



Tier I Site Assessment

Main CSJ: 2964-10-005

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Date of Evaluation: March 30, 2017

Project is classified as a Categorical Exclusion

Proposed Letting Date: March 2022

Project not assigned to TxDOT under the NEPA Assignment MOU

District(s): Dallas

County(ies): Dallas, Ellis

Roadway Name: SL 9

Limits From: IH 35E

Limits To: IH 45 in Wilmer/Hutchins

Project Description: The proposed project is an approximately 10-mile new location frontage road system through Dallas and Ellis counties, Texas, that would begin at I-35E, near Red Oak, and continue in an easterly direction through the city of Lancaster to end at I-45 near Ferris (Figures 1 and 2). The total project area (existing right-of-way [ROW] and proposed ROW) is approximately 727.02 acres. The total proposed ROW is approximately 541.23 acres. Since the project crosses numerous other transportation facilities, it would utilize approximately 182.44 acres of existing ROW. Temporary construction easements would not be required. Permanent drainage easements would be required in several locations and total approximately 3.35 acres.

The proposed project would be built in phases based on traffic needs and project funding. Phase I would construct a single two-way frontage road. The limits of this frontage road would begin at the intersection with the southbound I-35E frontage road and end at the intersection of Business 45 and Malloy Bridge Road, just west of I-45. When traffic growth warrants the need for more lanes, then Phase II would commence. A second frontage road would be built as part of Phase II, and the I-45 southbound frontage road would extend from north of Malloy Bridge Road to south of the future SL 9 interchange. The ultimate SL 9 section of the proposed project consists of a future six-lane divided freeway with 3-lane frontage roads in each direction. The SL 9 main lanes, ramps, and direct connectors at I-35E and I-45 would be constructed as part of Phase II.

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.

1. No Is the project limited to a maintenance activity exempt from coordination?
<http://txdot.gov/inside-tdot/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 area is within range of and exhibits suitable habitat for nine state listed threatened and endangered species: Interior Least Tern (*Sterna antillarum*) [SE], Wood Stork (*Mycteria americana*) [ST], Louisiana pigtoe (*Pleurobema riddellii*) [ST], Texas heelsplitter (*Potamilus amphichaenus*) [ST], Texas pigtoe (*Fusconaia askwei*) [ST], sandbank pocketbook (*Lampsilis satura*) [ST], alligator snapping turtle (*Macrochelys temminckii*) [ST], Texas horned lizard (*Phrynosoma cornutum*) [ST], and timber rattlesnake (*Crotalus horridus*) [ST]. Potential habitat



for the four mollusk species was observed by a qualified biologist in October 2014, January 2015, and September 2015 within the portions of Bear and Tenmile Creeks located within and adjacent to the proposed project area (Figure 9).

The proposed project area is also within range and suitable habitat for thirteen SGCNs: southern crawfish frog (*Lithobates areolatus areolatus*), Henslow's Sparrow (*Ammodramus henslowii*), Sprague's Pipit (*Anthus spragueii*), Western Burrowing Owl (*Athene cunicularia hypugaea*), plains spotted skunk (*Spilogale putorius interrupta*), Glen rose yucca (*Yucca necopina*), Osage Plains false foxglove (*Agalinis densiflora*), Texas milk vetch (*Astragalus reflexus*), Warnock's Coral-root (*Hexalectris warnockii*), Hall's prairie clover (*Dalea hallii*), plateau milkvine (*Matelea edwardsensis*), tree dodder (*Cuscuta exaltata*), and Texas garter snake (*Thamnophis sirtalis annectens*). Suitable Habitat for Hall's prairie clover was observed by a qualified biologist within the proposed project area in September 2015 (Photos 18, 19, and 20; Figure 8a).

TPWD county lists are attached.

Date TPWD County List Accessed: March 21, 2017

Date that the NDD was accessed: November 9, 2016

What agency performed the NDD search? TPWD

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

Comments:

Suitable habitat for Interior Least Tern is present along a small portion of Tenmile Creek (see Figure 8b). The habitat quality is low due to the narrow and incised channel, frequent inundation during the nesting season, and low visibility around the sandbar. Site visits performed in 2014 and 2015 indicate absence. Presence/absence survey guidelines for the Interior Least Tern, provided by the USFWS to permitted staff, would be followed the nesting season prior to the start of construction and can be provided upon request. Only permitted individual(s) would conduct the presence/absence survey during the nesting season from May through late July immediately prior to the start of construction. If the Interior Least Tern is present during construction, no construction activities would occur within a 300-foot buffer of the suitable habitat for the species (see Figure 8b) from April 1 to September 1, and consultation with the US Fish and Wildlife Service would be initiated.

Although BMPs have not been approved for the southern crawfish frog, TxDOT proposes to implement the following conservation measure: contractors would be advised of the potential presence of the southern crawfish frog within the proposed project area, to avoid harming the species if encountered, and to avoid unnecessary impacts to small burrows. (Note: Even with implementation of the voluntary conservation measures, it is still a trigger for coordination.)

