

## **APPENDIX E: USFWS CONSULTATION LETTER**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

10711 Burnet Road, Suite 200

Austin, Texas 78758

512 490-0057

FAX 490-0974

**JAN 25 2010**



Michael Leary  
Director of Planning and Program Development  
Federal Highway Administration  
Texas Division Office  
300 East 8th Street, Room 826  
Austin, Texas 78701

Consultation Number 21450-2010-I-0085

Dear Mr. Leary:

This responds to a December 14, 2009, letter from the Texas Department of Transportation (TxDOT) and attached supporting documents requesting review of the proposed operational improvements to the interchange of U.S. 281 and Loop 1604 located in Bexar County, Texas (proposed project). The letter specifically requests the U.S. Fish and Wildlife Service's (Service) concurrence that the proposed project may affect, but is not likely to adversely affect, two endangered karst invertebrate species (*Rhadine infernalis* and *R. exilis*) listed pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act). Suitable habitat for the golden-cheeked warbler (*Dendroica chrysoparia*) or the black-capped vireo (*Vireo atricapilla*), both listed pursuant to the Act, does not occur within the action area. Therefore, no adverse effects to either of these species are anticipated.

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 critical habitat of such species. The Federal Highway Administration (FHWA) is the Federal agency associated with this proposed project.

For specific details regarding the proposed project description, please refer to the *Biological Assessment of Effects on Threatened and Endangered Species: Interchange of Loop 1604 and U.S. Highway 281 North, CSJ 0253-01-139, Bexar County, Texas* (BA), dated December 2009, submitted by TxDOT with the December 14, 2009, letter.

The project limits along U.S. 281 North begin at Bitters Road and end approximately 0.5 miles north of Evans Road. The project limits along Loop 1604 begin at Bitters Road and end at Bulverde Road (see Figure 1, Appendix B of the BA). Generally, the Alamo Regional Mobility Authority (ARMA), in cooperation with TxDOT, proposes to construct four direct non-toll connections (also known as "flyovers") between U.S. 281 North and Loop 1604 in north-central Bexar County. The current U.S. 281/Loop 1604 three-level interchange will be fitted with the direct connectors resulting in a five-level interchange (see Figure 2, Appendix B of the BA). U.S. 281 North will become a six-lane divided roadway with three 11-foot lanes in each direction and with continuous frontage roads consisting of three 11-foot lanes in each direction with a four-foot inside shoulder and a curb on the outside. All construction will occur within the existing right-of-way.

**TAKE PRIDE<sup>®</sup>  
IN AMERICA** 

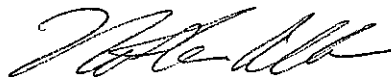
The proposed project site is located within Karst Zones 1 and 2, strongly suggesting that caves containing listed karst invertebrates may occur within the project area. Four designated Critical Habitat Units (CHUs) containing karst invertebrates listed in Bexar County occur near the proposed project site north of Loop 1604. All are within two miles of the proposed project area and all are surrounded by existing development. Three (CHUs 12, 19, and 21) are located west of the proposed project area and one (CHU 13) is located east of the proposed project area (please see Map 1 of the BA, identified as CHUs 12, 13, 19, and 21). The two closest are CHUs 12 and 19, and are within 600 feet and 1,000 feet of the proposed project area, respectively. Due to the location of the four CHUs, the existing development surrounding them, and to the implementation of appropriate storm water controls in accordance with the Texas Council on Environmental Quality standards, it is not anticipated that the four CHUs will be adversely modified by the proposed project.

Although known locations of listed karst invertebrates occur within the proposed project area (CHUs 12, 13, 19, and 21), karst surveys conducted between 2000-2009, in accordance with the Service's *Section 10(a)(1)(A) Scientific Permit Requirements for Conducting Presence/Absence Surveys for Endangered Karst Invertebrates in Central Texas*, did not reveal the presence of new locations of listed karst invertebrates within the proposed project area. Notwithstanding, the most recent survey report conducted in 2009 indicated that the presence of habitat suitable for listed karst invertebrates is likely to occur within the proposed project area. The report suggests that it is possible, if not probable, that subsurface karst habitat suitable for listed karst invertebrates could be revealed during construction. Therefore, if a void is encountered as stipulated in the BA (page 22), TxDOT and ARMA shall immediately cease construction in the area of the void, cover the void with a tarp or other appropriate material, and contact our office as soon as possible to discuss how to proceed.

Based on the information we have reviewed in the December 14, 2009, letter, and attached BA, we concur that the project may affect, but is not likely to adversely affect, *R. exilis* or *R. infernalis* known to occur in Bexar County, Texas. We also concur with the determination that the proposed project will not adversely modify designated critical habitat located near the proposed project area. Modifications to the proposed project or the addition of new information that suggests listed species or critical habitat may be affected by your proposed project should be submitted to our office for further consideration.

If you have any questions or comments, please contact Allison Arnold at 512-490-0057, extension 242.

Sincerely,



*Fof* Adam Zerrenner  
Field Supervisor

cc: Dianna Noble, TxDOT, Austin, Texas  
Lisa Adelman, ARMA, San Antonio, Texas  
Clarence Rumancik, FHWA, Austin, Texas