

March 1, 2016

## **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 Los Fresnos, Cameron County  
Water Treatment and Distribution System Improvements Project  
TWDB Project Number 62627  
Total DWSRF Loan Amount: \$1,426,101 (Loan Nos. L1000264 and LF1000290)

The City of Los Fresnos (City) is proposing to use a DWSRF loan to finance the planning and design of improvements to their water treatment and distribution systems in order to meet the demands of a rapidly increasing population. The proposed project includes an increase in the water treatment plant capacity from 1.0 to 1.5 million gallons per day (MGD) and the replacement of approximately 31,000 linear feet of 2- and 4-inch diameter water line with 6-inch polyvinyl chloride (PVC) water line, water valves and deteriorated fire hydrants throughout the distribution system. The proposed project also includes the preparation of an asset management plan. The project will improve water quality, ensure reliable compliance with Texas Commission on Environmental Quality (TCEQ) standards, reduce water loss, and provide sufficient capacity and pressures for the anticipated demands of the rapidly increasing population. The TWDB approved the commitment of \$1,426,101 on September 4, 2014. The loan was closed on February 18, 2015.

An environmental review of the proposed project, consistent with NEPA, has been completed following the guidelines provided in 31 TAC Chapter 371, Subchapter E. This environmental review is documented by the enclosed Environmental Assessment (EA). The EA contains mitigation conditions that will be applied to the project and are structured so that no significantly 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:

- Standard emergency discovery condition for threatened and endangered species; and,
- Standard emergency discovery condition for cultural resources.

Finding of No Significant Impact  
City of Los Fresnos, Cameron County  
DWSRF 62627  
March 2, 2016  
Page 2

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.

**City of Los Fresnos, Cameron County**  
**Drinking Water State Revolving Fund Project No. 62627**  
**Water Treatment and Distribution System Improvements Project**  
**Environmental Assessment**

## **INTRODUCTION/BACKGROUND**

The proposed project would be located within the city limits of the City of Los Fresnos (City) in Cameron County. In order to meet the demands of a rapidly increasing population, the City proposes to finance the planning and design of water system improvements with a loan from the Drinking Water State Revolving Fund (DWSRF). The City received a commitment of funds from the Texas Water Development Board (TWDB) for \$1,426,101 (Loan Nos. L1000264 and LF1000290) on September 4, 2014. The loan was closed on February 18, 2015. The primary source of the following information is the Environmental Information Document<sup>1</sup> that was provided by the City.

### **Purpose and Need**

The City's water treatment plant (WTP), constructed in 1952, has a treatment capacity of 1.0 million gallons per day (MGD) and provides the majority of the water used by the City. The City also obtains drinking water from the Southmost Regional Water Plant. The WTP lacks adequate capacity to meet future water demand of the rapidly increasing population. The WTP has occasionally exceeded Texas Commission on Environmental Quality (TCEQ) primary and secondary maximum contaminant levels. In addition, most distribution lines are undersized, causing pressure problems during peak demand periods; and are in a deteriorated state causing water loss, which further exacerbates the pressure problems. The proposed project will improve water quality, ensure reliable compliance with TCEQ standards, reduce water loss, provide sufficient capacity and pressures for the anticipated demand of the rapidly increasing population.

## **PROJECT DESCRIPTION**

The proposed project will increase the WTP capacity from 1.0 to 1.5 million gallons per day (MGD) and replace approximately 31,000 linear feet of water line, water valves and deteriorated fire hydrants throughout the distribution system, as shown on the attached map. The proposed project also includes the preparation of an asset management plan. The proposed work includes the following components:

- Installation of new variable speed water pumps to the existing WTP;
- Modernization of the chemical treatment system at existing WTP;

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<sup>1</sup> City of Los Fresnos (May 2015). *Environmental Information Document: Los Fresnos Water Improvements Project No. 62627* (Prepared by Guzman and Muñoz Engineering and Surveying). Received by TWDB November 5, 2015. The EID is complete with supplementary materials submitted to the TWDB on January 15, 2016.

- Replacement of approximately 31,000 linear feet of existing 2-4 inch diameter waterline at various locations within the city limits;
- Replacement of leaking water valves in the water distribution system;
- Replacement of approximately 6 fire hydrants;
- Installation of looping lines for circulation efficiency; and,
- Preparation of an asset management plan.

