

October 2, 2020

TO: ALL POTENTIALLY INTERESTED PARTIES:
RE: City of Kerrville. Kerr County, Texas
TWDB CWSRF Project No. 73840
Redesign and Relocation of Reclaimed Water Lines
Infrastructure Removal and Storage - Emergency Relief
Total Financing Amount: \$1,000,000
TWDB Commitment Nos. LF1001109 and LF1001128

The attached document is being provided for your information. This is not a permit application. No action is required from your agency.

The attached document is an environmental determination issued by the Texas Water Development Board (TWDB) for a proposed project to be funded through the TWDB. Pursuant to the environmental assessment requirements of 31 Texas Administrative Code (TAC) § 375.61, the Executive Administrator of the TWDB has determined that the proposed action described in the attached documents may be exempted from formal environmental review requirements. A review by TWDB staff included a consideration of potential environmental impacts and permitting requirements. If there were any concerns about particular regulations or permits, the appropriate regulatory agency would have been contacted for clarification, and this would be described in the attached environmental determination.

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 or via email at RWPD-Environmental@twdb.texas.gov.

October 2, 2020

CATEGORICAL EXCLUSION

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As provided by the state environmental review process adopted in the rules of the Texas Water Development Board (TWDB), 31 Texas Administrative Code (TAC) § 375.61 for projects to be funded through the Clean Water State Revolving Fund (CWSRF) Program and consistent with the National Environmental Policy Act, 42 United States Code § 4321, *et seq.*, the TWDB staff has determined that the proposed action identified below may be exempted from formal environmental review requirements:

City of Kerrville, Kerr County, Texas
TWDB CWSRF Project No. 73840
Redesign and Relocation of Reclaimed Water Lines
Infrastructure Removal and Storage - Emergency Relief
Total Financing Amount: \$1,000,000
TWDB Commitment Nos. LF1001109 and LF1001128

The City received Clean Water State Revolving Fund Emergency Relief funding in the form of \$1,000,000 in principal forgiveness for the planning and design phases of a project to remove two damaged wastewater reuse lines and steel support infrastructure from the river, and obtain funds for planning, acquisition and design of replacement lines. The reclaimed water lines are to be affixed to the Veterans Highway (Loop 534) Bridge.

A Categorical Exclusion dated June 5, 2020, was issued for a portion of the project that included the removal of two damaged wastewater reuse lines and steel bridge frame assembly debris from the Guadalupe River.

This Categorical Exclusion addresses the reclaimed water lines that will be affixed to the Veterans Highway Bridge, hereafter referred to as the proposed project. Currently, there is an existing 8-inch reclaimed waterline and abandoned 8-inch sanitary sewer force main suspended from the bridge. The existing 8-inch reclaimed waterline suspended from the bridge is proposed to remain in service. A primary 12-inch reclaimed waterline will be suspended underneath the Veterans Highway bridge between beam supports along with a secondary 12-inch line for system redundancy and capacity. The primary reclaimed waterline would be located within the next available space between the bridge beams, adjacent to the existing 8-inch reclaimed waterline. The existing abandoned sanitary sewer

line is proposed to be removed, and the secondary reclaimed water line would be installed in its place. The primary and secondary reclaimed waterlines are proposed to connect to the existing 12-inch reclaimed water line on the north side of the bridge and the existing 8-inch reclaimed waterline on the south side of the bridge. The reclaimed waterlines are proposed to be suspended from the roof deck following TxDOT requirements for fastening the pipes to the bridge in a manner similar to how the existing pipes are fastened.

In order to ensure that there will be no adverse environmental impacts associated with the construction, the City coordinated with the Texas Historical Commission (THC), and Texas Parks and Wildlife Department (TPWD).

Texas Historical Commission

The THC reviewed the proposed project in accordance with Section 106 of the National Historic Preservation Act as well as the Antiquities Code of Texas, and in a response dated March 20, 2020 (THC Tracking No. 202009312), indicated that no historic properties would be affected and that the project may proceed.

Texas Parks and Wildlife Department

The TPWD Wildlife Habitat Assessment Program reviewed the proposed project in accordance with the Texas Parks and Wildlife Code (TPW Code), and provided a response dated June 29, 2020, TPWD Project number 43993. The TPWD made recommendations and Mikaela Vara of Kimley-Horn responded on behalf of the City as described below.

