



Tier I Site Assessment

Main CSJ: 0270-01-051, 0270-10-014

Form Prepared By: Marissa Buschow, Cox|McLain Environmental Consulting

Date of Evaluation: November 19, 2019

Proposed Letting Date: October 2022

Project not assigned to TxDOT under the NEPA Assignment MOU

District(s): Yoakum

County(ies): DeWitt

Roadway Name: State Highway (SH) 72

Limits From: Farm-to-Market Road (FM) 237

Limits To: US Highway (US) 87

Project Description: The SH 72 project description is provided in the Work Plan Development Form 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 9, 2019, 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:

The proposed project is within range with potentially suitable habitat for the following state-listed species:

Birds:

White-tailed Hawk (*Buteo albicaudatus*)
Wood Stork (*Mycteria americana*)

Mammals:

White-nosed coati (*Nasua narica*)

The proposed project is within range with potentially suitable habitat for the following SGCNs:

Plants:

Florida pinkroot (*Spigelia texana*)
Shinner's sunflower (*Helianthus occidentalis ssp. plantagineus*)
Texas tauschia (*Tauschia texana*)
Two-flower stick-pea (*Calliandra biflora*)

Amphibians:

Strecker's chorus frog (*Pseudacris streckeri*)
Woodhouse's toad (*Anaxyrus woodhousii*)

Reptiles:

Eastern box turtle (*Terrapene carolina*)



Western box turtle (*Terrapene ornata*)

Birds:

- Franklin's Gull (*Leucophaeus pipixcan*)
- Mountain Plover (*Charadrius montanus*)
- Western Burrowing Owl (*Athene cunicularia hypugaea*)

Mammals:

- American badger (*Taxidea taxus*)
- Big free-tailed bat (*Nyctinomops macrotis*)
- 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*)
- Mink (*Neovison vison*)
- Southern short-tailed shrew (*Blarina carolinensis*)
- Swamp rabbit (*Sylvilagus aquaticus*)
- Thirteen-lined ground squirrel (*Ictidomys tridecemlineatus*)
- Tricolored bat (*Perimyotis subflavus*)
- Western hog-nosed skunk (*Conepatus leuconotus*)

Date TPWD County List Accessed: September 30, 2019

Date that the NDD was accessed: September 27, 2019

What agency performed the NDD search? TPWD

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

Comments:

There are no TPWD-approved BMPs for any of the plant species, eastern or western box turtle, Franklin's Gull, Mountain Plover, American badger, eastern red bat, eastern spotted skunk, hoary bat, long-tailed weasel, Mexican free-tailed bat, mink, southern short-tailed shrew, swamp rabbit, thirteen-lined ground squirrel, tricolored bat, or western hog-nosed skunk.

4. No NDD and TCAP review indicates adverse impacts to remnant vegetation?

5. No Does the project require a NWP with PCN or IP by USACE?

Comments:

The proposed project is anticipated to be covered under NWP 14 without a PCN for impacts to waters within the project area based on current design files. An IP is not anticipated.

6. No 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:

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 1.70 acres of riparian vegetation were mapped within the proposed project area and may be impacted as a result of the project construction.

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 proposed project would exceed the threshold of disturbance for the following habitat types in the Texas Blackland Prairies ecoregion:
- Disturbed Prairie: 9.84 acres (threshold: 3.0 acres)
- Riparian: 1.70 acres (threshold: 0.1 acres)
- Post Oak Savanna: 8.04 acres (threshold: 2.0 acres)

*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:

EMST_20191118

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

*Explain:

The mapped EMST (Attachment 4) showed a greater diversity of habitat types than what was observed during field visits (Attachment 5). The vegetation in the project area fell into six habitat types: Urban, Disturbed Prairie, Riparian, Post Oak Savanna, Mixed Woodlands and Forests, and Agriculture.

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

File Name:

SH72_EMST_20191118
SH72_EMST_table_20191118
SH72_Observed_veg_20191206
SH72_Observed_veg_table_20191206

Is TPWD Coordination Required?

