



P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

ENVIRONMENTAL DETERMINATION

TO: File

FROM: T. Clay Schultz, Ph.D., Director, Regional Water Project Development

DATE: April 15, 2024

RE: Lazy River Improvement District, Montgomery County, Texas
TWDB DFUND Project No. 21808
Lazy River Improvement District Wastewater Treatment Plant Improvements
Total Commitment Amount: \$3,425,000
Loan No. L1001610

The environmental review for the Lazy River Improvement District's (District) proposed Wastewater Treatment Plant (WWTP) Improvements project has been completed consistent with 31 Texas Administrative Code (TAC) § 363.14. The District is proposing to use \$3,425,000 in financing from the Water Development Fund (DFUND) Program to upgrade and repurpose existing equipment in order to extend the service life of the existing WWTP. Several components of the District's WWTP are approaching the end of their useful service life. Furthermore, the sizing of the WWTP's components do not meet the current requirements set forth by the Texas Commission on Environmental Quality (TCEQ). This project is needed in order to meet the needs of those served by District. The Texas Water Development Board (TWDB) committed this financing on April 6, 2023. The District closed the financing on August 22, 2023.

This environmental review is documented by the enclosed Environmental Determination (ED), which contains mitigative environmental conditions that will be applied to the project to avoid significant adverse impact on waters of the U.S., floodplains, cultural or historical resources, threatened or endangered species, and protected migratory bird species.

Based on a detailed environmental review of the planning information, the Environmental Data Form received by the TWDB on November 21, 2023, with the supplementary materials submitted to the TWDB on November 28, 2023, and March 4, 2024, the project meets the requirements of 31 TAC § 363.14 with the following special and standard environmental conditions:

Our Mission	:	Board Members
Leading the state's efforts in ensuring a secure water future for Texas	:	Brooke T. Paup, Chairwoman George B. Peyton V, Board Member L'Oreal Stepney, P.E., Board Member Bryan McMath, Interim Executive Administrator

Environmental Determination

Lazy River Improvement District, Montgomery County, Texas

TWDB DFUND Project No. 21808

Lazy River Improvement District Wastewater Treatment Plant Improvements

April 15, 2024

Page 2

Special Environmental Conditions

- Impacts to waters of the U.S., including wetlands, for this project will be beneath the thresholds to require a pre-construction notification to the United States Army Corps of Engineers for Nationwide Permit (NWP) 58 as defined by NWP General Condition 32 and Galveston District Regional Conditions. If impacts exceed pre-construction notification (PCN) thresholds, consultation with the United States Army Corps of Engineers will be conducted. Consistent with Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, the proposed project is required to comply with all terms and conditions of United States Army Corps of Engineers NWP 58 for Utility Line Activities for Water and Other Substances.
- To avoid potential effects to migratory birds and their habitat, the Lazy River Improvement District (District) will avoid performing construction during the general nesting season (March 15 to September 15). However, if clearing must occur during nesting season, the District will establish a vegetation buffer diameter of no less than 50 feet around an identified active nest (i.e., a 25-foot radius of protected vegetation surrounding the active nest). This buffer will be the minimum for any identified active nest within the project footprint and will remain protected until all young have fledged. Qualified biologists conducting nest surveys will assess each active nest to identify the species occupying the nest. Using best professional judgement, the vegetative buffer may be expanded up to a 150-foot diameter around the active nest to avoid possible abandonment of the nest due to construction activities. Nest surveys will be conducted by qualified biologists no more than 5 days prior to any scheduled vegetation clearing activities. If previously surveyed areas are not cleared within a 5-day period, uncleared areas will be re-surveyed for the detection of active nests.
- Consistent with the Flood Insurance Reform Act of 2004, federal Executive Order 11988, Texas Water Code Section 16.315, and local floodplain development ordinances, a floodplain development permit will be obtained from the local floodplain administrator prior to construction in a Special Flood Hazard Area.

Standard Environmental Conditions

- No activity which may affect properties listed or properties eligible for listing in the National Register of Historic Places or eligible for designation as a State Archeological Landmark is authorized until the Owner has complied with the provisions of the National Historic Preservation Act and the Antiquities Code of Texas.

The Owner has previously coordinated with the appropriate agencies and impacts to known cultural or archeological deposits have been avoided or mitigated. However, the Contractor may encounter unanticipated cultural or archeological deposits during construction.