General Construction Recommendations

Recommendation: The judicious use and placement of sediment control fence to exclude wildlife from the construction area is recommended. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated. For linear projects, such fencing could be installed and maintained for only the active-construction part(s) of the project. Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. The TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. Trenches left open for more than two daylight hours should be inspected for the presence of trapped wildlife prior to backfilling. If trenches/excavation areas cannot be backfilled

the day of initial excavation, then escape ramps should be installed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface at an angle less than 45 degrees, ratio of horizontal distance to vertical distance of one horizontal foot for every one foot of depth.

Response: Sediment control fence to exclude wildlife and modified silt fence for water quality protection to exclude wildlife will be included in the construction plans. Orange fencing around construction area will be temporarily installed to limit and prevent wildlife encroachment. Although the project is not expected to result in more than one acre of earth disturbance, the project sponsor will include an Erosion and Sediment Control (ESC) Plan as part of the project's contract documents. The ESC plan is anticipated to include silt fence downgradient of disturbed areas. Encircling disturbed areas with silt fence would restrict construction access and will not be included in the ESC Plan. However, contractors will be instructed to encircle disturbed areas (including excavations) with orange safety fence between periods of active construction. Furthermore, in the event that wildlife enters the safety fence, contractors will be instructed to open the safety fence and allow any entrapped wildlife to safely exit the project area.

Recommendation: The TPWD recommends that hydro-mulching and/or hydro-seeding be used for slope stabilization/revegetation rather than erosion control blankets or mats which pose an entanglement hazard to wildlife. If erosion control mats or blankets will be used, products that contain no netting or loosely woven natural fiber netting should be used, avoiding any type of plastic netting.

Response: Native seed mix will be implemented based on City of Kerrville/TxDOT availability and usage. Revegetation is expected to be completed using hydromulch or drill-seeding.

Impacts to Vegetation/Wildlife Habitat

Recommendation: TPWD recommends reducing the amount of vegetation proposed for clearing if possible and minimizing clearing of native vegetation, particularly mature native trees, riparian vegetation, 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 Native Plant Database for regionally adapted native species that would be appropriate for landscaping and revegetation.

Response: The project has been designed to minimize such disturbance by locating construction activities in areas that were previously modified or disturbed by previous construction and/or land use. The areas of impact primarily include regularly maintained areas, gravel access roads, and concrete embankments. Revegetation will be conducted using native seed mixes on City of Kerrville/TxDOT availability and usage. Revegetation is expected to be completed using hydromulch or drill-seeding.

Recommendation: TPWD recommends incorporating pollinator conservation and management into the revegetation and maintenance plan for this project, such as promoting growth of native flowering species throughout the growing season. TPWD recommends revegetation efforts include planting or seeding native milkweed (*Asclepias* spp.) and nectar plants as funding and seed availability allow. Information about monarch biology, migration, and butterfly gardening can be found on the Monarch Watch website.

Response: Revegetation will be conducted using native seed mixes when possible.

Recommendation: TPWD advises against planting the non-native milkweed species black swallow-wort (*Cynanchum louiseae*) and pale swallow-wort (*C. rossicum*). Monarch butterflies will lay eggs on these plant species, but the larvae are unable to feed and complete their life cycle. Additionally, these plant species can be highly invasive. Additionally, TPWD advises against planting the non-native tropical milkweed (*Asclepias curassavica*), a popular commercial nursery milkweed that can persist year-round in southern states. The year-round persistence of tropical milkweed fosters greater transmission of the protozoan *Ophryocystis elektroscirrha* (OE), increasing the likelihood that monarchs become infected with the debilitating parasite.

Response: Revegetation will be conducted using native seed mixes when possible.

Aquatic Resources Impacts

Marl, Sand, Gravel, Shell, or Mudshell Permits

Recommendations: The project proponent should determine whether the Sand and Gravel Program permit is needed. Tom Heger (Tom.Heger@tpwd.texas.gov or 512-389-4583) should be contacted about this permit.

Response: Permit requirements will be followed according to TPWD protocol. Per an email dated July 9, 2020 from Tom Heger of TPWD, no sand and gravel permit is required provided the lines crossing the river will hang on the bridge and all disturbance/excavation will be on the floodplain outside the river.

Protected Species and Aquatic Resources Relocation

Recommendation: TPWD recommends that impact avoidance measures for aquatic organisms, including all native fish and freshwater mussel species, regardless of listing status, be considered during project planning and construction activities.

Response: No direct impacts to the river are anticipated. Indirect impacts would be mitigated with silt fencing and other water quality BMPs. To be included in construction plans.

