

April 4, 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) § 375.61, the project identified below has been reviewed in accordance with the National Environmental Policy Act (NEPA), 42 U.S. Code § 4321 *et seq.* This project is funded through the Clean Water State Revolving Fund (CWSRF) Equivalency Program, which is administered by the TWDB.

City of Ranger, Eastland County, Texas  
Facultative Lagoon Project  
TWDB Project Number 73634  
Total TWDB Commitment: \$600,000 (G120008, L120023)

The City of Ranger (City) is located in north-central Texas approximately 81 miles southwest of the city of Fort Worth. Currently, the City provides sanitary sewer service to 2,468 persons through approximately 840 connections, but part of the existing wastewater treatment plant (WWTP) is nearly a century old and difficult to operate and maintain. As a result, the WWTP has deteriorated and is under an enforcement order for failing to meet the effluent limitations set forth in its operating permit from the Texas Commission on Environmental Quality. The City has determined that renovation of the existing WWTP would be too costly.

The City is proposing to address deficiencies in its wastewater treatment system through construction of a new treatment plant and abandonment of the existing facility. Project components would include: facultative lagoon; stabilization pond; irrigation holding pond; two center-pivot irrigation systems; 8,000 feet of 12-inch force main; and 8,000 feet of 8-inch irrigation pipeline. In addition, a lift station at the existing plant would be upgraded. The City plans to lease the property needed for the WWTP and land application of treated effluent.

To implement planning and design for the proposed project, the City is utilizing \$600,000 from the CWSRF Equivalency Program: a \$300,000 grant and a \$300,000 loan with a nine-year term. Total estimated cost of the project, including construction, is \$4,405,000. Funds for land acquisition are not included in this estimate and are unrelated to the present CWSRF loan and grant.

The Executive Administrator of the TWDB made a preliminary decision not to require preparation of an Environmental Impact Statement for this project. Instead, the City conducted a full environmental review consistent with NEPA following the guidelines provided in 31 TAC § 375.63, as documented in the enclosed Environmental Assessment (EA). The EA also stipulates mitigative measures that must be implemented during

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project construction. In order to ensure that the proposed project will have no significant environmental impact, the loan and grant are conditioned as follows:

- The City of Ranger must comply with the terms and conditions of Nationwide Permit 12 for Utility Line Activities, issued by the United States Army Corps of Engineers. This permit will expire on March 18, 2017. The City of Ranger will develop and implement a storm water pollution prevention plan as part of the contractor's project requirements.
- If vegetation clearing activities occur during the Migratory Bird nesting season of March through August, the City of Ranger will perform a survey of the area for nests with eggs or young. Should eggs or nesting young be discovered, measures will be taken to restrict activities in those areas, or construction will be delayed if necessary until the nests have been vacated. Information regarding the Migratory Bird Treaty Act and protected species will be incorporated into the construction contract documents.
- To ensure protection of the Texas Horned Lizard in the event that it is present in the project area, the City of Ranger will implement the following avoidance measures:
  - a) All construction personnel will be instructed to avoid, killing, injuring, or making any type of harmful disturbance to the Texas Horned Lizard during construction.
  - b) 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.
  - c) Texas Horned Lizards discovered in any open trenches will be reported to Jacob & Martin, LLC, and Texas Parks and Wildlife Department, which will be consulted to develop plans to safely relocate the Texas Horned Lizards.
- To the extent possible, project areas where pipelines are installed will be returned to pre-construction conditions following pipeline installation. Although the City of Ranger does not anticipate the availability of funding for seeding native milkweed and nectar plants, measures to seed will be investigated should additional funds become available.
- Standard emergency condition for the discovery of cultural resources.
- Standard emergency condition for the discovery of threatened or endangered species.

Documentation supporting this determination 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

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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 regarding the provision of federal financial assistance for this project; however, no action will be taken for at least thirty (30) calendar days after release of this Finding of No Significant Impact.

Sincerely,

Jessica Zuba, Director  
Regional Water Planning and Development

**City of Ranger, Eastland County, Texas**  
**Clean Water State Revolving Fund, Project Number 73634**  
**Facultative Lagoon Project**  
**Environmental Assessment**

## **INTRODUCTION/BACKGROUND<sup>1</sup>**

With support from the Texas Water Development Board (TWDB), the City of Ranger (City) proposes to construct a new wastewater treatment plant and effluent irrigation system. The City plans to finance planning and design for the proposed project using funds from a \$300,000 grant and a \$300,000 loan with a nine-year term from the Clean Water State Revolving Fund (CWSRF) Equivalency Program, which is administered by the TWDB. On April 19, 2012, the City received a commitment for the CWSRF funding from the TWDB in the total amount of \$600,000. The City closed both the grant and loan on October 24, 2012, in the full amount of the commitment.

## **PURPOSE AND NEED**

The City treats its wastewater at an outdated and deteriorated facility, parts of which are nearly a century old. At present, the City's wastewater system is operating under enforcement orders issued by the Texas Commission on Environmental Quality (TCEQ) because the wastewater treatment plant has repeatedly failed to meet effluent limitations specified in its operating permit and because the City has not adequately reported the results of effluent monitoring.

## **EVALUATION OF ALTERNATIVES**

The City evaluated three alternatives including "no action." These alternatives included:

- Taking no action;
- Rehabilitating the existing wastewater treatment facility; and
- Abandoning the existing facility and constructing a new wastewater treatment plant and effluent irrigation system.

