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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

**DATE:** April 29, 2024

**RE:** North Harris County Regional Water Authority, Harris County, Texas  
TWDB SWIFT Project No. 51004  
NHCRWA Internal 2020 Distribution  
Project 23  
Total Anticipated Financing Amount: \$631,910,000  
LM15005, LM16005, LM16040, LM17040, LM17043, LM18043, LM19043,  
LM18832, LM20834, LM19833, LM24838, LM25839, LM22836, LM23837,  
LM26840, LM21835, LM29843, LM30844, LM27841, and LM28842

The Environmental Determination (ED) contains the Texas Water Development Board (TWDB) staff’s views regarding the environmental soundness of Project 23 proposed by North Harris County Regional Water Authority (Authority), Harris County, Texas. The Authority is proposing to use \$125,600,000 of the total \$631,910,000 in financing from the State Water Implementation Fund for Texas (SWIFT) Program for this project as part of the NHCRWA 2020 Internal Distribution Project. The TWDB committed this financing in July of 2015 through 2018, with closings in November or December of each year from 2015 through 2022. Closings related to this project will continue over the next several years as the funds are needed.

Because the proposed components are numerous and spread throughout a large area, portions of the project will have been completed under separate environmental findings. Previous Environmental Determinations (ED) were issued as follows:

- 2025 Internal Distribution System (Project 28) on December 28, 2017
- SH-249 Pump Station Project on February 3, 2021
- Project 28G: Proposed 84-inch Water Line along Gessner Road from SH-249 Regional Pump Station to Greens Bayou on May 4, 2021
- Project 25E: 36-inch Water Line along CenterPoint Energy Corridor and Trickey Road from North Sam Houston Tollway to Spears Road Pump Station on August 9, 2021

<b>Our Mission</b>	:	<b>Board Members</b>
Leading the state’s efforts	:	Brooke T. Paup, Chairwoman   George B. Peyton V, Board Member   L’Oreal Stepney, P.E., Board Member
in ensuring a secure	:	
water future for Texas	:	Bryan McMath, Interim Executive Administrator

- Project 6C-2: Proposed 16-Inch Water Transmission Line along Hereford Road, Spring Cypress Road, & Texas Willow Drive from Faulkey Gully MUD Water Plant No. 2 to Northwest Harris County MUD No. 5 Water Plant No. 2 on February 22, 2022
- Project 6C-1: NHCRWA 16-inch Water Line Service Connection to Faulkey Gully MUD Water Plant No. 1 on May 26, 2022
- Project 7D-1: 30-inch and 16-inch Water Lines Within CenterPoint Energy easement on September 29, 2022
- Project 31: Water Transmission Route on April 5, 2023
- Project 35 on July 7, 2023

An environmental review of the project has been completed consistent with the guidelines provided in 31 Texas Administrative Code (TAC) §363.14. This environmental review is documented by the enclosed 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 June 21, 2023, with the supplementary materials submitted to the TWDB on October 9, 2023, the project meets the requirements of 31 TAC §363.14 with the following special and standard environmental conditions:

#### Special Environmental Conditions

- Consistent with the Endangered Species Act of 1973, as amended, the Migratory Bird Treaty Act, and Texas Parks and Wildlife Code Chapter 64 (Texas Parks and Wildlife Department (TPWD) Project No. 49150), any clearing should be scheduled outside of the general bird nesting season of March 15th to September 15th; however, if clearing must occur during nesting season, a qualified biologist will survey the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by construction. Nest surveys should be conducted no more than five days prior to clearing activities to maximize detection. Should an active nest be identified, a vegetation buffer ranging from 25 to 100 feet in radius will be established, according to species requirements as determined by qualified biologists and TPWD recommendations. These buffers will remain in place and nests protected until all young have fledged.
- To avoid potential impacts to waters of the U.S., including wetlands, water line/wastewater line crossings of the two potentially jurisdictional waterways,

specifically Turkey Creek (K111-00-00) and an unnamed tributary (K211-00-00), will be performed via trenchless method (horizontal boring). Any remaining impacts to waters of the U.S., including wetlands, for this project will be beneath the thresholds to require a pre-construction notification (PCN) to the United States Army Corps of Engineers as defined by Nationwide Permit 58 and General Condition 32. If impacts exceed PCN thresholds (0.10 acres), consultation with the United States Army Corps of Engineers will be conducted.

