

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 Early, Brown County, Texas
Wastewater Treatment Plant Project
TWDB Project Number 73690
Total TWDB Commitment: \$8,365,000 (L1000324)

The City of Early (City) is located in north-central Texas approximately 105 miles southwest of the city of Fort Worth. The City provides wastewater collection service for 1,276 customers. Currently, the wastewater is treated by the nearby city of Brownwood on a fee basis per 1,000 gallons of raw sewage.

The City is proposing to construct and operate a new wastewater treatment facility, including ponds (facultative lagoon and stabilization and irrigation holding ponds) and a land-application site, to be located approximately one mile south-southeast of the community. The treated effluent would be disposed by irrigation within an area of at least 140 acres. The City anticipates acquisition of a total of 415 acres for the new plant, ponds, and application site. Additional project elements would include: constructing a new lift station; upgrading an existing lift station; and installing approximately 9,000 feet of 8- and 14-inch force mains and multiple center-pivot irrigators.

To implement the proposed project, the City is utilizing an \$8,365,000 loan with a 30-year term from the CWSRF Equivalency Program. The City obtained the loan commitment from the TWDB on September 4, 2014.

At the time of the loan commitment, the Executive Administrator of the TWDB made a preliminary decision not to require the preparation of an Environmental Impact Statement. Instead, the City conducted an environmental review of the proposed project following the guidelines provided in 31 TAC § 375, Subchapter E. The review resulted in preparation of an Environmental Information Document (EID) that is consistent with NEPA. A summary of the information in the EID is documented in the accompanying Environmental Assessment (EA), which stipulates mitigative measures that will be implemented during project construction. To ensure that the proposed project will have no significant environmental impact, the loan is conditioned as follows:

Finding of No Significant Impact
City of Early, Brown County
CWSRF 73690

- The project must adhere to the terms and conditions of Nationwide Permit 12 for Utility Line Activities as issued by the United States Army Corps of Engineers, with an expiration date of March 18, 2017.
- Because the project is expected to result in conversion of 6.14 acres of Important Farmland Soils as defined in the Farmland Protection Policy Act, the City must utilize approved erosion-control methods during construction and must provide a completed copy of Form AD-1006 to the Natural Resource Conservation Service once a final project design is selected.
- The project must comply with Executive Orders 11988 regarding floodplain management and 11990 regarding protection of wetlands.
- If enclosed structures would be built within the Zone A Flood Hazard Area of Delaware Creek, the City must obtain a Development Permit prior to construction.
- To ensure compliance with the Migratory Bird Treaty Act (MBTA), the City must avoid vegetation clearing activities during the general bird nesting season, March through August, to the extent feasible. 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.
- To ensure protection of the Texas Horned Lizard, the City must implement the following avoidance measures:
 - a) All construction personnel will be instructed to avoid killing, injuring, or making any type of harmful disturbance of 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 the project engineers (Jacob&Martin, LLC) and TPWD. TPWD will be consulted to develop plans to safely relocate the Texas Horned Lizards.
- Project areas where pipelines are installed will be returned to pre-construction conditions as much as possible after pipeline installation. Should funding for reseeding native milkweed and/or nectar-producing plants become available, reseeding will be investigated for implementation.
- Standard emergency condition for the discovery of cultural resources; and

Finding of No Significant Impact
City of Early, Brown County
CWSRF 73690

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

Documentation supporting the assessment is on file in the office of the Regional Water Planning and Development Division, TWDB, and is available for public review upon request. Comments supporting or disagreeing with the assessment 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 any 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 Early, Brown County, Texas
Clean Water State Revolving Fund Project Number 73690
Wastewater Treatment Plant Project
Environmental Assessment**

INTRODUCTION/BACKGROUND¹

With support from the Texas Water Development Board (TWDB), the City of Early (City) proposes to construct a new wastewater treatment facility. The City plans to finance planning, acquisition, design, and construction of the proposed project using funds from an \$8,365,000 loan from the Clean Water State Revolving Fund (CWSRF) Equivalency Program, which is administered by the TWDB. On September 4, 2014, the City received a commitment for the loan from the TWDB.

