P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

FINDING OF NO SIGNIFICANT IMPACT

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As required by the rules of the Texas Water Development Board (TWDB), 31 Texas Administrative Code (TAC) § 371.41, an environmental review consistent with the National Environmental Policy Act (NEPA), 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) Program, which is administered by the TWDB.

New Braunfels Utilities, Comal County, Texas
TWDB DWSRF Project No. 62903
NBU Trinity Well Field Expansion Project
Trinity Wellfield Expansion
Total Financing Amount: $40,000,000
Loan No. L1001376

The City of New Braunfels (City) applied for $40,000,000 in financing from the DWSRF Program for the NBU Trinity Well Field Expansion project to provide added water supply capacity to the northwest part of the City's municipal utility system. On March 10, 2021, the City received the funding it requested, some of which was used to assess the potential environmental impact of each of several components of this complex project. The TWDB has issued a series of environmental findings based on those assessments. The current finding addresses impact and mitigation measures related to the City's latest construction package. The City fully reviewed the associated impact, coordinated with the required regulatory agencies, conducted a public meeting, and submitted an Environmental Information Document (EID) to the TWDB. The TWDB was in process of preparing a Finding of No Significant Impact (FONSI) for the present project elements when informed the project had already been completed. The City has asserted that the construction methods and footprint were consistent with the mitigation measures defined by the regulatory agencies and that would have appeared as standards and special environmental conditions in the FONSI when issued. On this basis, the TWDB has accepted the City's assurance and is issuing the current FONSI retroactively in order to document the review process and the mitigation measures implemented. The overall Trinity Aquifer Groundwater Wells project consists of three subprojects that are being designed to increase production of the Trinity Aquifer Well Field from 3.75 to 7.50 million gallons per day (MGD), including the Trinity Membrane Water Treatment Plant (MTP) and Pump Station (WTP) Expansion, Mission-Westpointe Connection Water Line, and Trinity Aquifer Well Field Expansion. The overall project will increase the firm yield provided by the Trinity Wellfield from 3,700 acre-feet per year to 7,900 acre-fee per year to meet the projected need. Each subproject will be

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constructed and become operational at the same time as the completion of the treatment plant expansion.

This Finding of No Significant Impact (FNSI) and supporting Environmental Assessment (EA) apply to the Trinity Wellfield Expansion, which consists of drilling four new wells into the Trinity Aquifer next to the New Braunfels Utilities Membrane Treatment Plant (MTP). A FNSI was issued on March 29, 2023 for the Trinity Water Treatment Plant and another FNSI was issued on November 27, 2023 for the Mission to Westpointe Water Line.

An environmental review of the project consistent with NEPA has been completed following the guidelines provided in 31 TAC § 371.41. This environmental review is documented by the enclosed Environmental Assessment, which contains mitigative environmental conditions that will be applied to the project to avoid significant adverse environmental impacts on waters of the United States, wetlands, floodplains, cultural and historical resources, threatened and endangered species, and protected migratory bird species. Based on a detailed environmental review of the planning information, the Environmental Information Document, and other documentation, the project is environmentally sound with the following special and standard environmental conditions:

<u>Special Environmental Conditions</u>

- Contamination, erosion, and sediment controls will meet the requirements of the Edwards Aquifer Rules (30 Texas Administrative Code § 213) and Environmental Protection Agency sole source aquifer protection standards.

- If a cave or void is encountered, all regulated activities will be suspended near it, and the City of New Braunfels (City) will notify the Texas Commission on Environmental Quality, Edwards Aquifer Protection Program and the Texas Water Development Board. Install temporary measures such as silt fence and sandbag berms as soon as possible to prevent dust and stormwater from entering into the exposed feature. Contact a Texas-licensed professional geologist to evaluate it and develop a void closure/protection plan to protect the feature and the Edwards Aquifer.

- Due to the potential for karst features or caves without surface expression to be encountered during excavation, if a cave or karst feature is encountered during construction, work immediately cease in the vicinity of the feature, the feature should be covered, and a Section 10(a)(1)(A) permitted scientist should inspect the site as soon as possible to evaluate potential for protected threatened or endangered cave-adapted species habitat.

- Construction practices will follow the requirements of a “Drill Through the Edwards Aquifer” Well Construction Permit No. C200-597 outlined by the Edwards Aquifer Authority reporting and construction requirements under the direction of a licensed water well driller. An updated permit will be maintained.

