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ENVIRONMENTAL DETERMINATION

TO: File

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

SUBJECT: El Paso County, Texas
TWDB FIF Category 2 Project No. 40181
Sparks Arroyo A1-A3 (SSA1)
Total Commitment Amount: \$34,530,000
Loan No. L1001455
Grant No. G1001456

The environmental review for the El Paso County (County) Sparks Arroyo A1-A3 (SSA1) project has been completed consistent with 31 Texas Administrative Code (TAC) § 363.14 and 363.16. The County is proposing to use \$34,530,000 in financing from the Flood Infrastructure Fund (FIF) Program to construct a retention basin to capture flood and sediment flows that travel through natural arroyos from an upland mesa at great volumes and speed during flooding events. This project is identified in the El Paso County Stormwater Master Plan (2010) as SSA1 within the Sparks Arroyo and Sub Basin A study area. The Texas Water Development Board (TWDB) committed this financing on January 6, 2022, and the County closed the financing on May 24, 2022.

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, the project meets the requirements of 31 TAC § 363.14 with the following special and standard environmental conditions:

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, the City 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.

Our Mission	:	Board Members
Leading the state's efforts	:	L'Oreal Stepney, P.E., Chairwoman Tonya R. Miller, Board Member
in ensuring a secure	:	
water future for Texas	:	Bryan McMath, Executive Administrator

- As per an agreement with the Texas Parks and Wildlife Department (TPWD), Ecological & Environmental Planning Program (TPWD Project No. 54731), 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 Texas horned lizard (*Phrynosoma cornutum*) and Western burrowing owl (*Athene cunicularia hypugaeae*), the following measures will be implemented:
 - Consistent with the MBTA, which provides protection to most native bird species, 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, not more than five days prior to clearing activities. 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; however, the size of the buffer zone depends on various factors and can be coordinated with the local or regional USFWS office. Raptor nesting occurs late winter through early spring; TPWD recommends construction activities be excluded from a minimum zone of 100 meters (approximately 328 feet) surrounding any raptor nest during the period of February 1 through July 15. State and federal regulations as currently interpreted do not permit incidental take.
 - Contractors and construction crews will be informed of the potential for protected species to occur in the project area and instructed to avoid impacts to all wildlife that are encountered. Any wildlife observed will be allowed to safely leave the site handled only by persons with authorization obtained through the TPWD Wildlife Permits Program. Any translocations of reptiles will occur within 100-200 yards from the initial encounter location. Wildlife training should consist of identification of tricolored bats, Western burrowing owl, Texas horned lizards, their habitat, their primary food sources (including harvester ants), and the proper protocol to avoid impact if encountered.
 - The length of trenches left open at any given time during construction will be minimized, and trenches will be covered overnight. Escape ramps will be installed along open trenches and excavated pits 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 one horizontal foot for every one foot of depth. Trenches and excavation areas will be visually inspected for trapped wildlife every morning or if left open longer than two daylight hours prior to resuming construction activities.
 - For soil stabilization and revegetation, no-till drilling, hydromulching (avoiding plastic ingredients), and/or hydroseeding will be used rather than erosion control blankets or mats, which pose an entanglement hazard to wildlife. If erosion control blankets or mats cannot be avoided, products that contain no netting or loosely woven natural fiber netting will be used, avoiding any type of plastic netting.

- The project area may provide suitable habitat for the western burrowing owl, which is protected under the MBTA, and take of these birds, their nests, and eggs is prohibited. 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. Project areas should be inspected for nesting or roosting sites prior to the beginning of ground disturbance activities. TPWD recommends conducting ground disturbance activities outside of breeding season (March 15 to September 15). Excavation of an active nest burrow may destroy eggs, young owls, or even adults and is a violation of the MBTA. Contractors should be advised for 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.
- The following beneficial management practices (BMPs) will be implemented to minimize potential impacts to the Texas horned lizard, which is state listed as threatened, as well as other reptile species that may occur in the project area:
 - *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. After horned lizard removal, the area that will be disturbed during active construction and project specific locations should be fenced off to exclude horned lizards and other reptiles.
 - *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.
 - Heavy equipment stored on site should be examined before use, particularly after rain events when reptile and amphibian movements occur more often, to ensure use will not harm individuals that might be seeking temporary refuge. TPWD recommends instructing contractors to avoid impacts to harvester ant mounds should be avoided where feasible.

Standard Environmental Conditions

- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the El Paso County (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, acquisition and design funds may be released once all other requirements are satisfied.