PURPOSE AND NEED

The City provides wastewater collection service for the community's 2,762 residents at 1,276 connection sites. At present, the wastewater is treated by the city of Brownwood located two miles west of Early. The City pays \$3.00 per 1,000 gallons for treatment of its raw sewage, which the City regards as excessive. To reduce long-term costs, the City evaluated alternatives to its present arrangement and does not anticipate renewal of the existing contract for treatment services.

EVALUATION OF ALTERNATIVES

The City evaluated three alternatives.

- Taking no action.
- Renewing the contract with the city of Brownwood for wastewater treatment.
- Constructing and operating a new wastewater treatment system to a new site.

The no-action alternative would provide no municipal wastewater treatment, by the City or Brownwood, which would necessitate development of and reliance on individual on-site sewage systems. The direct costs incurred by the City's current residents would be unacceptable and the systems themselves would provide less reliable treatment than does the current treatment option. Renewing the existing treatment contract would require no construction costs and would have any construction-related environmental effects, but would not address the demonstrated need for cost savings over the projected life of a new treatment system. A new system would have a high initial cost, require delays for acquisition, design, and construction, and produce at least some environmental impact. There would also be a direct cost for maintenance. Nonetheless, careful planning including impact assessment and implementation of measures to avoid, reduce, or mitigate impact would ensure a smooth transition from the present system and avoid significant adverse effects while providing appreciable net cost savings. The City selected the latter alternative over the others, neither of which was considered viable. The new wastewater

¹City of Early (January, 2016). *Federal Environmental Review City of Early WWTP* (Prepared by Jacob and Martin Engineering). Received by TWDB on January 8, 2016.

treatment system would be adequate to serve the needs of the community for at least 20 years, when the estimated population would reach 2,952, an increase of approximately 7%.

PROJECT DESCRIPTION

The proposed project would comprise the following components:

- Facultative lagoon
- Stabilization pond
- Irrigation holding pond
- Multiple center-pivot irrigation systems
- New lift station
- Upgrade existing lift station
- 5,000 feet of 14-inch force main
- 4,000 feet of 8-inch force main

Construction would occur at a new facility to be located one mile south-southeast of the City, requiring acquisition of several contiguous properties. As envisioned, the facility would cover 415 acres, including 35 acres for the lagoon and ponds, at least 140 acres for land application of treated effluent, the plant site, and additional acreage for possible expansion in the future and to provide a buffer zone. No conflicting land uses are anticipated and access to the facility would be restricted.

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

The proposed project area is located in Brown County, north-central Texas. The land is largely undeveloped, but has been disturbed previously by vegetation clearing, agriculture, and a variety of other activities. Agricultural use is expected to continue in the land application area during and following construction and throughout the life of the facility. The force mains and lift stations would be installed primarily along existing roadways.

The City is an incorporated community in a largely rural agricultural region of the state. The current population is approximately 2,762 residents. Brownwood, a larger city and the county seat, is located two miles west. The nearest major city is Fort Worth, 105 miles northeast.

Landforms

Most of the project area is a broad, gently sloping landform comprising an ancient stream terrace of Pecan Bayou and an eroded bedrock surface. This nearly flat expanse is bounded by low hills to the northeast and partly traversed by the channel and floodplain of Delaware Creek, a tributary of Pecan Bayou. Elevations within the proposed treatment facility range from approximately 1,430 feet above mean sea level in the northeast to 1,340 feet in the southwest. The lowest point in the project area as a whole is the site of the existing lift station, with an elevation of 1,337 feet.

Climate

The City is located in the Subtropical Subhumid climatic region spanning most of central Texas from the Oklahoma border to the lower Rio Grande Valley. This region is characterized by hot summers and dry winters. Average monthly high and low temperatures range from 98 °F in July to 31 °F in January. Winds are predominately from the south, with northerly shifts during the winter months as cold fronts push through from the continental interior, and southeasterly components in summer and spring when winds from the Gulf of Mexico extend inland. The annual average precipitation is 26 inches. Rainfall is unevenly distributed through the year: driest in the winter months and wettest from April through October. Average gross lake surface evaporation is 74 inches per year.

Geology, Groundwater, and Soils

In the southern part of the project area, Quaternary alluvial terrace deposits overlie shales and sandstones of the Permian Strawn Group. The Strawn Group is exposed in the northern part, but is weathered with a moderately thick soil cover. Just outside of the project area, remnants of the Lower Cretaceous Travis Peak Formation overlie the Strawn Group. The Travis Peak is primarily composed of sandstones and is part of the Trinity Aquifer. There are no significant sources of groundwater within the project area although the Quaternary terrace deposits contain a small amount of shallow groundwater.

