

November 6, 2015

STATEMENT OF FINDINGS

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As provided for by the rules of the Texas Water Development Board (TWDB) 31 Texas Administrative Code Chapter 371, Subchapter E, for projects funded through the Drinking Water State Revolving Fund (DWSRF) Program and consistent with the National Environmental Policy Act, 42 U.S. Code §4321, et seq., the TWDB's Executive Administrator issues this Statement of Findings (SOF) for the following project:

Eastland County Water Supply District, Eastland County, Texas
Water Treatment Plant Surface Sludge Application and Transmission Line Replacement
TWDB Project No. 61928
DWSRF Funding: \$11,650,000

The Eastland County Water Supply District (District) is proposing to use funding from a \$11,650,000 DWSRF loan for water system improvements. On March 17, 2011, the TWDB committed funds to replace the conventional treatment system at the existing water treatment plant (WTP), on Farm to Market Road 2461, with an advanced treatment membrane filtration system. The proposed project included the construction of a membrane filtration treatment system; a new clearwell for finished water storage; improvements to the high service pump station, onsite sludge handling and disposal, chemical feed systems, a supervisory control and data acquisition (SCADA) system; miscellaneous piping and site improvements to support the new treatment system. In addition, the project included improvements to the raw water pump station and to the raw water transmission pipeline that connects the WTP to the raw water pump station at Lake Leon; and, the replacement of approximately 6,500 linear feet (LF) of transmission line. The TWDB issued a Finding of No Significant Impact (FNSI) for these additional project elements on June 18, 2013.

Following the completion of most of the improvements, the District determined that excess funds remained in the loan, and is proposing two additional project components, as shown on the attached map:

1. Construct a new solids land application site on District property adjacent to and west of the WTP; and,
2. Replace approximately 5 miles of the Eastland finished water transmission line from the WTP west to the District's ground storage tank on Interstate Highway 20.

There will be no subsurface disturbance on the proposed application site. Because the proposed work had a different footprint from that covered in the FNSI, the TWDB required re-coordination with the appropriate regulatory agencies.

In a letter dated December 2, 2013, the local Floodplain Administrator (FPA) for the National Flood Insurance Program, did not require a permit and stated that the project, including the surface application of sludge west of the WTP, would not have a negative impact on floodplain management.

In a letter dated September 1, 2015, the U.S. Army Corps of Engineers (USACE), Regulatory Branch, Fort Worth District, stated that the project would not require a permit (USACE Project No. SWF-2011-000131).

An archeological survey was conducted on the proposed solids land application site at the request of the Texas Historic Commission (THC, Tracking No. 201409877), and as a result, the initially proposed site was modified to reduce the size (approximately 7 to 5 acres), including moving the southern boundary out of Colony Creek's riparian corridor. In a response dated August 25, 2015, the THC confirmed that an additional survey was not required and that the project may proceed.

A habitat assessment for threatened and endangered species (T&E) was submitted to TPWD and the U.S. Fish and Wildlife Service (USFWS) on March 30, 2015. The T&E report (dated March 19, 2015) concluded that potential habitat for one T&E species, the black-capped vireo (*Vireo atricapilla*), federal and state listed as endangered, occurred within the project area, and recommended that presence absence surveys be conducted if disturbance or construction occurred within the breeding season.

The USFWS has not submitted any comments, but delivery was confirmed by certified mail. The Texas Parks and Wildlife Department (TPWD Project Nos. 16973 and 15937) made several recommendations to which the District's consultant (Enprotec / Hibbs & Todd) responded in a letter dated July 31, 2015. Those responses included:

- In order to ensure compliance with the Migratory Bird Treaty Act and the Endangered Species Act (due to the potential habitat of the black-capped vireo), the plans for the sludge surface application site has been modified to reduce potential impacts to birds by reducing the amount of clearing activities, and by avoiding clearing activities during bird breeding and nesting season (March through August);
- The T&E report indicated that impacts to the federally and state listed (endangered) whooping crane were unlikely due to a lack of preferred habitat;
- The T&E report indicated that impacts to the state listed (endangered) Texas horned lizard (*Phrynosoma cornutum*) were unlikely due to a lack of its primary food source;
- The T&E report indicated that impacts to the state listed (threatened) Timber rattlesnake (*Crotalus horridus*) were unlikely due to the limited amount of disturbance; however, the contractor will be informed of the potential for the rattlesnake to occur in the area and of TPWD recommendations that the personnel be advised to avoid impacts to this snake as long as the safety of the workers is not compromised and that workers should avoid contact with the species if encountered, and that the snake should be allowed to leave the area safely.

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 conditions:

- As per agreement with the Texas Parks and Wildlife Department, and in order to ensure compliance with the Endangered Species Act and the Migratory Bird Treaty Act, clearing and construction activities will be avoided from March through August during bird breeding and nesting seasons. If necessary during this season, a survey will be conducted by a qualified biologist prior to vegetation clearing to ensure that no nests are disturbed;
- Standard emergency condition for the discovery of cultural resources; and,
- Standard emergency condition for the discovery of threatened and endangered species.

Comments regarding this determination may be submitted to the Director of Regional Water Planning and Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Map 1. Project Map

