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STATEMENT OF FINDINGS

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As required by the rules of the Texas Water Development Board (TWDB) 31 Texas Administrative Code (TAC) Chapter 371.41, an environmental review consistent with the National Environmental Policy Act, 42 United States, Code § 4321, *et seq.* has been performed on the project below. This project is proposed to be funded through the Drinking Water State Revolving Fund (DWSRF). The Board's Executive Administrator issues this Statement of Findings (SOF) for the following project:

City of Paducah, Cottle County, Texas
TWDB DWSRF Project No. 62867
Paducah Water System Improvements Project
Total Financing Amount: \$3,392,958
(LF1001092, L1001093)

The City of Paducah (City) received funding commitments totaling \$3,392,958 from the DWSRF Program for rehabilitation of and improvements to its drinking water system. The City closed the financing on May 21, 2020, and on September 26, 2022, the TWDB issued a Finding of No Significant Impact (FONSI) for the Paducah Water System Improvements Project. The FONSI included the rehabilitation of multiple wells and installation of a new treatment system. After FONSI completion, the City became aware of the system's failure to meet minimum pressure tank requirements, and steps began to address the shortcoming.

The City submitted a new request to the TWDB to expand the original project scope. An additional pressure tank at the West Pump Station, located near the intersection of Shade Avenue and Farm-to-Market (FM) 1037, and replacement of an existing distribution line, running from the West Pump Station along the north side of FM 1037, were proposed. The new replacement line will be smaller-sized than the existing one and will run for about 2.7 miles, ending near the intersection of FM 1037 and FM 105. This pipeline alignment is an existing utility easement maintained as grass.

In order to ensure the proposed project expansion will not adversely affect cultural resources, threatened, endangered, and protected species, and water resources, the City re-coordinated with the Texas Historical Commission (THC), the United States Army Corp of Engineers (USACE), the Texas Parks and Wildlife Department (TPWD), and the United States Fish and Wildlife Service (USFWS). Floodplain Development Permit coordination was not required. While the City of Paducah participates in the National Flood Insurance Program, Cottle County, where the project is located, does not. The project is in an unincorporated portion of the County and outside the city limits of Paducah. Floodplain

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development permits are not required for projects within the jurisdiction of the unincorporated areas of the county.

Texas Historical Commission

The THC staff concurred with the City in correspondence dated August 19, 2024. No direct impacts to cultural resources/historic properties are anticipated as a result of the expanded project (THC Tracking No. 202412593).

United States Army Corps of Engineers

The USACE, Tulsa District, Regulatory Office staff reviewed the expanded project (USACE Project Number SWT-2024-00422). The pipeline will cross two unnamed tributaries of Salt Creek and potential impacts of 0.048 acres may be expected. The USACE confirmed on November 5, 2024, that the expanded project was approved for NWP 58, provided the conditions therein are met.

Texas Parks and Wildlife Department

The TPWD Wildlife Habitat Assessment Program, Ecological & Environmental Planning Program staff reviewed the project in accordance with the TPWD Code, and provided a response dated August 22, 2024 (TPWD Project No. 52691). Staff agreed with the City's determination that significant adverse impacts are not anticipated.

United States Fish and Wildlife Service

The City revised the USFWS IPac project review to include the expanded project area. On July 16, 2024, the project was determined to have No Effect. It remains consistent with the special conditions from the original FONSI (Project Code 2024-0116966) and no additional coordination with the USFWS should be necessary.

To fulfill DWSRF Program requirements for environmental review, the TWDB is issuing this SOF to reaffirm the FONSI that was issued for the project on September 26, 2022. Issuance of this SOF specifically satisfies the NEPA compliance requirements for project elements funded through the DWSRF Program. The proposed project is considered to be environmentally sound with the following special and standard environmental conditions, as taken from the previously issued FONSI:

Special Environmental Conditions

- To ensure compliance with the Texas Parks and Wildlife Code, Chapters 67 and 68 pertaining to state-listed endangered or threatened animals, construction contractors shall be made aware of the possibility of the presence of the Texas Horned Lizard. If this species is encountered, the animal should be allowed to leave the area safely. Open trenches or excavation areas will be checked to ensure no wildlife species have been trapped prior to beginning work; any animals present must be allowed to leave the area safely. In addition, state-listed species, such as the Texas Horned Lizard, shall not be handled by construction or field personnel; state-listed species may only be handled by persons with authorization obtained through the Texas Parks and Wildlife Department (TPWD). The City shall inform construction workers and other field personnel of these requirements.

- Consistent with the Endangered Species Act of 1973, as amended, the Migratory Bird Treaty Act, and Texas Parks and Wildlife Code Chapter 64, 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 during the nesting period to identify occupied nests. If nests are observed during surveys, a vegetation buffer area of no less than 150 feet in diameter will remain around the nest until all young have fledged. State and federal regulations as currently interpreted do not permit incidental take.
- Compliance with the terms and conditions of United States Army Corps of Engineers Nationwide Permit 58 for Utility Line Activities (NWP 58) for the stream crossing at the following geographic location: 34.022233° latitude and -100.311656° longitude.

Standard Environmental Conditions

- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0550), the City of Paducah will abide by the standard emergency condition for the discovery of cultural resources.
- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0550), the City of Paducah will abide by the standard emergency condition for the discovery of threatened and endangered species.

Comments regarding this determination may be submitted to the Director of Regional Water Project Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231 or via email at RWPD-Environmental@twdb.texas.gov.

Sincerely,

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

Enclosure