The service area population in 2010 was approximately 5,542 (1,682 service connections). The proposed project is designed to meet the demands of the anticipated 48 percent increase in the population (8,193) by 2035.

## **EVALUATION OF ALTERNATIVES**

The No Action Alternative would not increase the capacity at the WTP nor replace waterlines or other distribution system components. An asset management plan would not be prepared. The City would not be able to meet anticipated water demands, and would continue to risk contaminant levels out of compliance with TCEQ standards. The No Action alternative would not provide sufficient pressures throughout the City for drinking water service and fire protection. Water loss and associated repair costs would continue to increase. This alternative was rejected because it would not meet the purpose and need of the project and would contribute to health and safety concerns.

Two Action Alternatives for the water treatment system (expansion of the existing WTP and construction of a new WTP) were evaluated. There was only one reasonable action alternative for the distribution system (replacement of deteriorated and undersized lines). Therefore, these were only compared to the No Action Alternative.

The preferred alternative is to increase the treatment capacity at the existing WTP from 1.0 to 1.5 MGD and replace undersized and/or deteriorated water line, water valves and fire hydrants throughout the distribution system. In addition, an asset management plan would be prepared.

The other action alternative is to construct a new conventional type of WTP utilizing filtration technology for particle removal and make no changes to the distribution system. This alternative would require land and/or easement acquisition and involve construction and significant permanent disturbance to another area. The cost of construction of a new facility including land acquisition would be significant. This alternative was not preferred for environmental and economic reasons.

## **ENVIRONMENTAL SETTING**

### **Location and Landforms**

The City is centrally located in the Lower Rio Grande Valley (LRGV), an 8-county region at the southernmost point of Texas. Cameron County's eastern border is the Gulf of Mexico and its southern border is the Rio Grande River and U.S. /Mexico international border. The LRGV is associated with the deltaic complex of the Rio Grande River.

The WTP facility is located in the southwestern part of the City on South Nogal Street (Latitude 26°04'19.88"N, Longitude 97°28'35.52"W) as shown on the attached map. The area to the north of the site is primarily residential. The other surrounding areas are primarily undeveloped with sparsely located residences. The proposed line work is located throughout the distribution system within the City limits in areas that consist of residential and commercial properties.

### **Climate**

The climate in the project area is temperate tropical with a mean annual temperature of 75 degrees Fahrenheit. Summers are hot and humid with occasional heavy rains late in the season. Winters are temperate with occasional freezes. Mean annual precipitation is 27.0 inches, with peaks in September and secondary peaks in May and June. Prevailing winds are from the south and southeast.

The U.S. Environmental Protection Agency (EPA) has established primary and secondary standards known as the National Ambient Air Quality Standards (NAAQS) for six criteria pollutants: carbon monoxide, ozone, nitrogen dioxide, lead, particulate matter 10 and 2.5 micrometers or less in diameter, and sulfur dioxide. Cameron County is currently unclassified or in attainment in respect to all NAAQSs (40 Code of Federal Regulations [CFR] 81.344).

### **Geology and Soils**

Topography within the proposed project area is relatively flat with elevations ranging from approximately 15 to 30 feet above mean sea level. Cameron County is present within the Coastal Plain of Texas and is underlain by sediments deposited during Pleistocene fluvial and deltaic episodes.

The surface geology of the proposed project area is defined as 2 mapping units of Holocene Alluvium in the Rio Grande consisting of mostly clay or sand. Structurally, the proposed project area is located within the Rio Grande Embayment. Surface faulting within the embayment is related to the seaward progression of sediments over an unstable clay substrate. These surface faults are known as growth faults or gravity faults and generally parallel the coastline. According to the Geologic Atlas of Texas, no surface faults or other

features (e.g., salt domes) were mapped in the project area. The project is not located in a karst or pseudo-karst zone.

Mapped soil units within the proposed project area consist of the following Series level soils:

- Benito clay \*\*
- Benito-Urban land complex \*\*
- Cameron silty clay \*
- Harlingen clay \*
- Harlingen clay, saline\*\*
- Harlingen-Urban land complex
- Laredo silty clay loam, 0 to 1 percent slopes\*
- Laredo-urban land complex
- Olmito silty clay\*
- Olmito Urban land complex
- Tiocano clay, 0 to 1 percent slopes, occasionally ponded\* & \*\*

Single Asterisk (\*) indicates classification as a 'Prime And Other Important Farmland' and  
Double Asterisk (\*\*) indicates classification as a 'Hydric Soil' by the U.S. Department of Agriculture  
(USDA), Natural Resources Conservation Service (NRCS)

Although five of these mapped soil units are designated as \*Prime Farmland, there will be no conversion of farmland because all improvements will be on existing facility sites or within previously disturbed City Rights of Way. Four of these mapped soil units are classified as \*\*Hydric Soils.