Soils in the project area include the following series or complexes: Abilene; Bosque; Callahan; Callahan-Throck; Deleon; Leeray; Sagerton; Owens-Harpersville; and Winters. These soils are found on floodplains, alluvial terraces, and weathered to deeply weathered sedimentary rock. Slopes primarily range from 0 to 3%, but may reach 8% in areas where the Callahan-Throck complex has developed and may exceed 8% in the Owens-Harpersville terrane. The project area does encompass Important Farmland Soils as defined by the Farmland Protection Policy Act (7 USC 658, Sec 1540(b)). Measures to protect these soils are discussed under Agency Coordination, below.

Surface Water, Floodplains, and Wetlands

The City and entire proposed project area are shown on the Brownwood, Texas, topographic map (attached). The only defined stream within the project area is Delaware Creek, a tributary of Pecan Bayou, part of the Colorado River drainage network. Land along Delaware Creek is

classified as a Zone A Special Flood Hazard Area (SFHA or 100-year floodplain, base flood elevation not determined). In addition, the existing lift station is located along the edge of the Zone A SFHA of Pecan Bayou. The project area encompasses two small artificial wetlands (ponds for watering livestock). As discussed under Agency Coordination (below), local, state, and federal regulators reviewed the proposed action and determined that it would not affect the floodplain.

Flora and Fauna

The City and project area are located in the Cross Timbers ecoregion, a savannah area containing woodlands and agriculturally modified prairies extending from southern Kansas into central Texas. The ranges of many plants and animals found in the western and eastern parts of the state overlap within this region.

Observed Species

In this region, undisturbed habitats generally sustain open stands of drought tolerant bunch grasses and woody shrubs in uplands and riparian woodlands along larger streams. The project area has, however, undergone a century of significant disturbance, primarily tillage agriculture, which has eliminated nearly all natural vegetation. An on-site biological survey of the proposed project area indicated that the current flora differs substantially from that anticipated in natural habitats.

The biological survey included an effort to document the existence of wildlife species, with emphasis on protected horned lizards (*Phrynosoma* spp.). No horned lizards were observed and the City provided no records of direct observations of other species. The sparseness of the vegetation afforded virtually unlimited visual coverage of the area.

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 Brown 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

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 woodlands and shrublands.

Golden-cheeked Warbler (*Setophaga chrysoparia*): LE, E. Oak-juniper woodlands.

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. 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*): C. 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.

Molluscs

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

Texas Fatmucket (*Lampsilis bracteata*): C, T. Slow-moving streams.

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

Texas Pimpleback (*Quadrula petrina*): C, T. Slow-moving streams.

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 is the Texas Horned Lizard. 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 is low. It is also unlikely that the proposed construction and operation of the water treatment facility and irrigation system would affect this species to an extent greater than that of the current land uses.

Archeology and History

North-central Texas is a largely rural area with a few major cities. This region sustained a low-density human population for thousands of years and was occupied nearly continuously since the middle Nineteenth Century. Hunting and gathering, followed by ranching and coal mining were the principal activities until the 1920s, when exploratory drilling led to the discovery of significant petroleum resources. The City provides local government and services and has received economic benefits from its proximity to Brownwood.

A review of the Texas Historical Commission's (THC's) Texas Archeological Sites Atlas disclosed the presence of several known archeological sites near the proposed project area. During coordination with the Texas Historical Commission (THC, see Agency Coordination, below), the City submitted a previous survey of sanitary sewer pipeline alignments adjacent to the current project area. The survey found no intact sites of significance and recommended that no further assessment of the pipeline route was required. Based in part on this information, 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 and service community with a total population of approximately 2,762 residents. Within a one-mile radius of the project area, the population was 1,494 in 2010

with a racial and ethnic composition as follows: 86% non-Hispanic white; 14% Hispanic or Latino, and small numbers of persons of other races. Of a total of 564 residences, 77% were owner-occupied whereas 23% were rental units. The estimated Median Household Income (MHI), adjusted to 2013 dollars, was \$39,776, which was 71.2% of the statewide MHI, \$53,046. The income of approximately 18.6% of residents was below the poverty level, whereas the fraction statewide was 14.8%.

