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ENVIRONMENTAL DETERMINATION

TO: File

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

Clay Schultz
Digitally signed by Clay Schultz
Date: 2026.05.19 09:06:02 -05'00'

SUBJECT: Cameron County Drainage District No. 5, Cameron County, Texas
TWDB FIF Category 2 Project No. 40081
North Main Drainage Channel Improvement and Regional Detention Pond Project
Total Commitment Amount: $5,003,000
Commitment Nos. L1001250 and G1001251

The environmental review for the Cameron County Drainage District No. 5's (District) proposed North Main Drainage Channel Improvement and Regional Detention Pond project has been completed, consistent with 31 Texas Administrative Code (TAC) § 363.14 and 363.16. The District is proposing to use $5,003,000 in funding from the Flood Infrastructure Fund program to regrade approximately 2.7 miles of the North Main drainage ditch, to increase the conveyance capacity of the ditch, and construct two regional stormwater detention ponds adjacent to the North Main drainage ditch—a 187-acre-foot detention pond constructed on a site that covers approximately 17 acres east of the North Main drainage ditch and a 94-acre-foot detention pond on a site that covers approximately 9 acres west of the North Main drainage ditch. The project area is subject to flooding, and the District needs to reduce the risk of flooding. The purpose of the proposed project is to reduce flood surface elevations in the area. The Texas Water Development Board (TWDB) committed this funding on March 10, 2021. The District closed the funding on July 8, 2021.

This environmental review is documented by the enclosed Environmental Determination, which contains mitigative environmental conditions that will be applied to the project to avoid significant adverse impact on waters of the United Stations, 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 April 2, 2026, with the supplementary materials submitted to the TWDB on April 15, 2026, the proposed project meets the requirements of 31 TAC § 363.14 with the following special and standard environmental conditions:

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Board Members
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Bryan McMath, Executive Administrator

Special Environmental Conditions

- In accordance with agreements with the Texas Parks and Wildlife Department (TPWD Project No. 54888) and United States Fish and Wildlife Service (USFWS Project No. 2025-0111762), 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 and invasive species, including the state-listed (threatened) black-spotted newt (*Notophthalmus meridionalis*), south Texas siren (large form; *Siren* sp.), Mexican treefrog (*Smilisca baudinii*), sheep frog (*Hypopachus variolosus*), white-lipped frog (*Leptodactylus fragilis*), black-striped snake (*Coniophanes imperialis*), northern cat-eyed snake (*Leptodeira septentrionalis septentrionalis*), speckled racer (*Drymobius margaritiferus*), Texas horned lizard (*Phrynosoma cornutum*), and Texas tortoise (*Gopherus berlandieri*); aquatic resources; and Species of Greatest Conservation Need, including the Rio Grande river cooter (*Pseudemys gorzugi*), slender glass lizard (*Ophisaurus attenuatus*), western (ornate) box turtle (*Terrapene ornata*), western massasauga (*Sistrurus tergeminus*); and plant species; and federally-listed (endangered) Texas ayenia (*Ayenia limitaris*), the following measures will be implemented:

    - Mechanical vegetation clearing and initial ground disturbance activities will be avoided during the general bird nesting season (March 15 through September 15) to avoid adverse impacts to breeding birds. If mechanical vegetation clearing and initial ground disturbing activities during this time are unavoidable, the area proposed for clearing and disturbance will be surveyed by a qualified biologist to identify active nests, not more than five days prior to clearing and disturbance activities, to maximize the detection of active nests, including recently constructed nests. If active nests are observed during surveys, a vegetation buffer area of no less than 100 feet in diameter will remain around the nest until eggs have hatched and the young have fledged; however, the size of the buffer zone depends on various factors and can be coordinated with the local or regional United States Fish and Wildlife Service (USFWS) office. According to the USFWS, a vegetation buffer of 0.5 miles is required for other species, such as water birds or raptors.

    - Contractors will be instructed to not harm wildlife and to allow wildlife to leave the site on their own. If wildlife is encountered, the animals will be allowed to leave the area safely. State and federally listed species will be handled only by people with authorization obtained through the Texas Parks and Wildlife Department.

    - Construction techniques will include the placement of silt fence along the perimeter of the pond sites and along the benching operations along the banks of the North Main drainage ditch, to deter wildlife and reduce potential access to the construction site.

- Vegetation impacts will be minimized to the amount required to meet the project goals. The ultimate site condition will preserve vegetated surfaces to the maximum extent practicable. Vegetation (i.e., native habitat) will be preserved on adjacent District-owned parcels. The ponds have been designed to reduce sedimentation during storm events. Key design elements include the vegetated surfaces and slow-release function.

- Impacts to water features will be reduced to the greatest extent practicable.

- The project will not construct permanent access roads in existing water features. Temporary access to the North Main drainage ditch will be restricted to that necessary for construction of the pond outfalls and erosion control measures.

