March 10, 2025

Mr. Terence Plaskon
Environmental Protection Specialist
Federal Transit Administration, Region 6
819 Taylor St., #14A02
Fort Worth, TX 76102

RE: Austin Light Rail Phase I Project Draft Environmental Impact Statement

Dear Mr. Plaskon:

Texas Parks and Wildlife Department (TPWD) has received the Notice of Availability of the Draft Environmental Impact Statement (DEIS) regarding the proposed project referenced above located in Travis County. TPWD staff have reviewed the information provided and offers the following information and recommendations concerning this project.

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife Code (PWC), Section 12.0011. For tracking purposes, please refer to TPWD project number 53487 in any return correspondence regarding this project.

Project Description

The DEIS Abstract included the following project description:

"The Federal Transit Administration (FTA) and Austin Transit Partnership (ATP) prepared this Draft Environmental Impact Statement and Section 4(f) Evaluation (Draft EIS) for the Austin Light Rail Phase 1 Project (Project). FTA is the federal lead agency and ATP is the local Project sponsor. The Project is a proposed 9.8-mile light rail transit branched line, including 15 stations, from points north, south, and east of downtown Austin, as well as an operations and maintenance facility, maintenance of way shops, and associated light rail equipment storage functions.

The Draft EIS has been prepared in accordance with the National Environmental Policy Act (NEPA), Section 4(f) of the U.S. Department of Transportation Act, Section 106 of the National Historic Preservation Act, Section 6(f) of the Land and Water Conservation Fund Act, the Clean Air Act, Chapter 26 of the Texas Parks and Wildlife Code, Executive Order 11988, Department of Transportation (DOT) Order 5650.2, and related laws. The Draft EIS, including maps and drawings showing the Project location and design, and other information regarding the proposed Project, evaluates two alternatives: a No Build Alternative and a Build Alternative (the Project), as well as six Design Options.

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In accordance with NEPA, the Draft EIS evaluates the potential effects of the Project, Design Options, and No Build Alternative on communities and the environment, including any acquisitions and displacements, and identifies the measures that ATP would implement to avoid, minimize, or mitigate the adverse effects of the Project and Design Options. The Project would involve action in a floodplain. The Draft EIS evaluates the potential impacts of this action and identifies measures to avoid, minimize, or mitigate any adverse effects, in accordance with Executive Order 11988 and DOT Order 5650.2. The document also presents preliminary determinations made by FTA regarding impacts and includes proposed Section 4(f) de minimis impact findings for parkland and historic properties. A de minimis impact under Section 4(f) is one where the partial use of a resource is needed by a public transportation project, but the use would not negatively affect the features, activities, or attributes of the property. Additionally, the Draft EIS concludes that the Project is in conformity with the Clean Air Act because analysis shows that the Project would not cause or contribute to any violations of the National Ambient Air Quality Standards."

Comment: Please note that the following recommendations are being provided by the Environmental Review Team (formerly the Wildlife Habitat Assessment Program) and pertain to potential environmental impacts (natural resources and wildlife) that may occur as a result of the proposed project. Any comments or recommendations regarding the Section 6(f) portion of this project is being handled by the State Parks Division within TPWD.

General Beneficial Management Practices

After reviewing the DEIS, TPWD would like to provide the following general Beneficial Management Practices (BMPs) to assist in project planning.

1. If trails, sidewalks, or other walking areas are proposed, trails along creek banks and lake shores should be set back from banks so they do not cause or exacerbate erosion, either from construction activities or long-term use. Pedestrian creek crossings should be in areas where vegetation removal or disturbance can be avoided or minimized. Crossings should span the entire creek channel with the headwalls at or above the top of the bank to avoid destabilizing the bed and banks.

2. Impervious vehicular and pedestrian use areas, such as roads, walking tracks, and parking areas, should not impede natural surface water drainage. TPWD recommends Green Stormwater Infrastructure (GSI) to manage and treat stormwater runoff before discharging into nearby waterways through limiting the amount of connected impervious cover, using permeable or porous pavement, and directing runoff into rain gardens, vegetated swales, retention or detention ponds, or similar pre-treatment areas.

3. Landscaping and revegetation plans should only include Texas native plants, including grasses. Locally adapted native plants can increase survival and reduce maintenance and watering needs while providing benefits to wildlife. TPWD also recommends mowing only essential use areas to allow native grasses to thrive, generally without additional irrigation. Enhancement of existing native grasses or prairie remnants can be assisted by limiting mowing practices and by reseeding exposed areas with native grasses and forbs, including floral resources to support pollinators.

