

September 24, 2020

STATEMENT OF FINDINGS

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

As required by the rules of the Texas Water Development Board (TWDB), 31 Texas Administrative Code (TAC) § 375.61, an environmental review consistent with the National Environmental Policy Act, 42 United States Code § 4321, *et seq.*, has been performed on the project below. This project is proposed to be funded through the Clean Water State Revolving Fund (CWSRF), which is administered by the TWDB. The Board's Executive Administrator issues this Statement of Findings (SOF) for the following project:

City of Mission, Hidalgo County, Texas
TWDB CWSRF Project No. 73708
Wastewater Treatment Plant Expansion Project
Reuse Distribution Line Project
Total Financing Amount: \$16,140,000
(L1000356)

The City of Mission (City) is proposing to use \$16,140,000 in funding from the CWSRF Program to continue the proposed wastewater treatment plant (WWTP) expansion project. The TWDB committed financing on March 26, 2015, and the City closed on its commitment on October 28, 2015.

The proposed project consisted of expanding the City's WWTP from 9.0 million gallons per day (MGD) to 13.5 MGD and included a new plant lift station, an ultraviolet disinfection system, expansion of the effluent reuse system, a belt filter press, expansion of existing headworks, and installation of mechanical aerators and clarifiers. The proposed project also provided for the construction of Type 1 reuse distribution lines from the City's WWTP to the Cimarron Golf Course and the Bentsen Palm Park.

On August 21, 2015, the TWDB issued a Finding of No Significant Impact (FNSI) for the proposed WWTP expansion project. However, the Type 1 reuse distribution lines mentioned above were not included in the FNSI. In addition, the alignment has been adjusted to address easement acquisition issues.

The proposed Type 1 reuse distribution lines project consists of the installation of approximately 28,000 linear feet of 12- and 16-inch polyvinyl chloride C900 DR 18 pipe (purple pipe), two 48-inch open bottom manholes, two aerial crossings, two high-performance turbine meters, and various gates and appurtenances. The City has completed all project components except for the proposed Type 1 reuse distribution lines.

To ensure there will be no adverse impacts associated with the construction of the proposed Type 1 reuse distribution lines, the City updated its coordination with the United

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States Army Corps of Engineers (USACE), Galveston District; United States Fish and Wildlife Service (USFWS), Texas Coastal Ecological Services Field Office; Texas Historical Commission (THC); Texas Parks and Wildlife Department (TPWD), Wildlife Habitat Assessment Program; and local floodplain administrator.

United States Army Corps of Engineers

The USACE performed a review and provided a response dated April 16, 2020. A previous determination of “no permit required” had been conducted for the originally proposed project on January 20, 2015 (USACE File No. SWG-2014-00986); however, the proposed eastern water reuse pipe alignment to the Cimarron Golf Course is to be rerouted along a different path from the proposed alignment previously reviewed.

Upon reviewing the proposed project, the USACE concluded there are no potential waters of the United States along the proposed realigned eastern reuse distribution line. Therefore, the proposed realignment route consists entirely of dry land and is not subject to USACE jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 or Section 404 of the Clean Water Act. For this reason, a Department of the Army permit is not required. The USACE provided an approved jurisdictional determination (AJD), dated April 16, 2020, with their response. The AJD is valid for five years, unless new information warrants a revision of the determination prior to the expiration date.

Texas Historical Commission

The THC reviewed the proposed project in accordance with Section 106 of the National Historic Preservation Act, and provided a response dated September 21, 2020, that no identified historic properties, archeological sites, or other cultural resources are present or affected by the proposed project (TWDB Track No. 202007448).

Pursuant to the conditions of this approval, if archeological sites are discovered during construction, work will cease immediately in that area and the contractor will notify the City, THC, and TWDB of the discovery. The City will then proceed in accordance with the regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) and Antiquities Code of Texas prior to taking any action that would affect the cultural resources. The City’s contractor will take reasonable steps to protect and preserve the discoveries until they have been inspected by the City’s representative and the TWDB. The City 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 will not resume work in the area of the discovery until authorized to do so by the City.

