



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

## DETERMINATION OF NO EFFECT

### TO ALL POTENTIALLY INTERESTED AGENCIES:

Pursuant to the environmental assessment requirements of 31 Texas Administrative Code (TAC) § 363.14 the Texas Water Development Board (TWDB) has determined that proposed action identified below may be exempted from a comprehensive environmental review:

Penelope Water Supply Corporation, Hill County, Texas  
TWDB RWAFF Project No. 21842  
Water Distribution System Improvements  
Total Financing Amount: \$475,000  
Grant No. G1002091

The Penelope Water Supply Corporation (Corporation) is proposing to use \$475,000 in financing from the Rural Water Assistance Fund (RWAFF) to replace approximately 6,555 liner feet of existing water lines with PVC.

All construction will occur under cleared roadside right-of-way with some road crossings. The old lines will be abandoned in place.

The TWDB cannot fund testing, remediation, removal, disposal, or related works for contaminated or potentially contaminated materials. However, the project proponent should ensure that, if found, such materials are tested, removed, and disposed of in accordance with applicable state and federal laws.

This Determination of No Effect (DNE) is completed for Water Distribution System Improvements and is hereafter referred to as the project.

There are no previously recorded significant or potentially significant historic or cultural sites within or adjacent to the project footprint, according to the Texas Historical Commission's Archeological Sites Atlas, nor is the project within the protected area surrounding a historic cemetery, structure, or district. The project will not adversely impact waters of the United States, including wetlands.

The project is not located within the 100-year floodplain; therefore, coordination with the local floodplain administrator was not required. In addition, construction within the existing right-of-way and easements are not expected to impact threatened or endangered species or habitat. However, there are a few areas of the project where there is potential for threatened and endangered species habitat. For example, along Roosevelt Street and Mary

#### Our Mission

Leading the state's efforts  
in ensuring a secure  
water future for Texas

#### Board Members

L'Oreal Stepney, P.E., Chairwoman | W. Brady Franks, Board Member | Ashley Morgan, Board Member  
Bryan McMath, Executive Administrator

Road and Mt. Clam Street. As a result, the Corporation conducted coordination with Texas Park and Wildlife (TPWD) and United States Fish and Wildlife Service (USFWS). TPWD and USFWS made recommendations to prevent impacts to protected aquatic and terrestrial plant and animal species and to prevent the introduction or transference of invasive species.

The decision to grant a Determination of No Effect (DNE) 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 categorical exclusion from full environmental review as a result of changes in the project;
- (2) the project involves extraordinary circumstances as described in 31 TAC § 363.14;  
or
- (3) the project may violate or has violated federal, state, local, or tribal laws.

The proposed project must comply with the following special and standard environmental conditions:

#### Special Environmental Conditions

- As per an agreements with the Texas Parks and Wildlife Department (TPWD), Ecological & Environmental Planning Program (TPWD Project No. 58870) and United States Fish and Wildlife Service (USFWS Project Code 2026-0067414), to ensure compliance with Chapter 57 of the Texas Parks and Wildlife Code, 31 Texas Administrative Code (TAC) 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 species tricolored bat (*Perimyotis subflavus*), whooping crane (*Grus americana*), and bald eagle (*Haliaeetus leucocephalus*), the following measures will be implemented:
  - Vegetation clearing must be excluded during tricolored bat (*Perimyotis subflavus*) winter torpor and pupping season for Zone 1, December 15 through February 15 and May 1 through July 15, to avoid adverse impacts.
  - To ensure compliance with the Endangered Species Act of 1973, as amended, per an agreement with the United States Fish and Wildlife Service (USFWS Project Code 2026-0067414), construction or vegetation clearing activities within 1,000 feet of potential whooping crane (*Grus americana*) habitat will be performed outside of the whooping crane migration season, March 19 through April 30 and October 20 through November 24. If these activities cannot be avoided during spring and fall migration, the Corporation will conduct nest and presence/absence surveys for the whooping crane within 1,000 feet of the construction site, not more than five days prior to construction. If whooping cranes are found within the buffer at any time before or during construction, work will cease and USFWS will be contacted.

- Vegetation clearing must be excluded during the bald eagle (*Haliaeetus leucocephalus*) breeding season, October 1 through May 30, to avoid adverse impacts. If vegetation clearing during this time is unavoidable, the area within 660 feet of the construction site will be surveyed by a qualified biologist to identify occupied nests, not more than five days prior to clearing activities. If occupied nests are observed during surveys, a vegetation buffer area of no less than 660 feet in diameter will remain around the nest until all young have fledged.
- In order to avoid potential impacts to species of greatest conservation need (SGCN), specifically the slender glass lizard (*Ophisaurus attenuatus*), and box turtles (*Terrapene Carolina and Terrapene ornata*), the length of trenches left open at any given time during construction will be minimized. Trenching and backfilling activities will be kept close together in time. Trenches and excavation areas will be covered overnight and/or inspected every morning or if left open longer than two daylight hours to ensure no wildlife species have been trapped.
- If tricolored bats (*Perimyotis subflavus*), alligator snapping turtle (*Macrochelys temminckii*), or the Monarch butterfly (*Danaus plexippus*) become federally listed prior to vegetation clearing and/or construction, the Corporation will conduct additional coordination with the USFWS to ensure compliance with the ESA.

#### Standard Environmental Conditions

- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the Penelope 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 Penelope Water Supply Corporation will abide by the 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](mailto:RWPD-Environmental@twdb.texas.gov).

Sincerely,

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

Enclosure

The line segments in blue are areas where the water main is being extended to loop the main.

