# The Summit at Breezy Acres
# Firearm Range
# Waxahachie, Ellis County, Texas

**Draft**

**Environmental Assessment**

***Prepared for***

**Texas Parks and Wildlife Department**

**and**

**U.S. Fish & Wildlife Service**

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TITANIUM
ENVIRONMENTAL
SERVICES, LLC
P.O. Box 4029 Longview, Texas 75606
Phone (903) 234-8443 Fax (903) 234-1641
www.titaniumenvironmental.com

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# CHAPTER 1
# PROJECT INTRODUCTION, NEED, AND PURPOSE

## 1.1 PROJECT INTRODUCTION

Summit at Breezy Acres (Summit), is seeking the U.S. Fish and Wildlife Service's (Service) approval (through Federal Assistance grant) for a proposed project to construct, operate, and maintain an indoor firearm range for hunter education instruction.

Summit proposes to construct, operate, and maintain an indoor firearm range and facility for hunter education instruction, to train the public in firearm safety and responsibility and to provide a safe shooting experience. Youth from the surrounding communities and the general public will have the opportunity to learn about and develop firearm skills. The finished indoor firearm range and facility will be located at 5375 North lH35 E Waxahachie, Texas (**Figure 1**).

This Environmental Assessment (EA) is being prepared to evaluate the potential effects of the Proposed Action. This project would be funded by the U.S. Fish and Wildlife Service's Wildlife and Sport Fish Restoration (WSFR) Program.

## 1.2 DESCRIPTION OF PROPOSED ACTION

A proposed indoor shooting range including access roads and parking would have an approximate 3.33-acre footprint located within a survey area of approximately 19.67 acres. The site is currently used for agricultural purposes and is comprised of Johnson grass and millet. Access to the site for construction and use will be via Butcher Road located adjacent to the project area to the south (**Figure 2**).

The primary purpose of the indoor shooting range is to introduce youth and inexperienced adults to the joy, comradery, and family fun of hunting. Texas Hunter Education classes will be offered along with License To Carry and advanced safety and self-defense classes. There is no such facility within 45 miles and the facility will offer discounts to veterans, first responders and under-privileged youth. It is difficult to estimate the number of users of the facility, but we hope to serve up to 100 people per day at maximum capacity.

The firearm range is being constructed by the number one range designer and constructor in the US, Rushing Air & Systems. Noise pollution is the major concern of the project and has been addressed completely. It will be totally state of the art with cement filled cinder block walls and triple insulated ceilings throughout that is well above the standard in the industry. The firearm range also has sound buffers on every baffle above and down the firing line and along the range walls themselves. Rounds shot on most modern firearm ranges can only be heard when one is within 20 feet of the exterior walls. This is true especially since the project is adjacent to IH-35 that has about 60,000 vehicles a day passing by the tract and the surrounding industrial facilities.

Rushing Air & Systems has calculated that the noise from the firearms will only be about 60% (0.60) the ambient sound in that area.

Phase I of the facility will have a bank of 12 25-yard firing lanes, a +/-1,400 sq. ft. state of the art training room, a +/-2,500 sq. ft. retail/social area, a gunsmith shop and two offices. The Environmental Assessment is for the entire 3.33 acres which includes land for the future expansion which will be two additional banks of 12 25-yard firing lanes and 4 100-yard firing lanes for rifle sight-ins.

The entire 3.33-acre area has already been surveyed by the EA team and is included in this project for the future expansion.

The facility will be open 10 hours a day Monday-Saturday and 4 hours on Sunday afternoon to comply with TPWD requirements.

The contract with the TPWD is for the "life of the project" with a minimum 25-year term. All aspects of noise abatement, lead remediation, air handling and compliance with the NRA, NSSF and EPA as well as with all federal laws will be strictly enforced and adhered to by the recipients.

## 1.3 PROJECT NEED

Waxahachie has no public firing and training range. The need is very strong in the area and that is why it was approved by the TPWD for the Range Grant.

No comparable facility exists within a 45-mile radius. In addition to providing a firearm range and firearm and hunter safety training to the local community, the location of the gun range would target a larger area which includes many individuals that come from low-income and ethnically diverse populations. These individuals might not otherwise have the opportunity to learn about and develop firearm skills if this facility is not constructed. In addition to learning about firearm safety associated with learning firearm skills, individuals will be able to come away more competent and confident in their abilities. Further, the location in the Dallas-Fort Worth Metroplex area provides the nearby community with access to an affordable and nearby range and access to firearm safety and training classes.

## 1.4 PROJECT PURPOSE

1. Provide a safe, indoor shooting experience year-round for youth and the general public to develop firearm competency and confidence.

2. Provide a location for hunter safety education associated with using firearms for 2,500 people annually after construction is completed in 2021.

## 1.5 PROJECT FUNDING

Financial assistance for this project would be provided by funding through a grant under the United States Fish & Wildlife Service's (USFWS) Wildlife and Sport Fish Restoration Program that would be administered by the Texas Parks and Wildlife Department (TPWD). The USFWS program provides grant funds to the states and insular areas fish and wildlife agencies for projects to restore, conserve, manage, and enhance wild birds and mammals and their habitat. Projects also include providing public use and access to wildlife resources, hunter education, and development

and management of ranges. The program is authorized by the Wildlife Restoration Act (Pittman-Robertson PR) of 1937.

# CHAPTER 2
# ALTERNATIVES ANALYSIS

The proposed action involves the construction of an indoor firearm range. Two alternatives were considered, which include a Preferred Alternative and a No Build Alternative.

## 2.1 ALTERNATIVE 1 – PREFERRED ALTERNATIVE

The Preferred Alternative would include the construction of the indoor firearm range as described in Section 1.2. This alternative would address the purpose and need of the project.

## 2.2 ALTERNATIVE 2 – NO BUILD ALTERNATIVE

A No Build Alternative would result in no action being taken. This alternative would not address the need and purpose of the project. Under the No Build Alternative, the area would be utilized in a manner similar to existing land use patterns; the proposed project area would remain as an agricultural field. Consequently, the No Build Alternative would result in continued limited year-round access to firearm safety and hunter education opportunities in the Dallas Metroplex area.

# CHAPTER 3
# AFFECTED ENVIRONMENT

## 3.1 PHYSICAL ENVIRONMENT

The subject property is located in central Ellis County in central north Texas (**Figure 1**). The property is accessed by Butcher Road to the south and Interstate 35 North (I-35 N) East Service Road to the east. I-35 East is the major highway to the east and Brown Industrial Road is a minor dead-end roadway to the north of the project area with access to I-35. Grove Creek is located approximately 0.58 mile southwest of the subject property. The project location is approximately 2.3 miles north/northwest of Crystal Lake. Residential development areas are located approximately 1 mile to the east and 1.7 miles to the southwest. The Summit Ranch property includes a home west of the project edge by approximately one quarter mile. Individual homes occur at further than one half mile to the west and north. Representative site photographs are provided in **Appendix A**.

### 3.1.1 Climate

The regional climate is humid subtropical with hot summers and is characterized by a wide annual temperature range. Winters are mild, but cold fronts, known as northers, occur about three times each month during this period, and often are accompanied by sudden drops in temperature. Periods of extreme cold that occasionally occur are short-lived, so that even in January mild weather occurs frequently. Characteristically, hot spells in summer are broken into three-to-five-day periods by thunderstorm activity. There are only a few nights each summer when the low temperature exceeds 80°F. Summer daytime temperatures frequently exceed 100°F. Precipitation ranges from less than 20 to more than 50 inches. Throughout the year, rainfall occurs more frequently during the night. Usually, periods of rainy weather last for only a day or two and are followed by several days with fair skies. A large part of the annual precipitation results from thunderstorm activity, with occasional heavy rainfall over brief periods of time. Snowfall is rare (NOAA, 2020).

### 3.1.2 Geology and Soils

Geologically, the proposed project area is underlain by the Austin Chalk formation comprised primarily of alternating layers of chalk and marl (USGS, 2016). Soil within the proposed project area is Houston Black clay, 1 to 3 percent slopes (**Figure 3**). Houston Black clay, 1 to 3 percent slopes occupies shoulder and summit ridges. A typical soil profile is 0-97 inches, moderately alkaline, very dark gray or black clay. A second layer occupies a depth of 97-104 inches and consists of moderately alkaline, greyish-brown to light olive brown clay. These soils are moderately well-drained (USDA, 2016).

### 3.1.3 Prime and Unique Farmland Soils

The project location contains prime farmland soils, which are used for the cultivation of agricultural crops such as sorghums, cotton, and corn (USDA, 2016). Although the project area is designated as prime and unique farmland, the NRCS concluded that the project area was exempt from further consideration under the Farmland Protection Policy Act (FPPA) due to its low farmland conversion

impact rating. See **Appendix B** for the farmland conversion consultation performed with the Natural Resources Conservation Services (NRCS).

### 3.1.4 Surface Water

No surface water features are present within the proposed project area. A large pond is located northwest of the project area boundary. Stormwater run-off from the proposed project area follows the gentle surface slope northeast towards Grove Creek which is located approximately 0.6 mile from the project area (**Figure 4**).

### 3.1.5 Groundwater

The major aquifer underlying the study area is the Trinity Aquifer. The proposed project area is in the Trinity subcrop between the Trinity outcrop to the west and the Carrizo-Wilcox outcrop to the east. The Trinity aquifer is a group of minor aquifers comprising the Trinity group. These minor aquifers include the Antlers, Glen Rose, Paluxy, Twin Mountains, Travis Peak, Hensell, and Hosston aquifers. These aquifers consist of limestones, sands, clays, gravels, and conglomerates. Their combined freshwater saturated thickness averages about 600 feet in North Texas and about 1,900 feet in Central Texas (TWDB, 2017). Trinity aquifer is characterized by slow recharge occurring from rainfall (Edwards Aquifer, 2016).

### 3.1.6 Topography

The U.S. Geological Survey (USGS) Waxahachie 7.5-minute topographic quadrangle map indicates that the proposed project area is a gently sloping terrace (**Figure 4**). Elevations for the survey area range from approximately 645 feet above mean sea level (AMSL) at the southeast to approximately 620 feet AMSL to the northeast. The slope of the project area per the mapped soil type ranges from 1 to 3 percent (USDA, 2016).

### 3.1.7 Floodplains

Federal Emergency Management Agency (FEMA) maps display the documented flood zones of various water bodies and flood prone areas. The entire proposed project area lies outside of FEMA-designated floodplains and floodways. The nearest 100-year floodplain is located approximately 0.2 mile to the northeast (FEMA, 2013) (**Figure 5**).

## 3.2 BIOLOGICAL ENVIRONMENT

The project location and adjacent areas consist of introduced crops of bermudagrass, Johnson grass, and sorghum. The project area is a relatively flat agricultural field. The setting matches the mapped ecological systems classification of Row Crops with the north, west, and south edges of the project area being Blackland Prairie: Disturbance or Tame Grassland as defined by the Texas Ecological Systems classification (TPWD, 2017).

### 3.2.1 Vegetation

The Summit indoor firearm facility will be constructed primarily in an area dominated by Bermudagrass (*Cynodon dactylon*), Johnson grass (*Sorghum halepense*), and sorghum bicolor (*Sorghum sp.*). A small portion of the proposed project area along an existing fence line is dominated by an overstory of common hackberry (*Celtis occidentalis*) trees and saplings and an

understory of sunflower (*Helianthus sp.*), giant ragweed (*Ambrosia trifida*), panicgrass (*Panicum sp.*), Canada goldenrod (*Solidago canadensis*), and Johnson grass.

### 3.2.2 Threatened and Endangered Species

On November 18, 2020, visual and auditory field observations for a threatened and endangered species habitat survey was conducted to assess the existing conditions in the proposed project area relative to such species. The survey assessed habitat types present on and near the project area as well of signs of presence/occupation, nesting, and feeding for listed species. A current list of the state and federally listed threatened and endangered species and their preferred habitat was obtained from TPWD and USFWS databases. The threatened and endangered species lists for Ellis County, Texas were used to determine listed species that could potentially occur in the proposed project area (**Appendix C**).

The Texas Natural Diversity Database (TXNDD) lists no species occurrences within or nearby the proposed project area. The Cornell Lab of Ornithology records on ebirds.org indicates no whooping crane occurrences within 15 miles of the project location. The project occurs within the 95% migration corridor of the whooping crane. No designated critical habitat (50 CFR Parts 17 and 226) exists at the project location. No threatened or endangered species, or species of concern were observed during the November 18, 2020 field survey conducted by Titanium Environmental Services, LLC (TES). TES observed suitable habitat for the whooping crane. The agricultural field and nearby stock pond could provide stopover habitat for the whooping crane. The project area would not provide suitable habitat for any other listed species. No whooping cranes or signs of their presence were observed. USFWS and TES concluded that the preferred alternative would have no effect to the whooping crane due to the close proximity of the habitat to the interstate. **Table 1** presents information regarding the presence or absence of their habitat within the proposed action area.

**Table 1. Habitat suitability of federal and state listed threatened and endangered species with potential to occur in the Proposed Action Area**

| Class | Name | | Federal Status[1] | State Status[2] | Habitat Description[2] | Habitat Present | Critical Habitat |
|---|---|---|---|---|---|---|---|
| | Common | Scientific | | | | | |
| Birds | Bald Eagle | *Haliaeetus leucocephalus* | DL | T | Found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds. | N | N |
| | Black Rail | *Laterallus jamaicensis* | T | T | Salt, brackish, and freshwater marshes, pond borders, wet meadows, and grassy swamps; nests in or along edge of marsh, sometimes on damp ground, but usually on mat of previous years dead grasses; nest usually hidden in marsh grass or at base of Salicornia | N | N |
| | Piping Plover | *Charadrius melodus* | T | T | Wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats. | N | N |
| | Red Knot | *Calidris canutus rufa* | T | - | Red knots migrate long distances in flocks northward through the contiguous United States mainly April-June, southward July-October. The Red Knot prefers the shoreline of coast and bays and also uses mudflats during rare inland encounters. Wintering Range includes- Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kennedy, Kleberg, Matagorda, Nueces, San Patricio, and Willacy Counties. Habitat: Primarily seacoasts on tidal flats and beaches, herbaceous wetland, and tidal flat/shore. | N | N |
| | White-faced Ibis | *Plegadis chihi* | - | T | Prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats. | N | N |
| | Whooping Crane | *Grus americana* | E | E | Small ponds, marshes, and flooded grain fields for both roosting and foraging. Potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties. | Y | N |

**Table 1 (*cont'd*). Habitat suitability of federal and state listed threatened and endangered species with potential to occur in the Proposed Action Area**

| Class | Name | | Federal Status[1] | State Status[2] | Habitat Description[2] | Habitat Present | Critical Habitat |
|---|---|---|---|---|---|---|---|
| | Common | Scientific | | | | | |
| **Birds** | Wood Stork | *Mycteria americana* | - | T | Forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds; breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960. | N | N |
| **Mollusks** | Louisiana Pigtoe | *Pleurobema riddellii* | - | T | Streams and moderate-size rivers, usually flowing water on substrates of mud, sand, and gravel; not generally known from impoundments; Sabine, Neches, and Trinity (historic) River basins. | N | N |
| | Sandbank Pocketbook | *Lampsilis satura* | - | T | Small to large rivers with moderate flows and swift current on gravel, gravel-sand, and sand bottoms; east Texas, Sulfur south through San Jacinto River basins; Neches River. | N | N |
| | Texas Fawnsfoot | *Truncilla macrodon* | C | - | Occurs in large rivers but may also be found in medium-sized streams. Typically occurs in substrates of mud, sandy mud, gravel and cobble. | N | N |
| | Texas Heelsplitter | *Potamilus amphichaenus* | - | T | Quiet waters in mud or sand and also in reservoirs. Sabine, Neches, and Trinity River basins. | N | N |
| | Trinity Pigtoe | *Fusconaia chunii* | - | T | Found in a variety of habitats but most common in riffles. Inhabits various substrates though most often sand, gravel, and cobble. | N | N |
| **Reptiles** | Alligator Snapping Turtle | *Macrochelys temminckii* | - | T | Perennial water bodies; deep water of rivers, canals, lakes, and oxbows; also swamps, bayous, and ponds near deep running water. | N | N |
| | Texas Horned Lizard | *Phrynosoma cornutum* | - | T | 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. | N | N |

E=Endangered; T=Threatened; DL=Delisted; - = No Status; Y=Yes; N=No

[1] Source: USFWS 2021 [2] Source: TPWD 2021

No designated critical habitat occurs within the proposed project area or within Ellis County.

The agricultural field and nearby stock pond could provide suitable stopover habitat for the whooping crane. Close proximity to Interstate 35 makes utilization of the project area very unlikely. There is no suitable habitat for the other listed species with potential to occur in Ellis County occurring on or near the proposed project area.

Refer to section 4.2.2.1 for biological evaluation and determination of effects information for threatened and endangered species.

