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

Clay Schultz Digitally signed by Clay Schultz Date: 2025.06.22 23:22:15 -05'00'

SUBJECT: Upper Trinity Regional Water District, Denton County, Texas
TWDB SWIFT Project No. 51091
Harpool Regional Water Treatment Plant Expansion, Phase 2
Total Commitment Amount: $162,000,000
Loan No. LB2401839
Loan No. LB2501839
Loan No. LB2601839
Loan No. LB2701839
Loan No. LB2801839

The environmental review for the Harpool Regional Water Treatment Plant (RWTP) Expansion, Phase 2, project proposed by the Upper Trinity Regional Water District (District) has been completed consistent with 31 Texas Administrative Code (TAC) § 363.14. The District is proposing to use $162,000,000 in financing from the State Water Implementation Fund for Texas (SWIFT) Program to expand the existing RWTP. The TWDB committed this financing on July 23, 2024. Closings will be spaced out until 2028, as the funds are needed.

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 18, 2024, with the supplementary materials submitted to the TWDB on April 11, 2025, the project meets the requirements of 31 TAC § 363.14 with the following special and standard environmental conditions:

<u>Special Environmental Conditions</u>

- 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 58 for Utility Line Activities for Water and Other Substances (USACE No. SWF-2024-00467).
- Consistent with the Flood Insurance Reform Act of 2004, federal Executive Order 11988, Texas Water Code Section 16.315, and local floodplain development

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Bryan McMath, Executive Administrator

ordinances, a floodplain development permit will be obtained from the local floodplain administrator prior to construction in, across, or under a Special Flood Hazard Area.

- As per an agreement with the Texas Parks and Wildlife Department (TPWD), Ecological & Environmental Planning Program (TPWD Project No. 52942), to ensure compliance with 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 species including the alligator snapping turtle (*Macrochelys temminckii*), the following measures are recommended to be implemented:
    - Vegetation clearing should be excluded during the general bird nesting, 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 should 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. State and federal regulations as currently interpreted do not permit incidental take.
    - The length of trenches left open at any given time during construction should be minimized. Trenching and backfilling activities should be kept close together in time. Trenches and excavation areas should 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 trenches cannot be backfilled the day of initial trenching, then escape ramps should be installed every 300 feet, in the form of short lateral trenches or wooden planks sloping to the surface at an angle of less than 45 degrees, at a ratio one horizontal foot for every one foot of depth.
    - Contractors and construction crews should be provided with informational materials identifying potential protected species that may occur in the project area and instructing them on how to avoid impacts to wildlife that are encountered: If wildlife are encountered, the animals should be allowed to leave the area safely. Wildlife in danger from project activities that will not readily leave the site can be translocated to a nearby area with similar habitat. Any translocations of reptiles will occur within 100-200 yards from the initial encounter location. State-listed species will be handled only by persons with authorization obtained through the TPWD.
    - For soil stabilization and revegetation, no-till drilling, hydromulching (avoiding plastic ingredients), and/or hydroseeding should be used rather than erosion control blankets or mats, which pose an entanglement hazard to wildlife. If erosion control blankets or mats cannot be avoided, products that contain no netting or loosely woven natural fiber netting should be used, avoiding any type of plastic netting.

