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The Honorable Dan A. Gattis
Williamson County Judge
710 Main Street
Suite 101
Georgetown, Texas 78626

Re: Williamson County River Ranch Park Interpretive Center
45-001021

Dear Judge Gattis:

On **March 23, 2017**, the Texas Parks and Wildlife Commission approved the County's grant proposal for River Ranch Park Interpretive Center through the Texas Recreation and Parks Account.

Please print, sign, and upload the attached grant agreement documents under the assigned task in RGO. Once we have received the grant agreement, the required pre-construction tasks will appear. It is imperative that you do not start construction on your project without a "*Notice to Proceed*" from TPWD.

For additional information you can find the "*Instructions for Approved Projects*" manual under the *Resources* tab in RGO. We have also attached comments to this packet from the resource review conducted on your application.

If planning a groundbreaking or park dedication ceremony please let us know ASAP so we can get it on our calendar. We would also like to encourage you to notify your state and local officials.

I will be your project coordinator and can be reached at 512-389-4656 or at dan.reece@tpwd.texas.gov. I look forward to working with you on the successful completion of this project. Thank you.

Sincerely,

Dan Reece, RLA
Local Park Grants Coordinator
Recreation Grants Branch

TEXAS PARKS AND WILDLIFE

**Recreation Grants Local Park Grant Program
Texas Recreation & Parks Account
GRANT AGREEMENT**

TPWD P.O. Number:

Project Number: **51-000071**

Sponsor Name: **Williamson County**

Project Name: **River Ranch County Park Interpretive Center**

Sponsor Unique Identifier (DUNS): **076930049**

Agreement Term: **March 23, 2017 - July 15, 2020**

Pre-award Date: **N/A**

Obligated State Funds: **\$750,000.00**

Sponsor Cost Share: **\$750,000.00**

Total Project Cost: **\$1,500,000.00**

This award is entered into by the Texas Parks and Wildlife Department (Department), and the Williamson County (Sponsor). This award is funded through the Department, under the authority of Chapter 24 of the Parks and Wildlife Code.

PROJECT DESCRIPTION AND LOCATION:

Williamson County will construct an Interpretive Center in River Ranch County Park, to include a 3,100 sq foot building with classroom, exhibit space and displays, interpretive signs, outdoor classroom with fireplace on the porch, meeting space/reference library, office, and restrooms.

River Ranch Park is located in the Western portion of the county at 1751 CR 282 in Liberty Hill, Williamson County, Texas.

Prior to vegetation clearing, Department requires surveying for suitable black-capped vireo and golden-cheeked warbler habitat within the project area according to USFWS guidelines. If suitable habitat for either species is present, Department recommends removal occur outside of the species' breeding season. Department also recommends contacting the USFWS for species occurrence data, guidance, permitting, survey protocols, and mitigation for these federally-listed species.

PRE-AWARD INCURRENCE OF COSTS:

The Sponsor shall be entitled to reimbursement of **\$160,700** in pre-award project planning costs incurred on or after **January 1, 2016**. Such costs are allowable only to the extent that they would have been allowable if incurred after the start date of the award and only with the written approval of Department.

KEY OFFICIALS:

- A. Key officials are essential to ensure maximum coordination and communications between the parties and the work being performed. They are:

FOR TEXAS PARKS AND WILDLIFE DEPARTMENT:

Tim Hogsett
Director of Recreation Grants
4200 Smith School Road
Austin, Texas 78744
(512)389-8224
Tim.hogsett@tpwd.texas.gov

Dana Lagarde
Local Park Grant Manager
Recreation Grants Branch
4200 Smith School Road
Austin, Texas 78744
(512)389-8175
Dana.lagarde@tpwd.texas.gov

Project Coordinator:

Dan Reece
Grant Coordinator
Local Park Grants Program
Recreation Grants Branch
4200 Smith School Road
Austin, Texas 78744
512-389-4656
dan.reece@tpwd.texas.gov

FOR PROJECT SPONSOR:

Official Point of Contact

Randy Bell
Parks Director
Williamson County
219 Perry Mayfield
Leander, TX 78641
512-943-1922
randybell@wilco.org

Recipient Project Coordinator

Jay Gomez
Park Manager
Williamson County
219 Perry Mayfield
Leander, TX 78641
512-943-5265
jay.gomez@wilco.org

Recipient Fiscal Contact

AWARD AND PAYMENT:

- A. Department will provide funding to the Sponsor in an amount not to exceed **\$750,000.00** for the project described under Project Description and Location above and in accordance with the Department approved Budget Summary (**Attachment A**).
- B. The Sponsor shall obtain prior approval for budget and program revisions and shall request payment in accordance with the most current version of the Instructions for Approved Projects Recreation Grant Programs PWD BK P4000-1146.
- C. In order to receive a financial assistance award and to ensure proper payment, it is required that the Sponsor maintain their registration with the System for Award Management (SAM), accessed at <http://www.sam.gov>
- D. **Allowable and Eligible Costs.** Expenses charged against awards under the Agreement may not be incurred prior to the beginning of the Agreement unless specifically approved as a pre-award cost or with prior approval from the Department via a Waiver of Retroactivity, and may be incurred only as necessary to carry out the approved objectives, scope of work, and budget of the project. The Sponsor shall not incur costs or obligate State funds for any purpose pertaining to the operation of the project, program, or activities beyond the expiration date stipulated in the award.
- E. **Recipient Cost Share or Match.** Any non-State share, whether in cash or in-kind, is expected to be paid out at the same general rate as the State share. The Sponsor must meet their cost share commitment over the life of the award. At least 50% non-State cost-share is required for costs incurred under this Agreement.