### 3.2.3 Other Wildlife Species

Wildlife species tolerant of the surrounding urban development of the Dallas-Fort Worth Metroplex are likely to be present on the subject property. House finches (*Carpodacus mexicanus*) and house sparrows (*Passer domesticus*) were observed during the field survey on November 18, 2020. Wildlife species that would likely utilize the project location include passerine birds, small rodents, and a variety of insects and arachnids. The surrounding overstory may be utilized by wildlife species such as squirrels (*Sciurus* spp.), raccoons (*Procyon lotor*), white-tailed deer (*Odocoileus virginianus*), nine-banded armadillo (*Dasypus novemcinctus*), and a variety of birds, reptiles, insects, and arachnids.

### 3.2.4 Wetlands and other Waters of the United States (WOTUS)

Jurisdictional wetlands, which are those that are regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, must exhibit three characteristics: hydrology, hydrophytes, and hydric soils (USACE, 1987). On November 18, 2020, a formal wetland delineation, in accordance with the USACE guidelines, was performed within the survey boundary (**Figure 2**) as part of the EA. Observations were made during the field survey to determine the presence or absence of wetlands and other waters of the United States within the project area. No such features exist in the project area. A large pond is located northwest of the proposed project area and is considered WOTUS and subject to Section 404 CWA regulation.

## 3.3 LAND USE

The project area and immediate surrounding areas to the north, west, and south are largely agricultural fields. Various industrial sites are located approximately 800 feet north of the survey boundary along Brown Industrial Road. Facilities and structures associated with the firearm range are planned on the southwest portion of the project area. Residential homes are present just over one-half mile to the northwest with IH-35 and associated service road to the east of the Summit property. According to the land use map (**Figure 6**) the majority of the proposed project area is classified as cultivated crops with herbaceous edges on the northern, southern, and western site boundaries and developed, open space to developed medium intensity on the eastern site boundary (**Figure 6**). The current Summit property land use is agriculture. Future land use from a City of Waxahachie 2016 Comprehensive Plan Future Land Use Plan has the land designated as highway commercial based on its proximity to IH-35E to the east.

### 3.4 CULTURAL RESOURCES

On November 24, 2020, Stone Point Services, LLC conducted a cultural resource survey of the proposed Summit at Breezy Acres Indoor Gun Range Facility, located in the City of Waxahachie, Ellis County, Texas for Titanium Environmental Services, LLC. The Summit at Breezy Acres is proposing the construction of an indoor gun range facility on the northwest corner of IH 35E and State Highway 387. The proposed project covers approximately 3.33-acres (1.35-hectares), averaging 338 to 556-feet long by 130 to 354-feet wide across private property. The survey area right-of-way (ROW) consists of an agricultural field. A gravel road extends along the south edge project area ROW. The purpose of this cultural resources survey is to identify cultural resources (archaeological and historic) that may be impacted by the construction of the proposed project.

Field investigations revealed no newly recorded historic sites within the survey area and background research revealed no previously recorded sites within the survey area. We, therefore, find that this project will not impact National Register of Historic Places (NRHP) listed, eligible, or potentially eligible structures or sites within the ROW. This project is recommended to proceed with no additional consideration of archaeological resources. All records produced as a result of this project will be prepared to Texas Archeological Research Laboratory (TARL) standards and submitted to Stephen F. Austin State University for curation. Survey methods conducted within the survey area meet or exceed methods recommended by the Texas Historical Commission and the Council of Texas Archeologists. A coordination letter to the Texas Historical Commission (THC) and a concurrence response (February 23, 2021) from the State Historic Preservation Office (SHPO) can be found in **Appendix D**.

### 3.5 HAZARDOUS MATERIALS

Hazardous substances/materials are defined as any solid, liquid, contained gaseous or semi-solid waste, or any combination of regulated wastes that may pose a potential hazard to human health and the environment. Hazardous substances are primarily generated by industry, hospitals, research facilities, and the government. Improper management and disposal of hazardous substances can lead to pollution of groundwater or other drinking water supplies, and the combination of surface water and soil.

The assessment for hazardous materials consisted of a review of the Federal and State environmental databases and a review of facility-specific information. A regulatory database search was performed to obtain information concerning facilities that handle hazardous materials or regulated substances/materials. The databases are maintained by the State and/or Federal government regulatory agencies. The databases that were searched and the corresponding search distances from the project area are listed below in **Table 2**.

**Table 2: Federal and State Environmental Record Sources**

| ASTM-REQUIRED STANDARD ENVIRONMENTAL RECORD SOURCES | | | | |
|---|---|---|---|---|
| **DATABASE** | **SEARCH RADIUS** | **PROPERTY LISTINGS** | **ADJACENT LISTINGS** | **TOTAL LISTING** |
| Federal National Priorities List (NPL) | 1 mile | 0 | 0 | 0 |
| Federal CERCLIS List | 1/2 mile | 0 | 0 | 0 |
| Federal CERCLIS NFRAP Site List | Property and adjoining | 0 | 0 | 0 |
| Federal RCRA Corrective Action Sites (CORRACTS) List | 1 mile | 0 | 0 | 0 |
| Federal RCRA Non-CORRACTS Treatment/Storage/Disposal (TSD) Facilities List | 1/2 mile | 0 | 0 | 0 |
| Federal RCRA Generators List | Property and adjoining | 0 | 0 | 0 |
| Federal ERNS List | Property only | 0 | 0 | 0 |
| State-Equivalent NPL | 1 mile | 0 | 0 | 0 |
| State-Equivalent CERCLIS | 1/2 mile | 0 | 0 | 0 |
| State Landfill and/or Solid Waste Disposal Site Lists | 1/2 mile | | | |
| State Registered Underground Storage Tank (UST) Lists | Property and adjoining | 0 | 0 | 0 |
| State Leaking Underground Storage Tank (LUST) Lists | 1/2 mile | 0 | 0 | 1 |

The ASTM regulatory database search reported 1 regulatory listing within the ASTM-designated distance search ranges. A leaking underground petroleum storage tank is mapped at the Waxahachie Quick Stop, approximately 0.10 mile east of the subject property. The status of this tank inactive due to corrective action taken in 2019 and continued compliance with TCEQ standards. The local topographic data indicates that runoff from the Quick Stop would flow generally east, away from the Summit property. The eastern flow of surface water prevents contamination of the subject property from stormwater runoff originating from the Quick Stop.

Research of neighboring properties revealed a metal recycling facility (Oak Cliff Metals), located north of the subject property which is designated as a RCRA generator. ASTM standards are concerned with RCRA generators on adjacent properties only. This facility is separated from the proposed project area by an agricultural tract of land that is not owned by Summit or Oak Cliff Metals; therefore, is not considered adjoining property. The local topographic data indicates that

runoff from the metal recycling facility away from the Summit property. The eastern flow of surface water prevents lead or other heavy metal contamination of the subject property from stormwater runoff originating from Oak Cliff Metals.

### 3.6 AIR QUALITY

The Clean Air Act requires the Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants that are common in outdoor air, considered harmful to public health and the environment, and that come from numerous and diverse sources. More stringent nonattainment area rules are established for those areas found to exceed the NAAQS. The proposed project area is in Ellis County which is subject to ozone nonattainment area rules applying to ozone (TCEQ, 2019).

### 3.7 NOISE

Existing noise levels in the vicinity of the proposed project area are moderate. Notable sources include traffic from IH-35 directly east of the project area and surrounding industrial facilities and businesses. The proposed firearm range design includes extensive sound proofing. There are no noise sensitive receptors within 0.25 mile of the proposed project area. Noise sensitive receptors include schools, hospitals, daycare facilities, elderly housing, and convalescent facilities. Life High School is located approximately 0.30 mile east of the subject property.

### 3.8 RECREATION

The proposed project area and surrounding property is privately owned and not in use or designated as a city, state, or federal recreational facility. Local, state, and federal recreational facilities such as parks, public swimming pools, and boat launches are operated and owned or overseen by government entities. Although not a city, state, or federal-designated recreational facility, the Summit does provide a learning opportunity for youth from the surrounding communities and the general public.

### 3.9 SAFETY

The proposed firearm range design exceeds National Rifle Association (NRA) and National Shooting Sport Foundation (NSSF) Design Guide safety standards.

Summit has implemented rules and procedures for the safe use of their ranges and safe operation of weapons. Summit has range safety officers to supervise range activities and to ensure safe use of their ranges. Patrons are required to sign an agreement stating acknowledgement of the safety rules and requiring that the patron understands and abides by those safety rules and direction from range safety officers while at Summit.

Lead containment systems within the indoor target range would collect and store the lead until a third-party company, licensed to perform the work, removes and recycles the lead following all applicable state and federal laws.

## 3.10 LOCAL ECONOMIC CONDITIONS

U.S. Census data from 2018 was gathered for the block group containing the proposed action area property, as well as the 4 surrounding block groups roughly centered on the proposed action area. Data for this area indicate the average median household income is $83,475 (Statistical Atlas, 2018). The 2018 national average of persons in poverty is 11.8 percent and median household income is $60,293 (Census, 2019). The surrounding area is above the national average in median income and below the national average in poverty. Although predominantly commercial, local businesses in the surrounding area see indirect economic contributions by patrons of the Summit facility who travel in from the surrounding region, potentially consuming gas, food, and similar items.

## 3.11 ENVIRONMENTAL JUSTICE

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs federal agencies to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority and low-income populations.

The Council on Environmental Quality (CEQ) guidance on environmental justice states that minority populations should be identified if the minority population in the project area "exceeds 50 percent" or if the percentage of minority population in the project area is meaningfully greater than the "minority population percentage in the general population or other appropriate unit of analysis" (CEQ 1997). Communities should be identified as "low income" based on the annual statistical poverty thresholds from the U.S. Census Bureau (CEQ, 1997).

Based on information provided in Section 3.10 (Local Economic Conditions) of this EA, there are no low-income communities near the proposed project area. Likewise, census data indicates 19.5 percent of individuals reporting as a racial minority near the proposed project area (Statistical Atlas, 2018). The 2018 national average of persons reporting as a racial minority is 42.1 percent (Census, 2018).

# CHAPTER 4
# ENVIRONMENTAL CONSEQUENCES

## 4.1 PHYSICAL ENVIRONMENT

### 4.1.1 Climate

Preferred Alternative and No Build Alternative – Neither alternative has the ability to measurably affect climate.

### 4.1.2 Geology and Soils

Preferred Alternative – There would be soil disturbance due to construction of the proposed training facility and parking lot. The majority of these areas have been previously cleared and leveled. Further, there would be no deep excavation in the proposed project area. Consequently, there would be no impacts anticipated to the site geology. The clay topsoils present in the proposed project area make exposed soils resistant to erosion. Best management practices (BMPs) would be used throughout construction, and any remaining exposed topsoil would be stabilized following project activities.

No Build Alternative – Summit would not begin construction activities for the new firearm facility. Consequently, no impact to geology and soils would occur within the proposed project area under the No Build Alternative.

### 4.1.3 Prime and Unique Farmland Soils

Preferred Alternative – 3.33 acres of the approximately 19.67-acre subject property would be developed (**Figure 2**). Consequently, a small amount of prime and unique farmland soils would be impacted under the Preferred Alternative. A NRCS Land Evaluation and Site Assessment (LESA) was conducted to determine the significance of impacts to the prime and unique farmlands, and the NRCS concluded that the project area was exempt from further consideration under the FPPA due to its low farmland conversion impact rating (**Appendix B**).

No Build Alternative – No impact to prime and unique farmland soils would occur within the proposed project area under the No Build Alternative.

### 4.1.4 Surface Water

Preferred Alternative – Some locations within the proposed project area would be leveled, or graded to accommodate stormwater runoff, which would not have a notable effect on stormwater drainage. Stormwater control best management practices would be utilized during construction. The need for permanent stormwater controls is not anticipated following completion of the project construction. No long-term water quality impacts would occur as a result of the Preferred Alternative. Further, this alternative would not alter rainfall drainage patterns or contaminate or otherwise adversely affect the public water supply, water treatment facilities, or water distribution systems.

No Build Alternative – No impact to surface water quality would occur within the proposed project area under the No Build Alternative.

### 4.1.5 Groundwater

Preferred Alternative and No Build Alternative – Groundwater would not be required for the proposed project. The project construction would involve shallow excavation which would not affect groundwater. No adverse effects to groundwater would occur as no use of or interaction with local groundwater would occur for either alternative.

### 4.1.6 Topography

Preferred Alternative – Some locations within the proposed project area would potentially be leveled, or gently graded towards existing slopes. Topography would not be significantly altered because the site is relatively flat.

No Build Alternative – Topography would not change within the project area under the No Build Alternative.

### 4.1.7 Floodplains

Preferred Alternative and No Build Alternative – The project area does not lie within or near any designated floodplain boundary; therefore, neither alternative would have an impact on floodplains.

## 4.2 BIOLOGICAL ENVIRONMENT

### 4.2.1 Vegetation

Preferred Alternative – An approximately 3.33-acre area of Bermudagrass, Johnson grass, and sorghum dominant herbaceous field would be impacted as a result of construction activities. Johnson grass is a non-native invasive species, Bermudagrass is a non-native species, and sorghum is a planted cultivar. A few native common hackberry trees and saplings would be impacted along a fence line. BMPs would be utilized to minimize impacts to surrounding vegetation. The project design for the Preferred Alternative includes the minimal practicable impacts to vegetation and minor impacts to existing vegetation would occur.

No Build Alternative – The area would continue in agricultural production with herbaceous species dominance.

### 4.2.2 Threatened and Endangered Species

In accordance with Section 7(a)(2) of the Endangered Species Act of 1973, as amended, federally funded, constructed, permitted, or licensed projects must take into consideration impacts to federally listed and proposed threatened or endangered species. TPWD coordination requested that state listed species be considered in the evaluation. Based on a review of TPWD, TXNDD, and USFWS records, no species occurrence or designated critical habitat for threatened and endangered species occurs in the proposed project area or adjacent to the project area. Of the species listed in **Table 1**, none have potential habitat in the project vicinity.

Preferred Alternative – Suitable stopover habitat was found for the whooping crane. No suitable habitat for the remaining listed species occurs on or near the project area. No species or sign of

their activity were visually or audibly observed during the field survey on November 18, 2020. House finches and house sparrows were the only bird species observed during the field survey. The survey found a fallow agricultural field, a narrow band of small trees along a fence line, and a large stock pond northwest of the survey area. Based on a review of TPWD, TXNDD, Ebird.org, and USFWS records, no species occurrence or designated critical habitat for threatened and endangered species occurs in the proposed project area or near the project area. Potential whooping crane habitat is present; however, there is a determination of no effect per USFWS Arlington Ecological Field Office due to the close proximity to Interstate 35. Whooping cranes are not tolerant of urban anthropogenic disturbance like the busy highway located within one-tenth of a mile of the project boundary (**Appendix D**). The project area is within the 95% whooping crane migratory corridor within Texas, but no records of whooping cranes occur within or near the project area. Consequently, there would be no effect to threatened, endangered, or candidate species or their critical habitat as a result of the Preferred Alternative.

No Build Alternative – Agricultural use of the proposed project area would continue. There would be no impact to threatened or endangered species or their critical habitat as a result of the No Build Alternative.

#### 4.2.2.1 Biological Evaluation and Determination of Effects

An Intra-Service Section 7 Biological Evaluation Form was completed in conjunction with this EA (**Appendix E**). This form outlines the determination of effects for federally listed endangered, threatened, and candidate species in relation to the Preferred Alternative actions. The determinations of effects are summarized below.

Preferred Alternative – The Preferred Alternative would have no effect to the whooping crane due to the lack of utilization of stopover habitat because of its proximity to Interstate 35. The Preferred Alternative would have no effect on the remaining listed species due to the absence of suitable habitat and the absence of federal and state listed T&E or candidate species in or near the proposed project area.

No Build Alternative – No effect for the listed species would occur under the No Build Alternative.

### 4.2.3 Other Wildlife Species

Preferred Alternative – Utilization of the proposed project area by other wildlife species is limited by the lack of tree coverage, fences, and the developed conditions of the project's vicinity. Wildlife species are unlikely to utilize the area except for small fauna that may utilize fallow fields and wooded fence lines. Wildlife species likely to utilize the project area would include birds, small terrestrial mammals, amphibians, reptiles, and insects that are tolerant of these modified conditions. Wildlife that could utilize the project area may experience some short-term displacement impact during the project construction. However, affected species are expected to disperse to adjacent areas outside of the construction zone. The affected species should re-colonize (or continue to utilize) areas on the property that are not subjected to the development activities and utilize the maintained open areas created by the proposed action. Birds present in the area may fall under the protection of the Migratory Bird Treaty Act (MBTA). Disturbance of

occupied nests including eggs, young, and nesting birds is prohibited under MBTA. If clearing of the fence line trees occurs during nesting season, vegetation in and adjacent to the clearing area would be surveyed for nests prior to the clearing activities. If nests are encountered, then work should cease immediately and TES or another qualified biologist should be contacted to survey and assist with MBTA compliance.

No significant, permanent, or long-term impacts to wildlife species are expected to occur under the Preferred Alternative.

No Build Alternative – Continued agricultural activities within the proposed project area would prevent biological succession thereby limiting potential wildlife utilization on the subject property.