The City expects to repay the CWSRF loan for the project with revenue from its utility services. The current average monthly rate is \$23 per connection, and the charge is expected to increase \$5, to \$28 per connection, a 21.7% increase.

Based on the location of the proposed construction and demographic characteristics of the population, it does not appear that any minority or low-income group would 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

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 seven agencies and others, 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;
- Brown County Floodplain Administrator, Brownwood.

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 October 20, 2015, the USACE designated the project as Project Number SWF-2015-00310 and determined that the proposed project qualified for Nationwide Permit 12 for Utility Line Activities. This permit expires 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 section 10(a)(1)(B) and other applicable regulations. In an electronic message dated July 9, 2015, the USFWS stated that it would not comment on the City's determination that the proposed project would have no effect on listed 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 and the USFWS. Subsequent to notification, mitigation measures will 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 reviewed the project, and in a response dated July 14, 2015, determined that the project would involve conversion of 6.14 acres of Important Farmland Soils as defined in the FPPA. To reduce adverse effects, the NRCS recommended use of approved erosion-control methods during construction.

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 the Zone A Special Flood Hazard Area (100-year floodplain, base flood elevation not determined) of Delaware Creek. In a letter dated June 6, 2015, the FEMA asked the City to coordinate with the local floodplain administrator (see below) and requested compliance with Executive Orders 11988 and 11990. See below regarding coordination with the Brown County Floodplain Administrator.

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 does not participate in the National Flood Insurance Program (NFIP).

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 1, 2015, assigning the project TPWD project number 34765 and providing a series of recommendations. On January 6, 2016, the City addressed each of these recommendations and proposed appropriate mitigation measures (see below). On January 6, 2016, the TPWD concluded that these measures would avoid or mitigate all adverse effects on protected species and their habitats.

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) 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.

City's response: If vegetation clearing activities must occur during the general bird nesting season, March through August, the City will survey the area proposed for disturbance and take all steps consistent with TPWD's recommendations.

2) The City must conduct a pre-construction survey of the project area to determine if horned lizards are present within or directly adjacent to construction areas. If 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. The TPWD recommends use of its best management practices to minimize impacts to horned lizards.

City's response: The City has already conducted a survey of the project area to determine the presence of horned lizards and none were observed. The City will, however, implement the following avoidance measures:

- a) All construction personnel will be instructed to avoid killing, injuring, or making any type of harmful disturbance of 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 the project engineers (Jacob&Martin, LLC) and TPWD. TPWD will be consulted to develop plans to safely relocate the Texas Horned Lizards.

3) The City must review the Brown County list of endangered, threatened, and rare species to identify listed species that may be present in the proposed project area. If during construction, the project area were found to contain protected species or their habitats, the City must notify the TPWD and USFWS and take measures to avoid direct impact.

City's response: The City reviewed information from the USFWS and TPWD regarding endangered, threatened, and rare species in the project area and that information was included in the EID. Should any of these species be encountered during construction, work must stop and

the project engineers (Jacob&Martin, LLC) and TPWD must be contacted for guidance regarding procedures for dealing with the encountered species in the project area.

Note: In addition to the notifications listed above, the USFWS and TWDB also must be contacted. This is a standard emergency condition required for all TWDB-funded projects.

4) Disturbed sites within the project area must be revegetated, including planting or seeding native milkweed (*Asclepias* spp.) and nectar-producing plants where appropriate and sustainable.

City response: Project areas where pipelines are installed will be returned to pre-construction conditions as much as possible after pipeline installation. Should funding for reseeding native milkweed and/or nectar-producing plants become available, reseeding will be investigated for implementation.

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 6, 2015, the THC assigned the project a Tracking Number, 201509515, and indicated that a survey of the project area was required. The City then provided a copy of an archeological report resulting from a survey of sanitary sewer lines adjacent to the current project area in 2003 and requested that this report be used to evaluate the project. In an electronic message dated July 24, 2015, the THC stated that they had reviewed the report and determined that it is unlikely that the project would affect cultural resources and that a new survey was not required.

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.