United States Fish and Wildlife Service and Texas Parks and Wildlife Department

The USFWS reviewed the proposed project and provided a response dated April 14, 2020 (Consultation No. FWS/R2/ES/02ETTX00-2020-I-1616). To avoid impacts to migratory birds and listed avian species, the USFWS recommends migratory surveys be conducted prior to any work commencing. If the mechanized clearing of habitat occurs between March 15 and September 15, surveys should look for birds, nests, and eggs. If a nest is found, the USFWS recommends leaving a buffer of vegetation, greater than or equal to 100 feet, around songbird nests until young have fledged or the nest is abandoned. Other species, such as water birds or raptors, require larger distances of 500 feet or more. A “no effect” determination was made during the City’s environmental review of the proposed project. The USFWS does not provide concurrence for “no effect” determinations, but by making a determination, the USFWS believes the City complied with Section 7(a)(2) of the Endangered Species Act of 1973, as amended.

The TPWD reviewed the proposed project and provided a response dated March 27, 2020, offering the comments and recommendations summarized below (TPWD Project No. 43403).

- The TWDB recommends the judicious use and placement of sediment control fence to exclude wildlife from areas to be disturbed, particularly areas that would be trenched. The exclusion fence should 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 sites have been revegetated. Construction personnel should be encouraged 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 TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. For open trenches and excavated areas, escape ramps fashioned from soil or boards should be installed at an angle of less than 45 degrees (1:1) in excavated areas that will allow wildlife to climb out on their own.
- For soil stabilization and/or revegetation of disturbed areas within the proposed project area, the TPWD recommends erosion and seed/mulch stabilization

materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, the TPWD recommends the use of no-till drilling, hydromulching, and/or hydroseeding due to a reduced risk to wildlife. If erosion control blankets or mats would be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, allowing expansion of the mesh openings. Plastic mesh matting should be avoided.

- Due to the location of the new alignment, measures should be taken to avoid soil erosion, degradation, and siltation into adjacent wetlands, waters, or drainages. Techniques should include the use of haybales, silt screens, or similar soil erosion prevention methods.

The TPWD stated that, as described in the August 21, 2015 FNSI, mitigative conditions that would be applied to the proposed project include compliance with the Migratory Bird Treaty Act, such as avoiding vegetation clearing during the nesting season. Provided the mitigative conditions listed in the FNSI are applied to the remaining proposed project components and the recommendations above are implemented, if applicable, the TPWD does not anticipate significant adverse impacts to rare, threatened, or endangered species, or other fish and wildlife resources.

Meldon & Hunt Inc., on behalf of the City, responded to the TPWD on July 17, 2020, indicating that, in addition to the mitigative measures indicated in the previous FNSI, the City will include, as part of the construction contract documents, the TPWD's recommendations to the proposed project.

Pursuant to the conditions of this approval, if a threatened or endangered species is encountered during construction, the contractor will immediately cease work in the area of the encounter and notify the City, who will immediately implement actions in accordance with the Endangered Species of Act and applicable state statutes. These actions will include reporting the encounter to the TWDB, USFWS, and TPWD; obtaining any necessary approvals or permits to enable the work to continue; or implementing other mitigation actions. The contractor will not resume construction in the area of the encounter until authorized to do so by the City.

City of Mission Floodplain Administrator

Most of the proposed project is located in the 100-year floodplain, as designated by the Federal Emergency Management Agency. 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 in the 100-year floodplain. Coordination has been initiated with the City's floodplain administrator related to obtaining a floodplain development permit for the proposed project.

The decision to grant a SOF is allowed because the specified project elements should not cause significant adverse impacts to the quality of the human environment. Documentation supporting this determination is on file at the TWDB.

