

*Appendix D: Supplemental Water Quality Documentation & Agency  
Coordination*

*Oak Hill Parkway TSS Removal Load Memorandum*

*USFWS Coordination 2018*



125 East 11<sup>th</sup> Street, Austin, Texas 78401-2483 | 512.463.8588 | WWW.TXDOT.GOV

December 4, 2018

Mr. Adam Zerrenner  
Field Supervisor  
United States Fish and Wildlife Service  
10711 Burnet Road, Suite 200  
Austin, Texas 78758

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

Dear Mr. Zerrenner:

The purpose of this letter is to document recent discussions between the Texas Department of Transportation (TxDOT) and the U.S. Fish and Wildlife Service (Service) regarding TxDOT's proposed Oak Hill Parkway project (CSJs: 0113-08-060 and 0700-03-077), which underwent section 7 consultation in 2017. During the consultation, TxDOT provided a statement to the Service in a November 29, 2017 email that the Oak Hill Parkway project, including all proposed water quality control measures considered at that time, would result in a net decrease in annual Total Suspended Solids (TSS) loading. The Service's December 20, 2017 concurrence letter restated this conclusion as supporting information for the Service's concurrence that the proposed project was not likely to adversely affect the Austin blind salamander and Barton Springs salamander.

During TxDOT's final review of the Final Environmental Impact Statement (FEIS) for this project, an inadvertent error was found in the TSS loading calculation that TxDOT had provided to the Service in a November 29, 2017 email communication. Using the TSS loading calculation for the project as it was presented in the consultation actually results in a net increase in annual TSS loading, which is inconsistent with the conclusion in the concurrence letter.

Once TxDOT became aware of this inconsistency, we reached out to the Service to discuss whether it would be necessary to re-initiate section 7 consultation for the project. A brief outline of communications between TxDOT and the Service regarding this issue follows:

- November 19, 2018 – email from D. Palafox (TxDOT) to C. Kucera (Service) disclosing the inadvertent calculation error;
- November 20, 2018 – email response from C. Kucera to D. Palafox regarding the November 19, 2018 email;
- November 26, 2018 – conference call between C. Kucera and TxDOT staff to discuss the TSS loading issue;

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- November 28, 2018 – follow up email from A. Blair (TxDOT) to C. Kucera responding to questions presented in the November 20 USFWS email and to follow up with the November 26 conference call;
  - Presented TSS load distribution between Williamson and Devil's Pen creeks;
  - Presented narrative description of potential impacts of TSS to salamander critical habitat; and,
  - Proposed study to monitor the performance of water quality ponds in the project area;
- November 29, 2018 – follow up email from D. Palafox to C. Kucera forwarding additional information about TSS loading;
- November 29, 2018 – follow up email from A. Blair to C. Kucera responding to questions regarding draw down times for water quality ponds and the frequency of water quality pond maintenance events; and,
- November 30, 2018 – phone call between D. Palafox and C. Kucera asking whether the Service had a response to the information in the November 29, 2018 email.

Since the last email communication between TxDOT and the Service, TxDOT has been evaluating changes that could be made to the design of proposed water quality controls with a goal of achieving a net decrease in TSS loading. These changes include measures such as increasing the capture volumes of some or all of the 17 proposed water quality ponds, changing less efficient extended detention ponds to a more efficient pond type (e.g., batch detention or sand filter), and adding permeable friction course (PFC) pavement in areas where it would be allowable. By including various combinations of these additional water quality control measures, TxDOT has determined that it is possible to achieve a net decrease in annual TSS loading for the Oak Hill Parkway project. While the precise combination of water quality control measures is not yet determined, TxDOT is hereby committing that the final design of the Oak Hill Parkway project will result in a net decrease in TSS loading compared with the existing condition. Thus, the following statement from the December 20, 2017 concurrence letter for this project remains valid, *"There is 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."* Later, as project design is finalized, TxDOT will prepare a Water Pollution Abatement Plan demonstrating in detail compliance with this commitment. TxDOT will provide the Service a complete copy of the plan and any supporting calculations.

