



United States Department of the Interior

Fish and Wildlife Service
105 Westpark Drive, Suite D
Athens, Georgia 30606

West Georgia Sub Office
P.O. Box 52560
Ft. Benning, Georgia 31995-256

April 24, 2014

Coastal Sub Office
4980 Wildlife Drive
Townsend, Georgia 31331

Mr. Rodney Barry, P.E.
Division Administrator
GA Division of Federal Highway Administration
61 Forsyth Street SW, Ste. 17T100
Atlanta, Georgia 30303
ATTN: Ms. Jennifer Giersch

RE: USFWS Log# 04EG1000-2014-I-0752 GDOT P.I. No. 0010425, Gwinnett

Dear Mr. Barry:

Thank you for your March 27, 2014 electronic mail regarding Georgia Department of Transportation (GDOT) project # 0010425. We submit the following comments under provisions of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

GDOT proposes a grade separation at the intersection of State Route 316 and Walther Boulevard in Gwinnett County Georgia. During project studies, GDOT observed potential habitat for the proposed endangered northern myotis (*Myotis septentrionalis*).

GDOT did not perform mist net surveys for bats, but forested areas within project boundaries offer marginal roosting habitat for myotis bats. To protect roosting bats during construction, GDOT would prohibit clearing from March 30-October 15, when endangered myotis bats could be roosting in trees along the project.

Based on information provided, we concur with your determination that the proposed project is not likely to adversely affect northern myotis. Obligations of section 7(a)(2) of the ESA are satisfied, and formal consultation is not required. However, obligations under the ESA must be reconsidered if: (1) the project is modified in a manner not considered by this assessment; (2) a new species is listed or critical habitat is determined that may be affected by the project; or (3) new information indicates that the project may affect listed species or critical habitat in a manner not previously considered.

If you have any questions or require further information, please contact staff biologist Pete Pattavina, at 706-613-9493.

Sincerely,

John Doresky
Acting Field Supervisor

607

cc: Doug Chamblin, GDOT
file

From: Diehl, Sean [sdiehl@dot.ga.gov]
Sent: Thursday, March 27, 2014 8:49 AM
To: Vickery, Christen S; Dyson, Wendy E
Subject: FW: Section 7 Consultation for Project PI 0010425

FYI. We have an agreement with FHWA to concurrently review projects with section 7 for bat issues outstanding. So we can submit. But it's one step closer.

Sean Diehl - NEPA Planner
 Office of Environmental Services
 Georgia Department of Transportation
 600 W. Peachtree Street, 16th Floor
 Atlanta, GA 30308
 (404) 631-1197 



Please consider the environment - do you really need to print this email?

"Our roadsides should be maintained as if they were our nation's front yards ... working with nature and allowing nature to exist ... our "front yards" could reflect the natural beauty and biodiversity of a region." John Kartesz - *Roadside Use of Native Plants*

From: Jennifer.Giersch@dot.gov [mailto:Jennifer.Giersch@dot.gov]
Sent: Thursday, March 27, 2014 8:44 AM
To: Diehl, Sean
Subject: FW: Section 7 Consultation for Project PI 0010425

From: Giersch, Jennifer (FHWA)
Sent: Thursday, March 27, 2014 7:18 AM
To: [Pete Pattavina@fws.gov](mailto:Pete.Pattavina@fws.gov)
Cc: mpulver@dot.ga.gov; dhedeen@dot.ga.gov
Subject: Section 7 Consultation for Project PI 0010425

Hello Pete,

The subject project provides for a grade separation at the intersection of SR 316 and Walther Boulevard in Gwinnett County, Georgia. Please reference the GDOT's March 3, 2014 letter transmitting the Addendum to the Ecology Resource Survey and Assessment of Effects Report. The project would impact potentially suitable summer roosting habitat for the proposed endangered northern long-eared bat. Seasonal clearing restrictions would be implemented to avoid impact to this habitat during periods where it may potentially be utilized by this species. Based on the information provided to us by the GDOT, we have determined the project may affect but is not likely to adversely affect the northern long-eared bat. Further, we have determined that the project will have no effect to the black-spored quillwort and pool sprite.

We request your concurrence with our determination.

Regards,
 Jen Giersch
 Environmental Coordinator
 FHWA – GA Division
 404-562-3653 

The Georgia DOT spent approximately \$15 million in 2013-2014 for 135 fast-tracked projects under the Quick Response program to reduce traffic congestion and improve operations across Georgia. Quick Response projects are typically under \$200,000 on the state route system and funded from state motor fuel tax. Visit us at www.dot.ga.gov or follow us on <http://www.facebook.com/GeorgiaDOT> and <http://twitter.com/gadepthoftrans>.

The IS team in Atkins has scanned this email and any attachments for viruses and other threats; however no technology can be guaranteed to detect all threats. Always exercise caution before acting on the content of an email and before opening attachments or following links contained within the email.



March 3, 2014

Mr. Rodney N. Barry, P.E.
Division Administrator
Federal Highway Administration
Atlanta Federal Center
61 Forsyth Street, S.W., Suite 17th Floor
Atlanta, Georgia 30303-3104
ATTN: Jennifer Giersch

Re: Ecology Memorandum – Addendum (1) Transmittal and Request for Initiation of Informal Section 7 Consultation for
GDOT Project PI No. 0010425; SR-316 at CR 3929/Walther Boulevard – Grade Separation; Gwinnett County, Georgia

Dear Mr. Barry:

Georgia Department of Transportation (GDOT) P.I. No. 0010425 proposes a grade separation at the intersection of State Road (SR) 316 and County Road (CR) 3929/Walther Boulevard. An Ecology Resource Survey and Assessment of Effects Report was completed for the proposed project and transmitted to the Federal Highway Administration (FHWA) on August 22, 2013. Concurrence from FHWA on determinations that the project would have no effect on the federally protected pool sprite (*Amphianthus pusillus*) and black-spored quillwort (*Isoetes melanospora*), and no significant adverse effect on the federal candidate Georgia aster (*Symphyotrichum georgianum*) was received on September 10, 2013. The purpose of this ecology memorandum is to provide updated information related to protected species documented to occur within Gwinnett County, and correct an error pertaining to Wetland 2 impacts documented in the 2013 Ecology Resource Survey and Assessment of Effects Report. The project design has not changed since completion of the ecology report.

Since completion of the 2013 Ecology Resource Survey and Assessment of Effects Report, the US Fish and Wildlife Service (USFWS) Information, Planning and Conservation System (IPaC) list of protected species for Gwinnett County has been updated to include the proposed endangered northern long-eared bat (*Myotis septentrionalis*). The proposed project would result in impacts to potentially suitable summer roosting habitat for this species. Suitable winter hibernacula habitat for this species does not occur within or adjacent to the project limits. Special Provision 107.23G requiring seasonal clearing restrictions would be implemented to avoid impact to this habitat during periods where it may potentially be utilized by this species. As a result, it is anticipated that the project may affect, but is not likely to adversely affect the northern long-eared bat.

The remaining anticipated impacts associated with the proposed project are as follows:

- No impacts to waters of the US – no change
 - A statement in the 2013 Ecology Resource Survey and Assessment of Effects Report erroneously indicated that Wetland 2 was impacted, in conflict with the remainder of the document. The proposed project would not result in impacts to this or other Waters of the US.
- No stream or wetland mitigation required – no change;
- One buffered state water (Intermittent Stream 3) occurs within the project corridor – no change;
- No buffer impacts are proposed and no buffer variance is required – no change;
- No Significant Adverse Effect to Georgia aster, and No Effect to black-spored quillwort and pool sprite – no change; and
- No “take” of the bald eagle, and no impact to essential fish habitat or designated critical habitat – no change.

