

Leslie Mirise

From: Karen Hardin <Karen.Hardin@tpwd.texas.gov>
Sent: Wednesday, May 13, 2020 4:47 PM
To: Leslie Mirise
Subject: RE: CSJ 0047-05-054, etc. SH 5 Widening Project, Ellis County - Request for Early Coordination; TPWD Project 43676

Dear Leslie Mirise,

Thank you for submitting the following project for early coordination on April 15, 2020: SH 5 Widening Project (CSJ: 0047-05-054, etc.). TPWD appreciates TxDOT's commitment to implement the practices listed in the Tier I Site Assessment form of the assessment package. Based on a review of the documentation, the avoidance and mitigation efforts described, and provided that project plans do not change, TPWD considers coordination to be complete. However, please note it is the responsibility of the project proponent to comply with all federal, state, and local laws that protect plants, fish, and wildlife.

According to §2.204(g) of the 2013 TxDOT-TPWD MOU, TxDOT agreed to provide TXNDD reporting forms for observations of tracked SGCN (which includes federal- and state-listed species) occurrences within TxDOT project areas. Please keep this mind when completing project due diligence tasks. For TXNDD submission guidelines, please visit the following link: http://tpwd.texas.gov/huntwild/wild/wildlife_diversity/txnnd/submit.phtml

Sincerely,

Karen Hardin
Natural Resource Specialist
Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744
(903) 322-5001

From: Leslie Mirise <Leslie.Mirise@txdot.gov>
Sent: Monday, May 11, 2020 2:16 PM
To: Karen Hardin <Karen.Hardin@tpwd.texas.gov>
Cc: Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>; Stirling Robertson <Stirling.Robertson@txdot.gov>; Dan Perge <Dan.Perge@txdot.gov>; Daniel Salazar <Daniel.Salazar@txdot.gov>
Subject: RE: CSJ 0047-05-054, etc. SH 5 Widening Project, Ellis County - Request for Early Coordination; TPWD Project 43676

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Karen,

Thanks for your questions. The language provided in TxDOT's response to TPWD recommendation #5 is standard language included in the EPIC sheet. Landscaping plans, species, quantities, watering plans, etc., are not developed during the schematic phase of a project. The project area is located in an area that is already heavily developed, and converts some rural roadways to urban roadways in the cities of McKinney, Melissa, and Fairview and some unincorporated parts of Collin County.

TxDOT's responses to your questions are included below:

TPWD question: Which species are specified in the plans?

TxDOT response: No landscaping details or plant species are included in the schematic phase of the project. Specific details concerning landscaping and other possible aesthetic features would be determined in coordination with the local cities/county during the final design stage (*i.e.*, PS&E and construction phases).

TPWD recommends that TxDOT only use native grass mulch.

TxDOT response: In accordance with Executive Order 13112 on Invasive Species, seeding and replanting with TxDOT-approved seed mixes containing native species would be done where possible. Soil disturbance would be minimized in the ROW in order to minimize invasive species establishment.

Please identify if the project is considered rural or urban. If urban, then item 164 does not satisfy TPWD's recommendation #5.

TxDOT response: The project occurs in an urban area. Seeding and replanting of disturbed areas with TxDOT-approved seed mixes that are in compliance with the Executive Memorandum of Beneficial Landscaping would be done where possible.

Can you provide which species are proposed for the various landscaped areas of the project?

TxDOT response: The schematic phase of the project does not include landscaping plans; however, it does include medians where landscaping could occur. As described above, landscaping plans would be developed during PS&E and/or construction phases in coordination with applicable cities and/or county.

Can you find out if the plans include permanent irrigation and whether water conservation strategies were incorporated into the design?

TxDOT response: There are no irrigation plans or water conservation strategies as part of the project description. Those would be developed during PS&E and/or construction phases in coordination with applicable cities and/or county.

Are wildflowers included in the planting plan?

TxDOT response: There is no planting plan as part of the project description.

