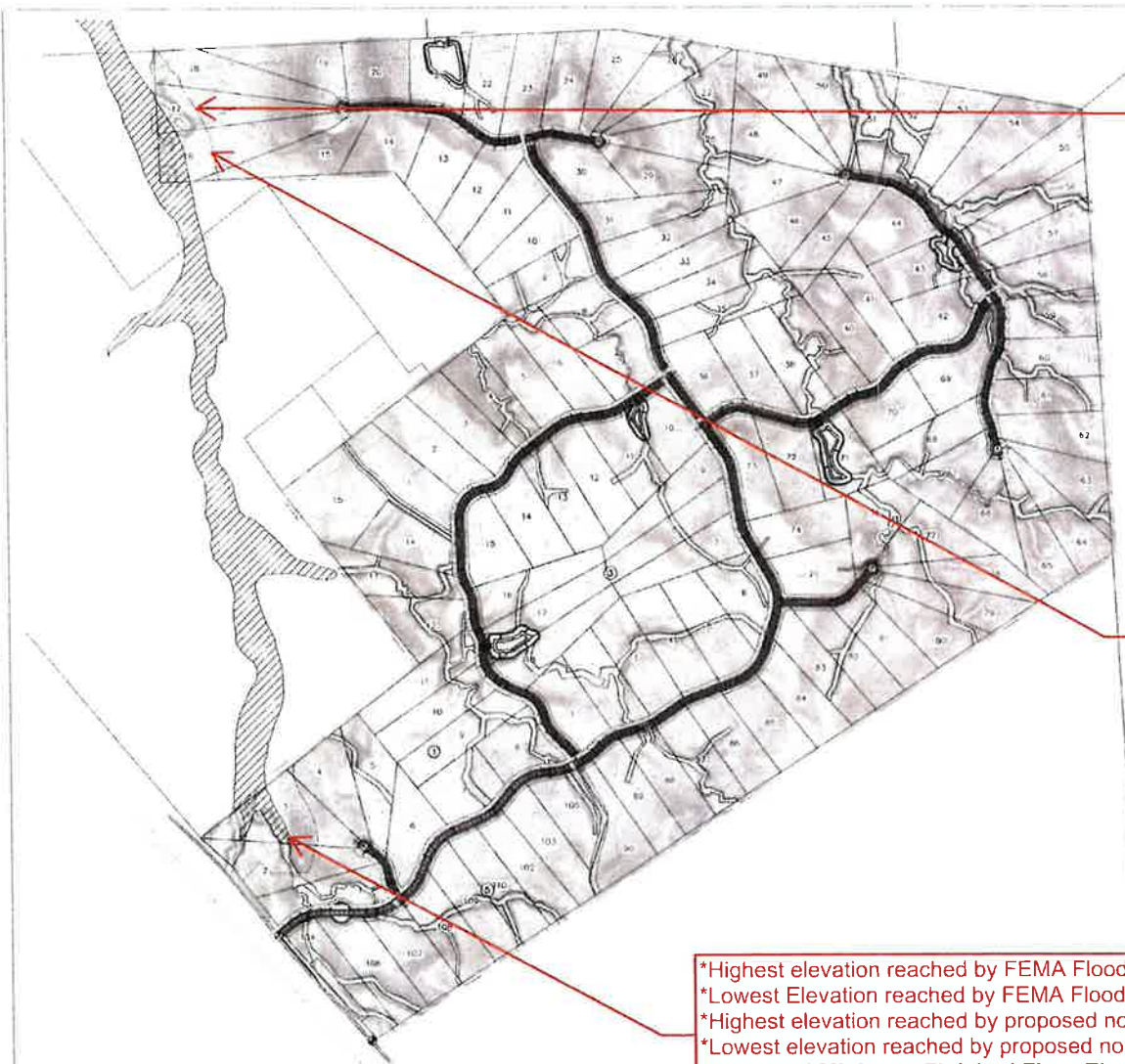

FIRM
 FLOOD INSURANCE RATE MAP

AND INCORPORATED AREAS

	NBS Special Publication 400-1 1973	NBS Special Publication 400-1 1973	NBS Special Publication 400-1 1973
--	---------------------------------------	---------------------------------------	---------------------------------------


MAP NUMBER

Federal Emergency Management Agency



*Highest elevation reached by FEMA Floodplain Extents = 203'
 *Lowest Elevation reached by FEMA Floodplain Extents = 199'
 *Highest elevation reached by proposed no build easement = 219'
 *Lowest elevation reached by proposed no build easement = 213'
***Proposed Minimum Finished Floor Elevation = 219'**

LEGEND

 MAP-PLD FLOODPLAIN

*Highest elevation reached by FEMA Floodplain Extents = 210'
 *Lowest Elevation reached by FEMA Floodplain Extents = 201'
 *Highest elevation reached by proposed no build easement = 222'
 *Lowest elevation reached by proposed no build easement = 217'
***Proposed Minimum Finished Floor Elevation = 222'**



*Highest elevation reached by FEMA Floodplain Extents = 256'
 *Lowest Elevation reached by FEMA Floodplain Extents = 246'
 *Highest elevation reached by proposed no build easement = 293'
 *Lowest elevation reached by proposed no build easement = 261'
***Proposed Minimum Finished Floor Elevation = 294'**

GOVERNORS RANCH
 EXHIBIT 2
 MAY 2023





Utility Installation Request

To the Commissioner's Court of Walker County

Date **5/16/23**

Application is hereby made by Frontier Internet
to place 1.25" duct and two (2) 6-pair copper drops
and/or perform the following described work Bore from a pedestal located at 12052 Four Notch Rd. approximately 600' west to a pedestal located near 12067 Four Notch Rd., crossing Boswell Creek within the Right of Way of that Walker County road known as Four Notch Rd. at the following approximate coordinates (lat/long) 30.608038009776344, -95.37347261025103.

The exact location and extent of the proposed work shall be as shown on the attached specifications and drawings.

We will construct and maintain the line on the road right of way as shown on the attached drawing and in accordance with the rules, regulations and policies of Walker County, the Texas Department of Transportation (TXDOT), and all governing laws, including, but not limited to, the "Texas Engineering Practice Act," "Federal Clean Water Act," the "National Endangered Species Act," "Americans with Disabilities Act," and the "Federal Historic Preservation Act." Upon request by Walker County, we will submit to Walker County proof of compliance with all governing laws, rules and regulations before commencement of construction. Plans shall include the design, proposed location, vertical elevations, and horizontal alignments of the facility based on the department's survey datum, the relationship to existing highway facilities and the right of way line, traffic safety and access procedures, and location of existing utilities that may be affected by the proposed utility facility. The location and description of the proposed line and appurtenances is more fully shown by a complete set of drawings attached to this Utility Installation Request. We will give plans to Walker County for each future proposed modification or expansion to our facility and all Walker County to review and approve submittals prior to commencement of the work.

A new request may be required as a condition of approval.

Our organization will use Best Management Practices to minimize erosion and sedimentation resulting from the proposed installation, and we will re-vegetate the project area as indicated under "Re-vegetation Special Provisions."

Our organization will ensure that traffic control measures complying with applicable portions of the *Texas Manual on Uniform Traffic Control Devices* will be installed and maintained for the duration of this installation.

When installing our utility on controlled access facilities, we shall conform to the Texas Transportation Code, Title 6 Roadways, Chapter 203, Subchapter C, Control of Access, §203.031. We shall limit access for servicing this installation to access via (a) frontage roads where provided, (b) nearby or adjacent public roads or streets, (c) trails along or near the highway right of way lines, connecting only to an intersecting road; from any one or all of which entry may be made to the outer portion of the highway right of way for normal service and maintenance operations. Our rights of access to the through traffic roadways and ramps shall be subject to the same rules and regulations that apply to the general public.

It is expressly understood that Walker County does not purport, hereby, to grant any right, claim, title or easement in or upon this road; and it is further understood that Walker County may require us to relocate this line and any associated infrastructure, at the total expense of the applicant/utility owner, by giving thirty (30) days written notice prior to the date that the relocation shall be completed. We understand that a new Request will be required for the relocation.

We will notify Walker County prior to commencement of any routine or periodic maintenance which requires pruning of trees within the highway right of way, so that Walker County may provide specifications for the extent and methods to govern in, but not limited to, trimming, topping, tree balance, type of cuts, painting cuts and clean up.

Our installation shall not damage any part of the roadway structure or associated appurtenances and we will make adequate provisions to minimize inconveniences to the traveling public, and adjacent property owners. In the event

we fail to comply with any or all of the requirements as set forth herein, the County may take such action as it deems appropriate to compel our compliance.

Following approval, we will begin construction on or after **July 1, 2023** (month/day/yr)

Additional Provisions and Requirements (for TxDOT input only)

General Special Provisions:

- ☒ Are attached.
☐ Are not attached

As-built Plans/Certifications of Construction:

- ☐ Are required and shall be certified as accurate by an authorized representative of the company.
☒ Are required and shall be signed and sealed by a State of Texas Licensed Professional Engineer.
☒ Certification that utility was installed as approved
☐ Are not required

Re-vegetation Special Provisions: In order to minimize erosion and sedimentation resulting from the proposed installation, the project area will be re-vegetated:

- ☒ In accordance with TxDOT's Standard Specification Item 164 which specifies the appropriate grass seed mix to be used, or;
☐ As indicated on the attachment.

The Precinct Commissioner or his/her representative is to be notified 48 hours prior to beginning construction.

If approved, we understand that we will assume all risks associated with this installation within the Walker County right of way. These risks include, but are not limited to, injuries to our workers, damage to contiguous utility lines that may be in the area, injuries or damage resulting from our failure to properly install and maintain the line as shown on plans.

We understand Walker County may place additional provisions and requirements as listed above, based upon, but not limited to, the type of utility being installed, local site conditions, soil types and traffic.

We acknowledge that this Utility Installation Request approval **expires** on the **91st** calendar day from the date of issuance, unless otherwise approved, if we do not begin our installation by this date. If we do not begin our installation within this time frame and still wish to continue, we will resubmit our request in accordance with the prevailing governing laws, rules, regulations and policies at the time of resubmission.

By signing as/for the requestor below, I certify that I am authorized to represent the requestor, that I agree to the provisions and requirements included in this Utility Installation Request, and our commencement of construction will further attest to our review and acceptance of said additional provisions and requirements

Requestor:

Approved By:

Date: 5-16-2023

Date: _____

By: Justin May

By: _____

Signature: [Signature]

Signature: _____

Title: OBLIG. ENGINEER MANAGER

Title: _____

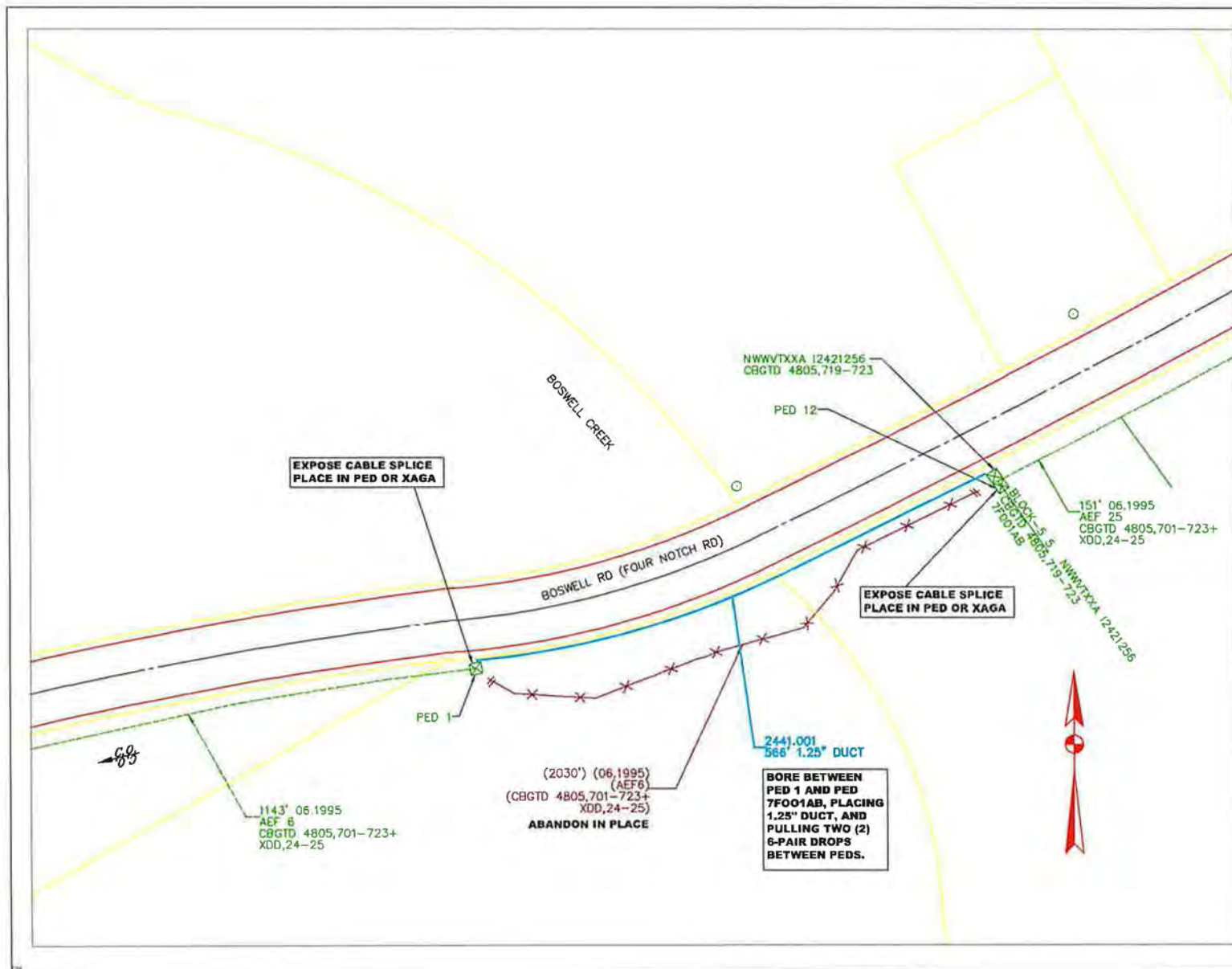
Address: 301 INDUSTRIAL BLVD.