Standard Environmental Conditions

- Consistent with the TWDB Supplemental Construction Contract Conditions TWDB-0551, the City will abide by the standard emergency condition for the discovery of cultural resources.

- Consistent with the TWDB Supplemental Construction Contract Conditions TWDB-0551, the City will abide by the standard emergency condition for the discovery of threatened and endangered species.

Therefore, the TWDB is issuing this Finding of No Significant Impact be issued.

Documentation supporting this decision is on file in the office of the Regional Water Project Development, TWDB, and is available for public review upon request. Comments supporting or disagreeing with this preliminary environmental determination may be submitted to the Director, 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. After evaluating the comments received, the Executive Administrator will make a final determination. However, no action regarding the provision of federal financial assistance for the project will be taken for at least thirty (30) calendar days after the release of this Finding of No Significant Impact.

Sincerely,

Clay Schultz Digitally signed by Clay Schultz
Date: 2026.05.21 15:12:20
-05'00'

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

Enclosures

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City of New Braunfels, Comal County, Texas
Drinking Water State Revolving Fund Project No. 62903
NBU Trinity Well Fiend Expansion Project
Trinity Wellfield Expansion
Environmental Assessment

REVIEW PROCESS

As described below, the Texas Water Development Board (TWDB) has performed a review consistent with the 31 Texas Administrative Code (TAC) § 371.41 and the National Environmental Policy Act (NEPA), 42 U.S. Code § 4321 *et seq.* Consistent with 31 TAC § 371.45, the Environmental Information Document (EID) [1] for the Trinity Wellfield Expansion and Site Improvements component of the Trinity Aquifer Groundwater Wells project proposed by the City of New Braunfels (City) was reviewed by TWDB staff for the development of this Environmental Assessment (EA). This project is financed through the Drinking Water State Revolving Fund (DWSRF) Program, which is administered by the TWDB.

PURPOSE AND NEED

The purpose of the project is to deliver added capacity in the area to support the City's 2018 Water Resources Plan Trinity MTP Well Field Expansion was designed to increase the firm yield provided by the Trinity Wellfield from 3,700 acre-feet per year to 7,900 acre-feet per year. The overall Trinity Aquifer Groundwater Wells project consists of three subprojects that are being designed to increase production of the Trinity Aquifer Well Field from 3.75 to 7.5 million gallons per day (MGD), including the Trinity Membrane Water Treatment Plant (WTP) Expansion, Mission to Westpointe Connection Water Line, and Trinity Aquifer Well Field Expansion. The overall project will supply an added 4,200 acre-feet/year of groundwater supply to serve a population of approximately 107,000.

The City currently operates four existing groundwater wells in the Trinity Aquifer at the New Braunfels Utility MTP site. Water pulled from these existing wells has historically been under the influence of surface water and requires treatment to surface water standards prior to distribution. Existing treatment at the Trinity MTP includes filtering through membranes, chemical treatment, and disinfection. According to as-builts drawings, the existing four wells

[1] City of New Braunfels, November 2, 2023, Trinity Aquifer Groundwater Wells Project, Trinity Aquifer Well Field Expansion, Environmental Information Document (EID) (TWDB Form 0801), Prepared by Arcadis U.S., Inc.

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have a capacity of about 2,600 gallons per minute (GPM), which is equivalent to 3.75 million gallons per day (MGD).

PROJECT DESCRIPTION

This EA and supporting documentation are applicable to the Trinity Aquifer Well Field Expansion. The proposed site is located west of the existing New Braunfels Utility MTP at 3295 Westpointe Drive in New Braunfels, Texas on 49 acres of undeveloped land owned by the City. In response to increase demand for potable water, the City reviewed the alternatives and chose to drill four new wells to a depth of approximately 620 feet, located adjacent to the Trinity MTP with a total design capacity of 4,192 acre-feet per year. Each well is expected to pump 350 to 1,000 gallons per minute, with an increase of 4 to 5.7 MGD to the MTP, which will increase the public water supply for the City. Access to the well field is through the existing MTP.

