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CATEGORICAL EXCLUSION

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As provided by the state environmental review process adopted in the rules of the Texas Water Development Board (TWDB), 31 Texas Administrative Code (TAC) § 371.41, for projects to be funded through the Drinking Water State Revolving Fund (DWSRF) Program and consistent with the National Environmental Policy Act, 42 United States Code § 4321, *et seq.*, the TWDB staff has determined that the proposed action identified below may be exempted from formal environmental review requirements:

City of Richland Springs, San Saba County, Texas
TWDB DWSRF Project No. 63038
Water Line Replacement
Total Financing Amount: \$3,765,520
Loan Nos. LF1001962, L1001961

The City of Richland Springs (City) is proposing to use \$3,765,520 in financing from the DWSRF program for the Water Line Replacement project to replace approximately 8 miles of pipeline and approximately 30 fire hydrants.

This Categorical Exclusion is completed for Water Line Replacement, and is hereafter referred to as the proposed project.

Existing lines will be replaced by new lines in the same or proximate locations. The existing lines will either be removed or abandoned in place. Environmental impacts will be similar to rehabilitation activities and limited to those associated with excavation, pipe installation, and road repair.

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.

There are no previously recorded significant or potentially significant historical or cultural sites within or adjacent to the project footprint, according to the Texas Historical Commission's Archeological Sites Atlas, nor is the proposed project within a protected area surrounding a historic cemetery, structure, or district. The proposed project will not adversely impact waters of the United States, including wetlands. The proposed project appears to be partially within a 100-year floodplain, as designated by the Federal Emergency Management Agency (FEMA). Projects involving construction in the 100-year

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floodplain, including replacement or borings, require a floodplain development permit from the local floodplain administrator prior to construction in the 100-year floodplain. In addition, the proposed project is not expected to impact threatened or endangered species or habitat.

The staff of the TWDB previously recommended issuance of a Categorical Exclusion (CE) for this project. The decision to grant this CE is allowed because the specified project elements will not cause significant adverse impacts to cultural and natural resources. Documentation supporting this determination is on file at the TWDB.

This determination shall be revoked if it is found that

- (1) the project no longer meets the requirements for categorical exclusion from full environmental review as a result of changes in the project;
- (2) the project involves extraordinary circumstances as described in 31 TAC § 375.62 371.42; or
- (3) the project may violate or has violated federal, state, local, or tribal laws.

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

Special Environmental Conditions

- Consistent with the Flood Insurance Reform Act of 2004, federal Executive Order 11988, 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.
- Consistent with the Endangered Species Act of 1973, as amended, the Migratory Bird Treaty Act, and the 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 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. State and federal regulations as currently interpreted do not permit incidental take.

Standard Environmental Conditions

- 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.

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- 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.

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

Enclosures

