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MEMORANDUM

TO: T. Clay Schultz, Ph.D., Regional Water Project Development Clay Schultz Digitally signed by Clay Schultz Date: 2026.09.30 14:40:19 -05'00'

THROUGH: Joe Koen, P.E., Regional Water Project Development Joe Koen Digitally signed by Joe Koen Date: 2026.09.30 09:43:48 -05'00'

FROM: Kylie Beard, Environmental Protection Specialist Kylie Beard Digitally signed by Kylie Beard Date: 2026.09.29 10:50:13 -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

As required by the rules of the Texas Water Development Board (TWDB), 31 Texas Administrative Code (TAC) § 363.14, an environmental review has been performed for the Regional Treated Water System (RTWS) Northeast Transmission Pipelines & Loop Project, Phase III, proposed by the Upper Trinity Regional Water District (District) in Tarrant County, Texas. The District is proposing to use $40, 785, 000 in financing from the State Water Implementation Fund for Texas (SWIFT) 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.

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 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. Phase III of the Northeast Pipeline Project, for which this ED is issued, consists of the construction of approximately 28,000 linear feet (LF; 5.3 miles) of 36-inch water transmission pipeline with appurtenances.

[1] Upper Trinity Regional Water District (May 1, 2026). Environmental Data Form (EDF), Regional Treated Water System (RTWS) Northeast Transmission Pipelines & Loop Project, Phase III, Prepared by Kimley Horn and Associates. Received by the TWDB on February 26, 2026. The EDF is complete with the supplementary materials submitted to the TWDB on May 1, 2026.

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PURPOSE AND NEED

The District currently provides water to multiple members within the northeast area of their regional treated water system. Based on water demand projections provided by these members, the District has identified improvements to provide additional capacity. The proposed Phase III 36-inch pipeline will increase water supply capacity to meet customers' future water needs. The transmission improvement will serve as the main water supply to the western part of the District's northeast system.

PROJECT DESCRIPTION

The project components covered by this environmental assessment includes the construction of approximately 27,400 linear feet (LF; 5.2 miles) of 36-inch water transmission pipeline in an 80-foot-wide construction footprint, with appurtenances including 11 air release valves, nine blow-off valves, six isolation valves and one water meter vault. Approximately 91 acres will be temporarily or permanently affected by the pipeline construction.

The proposed pipeline will connect to the existing 36-inch water line approximately 900 LF north of Main Street and 1000 LF west of Silverado Parkway. The water line runs north for approximately 8,000 LF before turning west along Ike Byrom Road. The line would then extend north for approximately 9,500 LF up to Spring Hill Road, generally parallel to Running Branch Road and property lines. North of Spring Hill Road, the water line travels 5,000 LF before terminating at the Aubrey pump station.

PUBLIC PARTICIPATION

The project is consistent with local, regional, and statewide planning. Coordination with the appropriate governmental agencies has been made and no adverse comments have been received.

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

The District's environmental impact assessment included coordination with state and federal regulatory agencies, local authorities, and other stakeholders and interested parties regarding the project's potential impact. The District submitted notifications to and requests for input from all required parties. Some entities did not require a response. 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, in accordance with the Antiquities Code of Texas (Texas Antiquities Permit No. 32455, THC Tracking Nos. 202507790, 202600525) State Historic Preservation Officer, in accordance with the National Historic Preservation Act
- United States Army Corps of Engineers (USACE), Regulatory Branch, Fort Worth District, in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 (Project Number SWF-2024-00542, Nationwide Permit 58 for Utility Line Activities for Water and Other Substances)
- Texas Parks and Wildlife Department (TPWD), Wildlife Division, 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. 53136)
- United States Fish and Wildlife Service (USFWS), Texas Coastal & Central Plains Ecological Services Field Office, in accordance with the Endangered Species Act and statutes affecting other federally protected species (USFWS Project Code 2026-0018583)
- TWDB, National Flood Insurance Program (NFIP) State Coordinator, pursuant to the Flood Insurance Reform Act of 2004, federal Executive Order 11988, Texas Water Code Section 16.315, and local floodplain development ordinances

The District also coordinated with the following entities and no response was required from them.

