

February 19, 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 Dell City, Hudspeth County, Texas
Treated Wastewater Irrigation Expansion Project
TWDB Project Number 73678
Total TWDB Commitment: \$191,223 (L1000226, LF1000227)

The City of Dell City (City) is located in western Texas approximately 75 miles east-northeast of the city of El Paso. The City provides wastewater collection and treatment service for 366 residents at approximately 169 connections. Currently, the treatment system is operating under Agreed Orders issued by the Texas Commission on Environmental Quality in 2005 and 2011. Specifically, the rate of application of treated effluent exceeds permitted limits for safe disposal at the existing irrigation site, which is one acre in area.

The City is proposing to address deficiencies in its wastewater treatment system through a series of improvements including: additional irrigation fields, for a total of 14 acres suitable for effluent irrigation; installation of 12,280 feet of 3- and 4-inch diameter pipelines to distribute the treated effluent; pump station upgrades; and enhanced electrical controls and remote monitoring capability.

To implement the proposed project, the City is utilizing a \$75,000 loan with a 30-year term and a \$116,223 loan with forgiveness from the CWSRF, in the total amount of \$191,223 for planning and design. Total estimated cost of design and construction for the proposed project is \$865,320. Funds for land acquisition are not included in this estimate and are unrelated to the present CWSRF loans.

An environmental review of the proposed project consistent with NEPA has been completed following the guidelines provided in 31 TAC §375, Subchapter E. The Executive Administrator of the TWDB has made a preliminary decision not to require the preparation of an Environmental Impact Statement. The environmental review is documented in the enclosed Environmental Assessment, which stipulates mitigative measures that will be implemented during project

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

- Vegetation clearing should be kept to a minimum necessary for project construction. All disturbed areas will be re-seeded to the extent practicable with native plant species as recommended by local Natural Resource Conservation Service (NRCS) personnel or listed in the Lady Bird Johnson Wildflower Center Native Plant database as suitable to the area.
- An onsite survey of the project area will be conducted prior to the beginning of construction to determine the presence/absence of nesting migratory birds and/or burrowing owl species, ground dwelling mammals, and reptile species. Disturbance to any nesting migratory birds, burrowing owls, or ground dwelling mammal species noted in the survey will be avoided.
- An individual authorized by TPWD will relocate any species of *Phrynosoma* (horned lizards) sighted within the path of construction to the extent practicable. Construction contractors will be provided with identification materials as necessary for recognition of the species. Harvester ant mound destruction will be avoided where practicable.
- Standard emergency condition for the discovery of cultural resources; and
- Standard emergency condition for the discovery of threatened or endangered species.

Documentation supporting this decision is on file in the office of the Regional Water Planning and Development Division, TWDB, and is available for public scrutiny upon request. Comments supporting or disagreeing with this preliminary environmental determination may be submitted to the Director, Regional Water Planning and Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231. After evaluating the comments received, the Executive Administrator will make a final determination 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

Enclosures

City of Dell City, Hudspeth County, Texas
Clean Water State Revolving Fund Project Number 73678
Treated Wastewater Irrigation Expansion Project
Environmental Assessment

INTRODUCTION/BACKGROUND¹

With support from the Texas Water Development Board (TWDB), the City of Dell City (City) proposes to construct an improved and expanded wastewater irrigation system. The City plans to finance planning and design for the proposed project using funds from a \$75,000 loan and a \$116,223 loan with forgiveness from the Clean Water State Revolving Fund (CWSRF) Equivalency Program, which is administered by the TWDB. On April 23, 2014, the City received a commitment for the CWSRF loans from the TWDB in the total amount of \$191,223.

PURPOSE AND NEED

At present, the City's wastewater system is operating under enforcement orders issued by the Texas Commission on Environmental Quality (TCEQ) because of excessive discharge of treated wastewater. The City is authorized by permit to dispose of domestic wastewater effluent at an average flow rate not to exceed 0.032 million gallons per day via surface irrigation of 74.6 acres of land with restricted public access. The total application must not exceed 0.072 million gallons per year per irrigated acre. Despite these requirements, the City has the capacity to apply effluent to one acre only and as a result is in violation of the Texas Water Code Chapter 26. In response, the City has agreed to take corrective actions including expansion of the disposal area available for application of its effluent (Docket Numbers 2004-0609-MLM-E, October 26, 2005, and 2011-0884-MLM-E, December 7, 2011).

EVALUATION OF ALTERNATIVES

In addition to the proposed project, the City evaluated four alternatives including no action. These alternatives include:

- Expanding the irrigation field to 10 acres and converting existing wastewater stabilization ponds to storage ponds;
- Expanding the irrigation field to 2 acres, converting existing wastewater stabilization ponds to storage ponds, and adding a new storage pond with a surface area of 1.65 acres;
- Expanding the irrigation field to 14 acres and continue operating the existing wastewater stabilization ponds;
- Redesigning and relocating the entire wastewater treatment system to a new site; and
- Taking no action.