### 4.2.4 Wetlands and other Waters of the United States

Preferred Alternative and No Build Alternative – TES performed a wetland delineation on November 18, 2020 and found that the proposed project area does not contain any wetlands or other waters of the U.S. Consequently, there would be no impacts to these resources under either alternative.

## 4.3 LAND USE

Preferred Alternative and No Build Alternative – Currently, the proposed project area is an herbaceous agricultural field. The city of Waxahachie designates land use for this property as Planned Development which is consistent with the intended use. Due to the minimal amount of disturbance of the property that would occur from the proposed action and the current land use designation, the proposed project activities would not result in adverse impacts to or substantial alteration of land use.

## 4.4 CULTURAL RESOURCES

Preferred Alternative – On November 24, 2020, Stone Point Services, LLC conducted a cultural resource survey of the proposed Summit at Breezy Acres Indoor Gun Range Facility. Field investigations revealed no newly recorded historic sites within the survey area and background research revealed no previously recorded sites within the survey area. We therefore find that this project will not impact NRHP listed, eligible, or potentially eligible structures or sites within the ROW. A coordination letter to the THC and a concurrence response (February 23, 2021) from SHPO can be found in **Appendix C**.

The Service consulted with the Tribes that have interests in Ellis County, Texas between March 31, 2021 and May 15, 2021 regarding this project. The Tribal consultation resulted in non-responses from the applicable Tribes.

In the event that archeological deposits or features should be encountered during construction, all operations in the area of potential effect would cease immediately and the Archeology Division of the THC would be contacted. Work would not resume until written authorization to proceed is issued by the Service after determination of appropriate actions to prevent the loss of significant cultural, religious, or scientific values.

No Build Alternative – No impact to cultural resources would occur as a result of the No Build Alternative.

## 4.5 HAZARDOUS MATERIALS

Preferred Alternative and No Build Alternative – No hazardous materials were found within the search criteria that would affect this project area. Therefore, there would be no impact from the hazardous materials to the Preferred Alternative or No Build Alternative.

## 4.6 AIR QUALITY

Preferred Alternative – Construction activities would likely cause a disturbance of soils in the proposed project area. Dust from this type of disturbance would become airborne during dry periods and could pose a nuisance to surrounding property owners and residents. Exhaust from construction equipment would be similar to that of nearby road and highway traffic. The project construction would not exceed NAAQS. Dust from construction activities can become a temporary and short-term nuisance for surrounding areas. The average annual wind speed for the Dallas Fort Worth Metroplex is 10.5 mph (NWS, 2021) and prevails from the south during most of the year (NOAA, 2020). Therefore, the periodic application of water to construction areas may be necessary to help reduce the airborne dust load during dry periods. There would be no permanent or long-term impact to air quality as a result of the Preferred Alternative.

No Build Alternative – No impacts to air quality would occur as a result of the No Build Alternative.

## 4.7 NOISE

Preferred Alternative – There are no noise sensitive receptors within 0.25 mile of the proposed project area. Noise sensitive receptors include schools, hospitals, daycare facilities, elderly housing, and convalescent facilities. Life High School is located approximately 0.30 mile east of the subject property. Noise levels associated with construction equipment and activities would be of a temporary nature. Construction activities would occur during the daytime when such activities are tolerable. Further, noise resulting from the project construction would be of an intermittent nature rather than constant. Due to the sound-reduction measures of the proposed indoor firearm facility, proximity to existing industrial facilities and IH-35, noise would be at or below ambient levels and would not likely affect noise sensitive receptors in the general area.

The firearm range is being constructed by the number one designer and constructor in the US, Rushing Air & Systems. Noise pollution is the major concern of the project and has been addressed. It will be totally state of the art with cement filled cinder block walls and triple insulated ceilings throughout that is well above the standard in the industry. The firearm range also has sound buffers on every baffle above the firing line and along the range walls themselves. Rounds shot on most modern firearm ranges can only be heard when one is right next to the walls. Rushing Air & Systems has calculated that the noise from the firearms will only be about 60% (0.60) the ambient sound in that area. This is true especially since the project is adjacent to IH-35 that has about 60,000 vehicles a day passing by the tract and the surrounding industrial facilities.

The contract with the TPWD is for the “life of the project” with a minimum 25-year term. All aspects of noise abatement, lead remediation, air handling and compliance with the NRA, NSSF, and EPA as well as with all federal laws will be strictly enforced and adhered to by the recipients.

See Section 1.2.

No Build Alternative – Implementation of the No Build Alternative would not result in an increase in noise levels in the proposed project area nor surrounding areas.

## 4.8 RECREATION

Preferred Alternative – The nature of the facility, in part, is to provide recreational opportunities to the public. The proposed project would result in an increase in capacity and variety of recreational usage at the firearm range. The firearm range would be available to youth from the surrounding communities and the general public as well.

No Build Alternative – Under the No Build Alternative, recreational services at the Summit would continue at their current level.

## 4.9 SAFETY

The Summit will implement extensive safety policies and procedures to ensure that activities on the subject property are safe for participants and others. The facility will in turn be designed and constructed to meet or exceed safety standards set forth by state guidelines. Regarding Summit’s lead management plan, there would be no environmental impact because the lead containment and removal activities would be performed following all applicable state and federal laws.

Lead Remediation is a primary responsibility of the project. The project will be totally compliant with the National Shooting Sports Association and EPA lead containment requirements. These include certified projective recovery and air quality standards. The range air handling equipment is designed to move the air 75 linear feet per minute which is well above the required 60 linear feet per minute.

The contract with the TPWD is for the “life of the project” with a minimum 25-year term. All aspects of noise abatement, lead remediation, air handling and compliance with the NRA, NSSF and EPA as well as with all federal laws will be strictly enforced and adhered to by the recipients.

Preferred Alternative and No Build Alternative – Neither the Preferred Alternative nor the No Build Alternative would adversely affect public safety.

## 4.10 LOCAL ECONOMIC CONDITIONS

Preferred Alternative – Minority and low-income populations are not shown to be prevalent near the project area. No adverse impacts to these populations are anticipated as a result of the Preferred Alternative. Due to the nature of the Preferred Alternative, no disproportionately high and adverse human health or environmental impacts are anticipated. Additionally, the Preferred Alternative would not result in any displacements.

The Preferred Alternative would result in an expansion of services that would provide a positive impact due to increased use of the area. Locally, users traveling to the facility would result in an increase in sales of gas, food, and other similar products. The construction and operation of the indoor firearm range would provide employment opportunities.

No Build Alternative – There would be no change to the local economy from the implementation of the No Build Alternative.

### 4.11 ENVIRONMENTAL JUSTICE

Preferred Alternative – Based on information provided in Section 3.10 (Local Economic Conditions) of this EA, there are no low-income and or minority communities near the proposed project area. The Preferred Alternative would not result in adverse effects to low income or minority populations. The Summit facility will be open to the general public, the Preferred Alternative will provide the nearby community with access to an affordable and nearby range and access to archery safety and training classes.

No Build Alternative – No impacts would occur to minority and low-income populations under the No Build Alternative.

# CHAPTER 5
# CUMULATIVE EFFECTS

Preferred Alternative – An analysis of cumulative effects is intended to disclose the incremental impacts that the alternatives could cause when considered in the context of impacts associated with past, present, and reasonably foreseeable future actions. Based on information provided in this EA, it has been determined that the implementation of the Preferred Alternative would result in minimal impacts to the human environment and natural environment. It has been further determined that the cumulative effects are expected to be minimal to non-existent in the reasonably foreseeable future.

No Build Alternative – Cumulative effects to the human environment and natural environment would not occur under the No Build Alternative.

# CHAPTER 6
# COORDINATION WITH AGENCIES

Under the USFWS Grant Program, Summit has worked closely with the USFWS and TPWD to ensure compliance with the Grant requirements and other requirements, including preparation of this EA. In addition, coordination letters were sent to the USFWS, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, TPWD, THC, and TCEQ to inform them of the proposed project and to solicit their input regarding the performance of the EA. Copies of the agency coordination letters and agency responses are provided in **Appendix D**.

# CHAPTER 7
# PUBLIC INVOLVEMENT PROCESS

In order to help make the public aware of the proposed project, the Summit placed a public outreach statement flyer on social media and their website. The information describes the proposed facility elements, need and purpose of the project, and funding support through the USFWS' Wildlife and Sport Fish Restoration Grant Program in collaboration with the TPWD. The public outreach statement was posted on Monday, February 10, 2021.

Information in the public outreach statement directs the public to contact the Summit regarding any questions or comments they may have on the proposed project and the preparation of the environmental assessment, and to contact the TPWD regarding any questions on the grant administration process. To date, neither the Summit nor the TPWD have received any questions or comments regarding the proposed project. **Appendix F** contains a copy of the public outreach statement.

# CHAPTER 8
# ENVIRONMENTAL COMMITMENTS

The planning process for the Summit proposed firearm range included environmentally protective measures. Further, such measures are planned for use during the construction of the proposed project and for on-going site maintenance. The following is a summary of those protective measures:

- The proposed firearm range would be located in an area with no surface waters or jurisdictional Waters of the United States.
- Site placement utilizes a relatively flat terrace to minimize the need for ground disturbance and earth moving operations during construction.
- Construction BMPs will be utilized to protect and minimize impacts to soils, vegetation, and downgradient surface waters.
- If whooping cranes migrate to the off-project area stock pond or into the project area, construction work would cease and would not resume until the whooping cranes have left the area.
- No cultural resources were found, and no previously recorded sites occur on or near the project area. In the event that archeological deposits or features should be encountered during construction, work would cease immediately, and the Archeology Division of the THC would be contacted for further consultation.
- Vegetation removal will either occur outside of bird nesting season or, if clearing occurs during bird nesting season, vegetation in and adjacent to the clearing area will be surveyed for nests prior to the clearing activities. If nests are encountered, then work would cease immediately and TES or another qualified biologist will be contacted to survey and assist with MBTA compliance.

# CHAPTER 9
# CONCLUSION

Based on the analysis presented in this EA, Summit proposes implementation of the Preferred Alternative which consists of the development of a firearm range at Breezy Acres. The results of the final EA will conclude whether the construction of the Preferred Alternative would result in significant impacts on the quality of human health or the environment. The finale EA will also include the determination of effects to the listed threatened and endangered species with potential to occur in Ellis County. It is the opinion of TES that the Preferred Alternative would result in no significant impacts on the quality of human health or the environment. It is also the opinion of USFWS and TES that the Preferred Alternative will have no effect on the listed threatened and endangered species with potential to occur in Ellis County.

## CHAPTER 10
## PREPARERS

This environmental assessment document was prepared by the following individuals:

**Titanium Environmental Services, LLC**

• Laura Rectenwald, Senior Scientist/Professional Geoscientist – Laura has 25 years of experience in performing environmental assessments. She obtained a Master of Science in Environmental Science from Baylor University and a Ph.D. in Forestry from Stephen F. Austin State University.

• Jeff Williams, Natural Resources Manager - Jeff has served in the biological science field 20 years with a natural resource focus over the past 12 years. Jeff has a Bachelor of Science in Biology from West Texas A&M University and a Wetland Science and Management Certification from the University of Washington.

• Anna Claire Williamson, Environmental Scientist – Anna Claire has been involved with natural resource related projects for over 2.5 years with Titanium Environmental Services, LLC. Anna Claire received a Bachelor of Science in Biology from the Texas A&M University, College Station, Texas, and a Master of Science in Environmental Science from Stephen F. Austin University.

• Shannon Urbanek, Environmental Scientist – Shannon has been involved with biological surveys and related environmental projects with Titanium Environmental Services, LLC for the past 2 years. Shannon received a Bachelor of Science in Environmental Science from American Public University.

• Joe Mars, GIS Specialist – Joe has 7 plus years as a Geographic Information Systems specialist. Joe has a Bachelor of Science in Environmental Science from Stephen F. Austin State University.

**Stone Point Services, LLC**

• Todd McMakin, Archaeologist - Todd McMakin, Senior Archaeologist for Stone Point Services, LLC. Todd received his B.A. in Anthropology from the College of Charleston in 1991 and his M.A. in Anthropology from the University of Southern Mississippi in 1995. Todd has been working in the field of archeology for 30 years and has been acting as Principal Investigator on projects for over 25 years.

## CHAPTER 11
## BIBLIOGRAPHY

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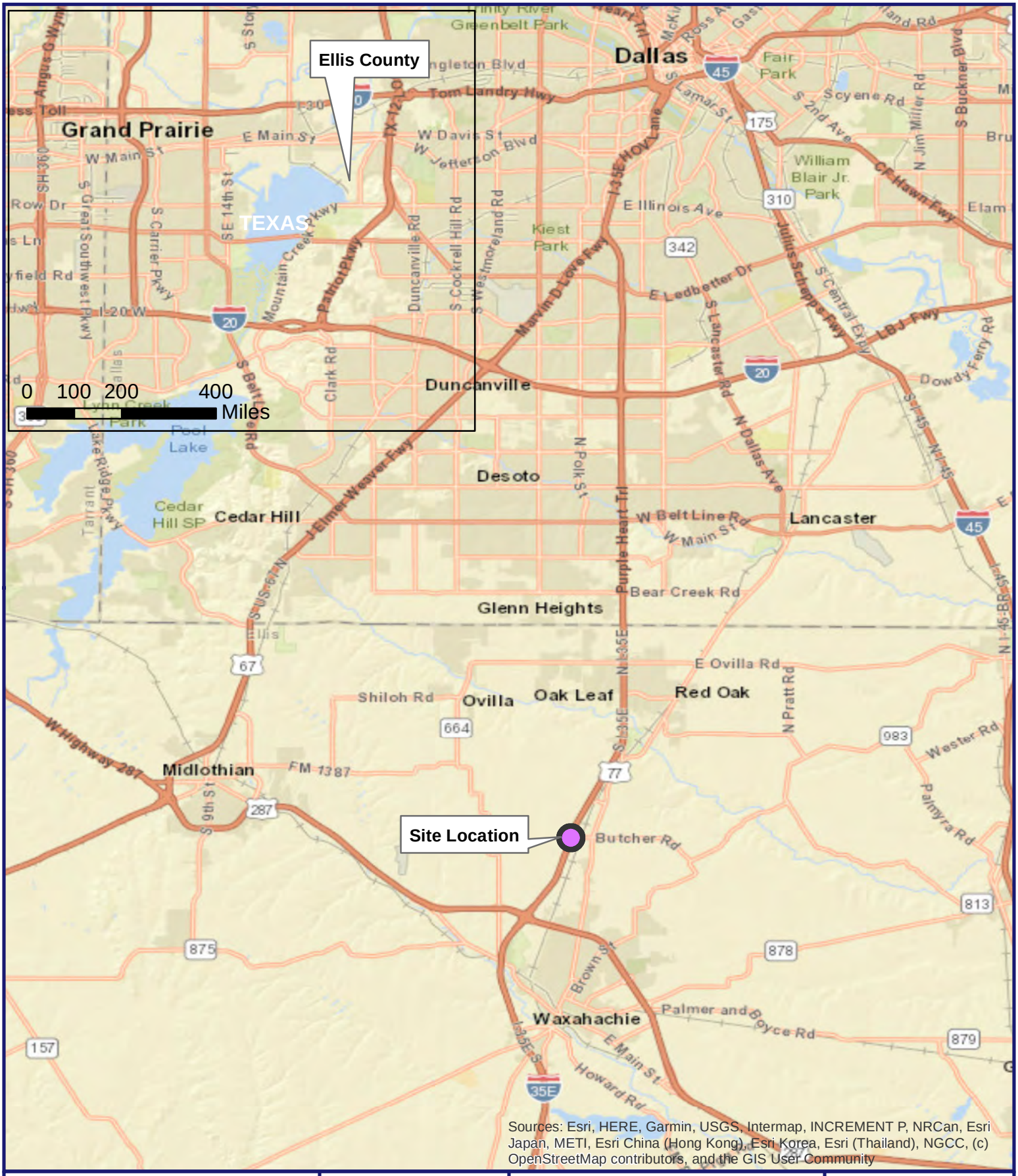
# Figures



