

**October 16, 2020**

**STATEMENT OF FINDINGS**

**TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:**

As required by the rules of the Texas Water Development Board (TWDB) 31 Texas Administrative Code (TAC) Chapter 375.61, an environmental review consistent with the National Environmental Policy Act, 42 United States, Code § 4321, *et seq.* has been performed on the project below. This project is proposed to be funded through the Clean Water State Revolving Fund (CWSRF), which is administered by the TWDB. The Board's Executive Administrator issues this Statement of Findings (SOF) for the following project:

Roman Forest Consolidated Municipal Utility District, Montgomery County, Texas  
TWDB CWSRF Project No. 73839  
Disaster Recovery – Wastewater Treatment Plant Phase I Project  
Buffer Zone Acquisition and Floodplain Mitigation  
Total Financing Amount: \$6,155,000 (LF1001000 and L1000999)

The Roman Forest Consolidated Municipal Utility District (District) is proposing to use \$6,155,000 in funding from the CWSRF to construct a new wastewater treatment plant (WWTP) to replace the District's existing WWTP that was significantly damaged during Hurricane Harvey. The Texas Water Development Board (TWDB) committed this financing on June 4, 2019. The District closed the financing on September 26, 2019. On June 18, 2020, the TWDB issued a Finding of No Significant Impact (FNSI) for the proposed project. After the FNSI was issued, the District submitted a request to the TWDB to modify its original project scope to include the WWTP buffer zone land acquisition and modifications to the floodplain mitigation selective clearing.

Buffer Zone Land Acquisition

According to the Texas Commission on Environmental Quality TAC Chapter 309.13(e)(1), all WWTP units may not be located closer than 150 feet to the nearest property line; therefore, the District is responsible for acquiring a buffer zone of 150-feet around the new WWTP. On September 23, 2020, the Texas Historical Commission stated that for the buffer zone, no additional work is needed given the survey results conducted under Texas Antiquities Permit No. 9064. No construction will occur within the buffer zone; therefore, no additional agency coordination was required for this project component.

Floodplain Mitigation

Selective clearing in Lots 83 and 84 for floodplain mitigation were included in the FNSI. On June 30, 2020, after the FNSI had been issued, the floodplain administrator for the City of Roman Forest stated that floodplain mitigation at 1:1 excavation to fill in the floodplain is recommended for development in the floodplain, in addition to the already proposed

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selective clearing. The proposed WWTP will add a net fill of approximately 3,161 cubic feet within the 100-year floodplain. The District plans to excavate an average of 2-feet within the area already delineated for selective clearing as well as an area along the east bank of Peach Creek from the southern property line of Lot 83 to the northern property line of Lot 90 in order to balance the excavation/fill with a net fill of zero cubic feet. The two identified jurisdictional wetlands and Peach Creek will be protected during construction with the use of silt fences and other stormwater pollution prevention plan best management practices. The project boundaries reviewed previously during agency coordination has not changed, with the exception to the added WWTP buffer zone.

The District has stated that no work will be conducted below the ordinary high-water mark (OHWM) of Peach Creek. The OHWM of Peach Creek is at an elevation of approximately 56-feet. All work along the east bank of Peach Creek is planned to be at or above an elevation of approximately 62-feet; therefore, all work will be conducted at least 6-feet above the OHWM of Peach Creek. This additional mitigation through means of selective clearing will result in no-rise to Peach Creek after construction is complete. The excavated areas will be hydromulch seeded in order to restore turf to like or better conditions.

On December 4, 2019, the District coordinated with the United States Army Corps of Engineers (USACE) requesting a preliminary jurisdictional determination (PJD) and delineation verification of the approximate 7-acre tract. The USACE reviewed the proposed project in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 and provided a response letter dated May 18, 2020 (Project Number SWG-2019-00798). The USACE issued a PJD for the two wetlands comprising approximately 0.08-acres. Computation of impacts made on the basis of the PJD will treat these aquatic features as if they are jurisdictional waters of the United States. As such, the two wetlands appear to be subject to Section 404 of the Clean Water Act. Therefore, a Department of the Army permit is required prior to the discharge of any dredged and/or fill material into the wetlands. Based on the PJD and a review of the project plans, the USACE determined that the proposed project will avoid the wetlands and will not impact waters of the United States; therefore, construction of the WWTP is not subject to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act and does not require a Department of the Army permit. The additional mitigation areas will avoid the wetlands and not trigger a need to require a Department of the Army permit for this work.