¹ City of Dell City (August, 2015). *Environmental Information Document for the City of Dell City, Texas, Treated Wastewater Irrigation Expansion* (Prepared by Kelleyenvironmental Consulting Services). Received by TWDB on September 2, 2015.

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The no-action alternative would incur no additional financial costs or construction-related environmental effects, but would not address the demonstrated need for system expansion. The financial cost, project delays for design and construction, and direct environmental impact of relocating the entire system would far exceed those associated with any of the other alternatives. Neither of these alternatives was considered viable. Based primarily on consideration of financial costs and construction times, expansion of the irrigation field to 14 acres and continued operation of the stabilization ponds was the preferred alternative. The existing irrigation pump station would be adequate, but is not currently operational and will require upgrading. This alternative also had an environmental benefit: by diffusing the effluent over a larger area, the City would have an increased capacity to maintain water balance to prevent or reduce long-term effects on groundwater and soil salinization.

PROJECT DESCRIPTION

The proposed project would address deficiencies and operational limitations at the existing wastewater treatment facility and effluent disposal site. To handle the disposal of up to the maximum projected inflow of 0.032 mgd as permitted by the TCEQ, the City proposes to increase the size of the irrigation leach field to 14 total acres. Other proposed improvements include: installation of 12,280 feet of 3- and 4-inch diameter pipelines to distribute the treated effluent throughout the leach field; pump station upgrades; and enhanced electrical controls and remote monitoring capability.

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 proposed project area is located in north central Hudspeth County, Texas, at the existing site of the City's municipal airport and wastewater treatment plant, both of which have restricted access. The project site has been used as a wastewater treatment facility since the 1960's. Additional property is being acquired for the project utilizing funds unrelated to the present CWSRF loans.

The City is an incorporated community established in 1948 following the accidental discovery of significant groundwater resources through exploratory drilling for petroleum. This water supply has facilitated irrigation of approximate 40,000 acres of arable land. As of July 1, 2014, the total population was approximately 366 residents living in 194 housing units. The estimated median household income (MHI) in 2012 was \$28,467, compared to the Texas MHI of \$50,740.

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The community is served by the Dell City Independent School District, with approximately 113 students in grades kindergarten through 12th. The nearest city with a population exceeding 50,000 is El Paso, 75 miles west of the City.

Landforms

The City occupies a broad, gently sloping landform known locally as the Dell Valley, situated between the Salt Basin to the east and limestone uplands of the Diablo Plateau to the north, west, and south. This landform is a pediment or sloping bedrock surface with a thin, discontinuous mantle of sediment. The pediment forms a topographic monocline sloping from west to east, decreasing in elevation from approximately 3,820 to 3,660 feet above mean sea level, with an average gradient of 37 feet per mile.

Limestones crop out across the Diablo Plateau, creating irregular topographic features with moderate relief, separated by flat expanses of alluvial sediment. The Salt Basin is a large closed depression draining much of the Sacramento Mountains to the north, the Diablo Plateau to the west, and the western flank of the Guadalupe Mountains to the east. Dry salt flats within the Salt Basin are the lowest topographic features in the region, with an elevation of approximately 3,600 feet above sea level. The flats are the location of natural evaporative discharge of groundwater flowing to and within the basin.

Climate

The City is located in the northern Chihuahuan Desert, which is warm during summer and cold during winter, with local daily mean temperatures ranging from the 70s to 40s in degrees Fahrenheit (°F). Prevailing winds are predominately from the southeast, with northerly shifts during the fall and winter months as cold fronts push through from the north and northwest.

The warmest month of the year is July with an average maximum daily temperature of 97.4 °F. The coldest month is December with an average minimum daily temperature of 24.7 °F. Temperature variations between night and day tend to be relatively large, especially during summer and winter, when the difference can reach 32 to 35 °F.

The annual average precipitation is 9.1 inches. Rainfall is fairly evenly distributed throughout the year. The wettest month of the year is September with an average rainfall of 1.46 inches. The most notable rainfall events occurred on September 11, 2013, when 4.5 to 7 inches of rain were recorded within a 24 hour period, and over several days in August, 1966, when as much as 12 inches of rain was recorded just west and northwest of the City. Both events caused extensive flooding and damage to roads and structures throughout the area.

Geology, Groundwater, and Soils

Within the proposed project area and vicinity, Quaternary alluvial and eolian deposits overlie limestones of the Permian Victorio Peak Formation, which is not exposed, but crops out nearby. The Quaternary deposits are as much as 150 feet thick and primarily comprise calcified sand and

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silt. A Tertiary igneous intrusion (stock) is exposed at Round Mountain, 1.5 miles east of the project area. Normal faults of various ages and orientations have been mapped at distances of 5 to 15 miles from the City. The Salt Basin is a graben bounded by normal faults with northwest strikes.