Based on our commitment to a net decrease in TSS loading along with the additional conservation measure to monitor the performance of water quality ponds in the project area proposed in the November 28, 2018 email, we believe that our initial conclusion that the proposed project may affect, but is not likely to adversely affect the Austin blind salamander and Barton Springs salamander remains valid. We would like for the Service to re-affirm its concurrence with this effect determination.

If you have any questions or require additional information, you may contact Dennis Palafox with the Environmental Affairs Division at [Dennis.Palafox@txdot.gov](mailto:Dennis.Palafox@txdot.gov) or (512) 416-2633, or Andy Blair with the Austin District at [Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov) or (512) 832-7004.

Sincerely,



Jodi Bechtel  
Director of Natural Resources Management Section  
Environmental Affairs Division

cc Shirley Nichols - Austin District, TxDOT  
Andy Blair - Austin District, TxDOT  
Dennis Palafox - ENV, TxDOT

**From:** [Zerrenner, Adam](#)  
**To:** [Dennis Palafox](#); [Charlotte Kucera](#)  
**Cc:** [Jodi Bechtel](#); [Shirley Nichols](#); [Andrew Blair](#)  
**Subject:** Re: FW: [EXTERNAL] FW: Oak Hill Parkway Project  
**Date:** Monday, December 10, 2018 8:44:26 AM

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Hi Dennis,

Thanks for checking in on this question. As we discussed, since the proposed project has no net increase in TSS and the new salamander site is approximately 7 miles in distance away, I agree that our concurrence letter remains unchanged.

Best,

Adam

On Fri, Dec 7, 2018 at 2:20 PM Dennis Palafox <[Dennis.Palafox@txdot.gov](mailto:Dennis.Palafox@txdot.gov)> wrote:

Hi Adam,

I just left you a voice about this email that summarizes the new scientific information we provided to Charlotte on November 7 regarding the new occurrences of the Barton Springs Salamander (BSS) available since the release of the Draft EIS and the USFWS concurrence letter for this project. I've attached a copy of the study. Charlotte stated in her November 7 response that she was going to talk to you about this when you returned to the office the following week. As you know we've all been very busy addressing the TTS loading issue but we have not received a response from Charlotte regarding the new BSS information. So, we'd like to follow up with you to determine if the Service concurs that this new information would not impact TxDOT's effect determinations for this project because the range expansion of this species serves to increase the environmental baseline for the BSS.

Please let me know if you have any questions or need additional information

Regards,

Dennis

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**From:** Kucera, Charlotte [mailto:[charlotte\\_kucera@fws.gov](mailto:charlotte_kucera@fws.gov)]  
**Sent:** Wednesday, November 07, 2018 1:15 PM  
**To:** Jodi Bechtel  
**Cc:** Dennis Palafox; Andrew Blair; Clover Clamons  
**Subject:** Re: [EXTERNAL] FW: Oak Hill Parkway Project

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Thanks Jodi and Dennis.

I'll take a look and discuss with Adam when he is back in the office next week.

We'll let you know if we have any questions or need anything else.

Thanks,

Charlotte Kucera

Texas Transportation Liaison

U.S. Fish and Wildlife Service

10711 Burnet Rd., Ste. 200

Austin, TX 78758

phone: 512-490-0057 ext. 224

On Wed, Nov 7, 2018 at 12:15 PM, Jodi Bechtel <[Jodi.Bechtelt@txdot.gov](mailto:Jodi.Bechtelt@txdot.gov)> wrote:

Hi Charlotte –

Below is an email from Dennis on the Oak Hill Parkway consultation. Once you've had a chance to review, can you please respond to us with a concurrence or if FWS has any concerns so we can put this documentation in the project file? As Dennis notes, let us know if you have any questions.



Thank you!

