

STATEMENT OF FINDINGS  
TRINITY RIVER WATERSHED (AUTHORIZED)  
TEXAS

1. Purpose

As State Conservationist, Soil Conservation Service, Temple, Texas, I am the responsible federal official for all SCS projects in Texas. The authorized Trinity River watershed comprising the upper 72 percent of the Trinity River basin falls into this area of responsibility and as such it is my duty to conduct a continuing review to determine whether project plans are consistent with all pertinent national objectives, goals, and policies.

The Trinity River watershed project was authorized by the Flood Control Act of 1944 (Public Law No. 534, 74th Congress, as amended and supplemented). Technical assistance for application of land treatment has been provided throughout the watershed. The watershed has been divided into 53 subwatersheds on basis of hydrologic and economic conditions to facilitate project plan development and installation. Project plans have been developed for 27 subwatersheds.

All planned project measures have been installed in 11 subwatersheds. Previous actions under National Environmental Policy Act (NEPA) guidelines have covered the planned project measures remaining to be installed in 2 subwatersheds. Two (2) subwatersheds have become inactive because of urban encroachment and project installation has been stopped. Twelve (12) subwatersheds contain remaining planned project measures covered by this action.

The sponsoring organizations for installation of the remaining planned measures and for the application of land treatment within the Trinity River watershed are the following:

Soil and Water Conservation Districts

Anderson-Houston	Hill County Blackland	Trinity-Neches
Collin County	Hood-Parker	Upper Elm Red
Dalworth	Johnson County	Upper Sabine
Denton-Wise	Kaufman-Van Zandt	Upper West Fork
Ellis-Prairie	Limestone-Falls	Young
Fannin County	Little Wichita	
Freestone-Leon	Navarro	

County Commissioners Court

Clay	Fannin	Jack	Parker
Collin	Grayson	Johnson	Rockwall
Cooke	Henderson	Kaufman	Van Zandt
Dallas	Hill	Montague	Wise
Denton	Hunt	Navarro	Young
Ellis			

Cities

Alvarado	Bowie	Kaufman	Terrell
Anna	Denton	Muenster	Van Alstyne

Others

Bois d'Arc Island Levee Improvement District No. 4 of Dallas County  
Clear Creek Watershed Authority  
Ellis County Levee Improvement District No. 2  
Henderson County Levee Improvement District No. 3  
Lake Creek Watershed Group  
Wise County Water Control and Improvement District No. 1  
Texas Parks and Wildlife Department  
Pilot Grove Creek Improvement Association  
Muenster Water District

Prior to 1977 actions for compliance with NEPA rules were made on independent hydrologic (and economic) units within subwatersheds and on individual subwatersheds. Because of the comments received from state and federal agencies on these independent actions and

recommendations that the total Trinity River watershed be covered in one action, I made the decision in July 1977 to review all of the remaining planned measures not yet installed and to make an environmental assessment for all remaining planned measures that had not been covered in a previous action for compliance with NEPA.

Following this decision, reviews with the sponsoring organizations were made of all of the remaining project measures which had not been constructed. These reviews resulted in the identification of 134 planned floodwater retarding structures and 3 multiple-purpose structures remaining to be installed, retaining 12.49 miles of channel work to be installed out of the miles originally planned, the identification of a need to install 10 instream grade stabilization structures for stabilization of critical stream enlargement, the need for application of 27,000 acres of additional critical area treatment and the need for accelerated technical assistance in order to achieve application of land treatment on 299,000 acres of agricultural land.

## 2. Measures To Comply With National Environmental Policies

I, along with my predecessors, have taken the following actions during plan review, replanning activities and project implementation to insure that the Trinity River watershed project is consistent with all pertinent national objectives, goals, and policies.

Reviews concerning environmental issues began in early 1971 with the SCS-WS-108 reviews of the remaining planned channel work in the Trinity River watershed. Replanning of needed channel modification work to reduce adverse impacts began shortly thereafter within those subwatersheds where the sponsors were the most active in accomplishing the installation of the planned project measures.

After my decision in July 1977 to proceed with an assessment of the total Trinity River watershed rather than continue on a subwatershed basis, I assigned an interdisciplinary team comprised of biologists, soil scientists, geologist, range conservationist, engineers, economists, soil conservationists, hydrologist, recreation specialist, and archeologist to make an environmental assessment of all remaining measures identified by the project review and the replanning processes. The first priority of environmental concern for this team was to investigate the remaining 412.5 miles of channel work contained in the project plans for the Trinity River watershed and identify all possible alternatives for avoiding or minimizing significant impacts. Investigations of all possible alternatives for the channel work and reviews of these alternatives with the sponsors resulted in the selection of the no action alternative on 400 miles and retaining 12.49 miles for installation.