Address: _____

ORANGE TX 77803

Telephone: 929 402 7446

Telephone: _____



ALLOTTED HOURS			
	CAP	NON	EXP
PLACING			
SPlicing			

CUSTOMER	
ORDER #	
ORDER	PED
ADDRESS	
SERVICE TYPE	
ASSIGNMENT	
TIME	4:00 PM
SPECIAL NOTES	

TYPE OF PROJECT	
ROADWAY <input checked="" type="checkbox"/>	GROWTH <input type="checkbox"/> CAC <input type="checkbox"/> SAFETY <input type="checkbox"/>
PERMIT REQUIRED <input type="checkbox"/> NO PERMIT REQUIRED <input checked="" type="checkbox"/>	
TYPE OF PERMIT	
CITY <input type="checkbox"/>	
COUNTY <input type="checkbox"/>	
STATE <input type="checkbox"/>	
LOCATING REQUIRED <input type="checkbox"/>	
FRONTIER ENGINEER JOSHUA MAY - 979.402.7446	
CONTRACT ENGINEER MICAH COMER - 830.513.2366	
FRONTIER INSPECTOR	
POINT OF CONTACT MICAH COMER - ATCO	



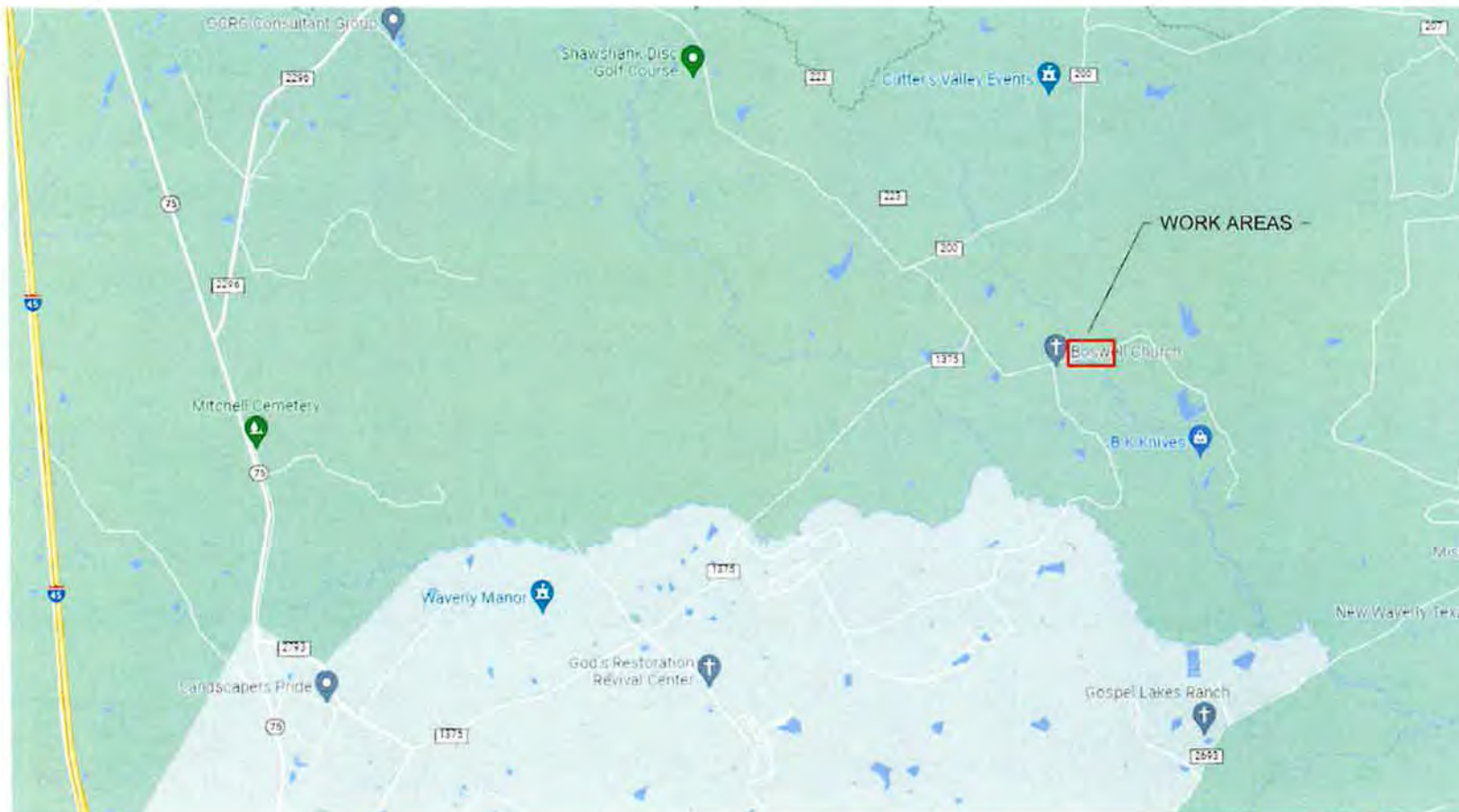
NWWV-RDMV-Four Notch Rd
FourNotch Rd.Boswell Ck, New Waverly

PROJECT NUMBER: 5320347	C.O. AREA: NWWVTXXA
	EXCH. CODE: J0452
DRAWN DATE: 2/2/23	ENGR: J. May
SCALE: 1"=100'	PHONE: 929.402.7446
TOWNSHIP:	TAX DISTRICT:
	RNG:
	SEC:

ATCO COMMUNICATIONS SERVICES, LLC AS THE DESIGNER OF THIS TRAFFIC CONTROL PLAN, MAKES NO REPRESENTATION AS TO ITS' GENERAL ADEQUACY OR BEING APPROVED FOR IMPLEMENTATION. APPROVAL MUST RESULT FROM THE TRAFFIC ENGINEER OR OTHER PUBLIC OFFICIAL HAVING STATUTORY ENFORCEMENT AUTHORITY IN THE JURISDICTION. UTILIZATION AND IMPLEMENTATION OF THIS PLAN SHALL BE A RESULT OF THE APPROVAL. REF. MUTCD 2009 6A - 01 (10)



FRONTIER DONE 10/31/2021 11:00:00 am
22011 Avenue, Plano, TX 75074



LEGEND:



ATCO COMMUNICATIONS SERVICES, LLC AS THE DESIGNER OF THIS TRAFFIC CONTROL PLAN, MAKES NO REPRESENTATION AS TO ITS GENERAL ADEQUACY OR BEING APPROVED FOR IMPLEMENTATION. APPROVAL MUST RESULT FROM THE TRAFFIC ENGINEER OR OTHER PUBLIC OFFICIAL HAVING STATUTORY ENFORCEMENT AUTHORITY IN THE JURISDICTION. UTILIZATION AND IMPLEMENTATION OF THIS PLAN SHALL BE A RESULT OF THE APPROVAL. REF. MUTCD 2009 5A - 01 (10)

PHASE 1



WORK DETAILS

① BORE BETWEEN PED 1 AND PED 75001AB AND PLACE 1.25" DUCT, AND PULLING 2 6PAIR DROPS BETWEEN PEDS

* SPOTTER NEEDED FOR PEDESTRIAN TRAFFIC AND DRIVEWAY ACCESS

SIGN LEGEND



W20-1



W20-4



W20-7B



W20-7A



NOTE
MON. - FRI. = 9:00am TO 4:00pm

FORMULA: $L = \frac{WS^2}{60}$
 L = LENGTH OF TAPER (FEET)
 W = WIDTH OF TAPER (FEET)
 S = POSTED SPEED (MILES PER HOUR)

Posted Speed (K)	Formula	Minimum Desirable Taper Lengths (K & F)	Suggested Maximum Spacing of Channelizing Devices	Minimum Sign Spacing (K & F)	Suggested Longitudinal Buffer Space (B)	Stopping Sight Distance
		10' Offset 11' Offset 12' Offset	On a Taper On a Tangent	Distance		
30	$L = \frac{WS^2}{60}$	150' 165' 180'	30' 60'	120'	90'	200'
35		205' 225' 245'	35' 70'	160'	120'	250'
40		265' 295' 320'	40' 80'	240'	155'	305'
45	$L = WS$	450' 495' 540'	45' 90'	320'	195'	360'
50		500' 550' 600'	50' 100'	400'	240'	425'
55		550' 605' 660'	55' 110'	500'	295'	495'
60		600' 660' 720'	60' 120'	600'	350'	570'
65		650' 715' 780'	65' 130'	700'	410'	645'
70		700' 770' 840'	70' 140'	800'	475'	730'
75		750' 825' 900'	75' 150'	900'	540'	820'



PROJECT NUMBER: 120447
 PROJECT ADDRESS: EQUUS NOTCH RD & BOSWELL CREEK, NEW WAVELEY, TX
 LOCATION: HARDY BOTTOM RD
TRAFFIC CONTROL PLAN
 FILE NAME: J:\2024\120447\120447-01-Boswell Creek New Waveley TX TCM.dwg

DATE: 10/20/2022
 DESIGNED BY:
 ATCO CONTACT:
 SCALE: SHEET:

FEDERAL, STATE, AND LOCAL PERMITTING CERTIFICATION

I, the below signed owner/developer, environmental consultant, or professional engineer, have reviewed all of the infrastructure, improvements, fill, and development activity associated with the below described development as constructed or planned and do hereby certify that NO Department of Army Section 10 or Section 404, U.S. Fish and Wildlife, Texas Commission on Environmental Quality, Texas Water Development Board, or other Federal, State or local permits or approvals were or will be required for this site in relation to said development aside from those listed below and those issued by Walker County, Texas under its local orders. If any permit has been required or issued I further certify that the conditions of that permit have been fully satisfied and that no obligations under any permit remains. I take full responsibility for this review I understand that this statement is being relied upon by a government entity in its decision making authority and represents a government document, and any falsification of this document is subject to penalties of law.

Project Description:

Bore from a pedestal located near 12052 Four Notch Rd approximately 600' west to a pedestal located near 12067 Four Notch Road, crossing Boswell Creek.

Permits required/issued (if none mark "None"):

None

Signature:**Printed Name of Signatory:****Company or Firm Information / Additional Certifiers Signatures (if applicable):**

Frontier Communications
2201 I Ave.
Plano, TX 75047

Date of certification:

2-10-2023

**General Special Provisions
Walker County Utility Installation Request**

1. Effective Period of Permit Approval. All approvals are void if installation does not begin within 3 months from the date of approval.
2. ALL UTILITY INSTALLATIONS SHALL CONFORM WITH THE STANDARDS DESCRIBED IN TITLE 43, PART 1, CHAPTER 21, SUBCHAPTER C, OF THE TEXAS ADMINISTRATIVE CODE (UTILITY ACCOMODATIONS)
3. A FINAL AS-BUILT SET OF PLANS SHALL BE SUBMITTED AND CERTIFIED BY A PROFESSIONAL ENGINEER, INCLUDING A CERTIFICATION THAT THE INSTALLATION WAS COMPLETED IN CONFORMANCE AND COMPLIANCE WITH THE ABOVE DESCRIBED SECTIONS OF THE TEXAS ADMINISTRATIVE CODE AND TEXAS DEPARTMENT OF TRANSPORTATION MINIMUM SPECIFICATIONS. A statement must be included certifying that any pipe/casing installed is properly designed for the application and the installation meets the minimum standards for TxDOT and Title 43 of the Texas Administrative Code.
4. Minimum Depth of Cover. The minimum depth of cover for any underground utility line shall be as shown on the "Minimum Depth of Cover Table" for the TxDOT District or attached schematic whichever is deeper.
5. Locating Utilities. Applicant shall take all reasonable and necessary steps to locate existing utilities and address them in accordance with all state, local, and or federal requirements.
6. Aerial Electric Lines. Aerial electric power lines crossing over the highway shall be installed and maintained a minimum of twenty-two (22) feet above the surface of the traffic lanes. For electric power lines with greater than 50,000 volts, the clearance shall be increased in accordance with National Electric Safety Code as published in the National Bureau of Standards, Handbook 30.
7. Aerial Communication Lines. Aerial communication lines crossing over the highway shall be installed and maintained a minimum of eighteen (18) feet above the surface of the traffic lanes.
8. Open Trenching or Boring Operations for Utility Work. To insure that disturbed areas are restored and revegetated properly and in a reasonable period as the utility work progresses, the following requirements shall apply:

Unless otherwise approved or directed by Walker County, the length of "active utility work" shall not exceed one mile in length. "Active utility work" shall be defined as the total disturbed area measured from the beginning of open trenching to the point where backfill has been compacted, the right of way has been restored to its original line and grade, any structures damaged by the utility work have been repaired, erosion control measures have been placed and are being properly maintained, approved topsoil seed and compost has been placed uniformly, and watering for revegetation has begun. "Active utility work" also includes areas of bore pits and receiving pits; however, it does not include the underground boring length. When any area of "active utility work" is substantially complete (i.e., watering of seeded areas has begun), that area is no longer considered to be "active utility work", and "active utility work" can proceed further within the right of way as long as it does not exceed the above appropriate limits. Areas where Walker County determines that the "active utility work" is substantially complete does not mean that Walker County considers that area totally acceptable and complete.

9. Backfill, Erosion Control, and Re-vegetation. All excavations within the right-of-way (ROW) and not under pavement shall be backfilled by tamping in six (6) inch horizontal layers to the density of the surrounding

Initial of Applicant _____

**General Special Provisions
Walker County Utility Installation Request**

soil or as directed by the Walker County. All surplus material shall be removed and the ROW shall be reshaped to its original condition or better. This work shall be done in accordance with Item 164 of the Texas Department of Transportation (TxDOT) "Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges." Erosion control measures such as soil retention blankets, rock berms, and silt fences shall be installed and maintained until permanent perennial vegetation is established over 70% of the disturbed area. The amount of revegetation is considered acceptable when it resembles the amount of existing vegetation in the surrounding undisturbed area. **If erosion control and/or storm water run-off requirements of other State, Federal, or Local Jurisdictions exceed these requirements then the more stringent requirements would prevail.**

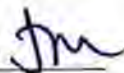
8. Boring and Jacking. Boring and jacking of utility lines shall be provided as specified below.