### **Hydrological Elements, including Floodplains and Wetlands**

The project is not located within the 100-year floodplain. According to topographic maps and the TCEQ database of surface water features, there are no natural waterways within the project footprint. There are irrigation canal ditches in the project footprint. Any construction within these canals will require coordination with the appropriate Drainage or Irrigation District. Surface water features, located outside of the project footprint, include 2 resacas (i.e., *Agua Negra* and *Resaca de Los Cuates*, abandoned channels of previous deltaic distributary channels of the Rio Grande River) north of the project and numerous irrigation ditches. The Rio Grande is located approximately 9 miles southwest of the City.

According to the National Wetlands Inventory (NWI), the only mapped water or wetland feature within the project footprint is the excavated pond that is part of the WTP facility. Since the proposed project is not located within wetland resource areas, no associated impacts to waterways or wetlands are anticipated.

Groundwater in the project area includes the Gulf Coast Aquifer, a major aquifer. This is not a sole source aquifer. There are no minor aquifers in the area. The project will not impact or be affected by the aquifer.

## Biological Elements

The proposed project area is located in the Southern Texas Plains EcoRegion within the sub-region of the South Texas Brush Country. Cameron County is in the Coastal Zone, which includes the Lower Laguna Madre estuary and shoreline on the Gulf of Mexico. Although, this is an important, biologically diverse area, also known as the Tamaulipan Biotic Province, the land use within the project footprint is urban/residential/commercial. Therefore, only wildlife adapted to urban/residential conditions are anticipated to occur in the area.

Mammals such as rats, mice, opossum, ground squirrels, and various reptiles and amphibians may be present. Resident and migratory bird species, particularly passerine species (perching birds), can be expected in the vicinity.

The majority of the project is located on the existing WTP facility or on existing roads; however, some line replacements will disturb vegetated areas (grasses/shrubs). Impacts will be temporary and disturbed sites will be revegetated. Because the current land use is urban/residential/commercial, and not undeveloped natural areas, no adverse impacts to wildlife are anticipated.

Databases of sensitive species maintained by the U.S. Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) were reviewed to determine if state and/or federally listed threatened or endangered species that occur or have historically occurred in Cameron County could be affected by the project. Some of the listed species are migrants or wintering residents only, or may be historic or considered extirpated. The results of the evaluation indicated that there would be “No Effect” on federally-listed species, and “No Impact” on State-listed species due to a lack of preferred habitat in the proposed project area. However, TPWD, in correspondence described later (Cross-Cutter Compliance and Agency Coordination section), noted that although located within a residentially developed area, that suitable habitat for state-listed species, reptiles in particular, was present and recommended practices to avoid impacts to those and other wildlife species.

The following table lists the federal and state listed endangered, threatened, or rare species in Cameron County.

Taxon	Common Name	Scientific Name	Federal Status	State Status
Amphibian	<b>Black-spotted newt</b>	<i>Notophthalmus meridionalis</i>		T
Amphibian	<b>Mexican treefrog</b>	<i>Smilisca baudinii</i>		T
Amphibian	<b>Sheep frog</b>	<i>Hypopachus variolosus</i>		T
Amphibian	<b>South Texas siren (large form)</b>	<i>Siren</i> sp. 1		T
Amphibian	<b>White-lipped frog</b>	<i>Leptodactylus fragilis</i>		T
Bird	<b>American Peregrine Falcon</b>	<i>Falco peregrinus anatum</i>	DL	T

Environmental Assessment  
City of Los Fresnos, Cameron County  
DWSRF 62627  
March 1, 2016

