

October 13, 2016

TO: ALL POTENTIALLY INTERESTED PARTIES:

RE: City of Lawn (DWSRF Project No. 62586) – New Water Supply

The attached document is being provided for your information. This is not a permit application. No action is required from your agency.

The attached document is an environmental determination issued by the Texas Water Development Board (TWDB) for a proposed project to be funded through the TWDB. Pursuant to the environmental assessment requirements of 31 Texas Administrative Code (TAC) § 371.41 of the TWDB rules, the Executive Administrator of the TWDB has determined that the proposed action described in the attached documents is consistent with the National Environmental Policy Act. Coordination with the appropriate regulatory agencies and a public meeting were part of this determination.

Documentation supporting this decision is on file in the offices of the TWDB, and is available for public review upon request. 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. 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.

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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.

City of Lawn, Taylor, Callahan, and Coleman Counties, Texas
New Water Source
TWDB Project No. 62568
Total DWSRF Loan Forgiveness: \$200,000 (LF1000123)

The City of Lawn (City) is proposing: (1) to construct treated water supply facilities from Abilene, including the construction of one pump station at the Hargesheimer Water Treatment Plant; (2) to conduct improvements to the existing water distribution system and elevated storage tank to reduce water loss and address current compliance issues with the Texas Commission on Environmental Quality (TCEQ); (3) to construct a standpipe on County Road 150; (4) to construct a pump station in the City near the intersection of Highway 84 and Farm-to-Market Road 604; (5) to replace water meters with a remote read metering system; and (6) to construct an emergency interconnect with Eula Water Supply Corporation in order to provide an alternative water supply during emergency situations. Total estimated cost for the planning, acquisition, design, and construction of the proposed project is \$3,600,000. The City is utilizing their current commitment of \$200,000 to fund the planning and design portions of this project. Subsequent funding for construction is expected to come from a DWSRF commitment.

An environmental review of the proposed project consistent with NEPA has been completed following the guidelines provided in 31 TAC Code § 371.41. 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:

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- As per an agreement with the United States Army Corps of Engineers (SWF-2015-00348), the City will use directional boring to avoid impacts to jurisdictional waters of the U.S., including wetlands, to ensure compliance with Section 404 of the Clean Water Act;
- As per an agreement with Texas Parks and Wildlife (TPWD Project No. 35086) to ensure compliance with the Migratory Bird Treaty Act, if vegetation clearing activities occur during the nesting season of March through August, a survey of the area for any nests, eggs, or young will be performed. Should eggs or nesting young be discovered in this process, measures will be taken to not work in those areas, or construction will be delayed if necessary until the nests have been vacated;
- As per an agreement with Texas Parks and Wildlife (TPWD Project No. 35086) to ensure compliance with the Texas Parks and Wildlife Code, a pre-construction survey will be performed prior to construction to determine the presence of Texas horned lizards on the project site, or directly adjacent to the construction area. The following notes will be added to construction contract documents: (1) All construction personnel will be instructed to avoid killing, injuring, or making any type of harmful disturbance to the Texas horned lizard during construction; (2) Pipeline trenches that remain open overnight, and/or for more than two daylight hours will be inspected for the presence of the Texas horned lizard prior to backfilling; and (3) Texas horned lizards discovered in any open trenches will be reported to Jacob & Martin, LLC and Texas Parks and Wildlife Department. Texas Parks and Wildlife Department will be consulted for developing plans to safely relocate the Texas horned lizards;
- As per agreement with the United States Fish and Wildlife Service (Consultation 02ETAU00-2016-TA-0351) to ensure compliance with the Endangered Species Act, for projects that are anticipated to remove or degrade black-capped vireo habitat or are located within 300 feet of habitat and would be constructed during the breeding season, surveys for the presence of black-capped vireos shall be conducted prior to any disturbance activities. If the results of the survey indicate an absence of the black-capped vireo, no further coordination with the United States Fish and Wildlife Service is necessary, provided construction was implemented and completed prior to the beginning of the breeding season immediately following the survey year (i.e. an “absence” determination may only be applied to the year of the survey). If presence/absence survey results are positive, the United States Fish and Wildlife Service will be contacted for further evaluation;
- Standard emergency condition for the discovery of cultural resources, and;

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- Standard emergency condition for the discovery of threatened and endangered species.

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. 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.

Sincerely,

T. Clay Schultz, Director
Regional Water Project Development

Enclosure

City of Lawn, Taylor, Callahan, and Coleman Counties Texas
Drinking Water State Revolving Fund Project No. 62568
New Water Source
Environmental Assessment

BACKGROUND

The City of Lawn (City) provides treated water to approximately 300 customers located in Taylor, Callahan, and Coleman Counties. The City is proposing to construct a new treated water supply in order to meet the City's long-term water supply needs. Specifically, the City is proposing to use funding from a Drinking Water State Revolving Fund (DWSRF) loan for the planning, acquisition, and design phases for to develop a new treated water supply addressing maximum contaminant levels (MCL) violations at the City's Water Treatment Plant (WTP). The City received a commitment for \$200,000 in loan forgiveness through the DWSRF program on January 31, 2013 to fund the planning, acquisition, and design phases of the proposed project. The City closed on its commitment (LF1000123) on May 30, 2014.

The Environmental Assessment is based primarily on the Environmental Information Document submitted to the TWDB by the City and other available resources¹.