- a. Under Paved County Roads. Utility lines to be constructed under an existing paved (asphalt pavement or concrete pavement) county road shall be installed by boring and jacking with casing.
- b. Under Paved Driveways. Utility lines to be constructed under existing paved (asphalt pavement or concrete pavement) driveways shall be installed by boring and jacking methods, unless the utility company furnishes Walker County with a "Letter of No Objection" signed by the driveway owner to allow open cutting of their driveway.
- c. Under Unpaved County Roads or Driveways. Utility lines to be constructed under an existing unpaved county road or under existing unpaved driveways may be open cut only when approved in advance by Walker County, and after the driveway owner is notified. Any open cuts should be repaired and restored to a minimum of pre-cut conditions as quickly as possible so as not to impact road and/or driveway traffic. Applicant shall take all necessary precautions to insure safety as site of open cut.
- d. Under Desirable Trees. To preserve the natural environment and protect wildlife habitat, boring may be required when underground utility lines are to be placed within the "protected root area" of "desirable trees" located within road ROW or on adjacent property. The "protected root area" is defined as the area between the tree trunk and five (5) feet from the tree trunk or 2/3 the actual distance from the tree trunk to the dripline, whichever is greater. "Desirable trees" include (but are not limited to) any tree with a trunk diameter of six (6) inches or more that Walker County or the Owner of the tree determines to be of environmental and aesthetic value. Boring under all "desirable trees" will be required with the following exceptions: (1) in areas where planned highway construction/maintenance work would require tree removal, or (2) when the Walker County approves of open trenching for the utility installation or removal of the tree.

9. Manhole Covers. All manhole covers shall be installed flush with the ground surface.

10. Traffic Control. Traffic control in utility work zones shall conform to applicable requirements of the "Texas Manual on Uniform Traffic Control Devices for Streets and Highways, Part VI". Adequate signs, barricades, flag personnel, etc. shall be erected and maintained in complete compliance with the Texas Manual on Uniform Traffic Control Devices. Any travel lane closures are only permitted after a traffic control plan is approved by Walker County prior to beginning any construction activities.

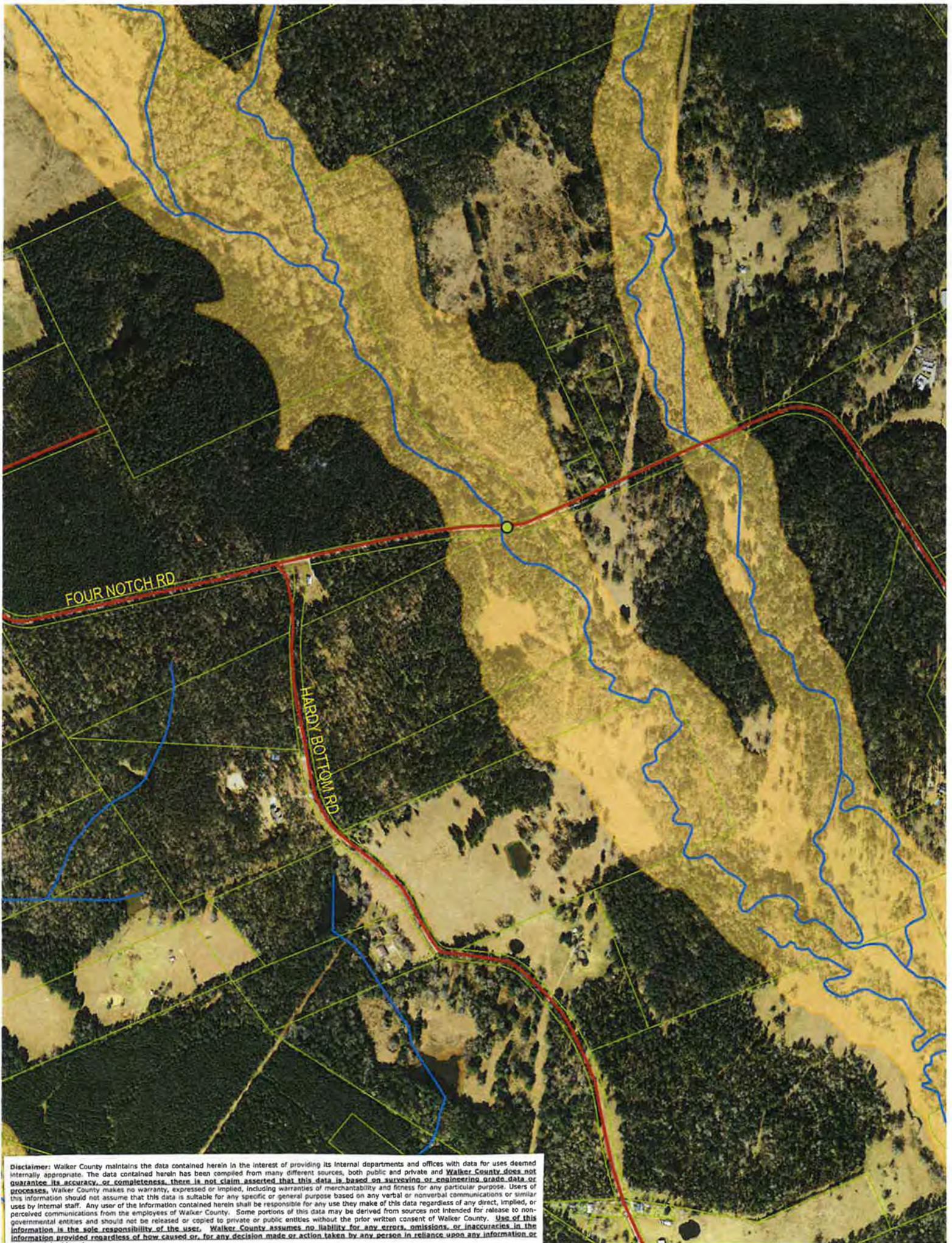
11. Sunday or Holiday Work. Sunday or Holiday work will not be permitted for the installation of any utility line unless directed or approved by Walker County.



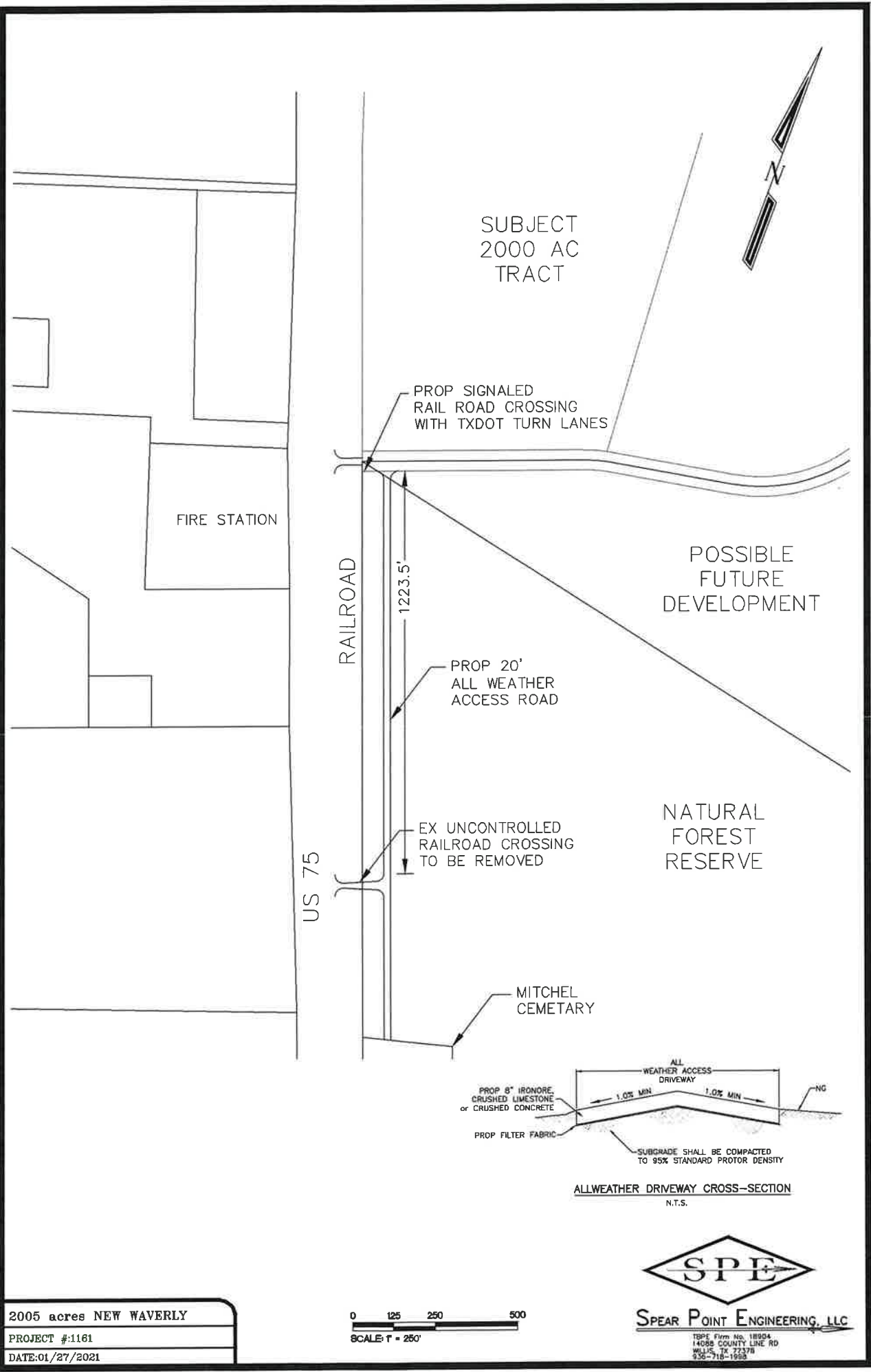
**General Special Provisions
Walker County Utility Installation Request**

12. The approval of this utility installation request shall in no way be taken as a waiver or variance to any other existing local, state, or federal permits or requirements that may be required by the applicant.
13. Please note that Walker County will be making no verification through this process of the actual location of the public right of way as to width or location. The responsibility to locate the bounds of any public right of way that your project will utilize is the responsibility of your company. Walker County's approval of the request is not an agreement as to location of the public right of way, nor does it confer any easement, right of way, or property right for the project area.
14. Protection of Trees and Landscaping. Existing trees and landscaping within the ROW shall be protected as specified below. Removal of trees from the ROW will require prior Walker County approval.
- a. Tree Pruning. All tree pruning within the ROW will require prior TxDOT approval. All oak trees that are damaged or pruned shall be treated with an approved tree wound dressing within 20 minutes of causing the damage or making the pruning cut.
 - b. Landscaping. When existing landscaping is located near the proposed utility alignment, the utility contractor shall notify Walker County and the owner of the landscaping prior to the proposed utility installation. Walker County may require underground utilities to be installed by: (1) boring under such landscaping or (2) by replacement of specific landscape items. Landscaping is defined as, but not limited to, trees, shrubs, grass, irrigation lines, landscape pavers, sidewalks, and other ROW improvements.





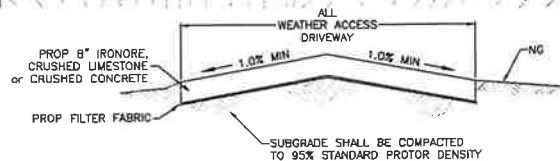
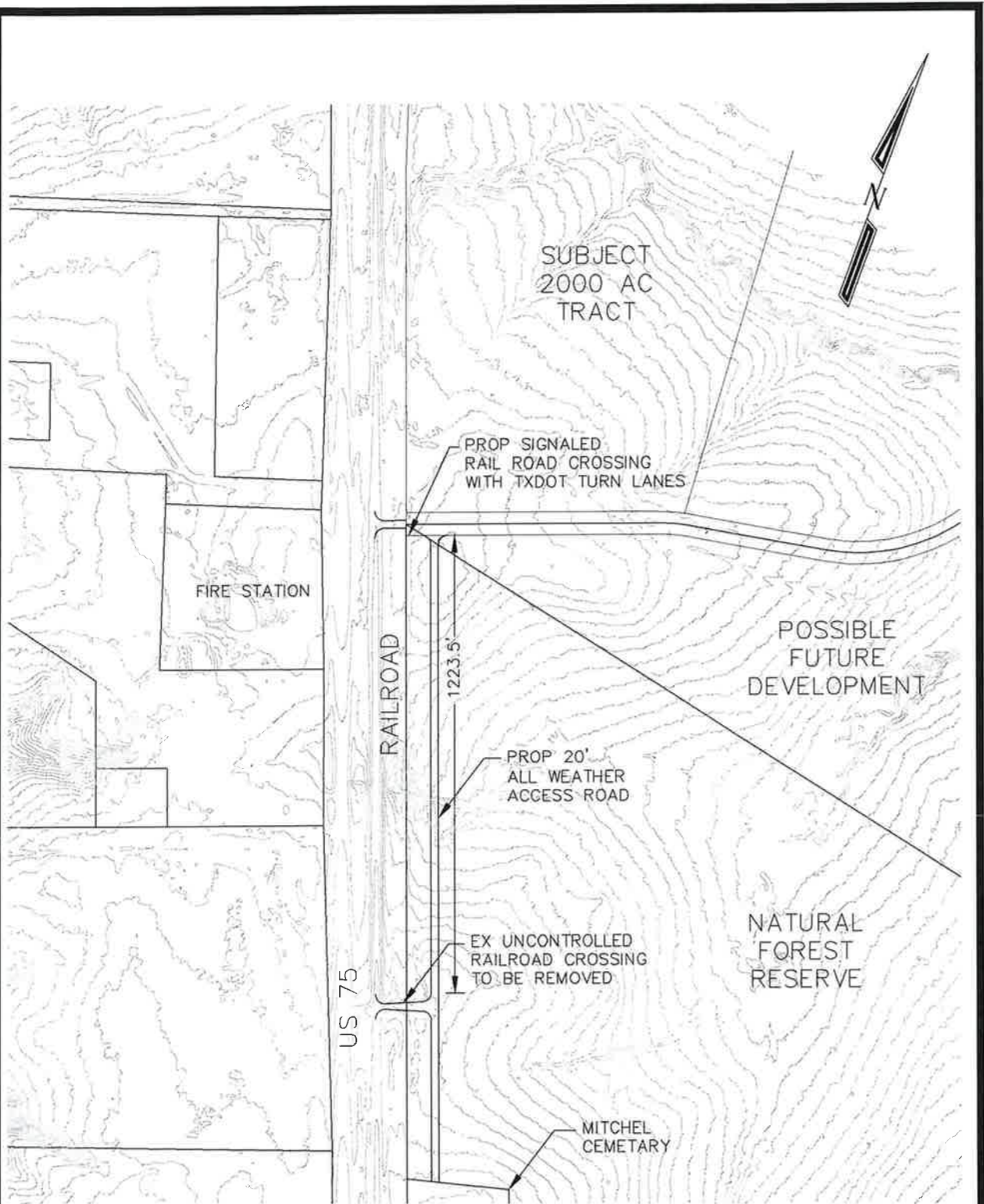
Disclaimer: Walker County maintains the data contained herein in the interest of providing its internal departments and offices with data for uses deemed internally appropriate. The data contained herein has been compiled from many different sources, both public and private and Walker County does not guarantee its accuracy or completeness. There is no claim asserted that this data is based on surveying or engineering grade data or processes. Walker County makes no warranty, expressed or implied, including warranties of merchantability and fitness for any particular purpose. Users of this information should not assume that this data is suitable for any specific or general purpose based on any verbal or nonverbal communications or similar uses by internal staff. Any user of the information contained herein shall be responsible for any use they make of this data regardless of any direct, implied, or perceived communications from the employees of Walker County. Some portions of this data may be derived from sources not intended for release to non-governmental entities and should not be released or copied to private or public entities without the prior written consent of Walker County. Use of this information is the sole responsibility of the user. Walker County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused or, for any decision made or action taken by any person in reliance upon any information or data furnished herein.