<b>Taxon</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>	<b>State Status</b>
Bird	<b>Arctic Peregrine Falcon</b>	<i>Falco peregrinus tundrius</i>	DL	
Bird	<b>Audubon's Oriole</b>	<i>Icterus graduacauda audubonii</i>		
Bird	<b>Brown Pelican</b>	<i>Pelecanus occidentalis</i>	DL	
Bird	<b>Brownsville Common Yellowthroat</b>	<i>Geothlypis trichas insperata</i>		
Bird	<b>Cactus Ferruginous Pygmy-Owl</b>	<i>Glaucidium brasilianum cactorum</i>		T
Bird	<b>Common Black-Hawk</b>	<i>Buteogallus anthracinus</i>		T
Bird	<b>Eskimo Curlew</b>	<i>Numenius borealis</i>	LE	E
Bird	<b>Gray Hawk</b>	<i>Asturina nitida</i>		T
Bird	<b>Interior Least Tern</b>	<i>Sterna antillarum athalassos</i>	LE	E
Bird	<b>Northern Aplomado Falcon</b>	<i>Falco femoralis septentrionalis</i>	LE	E
Bird	<b>Northern Beardless-Tyrannulet</b>	<i>Camptostoma imberbe</i>		T
Bird	<b>Peregrine Falcon</b>	<i>Falco peregrinus</i>	DL	T
Bird	<b>Piping Plover</b>	<i>Charadrius melodus</i>	LT	T
Bird	<b>Red Knot</b>	<i>Calidris canutus rufa</i>	T	
Bird	<b>Reddish Egret</b>	<i>Egretta rufescens</i>		T
Bird	<b>Rose-throated Becard</b>	<i>Pachyrhamphus aglaiae</i>		T
Bird	<b>Sennett's Hooded Oriole</b>	<i>Icterus cucullatus sennetti</i>		
Bird	<b>Snowy Plover</b>	<i>Charadrius alexandrinus</i>		
Bird	<b>Sooty Tern</b>	<i>Sterna fuscata</i>		T
Bird	<b>Sprague's Pipit</b>	<i>Anthus spragueii</i>	C	
Bird	<b>Texas Botteri's Sparrow</b>	<i>Aimophila botterii texana</i>		T
Bird	<b>Tropical Parula</b>	<i>Parula pityayumi</i>		T
Bird	<b>Western Burrowing Owl</b>	<i>Athene cucularia hypugaea</i>		
Bird	<b>Western Snowy Plover</b>	<i>Charadrius alexandrinus nivosus</i>		
Bird	<b>White-faced Ibis</b>	<i>Plegadis chihi</i>		T
Bird	<b>White-tailed Hawk</b>	<i>Buteo albicaudatus</i>		T
Bird	<b>Wood Stork</b>	<i>Mycteria americana</i>		T
Bird	<b>Zone-tailed Hawk</b>	<i>Buteo albonotatus</i>		T
Fish	<b>American eel</b>	<i>Anguilla rostrata</i>		
Fish	<b>Mexican goby</b>	<i>Ctenogobius claytonii</i>		T
Fish	<b>Opossum pipefish</b>	<i>Microphis brachyurus</i>		T
Fish	<b>Rio Grande shiner</b>	<i>Notropis jemezanus</i>		

Environmental Assessment  
City of Los Fresnos, Cameron County  
DWSRF 62627  
March 1, 2016