Each well includes the following components:

- Well pumps
- Combination air, gate, and check valves
- Air gap structure
- Magnetic flow meter
- Raw water piping at ranging from 8 to 18-in. pipe
- 2-in. backflow preventer with insulated enclosure
- Electrical equipment rack and canopy with concrete slab
- Transformer and associated pad
- Concrete well pad
- Chain link fencing

Site-wide improvements will include:

- 20-ft. wide access road
- Overhead electrical
- 40-ft. flush basin with three 12-in. flush lines and associated blow off spillways, one 12-in. reinforced concrete pipe (RCP) culvert.

PROJECT FUNDING

The City applied to the TWDB for financing through the DWSRF Program for planning, design, and construction. On March 10, 2021, the TWDB committed $40,000,000 for the project. The City closed the financing on September 23, 2022. Some of the planning funds were used to assess the potential environmental impact of the project and prepare an Environmental Information Document (EID). Preparation of the EID, involved consultation with state and federal regulatory agencies and additional public participation.

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.

EVALUATION OF ALTERNATIVES

In addition to the preferred action alternative, the City evaluated the no-action alternative and alternative not selected. Each alternative was evaluated for its potential direct, secondary, and cumulative impacts on the existing environment.

No-Action Alternative

The no-action alternative would have fewer impacts than the preferred alternative; however, the peak demands of the Trinity Wellfield expansion would be limited by current capacity. Without this added capacity, the City would not be able to provide adequate water supply to meet the needs within the service area. The no-action alternative would likely lead to the service area having continued and worsening water shortages. The construction of alternative surface water treatment plants would likely have to be completed, which could present potentially greater potential environmental impacts than the expansion of the Trinity Wellfield.

The no-action alternative was rejected due to the resulting inability of City to provide adequate water supply to meet the health and human safety needs and growing demand within the service area based on current and projected population growth if the proposed project is not constructed.

Preferred Alternative

The preferred alternative is described in the Project Description section of this document. The purpose of the preferred alternative is to provide a more reliable and sustainable water source for the City, which the no-action alternative would not provide. It was chosen to minimize cost and impacts to the fewest number of stakeholders. The existing surface water treatment plan (SWTP) under the preferred alternative allows for cost-efficiency due to leveraging the existing infrastructure and facilities. The preferred alternative maximizes the potential of an existing facility to aid in water supply demands for the service area with minimal and temporary environmental impacts.

Expanding the existing Trinity Aquifer Well Field under the preferred alternative allows for cost-efficiency due to reduced construction material amounts and reduces future non-anticipated conflicts with proposed and existing utilities onsite and at the Trinity Headquarters site. The preferred alternative reduces the total materials to be used as well as aid in the water supply demands for the service area with minimal and temporary environmental impacts.

Under the preferred alternative, limited adverse impacts to current land use will occur. Adverse impacts include the clearing of vegetation, disturbance of soil, and temporary dispersal of wildlife during construction activities. Permanent impacts would occur within the construction boundaries. However, impacts were minimized to the extent possible, and all temporary impacts will be returned to the pre-existing conditions where possible.

Clearing and soil disturbance was limited to the construction boundaries. The conversion of land use was minimal as the majority of the 49-acre parcel will remain undeveloped upland habitat.

Potential temporary impacts to wildlife included noise from construction activities, which have affected nesting migratory bird species or local deer populations. Permanent impacts to natural vegetation will occur because of clearing and grubbing activities. This loss of vegetation may have temporarily displaced wildlife; however, vegetation was cleared in the well pad and pipeline footprints only.

Alternative Not Selected

The City considered constructing and routing the raw water collection lines along the western and southern edge of the proposed Trinity Headquarters office site which would collect raw water from wells sites 20, 21, and 23 until it crosses north along the materials storage yard and connecting to the Trinity MTP at the 18-inch tee upstream of the chemical injection point. The south alignment encounters horizontal and vertical crossings from proposed and existing utilities located within the HQ site.

The alternative not selected would have fewer impacts than the preferred alternative; however, the proposed project would involve conflicts with crossing existing and proposed utilities. Additionally, the alternative not selected would require more length of pipe and total weight of fittings. Under this alternative, impacts to potential federally listed threatened or endangered species may occur, but are unlikely. The increase in raw water piping would result in more temporary disturbances such as ground and soil disturbance and noise impacts during construction. The impacts to soil during construction could be mitigated with the use of best management practices to decrease the potential for sediment loading during rain events, and impacts would be short-term.