2005 acres NEW WAVERLY
PROJECT #:1161
DATE:01/27/2021



SPE
SPEAR POINT ENGINEERING, LLC
SPE Firm No. 18904
14088 COUNTY LINE RD
WILLS, TX 77378
936-718-1998



ALLWEATHER DRIVEWAY CROSS-SECTION
N.T.S.

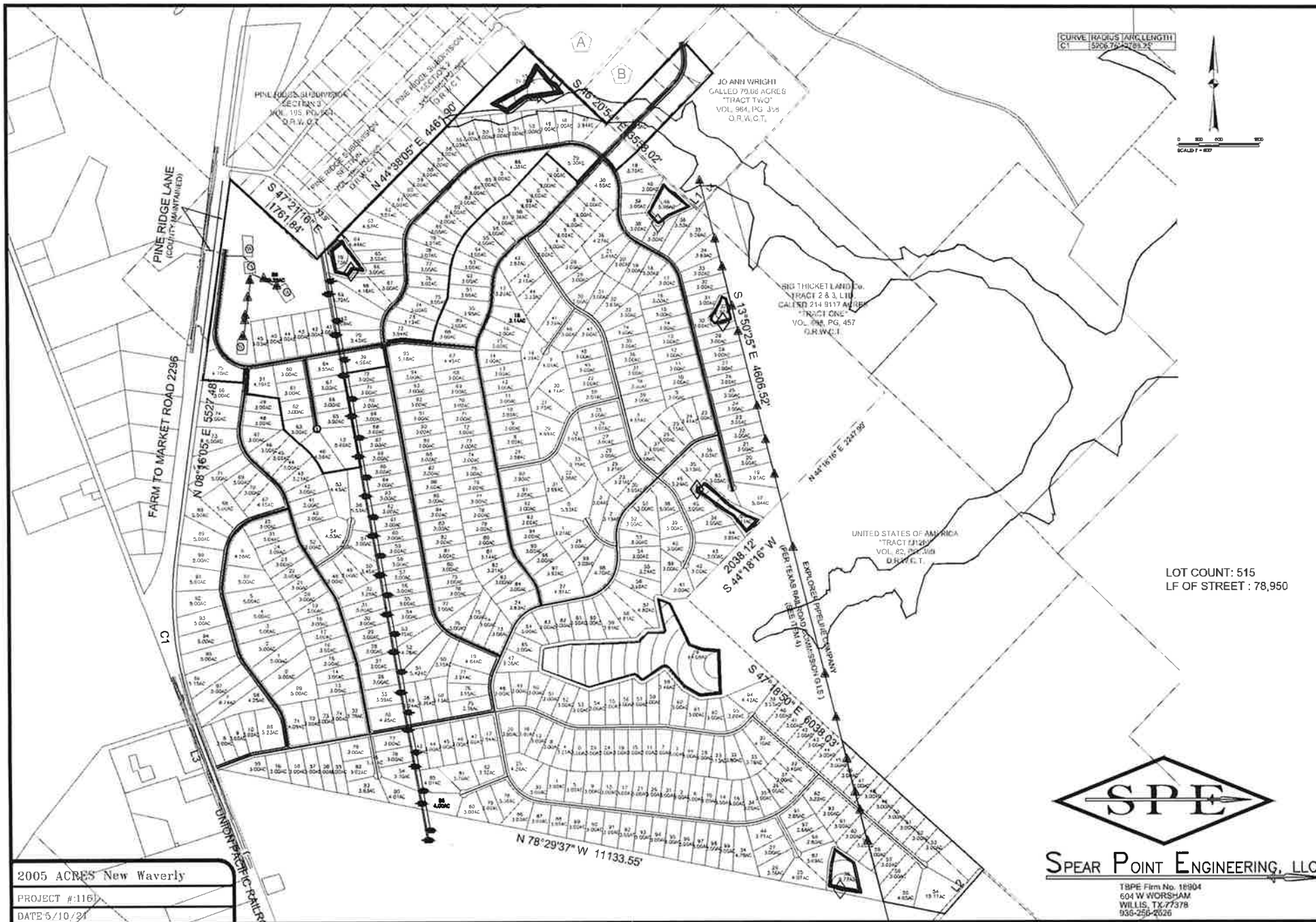
2005 acres NEW WAVERLY

PROJECT #1161

DATE:01/27/2021

0 125 250 500
SCALE: 1" = 250'





2005 ACRES New Waverly

PROJECT #1161

DATE 5/10/24



TSPE Firm No. 18304
604 W WORSHAM
WILLIS, TX 77378
936-256-2626

VARIANCE REQUEST TO THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS

Copy all pages of this form and all attachments for (1) community official, (2) building owner.
If any section is not applicable to the proposed development project please mark that section "NA"

SECTION A – PROPERTY INFORMATION		FOR COUNTY USE ONLY
A1. Property Owner's Name WAVERLY MANORS AT HIGH MEADOW DEVELOPMENT LLC		Application Number: <div style="font-size: 1.2em; font-family: cursive;">P-2023-010</div>
A2. Property Owner's Street Address <div style="background-color: black; height: 1.2em; width: 100%;"></div>		Date of Submittal: <div style="font-size: 1.2em; font-family: cursive;">2/21/2023 2-24-23</div>
City	State	ZIP Code
MAGNOLIA	TX	77355
A3. Property Owner's Email Address <div style="background-color: black; height: 1.2em; width: 100%;"></div>	A4. Property Owner's Telephone Number <div style="background-color: black; height: 1.2em; width: 100%;"></div>	
A5. Property Description of Parent Tract (Lot and Block Numbers, Legal Description, etc.) BEING a 287.71 acre tract of land in the Jose De La Garza Survey, Abstract 22, Walker County, Texas, and being all of a called 160.31 acre tract of land as recorded in County Clerk's File No. 58613, and being all of a called 127.54 acre tract of land as recorded in County Clerk's File No. 58612, and being part of the Hatcher called 111.321 acre tract of land as recorded in Volume 431, Page 221 of the County Deed Records. Said 287.71 acre tract being more particularly described in a Title Survey dated May 2, 2022, G.F. 22471030018, by Michael Warren R.P.L.S. # 4935		
SECTION B – INFORMATION FOR PROPOSED SUBDIVISION TRACT		
(For projects involving multiple map panels an additional sheet may be listed below or included in an additional attachment)		
B1. Survey and Abstract GARZA J M (A-22)	B2. Tax ID Number(s) of Parent Tract Property ID: 12562; Owner ID: 839405 Tax Certificate # 49111	B3. Deed Volume/Page 2022-81962
B4. Existing or Proposed Name of Subdivision The Manors	B5. Is the application for a division of a lot in an Existing Platted Subdivision? (Yes/No) No	
THE ABOVE NAMED APPLICANT DOES HEREBY MAKE AN APPEAL TO THE COMMISSIONER'S COURT OF WALKER COUNTY FOR A VARIANCE TO THE REGULATORY REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS.		
SECTION C – LIST OF ATTACHMENTS		
Please list any supporting documents or submittals included with the variance request as attachments.		
Description of Attachment(s)		Exhibit #
C.1 Landplan Exhibit		1
C.2		
C.3		
C.4		

SECTION D –VARIANCE REQUEST

(All Variance requests need to include the specific variance along with the Section(s) of the Regulation to which they apply)

- D.1 A Variance is requested to Section(s) B2.2 of the Subdivision Regulations of Walker County, Texas as follows:

Maximum lot depth - Owner is proposing lot depths greater than three times the frontage width
for some lots within the development which include large portions of floodplain encroachment.

SECTION E – APPLICANT'S JUSTIFICATION AND PRESENTATION FACTORS EFFECTING VARIANCE

(All variance requests to the Walker County Subdivision Regulations need to be included along with the Section(s) of the Regulation to which they apply)

- E.1 Is the variance related to the design or construction of improvements to be constructed within the subdivision?
Yes x No

If "Yes" the request should be accompanied by an engineer's opinion and justification for the variance.

- E.2 Please explain the cause or reason the variance is being requested (attach additional pages as "Exhibit E.2"):

This variance request is due to the fact that a large portion of the total area of this development,
approximately 58.66 Acres out of 287.71 Acres, lies within the 100-year floodplain. Those areas that
are within the 100-year floodplain have been incorporated in the lots, outside the proposed build
area, causing those lots to exceed the maximum allowable depth of three times the lot frontage.

- E.3 Will the failure to grant the variance requested result in any exceptional hardship to the applicant?

Yes X No

If yes please explain below:

Without the requested variance, roughly 20% of the overall development would be unusable
by the owner and would jeopardize the feasibility of the project.

- E.4 Does the applicant propose any additional conditions, mitigation, or additional requirements not addressed within the Walker County Subdivision Regulations that will or have been met by the applicant as a condition of the variance being granted?

Yes No X Please list the additional measures below.

SECTION F -VARIANCE(S) GRANTED

F.1 A VARIANCE TO THE WALKER COUNTY SUBDIVISION REGULATIONS IS GRANTED AS FOLLOWS:

F.2 THE FOLLOWING CONDITIONS ARE ATTACHED TO THE VARIANCE:

SECTION G - NOTICE, ACKNOWLEDGEMENT, AND CERTIFICATIONS**NOTICE**

ALL DEVELOPMENT MUST BE IN STRICT COMPLIANCE WITH THE CONDITIONS STATED HEREIN AND ANY OTHER CONDITIONS STATED WITHIN THE APPLICATION OR DURING THE PRESENTATION TO COMMISSIONERS COURT. ANY VARIATION MAY RESULT IN THE IMMEDIATE SUSPENSION OR CANCELLATION OF THIS VARIANCE. VIOLATION OF THE CONDITIONS OF THIS VARIANCE MAY ALSO RESULT IN THE COMMISSIONERS COURT SEEKING INJUNCTIVE RELIEF, CIVIL, OR CRIMINAL PENALTIES.

WARNING

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DISCLAIMER

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I, David R. Fry, do hereby acknowledge that I have reviewed the provisions, notices, warnings and disclaimers stated above and that I understand them, agree with them and intend to fully comply with them.

Signature of Owner/Applicant



Date

2/24/23

SECTION H - ACTION ON VARIANCE BY COMMISSIONER'S COURT

After careful consideration of the reason(s) for the request of variance, the Commissioner's Court of Walker County, Texas has determined that it is within the scope of the variance procedures as outlined in the Walker County Subdivision Regulations to _____ this request for variance.

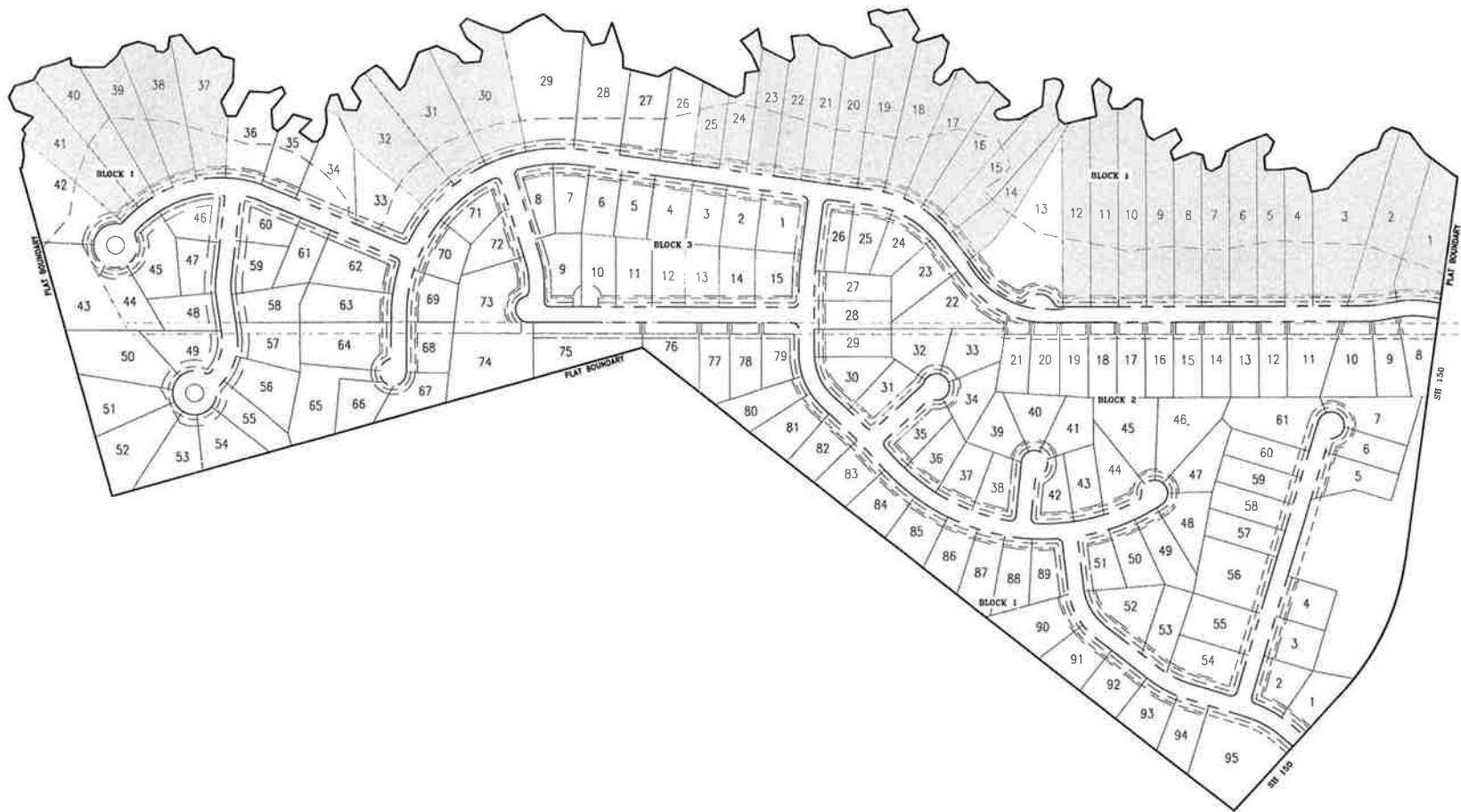
Commissioner's Court Signature

Printed Name

Date

Signature of Owner/Applicant acknowledging conditions after court action.