The Victorio Peak Formation overlies the Permian Bone Spring Formation consisting primarily of limestone. Fractures and solution conduits provide hydrologic continuity throughout these formations, which together constitute the Bone Spring-Victorio Peak aquifer. Although considered a minor aquifer statewide, the Bone Spring-Victorio Peak aquifer is the most important source of groundwater in northern Hudspeth County and the City's sole water supply. Pumping for agriculture has caused water levels within the Dell Valley area to decline 5 to 60 feet over the past 60 years and has affected groundwater quality in some areas. At present, water quality is variable, with total dissolved solids concentrations of 3,000 to 10,000 milligrams per liter, of which calcium, sodium, sulfate, and chloride are predominant.

Soils in the project area include the Turney-Chamberino complex and the Compana series. These soils are found in dry alluvial flats or fans and consist of moderately alkaline gravelly to loamy to sandy clay loams with depths exceeding 80 inches. Slopes range from 0 to 3%. None of these soils are classified as "prime soils" as defined by the Farmland Protection Policy Act (7 USC 658, Sec 1540(b)).

Surface Water, Floodplains, and Wetlands

The City and nearby areas are shown on the Dell City, Texas, topographic map (attached). There are no defined streams or other natural bodies of surface water within or near the proposed project area and no protected wetlands. Nevertheless, the entire City and project area lie within a Zone A Special Flood Hazard Area (100-year floodplain, base flood elevation not determined). Runoff from the broad, sloping landform west of the City flows unimpeded into the community as unchanneled laminar sheet flow. Floods are rare, but may occur during periods of intense and/or prolonged rainfall, as in 1966 and 2013.

Based on the City's assessment of alternatives, the proposed wastewater system improvements at the existing locations afford the only practicable option. Construction and operation of a wastewater treatment and disposal facility within a floodplain is often problematic and requires special regulatory authorization. As discussed under Agency Coordination (below), local, state, and federal regulators reviewed the proposed action and determined that it will not adversely impact the natural functions and values of the floodplain.

Flora and Fauna

The proposed project site lies in the Chihuahuan biotic province of Texas, within the Trans-Pecos Natural Region. The Chihuahuan province includes all of Trans-Pecos Texas except the Guadalupe Mountains. Plants and animals of this province are primarily species that are widely

distributed in the mountains and deserts of the southwestern United States and north-central Mexico.

Observed Species

In this region, undisturbed habitat generally sustains open stands of drought tolerant bunch grasses, along with woody shrubs, yucca, cacti, and limited honey mesquite; however, an on-site biological survey of the proposed project area indicated that the current flora differs substantially from that anticipated in natural habitats. The project area has undergone years of significant disturbance including grading, replanting, use of herbicides, etc. In fact, vehicular traffic within the airport property has eliminated nearly all vegetation.

Dominant grass species on the airport site include Lehmanns Lovegrass (*Eragrostis lehmanniana*), Windmill grass (*Chloris virgata*), Six-weeks grama (*Bouteloua barbata*), and Green Sprangletop (*Leptochloa* sp. cf. *L. dubia*). Less common grasses include Johnson grass (*Sorghastrum halapense*), Bristlegrass (*Setaria* sp. cf. *S. leucopila*), Sandbur (*Cenchrus spinifex*), Bermuda grass (*Cynodon dactylon*), and Annual Three-awn (*Aristida* sp. cf. *A. schiedeana*). Herbaceous species, which are widely dispersed among the grasses, but with no obvious species dominance, include: Jimmy Weed (*Isocoma pluriflora*), Firewheel (*Gaillardia multiceps*), Globe Mallow (*Sphaeralcea hastulata*), Broomweed (*Gutierrezia* sp. cf. *G. sarothrae*), Prairie Verbena (*Glandularia bipinnatifida*), Gaura (*Gaura suffulata*), Silverleaf Nightshade (*Solanum elaeagnifolium*), Tumbleweed (*Salsola tragus*), Tahoka Daisy (*Machaeranthera tanacetifolia*), Trailing Four o'clock (*Allonia incarnata*), Wild Mercury (*Argythamnia* sp. cf. *A. neomexicana*), Bicolor Mustard (*Nerisyrenia camporum*), Goathead (*Tribulus terrestris*), and perennial or annual Tansyaster (*Machaeranthera* sp. cf. *M. pinnatifida* or *M. graclis*). Most of these herbaceous plants are annuals typical of disturbed sites.

The biological survey of the project area also included an effort to document the existence of wildlife species, with emphasis on protected horned lizards (*Phrynosoma* spp.). The sparseness of the vegetation afforded virtually one-hundred percent visual coverage of the area. In addition to areas surveyed intensively, perimeter transect lines as well as random observation paths throughout the entire seventy-five acre airport property were observed over a three day period, under varying conditions of temperature and cloud cover.