See Figure 9 for potential observed habitat for the state listed mussel species within the proposed project area. The Freshwater Mussel BMPs apply to the Louisiana pigtoe, Texas heelsplitter, Texas pigtoe, and sandbank pocketbook:

- When work is in the water, survey project footprints for state listed species where appropriate habitat exists;
- When work is in the water and mussels are discovered during surveys, relocate state listed mussels under TPWD permit and implement Water Quality BMPs; and
- When work is adjacent to the water, Water Quality BMPs implemented as part of the SWPPP for a construction permit or any conditions of the 401 water quality certification for the project would be implemented (this BMP applies to the project).

The following BMPs are provided for the alligator snapping turtle: 1) Minimize impacts to wetland and riverine habitats, and 2) Contractors would be advised of potential occurrence in the proposed project area, and to avoid harming the species if encountered.

The Bird BMPs apply for the Wood Stork, Henslow's Sparrow, Sprague's Pipit, and Western Burrowing Owl:

- Not disturbing, destroying, or removing active nests, including ground nesting birds, during the nesting season (February 15 to October 1);
- Avoiding the removal of unoccupied nests, if practicable;
- Preventing the establishment of active nests during the nesting season on TxDOT owned and operated facilities and structures proposed for replacement or repair; and
- Not collecting, capturing, relocating, or transporting birds, eggs, young, or active nests without a permit.

The following BMP is provided for the Texas garter snake and timber rattlesnake: 1) Contractors would be advised of potential occurrence in the proposed project area, and to avoid harming the species, if encountered.

The following BMP is provided for the plains spotted skunk: 1) Contractors would be advised of the potential occurrence in the proposed project area, and to avoid harming the species if encountered, and to avoid unnecessary impacts to dens.

The following BMP is provided for the Texas horned lizard: 1) Contractors would be advised of potential occurrence in the proposed project area, and to avoid harming the species, if encountered, and to avoid harvester ant mounds where feasible.

Although there are no species specific BMPs for the observed Hall's prairie clover, TxDOT proposes to evaluate potential conservation measures such as collection of seeds and/or transfer of complete specimens (if possible) during the flowering season before construction is slated to begin. (Note: Even with implementation of the voluntary conservation measures, it is still a trigger for coordination.)

Impacts to vegetation would be avoided or minimized by limiting disturbance to only that which is necessary to construct the proposed project. The removal of native vegetation, particularly mature native trees and shrubs, would be avoided to the greatest extent practicable. An approved seed mix would be used in the landscaping and revegetation of disturbed areas. Upon completion of earthwork operations, disturbed areas would be restored and reseeded, where feasible, in accordance with TxDOT's Vegetation Management Guidelines and in compliance with the intent of Executive Order 13112 on Invasive Species and the FHWA Executive Memorandum on Environmentally and Economically Beneficial Landscaping Practices.

4. Yes NDD and TCAP review indicates adverse impacts to remnant vegetation?

*Explain:

The following remnant vegetation has the potential to occur within the proposed project area: Glen Rose yucca, Osage Plains false foxglove, Texas milk vetch, Warnock's coral root, plateau milkvine, and tree dodder. The Hall's prairie clover occurs within the proposed project area as observed during field surveys in September 2015 (see Figure 8a). The EO records of tracked managed areas within a 10-mile radius of the proposed project area are listed above and provided in the attached list. Email response from TPWD to NDD request also attached.

5. Yes Does the project require a NWP with PCN or IP by USACE?

*Explain:

Though detailed drainage design for the proposed SL 9 project has not been completed at this time, it is anticipated that the proposed project would involve temporary and permanent impacts to a number of potentially jurisdictional waterbodies and would be authorized under a USACE Section 404 IP.



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6. Yes 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:
- Yes Channel realignment; or
- Yes Stream bed or stream bank excavation, scraping, clearing, or other permanent disturbance.

*Explain:

Though detailed drainage design for the proposed SL 9 project has not been completed at this time, the proposed project has the potential to impact Waters of the U.S.

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:

According to field observations by a qualified biologist, the proposed project would impact approximately 35.19 acres of riparian vegetation.

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 following MOU habitat types would be impacted by the proposed SL 9 project: 196.35 acres of disturbed prairie, which is greater than the 3-acre PA threshold; 35.19 acres of floodplain, which is greater than the 0.5-acre PA threshold; 36.27 acres of riparian, which is greater than the 0.1-acre PA threshold; 4.20 acres of Edwards Plateau savannah, woodland, and shrubland, which is greater than the 1-acre PA threshold; and 226.38 acres of agriculture, which is greater than the 10-acre PA threshold.

*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:

2964-10-005 Loop 9 FINAL EMSTandObservedVegTable.xlsx

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

*Explain:

The vegetation types observed by a qualified biologist within the proposed project area did not completely correspond to the EMST mapped vegetation types.