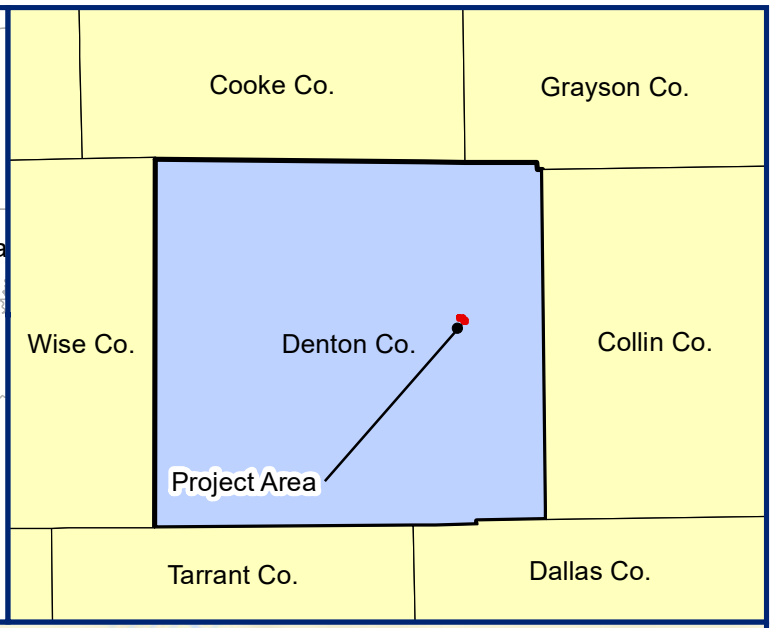
- The project should be designed to utilize the minimum amount of nighttime light needed for safety and security for lighted structures at the water treatment plant, elevated storage tank site, and pump stations. Lights should be focused downward with cutoff luminaries to avoid light emitting above the horizontal. During construction, lighting should only be illuminated when needed, should only be as bright as needed, should be fully shielded, and will minimize blue light emissions.
- If the alligator snapping turtle (*Macrochelys temminckii*) or Monarch butterfly (*Danaus plexippus*) become federally listed prior to vegetation clearing and/or construction, the District will conduct additional coordination with the United States Fish and Wildlife Service to ensure compliance with the Endangered Species Act.

<u>Standard Environmental Conditions</u>

- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0552), the Upper Trinity Regional Water District (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.