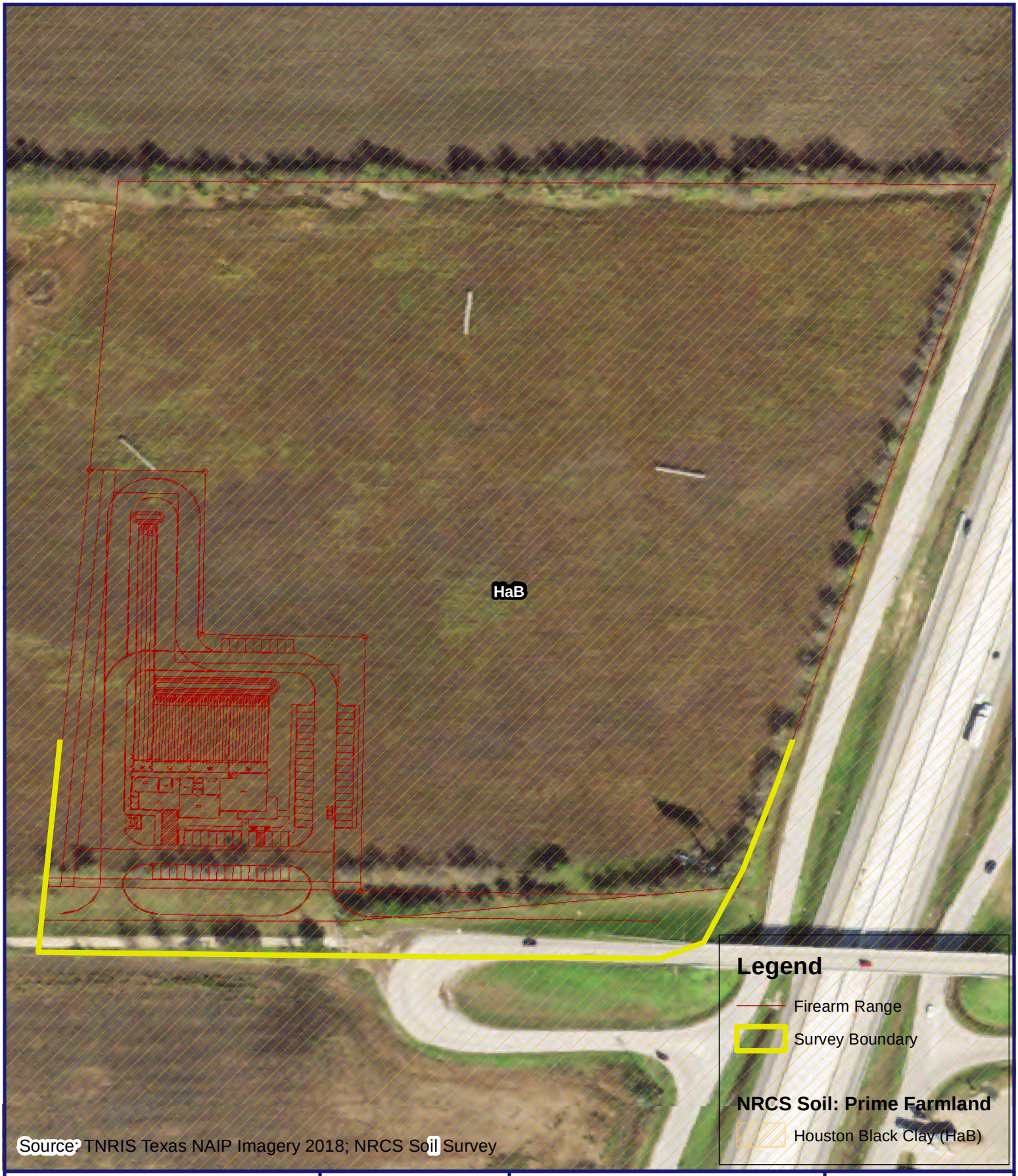

| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | CLIENT | PROJECT DESCRIPTION | FIGURE 1 |
|---|---|---|---|
| | Summit at Breezy Acres | Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas | Site Vicinity Map |

0 2.5 5 10 Miles

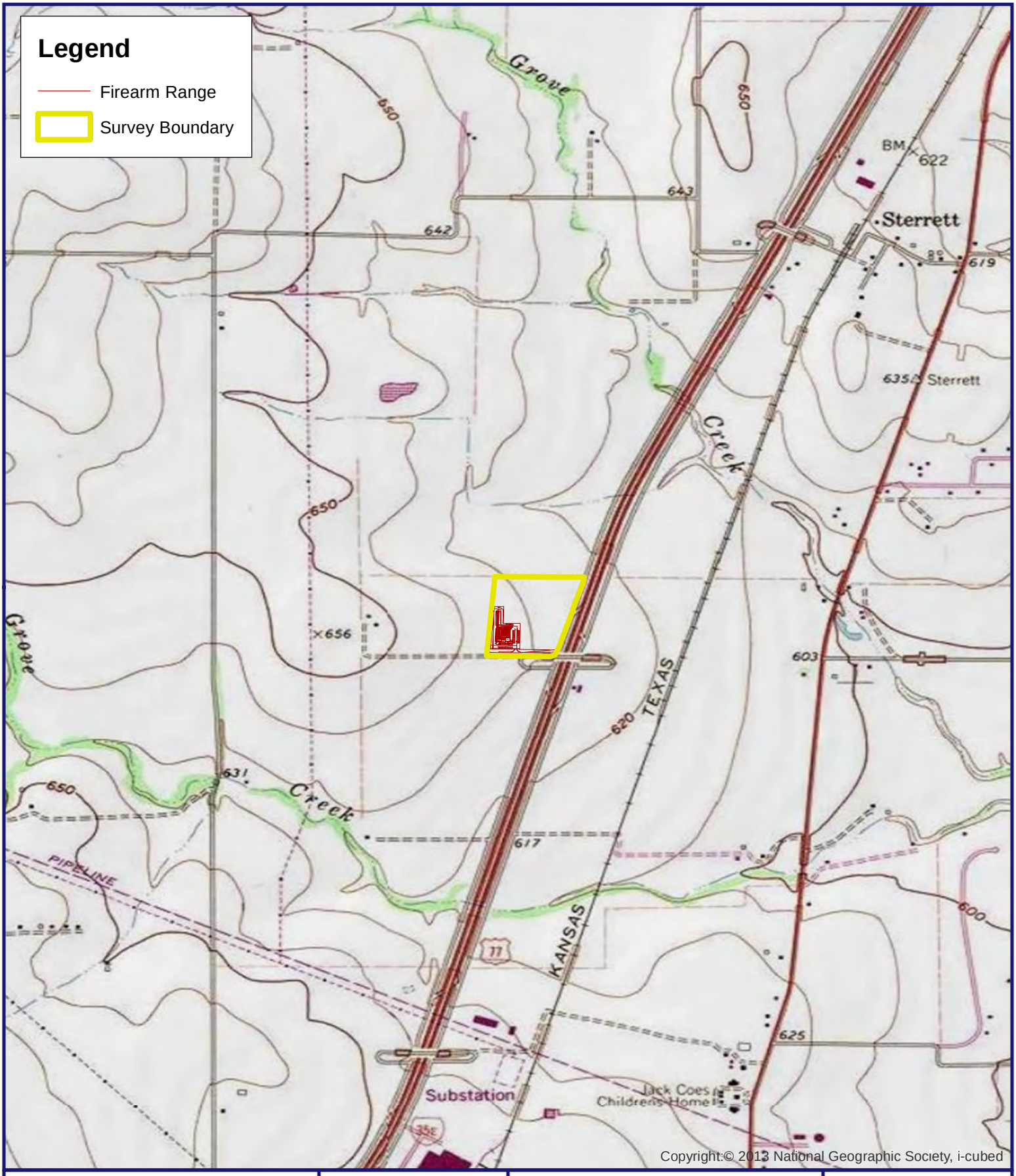
N

Created by: AC Williamson
Date: 11/23/2020
Revised by: AC Williamson
Date: 3/2/2021

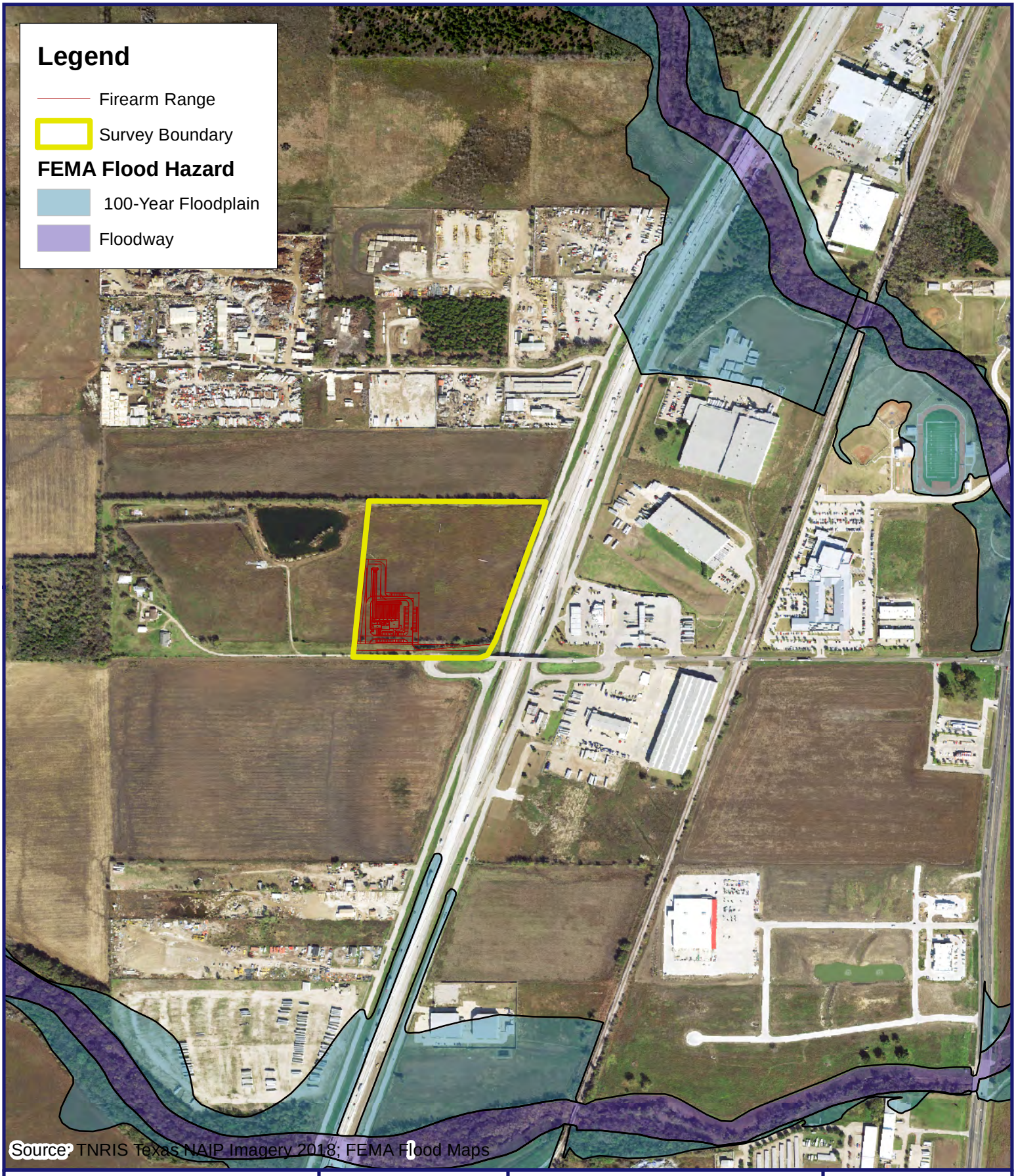

| | | |
|---|---|---|
| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | **CLIENT**<br>Summit at Breezy Acres | **PROJECT DESCRIPTION**<br>Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas |
| 0 125 250 500 Feet<br>N | | **FIGURE 2**<br>Project Layout Map |
| | | Created by: AC Williamson<br>Date: 11/17/2020<br>Revised by: AC Williamson<br>Date: 3/2/2021 |




| | | |
|---|---|---|
| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | **CLIENT**<br>Summit at Breezy Acres | **PROJECT DESCRIPTION**<br>Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas |
| 0 62.5 125 250 375 500 Feet<br>N | | **FIGURE 3**<br>NRCS Ellis County Soils Map |
| | | Created by: AC Williamson<br>Date: 11/23/2020<br>Revised by: AC Williamson<br>Date: 4/5/2021 |




| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | CLIENT | PROJECT DESCRIPTION | FIGURE 4 |
|---|---|---|---|
| | Summit at Breezy Acres | Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas | USGS Topographic Map |
| | 0 1,250 2,500 5,000 Feet<br>N | | Created by: AC Williamson<br>Date: 11/23/2020<br>Revised by: AC Williamson<br>Date: 4/13/2021 |

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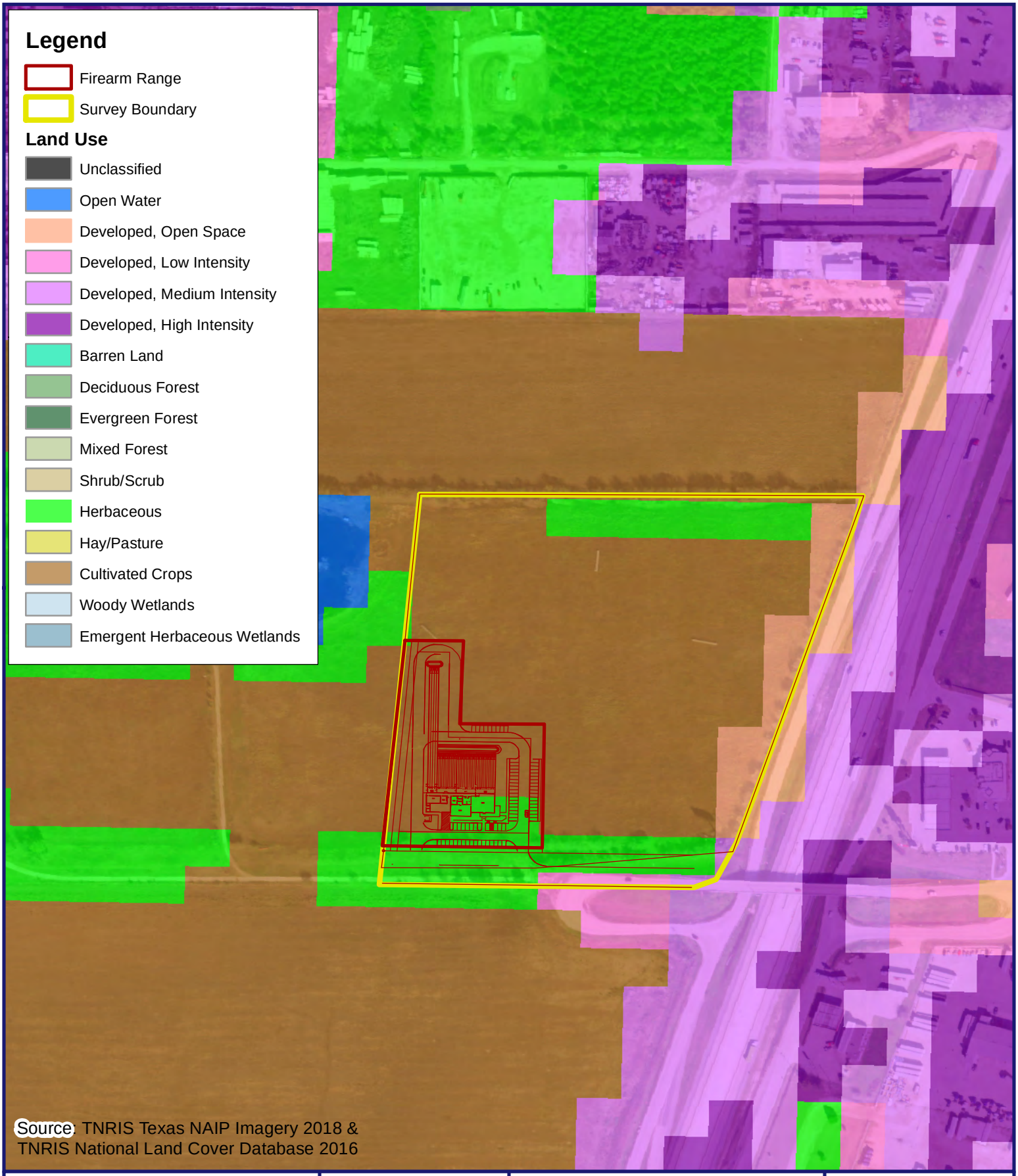
|---|---|---|
| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | **CLIENT**<br>Summit at Breezy Acres | **PROJECT DESCRIPTION**<br>Summit at Breezy Acres Gun Range Environmental Assessment |
| 0 500 1,000 2,000 Feet<br>N | | **FIGURE 5**<br>FEMA 100-Year Floodplain Map |
| | | Created by: AC Williamson<br>Date: 11/17/2020<br>Revised by: AC Williamson<br>Date: 4/13/2021 |

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|---|---|---|
| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | **CLIENT**<br>Summit at Breezy Acres | **PROJECT DESCRIPTION**<br>Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas |
| | **FIGURE 6**<br>Land Use Map | |
| 0 125 250 500 750 1,000 Feet<br>N | Created by: AC Williamson<br>Date: 11/23/2020<br>Revised by: AC Williamson<br>Date: 3/2/2021 | |

# Appendix A
# Representative Site Photos

**Summit at Breezy Acres Gun Range**
**Environmental Assessment**
**Waxahachie, Ellis County, Texas**
**REPRESENTATIVE SITE PHOTOS**
**November 18, 2020**

Photo 1: Facing west along the eastern edge of the recently baled herbaceous field within the project area.

Photo 2: Representative uncut vegetation within the herbaceous field of the project area.

**Summit at Breezy Acres Gun Range**
**Environmental Assessment**
**Waxahachie, Ellis County, Texas**
**REPRESENTATIVE SITE PHOTOS**
**November 18, 2020**

Photo 3: Facing west on the southern edge of the project area along the fence line near the southern project boundary.