Brown County Floodplain Administrator

On June 1, 2015, the City asked the Brown County Floodplain Administrator (BCFPA) to review the proposed project. The BCFPA responded on June 27, 2015, stating that the project would have no effect on the floodplain, but that if enclosed structures would be built in the floodplain a Development Permit would be required.

Public Participation

Public information and participation during facilities planning included a public hearing held at 6:00 PM on November 24, 2015, which was advertised in the *Brownwood Bulletin*, a newspaper of general circulation in the City's service area. The notice was published on October 25, 2015, and contained information regarding the availability of planning documents, including the EID, for public review at the Early City Hall during normal business hours for 30 days following publication of the notice. On November 4, 2015, the newspaper publisher duly attested that the

notice had been published as described. 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.

RECOMMENDATION

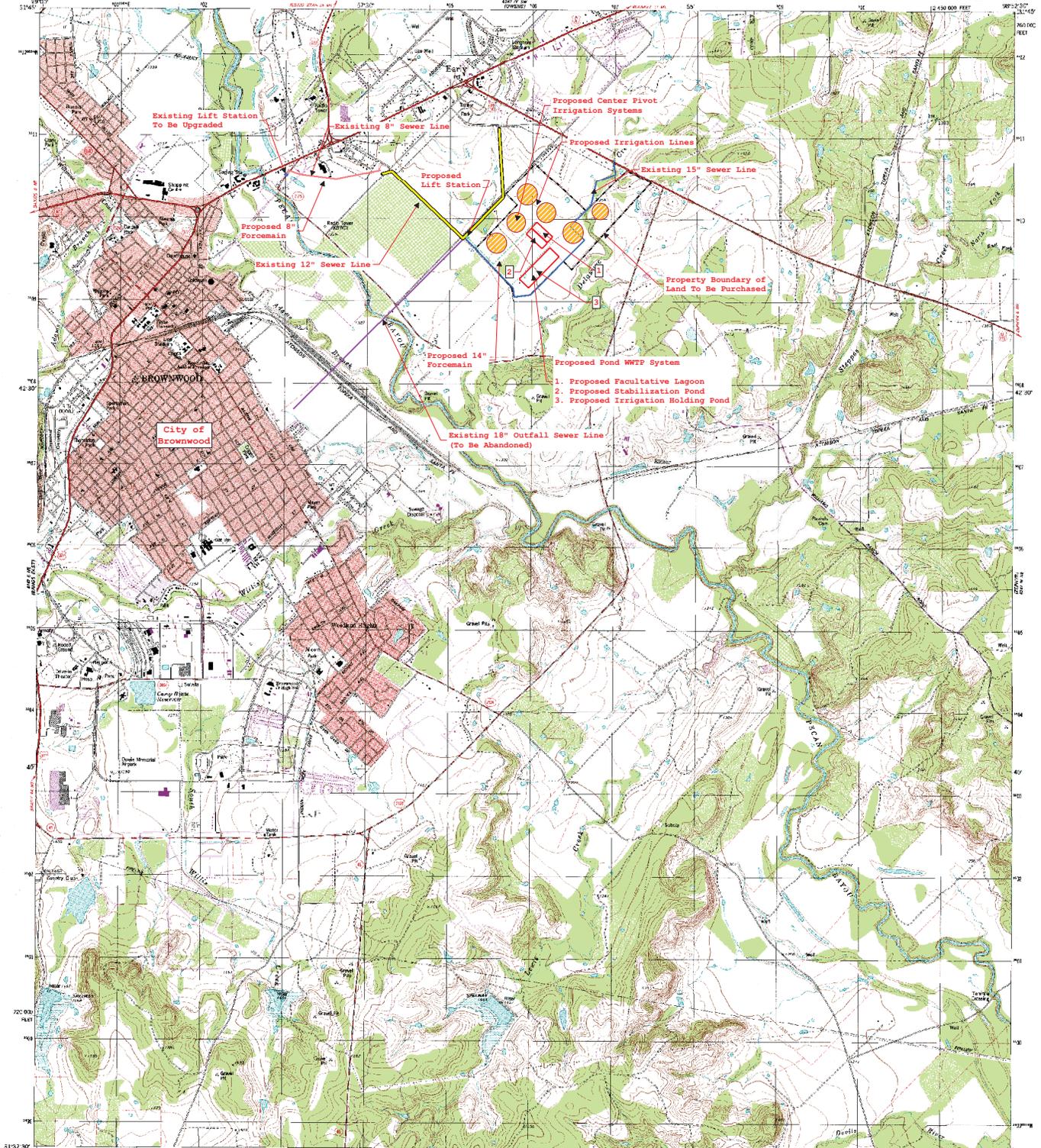
Based upon a detailed review of the Clean Water State Revolving Fund planning information, the Environmental Information Document, this Environmental Assessment, and other documentation, the wastewater treatment plant project proposed by the City of Early is considered to be environmentally sound with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