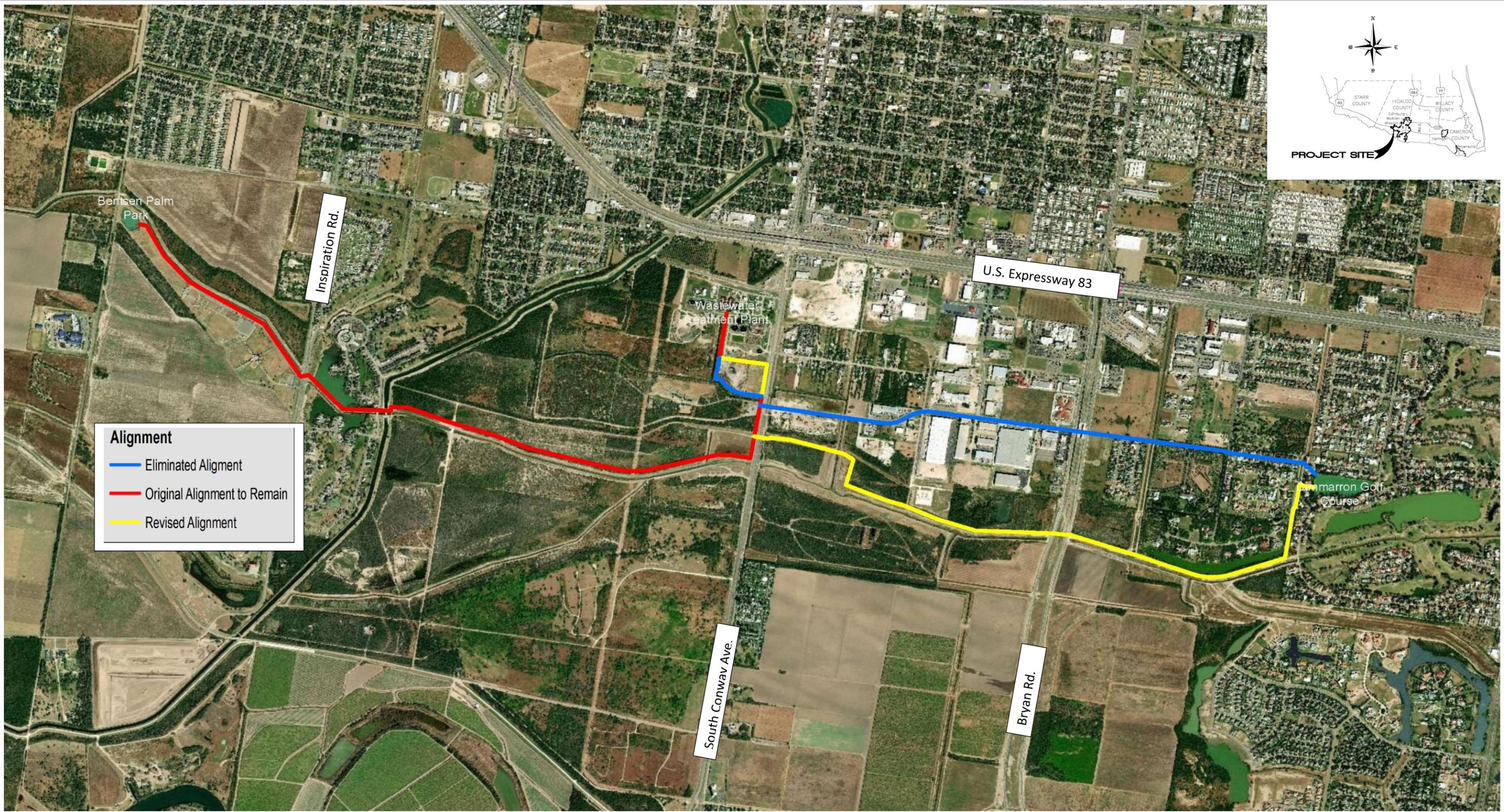
All relevant conditions from the previously issued FNSI will continue to apply. According to a detailed review of the CWSRF planning information for the proposed additional project components and updated agency coordination documentation, this SOF and the City's proposed additions to the project scope are considered environmentally sound with the following conditions:

- In order to comply with requirements of the Federal Emergency Management Agency regarding implementation of the National Flood Insurance Act, Flood Disaster Protection Act, National Flood Insurance Reform Act, Federal Executive Orders 11988 and 11990, and to comply with related state statutes and local floodplain development ordinances, proponents of construction projects in special flood hazard areas must coordinate in advance with the local floodplain administrator and obtain a floodplain development permit prior to construction.
- To ensure compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973, as amended, to avoid impacts to migratory bird and listed avian species, a migratory bird survey will be conducted by a qualified biologist prior to beginning any work. If the mechanized clearing of habitat must occur during the nesting season (March 15 through September 15), a survey will be conducted by a qualified biologist to locate birds, nests, and eggs. If an active nest is located, a buffer of vegetation at least 100 feet in diameter will remain around songbird nests, or at least 500 feet around other species (such as water birds or raptors) nests, until the young have fledged or the nest is abandoned.
- Standard emergency condition for the discovery of cultural resources

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- 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.



Alignment

- Eliminated Alignment
- Original Alignment to Remain
- Revised Alignment



**City of Mission
Type 1 Reuse Water
Transmission Line**

**Figure #1
Revisions to Reuse Line Alignment
Differing from Original Consultation**