REPORTS AND/OR DELIVERABLES

- A. Specific projects, tasks or activities for which State funds are reimbursed will be tracked and reported by submission of a quarterly status report via Recreation Grants Online.
- B. The Texas Comptroller of Public Accounts and the Department or their duly authorized representatives, will have access, for the purpose of financial or programmatic review and examination, to any books, documents, papers, and records that are pertinent to the Agreement at all reasonable times during the period of retention in accordance with the State of Texas Uniform Grant Management Standards (UGMS).
- C. The Sponsor, in accordance with Chapter 24 of the Parks and Wildlife Code Subchapter A shall, on each anniversary date of the grant for five years after the grant is made, furnish to the department a comprehensive report detailing the present and anticipated use of the property, any contiguous additions to the property, and any major changes in the character of the property, including the extent of park development which may have taken place.

MODIFICATION, REMEDIES FOR NON-COMPLIANCE TERMINATION

- A. This Agreement may be modified only by a written instrument executed by the parties. Modifications will be in writing and approved by the Department and the authorized representative of Sponsor.
- B. Additional conditions may be imposed by the Department if it is determined that the Sponsor is non-compliant to the terms and conditions of this Agreement.
- C. This Agreement may be terminated consistent with applicable termination provisions for Agreements found in the Texas Local Park Grants Programs Manual (PWD RP P4000).

GENERAL PROVISIONS:

I. Definitions

- A. The term "Department" as used herein means the Texas Parks & Wildlife Department or any representative delegated authority to act on behalf of the Department.
- B. The term "Project" as used herein means a single project which is the subject of this grant agreement.
- C. The term "Sponsor" as used herein means the political subdivision which is party to the project agreement.
- D. The term "LPGP" as used herein means the Local Park Grant Program.
- E. The term "Manual" as used herein means the Local Park Grant Programs Manual PWD RP P4000-1445.

II. Continuing Assurances

- A. The parties to the Grant Agreement specifically recognize that receipt of program assistance creates an obligation to maintain the property described in the Grant Agreement consistent with the Manual, and the following requirements:

- B. The Sponsor agrees that the property described in the Grant Agreement and in the signed and dated project boundary map (**Attachment B**), made part of that Agreement as is being acquired or developed with program assistance, and that it shall not be converted to other than public recreation use but shall be maintained in public recreation in perpetuity, or for the term of the lease in the case of leased property (**Attachment C**).
- C. The Sponsor agrees that the benefit to be derived by the State of Texas from the full compliance by the Sponsor with the terms of this Agreement is the preservation, protection, and the net increase in the quality of public recreation facilities and resources which are available to the people of the State, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State by way of assistance under the terms of this Agreement.
- D. The Sponsor agrees that the property and facilities described in the Grant Agreement shall be operated and maintained as prescribed by the Retention, Operation & Maintenance Responsibilities guidelines of the Manual.
- E. The Sponsor agrees that a permanent record shall be kept and available for public inspection to the effect that the property described in the scope of the Grant Agreement, and the dated project boundary map made part of that Agreement, has been acquired or developed with program assistance and that it cannot be converted to other than public recreation use.
- F. Nondiscrimination
The Sponsor shall comply with Title VI of the Civil Rights Act of 1964, which in part,
 - 1. Prohibits discriminatory employment practices resulting in unequal treatment of persons who are or should be benefiting from the grant-aided facility.
 - 2. Prohibits discriminating against any person on the basis of residence.

III. Project Assurances

A. Applicable Laws

The Sponsor shall comply with applicable regulations, policies, guidelines and requirements including State Uniform Grant and Contract Management Act, Federal Office of Management and Budget 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), as they relate to the application, acceptance and use of State funds for grant assisted projects.

The Sponsor is obligated to adhere to all requirements established for the Local Park Grant Program, including program guidelines set out at 31 Texas Administrative Code (TAC) Sec. 61.131-61.139.

It is the responsibility of the grant Sponsor to have a Single Audit done annually according to the Texas Single Audit Circular. A copy of this audit must be furnished to the Department when completed.

B. Project Application

1. The application for Local Park Grant Assistance bearing the same project name as the agreement and associated documents is by this reference made a part of the Agreement.

C. Project Execution

1. The Sponsor will cause work on the project to be commenced within a reasonable time after receipt of notification that State funds have been approved and assure that the project will be prosecuted to completion with reasonable diligence.
2. The Sponsor will require the facility to be designed to comply with the Texas Architectural Barriers Act (Article 9102 - Texas Civil Statutes), and the Architectural Barriers Act of 1968 (Public Law 90-480). The Sponsor will be responsible for registering the project with the Texas Department of Licensing and Regulation.
3. The Sponsor shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all Federal, State, and local laws and regulations.
4. In the event the project covered by the Grant Agreement cannot be completed in accordance with the plans and specifications for the project, the Sponsor shall bring the project to the point of recreational usefulness agreed upon by the Sponsor and the Department.
5. The Sponsor will provide for and maintain competent and adequate architectural and engineering supervision and inspection at the construction site to ensure that the completed work conforms with approved plans and specifications; that it will furnish progress reports and such other information as the Department may require
6. The Sponsor will comply with the provisions of: Executive order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution; Executive Order 11990, relating to the protection of wetlands; and the Flood Disaster Protection Act of 1973 (P.L. 93-234) 87 Stat. 975.
7. The Sponsor will assist the Department in its compliance with the Texas Antiquities Code by
 - a) consulting with the Texas Historical Commission on the conduct of investigations, as necessary, to identify properties listed or eligible for listing as State Antiquities Landmarks, and to notify the Department of the existence of any such properties, and by
 - b) complying with all requirements established by the Department to avoid or mitigate adverse effects upon such properties.

D. Construction

Construction by the Sponsor shall meet the following requirements:

1. Contracts for construction must be in compliance with the Local Government Code Chapter 252 (for municipalities), Chapter 262 (for counties), and Chapter 375 (for municipal utility districts). Copies of all advertisements, bids and a copy of the contract shall be provided to the Department.

