

October 21, 2015

FINDING OF NO SIGNIFICANT IMPACT

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As required by the permanent 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 U.S. 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), which is administered by the TWDB.

Zavala County Water Control & Improvement District No. 1
Water Improvements Project -Phase 2
TWDB Project Number 62540 (L1000105, LF1000106)
Total DWSRF Loan Amount: \$760,000
Total DWSRF Loan Forgiveness: \$738,785

The Zavala County Water Control & Improvement District No. 1 (District) is proposing to construct improvements to the town of La Pryor's water distribution system. The project improvements include abandoning existing undersized and aging water lines and replacing and upsizing those with 6-inch PVC water lines, installing 6-inch water line for fire protection looping where fire hydrants are necessary, and installing 62 fire hydrants. New gate valves with metal boxes will also be installed. The project also includes installing 1,500 linear feet of 12-inch bore construction with 12-inch steel casting, and remove and replacement of approximately 2,000 square yards of asphalt pavement. Installation of the proposed distribution system will include open cut construction across town streets, and jack and bore or directional drilling across US Highway 83, US Highway 57 and FM 1436. These improvements are the second phase of a project planned and designed for two phases. The Texas Water Development Board issued a Categorical Exclusion (CE) on December 4, 2012, for the first phase of the project. Total project cost associated with the proposed project phase is only for construction. The District proposes to use funding from the Drinking Water State Revolving Fund (DWSRF) program.

An environmental review of the proposed project consistent with NEPA has been completed following the guidelines provided in 31 TAC §371, Subchapter E. This environmental review is documented by the enclosed Environmental Assessment (EA). The EA contains mitigative conditions that will be applied to the project and are structured so that no significant adverse environmental impacts will result from the proposed project. The Executive Administrator of the TWDB has made a preliminary decision not to require the preparation of an Environmental Impact Statement. In order to ensure that the proposed project will not have a significant impact on floodplains, cultural resources, threatened or endangered species, and protected migratory bird species, loan conditions have been developed which are described in detail in the attached EA. These conditions include the following:

- Complete coordination with the U.S. Department of the Army and, if necessary, obtain and comply with any Department of the Army Permit;
- To assure compliance with the Migratory Bird Treaty Act, if clearing trees or other vegetation is necessary these activities shall occur outside of the April 1 through July 15 migratory bird season. Contractors should be made aware of the potential of encountering migratory birds either nesting or wintering and be instructed to avoid negatively impacting them. If vegetation clearing must be scheduled to occur during the nesting season, the vegetation to be impacted should be surveyed for active nests by a qualified biologist. If active nests are observed during surveys, a 150-foot buffer of vegetation is to remain around the nests until the young have fledged or the nest is abandoned;
- Standard emergency discovery condition for cultural resources; and,
- Standard emergency discovery condition for threatened and endangered species.

Documentation supporting this decision is on file in the office of the Regional Water Planning and Development Division, TWDB, and is available for public scrutiny upon request. Comments supporting or disagreeing with this preliminary environmental determination may be submitted to the Director, Regional Water Planning and Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231. 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 release of this Finding of No Significant Impact.

**Zavala County Water Control & Improvements District No. 1
Drinking Water State Revolving Fund Project No. 62540
Water Improvements Project-Phase 2
Environmental Assessment**

INTRODUCTION/BACKGROUND

The proposed project is located within the town limits of La Pryor in Zavala County, about 99 miles southwest of San Antonio, Texas. The Zavala County Water Control & Improvement District No. 1 (District) is proposing to finance the second phase of the water distribution system improvements project using funds from a the Drinking Water State Revolving Fund (DWSRF) program, which is administered by the Texas Water Development Board (TWDB). The District received a commitment for the DWSRF funding on October 16, 2014, and closed on the financing on May 09, 2013.

Purpose and Need

The District is currently served by a water distribution system that is in need of improvements and replacements. Some of the issues include inadequate fire flows, pressure areas below 40 psi, water loss rates of up to 35 percent, inadequate pipe material and size and inadequate minimal covers. The system lacks gate valves for maintenance or isolation in the event of an emergency. The residents of La Pryor experience low water pressures, corrosion in water, and water outage during repairs while flushing and de-pressurizing of water lines. The District is the sole provider of potable water to residents in the area which includes the school district. These water outages cause the La Pryor Independent School District to suspend classes due to the unavailability of water. The purpose of the proposed project is to address these water system issues by constructing improvements to the District's water distribution system. The proposed improvements will improve the quality of life for the community of La Pryor.

