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MEMORANDUM

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

Clay Schultz Digitally signed by Clay Schultz Date: 2025.04.04 07:55:41 -05'00'

THROUGH: Joe Koen, Regional Water Project Development, Northeast Region

Joe Koen Digitally signed by Joe Koen Date: 2025.04.03 10:49:14 -05'00'

FROM: Kylie Beard, Environmental Protection Specialist

Kylie Beard Digitally signed by Kylie Beard Date: 2025.03.27 19:08:53 -05'00'

DATE: March 27, 2025

SUBJECT: Fort Worth, Tarrant County, Texas
TWDB SWIFT Project No. 51092
Eagle Mountain Water Treatment Plant – 35 MGD Expansion
Total Commitment Amount: $125,000,000
Loan No. L1001828

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 Eagle Mountain Water Treatment Plant – 35 MGD Expansion Project proposed by the City of Fort Worth (City) in Tarrant County, Texas. The City is proposing to use $125,000,000 in financing from the State Water Implementation Fund for Texas (SWIFT) Program for the construction of the proposed project. The Environmental Determination (ED) completed for the proposed project is based primarily on the Environmental Data Form (EDF)[1] received by the TWDB.

PROJECT DESCRIPTION

The proposed project will expand the capacity of the Eagle Mountain Water Treatment Plant (WTP) by 35 million gallons per day (MGD) by constructing new treatment structures at the existing plant site that will tie into the existing raw water supply and treated water storage. This project is identified as Phase IV of the WTP expansion. The proposed project includes the following features:

- New main process building
- Culvert installation at the northern reach of the stream to drain under roadway
- Two wash water recovery basins

[1] City of Fort Worth (February 20, 2025). *Environmental Data Form, Eagle Mountain Water Treatment Plant – 35 MGD Expansion Project*. Prepared by Garver, LLC. Received by TWDB on January 15, 2025. The EDF is complete with the supplementary materials received by the TWDB on February 20, 2025.

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

- New electrical building
- Detention pond
- Ozone generation facility
- Liquid oxygen facility
- Ozone contact basins
- Site fence
- Access road

PURPOSE AND NEED

The proposed project is needed to support future projected water demands within Tarrant County. The purpose of the proposed project is to increase the overall system capacity of the existing Eagle Mountain Water Treatment Plant from 107 MGD to 142 MGD by expanding the facility.

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

This environmental review included coordination with state and federal regulatory agencies regarding the project's potential impact. The City submitted notifications to and requests for input from all required parties. 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 the Antiquities Code of Texas (THC Tracking No. 202411990)
- 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-2024-00396)
- 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. 52641)

- United States Fish and Wildlife Service (USFWS), Arlington Ecological Services Field Office, in accordance with the Endangered Species Act and statutes affecting other federally protected species (USFWS Project Code 2024-0131475)

Texas Historical Commission

There were 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. The project was reviewed by the THC staff in accordance with the Antiquities Code of Texas. The THC staff concurred that no historic properties, archeological sites, or other cultural resources would be affected by the project, in correspondence dated August 1, 2024 (THC Tracking No. 202411990).

United States Army Corps of Engineers

The USACE, Fort Worth District Office, Regulatory Branch staff were given the opportunity to review the proposed project and wetland delineation report[2] dated September 2024. The USACE issued an approved jurisdictional determination (AJD) on September 30, 2024 (USACE Project Number SWF-2024-00396). An AJD identifies what waterbodies in the project area qualify as waters of the United States (WOTUS) according to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act and are subject to USACE regulation.

The wetland delineation report identified two ephemeral streams and a wetland at the WTP site and the AJD determined that none of these waterbodies qualified as WOTUS. A No Permit Required letter was issued by the USACE in conjunction with the AJD, on September 30, 2024. It is estimated that the proposed project, Phase IV of the Eagle Mountain WTP Expansion, will impact 110 linear feet or 0.01 acres of stream that will be realigned and placed into a culvert under an access road.

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 August 14, 2024 (TPWD Project No. 52641). TPWD coordination was conducted for the proposed project to be constructed under TWDB Project No. 51092, Phase IV Expansion, in addition to future expansion. The TPWD staff made recommendations to prevent impacts to protected, aquatic, and invasive species based on the future expansion as well as the proposed project.

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[2] Garver, LLC (September 2024). *Final Wetland Delineation Report: Eagle Mountain Water Treatment Plant*. Prepared for the City of Fort Worth.

Approximately 0.4 acres of riparian forest will be cleared to construct the proposed project, in addition to waterbody impacts discussed previously. Potential impacts to migratory birds may occur during disturbance of existing vegetation and bare ground that may contain active bird nests, including nests in grass, shrubs, and trees, and on gravel pads, roads, and bare ground. Woodland areas that would be cleared for construction may provide roosting habitat during the pupping season for the proposed endangered tricolored bat (*Perimyotis subflavus*). Potential impacts to the proposed threatened monarch butterfly (*Danaus plexippus*) may occur during clearing, herbicide treatment, or grading of grasslands and pasturelands during the active monarch season in Texas (March 1 – October 31). Additionally, the project site contains potential habitat for Species of Greatest Conservation Need (SGCN) that may be found in Tarrant County.