- The project must adhere to the terms and conditions of Nationwide Permit 12 for Utility Line Activities as issued by the United States Army Corps of Engineers, with an expiration date of March 18, 2017.
- Because the project is expected to result in conversion of 6.14 acres of Important Farmland Soils as defined in the Farmland Protection Policy Act, the City must utilize approved erosion-control methods during construction and must provide a completed copy of Form AD-1006 to the Natural Resource Conservation Service once a final project design is selected.
- The project must comply with Executive Orders 11988 regarding floodplain management and 11990 regarding protection of wetlands.
- If enclosed structures would be built within the Zone A Flood Hazard Area of Delaware Creek, the City must obtain a Development Permit prior to construction.
- To ensure compliance with the Migratory Bird Treaty Act (MBTA), the City must avoid vegetation clearing activities during the general bird nesting season, March through August, to the extent feasible. 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.
- To ensure protection of the Texas Horned Lizard, the City must implement the following avoidance measures:
 - a) All construction personnel will be instructed to avoid killing, injuring, or making any type of harmful disturbance of 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.

Environmental Assessment
City of Early, Brown County
CWSRF 73690

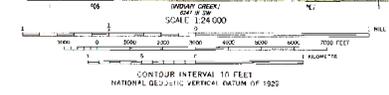
- c) Texas Horned Lizards discovered in any open trenches will be reported to the project engineers (Jacob&Martin, LLC) and TPWD. TPWD will be consulted to develop plans to safely relocate the Texas Horned Lizards.
- Project areas where pipelines are installed will be returned to pre-construction conditions as much as possible after pipeline installation. Should funding for reseeding native milkweed and/or nectar-producing plants become available, reseeding will be investigated for implementation.
 - 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 Early's proposed Wastewater Treatment Plant Project as specified above.



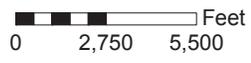
Mapper, edited, and published by the Geological Survey
Controlled by USGS and NGS/NOAA
Topography by photogrammetric methods from aerial photographs
Lake: 1975; Field checked 1976
Projection: U.S. 10,000-foot grid (Zone 16); Texas
coordinate system, central zone (Clarke or for not to be)
1100-meter Universal Transverse Mercator grid, zone 16
1927 North American datum
To date of the projection: North American Datum 1983
more the projection lines 2.5 meters with the
31 meters and are shown by dashed corner ticks
Areas owned by United States Army pattern
are indicated by dashed lines
Red tint indicates areas in which only landmark buildings are shown
Fine red dashed lines indicate selected fence lines

UTM GRID AND U.S. MILEAGE CONTROL
LEGEND ON AT CENTER OF SHEET
Revisions to maps or profiles compiled from aerial
photographs taken 1983 and other sources
This profile or not well checked. Map edited 1987
Purple tint indicates extension of urban areas