2. The Sponsor shall inform all bidders on contracts for construction that State funds are being used to assist in construction.
3. Written change orders shall be issued for all necessary changes in the facility being constructed. Such change orders shall be submitted to the Department for review and, if approved, shall be made a part of the project file and should be kept available for audit.
4. No construction on the project by the Sponsor shall commence until written notice to proceed has been received from the Department.
5. The Sponsor shall install and maintain at the project site a permanent funding acknowledgment sign as prescribed by the Department.

E. Conflict of Interests

1. No official or employee of the State or local government who is authorized in his/her official capacity to negotiate, make, accept, or approve, or to take part in such decisions regarding a contract or subcontract in connection with this project shall have any financial or other personal interest in any such contract.
2. No person performing services for the State or local government in connection with this project shall have a financial or other personal interest other than his/her employment or retention by the State or local government, in any contract or subcontract in connection with this project. No officer or employee of such interest is openly disclosed upon the public records of the State, and such officer, employee or person has not participated in the acquisition for or on behalf of the Participant.

F. Project Costs

Project costs eligible for assistance shall be determined upon the basis of the criteria set forth by the Manual.

G. Retention and Custodial Requirements for Records

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained for a period of three years after final payment; except the records shall be retained beyond the three-year period if audit findings have not been resolved.
2. The retention period starts from the date of the final expenditures report for the project.
3. The Department, State Comptroller of Public Accounts, State Auditor Office, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Sponsor which are pertinent to a specific project for the purpose of making audits, examinations, excerpts and transcripts.

H. Project Termination

1. The Department may temporarily suspend program assistance under the project pending corrective action by the Sponsor or pending a decision to terminate the grant by the Department.

2. The Sponsor may unilaterally terminate the grant at any time prior to the first payment on the project. After the initial payment, the grant may be terminated, modified, or amended by the Sponsor only by mutual agreement with the Department.
3. The Department may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the Sponsor has failed to comply with the conditions of the grant. The Department will promptly notify the Sponsor in writing of the determination and the reasons for termination, together with the effective date. Payments made to the Sponsor or recoveries by the Department under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.
4. The Department or Sponsor may terminate grants in whole, or in part, at any time before the date of completion, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of State funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portions to be terminated. The Sponsor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department may allow full credit to the Sponsor for the State share of the non-cancelable obligations, property incurred by the Sponsor, pending written receipt of the determination and the reasons for termination, together with the effective date. Payments made to the Sponsor or recoveries by the Department under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.
5. Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the Sponsor and the Department, or that all State funds provided by the Department be returned.
- I. In the event that the Sponsor does not comply with provisions as set forth in the grant project agreement and the Manual regarding both active project compliance and compliance at previously assisted grant sites, the following actions may be taken:
 1. The Department may withhold payment to the Sponsor;
 2. The Department may withhold action on pending projects proposed by the Sponsor;
 3. If the above actions do not achieve program compliance, the Department may involve the State Attorney General's Office, pursuant to Section 24 of the Parks & Wildlife Code.

ADDITIONAL GUIDELINES:

The following additional guidelines for administration of Local Park Grant Program Acquisition and Development Projects is hereby made part of this Agreement.

The Texas Parks & Wildlife Commission, by authority of Chapters 13 and 24 of the Parks & Wildlife Code, has adopted Guidelines for Administration of Grant Acquisition and Development Projects, to read as follows:

It is the Commission's policy that the Department shall administer local grants in accord with the following guidelines, with interpretation of intent to be made to provide the greatest number of public recreational opportunities for citizens of Texas.

Approved projects shall be pursued in a timely manner by the Sponsor, unless delays result from

extraordinary circumstances beyond the Sponsor's control. Failure to meet the following time frames may be grounds for the Department to initiate cancellation of the affected project in order to recommend reallocation of available State funds to other projects, or to deny requests for additional State funds for new projects:

ACTIVITY	TIME FRAME
Commission Approval	Begin 3-year project period (4-year max)
Grant Agreement Execution (Department & Sponsor)	As soon as possible after Commission approval
Pending Documentation such as: • U.S. Army Corps of Engineers 404 • TCEQ Permits • Environmental Resources Survey • THC Cultural Resources Survey and Clearance • TPWD Biological Consultations • ROW Abandonment • Lease/Joint-Use Agreement Execution, etc.	Accomplished prior to first construction reimbursement.
Quarterly Status Reports (beginning with Commission approval)	On or before January 15 th , April 15 th , July 15 th and October 15 th
Appraisal Submission	As soon as possible after grant agreement date
Appraisal Approval	Within 6 months of appraisal submission
Land Acquisition	As soon as possible after appraisal approval
Construction Plan Submission	Accomplished prior to first construction reimbursement.
Periodic Reimbursement Billings	Every 90 days <u>if possible</u> (minimum \$10,000 request)
Project Completion and Grant Close-Out	Within 3 years after Commission approval (but in no case after the 4 th fiscal year)

The following criteria will be used to determine Sponsor eligibility for additional funding by the application deadline. Performance is based on all grant programs administered by the Recreation Grants Branch:

- Funding history and previous performance
- All previously completed Department Sponsored grant projects must be in compliance with all the terms of the Grant Agreement under which they received assistance and all program guidelines; and

- For active grants, all required project documentation (such as appraisals, construction plans, quarterly status reports, and reimbursement requests) must be complete and have been received on schedule, if due; and
- All active projects which are at least two years old must be reimbursed for a minimum fifty (50) percent of the approved grant amount; and
- The total of approved State funds which have not been reimbursed may not exceed \$2 million for all active grant projects.

A grantee may also be considered to be "high risk" based on financial stability or non-conforming management standards, requiring additional special conditions and restrictions as determined by grant management standards.

SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) set forth below.