4. Disturbance of native vegetation should be avoided or minimized by using site planning and construction techniques designed to preserve existing native trees, shrubs, grasses and forbs, and aquatic and wetland habitats. When disturbance is unavoidable, it is recommended that native plant species be used in restoration and landscaped areas to offset those unavoidable losses. Also, where possible, clearing of understory vegetation should be minimized since it provides habitat to many different species of wildlife. Natural buffers contiguous to wetlands and aquatic systems should remain undisturbed to preserve wildlife cover, food sources, travel corridors, and protect water quality of wetlands and waterways.

5. Soil erosion and siltation should be minimized using haybales, silt screens, or similar soil erosion prevention techniques. To enhance the stabilization of exposed soils, newly graded areas should be seeded or sodded with native grasses, while graded embankments should not exceed a 4:1 slope. For soil stabilization and revegetation of disturbed areas within a proposed project area, TPWD recommends erosion and seed and mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, particularly snakes, TPWD recommends the use of hydromulching or hydroseeding rather than erosion control blankets or mats. If erosion control blankets or mats will be used during a project, the product should contain no netting or contain loosely woven, natural fiber netting. Woven, natural fiber netting typically allows the netting threads to move and provide an expansion of the net openings which minimizes opportunities to entrap wildlife. Hydromulch containing microplastics and plastic mesh netting should be avoided.

6. TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from the construction area. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained and only removed after construction is completed and the disturbed site has been revegetated.

Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. TPWD recommends that any open trenches or excavation areas be covered overnight and inspected every morning to ensure no wildlife species have been trapped. Also, inspect excavation areas for trapped wildlife prior to refilling.

7. Sky glow because of light pollution can have negative impacts on wildlife and ecosystems by disrupting natural diurnal and nocturnal behaviors such as migration, reproduction, nourishment, rest, and cover from predators. TPWD recommends utilizing the minimum amount of permanent night-time lighting needed for safety and security. TPWD recommends minimizing the project's contribution toward sky glow by focusing light downward, with full cutoff luminaires to avoid light emitting above the horizontal, and to use dark-sky friendly lighting that is illuminated only when needed, down-shielded, only as bright as needed, and minimizes blue light emissions. Appropriate lighting technologies, BMPs, and other dark sky resources can be found at the International Dark-Sky Association and McDonald Observatory websites.

8. *Federal Law: Migratory Bird Treaty Act and State Law: Parks and Wildlife Code – Chapter 64, Birds:* Potential impacts to nesting birds may occur during disturbance of a project area's vegetation and bare ground. Active nests may occur in grass, shrubs, and trees and on bare ground, including gravel pads and roads. TPWD recommends avoiding vegetation clearing activities during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. If vegetation clearing during the general bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nests with eggs or young will be impacted by construction activities. Nest surveys should be conducted not more than five days prior to clearing activities to maximize detection of active nests. TPWD generally recommends a 100-foot radius buffer of vegetation remain around active nests until the eggs have hatched and the young have fledged; however, the size of the buffer zone depends on various factors and can be coordinated with the local or regional U.S. Fish and Wildlife Service (USFWS) office. Raptor nesting occurs late winter through early spring; TPWD recommends construction activities be excluded from a minimum zone of 100 meters (approximately 328 feet) surrounding any raptor nest during the period of February 1 through July 15. The USFWS Migratory Bird Office can be contacted at (505) 248-7882 for further information.

Water Resources

Chapter 4 (page 4-131) in the DEIS states "The Project includes constructing new structures and widening existing structures, including bridges and culverts. At crossings where existing culverts are present, effects within the footprint of the existing structure are assumed to be temporary because the feature is considered previously altered within those limits and would be replaced in kind. Effects associated with proposed fill outside of the existing structure for widening the culvert or riprap placement are assumed to be permanent. Effects on waters of the U.S. during construction would require permits and approvals from the U.S. Army Corps of Engineers and TCEQ that would include requirements to avoid, minimize, and mitigate these effects."

State Law: Marl, Sand, Gravel, Shell or Mudshell Permits

Under PWC Chapter 86 and 31 Texas Administrative Code (TAC) Chapter 69, TPWD regulates the disturbance or take of sedimentary material within state designated navigable streams, state owned streams, and certain other perennial streams. Activities potentially requiring a permit within jurisdictional streams include mining, dam construction, bank or channel alteration, streambank stabilization or restoration (including mitigation activities), or any other disturbance of the bed or banks.

