



# Tier I Site Assessment

**Main CSJ:** 2250-02-013, etc.

**Form Prepared By:** Melissa Cross (CP&Y, Inc.)

**Date of Evaluation:** October 24, 2019

Project is classified as a Categorical Exclusion

**Proposed Letting Date:** March 2022

Project not assigned to TxDOT under the NEPA Assignment MOU

**District(s):** Dallas

**County(ies):** Denton

**Roadway Name:** SL 288

**Limits From:** US 380 West of Denton

**Limits To:** IH 35 at LP 288

**Project Description:** Please see the project description available in ECOS.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

1.   No   Is the project limited to a maintenance activity exempt from coordination?  
<http://txdot.gov/inside-txdot/division/environmental/maintenance-program.html>
2.   No   Has the project previously completed coordination with TPWD?
3.   Yes   Is the project within range of a state threatened or endangered species or SGCN and suitable habitat is present?

**\*Explain:**

State Species of Greatest Conservation Need (SGCN) were evaluated in order to determine potential impacts of the proposed impacts. Only those species included in this TIER I Form may be impacted. All other SGCN would not be impacted by the proposed project. Twenty of the listed SGCNs for Denton County could potentially be impacted by the proposed project: Western Burrowing Owl (*Athene cunicularis hypugaea*), Strecker's chorus frog (*Pseudacris streckeri*), Woodhouse's toad (*Anaxyrus woodhousii*), American badger (*Taxidea taxus*), big brown bat (*Eptesicus fuscus*), eastern red bat (*Lasiurus borealis*), eastern spotted skunk (*Spilogale putorius*), hoary bat (*Lasiurus cinereus*), long-tailed weasel (*Mustela frenata*), Mexican free-tailed bat (*Tadarida brasiliensis*), southern short-tailed shrew (*Blarina carolinensis*), thirteen-lined ground squirrel (*Ictidomys tridecemlineatus*), Tricolored bat (*Perimyotis subflavus*), woodland vole (*Microtus pinetorum*), eastern box turtle (*Terrapene carolina*), smooth softshell (*Apalone mutica*), Texas garter snake (*Thamnophis sirtalis annectens*), western box turtle (*Terrapene ornata*), western hognose snake (*Heterodon nasicus*), and Topeka purple-coneflower (*Echinacea atrorubens*).

In addition to the 20 above-listed SGCNs, the project could potentially impact habitat for the three following state-listed threatened species: timber rattlesnake (*Crotalus horridus*), Texas heelsplitter (*Potamilus amphichaenus*), and Louisiana pigtoe (*Pleurobema riddellii*). The Texas heelsplitter and Louisiana pigtoe could potentially be found within Hickory Creek and Dry Fork Hickory Creek. No other state threatened or endangered species would be impacted by the proposed project.

During the field investigation on May 16, 2019, an alligator gar (*Atractosteus spatula*), was observed swimming within Hickory Creek within the project area. This species is not listed on the TPWD County List as a species of concern within Denton County, but the alligator gar is listed as an SGCN in Texas. TPWD was notified of this



sighting on August 23, 2019. Hickory Creek would be bridged by the proposed roadways, so no impacts to this species are anticipated as a result of the proposed project.

Date TPWD County List Accessed: August 22, 2019

Date that the NDD was accessed: May 15, 2019

What agency performed the NDD search? TPWD

**NDD Search Results for EOIDs and Tracked Managed Areas**

EOID Number	Common Name	Scientific Name	Listing Status	Buffer Zone
11567	Mollisol Blackland Prairie	<i>A. gerardii, S. nutans, B. americana</i> <i>Mollisol Grassland</i>	Unranked	1.5 Mile
3741	Little Bluestem-indiangrass Series	<i>Schizachyrium scoparium-sorghastrum nutans series</i>	Unranked	10 Mile
434	Texas Garter Snake	<i>Thamnophis sirtalis annectens</i>	SGCN	10 Mile
11570	Mollisol Blackland Prairie	<i>A. gerardii, S. nutans, B. americana</i> <i>Mollisol Grassland</i>	Unranked	10 Mile
11568	Mollisol Blackland Prairie	<i>A. gerardii, S. nutans, B. americana</i> <i>Mollisol Grassland</i>	Unranked	10 Mile
9883	Texas Heelsplitter	<i>Potamilus amphichaenus</i>	State Threatened	10 Mile
9884	Texas Heelsplitter	<i>Potamilus amphichaenus</i>	State Threatened	10 Mile

No Does the BMP PA eliminate the requirement to coordinate for all species?