Date



0 250 500
SCALE: 1" = 500'

PROJECT NAME:	THE MANORS
PROJECT NUMBER:	13087
PREPARED FOR:	WALKER COUNTY P & D
DATE:	FEBRUARY 24, 2023

FLOODPLAIN LOTS EXCEEDING 3:1 DEPTH TO WIDTH RATIO VARIANCE EXHIBIT



BLEYL ENGINEERING

TEXAS FIRM REGISTRATION NO. F-678

100 NUGENT STREET, CONROE TEXAS 77301

PHONE 936-441-7833 FAX 936-760-3833

WWW.BLEYLENGINEERING.COM

VARIANCE REQUEST TO THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS

Copy all pages of this form and all attachments for (1) community official, (2) building owner.
If any section is not applicable to the proposed development project please mark that section "NA"

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A2. Property Owner's Street Address <div style="background-color: black; height: 1.2em; width: 100%;"></div>		Date of Submittal: 2-24-23
City MAGNOLIA	State TX	ZIP Code 77355
A3. Property Owner's Email Address <div style="background-color: black; height: 1.2em; width: 100%;"></div>	A4. Property Owner's Telephone Number <div style="background-color: black; height: 1.2em; width: 100%;"></div>	
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SECTION B – INFORMATION FOR PROPOSED SUBDIVISION TRACT (For projects involving multiple map panels an additional sheet may be listed below or included in an additional attachment)		
B1. Survey and Abstract GARZA J M (A-22)	B2. Tax ID Number(s) of Parent Tract Property ID: 12562; Owner ID: 839405 Tax Certificate # 49111	B3. Deed Volume/Page 2022-81962
B4. Existing or Proposed Name of Subdivision Waverly Manors	B5. Is the application for a division of a lot in an Existing Platted Subdivision? (Yes/No) No	
THE ABOVE NAMED APPLICANT DOES HEREBY MAKE AN APPEAL TO THE COMMISSIONER'S COURT OF WALKER COUNTY FOR A VARIANCE TO THE REGULATORY REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS.		
SECTION C – LIST OF ATTACHMENTS Please list any supporting documents or submittals included with the variance request as attachments.		
Description of Attachment(s)		Exhibit #
C.1 Utility Easement Exhibit		1
C.2		
C.3		
C.4		

SECTION D –VARIANCE REQUEST

(All Variance requests need to include the specific variance along with the Section(s) of the Regulation to which they apply)

- D.1 A Variance is requested to Section(s) B2.9 of the Subdivision Regulations of Walker County, Texas as follows:

Utility Easement Location - Owner is proposing that the 20-foot utility easement be placed outside
of the existing 50' Explorer Pipeline Easement, which runs parallel and adjacent to the proposed
right-of-way in some places throughout the development.

SECTION E – APPLICANT'S JUSTIFICATION AND PRESENTATION FACTORS EFFECTING VARIANCE

(All variance requests to the Walker County Subdivision Regulations need to be included along with the Section(s) of the Regulation to which they apply)

- E.1 Is the variance related to the design or construction of improvements to be constructed within the subdivision?
Yes x No

If "Yes" the request should be accompanied by an engineer's opinion and justification for the variance.

- E.2 Please explain the cause or reason the variance is being requested (attach additional pages as "Exhibit E.2"):

This variance request is to allow for the 20' utility easement that would typically run parallel
and adjacent to the right-of-way, to be placed outside an existing 50' pipeline easement (50'
explorer pipeline esmt; vol. 231, page 556) that runs parallel and adjacent to the proposed
right-of-way. The existing pipeline easement runs directly through the development from the
northern boundary to the southern boundary. The landplan incorporates the easement along the right-of-
way to prevent any significant lot revisions for the development.

- E.3 Will the failure to grant the variance requested result in any exceptional hardship to the applicant?

Yes X No

If yes please explain below:

If unable to move forward with the variance request mentioned above, significant design and lot
configurations would need re-evaluation, in addition to the feasibility of the project as a whole.

- E.4 Does the applicant propose any additional conditions, mitigation, or additional requirements not addressed within the Walker County Subdivision Regulations that will or have been met by the applicant as a condition of the variance being granted?

Yes X No Please list the additional measures below.

As a consequence of the existing pipeline easement, it is also proposed that the building setback line be placed at the same location as the utility
easement, 20' outside the pipeline easement, where necessary. The building setback line would therefore be 70' outside of the proposed right-of-way,
as opposed to the 25' setback called for in section B2.7 of the subdivision regulations of Walker County, Texas.

SECTION F -VARIANCE(S) GRANTED

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SECTION G - NOTICE, ACKNOWLEDGEMENT, AND CERTIFICATIONS**NOTICE**

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I, David R. Fry, do hereby acknowledge that I have reviewed the provisions, notices, warnings and disclaimers stated above and that I understand them, agree with them and intend to fully comply with them.

Signature of Owner/Applicant



Date

2/24/23

SECTION H - ACTION ON VARIANCE BY COMMISSIONER'S COURT

After careful consideration of the reason(s) for the request of variance, the Commissioner's Court of Walker County, Texas has determined that it is within the scope of the variance procedures as outlined in the Walker County Subdivision Regulations to _____ this request for variance.

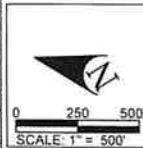
Commissioner's Court Signature

Printed Name

Date

Signature of Owner/Applicant acknowledging conditions after court action.

Date



PROJECT NAME:	THE MANORS
PROJECT NUMBER:	13087
PREPARED FOR:	WALKER COUNTY P & D
DATE:	FEBRUARY 24, 2023

OFFSET UTILITY EASEMENT VARIANCE REQUEST



BLEYL ENGINEERING
TEXAS FIRM REGISTRATION NO. F-678
100 NUGENT STREET, CONROE TEXAS 77301
PHONE 936-441-7833 FAX 936-760-3833
WWW.BLEYLENGINEERING.COM

VARIANCE REQUEST TO THE SUBDIVISION REGULATIONS OF WALKER COUNTY, TEXAS

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If any section is not applicable to the proposed development project please mark that section "NA"

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A2. Property Owner's Street Address <div style="background-color: black; height: 1.2em; width: 100%;"></div>		Date of Submittal: <div style="font-size: 1.2em; font-family: cursive;">4-6-2023</div>
City	State	ZIP Code
MAGNOLIA	TX	77355
A3. Property Owner's Email Address <div style="background-color: black; height: 1.2em; width: 100%;"></div>		A4. Property Owner's Telephone Number <div style="background-color: black; height: 1.2em; width: 100%;"></div>
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B4. Existing or Proposed Name of Subdivision The Manors	B5. Is the application for a division of a lot in an Existing Platted Subdivision? (Yes/No) No	
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SECTION C – LIST OF ATTACHMENTS		
Please list any supporting documents or submittals included with the variance request as attachments.		
Description of Attachment(s)		Exhibit #
C.1 Frontage and Access Exhibit		1
C.2		
C.3		
C.4		

SECTION D -VARIANCE REQUEST

(All Variance requests need to include the specific variance along with the Section(s) of the Regulation to which they apply)

D.1 A Variance is requested to Section(s) B3.4.1 of the Subdivision Regulations of Walker County, Texas as follows:

Points of Access - Owner is proposing that secondary access be restricted to emergency access only.

SECTION E - APPLICANT'S JUSTIFICATION AND PRESENTATION FACTORS EFFECTING VARIANCE

(All variance requests to the Walker County Subdivision Regulations need to be included along with the Section(s) of the Regulation to which they apply)

E.1 Is the variance related to the design or construction of improvements to be constructed within the subdivision?
Yes X No _____

If "Yes" the request should be accompanied by an engineer's opinion and justification for the variance.

E.2 Please explain the cause or reason the variance is being requested (attach additional pages as "Exhibit E.2"):

This variance request is to allow for the second point of access to be restricted to emergency access.

Typically two separate and approved public access roads would be required. The traffic flow analysis shows that a single left turn lane can adequately accommodate the anticipated traffic volume. Two public access points doubles the locations of left turn movements, increasing the risk to public safety involved with said left turn movements across high-speed rural highways. Also, the proposed emergency access is just east of a curve, further increasing the risk of left turn movements if made a public access.

E.3 Will the failure to grant the variance requested result in any exceptional hardship to the applicant?

Yes X No _____

If yes please explain below:

If unable to move forward with the variance request mentioned above, turn lanes and widening of SH-150 would be required along the entire frontage of the property, increasing locations of left turn movements, as well as threatening the feasibility of the project as a whole.

E.4 Does the applicant propose any additional conditions, mitigation, or additional requirements not addressed within the Walker County Subdivision Regulations that will or have been met by the applicant as a condition of the variance being granted?

Yes _____ No _____ Please list the additional measures below.

SECTION F -VARIANCE(S) GRANTED

F.1 A VARIANCE TO THE WALKER COUNTY SUBDIVISION REGULATIONS IS GRANTED AS FOLLOWS:

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I, David R. Frey, do hereby acknowledge that I have reviewed the provisions, notices, warnings and disclaimers stated above and that I understand them, agree with them and intend to fully comply with them.

Signature of Owner/Applicant



Date

4/6/2023

SECTION H - ACTION ON VARIANCE BY COMMISSIONER'S COURT

After careful consideration of the reason(s) for the request of variance, the Commissioner's Court of Walker County, Texas has determined that it is within the scope of the variance procedures as outlined in the Walker County Subdivision Regulations to _____ this request for variance.

Commissioner's Court Signature

Printed Name

Date

Signature of Owner/Applicant acknowledging conditions after court action.

Date

WALKER COUNTY UTILITY DEPARTMENT

1100 University Avenue, Suite 207
Huntsville, Texas 77340
(409) 291-9500 ext. 46

AUTHORIZATION TO CONSTRUCT AN ON-SITE SEWERAGE FACILITY

Application Number Nº 99 5928

Property Owner Jim Frazier

Mailing Address [REDACTED]

[REDACTED]

Property Location 347 Rosenwall, L. 88 Ac, Lot 8, block 2, Section 1,
Northgate Meadows

This serves to notify all persons that the on-site sewerage facility application, related technical data, and the appropriate fee have been received by the Walker County Utility Department from the property owner. The application has been reviewed for technical and administrative consideration against the standards set forth by the Walker County Utility Department. Approval is hereby granted for the construction as shown on the submitted plans.

Any modificaions to submitted plans require approval by the Walker County Utility Department prior to installation.

You or your installer must contact the Utility Department 24 hours prior to completion to arrange the required facility inspection. The authorization to construct is valid for one year from the date of issue. If a final inspection has not been performed within one year of issue, a new application and fee will be required.

Comments: ok to install constructed wetland system Per
Drwg + Specs

Layne Williams
Application Reviewer

4-25-99
Date

RECEIVED

JUN 07 1999

Utility Department

JIM FRAZIER

ON-SITE SEWAGE DISPOSAL SYSTEM

PREPARED BY

Jerry Glenn Ince, PE
#81062
211 Indian Pines Lane
Madison, Mississippi 39110
(601) 605-0878



JAMES M. FRAZIER III

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

June 11, 1999

Mr. Royce Adams,
Director,
Walker County Utility Dept.
1100 University Av. Rm. 205
Huntsville, Tx. 77340
by hand-delivery on above date

Re: Authorization for OSSF for Jim Frazier at Rosenwall
Rd. in Walker County, Texas; Permit No. 19995928

Dear Mr. Adams:

Enclosed please find a copy of the West Virginia Design Module Number 74 (1993); Guidance for Design and Construction of a Subsurface Flow Constructed Wetland (by the E.P.A.-Region 6); and General Design, Construction, and Operation Guidelines: Constructed Wetlands Wastewater Treatment Systems for Small Users Including Individual Residences (by the TVA). In our meeting in Judge Wagamon's office on June 7, 1999, you told me that upon receipt of those documents you could begin your evaluation and would be finished with same within 5 working days as provided by law. You received the original engineer's design (with signature and seal) for the above OSSF from me at that meeting.

Please return the above documents to me when you have completed your review of them, unless that would interfere with the authorization process. Feel free to contact me at the telephone numbers above if you have any questions.

Sincerely,


James M. Frazier, III

enclosure

DESIGN REPORT
ON SITE SEWAGE FACILITIES WITH CONSTRUCTED WETLANDS
FOR
JIM FRAZIER

HISTORY

Jim Frazier desired an on-site sewage facility to be installed on his property located in a rural setting in northern Walker County just off Rosenwall Road and approximately 2.0 miles north of Huntsville, Texas. Mr. Frazier was interested in the latest environmentally pleasing and low cost method to treat the waste from the septic system and requested assistance from Jerry Ince, Registered PE to design this complete septic system with a subsurface flow constructed wetland to further treat any toxins exiting the septic system.

