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Phone (512) 463-7847, Fax (512) 475-2053

ENVIRONMENTAL DETERMINATION

TO: File

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

SUBJECT: El Paso County, El Paso County, Texas
TWDB FIF Category 2 Project No. 40134
Stream 13.5 Basin (HAC7)
Total Commitment Amount: \$3,210,000
Loan No. L1001305
Grant No. G1001306

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Clay Schultz
Date: 2026.09.10
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The environmental review for El Paso County's (County) proposed Stream 13.5 Basin (HAC7) project has been completed consistent with 31 Texas Administrative Code (TAC) § 363.14 and 363.16. The County is proposing to use \$3,210,000 in financing from the Flood Infrastructure Fund (FIF) program to construct two detention basins, denoted HAC7 Basin A and HAC7 Basin B, along Stream 13.5. This project is identified in the El Paso County Stormwater Master Plan (2010) as HAC7 within the Hacienda Real study area. The Texas Water Development Board (TWDB) committed this financing on April 22, 2021, and the County closed the financing on June 6, 2021.

The project is needed to mitigate flood risk and debris flow in the Hacienda Real area from the undeveloped areas upstream. The proposed project includes construction of two basins (A and B) along Stream 13.5 in east El Paso County. Basin A is located south of Interstate Highway 10 near Mile Marker 46. Basin B is located approximately 0.45 miles southwest of the intersection of Darrington Road and White Spring Drive.

The project also includes controlled inlet structures to reduce erosion, an outlet structure to discharge flows exceeding a 100-year rain event in Basin B, and embankment for flood and sediment pool storage to reduce deposition in the downstream channels and floodplains in Basin A. The project will provide flood and sediment control benefits for approximately 62 buildings, 346 acres of agricultural land, and 6,471 feet of principal roadway.

This environmental review is documented by the enclosed Environmental Determination (ED), which contains mitigative environmental conditions that will be applied to the project to avoid significant adverse impact on waters of the U.S., floodplains, cultural or historical resources, threatened or endangered species, and protected migratory bird species.

Based on a detailed environmental review of the planning information, the Environmental Data Form received by the TWDB on December 18, 2023, with the supplementary materials submitted to the TWDB on April 28, 2025, and April 24, 2026, the project meets the requirements of 31 TAC § 363.14 and 363.16 with the following special and standard environmental conditions:

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	Bryan McMath, Executive Administrator

Special Environmental Conditions

- Consistent with the Flood Insurance Reform Act of 2004, Flood Disaster Protection Act, Executive Order 11988, Texas Water Code Section 16.315, and local floodplain development ordinances, El Paso County (County) must obtain a floodplain development permit issued by the Local Floodplain Administrator for El Paso County prior to construction in a Special Flood Hazard Area. The County is a participant in the National Flood Insurance Program.
- The following measures will be taken, as per an agreement with the Texas Parks and Wildlife Department (TPWD), Ecological & Environmental Planning Program (TPWD Project No. 54732), to ensure compliance with Texas Parks and Wildlife Code, Chapters 12, 64, 67, and 68, the Endangered Species Act of 1973, as amended, the Migratory Bird Treaty Act (MBTA), and applicable federal regulations pertaining to protected species, including the Texas horned lizard (*Phrynosoma cornutum*) and western burrowing owl (*Athene cunicularia hypugaeathe*).
 - The following beneficial management practices (BMPs) will be implemented to minimize potential impacts to the western burrowing owl, which has been observed within the general project area. This species is protected under the MBTA, which prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species and prohibits the destruction of their burrows, nests, or eggs.
 - Contractors will be advised of the potential for this species to occur in the project area year-round, and to avoid harming this species and their nests or burrows if encountered. This is a ground-dwelling bird species that nests in burrows of prairie dogs and other fossorial animals but may also nest and/or roost in storm drains, drainage pipes, and cement culverts, on banks, along irrigation canals, under asphalt or wood debris piles, or openings under concrete pilings or asphalt. Disturbance of mammal burrows or other suitable habitat for the western burrowing owl will be avoided during the construction of the proposed project.
 - Project activities will take place outside the breeding season (March 15th to September 15th). Nesting areas and burrows should be protected from intensive disturbance during incubation. If ground disturbance during this time is unavoidable, the area proposed for disturbance will be surveyed by a qualified biologist to identify occupied nests, not more than five days prior to clearing activities. If nesting owls are found inhabiting the project area, disturbance should be avoided until the eggs have hatched and the young have fledged.
 - The following beneficial management practices (BMPs) will be implemented to minimize potential impacts to the Texas horned lizard, which is state listed as threatened and protected under the Parks and Wildlife Code, Section 68.015, which prohibits the capture, trap, take, or killing of state listed threatened and endangered animal species unless expressly authorized under a permit issued by USFWS or TPWD.

