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ENVIRONMENTAL DETERMINATION

TO: File

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

Clay Schultz Digitally signed by Clay Schultz Date: 2026.09.30 14:38:49 -05'00'

SUBJECT: Upper Trinity Regional Water District, Denton County, Texas
TWDB SWIFT Project No. 51068
Regional Treated Water System Northeast Transmission Pipelines & Loop Phase III
Total Commitment Amount: $40,785,000
Loan No. LB231663
Loan No. LB241663
Loan No. LB251663
Loan No. LB261663

The environmental review for the Regional Treated Water System (RTWS) Northeast Transmission Pipelines & Loop Project, Phase III, proposed by the Upper Trinity Regional Water District (District) has been completed consistent with 31 Texas Administrative Code (TAC) § 363.14. The District is proposing to use $40,785,000 in financing from the State Water Implementation Fund for Texas (SWIFT) program to construct Phase III of the Northeast Pipeline Project which will consist of approximately 28,000 linear feet (LF; 5.3 miles) of 36-inch water transmission pipeline with appurtenances. The Texas Water Development Board (TWDB) committed this financing on July 25, 2023. As a multiyear commitment loan, closings will be spaced out until December 2026, as the funds are needed.

Because the funding for the project is being requested in stages, separate environmental findings are being issued for separate phases of the Northeast Pipeline Project. An Environmental Determination (ED) was issued for Phase II on October 11, 2024. The District applied for additional SWIFT funding in 2026 for Phase IV which is anticipated to be committed on July 23, 2026, and for which an ED will be issued.

Results of this environmental review are documented by the accompanying Memorandum, 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 February 2, 2026, with the supplementary materials submitted to the TWDB on May 1, 2026, the project meets the requirements of 31 TAC § 363.14 with the following special and standard environmental conditions:

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

Board Members
L'Oreal Stepney, P.E., Chairwoman | W. Brady Franks, Board Member | Ashley Morgan, Board Member
Bryan McMath, Executive Administrator

Special Environmental Conditions

- Consistent with the Flood Insurance Reform Act of 2004, federal Executive Order 11988 as amended by EO 13690, Texas Water Code Section 16.315, and local floodplain development ordinances, a floodplain development permit will be obtained from the local floodplain administrator prior to construction in, across, or under a Special Flood Hazard Area and TWDB approval of plans and specifications, and any requirements contained therein will be adhered to.
- Consistent with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, the proposed project will comply with the terms and conditions of United States Army Corps of Engineers (USACE) Nationwide Permit 58 for Utility Line Activities for Water and Other Substances (USACE Project Number SWF-2024-00542).
- Per an agreement with the USACE, to avoid impacts to potential waters of the U.S., including wetlands, and aquatic habitat, the waterline crossing of Wetland 4 (W4), according to the Aquatic Resources Delineation Reports dated January 22, 2025, and March 5, 2025, an emergent wetland, will be performed by a trenchless method, with bore pits located outside riparian and/or aquatic habitat (USACE No. SWF-2024-00542).
- As per an agreement with the Texas Parks and Wildlife Department (TPWD), Ecological & Environmental Planning Program (TPWD Project No. 53136), to ensure compliance with Chapters 12, 57, 64, 67, and 68 of the Texas Parks and Wildlife Code, and the Endangered Species Act of 1973, as amended, the Migratory Bird Treaty Act, and applicable federal regulations pertaining to protected species, the following measures will be implemented:
    - 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.
    - To replace habitat that is lost due to project construction, the Upper Trinity Regional Water District (District) will revegetate impacted areas with native species, including pollinator habitat, and herbicides that affect floral resources will be avoided, to the extent practicable.
    - Construction within 100 yards (300 feet) of Running Branch will be avoided to the extent practicable during the breeding and nesting season of the alligator snapping turtle (*Macrochelys temminckii*), May 1 through June 30.
    - The District will minimize vegetation removal and retain vegetative riparian buffers along waterbodies to the extent practicable. The District will avoid disturbing microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms. During construction, trucks and equipment will use existing bridges to cross streams.
    - If the alligator snapping turtle (*Macrochelys temminckii*) or monarch butterfly (*Danaus plexippus*) become federally listed prior to vegetation clearing and/or construction, the District will conduct additional coordination with the United

States Fish and Wildlife Service to ensure compliance with the Endangered Species Act.

