United States Department of the Interior

FISH AND WILDLIFE SERVICE
10711 Burnet Road, Suite 200
Austin, Texas 78758

FEB 06 2020

Mr. Carlos Swonke
Director, Environmental Affairs Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

RE: Oak Hill Parkway Project
Travis County, Texas
(CSJs: 0113-08-060 and 0700-03-077)

Dear Mr. Swonke:

This responds to the Texas Department of Transportation's (TxDOT) January 9, 2020, letter, and attached information, regarding proposed design changes to the Oak Hill Parkway project in Travis County, Texas, and requesting that the Service re-affirm its concurrence with the effect determinations. TxDOT submitted supporting documentation to the U.S. Fish and Wildlife Service (Service) requesting concurrence that the proposed project, may affect, but is not likely to adversely affect the Barton Springs salamander (*Eurycea sosorum*) and the Austin blind salamander (*Eurycea waterlooensis*), species listed as endangered pursuant to the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Designated critical habitat for the Austin Blind salamander does not occur within the proposed project area and critical habitat has not been designated for the Barton Springs salamander.

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that the actions authorized, funded, or carried out by such agencies do not jeopardize the continued existence of any threatened or endangered species or adversely modify or destroy designated critical habitat of such species. The Federal Highway Administration (FHWA) assigned responsibility for compliance with the National Environmental Policy Act (NEPA) and all federal resource agency consultations, including section 7 formal consultations, to TxDOT in an MOU dated December 16, 2014 (23 U.S.C. 327).

The Service previously concurred with the project by letter dated December 20, 2017, and reaffirmed that the original concurrence was valid by email dated December 7, 2018. TxDOT has proposed several design changes to the Oak Hill Parkway project since the last clarifications were provided to the Service in December 2018.

The design changes include:

- increase of 1.6 acres right-of-way to accommodate utility relocations,
- minor changes in main lane and frontage road alignments within right-of-way,
- numerous driveway and turn lane improvements to increase safety,
- minor changes in alignments and widths of the shared use path within the right of way (changes made based on input from community and from City of Austin),
- changes to water quality pond depths and berm heights, and addition of one water quality pond,
- lengthening and raising several bridge profiles to accommodate increased projected flows,
- reduction in overall right-of-way to be acquired by acquiring drainage easements instead of fee-simple right-of-way; and,
- changes in excavation amounts.

Additionally, the design changes incorporate new rainfall data associated with the updated Atlas 14 hydrologic model released by the National Oceanic and Atmospheric Administration (NOAA) in September 2018. Project design changes that have been made to minimize the effects of increased rainfall include raised bridge and roadway profiles, increased culvert sizing, and changes to drainage features such as detention and water quality ponds. The original design included two upstream detention ponds, one pond along SH 71 and one pond along Old Bee Cave Road. The project's design no longer includes the SH 71 detention pond because the updated Atlas model showed additional projected flooding (compared to existing conditions) along Williamson Creek downstream of the SH 71 pond and upstream of the SH 71 crossing if the pond had remained in the design (TxDOT letter, Attachment 4). These two detention ponds were not included in the water quality Best Management Practices (BMPs) designed to treat Total Suspended Solids (TSS) for the project and therefore the loss of this one detention pond has no effect on TSS calculations for the project. The design of six water quality ponds included in the project near Williamson Creek were changed to avoid adverse hydraulic impacts. The design changes lowered the berms of six ponds. Lowering the berms below the 100-year storm event elevation does not affect the amount of stormwater treated by the ponds or TSS removal for designed storm events.

The aforementioned project design changes will result in an increase in impervious cover of 13.22 acres. Although impervious cover has increased by 13.22 acres (TxDOT letter, Table 1) with design changes and counting of proposed overlapping impervious cover (from over/underpasses), TxDOT has retained their commitment to take actions to reduce TSS through use of BMPs (e.g. water quality ponds with hazardous material trap capability, batch detention basins, permeable friction course, bioretention ponds, vegetated filter strips, sand filter ponds) as part of the project that will result in "… a net reduction in the amount of TSS leaving the project area under the proposed condition, which represents a net improvement or net zero over current baseline conditions as a result of the proposed action." Water from the Barton Springs Segment of the Edwards Aquifer, rocky substrate with interstitial spaces, and aquatic invertebrates for food are all important to listed salamander species. The inclusion of BMPs in the project design provide for the minimization of TSS and other pollutants during construction by significantly reducing the offsite transport of these pollutants into the aquifer in absolute quantity and

concentration as we have previously stated. The BMPs will maintain water clarity and minimize turbidity through a reduction of the absolute quantity of sediment transported from the project area into the aquifer. The BMPs will reduce pollutants, particularly TSS, from affecting rocky substrates by minimizing sedimentation. To ensure the maintenance of a diverse aquatic invertebrate community upon which listed salamanders rely for food, the proposed BMPs will reduce contaminants in the water such as TSS and hydrocarbons and trap heavy metals (e.g., zinc).