Purpose and Need

The City's existing WTP receives raw water from Lake Coleman through an eight-inch diameter water line. This WTP was constructed in the early 1970's with several improvements made to the plant since its construction. The City's existing water distribution system consists of water lines ranging in size from two-inches to eight-inches in diameter, two pump stations, two standpipes, and approximately 300 water meters. A portion of the main five-inch diameter supply line, constructed in the early 1970's, is in poor condition. The City is currently experiencing high rates of water loss throughout the system due to line leaks and in recent years, the City experienced water loss in excess of 50 percent. The purpose of the proposed project is to address water loss issues and MCL violations at the City's WTP and to create an alternative water supply for the City to use during emergency situations.

PROJECT DESCRIPTION

The City is proposing: (1) to construct treated water supply facilities to provide water from the City of Abilene, including the construction of one pump station at the Hargesheimer Water Treatment Plant; (2) to conduct improvements to the existing water distribution system and elevated storage tank to reduce water loss and address current compliance issues with the Texas Commission on Environmental Quality (TCEQ); (3) to construct a standpipe on County Road 150; (4) to construct a pump station in Lawn near

¹ City of Lawn (June 2016). *Environmental Information Document: New Treated Water Supply* (Prepared by Jacob Martin). Received by TWDB June 10, 2016. The EID is complete with supplementary materials submitted to the TWDB on August 26, 2016.

the intersection of Highway 84 and Farm-to-Market Road 604; (5) to replace water meters with a remote read metering system; and (6) to construct an emergency interconnect with Eula Water Supply Corporation in order to provide an alternative water supply during emergency situations.

Specifically, the proposed project can be divided into the following project components:

- Construction of a booster pump station and storage tank adjacent to the City of Abilene Hargeshiemer Water Treatment Plant;
- Construction of a Booster pump station in the City of Lawn;
- Installation of a new 16 ft. x 80 ft. standpipe on County Road 150;
- Replacement of a 16 ft. x 64 ft. standpipe with a 16 ft. x 105 ft. standpipe;
- Replacement of approximately 25,000 linear feet of five-inch water lines;
- Replacement of existing water meters with remote read meters;
- Rehabilitation of the existing Oplin Standpipe; and
- Installation of eight-inch to 14-inch diameter water supply lines from Abilene to Lawn.

The current population of the service area is 497 persons. The City anticipates that the population within the service area will increase to 580 persons within 20 years. The proposed project was designed to serve the entire anticipated population increase.

The City anticipates the completion of construction by December 2017. Subsequent funding for the construction of the proposed project is expected to come from the DWSRF program. The total estimated cost of the project is \$3,600,000. A user rate increase will be required to finance this project. The current average monthly water bill is \$53.00. The City does not anticipate that other projects in progress will be affected by the proposed project.

EVALUATION OF ALTERNATIVES

In addition to the preferred project, the City evaluated replacing the existing WTP and a no-action alternative. These alternatives are evaluated below.

Alternative One

Alternative one evaluated the feasibility of replacing the existing WTP with a membrane surface WTP. Under this alternative, the City also proposed to conduct improvements to the City's raw water intake and delivery system. The City does not currently have a licensed Class B or higher surface water operator on staff. In addition, the City has been unable to remain in compliance with new TCEQ regulations for water quality monitoring. Ultimately, this alternative would cost the City more in operation and maintenance costs

than the preferred alternative. Therefore, alternative one is not considered a reasonable alternative.

No-Action Alternative

The no-action alternative would result in continued failure to provide an elevated storage capacity of 100 gallons per connection, failure to provide emergency power, failure to provide a treatment plant capacity of 0.6 gallon per minute (gpm) per connection, violation of TCEQ water quality standards, and increased water loss in the future. Therefore, the no-action alternative is not considered a reasonable alternative.

ENVIRONMENTAL SETTINGS

Existing Conditions

The City is proposing to construct eight- to 14-inch diameter water lines from the City of Abilene to the City of Lawn. Lines will be constructed along existing rights-of-ways or easements. The City is also proposing to use three separate parcels of land, each consisting of one-quarter acre of land, for the construction of a new standpipe and two new pump stations. This land was previously used for agricultural and industrial purposes. The proposed project will not include new or expanded utilities, roads, or other infrastructure or public services. Installation of pipeline will result in temporary ground disturbance.

Geology and Soils

The proposed project area is located within the Rolling Plains natural region of Texas. The Rolling Plains features an eroded surface of hills and undulating plains developed on upper Paleozoic formations.

The project area intersects the North-Central Plain of Texas and is underlain by the Clear Fork Group, which consists of mudstone, limestone, dolomite, and siltstone. The nearest geologic feature to the project area is the Callahan Divide; however, the project area does not intersect this feature. No faults are present within the project area. Additionally, the project is not located in a karst or pseudo-karst zone. No adverse environmental issues are expected as a result of the geologic setting.

The proposed project area overlies four major soil associations: Vernon-Tillman, Tobosa-Sagerton-Rowena-Rotan, Throck-Palopinto-Owens-Leuders, and Pedernales-Cisco in the southern portions of the project area. The Vernon-Tillman Association underlies northern sections of the project area and consists of 10-inch thick A-horizons of reddish brown clay over reddish brown clay, and red silt clay B-horizons to a depth of 72 inches. The Tobosa-Sagerton-Rowena-Rotan Association also underlies the project area, consisting of eight-inch thick reddish brown to dark grayish brown clay loam A-

horizons over top reddish yellow to pink clay extending to a depth of 80 inches. Throck-Palopinto-Owens-Lueders underlies eastern portions of the project area and consists of six- to 14-inch thick gray brown clay loam A-horizons on top of brownish silty clay loam to a depth of 30-inches as well as limestone. The Pedernales-Cisco Association consists of nine-inch thick reddish brown fine sandy loam A-horizons on top of reddish yellow and pink sandy clay loam to a depth of 70 inches.