Thanks,

Leslie Mirise

Environmental Specialist
Dallas District – DAL-ENV
Texas Department of Transportation
4777 East Highway 80
Mesquite, Texas 75150
(214) 320-6162 office
(214) 320-4470 FAX

From: Karen Hardin [mailto:Karen.Hardin@tpwd.texas.gov]

Sent: Monday, May 11, 2020 9:48 AM

To: Leslie Mirise <Leslie.Mirise@txdot.gov>

Cc: Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>

Subject: RE: CSJ 0047-05-054, etc. SH 5 Widening Project, Ellis County - Request for Early Coordination; TPWD Project 43676

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Leslie,

Regarding TxDOT's response to recommendation 5, and review of the 2014 Standard Specifications,

Item 162 refers to the type of grass sod specified in the plans, though I do not see which species is specified in the plans. **Which species are specified in the plans?**

Item 162 refers to the use of mulch that may include hay mulch of either bermudagrass or prairie grasses. Bermudagrass is not native. Bermudagrass mulch can take root and grow bermudagrass. Thus item 162 does not satisfy TPWD's recommendation #5 to utilize native species including floral resources, water-conserving irrigation, and to coordinate with the City for portions of the landscaped medians in their City. **TPWD recommends that TxDOT only use native grass mulch.**

Item 164 refers to the seeding specs indicating the Dallas District would plant native species if planted Feb 1- May 15 on clay or sandy soils of permanent rural areas. However, the specs also indicate that the Dallas District would plant native species that include nonnative bermudagrass if planted Feb 1- May 15 on clay or sandy soils of permanent urban areas. **Please identify if the project is considered rural or urban. If urban, then item 164 does not satisfy TPWD's recommendation #5.**

Item 192 refers to landscape planting and the plans indicate landscape areas in the medians. However, Item 192 does not indicate the species to be planted for the project. I was not able to locate the species to be planted for this project, perhaps I do not have access permission for portions of the project on ECOS. **Can you provide which species are proposed for the various landscaped areas of the project?**

Item 193 refers to establishing and maintaining the landscaped areas, however I think this applies to the period of time that the contractor is responsible for the landscaped areas, and not a reflection of the permanent irrigation system for the landscaped areas, if proposed. **Can you find out if the plans include permanent irrigation and whether water conservation strategies were incorporated into the design?**

Item 506 refers to temporary erosion, sedimentation, and environmental controls for the construction phase of the project and does not reflect the permanent landscaping to be used or the permanent irrigation to be used. Thus Item 506 does not apply to TPWD's recommendation #5.

Item 730 refers to roadside mowing and indicates that wildflowers would not be mowed until seeds have matured, unless otherwise directed. It isn't clear by this item that TxDOT intends to plant wildflowers for the project, thus Item 730 does not address TPWD's recommendation #5. **Are wildflowers included in the planting plan?**

Item 751 refers to how landscape maintenance will be conducted but it does not indicate the type of landscaping or irrigation proposed for the project.

Item 752 refers to tree and brush removal which isn't applicable to TPWD's recommendation #5.

Please address the questions above and clarify TxDOT's plans for the type of landscaping, if floral resources are included, and if permanent irrigation is planned.

Thanks,

Karen Hardin
Wildlife Habitat Assessment Program

From: Leslie Mirise <Leslie.Mirise@txdot.gov>
Sent: Friday, May 1, 2020 1:25 PM
To: Karen Hardin <Karen.Hardin@tpwd.texas.gov>
Cc: Dan Perge <Dan.Perge@txdot.gov>; Daniel Salazar <Daniel.Salazar@txdot.gov>; Mohammed Shaikh <Mohammed.Shaikh@txdot.gov>
Subject: RE: CSJ 0047-05-054, etc. SH 5 Widening Project, Ellis County - Request for Early Coordination; TPWD Project 43676

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Hi Karen,

Thank you for your recommendations. TxDOT's responses are below:

TPWD recommendation #1: Please note that the project materials name different counties for the project location. The email subject line indicates Ellis County. The Tier I Site Assessment form indicates Collin County in the title box. The Tier I Site Assessment indicates the TPWD RTEST list for Denton County was used in the comments of Number 4. TPWD acknowledges that the project is in Collin County and that TxDOT used the TPWD RTEST list for Collin County.