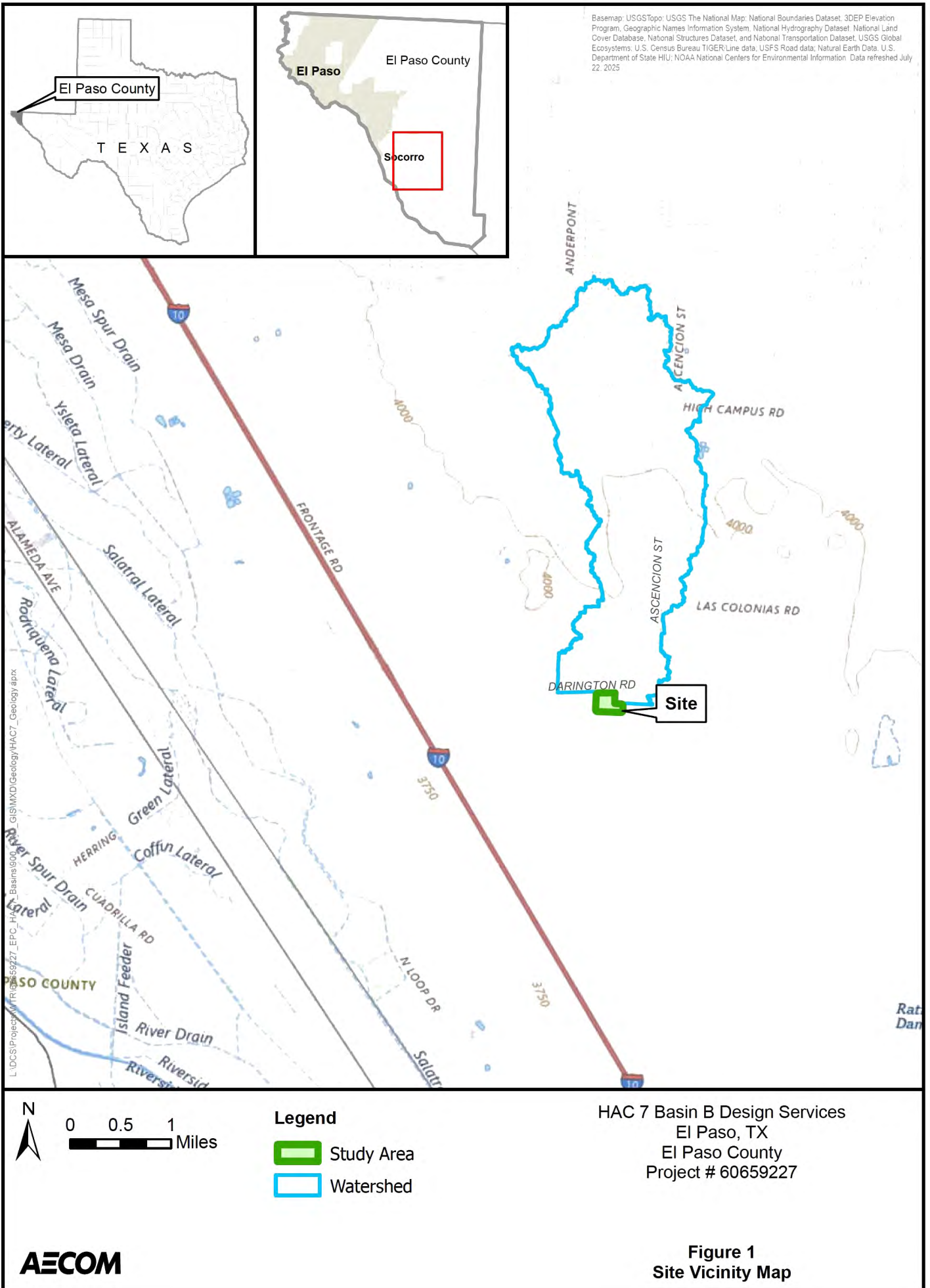
- Contractor Training for Protected Species – TPWD recommends providing training for project contractors prior to the construction of the proposed project. Wildlife training should consist of identification of Texas horned lizards and their primary food source (harvester ants), and the proper protocol to avoid impact if a Texas horned lizard or other rare or protected species is encountered. TPWD recommends instructing contractors to avoid impacts to harvester ant mounds where feasible.
- Biological Monitor and Horned Lizard Encounters – TPWD recommends a biological monitor be present during construction to identify and relocate Texas horned lizards or other state listed species if found. If the presence of a biological monitor during construction is not feasible, state listed species observed during construction should be allowed to safely leave the site on their own or be relocated to a nearby area with similar habitat that would not be disturbed during construction. TPWD recommends that any translocations of reptiles be the minimum distance possible no greater than one mile, preferably within 100 to 200 yards from the initial encounter location.
- Work During Cold Weather – If construction activities take place during cold weather, it is recommended that construction personnel stay observant of activities that may harm the Texas horned lizard, such as disruption of burrows. In cold weather, this species will use burrows or pallets near the base of vegetation for shelter. Their slow metabolism in cold weather can reduce movements, restricting their ability to flee from danger.