- If wildlife are encountered, the animals will be allowed to leave the area safely. Wildlife in danger from project activities that will not readily leave the site can be translocated to a nearby area with similar habitat. Any translocations of reptiles will occur within 100-200 yards from the initial encounter location. State-listed species will be handled only by persons with authorization obtained through the TPWD.
- The length of trenches left open at any given time during construction will be minimized. Trenches and excavation areas will be covered overnight and/or 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 one horizontal foot for every one foot of depth, or other appropriate means of safely securing the site to ensure wildlife do not become trapped and are enabled to safely escape.
- 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.

<u>Standard Environmental Conditions</u>

- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the 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 District 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

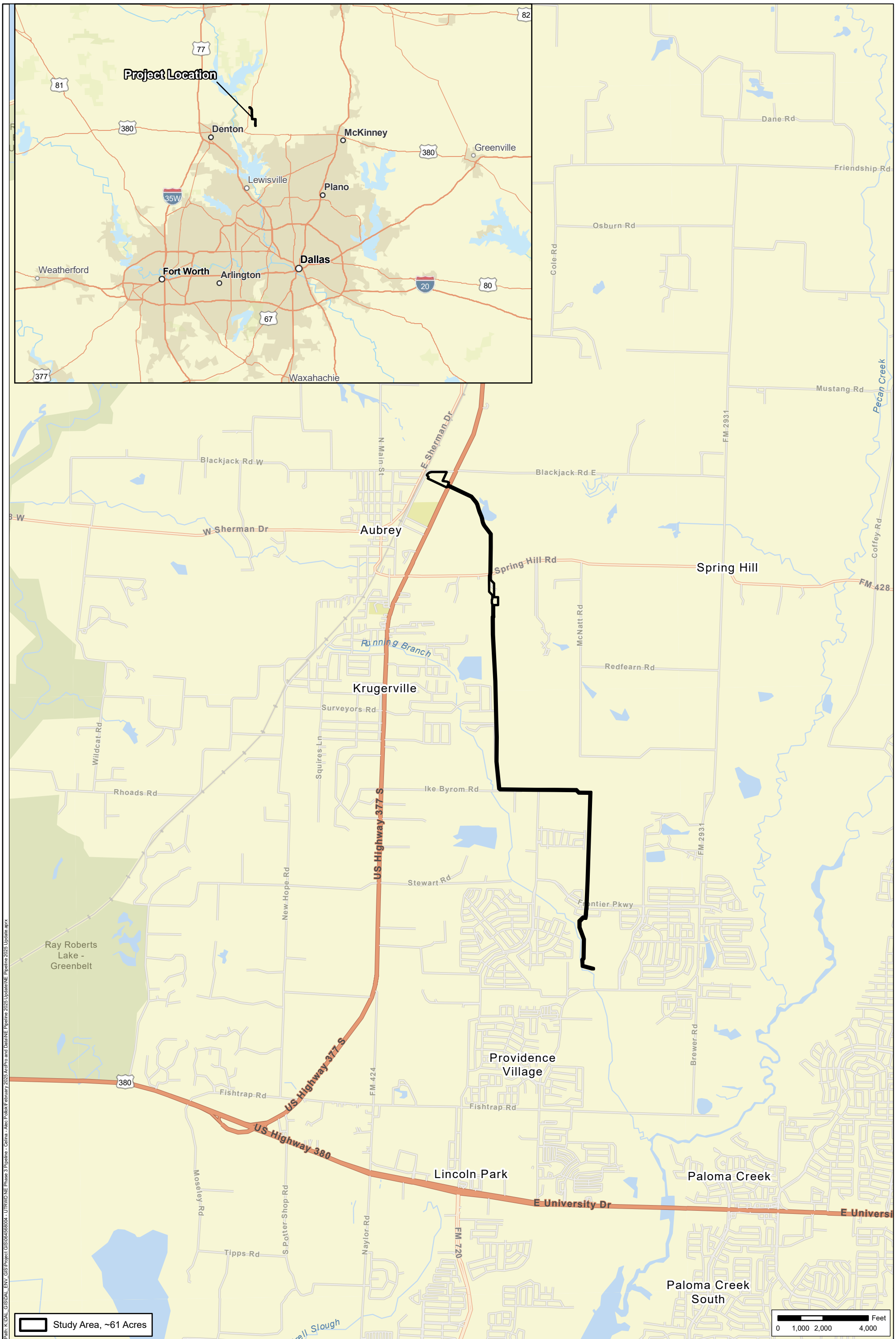

FIGURE	DATE: 02/24/2025
1.0	DRAWN: LJK
	CHECKED: TMB
	KHA NO.: 064568004

Vicinity Map

Source: ESRI Basemap

RTWS Northeast Transmission Pipeline (Ph 3)