<b>Taxon</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>	<b>State Status</b>
Fish	<b>Rio Grande silvery minnow</b>	<i>Hybognathus amarus</i>	LE	E
Fish	<b>River goby</b>	<i>Awaous banana</i>		T
Fish	<b>Smalltooth sawfish</b>	<i>Pristis pectinata</i>	LE	E
Insect	<b>A Royal moth</b>	<i>Sphingicampa blanchardi</i>		
Insect	<b>Manfreda giant-skipper</b>	<i>Stallingsia maculosus</i>		
Insect	<b>Smyth's tiger beetle</b>	<i>Cicindela chlorocephala smythi</i>		
Insect	<b>Subtropical blue-black tiger beetle</b>	<i>Cicindela nigrocoerulea subtropica</i>		
Insect	<b>Tamaulipan agapema</b>	<i>Agapema galbina</i>		
Mammal	<b>Coues' rice rat</b>	<i>Oryzomys couesi</i>		T
Mammal	<b>Jaguar</b>	<i>Panthera onca</i>	LE	E
Mammal	<b>Jaguarundi</b>	<i>Herpailurus yaguarondi</i>	LE	E
Mammal	<b>Mexican long-tongued bat</b>	<i>Choeronycteris mexicana</i>		
Mammal	<b>Ocelot</b>	<i>Leopardus pardalis</i>	LE	E
Mammal	<b>Plains spotted skunk</b>	<i>Spilogale putorius interrupta</i>		
Mammal	<b>Southern yellow bat</b>	<i>Lasiurus ega</i>		T
Mammal	<b>West Indian manatee</b>	<i>Trichechus manatus</i>	LE	E
Mammal	<b>White-nosed coati</b>	<i>Nasua narica</i>		T
Mollusk	<b>Mexican fawnsfoot mussel</b>	<i>Truncilla cognata</i>		T
Mollusk	<b>Salina mucket</b>	<i>Potamilus metnecktayi</i>		T
Mollusk	<b>Texas hornshell</b>	<i>Popenaias popeii</i>	C	T
Reptile	<b>Atlantic hawksbill sea turtle</b>	<i>Eretmochelys imbricata</i>	LE	E
Reptile	<b>Black-striped snake</b>	<i>Coniophanes imperialis</i>		T
Reptile	<b>Green sea turtle</b>	<i>Chelonia mydas</i>	LT	T
Reptile	<b>Keeled earless lizard</b>	<i>Holbrookia propinqua</i>		
Reptile	<b>Kemp's Ridley sea turtle</b>	<i>Lepidochelys kempii</i>	LE	E
Reptile	<b>Leatherback sea turtle</b>	<i>Dermodochelys coriacea</i>	LE	E
Reptile	<b>Loggerhead sea turtle</b>	<i>Caretta caretta</i>	LT	T
Reptile	<b>Northern cat-eyed snake</b>	<i>Leptodeira septentrionalis septentrionalis</i>		T
Reptile	<b>Speckled racer</b>	<i>Drymobius margaritiferus</i>		T
Reptile	<b>Texas horned lizard</b>	<i>Phrynosoma cornutum</i>		T
Reptile	<b>Texas indigo snake</b>	<i>Drymarchon melanurus erebennus</i>		T
Reptile	<b>Texas scarlet snake</b>	<i>Cemophora coccinea lineri</i>		T
Reptile	<b>Texas tortoise</b>	<i>Gopherus berlandieri</i>		T
Plant	<b>Bailey's ballmoss</b>	<i>Tillandsia baileyi</i>		

Environmental Assessment  
City of Los Fresnos, Cameron County  
DWSRF 62627  
March 1, 2016

Taxon	Common Name	Scientific Name	Federal Status	State Status
Plant	<b>Buckley's spiderwort</b>	<i>Tradescantia buckleyi</i>		
Plant	<b>Green Island echeandia</b>	<i>Echeandia texensis</i>		
Plant	<b>Large selenia</b>	<i>Selenia grandis</i>		
Plant	<b>Lila de los llanos</b>	<i>Echeandia chandleri</i>		
Plant	<b>Marsh-elder dodder</b>	<i>Cuscuta attenuata</i>		
Plant	<b>Mexican mud-plantain</b>	<i>Heteranthera mexicana</i>		
Plant	<b>Plains gumweed</b>	<i>Grindelia oolepis</i>		
Plant	<b>Runyon's cory cactus</b>	<i>Coryphantha macromeris var runyonii</i>		
Plant	<b>Runyon's water-willow</b>	<i>Justicia runyonii</i>		
Plant	<b>Shinners' rocket</b>	<i>Thelypodopsis shinnersii</i>		
Plant	<b>Siler's huaco</b>	<i>Manfreda sileri</i>		
Plant	<b>South Texas ambrosia</b>	<i>Ambrosia cheiranthifolia</i>	LE	E
Plant	<b>South Texas spikesedge</b>	<i>Eleocharis austrotexana</i>		
Plant	<b>Star cactus</b>	<i>Astrophytum asterias</i>	LE	E
Plant	<b>Texas ayenia</b>	<i>Ayenia limitaris</i>	LE	E
Plant	<b>Texas milk vetch</b>	<i>Astragalus reflexus</i>		
Plant	<b>Texas stonecrop</b>	<i>Lenophyllum texanum</i>		
Plant	<b>Vasey's adelia</b>	<i>Adelia vaseyi</i>		
Plant	<b>Wright's trichocoronis</b>	<i>Trichocoronis wrightii var. wrightii</i>		
Plant	<b>Yellow-flowered alicocha</b>	<i>Echinocereus papillosus</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 Blank - Rare or Species of Concern, but no regulatory listing status Data Sources: U.S. Fish and Wildlife Service ( <a href="http://ecos.fws.gov/tess_public/reports/species-by-current-range-county?fips=48061">http://ecos.fws.gov/tess_public/reports/species-by-current-range-county?fips=48061</a> , accessed 2/9/2016 ), Texas Parks and Wildlife Department (Last Revision: 2/8/2016 Accessed 2/9/2016 from <a href="http://tpwd.texas.gov/gis/rtest/">http://tpwd.texas.gov/gis/rtest/</a> )				