Under the alternative not selected, short term construction impacts would occur, as well as a loss of vegetation, wildlife habitat, and an increase in impervious cover. Additionally, the alternative not selected increases conflicts with existing and proposed vertical and horizontal utilities. This alternative would result in an increase in the length of pipe and estimated total weight of pipe fittings for the alignment, thus increasing the cost of the overall project.

ENVIRONMENTAL REVIEW

Consistent with the requirements of the federally funded DWSRF Program, the City defined the social and environmental contexts of the project and assessed its potential impact. This information was presented in an EID made available to the community, regulatory agencies, and other interested parties.

Adverse effects on societal and natural resources fall under the authority of various agencies. These regulatory agencies and participating area residents had the opportunity to address potential issues concerning construction practices, possible adverse effects within the project area, and the environmental conditions to be implemented during construction. The staff of the TWDB reviewed the EID, comments and other data and prepared the present EA.

ENVIRONMENTAL SETTING

Existing Conditions

The project is in the southeastern part of Comal County, approximately 32 miles northeast of downtown San Antonio. New Braunfels is at the confluence of the Guadalupe and Comal rivers. The proposed project is within the existing Trinity WTP and previously disturbed easements. The Trinity Wellfield Expansion Project area currently consists of undeveloped uplands dominated by Ashe juniper (Juniperus ashei) mixed with hardwoods. Current land use is sloping, with undeveloped upland forested habitat adjacent to the Trinity MBT.

Vegetation will be cleared at the four well sites, access roads, and flush basin prior to construction activities will occur only within the well sites, access roads, and flush basin footprints. Clearing of trees and native vegetation will be limited to the construction footprints to reduce the visual impacts to adjacent landowners. NBU will have to install new raw water piping from each well to provide water to the MTP. New access roads will be installed to service the wells. Adjacent to the access road, overhead electrical lines will be installed to provide power to well monitoring systems and lighting to the well pad and canopy.

Geology and Soils

The project is within the Edwards Plateau Physiographic Province of Texas, which is largely a dissected limestone plateau that is hillier to the south and east, where it is easily distinguished from bordering ecological regions by a sharp fault line. The region has a sparse network of perennial streams. Due to karst topography (related to dissolution of limestone substrate) and resulting underground drainage, streams are relatively clear and cool in temperature compared to those of surrounding areas. Geologically, the project is underlain by Edwards Group limestone (Ked).

The project is in a karst zone and Edwards Aquifer Recharge Zone. A geological assessment of the project area was conducted on July 26 and 27, 2022, and documented in a report dated September 6, 2022. The project area contains two caves and one solution cavity. The caves mapped within the project area are listed in the Geologic Assessment Report as Feature S-1 and S-2. Feature S-1 consists of a sinkhole with associated cave development that collectively measures 62 by 22 feet in plan view and has been historically used as a trash disposal site. Feature S-2 consists of a large sinkhole feature with extensive cave development that appears to have been well known and explored historically. The cave was most recently mapped by the Texas Speleological Society (TSS) in 1995 and designated as Coreth Cave. The surface collapse and associated subsurface cave extent measures approximately 230 by 130 by 69 feet in length, width, and depth, respectively. The solution cavity, Feature S-3, consists of a small depression completely rimmed and floored by intact limestone. The feature was apparently formed as the result of surface erosional processes. The two cave features will be avoided, and a 50-foot buffer maintained between the cave formation and project activities. Wells and associated infrastructure have been designed to avoid these areas. No adverse environmental issues are expected due to the geologic setting. All impacts to the geology resulting from construction of the proposed project would be minimal and temporary.

Soils in this region are mostly Mollisols with shallow and moderately deep soils on plateaus and hills, and deeper soils on plains and valley floors. Although the project footprint is partially found on one mapped soil unit classified as Prime or Other Important Farmland (Krum clay, 1 to 3 percent slopes -Krab), there will be no land use conversion. Proposed impacts would be temporary and negligible. If soil from the project site is moved off-site, it will be deposed of properly in an upland area. No aquatic features or sensitive habitat will be impacted by soil that is moved offsite.

Water Resources

The project is in the Guadalupe River Basin. The source of the City's water supply is groundwater sourced from Edwards and Trinity aquifers and surface water from the Comal River. The Edwards Aquifer is an Environmental Protection Agency (EPA-designated) sole source. The project does not involve significant impacts to water quality. Temporary impacts associated with the construction phase of the project are possible.