- Consistent with the Flood Insurance Reform Act of 2004, federal Executive Order 11988, Texas Water Code Section 16.315, and local floodplain development ordinances, a floodplain development permit will be obtained from the local floodplain administrator prior to construction in a Special Flood Hazard Area.

#### Standard Environmental Conditions

- 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.

The Owner has previously coordinated with the appropriate agencies and impacts to known cultural or archeological deposits have been avoided or mitigated. However, the Contractor may encounter unanticipated cultural or archeological deposits during construction.

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, 1511 N. Colorado St., P.O. Box 12276, Capitol Station, Austin, Texas 78711-2276. 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

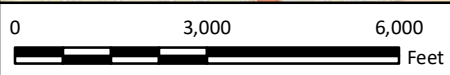
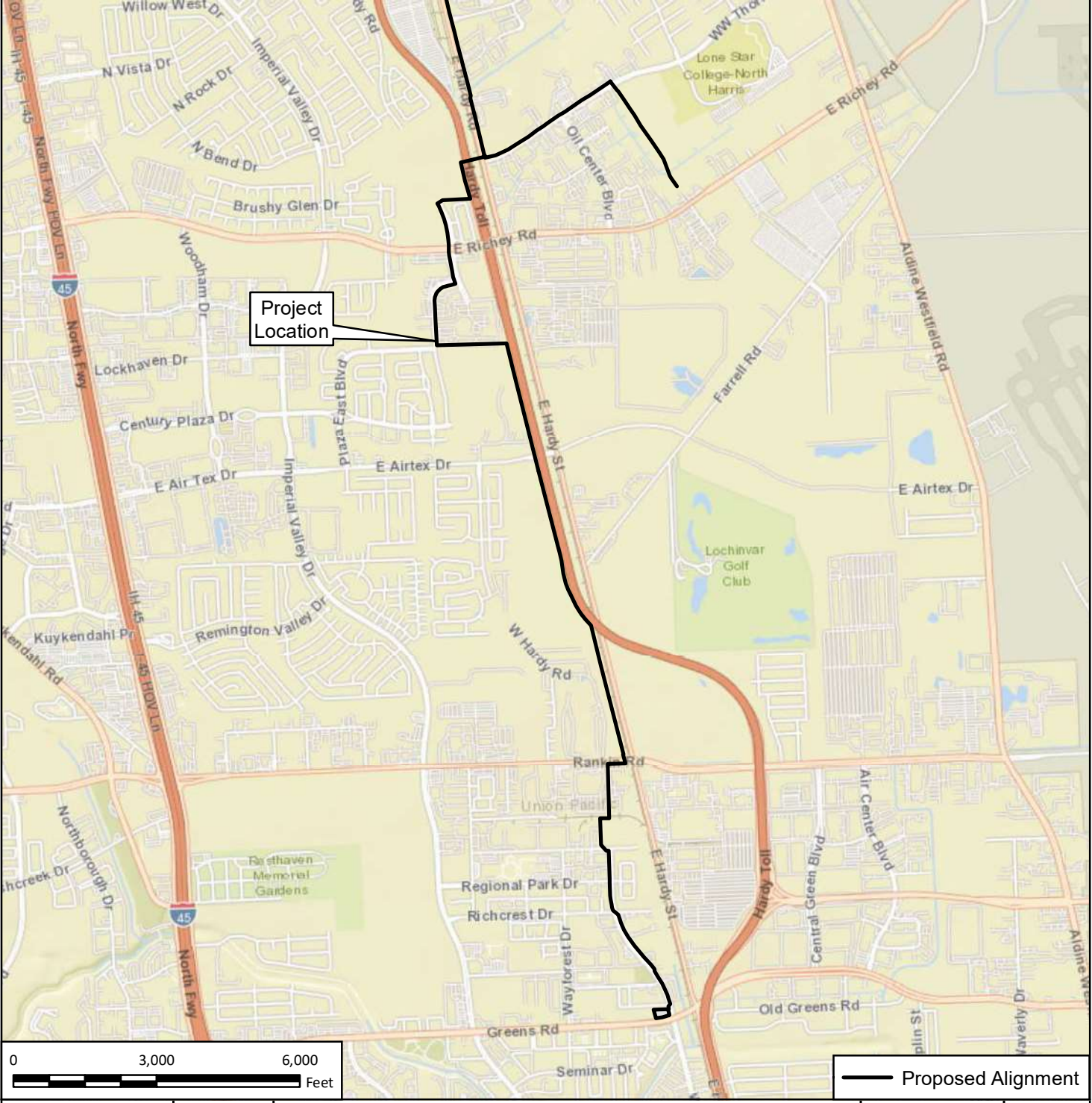
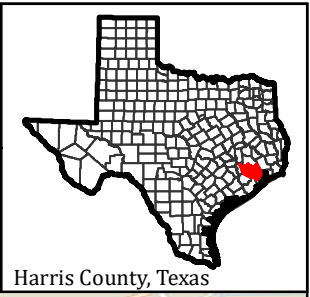
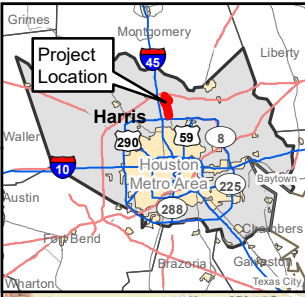
shall not resume work in the area of the discovery until authorized to do so by the Owner.