PROJECT DESCRIPTION¹

The proposed water distribution system improvements are the second phase of a project designed and planned for two phases. This phase includes abandoning existing undersized and aging water lines and replacing and upsizing those 6-inch PVC water line, installing 6-inch water line for fire protection looping where fire hydrants are necessary, and installing 62 fire hydrants. After the main water lines are installed in each zone, the public and private laterals will be connected to the proposed distribution system. New gate valves with metal boxes will also be installed. The project also include installing approximately 1,500 linear feet of 12-inch bore construction with 12-inch steel casting, and removing and replacing approximately 2,000 square yards of asphalt pavement. Installation of the proposed distribution system will include open cut construction across

¹ Zavala County Water Control & Improvements District No.1 (April 2015). *Environmental Information Document: For the Water Improvements Project-Phase 2*. (Prepared by Le Fevre Engineering & Management Consulting, LLC). Received by TWDB June 23, 2015. The EID is complete with the supplementary materials submitted to the TWDB on October 6, 2015.

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town streets, and jack and bore or directional drilling across US Highway 83, US Highway 57 and FM 1436. The proposed improvements will benefit a population of 1,964 persons.

The District proposes to use funds from a \$760,000 DWSRF loan and \$738,785 in DWSRF loan forgiveness. Construction of phase 2 is estimated to cost \$1,798,000.

EVALUATION OF ALTERNATIVES

In addition to the proposed project, the District evaluated improvements to the existing water system not including the removal or abandoning of undersized water lines, and the no action alternative.

One alternative similar to the proposed project was evaluated. The main difference is that this alternative doesn't contemplate removing or abandoning undersized existing water lines. The alternative consisted on replacing water lines with 6-inch PVC DR 18; installing 6-inch PVC DR 18 water lines for fire protection looping and the installation of gate valves and fire hydrants. This alternative was rejected after performing a cost-benefit analysis.

Under the no-action alternative, the proposed water system improvements would not be implemented and a lack of reliable water supply would continue to be a concern for the District's service area. This lack of adequate water supply could result in detrimental effects to health and safety of the residents. Adults and children would experience short-term and long-term health impacts that would affect successive generations. This alternative was rejected because it fails to provide water security to the District.

The recommended alternative to replace the existing distribution system with adequate pipe sizes and material, installation of fire protection loop, gate valves and fire hydrants and remove undersized and aging water lines was chosen because it will provide infrastructure improvements necessary to meet the District's water needs, promote sustainable development and enhance the quality of life of residents of La Pryor.

ENVIRONMENTAL SETTING

Location and Landforms

The proposed project is located in the town of La Pryor in Zavala County, about 99 miles southwest of San Antonio, Texas. The geological formations that occur in La Pryor are predominantly clays and sands. These formations have an approximate thickness of 900 feet to the Carrizo-Wilcox Aquifer, mostly flat areas with rich black soils ideal for crop growth. No property is being acquired for the project.

Climate

The project is located in the South Texas Plains ecoregion.² According to the Texas Parks and Wildlife Department (TPWD) the South Texas Plains are characterized by plains of thorny shrubs and trees and scattered patches of palms and subtropical woodlands in the Rio Grande Valley. Zavala County has an average annual rainfall of 21.54 inches, with a 280 day growing season and a mild climate throughout the year. The average low temperature is 41° F and an average high temperature of 99° F in July. The area has a prevailing wind from the Southeast. Zavala County remains an attainment area for the National Ambient Air Quality Standards and the ambient air quality remains generally good.

Geology and Soils

The project is located in The Rio Grande Plain. This area shows characteristics of both the Gulf Coastal Plains and the North Mexico Plains because there is similarity of topography, climate, and plant life all the way from the Balcones Escarpment in Texas to the Sierra Madre Oriental in Mexico.

Soils listed in project area are defined as Uvalde Silty Clay Loam (UdA) and the slope of the area is listed at 0-1% which is minimal and will not require any environmental mitigation. According to Natural Resources Conservation Service³ the project area is considered Prime Farmland if irrigated, however, all areas are urban/residential in nature and are not used for crops nor are they irrigated for farm use.

Drainage, Wetlands, and Floodplain

The town of La Pryor lies between two surface water drainage areas, the Nueces River on the East and the Sand Creek on the West, having a general slope to the South. The proposed project lies above the Carrizo-Wilcox Aquifer. This aquifer yields moderate to large quantities of fresh to slightly saline water and is approximately 900 feet below the natural ground.

