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CATEGORICAL EXCLUSION

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As provided by the environmental review process adopted in the rules of the Texas Water Development Board (TWDB), 31 Texas Administrative Code (TAC) § 371.41, for projects to be funded through the Drinking Water State Revolving Fund (DWSRF) program and consistent with the National Environmental Policy Act, 42 United States Code § 4321, *et seq.*, the TWDB has determined that the proposed action identified below may be exempted from comprehensive environmental review:

Study Butte Water Supply Corporation, Brewster County, Texas
TWDB DWSRF Project No. 62844
Water System Improvements Project
Total Financing Amount: \$1,480,000
Loan Nos. L1002290, LF1000967, LF1001946

The Study Butte Water Supply Corporation (Corporation) is proposing to use \$1,480,000 in financing from the DWSRF program for its Water System Improvements Project to: replace a total 7,550 feet of water distribution pipelines (in two sections) along Highways 118 and 170; install a SCADA network throughout the system; and rehabilitate two existing ground storage tanks. The Corporation also proposed replacement of a third section of waterline designated the Ron Read Road Alternate (Segment 3) but that activity is not eligible for categorical exclusion and is not authorized under the present environmental finding. On February 14, 2020, the TWDB issued a Categorical Exclusion for design and construction of a different suite of system improvements that also lie outside the scope of this finding.

Existing pipelines will be replaced with new lines in the same or proximate locations within 20 feet from the existing lines, which will be abandoned in place. There will be no pipeline extensions connected for looping. Environmental impacts resulting from open-trench excavation, boring beneath roadways and streams, pipe installation, and road repair will be temporary and comparable to those associated with maintenance activities. Trench widths will be approximately 10 feet. In some areas, the depth of installation may be greater than that of the existing pipe.

The TWDB may not 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.

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The proposed project is not expected to impact threatened or endangered species or habitat and will not result in permanent loss of important farmlands. There are no previously recorded significant or potentially significant historical or cultural sites within or adjacent to the project footprint, according to the Texas Historical Commission's Archeological Sites Atlas, nor is the proposed project within a protected area surrounding a historic cemetery, structure, or district. The proposed project will not adversely impact Waters of the United States, including wetlands, but will involve trenchless construction beneath two named ephemeral streams, Long Draw and Rough Run, in compliance with Nationwide Permit 58 for Utility Line Activities for Water and Other Substances from the United States Army Corps of Engineers. The proposed project appears to be partially within a 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). Projects involving construction in the 100-year floodplain, including replacement or borings, require a floodplain development permit from the local floodplain administrator prior to construction.

The staff of the TWDB has recommended issuance of a Categorical Exclusion (CE) for the present project elements. The decision to grant this CE is allowed because the specified project elements will not cause significant adverse impacts to cultural and natural resources. 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 § 371.42;
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

- Consistent with the Flood Insurance Reform Act of 2004, Flood Disaster Protection Act, Executive Order 11988 as amended by EO 13690, Texas Water Code Section 16.315, and local floodplain development ordinances, the Study Butte Water Supply Corporation (Corporation) must obtain a floodplain development permit issued by the local floodplain administrator prior to the Texas Water Development Board (TWDB) approval of plans and specifications for construction in the Special Flood Hazard Areas of Long Draw and Rough Run. Brewster County is a participant in the National Flood Insurance Program and is responsible for issuing floodplain development permits for construction in unincorporated areas.
- Consistent with the United States Army Corps of Engineers Nationwide Permit 58 for Utility Line Activities for Water and Other Substances, directional boring will be utilized for pipeline construction at the Long Draw and Rough Run crossings.

- Consistent with the Endangered Species Act of 1973, as amended, the Migratory Bird Treaty Act, and the Texas Parks and Wildlife Code Chapter 64, 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 office of the United States Fish and Wildlife Service. Raptor nesting occurs late winter through early spring, and the Texas Parks and Wildlife Department recommends construction activities be excluded from a minimum zone of 100 meters (approximately 328 feet) surrounding any raptor nest during the period of February 1 through July 15. State and federal regulations as currently interpreted do not permit incidental take.
- As per an agreement with the Texas Parks and Wildlife Department Ecological and Environmental Planning Program and the United States Fish and Wildlife Service, and to ensure compliance with Chapters 1, 12, 57, 64, 67, and 68 of the Texas Parks and Wildlife Code, 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 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 trenches cannot be backfilled the day of initial trenching, then escape ramps will 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 of one horizontal foot for every one foot of depth.
 - Contractors and construction crews will 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 is encountered, the animals will 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 Texas Parks and Wildlife Department.
 - For soil stabilization and revegetation, no-till drilling, hydromulching (avoiding plastic ingredients), and/or hydroseeding will 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 will be used, avoiding any type of plastic netting.