Enclosures



Legend

- SSA1 Basin
- 100Yr IB Proposed
- 100Yr IB Existing

N

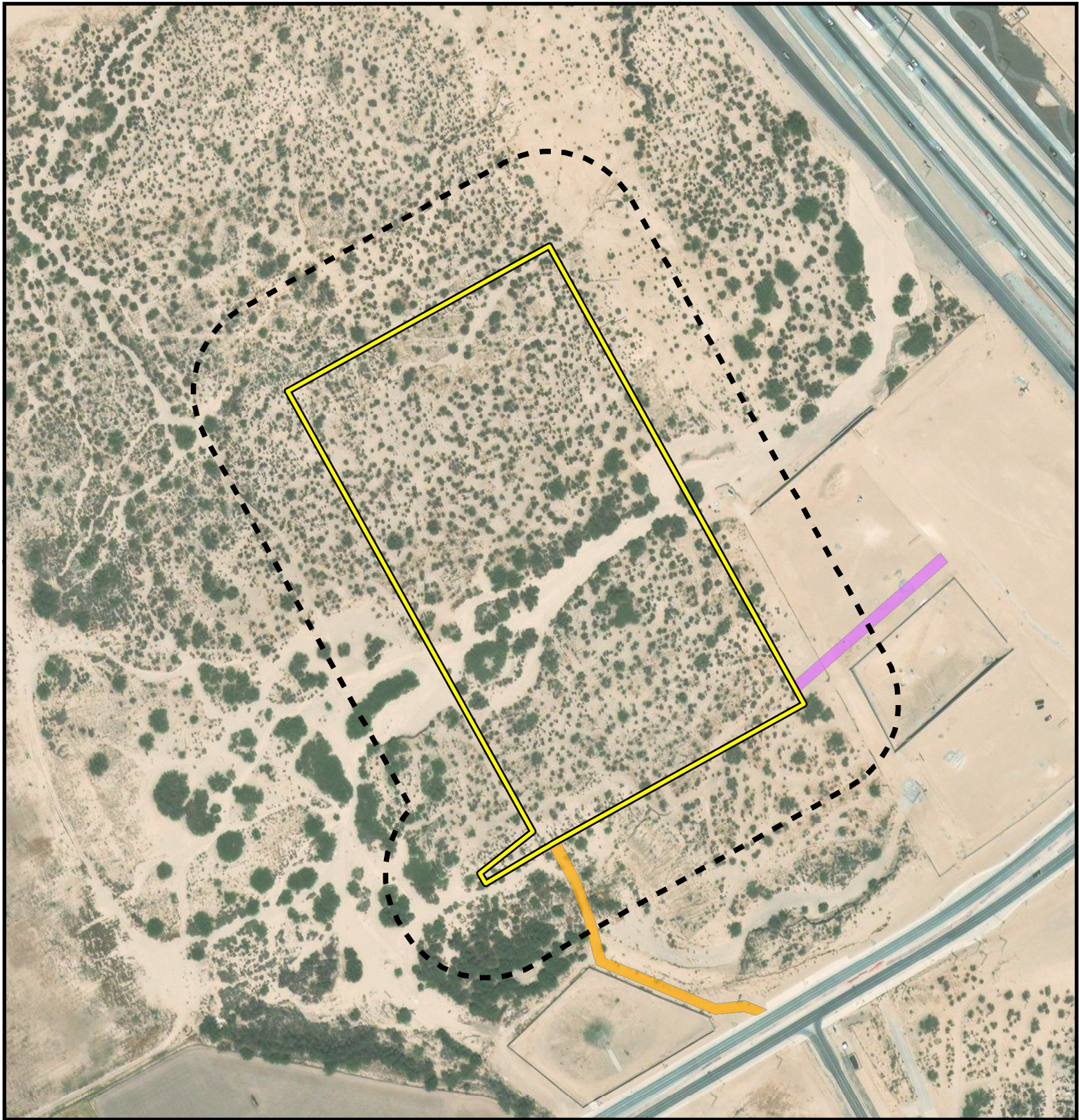
0 0.14 0.28 0.55 Miles

**SSA1 Basin
Study Area Watershed**
El Paso County

April 2024

Figure P5

City of El Paso, Texas Parks & Wildlife, CONANP, Esri, TomTom, Garmin, Foursquare, Satefy, GeoTechnologies, Inc., METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Maxar



Legend

- Study Area
- Detention Basin

Access Roads

- Proposed access road (A)
- Proposed access road (B)

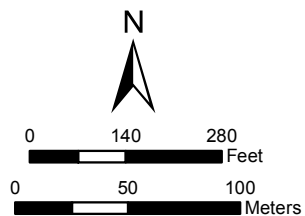


Figure 1C: Project Location Map

AECOM

May 2023

Figure 1C