The aforementioned soil types do not present any constraints to the project. Soil contamination is not present within the proposed project area. No soil will be removed from the proposed construction sites. The City does not anticipate that the proposed project will result in soil contamination. The City coordinated with the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) regarding potential prime and important farmland within the proposed project area. According to the City's coordination, the proposed project area does not contain any prime and important farmland. A summary of coordination with this agency is provided in Cross-Cutter Compliance and Agency Coordination.

Water Resources

The proposed project area is located in the Colorado River Basin. The Trinity aquifer is located in the greater project area. The Trinity Aquifer is not a sole source aquifer for the region. The project area water supply includes O.H. Ivie Lake. The proposed project does not include the installation of any water wells. Therefore, the City will not require the use of test wells. The City does not anticipate that the proposed project will directly impact water resources.

Topography and Floodplains

Topography within the proposed project area consists of gently rolling hills with dominant drainage flowing to the southeast toward Lake Coleman. Elevations range from 1865 feet above mean sea level (msl) to 2080 msl. A portion of the proposed project is located in a 100-year floodplain. Taylor County and the City of Abilene currently participate in the National Flood Insurance Program (NFIP). The City of Lawn does not participate in the NFIP. The City coordinated with the Federal Emergency Management Agency (FEMA), NFIP and the Local Floodplain Administrator. A summary of agency coordination is provided in Cross-Cutter Compliance and Agency Coordination. The City does not anticipate that floodplains or floodways will be directly impacted by the proposed project. The proposed project should not require a permit for construction.

Wetlands, Streams and Waters of the United States

Several streams are present within the proposed project area. These streams include Cedar Creek, McEwen Draw, Jim Ned Creek, and Twomile Creek. Based on coordination with the United States Army Corps of Engineers (USACE), no wetlands

were identified within the project area. The City coordinated with the USACE. A summary of agency coordination is provided in Cross-Cutter Compliance and Agency Coordination. The City is proposing to use directional boring to avoid all impacts to wetlands or waters of the United States, including wetlands. The City does not anticipate any temporary or permanent impacts to waters of the U.S., including wetlands.

Biological Elements

The project area is located within the Central Great Plains ecoregion and lies within the Mesquite-Buffalo Grass vegetative zone. This zone is characterized by short grass with scattered deciduous trees and shrubs. Buffalo grass (*Bouteloua dactyloides*) and honey mesquite (*Prosopis glandulosa*) are the dominant plants. The project area is generally consistent with the Mesquite-Buffalo Grass vegetative zone, consisting primarily of grassland in the right-of-ways with a few cedar (*Juniperus* spp.) and honey mesquite trees. Primary fauna includes rabbit, deer, and wild pigs. 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 project area.

The City utilized the TPWD Annotated County Lists of Rare Species for Callahan, Coleman, and Taylor Counties and the USFWS Information for Planning and Conservation (IPaC) report for its evaluation of the potential for threatened and endangered species and habitat to occur within the proposed project area. Table 1 provides a summary of species found within these counties.

Table 1: List of Threatened and Endangered Species within Callahan, Coleman, and Taylor Counties

Callahan, Coleman, and Taylor Counties				
Taxon	Common Name	Scientific Name	Status	
			Federal Status	State Status
Birds	American Peregrine Falcon	<i>Falco peregrinus anatum</i>	DL	T
Birds	Arctic Peregrine Falcon	<i>Falco peregrinus tundrius</i>	DL	
Birds	Baird's Sparrow	<i>Ammodramus bairdii</i>		
Birds	Bald Eagle	<i>Haliaeetus leucocephalus</i>	DL	T
Birds	Black-capped Vireo	<i>Vireo atricapilla</i>	LE	E
Birds	Ferruginous Hawk	<i>Buteo regalis</i>		
Birds	Golden-cheeked Warbler	<i>Setophaga chrysoparia</i>	LE	E
Birds	Interior Least Tern	<i>Sterna antillarum athalassos</i>	LE	E
Birds	Mountain Plover	<i>Charadrius montanus</i>		
Birds	Peregrine Falcon	<i>Falco peregrinus</i>	DL	T
Birds	Snowy Plover	<i>Charadrius alexandrinus</i>		
Birds	Sprague's Pipit	<i>Anthus spragueii</i>		
Birds	Western Burrowing Owl	<i>Athene cunicularia hypugaea</i>		