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

Enclosures



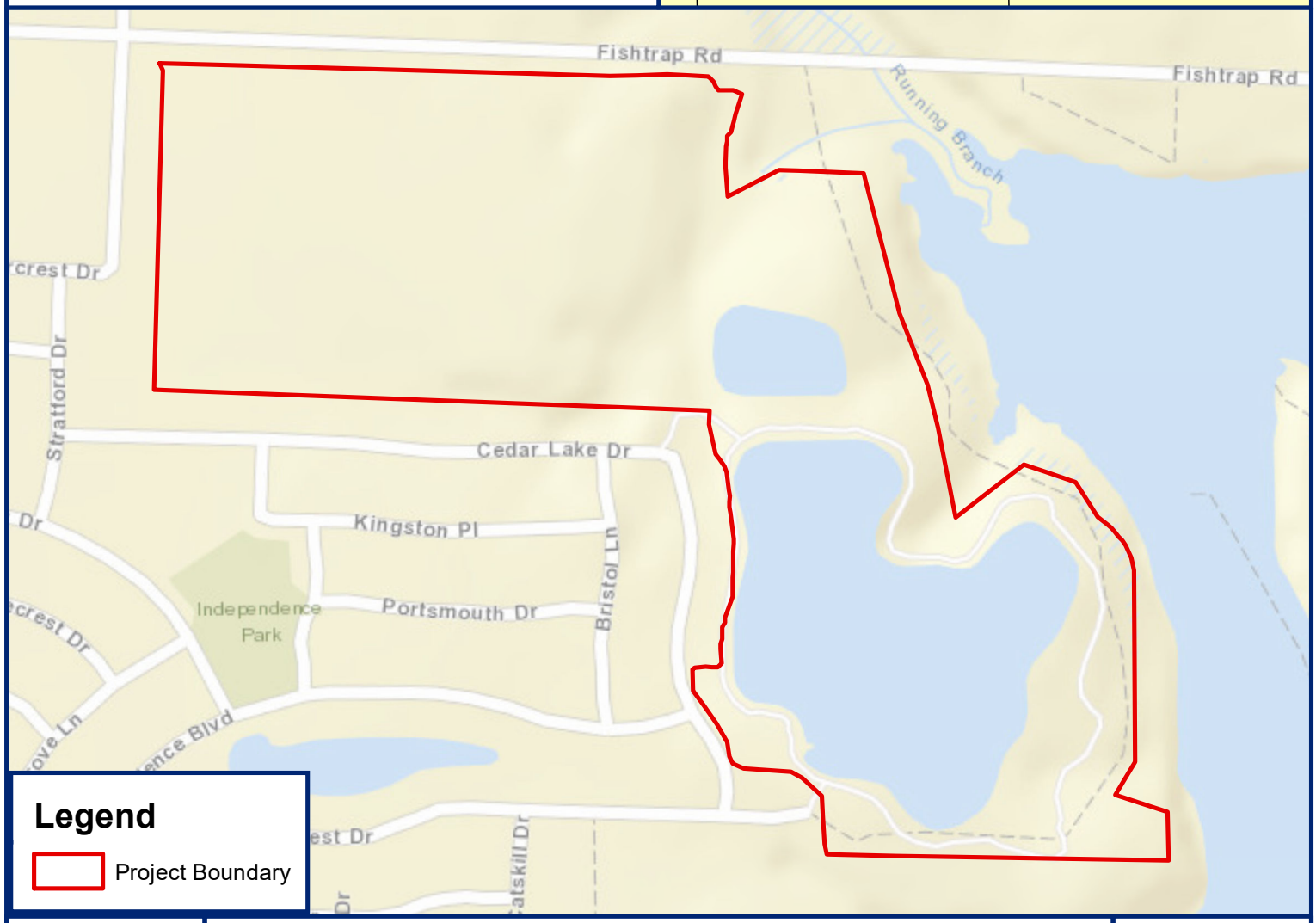


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FIGURE A-1
GENERAL LOCATION
UPPER TRINITY REGIONAL WATER DISTRICT
HARPOOL RWTP PHASE 2
AUBREY, DENTON COUNTY, TEXAS

