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May 28, 2003

Ms. Jaya Zyman-Ponebshek
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- ROBERT L. COOK
EXECUTIVE DIRECTOR

RE: Proposed rail line from Vulcan Materials Company limestone quarry to Union Pacific Railroad, Medina County.

Dear Ms. Zyman-Ponebshek:

Thank you for providing information about the project referenced above to Texas Parks and Wildlife Department (TPWD) for review of potential impacts to wildlife habitat. Staff reviewed the information and provides following comments.

Southwest Gulf Railroad Company proposes to construct and operate an approximately 7-mile long, single-track rail line from a new Vulcan Materials Company limestone quarry in north central Medina County to milepost 250 of Union Pacific Railroad's Del Rio Subdivision. The project also would include a 2-mile long loading loop or 1-mile long straight track within the quarry.

According to the synopsis, the proposed rail line would traverse farmland, pastureland, and both Quihi and Elm Creeks. In order to evaluate the alternatives, staff request additional information detailing the habitat types that would be affected on each alternative and mitigation and reclamation measures planned. Staff would support a route that follows existing rights-of-way and/or easements wherever possible. Photographs (ground level and/or aerial) of the routes would be helpful in the review process because they aid in the determination of the quality of vegetation communities present. Please find the attachment entitled **TPWD Suggested Guidelines for Environmental Assessments** for your assistance.

Based upon the information provided, staff has concerns about impacts to the following habitat types: riparian buffers at Quihi and Elm Creeks, mesquite-granjeno parks, mesquite-blackbrush brush, mesquite-liveoak-bluewood parks, pecan-elm forests, and oak-juniper parks and woods. Staff recommends that the route be planned to minimize impacts to wetlands, Waters of the U.S., riparian vegetation, mature trees and old timber, karst and recharge features, unique vegetation communities, and threatened and endangered species habitats.

The synopsis states that the preferred route avoids wetlands. Natural buffers contiguous to floodplains should remain undisturbed to preserve wildlife cover,



Take a kid
hunting or fishing

• • •

Visit a state park
or historic site

Ms. Zyman-Ponebshek
Page 2

food sources, travel corridors and as a soil erosion and abatement mechanism. The route should be planned to minimize drainage crossings. The Clean Water Act (CWA) sets the basic regulatory framework for regulating discharges of pollutants to U.S. waters. Section 404 of the CWA establishes a federal program to regulate the discharge of dredge and fill material into waters of the U.S., including wetlands. The U.S. Army Corps of Engineers (COE) and the Environmental Protection Agency (EPA) are primarily responsible for making jurisdictional determinations and regulating wetlands under Section 404 of the CWA. The COE also makes jurisdictional determinations under Section 10 of the Rivers and Harbors Act of 1899. If the proposed construction would impact aquatic resources then the project sponsor should contact the U.S. Army Corp of Engineers (Corpus Christi Regulatory Field Office) for determination of jurisdictional wetlands and for permitting requirements. Compensation may be required for any encroachment into these areas.

Typically staff recommends that mature trees (DBH of at least 12 inches) be replaced at a 3:1 ratio and the replacement trees should be maintained to ensure a survival rate of 80%. Old timber are trees that are 100 or more years old and have a DBH of 25 inches or greater. If removal of old timber is unavoidable, then staff recommends that these trees be replaced at a ratio of 10 trees for each one lost and maintained to ensure 80% survival rate. Trees should be planted in location that would provide habitat for wildlife, such as within conservation easements, parks or riparian buffer zones.