The project involves installation of four water wells. Each well will be drilled to a depth of approximately 620 feet to reach the Trinity Aquifer. On average, each well is expected to pump 350 to 1,000 GPM, providing an increase of 4 to 5.7 MGD to the Trinity MTP to serve the City of New Braunfels. Test wells will be needed. No water wells will be abandoned.

Temporary impacts to the project area are anticipated during the construction process. The impacts have the potential to include erosion of topsoil, sedimentation during rainfall events, and temporary loss of vegetation cover during construction. The project area will be restored to pre-construction conditions, where applicable, upon completion of construction

activities. No permanent impacts to surface water or ground water quality are anticipated as a result of this project.

The ground disturbed would be greater than one acre and coverage under the Texas Pollutant Discharge Elimination System Construction General Permit, TXR150000, would be required. Prior to construction, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented, including best management practices to reduce erosion and sediment loading of stormwater runoff from the project area to reduce temporary impacts associated with ground disturbance. Under the proposed action, no impacts will occur to floodplains or floodways, temporary or permanent.

Topography and Floodplains

Elevation across the project area ranges from 884 to 906 feet above mean sea level. The topography of the project area is a relatively flat hilltop topography, with a gradual decline in elevation to the north, east, and south of the project area. The project area consists of undeveloped upland habitat dominated by Ashe juniper interspersed with hardwood species such as oaks (*Quercus* spp.). An unnamed drainage is located to the north of the project area and runs west to east towards Dry Comal Creek. Existing surface water treatment facility and access roads are located along the northern and eastern edge of the project area. None of the project footprints are within an area designated as a 100-year floodplain or floodway. The City and County participate in the National Flood Insurance Program (NFIP). Two limestone caves are located within the project area near the northeastern corner of the project area. These areas will be avoided, and no construction is to occur within 50 feet of the cave openings.

Wetlands, Streams, and Waters of the United States

The project area is located within the watershed of the Guadalupe River. There are no streams in the project site. The project will not adversely impact waters of the United States, including wetlands.

Biological Elements

The project area is located within the Edwards Plateau Ecological Region. In September 2019, a biological evaluation assessed the area's potential habitat for federal and state-listed threatened and endangered species. Zara Environmental, LLC (Zara) determined the project area to provide potential golden-cheeked warbler (Setophaga [Denroica] chrysoparia) habitat. Additionally, Zara determined that subterranean habitats for cave-dwelling species may also be present in the project area. Due to Zara’s determination, Freese and Nichols conducted a presence-absence survey for the golden-cheeked warbler on March 24, April 7, and May 13 and 28 of 2020. During the surveys, no golden-cheeked warblers were detected. Most of the project area is surrounded by residential and commercial development, and it was determined that it was not a suitable habitat for the

golden-cheeked warbler. The surrounding disturbance is considered too high for the patch habitat to be utilized by these species.

Arcadis conducted a desktop Threatened and Endangered (T&E) species assessment, which included reviewing the USFWS Information for Planning and Consultation Tool (IPaC), the T&E species list, and the TPWD county list of rare species. The IPaC report did not indicate the tri-colored bat as a potential occurrence within the project area. However, the TPWD letter did reference the tri-colored bats; it was a due diligence recommendation. Arcadis conducted a habitat assessment and did not identify suitable roosting habitats for listed bats outside the Coreth cave. Coreth cave will have an impact avoidance buffer of approximately 140 feet. There was no suitable habitat for the bracted twistflower. The karst features identified by Raba-Kistner will be avoided per the planned project setbacks.
No state or national parks, forests, wildlife refuges, wild or scenic rivers, or natural areas or similar preserves are located within the project area. The project area is located within the Balcones Fault Zone Karst Region of Texas. The vegetation and wildlife of the project area consists of woodlands predominantly consisting of Ashe Juniper, Texas kidneywood (Eysenhardtia texana, and Texas persimmon (Diospyrus texana, which have the potential to provide habitat for mammals and nesting migratory bird species. Due to a lack of aquatic habitat, it is unlikely that aquatic species will utilize the area.

Under the proposed action, there will be potential temporary impacts to wildlife, including noise from construction activities, which may affect nesting migratory bird species or local deer populations. Clearing and grubbing activities will also cause permanent impacts to natural vegetation. Vegetation will only be removed in the well pad and pipeline footprints, and wildlife will be temporarily displaced.