PLUMMER
1320 S. UNIVERSITY DRIVE
SUITE 300
FORT WORTH, TEXAS 76107
PHONE: (817) 806-1700
FAX: (817) 870-2536

DATE: 9/24/2024

750 375 0 Feet

SOURCE: ESRI BASE DATA

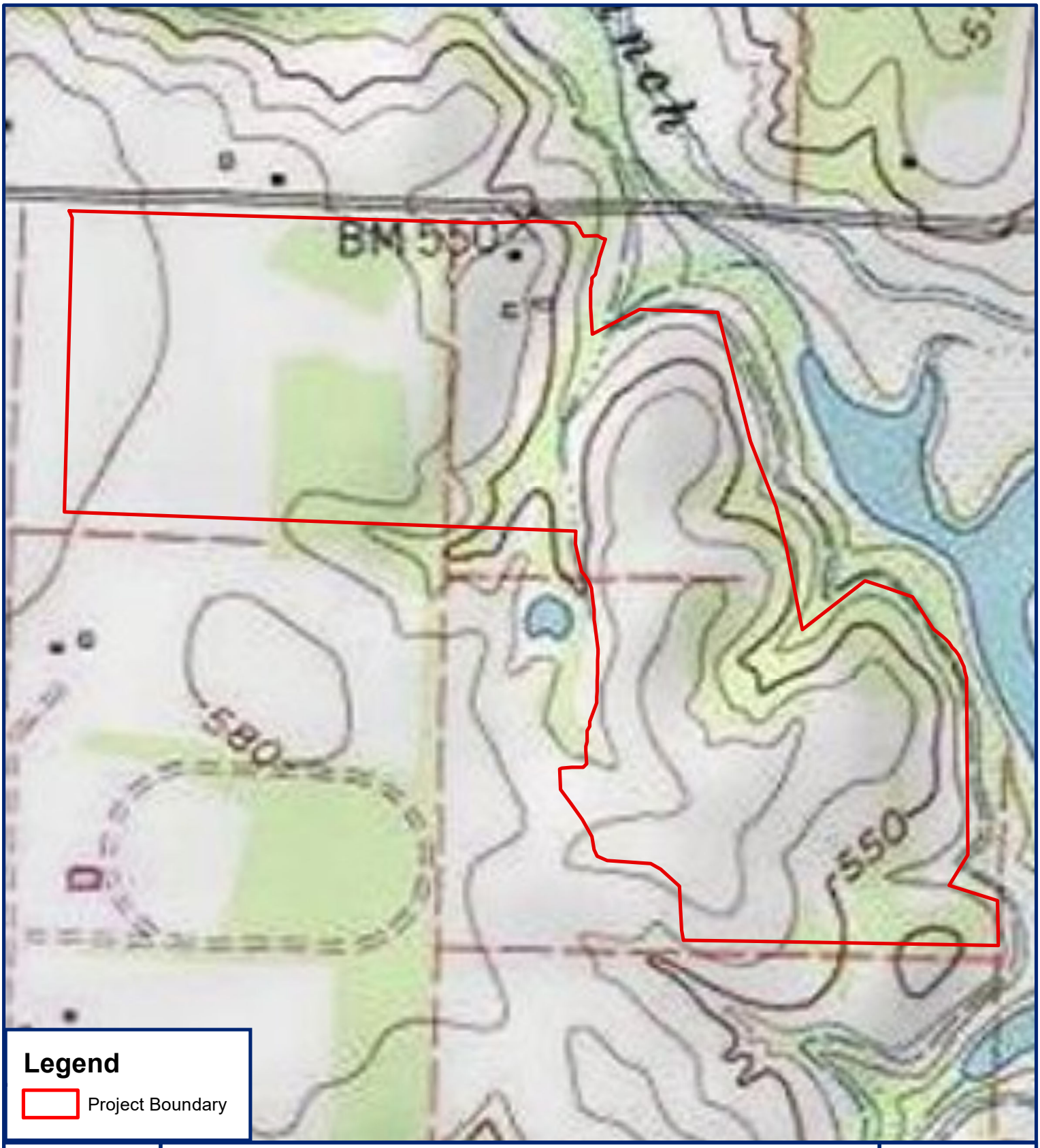

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FIGURE A-2
TOPOGRAPHIC MAP
UPPER TRINITY REGIONAL WATER DISTRICT
HARPOOL RWTP PHASE 2
AUBREY, DENTON COUNTY, TEXAS

