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## **DETERMINATION OF NO EFFECT**

### **TO ALL POTENTIALLY INTERESTED AGENCIES:**

Pursuant to the environmental assessment requirements of 31 Texas Administrative Code (TAC) § 363.14, the Texas Water Development Board (TWDB) has determined that the proposed action identified below may be exempted from formal environmental review requirements:

Wellborn Special Utility District, Brazos County, Texas  
TWDB DFUND Project No. 21799  
Water Supply and Distribution System Improvements  
Bird Pond Road Storage Tank Replacement  
Total Financing Amount: \$43,455,000  
Loan No. L1001453

The Wellborn Special Utility District (District) is proposing to use \$43,455,000 in financing from the Texas Water Development Fund (DFund) to provide additional water supply to the District, increase supply capacity to District elevated storage facilities, overcome deficiencies in the system service pressures, and replace existing leaking lines. Project components include new wells, a new water treatment system, storage facilities, transmission pumps, approximately 80,000 linear feet (LF) of wellfield supply and transmission lines, and roughly 12,000 LF of distribution system line improvements throughout the District's system.

A prior Environmental Determination (ED) issued May 17, 2024, addressed potential impacts from the project but did not include work proposed at the Bird Pond Road water plant site, which is covered in this Determination of No Effect (DNE). This DNE is in addition to the existing ED and covers only those project components located at the existing Bird Pond Road site, hereafter referred to as the project.

Proposed improvements to the Bird Pond Road water plant include a new 500,000-gallon ground storage tank to replace two existing 210,000-gallon ground storage tanks. Demolition of the two existing ground storage tanks; construction of foundation for new tank; and associated infrastructure such as piping, electrical, pumps, pipes, access road, security fence, electrical, and communications systems are also included.

The project area includes the existing Bird Pond Plant (about 0.35 acres) as well as a small amount of additional acreage (0.25 acre) to allow for the relocation of a fence. Part of the project site is undeveloped woodland and some tree removal will be necessary.

#### **Our Mission**

Leading the state's efforts  
in ensuring a secure  
water future for Texas

#### **Board Members**

L'Oreal Stepney, P.E., Chairwoman | Tonya R. Miller, Board Member  
Bryan McMath, Executive Administrator

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The project appears to be partially within a 100-year floodplain, as designated by the Federal Emergency Management Agency (FEMA). Projects involving construction in the 100-year floodplain, including replacement, require a floodplain development permit from the local floodplain administrator prior to construction in the 100-year floodplain.

To ensure there will be no adverse environmental impacts associated with project construction, the District coordinated with the Texas Historical Commission (THC), the United States Fish and Wildlife Service (USFWS), the United States Army Corps of Engineers (USACE), and the Texas Parks and Wildlife Department (TPWD).

In an email dated December 5, 2024, the THC stated that the proposed Bird Pond Plant project will not adversely affect above-ground historic resources, identified archeological sites or other cultural resources (THC Tracking No. 202503260).

In a letter dated January 6, 2025, the USACE agreed the Bird Pond Plant project is not subject to the requirements of the Clean Water Act Section 404 or Section 10 of the Rivers and Harbors Act of 1899 (SWF-2023-00134).

The project proponent consulted the USFWS Information for Planning and Consultation (IPaC) tool (Project Code 2025-0011496) and the USFWS Critical Habitat Portal on October 25, 2024, and December 31, 2024, to determine potential habitat presence for federally threatened, endangered candidate and proposed for listing species within the project area. While seven protected species were found to be potentially present in the project area, field investigations discovered suitable habitat for the Tricolored bat, a species proposed for listing as endangered under the Endangered Species Act. By restricting vegetation clearing to certain times of year, as incorporated in this DNE, the project is not likely to adversely affect the tricolored bat.

The TPWD Rare, Threatened, and Endangered Species of Texas list and the TPWD Natural Diversity Database were consulted to determine presence of potential habitat and known records of rare and threatened species in the project area. A total of 74 species of concern were flagged as potentially occurring in the project area. Field investigations revealed suitable habitat for only thirteen species of greatest conservation need. These are Strecker's chorus frog, Woodhouse's toad, Common Grackle, Loggerhead Shrike, Eastern Spotted Skunk, Hoary Bat, Plains Spotted Skunk, Seminole Bat, Eastern Box Turtle, Pygmy Rattlesnake, Slender glass lizard, Oklahoma grass pink, and Texas pinkroot.