If archeological sites or historic structures which may qualify for designation as a State Archeological Landmark according to the criteria in 13 Texas Administrative Code Chapter 26, or that may be eligible for listing on the National Register of Historic Places in accordance with 36 CFR Part 800, are discovered after construction operations are begun, the Contractor shall immediately cease operations in that particular area and notify the Owner, the Texas Water Development Board (TWDB), and the Texas Historical Commission, 1511 N. Colorado St., P.O. Box 12276, Capitol Station, Austin, Texas 78711-2276. The Contractor shall take reasonable steps to protect and preserve the discoveries until they have been inspected by the Owner's representative and the TWDB. The Owner will promptly coordinate with the State Historic Preservation Officer and any other appropriate agencies to obtain any necessary approvals or permits to enable the work to continue. The Contractor shall not resume work in the area of the discovery until authorized to do so by the Owner.

- No activity is authorized that is likely to jeopardize the continued existence of a threatened or endangered species as listed or proposed for listing under the Federal Endangered Species Act (ESA), and/or the State of Texas Parks and Wildlife Code on Endangered Species, or to destroy or adversely modify the habitat of such species.

If a threatened or endangered species is encountered during construction, the Contractor shall immediately cease work in the area of the encounter and notify the Owner, who will immediately implement actions in accordance with the ESA and applicable State statutes. These actions shall include reporting the encounter to the TWDB, the U. S. Fish and Wildlife Service, and the Texas Parks and Wildlife Department, obtaining any necessary approvals or permits to enable the work to continue, or implement other mitigation actions. The Contractor shall not resume construction in the area of the encounter until authorized to do so by the Owner.

With the addition of these requirements, design funds may be released once all other requirements are satisfied.