> **Recommendation:** If impacts to perennial streams are anticipated, the proposed project activities may require a Marl, Sand, Gravel, Shell or Mudshell Permit from TPWD. Please contact the TPWD Wetlands Conservation Team at sand.gravel@tpwd.texas.gov for additional information on the permit. Information on these permits may be found on TPWD's website as well.

State Law: Aquatic Resources

Chapter 4 (page 4-140) in the DEIS states "Bridge pier placement would affect aquatic species through temporary effects from sediment disturbance. Fish in the Study Area may also experience harassment effects (in the form of disturbance of normal behavior or activities) as a result of temporary construction effects. The use of cofferdams and dewatering, if required, could strand fish and other aquatic species."

If the project requires work within streams, rivers, or lakes, the project may need to be coordinated with the TPWD Kills and Spills Team (KAST) for appropriate authorization and to ensure protection of native aquatic wildlife.

PWC section 1.011 grants TPWD authority to regulate and conserve aquatic animal life of public waters. TAC section 57.157 regulates take of mussels, including mussels that are not state listed. TPWD regulates the introduction and stocking of

fish, shellfish, and aquatic plants into public waters of the state under PWC 12.015, 12.019, and 66.015 and TAC 52.101-52.105, 52.202, and 57.251-57.259.

Dewatering activities can impact aquatic resources through stranding fish and mussels. Other harmful construction activities can trample, dredge or fill areas exhibiting stationary aquatic resources such as plants and mussels. Relocating aquatic life to an area of suitable habitat outside the project footprint avoids or reduces impacts to aquatic life. Relocation activities are done under the authority of a TPWD *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* with an approved Aquatic Resource Relocation Plans (ARRP). The permit allows for movement (i.e., introduction, stocking, transplant, relocation) of aquatic species in waters of the state. ARRPs are used to plan resource handling activities and assist in the permitting process. If dewatering activities and other project related activities cause mortality to fish and wildlife species, then the responsible party would be subject to investigation by the TPWD KAST and will be liable for the value of lost resources under the authority of PWC sections 12.0011 (b) (1) and 12.301.

Lady Bird Lake is identified as a Group 5 stream within the Texas Freshwater Mussel Sampling Protocol Stream Grouping dataset found at https://www.fws.gov/library/collections/texas-freshwater-mussel-sampling-protocol. Group 5 streams include "Streams where no federally or state listed freshwater mussels occur, but mussels are known to occur; or perennial streams where it is anticipated that live freshwater mussels may occur, but presence or diversity have not been confirmed". The Texas Freshwater Mussel Survey Protocol was updated in April 2024 to streamline the applicant's coordination with both TPWD and USFWS whenever a project has potential to impact freshwater mussels while ensuring the needs of both agencies are met. Protocols specific to a Group 5 stream would need to be followed for this project since disturbance to Lady Bird Lake is anticipated. Please note that the mussel protocol is included as part of the TPWD ARRP that is needed in conjunction with a *Permit to Introduce Fish, Shellfish, or Aquatic Plants into Public Fresh Water*.

Due to anticipated impacts to Lady Bird Lake, the project may be subject to coordination with TPWD KAST. For additional information please see the TPWD KAST website and *TPWD Guidelines for Aquatic Resource Relocation Plans for Fish and Shellfish, Including Freshwater Mussels*.

Recommendation: TPWD recommends that impact avoidance measures for aquatic organisms, including all native fish and freshwater mussel species, regardless of state listing status, be considered during project planning and construction activities.

Recommendation: TPWD recommends avoiding placement of temporary fills, culverts, or structures into waters serving as suitable habitat for freshwater mussels. If construction occurs during times when water is present and

dewatering, fill, or trampling activities are involved, then TPWD recommends relocating native aquatic resources, including fish and mussels, in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* and an ARRP. The ARRP should be approved by the department 30 days prior to activity within project waters or resource relocation and submitted with an application for a no-cost permit. ARRPs can be submitted to Travis Tidwell, TPWD Region 1 KAST Biologist at (512) 389-8612 or Travis.Tidwell2@tpwd.texas.gov.

Bridges and Culverts

Crossings should be constructed in a manner that does not impede flow, over-widen the channel, or destabilize the banks. Natural bed and banks are significant features for fish and wildlife. Box culverts eliminate access to water for many animal species and act as a barrier to the passage of aquatic organisms. Additionally, many animals burrow into banks for nesting or roosting. Natural shorelines and banks allow access both into and out of the water, or just to the water's edge for many animals, such as salamanders, turtles, snakes, invertebrates, and birds.