According to USFWS National Wetlands Inventory (NWI) maps wetlands are not present within the proposed project area. Since the proposed water line work is not located within wetland resource areas, no impacts to wetlands would occur as the result of the construction of the proposed wastewater improvements.

There will be no construction crossing or near to an existing water way of the United States. Waters of the U.S. are not located within the proposed project area. Therefore, no impact to waters of the U.S. is anticipated as a result of the proposed project.

² Gould, F. W., Hoffman, G. O., and Rechenthin, C. A. 1960. Vegetational areas of Texas, Map compiled by the Texas Parks & Wildlife Department Trans-Pecos Texas A & M University. Texas Agricultural Experiment Station, Leaflet No. 492

³ Natural Resources Conservation Service, *Soil Survey Data, Farmland Classification*

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Zavala County participates in the National Flood Insurance Program. A desktop review of the Flood Hazard Boundary Map (Map Panel ID# 4811910006 A) found that all water improvements on the proposed areas are outside of the 500-year floodplain limits.

Flora and Fauna

Methods for the project evaluation included a desktop review of the USFWS online database of federally listed species by county; Texas Parks and Wildlife Department (TPWD) Rare, Threatened, and Endangered Species by county; and TPWD Texas Natural Diversity Database (TNDD) for proposed project area in Zavala County. Three species federally listed as endangered and one candidate for federal listing are known to occur in the County. Also, one species is threatened by similarity of appearance. Additionally, eight species are considered threatened and two endangered at state level.

No parks, recreational areas, forest preserves, grassland preserves, wildlife refuges, wild or scenic rivers, karst faunal regions or zones, or nature preserves are located in or near the proposed project area. The area has a transient population of deer, coyotes, doves, vultures and rodents. Most of the area has been substantially developed or cultivated. The specific project location does not provide habitat for any wildlife species in the area.

According to the desktop review, 21 species were identified as federally listed and/or state listed as endangered, threatened or candidate in Zavala County, as shown in the table below.

Zavala County			Status	
Taxon	Common Name	Scientific Name	Federal	State
Birds	American Peregrine Falcon	<i>Falco peregrinus anatum</i>	DL	T
Birds	Arctic Peregrine Falcon	<i>Falco peregrinus tundrius</i>	DL	
Birds	Mountain Plover	<i>Charadrius montanus</i>		
Birds	Interior Least Tern	<i>Sterna antillarum athalassos</i>	LE	E
Birds	Western Burrowing Owl	<i>Athene cunicularia hypugaea</i>		
Birds	Sprague's Pipit	<i>Anthus spragueii</i>	C	
Birds	Baird's Sparrow	<i>Ammodramus bairdii</i>		
Birds	Sennett's Hooded Oriole	<i>Icterus cucullatus sennetti</i>		
Mammals	Cave myotis bat	<i>Myotis velifer</i>		
Mammals	Carrizo Springs pocket gopher	<i>Geomys personatus streckeri</i>		
Mammals	Frio pocket gopher	<i>Geomys texensis bakeri</i>		
Mammals	Gray wolf	<i>Canis lupus</i>	LE	E
Mammals	Black bear	<i>Ursus americanus</i>	T/SA;NL	T
Mammals	White-nosed coati	<i>Nasua narica</i>		T
Mammals	Ocelot	<i>Leopardus pardalis</i>	LE	E
Reptiles	Texas tortoise	<i>Gopherus berlandieri</i>		T
Reptiles	Reticulate collared lizard	<i>Crotaphytus reticulatus</i>		T
Reptiles	Spot-tailed earless lizard	<i>Holbrookia lacerata</i>		
Reptiles	Texas horned lizard	<i>Phrynosoma cornutum</i>		T
Reptiles	Texas indigo snake	<i>Drymarchon melanurus erebennus</i>		T
Plants	Springrun whitehead	<i>Shinnersia rivularis</i>		

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Status Key:

LE, LT - Federally Listed Endangered/Threatened

PE, PT - Federally Proposed Endangered/Threatened

E/SA, T/SA - Federally Listed Endangered/Threatened by Similarity of Appearance

C - Federal Candidate for Listing; formerly Category 1 Candidate

DL, PDL - Federally Delisted/Proposed for Delisting

NL - Not Federally Listed

E, T - State Listed

Endangered/Threatened

NT - Not tracked or no longer tracked by the State

“blank” - Rare, but with no regulatory listing status

Data Sources: U.S. Fish and Wildlife Service, Texas Parks and Wildlife Department diversity/habitat assessment

Historic Background

Within the town of La Pryor and at the proposed water improvements project area, there are no known historical sites, buildings, or archeological resources that are currently listed on the National Register of Historic Places or that may be eligible for listing. The State Historic Preservation Officer has determined that the project will not affect any historic property and is cleared to proceed.

