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ENVIRONMENTAL DETERMINATION

TO: File

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

SUBJECT: Military Highway Water Supply Corporation, Cameron County, Texas
TWDB EDAP Project No. 10462
Southern Cameron County Water Line Rehabilitation Project,
Water Line Rehabilitation Project - Phase 1
Total Commitment Amount: \$2,200,000
Loan No. L1001645
Grant No. G1001646

The environmental review for phase 1 of the Military Highway Water Supply Corporation's (Corporation) proposed Southern Cameron County Water Line Rehabilitation project has been completed, consistent with 31 Texas Administrative Code (TAC) § 363.14. The Corporation is proposing to use \$2,200,000 in funding from the Economically Distressed Areas Program to replace approximately 16,000 linear feet of 8- and 12-inch aging and failure-prone waterline infrastructure along both sides of Military Highway (US 281), between Los Ranchitos Road and Olivia Lane, and align them farther away from the highway, but within the existing right-of-way, to facilitate future maintenance and repair work. The Texas Water Development Board (TWDB) committed this funding on June 6, 2023. The Corporation closed on the commitments on February 16, 2024.

The proposed project will be phased into multiple independent waterline rehabilitation projects; therefore, subsequent portions of the project will be completed under separate environmental reviews. This Environmental Determination (ED) corresponds to phase 1 of the southern Cameron County waterline rehabilitation project.

This environmental review is documented by the enclosed 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 August 1, 2025, the proposed 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	L'Oreal Stepney, P.E., Chairwoman W. Brady Franks, Board Member Ashley Morgan, Board Member Bryan McMath, Executive Administrator

Special Environmental Conditions

- In accordance with an agreement with the Texas Parks and Wildlife Department (TPWD), Ecological and Environmental Planning Program (TPWD Project No. 53008), to ensure compliance with 31 Texas Administrative Code Chapter 57; Texas Parks and Wildlife Code, Chapters 1, 12, 64, 67, and 68; the Endangered Species Act of 1973, as amended; the Migratory Bird Treaty Act; and applicable federal regulations pertaining to protected and invasive species, the following measures will be implemented:
 - The Military Highway Water Supply Corporation will schedule any necessary vegetation clearing or trampling to occur outside of the March 15 through September 15 migratory bird nesting season in order to comply with the Migratory Bird Treaty Act. If vegetation clearing must be scheduled to occur during the nesting season, the vegetation to be impacted will be surveyed for active nests by a qualified biologist. Nest surveys will be conducted no more than five days prior to the scheduled clearing to ensure recently constructed nests are identified. If active nests are observed during surveys, a 100-foot radius buffer of vegetation will remain around nests until eggs have hatched and the young have fledged; however, the size of the buffer zone is dependent on various factors and can be coordinated with the local or regional United States Fish and Wildlife Service office.
 - To avoid and/or minimize potential impacts to the state-listed (threatened) Texas horned lizard (*Phrynosoma cornutum*) and Texas tortoise (*Gopherus berlandieri*), which have the potential to be encountered in the project area, the following measures will be implemented:
 - Texas horned lizard: If encountered, disturbance of the Texas horned lizard, its burrows, and colonies of its primary food source, the harvester ant (*Pogonomyrmex* sp.), will be avoided during clearing and construction. A permitted biological monitor will be present during construction, to attempt to capture and relocate Texas horned lizards, if found. If the presence of a biological monitor is not feasible, Texas horned lizards observed during construction will be allowed to safely leave the site on their own.
 - Contractors and other staff will be made aware that in south Texas, the Texas tortoise is generally inactive from December through January and would therefore likely be undetectable in a project area during those months.
 - A biological monitor will be on site during any vegetation clearing to inspect sites subject to disturbance that may provide cover for Texas tortoises (e.g., bases of prickly pear cactus) or provide sites for tortoise pallets (shallow excavations typically at the base of vegetation that are opportunistically occupied by tortoises). If the presence of a biological monitor is not feasible, Texas tortoises observed during construction will be allowed to safely leave the site on their own.
 - Texas tortoises may seek cover (shade) underneath parked vehicles;

therefore, before driving vehicles that have been parked within the project area, contractors will check underneath the vehicles to ensure no tortoises are present.