Aubrey, Denton County, Texas

N

Kimley»Horn

This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or survey purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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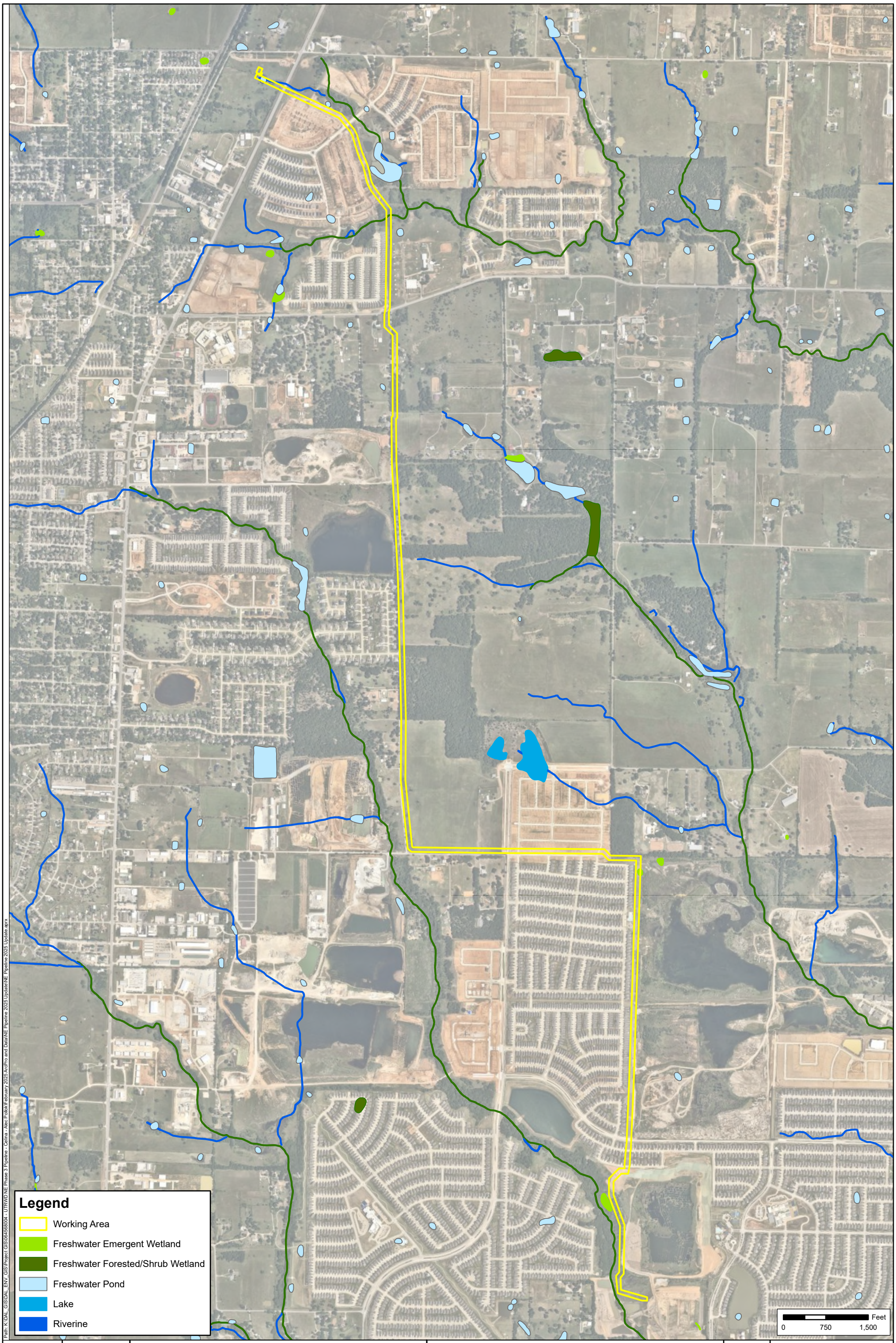