The actual vegetation types observed within the proposed project area include: 1) Azonal Barren; 2) Blackland Prairie: Disturbance or Tame Grassland; 3) Central Texas: Floodplain Hardwood Forest; 4) Central Texas: Floodplain Herbaceous Vegetation; 5) Central Texas: Riparian Deciduous Shrubland; 6) Central Texas: Riparian Hardwood/Evergreen Forest; 7) Central Texas: Riparian Hardwood Forest; 8) Central Texas: Riparian Herbaceous Vegetation; 9) Edwards Plateau: Deciduous Oak/Evergreen Motte and Woodland; 10) Edwards Plateau: Oak/Hardwood Motte and Woodland; 11) Edwards Plateau: Savanna Grassland; 12) Native Invasive: Deciduous Woodland; 13) Native Invasive: Juniper Shrubland; 14) Open Water; 15) Row Crops; 16) Urban High Intensity; and 17) Urban Low Intensity.

See attached Figure 6 (Sheets 1 through 10) which illustrates the EMST Vegetation Types within the



proposed project area in comparison with Figure 7 (Sheets 1 through 10) which illustrates the Actual Vegetation Types observed within the proposed project area (Attachment 3).

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

File Name:

2964-10-005 Loop 9 FINAL EMSTandObservedVegTable.xlsx
2964-10-005 Loop 9 FINAL BioSupportingDocs 4-4-17.pdf

Is TPWD Coordination Required?

Yes

- Early Coordination
- Administrated Coordination - Must be conducted through ENV-NRM

BMPs Implemented or EPICs included (as necessary):

Suitable habitat for interior least tern is present along a small portion of Tenmile Creek (see Figure 8b). The habitat quality is low due to the narrow and incised channel, frequent inundation during the nesting season, and low visibility around the sandbar. Site visits performed in 2014 and 2015 indicate absence. Presence/absence survey guidelines for the Interior Least Tern, provided by the USFWS to permitted staff, would be followed the nesting season prior to the start of construction and can be provided upon request. Only permitted individual(s) would conduct the presence/absence survey during the nesting season from May through late July immediately prior to the start of construction. If the Interior Least Tern is present during construction, no construction activities would occur within a 300-foot buffer of the suitable habitat for the species (see Figure 8b) from April 1 to September 1, and consultation with the US Fish and Wildlife Service would be initiated.

Proposed voluntary conservation measure for the southern crawfish frog: Contractors would be advised of the potential presence of the southern crawfish frog within the proposed project area, to avoid harming the species if encountered, and to avoid unnecessary impacts to small burrows. (Note: Even with implementation of the voluntary conservation measures, it is still a trigger for coordination.)

Freshwater Mussel BMPs (Louisiana pigtoe, Texas heelsplitter, Texas pigtoe, and sandbank pocketbook): Survey project footprint for state listed mussel species where appropriate habitat exists (see Figure 9). If mussels are discovered during surveys, relocate state listed mussels under TPWD permit and implement Water Quality BMPs. If work is adjacent to the water, Water Quality BMPs implemented as part of SWPPP for a construction general permit or any conditions of the 401 water quality certification for the project would be implemented. The Mussel BMPs eliminate the need to coordinate for the Louisiana pigtoe, Texas heelsplitter, Texas pigtoe, and sandbank pocketbook.

Alligator snapping turtle BMPs: Minimize impacts to wetland and riverine habitats, and contractors would be advised of potential occurrence in the project area, and to avoid harming the species if encountered.

Texas horned lizard BMPs: Contractors would be advised of potential occurrence in the proposed project area, and to avoid harming the species, if encountered, and to avoid harvester ant mounds where feasible.

Texas garter snake and timber rattlesnake BMPs: Contractors would be advised of potential occurrence in the proposed project area, and to avoid harming the species, if encountered.

Plains spotted skunk BMPs: Contractors would be advised of the potential occurrence in the proposed project area, and to avoid harming the species if encountered, and to avoid unnecessary to impacts to dens.



Bird BMPs (Wood Stork, Henslow's Sparrow, Sprague's Pipit, Western Burrowing Owl, and all migratory bird species): 1) Do not disturb, destroy, or remove active nests, including ground-nesting birds (i.e., Western Burrowing Owl) during the nesting season (February 15 to October 1); 2) Avoid the removal of unoccupied, inactive nests, as practicable; 3) Prevent the establishment of active nests during the nesting season on TxDOT owned and operated facilities and structures proposed for replacement or repair; and 4) No collection, capture, relocation, or transportation of birds, eggs, young, or active nests without a permit. In the event that migratory birds are encountered on-site during project construction, efforts to avoid adverse impacts to protected birds, active nests, eggs and/or young would be observed.

Although there are no species specific BMPs for the observed Hall's prairie clover, TxDOT proposes to evaluate potential conservation measures such as collection of seeds and/or transfer of complete specimens (if possible) during the flowering season before construction is slated to begin. (Note: Even with implementation of the voluntary conservation measures, it is still a trigger for coordination.)

Impacts to native vegetation would be avoided to the maximum extent practicable. An approved seed mix would be used for landscaping and revegetation in accordance with TxDOT's Vegetation Management Guidelines, Executive Order 13112, and the FHWA Executive Memo on Environmentally and Economically Beneficial Landscaping Practices.

TxDOT Contact Information

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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)

EMST Project MOU Summary Table (Required for TPWD Coordination)

TPWD SGCN List

Photos (Required for TPWD Coordination)

Previous TPWD Coordination Documentation (if applicable)