SITE SURVEY AND SOILS INVESTIGATION

A topographic survey was performed to locate all existing buildings, utilities and boundary lines and show them clear of the system. The elevation shots taken were used to locate the placement of the system components in the most feasible manner. As shown on the location map utilities do not exist in the immediate work area and will not be affected by this construction. Mr. Frazier will be responsible for locating any private utility line on the property for the installer.

The area was uniformly sloping to the east at about 1% with elevations ranging from 100.00 near the south side of the house pad, to the elevation of 98.0 near the disposal area. See Location Map. No subsurface or perched water table was found. A Soils investigation was conducted to a depth of 12 feet by a geotechnical engineer for designing the house pad. The results were verified by three samples taken in the areas of the drainfield. The soil at this site contained clay (Houston Clay) at 6 to 12 inches as shown on the attached soils report and continued through-out the soil sample taken. From this data I would classify the soils at this site as Class IV soils.

Historical data from earlier laboratory analysis reveal a permeability range for the clay of between 0.2 and 2.0 for the entire strata. (USDA-NRCS soils 5 Oct, 1985). With these permeability values the site would be an excellent site for an alternate waste treatment technology. A constructed wetland with subsurface flow (SF) was chosen because of its ability to combine soil absorption, evapo-transpiration and natural biological processes to assist the conventional septic system in treating waste water effluent.

CONSTRUCTED WETLAND DEFINITION

The Tennessee Valley Authority (TVA) is a federal regional resource development agency which has a major goal of cleanup and protection of waters of the Tennessee River System. Since 1986 the, TVA has successfully demonstrated wetland technology as a viable means for accomplishing this goal. TVA defines a constructed wetland (CW) as a "man-made, engineered, marsh-like area which is designed, constructed and operated to treat waste water by attempting to optimize physical, chemical, and biological processes of natural ecosystems." A CW is "effective, reliable, simple and relatively inexpensive when compared to other alternative systems." (TVA, 1993)

West Virginia University defines a CW as a wetland specifically constructed for the purpose of pollution control and waste management, at a location other than existing locations. (WVU-Design Manual Number 74 1993)

DESIGN OF DESIGN OF SUBSURFACE FLOW CONSTRUCTION WETLAND

This system was designed using the most current procedures and guidelines as found in the above mentioned TVA publication, WVU design manual, and Environmental Protection Agency's publication Subsurface Flow Constructed Wetlands for Wastewater Treatment (1993) and guidelines found in TNRCC's Construction Standards for On-Site Sewage Facilities (1996).

This system is designed to treat the waste water from the four bedroom home located on Mr. Frazier's property located approximately 2.0 miles north of Huntsville, Texas just off Rosenwall Road. The site will be designed on the basis of a four bedroom home containing conservation fixtures such as low-flush toilets and low-flow shower heads. This results at a maximum flow of 300 gpd for the system. Mr. Frazier realizes the responsibility for limiting flow to this value or less. No garbage disposal should be allowed.

SITE INFORMATION

The water will flow from the house in sealed 4" PVC (SCHEDULE 40) for 10 feet until it enters either a 1000 gal. reinforced concrete septic tank or two 500 gallon tanks installed in series. The inflow pipe will begin at elevation 100.0 at the building plug and result at the tanks at elevation 99.6. This will ensure the required fall remains to complete the system. This grade exceeds the minimum allowable of 1/8 inch per foot fall. If necessary excess soil will be mounded over the tanks to achieve the tanks being buried between six inches and a foot under the soil surface and will adhere to all

installation guidelines for clean-outs and orientation of the Tees as stated in the TNRCC guidelines.

From the second tank the water will flow in a 4" PVC pipe (SDR35) to the Constructed Wetland (CW). A Zabel Filter (Model A1800) will be installed at the outlet of the second septic tank. It will enter the CW at elevation 98.9 and be distributed across the CW by means of a perforated 4" PVC pipe. The CW will be one celled with a flat bottom. The cell will have an average design depth of flow of 12". The hydraulic grade for a flat cell shows the water level at the inlet to be at elevation 99.1 and at the outlet to be 99.0. The primary media will be placed in this area and will be comprised of shredded recycled tires chunks of 3" or less with steel protrusions and will adhere to the specifications approved by TNRCC. Four inches of rock media will be placed above the tire chips and throughout the entire cell. The bottom of this cell will be flat and at an elevation of 98.0. Water will gravity flow through the cell and outlet via 4" perforated pipe at elevation 99.0.

The CW cell will be staked at 11.0 ft x 32.0 ft and then landscaped for appearance. This will result in a larger CW than required for the treatment of the wastes. The CW cell will not be lined due to the clay content of the soil. All excavated material will be mounded around the outside of the CW and provide 6" or more freeboard above the bed surface to handle rainfall and exclude outside runoff. Water will gravity flow through the system.

DESIGN PARAMETER AND CALCULATIONS

The following values were used to design this system:

Ave. winter Temperature for Walker County, Texas is 9 degrees Celsius
Porosity of rubber tire chunks - 50%
Porosity of rock - 35%
Organic Loading - 0.17 lb/day/per (use 30% reduction for septic tanks-conservative)
Hydraulic conductivity - 0.5 %
Desired treatment by the CW
Reduce BOD from 333 mg/l to 20 mg/l
Final TSS of 20 MG/l

Using the above values and the first order BOD removal equation was used to calculate the surface area. (Reed, 1993) .

$$As = (L)(W) = Q [\ln(Co/Ce)/Kt(d)(n)]$$

$$Kt = K20(\theta)^{T-20}$$

$$K_{20} = 1.104$$

$$\theta = 1.06$$

Darcy's Law ($Q = KsAS$) was used to verify sub-surface flow. All calculations are included in the Appendix and values are shown on the drawings.

EVAPOTRANSPIRATION BEDS

Bruce Lesikar of the Texas Agricultural Extension Service Demonstration Projects has shown results verifying CW wetlands to show a measurable water loss as well as treatment of BOD, TSS, and other elements. Rein Laak developed an equation showing this relationship as:

$$\% \text{ reduction} = [(BOD_5 + TSS)_{out} / (BOD_5 + TSS)_{in}]^{1/3}$$

This shows a reduction of 46.7% of which this system is only claiming 39%. Installation of Absorptive Field Trenches to meet the no discharge laws were computed using the reduced water rate, and a reduction of water lost in the cell floors was not taken. The Disposal trenches will consist of 4 trenches of 80 ft in length broken at intervals as shown and connected by ten foot spacing to total the required 370 ft, with 4" perforated PVC and a trench width of 3 feet. Absorptive trenches were used due to the fact that the water is treated in the wetland cell. A five foot trench area was used for absorption.

Permeable geotextile conforming to TNRCC specifications will be used to separate the tires from the backfill as shown in the drawings. This system will function throughout the year and will recognize the greatest amount of Evapo-transpiration during the summer months and will utilize the freeboard to handle the winter rains.

SUGGESTED PLANT SPECIES

This constructed wetland will contain plants to increase desirable oxygen levels in the water to assist the CW in treating the effluent. True hydrophytes should be planted in the first cell to allow the roots to create the needed micro-climate that produces the enzymes that assist with the bio-chemical processes in the water. Large leaf plant capable of transpiring large amounts of water are desirable. Suggested plants in order of preference are:

- Common Cattail
- Southern Bulrush (*Scirpus californicus*)
- Reed (*Phragmites communis*)
- Pickeral Weed (*Pontederia cordata*)
- Arrowhead (*Sagittaria* spp.)
- Soft Rush (*Juncus effusus*)
- Water Iris (*Iris pseudacorus*)
- Duck Potato (*Sagittaria falcata*)
- Canna Lily (*Canna flaccida*)
- Calla Lily (*Zantedeschia aethiopica*)
- Thailia (*Dealbata* and *divericata*)

OPERATION AND MANAGEMENT

During installation special care should be taken in placement of the media to avoid compaction. Only clean media free of dirt and debris should be used. All pipes and flow control devices should be installed on proper grades at the specified elevations. Chosen plant species should be properly spaced. Loading of the system before placing of plants is advisable. The septic tanks should be maintained by pumping of solids at regular intervals. Plants may need watering during periods of extended low water usage. Mulching of the cell would assist in maintaining available water to the plants.

Ponding may mean the inlet structure needs cleaning of existing solids. Utilize the clean-out plug should this occur. Protect all PVC from ultraviolet exposure to prevent degradation. Any eroding of the berm should be repaired immediately as should any leaks of broken pipes. Site should be mowed and maintained for attractiveness. Mature vegetation should be trimmed to encourage new growth, and any undesirable plants should be removed. Visually check plants for fertilizer needs but avoid introducing any harsh chemicals into the system.

SUMMARY AND CONCLUSION

Conservative values were used throughout the design of this rural sewer system. Reduction were taken at rates lower than allowable and the finished cells will be larger than required making this system a viable economical alternative to treat the waste water to a higher quality by use of a constructed wetland. By improving the quality and reducing the quantity of the water, this system improves the disposal fields ability to function with a lower level of maintenance and with fewer failures. The use of the recycled tire chunks assist in reducing energy costs for tire disposal and will aid in conserving gravel resources.

All components of this system will be installed to meet criteria set forth by TNRCC, and shall employ good engineering practices. Any area not covered in this design report or on the drawings will be handled with this statement in mind.

TNRCC WORKING COMMITTEE CONSTRUCTED WETLANDS

RECOMMENDATION FOR INSTALLATION OF EXPERIMENTAL, DEMONSTRATION AND/OR RESEARCH CONSTRUCTED WETLANDS SYSTEMS

It has been proposed that design standards be established for constructed wetland systems to allow their use for on-site wastewater treatment of single family residences anywhere in the state. This working committee on constructed wetlands, chaired by Warren Samuelson, of the TNRCC's Agriculture & Watershed Management Division, has met several times and has developed the following recommended guidelines for Commission consideration in establishing a process for the installation and monitoring of experimental constructed wetlands systems and for the installation and close monitoring of demonstration/research systems. The goal of this recommended process is to develop data for establishing standards for constructed wetlands, testing drainfield reduction capability, and evaluating these systems as possible solutions for on-site wastewater treatment for single family residences in Texas. The initial goal of this process is to monitor a minimum of 25 experimental and 10 demonstration/research systems over a two year time period. Initially to provide consistency, Pineywoods Resource Conservation & Development, Inc. will consolidate the data for the first 25 experimental systems. Another party will assist in the data consolidation if more than 25 systems are monitored to help with the resource needs. All of this data will be provided to the chair of this working committee on constructed wetlands. The chair of this working committee will consolidate the data for the 10 demonstration/research projects. At the end of the monitoring period, this working committee will evaluate the information gathered from the experimental systems, along with results from the demonstration/research projects, and make recommendations to the Executive Director for adopting standards for constructed wetlands for on-site wastewater treatment for single family residences in Texas.

EXPERIMENTAL SYSTEMS

1. Authorized Agents are encouraged to participate in this program to allow the installation of experimental constructed wetlands in their jurisdictions using the published design standards established in this document. The Authorized Agents will be responsible for notifying the Executive Director and the chair of this working committee when a system is to be installed as an experimental system. The initial goal is to have a maximum of five of these experimental systems per permitting authority. Experimental systems meeting these criteria will also be considered in those counties in which TNRCC is the permitting authority. **It is understood that all costs associated with monitoring these systems will be the responsibility of the permitting authority, or someone designated by the permitting authority.**

It is anticipated that these experimental systems will be installed on sites which are considered suitable for conventional subsurface disposal systems. However, these experimental systems can also be constructed in areas with clay soils where perched or seasonal high water tables do not exist within 2 (two) feet of the bottom of the drainfield or unlined wetland cell.

2. All installations will consist of:
 - a) a septic tank(s) in accordance with TNRCC standards;
 - b) a subsurface flow constructed wetland based on the criteria in Item 3 of this recommendation; and
 - c) an on-site subsurface disposal system, reduced in size from existing TNRCC standards based on the criteria in Item 4 of this recommendation .

In addition, all setback requirements must meet existing TNRCC standards.

3. The initial parameters for the constructed wetland cell to be installed for this experimental monitoring study will be developed by this working committee for a three bedroom home (design adjusted up or down according to the number of bedrooms) and will be in accordance with one or more of the following published standards. This initial planning material will be developed by either a registered professional engineer or a registered sanitarian, and approved by the Executive Director.
 - a) Reed, Sherwood C., et al, *Natural Systems for Waste Management and Treatment*, 2nd Edition, McGraw-Hill Publishing Co.,1995.
 - b) Steiner, Gerald R. and James T. Watson, *General Design, Construction, and Operation Guidelines: Constructed Wetlands Wastewater Treatment Systems for Small Users Including Individual Residences*, 2nd Edition, May 1993, Tennessee Valley Authority.
 - c) EPA, 1993, *Guidance for Design and Construction of a Subsurface Flow Constructed Wetland*.

This initial planning material could be used in subsequent planning material submittals provided the same formula is used and there are similar site conditions. The Authorized Agent will verify that the site conditions are similar before allowing installation of the system. The only allowable change will be the number of bedrooms. If another standard is used, new planning materials will need to be developed and reviewed by this working committee and approved by the Executive Director.

4. The initial parameters for the drainfield to be installed for this experimental monitoring study will be developed by this working committee for a three bedroom home (design adjusted up or down according to the number of bedrooms) and will be in accordance with

the existing TNRCC standards, with a reduction in the size of the drainfield based on one of the following references. For soils with percolation rates greater than 60 min./in., the subsurface disposal area will be based on one of the following references. This initial planning material will be developed by either a registered professional engineer or a registered sanitarian, and approved by the Executive Director.

- a) Laak, Rein, *Wastewater Engineering Design for Unsewered Areas*, 2nd Edition, Technomic Publishing Company, Inc. ,1986.
- b) Bernhart, A. P., *Treatment and Disposal of Waste Water from Homes by Soil Infiltration*, Vol. 1, 2nd Edition, University of Toronto Press, 1973.
- c) Siegrist, R. L., "Hydraulic Loading Rates for Soil Absorption Systems Based on Water Quality", On-Site Wastewater Treatment, Proceedings of the Fifth National Symposium on Individual and Small Community Sewage Systems. ASAE, 1987.

This initial planning material could be used in subsequent planning material submittals provided the same formula is used and there are similar site conditions. The Authorized Agent will verify that the site conditions are similar before allowing installation of the system. The only allowable change will be the number of bedrooms. If another standard is used, new planning materials will need to be developed and reviewed by this working committee and approved by the Executive Director.

