

February 23, 2024

CATEGORICAL EXCLUSION

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As provided by the state environmental review process adopted in the rules of the Texas Water Development Board (TWDB), 31 Texas Administrative Code (TAC) § 375.61, for projects to be funded through the Clean Water State Revolving Fund (CWSRF) Program and consistent with the National Environmental Policy Act, 42 United States Code § 4321, *et seq.*, the TWDB staff has determined that the proposed action identified below may be exempted from formal environmental review requirements:

Northgate Crossing Municipal Utility District No. 2, Harris County, Texas
TWDB CWSRF Project No. 73945
Northgate Crossing Regional WWTP Reclaimed Storage, Supply, and Distribution
Total Financing Amount: \$3,599,996
Loan No. L1001687, LF1001677

The Northgate Crossing Municipal Utility District No. 2 (District) is proposing to use \$3,599,996 in financing from the CWSRF program for the Northgate Crossing Regional WWTP Reclaimed Storage, Supply, and Distribution project to add tertiary treatment at an existing WWTP, enabling treated effluent to be used for irrigation where potable water is currently used. Tertiary treatment upgrades include the installation of disk filters, a ground storage tank, a pump station, a hydropneumatic tank, a building to store an air compressor, a backwash pump station, a transfer station, a sanitary manhole, associated yardwork lines, a gravel driveway, and swale extension. The proposed project also includes installation of approximately 255 linear feet of new reuse water line.

The treatment plant upgrades will occur within the existing wastewater treatment plant (WWTP) site. Hydro mulch was added to the wastewater treatment facility after construction and has been regularly mowed since. Approximately 15% of the work will replace an existing gravel driveway. Though open trenching is proposed for all lines within the WWTP boundary, the proposed extension across the railroad will be installed via trenchless construction methods.

Compass Environmental Solutions, LLC (Compass) performed a Wetland Delineation, Threatened and Endangered Species Report, and Cultural Resources Assessment in a report dated December 7, 2023. Based on the wetland delineation data collected during

Our Mission

Leading the state's efforts
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Jeff Walker, Executive Administrator

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their evaluation, Compass advises that no waters of the U.S. are present within the proposed project site. The U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) are the final authority over the jurisdictional status of both wetlands and waters of the U.S. per Section 404 of the Clean Water Act. These findings are solely the professional judgement of Compass and have not been verified by the aforementioned regulatory government agencies.

Seven federally-listed species are believed to occur within the vicinity of the subject property. However, no critical habitat is listed as occurring in the subject property and no listed species were identified during Compass's field investigation. Therefore, the project is not likely to adversely affect any listed species.

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 is not located within the 100-year floodplain; however, portions of the project are located within the 500-year (or 0.2 percent) floodplain, as designated by the Federal Emergency Management Agency (FEMA). According to the Harris County Engineering Department website, "all development within the unincorporated areas of Harris County without first securing a permit is prohibited."¹ Consequently, the District should consult the Harris County floodplain administrator prior to approval of project design documents.

The staff of the TWDB recommended issuance of a Categorical Exclusion for this project. The decision to grant a Categorical Exclusion is allowed because the specified project elements will not cause significant adverse impacts to the quality of the human environment or protected 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 a Categorical Exclusion as a result of changes in the project;
- (2) the project involves extraordinary circumstances as described in 31 TAC § 375.62; or
- (3) the project may violate or has violated federal, state, local, or tribal laws.

¹ Blount, John R., P.E. and Loyd Smith, P.E. "Regulations of Harris County, Texas, for Floodplain Management." Effective July, 2019. Accessed January 22, 2024.
https://www.eng.hctx.net/Portals/23/FP_floodplain_regs.pdf.

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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, federal Executive Order 11988, Texas Water Code Section 16.315, and local floodplain development ordinances, floodplain development permissions will be obtained from the local floodplain administrator prior to construction.

Standard Environmental Conditions²

- No activity which may affect properties listed or properties eligible for listing in the National Register of Historic Places or eligible for designation as a State Archeological Landmark is authorized until the Owner has complied with the provisions of the National Historic Preservation Act and the Antiquities Code of Texas.

