



# Biological Evaluation Form

**Main CSJ:** 0008-13-125, etc.

**Form Prepared By:** Jonathan Stewart, Civil Associates, Inc.

**Date of Evaluation:** July 18, 2019

Project has no Federal nexus.

**Proposed Letting Date:** June 2021

Project not assigned to TxDOT under the NEPA Assignment MOU

**District(s):** Fort Worth

**County(ies):** Tarrant

**Roadway Name:** I-20, I-820, and US 287

**Limits From:** I-20/I-820/US 287 Interchanges  
I-20 from Forest Hill Drive to Park Springs Boulevard  
I-820 from I-20 to Brentwood Stair Road  
US 287 from Bishop Street to Sublett Road

**Limits To:**

**Project Description:** Please see the following document that has been uploaded into TXECOS: Project Description (0008-13-125, etc.).pdf.

The project design that was evaluated in this document is based on the Draft 60% Interim Schematic dated May 29, 2019. The approximate 63 acres proposed new right of way illustrated in the EMST maps represent the anticipated "worst-case" footprint. As the project design is refined, the impacts described herein are not anticipated to increase in magnitude.

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: May 10, 2019

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

**\*Explain:**

The habitat preferences for federally listed threatened/endangered species, a brief discussion of habitat availability within the project's construction footprint, and an assessment of potential adverse effects on these federally-listed threatened or endangered species are included in the "Threatened and Endangered Species, and Species of Greatest Conservation Need Table" found in the uploaded file "Biological Evaluation Form and Tier I Site Assessment Form Attachments (0008-13-128, etc.).pdf."

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

TPWD County List     USFWS Critical Habitat Maps     Species Expert Consulted



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- 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:

Dates of site visits were March 7, March 19, April 2, April 18, and May 14, 2019. The project area is an existing roadway that runs through maintained/developed commercial and residential areas.

**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?

**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?
- Yes   Is the project covered by a Nationwide Permit?
- No   Is the project covered by an Individual Permit from the USACE?

**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**

- No   Would landscaping be included in the proposed projects?



## Farmland Protection Policy Act (FPPA)

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

     No      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?

## General Comments



## 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 May 10, 2019.

### *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 is not part of the proposed project. If revegetation is needed, disturbed areas would be revegetated according to TxDOT's standard practices, which to the extent practicable, complies with Executive Memorandum on Environmentally and Economically Beneficial Landscaping. Direction to contractors is provided on the standard EPIC sheet.

### *Farmland Protection Policy Act (FPPA)*

Coordination with the National Resources Conservation Service (NRCS) for FPPA would not be required because the project is not located in areas mapped as prime, unique, statewide or locally important nor is it located in an "urbanized area" identified by the NRCS Web Soil Survey or Census Bureau.



## *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)**