In an email dated December 31, 2024, TPWD concurred that commitments present within the project plan are suitable and adequate to protect the thirteen identified species of greatest conservation need. These commitments include the following measures:

- Revegetation/reseeding of all disturbed areas after construction is completed. A seed mix containing natural grasses and forbs for sandy soils will be utilized.
- Contractors should avoid harming any listed species, if found.

- During construction, operation, and maintenance of the facility, Wellborn will ask all personnel to observe slow (25 mph or less) speed limits within the project site.
- If a federally listed species is encountered during construction, work would stop immediately and the appropriate USFWS personnel would be contacted.
- A list of all federal threatened and endangered species and state species of greatest conservation need that were determined to have potential habitat within the project area will be provided to the contractors. The contractors will be advised of the potential occurrence of these species, as well as snakes in general, and instructed to avoid harming any that may be encountered during construction. Any encountered species will be allowed to leave the project area or be relocated within the vicinity when possible.

The decision to grant a DNE is allowed because the specified project elements should not cause significant adverse impacts to the quality of the environment as supported by coordination with regulatory agencies. Documentation supporting this determination is on file at the TWDB.

The TWDB cannot fund testing, remediation, removal, disposal, or related works for contaminated or potentially contaminated materials. However, the project proponent should ensure that, if found, such materials are tested, removed, and disposed of in accordance with applicable state and federal laws.

This determination shall be revoked if it is found that

- (1) the project no longer meets the requirements for categorical exclusion from full environmental review as a result of changes in the project;
- (2) the project involves extraordinary circumstances as described in 31 TAC § 363.14;  
or
- (3) the project may violate or has violated federal, state, local, or tribal laws.

The proposed project must comply with the following special and standard environmental conditions:

#### Special Environmental Conditions

- Consistent with the Flood Insurance Reform Act of 2004, Flood Control Insurance Act, Executive Order 11988, Texas Water Code Section 16.315, and local floodplain development ordinances, the District must obtain a floodplain development permit issued by the Local Floodplain Administrator prior to construction in a Special Flood Hazard Area (100-year floodplain). Brazos County is a participant in the National Flood Insurance Program.
- The tricolored bat (*Perimyotis subflavus*), a federally proposed, threatened species, may become federally listed prior to construction. To ensure compliance with the

Endangered Species Act of 1973, as amended, vegetation clearing will occur as is consistent with current USFWS guidance at the time vegetation clearing commences, to prevent disturbance to the tricolored bat.

- Consistent with the Migratory Bird Treaty Act and the Texas Parks and Wildlife Code Chapter 64, vegetation clearing must be excluded during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. If vegetation clearing during this time is unavoidable, the area proposed for disturbance will be surveyed by a qualified biologist to identify occupied nests, including ground species. If occupied nests are observed during surveys, a vegetation buffer area of no less than 100 feet in diameter will remain around the nest until all young have fledged or the nest is abandoned.
- To ensure compliance with Texas Parks and Wildlife Code Chapters 12, 64, and 67, the following measures will be implemented:
  - Contractors and construction crews will be informed of the potential for wildlife to occur in the project area and to avoid impacts to all wildlife that are encountered. Any wildlife observed will be allowed to safely leave the site or handled only by persons with authorization obtained through the TPWD Wildlife Permits Program.
  - A speed limit will be observed (25 miles per hour, or less) within the project site, to allow personnel to see wildlife in the vehicle path and avoid harming them.
  - Trenches or holes left open at any time during construction will be minimized. Trenches and excavation areas will be covered overnight and inspected every morning, or if left open longer than two daylight hours, to ensure no wildlife species have been trapped. If trenches cannot be backfilled the day of initial trenching, then escape ramps will be installed every 300 feet, in the form of short lateral trenches or wooden planks sloping to the surface at an angle of less than 45 degrees, at a ratio of one horizontal foot for every one foot of depth.

#### Standard Environmental Conditions

- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the Wellborn Special Utility District will abide by the standard emergency condition for the discovery of cultural resources.
- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the Wellborn Special Utility District will abide by the standard emergency condition for the discovery of threatened and endangered species.

