

March 13, 2023

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:

Guadalupe Blanco River Authority, Guadalupe County, Texas
TWDB CWSRF Project No. 73897
Guadalupe Valley Hydroelectric System (GVHS)
Lake McQueeney and Lake Placid Dam Armoring and Spillgate Replacement
(L1001196, L1001199, L1001200, L1001469, and L1001502)

The Guadalupe Blanco River Authority (Authority) is proposing to use \$120,000,000 in financing from the CWSRF program to replace existing bear-trap style crest gates with new hydraulically actuated steel crest gates at dams located at Lake Dunlap, Lake McQueeney (TP-3), and Lake Placid (TP-4). A Categorical Exclusion (CE) was issued on May 6, 2021, for the Lake Dunlap location. This CE is completed for the Lake McQueeney and Lake Placid locations in Guadalupe County (proposed project).

The Lake McQueeney and Lake Placid Dam Armoring and Spillgate Replacement projects include

- replacement of three existing bear-trap style crest gates with new hydraulically actuated steel crest gates;
- armoring of the downstream embankments to protect them from potential overtopping flows during flood conditions;
- structural modifications to the existing spillway structure;
- upgrades to the mechanical system;
- upgrades to the electrical distribution power, improved backup power, new instrumentation and controls, improved headwater and tailwater measurement, new video surveillance, and SCADA interface; and

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- new pedestrian bridge for inspection and maintenance access to the hydraulic cylinders.

The projects are proposed due to concerns over the age of the structures and the failure of similar gates on other Authority dams on the Guadalupe River. Environmental impacts will be similar to repair and replacement activities, including work that may impact the bed of the lake and dewatering near the dam. Lake McQueeney and Lake Placid dams generate hydroelectricity in Guadalupe and Gonzales County, Texas.

In order to ensure that there will be no adverse environmental impacts associated with the construction, the Authority coordinated with the Texas Parks and Wildlife Department (TPWD), United States Army Corps of Engineers (USACE), Texas Historical Commission (THC), Texas State Historic Preservation Officer (TxSHPO), Advisory Council on Historic Preservation (ACHP), Guadalupe County Historical Commission, Comal County Historical Commission, City of New Braunfels, and Guadalupe County floodplain administrator. The proposed projects are not expected to impact threatened or endangered species or habitat; therefore, coordination with the United States Fish and Wildlife Service was not conducted.

In emails dated May 13, 2022, THC staff provided concurrence with a Section 106 of the National Historic Preservation Act archeological determination results^{1 2} prepared by SWCA Environmental Consultants (SWCA) on behalf of the Authority, which concluded *No Historic Properties Affected* for the undertaking and concurred that no additional cultural resources investigations are needed. At the Lake McQueeney location, SWCA identified a brick-lined well feature outside project easement boundary, situated 0.12-mile (approximately 634 feet) northwest of the intersection of Rudeloff Road and FM 78 (north of the Union Pacific railway tracks). There is no record of the well in the TWDB Groundwater Database. The well is covered by a deteriorated wooden board and is approximately 3.3 feet in diameter and is at least 20 feet deep within Quaternary terrace alluvial deposits. The well is outside of the easement boundary on adjacent private property to the south of a proposed access road and will not be directly impacted by the current project design. The adjacent well will be avoided during construction. High visibility fencing will be erected along the boundary of a site identified as 41GU233 and geotextile fabric laid across the surface of a proposed access road in order to reduce any potential of impacts outside the project footprint.

¹ Cultural Resources Survey of the Lake McQueeney Spillgate Replacement and Dam Armoring Project, dated May 2022, prepare by SWCA Environmental Consultants, THC Tracking No. 202209156/Texas Antiquities Permit No. 30250, USACE Permit No. SWF-2021 00376.

² Cultural Resources Survey of the Lake Placid Dam Rehabilitation Project, dated May 2022, prepare by SWCA Environmental Consultants, THC Tracking No. 202209157/Texas Antiquities Permit No. 30249, USACE Permit No. SWF-2021 00377.