TxDOT response #1: You are correct that the project documents should have been stating "Collin County" throughout and that TxDOT did use the correct TPWD RTEST list for the site assessment.

TPWD recommendation #2: Please note that the TPWD RTEST has undergone a significant update since TxDOT accessed it on April 7, 2020. On April 14, 2020, TPWD updated RTEST to reflect changes to the state threatened and endangered species lists, effective March 30, 2020, as published in the Texas Register notice (45 TexReg 2188). Changes to the Collin County list include:

- a. The bald eagle is no longer state-listed threatened, though remains on the Collin County RTEST list as SGCN.
- b. The black rail is now state-listed threatened.
- c. The red knot is now state-listed threatened.
- d. The crustacean, *Caecidotea bilineata*, now has a common name of "A cave obligate isopod".
- e. The American alligator is no longer on the Collin County RTEST list.
- f. The timber rattlesnake is no longer state-listed threatened, though remains on the Collin County RTEST list as SGCN.

TxDOT response #2: Thank you. Noted.

TPWD recommendation #3: The changes to the RTEST list for Collin County do not eliminate the need for TxDOT's proposed BMPs for this project, and none of the changes to the RTEST list trigger any additional BMPs needed.

TxDOT response #3: Thank you. Agreed – BMPs will remain as stated in the Tier 1 Site Assessment Form.

TPWD recommendation #4: The project did not include any BMPs for the SGCN bat species on Collin County RTEST. TPWD recommends including Bat BMPs for the SGCN bats because of impacts to 6.17 acres of riparian woodland habitats.

TxDOT response #4: The qualified biologist who performed the site assessment did consider SGCN bats during the site assessment. There were no snags, trees with peeling bark, trees with hollows, or other appropriate bat roosting habitat observed within the project area. Therefore, SGCN bats in the range of the project area were given a no-impact determination.

TPWD recommendation #5: The project indicates landscaped medians per the design schematic sheets. TPWD recommends only using native species for revegetation of the medians including drought-tolerant native floral species. If the cities in the project area will be responsible for any of the landscaped medians, TPWD recommends coordinating with the Cities to ensure that landscaped areas consist of native species and to follow water conservation practices if irrigation is proposed.

TxDOT response #5: As standard practice, TxDOT uses native species and beneficial landscaping where possible. The EPIC sheet includes the following language for vegetation resources: Preserve native vegetation to the extent practical. Contractor must adhere to Construction Specification Requirements Specs 162, 164, 192, 193, 506, 730, 751, & 752 in order to comply with requirements for invasive species, beneficial landscaping, and tree/brush removal commitments.

TPWD recommendation #6: The project would impact up to 6.17 acres of impacts to riparian habitat. TPWD recommends non-regulatory compensatory riparian vegetation mitigation for loss to important riparian habitat, such as at degraded City of McKinney properties, parks, or golf courses.

TxDOT response #6: Providing compensatory mitigation for non-regulatory habitat impacts goes against current TxDOT policy.

Please let me know if you need any additional information.

Thank you,

Leslie Mirise

Environmental Specialist
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4777 East Highway 80
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(214) 320-4470 FAX

From: Karen Hardin [<mailto:Karen.Hardin@tpwd.texas.gov>]

Sent: Tuesday, April 28, 2020 3:33 PM

To: Leslie Mirise <Leslie.Mirise@txdot.gov>

Subject: RE: CSJ 0047-05-054, etc. SH 5 Widening Project, Ellis County - Request for Early Coordination; TPWD Project 43676

Hi Leslie,

I have the following input for TxDOT's acknowledgement and response:

- 1) Please note that the project materials name different counties for the project location. The email subject line indicates Ellis County. The Tier I Site Assessment form indicates Collin County in the title box. The Tier I Site Assessment indicates the TPWD RTEST list for Denton County was used in the comments of Number 4. TPWD acknowledges that the project is in Collin County and that TxDOT used the TPWD RTEST list for Collin County.
- 2) Please note that the TPWD RTEST has undergone a significant update since TxDOT accessed it on April 7, 2020. On April 14, 2020, TPWD updated RTEST to reflect changes to the state threatened and endangered species lists,

effective March 30, 2020, as published in the Texas Register notice (45 TexReg 2188). Changes to the Collin County list include:

- a. The bald eagle is no longer state-listed threatened, though remains on the Collin County RTEST list as SGCN.
 - b. The black rail is now state-listed threatened.
 - c. The red knot is now state-listed threatened.
 - d. The crustacean, *Caecidotea bilineata*, now has a common name of "A cave obligate isopod".
 - e. The American alligator is no longer on the Collin County RTEST list.
 - f. The timber rattlesnake is no longer state-listed threatened, though remains on the Collin County RTEST list as SGCN.
- 3) The changes to the RTEST list for Collin County do not eliminate the need for TxDOT's proposed BMPs for this project, and none of the changes to the RTEST list trigger any additional BMPs needed.
 - 4) The project did not include any BMPs for the SGCN bat species on Collin County RTEST. TPWD recommends including Bat BMPs for the SGCN bats because of impacts to 6.17 acres of riparian woodland habitats.
 - 5) The project indicates landscaped medians per the design schematic sheets. TPWD recommends only using native species for revegetation of the medians including drought-tolerant native floral species. If the cities in the project area will be responsible for any of the landscaped medians, TPWD recommends coordinating with the Cities to ensure that landscaped areas consist of native species and to follow water conservation practices if irrigation is proposed.
 - 6) The project would impact up to 6.17 acres of impacts to riparian habitat. TPWD recommends non-regulatory compensatory riparian vegetation mitigation for loss to important riparian habitat, such as at degraded City of McKinney properties, parks, or golf courses.

Thanks,

Karen Hardin
Natural Resource Specialist
Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744
(903) 322-5001

From: WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>

Sent: Wednesday, April 15, 2020 2:01 PM

To: Leslie Mirise <Leslie.Mirise@txdot.gov>; WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>; Dan Perge <Dan.Perge@txdot.gov>; Mohammed Shaikh <Mohammed.Shaikh@txdot.gov>; Daniel Salazar <Daniel.Salazar@txdot.gov>

Cc: Karen Hardin <Karen.Hardin@tpwd.texas.gov>

Subject: RE: CSJ 0047-05-054, etc. SH 5 Widening Project, Ellis County - Request for Early Coordination

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 43676. The Habitat Assessment Biologist who will complete your project review is copied on this email.

Thank you,

John Ney
Administrative Assistant

Texas Parks & Wildlife Department
Wildlife Diversity Program – Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744
Office: (512) 389-4571

From: Leslie Mirise <Leslie.Mirise@txdot.gov>
Sent: Wednesday, April 15, 2020 12:05 PM
To: WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>
Cc: Daniel Salazar <Daniel.Salazar@txdot.gov>; Dan Perge <Dan.Perge@txdot.gov>; Mohammed Shaikh <Mohammed.Shaikh@txdot.gov>
Subject: CSJ 0047-05-054, etc. SH 5 Widening Project, Ellis County - Request for Early Coordination

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Hello,

TxDOT requests early coordination for the SH 5 Roadway Widening Project in Ellis County, Texas. Please see ECOS for the project description. The project is classified as an CE(D) Open-Ended D. Project documents include the following, and those of appropriate file size are attached:

1. Species Analysis Spreadsheet
2. Species Analysis Spreadsheet – SGCN
3. Species Analysis Form
4. Tier 1 Site Assessment Form
5. USFWS IPaC Resource List
6. TPWD RTEST List for Collin County
7. NDD figure
8. EMST Figures
9. Actual Veg Figures
10. EMST and Observed Veg Spreadsheet
11. Photos (uploaded in ECOS due to file size)
12. NCRS Soils

These documents, along with other project-related information, are available in ECOS under the CSJ: 0047-05-054.

The letting date is currently December 2022. However, the planned NEPA clearance date for this project is July 2020. Please provide comments or complete coordination on or before June 15, 2020 if possible.

Please feel free to contact me with any questions or if you need any additional information.

Thank you,

Leslie Mirise

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Dallas District – DAL-ENV
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Mesquite, Texas 75150
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