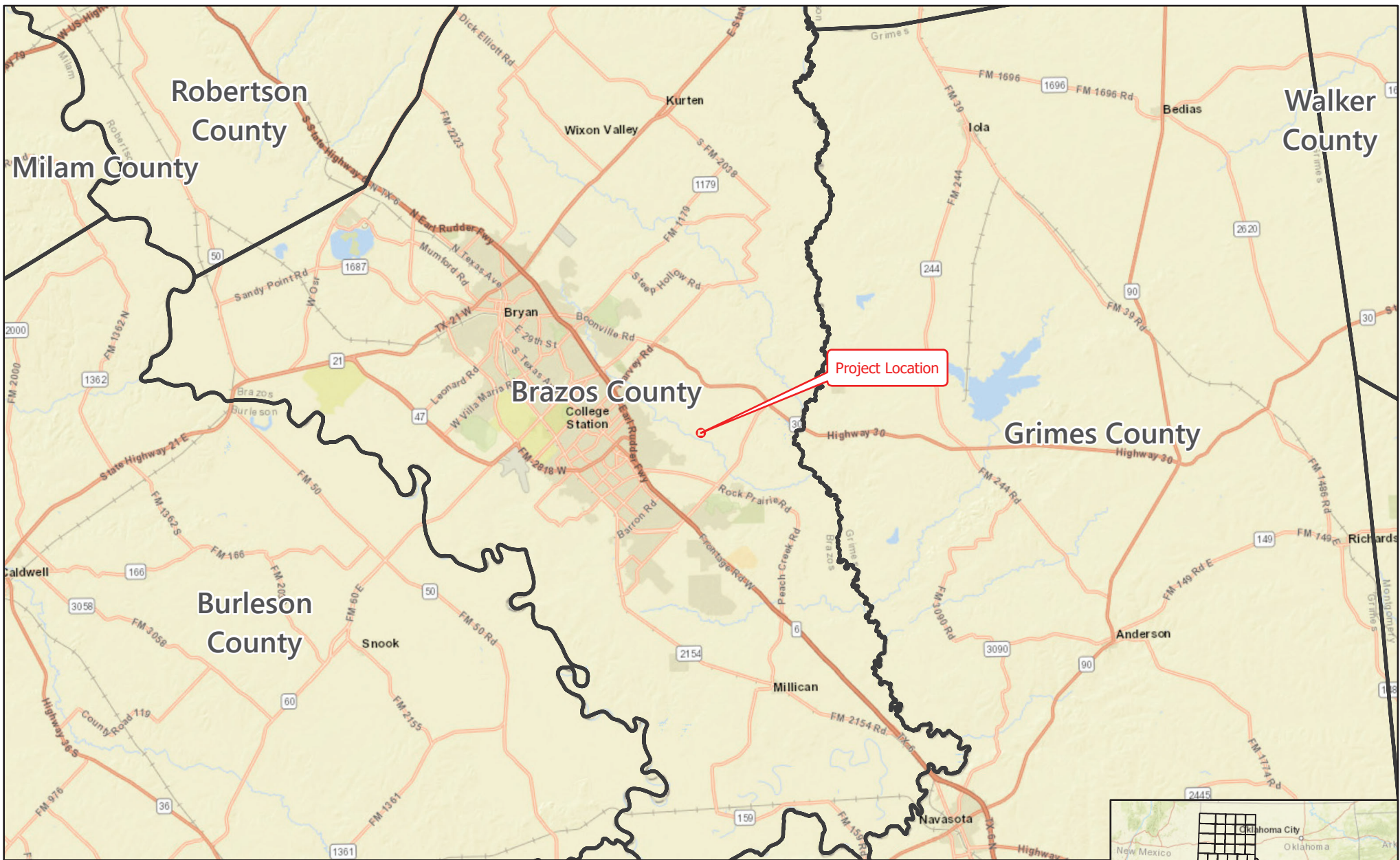
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Comments regarding this determination may be submitted to the Director of Regional Water Project Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231 or via email at [RWPD-Environmental@twdb.texas.gov](mailto:RWPD-Environmental@twdb.texas.gov).

Sincerely,

T. Clay Schultz, Ph.D., Director  
Regional Water Project Development

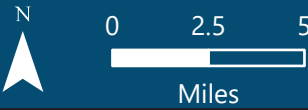
Enclosures



**Figure 1: Vicinity**

**Wellborn SUD  
Bird Pond Plant**  
Brazos County, Texas

- Project Area
- County Boundary



Sources: ESRI Streets



Ey - Yegua Formation  
Qal - Alluvium



## Figure 2: USGS Geologic Map

**Wellborn SUD**  
**Bird Pond Plant**  
Brazos County, Texas

Project Area  
USGS Geologic Rock Unit

0 50 100  
Feet