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FIGURE			
4.0	DATE: 06/30/2026	National Wetlands Inventory Map	RTWS Northeast Transmission Pipeline (Ph 3)
	DRAWN: CBJ		
	CHECKED: TMB	Source: USFWS	Aubrey, Denton County, Texas
	KHA NO.: 064568004		

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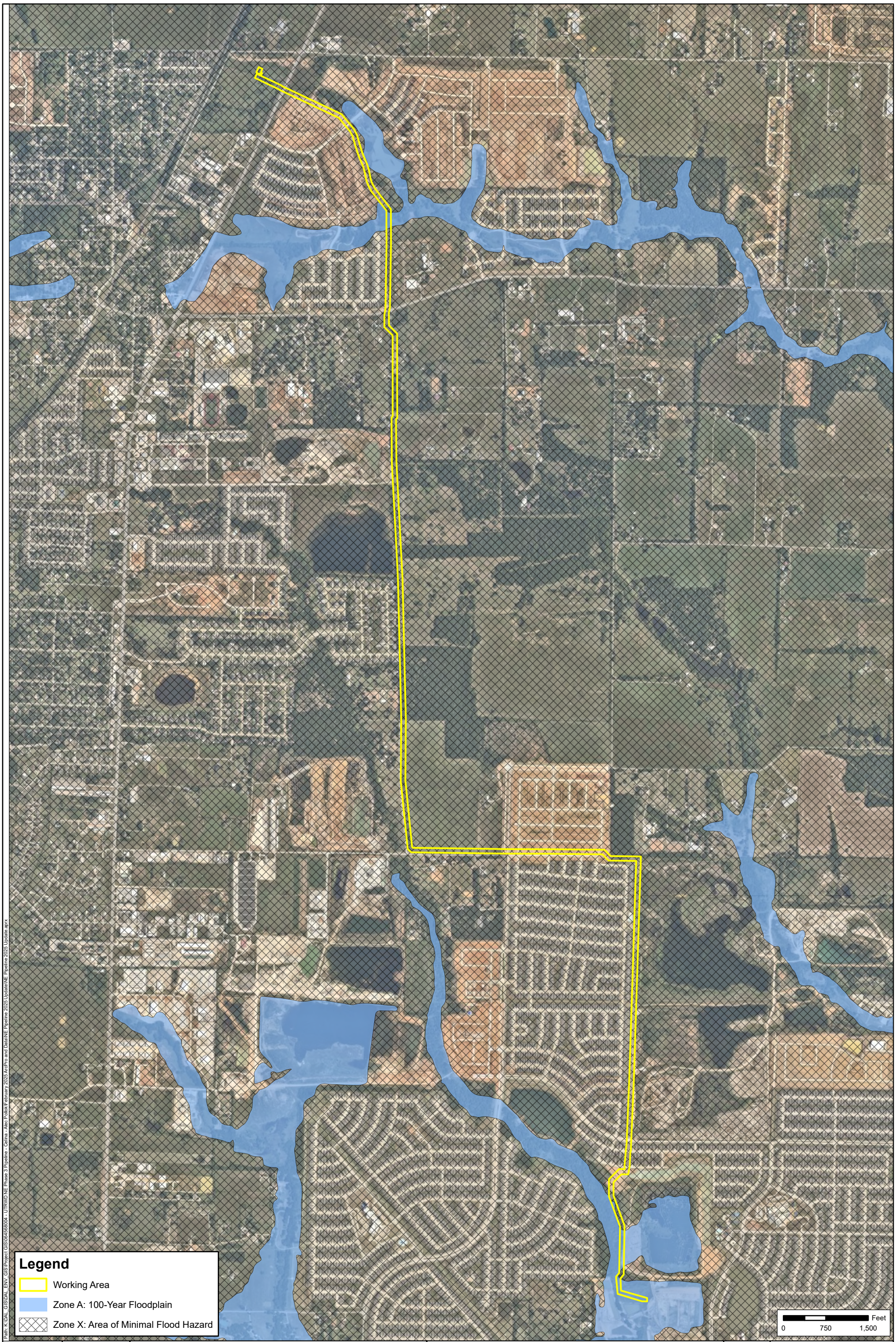

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FIGURE		
2.0	DATE:	06/30/2026
	DRAWN:	CBJ
	CHECKED:	TMB
	KHA NO.:	064568004