The survey disclosed the presence or possible presence of a number of species. Horned Lizards were not found in the project area, but suitable habitat and the lizards' principal prey, the Red Harvester Ant (*Pogonomyrmex barbatus*), were noted. The occurrence rate of the Red Harvester Ant was approximately one nest mound per 910 square meters. The only reptiles seen in the project area were the Little Striped Whiptail (*Aspidoscelis inornata*) and Southern Prairie Lizard (*Sceloporus undulatus hyacinthinus*), both of which were uncommon except in the airport's refueling and storage sites, where they were abundant. Observed bird species included the Mourning Dove (*Zenaida macroura*), Great-tailed Grackle (*Quiscalus mexicanus*), Song Sparrow (*Melospiza melodia*), Western Burrowing Owl (*Athene cunicularia*), Lark Bunting (*Calamospiza melanocorys*), Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*), Western Meadowlark (*Sturnella neglecta*) and Western Kingbird (*Tyrannus verticalis*). The

ground dwelling Mexican Ground Squirrel (*Spermophilus mexicanus*) was observed primarily along field margins.

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 exist in Hudspeth County, along with their 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

Black Bear (*Ursus americanus*): LT. Bottomland hardwoods and large tracts of inaccessible forested areas.

Black-footed Ferret (*Mustela nigripes*): LE. Extirpated; inhabited prairie dog towns in the general area.

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

Mexican Spotted Owl (*Strix occidentalis lucida*): LT, T. Remote, shaded canyons of coniferous mountain woodlands.

Northern Aplomado Falcon (*Falco femoralis septentrionalis*): LE, E. Grasslands, open woodlands. Nests in trees or cliff edges.

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); eats small fish and crustaceans, when breeding forages within a few hundred feet of colony

Peregrine Falcon (*Falco peregrinus*): DL, T. Foraging habitat may include open grasslands, desert, shrubland, woodlands or coastal areas. Nests on cliffs.

Southwestern Willow Flycatcher (*Empidonax traillii extimus*): LE, E. Primarily found in thickets of willow, cottonwood, mesquite and other species along desert streams

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Western Yellow-billed Cuckoo (*Coccyzus americanus occidentalis*): LT. Woodland, forest, tall cottonwood and willow riparian woodland, moist thickets, orchards, overgrown pastures.

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

Chihuahuan Desert Lyre Snake (*Trimorphodon vilkinsonii*): T. Mostly crevice-dwelling in predominantly limestone-surfaced desert northwest of the Rio Grande from Big Bend to the Franklin Mountains, especially in areas with jumbled boulders and rock faults/fissures; secretive; egg-bearing; eats mostly lizards.

Mountain Short-horned Lizard (*Phrynosoma hernandesi*): T. Diurnal, usually in open, shrubby, or openly wooded areas with sparse vegetation at ground level; soil may vary from rocky to sandy; burrows into soil or occupies rodent burrow when inactive; eats ants, spiders, snails, sowbugs, and other invertebrates; inactive during cold weather; breeds March- September.

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; breeds March-September.

Bluntnose Shiner (*Notropis simus simus*): T. Extinct in the wild; Rio Grande; main river channel, often below obstructions over substrate of sand, gravel, and silt; damming and irrigation practices presumed major factors contributing to decline

Rio Grande Silvery Minnow (*Hybognathus amarus*): LE, E. Extirpated; historically Rio Grande and Pecos River systems and canals; reintroduced in Big Bend area; pools and backwaters of medium to large streams with low or moderate gradient in mud, sand, or gravel bottom; ingests mud and bottom ooze for algae and other organic matter; probably spawns on silt substrates of quiet coves.

The biological 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 appears to be suitable are the *Phrynosoma* spp. The site appears to contain the required soils, vegetation, and food source to sustain these species, and interviews with persons working in the area indicated that one of more species of horned lizard have been seen locally; however, because of the intensity of prior land disturbance, the likelihood that a population of *Phrynosoma* spp is present is low. The survey biologist concluded that the potential for incidental "take" of these species is extremely limited. It is also unlikely that the proposed construction, and continuing operation of the expanded irrigation system would affect these species adversely.

Archeology and History

North-central Hudspeth County is part of the northern Chihuahuan Desert. This region has sustained a low-density human population for thousands of years and nearly continuous

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occupation since the late Nineteenth Century. Hunting and gathering, followed by ranching were the principal activities until the late 1940s, when exploratory drilling for petroleum led to the incidental discovery of significant groundwater resources, eventually leading to irrigation of approximately 40,000 acres of arable land. The City was incorporated in 1948 to provide local government and services.

Despite the presence of humans in the area, a review of the Texas Historical Commission's (THC's) Texas Archeological Sites Atlas disclosed the absence of any 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. The proposed project area includes an existing wastewater treatment facility and airport and has therefore undergone intensive disturbance. Consistent with the environmental review requirements of the CWSRF program, the City has 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 366. Racial and ethnic composition in 2012 was as follows: 29% non-Hispanic white; 1.6% black; and 66.3% Hispanic or Latino. The remaining 3.1% of the population comprised mixed or other races. The estimated MHI was \$28,467, which was 56.1% of the statewide MHI, \$50,740. In 2009, the income of approximately 40% of residents was below the poverty level, whereas the fraction statewide was 22.7%.