Long culverts particularly pose a barrier to animal crossing. The wide, flat bottom of a square culvert spreads out the flow, creating a shallower water depth which also may prevent passage of aquatic organisms. Culverts accelerate water velocity at elevated flows, increasing downstream erosion and further inhibiting aquatic organism passage. Culverts require erosion prevention structures at the culvert outfalls. Lack of protection will likely lead to stream down-cutting and the creation of an impediment to passage for aquatic organisms.

Recommendation: TPWD recommends using bridges rather than culverts when feasible. Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.

Recommendation: Incorporate bat-friendly design into bridges and culverts.

Recommendation: If culverts are required, the project proponent should minimize the impacts of installing culverts by using an open bottom single culvert and/or more technically advanced design features to allow a more natural environment for aquatic organisms to migrate through this passageway. The size and shape of the culvert should be used to maintain the approximate configuration of the bankfull channel for water and sediment transport; or use smaller culverts set at higher elevations to maintain the integrity of the floodplain.

Roads and rail lines can serve as a barrier to wildlife movement and road and rail traffic may cause direct mortality. Culverts can serve as crossing structures that facilitate continued safe movement for a variety of wildlife species. To serve as wildlife crossing structures, culverts must be properly designed.

Recommendation: To enhance the likelihood of wildlife utilizing culverts as crossing structures, TPWD encourages the project proponent to consider implementation of the following design features when installing and maintaining culverts:

- Install the shortest length culvert possible.
- When possible, install a single large culvert instead of multiple smaller culverts.
- Provide a natural substrate bottom.
- Install culverts so that the lower edge is flush with the ground.
- Where there is persistent water coverage, provide an elevated concrete ledge through the length of the culvert to allow terrestrial species access through the culvert.
- Avoid rip rap when possible. If riprap is required, then it should be buried, back-filled with topsoil, and planted with native vegetation.
- Maintain culverts to prevent significant obstructions (e.g., large detritus accumulation).

Bank Stabilization

Riprap is a commonly used means of bank stabilization but can be problematic for wildlife. The addition of riprap for erosion control in or along waterways limits movement of both terrestrial and aquatic wildlife along a waterway, especially if the riprap protrudes above the flowline elevation of the waterway or above grade. Riprap may remove or limit access to the water for numerous animal species. Many animals burrow into banks for nesting or roosting, while shallow-water areas provide refuge and foraging habitat for aquatic species. TPWD does not typically support the use of riprap in bank stabilization projects. Properly constructed banks planted with native riparian and wetland vegetation provide stability as well as numerous benefits to aquatic and terrestrial wildlife and also help filter pollution from runoff.

Recommendation: As an alternative to riprap, TPWD recommends considering biotechnical stabilization methods using live native vegetation or a combination of vegetative and structural materials such as articulated concrete mats. TPWD recommends selecting an articulated concrete mat with sufficient void space to allow for vegetative growth within the channel and to promote water infiltration, absorption, and transpiration during low-flow conditions. If riprap must be used, TPWD recommends the riprap be back-filled with topsoil and planted with native vegetation.

Rare and Protected Species

Endangered Species Act

Federally listed animal species and their habitats are protected from "take" on any property by the Endangered Species Act (ESA). Take of a federally listed species can be allowed if it is "incidental" to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Federally listed plants are not protected from take except on lands under federal/state jurisdiction or for which a federal/state nexus (i.e., permits or funding) exists. Any take of a federally listed species or its habitat without the required take permit (or allowance) from the USFWS is a violation of the ESA.

Chapter 4 (page 4-138) in the DEIS states "Potentially suitable habitat for the monarch butterfly may be present throughout the Study Area where milkweeds and nectar plants are present, and for the tricolored bat where mature trees with leaf clusters, Spanish moss (*Tillandsia usneoides*), peeling bark, and/or tree snags are present."