Standard Environmental Conditions

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

With the addition of these requirements, design funds may be released once all other requirements are satisfied.

Enclosures





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MEMORANDUM

TO: T. Clay Schultz, Ph.D., Regional Water Project Development **Clay Schultz**
Digitally signed by Clay Schultz
Date: 2026.09.10 10:02:26 -05'00'

THROUGH: Bill Blaik, P.E., Regional Water Project Development **Bill Blaik, P.E.**
Digitally signed by Bill Blaik, P.E.
Date: 2026.08.18 10:29:02 -05'00'

FROM: Gayla Ivey Duaine, Environmental Protection Specialist **Gayla Duaine**
Digitally signed by Gayla Duaine
Date: 2026.08.17 13:50:01 -05'00'

SUBJECT: El Paso County, El Paso County, Texas
TWDB FIF Category 2 Project No. 40134
Stream 13.5 Basin (HAC7)
Total Commitment Amount: \$3,210,000
Loan No. L1001305
Grant No. G1001306

As required by the rules of the Texas Water Development Board (TWDB), 31 Texas Administrative Code (TAC) § 363.14 and 363.16, an environmental review has been performed for the Stream 13.5 Basin (HAC7) Project proposed by El Paso County (County). The County is proposing to use \$3,210,000 in financing from the Flood Infrastructure Fund (FIF) Program for planning, acquisition, design, and construction of the project. The Environmental Determination (ED) completed for the proposed project is based primarily on the Environmental Data Form (EDF)¹ received by the TWDB.

PURPOSE AND NEED

The project is needed for debris, sediment, and floodwater controls in the Hacienda Real area from the undeveloped areas upstream. The purpose of the project is to construct two basins for flows associated with the arroyo designated in the El Paso County Stormwater Master Plan (2010) as Stream 13.5 in the HAC7 portion of the Hacienda Real study area. The project will provide flood and sediment control benefits for approximately 62 buildings, 346 acres of agricultural land, and 6,471 feet of principal roadway.

PROJECT DESCRIPTION

The project is needed to mitigate flood risk and debris flow in the Hacienda Real area from the undeveloped areas upstream. The proposed project includes construction of two basins (A and B) along Stream 13.5 in east El Paso County. Basin A is located south of Interstate Highway 10

¹ El Paso County (2023). Environmental Data Form (EDF), El Paso County HAC7 Basin A and Basin B/60659227, Prepared by AECOM. Received by TWDB on December 18, 2023. The EDF is complete with the supplementary materials submitted to the TWDB on April 28, 2025.

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near Mile Marker 46. Basin B is located upstream of Basin A approximately 0.45 miles southwest of the intersection of Darrington Road and White Spring Drive.

Basin A has a 9-acre, trapezoidal footprint of 660 ft by 610 ft, and will be designed to detain sediment from a contributing watershed of primarily open rural range area. Basin B has a 25-acre, L-shaped footprint of approximately 1400 ft long and 960 ft wide, and will be designed to retain and infiltrate the 100-year storm from a watershed that includes rural areas interspersed with suburban developments.

The upstream side of Basin A will receive inflows via a reinforced concrete inlet channel spanning the width of the arroyo (approximately 232 feet). The inlet structure is approximately 135.5 feet in length along the centerline including a 48-foot-long discharge section at the basin invert. The top of the inlet structure has a total height of about 14 feet. A reinforced concrete outlet structure (spillway) measuring 99-feet wide by 4.0-feet tall is located on the downstream berm of the basin. The spillway has a 75-foot-wide concrete weir for flow discharge control.

Basin B includes controlled inlet structures to reduce erosion, an outlet structure to discharge flows exceeding a 100-year rain event in Basin B, and embankment for flood and sediment pool storage to reduce deposition in the downstream channels and floodplains in Basin A. The project will provide flood and sediment control benefits for approximately 62 residences, 346 acres of agricultural land, and 4 roadway crossings.