The updated water quality report for the project (TxDOT letter, Attachment 3) calculated a net decrease of 4,719 pounds (lbs) in overall TSS discharged by the Oak Hill Parkway project. A breakdown by watershed (Appendix K to Attachment 3) shows that this includes a net decrease of 4,865 lbs in TSS discharged to Devil's Pen Creek and a net decrease of 3,121 lbs in TSS discharged to Williamson Creek. As stated in the Service's 2017 letter there is a likely hydrologic connection between the area directly affected by the proposed action and Williamson Creek and Devil's Pen Creek, and ultimately the Barton Springs and Cold Spring complexes.

Due to project design changes, the amount of material excavated for the Oak Hill Parkway project has increased by 32,635 cubic yards (cy) over the amount reported in the 2017 Biological Assessment (BA) (TxDOT letter, Table 3). The increase is primarily attributed to design changes in excavation activities associated with stormwater drainage (4,900 cy) and water quality ponds (28,488 cy). These changes remain subject to BMPs included in Appendix F to the 2017 BA that TxDOT will implement to ensure that erosion and sediment are minimized within the project area and to protect groundwater and unknown voids during excavation activities. The maximum depths of these excavation activities in the Recharge Zone remain shallower than the 130-foot depth to the aquifer as detected by wells within 500 feet of the project area (TxDOT email dated 1/31/20). This is important because the maximum depth of excavation activities proposed by TxDOT (80 ft for geotechnical boreholes) is approximately 50 ft above the aquifer within the project area. The 2019 design proposes an additional 8,863 cy of excavation in the Recharge Zone which is 0.4% of the total excavation volume (2,063,278 cy). TxDOT remains committed to implement void mitigation measures as described in the 2017 BA and concurrence letter, which will ensure that voids are detected during construction and if water is encountered within a void that the pre-construction path of water flow is maintained. Therefore, the increases in excavation amounts or changes to excavation depths are not likely to adversely affect the Barton Springs salamander and Austin blind salamander. Additionally, the proposed excavation is not likely to adversely affect Austin blind salamander critical habitat because critical habitat does not occur in areas to be excavated, TxDOT will avoid excavating at depths that come in contact with the aquifer, and TxDOT will implement void monitoring protocols.

TxDOT performed additional biological evaluations in previously unevaluated areas after access was granted to parcels that were not included in the 2017 BA, and to address any change in resource impacts resulting from the proposed design modifications. A revised geologic assessment was completed in November 2019. No additional sensitive recharge features or features containing suitable karst invertebrate habitat were observed in the previously unevaluated areas. Therefore, no new effects to species from additional recharge features or karst habitat have been identified.

Due to the avoidance and minimization measures proposed by TxDOT, the net reduction in the amount of TSS leaving the project area, avoidance of the aquifer during excavation and construction, and the implementation of void monitoring protocols included in the project description, we reiterate our concurrence with TxDOT's conclusion that the project may affect, but likely will not adversely affect Barton Springs salamander and Austin blind salamander, or critical habitat pursuant to section 7 of the Act. The proposed design changes will not result in effects beyond those previously considered and addressed in the 2017 BA and Service concurrence letter.

Therefore, no further endangered species consultation will be required unless: 1) the identified action is subsequently modified in a manner that causes an effect on a listed species or designated critical habitat; 2) new information reveals the identified action may affect federally protected species or designated critical habitat in a manner or to an extent not previously considered; or 3) a new species is listed or a critical habitat is designated under the Act that may be affected by the identified action. If new effects are identified in the future, the project proposal should be resubmitted to our office for further consideration.

If you have any questions, comments, or need additional information, please contact Ms. Charlotte Kucera at (512) 490-0057, ext. 224.

Sincerely,

Adam Zerrenner
Project Leader
Austin Ecological Services Field Office

cc: Clover Clamons, TxDOT ENV, Austin, TX (electronic)
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