- The Corporation will develop a contingency plan to address potential accidental stream disruptions or accidental release of tunneling material to project-area waters. If accidental release of tunneling material should occur, the Texas Parks and Wildlife Region 2 Kills and Spills Team should be contacted immediately.
- If construction occurs when water is present and dewatering, fill, or trampling activities are involved, the Corporation will coordinate with the Texas Parks and Wildlife Department Kills and Spills Team for the appropriate permits.
- If construction occurs during times when water is present within state waters including streams and reservoirs, the Corporation will coordinate with the Texas Parks and Wildlife Department to conduct a mussel survey and to relocate native aquatic resources, including fish and mussels, in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters*.
- If construction is anticipated to come into contact with a stream, an aquatic invasive species (AIS) transfer prevention plan will be prepared and implemented.
- Design methods will be utilized that allow for the growth of riparian and streambank vegetation to the extent practicable. During construction, trucks and equipment will use existing bridges to cross creeks. Disturbance to inert microhabitats in waterways such as snags, brush piles, fallen logs, pools, and gravel stream bottoms will be avoided. Erosion control measures will be installed prior to construction and maintained until disturbed areas are permanently revegetated using site-specific native vegetation.
- The judicious placement of sediment control fence will be used to exclude protected wildlife from the construction area. The exclusion fence is recommended to be buried at least six inches and be at least 24-inches high. The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated.
- For linear project components (e.g., pipelines), such fencing will be installed and maintained for only the active construction area. Construction personnel will be advised to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities.
- The project will 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 will be focused downward with cutoff luminaries to avoid light emitting above the horizontal. During construction, lighting will only be illuminated when needed, will only be as bright as needed, will be fully shielded, and will minimize blue light emissions.
- A Storm Water Pollution Prevention Plan will be prepared and implemented to eliminate sediment in stormwater runoff from the construction areas, to include best management practices such as silt fences, hay bales, fiber logs, and berms.

Standard Environmental Conditions

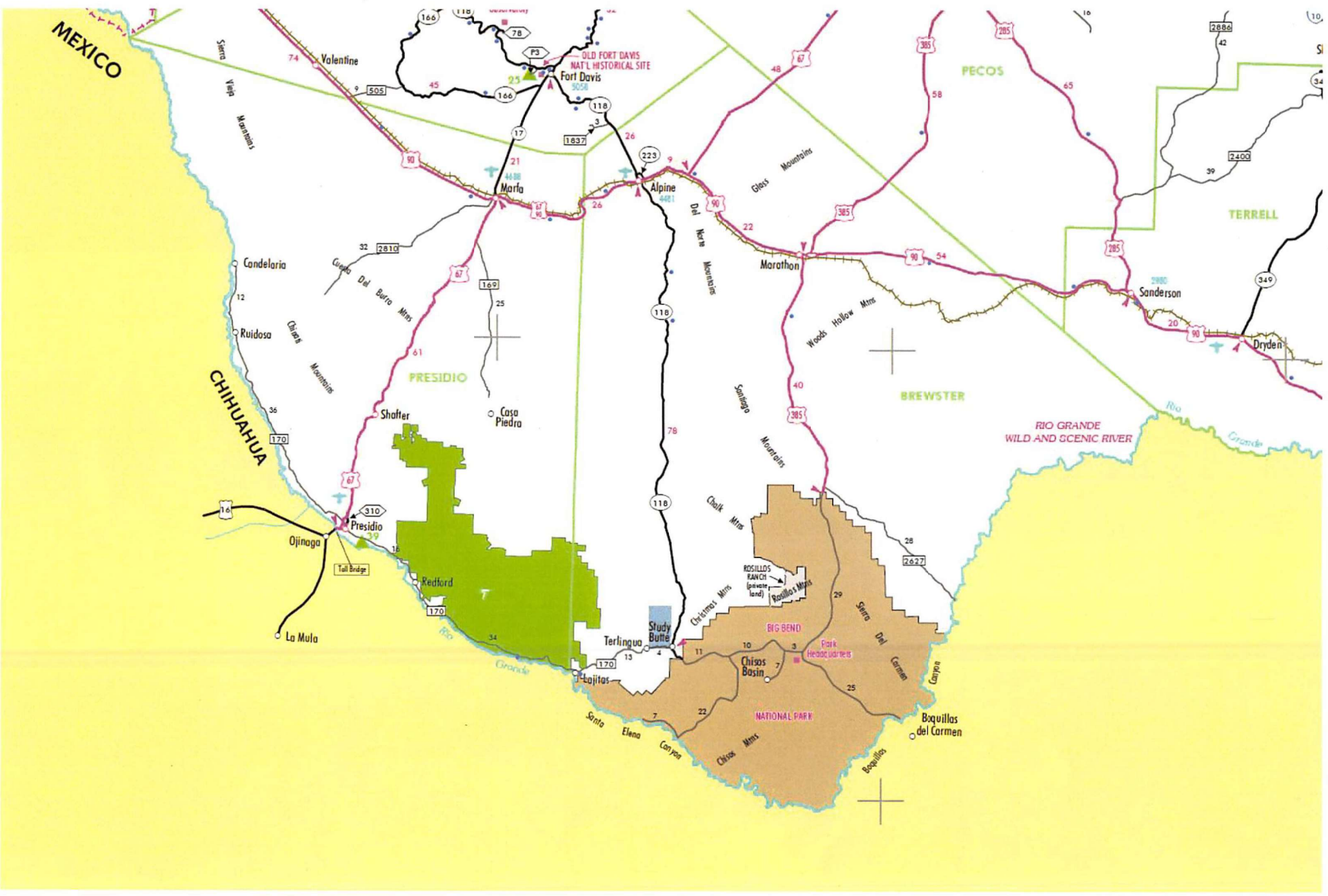
- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0550, the Corporation will abide by the standard emergency condition for the discovery of cultural resources.
- Consistent with the TWDB Supplemental Construction Contract Conditions (TWDB-0550, the Corporation will abide 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.