The no-action alternative would incur no additional financial costs or construction-related environmental effects, but would not address the demonstrated need to improve system performance in order to comply with TCEQ's permit requirements. Although the City assessed rehabilitation of the existing facility, the age and inefficiency of the system components and the financial cost made this alternative infeasible. Based primarily on consideration of costs and operational requirements, the City chose to build a new facility at a location outside of the existing plant site.

## **PROJECT DESCRIPTION**

The proposed project would address system deficiencies and operational limitations at the existing wastewater treatment facility. System components would include:

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<sup>1</sup> City of Ranger (February 18, 2016). *Federal Environmental Review City of Ranger WWTP* (prepared by Jacob and Martin Engineering). Received by TWDB on February 26, 2016.

- 1) Facultative lagoon;
- 2) Stabilization pond;
- 3) Irrigation holding pond;
- 4) Two center-pivot irrigation systems;
- 5) 8,000 feet of 12-inch force main;
- 6) 8,000 feet of 8-inch irrigation line; and
- 7) Upgrading a lift station at the existing treatment facility.

Total estimated cost of the project, including construction, is \$4,405,000. The City plans to lease the property needed for the WWTP and land application of treated effluent. The size of the property is approximately 395 acres, 35.4 acres of which would be used for construction of wastewater ponds. Funds for land acquisition are not included in this estimate and are unrelated to the present CWSRF loan and grant.

## **SOCIAL AND ENVIRONMENTAL CONTEXT**

The social and environmental context of the proposed project area is defined by socioeconomic, physical, ecological, and historical/archeological conditions and resources throughout the region and within the affected community. Conditions relevant to this assessment are summarized below. Assessment of any potentially adverse effects on these resources falls under the authority of various regulatory agencies. These agencies have reviewed the project and addressed questions concerning the proposed construction area and practices (see Agency Coordination, below).

### **Location, Population, and Income**

The City is a small, rural community in Eastland County, north-central Texas. The proposed project area is just north of the City and the existing wastewater treatment plant. Tillage agriculture is the predominant land use at this site and this activity would continue in at least part of the property following development of the new WWTP and land application site. The City plans to acquire the property by lease and would not utilize funds from the present CWSRF grant and loan.

Total population is approximately 2,468 persons and there are 840 connections. The estimated median household income (MHI) in 2010 was \$22,500, compared to the statewide MHI of \$39,927. The nearest city with a population exceeding 50,000 is Abilene, 71 miles west of the City, whereas the closest major metropolitan area is Fort Worth, 81 miles to the northeast.

### **Landform**

The City and nearby areas, including the proposed project area, are shown on the Ranger, Texas, topographic map (attached). The project area occupies a broad, low-relief landform along the left (western) bank of Palo Pinto Creek and Hagaman Lake, a small, artificial reservoir. Most of this landform is an eroded bedrock surface with a thin, discontinuous mantle of sediment, but the northern and southern ends of the project area and a small area along the western edge

encompass parts of the geomorphic floodplain of Palo Pinto Creek and its unnamed tributaries. Alluvial deposits may be moderately thick in the floodplains and some compose prime farmland soils. Elevations range from approximately 1,411 to 1,423 feet above mean sea level.

### **Climate**

The City is located in the Subtropical Subhumid climatic region, characterized by hot summers and dry winters. Local monthly mean high and low temperatures range from 96 degrees Fahrenheit (°F) in July to 30 °F in January. Average annual precipitation is approximately 27 inches. Prevailing winds are from the south in all seasons, but with northerly shifts during the winter months as cold fronts push through.

### **Geology, Groundwater, and Soils**

Within the proposed project area and vicinity, several formations are exposed including the Ranger, Placid, Winchell, and Wolf Mountain of Pennsylvanian age, primarily comprising limestones and shales, and the Cretaceous Antlers Formation, consisting of sandstone. The Antlers is part of a major aquifer, the Trinity, but within the project area, the Antlers is too thin to contain significant amounts of groundwater. Along the southeastern edge of the property, there is a small area mapped as the Quaternary Lingos Formation. The Lingos is part of the Seymour Aquifer, another major source of groundwater, but here, too, the thickness of the Lingos is minimal and there is little available water.

Numerous soils have been recognized within the project area, including the Bonti, Elandco, Hassee, Hensley, Leeray, Lindy, Owens, Palopinto, Thurber, and Truce series. Most of these soils occupy relative flat terrains with slopes of 1 to 5 percent, whereas the Palopinto and Owens series may be present on somewhat steeper slopes. The Elandco and Leeray series, which develop on alluvial floodplains, are classified as “prime farmland” soils as defined by the Farmland Protection Policy Act (7 USC 658, Sec 1540(b)). So, too, is the Lindy series when it is irrigated. The latter soil develops on weathered limestone covered with a residue of clayey sediment. The 395-acre project area includes a total of approximately 24 acres of Elandco and Leeray soils and 161 acres of Lindy soils (see Table).