TEXAS PARKS AND WILDLIFE DEPARTMENT

By: _____

Tim Hogsett, Director of Recreation Grants
Name and Title

Date: _____

TPWD Approval Date

SAM Number, Date, Initials: 310C4, 5/16/201, dfr

WILLIAMSON COUNTY

Sponsor (Political Subdivision)

By: _____

Honorable Dan A. Gattis, County Judge
Name and Title

Date: _____

Attachment A – Budget Summary of Project Costs

Attachment B – Project Boundary Map, **signature required**

Attachment C – Certificate of Land Dedication, **signature required**

Attachment A

BUDGET SUMMARY OF PROJECT COSTS

BUDGET SUMMARY

PROJECT: WILLIAMSON COUNTY River Ranch Park Interpretive Center

PROJECT NUMBER: 51-000071

REIMBURSEMENT REQUEST NO.

PERIOD COVERED:

1. PROFESSIONAL SERVICES

Construction Plans & Specifications

Limited to 12% of Construction Elements

ESTIMATE	COMPLETED LAST REQUEST	COMPLETED THIS PERIOD	TOTAL COMPLETE
\$ 160,700.00			

2. CONSTRUCTION ELEMENTS

1. Interpretive Center (utilizing recycled content, low-voc paints, & fly ash concrete)
2. Restrooms
3. Exhibits/Displays
4. Signage
5. Outdoor Classroom

Construction Cost
Less Retainage
TOTAL CONSTRUCTION

\$ 1,049,570.00			
\$ 44,650.00			
\$ 181,230.00			
\$ 12,075.00			
\$ 51,775.00			
\$ 1,339,300.00			
\$ 0.00			
\$ 1,339,300.00			

3. LAND ACQUISITION

\$			
\$			
0.00			

TOTAL PROJECT COST

\$ 1,500,000.00			
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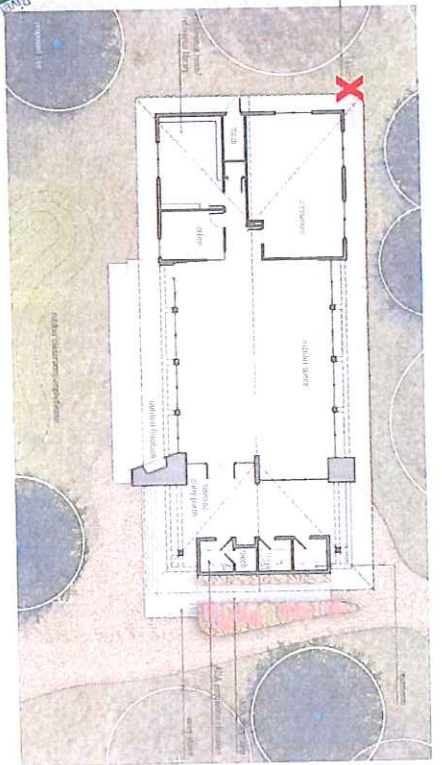
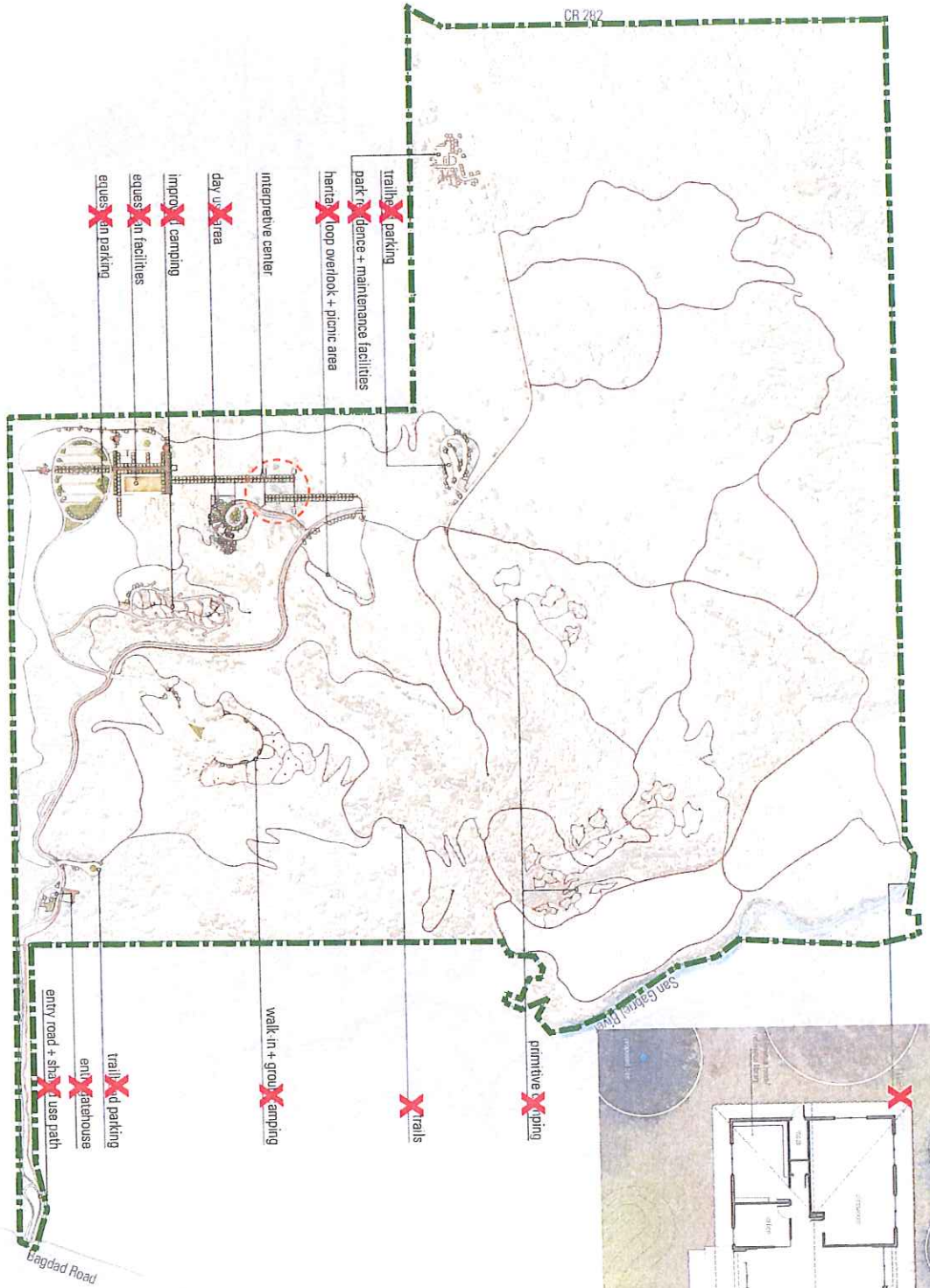
MATCH: \$750,000