Based upon the location of the proposed improvements and the diverse population and income classifications of the citizens to be served by the wastewater service, it does not appear that any minority or low income group will be adversely or disproportionately affected by the improvements. 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

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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 system improvement project included coordination with eleven agencies and others, all but three 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, Albuquerque District, Las Cruces Regulatory Field Office, Las Cruces, New Mexico;
- United States Department of the Interior, Fish and Wildlife Service, Ecological Services, Austin Field Office, Austin;
- United States Department of the Interior, National Park Service, Intermountain Region External Review Team, Lakewood, Colorado;
- United States Department of Agriculture, Natural Resources Conservation Service, Temple;

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- United States Department of Agriculture, Forest Service, Atlanta, Georgia;
- Federal Emergency Management Agency, Denton;
- Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program, Austin;
- Texas Historical Commission, State Historic Preservation Officer, Austin;
- Texas Commission on Environmental Quality, Austin;
- Rio Grande Council of Governments, El Paso;
- City of Dell City Floodplain Administrator, Dell City.

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 December 1, 2014, 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 December 8, 2014, the USACE designated the project as Project Number SPA-2014-00522-LCO), issued an approved jurisdictional determination, and indicated that since the proposed project would not involve activities subject to the requirements of Section 404 or Section 10, a Department of the Army permit would not be required.

United States Fish and Wildlife Service

On September 24, 2014, 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. After reviewing the project, the USFWS provided a no action determination dated October 3, 2014 (Consultation Number 02ETAU00-2015-TSA-0001).

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 TWDB staff and the USFWS. Subsequent to notification, mitigation measures will be taken in accordance with the Endangered Species Act of 1973, as amended.

National Park Service

On September 29, 2014, the City asked the National Park Service (NPS) to review the proposed project, but the NPS did not respond. The proposed project would not impact any Wild and Scenic Rivers or other NPS properties.

Natural Resources Conservation Service

On September 29, 2014, 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 reviewed the project, and in a response dated October 22, 2014, determined that the project is exempt from regulation under the FPPA because the project area does not contain Important Farmland Soils as defined in the FPPA.

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United States Forest Service

On September 29, 2014, the City asked the United States Forest Service (USFS) to review the proposed project, but the USFS did not respond. The proposed project would not impact any National Forest System properties.

Federal Emergency Management Agency

On September 29, 2014, 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. 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 October 8, 2014, 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 September 24, 2014, 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 October 29, 2014, and provided a series of recommendations. On August 15, 2015, the City addressed each of these recommendations and proposed appropriate mitigation measures (see below). The TPWD concluded that these measures would 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 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, and other applicable regulations.

The TPWD recommended:

- 1) Reducing the amount of vegetation proposed for clearing if at all possible and minimizing clearing of native vegetation, particularly mature native trees (if present) and shrubs to the greatest extent practicable. TPWD recommends in-kind on-site replacement/restoration of the native vegetation wherever practicable. Colonization by invasive species, particularly invasive grasses and weeds, should be actively prevented. Vegetation management should include removing invasive species early on while allowing the existing native plants to revegetate the disturbed areas. TPWD recommends referring to the Lady Bird Johnson Wildflower Center

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Native Plant Database for regionally adapted native species that would be appropriate for landscaping and revegetation.

2) 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). 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.

3) Having a permitted biological monitor on-site and providing contractor training where feasible. Because the biological monitor cannot oversee all construction activity at the same time, it is important for the contractor to be able to identify protected species and to be on the lookout for them during construction. TPWD also recommends avoiding impacts to harvester ant mounds where feasible. TPWD understands that ant mounds in the direct path of construction would be difficult to avoid, but contractors should be mindful of these areas when deciding where to place project specific locations and other disturbances associated with construction.

To minimize impacts to the homed lizards, TPWD recommends the use of the best management practices (BMPs) 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 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.

4) The project area is surveyed for mammal burrows or any urban structures that may provide suitable habitat for burrowing owls prior to construction. If mammal burrows or any urban structures that may provide suitable habitat would be disturbed as a result of the proposed project, TPWD recommends the burrows or structures be surveyed for burrowing owls. If nesting owls are found, disturbance should be avoided until the eggs have hatched and the young have fledged.

5) The project area should be surveyed for prairie dog towns or burrows and species that depend on them. If prairie dog towns or burrows are found in the project area, TPWD recommends avoiding these areas during construction. If prairie dog burrows would be disturbed as a result of the proposed project, TPWD recommends non-harmful exclusion methods be used to encourage the animals to vacate the area prior to disturbance and discourage them from returning to the area during construction.

6) The TPWD county list of rare and protected species for Hudspeth County should be reviewed, as rare species in addition to those discussed above could be present depending upon habitat

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availability. This list is available online at: <http://www.tpwd.state.tx.us/gis/ris/es/>. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally listed species. For the USFWS threatened and endangered species lists by county please visit: http://www.fws.gov/southwest/es/ES_Lists_Main.cfm.