There are no federal, State, or County parks or preserves in the City. There are several preserves and parks associated with the LRGV and the Laguna Madre. The nearest Federal park or preserve, Palo Alto Battlefield National Historical Park, is located less than 2 miles south southeast of the City. The Lower Rio Grande Valley National Wildlife Refuge is located approximately 7 miles west of the City, and the Laguna Atascosa National Wildlife Refuge is approximately 10 miles northeast of the City. The Resaca de la Palma State Park is located approximately 6 miles south southwest of the City. There are two municipal parks within the project area, but they consist of maintained lawns and sports fields, and do not include natural, undeveloped areas.

Environmental Assessment  
City of Los Fresnos, Cameron County  
DWSRF 62627  
March 1, 2016

## **Historic Features**

A review of the Texas Archeological Sites Atlas, maintained by the Texas Historical Commission, for the project area indicated that there are no National Register Properties or other archeological sites within the project area.

## **Population, Income, 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.

EJScreen Mapper (<http://ejscreen.epa.gov/mapper/>) 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. EJScreen Mapper 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 results of an EJ Analysis are indicated below with data from the U.S. Census for the City, State, and Cameron County, included for comparison. Note that the 0.5 mile buffer on the project area (which itself includes most of the City) encompassed the entire City.

Area	Population	% Minority	% Below the Poverty Level/ Per Capita Income
State: Texas	26,956,958	56%	17.6% / \$26,019
County: Cameron	420,392	89.9%	32.4% / \$14,710
City: Los Fresnos	6,219	89.9%	35.7% / \$14,612
Project Area (with 0.5 mile buffer)	6,219	89.9%	35.7% / \$14,612

These results show that the proposed work does not pose a disproportionate risk for adverse 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, 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.

The current average monthly water bill is \$18.90. The City anticipates that an increase in user rates (\$3.91/month) will be required to meet debt service for the proposed project.

## 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. The project will not involve the use of herbicides, defoliants, or blasting. It is possible that some disruption and disturbance to individuals and households will occur during construction. The replacement of pipelines on any two-lane roads will require that traffic will need to be converted into single lane traffic during construction. Appropriate measures, such as use of barricades, drums, flags, and other traffic control measures, would be used to protect the public from construction hazards. Potential noise levels during project development will be those commonly associated with operation of heavy equipment.

Periodic wetting of the construction areas in the event of extremely dry conditions will control dust. Areas disturbed during construction will be re-vegetated to reduce long-term production of dust. No permanent alterations to landforms, streams, or natural drainage patterns will occur as original grades will be reestablished following construction.

### 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 review response from the USACE (Project Number SWG-2015-00585), dated September 30, 2015, indicates that since the proposed project will not involve activities subject to the requirements of Section 404 or Section 10, Department of the Army authorization will not be required.

Environmental Assessment  
City of Los Fresnos, Cameron County  
DWSRF 62627  
March 1, 2016

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

The TPWD Wildlife Habitat Assessment Program reviewed the proposed project in accordance with Texas Parks and Wildlife Code and provided a response dated November 30, 2015. The TPWD response provided a list of recommendations briefly described in the following list:

- Although most of the area is located in or adjacent to maintained residential areas within existing streets, easements or Rights of Way, clearing of woody vegetation, should be scheduled outside of migratory bird nesting seasons (March 15 to September 15) to ensure compliance with the federal Migratory Bird Treaty Act. If vegetation clearing is unavoidable during this period, a nesting survey should be conducted by a qualified biologist prior to any clearing, and if active nests are observed, a 150-foot buffer of vegetation should remain undisturbed around the nests until the young have fledged or the nest is abandoned. In addition, the contractors should be made aware of the potential of encountering migratory birds on the proposed project site and be instructed to avoid negatively impacting them.
- Trenches created during installation of pipelines should not be left open overnight in order to prevent potentially trapping wildlife. If any trenches must be left open (not filled) overnight, they should be covered or ‘escape ramps’ for wildlife should be placed in them.
- If Texas tortoises or Texas horned lizards are observed in the immediate area, an exclusion fence should be constructed. If a tortoise is located within the project corridor, it should be relocated as far from the project area as possible, but within 10 acre range.
- Contractors should be made aware that reptiles become more active in the spring and may be more susceptible to negative impacts, and workers should be informed to avoid catching or killing snakes.
- Contractors should use best management practices (BMPs) for erosion control

A response, dated January 12, 2016, from the City’s engineering consultant to the TPWD, stated that the City would “put forth our best and most faithful effort to uphold your recommendations” and inform the contractor of the TPWD recommendations.

A letter, dated October 30, 2013, was sent to the USFWS, requesting a review of the project, noting that it had not changed substantially from a 2002 USFWS review (Consultation No. 2-11-03-I-0073) that had concluded that the project would not adversely impact federally listed species. In addition, the US EPA issued a Finding of No Significant Impact for the project on November 6, 2003. The USFWS recommended that: (1) vegetation disturbance be avoided during bird nesting season, and that areas to be disturbed during this period be surveyed first for nesting birds; (2) in accordance with Executive Order (EO) 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping that, where possible, native plant species should be used for revegetation/landscaping. No response was received for the more recent review request.

Environmental Assessment  
City of Los Fresnos, Cameron County  
DWSRF 62627  
March 1, 2016

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. Department of Agriculture – Natural Resources Conservation Service

The proposed project will not involve any land use conversion of prime or other important farmland, or otherwise adversely impact these resources; therefore, TWDB did not require consultation with the U.S. Department of Agriculture – Natural Resources Conservation Service.

National Flood Insurance Program

The proposed project is not located within the 500-year floodplain, and will not impact any floodplains; therefore, TWDB did not require consultation with the Local Floodplain Administrator of the National Flood Insurance Program.

U.S. Forest Service

The U.S. Forest Service was given the opportunity to review the proposed project (documented delivery on August 11, 2015). No formal response was received. The proposed project is not located on or adjacent to nor will impact National Forest System lands.

U.S. National Park Service

The National Park Service (NPS) was given the opportunity to review the proposed project. The Park Service received the review request in August 2015. No formal response was received. The proposed project will not impact any Wild and Scenic Rivers or other NPS lands.

Texas Historical Commission

The Texas Historical Commission reviewed the project in accordance with Section 106 of the National Historic Preservation Act as well as the Antiquities Code of Texas and provided a review response, dated August 14, 2015, indicating that no historic properties would be affected and that the project may proceed.

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.

Texas Commission on Environmental Quality

In a response dated January 16, 2014, the 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 Cameron County, is currently unclassified or

Environmental Assessment  
City of Los Fresnos, Cameron County  
DWSRF 62627  
March 1, 2016

in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, General Conformity does not apply. The TCEQ advised that debris or waste disposal should be made at an appropriately authorized disposal facility. 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

Because the proposed project is located in a county on the U.S. / Mexico border, a review by the International Boundary and Water Commission (USIBWC) was requested. In a response dated August 31, 2015, the USIBWC stated that the project was not located along the Rio Grande River or the interior floodways of the USIBWC Lower Rio Grande Flood Control Project, and it was not anticipated to impact projects, properties, or resources of the USIBWC. The USIBWC stated that a license is not required.

### **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 meeting, which was advertised in the *Los Fresnos News*, a newspaper of general circulation in the service area. The notice was published on November 25, 2015, and December 2, 2015, and contained information regarding availability of planning documents, including the EID, for public review at the City of Los Fresnos City Hall during normal business hours. State and federal agencies were sent written notice of the hearing and the availability of the document for review.

The public meeting was held at 6:00 P.M. on January 12, 2016, at the City of Los Fresnos City Hall, 200 North Brazil Street. 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 WTP capacity expansion and improvements to the distribution system as proposed by the City are considered to be environmentally sound with the following conditions.

- Standard emergency discovery condition for threatened and endangered species.
- Standard emergency discovery condition for cultural resources.

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