Comments:

The BMP PA only defines BMPs for the Western Burrowing Owl (Bird BMPs); Texas heelsplitter and Louisiana pigtoe (Freshwater Mussel BMPs); timber rattlesnake and the Texas garter snake (Terrestrial Reptile BMPs).

4. Yes NDD and TCAP review indicates adverse impacts to remnant vegetation?

\*Explain:

The NDD and TCAP identified Mollisol Blackland Prairie within 1.5 mi of the project area and there is potential habitat for the Topeka purple-coneflower within the project area. Portions of the project area remain undeveloped and could contain native prairie species such as big bluestem (*Andropogon gerardii*) and indiagrass (*Sorghastrum nutans*) that may be impacted by the proposed project.

5. Yes Does the project require a NWP with PCN or IP by USACE?

\*Explain:

Due to anticipated temporary and permanent impacts to jurisdictional waters of the US, including wetlands, a NWP 14 with PCN will be required. If permanent impacts are determined to exceed 0.5 ac at any single and complete crossing of a jurisdictional waters of the U.S., then an IP will be required.

6. Yes Does the project include more than 200 linear feet of stream channel for each single and complete crossing of one or more of the following that is not already channelized or otherwise maintained:



- No Channel realignment; or
- Yes Stream bed or stream bank excavation, scraping, clearing, or other permanent disturbance.

\*Explain:

The project is expected to include more than 200-linear feet of stream channel at multiple single and complete crossings within the project area that have not already been channelized or otherwise maintained. Not all crossings within the project area are anticipated to be impacted.

7.  No Does the project contain known isolated wetlands outside the TxDOT ROW that will be directly impacted by the project?

8.  Yes Would the project impact at least 0.10 acre of riparian vegetation?

\*Explain:

Approximately 17.15 ac of Riparian MOU habitat is located within the project area and confirmed during field investigations. Work would be completed within these areas identified as Riparian MOU habitat so impacts greater than the 0.1 acre threshold to Riparian vegetation are anticipated as a result of the implementation of the proposed project.

9.  Yes Does project disturb a habitat type in an area equal to or greater than the area of disturbance indicated in the Threshold Table Programmatic Agreement?

\*Explain:

The project area was confirmed to have 71.38 ac of Agriculture MOU habitat, 17.86 ac of Edwards Plateau: Savanna, Woodland, and Shrubland MOU habitat, 111.54 ac of Tallgrass Prairie, Grassland MOU habitat, 17.15 ac of Riparian MOU habitat, 97.55 ac of Cross Timbers Woodland and Forest MOU habitat, and 85.57 ac of Disturbed Prairie MOU habitat. All of these vegetation habitat types exceed the area of disturbance indicated in the Threshold Table Programmatic Agreement.

\*Attach associated file of EMST output (Mapper Report or other Excel File which includes MOU Type, Ecosystem Name, Common/Vegetation Type Name) in ECOS

Excel File Name:

APPROVED 2250-02-013, etc. SL 288 EMSTandObservedVegTable 10-24-19.xls

9.1.  Yes Is there a discrepancy between actual habitat(s) and EMST mapped habitat(s)?

\*Explain:

The EMST data depicted 55.98 ac of Agriculture MOU type within the project area and that MOU was verified to have 71.38 ac within the project area. The EMST data depicted 11.74 ac of Edwards Plateau: Savanna, Woodland, and Shrubland MOU type within the project area and that MOU was verified to have 17.86 ac within the project area. The EMST data depicted 233.74 ac of Tallgrass Prairie, Grassland MOU type within the project area and that MOU was verified to have 111.54 ac within the project area. The EMST data depicted 35.24 ac of Riparian MOU type within the project area and that MOU was verified to have 17.15 ac within the project area. The EMST data depicted 82.99 ac of Cross Timbers Woodland and Forest MOU type within the project area and that MOU was verified to have 97.55 ac within the project area. The EMST data depicted 18.11 ac of Disturbed Prairie MOU type within the project area and that MOU was verified to have 85.57 ac within the project area. The EMST data depicted 4.70 ac of Urban MOU type within the project area and that MOU was verified to have 37.49 ac within the project area. The EMST data did not depict any open water within the project area, but it was field verified that 3.96 acres of



Open Water were present within the project area.