FEMA Map

Source: FEMA

RTWS Northeast Transmission Pipeline (Ph 3)

Aubrey, Denton County, Texas

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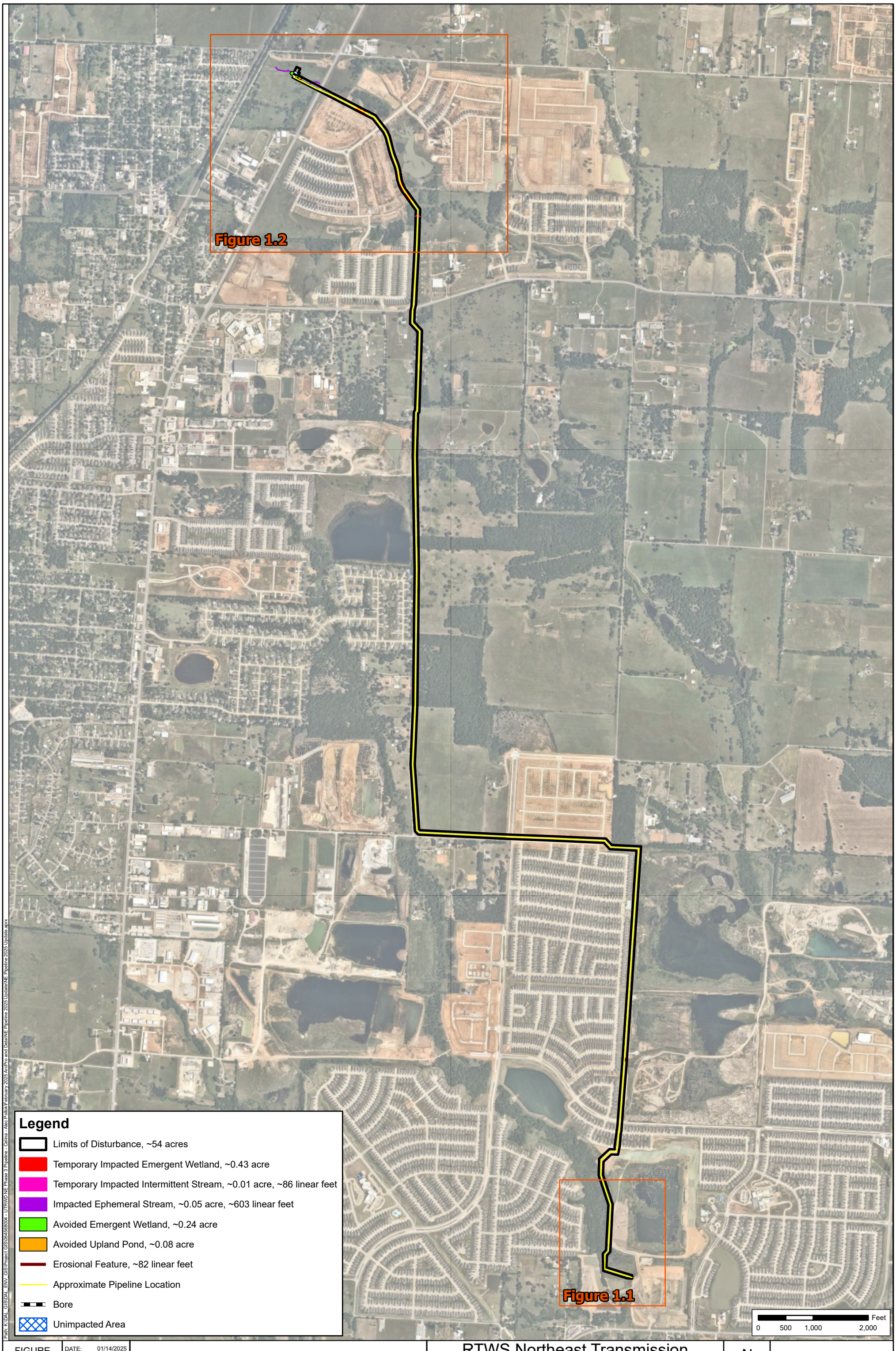

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FIGURE			
1.0	DATE: 01/14/2025	Impacts Map Key Sheet	RTWS Northeast Transmission Pipeline (Ph 3)
	DRAWN: ACB		
	CHECKED: KRK	Source: Nearmap January 2024	Aubrey, Denton County, Texas
	KHA NO.: 064568004		