The Department respectfully requests concurrence with the proposed no effect determination for black-spored quillwort and pool sprite and the initiation of Informal Section 7 consultation for northern long-eared bat. If you should have any questions or need additional information, please contact Megan Pulver at (404) 631-1407 (mpulver@dot.ga.gov) or David Hedeem at (404) 631-1419 (dhedeem@dot.ga.gov).

Sincerely,

A handwritten signature in blue ink that reads "Glenn Bowman".

Glenn Bowman, P.E.
State Environmental Administrator

GB/HDC/wfb
Enclosure

cc: Pete Pattavina, USFWS
Anna Yellin, GDNR WRD
Andrew Hoenig, GDOT PM
Eugene Hopkins, GDOT ECB
Sean Diehl, GDOT NEPA
Catherine Samay, GDNR EPD
Danielle Floyd, GA EPD
Lisa Westberry, GDOT Mitigation
Mark LaRue, USEPA
Connie Tallman, USEPA

Ecology Memorandum
Addendum (1) to the Ecology Resource Survey
and Assessment of Effects Report

March 2014

Gwinnett County
P.I. No. 0010425

SR 316 at CR 3929/Walther Boulevard – Grade Separation

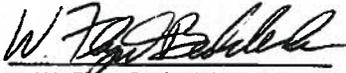
Prepared by:

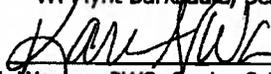
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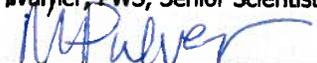
1600 RiverEdge Parkway NW, Suite 600
Atlanta, Georgia 30328

Prepared for:

Georgia Department of Transportation
Office of Environmental Services
600 W. Peachtree Street NW
Atlanta, GA 30308

Report Author: 
W. Flynt Barksdale, Scientist

Consultant Reviewer: 
Karen N. Warner, PWS, Senior Scientist

GDOT Reviewer: 
Megan Pulver, GDOT Ecologist

ECOLOGY MEMORANDUM – ADDENDUM 1

GDOT P.I. #0010425, Gwinnett County

Ecology Assessment of Effects Overview

Impacts to Federally Jurisdictional Resources		
Resource Type	Length of Impact (feet)	Area of Impact (acres)
Perennial Stream	NA	NA
Intermittent Stream	0	0
Ephemeral Channel	0	0
TOTAL	0	0
Wetland	0	0
Open Water	NA	NA
TOTAL	0	0

NA - Not applicable

Present in the Project Area	
Invasive Species	Yes
Bald Eagle Nest, Habitat	No
Critical Habitat	No
Essential Fish Habitat	No
Bat Roosting Habitat	Yes
Migratory Bird Habitat	No

Agency Coordination	
FWCA	Not Required
Section 7	Informal, northern long-eared bat (<i>Myotis septentrionalis</i>)
Buffer Variance	Not Required
Buffer Mitigation	Not Required
404 Permit	Not Required
404 Permit Mitigation	Not Required

Federal and State Protected Species							
Species Name	Common Name	Federal Rank	State Rank	Habitat Present	Species Present	Special Provision	Biological Determination
<i>Amphianthus pusillus</i>	pool sprite	T	T	No	No	NA	No Effect
<i>Isoetes melanospora</i>	Black-spored quillwort	E	E	No	No	NA	No Effect
<i>Myotis septentrionalis</i>	northern long-eared bat	PE	NL	Yes	NA	Yes	May affect, not likely to adversely affect
<i>Symphotrichum georgianum</i>	Georgia aster	C	T	Yes	No	No	No Significant Adverse Effect

Federal protection status is as follows: E-Endangered, PE-Proposed Endangered, T-Threatened, C-Candidate, NL-Not listed;
 State protection status is as follows: E-Endangered, PE-Proposed Endangered, T-Threatened, R-Rare, U-Unusual, NA-Not Applicable, NL-Not listed.

Reporting Summary – Waters of the US				
Resource	2013 Ecology Resource Survey and Assessment of Effects		2014 – Addendum 1	
	Documented	Impacts	Documented	Impacts
Ephemeral Channel 1 (EC1)	<input checked="" type="checkbox"/>	no impact	<input checked="" type="checkbox"/>	no impact
Wetland 2	<input checked="" type="checkbox"/>	no impact	<input checked="" type="checkbox"/>	no impact
Intermittent Stream 3 (IS3)	<input checked="" type="checkbox"/>	no impact	<input checked="" type="checkbox"/>	no impact

Introduction

Proposed Georgia Department of Transportation (GDOT) project P.I. Number 0010425, in Gwinnett County, Georgia is a grade separation project at the intersection of State Route (SR) 316 and County Road (CR) 3929/Walther Boulevard. The proposed grade separation project includes construction of a bridge along CR 3929/Walther Boulevard over SR 316, and has a south to north project length of approximately 0.3 mile. The original Ecology Resource Survey and Assessment of Effects Report for the project was transmitted to the Federal Highway Administration (FHWA) on August 22, 2013, with concurrence on biological determinations received from FHWA on September 10, 2013 (Appendix B). The purpose of this ecology memorandum is to provide updated information related to protected species documented to occur within Gwinnett County, and correct an error pertaining to Wetland 2 impacts documented in the original Ecology Resource Survey and Assessment of Effects report.

Project Location and Description

The proposed grade separation project at SR 316 and CR 3929/Walther Boulevard is centrally located within Gwinnett County, Georgia, and partially within the City of Lawrenceville. The project begins along CR 3929/Walther Boulevard approximately 1,000 feet south of SR 316 and extends north to connect with the existing travel lanes of CR 3929/Walther Boulevard north of SR 316 for a total project length of approximately 0.3 mile (Figures 1 and 2). The approximate midpoint of the project in decimal degrees is 33.972228 (N), -84.008288 (W), placing it within the Southern Outer Piedmont Level IV ecoregion as documented in the Ecoregions of Alabama and Georgia (Griffith, et.al, 2001). The eight-digit Natural Resource Conservation Service (NRCS) Sub-Watershed Management Hydrologic Unit Code (HUC) for the project is 03070301, placing the project within the Upper Ocmulgee Watershed. This watershed is not listed by the United States Environmental Protection Agency (USEPA) as a priority watershed (USEPA 2012).

Within Gwinnett County, SR 316 is a vital east/west freeway. This grade separation project is proposed at CR 3929/Walther Boulevard, a local road that intersects SR 316 from the north and from the south. North of SR 316 there is a balanced mix of residential and commercial properties. South of 316, the CR 3929/Walther Boulevard area is largely commercial and includes Gwinnett Medical Center. Currently, there is not a direct connection allowing for through traffic to stay on CR 3929/Walther Boulevard while crossing SR 316. The goal of this project is to provide an alternative to the congestion along the main arterial SR 120 in the area of SR 316 located south and west of the project corridor. Connecting CR 3929/Walther Boulevard north and south of SR 316 would allow regional traffic traveling from Lawrenceville to Suwannee, local traffic accessing the hospital located south of SR 316, local traffic accessing retail businesses, and residents north of SR 316 to avoid the congestion on SR 120.

The proposed grade separation project is situated at least partially within the geographic extent of GDOT roadway improvement project MSL00-0003-00(168), PI No. 0003168 and project MSL00-0004-00(086), PI No. 0004086, together comprising more extensive transportation improvement initiatives along SR 316. Project MSL00-0003-00(168), PI No. 0003168 is a high-occupancy vehicle (HOV) lane construction project along SR 316 that is unfunded and is not included in the current Regional Transportation Plan (Plan 2040 RTP, FY 2012-2040), but is listed in the unfunded aspirational plan vision (2041+). Project MSL00-0004-00(086), PI No. 0004086 is a grade separation project for interchanges along SR 316 at Collins Hill Road and SR 20/Buford Drive, currently under construction. The Walther Boulevard grade separation project is being designed to function in accordance with and so as not to preclude any future proposed or ongoing work associated with these nearby projects.