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Birds	Western Snowy Plover	<i>Charadrius alexandrinus nivosus</i>		
Bird	Whooping Crane	<i>Grus Americana</i>	LE	E
Fish	Sharpnose Shiner	<i>Notropis oxyrhynchus</i>		E
Fish	Smalleye Shiner	<i>Notropis buccula</i>		E
Mammals	Black-tailed prairie dog	<i>Cynomys ludovicianus</i>		
Mammals	Cave myotis bat	<i>Myotis velifer</i>		
Mammals	Gray wolf	<i>Canis lupus</i>	LE	E
Mammals	Llano pocket gopher	<i>Geomys texensis texensis</i>		
Mammals	Plains spotted skunk	<i>Spilogale putorius interrupta</i>		
Mammals	Red wolf	<i>Canis rufus</i>	LE	E
Mollusks	Smooth pimpleback	<i>Quadrula houstonensis</i>	C	T
Mollusks	Texas fatmucket	<i>Lampsilis bracteata</i>	C	T
Mollusks	Texas fawnsfoot	<i>Truncilla macrodon</i>	C	T
Mollusks	Texas pimpleback	<i>Quadrula petrina</i>	C	T
Reptiles	Concho water snake	<i>Nerodia paucimaculata</i>	DL	
Reptiles	Spot-tailed earless lizard	<i>Holbrookia lacerata</i>		
Reptiles	Texas horned lizard	<i>Phrynosoma cornutum</i>		T
Plants	Cory's evening-primrose	<i>Oenothera coryi</i>		
Plants	Glass Mountains coral-root	<i>Hexalectris nitida</i>		
Plants	Llano butterweed	<i>Packera texensis</i>		
Plants	Prairie butterfly-weed	<i>Gaura triangulata</i>		
Plants	Rock grape	<i>Vitis rupestris</i>		
Plants	Warnock's coral-root	<i>Hexalectris warnockii</i>		
LE, LT - Federally Listed Endangered/Threatened PT, C - Federally Proposed Threatened, or Candidate Species DL, PDL - Federally Delisted/Proposed Delisted E, T - State Endangered/Threatened *Data Sources: U.S. Fish and Wildlife Service, Texas Parks and Wildlife Department and site visit/survey of project area.				

Black-capped Vireo (*Vireo atricapilla*) (BCVI) is known to occur in Callahan, Coleman, and Taylor Counties. The species has been documented along the hillsides of the Callahan Divide, which is located near the project area. BCVI habitat occurs along limestone outcroppings that contain scrub oak, also referred to as shinnery oak (*Quercus gambelii*), sumac (*Rhus* spp.), Texas redbud (*Cercis canadensis*), Texas persimmon (*Diospyros texana*), agarita (*Mahonia trifoliolata*), and Ashe juniper (*J. ashei*). The project area contains some scrub oak species and hardwoods. Potential BCVI habitat was identified alongside Highway 84 and Farm-to-Market 604.

The Texas horned lizard is also known to occur in Callahan County. The Texas horned lizard is widely distributed in the western United States and Mexico. The species is one

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of fourteen North American species of spikey-bodied reptiles called horned lizards. They can be found in arid and semiarid habitat is open areas with little to no plant cover. They are often found in loose sand or loamy soils. A biological field survey was completed within the project area on May 10, 2016. No Texas horned lizards were observed during the survey.

Cultural Resources

The City has notified the State Historic Preservation Officer (SHPO) at the Texas Historical Commission (THC) that they intend to use the NEPA process to comply with Section 106 of the National Historic Preservation Act. The following parties were consulted regarding the potential for cultural resources within the project area: THC, Alabama-Coushatta Tribe, Tonkawa Tribe of Oklahoma, Comanche Nation, and Delaware nation.

Cultural resource investigations were conducted by a qualified archaeologist on February 22, and February 24 through 25, 2016. Texas Antiquities Permit Number 7750 was issued for the archaeological survey. The results of the survey were largely negative, although several isolated prehistoric artifacts, one historic railroad berm, and one prehistoric surface lithic scatter were recorded during the investigation. Prehistoric archaeological site 41CA28 and historic site 41TA309 were recorded. These sites are not recommended as eligible for listing on the National Register of Historic Places (NRHP) nor to be designated as a State Antiquities Landmark (SAL). Based on the results of the cultural resource investigation, the City has concluded that historic properties will not be impacted as a result of the proposed project.

Hazardous Materials

A Phase I Environmental Site Assessment (ESA) has not been conducted within the proposed project area. No superfund sites were identified within the project area or in an area associated with the proposed work. TWDB does not fund the testing, remediation, removal, disposal, or related work for contaminated or potentially contaminated materials.

Social Implications and 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.

The proposed project was evaluated for impacts to environmental justice. EJ View is a mapping tool, designed by the EPA, which allows users to create maps and generate reports on factors that may affect public and environmental health. Data include population, percentage of minority residents, per capita income, etc. for comparison with data for the county and state.

Land acquisition for the project will not require the use of eminent domain. People or businesses will not be relocated as a result of the project. The proposed project will require an increase in residential rates; however, the project will not require an increase in taxes to finance the debt.

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 2015 U.S. Census, a four-person family with an annual income at or below \$24,250.

The EJ View Analysis was performed on September 20, 2016 for the project area. The results are indicated below with data from the U.S. Census for the State and Taylor County included for comparison.

Area	Population (2010)	% Minority (2007-2011)	% Below Poverty Level / Median Household Income (2010-2014)
State	27,469,114	56.6%	17.2% / \$52,576
Taylor County	136,051	33%	15.9% / \$44,695
City of Lawn	314	12%	13.1% / \$48,056

According to the EJView Analysis, the annual per capita income of the City of Lawn from 2010-2014 was \$48,056. According to the U.S. Census data for 2010 - 2014, the per capita income for the county was \$44,695. The State-wide average was \$52,576. The project area does not have a proportion of the population, greater than the city, county or state average, who are members of a racial/ethnic minority category or who have less income than or equal to the state’s official poverty level. These results show that there is not a measurable effect on low-income populations within relatively close proximity to the proposed project. 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 project.

Secondary and Cumulative Impacts

The proposed project may result in secondary and cumulative impacts to land use, water resources, vegetation and habitat, and low-income populations. These impacts are reviewed in the following sections.