-Jodi

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**From:** Dennis Palafox  
**Sent:** Wednesday, November 07, 2018 10:28 AM  
**To:** Jodi Bechtel  
**Subject:** Oak Hill Parkway Project

Charlotte,

The purpose of this email is to follow up on the meeting you, Clover, Andy, and I had on September 26 regarding the Oak Hill Parkway (OHP) Project. As you recall, in a letter dated December 20, 2017, the Service concurred with TxDOT's conclusion that the project may affect, but is not likely to adversely affect, the Austin blind salamander and the Barton Springs salamander (BSS).

At this meeting we discussed the new scientific information<sup>1</sup> regarding the species distribution of the BSS (attached) available since the release of the Draft EIS and the USFWS concurrence letter for this project. TxDOT has determined that this information would not impact the effect determinations previously proposed for this project because the range expansion of this species serves to increase the environmental baseline for the BSS. Only one of the new sites, site 7—Backdoor Spring on Barton Creek, is within the Recharge Zone located northeast of and potentially downgradient from the project site. No recent flow-path modeling or groundwater basin delineation maps for this spring are available; however, in 1997 the COA estimated that the Backdoor Spring groundwater basin roughly included all of the area between the spring on Barton Creek and US 290, which is approximately two square miles in size (COA, 1997)<sup>1</sup>. Although a portion of the *Preferred Alternative* may lie upgradient from Backdoor Spring, the proposed BMPs would protect surface water and groundwater in the OHP Project area by minimizing erosion, reducing TSS, and reducing the rate and velocity of discharged stormwater, which would decrease flood potential and thus reduce the amount of roadway contaminants potentially reaching the Barton Creek watershed during storm events. Accidental void discovery plans, void mitigation measures, and water quality protection BMPs would further protect the Edwards Aquifer, including downgradient springs (Barton Springs, Cold Springs, and Backdoor Spring) from TSS during construction. Additionally, TxDOT has determined that it is not necessary to re-initiate consultation for this project because none of the re-initiation triggers presented in the USFWS concurrence letter have been met.

Please let me know if you have any questions.

Regards,

Dennis Palafox

Environmental Specialist

Texas Department of Transportation

Environmental Affairs Division

Mailing Address

125 E. 11<sup>th</sup> St.

Austin, TX 78701-2319

512-416-2633

[dennis.palafox@txdot.gov](mailto:dennis.palafox@txdot.gov)

<sup>1</sup> City of Austin (COA) 1997. The Barton Creek Report. Water Quality Report Series COA-ERM/1997. Drainage Utility Department, Environmental Management Division.

**From:** [Shirley Nichols](#)  
**To:** [Jon Geiselbrecht](#)  
**Subject:** FW: [EXTERNAL] Oak Hill Parkway Project TSS Loading  
**Date:** Friday, December 07, 2018 4:01:33 PM

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**From:** Zerrenner, Adam [mailto:[adam\\_zerrenner@fws.gov](mailto:adam_zerrenner@fws.gov)]  
**Sent:** Friday, December 07, 2018 9:05 AM  
**To:** Dennis Palafox  
**Cc:** Charlotte Kucera; Jodi Bechtel; Clover Clamons; Shirley Nichols; Andrew Blair  
**Subject:** Re: [EXTERNAL] Oak Hill Parkway Project TSS Loading

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Hi Dennis,

Thank you for providing us with the additional information and being so transparent in your design process.

If the proposed project does not result in a net increase in TSS loading as was described in the original BA, the Dec. 20, 2017, concurrence letter still applies.

Regards,

Adam

On Tue, Dec 4, 2018 at 3:42 PM Dennis Palafox <[Dennis.Palafox@txdot.gov](mailto:Dennis.Palafox@txdot.gov)> wrote:

Adam,

Attached to this email is a letter summarizing TxDOT's latest efforts to reduce TSS loading from the proposed Oak Hill Parkway project. We would be happy to discuss this letter with you after you've had a chance to review it. Please be aware that state agencies will be closed tomorrow, December 5, with a minimal skeletal crew as an official day of mourning for President George Hebert Walker Bush.