As a result of the proposed project, CR 3929/Walther Boulevard will continue to consist of two 12-foot travel lanes, and will be modified to also include a 14-foot two-way left turn lane and 16-foot shoulder consisting of a five-foot wide pedestrian sidewalk. The existing 12-foot flush median will be modified to a 14-foot flush median. The existing and proposed right-of-way (ROW) widths vary from 80 feet to 147.5 feet. No existing bridges occur within the project study area for the CR 3929/Walther Boulevard grade separation project. A four span bridge is proposed for the project to connect CR 3929/Walther Boulevard over SR 316. The proposed bridge dimensions are 56 feet, 5 inches by 404 feet, and the bridge will include two 14-foot travel lanes separated by a 14-foot flush median, with 6-foot sidewalks on both sides. The bridge span and arrangement do not preclude the addition of a HOV/managed lane access point as well as the subsequent or future required widening of SR 316 associated with GDOT roadway improvement project MSL00-0003-00(168), PI No. 0003168 or project MSL00-0004-00(086), PI No. 0004086 described above. The total disturbed project area is approximately 7.96 acres.

Project Changes

The project design has not changed since completion of the 2013 Ecology Resource Survey and Assessment of Effects Report.

Federally Protected Resources

The 2013 Ecology Resource Survey and Assessment of Effects Report documented no effect to the federally threatened pool sprite (*Amphianthus pusillus*) and the federally endangered black-spored quillwort (*Isoetes melanospora*) due to lack of habitat to support these species. Additionally, it was reported that the project would have no significant adverse effect on Georgia aster (*Symphotrichum georgianum*). Suitable habitat for this species exists within maintained ROW along the project corridor. A survey for this species was conducted on October 23, 2012, revealing no individuals present within or adjacent to the project corridor. This information was reported in the 2013 Ecology Resource Survey and Assessment of Effects Report, and has not changed since that time.

Since completion of the 2013 Ecology Resource Survey and Assessment of Effects Report, the US Fish and Wildlife Service (USFWS) Information, Planning and Conservation System (IPaC) list of protected species for Gwinnett County have been updated to include the proposed endangered northern long-eared bat (*Myotis septentrionalis*). This species and potential effects resulting from the proposed project are addressed in greater detail below, and summarized in Table 1.

Northern long-eared bat (*Myotis septentrionalis*) – proposed federally endangered

In 2010, the Center for Biological Diversity petitioned the Secretary of the Interior to list the northern long-eared bat as a threatened or endangered species under the Endangered Species Act, and to designate critical habitat for this species concurrent with listing. Following further review, the species was proposed for federal endangered listing status throughout its range as published in the Federal Register on October 2, 2013; and the proposed listing status is expected to become effective during calendar year 2014. Northern long-eared bat currently has no designated state listing, although all bats have state protection under Official Code of Georgia section 27-1-28. The range of this species includes much of the eastern and north-central US, and Canadian provinces from the Atlantic Ocean west to the southern Yukon Territory and eastern British Columbia. Winter hibernacula habitat for this species includes large caves or mines with large passages and entrances, constant temperatures, high humidity, and absence of air currents. Summer roosting sites are opportunistically chosen by this species often including forest interiors with tree species characterized by bark that allows space to roost beneath, the ability of these trees to retain bark, or having cavities or other crevices for roosting. Feeding behaviour includes flying through the understory of forested

hillsides and ridges and capturing prey in flight, or capturing motionless insects from vegetation and water surfaces.

Cave hibernacula habitat for bats in Georgia is often associated with carbonate geology where caves have been formed through dissolution of limestone. Gwinnett County lies within the Southern Outer Piedmont level IV ecoregion, characterized by geology containing schist, gneiss, and granite bedrock. Although a small proportion of caves in Georgia are associated with gneiss geology, the central portion of Gwinnett County where the project occurs does not lie within the regional vicinity of known caves that would be utilized by this species. There are also no mines in the regional vicinity that would be expected to be used by this species. As reported in the 2013 Ecology Resource Survey and Assessment of Effects, the ecology field survey completed on December 13 and 28, 2012, revealed habitats/land-use types including mixed pine hardwood forest, maintained ROW, and developed areas within the overall ecology study area (Figure 3). No open water areas for insect foraging are located within the project corridor. However, portions of the mixed pine hardwood forest habitat (approximately 5.8 acres) will be impacted through clearing as a result of the project. This forest habitat is dominated by loblolly pine (*Pinus taeda*) in the canopy, with hardwood species limited to the subcanopy, as described in the 2013 Ecology Resource Survey and Assessment of Effects Report. Forest habitats that occur within the project vicinity are also fragmented by urban development with little of the preferred forest interior available for use by this species. Forest habitats that have the potential to be affected by the project are also not comprised of mature tree species characterized by bark allowing for preferred roosting as described above, and the portions that would be impacted by the proposed project are along the edges of existing roads as opposed to forest interiors preferred by this species. Nonetheless, given the opportunistic manner in which summer roosting sites are selected by northern long-eared bats, this habitat does have some potential to support summer roosting by this species.

Pete Pattavina of the USFWS was contacted during the preparation of this document to determine if additional surveys would be necessary to specifically assess the project corridor for the presence of bats. It was determined that vehicular noise interference would affect any potential acoustic surveys along the project corridor; and there are no potential mist netting sites that would provide representative results of the habitat to be affected by the proposed project. Additionally, regardless of any potential survey results, eliminating the clearing requirements of the proposed project is not feasible, as these areas occur along the edges of the existing roadways requiring improvements. Given these combined circumstances, it was determined that no further survey would be warranted (Appendix B). Special Provision 107.23G will be implemented, requiring seasonal clearing restrictions during the period of summer roosting, thus eliminating the possibility of affecting roosting northern long-eared bat individuals that may be utilizing on-site forested habitat. Since potentially suitable roosting habitat will be impacted, although measures will be taken to avoid direct impacts to the species, it is anticipated that the project may affect, but is not likely to adversely affect this species. Informal Section 7 consultation with the USFWS will be required.

References used in the preparation of the above discussion of the northern long-eared bat include the USFWS Northern Long-Eared Bat – *Myotis septentrionalis* Fact Sheet accessed at:

<http://www.fws.gov/midwest/endangered/mammals/nlba/nlbaFactSheet.html>, last updated October 17, 2013. and Ecoregions of Alabama and Georgia (Griffith et.al. 2001).

Anticipated project effects on other federally protected resources as documented in the 2013 Ecology Resource Survey and Assessment of Effects Report have not changed, as summarized below:

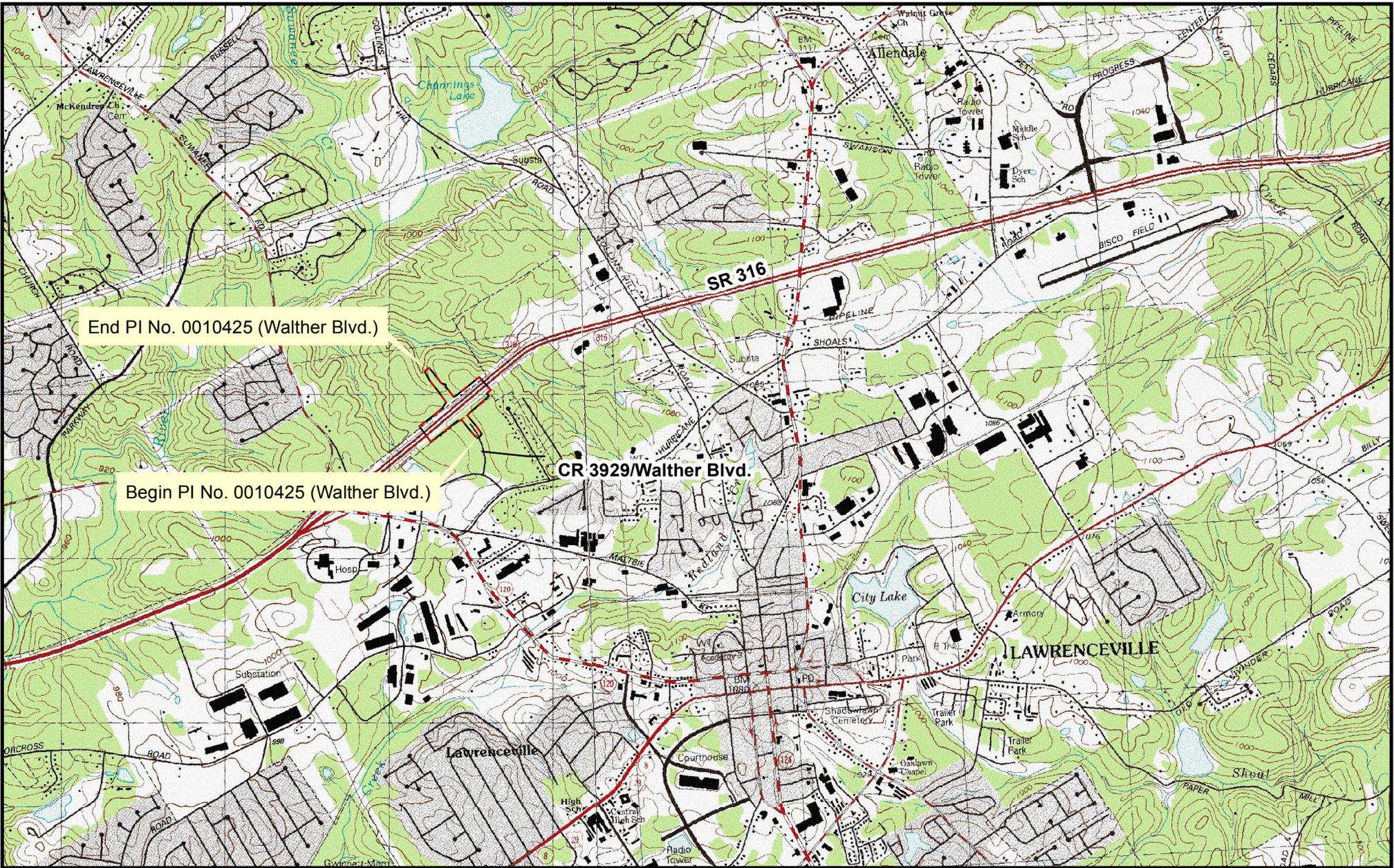
- The project will have no effect on designated critical habitat;
- The project will have no effect on Essential Fish Habitat;
- The project will not result in a “take” of the bald eagle (*Haliaeetus leucocephalus*) as defined under the Bald and Golden Eagle Protection Act;
- No structures providing suitable nesting habitat for migratory birds would be impacted by the proposed project;
- Waters of the US (Figures 4 and 5; Table 2) within the project corridor include one ephemeral channel (EC1), one wetland (WL2), and one intermittent stream (IS3);
 - No impacts to Waters of the US are proposed. This has not changed since the 2013 Ecology Resource Survey and Assessment of Effect Report that documented no impacts. However, one statement in the 2013 Report erroneously indicated that Wetland 2 was impacted. For clarification purposes, no impacts have been proposed to this or other Waters of the US as a result of this project. The unchanged project plan sheets are included in Appendix C for reference.
- No Section 404 permit or compensatory mitigation would be required for the project.

State Protected Resources

There have been no changes to state protected resources as documented in the 2013 Ecology Resource Survey and Assessment of Effects Report and summarized below:

- No effect to state protected species not otherwise addressed above as federally protected species;
- One state water (Drainage Feature 1220 + 76 Rt) occurs within the project corridor;
- One buffered state water (IS3) occurs within the project corridor;
- No buffer impacts are proposed (Table 3); and
- No stream buffer variance will be necessary for the proposed project (Table 3).