Photo 4: Facing south on the southern edge of the project area.

Photo 5: Facing east on the eastern edge of the project area showing the gas station across I-35E.

Photo 6: Facing west showing the stock pond northwest of the project boundary.

Photo 7: Facing southeast showing the herbaceous field of the project area and FM 387.

# Appendix B
# NRCS Farmland Conversion Consultation

United States Department of Agriculture

Natural Resources
Conservation Service

State Office

101 S. Main Street
Temple, TX 76501
Voice 254.742.9800
Fax 254.742.9819

Attention: Anna Claire Williamson

Subject: The Summit at Breezy Arches Shooting Range
NEPA/FPPA Evaluation

We have reviewed the information provided in your correspondence concerning the proposed project This review is part of the National Environmental Policy Act (NEPA) evaluation. We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed site may involve areas of Prime Farmland; however, we consider the location to be exempt from provisions of FPPA due it's impact rating of **57**. The FPPA laws and regulations state that a project with an impact rating less than **160** needs no further consideration.

We strongly encourage the use of acceptable erosion control methods during the construction of this project.

If you have further questions, please contact me at 505-516-7822 or by email at mark.palmer@tx.usda.gov.

Sincerely,

Mark V. Palmer Jr. Digitally signed by Mark V. Palmer Jr.
Date: 2021.04.19 15:01:01 -05'00'

Mark V. Palmer Jr.
NRCS Cartographic Technician

Attachment: None

U.S. Department of Agriculture

# FARMLAND CONVERSION IMPACT RATING

| | |
|---|---|
| **PART I** *(To be completed by Federal Agency)* | Date Of Land Evaluation Request 4/14/2021 |
| Name of Project The Summit at Breezy Acres | Federal Agency Involved U.S. Fish and Wildlife Service |
| Proposed Land Use Firearm Range | County and State Ellis County, Texas |
| **PART II** *(To be completed by NRCS)* | Date Request Received By NRCS / Person Completing Form: |
| Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)* YES ☐ NO ☐ | Average Farm Size |
| Farmable Land In Govt. Jurisdiction Acres: % | Amount of Farmland As Defined in FPPA Acres: % |
| | Date Land Evaluation Returned by NRCS |

| **PART III** *(To be completed by Federal Agency)* | Alternative Site Rating | | | |
|---|---|---|---|---|
| | Site A | Site B | Site C | Site D |
| A. Total Acres To Be Converted Directly | 3.33 | 3.33 | 3.68 | 3.68 |
| B. Total Acres To Be Converted Indirectly | 0 | 0 | 0 | 0 |
| C. Total Acres In Site | 3.33 | 3.33 | 3.68 | 3.68 |
| **PART IV** *(To be completed by NRCS)* Land Evaluation Information | | | | |
| A. Total Acres Prime And Unique Farmland | | | | |
| B. Total Acres Statewide Important or Local Important Farmland | | | | |
| C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted | | | | |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value | | | | |
| **PART V** (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points) | | | | |

| **PART VI** *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)* | **Maximum Points** | Site A | Site B | Site C | Site D |
|---|---|---|---|---|---|
| 1. Area In Non-urban Use | (15) | 9 | 6 | 8 | 10 |
| 2. Perimeter In Non-urban Use | (10) | 9 | 5 | 8 | 10 |
| 3. Percent Of Site Being Farmed | (20) | 20 | 20 | 20 | 20 |
| 4. Protection Provided By State and Local Government | (20) | 0 | 0 | 0 | 0 |
| 5. Distance From Urban Built-up Area | (15) | 5 | 0 | 0 | 5 |
| 6. Distance To Urban Support Services | (15) | 0 | 0 | 0 | 0 |
| 7. Size Of Present Farm Unit Compared To Average | (10) | 0 | 0 | 0 | 0 |
| 8. Creation Of Non-farmable Farmland | (10) | 6 | 6 | 6 | 6 |
| 9. Availability Of Farm Support Services | (5) | 3 | 3 | 3 | 3 |
| 10. On-Farm Investments | (20) | 0 | 0 | 0 | 0 |
| 11. Effects Of Conversion On Farm Support Services | (10) | 0 | 0 | 0 | 0 |
| 12. Compatibility With Existing Agricultural Use | (10) | 5 | 5 | 5 | 5 |
| TOTAL SITE ASSESSMENT POINTS | 160 | 57 | 45 | 50 | 59 |
| **PART VII** ***(To be completed by Federal Agency)*** | | | | | |
| Relative Value Of Farmland *(From Part V)* | 100 | 0 | 0 | 0 | 0 |
| Total Site Assessment *(From Part VI above or local site assessment)* | 160 | 57 | 45 | 50 | 59 |
| **TOTAL POINTS** ***(Total of above 2 lines)*** | 260 | 57 | 45 | 50 | 59 |

Site Selected: Site A | Date Of Selection 4/14/2021 | Was A Local Site Assessment Used? YES ☑ NO ☐

Reason For Selection:

The southwest corner of the property (Site A) was chosen for its availability for purchase and development, road accessibility, and minimal construction footprint.

Name of Federal agency representative completing this form: Anna Claire Williamson | Date: 4/19/2021

*(See Instructions on reverse side)*

**Form AD-1006 (03-02)**

## STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, http://fppa.nrcs.usda.gov/lesa/.

Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s)of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map**,** or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)

Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.

Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.

Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.

Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

## INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

*(For Federal Agency)*

**Part I**: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

**Part III**: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

**Part VI**: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

**Part VII:** In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.
Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \text{ X } 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

# Appendix C
# Threatened and Endangered Species List

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.



## Location

Ellis County, Texas


## Local office

Arlington Ecological Services Field Office

(817) 277-1100
(817) 277-1129

2005 Ne Green Oaks Blvd
Suite 140
Arlington, TX 76006-6247

http://www.fws.gov/southwest/es/arlingtontexas/
http://www.fws.gov/southwest/es/EndangeredSpecies/lists/

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.



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1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Birds

| NAME | STATUS |
|---|---|

| | |
|---|---|
| Piping Plover Charadrius melodus<br>This species only needs to be considered if the following condition applies:<br>• Wind Energy Projects<br>There is **final** critical habitat for this species. The location of the critical habitat is not available.<br>https://ecos.fws.gov/ecp/species/6039 | Threatened |
| Red Knot Calidris canutus rufa<br>Wherever found<br>This species only needs to be considered if the following condition applies:<br>• Wind Energy Projects<br>No critical habitat has been designated for this species.<br>https://ecos.fws.gov/ecp/species/1864 | Threatened |
| Whooping Crane Grus americana<br>There is **final** critical habitat for this species. The location of the critical habitat is not available.<br>https://ecos.fws.gov/ecp/species/758 | Endangered |

## Clams

| NAME | STATUS |
|---|---|
| Texas Fawnsfoot Truncilla macrodon<br>Wherever found<br>No critical habitat has been designated for this species.<br>https://ecos.fws.gov/ecp/species/8965 | Candidate |

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.



| NAME | BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.) |
|---|---|
| American Golden-plover Pluvialis dominica<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. | Breeds elsewhere |

Bald Eagle Haliaeetus leucocephalus — Breeds Sep 1 to Jul 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
https://ecos.fws.gov/ecp/species/1626

Buff-breasted Sandpiper Calidris subruficollis — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9488

Harris's Sparrow Zonotrichia querula — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Lesser Yellowlegs Tringa flavipes — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9679

Long-billed Curlew Numenius americanus — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/5511

Marbled Godwit Limosa fedoa — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9481

Red-headed Woodpecker Melanerpes erythrocephalus — Breeds May 10 to Sep 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Semipalmated Sandpiper Calidris pusilla — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Swallow-tailed Kite Elanoides forficatus — Breeds Mar 10 to Jun 30

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/8938

Willet Tringa semipalmata — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

# Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

**Probability of Presence** (▪)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

**Breeding Season** (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

**Survey Effort** (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

**No Data** (–)
A week is marked as having no data if there were no survey events for that week.

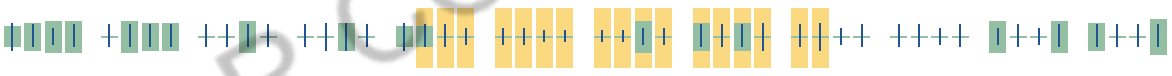
**Survey Timeframe**
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Lesser Yellowlegs BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Long-billed Curlew BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Marbled Godwit BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Red-headed Woodpecker BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Semipalmated Sandpiper BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Swallow-tailed Kite BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Willet BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

**What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

**Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

**What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

**Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting

point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

# Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

## Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

# Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the NWI map to view wetlands at this location.

**Data limitations**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

**Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

**Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Last Update: 5/21/2020

# ELLIS COUNTY

## AMPHIBIANS

**cajun chorus frog** *Pseudacris fouquettei*

Aquatic and terrestrial: Habitats of this ground-dwelling frog are diverse and include forests, fields, swamps, marshes, irrigation ditches, and temporarily flooded areas (Bartlett and Bartlett 1999, Lemmon et al. 2008). Eggs are laid in small clusters that adhere to submerged vegetationin shallow temporary pools, ditches, and flooded areas where emergent vegetation or a grassy margin is present (Dundee and Rossman 1989).

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: SU

**southern crawfish frog** *Lithobates areolatus areolatus*

Terrestrial and aquatic: The terrestial habitat is primarily grassland and can vary from pasture to intact prairie; it can also include small prairies ir the middle of large forested areas. Aquatic habitat is any body of water but preferred habitat is ephemeral wetlands.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G4T4 State Rank: S3

**Strecker's chorus frog** *Pseudacris streckeri*

Terrestrial and aquatic: Wooded floodplains and flats, prairies, cultivated fields and marshes. Likes sandy substrates.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S3

**Woodhouse's toad** *Anaxyrus woodhousii*

Terrestrial and aquatic: A wide variety of terrestrial habitats are used by this species, including forests, grasslands, and barrier island sand dunes. Aquatic habitats are equally varied.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: SU

## BIRDS

**bald eagle** *Haliaeetus leucocephalus*

Found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S3B,S3N

**Black Rail** *Laterallus jamaicensis*

Salt, brackish, and freshwater marshes, pond borders, wet meadows, and grassy swamps; nests in or along edge of marsh, sometimes on damp ground, but usually on mat of previous years dead grasses; nest usually hidden in marsh grass or at base of Salicornia

Federal Status: PT State Status: T SGCN: Y
Endemic: N Global Rank: G3G4 State Rank: S2

# ELLIS COUNTY

## BIRDS

**Franklin's gull** *Leucophaeus pipixcan*

This species is only a spring and fall migrant throughout Texas. It does not breed in or near Texas. Winter records are unusual consisting of one or a few individuals at a given site (especially along the Gulf coastline). During migration, these gulls fly during daylight hours but often come down to wetlands, lake shore, or islands to roost for the night.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S2N |

**interior least tern** *Sternula antillarum athalassos*

Sand beaches, flats, bays, inlets, lagoons, islands. Subspecies is listed only when inland (more than 50 miles from a coastline); nests along sand and gravel bars within braided streams, rivers; also know to nest on man-made structures (inland beaches, wastewater treatment plants, gravel mines, etc); eats small fish and crustaceans, when breeding forages within a few hundred feet of colony

| | | |
|---|---|---|
| Federal Status: LE | State Status: E | SGCN: Y |
| Endemic: N | Global Rank: G4T3Q | State Rank: S1B |

**piping plover** *Charadrius melodus*

Beaches, sandflats, and dunes along Gulf Coast beaches and adjacent offshore islands. Also spoil islands in the Intracoastal Waterway. Based on the November 30, 1992 Section 6 Job No. 9.1, Piping Plover and Snowy Plover Winter Habitat Status Survey, algal flats appear to be the highest quality habitat. Some of the most important aspects of algal flats are their relative inaccessibility and their continuous availability throughout all tidal conditions. Sand flats often appear to be preferred over algal flats when both are available, but large portions of sand flats along the Texas coast are available only during low-very low tides and are often completely unavailable during extreme high tides or strong north winds. Beaches appear to serve as a secondary habitat to the flats associated with the primary bays, lagoons, and inter-island passes. Beaches are rarely used on the southern Texas coast, where bayside habitat is always available, and are abandoned as bayside habitats become available on the central and northern coast. However, beaches are probably a vital habitat along the central and northern coast (i.e. north of Padre Island) during periods of extreme high tides that cover the flats. Optimal site characteristics appear to be large in area, sparsely vegetated, continuously available or in close proximity to secondary habitat, and with limited human disturbance.

| | | |
|---|---|---|
| Federal Status: LT | State Status: T | SGCN: Y |
| Endemic: N | Global Rank: G3 | State Rank: S2N |

**Rufa Red Knot** *Calidris canutus rufa*

Red knots migrate long distances in flocks northward through the contiguous United States mainly April-June, southward July-October. A small plump-bodied, short-necked shorebird that in breeding plumage, typically held from May through August, is a distinctive and unique pottery orange color. Its bill is dark, straight and, relative to other shorebirds, short-to-medium in length. After molting in late summer, this species is in a drab gray-and-white non-breeding plumage, typically held from September through April. In the non-breeding plumage, the knot might be confused with the omnipresent Sanderling. During this plumage, look for the knot’s prominent pale eyebrow and whitish flanks with dark barring. The Red Knot prefers the shoreline of coast and bays and also uses mudflats during rare inland encounters. Primary prey items include coquina clam (Donax spp.) on beaches and dwarf surf clam (Mulinia lateralis) in bays, at least in the Laguna Madre. Wintering Range includes- Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kennedy, Kleberg, Matagorda, Nueces, San Patricio, and Willacy. Habitat: Primarily seacoasts on tidal flats and beaches, herbaceous wetland, and Tidal flat/shore.

| | | |
|---|---|---|
| Federal Status: LT | State Status: T | SGCN: Y |
| Endemic: N | Global Rank: G4T2 | State Rank: SNRN |

# ELLIS COUNTY

## BIRDS

**western burrowing owl** *Athene cunicularia hypugaea*

Open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G4T4 | State Rank: S2 |

**white-faced ibis** *Plegadis chihi*

Prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; currently confined to near-coastal rookeries in so-called hog-wallow prairies. Nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats.

| | | |
|---|---|---|
| Federal Status: | State Status: T | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S4B |

**whooping crane** *Grus americana*

Small ponds, marshes, and flooded grain fields for both roosting and foraging. Potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties.

| | | |
|---|---|---|
| Federal Status: LE | State Status: E | SGCN: Y |
| Endemic: N | Global Rank: G1 | State Rank: S1N |

**wood stork** *Mycteria americana*

Prefers to nest in large tracts of baldcypress (Taxodium distichum) or red mangrove (Rhizophora mangle); forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960

| | | |
|---|---|---|
| Federal Status: | State Status: T | SGCN: Y |
| Endemic: N | Global Rank: G4 | State Rank: SHB,S2N |

## INSECTS

**American bumblebee** *Bombus pensylvanicus*

Habitat description is not available at this time.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: | Global Rank: G3G4 | State Rank: SNR |

**No accepted common name** *Arethaea ambulator*

Habitat description is not available at this time.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: | Global Rank: GNR | State Rank: SNR |

# ELLIS COUNTY

## INSECTS

**No accepted common name** *Amblycorypha uhleri*

Habitat description is not available at this time.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: | Global Rank: G2G3 | State Rank: SNA |

## MAMMALS

**American badger** *Taxidea taxus*

Generalist. Prefers areas with soft soils that sustain ground squirrels for food. When inactive, occupies underground burrow. Young are born in underground burrows.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S5 |

**big brown bat** *Eptesicus fuscus*

Any wooded areas or woodlands except south Texas. Riparian areas in west Texas.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S5 |

**cave myotis bat** *Myotis velifer*

Colonial and cave-dwelling; also roosts in rock crevices, old buildings, carports, under bridges, and even in abandoned Cliff Swallow (Hirundo pyrrhonota) nests; roosts in clusters of up to thousands of individuals; hibernates in limestone caves of Edwards Plateau and gypsum cave of Panhandle during winter; opportunistic insectivore.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G4G5 | State Rank: S4 |

**eastern red bat** *Lasiurus borealis*

Found in a variety of habitats in Texas. Usually associated with wooded areas. Found in towns especially during migration.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: N |
| Endemic: N | Global Rank: G3G4 | State Rank: S4 |

**eastern spotted skunk** *Spilogale putorius*

Generalist; open fields prairies, croplands, fence rows, farmyards, forest edges & woodlands. Prefer wooded, brushy areas & tallgrass prairies. S.p. ssp. interrupta found in wooded areas and tallgrass prairies, preferring rocky canyons and outcrops when such sites are available.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G4 | State Rank: S1S3 |

**hoary bat** *Lasiurus cinereus*

Known from montane and riparian woodland in Trans-Pecos, forests and woods in east and central Texas.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: N |
| Endemic: N | Global Rank: G3G4 | State Rank: S4 |

# ELLIS COUNTY

## MAMMALS

**long-tailed weasel** *Mustela frenata*

Includes brushlands, fence rows, upland woods and bottomland hardwoods, forest edges & rocky desert scrub. Usually live close to water.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S5 |