Regards,

Dennis Palafox

Environmental Specialist  
Texas Department of Transportation  
Environmental Affairs Division  
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125 E. 11<sup>th</sup> St.  
Austin, TX 78701-2319  
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*TCEQ Coordination 2018*

**From:** [Lindsey Kimmitt](#)  
**To:** [Jon Geiselbrecht](#); [Meghan P. Lind](#)  
**Subject:** FW: Notice of Availability/Notice of Public Hearing for Oak Hill Parkway; Travis County, TX  
**Date:** Tuesday, August 28, 2018 8:31:29 AM

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**From:** Mary Herrington  
**Sent:** Thursday, May 24, 2018 11:23 AM  
**To:** Carlos Swonke; Lindsey Kimmitt  
**Subject:** FW: Notice of Availability/Notice of Public Hearing for Oak Hill Parkway; Travis County, TX

Please see the email I received today ..thank you.

Mary  
Mary Herrington  
Environmental Affairs Division  
Texas Department of Transportation  
Office (512) 416-2734  
Email: [Mary.Herrington@txdot.gov](mailto:Mary.Herrington@txdot.gov)

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**From:** NEPA [<mailto:NEPA@tceq.texas.gov>]  
**Sent:** Thursday, May 24, 2018 10:46 AM  
**To:** Mary Herrington  
**Subject:** RE: Notice of Availability/Notice of Public Hearing for Oak Hill Parkway; Travis County, TX

Re: Response to Request for TCEQ Environmental Review

The Texas Commission on Environmental Quality (TCEQ) received a request from the Texas Department of Transportation (TxDOT) regarding the following project: Notice of Availability/Notice of Public Hearing for Oak Hill Parkway; Travis County, TX.

In accordance with the Memorandum of Understanding between TxDOT and TCEQ addressing environmental reviews, which is codified in Chapter 43, Subchapter I of the Texas Administrative Code (TAC) and 30 TAC § 7.119, TCEQ is responding to your request for review by providing the below comments.

This project is in an area of Texas designated by the United States Environmental Protection Agency as unclassifiable or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Air Quality staff has reviewed the document in accordance with transportation and general conformity regulations codified in 40 Code of Federal Regulations Part 93 Subparts A and B. We concur with TxDOT's assessment.

We are in support of the project. The environmental assessment addresses issues related to surface and groundwater quality.

TxDOT will still need to follow all other applicable laws related to this project, including applying for applicable permits.

If you have any questions, please feel free to contact the NEPA Coordinator at (512) 239-3500 or [NEPA@tceq.texas.gov](mailto:NEPA@tceq.texas.gov).

Violet Mendoza  
NEPA Coordinator  
TCEQ, MC-119  
[NEPA@tceq.texas.gov](mailto:NEPA@tceq.texas.gov)

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**From:** Mary Herrington [<mailto:Mary.Herrington@txdot.gov>]