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### **CONDITIONS AND RECOMMENDATIONS**

The revised project components are in the same general area and have the same nature and purpose as those covered by the FNSI dated June 18, 2020. Therefore, no additional agency coordination was required regarding the proposed amendment to the change of scope.

The decision to grant a Statement of Findings is allowed because the specified project elements should not cause significant adverse impacts to the quality of the human environment. Documentation supporting this determination is on file at the TWDB.

This determination will be revoked if it is found that:

- (1) the project no longer meets the requirements for a Categorical Exclusion as a result of changes in the project;
- (2) the project involves extraordinary circumstances as described in 31 TAC § 371.41; or
- (3) the project may violate or has violated federal, state, local, or tribal laws.

All relevant conditions from the previously issued TWDB environmental determinations will continue to apply. Based upon a detailed review of the CWSRF planning information for the proposed change of scope, the Environmental Information Document, documentation, and coordination, this Statement of Findings and the District's proposed change to the project scope is considered environmentally sound with the following conditions:

- As per an agreement with the Texas Parks and Wildlife Department (TPWD Project No. 42592 and 43490), to ensure compliance with the Migratory Bird Treaty Act, clearing vegetation will occur outside of nesting season (March 15 through September 15) or if clearing must occur during the nesting season, nest surveys should be conducted prior to clearing. Nest surveys should be carried out not more than five days prior to scheduled clearing. If nests are observed during surveys, a vegetation buffer area of no less than 150-feet in diameter should remain around the nest until all young have fledged;
- In order to comply with requirements of the Federal Emergency Management Agency regarding implementation of the National Flood Insurance Act, Flood Disaster Protection Act, National Flood Insurance Reform Act, Federal Executive Orders 11988 and 11990, and to comply with related state statutes and local floodplain development ordinances, proponents of construction projects in special

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flood hazard areas must coordinate in advance with the local floodplain administrator and obtain a floodplain development permit prior to design approval;

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

Comments regarding this determination may be submitted to the Director of Regional Water Project Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.



0      1,500      3,000      6,000  
 Feet  
 Image Source: ESRI  
 Project Boundary (± 7 Acres)

