



P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

April 12, 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) §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 staff has determined that the proposed action identified below may be exempted from formal environmental review requirements:

City of Breckenridge, Stephens County, Texas
TWDB DWSRF Project No. 62913
Water System Improvements
Total Financing Amount: \$3,637,809
Loan Nos. L1001493, L1001494, LF1001495

The City of Breckenridge (City) is proposing to use \$3,637,809 in financing from the DWSRF program for the Water System Improvements Project to replace the older portions of the water distribution system. Specifically, the City will replace seven segments of piping constructed from various materials (cast iron, asbestos cement, etc.), totaling approximately 14,000 linear feet, with PVC piping at various locations within existing City rights-of-way and easements, as shown in the attached figure. The project will require adequate isolation valves, fittings, and all necessary appurtenances, including pavement repairs. In addition, the proposed project will include chemical bulk storage, clearwell, and pond liner improvements at the water treatment plant as well as repairs and improvements at the Lake Daniel raw water intake.

Existing lines will be replaced by new lines in the same or proximate locations. The existing lines will either be removed or abandoned in place. Environmental impacts will be similar to rehabilitation activities and limited to those associated with excavation, pipe installation, and road repair. In some cases, the depth of excavation may be greater than the existing pipe and the location of the replacement pipe may not be immediately adjacent to the existing line (e.g., opposite side of street).

Our Mission	:	Board Members
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

The repairs performed on the existing raw water intake at Lake Daniel will take place within the existing raw water intake structure, below the conversation pool elevation of 1,278.0 feet. Four existing 18-inch sluice gates will be replaced along with their operational mechanisms. Three of the sluice gates have screens on the outer concrete morning glory tower (tower); the three sluice gates are on the inside of the morning glory. The screens will need to be temporarily sealed to allow the sluice gate replacements. Screen installation will likely be from the outside of the concrete tower via diver where necessary. The sluice gate for the 18-inch raw water transmission pipe does not need to be sealed and is accessible from inside of the tower. Temporary impacts to Lake Daniel include the installation of three temporary seals over the existing 18-inch metal screens on the outside of the tower. Each seal will be removed entirely upon completion of the project. No dewatering or dredging is required for the raw water intake repairs.

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.

To ensure that there will be no adverse environmental impacts associated with project construction, the City coordinated with several regulatory agencies including the Texas Historical Commission (THC), the Texas Parks and Wildlife Department (TPWD), and the United States Army Corps of Engineers (USACE).

The THC Archeological Sites Atlas identified an archeological site adjacent to the project area. This site was previously permitted under Texas Antiquities Permit No. 7092. The THC concurred in a letter dated November 14, 2023 (Tracking No. 202401352) that no historic properties, cultural materials, or archeological sites would be affected by the proposed project.

Pipeline replacement would cross waterways that qualify as waters of the United States including Walker Branch and a tributary to Gonzales (Gunsolus) Creek; therefore, the City coordinated with the USACE and received verification of a Nationwide Permit 58 for Utility Line Activities for Water and Other Substances on December 19, 2023 (USACE Project No. SWF-2023-00457). USACE determined that because no dewatering or dredging was required for the repairs at the raw water intake site, no permit was necessary. As part of this review, USACE determined that the project will not affect any federally listed threatened or endangered species. In addition, the TPWD (Project No. 51573) determined, in correspondence dated November 20, 2023, that significant adverse impacts to rare, threatened, or endangered species, or other fish and wildlife resources are not anticipated.

Proposed project construction will occur within the 100-year floodplain (1% annual chance of flood), as designated by the Federal Emergency Management Agency (FEMA). Projects involving construction in the 100-year floodplain, including replacements or borings, require a floodplain development permit from the local floodplain administrator prior to construction in the 100-year floodplain. A floodplain development permit was issued by the City's floodplain administrator on October 17, 2023. This permit requires renewal if work is not completed by October 17, 2024.

The staff of the TWDB recommended issuance of a Categorical Exclusion (CE) for this project. The decision to grant a CE 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 §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, federal Executive Order 11988, Texas Water Code Section 16.315, and local floodplain development ordinances, the City of Breckenridge (City) will comply with the terms and conditions of a floodplain development permit issued October 17, 2023. This permit requires renewal if work is not completed by October 17, 2024.
- 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-2023-00457).

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 City has complied with the provisions of the National Historic Preservation Act and the Antiquities Code of Texas.

The City has previously coordinated with the appropriate agencies and impacts on 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 City. The Contractor shall take reasonable steps to protect and preserve the discoveries until they have been inspected by the City's representative and the Texas Water Development Board (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 shall not resume work in the area of the discovery until authorized to do so by the City.

