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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 formal environmental review requirements:

North Texas Municipal Water District, Fannin County, Texas
TWDB SWIFT Project No. 51050
Bois d’Arc Lake & Leonard Water Treatment Plant
Phase III High Service Pump Station – South
Total Financing Amount: \$239,060,000
Loan No. L1002205

The North Texas Municipal Water District (District) is proposing to use \$239,060,000 in financing from the State Water Implementation Fund for Texas (SWIFT) Program to construct the High Service Pump Station – South (HSPS-S) at the Leonard Water Treatment Plant (LWTP) as the first of Phase III of the LWTP project. Phase I of the Bois d’Arc Lake and Drinking Water Treatment Plant Project was completed under the same project number, TWDB Project No. 51050. Potential environmental impacts at the LWTP site were reviewed under the issued by the TWDB on May 25, 2018, and a construction staging area extension under a Memorandum to File (MTF) issued July 19, 2023. Potential impacts at the RWPS site were assessed by an Environmental Impact Statement (EIS) Record of Decision (ROD) issued by the United States Army Corps of Engineers (USACE) on January 29, 2018, adopted by the TWDB on March 8, 2018.

Additional infrastructure above that constructed during the first phase was required in order to fully utilize the additional water supply in Bois d’Arc Lake. Phase II of TWDB Project No. 51050 expanded the capacity of the Bois d’Arc Lake Raw Water Pump Station (RWPS) and LWTP. This expansion included additions to the Leonard High Service Pump Station North (HSPS-N) and the construction of the second cell of the Leonard Terminal Storage Reservoir (TSR), both located at the existing LWTP site. A Determination of No Effect (DNE) was issued for Phase II on September 11, 2023.

This DNE, completed for the HSPS-S, Phase III, is hereafter referred to as the proposed project. Due to the size of the impact (approximately 2.58 acres) and the fact that the project occurs adjacent to Phase II development at the existing site, as part of the project footprint that was assessed during the original Phase I ED, a DNE was recommended. Significant impacts to natural and cultural resources are not anticipated. However, due to aquatic and terrestrial disturbance at the site, the District coordinated with the Texas Parks and Wildlife Department (TPWD), United States Fish and Wildlife Service (USFWS), and United States Army Corps of

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water future for Texas : Bryan McMath, Executive Administrator

Engineer (USACE) to solicit mitigation recommendations to avoid impacts to potential protected species and waterbodies at the project site.

An August 25, 2025, Threatened and Endangered Species Desktop and Field Review report described habitat at the project site as follows:

“The northern region of the site consists of recently disturbed land, dominated by Johnsongrass (*Sorghum halepense*). The southern region of the study area also appeared to have been subject to previous disturbance though less recent than the northern region. The southern region consists of a mix of native and non-native plants, including silver bluestem (*Bothriochloa laguroides*), Illinois bundleflower (*Desmanthus illinoensis*), and Johnsongrass.

A tree line occurs within the study area, dominated by eastern red cedar (*Juniperus virginiana*), sugarberry (*Celtis laevigata*), and honey locust (*Gleditsia triacanthos*). No oak trees (*Quercus spp.*) were observed within the site. Milkweed (*Asclepias spp.*) occurred throughout the vegetated portions of the site. A constructed access road demarcates the western study area boundary, with undeveloped land abutting the south and west boundaries.”¹

In the biological assessment submitted to the USFWS, the District determined there would be *No Effect* on three proposed, one endangered, and one proposed threatened species with the potential to occur in the project area. One individual monarch butterfly (*Danaus plexippus*), a proposed threatened species, was found at the project site during the field survey and a *Not Likely to Adversely Affect* determination was made by the District for the species. In a response dated July 18, 2025, the USFWS stated that because the District’s biological assessment that was submitted to the USFWS determined there would be no effect on federally listed threatened and endangered species, consultation under Section 7 of the Endangered Species Act was not necessary. However, if any proposed species are listed prior to project completion, further consultation with the USFWS may be required. The biological assessment provided to the USFWS for their determination included proposed mitigations that are reflected in this finding as special conditions.

In a response dated August 4, 2025, the TPWD provided recommendations to avoid impacts to the monarch butterfly and migratory birds, as well as guidance on general construction best management practices. Some of these are reflected in the special conditions below.