Tricolored bat (*Perimyotis subflavus*) – Proposed Endangered

The tricolored bat is proposed endangered wherever found. This species is a small insectivorous bat that is wide ranging across the eastern and central United States and portions of southern Canada, Mexico, and Central America. During the winter, tricolored bats are found in subterranean features such as caves and abandoned mines, although in the southern portion of their range where caves are sparse, tricolored bats also roost in trees, road-associated culverts, and bridges where they remain active and feed during winter. During the spring, summer, and fall, tricolored bats are active and found foraging and roosting in a wide variety of forested or wooded habitats. Active season roosting occurs in trees, primarily among clusters of leaves of live or recently dead deciduous hardwood trees. The sexes live separately during the summer, with males often solitary and females forming small maternity colonies primarily in foliage, but sometimes in buildings and rock crevices. The central latitudes of Texas are considered a year-round active range where pupping occurs May 1st-July 15th and where tricolored bats are expected to go into winter torpor between December 15th-February 15th, during the coldest months when mean winter temperatures fall below 40 degrees Fahrenheit. During pupping, hibernation, and at temperatures below 40 degrees Fahrenheit, the bats are less able to escape from tree clearing and are susceptible to mortality. Protection of hibernacula, avoiding tree removal during pupping, avoiding tree removal during winter torpor in central Texas latitudes, and minimizing overall tree removal are conservation practices for the species.

> **Recommendation:** Because the project occurs in central latitudes of Texas where tricolored bats are active year-round, TPWD recommends avoiding tree clearing during the pupping season May 1st-July 15th, avoiding tree clearing

during winter torpor period from December 15th-February 15th, and minimizing the tree clearing footprint. TPWD recommends utilizing these BMPs in preparation for an anticipated listing decision. If tricolored bats become federally listed prior to construction, then the project will need to conduct additional coordination with the USFWS– Austin Ecological Services Field Office at (512) 937-7371 for additional project guidance and to ensure compliance with the ESA.

Monarch butterfly (*Danaus plexippus*) – Proposed Threatened

There is widespread concern regarding the decline of monarch butterflies and other native insect pollinator species due to reductions in native floral resources. To support pollinators and migrating monarchs, TPWD encourages the establishment of native wildflower habitats on private and public lands. Infrastructure ROW can provide habitat for a diverse community of pollinators, providing forage for food and breeding or nesting opportunities. Infrastructure ROW extends across a variety of landscapes and can aid dispersal of pollinators by linking fragmented habitats. By acting as refugia for pollinators in otherwise inhospitable landscapes, this habitat can contribute to the maintenance of healthy ecosystems and provide ecological services such as crop pollination. Recent publications on conserving pollinators in Texas can be found at the TPWD Environmental Review Team: Planning Tools and Best Management Practices website.

Recommendation: To contribute to pollinator conservation efforts, TPWD encourages the project proponent to revegetate impacted areas with vegetation that provides habitat for monarch butterflies and other pollinator species. Species appropriate for the project area can be found by accessing the Lady Bird Johnson Wildflower Center, working with TPWD biologists to develop an appropriate list of species, or utilizing resources found at the Monarch Watch website or the Xerces Society's Guidelines website.

Parks and Wildlife Code, Section 68.015 – State listed Species

PWC Section 68.015 regulates state listed threatened and endangered animal species. The capture, trap, take, or killing of state listed threatened and endangered animal species is unlawful unless expressly authorized under a permit issued by USFWS or TPWD. A copy of TPWD Protection of State Listed Species Guidelines, which includes a list of penalties for take of species, can be found online at the TPWD Environmental Review Team: Laws and Regulations Applicable to TPWD Review website. For purposes of relocation, surveys, monitoring, and research, state listed species may only be handled by persons with the appropriate authorization obtained through the TPWD Wildlife Permits Program. For more information on this authorization, please contact the Wildlife Permits Office at (512) 389-4647.

Species of Greatest Conservation Need

In addition to state and federally protected species, TPWD tracks Species of Greatest Conservation Need (SGCN) and other special features and natural communities that are not listed as threatened or endangered. These species and communities are tracked in the Texas Natural Diversity Database (TXNDD) and TPWD actively promotes their conservation. TPWD considers it important to evaluate and minimize impacts to SGCN and their habitat to reduce the likelihood of endangerment and preclude the need to list as threatened or endangered in the future.

Texas map turtle (*Graptemys versa*)

Section 4.6.7 (page 45) in Appendix F-5 states that there are eight TXNDD records for the Texas map turtle located along the southern bank of Lady Bird Lake. The Texas map turtle is aquatic and primarily a river turtle but can also be found in reservoirs. This species can be found in deep and shallow water with sufficient basking sites (emergent rocks and woody debris).