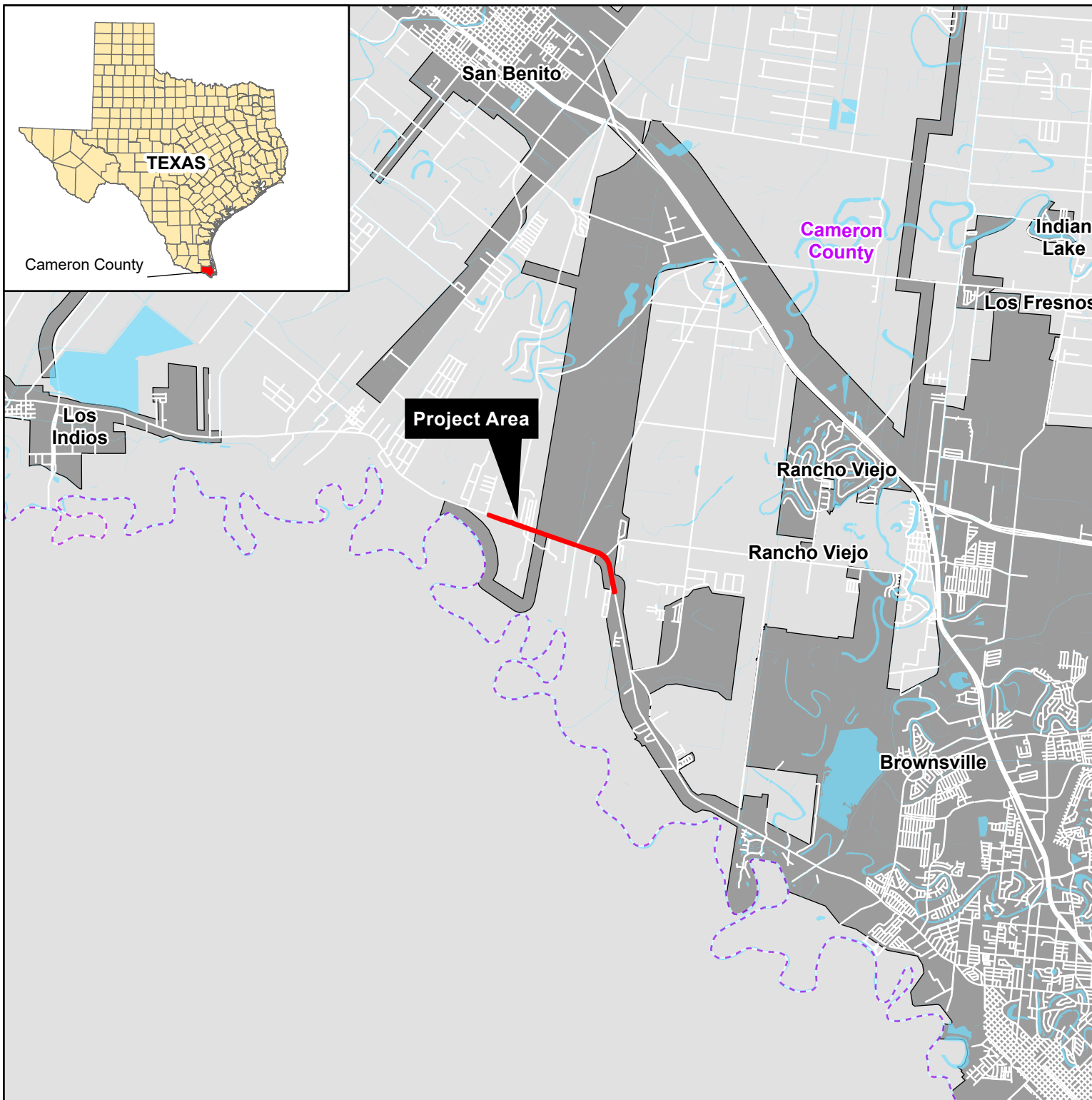
- If a Texas tortoise is present at the project site, it should be relocated only if it is found in an area in which imminent danger is present. Individual tortoises that must be relocated should be transported to the closest suitable habitat outside of the proposed disturbance area but preferably within its five- to ten-acre home range. After tortoises are removed from the immediate project area, construction of exclusion fencing is recommended.
 - If possible, major ground disturbing activities will be completed before late fall or winter when reptiles become inactive and could be utilizing burrows in areas subject to disturbance. If ground disturbing construction activities must occur after October (e.g., to avoid migratory bird nesting season) in areas of suitable Texas tortoise habitat, the project area will be surveyed for tortoises or indications of tortoise presence (e.g., the presence of burrows or pellets under prickly pear). If tortoises or indications of tortoise presence are observed, TPWD-Ecological and Environmental Planning Program staff will be contacted.
- The Military Highway Water Supply Corporation will review the current TPWD county list for Cameron County as rare and protected species could be present, depending on habitat availability. If during construction, the project area is found to contain Species of Greatest Conservation Need or protected species, natural plant communities, or special features, precautions will be taken to avoid impacts to them.