5. Installation must meet TNRCC requirements (licensed installer or homeowner installer). The system must be permitted by the permitting authority. The permit will be given conditionally for two years. Upon successful completion of the monitoring period (without failure), the conditional requirement will be removed and a regular permit will be issued.
6. It is mandatory that the homeowner be notified about the experimental nature of the installation, the conditional permit, and the requirement for the homeowner to properly operate and maintain the system and be required to sign a statement of acknowledgement. A letter of agreement between the permitting authority and the homeowner will be developed to allow the permitting authority access to the property and to require prior notification by the permitting authority before entering the property.
7. The permitting authority will be responsible for establishing and maintaining an administrative file for each experimental system. The file would include the system plans, a thorough documentation of the soil conditions at the site, the cost of the system, and documentation of the final installation inspection. A copy of the entire file will be sent to the chair of this working committee and the Pinewoods Resource Conservation & Development, Inc. after the project is installed and inspected.
8. Monitoring of each experimental system will be done by the permitting authority every 4

(four) months and will be submitted to the Pineywoods Resource Conservation & Development, Inc. and then to the chair of this working committee for distribution to other members. The following will be monitored and recorded on a monitoring sheet developed by this working committee:

- a) Flow quantity into the home.
- b) Climate (rainfall and pan evaporation).
- c) Visual observations
 - Water surfacing from drainfield or wetland cell?
 - Plants
 - Yes, No
 - Condition of Plants (Dead, Alive, Flourishing)
 - Harvest (Yes, No?)
 - Type
 - Plants doing best
- d) Odors/Vectors?
- e) Observations from homeowner

9. The duration of this experimental monitoring process will be 2 (two) years.

DEMONSTRATION/RESEARCH SYSTEMS

In order to establish standards for constructed wetlands for on-site wastewater treatment, a minimum of 10 research/demonstration systems will be constructed and more closely monitored for a period of two years. These systems will be used to gather data to support a subsurface drainfield reduction standard, document water loss/gain through a lined wetland, document the performance of a subsequent drainfield in clays, and document a wetland system with and without the use of plants. This information will then be evaluated with the experimental systems data to develop standards.

The chair of this working committee will establish and maintain an administrative file for each of these demonstration/research projects. The file will include the system plans, a thorough textural classification of the soil at the site, the hydraulic conductivity of an undisturbed soil core, the cost of the system, and documentation of the final installation inspection.

The following data will be obtained and recorded for the research/demonstration projects. This data will be provided directly to the chair of this working committee every six months.

- a) Water loss/gain in wetland
 - 1) Flow quantity into and out of the wetland cell(s) (weekly)

- 2) Nearby rainfall data (daily)
- 3) Nearby pan evaporation data (weekly)
- b) Monthly testing the quality of the influent and the effluent for:
 - 1) Biochemical oxygen demand [BOD(5)]
 - 2) Total suspended solids (TSS)
 - 3) Fecal Coliform
- c) Periodic testing the dissolved oxygen (DO) of the system (at least 3 times per year)
- d) Monthly measuring of the depth of water in the disposal area

On-Site Constructed Wetland Monitoring Sheet

System No. _____	County: _____
Date: _____	Permitting Authority: _____
Owner: _____	Inspector: _____
Location: _____	Flow Meter Reading: _____
Rainfall: _____	Evaporation Rate: _____

Water surfacing in wetland cell or drainfield (Yes / No)? If “Yes”, please explain:

Any odors or vectors observed (Yes / No)? If “Yes”, please explain:

Please indicate the coverage of the wetland surface by vegetation and relative coverage by each species (ex. Cattails: 25%; Irises: 10%; Elephant Ears: 50%; Total Coverage: 85%):

Please list any observations regarding health and vigor of plants:

Has vegetation been introduced or removed from wetland since previous inspection (Yes / No)? If “Yes”, please explain:

Observations from homeowner:

Other observations:

August 13, 1996

Explanation of On-Site Constructed Wetland Monitoring Sheet

System Number

A unique number assigned by the TNRCC to each experimental system for reference purposes.

Date, Owner

Self explanatory

Location

General location of the system such as "Hwy 90 East, China TX" or perhaps just "China, TX".

Rainfall

The amount of rainfall over the week prior to, and including, the date of inspection. Specify the dates and the amounts.

County, Permitting Authority

Self explanatory

Inspector

The name of the individual performing this inspection. It is assumed that the "Inspector" is an agent or employee of the "Permitting Authority".

Flow Meter Reading:

The reading on the flowmeter into the home at the time of inspection (gallons).

Evaporation Rate

The rate of evaporation on the date of inspection.

Water Surfacing, Odors/Vectors

Are these present? For example, the amount of water visible (i.e., small, considerable, flowing).

Coverage of Wetland Surface

This information was requested by the working group to determine how well the plants are growing, what types of plants are growing, and which plants are doing best. This is an attempt to get a quantitative indication of which plants are doing best. The sum of all the different species should equal the total. The example is given on the sheet because the question is not very clear.

August 13, 1996

Health and Vigor of Plants

This is separated from the previous question because some plants may just “get sick”, rather than die. This section should also indicate when each particular species goes dormant.

Plants Introduced or Removed

The working group requested information on whether plants were harvested or not. Planting of new plants is just as important as harvesting.

Observations from Homeowner

This space should be used to record any comments from the homeowner, positive or negative.

Other Observations

The inspector may have additional observations which may be important that are listed on the sheet.

August 13, 1996

Calculations for Jim Frazier
Constructed Wetlands

1. Existing Conditions

$$\text{Organic loading/capita} = 0.17 \text{ lbs BOD/cap/day}$$

$$\text{Loading} = 0.17 \text{ lbs/cap/day} \times 7.0 \text{ persons/residence} = 1.19 \text{ lbs BOD/day}$$

$$\text{Flow} = 300 \text{ gal/cap/day (4 bedroom home with conservation fixtures)}$$

$$\text{Flow} = 40 \text{ ft}^3/\text{day}$$

$$\text{Concentration of BOD to septic tank} = 1.19 \text{ lb BOD/day} \\ \text{divided by } 0.000300 \text{ MGD} \times 8.34 \text{ lb/gal} \times 1 \text{ ppm/mg/l}$$

$$\text{Concentration of BOD to septic tank} = 475.6 \text{ mg/l}$$

$$\text{Removal of BOD to septic tank} = 30\% \text{ (assumption)}$$

$$\text{Concentration of BOD to outlet} = 0.7 \times 475.6 = 333 \text{ mg/l}$$

2. Calculate the surface area required for BOD removal.

$$A_s = L \times W = Q[\ln(C_o/C_e)] / [K_t(d)(n)]$$

Where:

$$K_t = K_{20} (\theta)^{(T-20 \text{ degrees C})}$$

$$K_{20} = 1.104$$

$$\theta = 1.06$$

$$T = 11 \text{ degrees C for Walker County.}$$

$$K_t = (1.104) (1.06)^{(11-20)} = 0.653$$

$$d = 1 \text{ ft}$$

$$n = 0.50 \text{ [for rubber tires]}$$

$$L \times W = (40 \text{ ft}^3) [\ln(333/20)] / (.653) (1) (.5)$$

$$L \times W = 345 \text{ sq. ft.}$$

Assuming a 3:1 length-to-width ratio

$$L = 3W$$

$$3W \times W = 345$$

$$W = (345/3)^{0.5}$$

$$W = 10.7 \text{ ft (use 11.0 ft.)}$$

$$L = 345/11 = 31.3 \text{ ft (use 32 ft)}$$

3. Calculate the hydraulic capacity with Darcy's Equation.

$$Q = K_s (A) (S)$$

Where:

$$A = 1.25 \text{ ft} \times 11 \text{ ft.} = 13.75 \text{ sq. ft.}$$

$K_s = 328,100 \text{ cu. ft. / sq. ft. / day}$ (use 0.3 K_s as a safety factor)

$$K_s = 1/3 (328,100) = 109,366 \text{ cu. ft. / sq. ft. / day}$$

$$S = d / L = 1.25 / 32$$

$$S = 0.0375 \text{ (use 0.1(S) as a safety factor)}$$

$$S = 0.10 (0.0375) = 0.00375$$

$$Q = (109,366) (13.75) (0.00375)$$

$$Q = 5,639 \text{ cu. ft./day}$$

Based on these calculations, the design should obtain the necessary BOD removal and provide adequate hydraulic capacity.

4. Compute length of disposal trench required.

$$A = Q/Ra$$

Where A = Evaporation bed area required for disposal

Q = Flow in gal/day

Ra = Sewage application rate in gal /sq. ft. /
day

$$A = 300 / 0.10 \text{ (Ra for clay)}$$

$$A = 3000 \text{ Sq. Ft.}$$

No reduction is claimed for the CW floor.

The Rein Laak equation for reduction of field lines due to pre-treatment is:

$$\% \text{ reduction} = [(BOD5 + TSS)_{out} / (BOD5 + TSS)]^{.33333}$$

$$\% \text{ reduction} = [(20 + 20) / (333 + 60)]^{.333333} = 46.7\%$$

use 39%.

After reduction is $(3000)(0.61) = 1830 \text{ sq. ft.}$

3ft. trench width + 2 ft of walls yields 366 ft of field line.

5. Detention time

$$\text{Detention time} = (\text{Volume} \times \text{Void Space}) / \text{Flow}$$

$$\text{Detention time} = (345 \times .50) / 40$$

$$\text{Detention time} = 4.3 \text{ days}$$

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
OSSF SOIL EVALUATION FORM

Owner's Name Jim Frazier

Physical Address 2.0 miles north of Huntsville, Tx on Rosenwall RD

Name of Site Evaluator Jerry Ince Registration Number PE

Date Performed 5-29-99 Proposed Excavation Depth 18 inches

At least two soil evaluations must be performed on the site, at opposite ends of the proposed disposal area. Please show the results of each soil evaluation on a separate table. Locations of soil evaluations must be shown on the site drawing.

For subsurface disposal, soil evaluations must be performed to a depth of at least 2 ft below the proposed excavation depth. For surface disposal, the surface horizon must be evaluated.

Please describe each soil horizon and identify any restrictive features in the space provided below. Draw lines at the, appropriate depths.

Soil Boring Number <u>1</u>					
Depth (ft)	Textural Class	Structure (if applicable)	Drainage Mottles / Water Table	Restrictive Horizon	Comments
0	0-6 " Sandy Loam	Soft	None	None	
1	6-12" Clay Loam	Medium	None	None	
2					
3	12-48" Clay	Massive	None	None	
4					
5					
6					

I certify that the above statements are true and are based on my own field observations.


(Signature of Site Evaluator)

(601) 605-0878
(Phone Number)

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
OSSF SOIL, EVALUATION FORM

Owner's Name Jim Frazier

Physical Address .2.0 miles north of Huntsville, Tx on Rosenwall Rd

Name of Site Evaluator Jerry Ince Registration Number PE

Date Performed 5-29-99 Proposed Excavation Depth 18 inches

At least two soil evaluations must be performed on the site, at opposite ends of the proposed disposal area. Please show the results of each soil evaluation on a separate table. Locations of soil evaluations must be shown on the site drawing.

For subsurface disposal, soil evaluations must be performed to a depth of at least 2 ft below the proposed excavation depth. For surface disposal, the surface horizon must be evaluated.

Please describe each soil horizon and identify any restrictive features in the space provided below. Draw lines at the, appropriate depths.

Soil Boring Number <u>2</u>					
Depth (ft)	Textural Class	Structure (if applicable)	Drainage Mottles / Water Table	Restrictive Horizon	Comments
0	0-12 " Sandy loam	Soft	None	None	
1					
2	12-24" Clay Loam	Medium	None	None	
3					
4	24"-48" Clay	Massive	None	None	
5					
6					

I certify that the above statements are true and are based on my own field observations.

Jerry D. Ince
(Signature of Site Evaluator)

(601) 605-0878
(Phone Number)

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
OSSF SOIL EVALUATION FORM

Owner's Name Jim Frazier

Physical Address 2.0 miles north of Huntsville, Tx on Rosenwall Rd

Name of Site Evaluator Jerry Ince Registration Number PE

Date Performed 5-29-99 Proposed Excavation Depth 18 inches

At least two soil evaluations must be performed on the site, at opposite ends of the proposed disposal area. Please show the results of each soil evaluation on a separate table. Locations of soil evaluations must be shown on the site drawing.

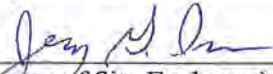
For subsurface disposal, soil evaluations must be performed to a depth of at least 2 ft below the proposed excavation depth. For surface disposal, the surface horizon must be evaluated.

Please describe each soil horizon and identify any restrictive features in the space provided below. Draw lines at the, appropriate depths.

Soil Boring Number 3

Depth (ft)	Textural Class	Structure (if applicable)	Drainage Mottles / Water Table	Restrictive Horizon	Comments
0	0-3 " Sandy loam	Soft	None	None	
1	3-6" Clay Loam	Medium	None	None	
2					
3					
4	6"-48" Clay	Massive	None	None	
5					
6					

I certify that the above statements are true and are based on my own field observations.