An August 25, 2025, Surface Waters Delineation Desktop and Field Review report² identified 0.105 acres of palustrine forested/emergent wetland and two ephemeral streams (20 linear feet and 361 linear feet, respectively) within the construction footprint that would be permanently

¹ North Texas Municipal Water District (August 25, 2025). Threatened & Endangered Species Desktop and Field Review – High Service Pump Station South – Leonard Water Treatment Facility, Fannin County, Texas, prepared by Black & Veatch.

² North Texas Municipal Water District (August 25, 2025). Surface Waters Delineation Desktop and Field Review – High Service Pump Station South – Leonard Water Treatment Facility, Fannin County, Texas, prepared by Black & Veatch.

converted to developed land for the pump station. Resultingly, the District coordinated with the USACE to determine whether these waterbodies would be under their jurisdiction as waters of the United States. In an October 31, 2025, pre-application meeting and subsequent email communications, the USACE concurred that the water features on site were likely non-jurisdictional, and a permit verification was not recommended. A stormwater pollution prevention plan will be developed as part of a construction stormwater permit to prevent sediment contamination of the adjacent unnamed perennial stream to the west of the project site.

Previous coordination with the Texas Historical Commission (THC) for the LWTP property and assessment for historical or cultural sites is documented in the aforementioned environmental findings. Impacts on potentially significant historic or cultural sites are not anticipated as a result of the proposed project.

The project is not located within the 100-year floodplain; therefore, coordination with the local floodplain administrator was not required.

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.

The decision to grant a 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 agreements with the Texas Parks and Wildlife Department (TPWD), Ecological & Environmental Planning Program (TPWD Project No. 56031), and the United States Fish and Wildlife Service (USFWS), to ensure compliance with 31 Texas Administrative Code (TAC) Chapters 12 and 64, 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:
 - Vegetation clearing must be excluded during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. If vegetation clearing during this time is unavoidable, the area proposed for disturbance 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 100 feet in diameter will remain around the nest until all young have fledged; however, the size of the buffer zone depends on various factors and can be coordinated with the local or regional USFWS office.

- Vegetation clearing must be excluded when the monarch butterfly (*Danaus plexippus*) is expected to be present on the landscape, March 1 through November 1, to avoid adverse impacts. If exclusion during this time is unavoidable, clearing activities may occur during the summer management interval, June 30 to August 10.
- If the alligator snapping turtle (*Macrochelys temminckii*) or monarch butterfly become federally listed prior to construction completion, the North Texas Municipal Water District (District) will conduct additional coordination with the USFWS to ensure compliance with the ESA.
- A Storm Water Pollution Prevention Plan (SWPPP) will be prepared and implemented to eliminate sediment in stormwater runoff from the construction areas, to include best management practices (BMPs) such as silt fences, hay bales, fiber logs, and berms.