Recommendation: For dewatering activities or other construction-related activities that may impact fish and wildlife resources, the project proponent should coordinate with TPWD (Travis.Tidwell2@tpwd.texas.gov or 512-389- 8612) regarding any required TPWD Aquatic Resource Relocation Plan (ARRP) and/or Aquatic Introduction Permit (AIP) prior to initiating any construction activities. The responsible party may be liable for replacement costs for fish and wildlife mortalities resulting from these types of activities (TPW Code 12.301). The process for determining the replacement value and cost of fish and wildlife resources can be found in 31 TAC 69.19-69.29.

Response: The proposed project does not require dewatering of the Guadalupe River or the placement of materials or equipment in the water. No direct impacts to the river are anticipated. Indirect impacts (e.g., sedimentation) will be mitigated with silt fencing and other water quality BMPs. To be included in construction plans.

Recommendation: TPWD recommends avoiding construction during the spawning period of the Guadalupe bass and the Texas shiner if feasible. Avoiding construction during a species' spawning period may reduce the potential for adverse impacts to water quality and the habitat of these species.

Response: No direct impacts to the river are anticipated. Indirect impacts will be mitigated with silt fencing and other water quality BMPs. To be included in construction plans.

Ecologically Significant Stream Segment

Recommendation: TPWD recommends ensuring that precipitation runoff, which could potentially carry pollutants, is intercepted and treated before reaching the Guadalupe River by installing storm water beneficial management practices (BMPs). TPWD recommends installing erosion and sediment control BMPs that would aide in construction stabilization. Erosion and sediment control measures include temporary or permanent seeding (with native plants), mulching, earth dikes, silt fences, sediment traps, and sediment basins. Examples of post-construction BMPs include vegetation systems (biofilters) such as grass filter strips and vegetated swales as well as retention basins capable of treating any

additional runoff. Please also refer to the General Construction Recommendations section of this letter for erosion and seed/mulch stabilization materials TPWD recommends utilizing and avoiding.

Response: Erosion and stormwater control BMPs will be included in the construction plans.

Designated Mussel Sanctuary

Recommendation: All waterways and associated floodplains, riparian corridors, springs, and wetlands, regardless of their jurisdictional status, provide valuable wildlife habitat and should be protected to the maximum extent possible. Natural buffers contiguous to any wetlands or aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. During construction, trucks and equipment should use existing bridge or culvert structures to cross creeks, and equipment staging areas should be located in previously disturbed areas outside of riparian corridors.

Destruction of inert microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms should be avoided, as these provide habitat for a variety of fish and wildlife species and their food sources. Erosion controls and sediment runoff control measures should be installed prior to construction and maintained until disturbed areas are permanently revegetated using site-specific native vegetation. Measures should be properly installed in order to effectively minimize the amount of sediment and other debris entering the waterway.

Response: Construction will occur in areas that have been previously disturbed. Two existing bridges (a low-water crossing/culvert and the Veterans Highway bridge) will facilitate river crossings.

Federal Law: Migratory Bird Treaty Act

Recommendation: In order to ensure compliance with the Migratory Bird Treaty Act (MBTA), vegetation clearing should be avoided during the bird nesting season (March 15 through August 15). However, if clearing must occur during nesting season, nest surveys should be conducted prior to clearing. Nest surveys should take place within 5 days of scheduled clearing in order to maximize the detection of active nests. 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. TPWD recommends performing daytime surveys for nests including under bridges to determine if they are active before removal. Nests that are active should not be disturbed. TPWD recommends avoiding the removal of unoccupied, inactive nests, as practicable. TPWD also recommends the project proponent

prevent the establishment of active nests during the nesting season on any bridges, culverts, or other structures proposed for disturbance during construction activities. Do not collect, capture, relocate, or transport birds, eggs, young, or active nests without a permit.

Response: These recommendations will be included in construction plans in accordance with federal recommendations.

State Law: Parks and Wildlife Code - Chapter 64, Birds

Recommendation: Please review the Federal Law: Migratory Bird Treaty Act section above for recommendations as they are also applicable for Chapter 64 of the TPW Code compliance.

Response: These recommendations will be included in construction plans.

State Law: State-Listed Species

Cagle's map turtle (Graptemys caglei)

Recommendations: TPWD recommends implementing BMPs to avoid and/or minimize potential impacts to the Cagle's map turtle that could occur as a result of the construction of the proposed project.

Response: The proposed project will include silt fence and orange safety fencing around construction area to limit and prevent wildlife encroachment. Any wildlife discovered within construction fencing will be allowed to safely leave the construction site. No direct impacts to the river (including logs, rocks, and riffles) are anticipated. Indirect impacts will be mitigated with silt fencing and other water quality BMPs. The use of existing bridges and culverts will be maximized.