Cultural Resources

There are not previously recorded significant or potentially significant sites within or adjacent to the project footprint, according to Texas Historical Commission's Archeological (THC) Sites Atlas, nor is the project within the protected area surrounding a historic cemetery, structure, or district.

A cultural resources survey was performed under Texas Antiquities Permit No. 30792/THC No. 202302675. The survey report was reviewed by the THC staff in accordance with Section 106 of the National Historic Preservation Act as well as the Antiquities Code of Texas.

One new cultural resource/historic property was identified (41CM444) within the 48-acre project area. Site 41CM444 is a historical cabin site, likely used as a hunter's camp. The site is located 387 feet east of the southwestern project boundary, and 295 feet northwest of the southeastern boundary. Based on the features and appliance styles present within the site, 41CM444 likely dates to the mid-twentieth century. The site was determined to have little research value and is recommended as not significant.

Raba Kistner, Inc. (RKI) was contracted by Arcadis, on behalf of the City, to conduct an intensive archaeological investigation for the NBU Trinity Well Expansion Project. The investigation consisted of a pedestrian survey augmented by shovel texting, as well as a visual inspection of two geological cave features previously identified within the project area. Investigations resulted in the documentation of one isolated find (IF), one multicomponent archaeological site (41CM443), and one historical cabin site (41CM444) within the 48-acre project area. Site 41CM443 is a multiple component site with two geologic cave formations that were recorded as archeological features, and an associated prehistoric lithic scatter of unknown temporal affiliation. Site 41CM444 is a historical cabin site and contains little research value and is recommended as not significant.

The current project design and proposed ground disturbance will only have negative effects on the surficial lithic scatter component of 41CM443, which is recommended as not significant. No other impacts will occur as a result of the preferred alternative.

The results of the cultural resources survey recommended that no further cultural resource investigations are warranted, and that the City should be allowed to construct the proposed project without further cultural resource investigations. The recommendation included the condition that if buried cultural materials are uncovered during construction, work should immediately stop in that area and the Archeology Division of the Texas Historical Commission should be notified.

Hazardous Materials

There are no Superfund Sites from the EPA National Priorities List located on the proposed subject property or in areas associated with the proposed project. The TWDB does not fund the testing, remediation, removal, disposal, or related work for contaminated or potentially contaminated materials.

Socioeconomics

A socioeconomic analysis was performed on November 29, 2022, for the project area and within a 0.5-mile radius. The results are listed below with data from the United States Census for the state and county included for comparison.

Area	Population	Percent Minority	Percent Below Poverty Level	Per Capita Income
State of Texas	29,527,941	59.7%	13.4%	$32,277
Comal County	174,986	35.2%	7.5%	$39,942
New Braunfels	98,857	41%	8.4%	34
Project Area (0.5-mile buffer)	1,608	29%	10%	$43,737

The socioeconomic analysis indicates that the area within 0.5 mile of the project does not have a portion of the population that is significantly greater than the city, county or state average, who are members of a racial/ethnic minority category or who have incomes less than or equal to the state's official poverty level. People or businesses will not be relocated as a result of the project and imminent domain will not be required. An increase in the rates and taxes are not anticipated. The entire population of this project area will be the recipients of the benefits derived from the proposed improvements. Therefore, the project will not disproportionately impact minority or low-income populations in a negative way.

Secondary and Cumulative Impacts

The preferred alternative was intended to support existing and anticipated regional development. Therefore, the Trinity Well Field expansion will not directly increase regional development. However, secondary impacts associated with the preferred alternative could include the potential for a more rapid rate of increase in development due to more reliable water availability. The increase in development could require modification to existing land use and requiring zoning outside of the project area. The increase in development has the potential to increase employment opportunities, increase regional soil disturbance, and increase impervious cover. The increase in employment also has the potential to increase the per capita income within the project area, beneficially impacting the project area. No indirect impact on environmental justice populations, or demographics changes of the project area, would be expected as a result of the preferred action. No impact to surface water would be anticipated.

Future growth impacts from the residential developments will occur regardless of the proposed project. The site of the proposed project provides limited habitat for wildlife since it is within existing roadway ROW and areas that have been previous cleared for other utility projects. Development of the project would have minimal impacts to wildlife resources. No other secondary and cumulative impacts are likely to occur from the development of the proposed project.