Land Use

The proposed project will require the conversion of three parcels of land, each consisting of one-quarter acre, for the construction of a new standpipe and two new pump stations. This land was previously used for agricultural and industrial purposes. Due to land conversion, this land will no longer be available for agricultural and industrial purposes, which may lead to a decrease in potential economic productivity.

Water Resources

The proposed project will create a new emergency water source for the City of Lawn. Creating a sustainable and reliable water resource may lead to economic development and growth within the project area. Cumulative impacts resulting from residential and economic growth may include conversion of land for development, decreased air quality, increased non-point source pollution from road runoff, sedimentation from construction, and other similar impacts.

Construction activities have the potential to increase soil erosion, which may result in sediment loading in nearby surface waters. Sedimentation will likely be reduced through the use of Best Management Practices, such as through the use of silt fences during construction. However, potential sediment loading occurring immediately after construction may reduce the quality of aquatic habitat directly adjacent to the project area. These impacts are not likely to be considered permanent secondary or cumulative impacts to the project area.

Vegetation and Habitat

Compaction of soils during construction may occur where the bearing strength is exceeded by the weight of construction vehicles. Compaction may lead to secondary impacts on vegetation and habitat, as it reduces the ability of natural vegetation to re-establish after construction. The City has proposed to use Best Management Practices to re-seed construction areas, to reduce long-term impacts to vegetation and habitat.

Environmental Justice

The City has proposed to increase user rates in order to finance the construction of this project. Although the proportion of low-income or minority populations is approximately proportional to that of the State of Texas, the project has the potential to affect customer

ability to pay their bills. If residents are unable to pay their bills, they may be forced to move outside of the project area. This would lead to a reduction in population and a potential reduction in economic productivity.

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.

Bureau of Land Management

The Bureau of Land Management (BLM) was given the opportunity to review the proposed project. The BLM received the review request on April 20, 2016, and provided

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a formal response on May 9, 2016, stating that no BLM interests would be affected by the proposed project.

Intergovernmental Review

The West Central Texas Council of Governments (WCTCOG) was given the opportunity to review the proposed project. WCTCOG provided a formal response on August 14, 2015, stating that the proposed project appears to be compatible with regional planning objects and has potential for positive community development. WCTCOG requested continued coordination with Taylor County, Lawn Independent School District, as well as any related service agencies and providers within Taylor County to avoid possible duplication of services and to ensure the most effective delivery of services.

Texas Historical Commission

AR Consultants, Inc. (ARC) conducted an archeological survey of the proposed project area producing a report entitled *An Archeological Survey of the Proposed City of Lawn Water Improvements Taylor, Coleman, and Callahan Counties, Texas, April 21, 2016*. The archeological survey revealed the presence of two sites. Neither site has the potential to yield information about past lifeways or environments and neither is recommended as being eligible for listing on the NRHP nor do they warrant designation as a Texas SAL. ARC recommended that further cultural resource investigations are unnecessary for the project. The THC concurred with this finding on April 15, 2016, and determined that no significant sites were present within the project area (Track #201511434).

The DWSRF loan is conditioned to read that if archeological sites are discovered during construction, work will cease immediately in that area and the City 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.

U.S. Army Corps of Engineers

The 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.

The City is proposing to use directional boring at stream crossings to avoid potential impacts to jurisdictional waters of the U.S., including wetlands. A review response from the USACE (SWF-2015-00348) dated June 3, 2016, indicates that the proposed project will not involve activities subject to the requirements of Section 404 or Section 10, therefore Department of the Army authorization will not be required.

Texas Parks and Wildlife – Wildlife Habitat Assessment Program

The TPWD Wildlife Habitat Assessment Program reviewed the proposed project and provided a response dated September 10, 2015. A summary of TPWD recommendations (TPWD Project Number 35086) for the proposed project and the City's responses are summarized below:

Clean Water Act

Recommendation: TPWD recommends boring under waterways and wetlands in the project area rather than trenching through these sensitive habitats. Staging areas for boring equipment should be located outside of the riparian corridors associated with water resources. If trenching would be required, TPWD recommends consulting with the USACE for potential impacts to waters of the U.S. including jurisdictional determinations, delineations, and mitigation. Measures to avoid and minimize impacts to isolated wetlands should also be incorporated into project plans.

TPWD recommends that ground disturbance in the vicinity of creeks and wetlands be conducted in conjunction with a storm water pollution prevention plan to protect waterways from sedimentation and other pollution. Trenching should be conducted when intermittent waterways are dry.

City Response: This recommendation will be accepted and implemented as suggested.

Migratory Bird Treaty Act

Recommendation: If migratory bird species are found nesting on or adjacent to the project area, they must be dealt with in a manner consistent with the MBTA. TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March through August, to avoid adverse impacts to this group. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. Any vegetation (trees, shrubs, and grasses) where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

City Response: This recommendation will be accepted and implemented as suggested.

If vegetation clearing activities occur during the nesting season of March through August, a survey of the area for any nests or eggs or young will be performed. Should eggs or nesting young be discovered in this process,

measures will be taken to not work in those areas, or construction will be delayed if necessary until the nests have been vacated. The TPWD recommendation paragraph will be included in the construction contract documents.

State Laws

Recommendation: TPWD recommends that a pre-construction survey be conducted to determine if Texas horned lizards are present on the project site or directly adjacent to the construction area. A useful indication that the Texas horned lizard may occupy the site is the presence of the harvester ant (*Pogonomyrmex barbatus*) nests since harvester ants are the primary food source of horned lizards. The survey should be performed during the warm months of the year when the horned lizards are active.