White-nosed coati (Nasua narica)

Recommendation: If the white-nosed coati is found during clearing or construction, TPWD recommends that precautions be taken to avoid direct or indirect impacts to this species or their dens.

Response: Orange fencing around construction area will be used to limit and prevent wildlife encroachment. Any wildlife discovered within construction fencing will be allowed to safely leave.

Species of Greatest Conservation Need

Recommendation: TPWD recommends surveying the project limits for potential bat habitat. Surveys should be conducted by a qualified biologist to determine roost site potential and occupancy. Bat surveys of structures or features should include visual inspections for the presence of bats. If bats are present or recent signs of occupation (i.e., piles of guano, distinct musky odor, or staining and rub marks at potential entry points) are observed, take appropriate measures to ensure that bats are not harmed, such as implementing non-lethal exclusion activities or timing or phasing of construction. For roosts where occupancy is strongly suspected but unconfirmed during the initial survey, revisit feature(s) at most four weeks prior to scheduled disturbance to confirm absence of bats.

Response: These recommendations will be included in project development and construction plans.

Recommendation: For exclusion of bats, TPWD recommends locating and sealing the entrances through which bats make ingress or egress. Before excluding bats from any occupied structure/feature, bat species, weather, temperature, season, and geographic location must be incorporated into any exclusion plans to avoid unnecessary harm or death to bats. Winter exclusion must entail a survey to confirm either, 1) bats are absent or 2) present but active (i.e. continuously active – not intermittently active due to arousals from hibernation). Prior to exclusion, ensure that alternate roosting habitat is available in the immediate area. If no suitable roosting habitat is available, install alternate roosts to mitigate for the loss of an occupied roost. If alternate roost sites are not provided, bats may seek shelter in other inappropriate sites, such as buildings, in the surrounding area. Exclusion devices can be installed by a qualified individual between September 1 and March 31. Exclusion devices should be used for a minimum of seven days when minimum nighttime temperatures are above 50°F and minimum daytime temperatures are above 70°F.

Response: These recommendations will be included in project development and construction plans.

Species of Concern/Special Features

Recommendation: TPWD recommends that the area proposed for disturbance be surveyed for the following species of greatest conservation need (SGCN) plant species where suitable habitat is present including: Texas amorphia (*Amorpha roemeriana*), darkstem noseburn (*Tragia nigricans*), tree dodder (*Cuscuta exaltata*), and big red sage (*Salvia pentstemonoides*). Surveys should be conducted when these species are most detectable and identifiable (usually during their respective flowering periods), and

disturbance should be avoided during construction to the extent feasible. If any of these species are found in the path of construction, this office should be contacted for further coordination and possible salvage of plants and/or seeds for seed banking. Plants not in the direct path of construction should be protected by markers or fencing and by instructing construction crews to avoid any harm.

Response: Site visit in Spring 2020 did not identify the presence of these species. Additional species-specific surveys are not proposed at this time. Given the highly altered condition of the project area (i.e., mowed roadside, gravel access road, and paved embankment), there is a low probability of impacts to suitable habitat.

Recommendation: If the western spotted skunk is found during clearing or construction, TPWD recommends that precautions be taken to avoid direct or indirect impacts to this species or their dens.

Response: Include orange fencing around construction area to limit and prevent wildlife encroachment. Any wildlife discovered within construction fencing will be allowed to safely leave. To be included in construction plan.

Texas Natural Diversity Database

Recommendation: The TXNDD is updated continuously based on new, updated and undigitized records; therefore, TPWD recommends requesting the most recent TXNDD data on a regular basis. For questions regarding a record or to request the most recent data, please contact TexasNatural.DiversityDatabase@tpwd.texas.gov.

Response: Encounters of SGCN, state-listed, and federally listed species will be reported to the TXNDD.

Recommendation: To aid in the scientific knowledge of a species' status and current range, TPWD encourages project proponents and their contractors report all encounters of SGCN, state-listed, and federally-listed species to the TXNDD according to the data submittal instructions found on the TXNDD website.

Response: The proposed project will comply with all regulatory federal, state, and local laws.