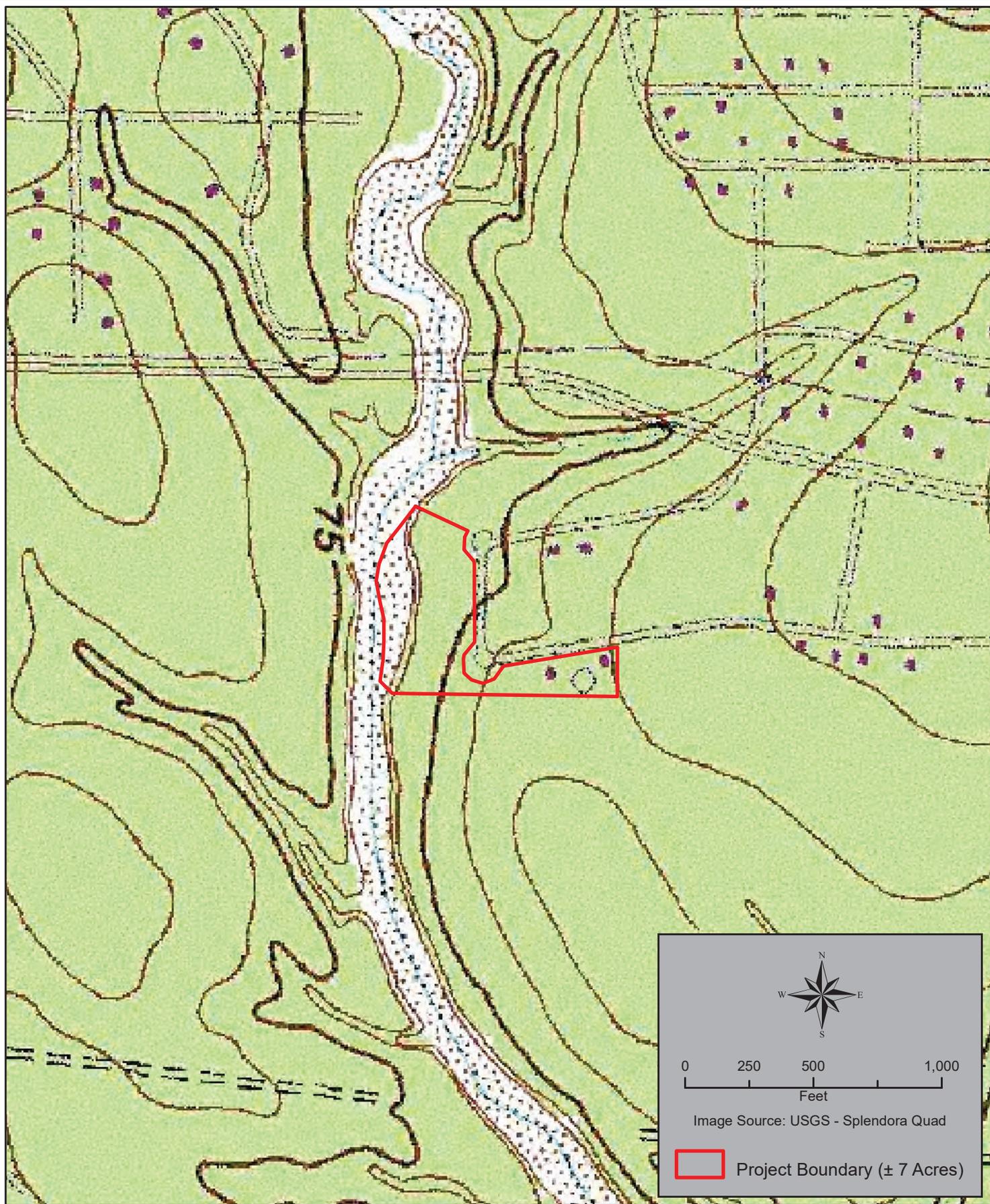
**SITE LOCATION MAP**

Project #: BOA 11237N-WD (LJA E210-009.901)  
 For: Roman Forest Consolidated MUD  
 Location: Roman Forest Consolidated MUD WWTP  
 Montgomery County, Texas

REVISIONS

**BERG•OLIVER ASSOCIATES, INC.**  
 ENVIRONMENTAL SCIENCE & LAND USE CONSULTANTS  
 14701 ST. MARY'S LANE, SUITE 400  
 HOUSTON, TEXAS 77079 PHONE (281)589-0898 <http://www.bergoliver.com>