**Table—Farmland Classification**

Farmland Classification— Summary by Map Unit — Eastland County, Texas (TX133)				
Map unit symbol	Map unit name	Rating	Acres In AOI	Percent of AOI
BrB	Bonti fine sandy loam, 1 to 3 percent slopes	Not prime farmland	4.3	1.1%
Ea	Elandoo silty clay loam	All areas are prime farmland	21.8	5.5%
HaB	Hassee loam, 1 to 2 percent slopes	Not prime farmland	31.0	7.9%
HnC	Hensley stony loam, 1 to 5 percent slopes	Not prime farmland	11.7	3.0%
LeB	Leeray clay, 1 to 3 percent slopes	All areas are prime farmland	2.9	0.7%
LnB	Lindy loam, 1 to 3 percent slopes	Prime farmland if irrigated	161.4	40.9%
OWE	Owens stony soils, hilly	Not prime farmland	0.4	0.1%
TaD	Palo Pinto stony clay, 1 to 8 percent slopes	Not prime farmland	14.8	3.7%
TrA	Thurber clay loam, 0 to 1 percent slopes	Not prime farmland	17.1	4.3%
TrB	Thurber clay loam, 1 to 3 percent slopes	Not prime farmland	120.6	30.6%
TuB	Truce fine sandy loam, 1 to 3 percent slopes	Not prime farmland	8.6	2.2%
<b>Totals for Area of Interest</b>			<b>394.7</b>	<b>100.0%</b>

### Surface Water, Floodplains, and Wetlands

The property lies immediately west of Palo Pinto Creek and Haganan Lake, an artificial reservoir on the creek. Unnamed intermittent tributaries of the creek cross the proposed project area, which encompasses part of a Zone A Special Flood Hazard Area (100-year floodplain, base flood elevation not determined) associated with the creek and one of the tributaries. None of the currently proposed construction would occur within the floodplain, but one of the City’s designated future or alternate irrigation areas would be in the Zone A floodplain. The project area also contains and borders several recognized wetlands, specifically, small ponds used to store water for livestock and other agricultural purposes. A total of 3.3 acres of ponds are included.

Construction and operation of an effluent disposal site within a floodplain or wetland is often problematic and may require special regulatory authorization. As discussed under Agency Coordination (below), local, state, and federal regulators reviewed the proposed action and addressed the possibility that it might adversely impact the natural functions and values of the floodplain or compromise the integrity of the wetlands or other Waters of the United States.

### Flora and Fauna

The proposed project site lies in the Western Cross Timbers ecological region of Texas. Plants and animals of this province include a mix of woodland and prairie species that are widely distributed in the temperate eastern and western United States; however, the current project area

has been heavily impacted by historic land clearing and tillage agriculture, which has greatly reduced species variety and the quality of habitat.

### **Endangered and Threatened Species**

Below is a compilation of state and/or federally listed endangered or threatened species known to exist or to have existed historically in Eastland County, along with their listing status and generally recognized habitats.

#### Symbols

LE: Federally listed endangered  
LT: Federally listed threatened  
LC: Candidate for federally listing  
DL: Federally delisted  
E: State listed endangered  
T: State listed threatened

#### Mammals

Gray Wolf (*Canis lupus*): LE, E. Extirpated; formerly known throughout the western two-thirds of the state in forests, brushlands, or grasslands.

Red Wolf (*Canis rufus*): LE, E. Extirpated; formerly known throughout the western two-thirds of the state in forests, brushlands, or grasslands.

#### Birds

Bald Eagle (*Haliaeetus leucocephalus*): DL, T. Variety of habitats, but primarily along waterways.

Black-capped Vireo (*Vireo antricapilla*): LE, E. Oak-juniper woodlands and shrublands.

Golden-cheeked Warbler (*Setophaga chrysoparia*): LE, E. Juniper-oak woodlands with mature Ashe Juniper.

Least Tern (*Sterna antillarum*) and Interior Least Tern (*Sterna antillarum athalassos*): LE, E. Subspecies is listed only when inland more than 50 miles from a coastline; nests along sand and gravel bars within braided streams, rivers; also know to nest on man-made structures (inland beaches, wastewater treatment plants, gravel mines, etc.).

Peregrine Falcon (*Falco peregrinus*) and American Peregrine Falcon (*Falco peregrinus peregrinus*): DL, T. Arctic Peregrine Falcon (*Falco peregrinus tundrius*): DL. Resident (*F. peregrinus*) and migrants (*F. p. peregrinus* and *F. p. tundrius*). Foraging habitat may include open grasslands, desert, shrubland, woodlands or coastal areas. Nests on cliffs.

Piping Plover (*Charadrius melodus*): LT, T. Shorelines adjacent to water bodies. Potentially seen only during migration.

Red Knot (*Calidris canutus rufa*): LT, T. Water bodies. Potentially seen only during migration.

Sprague's Pipit (*Anthus spragueii*): LC. Native upland prairie and open shrublands.

Whooping Crane (*Grus americana*): LE, E. Wetlands, prairies, and agricultural fields. Potentially seen only during migration.

### Reptiles

Texas Horned Lizard (*Phrynosoma cornutum*): T. Open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive.

Timber Rattlesnake (*Crotalus horridus*): T. Riparian zones, limestone bluffs, prefers dense ground cover.

### Fishes

Smalleye Shiner (*Notropis buccula*): LE. Medium to large prairie streams.

### Molluscs

Smooth Pimpleback (*Quadrula houstonensis*): C, T. Slow-moving streams.

Texas Fawnsfoot (*Truncilla macrodon*): C, T. Slow-moving streams.

### **Observed Species**

The City's consultants conducted a biological survey of the project area to assess the possible presence of endangered or threatened species of wildlife, with emphasis on the state-listed threatened Texas Horned Lizard. The sparseness of the vegetation in most of the area afforded nearly one-hundred percent visual coverage. The survey did not confirm the presence of any state or federally listed threatened or endangered plant or animal species within the proposed project area. The only listed species with habitat that may be suitable is the Texas Horned Lizard. Parts of the site appears to contain the required soils, vegetation, and food source to sustain this species, but because of the intensity of prior and ongoing land disturbance, the likelihood that a population of Texas Horned Lizards is present in most of the property is low. It is also unlikely that the proposed construction and operation of the wastewater treatment facility and irrigation system would affect this species to an extent greater than that of the current land uses.

