



Biological Evaluation Form

Main CSJ 2658-01-013

Form Prepared By: Wesley Wiegrefe

Date of Evaluation: January 18, 2019

Proposed Letting Date: September 2022

District(s): Paris

County(ies): Hunt

Roadway Name: FM 2642

Limits From: FM 35

Limits To: SH 66

Project has no Federal nexus.

Project not assigned to TxDOT under the NEPA Assignment MOU

Project Description: The proposed project consists of widening the existing FM 2642 roadway from FM 35 to SH 66 to a four-lane divided roadway with a raised median which varies from 14 to 26 ft in width and includes median openings with left-turn deceleration lanes providing access to adjacent properties along the corridor. The proposed curb and gutter type roadway will feature underground storm sewers and six-foot wide sidewalks along both sides. The intersection of FM 2642 and FM 35 will be reconfigured to provide a north-south thoroughfare per the City of Royse City's Comprehensive Plan. The proposed project is to be substantially constructed within the existing 100-foot to 120-foot right-of-way with an additional 10' to 15' of ROW required at two locations along the corridor to provide right-turn deceleration lanes at connections to the IH 30 westbound frontage road, and Verandah Blvd. Additionally, 60-foot to 80-foot-wide drainage easements will be required at seven cross drain locations to convey and maintain access to historic outfall locations along Bearpen Creek.

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.

Endangered Species Act (ESA)

Yes Is the action area of the proposed project within the range of federally protected species?

No Did the USFWS IPaC system identify any endangered species that may occur or could potentially be affected by the proposed project activities?

Date that the [IPaC system](#) was accessed: December 3, 2018

No Is the action area of the proposed project in suitable habitat of federally protected species?

*Explain:

The project area consists of existing roadway and right-of-way within an low density urban setting. There is no suitable habitat or critical habitat for listed species within or adjacent to the project area. Also, the listed species are only considered for wind energy projects.

Resources consulted or activities conducted to make effect determination (if applicable):

TPWD County List USFWS Critical Habitat Maps Species Expert Consulted



BiologicalEvaluationForm

- Aerial Photography Coastal Areas Maps Site Visit
- Topographic Map SpeciesStudyConducted Karst Zone Maps
- Ecological Mapping System of Texas(EMST) Natural Diversity Database (NDD)

Other:

IPaC Official Species List

[Add Comments](#)

Migratory Bird Treaty Act (MBTA)

- Yes Is there potential for nesting birds to be present in the project action area during construction?
- No Were active nests identified during the site survey?
- Yes Will BMPs will be incorporated to protect migratory bird nests?

Comments:

[Remove Comments](#)

This project will comply with applicable provisions of the Migratory Bird Treaty Act (MBTA) and Texas Parks and Wildlife Code Title 5, Subtitle B, Chapter 64, Birds. It is the department's policy to avoid removal and destruction of active bird nests except through federal or state approved options. In addition, it is the department's policy to, where appropriate and practicable:

- use measures to prevent or discourage birds from building nests on man-made structures within portions of the project area planned for construction, and
- schedule construction activities outside the typical nesting season

Bald and Golden Eagle Protection Act (BGEPA)

- No Does the proposed project have the potential to impact Bald or Golden Eagles?

Comments:

[Remove Comments](#)

There is no Bald or Golden Eagle habitat in the project area.

Fish and Wildlife Coordination Act (FWCA)

- Does the project have impacts on one or more Waters of the U.S. or wetlands?
- Is the project covered by a Nationwide Permit?
- Is the project covered by an Individual Permit from the USACE?

Comments:

[Remove Comments](#)

Impacts to streams and open water bodies within the project footprint are covered under NWP 14 without a PCN as impacts to WOTUS will not exceed 1/10-acre and there will be no discharge in special aquatic sites.



Executive Order 13112 on Invasive Species

Yes No Would the proposed project be in compliance with EO 13112?

Comments:

[RemoveComments](#)

This project is subject to and will comply with federal Executive Order 13112 on Invasive Species. The department implements this Executive Order on a programmatic basis through its Roadside Vegetation Management Manual and Landscape and Aesthetics Design Manual.

Executive Memorandum on Environmentally and Economically Beneficial Landscaping

Would landscaping be included in the proposed projects?

*Describe the landscaping activities:

Would the proposed project be in compliance with the Executive Memorandum on Beneficial Landscaping?

Comments:

[RemoveComments](#)

This project is subject to and will comply with the federal Executive Memorandum on Environmentally and Economically Beneficial Landscaping, effective April 26, 1994. The department implements this Executive Memorandum on a programmatic basis through its Roadside Vegetation Management Manual and Landscape and Aesthetics Design Manual.

Farmland Protection Policy Act (FPPA)

Would the project require new ROW or permanent easements (Do not include temporary easements)?

Is the project located in a "non-urbanized area" that contain areas mapped as prime, unique, statewide important or locally important farmland by the NRCS Web Soil Survey or Census Bureau?

Is the proposed action a linear project?

Was the score on Part IV of FPPA Form AD-1006 equal to or greater than 60?

Comments:

[RemoveComments](#)

The score of Part IV of FPPA Form SCS-CPA 106 is 55, which is under the threshold for consideration of NRCS opinion solicitation and the consideration of alternative actions. The form is included as Attachment 10.

General Comments



BiologicalEvaluationForm



Findings

Endangered Species Act (ESA)

No suitable habitat was observed for any federally listed species. Therefore, there would be no effect on federally listed species. However, measures to avoid harm to any threatened and endangered species would be taken should they be observed during construction of the proposed project. Coordination with the USFWS would not be required. The USFWS IPaC website was accessed on December 3, 2018.

Essential Fish Habitat (EFH)

Tidally influenced waters do not occur within the project action area. Coordination with National Marine Fisheries Service is not required.

Coastal Barrier Resources Act (CBRA)

This project is not located within a designated CBRA map unit. Coordination with the U.S. Fish and Wildlife Service (USFWS) is not required.

Marine Mammal Protection Act (MMPA)

Marine mammals are protected under the Marine Mammal Protection Act (MMPA). The Texas coast provides suitable habitat and is within range of several marine mammals including the West Indian Manatee (*Trichechus manatus*), and bottlenose dolphin (*Tursiops truncatus*).

The project area does not contain suitable habitat for marine mammals. Coordination with NMFS is not required.

Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act (MBTA) 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 with the Act's policies and regulations.

A site survey did not identify active nests within the project action area. While no impact to migratory birds is expected, TxDOT will take all appropriate actions to prevent the take of migratory birds, their active nests, eggs, or young should they be discovered on the project site. Direction to contractors is provided on the standard EPIC sheet.

Bald and Golden Eagle Protection Act (BGEPA)

The proposed project does not have the potential to impact Bald or Golden Eagles.

Executive Order 13112 on Invasive Species (EO 13112)

Re-vegetation of disturbed areas would be in compliance with the Executive Order on Invasive Species (EO 13112). Regionally native and non-invasive plants will be used to the extent practicable in landscaping and re-vegetation.



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)

NOAA EFH Mapper Printout

USFWS CBRA Mapper Printout

EMST Project MOU Summary Table (Required for TPWD Coordination)

TPWD SGCN List

FPPA Documentation

NRCS Web Soil Survey Map

Census Bureau Urbanized Area Map

Landscaping Plans

Photos (Required for TPWD Coordination)

Previous TPWD Coordination Documentation (if applicable)