POTENTIAL IMPACTS AND MITIGATIVE MEASURES

Standard Mitigation and Precautionary Measures

Potential construction-related impacts to the daily activities of the community are amenable to standard mitigation and precautionary measures. There will be no alteration to land forms, streams, and/or natural drainage patterns due to the proposed water distribution improvements project. Cover vegetation shall remain in all areas of the project. If cover vegetation is removed, then all local, state, and federal regulations will be followed regarding the displacement or cutting of any cover vegetation. Soil and vegetative spoil from trenching the proposed water lines will be placed back into the trench. All existing facilities will be disconnected, filled, and abandoned so that they no longer infiltrate the ground water. Dust will be controlled during construction by periodic sprinkling. Construction power equipment noise during normal working hours will be prevalent throughout the construction of the project, but no special measures will be required for their control. Noise levels should not be a problem at any time. There will be no blasting during construction. Safety standards will be implemented to ensure safety of vehicular and pedestrian traffic throughout the project. All construction along or across highways controlled by the Texas Department of Transportation will meet requirements of the Department. All roads will be open at the end of each workday, and all driveways will remain open. No work will be taking place at night. Due to the use of existing street right-of-ways for the proposed water lines, there should be no environmental issues that are unavoidable. No proposed structures will interfere with or obstruct any scenic views in the area.

Cross-Cutter Compliance and Agency Coordination

The proposed project has been reviewed for potential impacts to the quality of the human environment following the procedures provided in 31 Texas Administrative Code §371.41, in order 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, 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, Public Law 108-264;
- (18) National Flood Insurance Reform Act of 1994, Public Law 103-325;
- (19) Flood Disaster Protection Act of 1973, as amended, Public Law 93-234; and;
- (20) Clean Water Act, PL 92-500, as amended.

This environmental review included coordination with various state and federal regulatory agencies and other interested parties including a 30-day public review period of the planning documents. The following section provides a summary of that coordination and provides a discussion of any concerns, recommendations, or conditions pertaining to methods for avoidance, minimization or mitigation of potential impacts.

U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) was given the opportunity to review the project in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404 the USACE regulates the discharge of dredged and fill material in waters of the United States, including wetlands. USACE responsibility under Section 10 regards regulation of any work in, or affecting, navigable waters of the United States.

A response letter from the USACE, dated October 10, 2013, was received indicating that the project was assigned a project number SWF-2013-00453. On November 5, 2013 the USACE informed the District that from the information provided the Department of the

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Army was unable to determine whether an authorization will be required and requested a more detailed description of the proposed project. The information request included a suitable map of the proposed project area showing the location of proposed discharges, the type and amount of material, if any, to be discharged, and plan and cross-section views of the proposed project. The district provided the information requested on September 23, 2015.

Currently, USACE is reviewing the project and will provide the District with a final determination. The DWSRF loan is conditioned to obtain and comply with any USACE permit, if required in USACE's final determination for the project.

Texas Parks and Wildlife Department

The Texas Parks and Wildlife Department (TPWD) Wildlife Habitat Assessment Program reviewed the proposed project and provided a response dated November 18, 2013, requesting a specific location for the project. In January 13, 2014 TPWD reviewed the additional information provided and offered the following comments and recommendations:

In order to ensure compliance with the Federal Migratory Bird Treaty Act

- If clearing trees or other vegetation is necessary to complete pipeline replacement or provide access to work areas, all vegetation clearing shall occur outside of the April 1 through July 15 migratory bird season. Contractors should be made aware of the potential of encountering migratory birds either nesting or wintering in the proposed area and be instructed to avoid negatively impacting them. If vegetation clearing must be scheduled to occur during the nesting season, the vegetation to be impacted should be surveyed for active nest by a qualified biologist. If active nest are observed during surveys, a 150-foot buffer of vegetation remain around the nests until the young have fledged or the nest is abandoned.

In a written communication dated August 12, 2015, the District's engineering consultant indicated that aspects addressed on TPWD's recommendation were considered in the Environmental Information Document prepared for the project and agreed to implement TPWD's recommendations.