### **Archeology and History**

For more than ten thousand years, north-central Texas sustained at least a low-density human population. Mostly nomadic bands practiced hunting and gathering during much of this period. European and American explorers and settlers traversed the region and later established small communities. The area that is now Eastland County has been occupied continuously since the middle Nineteenth Century. Ranching, small-scale tillage farming, and coal mining were the principal activities until 1917, when exploratory drilling for petroleum resulted in the development of major oil fields. Railroads further enhanced the early economic viability and the City incorporated in 1919. The local population declined after the 1920s and today the region is largely rural, with a few major cities.

Despite the long-term presence of humans in the area, a review of the Texas Historical Commission's (THC's) Texas Archeological Sites Atlas disclosed no known archeological sites, historic structures or cemeteries, State Antiquities Landmarks, or properties listed on the National Register of Historic Places within the proposed project area or vicinity in a five-kilometer radius. Nearly all of the land was cleared of natural vegetation historically and has been farmed continually. The proposed project area also includes the existing wastewater treatment facility and a few other structures, roads, and utility easements. As a result, the land has been repeatedly subjected to intensive disturbance.

Consistent with the environmental review requirements of the CWSRF program, the City coordinated with the THC regarding this project (see Agency Coordination, below). The THC concluded that the proposed project is unlikely to affect archeological or historical sites or other protected cultural resources.

### **Demography and Environmental Justice Analysis**

The City is a small agricultural community in a remote rural area, with a total population of approximately 2,468. Of this number, the minority racial and ethnic composition was 25.6%. The estimated MHI was \$22,500, which was 56.4% of the statewide MHI, \$39,927. Per capita income of 17.0% of the population was below the poverty level, which was less than the fraction statewide, 22.7%.

Within the proposed project area (0.5-mile buffer), the estimated population is 200, of which 11% are minorities and 22% have incomes below the poverty level. Based on these data, it appears that the proposed construction and operation of a new wastewater treatment facility and effluent disposal site would not affect any minority or low income group adversely or disproportionately. This area includes the City's failing wastewater treatment facility, so although the new facility would be larger, it is expected to have a less disruptive effect on the local residents because of its improved performance. All persons within the City's service area would be beneficiaries of the project.

### **POTENTIAL IMPACTS AND MITIGATIVE MEASURES**

The potential environmental impact of the City's proposed wastewater system improvements includes effects common to most construction projects that are comparable in type, size, and

duration, as well as those related to unique attributes of the project area. To ensure due consideration of these effects, the City conducted a full environmental assessment of the project, prepared an Environmental Information Document (EID) describing the results, held an open meeting to familiarize the community with the project and solicit public comment, and coordinated with regulatory agencies and other interested parties to define measures needed to avoid, minimize, or mitigate adverse impact. The City has provided assurance that these measures will be implemented in a manner consistent with the requirements of state and federal regulatory agencies and rules of the TWDB.

### **“Cross-Cutter” Compliance**

In accordance with procedures provided in 31 TAC § 375.61, the proposed project has been reviewed for potential adverse effects on the quality of the human environment and protected natural resources. Authority for this review ultimately derives from the federal statutes, executive orders, and implementing regulations (“cross-cutters”) listed below, as identified by the United States Environmental Protection Agency.

- (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, PL 108-264;
- (18) National Flood Insurance Reform Act of 1994, PL 103-325;
- (19) Flood Disaster Protection Act of 1973, as amended, PL 93-234; and;
- (20) Clean Water Act, PL 92-500, as amended.

### **Agency Coordination**

Requirements of the CWSRF and federal and state regulations include coordination with state and federal regulatory agencies and other stakeholders and interested parties regarding a project’s potential impact. The environmental review of the City’s proposed wastewater project included coordination with nine agencies and organizations, all of which responded directly.

The City coordinated with the following federal and state regulatory agencies and other entities:

- United States Army Corps of Engineers, Regulatory Branch, Fort Worth District, Fort Worth;
- United States Department of the Interior, Fish and Wildlife Service, Ecological Services, Arlington Field Office, Arlington;
- United States Department of Agriculture, Natural Resources Conservation Service, Temple;
- Federal Emergency Management Agency, Denton;
- Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program, Austin;
- Texas Historical Commission, State Historic Preservation Officer, Austin;
- West Central Texas Council of Governments, Abilene;
- Eastland County Floodplain Administrator, Abilene;
- Ranger Historical Preservation Society, Ranger.

Below is a summary and discussion of comments and recommendations from these entities and conditions that will pertain to the project during construction.

#### United States Army Corps of Engineers

On June 1, 2015, the City asked the United States Army Corps of Engineers (USACE) 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 activities within or affecting navigable waters of the United States. In a letter dated June 12, 2015, the USACE designated the project as Project Number SWF-2015-00250. On July 22, 2015, the USACE requested additional information regarding the proposed project and project area. The City responded on January 8, 2016. Following further requests for information by the USACE on February 3 and 12, 2016, the City again complied on February 8 and 17. On February 23, 2016, the USACE issued a preliminary jurisdictional determination that there are Waters of the United States within the project area, and indicated that the project would qualify for Nationwide Permit 12 for Utility Line Activities. This permit will expire on March 18, 2017.

#### United States Fish and Wildlife Service

On June 1, 2015, the City asked the United States Fish and Wildlife Service (USFWS) to review the proposed project for accordance with the Endangered Species Act and other applicable regulations. In response, the USFWS stated that the project area did not appear to contain habitat suitable for endangered or threatened species and advised the City to make a formal determination of the potential effects of the proposed action. The City did so, thereby fulfilling the USFWS's requirements.