- 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 City 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 encounter area until authorized by the City.

Categorical Exclusion
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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



Enclosure

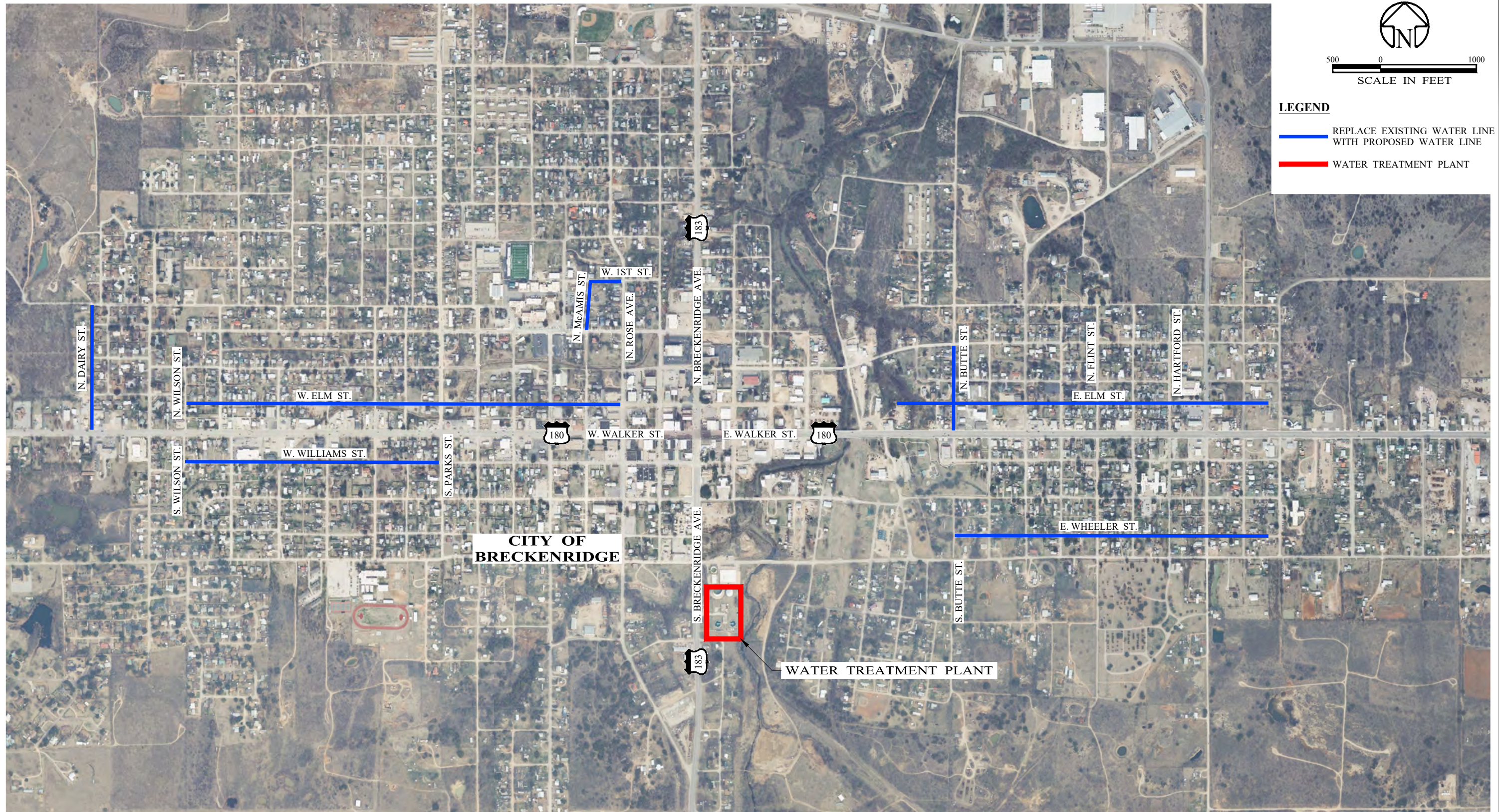
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SCALE IN FEET

LEGEND

-  REPLACE EXISTING WATER LINE WITH PROPOSED WATER LINE
-  WATER TREATMENT PLANT



**CITY OF
BRECKENRIDGE**

WATER TREATMENT PLANT

**2021 BRECKENRIDGE DWSRF WATER
SYSTEM IMPROVEMENTS
TWDB DWSRF NO. 62913**

**PROPOSED WATER SYSTEM
IMPROVEMENTS - CITY AREA** 10/02/2023
8411

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**2021 BRECKENRIDGE DWSRF WATER SYSTEM IMPROVEMENTS
TWDB DWSRF NO. 62913**