Standard Environmental Conditions

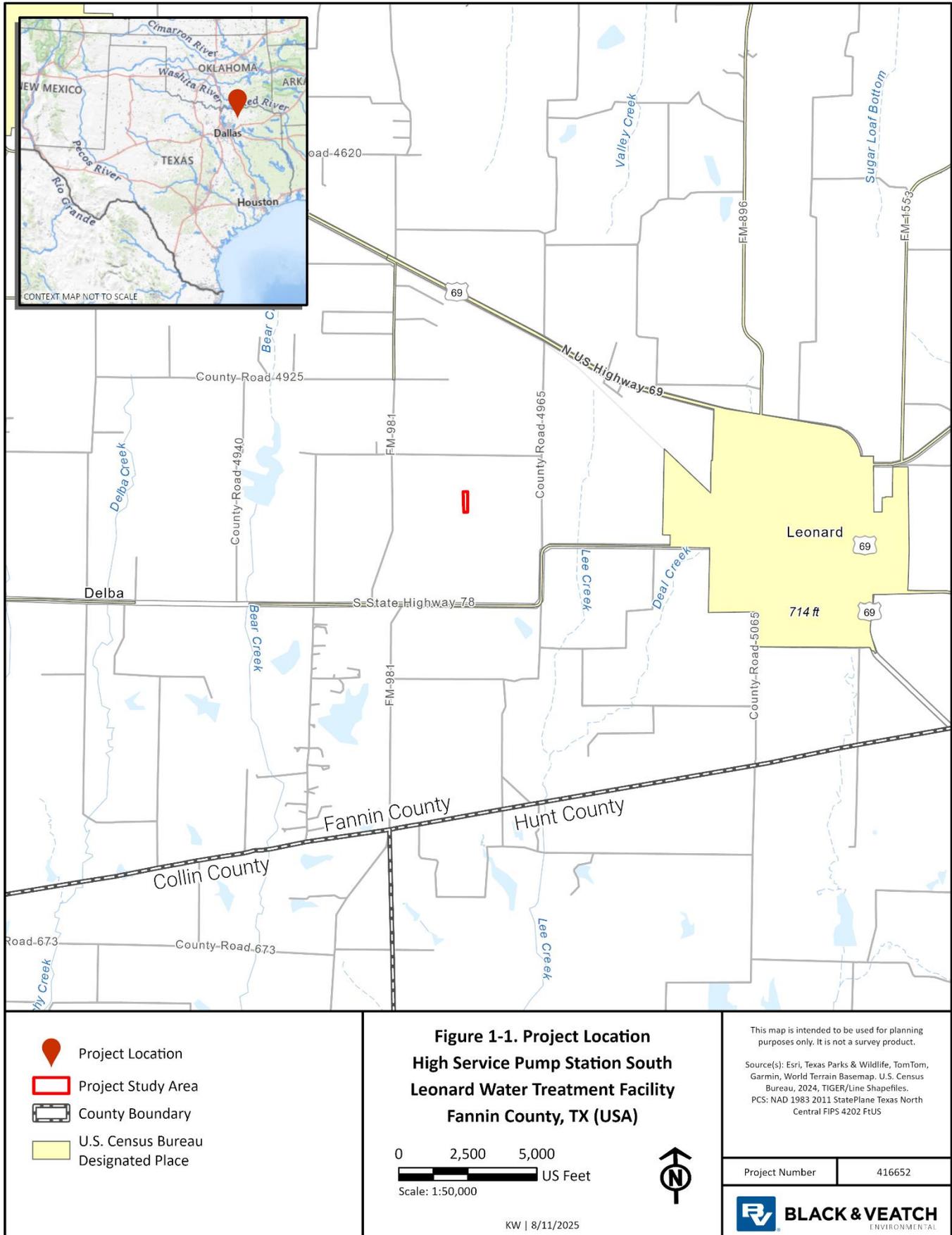
- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the District will abide by the standard emergency condition for the discovery of cultural resources.
- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the District will abide by the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

