



Form Species Analysis

Project Name: **SH 72: FM 237 to US 87**

CSJ(s): **0270-01-051, 0270-10-014**

County(ies): **DeWitt County**

Date Analysis Completed: **11/19/2019**

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<If the project is assigned to TxDOT by FHWA, retain the following sentence; if not, delete it>

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 9, 2019, and executed by FHWA and TxDOT.

I. Endangered Species Act

Select the appropriate statement below based on the determinations recorded in the completed project-specific species analysis spreadsheet:

- This project does not require consultation with or authorization from the USFWS under the Endangered Species Act.
- This project requires consultation with or authorization from the USFWS under the Endangered Species Act.

For a project that requires federal authorization or approval, if the completed project-specific species analysis spreadsheet indicates, "May affect," for any species, then consultation with the USFWS is required under section 7 of the Endangered Species Act and the second checkbox above must be checked.

For more information regarding the Endangered Species Act, see **ENV's Endangered Species Act Handbook**.

II. TPWD Coordination

Select the appropriate statement below:

- This project consists solely of maintenance activities that are of a type or type(s) covered by the Maintenance Program Environmental Assessment, and therefore no coordination with TPWD is required.
- This project does not consist solely of maintenance activities that are of a type or type(s) covered by the Maintenance Program Environmental Assessment, and therefore a Tier I Site Assessment is required.



III. Bald and Golden Eagle Protection Act (BGEPA)

Select the appropriate statement below:

- This project is not within 660 feet of an active or inactive Bald or Golden Eagle nest. Therefore, no coordination with USFWS is required.
- This project is within 660 feet of an active or inactive Bald or Golden Eagle nest; however, construction activities within 660 feet will not occur during the nesting season, and the project will adhere to the National Bald Eagle Management Guidelines of 2007. Therefore, no coordination with USFWS is required.
- This project is within 660 feet of an nest or inactive Bald or Golden Eagle nest, and construction within 660 feet will occur during the nesting season or the project will not adhere to the National Bald Eagle Management Guidelines of 2007. Therefore, coordination with USFWS to obtain a Non-Purposeful Take Permit is required.

For more information regarding BGEPA, see Section 7.0 of **ENV's Ecological Resources Handbook**.

IV. Migratory Bird Protections

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.

For more information regarding migratory bird protections, see **ENV's Guidance: Avoiding Migratory Birds and Handling Potential Violations** and Section 3.0 of **ENV's Ecological Resources Handbook**.