To address the TPWD's recommendation, the City provided the following responses:

- 1) Project design will limit the amount of vegetation to be cleared only to that necessary for drainage grading and installation of the proposed irrigation pipelines. Vegetation will be re-seeded to the extent practicable with plant and grass species as recommended by the local USDA Natural Resource Conservation Service and or as listed in the Lady Bird Johnson Wildflower Center Native Plant Database to assure survivability of plants to the extent practicable.
- 2) An onsite survey of the project area by Kelley Environmental Consulting will be conducted prior to the beginning of construction. Migratory bird species discovered during the survey will be protected in accordance with the MBTA.
- 3) Although extensive surveys have not indicated the presence of any *Phrynosoma* species within or adjacent to the project area, an individual authorized by the Texas Parks and Wildlife Department will inspect the proposed construction area prior to the initiation of construction, advise and or educate the contractor as necessary to avoid unnecessary destruction of vegetation and to recognize *Phrynosoma* species. Such authorized individual will also, to the extent possible, relocate any individual reptile species out of the path of construction.
- 4) The project area has been previously surveyed for mammal burrows and the presence of burrowing owls. An additional survey will be conducted prior to the beginning of construction and protective measures taken as necessary to avoid disturbance to any owl nesting sites.
- 5) The project area has been surveyed for prairie dog towns. There are no identifiable prairie dog burrows on or near the project area. The area will be re-inspected prior to the start of construction.
- 6) A Habitat Evaluation has been completed and a review of all listed threatened, endangered and species of concern reviewed to determine any potential impacts from the proposed project. The USFWS has been contacted and concurred with our determination. Based on these reviews, and an analysis of the wildlife and plant habitat in the project location, a determination has been made that the proposed project is not likely to adversely affect any listed plant or animal species.

For use in contract construction documents, the required measures were summarized as listed below:

- 1) Vegetation clearing should be kept to a minimum necessary for project construction. All disturbed areas will be re-seeded to the extent practicable with native plant and or grass species as recommended by the local Natural Resource Conservation Service (NRCS) or as listed in the Lady Bird Johnson Wildflower Center Native Plant database suitable to the area.

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2) An onsite survey of the project area by KEC will be conducted prior to the beginning of construction to determine the presence/absence of nesting migratory birds and or burrowing owl species, ground dwelling mammals, and reptile species. Disturbance to any nesting migratory birds, burrowing owls, or ground dwelling mammal species noted in the survey will be avoided.

3) An individual authorized by TPWD will relocate any species of *Phrynosoma* (horned lizards) sighted within the path of construction to the extent practicable. Construction contractors will be provided identification materials as necessary for recognition of the species. Harvester ant mound destruction will be avoided where practicable.

Texas Historical Commission

On September 29, 2014, 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 October 7, 2014, the THC assigned the project a Tracking Number, 2015/01321, and indicated that no survey of the project area was required 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.

Texas Commission on Environmental Quality

On September 29, 2014, the City asked the Texas Commission on Environmental Quality (TCEQ) to review the proposed project in accordance with 40 CFR Part 93, 30 TAC § 101.30, and other regulations. In a response dated October 13, 2014, the TCEQ stated that a review of the project for general conformity impact indicated that Hudspeth County is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, general conformity rules do not apply. The TCEQ did recommend that actions should be taken to prevent surface and groundwater contamination.

Rio Grande Council of Governments

On September 29, 2014, the City asked the Rio Grande Council of Governments (RGCOG) to review the proposed project, but the RGCOG did not respond.

City of Dell City Floodplain Administrator

On November 21, 2014, and March 16, 2015, the City asked the City of Dell City Floodplain Administrator (CDCFPA) to review the proposed project. The CDCFPA responded on August 20, 2015, stating that although the project area lies with a Zone A Special Flood Hazard Area (100-year floodplain, base flood elevation not determined), precautions have been taken to elevate the boundaries of the property above the suspected flood level in order to protect the site from inundation and that the CDCFPA supports the proposed wastewater system improvements.

Public Participation

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Public information and participation during facilities planning included a public hearing held at 1:00 PM on April 21, 2015, which was advertised in the *Hudspeth County Herald and Dell Valley Review*, a newspaper of general circulation in the City's service area. The notice was published on March 20, 2015, and contained information regarding the availability of planning documents, including the EID, for public review at the City of Dell City Council Chambers during normal business hours. 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.