AGENCY COORDINATION AND COMPLIANCE

To ensure due consideration of the project's potential impact, the City prepared an EID describing the results of that investigation, held an open meeting to familiarize the community with the project and solicit public comment, and coordinated with all required regulatory agencies and other interested parties to define and avoid, minimize, or mitigate adverse effects. The City has provided assurance that environmental conditions will be implemented in a manner consistent with the requirements of state and federal regulatory agencies and rules of the TWDB.

"Cross-Cutter" Compliance

The project has been reviewed for potential impacts to the quality of the environment following the procedures provided in 31 Texas Administrative Code § 371.41, to ensure

compliance with DWSRF program requirements and federal and state regulations, including the federal cross-cutting environmental authorities from the EPA listed below.

(1) National Environmental Policy Act of 1969, Public Law (PL) 91-190
(2) Archeological and Historic Preservation Act of 1974, PL 93-291
(3) Clean Air Act, 42 USC 7506(c)
(4) Coastal Barrier Resources Act, 16 USC 3501 *et seq*.
(5) Coastal Zone Management Act of 1972, PL 92-583, as amended
(6) Endangered Species Act, 16 USC 1531, *et seq.*
(7) Executive Order 11593, Protection and Enhancement of the Cultural Environment
(8) Executive Order 11988, Floodplain Management
(9) Executive Order 11990, Protection of Wetlands
(10) Farmland Protection Policy Act, 7 USC 4201, *et seq.*
(11) Fish and Wildlife Coordination Act, PL 85-624, as amended
(12) National Historic Preservation Act of 1966, PL 89-665, as amended
(13) Safe Drinking Water Act, § 1424(e), PL 92-523, as amended
(14) Wild and Scenic Rivers Act, PL 90-542, as amended
(15) The Wilderness Act, 16 USC 1131, *et seq*.
(16) Environmental Justice, Executive Order 12898
(17) Flood Insurance Reform Act of 2004, PL 108-264
(18) National Flood Insurance Reform Act of 1994, PL 103-325
(19) Flood Disaster Protection Act of 1973, as amended, PL 93-234
(20) Clean Water Act, PL 92-500, as amended

Agency Coordination

This environmental review included coordination with various state and federal regulatory agencies, local authorities, and other stakeholders and interested parties regarding the project's potential impact. The City submitted notifications to and requests for input from all required parties. Some entities did not require a response. The respondents are listed below, and the results of coordination are summarized in the EID and reflected in the environmental conditions listed below:

- Texas Historical Commission, State Historic Preservation Officer, Austin in accordance with Section 106 of the National Historic Preservation Act; Antiquities Code of Texas; and other applicable regulations (THC Tracking No. 202302675)
- United States Army Corps of Engineers, Regulatory Branch, Ft. Worth District, in accordance with Section 404 of the Clean Water Act; and Section 10 of the Rivers and Harbors Act of 1899 (Project No. SWF-2022-00419).
- Texas Parks and Wildlife Department, 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. 49120)

- United States Fish and Wildlife Service, Austin Ecological Services Field Office, in accordance with the Endangered Species Act and statutes affecting other federally protected species (USFWS Project Code 2022-0077375)
- United States Department of Agriculture, Natural Resources Conservation Service pursuant to the Farmland Protection Policy Act
- United State Environmental Protection Agency, Sole Source Aquifer Program;
- Texas Commission on Environmental Quality in accordance with 40 CFR Part 93 and National Ambient Air Quality Standards (TCEQ NEPA Request No 2023-052)

No response was required from the following entities:

- Bureau of Reclamation, Oklahoma-Texas Area Office
- Bureau of Land Management
- Local Floodplain Administrator pursuant to the NFIP
- Local government

Texas Historical Commission

The THC staff concurred with the City in correspondence dated December 17, 2022, that no direct impacts to cultural resources/historic properties are anticipated as a result of the project THC Tracking No. 202302675.

United States Army Corps of Engineers

The USACE, Ft. Worth District Office, Regulatory Branch staff was given the opportunity to review the project (USACE Project Number SWF-2022-00419). In correspondence dated August 25, 2022, USACE staff verified that the Corps determined that this project will not involve activities subject to the requirements of Section 404 or Section 10. Therefore, it will not require Department of the Army authorization pursuant to Section 404 and/or Section 10.