U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department

The United States Fish and Wildlife Service (USFWS) was given the opportunity to review the proposed project for compliance with the Endangered Species Act. The USFWS sent an email request on October 17, 2013, requesting more information regarding the site specific information including maps, site evaluations and habitat assessments. Attached to the request USFWS provided a list of Federally Listed as Threatened and Endangered Species of Texas. Two species were listed for Zavala County, as September 26, 2012, as endangered. USFWS offered Best Management Practices (BMP) to avoid and/or minimize impacts to the federally listed Ocelot (*Leopardus pardalis*) and Gulf Coast jaguarundi (*Herpailurus yagouaroundi cacomitli*). USFWS instructed to perform a review for the project in the Information, Planning, and Conservation System (IPaC). The review was performed as instructed and the results

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indicated that no FWS endangered species conservation measures were found for the proposed project. In a communication dated March 10, 2015, the District's engineering consultant confirmed to USFWS the results of the IPaC review.

U.S. Department of Agriculture – Natural Resources Conservation Service

The Natural Resources Conservation Services (NRCS) was given the opportunity to review the proposed project. NRCS received the review request on November 25, 2013. No formal response was received. Based on the project location and results of the desktop review of the NRCS Web Soil Survey Land Classification, the proposed project will not impact prime or other important farmlands.

U.S. Forest Service

The U.S. Forest Service was given the opportunity to review the proposed project. The Forest Service received the review request on March 10, 2015. The Forest Service stated on March 23, 2015 that the proposed project will have no known on any U.S. forest protected by the U.S. Forest Service.

Federal Emergency Management Agency and Floodplain Administrators

Zavala County participates in the National Flood Insurance Program (NFIP). The NFIP State Coordinator was given the opportunity to review the proposed project. NFIP received the request on October 04, 2013. The NFIP State Coordinator requested coordination with the community for specific details concerning development within the Special Flood Hazard Area on November 21, 2013. The District requested a review of the project and to provide information and recommendations from the Floodplain Administrator on March 10, 2015. On March 11, 2015 the District provided requested location maps. On August 17, 2015 the District's engineering consultant coordinated with the Federal Emergency Management Agency (FEMA). FEMA requested coordination with the local community. No formal response was received. Based on the project location and revision of the Flood Hazard Boundary Map (Map Panel ID# 4811910006 A) the project is outside of the 100 year floodplain and the 500-year floodplain limits. Therefore, the proposed project should not have any adverse impacts on floodplains.

Texas Historical Commission

The Texas Historical Commission provided a review response dated November 7, 2013, requesting additional information of the project location and description of the nature and extent of ground disturbance. On November 25, 2013, the requested information was presented and on December 16, 2015 the State Historic Preservation Officer determined that the project will not affect any historic property. The proposed project is in compliance with Section 106 of the National Historic Preservation Act as well as the Antiquities Code of Texas. The DWSRF loan is conditioned to read that if archeological sites are discovered during construction, work will cease immediately in that area and the District will notify the THC and the TWDB of the discovery. The THC and the TWDB will then proceed in accordance with the regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) prior to taking any action which would affect the cultural resources.

Texas Commission on Environmental Quality

In a response dated October 12, 2012, the Texas Commission on Environmental Quality (TCEQ) stated that a review of the project for General Conformity impact, in accordance with 40 CFR Part 93 and Title 30, Texas Administrative Code §101.30, indicates that the town of La Pryor, Zavala County is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, General Conformity does not apply. The TCEQ stated that any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions should pose no significant impact upon air quality standards. Any particulate emissions should be controlled using standard dust mitigation techniques. The TCEQ further stated that they didn't have comment on the proposed project. TCEQ also noted that if it became necessary to move or remove any of the asbestos pipe, precautions should be taken. Additionally, TCEQ recommended recording the existence of asbestos pipe that remains in place so information is available to any person performing excavation activities in the future. Based on this review, the project is in conformance with the State Implementation Plan (SIP) and the Clean Air Act, as amended.

U.S. International Boundary and Water Commission

The U.S. International Boundary and Water Commission (USIBWC) provided a review response dated November 5, 2013, indicating that the USIBWC has reviewed the project and determined that the project, located approximately forty miles northeast of the Rio Grande River at Eagle Pass, Texas, is not anticipated to have an impact on the projects or resources of the USIBWC.