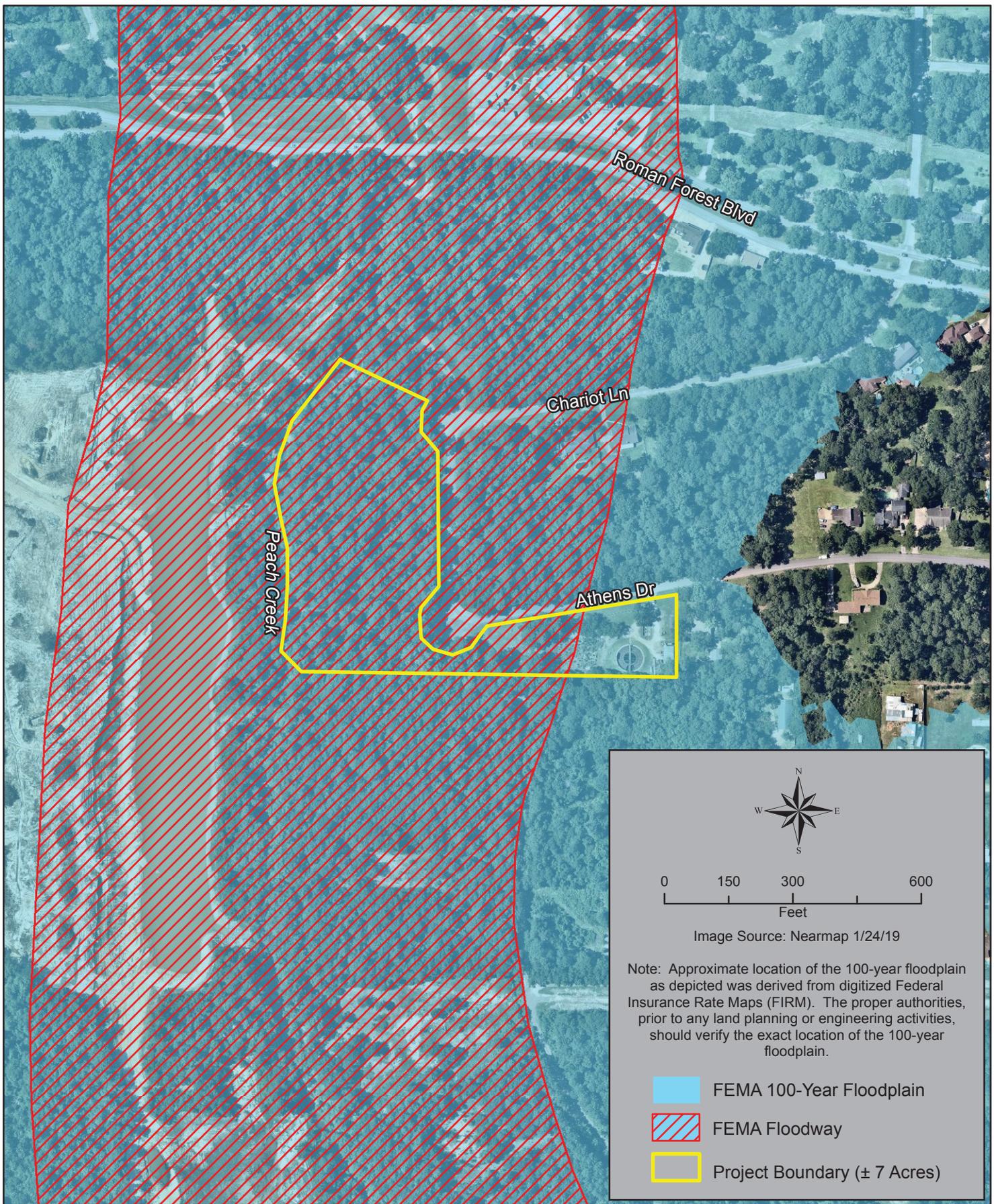
**USGS TOPOGRAPHIC MAP**

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 0      150      300      600  
 Feet  
 Image Source: Nearmap 1/24/19

Note: Approximate location of the 100-year floodplain as depicted was derived from digitized Federal Insurance Rate Maps (FIRM). The proper authorities, prior to any land planning or engineering activities, should verify the exact location of the 100-year floodplain.

- FEMA 100-Year Floodplain
- FEMA Floodway
- Project Boundary (± 7 Acres)

**FEMA 100-YEAR FLOODPLAIN ON NEARMAP AERIAL**

**Project #:** BOA 11237N-WD (LJA E210-009.901)  
**For:** Roman Forest Consolidated MUD  
**Location:** Roman Forest Consolidated MUD WWTP  
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**BENCHMARK**  
**FLOODPLAIN RM No. 070555**  
 TEXAS SOUTH CENTRAL / NAD 83  
 BRASS DISC STAMPED "KEEFER 1942"  
 FROM THE INTERSECTION OF WOODBRANCH DRIVE AND LINWOOD STREET, GO NORTH +/-777' TO A DRIVEWAY ON THE EAST SIDE OF LINWOOD STREET. MARK IS +/-70' EAST OF THE CENTERLINE OF LINWOOD STREET.  
 NORTHING: 10070438.40' EASTING: 3920702.11'  
 ELEV: 112.95' (NAVD 1988, 2001 ADJ.)

