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Phone (512) 463-7847, Fax (512) 475-2053

May 1, 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 Leonard, Fannin County, Texas  
TWDB DWSRF Project No. 62964  
Water Distribution System Improvements  
Elevated Storage Tank  
Total Financing Amount: \$8,480,000  
Loan No. L1001707  
Loan No. L1001708  
Loan No. LF1001709

The City of Leonard (City) is proposing to use \$8,480,000 in financing from the DWSRF program for the Water Distribution System Improvements Project to replace an elevated storage tank and approximately 40,000 linear feet of aging water lines. Due to different project schedules, subsequent portions of the project will be completed under separate environmental findings. This Categorical Exclusion (CE) is completed for the Elevated Storage Tank Project, which is hereafter referred to as the proposed project. The proposed project replaces an existing elevated storage tank at the Well No. 2 Site with a 500,000-gallon elevated storage tank, with associated appurtenances including yard piping and site lighting. The existing elevated storage tank was moved to Leonard from Pennsylvania and requires regular repair. Many parts of the city that are at higher elevations experience low water pressure, due primarily to the height of the elevated storage tank.

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

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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

area surrounding a historic cemetery, structure, or district. The proposed project will not adversely impact waters of the United States, including wetlands. The proposed project is not located within the 100-year floodplain; therefore, coordination with the local floodplain administrator was not required. The proposed project is not expected to impact threatened or endangered species or habitat.

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.

The staff of the TWDB recommended the issuance of a 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 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:

#### Standard Environmental Conditions<sup>1</sup>

- 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 of Leonard (City) 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

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<sup>1</sup> Texas Water Development Board, Supplemental Contract Conditions and Instructions for Construction Services (Document Nos. [TWDB-0550](#), [TWDB-0551](#), or [TWDB-0552](#)).

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 Texas Water Development Board (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 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 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.

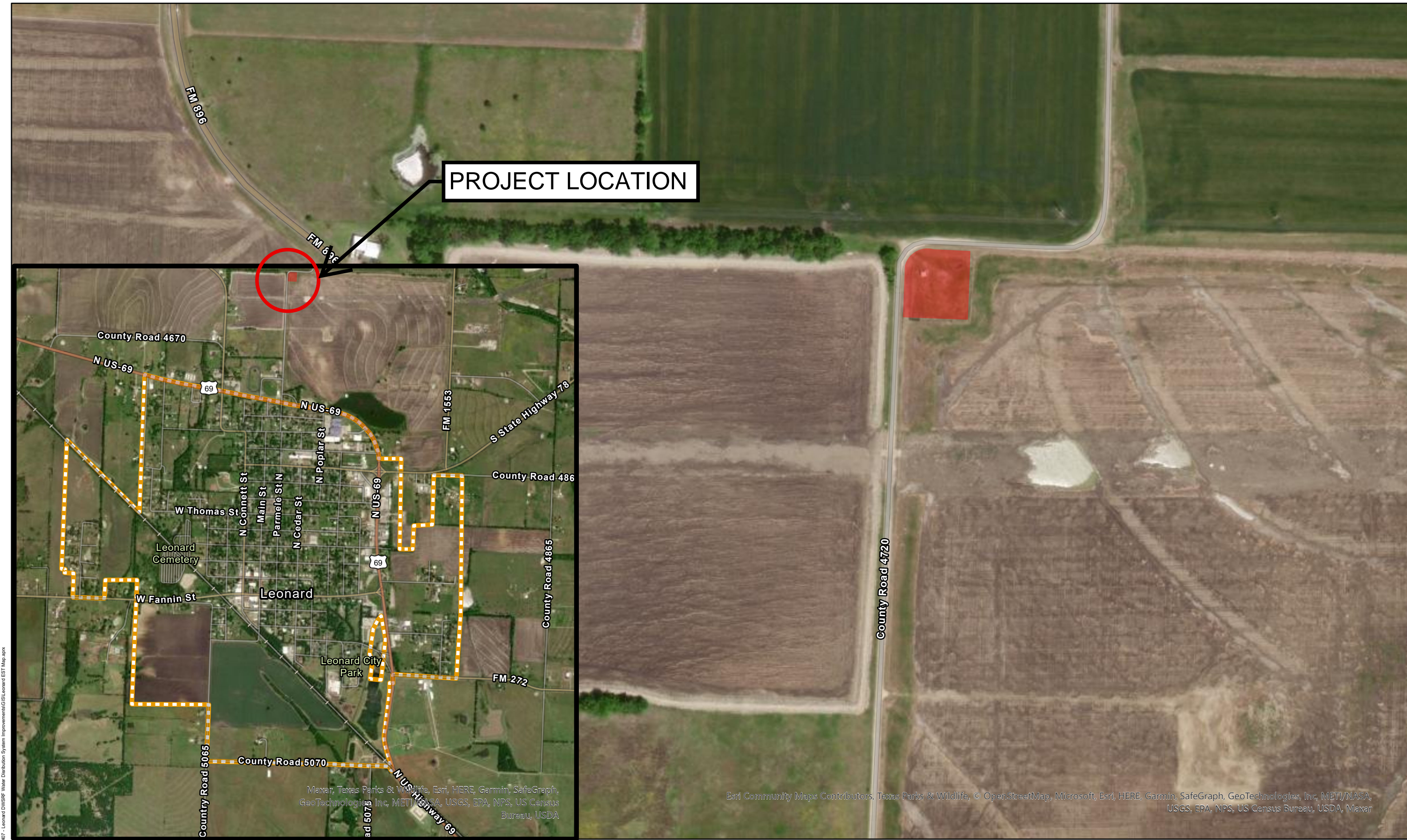
If a threatened or endangered species is encountered during construction, the Contractor shall immediately cease work in the area of the encounter and notify the City, who will immediately implement actions in accordance with the ESA and applicable State statutes. These actions shall include reporting 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.

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](mailto:RWPD-Environmental@twdb.texas.gov).

Sincerely,

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

Enclosure

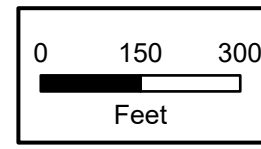



**PROJECT LOCATION**

Kimley-Horn and Associates, Inc.  
 File Path: K:\MKT\_Civil\GIS\Leonard EST Map.aprx  
 Date Saved: 08/26/23 1:42 PM

Maxar, Texas Parks & Wildlife, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

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 Proposed EST Site



**CITY OF LEONARD**  
 PROPOSED WATER IMPROVEMENTS

**FIGURE EX**