Enclosures

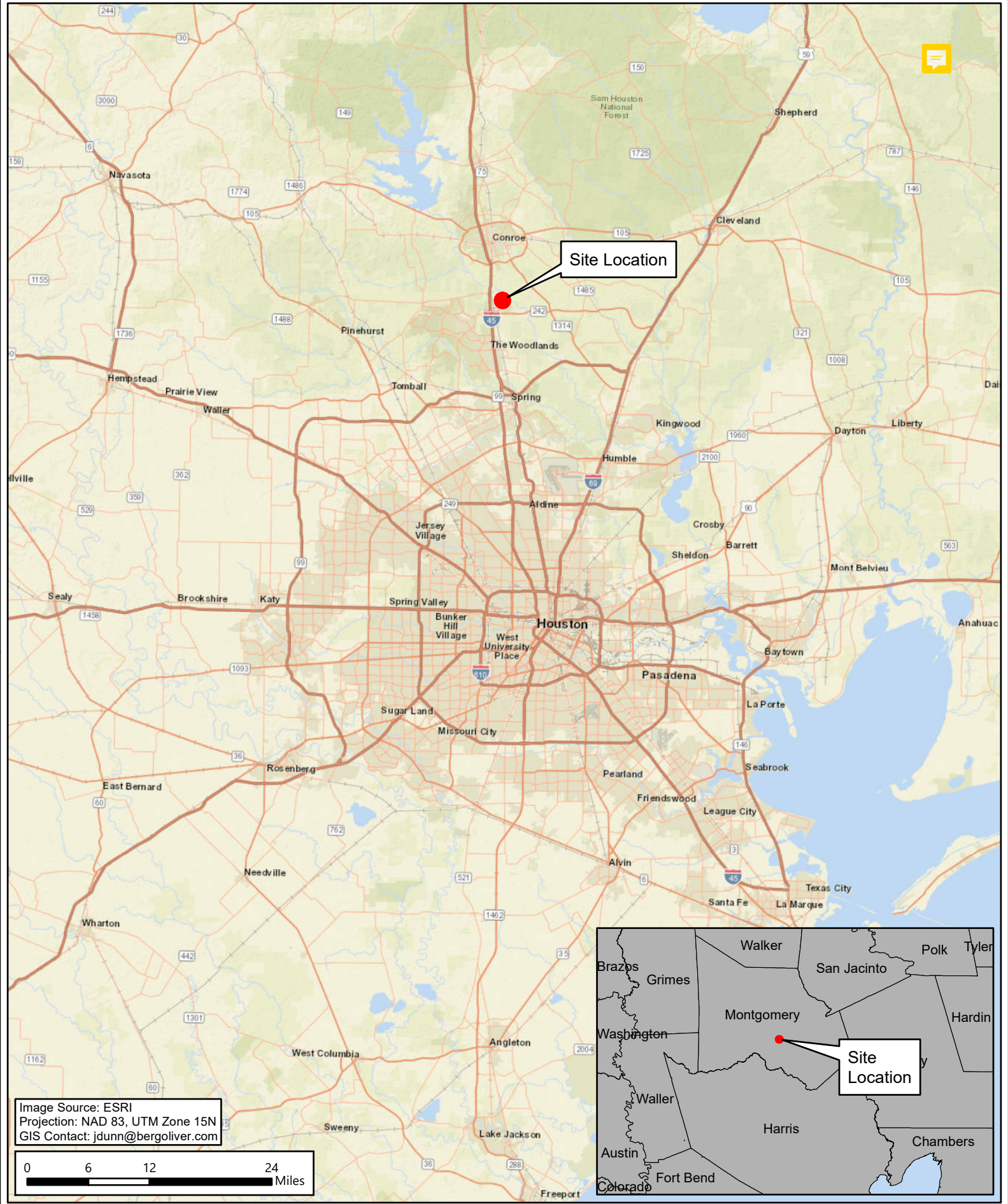


Image Source: ESRI
 Projection: NAD 83, UTM Zone 15N
 GIS Contact: jdunn@bergoliver.com

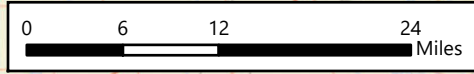


FIGURE 1 - SITE LOCATION/VICINITY MAP

	Project #: BOA909-12550N.WD	Project Boundary 2 Acres	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
	For: Langford Engineering, Inc.		
	Location: Lazy River WWTP Montgomery County, Texas		



Image Source: USGS
 Projection: NAD 83, UTM Zone 15N
 GIS Contact: jdunn@bergoliver.com

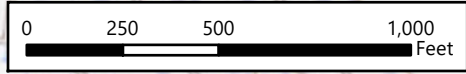


FIGURE 2 - USGS TOPOGRAPHIC MAP - TAMINA QUAD

	Project #: BOA909-12550N.WD	Project Boundary 2 Acres	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	
	For: Langford Engineering, Inc. Location: Lazy River WWTP Montgomery County, Texas			



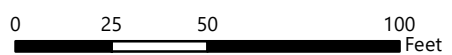
Glen Hollow Dr

Harpers Horsepen Branch

Temporary Impact
0.001 AC (48 SF) / 16 LF

- Existing Infrastructure to Remain
- x-x Existing Fence to Remain
- Existing Infrastructure to be Removed
- x-x Existing Fence to be Removed
- Proposed Infrastructure
- x-x Proposed Fence
- Man-Made Ditch (Non-Jurisdictional)
- / / Waters of the U.S. (Jurisdictional)