If Texas horned lizards are found on site, TPWD recommends contacting the Wildlife Habitat Assessment Program to develop plans to relocate the Texas horned lizard, particularly if there is likelihood that they would be harmed by project activities. To minimize impacts to the Texas horned lizard, TPWD recommends use of the best management practices described in the *Texas Horned Watch – Management and Monitoring Packet*. Please note that Texas tortoise best management practices are applicable to the Texas horned lizard.

City Response: This recommendation will be accepted and implemented as suggested:

A pre-construction survey will be performed to determine the presence of Texas horned lizards on the project site or directly adjacent to the construction area.

Additionally, the following notes will be added to the construction contract documents.

- 1) All construction personnel will be instructed to avoid killing, injuring, or making any type of harmful disturbance to the Texas horned lizard during construction.
- 2) Pipeline trenches that remain open overnight, and/or for more than two daylight hours will be inspected for the presence of the Texas horned lizard prior to backfilling.
- 3) Texas horned lizards discovered in any open trenches will be reported to Jacob & Martin, LLC and TPWD. TPWD will be consulted for developing plans to safely relocate the Texas horned lizards.

Rare Species

Recommendation: TPWD recommends minimizing impacts to fence rows and brushy areas where the Plains spotted skunk may be present.

City Response: This recommendation will be accepted and implemented as suggested:

Impacts to fence rows and brushy areas will be minimal to reduce potential impacts to the Plains spotted skunk.

Recommendation: Please review the TPWD county lists for Taylor, Callahan, and Coleman Counties, as rare species could be present, depending upon habitat availability. These lists are available online at <http://tpwd.texas.gov/gis/rtest>. If during construction the project area is found to contain rare species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species.

Determining the actual presence of a species in a given area depends on many variables including daily seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting wildlife.

City Response: Both USFWS and TPWD website were used for endangered/rare species information. Construction personnel will be advised of the possibility of endangered or rare species in the area. Should any of these species be encountered during the construction process, construction personnel will be instructed to stop work until Jacob & Martin, LLC and TPWD can be contacted for guidance on procedures for dealing with the encountered species in the project area.

Monarch Butterfly Conservation Plan

Recommendation: For disturbed sites within the monarch migration corridor, TPWD recommends revegetation efforts include planting or seeding native milkweed (*Asclepias* spp.) and nectar plants as funding and seed availability allow. Where appropriate and sustainable, TPWD recommends landscaping plans incorporate monarch-friendly plants and/or butterfly gardens. Information about monarch biology, migration, and butterfly gardening can be found at <http://www.monarchwatch.org>.

City Response: This recommendation will be accepted and implemented as follows:

Native milkweed and nectar plants will be used in revegetation where funding and seed availability allow.

The DWSRF loan is conditioned to read that if threatened or endangered species happen to be encountered during construction, work will cease immediately and the City will notify TWDB staff, TPWD, and the USFWS. Subsequent to notification, mitigation measures will be taken in accordance with the Endangered Species Act of 1973, as amended.

U.S. Fish and Wildlife Service

The United States Fish and Wildlife Service (USFWS) were given the opportunity to review the proposed project for compliance with the Endangered Species Act (Consultation 02ETAU00-2016-TA-0351). The proposed project intersects potential endangered species habitat for the BCVI and Texas horned lizard. In a response dated May 4, 2016, USFWS provided the following response:

The attached figure shows some of the vegetation classes known to be associated with the endangered BCVI. The BCVI is known to occur in Callahan, Coleman, and Taylor counties. For determination of BCVI habitat, please refer to Campbell 2003.

Proposed activities may occur without adverse effects to the BCVI if:

- 1) The project area does not contain BCVI habitat and is located at least 300 feet from habitat, or;
- 2) Suitable BCVI habitat occurs within 300 feet of a project, but no suitable habitat would be removed or degraded and the action would be scheduled outside of the BCVI's breeding season (March through August).

For projects that are anticipated to remove or degrade BCVI habitat or are located within 300 feet of habitat and would be constructed during the breeding season, we recommend surveys for the presence of vireos be conducted prior to any disturbance activities. If the results of the survey indicate "absence" of the BCVI, no further coordination with USFWS would be necessary, provided construction was implemented and completed prior to the beginning of the breeding season immediately following the survey year (i.e. an "absence" determination may only be applied to the year of the survey).

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Should presence/absence survey results be positive, USFWS should be contacted for further evaluation. Additionally, if BCVI surveys are done and are negative, USFWS would also appreciate that survey information.

United States Department of Agriculture, Natural Resources Conservation Service

The USDA, NRCS was given the opportunity to review the proposed project in accordance with the Farmland Protection Policy Act. The USDA, NRCS provided a response dated October 16, 2015, stating that the proposed project is exempt because it does not contain Important Farmland Soils. The USDA, NRCS encourages the use of accepted erosion control methods during the construction of the project.

Environmental Protection Agency – Sole Source Aquifer Program

The EPA was given the opportunity to review the project. In a response dated August 19, 2015, the EPA stated that the project does not lie within the boundaries of a designated sole source aquifer and is thus not eligible for review under the Sole Source Aquifer program.

Federal Emergency Management Agency, National Flood Insurance Program

The FEMA, NFIP was given the opportunity to review the project. The FEMA, NFIP provided a response on August 13, 2015 requesting that the communities' floodplain administrators be contacted for the review and possible permit requirements for the project. FEMA also requested that the project comply with Executive Order 11988 and Executive Order 11990.