0%

Attachment B

PROJECT BOUNDARY MAP

Signature Required



River Ranch County Park - Interpretive Center
1751 CR 282
Liberty Hill, TX. 78642

Texas Parks & Wildlife Department - Local Park Grants Program
OFFICIAL PROJECT BOUNDARY MAP
This project has been funded through the TPWD Local Park Grants Program. Land identified on this official map is **protected as**
Barland in perpetuity.
Project Name: WILLIAMSON COUNTY River Ranch Park
Project # 51-000071
Acquisition Boundary:
Dedicated Open Space/Natural Area:
Overhead Lines:
Brent Leisner, State Parks Division Director
Signature and Date: 5/24/17
Honorable Dan A. Gartin, County Judge
Signature and Date: _____

Attachment C

CERTIFICATE OF LAND DEDICATION

Signature Required

TEXAS PARKS AND WILDLIFE DEPARTMENT
CERTIFICATE OF LAND DEDICATION FOR PARK USE

TEXAS RECREATION & PARKS ACCOUNT

This is to certify that a permanent record shall be kept in the **WILLIAMSON COUNTY** public property records and be made available for public inspection to the effect that the property described in the scope of the Project Agreement for **River Ranch County Park Interpretive Center, Project Number 51-000071**, and the dated project boundary map made part of that Agreement, has been acquired or developed with Texas Recreation & Parks Account assistance and that it cannot be converted to other than public recreation use without the written approval of the Texas Parks and Wildlife Department.

WILLIAMSON COUNTY

Sponsor (Political Subdivision)

By

Honorable Dan A. Gattis, County Judge

Name, Title

Date

OFFICE MEMORANDUM

TO: Lana Daniels
Recreation Grants Program

FROM: Ryan McGillicuddy
Watershed Policy & Management
Inland Fisheries Division

SUBJECT: Fall 2016 Non Urban Indoor Grant Application Review

DATE: 01/31/2017

COORDINATION - ROUTING			
DIV	NAME	INITIAL	DATE
IF	Ryan McGillicuddy	RPM	1/31/17
REMARKS:			
RETURN TO			

TPWD Inland Fisheries, Coastal Fisheries and Wildlife Division staff has been consulted to assess regulatory compliance and identify potential adverse environmental impacts of proposed Recreation Grant applications. Reviewed applications are separated into four categories, with "Category 1" being of least concern, and "Category 4" being of the greatest concern.

CATEGORY 3

Category 3 includes projects that are acceptable on the whole, but include one or more features that raised questions or concerns. If these concerns can be addressed, and the remainder of the project is constructed as proposed following permit requirements, they should pose no significant environmental impacts. In general, these projects may further reduce or avoid adverse impacts by implementing appropriate comments in the "General Comments" attachment. These projects may also benefit from coordination with one or more of the TPWD groups listed in the "Other Recommended Coordination" attachment. Potential permits considered are described in the "Types of Permits" section attached.

Williamson County – River Ranch County Park (Project ID# 37384):

The proposed project consists of the development of an Interpretive Center, a multi-use indoor recreation facility, at River Ranch County Park, near Liberty Hill, Texas. The proposed facility would potentially be comprised of a recreational structure, accompanying landscaping, and accessible walkways that integrate into the park's trail system. The facility is anticipated to be roughly 3,100 square feet of conditioned space (2,900 if the restrooms wind up being unconditioned), and approximately 4,800 square feet overall (inclusive of flatwork). Amenities associated with the facility may include restrooms, classroom, conference room, lobby, gathering hall, 3-D topographical map, exhibit space for historical and natural artifacts, trails associated with self-guided exhibits and outdoor static displays for the park's historical agriculture equipment, audio/video systems, and/or storage space for recreational and educational equipment. The integral landscaping elements would provide trails critical to connecting the park's hiking trailhead to the park's equestrian trailhead. The Interpretive Center, coupled with approximately one mile of river frontage and numerous creeks and ponds within the park, could provide users a comprehensive aquatic experience.

As described above, the grant application project description mentions trails and landscaping, but does not provide details regarding either of these project components. If a trail(s) is proposed as a part of this project, TPWD recommends constructing the proposed trail(s) in a way that avoids adverse impacts to riparian, herbaceous, and woody vegetation to the greatest extent practicable. Retaining a wooded buffer adjacent to

creeks with understory vegetation that is not cleared is important for protecting the stream from erosion. When trails parallel a creek, TPWD recommends placing trails at a setback distance from creek banks and avoiding or minimizing placement within wooded riparian areas. TPWD recommends retaining native wooded vegetation to the extent feasible adjacent to creeks.

For landscaping, TPWD recommends only planting native species and recommends referring to the Lady Bird Johnson Wildflower Center Native Plant Database (<http://www.wildflower.org/plants/>) for regionally adapted native species that would be appropriate for use in the botanical gardens.

Significant declines in the population of migrating monarch butterflies (*Danaus plexippus*) have led to widespread concern about this species and the long-term persistence of the North American monarch migration. As part of an international conservation effort TPWD has developed a Texas Monarch and Native Pollinator Conservation Plan, and one of the broad categories of action in this plan is to augment larval feeding and adult nectaring opportunities. The plan can be found online at http://tpwd.texas.gov/publications/pwdpubs/media/pwd_rp_w7000_2070.pdf. TPWD recommends landscaping and revegetation efforts include planting or seeding native milkweed (*Asclepias* spp.) and nectar plants as funding and seed availability allow. Where appropriate and sustainable, TPWD recommends landscaping plans incorporate monarch-friendly plants and/or butterfly gardens. Information about monarch biology, migration, and butterfly gardening can be found at <http://www.monarchwatch.org>.