**TBM #1**  
 CUT BOX ON REINFORCED CONCRETE PIPE.  
 NORTHING: 10063798.211' EASTING: 3925512.677'  
 ELEV: 77.06' (NAVD88 2001ADJ.)

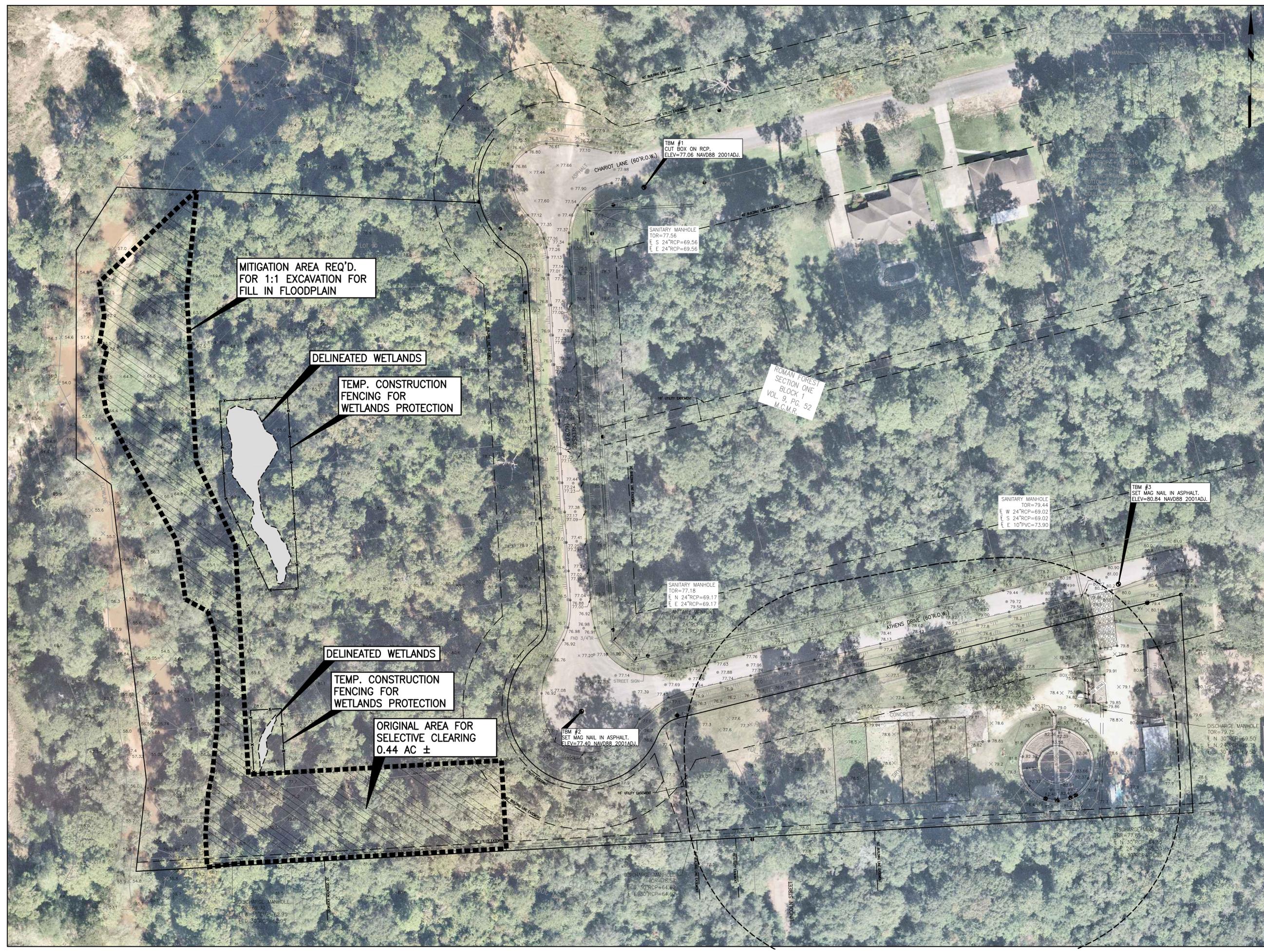
**TBM #2**  
 SET MAG NAIL IN ASPHALT.  
 NORTHING: 10063328.451' EASTING: 3925456.521'  
 ELEV: 77.40' (NAVD88 2001ADJ.)