**Mexican free-tailed bat** *Tadarida brasiliensis*

Roosts in buildings in east Texas. Largest maternity roosts are in limestone caves on the Edwards Plateau. Found in all habitats, forest to desert.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S5 |

**mink** *Neovison vison*

Intimately associated with water; coastal swamps & marshes, wooded riparian zones, edges of lakes. Prefer floodplains.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S4 |

**mountain lion** *Puma concolor*

Generalist; found in a wide range of habitats statewide. Found most frequently in rugged mountains & riparian zones.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S2S3 |

**plains spotted skunk** *Spilogale putorius interrupta*

Generalist; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: N |
| Endemic: N | Global Rank: G4T4 | State Rank: S1S3 |

**southeastern myotis bat** *Myotis austroriparius*

Caves are rare in Texas portion of range; buildings, hollow trees are probably important. Historically, lowland pine and hardwood forests with large hollow trees; associated with ecological communities near water. Roosts in cavity trees of bottomland hardwoods, concrete culverts, and abandoned man-made structures.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G4 | State Rank: S3 |

**southern short-tailed shrew** *Blarina carolinensis*

Found in East Texas pine forests and agricultural land. May favor areas with abundant leaf litter and fallen logs (Baumgardner et al. 1992). Nest sites are probably under logs, stumps and other debris.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S4 |

# ELLIS COUNTY

## MAMMALS

**swamp rabbit** *Sylvilagus aquaticus*

Primarily found in lowland areas near water including: cypress bogs and marshes, floodplains, creeks and rivers.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S5 |

**thirteen-lined ground squirrel** *Ictidomys tridecemlineatus*

Prefers short grass prairies with deep soils for burrowing. Frequently found in grazed ranchland, mowed pastures, and golf courses.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S5 |

**tricolored bat** *Perimyotis subflavus*

Forest, woodland and riparian areas are important. Caves are very important to this species.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G2G3 | State Rank: S3S4 |

**western hog-nosed skunk** *Conepatus leuconotus*

Habitats include woodlands, grasslands & deserts, to 7200 feet, most common in rugged, rocky canyon country; little is known about the habitat of the ssp. telmalestes

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G4 | State Rank: S4 |

**woodland vole** *Microtus pinetorum*

Include grassy marshes, swamp edges, old-field/pine woodland ecotones, tallgrass fields; generally sandy soils.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S3 |

## MOLLUSKS

**Louisiana pigtoe** *Pleurobema riddellii*

Occurs in small streams to large rivers in slow to moderate currents in substrates of clay, mud, sand, and gravel. Not known from impoundments (Howells 2010f; Randklev et al. 2013b; Troia et al. 2015). [Mussels of Texas 2019]

| | | |
|---|---|---|
| Federal Status: | State Status: T | SGCN: Y |
| Endemic: N | Global Rank: G1G2 | State Rank: S1 |

**sandbank pocketbook** *Lampsilis satura*

Occurs in small streams to large rivers in slow to moderate current in sandy mud to sand and gravel substrate. Can occur in a variety of habitats but most common in littoral habitats such as banks or backwaters or in protected areas along point bars (Randklev et al. 2013b; Randklev et al. 2014a; Troia et al. 2015). [Mussels of Texas 2019]

| | | |
|---|---|---|
| Federal Status: | State Status: T | SGCN: Y |
| Endemic: | Global Rank: G2? | State Rank: S1 |

# ELLIS COUNTY

## MOLLUSKS

**Texas heelsplitter** *Potamilus amphichaenus*

Occurs in small streams to large rivers in standing to slow-flowing water; most common in banks, backwaters and quiet pools; adapts to some reservoirs. Often found in soft substrates such as mud, silt or sand (Howells et al. 1996; Randklev et al. 2017a). [Mussels of Texas 2019]

| | | |
|---|---|---|
| Federal Status: | State Status: T | SGCN: Y |
| Endemic: N | Global Rank: G1G3 | State Rank: S1 |

**Trinity pigtoe** *Fusconaia chunii*

Found in a variety of habitats but most common in riffles. Inhabits various substrates though most often sand, gravel, and cobble (species was recently split from Texas Pigtoe and occurs in similar habitats; Howells 2010a; Randklev et al. 2013b; Randklev et al. 2014a; Troia et al 2015). [Mussels of Texas 2019]

| | | |
|---|---|---|
| Federal Status: | State Status: T | SGCN: N |
| Endemic: Y | Global Rank: GNR | State Rank: S1 |

## REPTILES

**alligator snapping turtle** *Macrochelys temminckii*

Aquatic: Perennial water bodies; rivers, canals, lakes, and oxbows; also swamps, bayous, and ponds near running water; sometimes enters brackish coastal waters. Females emerge to lay eggs close to the waters edge.

| | | |
|---|---|---|
| Federal Status: | State Status: T | SGCN: Y |
| Endemic: N | Global Rank: G3G4 | State Rank: S2 |

**common garter snake** *Thamnophis sirtalis*

Terrestrial and aquatic: Habitats used include the grasslands and modified open areas in the vicinity of aquatic features, such as ponds, streams or marshes. Damp soils and debris for cover are thought to be critical.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: N |
| Endemic: | Global Rank: G5 | State Rank: S2 |

**eastern box turtle** *Terrapene carolina*

Terrestrial: Eastern box turtles inhabit forests, fields, forest-brush, and forest-field ecotones. In some areas they move seasonally from fields in spring to forest in summer. They commonly enters pools of shallow water in summer. For shelter, they burrow into loose soil, debris, mud, old stump holes, or under leaf litter. They can successfully hibernate in sites that may experience subfreezing temperatures.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S3 |

**slender glass lizard** *Ophisaurus attenuatus*

Terrestrial: Habitats include open grassland, prairie, woodland edge, open woodland, oak savannas, longleaf pine flatwoods, scrubby areas, fallow fields, and areas near streams and ponds, often in habitats with sandy soil.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S3 |

# ELLIS COUNTY

## REPTILES

**Texas garter snake** *Thamnophis sirtalis annectens*

Terrestrial and aquatic: Habitats used include the grasslands and modified open areas in the vicinity of aquatic features, such as ponds, streams or marshes. Damp soils and debris for cover are thought to be critical.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: Y | Global Rank: G5T4 | State Rank: S1 |

**Texas horned lizard** *Phrynosoma cornutum*

Terrestrial: Open habitats with sparse vegetation, including grass, prairie, 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. Occurs to 6000 feet, but largely limited below the pinyon-juniper zone on mountains in the Big Bend area.

| | | |
|---|---|---|
| Federal Status: | State Status: T | SGCN: Y |
| Endemic: N | Global Rank: G4G5 | State Rank: S3 |

**timber (canebrake) rattlesnake** *Crotalus horridus*

Terrestrial: Swamps, floodplains, upland pine and deciduous woodland, riparian zones, abandoned farmland. Limestone bluffs, sandy soil or black clay. Prefers dense ground cover, i.e. grapevines, palmetto.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G4 | State Rank: S4 |

**western box turtle** *Terrapene ornata*

Terrestrial: Ornate or western box trutles inhabit prairie grassland, pasture, fields, sandhills, and open woodland. They are essentially terrestrial but sometimes enter slow, shallow streams and creek pools. For shelter, they burrow into soil (e.g., under plants such as yucca) (Converse et al. 2002) or enter burrows made by other species.

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G5 | State Rank: S3 |

## PLANTS

**Engelmann's bladderpod** *Physaria engelmannii*

Grasslands and calcareous rock outcrops in a band along the eastern edge of the Edwards Plateau, ranging as far north as the Red River (Carr 2015).

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: N | Global Rank: G4 | State Rank: S3 |

**Hall's prairie clover** *Dalea hallii*

In grasslands on eroded limestone or chalk and in oak scrub on rocky hillsides;  Perennial; Flowering May-Sept; Fruiting June-Sept

| | | |
|---|---|---|
| Federal Status: | State Status: | SGCN: Y |
| Endemic: Y | Global Rank: G3 | State Rank: S2 |

# Appendix D
# Agency Coordination

TITANIUM ENVIRONMENTAL SERVICES, LLC

P.O. Box 4029
Longview, Texas 75606-4029

Phone (903) 234-8443
Fax (903) 234-1641

January 13, 2021

United States Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Re: Summit at Breezy Acres, LLC (Summit Indoor Target Range)
Environmental Assessment

Dear Sir or Madam:

This letter is to notify you that the Summit at Breezy Acres (Summit) is preparing an Environmental Assessment (EA) pursuant to Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500-1508). Financial assistance for this project is being provided through a grant under the Wildlife and Sport Fish Restoration Program from the United States Fish and Wildlife Service (USFWS) that will be administered by the Texas Parks and Wildlife Department (TPWD). The program is authorized by the Wildlife Restoration Act (Pittman-Roberson PR) of 1937.

The Proposed Action is to construct, operate, and maintain an indoor target range facility to provide hunter education, instruction, train the public in the safe and responsible use of firearms and provide a safe shooting experience. The construction and operation of the indoor shooting center would accommodate youth and adults of Waxahachie and in surrounding communities of the greater Dallas Fort Worth Metroplex with an opportunity to learn about and develop firearm skills. The proposed location of The Summit Shooting Center is at 5375 N. IH 35E, Waxahachie, Texas (**Figures 1 and 2**). The proposed footprint of development would be approximately 3.3 acres within an upland field of the Breezy Acres Ranch. Within this footprint would be the following:

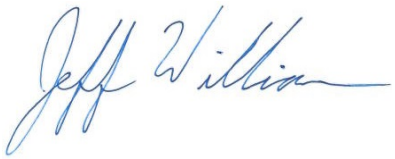
- One large classroom
- 12-lane, 25-yard indoor gun range with state-of-the-art targeting systems
- Future expansion: Two 12-lane, 25-yard indoor gun ranges with state-of-the-art targeting systems and a 5-lane, 100-yard indoor gun range for rifle sight-ins
- Registration/retail area
- Employee break room
- Inventory room
- Gunsmith room
- Restroom facilities

The EA will describe the need for and purpose of the proposed project, alternatives under consideration, the affected environment, and will assess the potential environmental effects of the alternatives.

To help ensure that the EA addresses environmental resource categories for which your agency manages or has the responsibility to regulate, it is requested that you provide any comments or recommendations you may have regarding the performance of the EA. We look forward to receiving your comments.

Please send any correspondence and information regarding this request to the attention of Mr. Jeff Williams at Titanium Environmental Services, LLC, at 311 East Cotton Street, Longview, TX 75606 or by e-mail at jwilliams@titaniumenvironmental.com. If you have any questions regarding this matter, I can be contacted by phone at (903) 234-8443 or by the email listed above. Thank you for your consideration of this request.

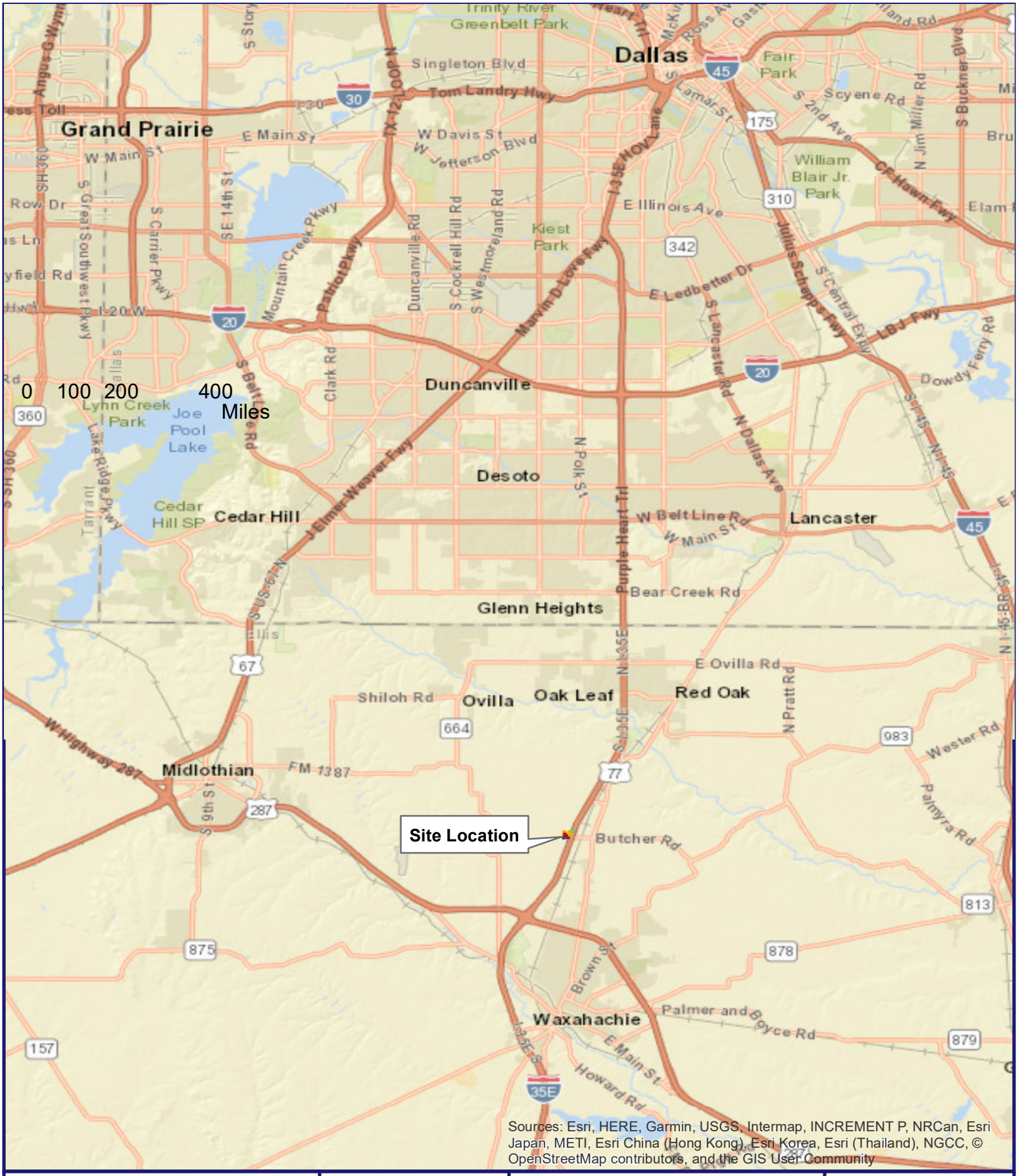
Sincerely,



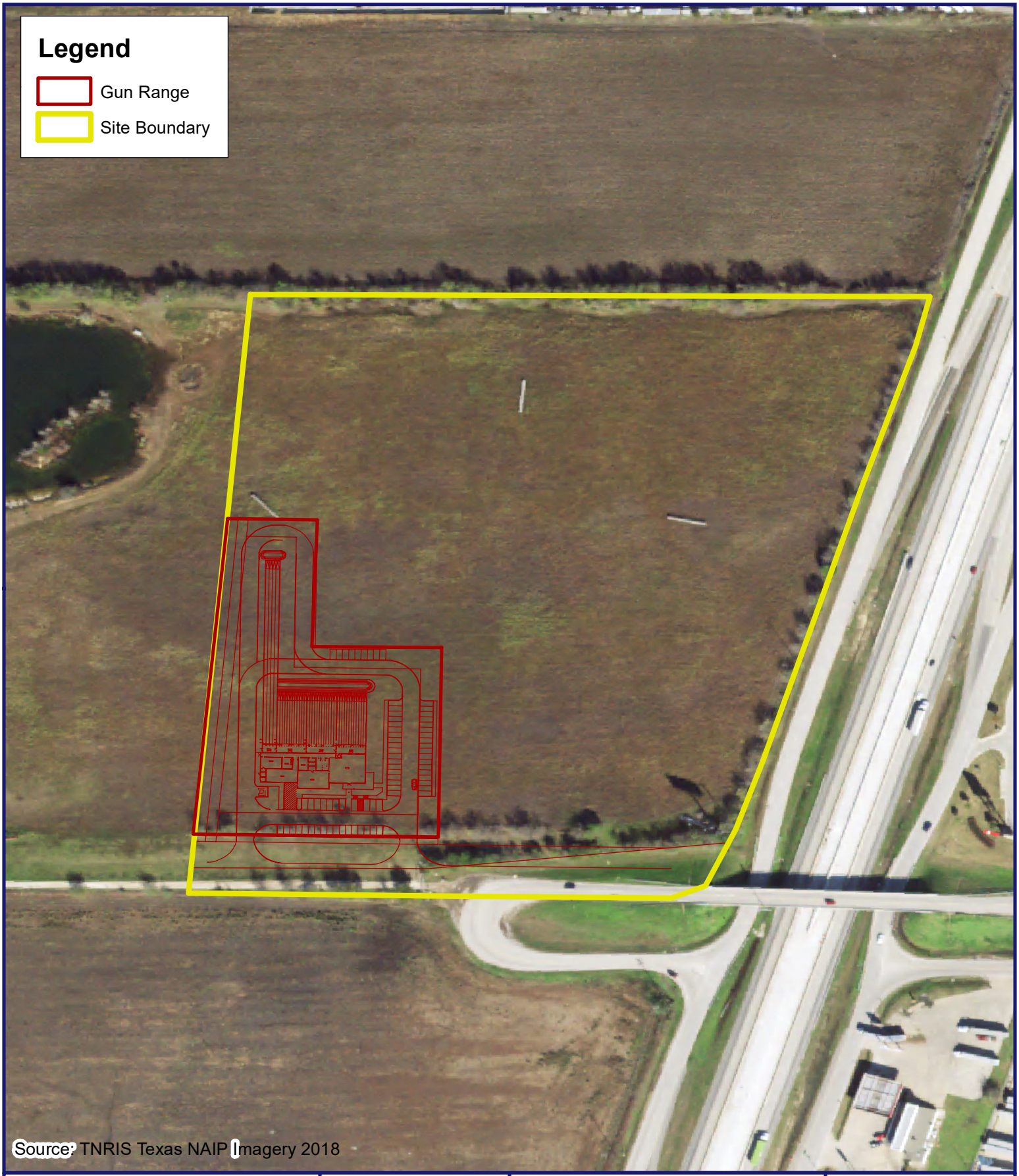
Jeff Williams
Natural Resources Manager

Attachments

CC: Mr. Ray Porter (Managing Member – Summit at Breezy Acres, LLC.
Mr. Renán Zambrano (TPWD – Target Range Grants)




| | CLIENT | PROJECT DESCRIPTION | FIGURE 1 |
|---|---|---|---|
| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | Summit at Breezy Acres | Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas | Site Vicinity Map |
| | 0 1.5 3 6 9 Miles | N | Created by: AC Williamson<br>Date: 11/23/2020<br>Revised by:<br>Date: |




| | | |
|---|---|---|
| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | **CLIENT**<br>Summit at Breezy Acres | **PROJECT DESCRIPTION**<br>Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas |
| | **FIGURE 2**<br>Project Layout Map | |
| 0 87.5 175 350 525 700 Feet N | Created by: AC Williamson<br>Date: 11/17/2020<br>Revised by: AC Williamson<br>Date: 11/23/2020 | |

