



Biological Evaluation Form

Main CSJ: 0914-05-192

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Date of Evaluation: October 22, 2018

Project has no Federal nexus.

Proposed Letting Date: January 2020

Project not assigned to TxDOT under the NEPA Assignment MOU

District(s): Austin

County(ies): Williamson

Roadway Name: 183A

Limits From: Hero Way

Limits To: 1.1 miles North of State Highway (SH) 29

Project Description: Please see Attachment 1 in the Supplemental Attachments for detailed project description information.

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?

Yes 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: July 5, 2018

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

*Explain:

The proposed project is within range of the following federally protected species: Georgetown salamander (*Eurycea naufragia*), Jollyville Plateau salamander (*Eurycea tonkawae*), Salado salamander (*Eurycea chisholmensis*), Bone Cave harvestman (*Texella reyesi*), Golden-cheeked Warbler (*Setophaga [Dendroica] chrysoparia*), Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Whooping Crane (*Grus americana*), Coffin Cave mold beetle (*Batrisesodes texanus*), and Tooth Cave ground beetle (*Rhadine persephone*). The proposed project is also within range of the bracted twistflower (*Streptanthus bracteatus*), smooth pimpleback (*Quadrula houstonensis*), Texas fawnsfoot (*Truncilla macrodon*), and Texas pimpleback (*Quadrula petrina*), which are candidates for federal listing.

The Least Tern, Piping Plover, and Red Knot are identified as within range of the proposed project, however, the USFWS only considers potential effects to these species in cases of wind energy projects.

A small patch of oak-juniper woodland occurs on the east side of the intersection of County Road 258 and US 183 near the northern terminus of the project area. As a precautionary measure, a formal presence/absence survey for the Golden-cheeked Warbler was conducted during the 2018 breeding season. No listed song birds were identified during this effort and the habitat was determined to lack essential components necessary for breeding warblers. Please see the 183A Golden-cheeked Warbler Survey Report for additional information regarding this effort.

Suitable habitat for Texas fawnsfoot and Texas pimpleback (perennial water with gravel and sand substrates)



occurs within the project area at the South Fork of the San Gabriel River. Best Management Practices would be followed to minimize any impact to these species should work within the water occur at this location. Currently these two species are candidates for federal listing and are not afforded regulatory protection under the ESA, should these species become federally listed, additional coordination with the USFWS may be required.

Suitable habitat does not exist within the project area for the remaining federally listed or candidate species and no critical habitat for any listed species occurs within the project area. Effect determinations and pertinent project information for each species are included in the Species Impact Table, included as Attachment 2 in the Supplemental Attachments document.

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

- TPWD County List, USFWS Critical Habitat Maps, Species Expert Consulted, Aerial Photography, Coastal Areas Maps, Site Visit, Topographic Map, Species Study Conducted, Karst Zone Maps, Ecological Mapping System of Texas (EMST), Natural Diversity Database (NDD)

Other:

Site visits were conducted in February/March 2017 and May/June of 2018 by qualified biologists.

Migratory Bird Treaty Act (MBTA)

- Yes Is there potential for nesting birds to be present in the project action area during construction?
Yes Were active nests identified during the site survey?
Yes Will BMPs will be incorporated to protect migratory bird nests?

Comments:

Several active nests for non-federally or state-listed species were observed during the 2018 field investigations. Nests and juvenile birds (Northern Cardinal [Cardinalis cardinalis] and Bewick's Wren [Thryomanes bewickii]) were observed within the new right-of-way south of County Road 258 and east of US 183.

Bald and Golden Eagle Protection Act (BGEPA)

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

Fish and Wildlife Coordination Act (FWCA)

- Yes Does the project have impacts on one or more Waters of the U.S. or wetlands?



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Yes Is the project covered by a Nationwide Permit?

No Is the project covered by an Individual Permit from the USACE?

Comments:

Four crossings were identified within the proposed project area. Impacts are anticipated to be covered under a Nationwide Permit 14 without Pre-Construction Notification. For detailed information see the Water Resources Technical Report, to be submitted under separate cover.

Executive Order 13112 on Invasive Species

Yes Would the proposed project be in compliance with EO 13112?

Executive Memorandum on Environmentally and Economically Beneficial Landscaping

Yes Would landscaping be included in the proposed projects?

*Describe the landscaping activities:

Landscaping enhancements may be included in the final project design. Specific features and landscaping design has not been identified at this point in the project development but all enhancements will be in compliance with the EO on Invasive Species and EM on Beneficial Landscaping.

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

Farmland Protection Policy Act (FPPA)

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

Yes 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?

Yes Is the proposed action a linear project?

No Was the score on Part IV of FPPA Form SCS-CPA 106 equal to or greater than 60?

General Comments

See Supplemental Attachments for detailed project information, figures, site photographs, and species information.



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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 July 5, 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 within the Act's policies and regulations.

A site survey identified active nests within the project action area. TxDOT will take all appropriate actions to prevent the take of migratory birds, their active nests, eggs, or young by the use of proper phasing of the project or other appropriate actions. 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.

Fish and Wildlife Coordination Act (FWCA)

The Fish and Wildlife Coordination Act (FWCA) of 1958 requires that federal agencies obtain comments from USFWS and TPWD. This coordination is required whenever a project involves impounding, diverting, or deepening a stream channel or other body of water.

The proposed project is authorized under a Section 404 of the Clean Water Act Nationwide Permit; therefore, no coordination under FWCA would be required.

Executive Order 13112 on Invasive Species (EO 13112)



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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.

Executive Memorandum on Beneficial Landscaping

Landscaping would be a part of the proposed project activities. Revegetation of disturbed areas will be in compliance with the Executive Memorandum on Environmentally and Economically Beneficial Landscaping. Regionally native and noninvasive plants will be used to the extent practicable in landscaping and revegetation.

Landscaping enhancements may be included in the final project design. Specific features and landscaping design has not been identified at this point in the project development but all enhancements will be in compliance with the EO on Invasive Species and EM on Beneficial Landscaping.

Farmland Protection Policy Act (FPPA)

The proposed project would convert farmland subject to the FPPA to a nonagricultural, transportation use. However, the combined scores of the relative value of the farmland and the site assessment completed by TxDOT do not warrant further consideration for protection and no additional sites need to be evaluated.



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)