Form
Species Analysis

Project Name: **US 81/US 287 at CR 4227/CR 4228 Intersection Improvements and Roadway Reconstruction**

CSJ(s): **0013-08-130**

County(ies): **Wise**

Date Analysis Completed: **February 15, 2022**

Prepared by: **Julie LeClair, Hicks & Company**

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 requires an environmental assessment (EA) or environmental impact statement (EIS), and therefore must be coordinated with TPWD under the 2021 TxDOT/TPWD MOU.

☒ This project is a categorical exclusion (CE)-level project; therefore coordination with TPWD under the 2021 TxDOT/TPWD MOU is not required; however, it will be coordinated with TPWD under the 2021 TxDOT/TPWD MOU at the TxDOT district’s discretion.

☐ This project is a categorical exclusion (CE)-level project; therefore coordination with TPWD under the 2021 TxDOT/TPWD MOU is not required and it will not be coordinated with TPWD under 2021 TxDOT/TPWD MOU at the TxDOT district's discretion.

For any project that will be coordinated with TPWD, completed the **Documentation of Texas Parks and Wildlife Department Best Management Practices Form**.

For more information regarding TPWD Coordination, see **ENV's Guidance: TPWD Coordination Under the 2021 Memorandum of Understanding**.

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 active 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**.

V. Resources Consulted

Indicate which resources were consulted/actions were taken to make the species analysis determinations recorded in this form (DO NOT ATTACH TO THIS FORM OR UPLOAD TO ECOS ANY RESOURCES CONSULTED – JUST CHECK THE APPROPRIATE BOX(ES)):

☒ Aerial Photography ☒ Topographic Map ☒ Natural Diversity Database (NDD)

☐ Karst Zone Maps ☒ Ecological Mapping System of Texas (EMST)
☒ Site Visit ☐ Species Expert Consulted ☒ Species Habitat or Presence/absence Survey

☒ Other: NRCS Web Soil Survey; USGS Geologic Map Sheets