The CWSRF loan is conditioned that if threatened or endangered species are encountered during construction, work in that part of the project area must cease immediately and the City must notify the USFWS and TWDB staff. Subsequent to notification, mitigation measures would be taken in accordance with the Endangered Species Act of 1973, as amended.

Natural Resources Conservation Service

On June 1, 2015, the City asked the Natural Resources Conservation Service (NRCS) to review the proposed project in accordance with the Farmland Protection Policy Act (FPPA). The NRCS assessed the project, and in a response dated June 26, 2015, determined that the project is exempt from regulation under the FPPA because historic land use had affected the Important Farmland Soils, resulting in them having been “prior converted” as defined in the FPPA.

Federal Emergency Management Agency

On June 1, 2015, the City asked the Federal Emergency Management Agency (FEMA) to review the proposed project in accordance with the Flood Disaster Protection Act of 1973 and other applicable regulations. Part of the proposed project area is located within a Zone A Special Flood Hazard Area (100-year floodplain, base flood elevation not determined). In a letter dated June 16, 2015, the FEMA asked the City to coordinate with the local floodplain administrator (see below).

Due to prohibitions in the TWDB State Revolving Funds Floodplain Policy, the TWDB will not provide financial assistance for any project element that is proposed to be constructed in a floodplain when that project element is eligible for flood insurance and the applicant's community is sanctioned by the FEMA in its administration of the NFIP, pursuant to the requirements of the Flood Disaster Protection Act of 1973, Public Law 93-234. The City participates in the National Flood Insurance Program (NFIP) and is not on the FEMA sanctioned list.

Texas Parks and Wildlife Department

On June 1, 2015, the City asked the Texas Parks and Wildlife Department (TPWD) to review the proposed project in accordance with the Endangered Species Act of 1973, as amended, and other applicable regulations. The TPWD responded on July 14, 2015, and provided a series of recommendations. On January 7, 2016, the City addressed each of these recommendations and proposed appropriate mitigation measures (see below). On February 18, 2016, the TPWD concluded that these measures would adequately avoid adverse effects on protected species.

The CWSRF loan is conditioned that if threatened or endangered species are encountered during construction, work in that part of the project area must cease immediately and the City must notify TPWD, TWDB staff, and the USFWS as appropriate. Subsequent to notification, mitigation measures would be taken in accordance with the Endangered Species Act of 1973, as amended, and other applicable regulations.

TPWD comment:

1A) If the proposed project would impact waterways or associated wetlands, The City must consult with the USACE regarding potential impacts to Waters of the United States. Measures to avoid and minimize impacts to isolated wetlands should also be incorporated into project plans, and ground disturbance in the vicinity of waterways and wetlands must be conducted in conjunction with a storm water pollution prevention plan to protect waterways from sedimentation and other pollution.

City's response:

1B) The USACE was consulted regarding the project and issued Nationwide Permit 12 for Utility Line Activities. A storm water pollution prevention plan will be developed and implemented as part of the contractor's project requirements.

TPWD comment:

2A) 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 Migratory Bird Treaty Act (MBTA). Vegetation clearing activities during the general bird nesting season, March through August, must be excluded in order to avoid adverse impacts to this group. If clearing vegetation during the migratory bird nesting season is unavoidable, the area proposed for disturbance must be surveyed 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's response:

2B) If vegetation clearing activities occur during the nesting season of March through August, a survey of the area for any nests with eggs or young will be performed. Should eggs or nesting young be discovered, measures will be taken to restrict activities in those areas, or construction will be delayed if necessary until the nests have been vacated. TPWD's comment above will be incorporated into the construction contract documents.

TPWD comment:

3A) If suitable habitat for the endangered Golden-cheeked Warbler (GCWA) is present on or adjacent to the project area, the City must perform surveys during the appropriate season to determine whether the habitat is occupied by these species. If nesting pairs are discovered within 300 feet from the project area, the City must conduct activities outside of the breeding and nesting seasons of the GCWA (approximately March through August) in areas where potential habitat may occur. The USFWS must be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for this federally listed species.

City's response:

3B) As part of the environmental assessment conducted for this project, the City surveyed the project area for migratory birds (including the GCWA), Texas Horned Lizard, and Monarch Butterfly. None of these species were found during the survey. The USFWS was also contacted regarding the proposed project and that agency concluded that the subject property does not appear to contain any potential habitats for the federally-listed species known to occur in Eastland County.

TPWD comment:

4A) The City must conduct a pre-construction survey of the project area to determine whether Texas Horned Lizards (*Phrynosoma cornutum*) are present on the site or directly adjacent to the construction area. A useful indication that the Texas Horned Lizard may occupy the site is the presence of Harvester Ant (*Pogonomyrex barbatus*) nests since these ants are the primary food source of Texas Horned Lizard. The survey should be performed during the warm months of the

year when Texas Horned Lizards are active. If Texas Horned Lizards are found on site, the City must contact the TPWD to develop plans to relocate them, particularly if there is likelihood that they would be harmed by project activities. To minimize impacts to the Texas Horned Lizard, the City must utilize best management practices described in the Texas Horned Lizard Watch-Management and Monitoring Packet, which can be found online at: [http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd\\_bk\\_w7000\\_0038.pdf](http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_0038.pdf) and Texas Tortoise Best Management Practices, which can be found online at: [http://www.tpwd.state.tx.us/huntwild/wild/wildlife\\_diversity/habitat\\_assessment/media/texas\\_tortoise\\_bmps.pdf](http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/media/texas_tortoise_bmps.pdf). The best management practices for the Texas Tortoise are applicable to the Texas Horned Lizard as well.