If archeological sites or historic structures which may qualify for designation as a State Archeological Landmark according to the criteria in 13 Texas Administrative Code Chapter 26, or that may be eligible for listing on the National Register of Historic Places in accordance with 36 CFR Part 800, are discovered after construction operations are begun, the Contractor shall immediately cease operations in that particular area and notify the Owner, the TWDB, and the Texas Historical Commission. The Contractor shall take reasonable steps to protect and preserve the discoveries until they have been inspected by the Owner's representative and the TWDB. The Owner will promptly coordinate with the State Historic Preservation Officer and any other appropriate agencies to obtain any necessary approvals or permits to enable the work to continue. The Contractor shall not resume work in the area of the discovery until authorized to do so by the Owner.

- No activity is authorized that is likely to jeopardize the continued existence of a threatened or endangered species as listed or proposed for listing under the Federal Endangered Species Act (ESA), and/or the State of Texas Parks and Wildlife Code on Endangered Species, or to destroy or adversely modify the habitat of such species.

If a threatened or endangered species is encountered during construction, the Contractor shall immediately cease work in the area of the encounter and notify the Owner, who will immediately implement actions in accordance with the ESA and

² Texas Water Development Board, Supplemental Contract Conditions and Instructions for Construction Services (Document Nos. [TWDB-0550](#), [TWDB-0551](#), or [TWDB-0552](#)).

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applicable State statutes. These actions shall include reporting the encounter to the TWDB, the U. S. Fish and Wildlife Service, and the Texas Parks and Wildlife Department, obtaining any necessary approvals or permits to enable the work to continue, or implement other mitigation actions. The Contractor shall not resume construction in the encounter area until authorized by the Owner.

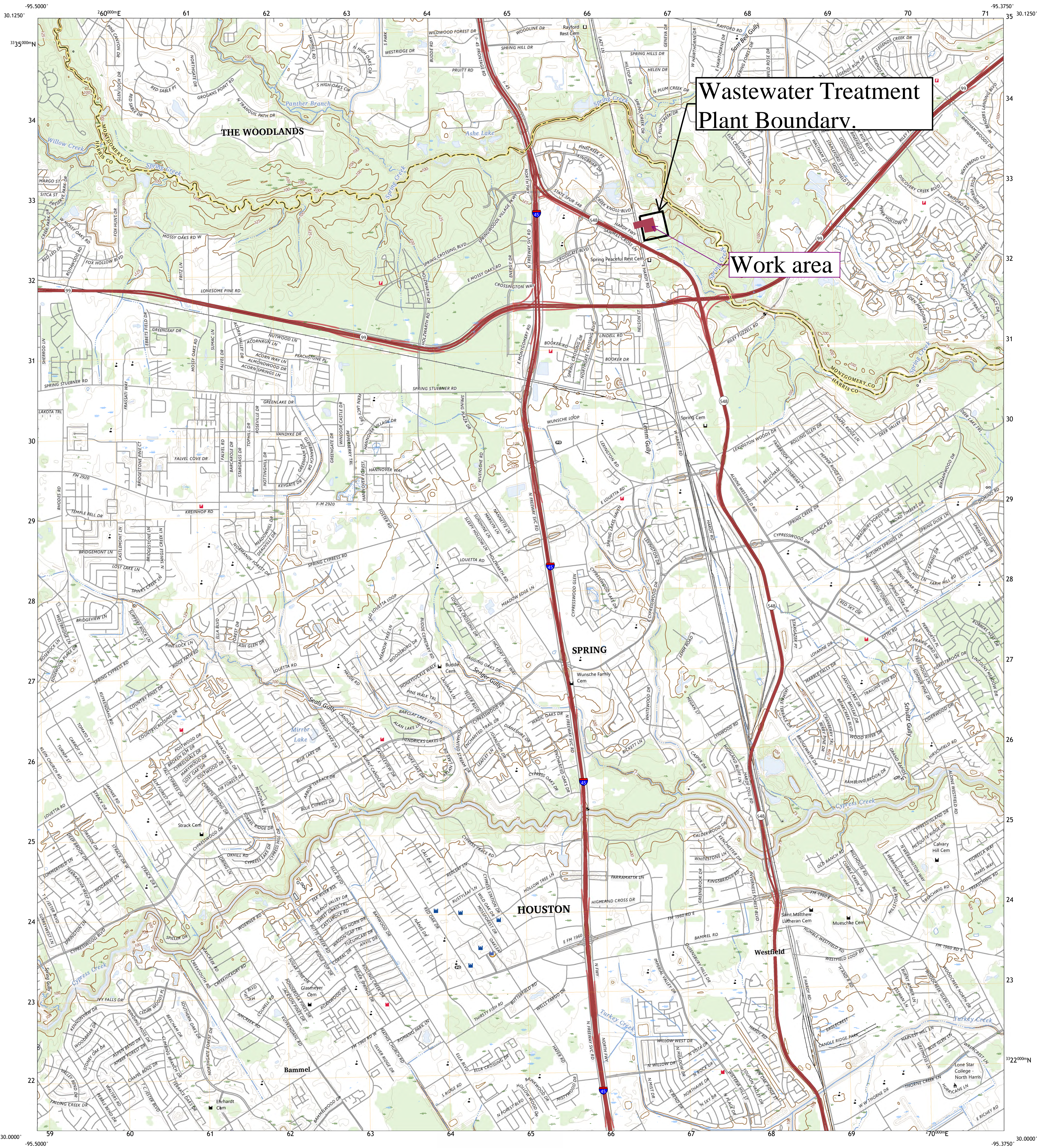
The TWDB may not fund testing, remediation, removal, disposal, or related works for contaminated or potentially contaminated materials. However, the project proponent should ensure that, if found, such materials are tested, removed, and disposed of in accordance with applicable state and federal laws.