**Sent:** Friday, May 4, 2018 2:54 PM

**To:** [al.alonzi@dot.gov](mailto:al.alonzi@dot.gov); [gregory.budd@dot.gov](mailto:gregory.budd@dot.gov); [robert.patrick@fta.gov](mailto:robert.patrick@fta.gov); Justin Ham <[Justin.Ham@dot.gov](mailto:Justin.Ham@dot.gov)>; [smith.rhonda@epa.gov](mailto:smith.rhonda@epa.gov); [charlotte\\_kucera@fws.gov](mailto:charlotte_kucera@fws.gov); [salvador.salinas@tx.usda.gov](mailto:salvador.salinas@tx.usda.gov); [vence.haggard@fra.dot.gov](mailto:vence.haggard@fra.dot.gov); [FRAGA@dot.gov](mailto:FRAGA@dot.gov); [Michaela\\_Noble@ios.doi.gov](mailto:Michaela_Noble@ios.doi.gov); [Stephen\\_Spencer@ios.doi.gov](mailto:Stephen_Spencer@ios.doi.gov); [Calvin.C.Hudson@usace.army.mil](mailto:Calvin.C.Hudson@usace.army.mil); [carter.smith@tpwd.texas.gov](mailto:carter.smith@tpwd.texas.gov); WHAB <[TxDOT@tpwd.texas.gov](mailto:TxDOT@tpwd.texas.gov)>; [Mark.Wolfe@thc.state.tx.us](mailto:Mark.Wolfe@thc.state.tx.us); [justin.kockritz@thc.texas.gov](mailto:justin.kockritz@thc.texas.gov); NEPA <[NEPA@tceq.texas.gov](mailto:NEPA@tceq.texas.gov)>; Richard Hyde <[richard.hyde@tceq.texas.gov](mailto:richard.hyde@tceq.texas.gov)>; Adam Zerrenner ([adam\\_zerrenner@fws.gov](mailto:adam_zerrenner@fws.gov)) <[adam\\_zerrenner@fws.gov](mailto:adam_zerrenner@fws.gov)>; [publicassist@rrc.texas.gov](mailto:publicassist@rrc.texas.gov); [gpb@glo.texas.gov](mailto:gpb@glo.texas.gov); [superintendent@austinsd.org](mailto:superintendent@austinsd.org); [carter.scherff@hayscisd.net](mailto:carter.scherff@hayscisd.net); [president@ohan.org](mailto:president@ohan.org); [District8@austintexas.gov](mailto:District8@austintexas.gov); [mike.personett@austintexas.gov](mailto:mike.personett@austintexas.gov); [rob.spillar@austintexas.gov](mailto:rob.spillar@austintexas.gov); [kevin.shunk@austintexas.gov](mailto:kevin.shunk@austintexas.gov); [sarah.eckhardt@traviscountytexas.gov](mailto:sarah.eckhardt@traviscountytexas.gov); [gerald.daughtery@traviscountytexas.gov](mailto:gerald.daughtery@traviscountytexas.gov); [tnrweb@traviscountytexas.gov](mailto:tnrweb@traviscountytexas.gov); [jon.white@traviscountytexas.gov](mailto:jon.white@traviscountytexas.gov); [miranda.gomez@co.hays.tx.us](mailto:miranda.gomez@co.hays.tx.us); [mayor@cityofdrippingsprings.com](mailto:mayor@cityofdrippingsprings.com); [cmurphy@beecavetexas.gov](mailto:cmurphy@beecavetexas.gov); [bseacd@bseacd.org](mailto:bseacd@bseacd.org); [clara.tuma@Lcra.org](mailto:clara.tuma@Lcra.org); [ashby.johnson@campo.org](mailto:ashby.johnson@campo.org); [todd.hemingson@capmetro.org](mailto:todd.hemingson@capmetro.org); [kirk.watson@senate.state.tx.us](mailto:kirk.watson@senate.state.tx.us); [dawn.buckingham@senate.texas.gov](mailto:dawn.buckingham@senate.texas.gov); [donna.campbell@senate.texas.gov](mailto:donna.campbell@senate.texas.gov); [paul.workman@house.texas.gov](mailto:paul.workman@house.texas.gov); [donna.howard@house.texas.gov](mailto:donna.howard@house.texas.gov); [gina.hinojosa@house.texas.gov](mailto:gina.hinojosa@house.texas.gov); [jason.isaac@house.texas.gov](mailto:jason.isaac@house.texas.gov); [sue.reilly@tpwd.texas.gov](mailto:sue.reilly@tpwd.texas.gov); David Brymer <[david.brymer@tceq.texas.gov](mailto:david.brymer@tceq.texas.gov)>; Donna Huff <[donna.huff@tceq.texas.gov](mailto:donna.huff@tceq.texas.gov)>; David Van Soest <[David.Vansoest@tceq.texas.gov](mailto:David.Vansoest@tceq.texas.gov)>; [steve.adler@austintexas.gov](mailto:steve.adler@austintexas.gov)