In correspondence dated February 17, 2025, Garver LLC, on behalf of the City, responded regarding their commitment to TPWD recommendations. In order to mitigate or avoid potential impacts, TPWD recommendations that relate to Phase IV construction only are summarized as environmental special conditions in this ED.

United States Fish and Wildlife Service

The USFWS Arlington 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 2024-0131475). The USFWS technical assistance letter dated February 13, 2025, issued a *no effect* determination for the threatened piping plover (*Charadrius melodus*) and rufa red knot (*Calidris canutus rufa*).

The IPaC determination key identified potential endangered whooping crane (*Grus americana*) stopover habitat at the project site which includes croplands and grasslands interspersed with wetlands and shallow lakes, ponds, and rivers. The City selected to perform disturbance activities outside of the crane migration season (March 19 through April 30 and October 20 through November 24). The current facility, with associated ongoing activities, presents an existing disturbance within 1000 feet of the onsite potential habitat, which likely obviates its use as habitat by the whooping crane. Based on the City's agreement to avoid construction during the migration seasons, formal consultation with the USFWS was not required and the agency determined the proposed project was *not likely to adversely affect* the whooping crane.

The IPaC determination key for the proposed threatened tricolored bat was also utilized by the City to identify potential impacts to the bat resulting from the proposed project and to generate an effects determination. The City agreed to avoid tree disturbance during pupping season to avoid impacts and resultingly generated a *not likely to adversely affect* determination. Due to the presence of the existing facility within 1000 feet of the potential bat habitat on the project property, it was determined that the effect of permanent, artificial, nighttime lighting resulting from expansion would not significantly change from existing conditions.

There was no designated critical habitat within the project area. The federally proposed threatened and state threatened alligator snapping turtle (*Macrochelys temminckii*) may also occur in the project area but prefers large, perennial waterbodies that are not located at the project site.

In order to mitigate or avoid potential impacts, these agreements with the USFWS are summarized as environmental special conditions in this ED.

Local Floodplain Administrator

The project is not located within a Special Flood Hazard Area, including the 100-year floodplain; therefore, coordination with the local floodplain administrator was not required.

CONDITIONS AND RECOMMENDATIONS

An environmental review of the project has been completed consistent with the guidelines provided in 31 TAC § 363.14. The environmental review is documented by this ED, which contains environmental conditions that will be applied to the project to avoid significant adverse impacts to protected 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:

<u>Special Environmental Conditions</u>

- To ensure compliance with the Endangered Species Act of 1973, as amended, per an agreement with the United States Fish and Wildlife Service (USFWS), all construction and/or vegetation clearing activities within 1,000 feet of potential whooping crane (*Grus americana*) habitat will be performed outside of the whooping crane migration season, March 19 through April 30 and October 20 through November 24.
- As per an agreement with the Texas Parks and Wildlife Department (TPWD), Ecological & Environmental Planning Program (TPWD Project No. 52641), to ensure compliance with Texas Parks and Wildlife Code, Chapters 12, 64, 67, and 68 the Endangered Species Act of 1973 (ESA), as amended, the Migratory Bird Treaty Act, and applicable federal regulations pertaining to protected and invasive species, the following measures will be implemented:
    - Vegetation clearing must be excluded during the general bird nesting season and tricolored bat (*Perimyotis subflavus*) pupping season, March 15 through September 15, to avoid adverse impacts to breeding birds and tricolored bats. If vegetation clearing during this time is unavoidable, the area proposed for

disturbance will be surveyed by a qualified biologist to identify occupied nests and pupping habitat, not more than five days prior to clearing activities. If occupied nests or bat roosts or hibernacula are observed during surveys, a vegetation buffer area of no less than 100 feet in diameter will remain around the nest or roost 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.

- The length of trenches left open at any given time during construction will be minimized. Trenching and backfilling activities will be kept close together in time. 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.
- Contractors and construction crews will be informed of the potential for protected species to occur in the project area and to avoid impacts to all wildlife encountered. 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.
- 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.
- To the extent practicable, the project will be designed to utilize the minimum amount of nighttime light needed for safety and security for lighted structures at the wastewater treatment plant. Lights will be focused downward with cutoff luminaries to avoid light emitting above the horizontal. Lighting will only be illuminated when needed, will only be as bright as needed, will be fully shielded, and will minimize blue light emissions.
- The City of Fort Worth (City) will minimize the loss of habitat and vegetation removal and will retain vegetative riparian buffers along waterbodies to the extent practicable. The City will avoid disturbing microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms.
- If the tricolored bat or monarch butterfly (*Danaus plexippus*) become federally listed prior to or during vegetation clearing and/or construction, the City will

conduct additional coordination with the USFWS to ensure compliance with the ESA.

Standard Environmental Conditions

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