Additionally, the THC concurred with architectural determinations^{3 4} which describe the Lake Placid Dam (Resource TP-4) and Lake McQueeney (Resource TP-3) as eligible for listing on the National Register of Historical Places (NRHP) under Criterion A, in the area of community development and planning, and under Criterion C at the local level, due to distinctive engineering design characteristics. The THC's Division of Architecture agreed that Historic American Engineering Record (HAER) Level II documentation is appropriate and advised that the ACHP be notified and provide all parties with its response. The archeological resources component package has been approved by both the USACE and THC/TxSHPO and all further archeological consultation was coordinated separately from historic resources review requirements.

The USACE Fort Worth District reviewed the proposed project in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The USACE provided response letters dated December 1, 2022, (USACE Permit Numbers SWF-2021-00376 and SWF-2021-00377) stating that the proposed projects involve activities subject to the requirements of Section 404, under the letter of permission (LOP) procedural requirements of CESWF-97-LOP-1. USACE, in consultation with the TxSHPO, considered the potential effects of the projects as provided in 33 CFR 325, Appendix C and 36 CFR 800. USACE concurred with the SWCA eligibility and effect recommendations and the TxSHPO concurred with the USACE determination that the proposed effect is adverse.

After extensive coordination between the USACE Fort Worth District, TxSHPO, ACHP, Guadalupe County Historical Commission, City of Seguin, Seguin Conservation Society, and the Seguin Guadalupe County Heritage Museum, and the Authority, the interested parties entered into a Programmatic Agreement (PA), dated November 30, 2022, regarding the Lake McQueeney and Lake Placid Spillage and Dam Armoring projects to accomplish compliance with Section 106 of the National Historic Preservation Act and to ensure that Authority provides mitigation for the adverse effects. The proposed project will be implemented in accordance with the following stipulations outlined in the PA:

- The Authority will procure documentation of the dam complex to the written and photographic standards of the Historic American Building Survey (HABS)/HAER Level II.
- Electronic copies of the documentation will be made available in the Adobe Acrobat PDF file format to all signatories upon submission to the Library of Congress within one year of the signing of the PA (November 30, 2022).

³ Historic Resources Survey of the Lake Placid Spillgate Replacement and Dam Armoring Project, Seguin, Guadalupe

County, Texas, dated April 2022, prepare by SWCA Environmental Consultants.

⁴ Historic Resources Survey of the Lake McQueeney Spillgate Replacement and Dam Armoring Project, Seguin, Guadalupe County, Texas, dated April 2022, prepare by SWCA Environmental Consultants.

- The HAER Level II documentation package will be permanently exhibited on Authority's website and made available for download.
- The Authority will ensure that materials and associated records as required for mitigation, are accessioned into a curatorial facility that has been certified, or granted provisional status, by the TxSHPO in accordance with Chapter 29.6 of the Texas Historical Commission rules (Rules of Management and Care of Artifacts and Collections).
- The Authority will provide copies of final documentation as required for mitigation to the signatories and consulting parties. The signatories and consulting parties will withhold from the public all site location information and other data that may be of a confidential or sensitive nature pursuant to 33 CFR 325, Appendix C(4)(c) and 36 CFR 800.11(c).
- All historic preservation-related investigations and mitigation requirements specified in this PA will be performed by personnel meeting professional qualifications of the Secretary of the Interior's Professional Qualification Standards (36 CFR 61) in historic architecture.
- Unless terminated or amended, the PA will remain in effect for a period of five (5) years from the date the PA goes into effect (November 30, 2022) and may be extended for an additional 5-year term with the written consent of all the signatories.
- Each year following the execution of the PA, until it expires, or it is terminated, the Authority will provide all parties to the PA, a summary report detailing work undertaken pursuant to its terms. Such report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Authority's efforts to carry out the terms of the PA.