**Cc:** Carlos Swonke <[Carlos.Swonke@txdot.gov](mailto:Carlos.Swonke@txdot.gov)>; Lindsey Kimmitt <[Lindsey.Kimmitt@txdot.gov](mailto:Lindsey.Kimmitt@txdot.gov)>; Jon Geiselbrecht <[Jon.Geiselbrecht@txdot.gov](mailto:Jon.Geiselbrecht@txdot.gov)>; Shirley Nichols <[Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov)>; Diann Hodges <[Diann.Hodges@txdot.gov](mailto:Diann.Hodges@txdot.gov)>; Adeliza Ramirez <[Adeliza.Ramirez@txdot.gov](mailto:Adeliza.Ramirez@txdot.gov)>; Bradley Wheelis <[Bradley.Wheelis@txdot.gov](mailto:Bradley.Wheelis@txdot.gov)>; [osolis@ctrma.org](mailto:osolis@ctrma.org); [jhayter@ctrma.org](mailto:jhayter@ctrma.org); [Sshelton@ctrma.org](mailto:Sshelton@ctrma.org); [dheath@ctrma.org](mailto:dheath@ctrma.org); [WStrong@rtg-texas.com](mailto:WStrong@rtg-texas.com); [shane.valentine@hdrinc.com](mailto:shane.valentine@hdrinc.com); [bubba.needham@atkinsglobal.com](mailto:bubba.needham@atkinsglobal.com); [randall@nancyledbetter.com](mailto:randall@nancyledbetter.com); [kerry@nancyledbetter.com](mailto:kerry@nancyledbetter.com); [carol.faikus@atkinsglobal.com](mailto:carol.faikus@atkinsglobal.com); [irife@rifeline.com](mailto:irife@rifeline.com)

**Subject:** Notice of Availability/Notice of Public Hearing for Oak Hill Parkway; Travis County, TX

From The Office Of Carlos Swonke, Director of Environmental Affairs Division:

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**Subject:** Notice of Availability/Notice of Public Hearing for Oak Hill Parkway; Travis County, TX

**From the Office of Carlos Swonke:**

**Subject:** Notice of Availability/Notice of Public Hearing for Oak Hill Parkway; Travis County, TX  
(CSJ: 0113-08-060 and 0700-03-077)

The Texas Department of Transportation (TxDOT) and the Central Texas Regional Mobility Authority would like to invite you to review the Oakhill Parkway Draft Environmental Impact Statement (DEIS). The Oakhill Parkway project involves improvements to US 290 and SH 71 West through Oak Hill extending along US 290 from State Loop 1 (MoPac) to RM 1826, a distance of approximately 6.15 miles, with a transition west to Circle Drive as well as along approximately one mile of SH 71, from US 290 north to Silvermine Drive.

The DEIS, maps showing the project location and design, and other information relative to the project are available for review at the following website:

<http://www.oakhillparkway.com/environmental/deis.php>

A Public Hearing will be held Thursday, May 24, 2018, at Bowie High School, located at 4103 W. Slaughter Ln. Austin, TX 78749 for public review of the document and project materials. Displays will be available for viewing at 6:15 p.m. with the formal hearing starting at 7:00 p.m. The purpose of the hearing is to present the recommended preferred alternative and to receive public and agency comment on the proposed project.

Verbal and written comments regarding the project are requested and may be presented at the hearing or submitted in person or by mail to the TxDOT Austin District Environmental Coordinator, Texas Department of Transportation, P.O. Drawer 154276, Austin, Texas, 78761-5426. In addition, written comments may be submitted by fax to 512-832-7157, or via the [www.OakHillParkway.com](http://www.OakHillParkway.com) website on the "Contact Us" page. Comments must be received on or before Monday, June 18, 2018, to be part of the official hearing record.

If you have any general questions or concerns regarding the proposed project or hearing, please contact Jon Geiselbrecht, Austin District Environmental Specialist, 512-832-7218, [jon.geiselbrecht@txdot.gov](mailto:jon.geiselbrecht@txdot.gov).