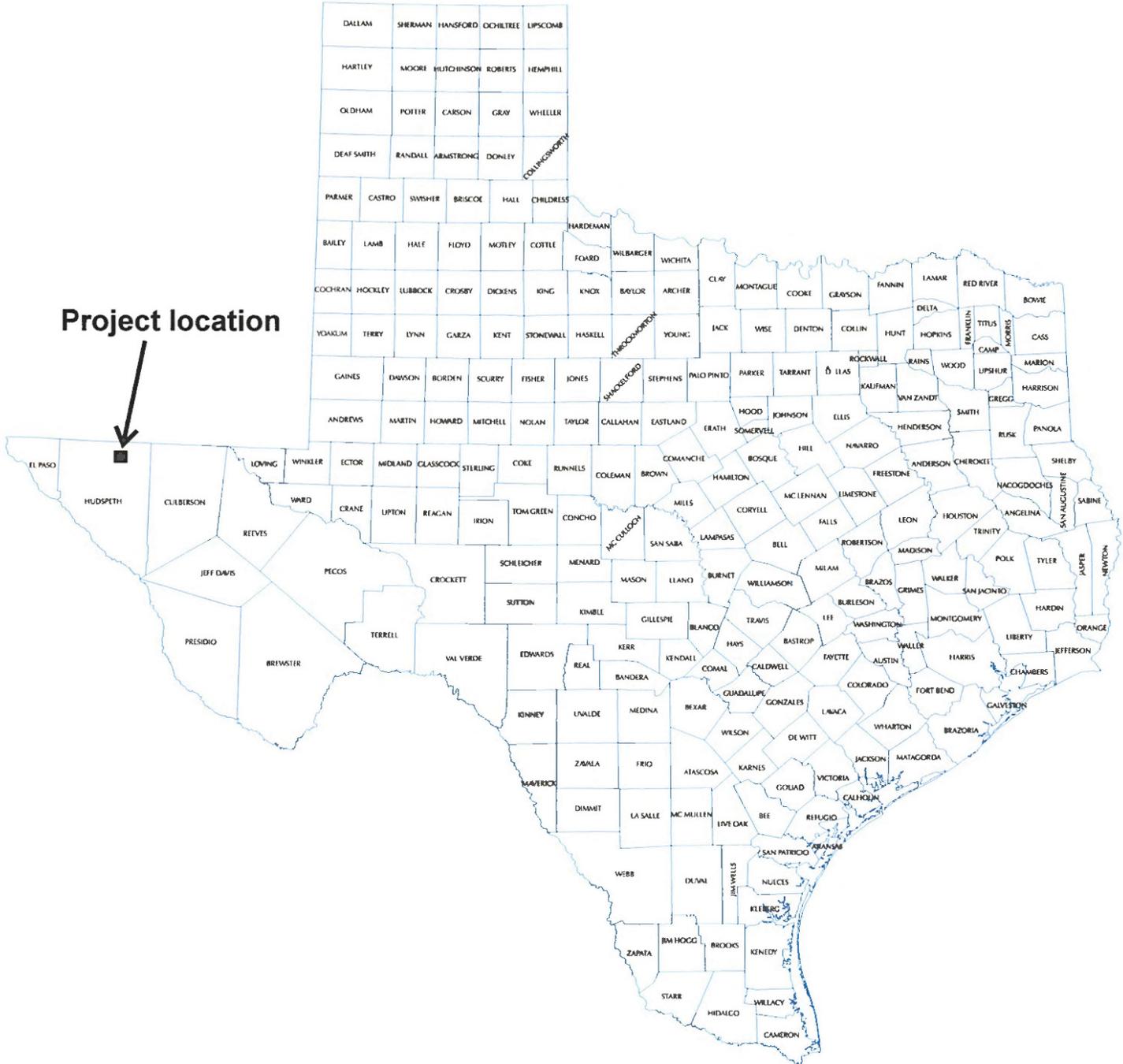
RECOMMENDATIONS

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 Authority is considered to be environmentally sound with the following conditions:

- Vegetation clearing should be kept to a minimum necessary for project construction. All disturbed areas will be re-seeded to the extent practicable with native plant species as recommended by local Natural Resource Conservation Service (NRCS) personnel or listed in the Lady Bird Johnson Wildflower Center Native Plant database as suitable to the area.
- An onsite survey of the project area will be conducted prior to the beginning of construction to determine the presence/absence of nesting migratory birds and/or burrowing owl species, ground dwelling mammals, and reptile species. Disturbance to any nesting migratory birds, burrowing owls, or ground dwelling mammal species noted in the survey will be avoided.
- An individual authorized by TPWD will relocate any species of *Phrynosoma* (horned lizards) sighted within the path of construction to the extent practicable. Construction contractors will be provided with identification materials as necessary for recognition of the species. Harvester ant mound destruction will be avoided where practicable.
- Standard emergency condition for the discovery of cultural resources; and
- 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 Dell City's proposed Treated Wastewater Irrigation Expansion Project as specified above.