- 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 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 area of the encounter until authorized to do so by the Owner.

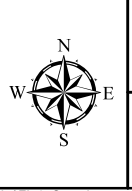
With the addition of these requirements, design funds may be released once all other requirements are satisfied.

Enclosures



**—** Proposed Alignment

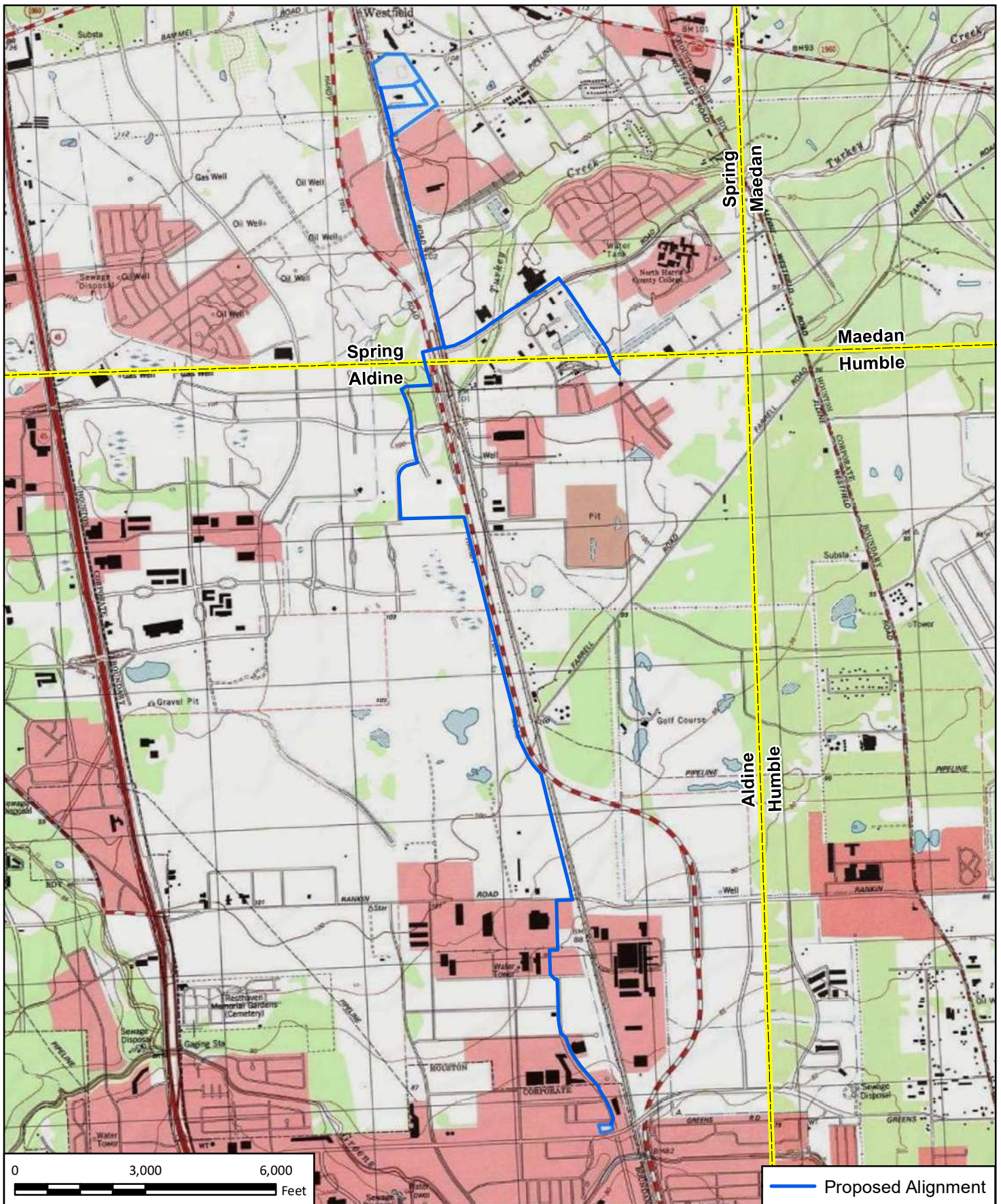
**FRESE AND NICHOLS**  
 FRESE AND NICHOLS, INC  
 801 Cherry Street, Suite 2800  
 Fort Worth, TX 76102  
 Phone - (817) 735 - 7300