City's response:

4B) The City conducted a pre-construction survey of the project area for Texas Horned Lizards and other protected species and none were found. To ensure protection of the Texas Horned Lizard in the event that it is present in the project area, the City will implement the following avoidance measures:

- a) All construction personnel will be instructed to avoid, killing, injuring, or making any type of harmful disturbance to the Texas Horned Lizard during construction.
- b) 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.
- c) 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.

TPWD comment:

5A) The City must review the TPWD county list of rare and protected species for Eastland County, as rare species in addition to those discussed above could be present depending upon habitat availability. This list is available online at: <http://www.tpwd.state.tx.us/gis/ris/es/>. If, during construction, the project is found to contain rare species, the City must take precautions to avoid impacts to them. The City must contact the USFWS for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species. For the federally-listed threatened and endangered species lists by county, please visit: <http://www.ecos.fws.gov/ipac>. If any of these species is encountered during construction, the City must implement measures to avoid causing impact.

City's response:

5B) The City reviewed both the USFWS and TPWD lists of endangered, threatened, and rare species in Eastland County. The City will advise construction personnel regarding the possibility that endangered, threatened, or rare species may be found in the project area. Should any of these species be encountered during 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.

TPWD comment:

6A) For disturbed sites within the Monarch Butterfly (*Danaus plexippus*) migration corridor, the City should revegetate the sites by planting and seeding native milkweed species (*Asclepias* spp.) and nectar plants as funding and seed availability allow. Where appropriate and sustainable, the City should develop landscaping plans incorporating monarch-friendly plants and/or butterfly gardens. Information about monarch biology, migration, and butterfly gardening can be found at <http://www.monarchwatch.org>.

City's response:

6B) To the extent possible, project areas where pipelines are installed will be returned to pre-construction conditions following pipeline installation. Although the City does not anticipate the availability of funding for seeding native milkweed and nectar plants, measures to seed will be investigated should additional funds become available.

#### Texas Historical Commission

On May 28, 2015, the City asked the Texas Historical Commission (THC) to review the proposed project in accordance with Section 106 of the National Historic Preservation Act, the Antiquities Code of Texas, and other applicable regulations. In a response dated July 7, 2015, the THC indicated that the project would have no effect on historic properties and that the project, as proposed, may proceed.

The CWSRF loan is conditioned that if archeological sites or other cultural resources are discovered during construction, work in that part of the project area must cease immediately and the City must notify the THC and the TWDB of the discovery. The THC and TWDB would then proceed in accordance with regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) prior to taking any action which would affect the cultural resources.

#### West Central Texas Council of Governments

On January 7, 2016, the City asked the West Central Texas Council of Governments (WCTCOG) to review the proposed project. The WCTCOG responded on February 8, 2016, stating that the project had been evaluated and that no further formal review was required.

#### Eastland County Floodplain Administrator

On June 2, 2015, the City asked the Eastland County Floodplain Administrator (ECFPA) to review the proposed project. The ECFPA responded on June 10, 2015, stating that the proposed project would not adversely affect floodplain management.

#### Ranger Historical Preservation Society

On January 12, 2016, the City responded to a request from the Ranger Historical Preservation Society (RHPS) for additional information regarding coordination with the THC and the proposed construction area relative to the locations of two sites of local historical interest, the Texas Ranger Tree and Texas Ranger Cabin site. The RHPS made the request during the public hearing on this project (discussed below). In response to the additional information provided by the City, the RHPS sent an electronic message dated February 17, 2016, stating that the proposed construction would not affect the sites in question.

## **Public Participation**

Public information and participation during facilities planning included a public hearing held at the Ranger City Hall at 5:15 PM on January 11, 2016. The meeting was advertised in the *Ranger Times*, a newspaper of general circulation in the City's service area. Notice of the meeting was published on December 10, 2015, and contained information regarding the availability of planning documents, including the EID, for public review at the Ranger City Hall during normal business hours. Selected state and federal agencies were sent written notices of the hearing and the availability of the document for review.

No adverse comments were voiced at the public hearing or received during the 30-day public review of the EID. During the public hearing, the RHPS requested additional information concerning the proposed project area and coordination with the THC, as discussed above. The City provided the information and the RHPS agreed that the proposed project would not affect two sites of local historical interest.

## **RECOMMENDATION**

Based upon a detailed review of the Clean Water State Revolving Fund planning information, the Environmental Information Document, this Environmental Assessment, and other documentation, the wastewater system improvement project proposed by the City of Ranger is considered to be environmentally sound with the following conditions:

- The City of Ranger must comply with the terms and conditions of Nationwide Permit 12 for Utility Line Activities, issued by the United States Army Corps of Engineers. This permit will expire on March 18, 2017. The City of Ranger will develop and implement a storm water pollution prevention plan as part of the contractor's project requirements.
- If vegetation clearing activities occur during the Migratory Bird nesting season of March through August, the City of Ranger will perform a survey of the area for nests with eggs or young. Should eggs or nesting young be discovered, measures will be taken to restrict activities in those areas, or construction will be delayed if necessary until the nests have been vacated. Information regarding the Migratory Bird Treaty Act and protected species will be incorporated into the construction contract documents.
- To ensure protection of the Texas Horned Lizard in the event that it is present in the project area, the City of Ranger will implement the following avoidance measures:
  - a) All construction personnel will be instructed to avoid, killing, injuring, or making any type of harmful disturbance to the Texas Horned Lizard during construction.
  - b) 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.
  - c) Texas Horned Lizards discovered in any open trenches will be reported to Jacob & Martin, LLC, and Texas Parks and Wildlife Department, which will be consulted to develop plans to safely relocate the Texas Horned Lizards.