Standard Environmental Conditions

- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the Military Highway Water Supply Corporation will abide by the standard emergency condition for the discovery of cultural resources.
- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the Military Highway Water Supply Corporation will abide by the standard emergency condition for the discovery of threatened and endangered species.

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

Enclosures



Legend

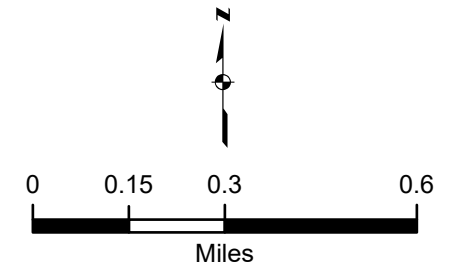
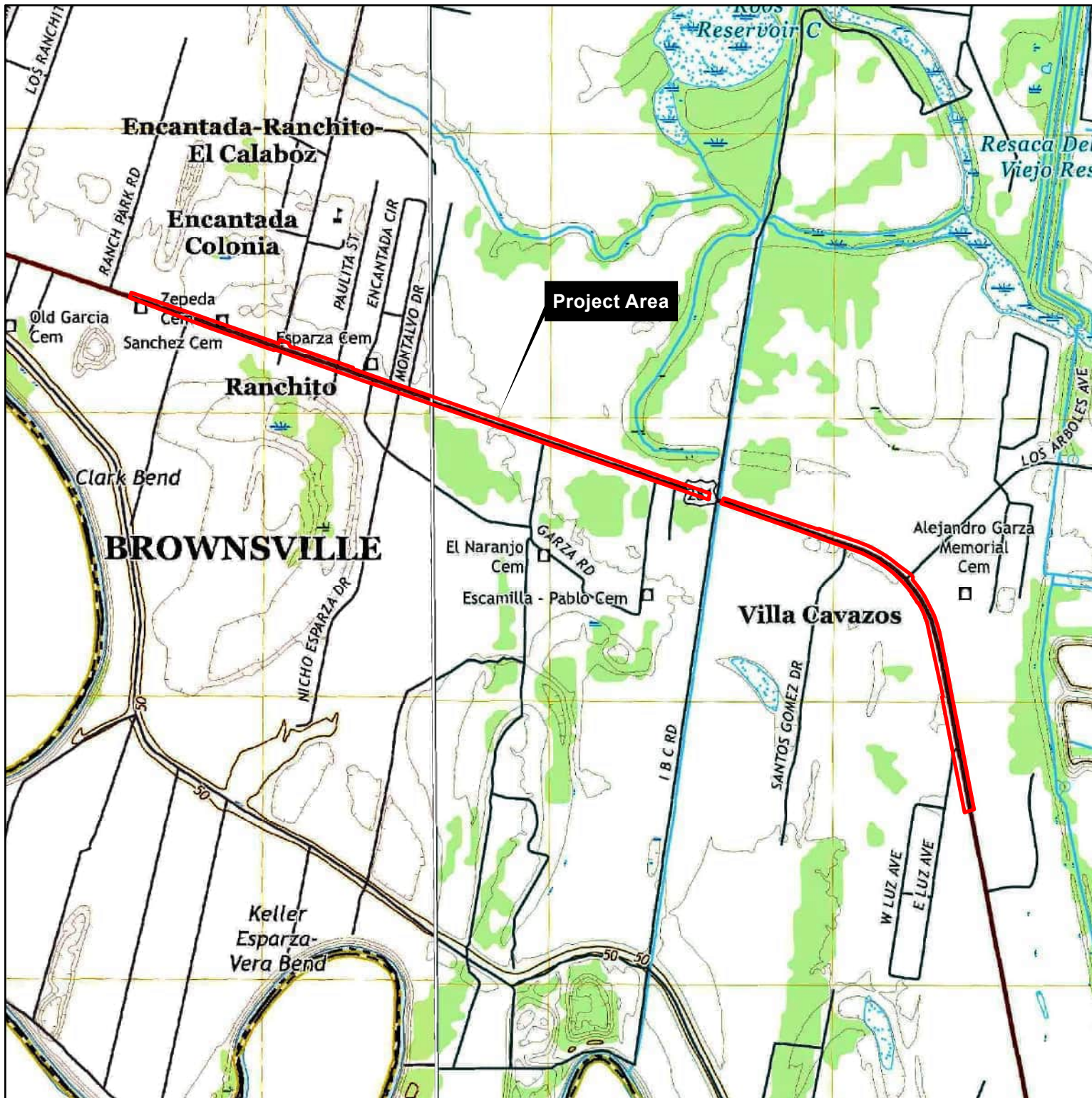
-  Project Area
-  City Boundary
-  County Boundary