- Local Floodplain Administrator pursuant to the National Flood Insurance Program

Texas Historical Commission

The THC was given the opportunity to review the project. A cultural resources survey[2] was performed under Texas Antiquities Permit No. 32455. The survey report was reviewed by the THC staff in accordance with the Antiquities Code of Texas (THC Tracking Nos. 202507790, 202600525). The survey did not identify archaeological materials on the ground surface nor did shovel testing identify any archeological sites or isolated artifacts in subsurface contexts. The survey report recommended a finding of *no historic properties affected*. The report found that the proposed project would not impact any sites listed on the National Register of Historic Places (NRHP) or list of State Antiquities Landmarks (SAL) or those eligible for listing. The THC staff concurred that no historic properties, archeological sites, or other cultural resources would be affected by the project, in correspondence dated October 14, 2025.

[2] Welch, Danny (September 15, 2025). Cultural Resources Assessment of the UTRWD NE Pipeline Phase 3 Project, Denton County, Texas, prepared by Stone Point Service for Kimley-Horn and Associates, Inc. Texas Antiquities Permit No. 32455/THC No. 20257790, 202600525.

United States Army Corps of Engineers

The USACE, Fort Worth District Office, Regulatory Branch staff were given the opportunity to review the project (Project Number SWF-2024-00542) and aquatic resources delineation report[3] dated March 5, 2025. The delineation report identified one intermittent stream, three ephemeral streams, four wetlands, one upland pond, and one erosional feature within the vicinity of the proposed pipeline alignment. The District anticipates temporary impacts to approximately 0.01 acres of intermittent stream, 0.02 acres of ephemeral stream, and 0.43 acres of emergent wetlands due to the open cut installation of the proposed pipeline. All waterbodies will be restored to preconstruction contours once the work is complete. The crossing of one wetland in the northern extent of the pipeline alignment will be constructed using trenchless methods in order to avoid impacts to the waterbody.

On August 11, 2026, the USACE verified that the project works appeared to be authorized under Nationwide Permit 58 for Utility Lines Activities for Water and Other Substances. The conditions of this permit must be adhered to during construction.

Texas Parks and Wildlife Department

The TPWD Wildlife Division, Ecological & Environmental Planning Program staff reviewed the project in accordance with the Texas Parks and Wildlife Code, and provided a response dated December 3, 2024, TPWD Project No. 53136. The TPWD made recommendations to prevent impacts to protected aquatic and terrestrial plant and animal species, specifically, potential impacts to migratory birds, the state-threatened and federally proposed threatened alligator snapping turtle (AST; *Macrochelys temminckii*) and federally proposed threatened monarch butterfly (*Danaus plexippus*).

TPWD review of aerial imagery and the TPWD Texas Ecological Mapping Systems data indicated that the project area contains primarily savanna grasslands, post oak woodlands, and urban low intensity development with small amounts of floodplain and riparian hardwood forest and herbaceous vegetation near streams. Vegetation clearing along the pipeline alignment has the potential to impact migratory bird and monarch butterfly habitat. At least 3,000 LF of the proposed pipeline alignment will be constructed within 300 feet of Running Branch, a perennial stream that may serve as habitat for the AST, near the southern end of the pipeline alignment. Since the AST is ambulatory, it can make its way to and be trapped in construction trenches. Construction will not occur within perennial waterbodies but may occur nearby.

In correspondence dated August 26, 2025, Kimley Horn, on behalf of the District, 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.

[3] Kimley Horn, (March 5, 2025). Aquatic Resources Delineation Report – RTWS Northeast Transmission Pipelines – Phase 3. Prepared for the Upper Trinity Regional Water District.

United States Fish and Wildlife Service

The USFWS Texas Coastal & Central Plains Ecological Services Field Office, in accordance with the Endangered Species Act and statutes affecting other federally protected species, was given the opportunity to review the project through the Information for Planning and Consultation (IPaC) system (Project Code No. 2026-0018583). The USFWS consistency letter dated March 19, 2026, issued a *No Effect* determination for the listed species in the project area and a formal Section 7 consultation was not required.

No known occurrences of or potential habitat for federally listed candidate, threatened, or endangered species were present within or adjacent to the project area during the field survey. There was no designated critical habitat within the project area.

Local Floodplain Administrator

The proposed project will intersect two 100-year floodplains, as designated by the Federal Emergency Management Agency (FEMA). At the south end of the project alignment, the Running Brach floodplain occurs in Denton County (County). At the north end, the floodplain of Pecan Creek Tributary 7 occurs within the City of Aubrey (City).

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.

CONDITIONS AND RECOMMENDATIONS

An environmental review of the project has been completed consistent with the guidelines provided in 31 TAC § 363.14. The results of this environmental review are documented in this Memorandum, which includes 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 and local ordinances.

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

<u>Special Environmental Conditions</u>

- 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.

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