A 15-foot-wide unpaved access road/bench is planned around the perimeter of each basin for maintenance purposes. In addition, a 20-foot-wide access road approximately 2,400 linear feet in length from I-10 to the Basin A site is also proposed, which will require cut and fill grading of up to 5 and 6 feet, respectively.

PUBLIC PARTICIPATION

The project does not involve any known, significant socioeconomic or environmental impacts, or historical or cultural resource issues that may affect the evaluation of project alternatives or implementation of the project, such as rate increases, displacement of persons, disproportionate effects on minorities or those living beneath the poverty line, potential impacts to known cultural resources, waters of the U.S., or protected species, or similar public concerns. Therefore, no public meeting was required.

AGENCY COORDINATION

This environmental review included coordination with state and federal regulatory agencies, local authorities, and other stakeholders and interested parties regarding the project's potential impact. The County submitted notifications to and requests for input from all required parties. Some entities did not require a response. The respondents are listed below, and the results of coordination are summarized in the EDF and reflected in the environmental conditions listed below:

- Texas Historical Commission (THC), in accordance with Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas (Texas Antiquities Permit No. 31256, THC Tracking No. 202400506)
- United States Army Corps of Engineers (USACE), Regulatory Branch, Albuquerque District, in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 (no project number assigned)
- Texas Parks and Wildlife Department (TPWD), Ecological & Environmental Planning Program, Austin, in accordance with the Endangered Species Act of 1973, as amended; Migratory Bird Treaty Act; Texas Parks and Wildlife Code; and other applicable regulations (TPWD Project No. 54732)

Texas Historical Commission

The THC was given the opportunity to review the project. There are no previously recorded significant or potentially significant sites within or adjacent to the project footprint according to THC Archeological Sites Atlas. The project is not within the protected area surrounding a historic cemetery, structure, or district. A cultural resources survey² was performed under Texas Antiquities Permit No. 31256. The survey report was reviewed by the THC staff in accordance with Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas (THC Tracking No. 202400506. The THC staff concurred that no historic properties, archeological sites, or other cultural resources would be affected by the project, in correspondence dated October 11, 2023.

United States Army Corps of Engineers

The USACE, Albuquerque District Office, Regulatory Branch staff were given the opportunity to review the project and jurisdictional waters investigation report³ dated November 2023. In an email dated January 5, 2024, the USACE concurred with the investigation report's findings that no waters of the United States will be impacted by the proposed project, and no permit under Section 404 of the Clean Water Act will be required.

Texas Parks and Wildlife Department

The TPWD Ecological & Environmental Planning Program staff reviewed the project in accordance with the Texas Parks and Wildlife Code, and provided a response dated June 5, 2025, TPWD Project No. 54732. The TPWD staff made recommendations to prevent impacts to protected, aquatic, and invasive species. Specifically, mitigative measures for potential impacts to the western burrowing owl (*Athene cunicularia hypugaea*) and Texas horned lizard (*Phrynosoma cornutum*) were recommended.

In correspondence dated July 29, 2026, Alejandra Marco, on behalf of the County, responded regarding their commitment to the recommendations. In order to mitigate or avoid potential impacts, TPWD recommendations are summarized as environmental special conditions in this ED.

² Cultural Resources Survey for the Proposed Development of the Texas Water Development Board HAC7 Basins A & B, El Paso County, Texas. September 2023. Texas Antiquities Permit No.31256; THC No. 202400506. Prepared by AECOM.

³ Investigation of Potentially Jurisdictional Waters of the United States, El Paso County, November 2023. Prepared by AECOM.

Local Floodplain Administrator

This environmental finding is conditioned to require a floodplain development permit prior to clearing or construction activities within any 100-year floodplain or floodway in order to comply with requirements of the Federal Emergency Management Agency regarding implementation of the National Flood Insurance Act, Flood Disaster Protection Act, National Flood Insurance Reform Act, Federal Executive Orders 11988 and 11990, and to comply with related state statutes. The County of El Paso is a participant in the National Floodplain Insurance Program.

CONDITIONS AND RECOMMENDATIONS

An environmental review of the project has been completed consistent with the guidelines provided in 31 TAC § 363.14 and 363.16. The environmental review is documented by this ED, which contains environmental conditions that will be applied to the project to avoid significant adverse impact on floodplains, cultural or historical resources, threatened or endangered species, and protected migratory bird species.

The TWDB may not 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.

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

Special Environmental Conditions

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- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the County will abide by the standard emergency condition for the discovery of threatened and endangered species.

Therefore, it is recommended that an Environmental Determination be issued.