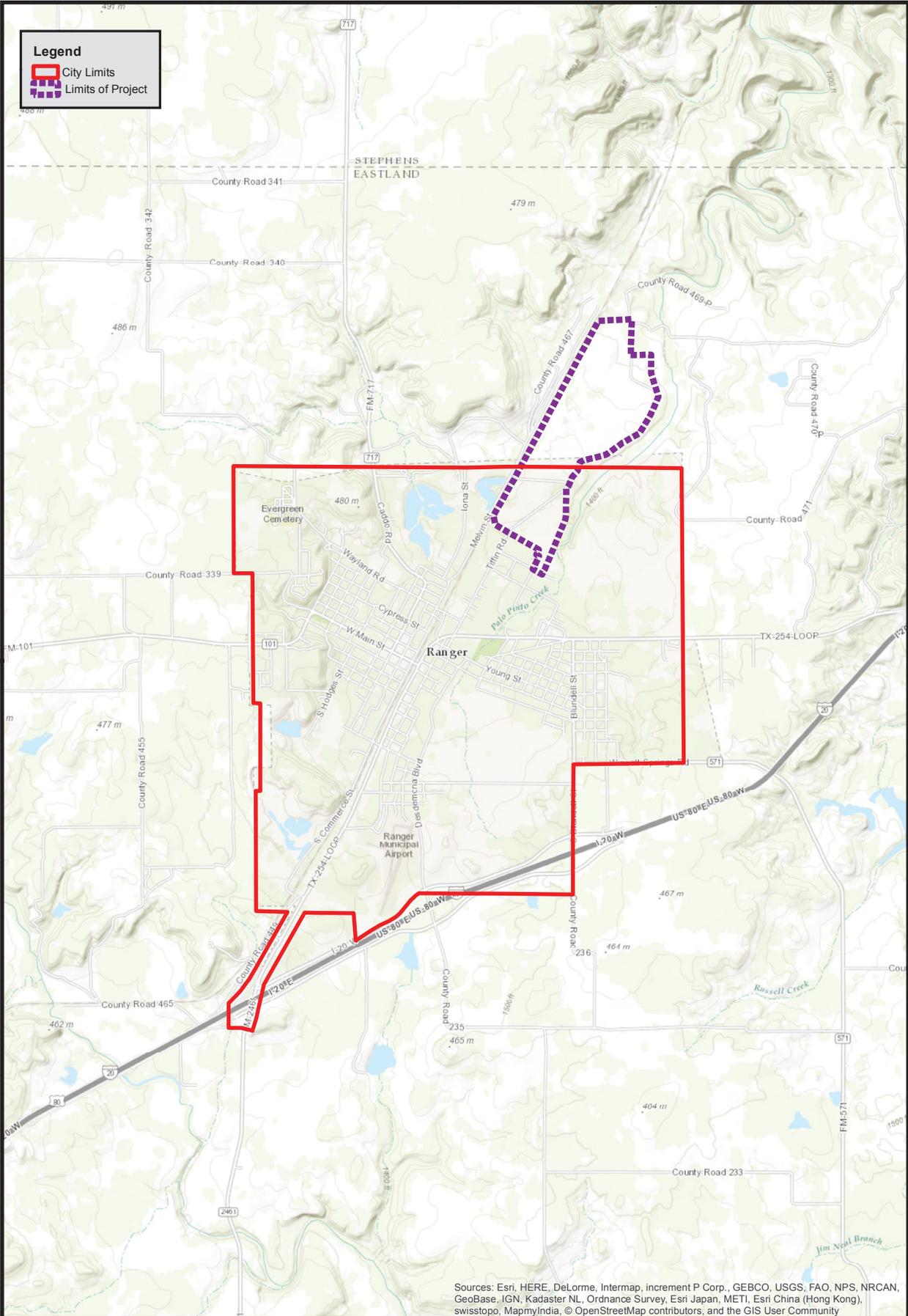
Environmental Assessment  
City of Ranger, Eastland County  
CWSRF 73634

- To the extent possible, project areas where pipelines are installed will be returned to pre-construction conditions following pipeline installation. Although the City of Ranger does not anticipate the availability of funding for seeding native milkweed and nectar plants, measures to seed will be investigated should additional funds become available.
- Standard emergency condition for the discovery of cultural resources.
- Standard emergency condition for the discovery of threatened or endangered species.

With these conditions, I recommend that the Executive Administrator issue a Finding of No Significant Impact for the City of Ranger's proposed Facultative Lagoon Project as specified above.