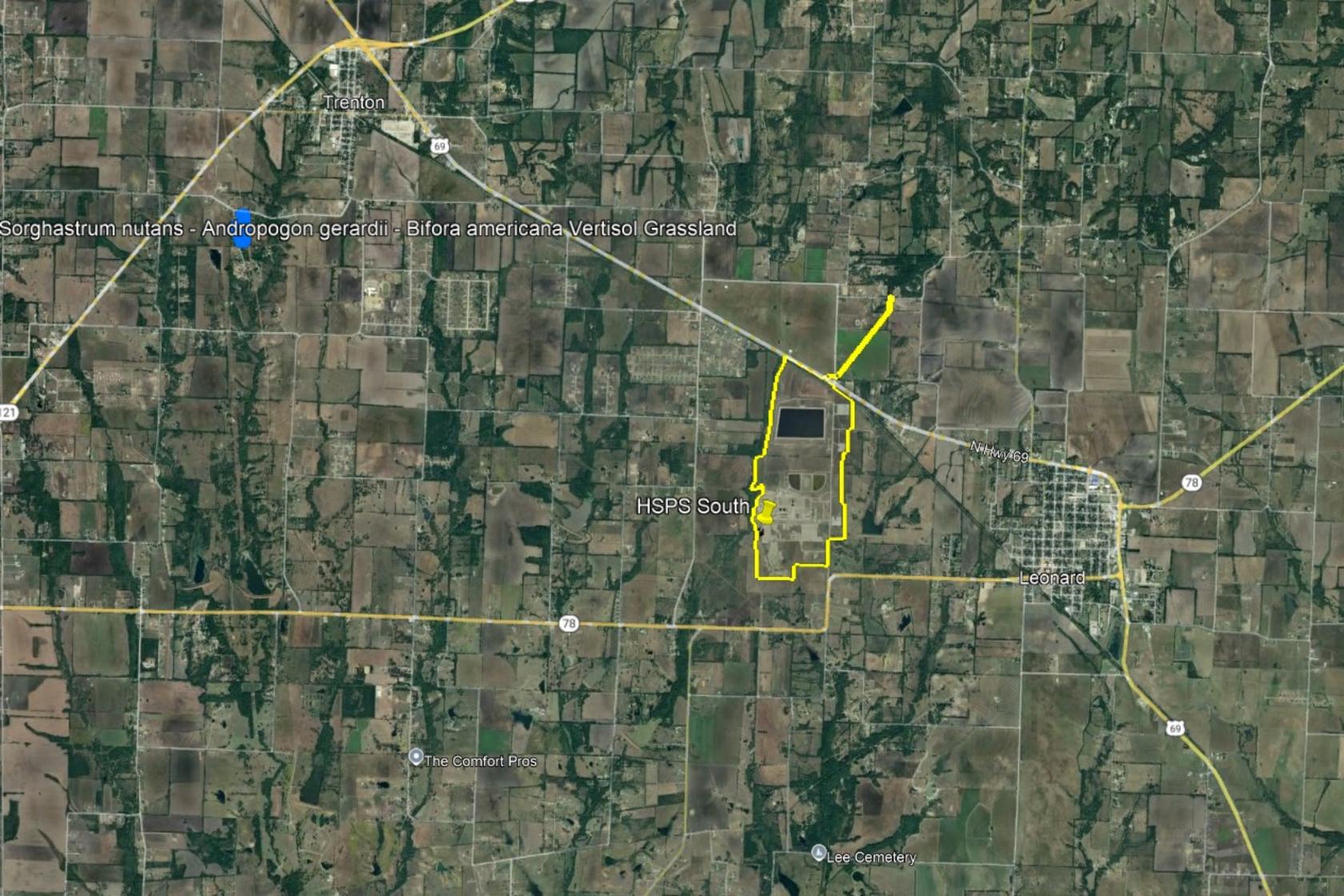
Comments regarding this determination may be submitted to the Director of Regional Water Project Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231 or via email at RWPD-Environmental@twdb.texas.gov.

Sincerely,

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

Enclosure





Trenton

69

Sorghastrum nutans - *Andropogon gerardii* - *Bifora americana* Vertisol Grassland