- Consistent with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, the proposed project will comply with the terms and conditions of United States Army Corps of Engineers Nationwide Permit 43 for Stormwater Management Facilities (USACE Project No. SWG-2023-00445).

<u>Standard Environmental Conditions</u>

- Consistent with the Texas Water Development Board Supplemental Construction Contract Conditions (TWDB-0552), the Cameron County Drainage District No. 5 will abide by the standard emergency condition for the discovery of cultural resources.

- Consistent with the Texas Water Development Board Supplemental Construction Contract Conditions (TWDB-0552), the Cameron County Drainage District No. 5 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

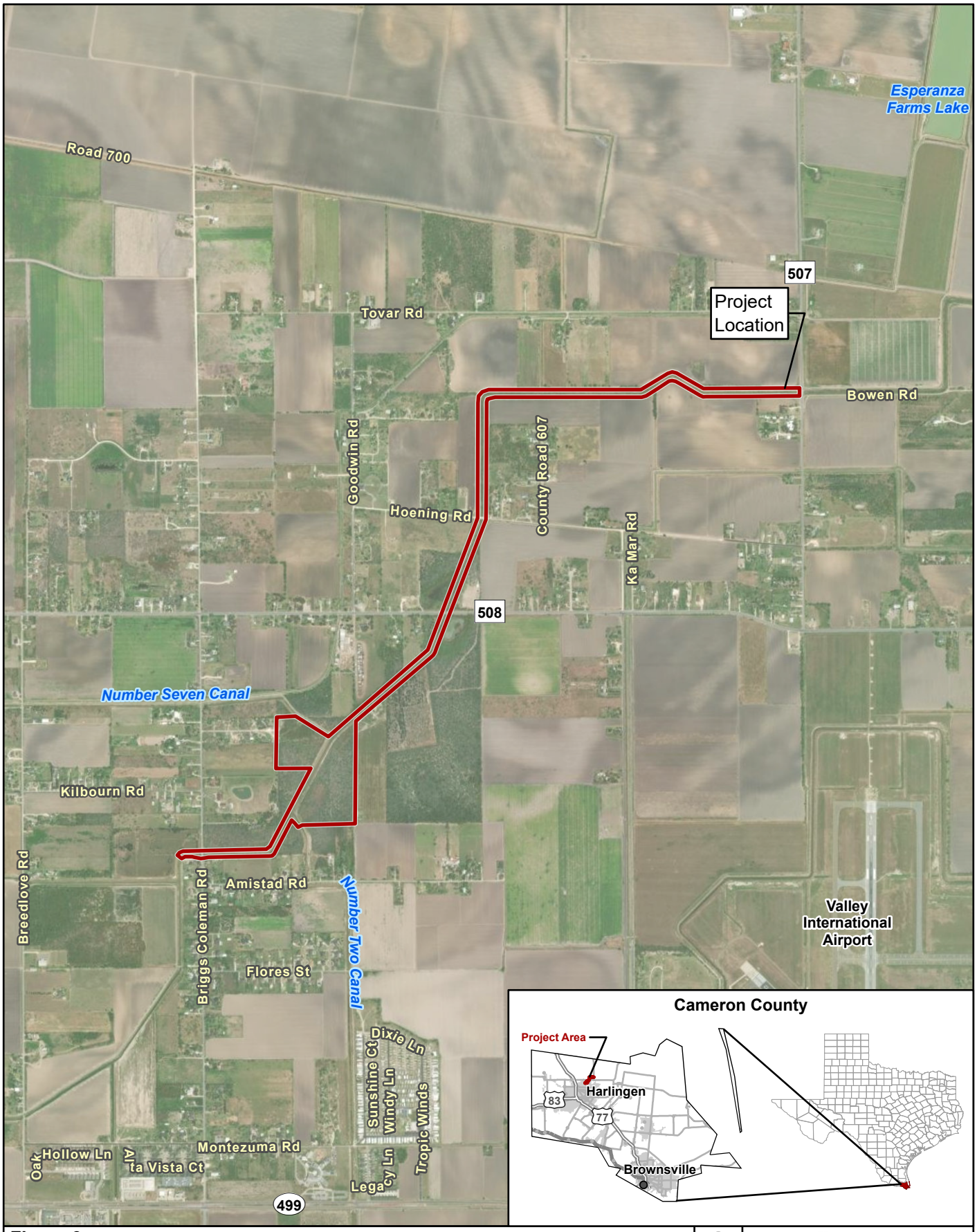

Figure 3.
Project Location (Aerial Base)

Project Location

North Main Drainage Improvements

Aerial Source: Maxar (2022)

Stantec

0 2,000 Feet
0 600 Meters

1 in = 2,000 feet
Scale: 1:24,000
Date: 10/4/2023

Path: U:\2353\235300712\03_data\gis_cad\gis\north_main_water.aprx - n_main_jd_figure_1_project_location_aerial_20231003_sgl