Team reviews of the remaining 12.49 miles of channel work resulted in further consultive work with the Fish and Wildlife Service and Texas Parks and Wildlife Department.

This 12.49 miles of remaining planned channel work lies within the Pilot Grove Creek subwatershed. Initially, environmental review of this work began in early 1971 with the SCS-WS-108 reviews with the Fish and Wildlife Service and the Texas Parks and Wildlife Department. Following this review, replanning was initiated to reevaluate all of the originally planned 39 miles of channel work for this subwatershed. This replanning resulted in retaining 12.49 miles of channel and deletion of the remainder.

A biologist was assigned to work with the engineer to reduce adverse impacts by realigning the channel and using features such as one-sided construction. A 4.66 mile segment of the replanned channel work on the main stem of Pilot Grove Creek was reviewed with the Fish and Wildlife Service on June 2-3, 1975. The changes which had been made on this channel were not taken into serious consideration by the FWS biologists and resulted in a blanket negative response for any channel work in agricultural lands.

Following this FWS action, I approved the awarding of a contract to the Institute of Applied Sciences, North Texas State University, Denton, Texas for having an assessment made of the remaining channel work and the structural measures in the Pilot Grove Creek subwatershed. This study which was completed in September 1976 found that no significant stream fishery existed and that aquatic biological productivity would not be significantly affected. It recognized that some wildlife habitat would be affected and that a lake fishery

would be established by the project. A copy of this assessment was provided to the fish and wildlife agencies for their review prior to a scheduled field review of the 12.49 miles of channel work on February 22-25, 1977. In their letter of July 18, 1977, the Fish and Wildlife Service again objected to the channel work on the basis that they were opposed to all channel work not located in urban areas.

After the July 1977 decision to review all of the remaining planned project measures, arrangements were made to coordinate the assessment of these remaining measures with the Fish and Wildlife Service and the Texas Parks and Wildlife Department. Representatives from these agencies participated in the field assessments and concurred with the SCS habitat evaluation procedures being used (letter of December 7, 1977). On April 21, 1978, the FWS provided planning aid information for the remaining measures including the channel work.

Because of the remaining concerns about possible habitat losses at the structure sites and the remaining losses in the channel work areas, I requested that the project sponsors investigate the possibilities of obtaining additional land areas for wildlife habitat management and making additional alignment changes in the channel work to achieve additional savings of woody habitat. They agreed to obtain an additional 630 acres of land for wildlife habitat management and made additional changes on the channel work. As a further action,

I directed the development of vegetative criteria for the establishment of high quality wildlife plantings for mitigation on the land obtained by the sponsors for installation of the structural measures.

On July 21, 1978, I requested that representatives from the Fish and Wildlife Service and the Texas Parks and Wildlife Department meet with representatives from my staff to review the applicability of the Channel Modification Guidelines for the remaining channel work. The Channel Modification Guidelines were not found to be applicable to the remaining 12.49 miles of channel work because it is planned work that has not been increased in amount or type of modification and that modifications to minimize adverse environmental impacts had been accomplished. The FWS and TPWD agreed that adverse environmental impacts had been minimized on 4.66 miles of channel work on the Pilot Grove Creek main stem and on the 2.22 miles on Arnold Creek. However, they disagreed that this had been accomplished on the 4.11 miles on Indian Creek and 1.5 miles on Bear Creek. Consequently coordination of additional field inspections and work with the sponsors was done to resolve further alignment changes on these segments. Additional changes were made on Indian Creek but further changes could not be made on Bear Creek because of the adverse impacts resulting from the severance of the land owned by small landowners in order to save an additional small acreage of woody vegetation.

Because of past concerns about the possible effects of the flood-water retarding structures on water yields to major downstream reservoirs, my predecessors and I arranged for two research studies to be made to resolve this problem. Both of these studies were made by the Center for Research in Water Resources, University of Texas. The first study was completed February 1, 1976, and second study which was made in conjunction with the U.S. Army Corps of Engineers was completed in January 1979. These studies did not find any significant impact on downstream yields. This information was made available to municipal water districts and water utility departments and was discussed with them in a special meeting. This information was also included in the final EIS.

Public hearings were held on August 18, 21, and 22, 1978, at three locations (Corsicana, McKinney, and Kaufman). These locations, were chosen because of nearness to the remaining project measures and convenience for attendance by a majority of the residents of the watershed. All of the statements and written comments received were reviewed and given full consideration for preparation of a draft environmental impact statement.