Recommendation: TPWD recommends implementing the following BMPs to avoid and/or minimize potential impacts to the Texas map turtle that could occur from the construction of the proposed project:

- Avoid impacts to snags and logs as Texas map turtles like to use these for basking.
- TPWD recommends paying particular attention to gravel bars or riffle habitat in streams where construction-related disturbance may occur. TPWD recommends avoiding impacts to gravel bars and riffle habitat in the project area.
- During construction, trucks and equipment should use existing bridge or culvert structures to cross creeks, and equipment staging areas should be located in previously disturbed areas outside of riparian corridors.
- Texas map turtles come to shore to nest and nest along sand bars and other sandy areas that provide protection to the clutch. TPWD recommends avoiding disturbance of these types of areas to avoid disturbing nesting turtles or their nests.
- TPWD recommends avoiding construction during the breeding and nesting season of this species (spring and summer).

Comment: TPWD appreciates the commitment to implement the BMPs and conservation measures listed in Section 6 of Appendix F-5, as they would help minimize risk to many SGCN and other species of wildlife.

State Wildlife Action Plan (Formerly the Texas Conservation Action Plan)

Section 2.2.2 (page 6) in Appendix F-5 refers to the Texas Conservation Action Plan and states "The latest iteration of the Texas plan was approved by USFWS in 2013 and includes a series of handbooks and documents referred to as the Texas Conservation Action Plan."

The 2023 State Wildlife Action Plan for Texas (SWAP) replaces the 2013 Texas Conservation Action Plan (TCAP). The SWAP identifies SGCN, important habitats, and threats affecting SGCN within the state.

> **Recommendation:** TPWD recommends reviewing the 2023 SWAP and revising the DEIS to replace any mention of the 2013 TCAP and update any information throughout the DEIS that was taken from the 2013 TCAP. The 2023 SWAP can be found online on the TPWD State Wildlife Action Plan for Texas website.

Data Reporting and the Texas Natural Diversity Database

Section 2.2.2 (page 94) in Appendix F-5 states "Submit observation(s) of SGCN plant populations and associated data to the TXNDD and Wildlife Habitat Assessment Program at TxDOT@tpwd.texas.gov. A TXNDD Reporting Form with shapefiles delineating the outer boundary of the population are preferable. Include detailed information on who identified and how a species was identified (resources/references used; diagnostic characters observed). If an SGCN plant population is located near non-native invasive plants, this should be recorded and reported in TXNDD Reporting Form."

> **Recommendation:** TPWD recommends revising the above text in the DEIS as the TxDOT email address is only appropriate for TxDOT projects covered under the Memorandum of Understanding between TPWD and TxDOT. Please also note that the Wildlife Habitat Assessment Program name has been changed to the Environmental Review Team. Please submit any observations of plant or animal SGCN to the TXNDD as well as the Environmental Review Biologist assigned to the Austin Light Rail Project (Jessica.Schmerler@tpwd.texas.gov).

TPWD maintains records of occurrence for protected and rare species, or SGCN, within the TXNDD and these data are publicly available by request. The TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. The TXNDD is updated continuously, and relies partially on information submitted by private parties, such as developers or their consultants. Given the small proportion of public versus private land in Texas, the TXNDD does not include a comprehensive inventory of rare resources in the state. These data are not inclusive and cannot be used as presence/absence data. They represent species that could potentially be in your project area. This information cannot be substituted for field surveys.

Recommendation: The TXNDD is updated continuously based on new, updated and undigitized records; therefore, TPWD recommends requesting the most recent TXNDD data on a regular basis. For questions regarding a record or to request the most recent data, please contact TexasNatural.DiversityDatabase@tpwd.texas.gov.

Recommendation: To aid in the scientific knowledge of a species' status and current range, TPWD encourages reporting encounters of protected and rare species to the TXNDD according to the data submittal instructions found at the TPWD Texas Natural Diversity Database: Submit Data website. An additional method for reporting observations of species is through the iNaturalist community application where plant and animal observations are uploaded from a smartphone. The observer then selects to add the observation to specific TPWD Texas Nature Tracker Projects appropriate for the taxa observed, including Herps of Texas, Birds of Texas, Texas Eagle Nests, Texas Whooper Watch, Mammals of Texas, and Rare Plants of Texas.

TPWD strives to respond to requests for project review within a 45-day comment period. Responses may be delayed due to workload and lack of staff. Failure to meet the 45-day review timeframe does not constitute a concurrence from TPWD that the proposed project will not adversely impact fish and wildlife resources.

TPWD appreciates the opportunity to provide comments and recommendations for this project. If you have any questions, please contact me at (512) 389-8054 or Jessica.Schmerler@tpwd.texas.gov.

Sincerely,

Jessica Schmerler

Jessica E. Schmerler, CWB
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Ecological & Environmental Planning Program
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JES:53487