The TPWD staff assessed whether a sand and gravel permit would be required and whether an Aquatic Resource Relocation Plan (ARRP) potentially with a mussel survey, would be appropriate. In an email dated May 23, 2022, TPWD staff indicated that the proposed project to restore the dams at Lake McQueeney and Lake Placid meets the exemption criteria for "projects to restore or maintain the storage capacity of existing public water supplies" [PWC 86.021(b)(2) and 31 TAC 69.120(1)]. Therefore, a sand and gravel permit from TPWD was not required, provided that the project maintains the currently permitted normal maximum operating level of 497.5 feet above mean sea level.

Since the projects involve dewatering a 15-foot-wide strip of lakebed the length of the dams between the dams and coffer dams to install additional concrete to support the new gates, the TPWD recommended that an ARRP and a relocation permit be developed to cover relocation of fish and mussels from the dewatered area. The TPWD acknowledged that due to safety concerns about a pre-project survey for mussels in the area immediately adjacent to the failed gate, both fish and mussels will be captured and relocated during and

immediately after dewatering. In addition, the Authority has coordinated with TPWD on habitat conservation measures to implement in case either the dam remains open, is removed, or is repaired and the impoundment restored.

An ARRP ^{5,6} was prepared for both the Lake McQueeney and Lake Placid Dams by SWCA. In an email dated February 14, 2022, TWPD approved the ARRP document and agreed to send an Introduction Permit closer to the start of construction. If the project scope or conditions change, the ARRP may be adjusted at the time of submittal of the Application for Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.

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 environment. 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 § 375.61; or
- (3) the project may violate or has violated federal, state, local, or tribal laws.

The proposed project must comply with the following environmental conditions:

- Compliance with the Programmatic Agreement with the United States Army Corps of Engineers (USACE) Fort Worth District, Texas State Historic Preservation Officer, Advisory Council on Historic Preservation, Guadalupe County Historical Commission, City of Seguin, Seguin Conservation Society, and the Seguin Guadalupe County Heritage Museum, and the Authority dated November 30, 2022, to accomplish compliance with Section 106 of the National Historic Preservation Act, including the following construction-related activities:
 - At the Lake McQueeney project area, a qualified archeologist with a minimum of five years of professional experience will perform the archeological monitoring as required by USACE and the Texas State Historic Preservation Officer (TxSHPO). The TxSHPO will issue an archeological permit for monitoring during periods of lake level lowering.

⁵ Aquatic Resources Relocation Plan, Lake McQueeney Dam Spillgate Replacement and Dam Armoring, dated September 2021, prepared by SWCA Environmental Consultants.

⁶ Aquatic Resources Relocation Plan, Lake Placid Dam Spillgate Replacement and Dam Armoring, dated September 2021, prepared by SWCA Environmental Consultants.

- At the Lake McQueeney project area, minimization efforts will be performed during all construction activities within 100 feet of cultural resources site 41GU233, which will be identified as a sensitive area at the appropriate location on the design plans. These minimization details include erecting high visibility fencing along the access road through site 41GU233 and laying geotextile along the access road through site 41GU233 to ensure inadvertent impacts to portions of this site that have an undetermined eligibility for listing to the NRHP are avoided.
 - If previously unknown eligible archaeological resources are discovered during archeological monitoring and will be adversely affected by the undertaking, a mitigation-level documentation, excavation, and/or archival research will be conducted as appropriate to mitigate adverse effects. A separate Research Design will be developed and approved by USACE and TxSHPO for mitigation of adverse effects of previously unidentified prehistoric or historic features.
- Compliance with USACE Letter of Permission procedural requirements of CESWF-97-LOP-1 under Section 404 of the Clean Water Act (33 U.S.C. 1344) (USACE Permit Nos. SWF-221-0076 and SWF-2021-00377). The special conditions are as follows:
 - There will be no storage or stockpiling of tools, equipment, excavated/dredged material, etc. within Waters of the United States. All cleared/excavated material and any other type of debris will be removed from Waters of the United States within 14 days of completion of the work authorized in this permit.
 - The permittee will provide the location(s) by coordinates and map(s) of all disposal sites for USACE approval before any dredged materials would be relocated, in accordance with Section 404(b)(1) Guidelines, Subpart B, 40 CFR 230.11(f).
 - The permittee will abide by all terms, conditions, and stipulations of the attached Programmatic Agreement for historic properties, implemented November 30, 2022.
 - Best management practices (BMP's) for erosion control will be implemented and maintained at all times around sediment disposal areas to prevent siltation. Methods will include but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching. The permittee will be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during activities authorized by this permit until all areas that were disturbed during the project are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
 - The permittee shall use clean fill materials, free of toxic pollutants, in waters of the United States and shall not use unsuitable materials such as trash, debris, car bodies, asphalt, etc.