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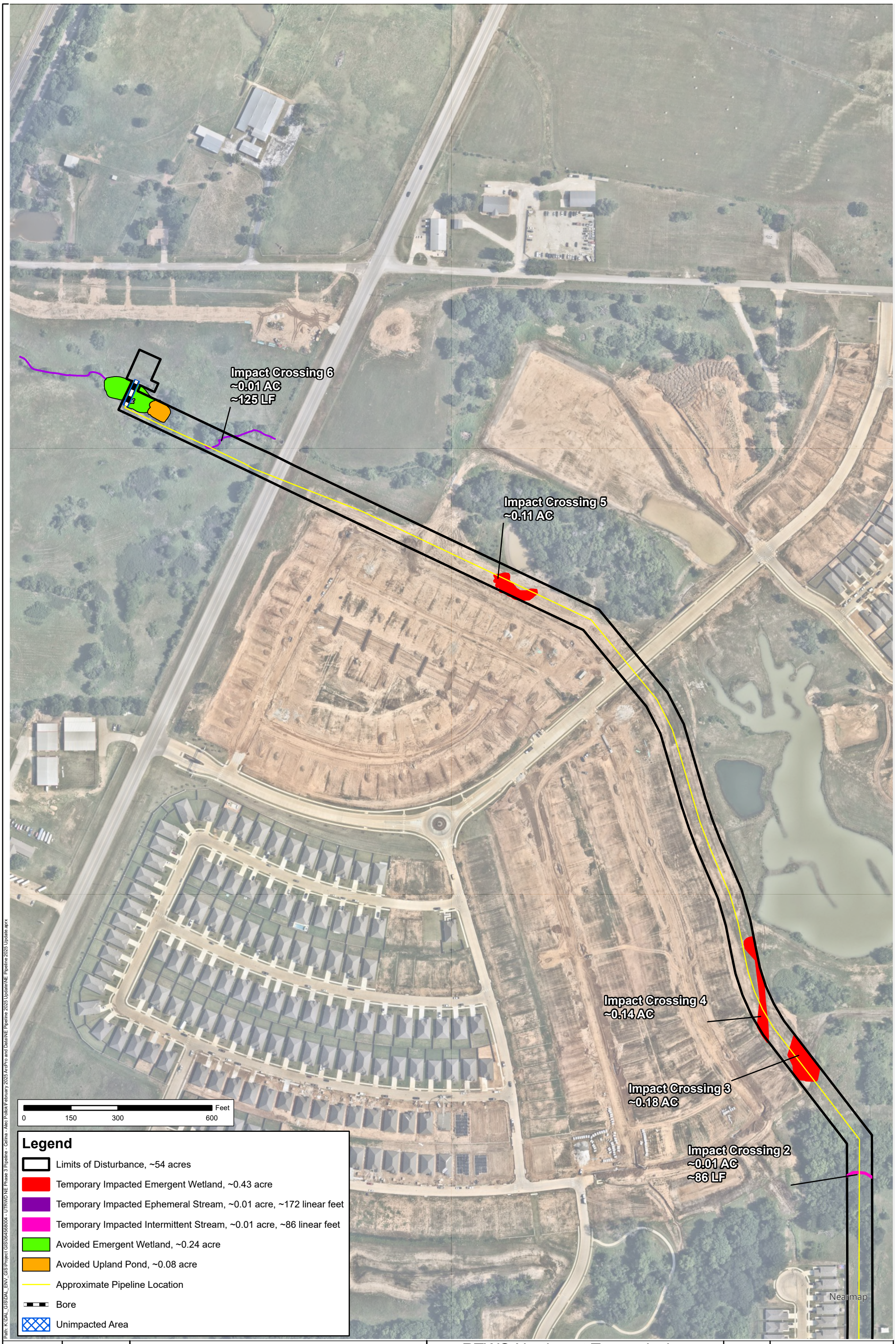

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FIGURE	DATE: 02/28/2025	Impacts Map	RTWS Northeast Transmission Pipeline (Ph 3)	N	Kimley»Horn
1.1	DRAWN: TMB				This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or survey purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
	CHECKED: MMC				
	KHA NO.: 064568004	Source: Nearmap January 2024	Aubrey, Denton County, Texas		