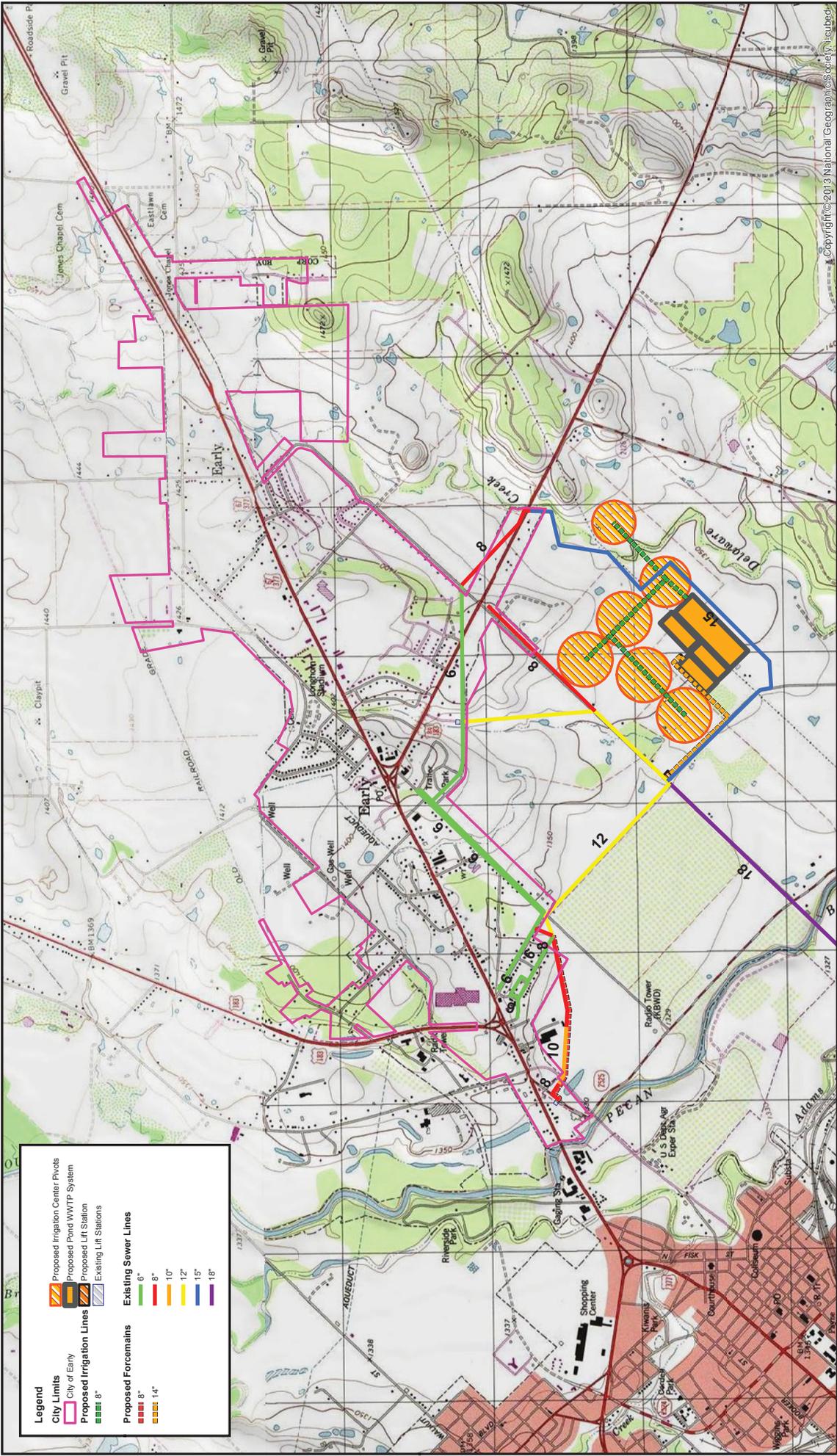


BROWNWOOD LOCATION
3198-323

ROAD CLASSIFICATION
Primary highway: Light-duty road, hard or
paved surface
Secondary highway: Improved surface
Hard surface: Unimproved road
U.S. Route: State Route
3198-323-024
PHOTOCOPYED 1987
1914 EDITION OF 1988