21

HSPS South

NHwy 69

78

Leonard

78

The Comfort Pros

Lee Cemetery

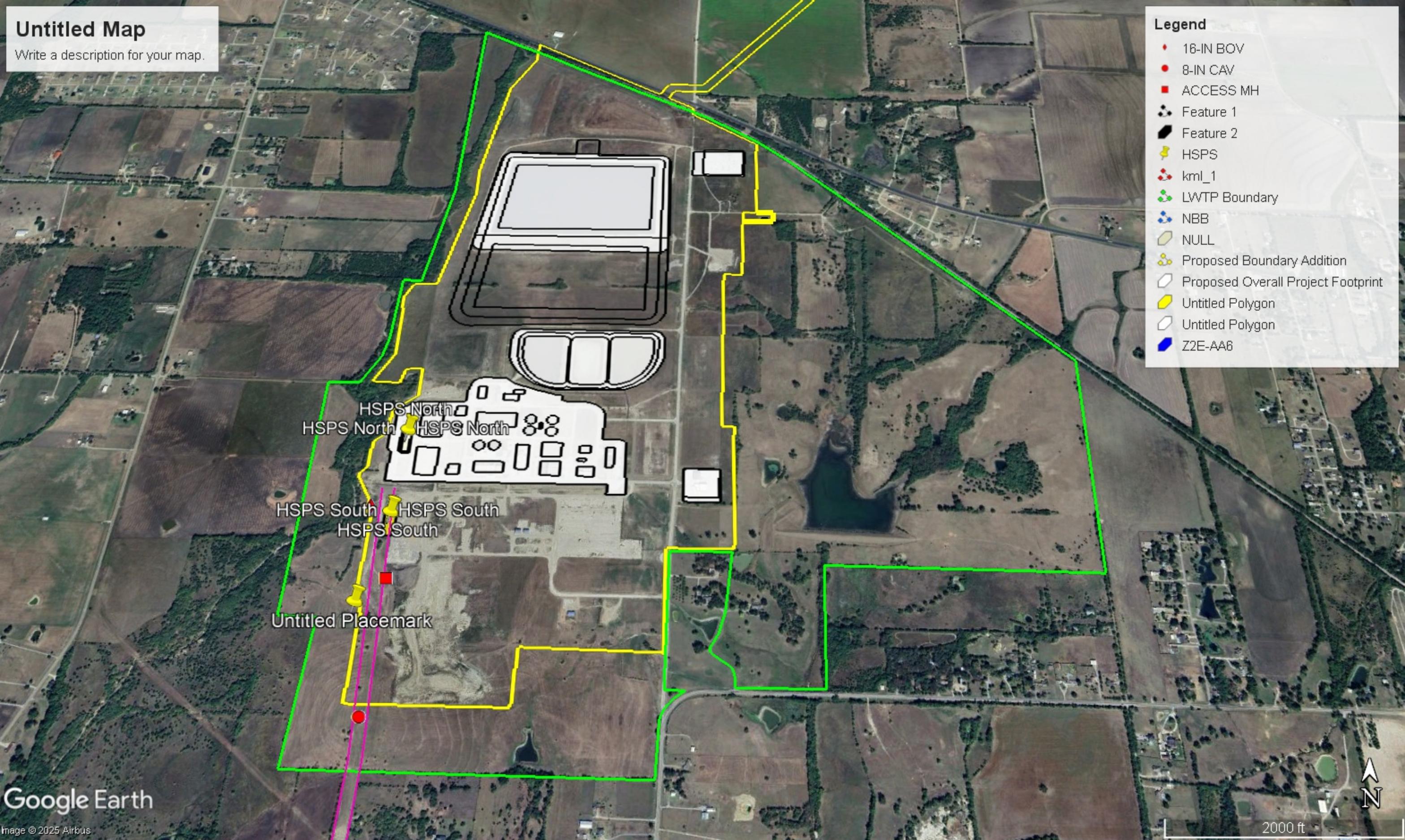
69

Untitled Map

Write a description for your map.

Legend

- 16-IN BOV
- 8-IN CAV
- ACCESS MH
- Feature 1
- Feature 2
- HSPS
- kml_1
- LWTP Boundary
- NBB
- NULL
- Proposed Boundary Addition
- Proposed Overall Project Footprint
- Untitled Polygon
- Untitled Polygon
- Z2E-AA6



HSPS North
HSPS North HSPS North

HSPS South HSPS South
HSPS South

Untitled Placemark



 Project Study Area

**Figure 3-1. True Color Aerial Imagery
High Service Pump Station South
Leonard Water Treatment Facility
Fannin County, TX (USA)**