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 (TPW Code), and provided a response dated October 11, 2022 (TPWD Project No. 49120). The TPWD staff made recommendations, and Arcadis, on behalf of the City, responded regarding their commitment to the recommendations. Recommendations related to migratory birds, songbirds, caves, karst, and the Edwards Aquifer Recharge Zone are reflected in the environmental conditions of this environmental finding.

United States Fish and Wildlife Service

The USFWS, in accordance with the Endangered Species Act and statutes affecting other federally protected species, was given the opportunity to review the project. No formal

response was received. Based on the TPWD staff recommendations and the City's response, TWDB staff did not require a formal consultation with the USFWS.

Texas Commission on Environmental Quality

In a response dated March 27, 2023, the TCEQ stated that a review of the proposed project for general conformity impact, in accordance with 40 CFR Part 93 and Title 30, TAC § 101.30, indicates that Comal County is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants (TCEQ NEPA Request No 2023-052) Therefore, general conformity rules do not apply. The proposed project is in compliance with the State Implementation Plan and the Clean Air Act. The TCEQ further noted that no long-term impacts are anticipated.

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.

Public participation conducted during facilities planning included a public meeting held on June 8, 2023, which was advertised in the Herald-Zeitung, a newspaper of general circulation in the service area. The notice was published on May 5, 2023, and contained information regarding the availability of planning documents, including the EID, for public review at the NBU's Main Office at 263 Main Plaza, New Braunfels, Texas, during normal business hours (9 a.m. to 5 p.m.).

The public meeting was held at 5:30 p.m. on June 8, 2023, at 355 FM 306, New Braunfels, Texas. No one from the public attended the meeting, and no adverse comments about the project were received.

ENVIRONMENTAL CONDITIONS

An environmental review of the project consistent with NEPA has been completed following the guidelines provided in 31 TAC § 371.45. Mitigation measures were defined through the agency coordination process and public participation and are listed below as applicable environmental conditions. These conditions pertain to the project throughout construction and beyond as warranted. Based on information provided by the City, the proposed NBU Trinity Well Field Expansion Project is considered environmentally sound with the following special and standard environmental conditions:

<u>Special Environmental Conditions</u>

- Contamination, erosion, and sediment controls will meet the requirements of the Edwards Aquifer Rules (30 Texas Administrative Code § 213) and Environmental Protection Agency sole source aquifer protection standards.

- If a cave or void is encountered, all regulated activities will be suspended near it, and the City of New Braunfels (City) will notify the TCEQ, Edwards Aquifer Protection Program and the Texas Water Development Board. Install temporary measures such as silt fence and sandbag berms as soon as possible to prevent dust and stormwater from entering into the exposed feature. Contact a Texas-licensed professional geologist to evaluate it and develop a void closure/protection plan to protect the feature and the Edwards Aquifer.

- Due to the potential for karst features or caves without surface expression to be encountered during excavation, if a cave or karst feature is encountered during construction, work immediately cease in the vicinity of the feature, the feature should be covered, and a Section 10(a)(1)(A) permitted scientist should inspect the site as soon as possible to evaluate potential for protected threatened or endangered cave-adapted species habitat.

- Construction practices will follow the requirements of a “Drill Through the Edwards Aquifer” Well Construction Permit No. C200-597 outlined by the Edwards Aquifer Authority reporting and construction requirements under the direction of a licensed water well driller. An updated permit will be maintained.

<u>Standard Environmental Conditions</u>

- To ensure compliance with the Migratory Bird Treaty Act, vegetation clearing will be not be performed, if possible, during the migratory bird nesting period from March 15 through September 15, to avoid adverse impacts to breeding birds. If clearing vegetation during the migratory bird nesting season is unavoidable, then a survey of the proposed project area will be conducted to ensure that no nests with eggs or young will be disturbed by operations. A minimum 150-foot buffer of vegetation remains around any nests that are observed prior to disturbance. Any vegetation (such as trees, shrubs, and grasses) or other open areas where occupied nests are located will not be disturbed until the eggs have hatched and the young have fledged;

- In order to comply with requirements of the Federal Emergency Management Agency regarding implementation of the 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, proponents of construction projects in special flood hazard areas must coordinate in advance with the local floodplain administrator and obtain a floodplain development permit prior to construction;

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

Therefore, it is recommended that a Finding of No Significant Impact be issued.