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

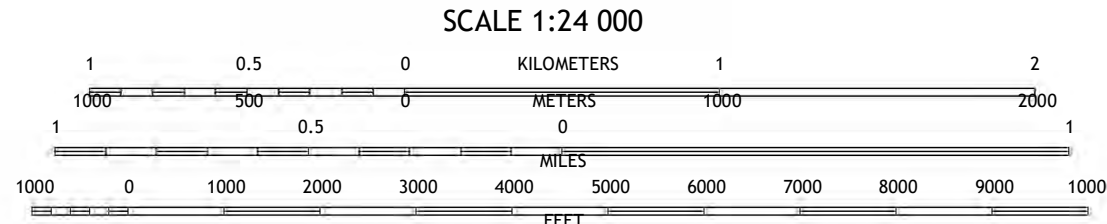
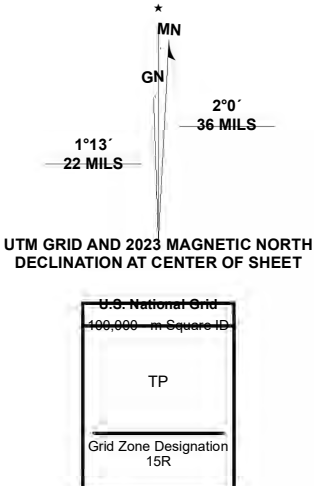
Enclosures



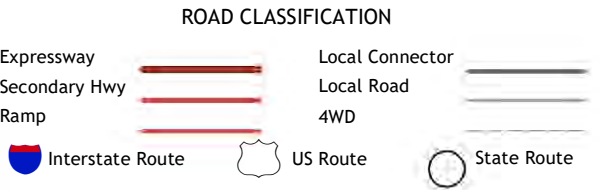
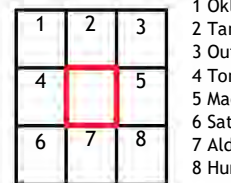
Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid/Universal Transverse Mercator, Zone 18R
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, September 2016 - November 2016
Roads.....U.S. Census Bureau, 2015 - 2019
Names.....GNIS, 1979 - 2023
Hydrography.....National Hydrography Dataset, 2002 - 2022
Contours.....National Elevation Dataset, 2010
Boundaries.....Multiple sources; see metadata file 2021 - 2022
Wetlands.....FWS National Wetlands Inventory Not Available



CONTOUR INTERVAL FIVE FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard.



SPRING, TX
2023



12/8/2023 Created in ArcGIS Pro 3.1 for G&P Project 23-94340.001.



Figure 2
Review area overlaid on aerial imagery circa August 16, 2023.