Notes:

1. Map Center: 97.62075°W 26.01896°N
2. TxDOT, National Wetland Inventory

Southern Cameron County Waterline
Rehabilitation Project
Cameron County, Texas
Date: 10/7/2024

Figure 1
Regional Location Map



Legend

 Project Area

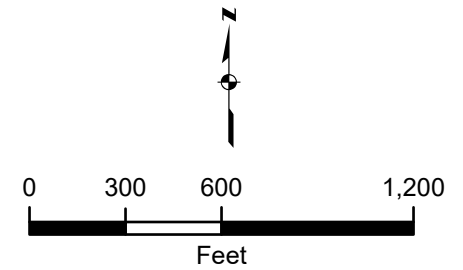
Notes:

1. Map Center: 97.62075°W 26.01896°N
2. USGS topoView: "Olmito, Texas" 7.5minute quadrangle, 2022; "La Paloma, Texas" 7.5minute quadrangle, 2022

Southern Cameron County Waterline
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Figure 2
USGS 2022 Topographic Map





Legend

- Project Area
- Proposed Water Line
- - Existing Water Line

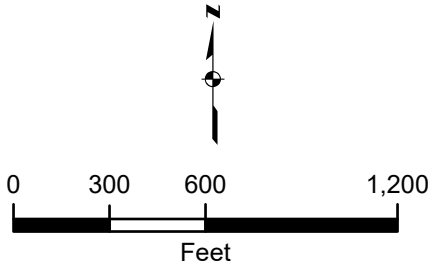
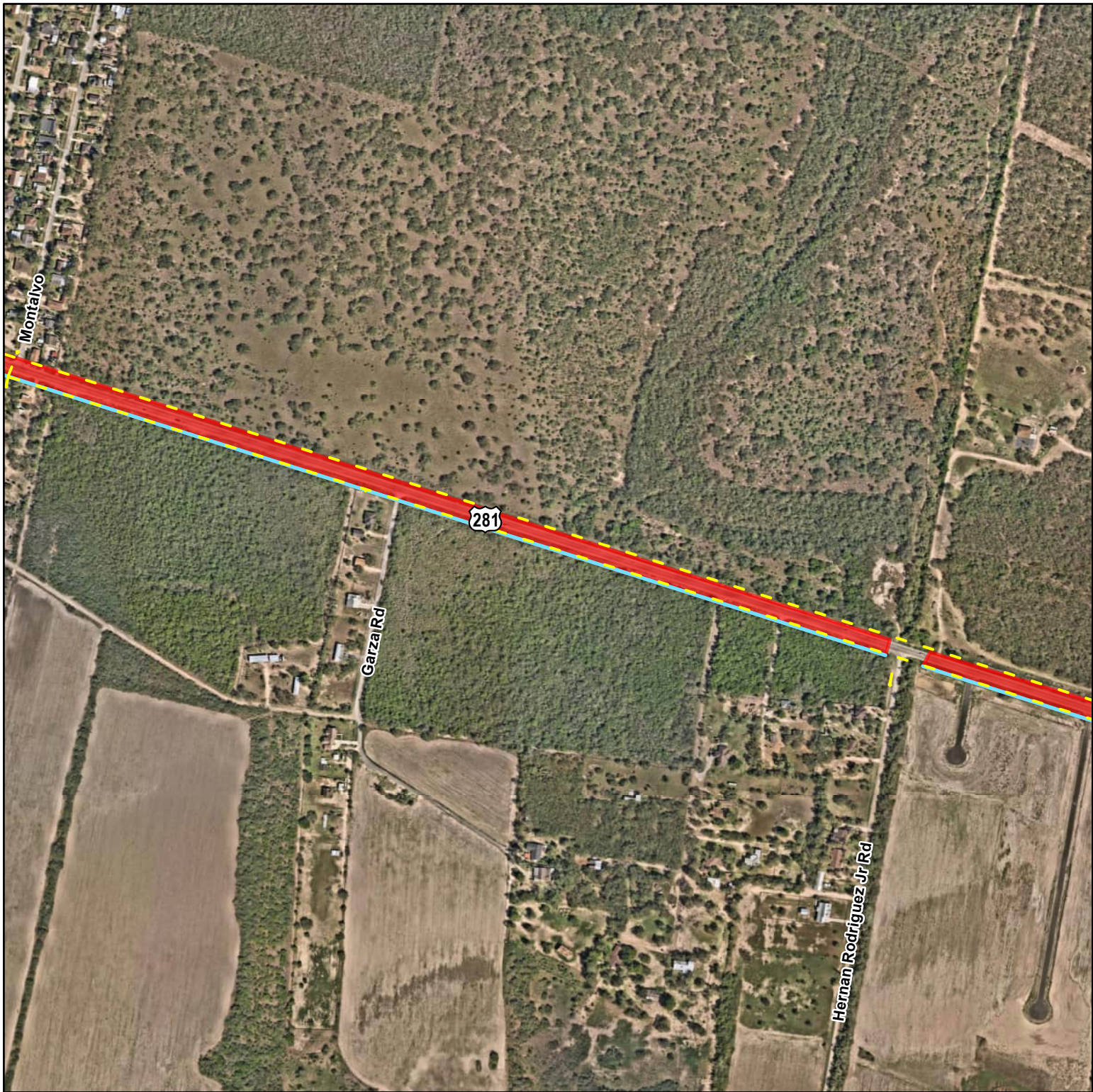
Notes:

1. Map Center: 97.63178°W 26.02614°N