TPWD also recommends excluding vegetation clearing activities during the general bird nesting season, March 15th through September 15th, to avoid adverse impacts to this group. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. TPWD recommends that a 150-foot buffer of vegetation remain around any nests that are observed prior to disturbance. Any vegetation (trees, shrubs, and grasses) where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

Please also refer to General Comments 1 through 6 regarding trail placement, storm water runoff, landscaping, revegetation, vegetation removal, soil erosion, and ponds for the proposed project.

The grant application states that “No valuable, vulnerable, rare, threatened or endangered plant or animal species have been observed to date at River Ranch County Park. Quarterly plant surveys were completed by the Native Plant Society of Texas from 2010 - 2013 and the Audubon Society continues to conduct bird surveys since 2014. Brush removal activities have been initiated prior to the park's development and prairie restoration efforts are planned to begin after the park construction is completed and the park is opened to the public. These resource management efforts will hopefully result in a positive contribution to Monarch Butterfly conservation efforts.” There were no details provided regarding the bird surveys (specifically when they were conducted and whether or not they were conducted for specific species).

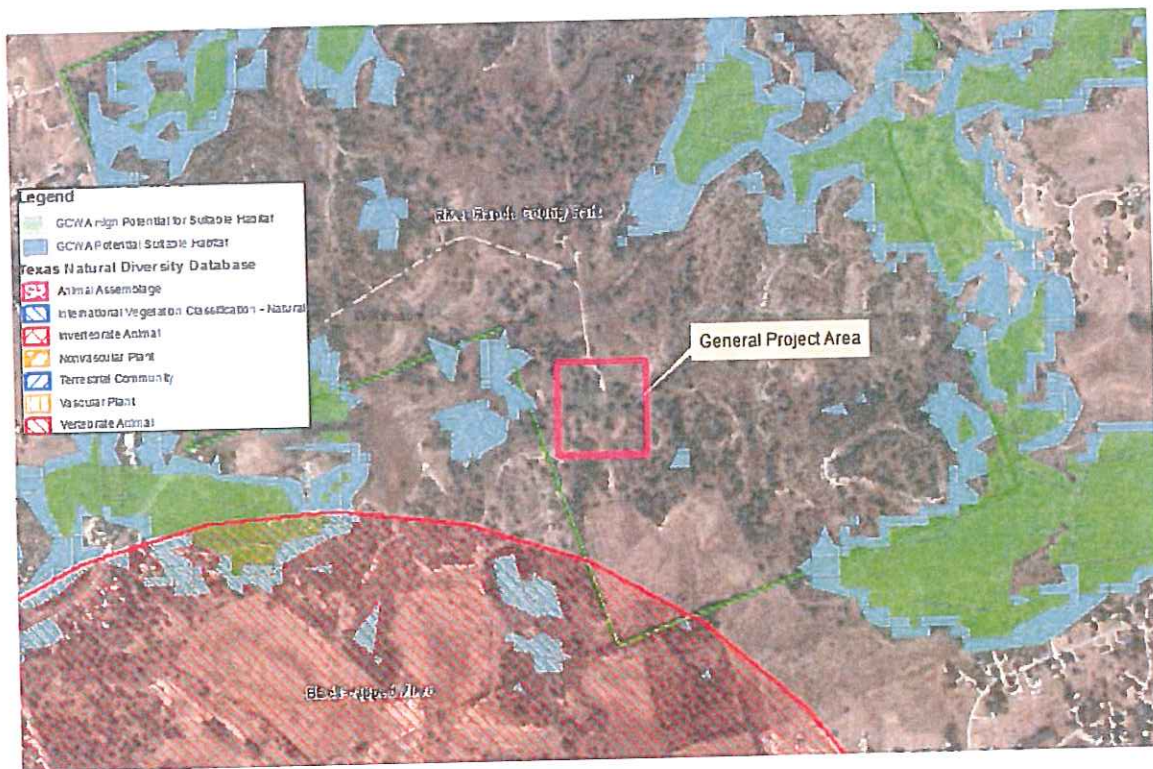
TPWD notes that there is a Texas Natural Diversity Database (TXNDD) record for the federally-endangered black-capped vireo (*Vireo atricapilla*) located approximately 1,600 feet from the general project area (see map inset below). This species inhabits oak-juniper woodlands with a distinctive patchy, shrub and tree layer with open, grassy spaces. The black-capped vireo requires foliage reaching to ground level for nesting cover and returns to same territory, or one nearby, year after year. Species composition is less important than the presence of adequate broad-leaved shrubs, foliage to ground-level, and required structure. This species' nesting season is from March to August.

The TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare

species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. They represent species that could potentially be in your project area. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously based on new, updated and undigitized records; therefore, TPWD recommends requesting the most recent TXNDD data on a regular basis. For questions regarding a record or to request the most recent data, please contact TexasNatural.DiversityDatabase@tpwd.texas.gov.

Review of a predictive habitat model for the federally-endangered golden-cheeked warbler (*Setophaga chrysoparia*) (Diamond, 2007) indicates that suitable habitat for this species may be present adjacent to the project area (see map inset below). Golden-cheeked warbler's nest only in Central Texas in mixed ashe juniper and oak woodlands in ravines and canyons. They eat insects and spiders found on the leaves and bark of oaks and other trees and use long strips of ashe juniper bark and spider webs to build their nests. They come to Texas in March to nest and raise their young, and leave in July to spend the winter in Mexico and Central America.