- The permittee shall implement best management practices to reduce the risk of transferring invasive plant and animal species to or from project sites.
- Dewatering must be executed in such a manner as to provide positive drainage to the reservoir thereby avoiding entrapment of aquatic species.
- The permittee shall conduct a meeting with the construction contractor(s) detailing the terms and conditions of this permit prior to commencing construction activities of the project. The permittee shall notify the Regulatory Division, Fort Worth District, U.S. Army Corps of Engineers (USACE) of the preconstruction contractor meeting at least two weeks in advance of the meeting. Within two weeks following the meeting, the permittee shall provide written confirmation, in the form of meeting notes, to the USACE that the meeting was held.
- Compliance with a Texas Parks and Wildlife Department Introduction Permit and approved Aquatic Resource Relocation Plan
- Compliance with requirements of the Federal Emergency Management Agency regarding implementation of the 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,
 - A floodplain permit dated February 15, 2022 (Permit No. 56166-22F) was issued by the Guadalupe County floodplain administrator for the Lake McQueeney dam project.
 - A floodplain permit dated February 15, 2022 (Permit No. 56167-22F) was issued by the Guadalupe County floodplain administrator for the Lake Placid dam project.
- Standard emergency condition for the discovery of cultural resources
- 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.

Sincerely,

Nancy Richards  Digitally signed by Nancy Richards
Date: 2023.03.13 16:01:57 -05'00'

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

Enclosures

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GUADALUPE-BLANCO RIVER AUTHORITY
LAKE MCQUEENEY SPILLGATE
REPLACEMENT AND DAM ARMORING