**Legend**

- City Limits
- Limits of Project



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



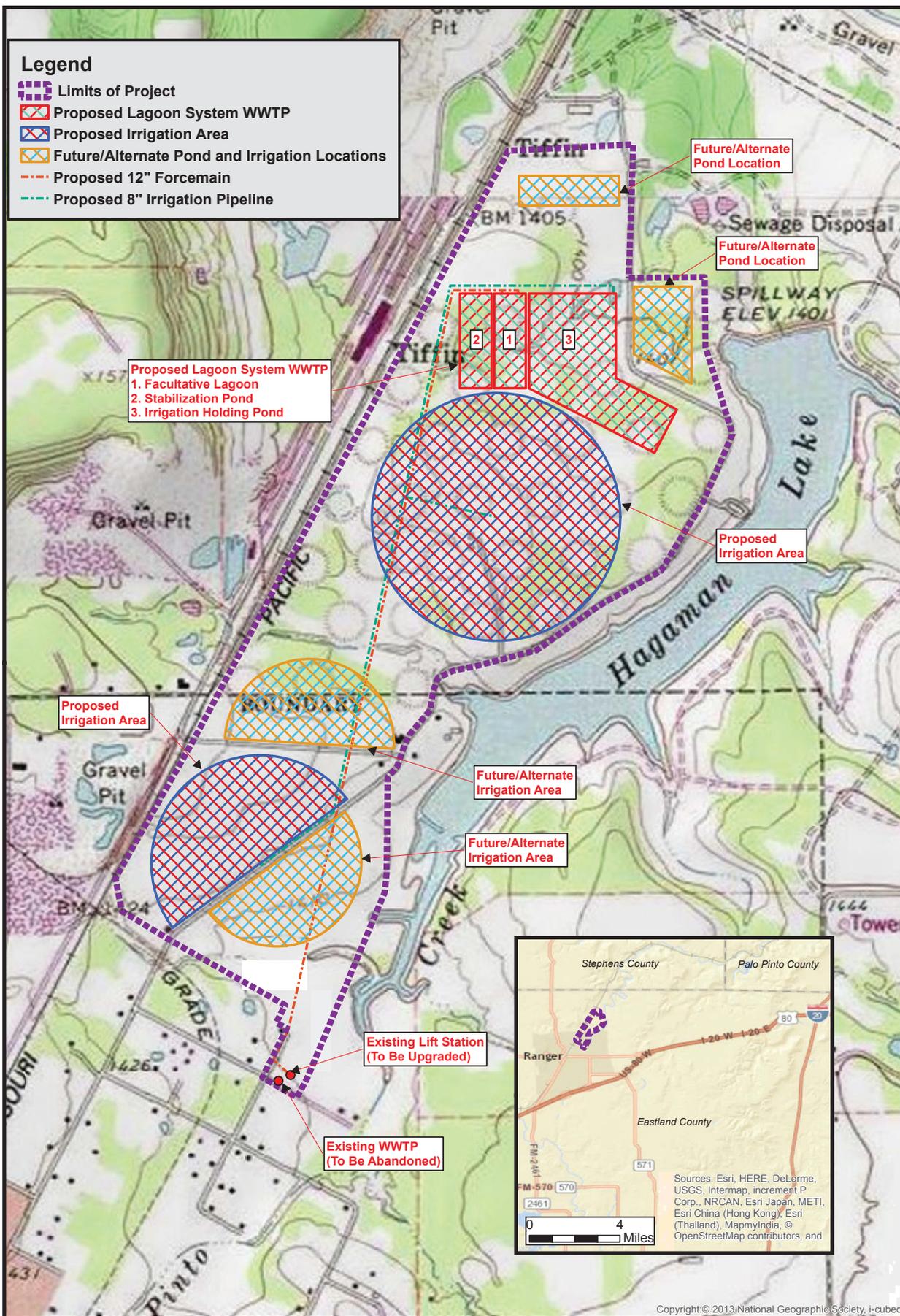
**CITY OF RANGER  
TWDB CWSRF - WWTP  
2015**

**JACOB & MARTIN, LLC.**  
ARCHITECTS • ENGINEERS

EMF F-248

**Legend**

-  Limits of Project
-  Proposed Lagoon System WWTP
-  Proposed Irrigation Area
-  Future/Alternate Pond and Irrigation Locations
-  Proposed 12" Forcemain
-  Proposed 8" Irrigation Pipeline



**Proposed Lagoon System WWTP**  
 1. Facultative Lagoon  
 2. Stabilization Pond  
 3. Irrigation Holding Pond

Future/Alternate Pond Location

Future/Alternate Pond Location

Proposed Irrigation Area

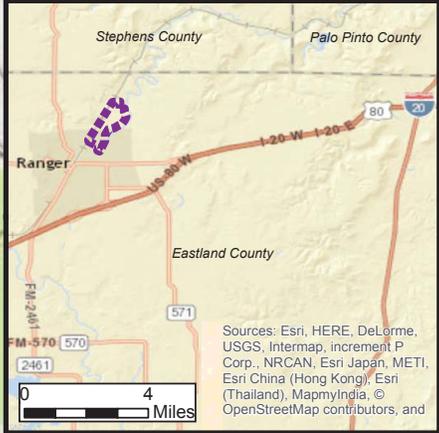
Proposed Irrigation Area

Future/Alternate Irrigation Area

Future/Alternate Irrigation Area

Existing Lift Station (To Be Upgraded)

Existing WWTP (To Be Abandoned)



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**CITY OF RANGER**  
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**2015**

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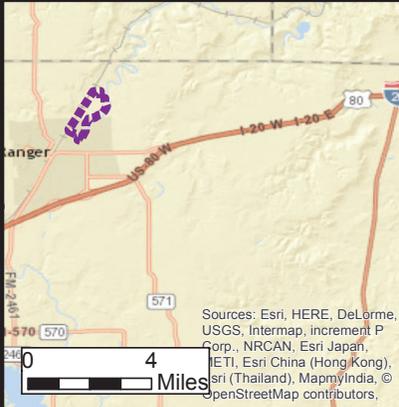
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Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, Swisstopo, Esri (China), Swisstopo, Esri (Thailand), MapmyIndia, © OpenStreetMap contributors.

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**CITY OF RANGER**  
**TWDB CWSRF - WWTP**  
**2015**

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