Prior to any vegetation clearing, TPWD recommends surveying for suitable black-capped vireo and golden-cheeked warbler habitat within the project area according to USFWS guidelines. If suitable habitat for either of these species is present within the project area, TPWD recommends that this vegetation should not be removed as a part of this project. If suitable habitat must be removed, TPWD recommends removing this vegetation outside of the species' breeding season. TPWD also recommends contacting the USFWS for species occurrence data, guidance, permitting, survey protocols, and mitigation for these federally-listed species.



The grant application states that "All other overhead single phase primary electric lines will be removed. With the exception of overhead primary lines along park boundary, all new electric power lines will be installed

underground with the current development project and this proposed grant project.” In regards to the underground installation of powerlines, TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from the construction area. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated. Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. Also, inspect excavation areas for trapped wildlife prior to refilling.

Reference

Diamond, et al. 2007. *Range-wide Modeling of Golden-cheeked Warbler Habitat*. Section 6 Project E-72-R, Final Report, Texas Parks and Wildlife Department, Austin, Texas

Questions regarding environmental review of this recreation grant project can be directed to Preston Bean of the Inland Fisheries Division (830-866-3040) or Jessica Schmerler of the Wildlife Division (512-389-8054).

ATTACHMENT

Types of Permits

- USACE "404" permit (activities affecting wetlands or aquatic areas)
The U.S. Army Corps of Engineers (USACE) should be consulted prior to commencement of projects that propose to place fill material or structures, whether from general land grading activities, buildings, piers, foot bridges or other activities, into wetlands or waters of the U.S. to determine the regulatory status of the proposed activity. Compensation may be required for any encroachment into these areas.
- TCEQ "401" water quality certification (water quality of wetlands or aquatic areas) (Mr. David Galindo 512-239-0951)
- TCEQ Water Rights Permit (diversion or impoundment of water in waterways) (TCEQ Water Rights Permitting and Availability Section 512-239-4691)
- EPA Construction/Stormwater permit (1 or more acres disturbed)
U.S. Environmental Protection Agency should be contacted for projects proposing to disturb one or more acres of land. (Mr. Everett Spencer 214-665-8060 or TCEQ 512-239-4671)
- USFWS clearance (federally listed threatened & endangered species/habitat)
The U.S. Fish and Wildlife Service (USFWS) should be consulted, if Natural Diversity Database search indicates activities may impact federally listed species or habitat, to assist in the evaluation of the proposed activities that may affect federally listed rare, threatened, or endangered wildlife species. Further consultation or surveys may be necessary to determine impact.
- TPWD Sand and Gravel permit (disturbance of state navigable waterways or bay bottoms)
The TPWD biologist coordinating the Sand, Shell, Gravel and Marl (SSGM) program should be consulted to evaluate activities involving the disturbance or taking of material from the beds or bottoms of State-navigable streambeds and bay bottoms. (Mr. Tom Heger 512-389-4583)
- TPWD Aquatic Resource Relocation Plan
If construction occurs during times when water is present and dewatering activities or other harmful construction activities are involved, then TPWD recommends relocating potentially impacted native aquatic resources in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* and an Aquatic Resource Relocation Plan. (Mr. Don Pitts 512-389-8754 or don.pitts@tpwd.texas.gov)
- TPWD Inland Fisheries Division (Permit to Introduce Fish, Shellfish, or Aquatic Plants into Public Waters)
The TPWD Fisheries Division should be consulted for required permits if any aquatic organisms are to be stocked or relocated within waters of the State. (Ms. Monica McGarrity 512-389-8292)

Other Recommended Coordination

- TPWD Inland Fisheries Division (establishment and management of pond fisheries)
- TPWD Wildlife Division – Wildscapes or Urban Wildlife Programs (beneficial planting/landscaping/xeriscaping)
 - Urban Wildlife program coordinator - Richard Heilbrun 210-688-6447
 - TPWD Wildscapes program administrator - Mark Klym 512-389-4644

- The Natural Diversity Database should be consulted to assist with the data search for state or federally listed rare, threatened, or endangered plant & wildlife species; as well as other rare or unique habitats and ecological resources. (Mr. Bob Gottfried 512-389-8744)
- TPWD Wildlife Division – Habitat Assessment Program (terrestrial habitat impacts/planting) (512-389-4579)
- TPWD Inland Fisheries Division – Watershed Conservation Team (wetland and aquatic habitat impacts/enhancement/creation) (Mr. Tom Heger 512-389-4583)

General Comments

1. Trails along creek banks and lake shores should be set back far enough that they do not cause or exacerbate erosion of the banks, either from construction activities or long-term use. Pedestrian creek crossovers should be located in areas where vegetation removal or disturbance can be avoided or minimized. The crossovers should span the entire creek channel with the headwalls at or above the top of the bank in order to avoid destabilizing the bed and banks.
2. Impervious vehicular and pedestrian use areas such as roads, walking tracks and parking areas should not impede natural surface water drainage. Stormwater runoff should be treated before discharging into nearby waterways by directing runoff into vegetated swales, retention or detention ponds, or similar pre-treatment areas.
3. Landscaping and revegetation plans should incorporate native plants, including grasses, whenever possible. Locally adapted natives can increase survival and reduce maintenance and watering needs while providing benefits to wildlife. Mowing only essential use areas will allow native grasses to prosper, generally without additional irrigation. Maintenance activities should be reduced as much as feasible in all areas except sport fields and playgrounds, and restricted to after seed-set (late fall) to promote reseeding and increased wildlife value. Enhancement of existing native grasses or prairie remnants can be assisted by limiting mowing practices and reseeding exposed areas with native grasses and forbs. After all, as many communities are learning, access to wildlife for casual recreation is not only a valued public benefit itself, but also a potential boost to the local economy.
4. Disturbance of native vegetation should be avoided or minimized during land alteration activities by using site planning and construction techniques designed to preserve existing native trees, shrubs, grasses and forbs, aquatic and wetland systems. Should any losses be deemed unavoidable, it is recommended that native plant species be used in mitigation and landscaped areas that are beneficial to fish and wildlife endemic to the area. Also, where possible, clearing of understory vegetation should be minimized because such vegetation provides habitat to small mammals and birds. Natural buffers contiguous to wetlands and aquatic systems should remain undisturbed, to preserve wildlife cover, food sources, travel corridors, and protect water quality of wetlands and waterways.
5. Soil erosion and siltation should be minimized using haybales, silt screens, or similar soil erosion prevention techniques. In order to enhance the stabilization of exposed soils, newly graded areas should be seeded or sodded with native grasses, while graded embankments should not exceed a 4:1 slope.
6. Park sites containing ponds or proposing the construction of a pond should take measures to insure that any domesticated waterfowl that take up residence at the pond are removed immediately by legal means. Domestic waterfowl pose a danger to native wild duck populations by providing a disease vector for duck plague, New Castle Disease, avian cholera, avian tuberculosis, chlamydiosis, bird flu and West Nile virus. Furthermore, the close genetic relationship between domestic and wild waterfowl can result in hybrid offspring, which has the effect of diluting the gene pool of wild populations and presents the possibility of breeding native species out of existence. Signs should be placed in the vicinity of park ponds to educate the public on the negative impacts of the release and feeding of domestic waterfowl.