0 200 400
 US Feet
 Scale: 1:3,000



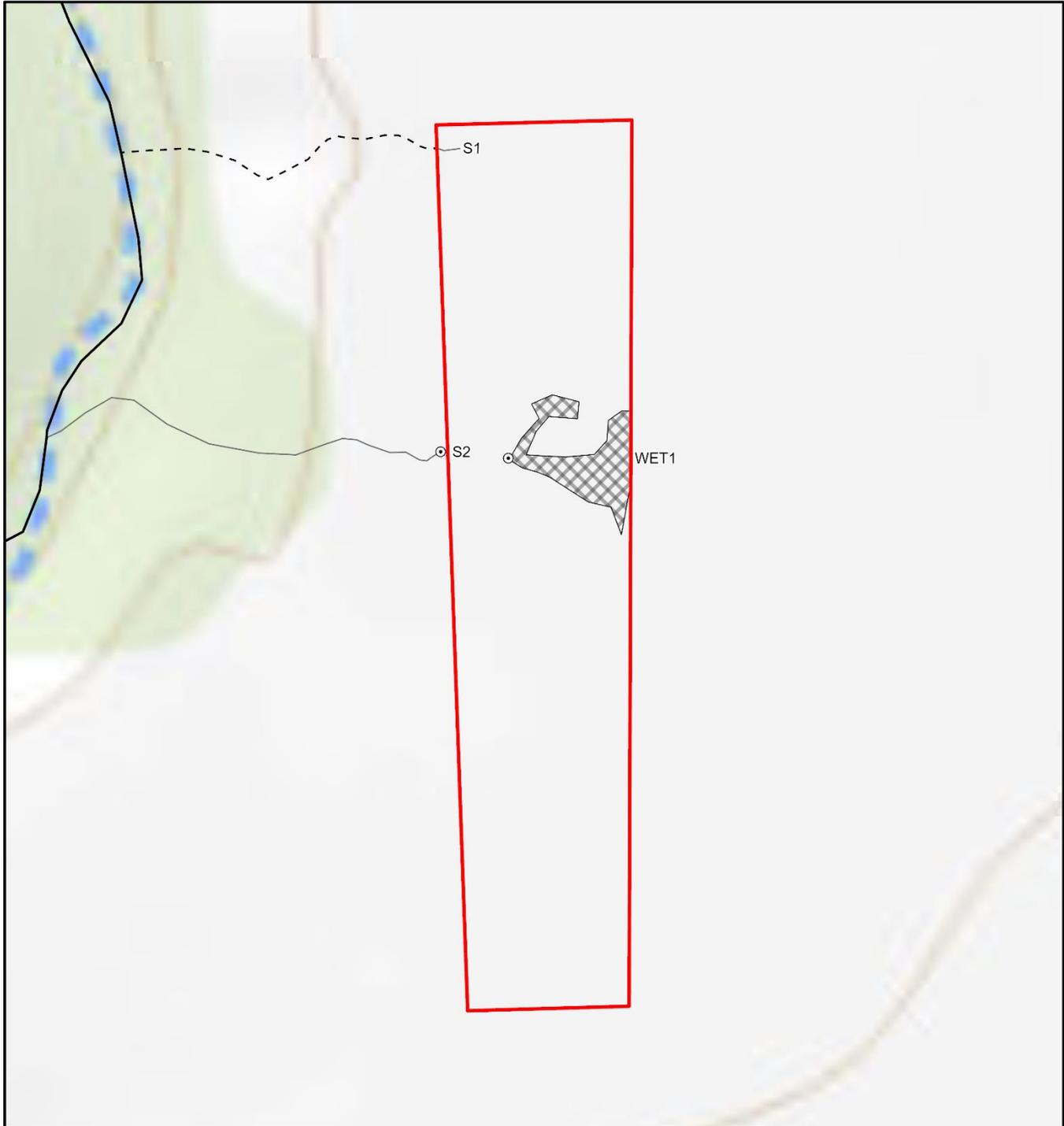
This map is intended to be used for planning purposes only. It is not a survey product.

Source(s): Maxar Imagery, 4/27/2022.
 PCS: NAD 1983 2011 StatePlane Texas North
 Central FIPS 4202 FTUS

Project Number	416652
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KW | 8/11/2025



<ul style="list-style-type: none"> Project Study Area ● Culvert Wetland Delineated Stream Ephemeral flow stream Nondelineated Streams Ephemeral flow stream Perennial flow stream 	<p>Figure 4-1. Delineation Results High Service Pump Station South Leonard Water Treatment Facility Fannin County, TX (USA)</p> <div style="display: flex; align-items: center; justify-content: center;"> <div style="margin-right: 20px;"> <p>0 50 100</p> <p>US Feet</p> <p>Scale: 1:1,300</p> </div> <div style="text-align: center;"> </div> </div> <p style="font-size: small; margin-top: 10px;">KW 8/13/2025</p>	<p style="font-size: x-small;">This map is intended to be used for planning purposes only. It is not a survey product.</p> <p style="font-size: x-small;">Source(s): Black & Veatch, 2025. Esri World Topographic Map. PCS: NAD 1983 2011 StatePlane Texas North Central FIPS 4202 FtUS</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <tr> <td style="width: 60%;">Project Number</td> <td style="width: 40%;">416652</td> </tr> </table> <div style="text-align: center; margin-top: 10px;"> </div>	Project Number	416652
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