FIGURES



 Walther Project Area

Source: USGS 7.5' Topographic Quadrangles:
Luxumni and Lawrenceville



SR 316 at CR 3929/Walther Blvd - Grade Separation, Gwinnett County

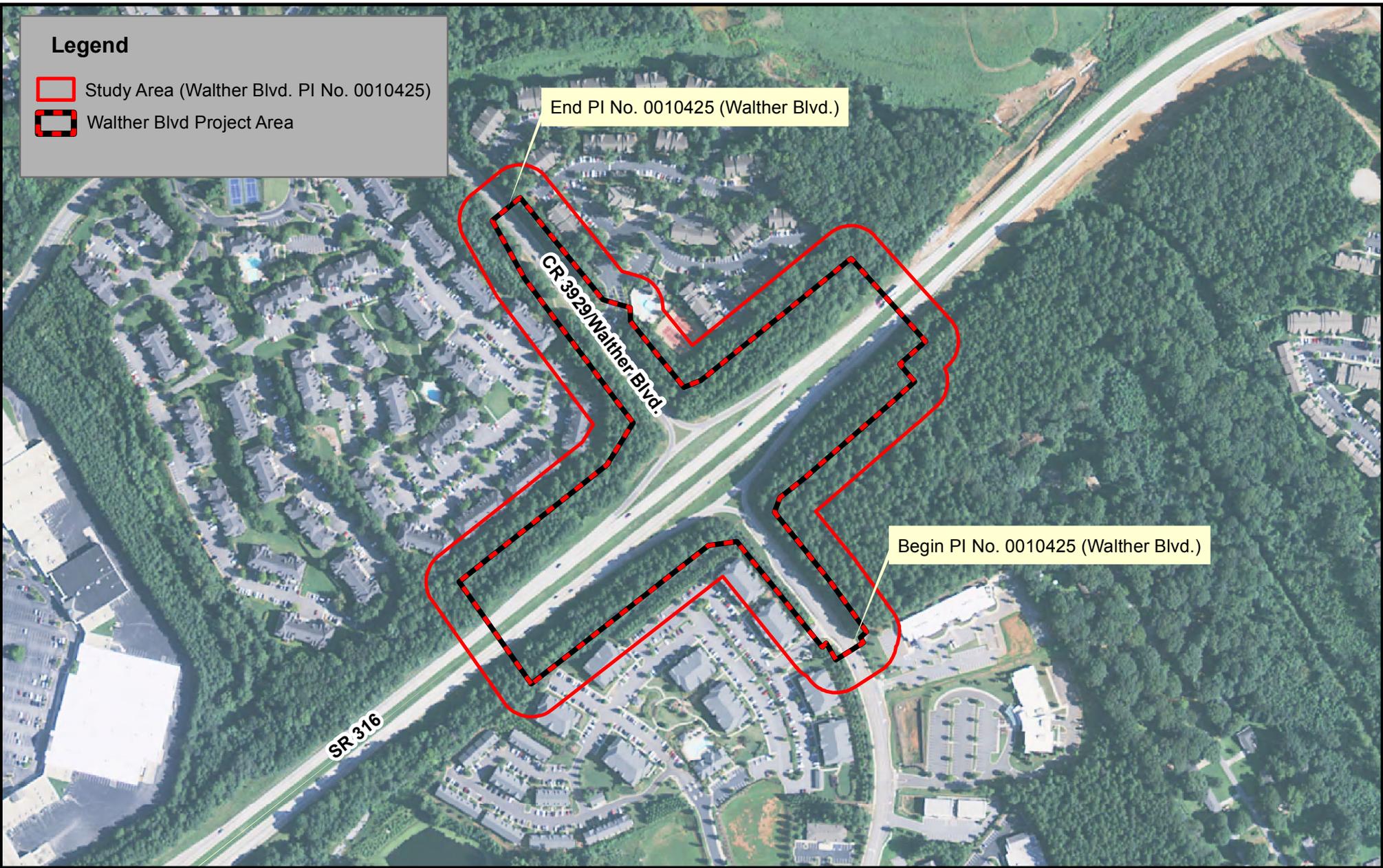
GDOT Project PI No. 0010425

Figure 1:
Project
Vicinity Map

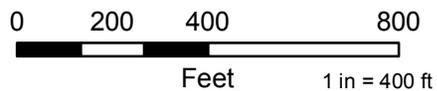


Legend

-  Study Area (Walther Blvd. PI No. 0010425)
-  Walther Blvd Project Area



Aerial Photography Source:
National Agriculture Imagery Project, flown 2013

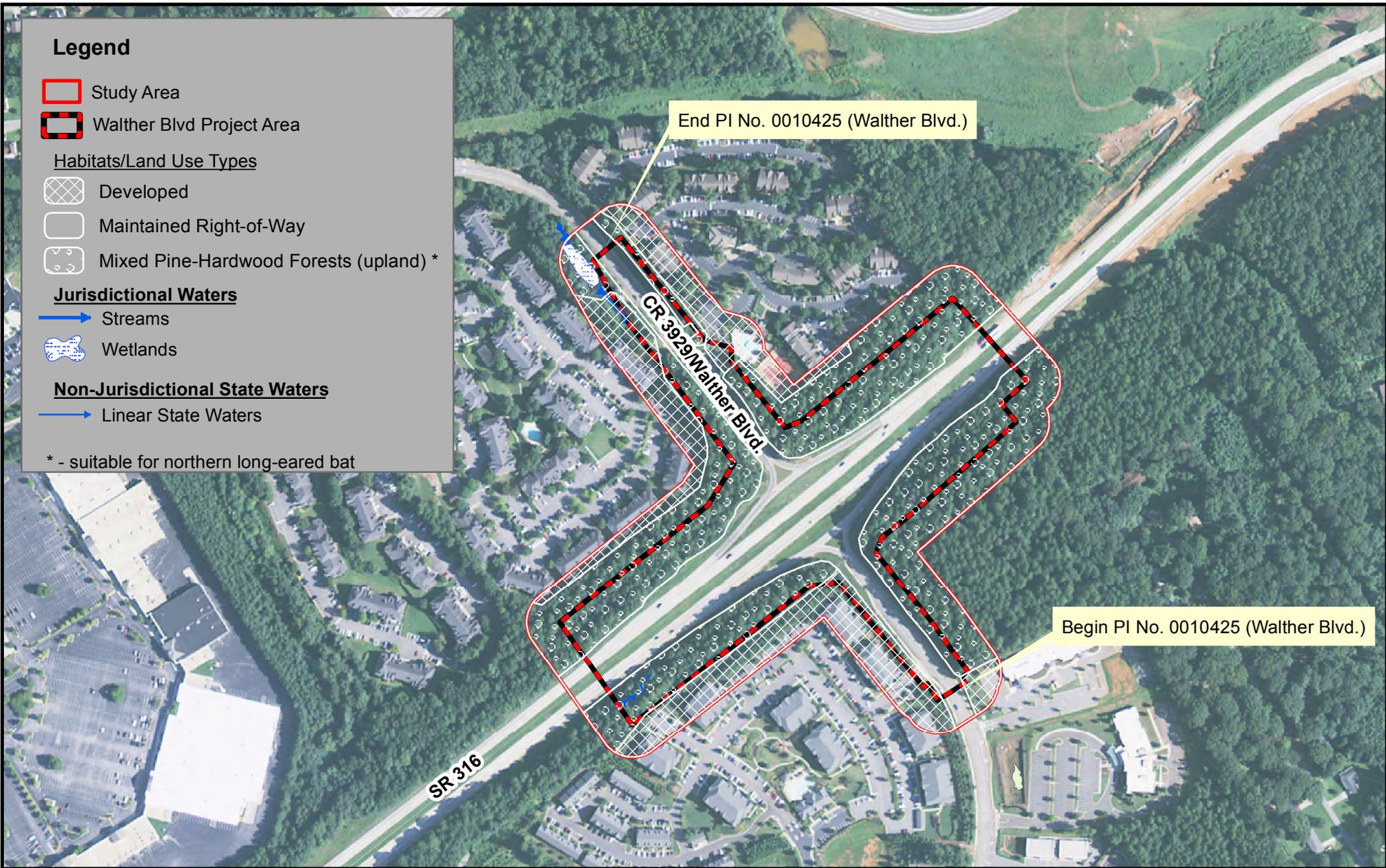


SR 316 at CR 3929/Walther Blvd - Grade Separation, Gwinnett County

GDOT Project PI No. 0010425

**Figure 2:
Survey
Area Map**





Legend

- Study Area
- Walther Blvd Project Area

Habitats/Land Use Types

- Developed
- Maintained Right-of-Way
- Mixed Pine-Hardwood Forests (upland) *

Jurisdictional Waters

- Streams
- Wetlands

Non-Jurisdictional State Waters

- Linear State Waters

* - suitable for northern long-eared bat



Aerial Photography Source:
National Agricultural Imagery Project, flown 2013

0 200 400 800

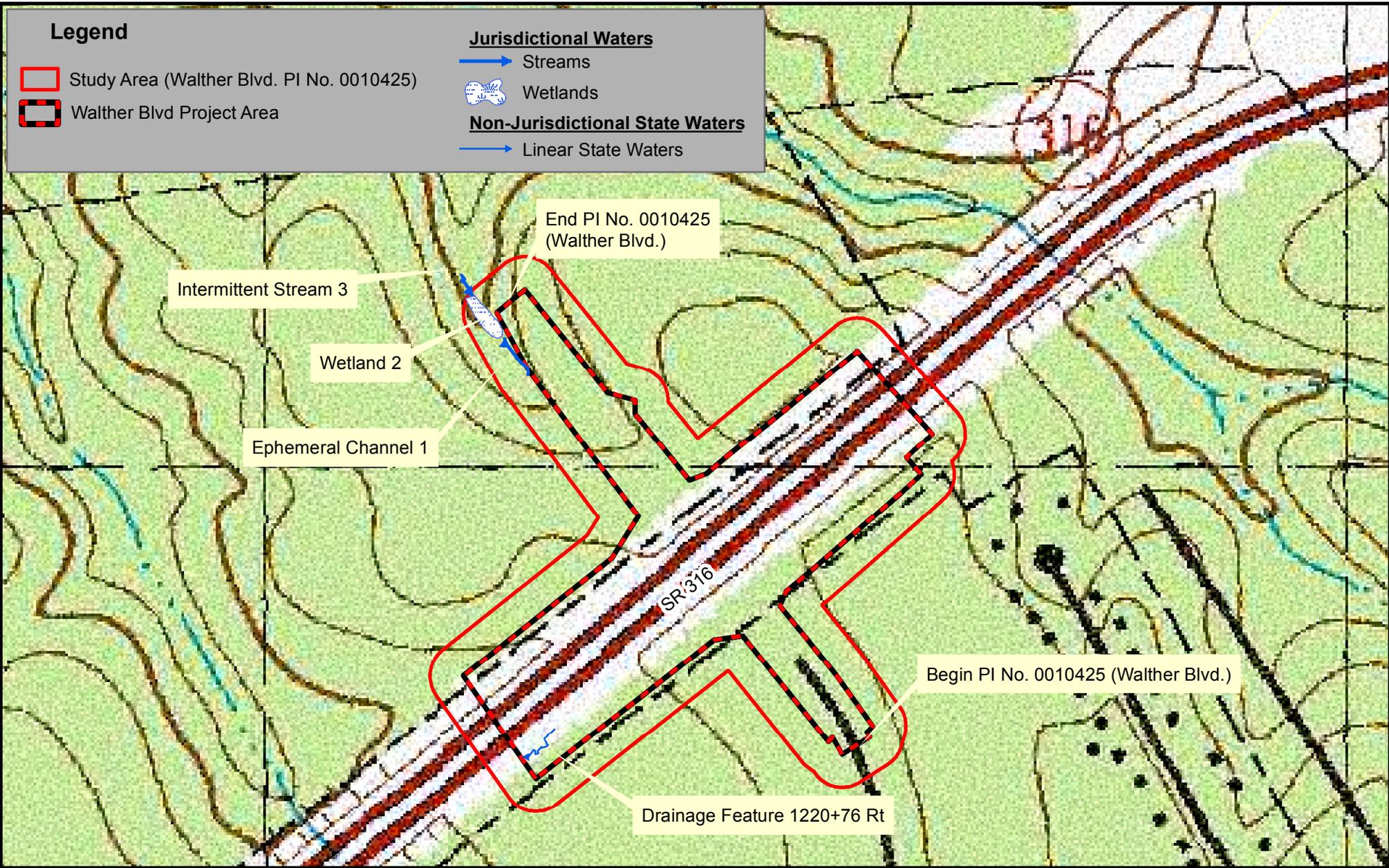
 Feet 1 in = 400 ft

**SR 316 at CR 3929/Walther Blvd -
Grade Separation, Gwinnett County**

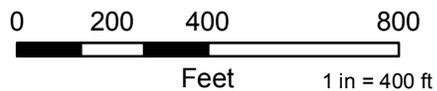
GDOT Project PI No. 0010425

**Figure 3:
Habitats
Map**





Imagery Source: USGS Topographic Quadrangle - Luxomni, Ga



SR 316 at CR 3929/Walther Blvd - Grade Separation, Gwinnett County

GDOT Project PI No. 0010425

**Figure 4:
Waters
Topo
Map**



Legend

-  Study Area (Walther Blvd. PI No. 0010425)
-  Walther Blvd Project Area

Jurisdictional Waters

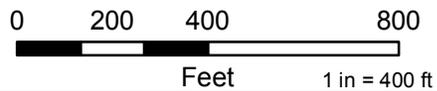
-  Streams
-  Wetlands

Non-Jurisdictional State Waters

-  Linear State Waters



Aerial Photography Source:
National Agricultural Imagery Project, flown 2013



**SR 316 at CR 3929/Walther Blvd -
Grade Separation, Gwinnett County**

GDOT Project PI No. 0010425

**Figure 5:
Waters
Aerial
Map**



TABLES

Table 1 - Protected Species Summary
 GDOT PI No. 0010425, Gwinnett County

Species	Common Name	Federal Status * ¹	State Status * ¹	Habitat Present	Habitat Impacted	Survey Season * ²	Survey Date	Individuals Found	Biological Determination	Special Provisions 107.23G
<i>Amphianthus pusillus</i>	pool sprite	T	T	No	No	March to May	NA	No	No effect	NA
<i>Isoetes melanospora</i>	black-spored quillwort	E	E	No	No	early May to June	NA	No	No effect	NA
<i>Myotis septentrionalis</i>	northern long-eared bat	PE	NL	Yes	No	May 15 to August 15	NA	NA	May affect, not likely to adversely affect	Yes
<i>Symphotrichum georgianum</i>	Georgia aster	C	T	Yes	No	late September to mid-November	October 23, 2012	No	No significant adverse effect	No

*¹-Federal protection status is as follows: E-Endangered, PE-Proposed Endangered, T-Threatened, C-Candidate, TSA-Threatened due to similarity of appearance; NL - Not federally listed; State protection status is as follows: E-Endangered, T-Threatened, R-Rare. NA - Not Applicable

*²-Data Sources: GDOT Environmental Procedures Manual, Environmental Studies, last updated 2010; GDNR WRD Rare Species Profiles.

Table 2 - Federal Stream, Wetland and Open Water Summary
 PI No. 0009862, Calhoun County

Resource Label	Cowardin Class	Existing Condition	Location - Station		Coordinates		Total WL/OW Area (ac)	Existing Structure		Proposed Impact			FWCA
			Begin	End	Lat (°N)	Long (°W)		Type	Length (lf)	Type	Length (lf)	Area (ac)	
EC1	-	Class 4	62+15 Rt	60+65 Rt	33.97374	-84.01008	NA	24" CMP	unknown	NA	-	-	No
WL2	PFO1	Class 4	59+30 Rt	60+65 Rt	33.97431	-84.01052	0.13	42" CMP	358	NA	-	-	No
IS3	R4SB	Fully Impaired	58+00 Rt	59+30 Rt	33.97466	-84.0107	NA	-	-	NA	-	-	No

WL - wetland; OW - open water; EC - ephemeral channel; IS - intermittent stream; CMP - corrugated metal pipe; NA - not applicable

Table 3 - State Water and Buffer Impact Summary
 PI No. 0010425, Gwinnett County

Resource	Begins at Station #	Ends at Station #	BV	Application Criterion	Special Provision 700	Special Provision 702