Sincerely,

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

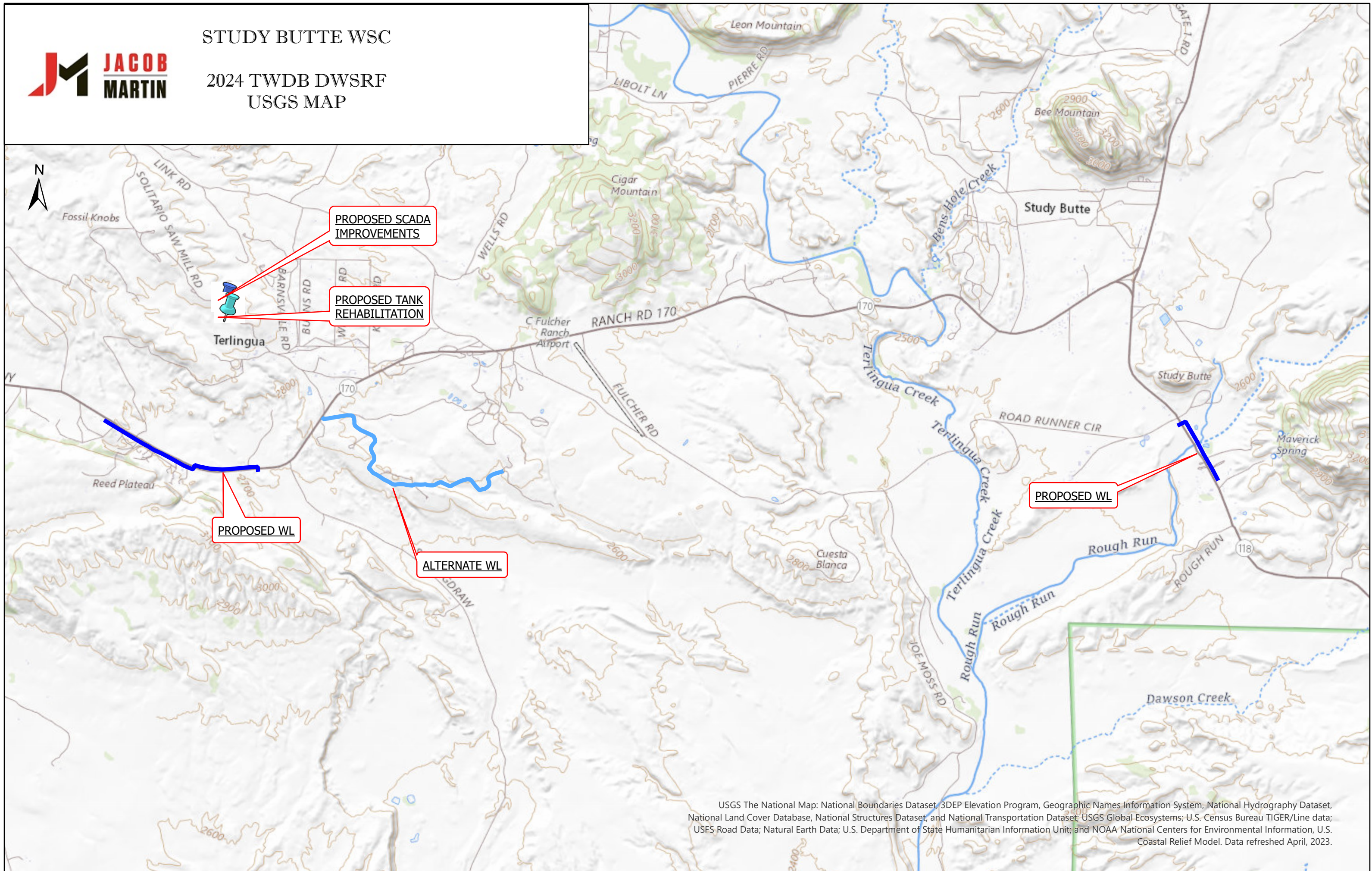
Enclosures





STUDY BUTTE WSC

2024 TWDB DWSRF
USGS MAP



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed April, 2023.