Attach file showing discrepancy between actual and EMST mapped habitat(s).

File Name:

APPROVED 2250-02-013, etc. SL 288 EMSTandObservedVegTable 10-24-19.xls; see also attached photos, EMST mapped, and EMST verified exhibits in the supporting documents file.

## Is TPWD Coordination Required?

Yes

Early Coordination

Administrated Coordination - Must be conducted through ENV-NRM

BMPs Implemented or EPICs included (as necessary):

Western Burrowing Owl - Bird BMPs: In addition to the Migratory Bird Treaty Act (MBTA) perform the following BMPs: 1) Prior to construction, perform daytime surveys for nests including under bridges and in culverts to determine if they are active before removal. Nests that are active should not be disturbed. 2) Do not disturb, destroy, or remove active nests, including ground nesting birds, during the nesting season. 3) Avoid the removal of unoccupied, inactive nests, as practicable. 4) Prevent the establishment of active nests during the nesting season on TxDOT owned and operated facilities and structures proposed for replacement or repair. 5) Do not collect, capture, relocate, or transport birds, eggs, young, or active nests without a permit.

Texas heelsplitter and Louisiana pigtoe - Freshwater Mussel BMPs: 1) When work is in the water, survey project footprints for state-listed species where appropriate habitat exists. 2) When work is in the water and mussels are discovered during surveys, relocate state-listed and SGCN mussels under TPWD authorization and implement Water Quality BMPs. 3) When work is adjacent to the water, Water Quality BMPs implemented as part of the SWPPP for a construction general permit or any conditions of the 401 water quality certification for the project will be implemented.

Water Quality BMPs: In addition to BMPs required for a TCEQ Storm Water Pollution Prevention Plan and/or 401 water quality permit: 1) Minimize the use of equipment in streams and riparian areas during construction. When possible, equipment access should be from banks, bridge decks, or barges. 2) When temporary stream crossings are unavoidable, remove stream crossings once they are no longer needed and stabilize banks and soils around the crossing.

Timber rattlesnake and Texas garter snake - Terrestrial Reptile BMPs: 1) Apply hydromulching and/or hydroseeding in areas for soil stabilizations and/or revegetation of disturbed areas where feasible. If hydromulching and/or hydroseeding are not feasible due to site conditions, utilize erosion control blankets or mats that contain no netting or contain loosely woven, natural fiber netting is preferred. Plastic netting should be avoided to the extent practicable. 2) For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Visually inspect excavation areas for trapped wildlife prior to backfilling. 3) Inform contractors that if reptiles are found on project site allow species to safely leave the project area. 4) Avoid or minimize disturbing or removing downed trees, rotting stumps, and leaf litter where feasible. 5) Contractors will be advised of potential occurrence in the project area, and to avoid harming the species if encountered.

The project EPIC sheet would contain the following Special Note regarding the MBTA: The Migratory Bird Treaty Act of 1918 states that it is unlawful to kill, capture, collect, possess, buy, sell, trade, or transport any migratory bird, nest, young, feather, or egg in part or in whole, without a Federal permit issued in accordance within the Act's policies and regulations. The contractor would remove all old migratory bird nests from any structure where work would be done from October 1 to February 15. In addition, the contractor would be prepared to



prevent migratory birds from building nest(s) between February 15 and October 1. In the event that migratory birds are encountered on-site during project construction, efforts to avoid adverse impacts on protected birds, active nests, eggs, and/or young would be observed.

**TxDOT Contact Information**

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## *Suggested Attachments*

**Aerial Map (with delineated project boundaries)**

**USFWS T&E List**

**TPWD T&E List**

**Species Impact Table**

**NDD EOID List and Tracked Managed Areas (Required for TPWD Coordination)**

**EMST Project MOU Summary Table (Required for TPWD Coordination)**

**TPWD SGCN List**

**Photos (Required for TPWD Coordination)**

**Previous TPWD Coordination Documentation (if applicable)**