AURORA TECHNICAL SERVICES, LLC.  
**NHCRWA Project 23**  
**Overview Map**

FN JOB NO	AUR23180
FILE NAME	Fig1_Overview.mxd
DATE	2/16/2023
DESIGNED	MK
DRAFTED	MK

**1**  
**FIGURE**



— Proposed Alignment

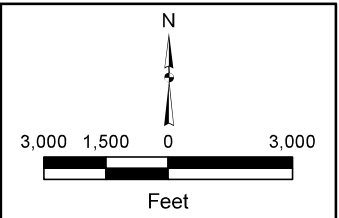
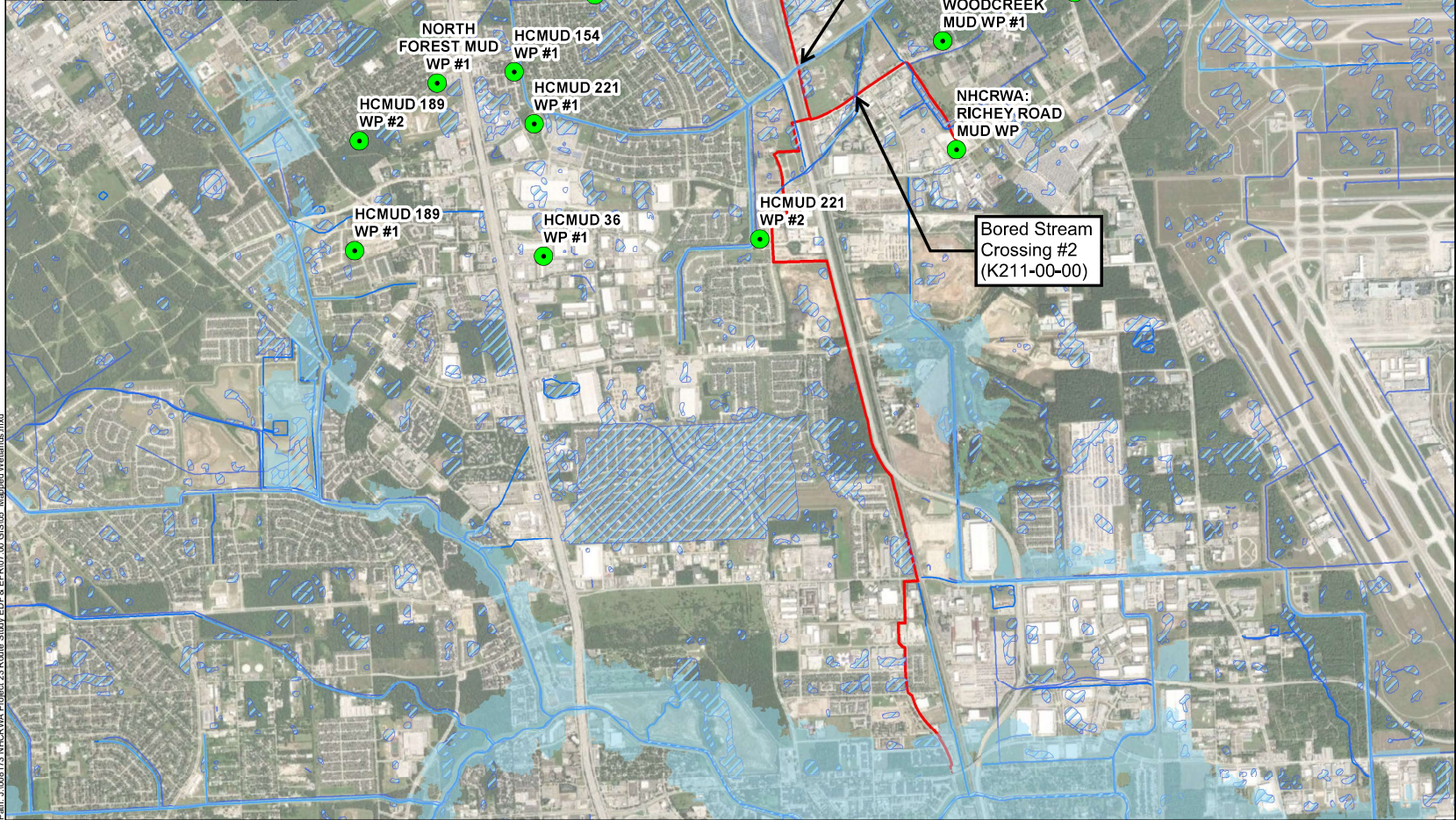
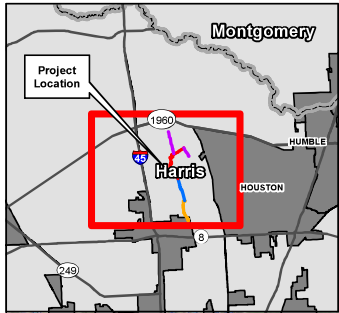
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AURORA TECHNICAL SERVICES, LLC.  
**NHCRWA Project 23**  
**USGS Topographic Map**  
 Quad Names: Spring and Aldine

FN JOB NO	AUR23180
FILE NAME	Fig3_Topo.mxd
DATE	2/16/2023
DESIGNED	MK
DRAFTED	MK

**3**  
**FIGURE**



- Legend**
- Water Receiving Facilities
  - 100-YR Floodplain
  - National Wetlands Inventory
  - Rivers & Streams
  - Proposed Alignment