Environmental Justice

In accordance with Executive Order 12898 pertaining to Environmental Justice (EJ), potential environmental impacts to low-income and minority communities have been assessed. The U.S. Environmental Protection Agency (EPA) defines environmental justice as conveyed by the Executive Order as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The goal of fair treatment is not to shift risks among populations, but to identify potential disproportionately high and adverse human health and environmental effects on minority populations and low-income populations and to identify alternatives to mitigate those impacts.

NEPAssist (<http://www.nepassist.net/>) is a Geographic Information System (GIS) application, devised by the EPA to facilitate the collection and coordination of information relevant to the environmental review process mandated by the NEPA. NEPAssist includes an 'Environmental Justice Analysis' tool that provides user-defined, site-specific U.S. Census demographic data compiled on U.S. Census Bureau, American Community Survey (ACS) for 2006 – 2010. Data include population, percentage of minority residents, per capita income, etc. for comparison with data for the county and state. However, the data no longer includes median household income or percent of

households living below the poverty level, therefore direct comparisons are not possible. Comparisons are described below.

The U.S. Census Bureau characterizes ‘Hispanic Origin’ as a minority group, but not a separate race. Racial groups include: White, African-American, Asian/Pacific Islander, American Indian, Other Race, and Multiracial. The calculation for ‘Percent Minority’ includes all minority groups and races except non-Hispanic, white persons. The terms ‘Living Below the Poverty Level’ is equivalent to the term ‘Economically Stressed’ and includes, according to the 2014 U.S. Census, a four-person family with an annual income at or below \$23,850.

The EJ Analysis was performed on September 21, 2015 for the project area. The results are indicated below with data from the U.S. Census for the State and Zavala County, included for comparison.

Area	Population (2010)	% Minority (2014)	% Below Poverty Level / Median Household Income (2009-2013)
State	25,145,561	56.5%	17.6% / \$51,900
County	11,677	93.8%	35.0% / \$25,625
Project Area (0.5 mile buffer)	1,717	78%	*see below

According to the EJ Analysis, the annual per capita income of the project area (a 0.5 mile buffer around the proposed footprint) from 2008-2012 was \$17,766*. According to the U.S. Census data for 2009-2013, the per capita income for the county was \$12,828. The State-wide average was \$26,019. These results show that there is a measurable effect on low-income populations within relatively close proximity to the proposed project elements. However, these levels are similar to the county, and the proposed work does not pose a disproportionate risk for impacts to low-income or minority residents. The entire population of this project area would be the recipients of benefits derived from the proposed improvements, primarily through improved quantity and reliability of drinking water supplied to residents throughout the service area. Because the project will not result in the relocation of households or significant changes in land uses or land values and because the project area income and demography are consistent with this portion of the region, the project will not disproportionately impact low-income populations.

DOCUMENTATION, COORDINATION, AND PUBLIC PARTICIPATION

The proposed 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 hearing held on June 10, 2015, which was advertised in the *Zavala County Sentinel*, a newspaper of general circulation in the service area. The notice was published on May 6, 2015, and contained information regarding availability of planning documents, including the EID,

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for public review at the District Office at 470W Edith Street, La Pryor during normal business hours. Spanish translation services were made available to the public at the meeting. State and federal agencies were sent written notice of the hearing and the availability of the document for review.

The public hearing was held at 6:00 P.M. on June 10, 2015, at the Water District Building, La Pryor. No adverse comments were voiced at the public hearing or received during the 30-day public review period.

RECOMMENDATION

Based upon a detailed review of the Drinking Water State Revolving Fund planning information, the Environmental Information Document, this Environmental Assessment, and other documentation, the Zavala County Water Control & Improvements District No.1 Water Improvements Project-Phase 2 proposed by the District are considered to be environmentally sound with the following conditions:

- Complete coordination with the U.S. Department of the Army and, if necessary, obtain and comply with any Department of the Army Permit;
- To assure compliance with the Migratory Bird Treaty Act, if clearing trees or other vegetation is necessary these activities shall occur outside of the April 1 through July 15 migratory bird season. Contractors should be made aware of the potential of encountering migratory birds either nesting or wintering and be instructed to avoid negatively impacting them. If vegetation clearing must be scheduled to occur during the nesting season, the vegetation to be impacted should be surveyed for active nests by a qualified biologist. If active nests are observed during surveys, a 150-foot buffer of vegetation remain around the nests until the young have fledged or the nest is abandoned;
- Standard emergency discovery condition for cultural resources; and,
- Standard emergency discovery condition for threatened and endangered species.

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

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