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

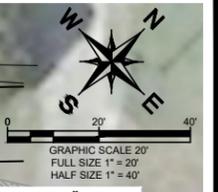
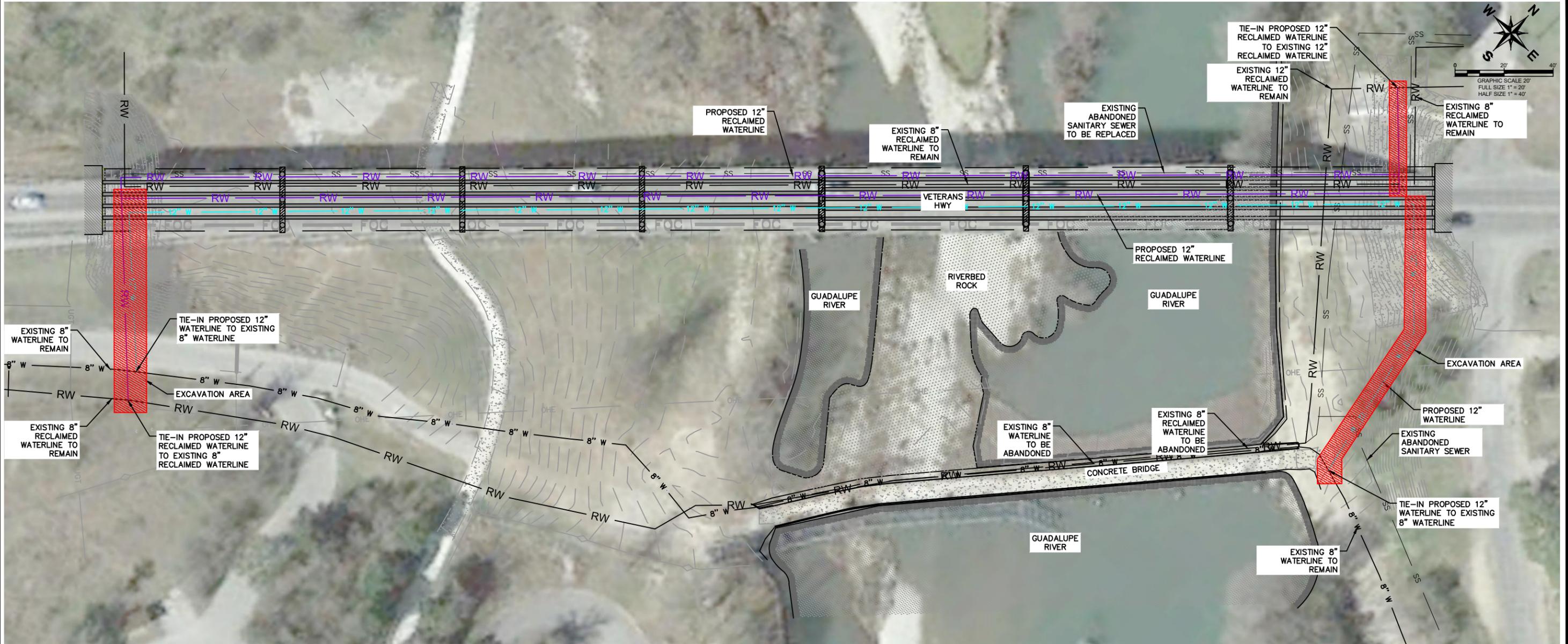
This determination shall be revoked if it is found that:

- (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 § 375.61; or
- (3) the project may violate or has violated federal, state, local, or tribal laws.

The City has committed to the mitigation measures and has the ability and authority to do so. The project also must comply with the following conditions:

- In order to comply with requirements of the Federal Emergency Management Agency regarding implementation of the 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, proponents of construction projects in special flood hazard areas must coordinate in advance with the local floodplain administrator and obtain a floodplain development permit prior to construction;
- To ensure compliance with the Migratory Bird Treaty Act, vegetation clearing will be not be performed, if possible, during the migratory bird nesting period from March 15 through September 15, to avoid adverse impacts to breeding birds. If clearing vegetation during the migratory bird nesting season is unavoidable, then a survey of the proposed project area will be conducted to ensure that no nests with eggs or young will be disturbed by operations. A minimum 150-foot buffer of vegetation remain around any nests that are observed prior to disturbance. Any vegetation (such as trees, shrubs, and grasses) or other open areas where occupied nests are located will not be disturbed until the eggs have hatched and the young have fledged;
- Standard emergency condition for the discovery of cultural resources; and
- Standard emergency condition for the discovery of threatened and endangered species.

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 or via email at RWPD-Environmental@twdb.texas.gov.



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 DWG NAME
 06/24/20

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No.	Revision	By	Date

KERRVILLE GUADALUPE RIVER CROSSING

SHEET
 DESIGN ALTERNATIVE #1
 EXHIBIT

DATE: JULY 2020	KHA PROJECT NO. 064241005	SHEET NO. EX1
DESIGN: KHA		
DRAWN: KHA		
CHECKED: KHA		