I published and transmitted the draft environmental impact statement for interagency review and review by others. All comments and views on the draft were carefully reviewed and evaluated. The Environmental Protection Agency provided a lack of objections classification to the environmental impacts of the proposed action

conditioned on the addition of data to the final EIS. Special consultations were held with the North Texas Council of Governments, the Environmental Protection Agency, the Fish and Wildlife Service, and the Texas Parks and Wildlife Department to discuss and resolve items of remaining concern in the draft EIS. In a joint meeting with the Fish and Wildlife Service and the Texas Parks and Wildlife Department on April 14, 1979, all of the items of remaining concern were discussed and resolved with exception of the planned 1.5 miles channel work on Bear Creek. On May 14, 1979, a joint meeting was held with the project sponsors to resolve the issue of making additional alignment changes on Bear Creek to further minimize adverse impacts. Reviews of these proposed additional alignment changes for saving small areas of woody habitat were made by the sponsors with the affected landowners. Further changes were rejected because of the adverse impacts that the severance of the properties involved would have in the operation of these small farms.

The responses to all comments received for the draft, the results of the consultation meetings, and the changes made are reflected in the final EIS. The final EIS was published and transmitted to the Environmental Protection Agency. The notice of availability of the final EIS was published in the Federal Register on July 27, 1979.

The Environmental Protection Agency responded to the final EIS stating that all needed information had been added. Other commenting agencies also responded in a similar manner. The Fish and Wildlife

Agency expressed two remaining concerns about the project. The first concern expressed a belief that there was a lack of on-the-ground mitigation since only a very small percentage of the identified losses would be offset until the 630 acres of additional land which is to be obtained by the sponsors has been located and management guidelines have been developed. It was felt that the lands may not be obtained at all and that until they are actually obtained it is improper to finalize the EIS. The other concern involves the applicability of the Channel Modification Guidelines to the 1.5 miles of remaining channel work on Bear Creek.

I cannot agree that these are valid concerns. The project measures are being installed on privately-owned land rather than federal project lands. The sponsors must obtain all landrights for the project measures. They have committed themselves to obtain the 630 acres along with the lands for the remaining structural measures. Extensive modifications were made for the planned channel work after the SCS-WS-108 reviews so as to significantly reduce adverse impacts on the Bear Creek segment. The applicability section of the Channel Modification Guidelines rule out the applicability to this segment.

Informal consultation with the Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act was made on May 7, 1979. Information on possible listed species was supplied and the required biological assessment made. None of the listed species

or their habitat will be affected by the project measures. I notified the FWS of these findings and also had this information included in the final EIS.

3. Conclusions

After having carefully reviewed the proposed Trinity River Watershed (Authorized) project in light of all national goals and policies, particularly those expressed in the National Environmental Policy Act, and after having evaluated the overall merit of possible alternatives to the project, I have drawn the following conclusions:

- a) That the Trinity River watershed project, as presently supplemented, designed and authorized, employs reasonable, and practicable means consistent with the National Environmental Policy Act while permitting the application of other pertinent national policies and interests. These means include, but are not limited to, project planning and design that will result in the least adverse effect to the natural environment and still provide for the objectives of the sponsors and of the project.
  
- b) That the review of the proposed plans for the Trinity River watershed project was made using a systematic, interdisciplinary approach involving natural and social sciences and environmental design arts and that the results of this review were the basis

for my conclusions and recommendations. Additionally, I find that all conclusions concerning the environmental impact of the remaining project were based on a review of all existing data and information that could be reasonably obtained which would reveal all the significant consequences of the proposed project. These data included additional studies prepared specifically for the project and the views and comments of all interested federal, state, local agencies, and others interested in the project.

- c) That every possible effort was made to assemble a complete picture of the environmental impact of the Trinity River watershed project, and that effort has been made to identify those adverse environmental effects which cannot be avoided if the project is constructed as presently planned and authorized.
  
- d) That all reasonable and viable alternatives to the proposed action were considered, studied, and evaluated with reference to goals and policies. After evaluating the possible alternatives, I found that some tend to protect more of the present intangible amenities than the proposed project will preserve, however, no alternative exists that would achieve a reasonable level of erosion control and flood protection at a lesser environmental cost or with a lesser commitment of resources.

e) And finally, that the proposed project will be the most effective means of meeting the national goals and serving the public interest.

4. Recommendations

Having concluded that the proposed Trinity River watershed project employs all practicable means, consistent with other essential considerations of national policy, to meet the goals established in the National Environmental Policy Act and that the project will thus serve the overall public interest, I recommend that the Trinity River watershed be completed as presently planned and authorized.

August 27, 1979  
Date

George C. Marks  
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