Drainage Feature 1220+76 Rt (non-buffered ephemeral)	1220+76 Rt	1222+10 Rt	NA	NA	NA	NA
IS3 Buffer	57+35 Rt	59+30 Rt	No	NA	NA	NA

BV - Buffer Variance; NA - Not Applicable

APPENDIX A:

Special Provision 107.23G

**DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA**

SPECIAL PROVISION

**PROJECT: P.I. # 0010425 GWINNETT COUNTY,
Section 107 – Legal Regulations and Responsibility to the Public**

Add the following to Subsection 107.23:

G. Protection of Federally Threatened and/or Endangered Species

The following conditions are intended as a minimum to protect this species and its habitat during any activities that are in close proximity to the potential location(s) of this species.

1. The Contractor shall advise all Project personnel employed to work on this Project about the presence, appearance, and habitat of the proposed federally endangered northern long-eared bat (*Myotis septentrionalis*); and that there are civil and criminal penalties for harming, harassing, pursuing, hunting, shooting, wounding, capturing, collecting, or killing species in violation of the Endangered Species Act of 1973. Pictures and habitat information are and shall be posted in a conspicuous location in the Project field office until such time that Final Acceptance of the Project is made.
2. Due to the potential use of the forested areas within the Project limits by the federally protected northern long-eared bat for summer roosting, clearing of forested areas shall not be allowed between March 30th and October 15th.
3. In the event any incident occurs that causes harm to a northern long-eared bat along the Project corridor the Contractor shall report the incident immediately to the Project Engineer who in turn will notify the State Environmental Administrator, Georgia Department of Transportation, Office of Environmental Services at (404) 631-1101. All activity shall cease pending consultation by the Department with the U. S. Fish and Wildlife Service and the lead Federal Agency.
4. The Contractor shall keep a log detailing any incidents that cause harm or injury to a northern long-eared bat in or adjacent to the Project until such time that Final Acceptance of the Project is made. Following Project completion, a report summarizing any incidents that cause harm to this species shall be submitted by the Contractor to the State Environmental Administrator, Georgia Department of Transportation, Office of Environmental Services, 600 West Peachtree Ave., 16th Floor, Atlanta, GA 30308. GDOT will in turn provide copies of the report to the U.S. Fish and Wildlife Service, the Georgia Department of Natural Resources Wildlife Resources Division, and the Federal Highway Administration.
5. All costs pertaining to any requirement contained herein shall be included in the overall bid submitted unless such requirement is designated as a separate Pay Item in the Proposal.

APPENDIX B:

Agency Correspondence



Atkins North America, Inc.
1600 RiverEdge Parkway, NW, Suite 600
Atlanta, Georgia 30328

Telephone: +1.770.933.0280

www.atkinsglobal.com/northamerica

November 12, 2012

Ms. Katrina Morris
Georgia Department of Natural Resources (GDNR)
Nongame Conservation Section
2065 U.S. Hwy 278, SE
Social Circle, Georgia 30025-4743

RE: Species Element Occurrences Request for
SR 316 at CR 3929/Walther Boulevard Grade Separation;
GDOT Project PI # 0010425;
Gwinnett County, GA

Dear Ms. Morris:

Atkins is in the process of examining developmental and environmental constraints and conducting associated analyses and documentation for the above-referenced roadway grade separation project. The proposed project would replace the existing at-grade interchange with a grade-separated overpass, and will include the construction of sidewalks at the intersection of State Route 316 and County Road 3929/Walther Boulevard within Gwinnett County, Georgia.