Controlled Plants

No person may import, possess, sell, or place into water of this state exotic, harmful, or potentially harmful fish, shellfish, or aquatic plants except as authorized by rule or permit issued by Texas Parks & Wildlife.

Family	Scientific name	Common name
Amaranth family: Amaranthaceae	<i>Alternanthera philoxeroides</i>	alligatorweed
Sumac family: Anacardiaceae	<i>Schinus terebinthifolius</i>	Brazilian peppertree
Arum family: Araceae	<i>Pistia stratiotes</i>	water lettuce
Morning-glory family: Convolvulaceae	<i>Ipomoea aquatica</i>	swamp morning-glory
Water Milfoil family: Haloragaceae	<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
Tape-grass family: Hydrocharitaceae	<i>Ottelia alismoides</i>	ducklettuce
	<i>Hydrilla verticillata</i>	hydrilla
	<i>Lagarosiphon major</i>	oxygen-weed
	<i>Spirodela oligorhiza</i>	duckweed
Loosestrife family: Lythraceae	<i>Lythrum salicaria</i>	purple loosestrife
Myrtle family: Myrtaceae	<i>Melaleuca quinquenervia</i>	punktree
Grass Family: Poaceae	<i>Panicum repens</i>	torpedo grass
Water-Hyacinth family: Pontederiaceae	<i>Eichhornia azurea</i>	anchored water hyacinth
	<i>Eichhornia crassipes</i>	common water hyacinth
	<i>Monochoria hastata</i>	arrowleaf falsepickerelweed
	<i>Monochoria vaginalis</i>	heartshape false pickerelweed
Salvinia Family: Salviniaceae	all species of genus <i>Salvinia</i>	
Figwort Family: Scrophulariaceae	<i>Limnophila sessiliflora</i>	Asian marshweed
Potato family: Solanaceae	<i>Solanum tampicense</i>	scrambling nightshade
Bur-reed family: Sparganiaceae	<i>Sparganium erectum</i>	simplestem bur-reed

OUTDOOR RECREATION GRANT PROGRAM HISTORIC RESOURCE SURVEY GUIDELINES

Your project was approved for award of grant funds, and a copy of your application was forwarded to the Texas Historical Commission (THC) for review. A determination has been made by THC that the project warrants further historic resource management investigation at your project site.

General information on the historic resource management process may be found at the THC website: <http://www.thc.state.tx.us/preserve/projects-and-programs/historic-resources-survey/about-historic-resources-survey-program>.

To find a historic resource professional, check the yellow pages of your phone book under "Archaeologists" or "Environmental Consultants". You may also go to the Council of Texas Archeologists website at <http://www.thc.state.tx.us/hiring-preservation-consultant> to view a listing of potential candidates for the study under the "Contractors List" section of this site.

A report of the survey or other investigations will be prepared by the contractor and submitted to the THC for review. Upon approval of the findings and recommendations of the consultant, the THC will issue a stamped statement of concurrence with the report. A copy of this THC review statement must be forwarded to the Department before notice to proceed with construction will be given for your project.

TEXAS HISTORICAL COMMISSION
real places telling real stories

January 20, 2017

Lana Daniels
Texas Parks and Wildlife
4200 Smith School Road
Austin, TX 78744-3291

Re: Project review under the Antiquities Code of Texas: River Ranch County Park, Williamson County (TPWD:Williamson County; 201703051)

Dear Ms. Daniels:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Tiffany Osburn, has examined our records. According to our maps, the River Ranch County Park has never been surveyed for cultural resources. Significant archeological sites are located in similar settings nearby; therefore, a professional archeologist will need to survey the tract for cultural resources before development of park features, including trails. Survey should include shovel testing in the areas of impact if there is a potential for alluvial deposition regardless of surface visibility.

The work should meet the minimum archeological survey standards posted on-line at www.thc.state.tx.us. A report of investigations should be produced in conformance with the Secretary of the Interior's Guidelines for Archaeology and Historic Preservation, and submitted to this office for review. You may obtain lists of most professional archeologists in Texas on-line at: www.c-tx-arch.org or www.rpanet.org. Please note that other potentially qualified archeologists not included on these lists may be used.

Williamson County is also required to conduct this survey under the Antiquities Code, regardless of the local parks grant application. Since the survey is being performed on public land or within a public easement a contract archeologist must obtain an Antiquities Permit from our office before any investigations are undertaken. An Antiquities Permit can be issued as soon as we have a completed permit application.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have questions concerning our review, please contact Tiffany Osburn at 512/463-8883 or tiffany.osburn@thc.texas.gov.**

Sincerely,



for
Mark Wolfe, State Historic Preservation Officer

MW/to