**TBM #3**  
 SET MAG NAIL IN ASPHALT.  
 NORTHING: 10063442.456' EASTING: 3925938.874'  
 ELEV: 80.84' (NAVD88 2001ADJ.)

**NOTES:**  
 1. BEARINGS AND COORDINATES SHOWN HEREON ARE SURFACE, BASED ON THE TEXAS CENTRAL STATE PLANE NAD83 COORDINATE SYSTEM. COORDINATES MAY BE CONVERTED TO GRID COORDINATES BY MULTIPLYING THE SCALE FACTOR OF 0.9999866732  
 2. NO TITLE COMMITMENT FURNISHED AT TIME OF SURVEY. SUBJECT TO ANY EASEMENT OF RECORD. WE SUGGEST A TITLE SEARCH.  
 3. SUBJECT TO ANY BUILDING AND OR ZONING ORDINANCES IN THE CITY OF ROMAN FOREST, MONTGOMERY COUNTY, TEXAS THAT MAY BE IN EFFECT AT THE TIME OF THIS SURVEY.

**FLOOD STATEMENT:**  
 I HAVE EXAMINED THE FLOOD I HAVE EXAMINED THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48339C0600 C, DATED AUGUST 8, 2014 AND HAVE DETERMINED THAT THE TRACT HEREBY SURVEYED LIES WHOLLY WITHIN ZONE "AE". AREAS WHERE BASE FLOOD ELEVATIONS HAVE BEEN DETERMINED: BFE: 85.0'  
 NOTE: THIS STATEMENT IS BASED ON THE SCALED LOCATION OF SAID SURVEY ON THE ABOVE REFERENCED MAP. THIS INFORMATION IS TO BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOOD CONDITIONS.

LEGEND	
●	MANHOLE
○	HIGHBANK ELEVATION
○	CONCRETE ELEVATION
○	EDGE OF GRAVEL ELEVATION
○	SIGN
○	IRON ROD
○	FENCE CORNER
○	WATER VALVE
○	FIRE HYDRANT
○	WATER METER
○	IRON PIPE
□	BUILDING
□	CORROGATED METAL PIPE
□	ELECTRIC JUNCTION BOX
□	IRON ROD
□	IRON PIPE
□	FINISH FLOOR ELEV.
□	FOUND POWER POLE
□	GUY WIRE
□	FIRE HYDRANT
□	FLOWLINE
□	LIGHT POLE
□	PEDESTAL
□	REINFORCED CONCRETE PIPE
□	RIGHT OF WAY
□	TEMPORARY BENCH MARK
□	TELEPHONE
□	TOP OF RIM
□	TYPICAL
□	WATER METER
□	MONTGOMERY COUNTY MAP RECORDS