In order to ensure compliance with Executive Order 11990:

- If vegetation clearing is required in riparian zones then re-vegetation will be performed using native wetland and riparian vegetation to prevent erosion and loss of habitat. Soil scarification will be minimized to the extent practicable, and incremental re-establishment of herbaceous vegetation will be performed at the proposed construction areas. Denuded and/or disturbed areas will be re-vegetated with a mixture of native legumes and grasses in accordance with Texas Commission on Environmental Quality's best management practices for construction activities and in compliance with section 319 of the Clean Water Act.

In order to ensure compliance with Executive Order 13112:

- To minimize the potential for invasive species at the proposed project area, any landscaping associated with project plans will be limited to seeding and planting with native species. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover will be planted when seed is reasonably available, and the use of Bermuda grass in seed mixtures will be

avoided. Preferred re-vegetation with native trees, shrubs and herbaceous species will be adaptable and drought tolerant. Re-vegetation activities will be in accordance with Texas Commission on Environmental Quality best management practices for construction activities and in compliance with section 319 of the Clean Water Act.

Local Floodplain Administrator

The Taylor County Environmental Department (TCED) serves as the project area's Local Floodplain Administrator, NFIP. A formal response from the Local Floodplain Administrator was received on August 17, 2015. According to their review, it was noted that some of the water distribution lines may be located within, or cross the 100-year floodplain according to the Taylor County's Flood Insurance Rate Maps. The two proposed pump stations appear to be located outside of the 100-year floodplain. TCED recommends all water distribution lines within the 100-year floodplain of rural Taylor County be installed to prevent obstruction of water flow through the floodplain. TCED also recommends contacting the Taylor County Commissioners' Court for approval to cross or bore under county roads, if necessary, when installing new water distribution lines.

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 the planning included a public meeting held on August 22, 2016, which was advertised in the *Abilene Reporter News*, a newspaper of general circulation in the area. The notice was published on July 21, 2016 and contained information regarding availability of planning documents, including the EID, for public review at City Hall, located at 150 Main Street, Lawn, Texas between 9:00 AM to 4:00 PM for 30 days following the date of the public notice. State and federal agencies were sent written notice of the public meeting and the availability of the document for review.

The public meeting was held at 2:00 PM on August 22, 2016 at the City Hall. No adverse comments were voiced at the public meeting or received during the 30-day public period.

RECOMMENDATION

Based upon a detailed review of the DWSRF planning information, the EID this EA, and other documentation, the waste system improvement project proposed by the City is considered to be environmentally sound with the following conditions:

- As per an agreement with the United States Army Corps of Engineers (SWF-2015-00348), the City will use directional boring to avoid impacts to jurisdictional waters of the U.S., including wetlands, to ensure compliance with Section 404 of the Clean Water Act;
- As per an agreement with Texas Parks and Wildlife (TPWD Project No. 35086) to ensure compliance with the Migratory Bird Treaty Act, if vegetation clearing activities occur during the nesting season of March through August, a survey of the area for any nests, eggs, or young will be performed. Should eggs or nesting young be discovered in this process, measures will be taken to not work in those areas, or construction will be delayed if necessary until the nests have been vacated;
- As per an agreement with Texas Parks and Wildlife (TPWD Project No. 35086) to ensure compliance with the Texas Parks and Wildlife Code, a pre-construction survey will be performed prior to construction to determine the presence of Texas horned lizards on the project site, or directly adjacent to the construction area. The following notes will be added to construction contract documents: (1) All construction personnel will be instructed to avoid killing, injuring, or making any type of harmful disturbance to the Texas horned lizard during construction; (2) Pipeline trenches that remain open overnight, and/or for more than two daylight hours will be inspected for the presence of the Texas horned lizard prior to backfilling; and (3) Texas horned lizards discovered in any open trenches will be reported to Jacob & Martin, LLC and Texas Parks and Wildlife Department. Texas Parks and Wildlife Department will be consulted for developing plans to safely relocate the Texas horned lizards;
- As per agreement with the United States Fish and Wildlife Service (Consultation 02ETAU00-2016-TA-0351) to ensure compliance with the Endangered Species Act, for projects that are anticipated to remove or degrade black-capped vireo habitat or are located within 300 feet of habitat and would be constructed during the breeding season, surveys for the presence of black-capped vireos shall be conducted prior to any disturbance activities. If the results of the survey indicate an absence of the black-capped vireo, no further coordination with the United States Fish and Wildlife Service is necessary, provided construction was implemented and completed prior to the beginning of the breeding season immediately following the survey year (i.e. an “absence” determination may only be applied to the year of the survey). If presence/absence survey results are positive, the United States Fish and Wildlife Service will be contacted for further evaluation;
- Standard emergency condition for the discovery of cultural resources, and;