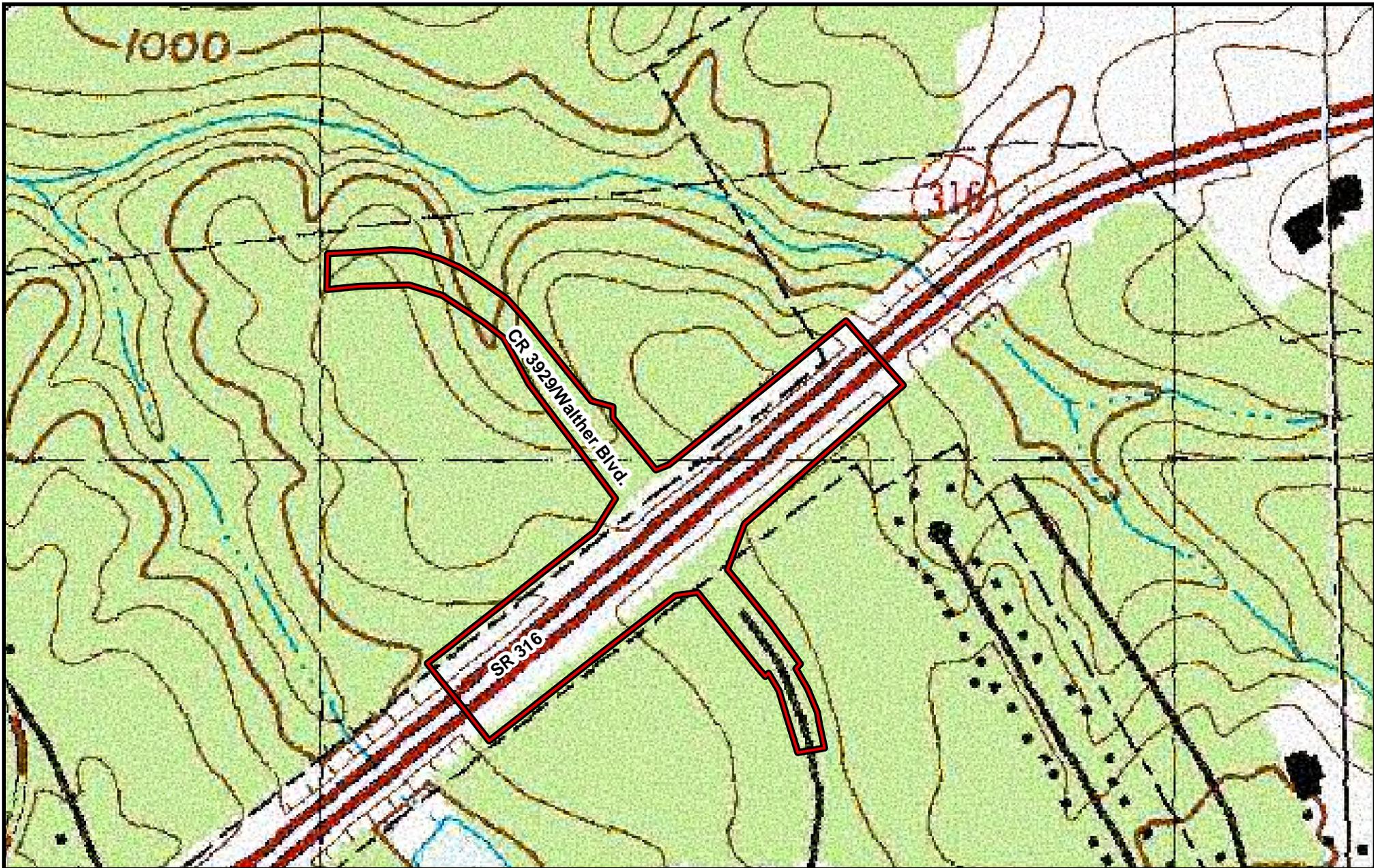
Please refer to the enclosed project location map for the full extent of the project corridor. The approximate latitude/longitude in decimal degrees at the center of the project corridor is: 33.972237, -84.008299.

The design alternatives for the project are being developed concurrently with environmental documentation and in compliance with applicable environmental laws and regulations. This process makes the project responsive to social, economic, and environmental concerns and offers you the opportunity to identify site-specific conditions to be addressed in the environmental assessment. We respectfully request assistance from the GDNR, in checking your Natural Heritage Database for species occurrences within or near the project corridor (within 3 miles) and providing our office with the location of any known species in the area.

Should you have any questions or need additional information, please do not hesitate to contact me directly at 678.247.2469 or karen.warner@atkinsglobal.com.

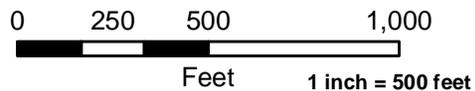
Sincerely,

Karen N. Warner, PWS
Senior Ecologist (**Enclosure**)



 Project Area

Source: USGS 7.5' Topographic
Quadrangle: Luxumni



**SR 316 at CR 3929/Walther Blvd -
Grade Separation; GDOT P.I. #
0010425; Gwinnett County, GA**

**Figure 1:
Project
Vicinity Map**





MARK WILLIAMS
COMMISSIONER

DAN FORSTER
DIRECTOR

December 11, 2012

Karen Warner
Senior Scientist
ATKINS
1600 RiverEdge Pkwy, NW
Suite 600
Atlanta, GA 30328

Subject: Known occurrences of natural communities, plants and animals of highest priority conservation status on or near SR 316 at CR 3929 / Walther Boulevard Grade Separation, Gwinnett County, Georgia

Dear Ms. Warner:

This is in response to your request of November 12, 2012. There are no Natural Heritage Database records in our database within a three-mile radius of the project site.

Recommendations:

We have no records of high priority species or habitats within the project area. We are concerned about streams and other habitats that could be impacted by the proposed road improvement project. We recommend that stringent erosion control practices be used during construction activities and that vegetation is re-established on disturbed areas as quickly as possible. Silt fences and other erosion control devices should be inspected and maintained until soil is stabilized by vegetation. Please use natural vegetation and grading techniques (e.g. vegetated swales, turn-offs, vegetated buffer strips) that will ensure that the road or ROW does not serve as a conduit for storm water or pollutants into the water during or after construction. These measures will help protect water quality in the vicinity of the project as well as in downstream areas.

Disclaimer:

Please keep in mind the limitations of our database. The data collected by the Nongame Conservation Section comes from a variety of sources, including museum and herbarium records, literature, and reports from individuals and organizations, as well as field surveys by our staff biologists. In most cases the information is not the result of a recent on-site survey by our staff. Many areas of Georgia have never been surveyed thoroughly. Therefore, the Nongame Conservation Section can only occasionally provide definitive information on the presence or absence of rare species on a given site. Our files are updated constantly as new information is

received. **Thus, information provided by our program represents the existing data in our files at the time of the request and should not be considered a final statement on the species or area under consideration.**

If you know of populations of highest priority species that are not in our database, please fill out the appropriate data collection form and send it to our office. Forms can be obtained through our web site (<http://www.georgiawildlife.com/node/1376>) or by contacting our office. If I can be of further assistance, please let me know.