TITANIUM ENVIRONMENTAL SERVICES, LLC

P.O. Box 4029
Longview, Texas 75606-4029

Phone (903) 234-8443
Fax (903) 234-1641

January 13, 2021

Texas Commission on Environmental Quality
Air Quality – MC-163
P.O. Box 13087
Austin, TX 78711-3087

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- Gunsmith room
- Restroom facilities

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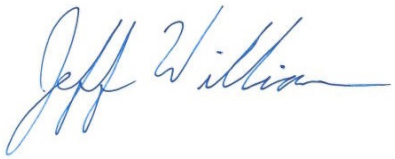

Jeff Williams
Natural Resources Manager

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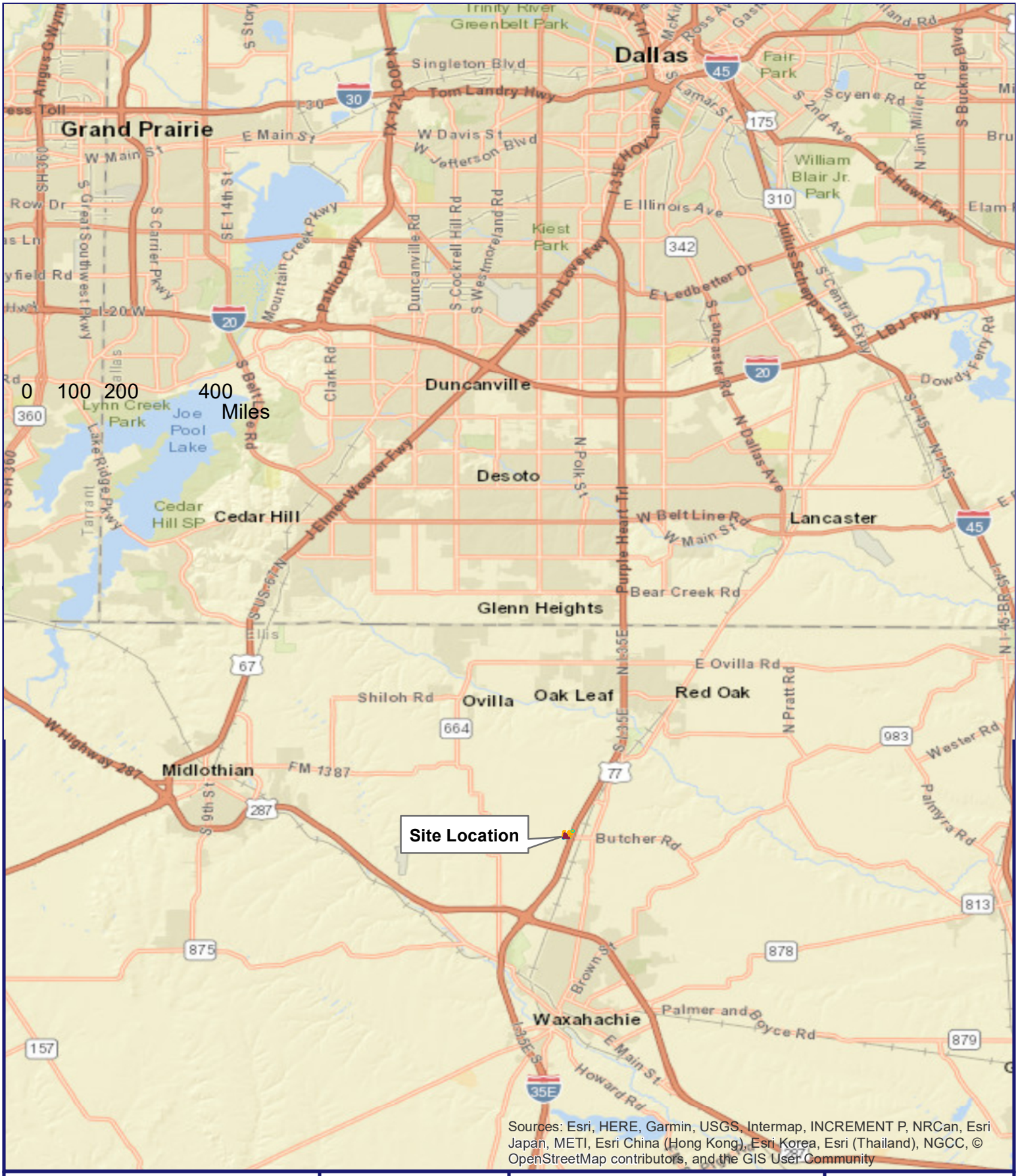
CC: Mr. Ray Porter (Managing Member – Summit at Breezy Acres, LLC.
Mr. Renán Zambrano (TPWD – Target Range Grants)

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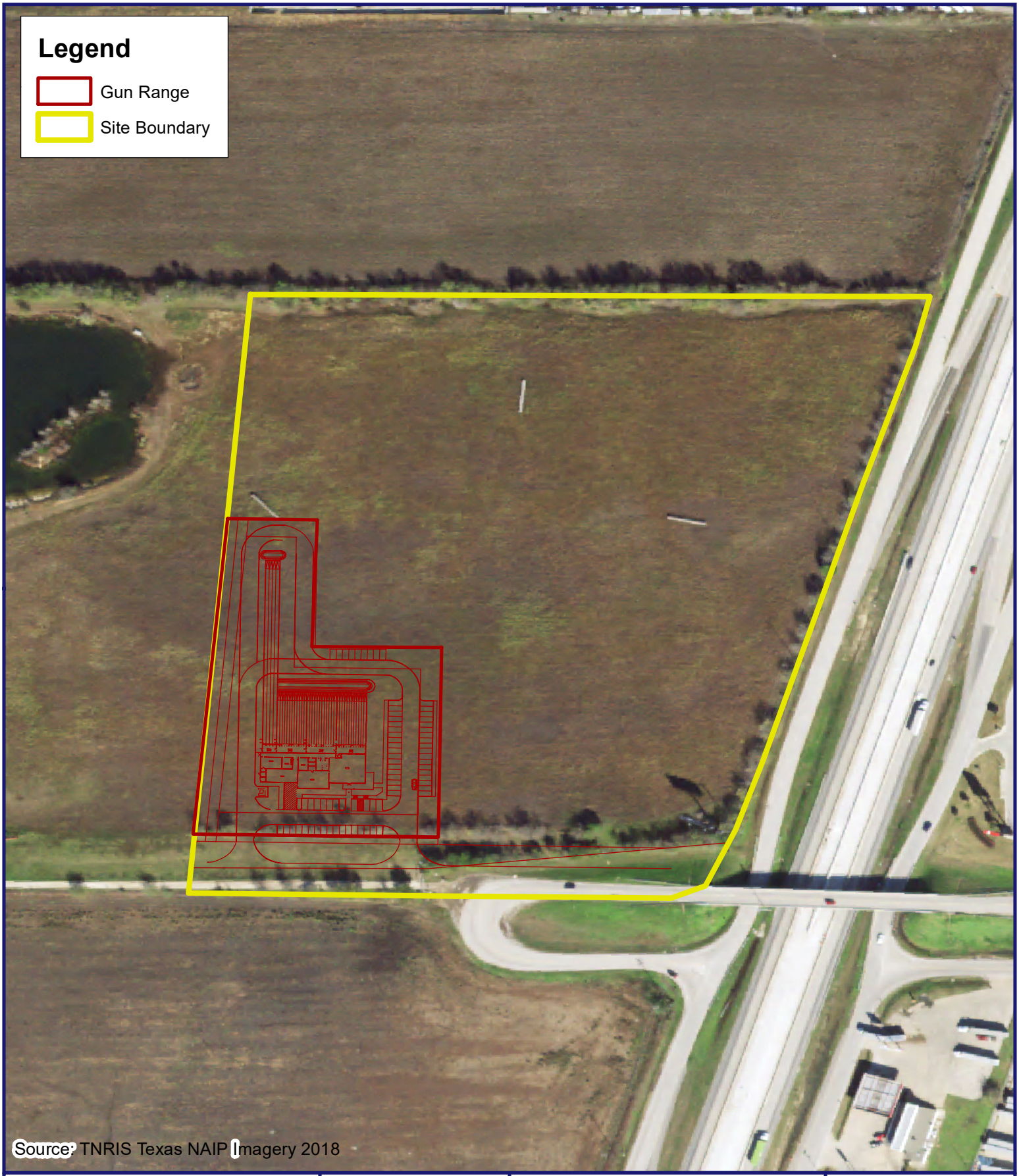


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TITANIUM ENVIRONMENTAL SERVICES, LLC

P.O. Box 4029
Longview, Texas 75606-4029

Phone (903) 234-8443
Fax (903) 234-1641

January 13, 2021

Texas Commission on Environmental Quality
Water Quality – MC-148
P.O. Box 13087
Austin, TX 78711-3087

Re: Summit At Breezy Acres, LLC (Summit Center Indoor Target Range)
Environmental Assessment

Dear Sir or Madam:

This letter is to notify you that the Summit at Breezy Acres (Summit) is preparing an Environmental Assessment (EA) pursuant to Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500-1508). Financial assistance for this project is being provided through a grant under the Wildlife and Sport Fish Restoration Program from the United States Fish and Wildlife Service (USFWS) that will be administered by the Texas Parks and Wildlife Department (TPWD). The program is authorized by the Wildlife Restoration Act (Pittman-Roberson PR) of 1937.

The Proposed Action is to construct, operate, and maintain an indoor target range facility to provide hunter education, instruction, train the public in the safe and responsible use of firearms and provide a safe shooting experience. The construction and operation of the indoor shooting center would accommodate youth and adults of Waxahachie and in surrounding communities of the greater Dallas Fort Worth Metroplex with an opportunity to learn about and develop firearm skills. The proposed location of The Summit Shooting Center is at 5375 N. IH 35E, Waxahachie, Texas (**Figures 1 and 2**). The proposed footprint of development would be approximately 3.3 acres within an upland field of the Breezy Acres Ranch. Within this footprint would be the following:

- One large classroom
- 12-lane, 25-yard indoor gun range with state-of-the-art targeting systems
- Future expansion: Two 12-lane, 25-yard indoor gun ranges with state-of-the-art targeting systems and a 5-lane, 100-yard indoor gun range for rifle sight-ins
- Registration/retail area
- Employee break room
- Inventory room
- Gunsmith room
- Restroom facilities

The EA will describe the need for and purpose of the proposed project, alternatives under consideration, the affected environment, and will assess the potential environmental effects of the alternatives.

To help ensure that the EA addresses environmental resource categories for which your agency manages or has the responsibility to regulate, it is requested that you provide any comments or recommendations you may have regarding the performance of the EA. We look forward to receiving your comments.

Please send any correspondence and information regarding this request to the attention of Mr. Jeff Williams at Titanium Environmental Services, LLC, at 311 East Cotton Street, Longview, TX 75606 or by e-mail at jwilliams@titaniumenvironmental.com. If you have any questions regarding this matter, I can be contacted by phone at (903) 234-8443 or by the email listed above. Thank you for your consideration of this request.

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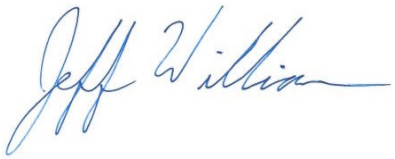
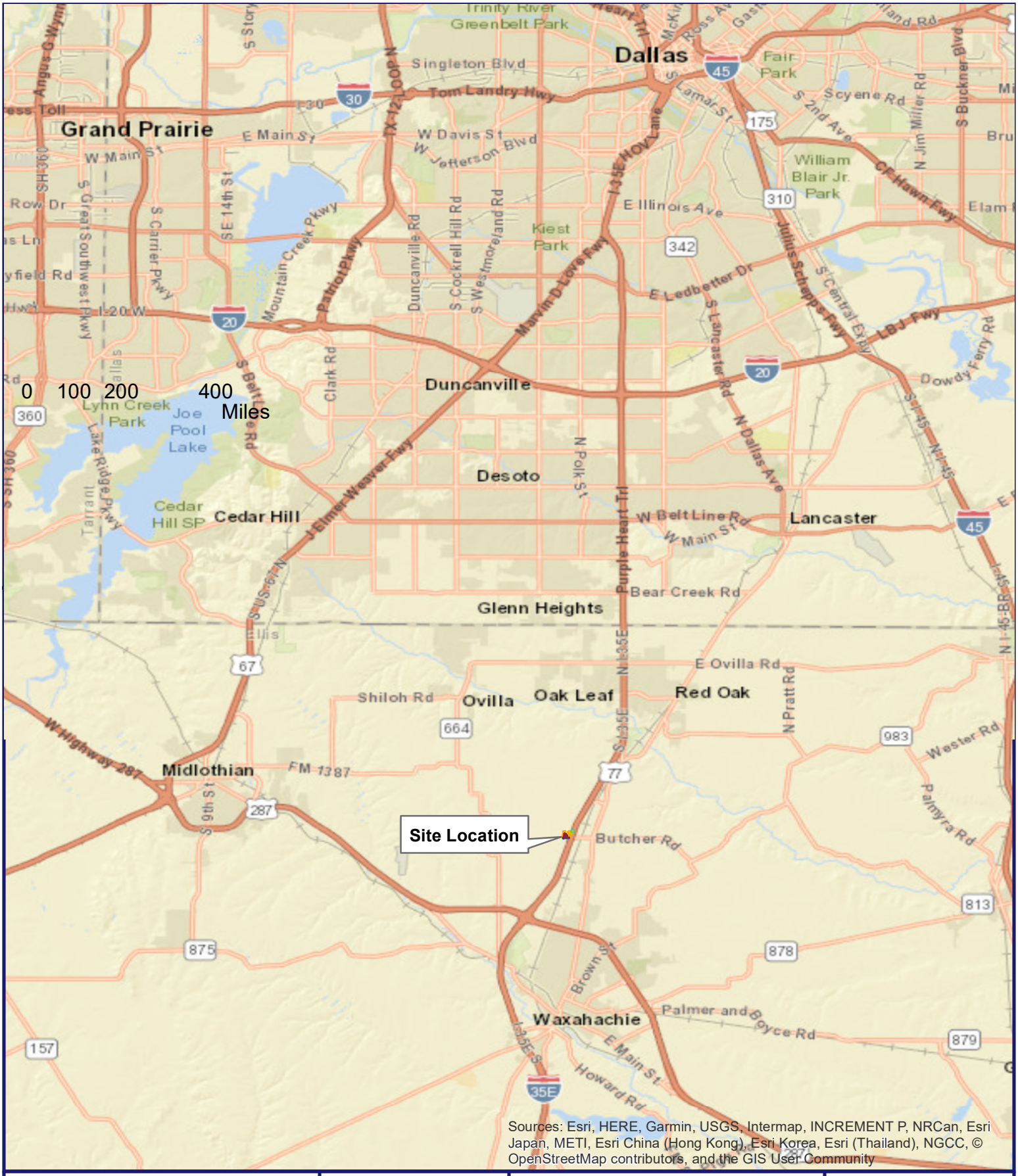