CIVIL
SITE PLAN

DESIGNED: KSS
DETAILED: SM
CHECKED: AWL
APPROVED: TFS
DATE: NOVEMBER 2022

0 1/2 1
IF THIS BAR DOES NOT
MEASURE 1" THEN DRAWING
IS NOT TO FULL SCALE

PROJECT NO.
406597

SITE PLAN
SHEET
OF

BLACK & VEATCH



Black & Veatch Corporation
Registration No. F-258
San Antonio, Texas

DATE

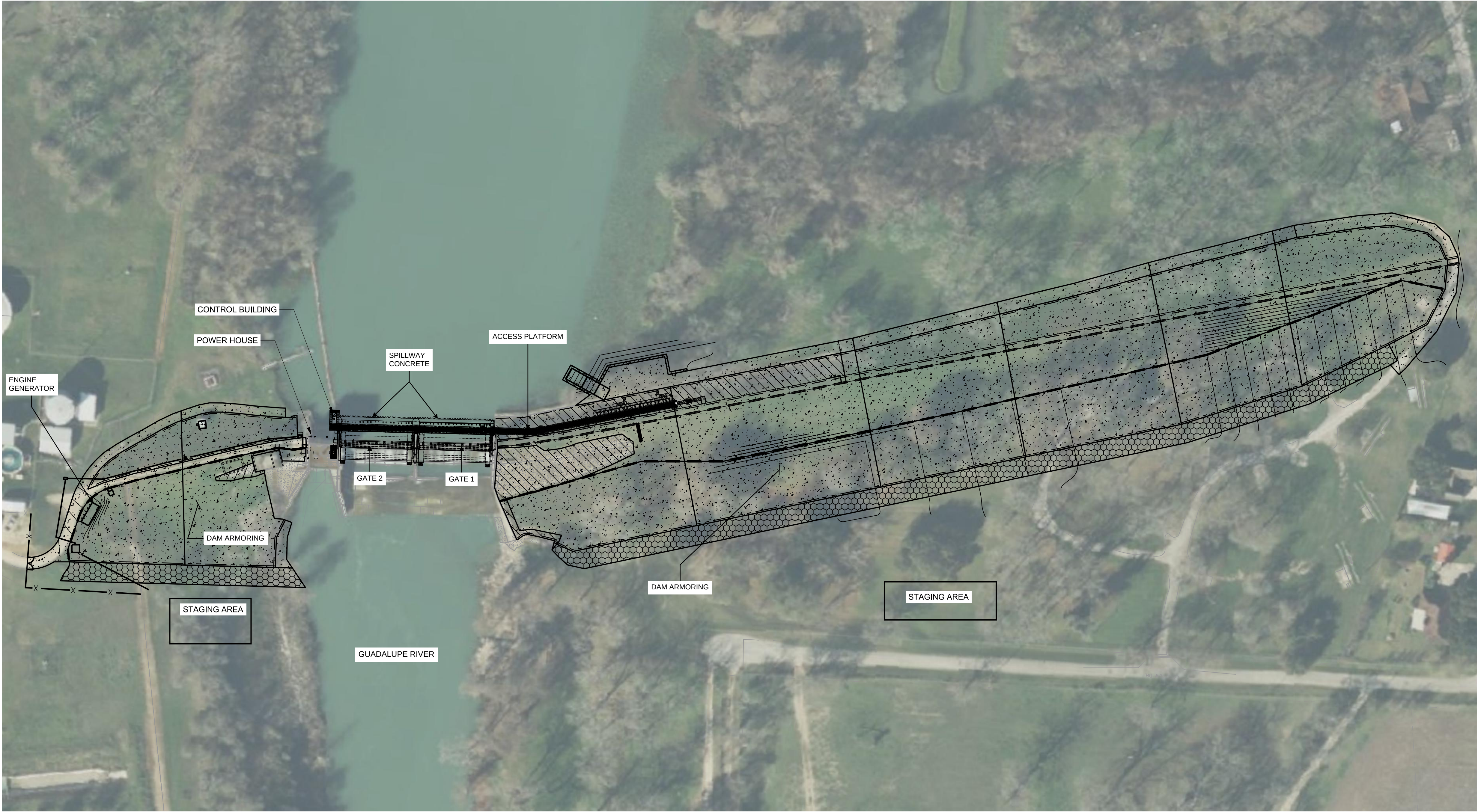
REVISIONS AND RECORD OF USE

NO.

BY

CHK/APP

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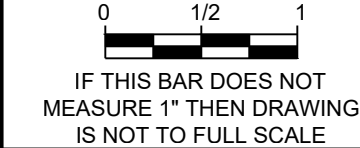


HORIZONTAL SCALE 1"=75'

GUADALUPE-BLANCO RIVER AUTHORITY
LAKE PLACID SPILLGATE REPLACEMENT AND
DAM ARMORING

CIVIL
SITE PLAN

DESIGNED: AWL
DETAILED: SBR
CHECKED: TFS
APPROVED: TFS
DATE: DECEMBER 2022



IF THIS BAR DOES NOT
MEASURE 1" THEN DRAWING
IS NOT TO FULL SCALE

PROJECT NO.
406598

SITE PLAN
SHEET
OF

BLACK & VEATCH



Black & Veatch Corporation
Registration No. F-258
San Antonio, Texas

DATE

REVISIONS AND RECORD OF USE

NO.

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