



Texas Parks & Wildlife 2013 PA

Tier II Site Assessments 2017 Revision

This agreement outlines the information required by TPWD to initiate administrated coordination between TPWD and TxDOT under the 2013 MOU.

TIER II SITE ASSESSMENTS
PROGRAMMATIC AGREEMENT

BETWEEN
TEXAS DEPARTMENT OF TRANSPORTATION
AND
TEXAS PARKS AND WILDLIFE DEPARTMENT
UNDER THE 2013 MOU

2017 Revision

Under §2.209 (a) of the Memorandum of Understanding (MOU) between the Texas Department of Transportation (TxDOT) and the Texas Parks and Wildlife Department (TPWD), effective September 1, 2013, site assessments are the basis for evaluating project impacts and are the primary environmental report used for administrated coordination under the MOU. Section 2.209 also states that a Programmatic Agreement (PA) will be developed and approved to provide implementation requirements for Tier II site assessments. This PA outlines procedures and methodologies for providing habitat characterizations and impact descriptions, and developing supporting information for the environmental documentation to support administrated coordination.

Tier I Site Assessments

Tier I site assessments are performed for all projects subject to the MOU. Tier I site assessment procedures are detailed in the MOU (§2.205) and are used to determine the impacts and therefore the need for coordination under the MOU. The Tier I site assessment should be recorded in ECOS prior to initiating administrated coordination.

Tier II Site Assessments

Tier II site assessments are the basis for evaluating project impacts and are the primary environmental report used for administrated coordination under the MOU. Tier II site assessments use information from the Texas Conservation Action Plan (TCAP); Ecological Mapping System of Texas (EMST); Texas Natural Diversity Database (TXNDD); and separate County Lists of Rare and Protected Species of Texas maintained independently by TPWD and U.S. Fish and Wildlife Service. TxDOT will be responsible for providing Tier II site

assessments to TPWD for all projects subject to administrated coordination. Tier II site assessments will include the following:

- (1) A description and goals of the project, including the natural setting in which the proposed project occurs, the limits of the project, the existing conditions, any proposed mitigation and the proposed action.
- (2) A review of the TCAP and documentation of the potential direct impacts from the project to ecosystems, plant community associations, preferred habitat for Species of Greatest Conservation Need (SGCN) that are within range, easements, and land set aside for conservation (e.g. parks, wildlife management areas, mitigation areas).
- (3) Field verification by a TxDOT qualified biologists of the Tier I Assessment to:
 - A) confirm potential direct and indirect impacts,
 - B) assess the fish and wildlife resources potentially impacted by the project, and
 - C) confirm the areal extent of ecological systems and plant community associations for the entire project area.
- (4) A review of TXNDD information and an interpretation of the data consistent with required TXNDD training per 2.204 of the MOU. At a minimum the following shall be reported:
 - (A) All records within 1.5 miles of the project
 - i. A list of Element Occurrence Identification records (including Element Occurrence Identification numbers and species name) for all records within 1.5 miles of the project, or if applicable a statement that no records were found within 1.5 miles;

- ii. A list of managed areas within 1.5 miles of the project, or if applicable, a statement that no managed areas were found within 1.5 miles;
 - (B) For TXNDD records that intersect or overlap a project location, an evaluation of potential direct or indirect impacts due to the project to the recorded species or their habitats;
 - (C) For TXNDD records that are not directly on the project site but are within 1.5 miles, an explanation of potential direct or indirect impacts to the recorded species or its habitat, or if applicable an explanation of how the habitat on the project site is different from the habitat at the location of the record.
- (5) A review of the EMST at the project location to include:
- (A) A general description of the vegetation type (ecological system) as described in the EMST;
 - (i) names of the dominant plant species, or plant community associations;
 - (ii) maps, aerial photos with dates, photographs, or other visual representations of data (when available) provided to supplement the general description of the area and the description of what vegetation occurs within and abutting to the right of way (ROW);
 - (iii) project areas that contain multiple EMST vegetation types will include a map that shows the project footprint on recent aerial imagery overlaid with labeled EMST vegetation type boundaries.

(6) If the vegetation in the project area does not match the description in the EMST a description of the vegetation should be provided. If the vegetation in the project area matches the description in the EMST, state that in the Tier II site assessment.

(7) If unusual vegetation is found in the project area, temporary and permanent impacts to unusual vegetation features will be described and quantified. Unusual vegetation features may include:

(a) unmaintained vegetation,

(b) trees or shrubs along a fenceline (ROW) adjacent to a field (fencerow vegetation),

(c) riparian vegetation (particularly where fields/cropland extends up to or abuts the vegetation associated with the riparian corridor),

(d) trees that are considered historically significant, ecologically significant, or locally important (such as champion trees as listed on the Texas A&M Forest Service Big Tree Registry

<http://txforests.service.tamu.edu/main/article.aspx?id=1336>), and

(e) unusual stands or islands (isolated) of vegetation.

(8) A description of the quantity and quality of any habitat within or abutting the ROW that may be suitable for State or Federally listed threatened or endangered species or SGCN included on the appropriate TPWD County list.

(9) A determination of whether special habitat features are present. If special habitat features are not present, the site assessment should state that. If special habitat features are present, then a description of those features should be provided in the Tier II site assessment. Temporary and

permanent impacts to special habitat features will be described and quantified. Special habitat features include:

- (a) bottomland hardwoods
- (b) caves
- (c) cliffs and bluffs
- (d) native prairies (particularly those with climax species of native grasses and forbs)
- (e) seeps or springs
- (f) snags (dead trees) or groups of snags
- (g) existing bridges with known or observed bird or bat colonies.
- (h) rookeries
- (i) prairie dog towns

(10) A description of aquatic habitat including ponds (temporary and permanent, natural and man-made), playa lakes, waterways/streams, wetlands and potential impacts to these resources. Descriptions of aquatic habitat should include a characterization of permanence (e.g. intermittent or perennial), and a general description of the substrate. Descriptions of expected impacts should include the acreage (include linear footage for streams) of temporary and permanent disturbance to the aquatic habitat.

(11) For proposed projects on new location or those that require additional ROW or easements, the site assessment shall include 1-10 (above) and the following additional information, as appropriate:

- (a) dominant species for each vegetation strata including tree, shrub, vine, and herbaceous (grass and forb) layers present,

(b) acres of each vegetation type in the project area,

(c) descriptions of land use within and adjacent to the proposed ROW. For projects with multiple alternatives, all alternatives will be evaluated to the same level of detail.

(d) Lack of access to the new ROW may limit the amount of information available for the habitat description. Existing data shall be used to provide a best estimate in these circumstances.

Revisions

Under §2.213(c) Programmatic Agreements of the MOU, programmatic agreements may be changed at any time by the written concurrence of the Executive Directors of TxDOT and TPWD. This PA will allow for adaptive refinement as the two agencies progress in the implementation of the 2013 MOU. Therefore, this Programmatic Agreement will be amended or re-approved by the Executive Director of each agency no later than one year after the effective date.

SIGNATURES



Executive Director, Texas Department of Transportation



Date

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Executive Director, Texas Parks and Wildlife Department

26 April 2017

Date