2. Nearmap WMS Server Current: , ESRI

Southern Cameron County Waterline
Rehabilitation Project
Cameron County, Texas
Date: 10/4/2024

Figure 3-1
Project Footprint Map





Legend

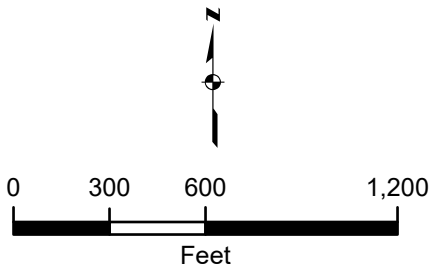
- Project Area
- Proposed Water Line
- Existing Water Line

Notes:
1. Map Center: 97.61932°W 26.02191°N
2. Nearmap WMS Server Current: , ESRI

Southern Cameron County Waterline
Rehabilitation Project
Cameron County, Texas
Date: 10/4/2024

Figure 3-2
Project Footprint Map





Legend

-  Project Area
-  Proposed Water Line
-  Existing Water Line

- Notes:
1. Map Center: 97.60727°W 26.01536°N
 2. Nearmap WMS Server Current: , ESRI

Southern Cameron County Waterline
Rehabilitation Project
Cameron County, Texas
Date: 10/4/2024

Figure 3-3
Project Footprint Map