Sincerely,



Katrina Morris
Environmental Review Coordinator

Data Available on the Nongame Conservation Section Website

- Georgia protected plant and animal profiles are available on our website. These accounts cover basics like descriptions and life history, as well as threats, management recommendations and conservation status. Visit <http://www.georgiawildlife.com/node/2721>.
- Rare species and natural community information can be viewed by Quarter Quad, County and HUC8 Watershed. To access this information, please visit our GA Rare Species and Natural Community Information page at: <http://www.georgiawildlife.com/conservation/species-of-concern?cat=conservation>.
- Downloadable files of rare species and natural community data by quarter quad and county are also available. They can be downloaded from: <http://www.georgiawildlife.com/node/1370>.



WILDLIFE RESOURCES DIVISION

Known occurrences of special concern plants, animals and natural communities Gwinnett County — Fips Code: 13135

Find details for these species at [Georgia Rare Species and Natural Community Data](#) and [NatureServe Explorer](#).

[US] indicates species with federal status (Protected or Candidate).
Species that are federally protected in Georgia are also state protected.
[GA] indicates Georgia protected species.
 link to species profile on our site (not available for all species).
 link to report for element on NatureServe Explorer (only available for animals and plants).

Plant Occurrences

- *Aesculus glabra* (Ohio Buckeye) 
- *Amphianthus pusillus* (Pool Sprite) **[US]**  
- *Amsonia ludoviciana* (Louisiana Blue Star) 
- *Cypripedium acaule* (Pink Ladyslipper) **[GA]**  
- *Cypripedium parviflorum* (Yellow Ladyslipper) **[GA]**  
- *Eriocaulon koernickianum* (Dwarf Hatpins) **[GA]**  
- *Eurybia avita* (Alexander Rock Aster) 
- *Fimbristylis brevivaginata* (Flatrock Fimbry)  
- *Hydrastis canadensis* (Goldenseal) **[GA]**  
- *Isoetes melanospora* (Black-spored Quillwort) **[US]**  
- *Panax quinquefolius* (American Ginseng) 
- *Schisandra glabra* (Bay Star-vine) **[GA]**  
- *Sedum pusillum* (Granite Stonecrop) **[GA]**  
- *Symphotrichum georgianum* (Georgia Aster) **[US]**  
- *Veratrum woodii* (Ozark Bunchflower) **[GA]**  
- *Waldsteinia lobata* (Barren Strawberry) **[GA]**  

Generated from Georgia DNR's NatureServe Biotics conservation database on October 12, 2011



U.S. Fish and Wildlife Service

Natural Resources of Concern

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

Georgia Ecological Services Field Office
105 WESTPARK DRIVE
WESTPARK CENTER SUITE D
ATHENS, GA 30606
(706) 613-9493

Project Name:

Walther BLVD

Project Counties:

Gwinnett, GA

Project Type:

Highway Safety and Maintenance

Endangered Species Act Species List ([USFWS Endangered Species Program](#)).

There are a total of 3 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

Species that should be considered in an effects analysis for your project:

Ferns and Allies	Status		Has Critical Habitat	Contact
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Natural Resources of Concern

Black Spored quillwort (<i>Isoetes melanospora</i>)	Endangered	species info		Georgia Ecological Services Field Office
Flowering Plants				
Little amphianthus (<i>Amphianthus pusillus</i>)	Threatened	species info		Georgia Ecological Services Field Office
Mammals				
northern long-eared Bat (<i>Myotis septentrionalis</i>) Population:	Proposed Endangered	species info		Georgia Ecological Services Field Office

Critical habitats within your project area:

There are no critical habitats within your project area.

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).

There are no refuges found within the vicinity of your project.

FWS Migratory Birds ([USFWS Migratory Bird Program](#)).

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the [Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

Migratory bird information is not available for your project location.

NWI Wetlands ([USFWS National Wetlands Inventory](#)).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to



U.S. Fish and Wildlife Service

Natural Resources of Concern

wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

IPaC is unable to display wetland information at this time.

From: Kelly.Wade@dot.gov [mailto:Kelly.Wade@dot.gov]
Sent: Tuesday, September 10, 2013 11:13 AM
To: Hedeem, Meghan W.; Chamblin, Douglas
Cc: Pete_Pattavina@fws.gov
Subject: Effect Determination - PI 0010425, SR 316 at CR 3929/Walther Blvd Grade Separation

Hello,

The proposed project consists of the grade separation of SR 316 and Walther Blvd in Gwinnett County GA. The proposed project will not impact waters of the US.

Based on the information provided in GDOT's August 22, 2013 submittal of the May 2013 Ecology Resources Survey and AOE and the May 2013 Protected Terrestrial Species Survey Report: Georgia Aster and the revised pages of these documents submitted via email today (attached), FHWA has determined that the proposed project will have no effect on Black Spored quillwort (*Isoetes melanospora*) or Little amphianthus/pool sprite (*Amphianthus pusillus*). In addition we concur that the proposed project will have 'no significant adverse effect' on the Georgia Aster, a federal candidate species.

Thanks,

Kelly Wade
Environmental Specialist
Federal Highway Administration
61 Forsyth Street, SW
Suite 17T100
Atlanta, GA 30303
Kelly.wade@dot.gov

In FY 2012, Georgia DOT, the lead agency for the Georgia Unified Certification Program (GUCP), certified 531 new firms as disadvantaged business enterprises (DBEs). The GUCP certification provides these firms with the chance to secure significant economic development opportunities with GDOT and other state and federal government agencies. Currently, there are 1,718 certified DBE firms appearing in the GUCP directory.

Visit us at <http://www.dot.ga.gov>; or follow us on <http://www.facebook.com/GeorgiaDOT> and <http://twitter.com/gadepoftrans>

From: Pattavina, Pete [mailto:pete_pattavina@fws.gov]
Sent: Wednesday, January 15, 2014 1:20 PM
To: Warner, Karen N
Subject: Re: GDOT PI No 0010425, Gwinnett County, addressing northern long-eared bat

Hi, Karen. I would implement the clearing restrictions for the whole project. All of the habitat is marginal, so it would be splitting hairs to say one quadrant is more marginal than another.

On Wed, Jan 15, 2014 at 12:44 PM, Warner, Karen N <Karen.Warner@atkinsglobal.com> wrote:
Pete,

Thank you for taking the time to talk with me via telephone today regarding northern long-eared bats, and addressing this species with respect to the above-referenced project. As we discussed, portions of forested habitat that will be impacted by the project represent potentially suitable roosting habitat for this species. The habitat has limited suitability due to proximity/adjacency to the SR 316 roadway corridor, habitat quality, and habitat fragmentation in this urbanized area. Neither acoustic nor mist net surveys are recommended for this project due to 1) likely vehicle interference with acoustic survey readings; and 2) lack of a suitable mist net corridor that would provide results adequately representative of the forested areas proposed for impact. As a result of these combined circumstances, seasonal clearing restrictions are recommended for the project. With these restrictions, it is anticipated that the project may affect, but is not likely to adversely affect the northern long-eared bat.

The seasonal clearing restrictions will protect any potential roosting habitat during the time of year that it may be utilized for roosting. Additionally, any further opportunities to eliminate or minimize clearing of this habitat are not feasible while still meeting the purpose of the project. Therefore no additional field survey to further qualify habitat conditions specifically for this species beyond what was previously performed for the ecology assessment in December 2012 is warranted.

Can you clarify whether or not the seasonal clearing restriction should be for all forested habitat on the project, or just for that along the edge of the southeast quadrant where the adjacent forest is less fragmented (reference habitat map is attached)? Please also let me know if you would recommend any additions or other changes to the summary of our telephone conversation provided above.

Thank you again for your time,

Karen N. Warner, PWS
Senior Scientist

ATKINS

1600 RiverEdge Parkway, NW, Suite 600, Atlanta, Georgia, 30328 | Tel: +1 (770) 933 0280 | Fax: +1 (770) 933 1083 |

Email: karen.warner@atkinsglobal.com | Web: www.atkinsglobal.com/northamerica www.atkinsglobal.com

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Pete Pattavina
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
105 West Park Drive, Suite D
Athens, GA 30606
706-613-9493, ext. 236