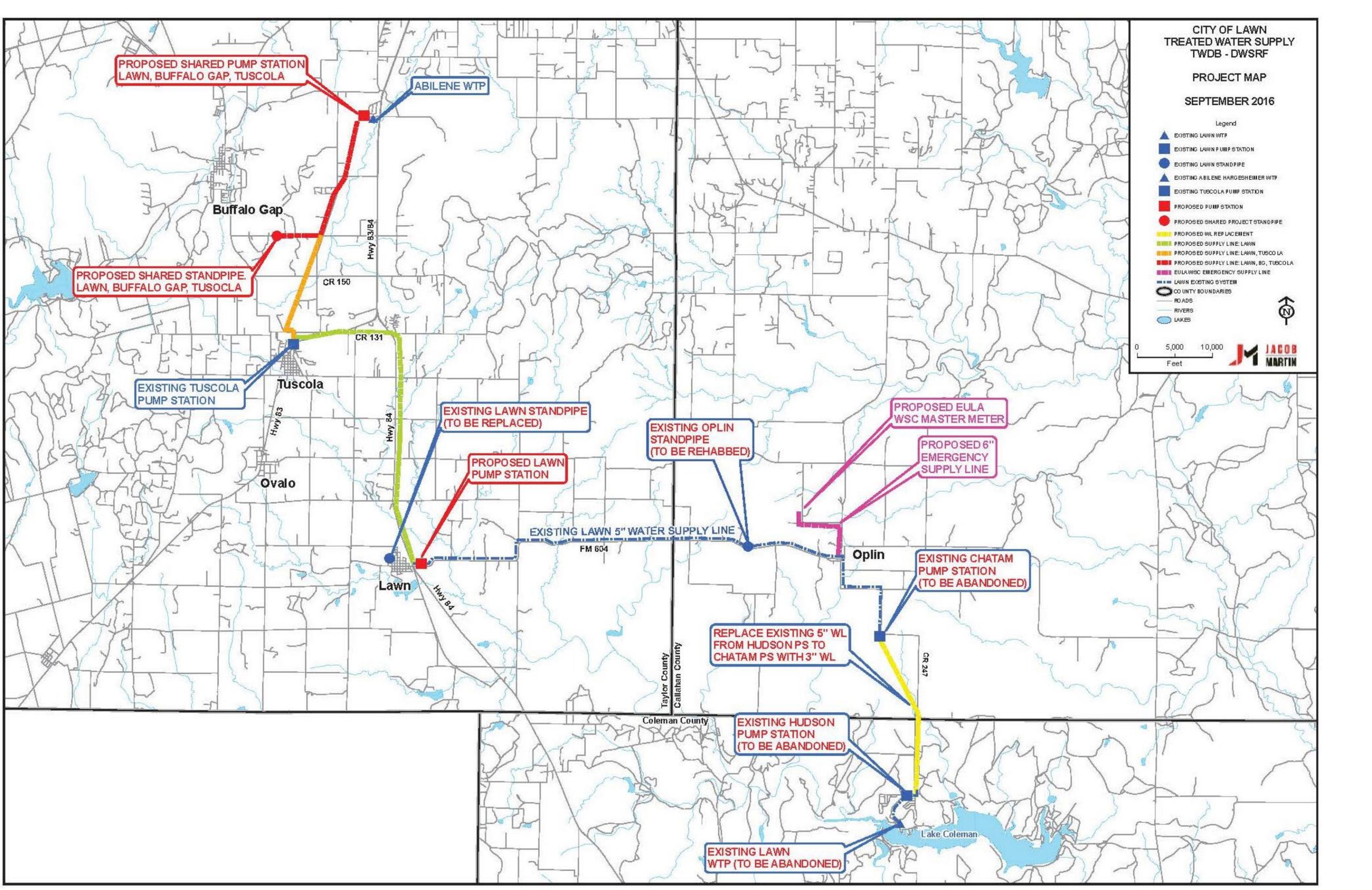
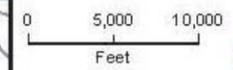
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- Standard emergency condition for the discovery of threatened and endangered species.

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

Legend

- ▲ EXISTING LAWN WTP
- EXISTING LAWN PUMP STATION
- EXISTING LAWN STANDPIPE
- ▲ EXISTING ABILENE HARGESHEIMER WTP
- EXISTING TUSCOLA PUMP STATION
- PROPOSED PUMP STATION
- PROPOSED SHARED PROJECT STANDPIPE
- PROPOSED WL REPLACEMENT
- PROPOSED SUPPLY LINE: LAWN
- PROPOSED SUPPLY LINE: LAWN, TUSCOLA
- PROPOSED SUPPLY LINE: LAWN, BG, TUSCOLA
- EULA WSC EMERGENCY SUPPLY LINE
- LAWN EXISTING SYSTEM
- COUNTY BOUNDARIES
- ROADS
- RIVERS
- LAKES



PROPOSED SHARED PUMP STATION
LAWN, BUFFALO GAP, TUSCOLA

ABILENE WTP

Buffalo Gap

PROPOSED SHARED STANDPIPE
LAWN, BUFFALO GAP, TUSCOLA

EXISTING TUSCOLA
PUMP STATION

Tuscola

Ovalo

EXISTING LAWN STANDPIPE
(TO BE REPLACED)

PROPOSED LAWN
PUMP STATION

EXISTING OPLIN
STANDPIPE
(TO BE REHABBED)

PROPOSED EULA
WSC MASTER METER

PROPOSED 6"
EMERGENCY
SUPPLY LINE

EXISTING LAWN 5" WATER SUPPLY LINE

Oplin

EXISTING CHATAM
PUMP STATION
(TO BE ABANDONED)

REPLACE EXISTING 5" WL
FROM HUDSON PS TO
CHATAM PS WITH 3" WL

EXISTING HUDSON
PUMP STATION
(TO BE ABANDONED)

EXISTING LAWN
WTP (TO BE ABANDONED)

Hwy 83/84

CR 150

CR 131

Hwy 83

Hwy 84

Hwy 84

FM 604

Taylor County
Callahan County

Coleman County

CR 247

Lake Coleman