Please find the annotated list of special species that occur in Medina County. If rare plant or animal species are found within or near the selected route, precautions should be taken to avoid adverse impacts to them. If it is determined adverse impacts could occur with completion of your project, then mitigation in the form of planning to reduce adverse impacts and/or compensation for damages should occur. **More site-specific information from a search of the BCD database and review of potential project impacts to endangered and threatened species can be obtained for a \$50 fee. For more information about the BCD or threatened and endangered species in the project area please contact Celeste Brancel at (512) 912-7021.**

In order to protect migratory birds construction activities should occur outside the March - August migratory bird nesting season of each year the project is authorized and lasting for the life of the project. Construction activities include (but are not limited to) removal of nests or nest structures, tree felling as well as vegetation clearing, trampling or maintenance. Additional information regarding

Ms. Zyman-Ponebshek
Page 3

the Migratory Bird Treaty Act may be obtained from the U.S. Fish and Wildlife Service Southwest Regional Office (Region 2) at (505) 248-6879.

Project plans should include measures to prevent erosion and sediment runoff from disturbed areas. The Department recommends a combination of hay bales and silt screens to prevent siltation into wetlands. Any hay that is used in erosion control should be certified weed free hay to reduce the potential for introduction of exotic weedy species. Graded embankments should not exceed a 4:1 slope. Runoff control measures should be maintained until native vegetation has been reestablished on disturbed sites. The reseeded of exposed areas with a mixture of native grasses and limiting mowing practices can assist enhancement of existing native grasses or prairie remnants.

We appreciate the opportunity to review and comment on your project. If you have any questions contact me in San Marcos at (512) 396-9211.

Sincerely,



Renée Fields
Wildlife Habitat Assessment Program
Wildlife Division

/jrf

Attachments

*Texas Parks and Wildlife Department Suggested Guidelines for Preparation of
Environmental Assessment Documents*

Following is an outline of categories of information needed to evaluate a proposed project or action. Every effort should be made to supply quantified data. If subjective data is all that can be supplied, documentation verifying the credentials of the data collector should be provided.

An asterisk notes categories considered essential for adequate biological review by this agency (*). Depending on the complexity and scope of the proposed project or action, or requirements by other agencies, all the items listed below may be required.

Whenever practical, environmental documents should be supported by aerial photography, topographic maps, schematics, charts, tables, etc. with minimum narrative sufficient to describe, quantify, and qualify the data.

A. Project Description

- * • Identify who is proposing the project.
- * • Identify who is conducting the assessments and provide credentials of this person(s).
- * • Describe the purpose of the project.
- * • Define the scope of work.
- * • Identify the project area and study area (total acres, miles of ROW)
- * • Identify the timetable projected for the entire project
- * • Describe any required coordination and review for the project.
- * • List or describe any required public input.
- Provide historical information significant to the project.

B. Description of the Affected Environment

1. Natural Resources

- Describe the geology within the study area.
- * • Describe the soils present and their characteristics.
- * • Describe the landform (topography) and the natural processes impacting the present landform.
- Describe the climatic factors affecting the study area.
- * • Describe the supply and quality of surface water resources in the study area.
- * • Describe the supply and quality of groundwater resources including aquifer recharge zones occurring within the study area.
- * • Describe natural hazards affecting the study area, i.e. tidal influences, flood activity, etc.).
- Describe the quality of the air in the study area.

- *
 - Describe the vegetation communities (cover type) specifically impacted by the project to include: dominant plant species, estimated height of trees, woody shrubs or brush; and estimated canopy coverage of woody vegetation. Total acreage of each cover type disturbed by the project should also be listed.
- *
 - Describe the fauna that would be associated with the dominant vegetation cover types identified above.
- *
 - Identify "sensitive" ecosystems which occur in the study area such as: springs, streams, rivers, floodplains, vegetation corridors, bottomland hardwoods, wetlands, bays, estuaries, native grasslands, etc.
- *
 - Describe the occurrence of threatened/endangered species (or their habitats) and unique or rare natural communities which occur in the study area.
- a. On site inspection of the study area for permanent or seasonal occurrence.
- b. On site inspection of the study area for occurrence of habitat.
- c. Interviews with recognized experts on all species with a potential of occurrence.
- d. Literature review of data applicable to a potential occurring species concerning species distribution, habitat needs, and biological requirements.
- 2. Cultural Resources
 - *
 - Identify public use and open space areas in the vicinity of the proposed project such as parks, natural areas, wildlife preserves and management areas.
 - Identify previous, present, and proposed land uses within the study area.
 - Identify significant archeological features within the study area.
 - Identify significant historical features in the study area with special consideration of "National Register of Historic Places" properties.
 - Identify rights-of-ways, easements, public utilities, and transportation features within the study area.
 - Identify noise pollution sources and current noise levels within the study area.
 - Identify existing and proposed public health and hazardous waste facilities that exist in the study area such as land fills, hazardous waste sites, wastewater treatment facilities, septic tanks, etc.
 - Identify socioeconomic factors, if applicable.