PLUMMER
1320 S. UNIVERSITY DRIVE
SUITE 300
FORT WORTH, TEXAS 76107
PHONE: (817) 806-1700
FAX: (817) 870-2536

DATE: 9/24/2024

750 375 0 Feet

SOURCE: USGS, TOPO QUAD: LITTLE ELM

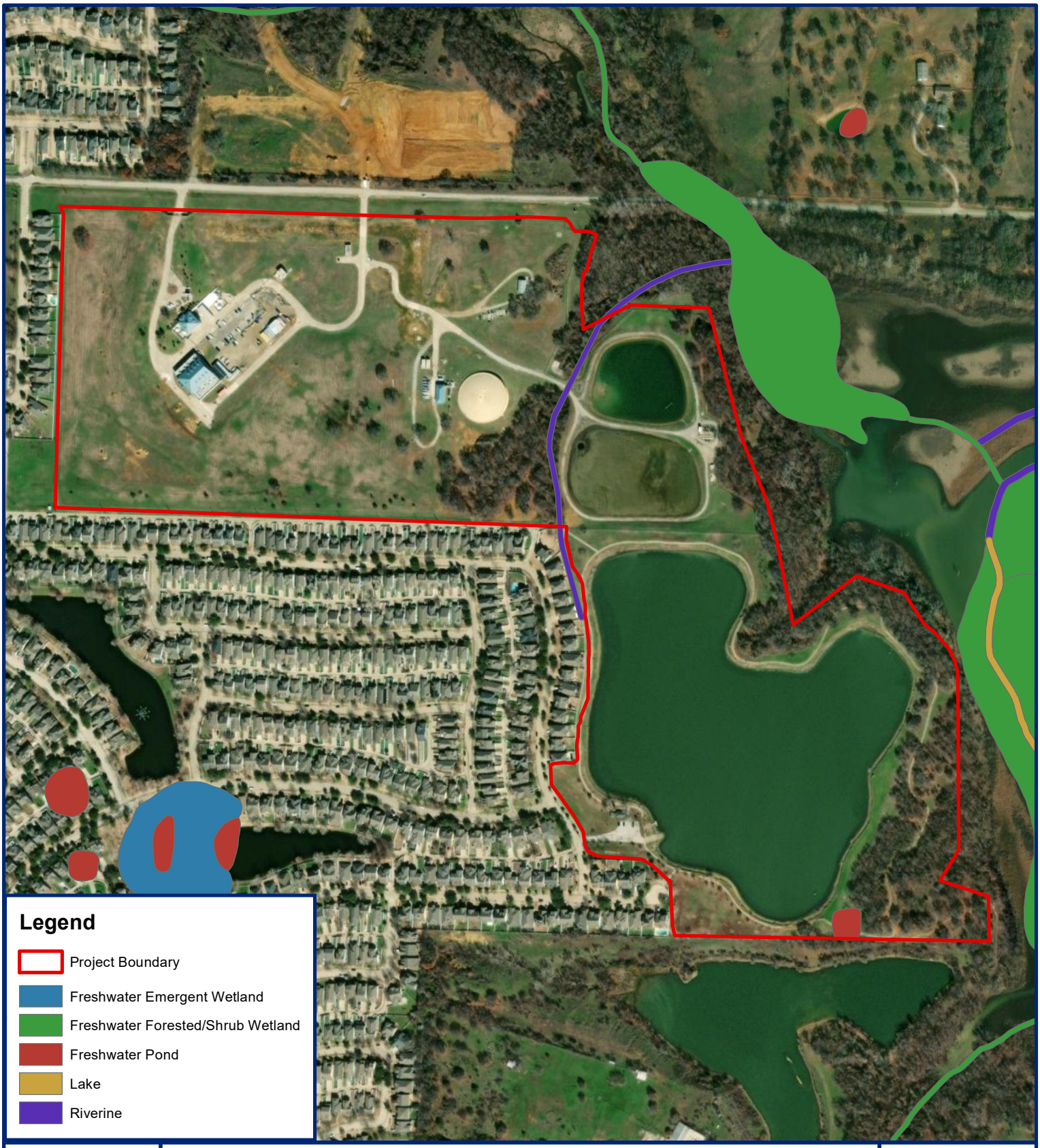

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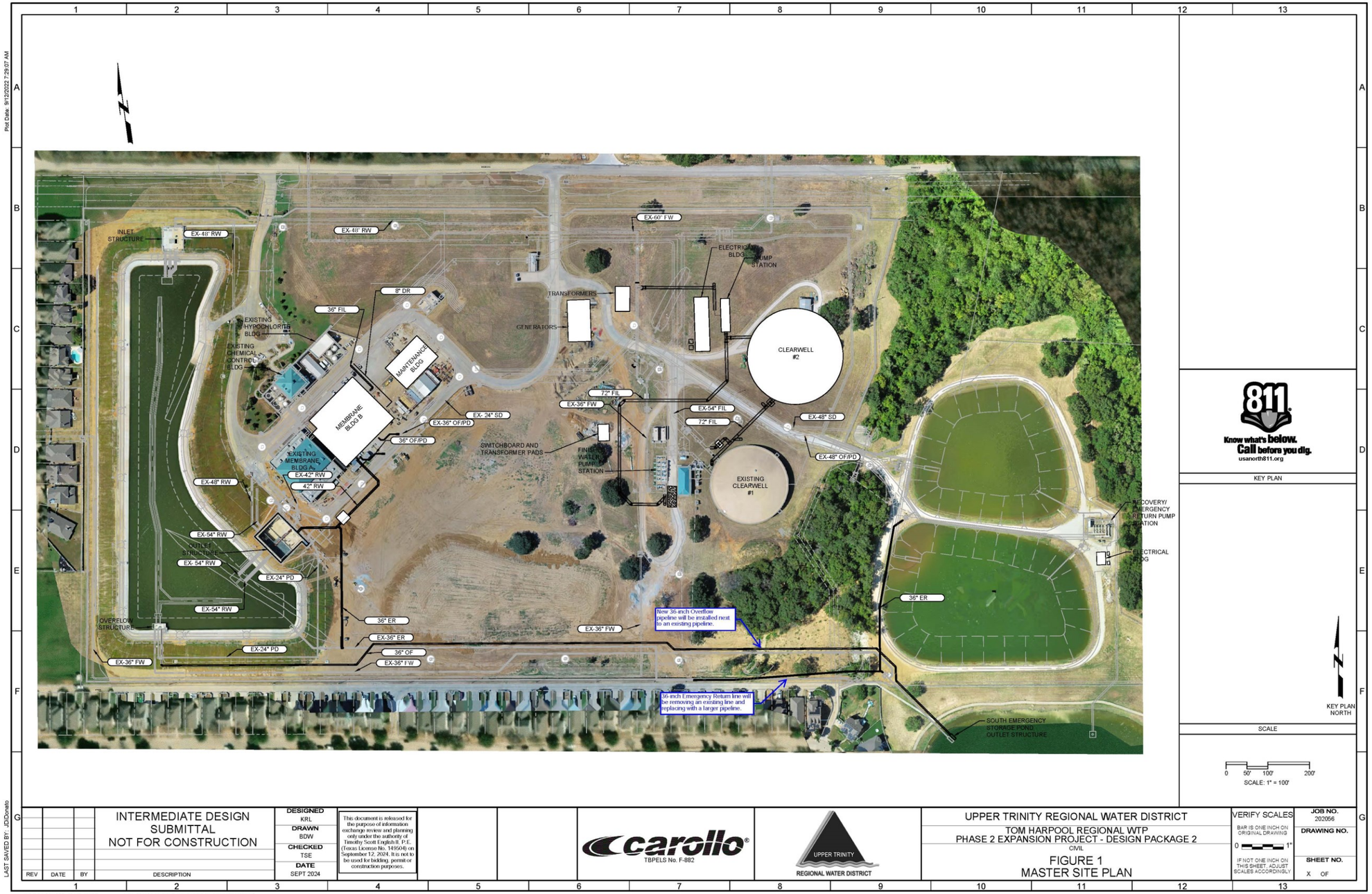
FIGURE A-4
NATIONAL WETLANDS INVENTORY MAP
UPPER TRINITY REGIONAL WATER DISTRICT
HARPOOL RWTP PHASE 2
AUBREY, DENTON COUNTY, TEXAS

PLUMMER
1320 S. UNIVERSITY DRIVE
SUITE 300
FORT WORTH, TEXAS 76107
PHONE: (817) 806-1700
FAX: (817) 870-2536

DATE: 9/24/2024

750 375 0 Feet

SOURCE: USFWS, NWI, TNRIS, NAIP

Floodplain Map
TRWD - TWDB Project No. 51091
Proposed Project Features
Fishtrap Rd
Zone AE
(EL 537)
Zone AE
(EL 537)
Zone AE
(EL 537)
Zone AE
(EL 537)
Cedar Lake Dr
Lakeview Dr
Kingston Pl
Bristol Ln
Providence Blvd
Foxgrove Ln
Oakcrest Dr
Image © 2025 Airbus
Google Earth
1000 ft

Attachment 1. Engineering Design for UTRWD Harpool Expansion Phase II.