Image Source: Google



PROJECT LAYOUT MAP

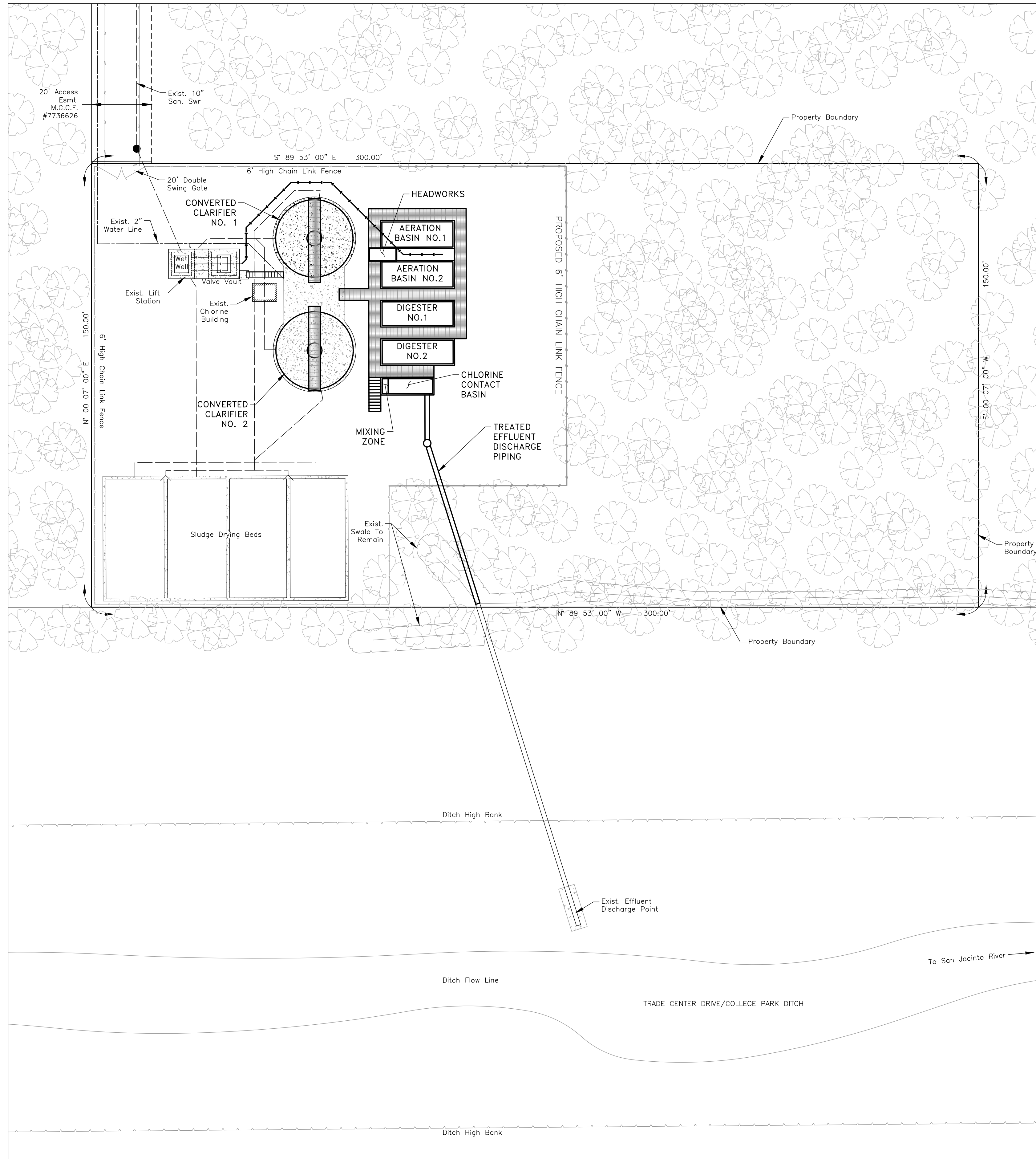
Project #: 12550
 For: Langford Engineering, Inc.
 Location: Lazy River WWTP
 Montgomery County, Texas