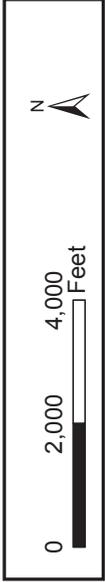


CITY OF EARLY
TWDB - CWSRF - WWTP
MAY 2015

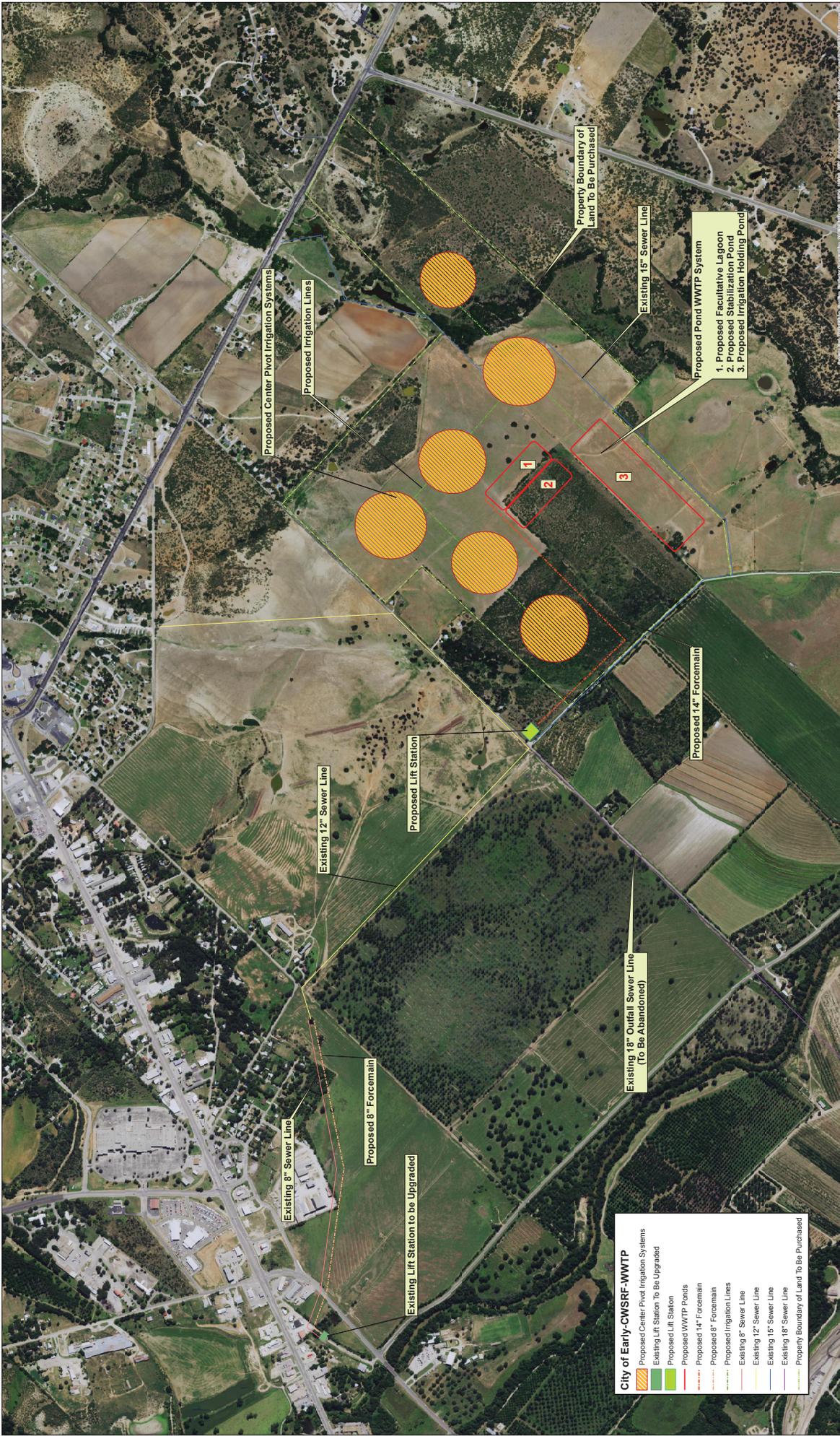


CITY OF EARLY
TWDB-CWSRF-WWTP- REGIONAL PROJECT MAP
OCTOBER 2015

JACOB & MARTIN, LLC.
 ARCHITECTS • ENGINEERS
 EMEF-218



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- City of Early-CWSRF-WWTP**
- Proposed Center Pivot Irrigation Systems
 - Existing Lift Station To Be Upgraded
 - Proposed Lift Station
 - Proposed WWTP Ponds
 - Proposed 14" Forcemain
 - Proposed 8" Forcemain
 - Proposed Irrigation Lines
 - Existing 8" Sewer Line
 - Existing 12" Sewer Line
 - Existing 15" Sewer Line
 - Existing 18" Sewer Line
 - Property Boundary of Land To Be Purchased

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



CITY OF EARLY
 TWDB - CWSRF - WWTP
 2015