 Review Area

National Flood Hazard Layer FIRMette



95°25'38"W 30°6'25"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/6/2023 at 9:21 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

95°25'11"W 30°5'53"N

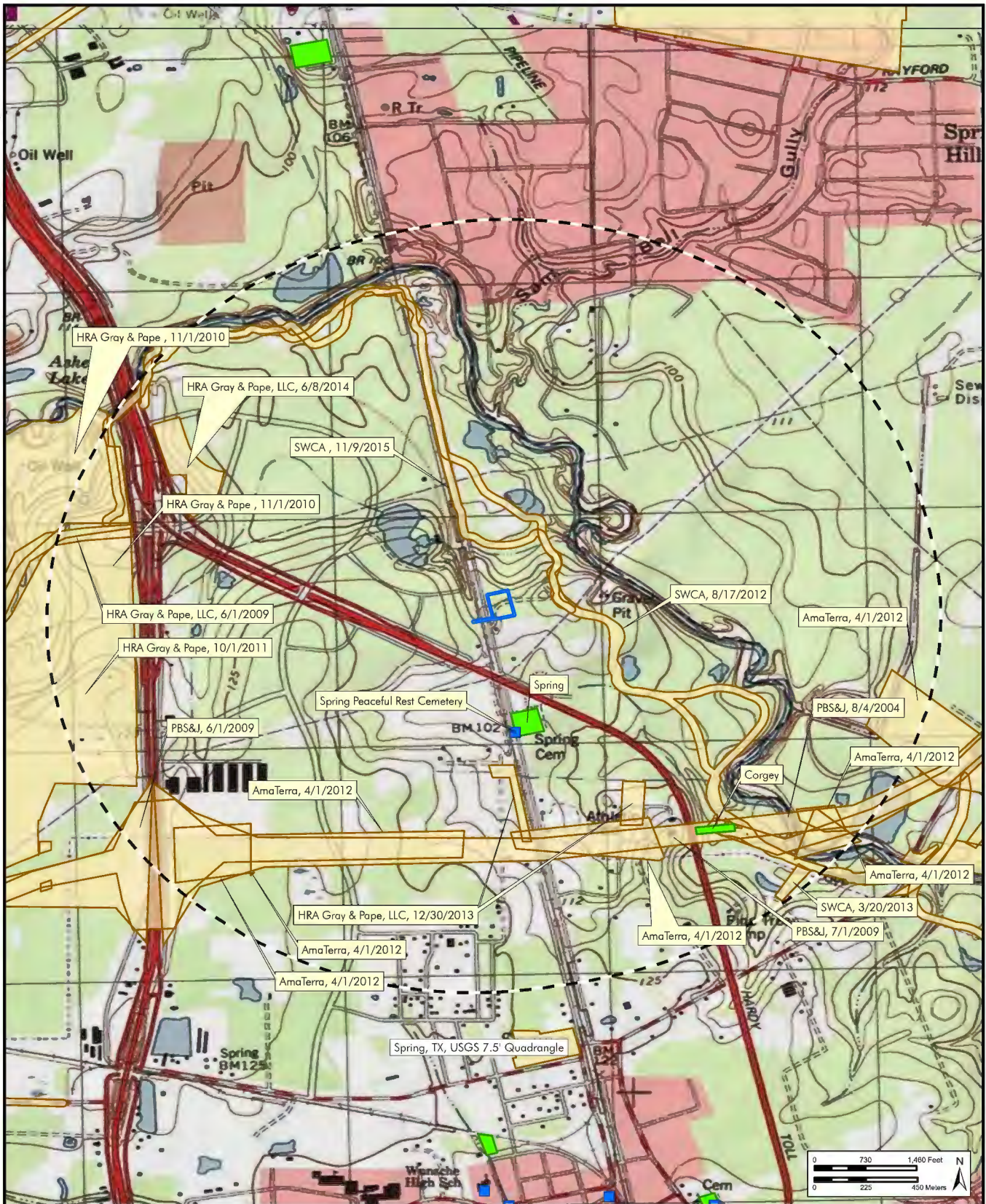


Figure 1
Review area location in
Montgomery County, Texas.



- Review Area
- Study Radius (1.6-km/1-mi)
- Historical Marker
- Cemetery Boundary
- Previous Area Survey
- USGS Quadrangle Boundary