Project Boundary
 2 Acres

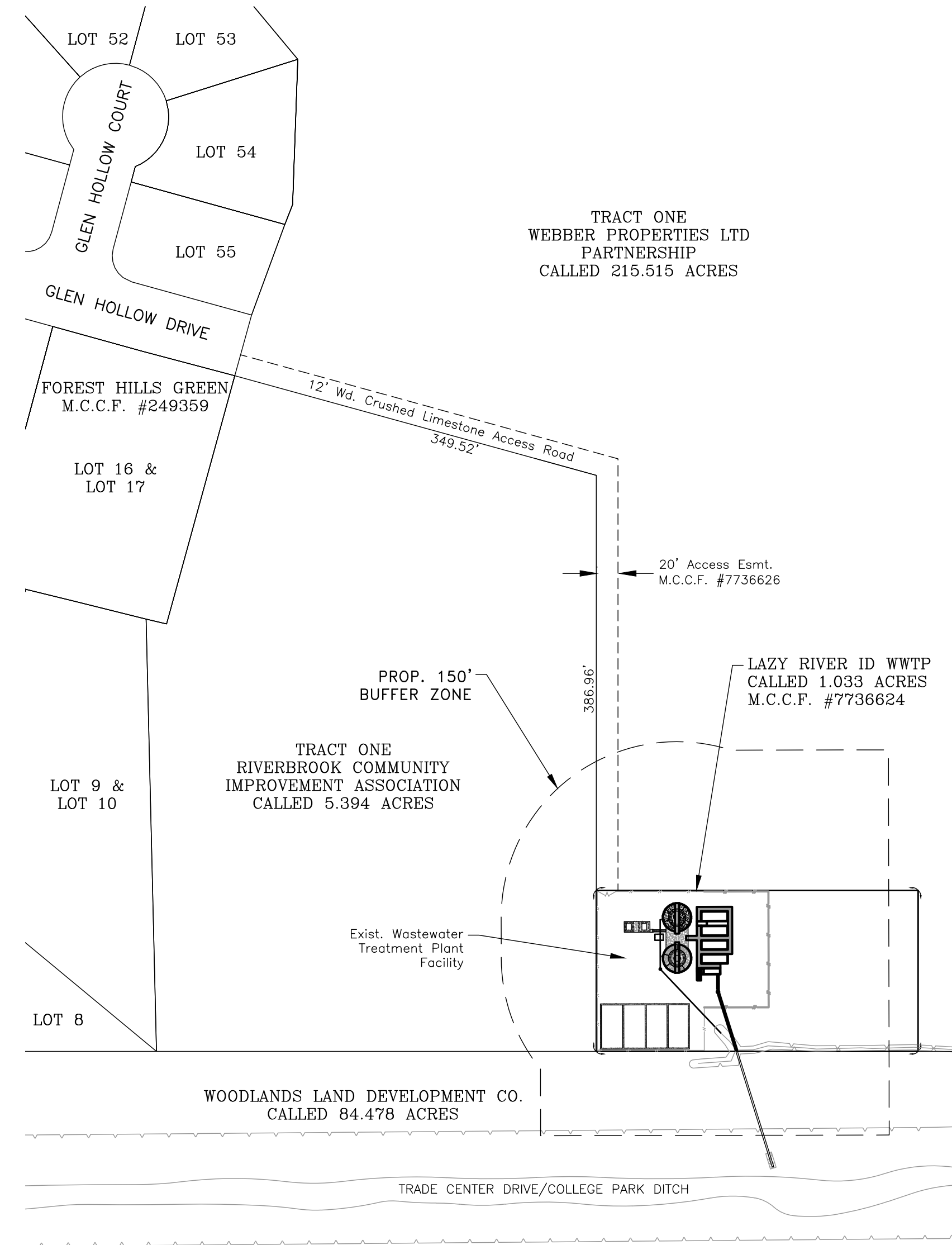
BERG ♦ OLIVER ASSOCIATES
 ENVIRONMENTAL SCIENCE & LAND USE CONSULTANTS
 14701 ST. MARY'S LANE, SUITE 400 HOUSTON, TEXAS 77079
 PHONE (281)589-0898 <http://www.bergoliver.com>



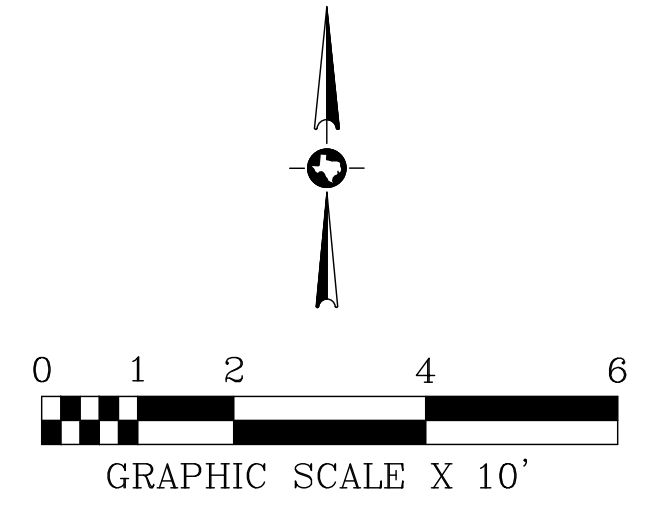
E:\Current Proj\327004102 - TWDB Funding Application\Exhibits\WWTP Site Plan & Hydraulic Profile\WWTP Site Plan & Hydraulic Profile.dwg Jan 31, 2024-4:34pm stevens




PROPOSED SITE PLAN
SCALE: 1"=20'



VICINITY MAP
SCALE: 1"=100'



LAZY RIVER IMPROVEMENT DISTRICT TWDB WASTEWATER TREATMENT PLANT IMPROVEMENTS PROPOSED SITE PLAN - ALTERNATE A	
 <small>1080 W. Sam Houston Pkwy N. Ste 200 Houston, Texas 77043-5014 PH. 713-461-3530 Fax 713-932-7505 TBPE FIRM #449</small>	
DESIGN : L.D.P.	JOB NO. : 327-004
DRAWN : S.M.C.	CONT. NO. : 2
CHECKED : L.D.P.	DATE : JANUARY 2024
APPROVED : T.B.H.	SCALE : AS SHOWN
SHEET NO. 01 OF 01	