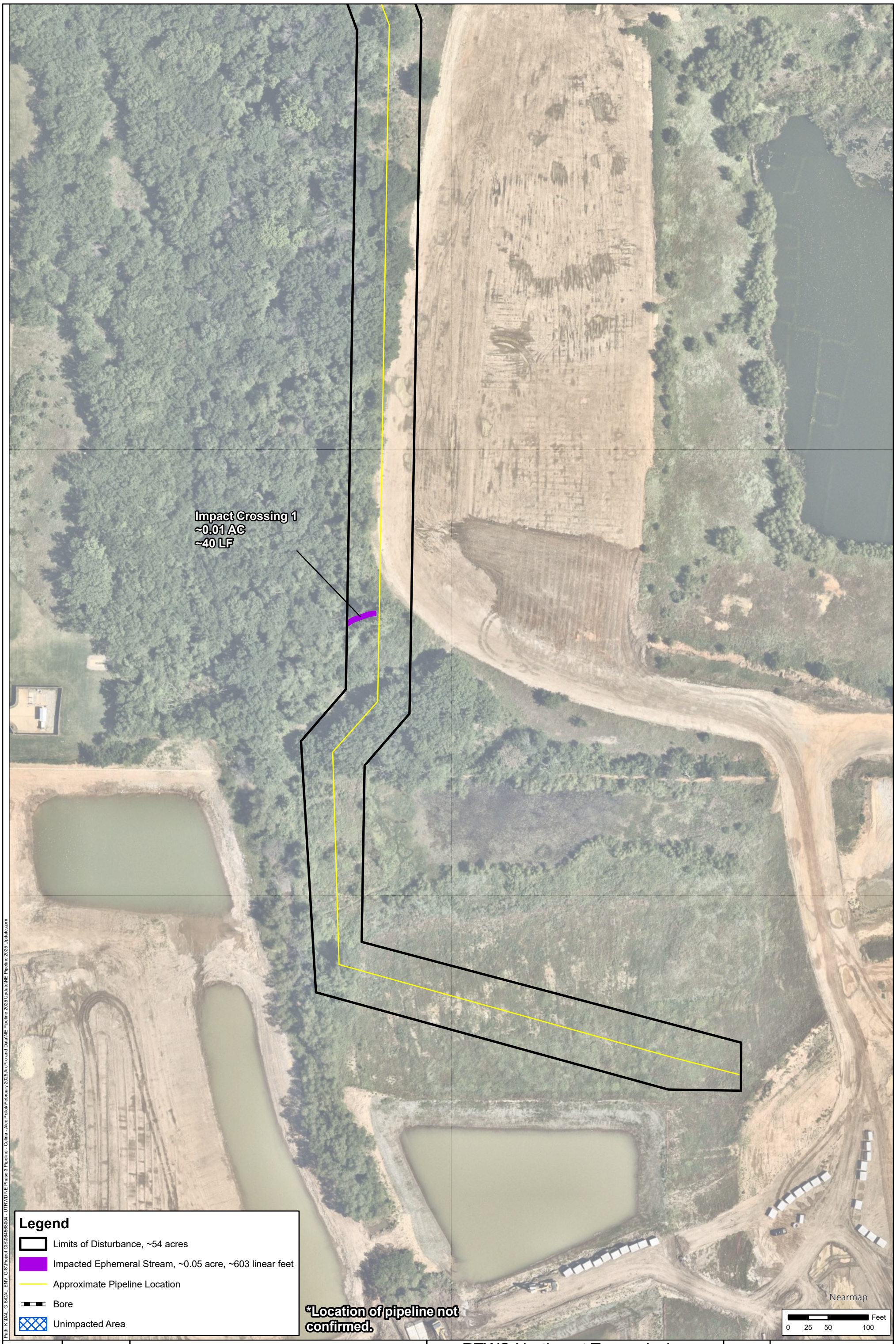

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FIGURE	DATE: 02/28/2025	Impacts Map	RTWS Northeast Transmission Pipeline (Ph 3)	N	Kimley»Horn
1.2	DRAWN: TMB	Source: Nearmap January 2024	Aubrey, Denton County, Texas		This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or survey purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
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FIGURE	DATE: 12/26/2024	Aquatic Features Map	RTWS Northeast Transmission Pipelines (Ph 3)	N	Kimley»Horn
11.3	DRAWN: ACB	Source: Nearmap January 2024	Aubrey, Denton County, Texas		This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or survey purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
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	KHA NO.: 064568004				