Dell City, Texas Project Location



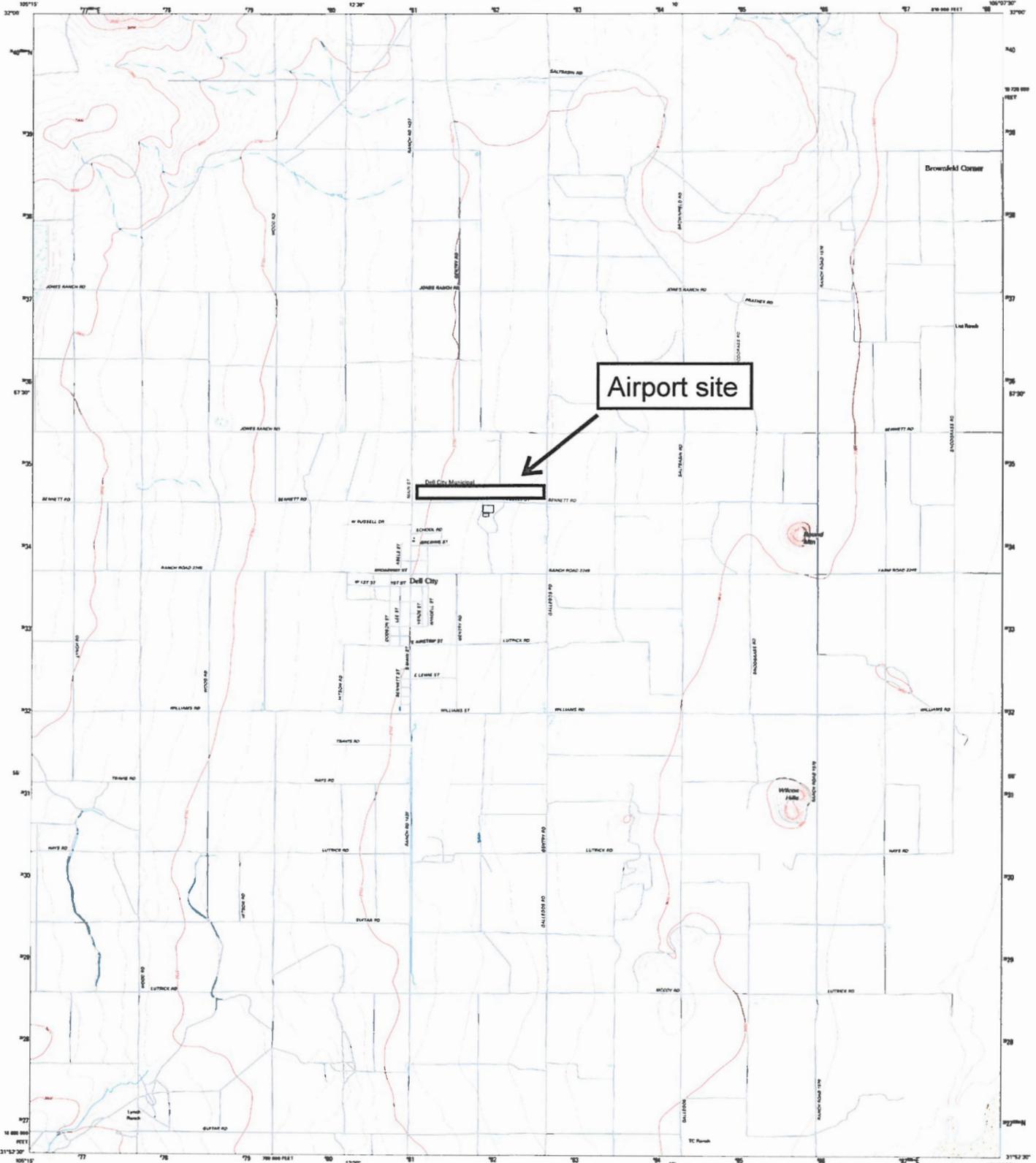
Dell City Treated Wastewater Irrigation Expansion Project



U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY



DELL CITY QUADRANGLE
TEXAS-HUDSPETH CO.
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84), Projection and
1:250,000 scale of the National Topographic Map Series, 10
10 250,000 Feet (1:250,000) Series of the U.S. Geological Survey

SCALE 1:24,000



ROAD CLASSIFICATION

Interstate Route	State Route	County Road	Local Road
US Route	State Route	County Road	Local Road
Interstate Route	State Route	County Road	Local Road



Imagery: Aerial, August 2010
Base: USGS 2011 Topographic
Map: USGS 2011
Projection: North American Datum, 1983
Cartography: National Geographic, 2009
Reproduction: USGS, 2011

U.S. GEOLOGICAL SURVEY
DELL CITY QUADRANGLE
7.5-MINUTE SERIES

This map was produced to coincide with the
National Geographic Program US Topographic Expansion, 2011.
A metadata file associated with this product is available at version 0.1.7

Scale	1:24,000	1:24,000	1:24,000
Projection	UTM	UTM	UTM
Datum	NAD83	NAD83	NAD83
Zone	14N	14N	14N
Units	Meters	Meters	Meters

DELL CITY, TX
2013



Dell City Wastewater Treatment Irrigation Expansion Project