*C. Project Alternatives

List and describe project alternatives (including "no action") and associated impacts (direct and indirect) to described resources. If the project is potentially large in scope, cumulative effects with other similar projects may be required.

*D. Mitigation

A major responsibility of TPWD is to conserve and protect the state's fish, wildlife, and plant resources. Certain categories of these biotic resources warrant special consideration. These include habitats that are locally and regionally scarce, habitats supporting unique species or communities, stream and river ecosystems, bays, estuaries, wetlands, bottomland hardwoods, and native grasslands. All projects that could adversely affect these resources should be fully evaluated, and where possible, implementation of less damaging alternatives undertaken. If it is determined that a project or action will potentially affect fish, wildlife or plant resources, a process for adverse impact reduction should be initiated. Mitigation measures should be developed and implemented sequentially as follows:

1. **AVOIDANCE:** Avoiding adverse impacts through changes in project location, design, operation, or maintenance procedures, or through selection of other less damaging alternatives to the project or action.
2. **MINIMIZATION:** Minimizing impacts and by project modification or rectification to restore or improve impacted habitat to pre-project condition; or through reducing the impacts over time by preservation and maintenance operations during the life of the project or action.
3. **COMPENSATION:** Compensating for unavoidable impacts by providing replacement or substitute resources (including appropriate management) for losses caused by project construction, operation, or maintenance.

Mitigation should be an integral part of any action or project that adversely affects fish, wildlife, and habitats upon which they depend. Failure to adequately avoid or minimize adverse impacts or to adequately compensate for unavoidable losses of natural resources is a serious deficiency in any project plan and may cause delays in this Department's review and assessment of the adverse impacts upon fish & wildlife resources. In assessing project impacts, reasonable foreseeable secondary and cumulative impacts should be included.

*E. Coordination

Provide copies of pertinent coordination correspondence.

*F. Document Preparers and Their Qualifications

*G. Bibliography

MEDINA COUNTY

Federal
Status State
Status

*** AMPHIBIANS ***

- Edwards Plateau Spring Salamanders (*Eurycea sp. ?*)** - endemic; troglobitic; springs, seeps, cave streams, and creek headwaters; often hides under rocks and leaves in water; Edwards Plateau, from near Austin to Val Verde County
- Valdina Fams Sinkhole Salamander (*Eurycea troglodytes*)** - isolated, intermittent pools of a subterranean stream; sinkhole located in Medina County