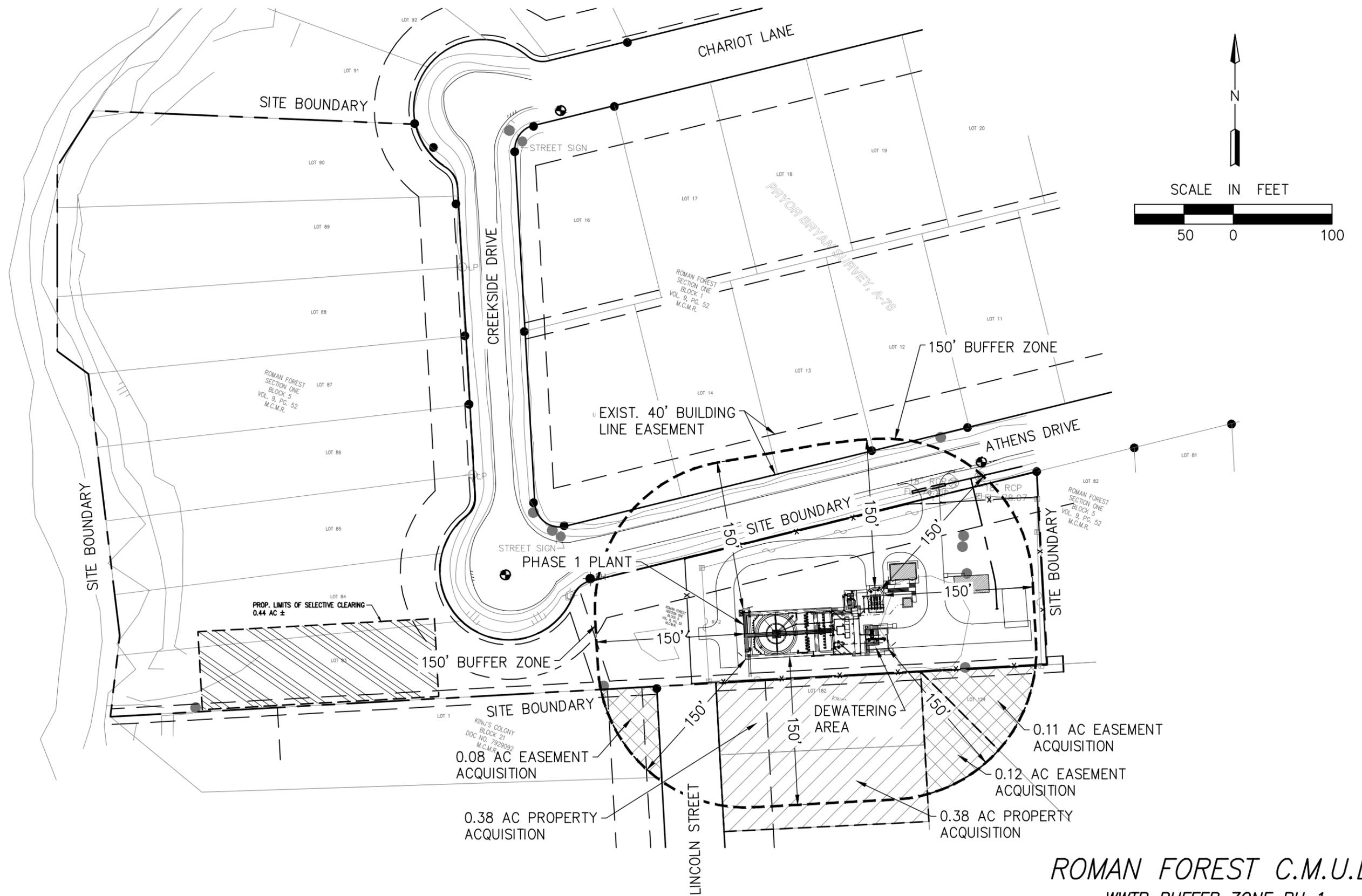


## ROMAN FOREST WASTE WATER TREATMENT PLANT

**TOPOGRAPHY**  
 4 - 9 - 2019

**LJA Engineering & Surveying, Inc.**  
 11821 East Freeway Suite 400 Houston, Texas 77029  
 Phone 713.450.1300 Fax 713.450.1385 FRN - F-1386

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**ROMAN FOREST C.M.U.D.**  
**WWTP BUFFER ZONE PH 1**  
**EXHIBIT NO. 7**

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