PROPOSED WTP IMPROVEMENTS
8411 10/02/2023

2021 Breckenridge Water System Improvements

Lake Daniel Raw Water Intake

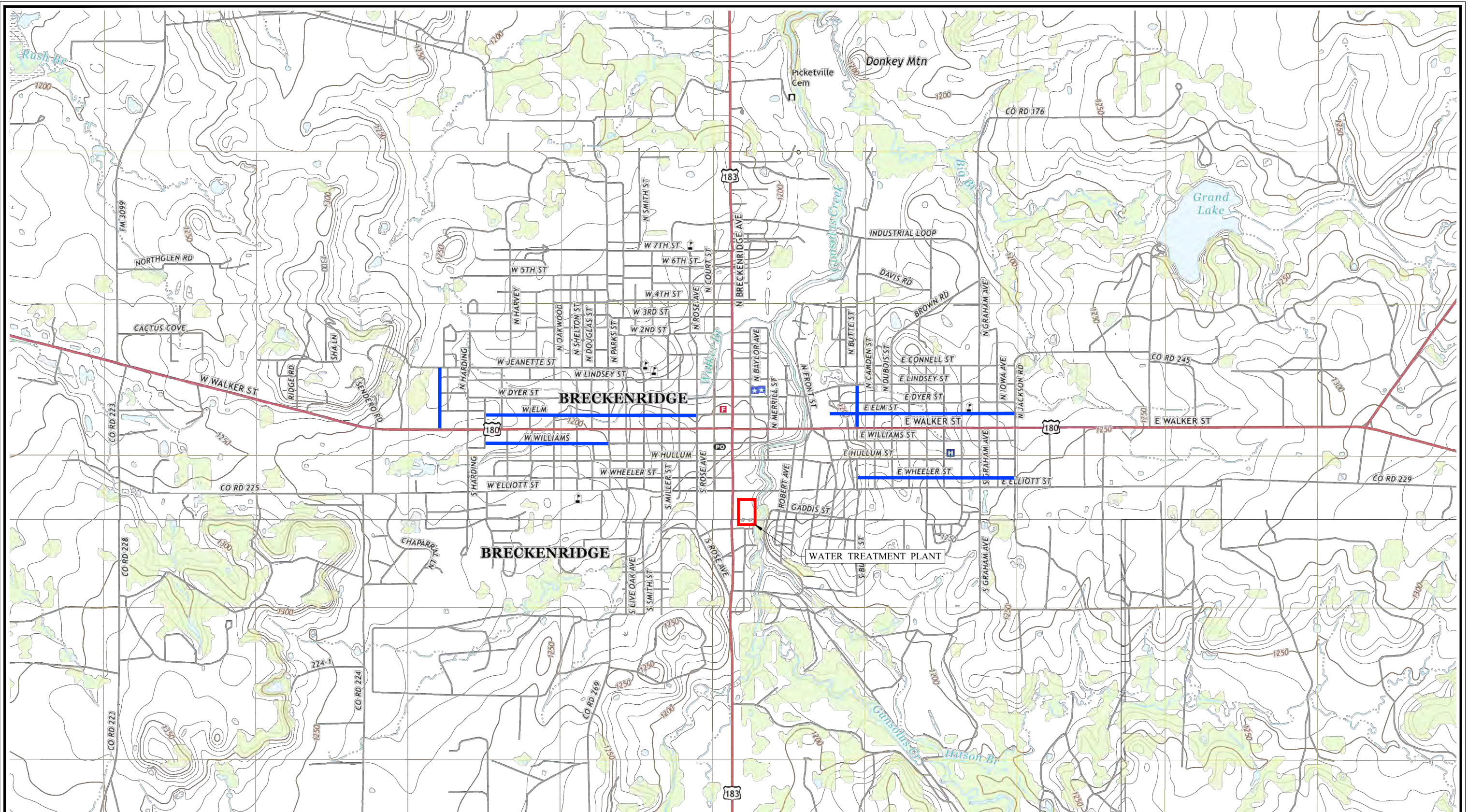


Lake Daniel Raw Water Intake Structure



Lake Daniel Dam



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LEGEND

-  REPLACE EXISTING WATER LINE WITH PROPOSED WATER LINE
-  WATER TREATMENT PLANT

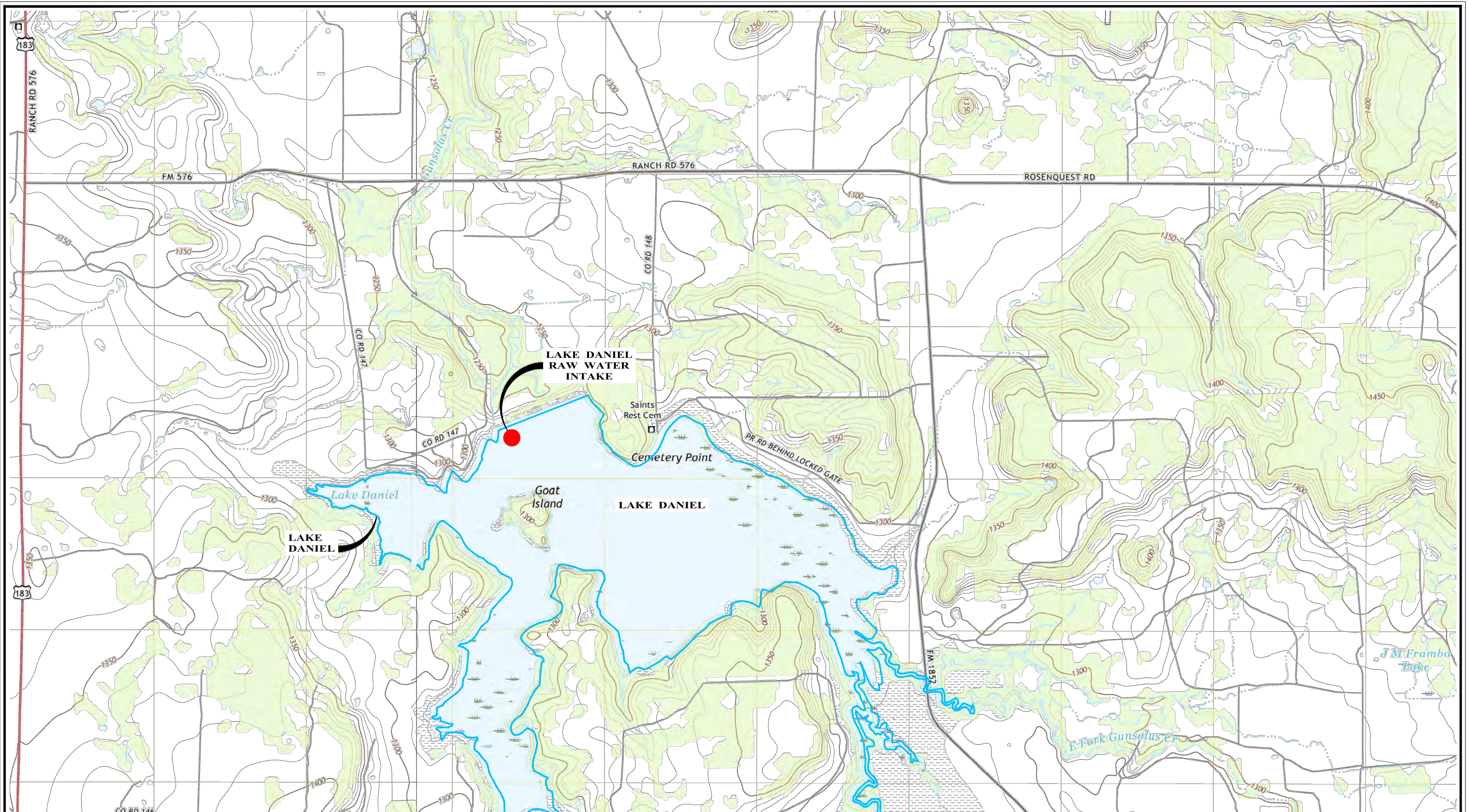


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SCALE IN FEET

**2021 BRECKENRIDGE DWSRF WATER SYSTEM IMPROVEMENTS
TWDB DWSRF NO. 62913**

8411 **TOPOGRAPHIC MAP** 10/02/2023

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NOTE:

1. CONSERVATION POOL ELEVATION IS 1278.0 FEET PER FREESE & NICHOLS GONZALES CREEK DAM AND LAKE DANIEL DRAWING INFORMATION SHEET DAM DESIGN DRAWINGS, DATED SHEET 12-11.0-A, PER THE NATIONAL WEATHER SERVICE ADVANCED HYDROLOGIC PREDICTION SERVICE WEBPAGE, AND THE TEXAS WATER DEVELOPMENT BOARD LAKE DANIEL WEBPAGE.



**2021 BRECKENRIDGE DWSRF WATER SYSTEM IMPROVEMENTS
TWDB DWSRF NO. 62913**

TOPOGRAPHIC MAP
8411 10/02/2023