Yes

Early Coordination

Administrated Coordination - Must be conducted through ENV-NRM

BMPs Implemented or EPICs included (as necessary):

Bird BMPs (Western Burrowing Owl, White-tailed Hawk, Wood Stork):

In addition to complying with the Migratory Bird Treaty Act (MBTA) perform the following BMPs:

- 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.

- Do not disturb, destroy, or remove active nests, including ground nesting birds, during the nesting season;
- Avoid the removal of unoccupied, inactive nests, as practicable;
- Prevent the establishment of active nests during the nesting season on TxDOT owned and operated facilities and structures proposed for replacement or repair;
- Do not collect, capture, relocate, or transport birds, eggs, young, or active nests without a permit.

Bat BMPs (Big free-tailed bat):

To determine the appropriate best management practice to avoid or minimize impacts to bats, review the habitat description for the species of interest on the TPWD Rare, Threatened, and Endangered Species of Texas by County List or other trusted resources. All bat surveys and other activities that include direct contact with bats shall comply with TPWD-recommended white-nose syndrome protocols located on the TPWD Wildlife Habitat Assessment Program website under "Project Design and Construction".

The following survey and exclusion protocols should be followed prior to commencement of construction activities. For the purposes of this document, structures are defined as bridges, culverts (concrete or metal), wells, and buildings.

- For activities that have the potential to impact structures, cliffs or caves, or trees; a qualified biologist will perform a habitat assessment and occupancy survey of the feature(s) with roost potential as early in the planning process as possible or within one year before project letting.
- For roosts where occupancy is strongly suspected but unconfirmed during the initial survey, revisit feature(s) at most four weeks prior to scheduled disturbance to confirm absence of bats.
- If bats are present or recent signs of occupation (i.e., piles of guano, distinct musky odor, or staining and rub marks at potential entry points) are observed, take appropriate measures to ensure that bats are not harmed, such as implementing non-lethal exclusion activities or timing or phasing of construction.
- Exclusion devices can be installed by a qualified individual between September 1 and March 31. Exclusion devices should be used for a minimum of seven days when minimum nighttime temperatures are above 50°F AND minimum daytime temperatures are above 70°F. Prior to exclusion, ensure that alternate roosting habitat is available in the immediate area. If no suitable roosting habitat is available, installation of alternate roosts is recommended to replace the loss of an occupied roost. If alternate roost sites are not provided, bats may seek shelter in other inappropriate sites, such as buildings, in the surrounding area. See Section 2: Standard Recommendations for recommended acceptable methods for excluding bats from structures.
- If feature(s) used by bats are removed as a result of construction, replacement structures should incorporate bat-friendly design or artificial roosts should be constructed to replace these features, as practicable.
- Conversion of property containing cave or cliff features to transportation purposes should be avoided where feasible.
- Avoid unnecessary removal of dead fronds on native and ornamental palm trees in south Texas (Cameron, Hidalgo, Willacy, Kenedy, Brooks, Kleberg, Nueces, and San Patricio counties) from April 1 through October 31. If removal of dead fronds is necessary at other times of the year, limit frond removal to extended warm periods (nighttime temperatures $\geq 55^{\circ}\text{F}$ for at least two consecutive nights), so bats can move away from the disturbance and find new roosts.
- Large hollow trees, snags (dead standing trees), and trees with shaggy bark should be surveyed for colonies and, if found, should not be disturbed until the bats are no longer occupying these features. Post-occupancy surveys should be conducted by a qualified biologist prior to tree removal from the landscape.
- Retain mature, large diameter hardwood forest species and native/ornamental palm trees where feasible.
- In all instances, avoid harm or death to bats. Bats should only be handled as a last resort and after communication with TPWD.

White-nosed Coati BMPs:

- Contractors will be advised of potential occurrence in the project area, and to avoid harming the species if encountered.



TxDOT Contact Information

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Suggested Attachments

Aerial Map (with delineated project boundaries)

USFWS T&E List

TPWD T&E List

Species Analysis Summary

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)