(Signature of Site Evaluator)

(601) 605-0878
(Phone Number)

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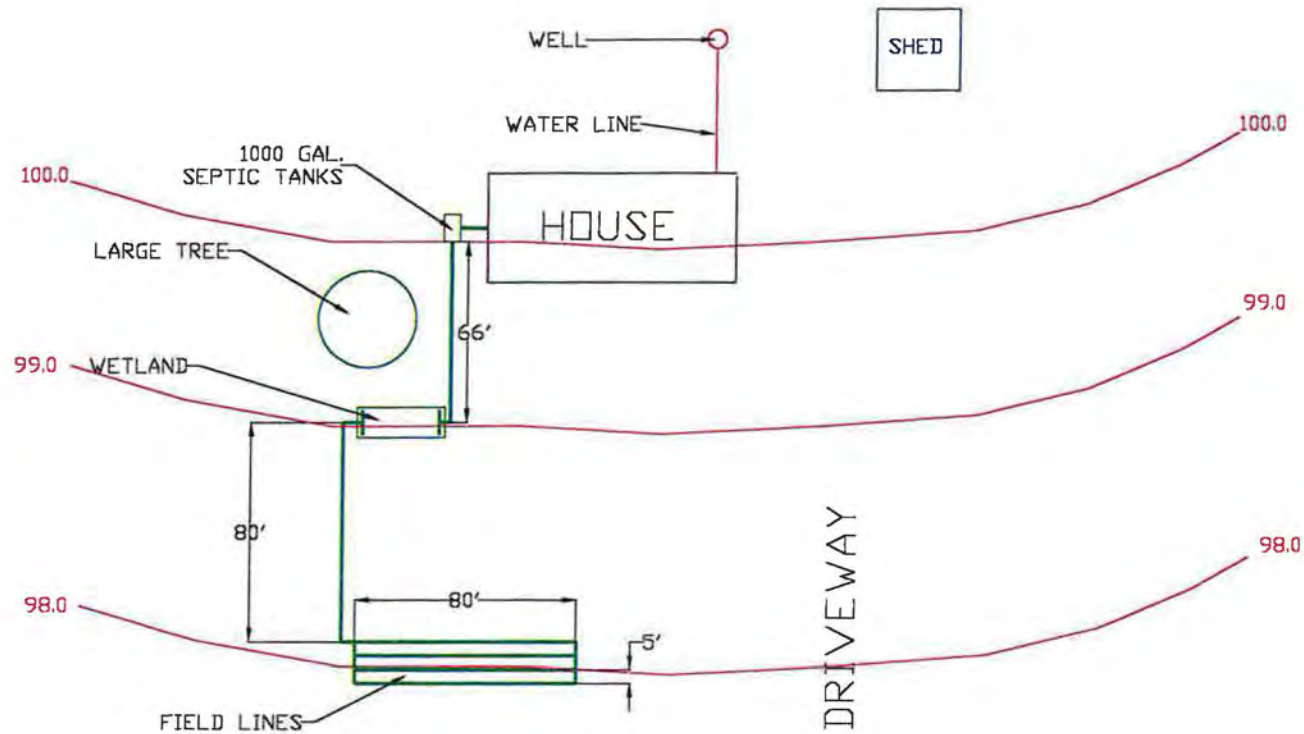
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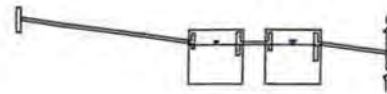
SCALE 1" = 50'



ROSENWALL RD

JIM FRAZIER
SEWAGE SYSTEM
ON-SITE

by
Jerry G. Ince, P.E.



Inlet elevation at
septic tanks 99.6
Outlet at tanks 99.3

Note: A minimum of 6" inches of fill
but not more than 12" will be

Note: Trenches will
be level.

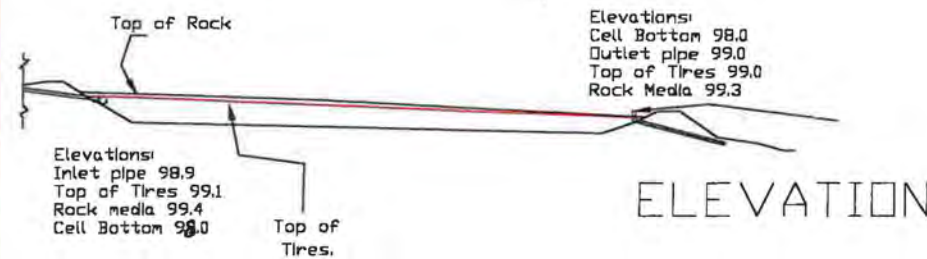


Note: 1000 gallon tank with two
chambers may be used.

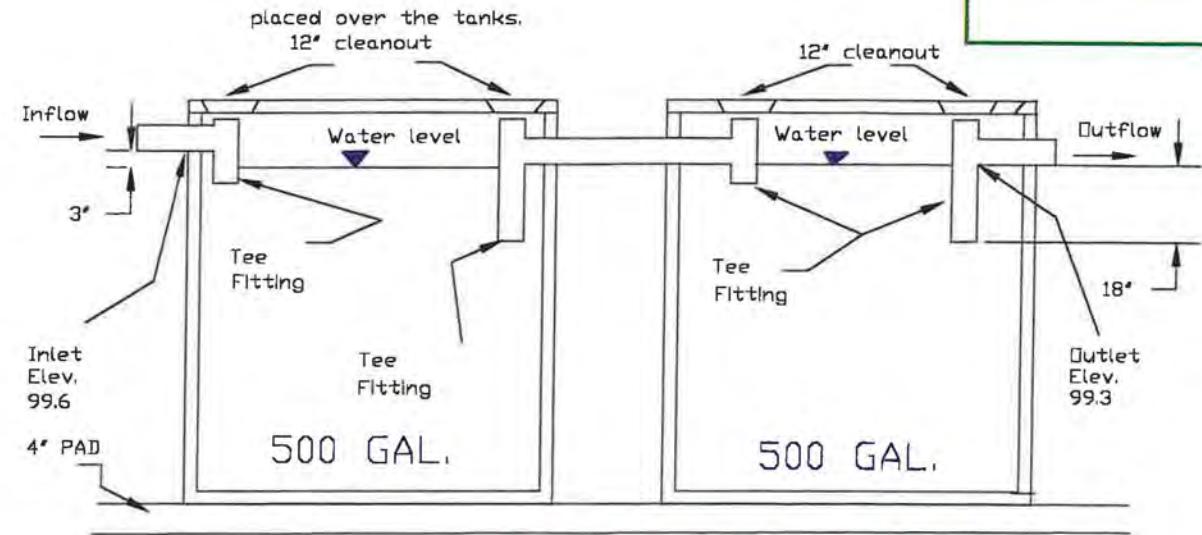
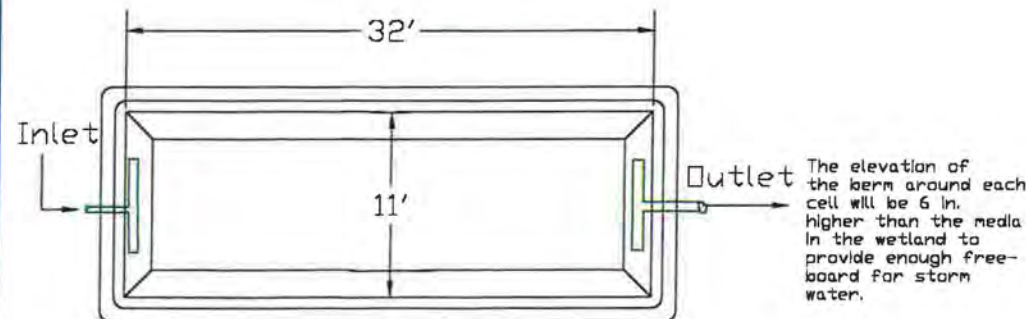
Note: A maximum 1" clearance will be
maintained between the top of
each 'Tee' and the 12" cleanout.

Note: All pipe elevations are located
at the bottom of the pipes.

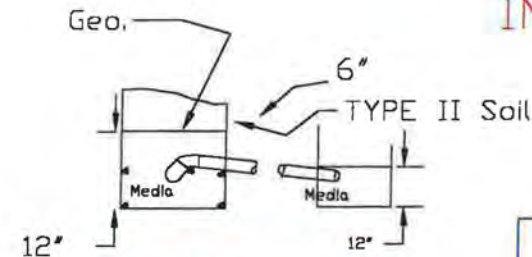
Note: Inlet pipes are 4" perforated
PVC with holes down.



PLAN VIEW



TWO SEPTIC TANKS
IN SERIES



ABSORPTION
TRENCHES

Note: The interface between the
media and soil layers shall
be separated with a geotextile fabric
that exceeds minimum TNRCC req.

JIM FRAZIER
ON-SITE
SEWAGE SYSTEM

by
Jerry G. Ince, P.E.

WALKER COUNTY CLASS "A"
BUILDING PERMIT
FLOOD PLAIN MANAGEMENT DEVELOPMENT PERMIT

STATE OF TEXAS)
COUNTY OF WALKER)

This Permit No. N^o 99 5928 is issued on 2/24/99
and is effective immediately, and for a period of 6 months.

This Permit is issued to Jim + Theresa Frazier and
is not transferrable, for purpose stated below.

1. This Permit authorizes the permittee to construct or improve structure or improvements, on the following described property.
2. This Permit authorizes for electrical hook-up, but no construction or improvements, on the following described property.

6.88 ac, lot 8, block 2, section 1,
Northgate Meadows, W. Birdsell A-b
(Lot, Block, Subdivision, Street Address)

The permittee applied to Walker County for a building permit on the above described location. The application has been reviewed and it has been determined that the construction and improvements all not in the 100 year flood plain and the permittee may proceed with the work without inspection by the County Flood Plain Administrator.

WARNING;

The flood hazard boundary maps and other flood data used by the County in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes. On occasion greater floods can and will occur and flood heights may be increased by man-made or natural causes. We cannot guarantee that your property will not flood. Exempting you from the Flood Plain Management Regulations does not create any liability on the part of Walker County or any officer or employee of Walker County in the event that flooding and flood damage does occur.

This department recommends finished floor slab be constructed 12
inches above natural ground.

Receipt 1331
Fee \$ 70

Royce S. Adams
COUNTY FLOOD PLAIN ADMINISTRATOR

0000000

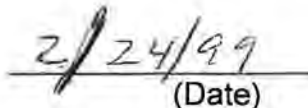
Permit Number: 19995928 Type: B Single Family/Commercial: S Permit Date: 02/24/

Name Issued : FRAZIER, JIM & THERESA
Address :
Address :
City ST Zip : HUNTSVILLE TX 77340Reviewed: 00/00/0000
Approved: 00/00/0000
Inspected: 00/00/0000
Final Apr: 00/00/0000
Expires : 00/00/0000
Canceled: 00/00/0000Install Type :
Installed By :
Inspected By :
Maintained By:Day Tele:
Flood Pln: NOT IN
Est. Cost: \$85,000Tax ID number:
Abstract : A-6 W. BIRDSELL
Subdivision : NORTHGATE MEADOWS
Beds / Desc : 4 BDRMS
Living Area : 2335 SQ FT
Water Source : PRIVATE WELL
Neighbor near:Map Ref: 109A
Acres: 6.88
Section: 1
Block: 2
Lot: 8
Tract:
Lake/River:

Location : ROSENWALL RD.

Remarks :
This application is effective for six(6) months.

I certify that the above statements are true and correct to the best of my knowledge. Authorization is hereby given to the Walker County Inspector to enter upon the above described private property for the purpose of lot evaluation and inspection of on-site sewerage facilities. I understand that the approval of this application constitutes authorization for construction of the on-site sewerage facility and that a permit to operate the facility will be granted following successful inspection of the installed system which indicates that the system was installed in compliance with this commission's "construction standards for on-site sewerage facilities". I also understand that I must follow the steps set forth by the Walker County Utility Department in order to have an On-Site Sewage Facility installed.


(Signature of Owner)
(Date)

Draw Map of Location on back side.

Walker County Steps For Installing your Septic System

#1.) For your benefit, do not pay installer until the county has approved your system.

#2.) Bring or mail a copy of the Soil Evaluation to the Utility Office.

For Conventional Systems:

#1) the soil Evaluation results and a preliminary drawing of how your system is to be installed will be required for an Authorization to Construct. The Director has **five (5) business days from receipt of ALL paperwork** to issue the Authorization.

#2) you or your installer must provide a transit or a Surveyor's Level for the Inspection.

#3) you or your installer must provide the Rock or Tire Chip tickets **AT THE TIME OF INSPECTION**. For 8" Gravelless pipe, if sand is require for the backfill, the receipts for the sand will be provided at the time of the inspection.

For Aerobic, Low Pressure Dosing, etc.:

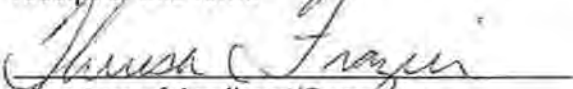
#1) you must hire a licensed Installer to install this system. The manufacturer of the system they will be installing must also license the installer.

#2) A design (by a Registered Sanitarian or Professional Engineer), Affidavit to the Public (Signed, notarized and filed with County Clerk's Office) and 2 year Maintenance Agreement between your Installer and yourself, and a Soil Evaluation are required in order to issue and Authorization to Construct. The Director has **five (5) business days from the receipt of ALL paperwork** to issue the Authorization.

Inspections are set up **24 hours in advance**. If your have hired an installer to put in the system, they will have to call for the inspection. Inspections will not be scheduled for Holidays in which the Courthouse is closed, or on weekends. If an inspection is called in Friday morning, the inspection will be set up for Monday. If a Holiday falls 24 hours from the time the inspection is called in, it will be scheduled for the next available day and time. **THERE ARE NO EXCEPTIONS TO THIS RULE.**

Be aware that there will be a \$200 fine per day of usage for a System that has been installed without previous county approval. (Usage meaning flushing toilet, taking baths, etc.)

I understand the preceding procedures of the County and by signing, I acknowledge the receipt of this form.


Signature of Applicant/Owner

CITY OF HUNTSVILLE

C E R T I F I C A T E O F C O M P L I A N C E

for Utility Service

This Permit Was Issued On 02/22/99

This Certificate is issued pursuant to Section 202 of the City of Huntsville Development Code to certify that at the time of issuance the permit and plat has been reviewed and approved for utility service by the City's Planning Officer.

PROPERTY LOCATION: ROSENWALL ROAD - ETJ

SUBDIVISION: NORTHGATE MEADOWS

LOT #: 8
BLK #: 2

EXISTING USE: RESIDENTIAL

PROPERTY OWNER: JIM OR THERESA FRAZIER

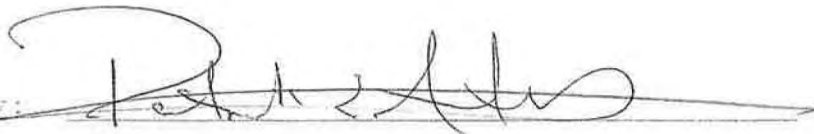
ADDRESS: P.O. BOX 331

CITY: HUNTSVILLE

STATE: TX ZIP: 77340


Remarks: APPROVED FILED AND RECORDED SUBDIVISION

Reviewed By:



2 / 22 / 99

Approved By:


Planning Officer, City of Huntsville

2 / 23 / 99

County Approved: _____

_____/_____/____

NOTE: Any unauthorized additions, alterations or development will void this certificate. Alternatively, this certificate expires 180 days from date issued.