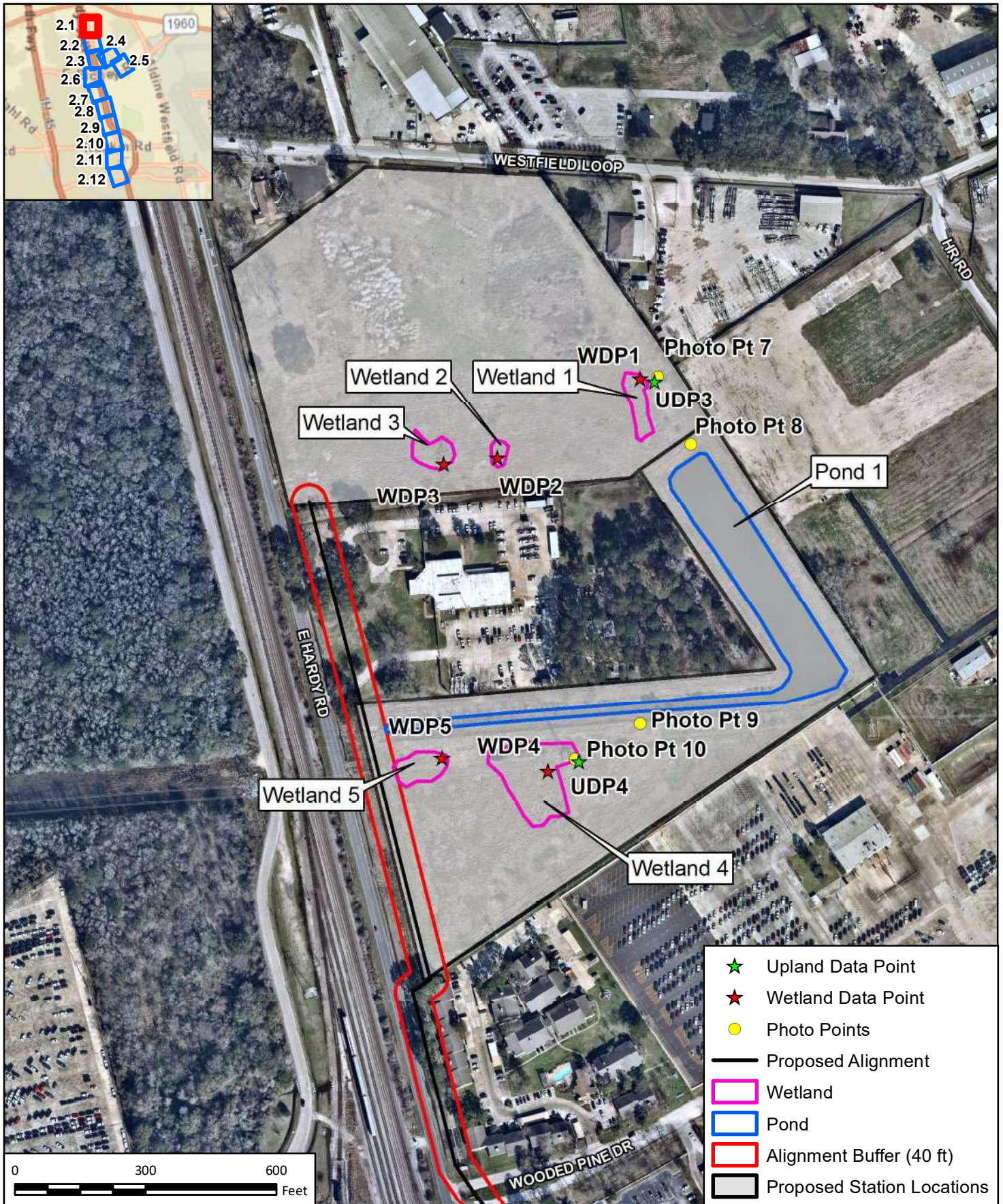
**RPS** Texas PE Firm Reg. #F-929  
 575 N. Dairy Ashford, Suite 700, Houston, Texas 77079  
 T +1 281 589 7257 E us@infrastructure@rpsgroup.com

**Aquatic Resources**

Phase II 2025  
Water Distribution System

RPS PROJ. NO. 006173	EXHIBIT
SCALE: 1" = 3,000'	A
DATE: JULY 2022	

Path: J:\008173 NHCRAWA Project 23 Route Study EDF & EFR07\_00 GIS06 Mapped Wetlands.mxd



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AURORA TECHNICAL SERVICES, LLC.  
**NHCRWA Project 23**  
**WOTUS Map**

FN JOB NO	AUR23180
FILE NAME	Fig2_WOTUS_v107.mxd
DATE	4/14/2023
DESIGNED	MK
DRAFTED	MK

**2.1**  
**FIGURE**