*** BIRDS ***

- American Peregrine Falcon (*Falco peregrinus anatum*)** - potential migrant; nests in west Texas DL E
- Arctic Peregrine Falcon (*Falco peregrinus tundrius*)** - due to similar field characteristics, treat all Peregrine Falcons as federal listed Endangered; potential migrant DL T
- Black-capped Vireo (*Vireo atricapillus*)** - oak-juniper woodlands with distinctive patchy, two-layered aspect; shrub and tree layer with open, grassy spaces; requires foliage reaching to ground level for nesting cover; return to same territory, or one nearby, year after year; deciduous & broad-leaved shrubs & trees provide insects for feeding; species composition less important than presence of adequate broad-leaved shrubs, foliage to ground level, & required structure; nests mid April-late summer LE E
- Golden-cheeked Warbler (*Dendroica chrysoparia*)** - juniper-oak woodlands; dependent on Ashe juniper (also known as cedar) for long fine bark strips, only available from mature trees, used in nest construction; nests placed in various trees other than Ashe juniper; only a few mature junipers or nearby cedar brakes can provide the necessary nest material; forage for insects in broad-leaved trees & shrubs; nests late March-early summer LE E
- Henslow's Sparrow (*Ammodramus henslowii*)** - wintering individuals (not flocks) found in weedy fields or cut-over areas where lots of bunch grasses occur along with vines and brambles; a key component is bare ground for running/walking; likely to occur, but few records within this county
- Zone-tailed Hawk (*Buteo albonotatus*)** - arid open country, including open deciduous or pine-oak woodland, mesa or mountain county, often near watercourses, and wooded canyons and tree-lined rivers along middle-slopes of desert mountains; nests in various habitats and sites, ranging from small trees in lower desert, giant cottonwoods in riparian areas, to mature conifers in high mountain regions T

*** MAMMALS ***

- Frio Pocket Gopher (*Geomys texensis bakeri*)** - associated with nearly level Atco soil, which is well-drained and consists of sandy surface layers with loam extending to as deep as two meters

*** REPTILES ***

- Indigo Snake (*Drymarchon corais*)** - Texas south of the Guadalupe River and Balcones Escarpment; thornbush-chaparral woodlands of south Texas, in particular dense riparian corridors; can do well in suburban and irrigated croplands if not molested or indirectly poisoned; requires moist microhabitats, such as rodent burrows, for shelter T
- Keeled Earless Lizard (*Holbrookia propinqua*)** - coastal dunes, barrier islands, and other sandy areas; eats insects and likely other small invertebrates; eggs laid underground March-September (most May-August)

Texas Parks & Wildlife
 Annotated County Lists of Rare Species
 MEDINA COUNTY, cont'd

Last Revision: 09/27/01
 Page 2 of 2

	Federal Status	State Status
Spot-tailed Earless Lizard (<i>Holbrookia lacerata</i>) - central & southern Texas and Adjacent Mexico; oak-juniper woodlands & mesquite-prickly pear associations; eggs laid underground; eats small invertebrates		
Texas Garter Snake (<i>Thamnophis sirtalis annectens</i>) - wet or moist microhabitats are conducive to the species occurrence, but is not necessarily restricted to them; hibernates underground or in or under surface cover; breeds March-August		
Texas Horned Lizard (<i>Phrynosoma cornutum</i>) - open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September		T
Texas Tortoise (<i>Gopherus berlandieri</i>) - open brush with a grass understory is preferred; open grass and bare ground are avoided; when inactive occupies shallow depressions at base of bush or cactus, sometimes in underground burrows or under objects; longevity greater than 50 years; active March-November; breeds April-November		T

*** VASCULAR PLANTS ***

- Bracted twistflower (*Streptanthus bracteatus*) - endemic; shallow clay soils over limestone, mostly on rocky slopes, in openings in juniper-oak woodlands; flowering April-May
- Sandhill woollywhite (*Hymenopappus carrizoanus*) - endemic; open areas in deep sands derived from Carrizo and similar Eocene formations, including disturbed areas; flowering late spring-fall
- Texas mock-orange (*Philadelphus texensis*) - endemic; limestone cliffs and boulders in mesic stream bottoms and canyons, usually in shade of mostly deciduous sloped forest; flowering April-May

LE,LT - Federally Listed Endangered/Threatened
 PE,PT - Federally Proposed Endangered/Threatened
 E/SA,T/SA - Federally Endangered/Threatened by Similarity of Appearance
 C1 - Federal Candidate, Category 1; information supports proposing to list as endangered/threatened
 DL,PDL - Federally Delisted/Proposed Delisted
 E,T - State Endangered/Threatened
 "blank" - Rare, but with no regulatory listing status

Species appearing on these lists do not all share the same probability of occurrence. Some species are migrants or wintering residents only, or may be historic or considered extirpated.