Jeff Williams
Natural Resources Manager

Attachments

CC: Mr. Ray Porter (Managing Member – Summit at Breezy Acres, LLC.
Mr. Renán Zambrano (TPWD – Target Range Grants)

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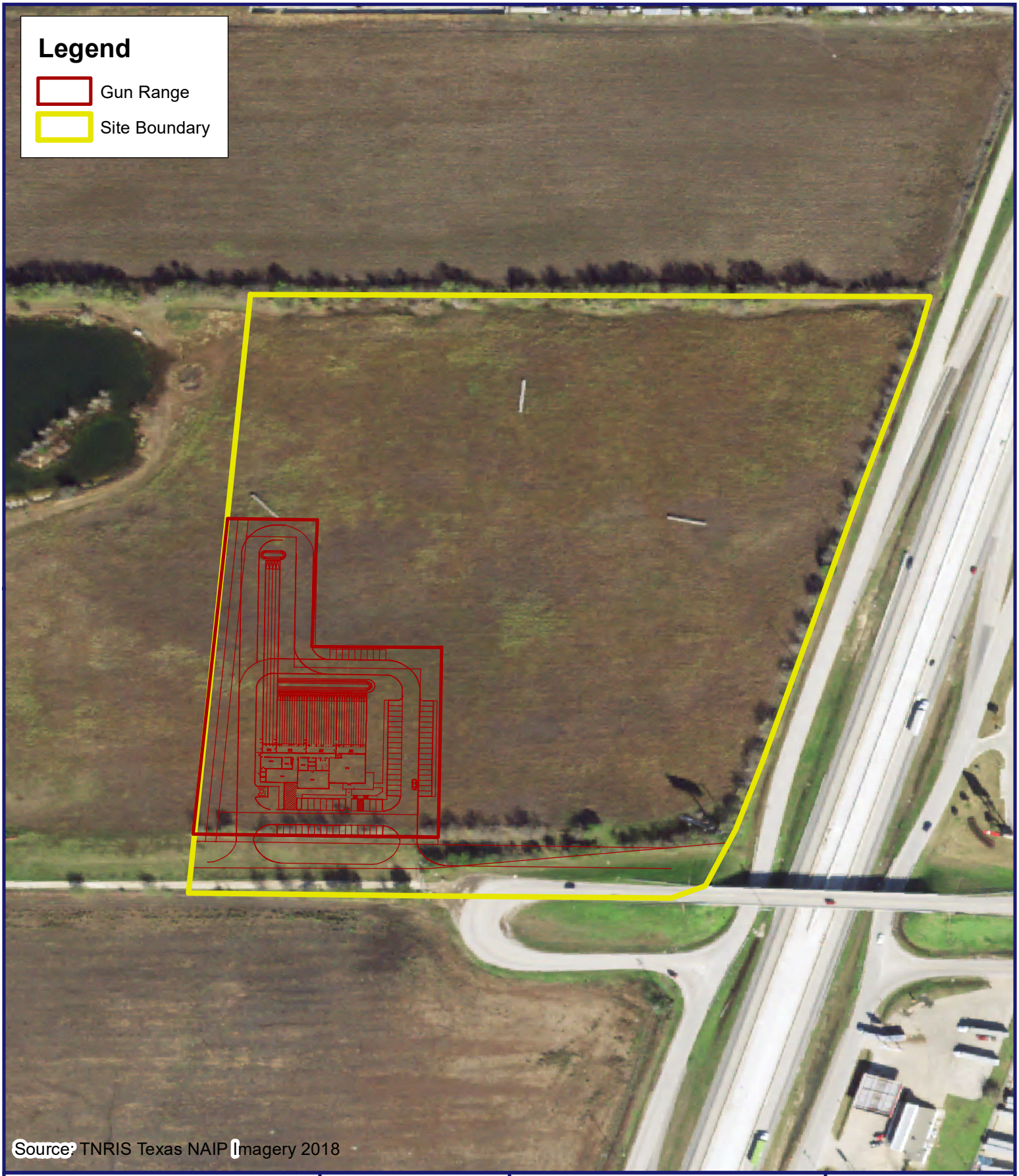


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TITANIUM ENVIRONMENTAL SERVICES, LLC

P.O. Box 4029
Longview, Texas 75606-4029

Phone (903) 234-8443
Fax (903) 234-1641

January 13, 2021

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Re: Summit At Breezy Acres, LLC (Summit Center Indoor Target Range)
Environmental Assessment

Dear Sir or Madam:

This letter is to notify you that the Summit at Breezy Acres (Summit) is preparing an Environmental Assessment (EA) pursuant to Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500-1508). Financial assistance for this project is being provided through a grant under the Wildlife and Sport Fish Restoration Program from the United States Fish and Wildlife Service (USFWS) that will be administered by the Texas Parks and Wildlife Department (TPWD). The program is authorized by the Wildlife Restoration Act (Pittman-Roberson PR) of 1937.

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- One large classroom
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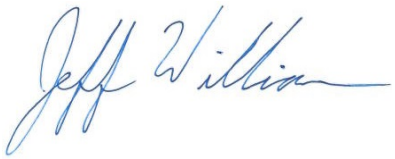

Jeff Williams
Natural Resources Manager

Attachments

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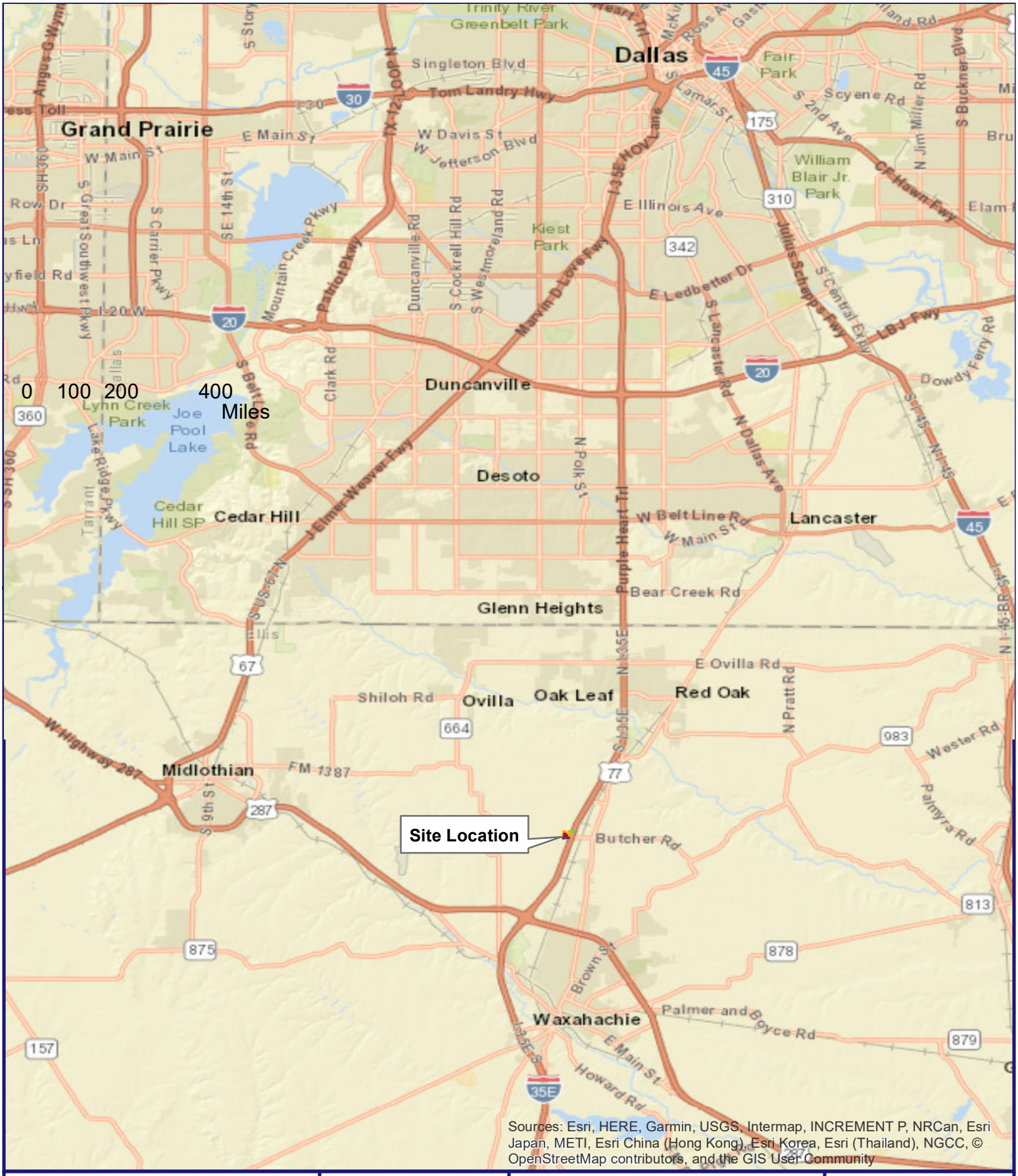


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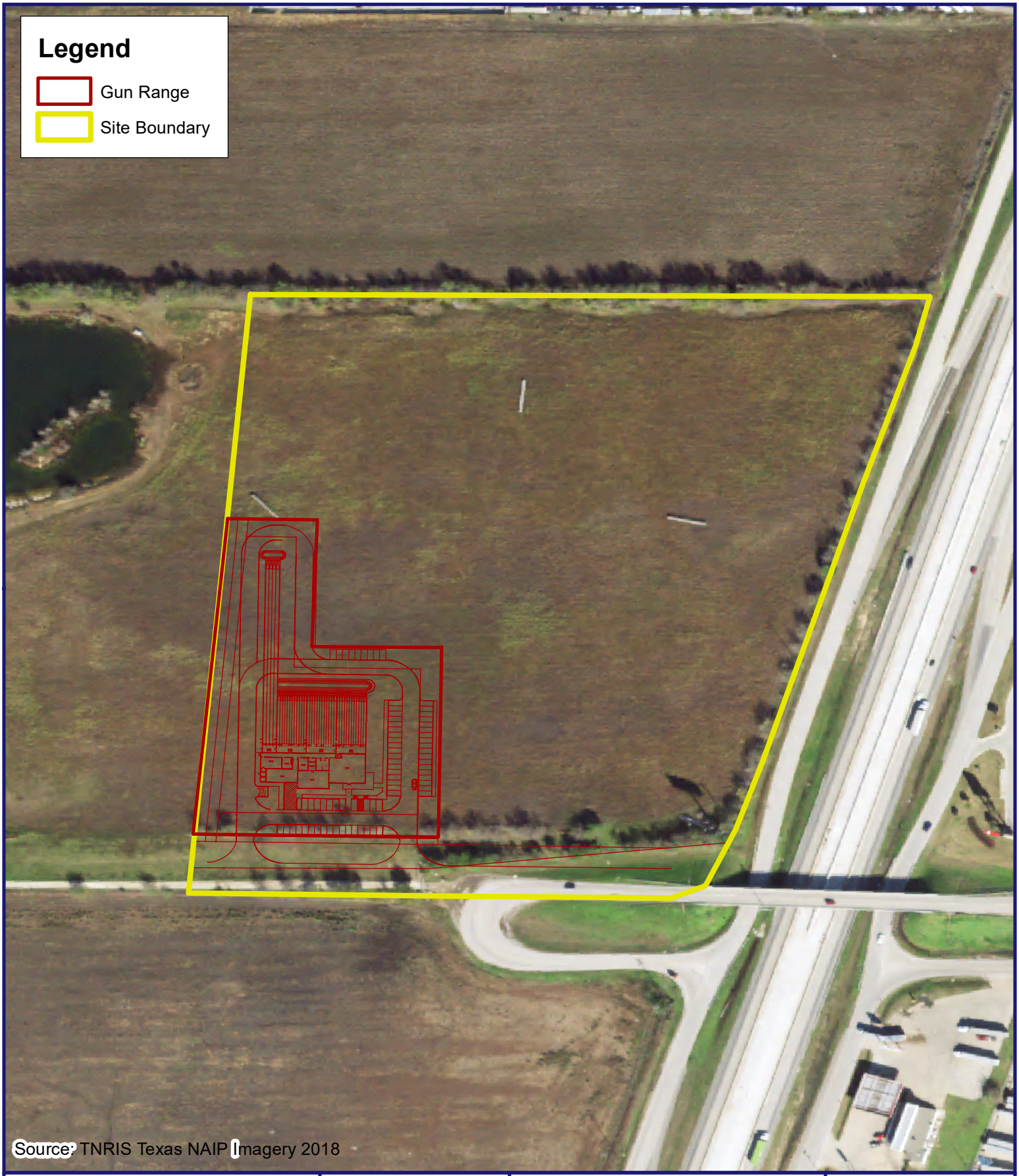


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TITANIUM ENVIRONMENTAL SERVICES, LLC

P.O. Box 4029
Longview, Texas 75606-4029

Phone (903) 234-8443
Fax (903) 234-1641

January 13, 2021

Texas Parks and Wildlife Department
Biological and Conservation Data System
Resource Protection Division
4200 Smith School Road
Austin, TX 78744

Re: Summit At Breezy Acres, LLC (Summit Center Indoor Target Range)
Environmental Assessment

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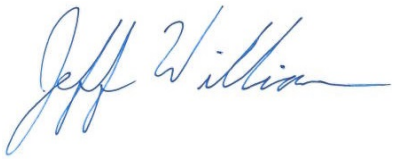

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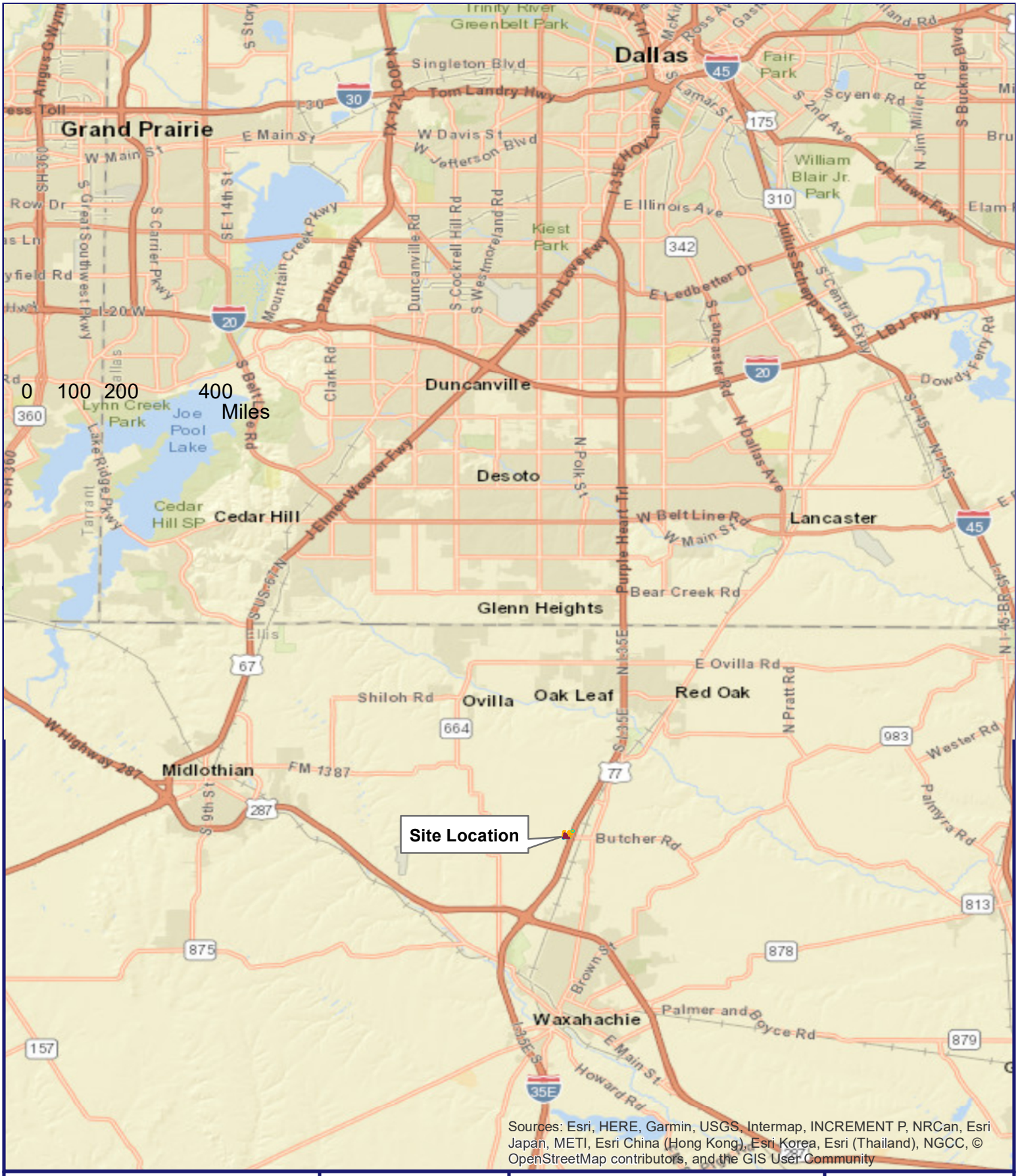


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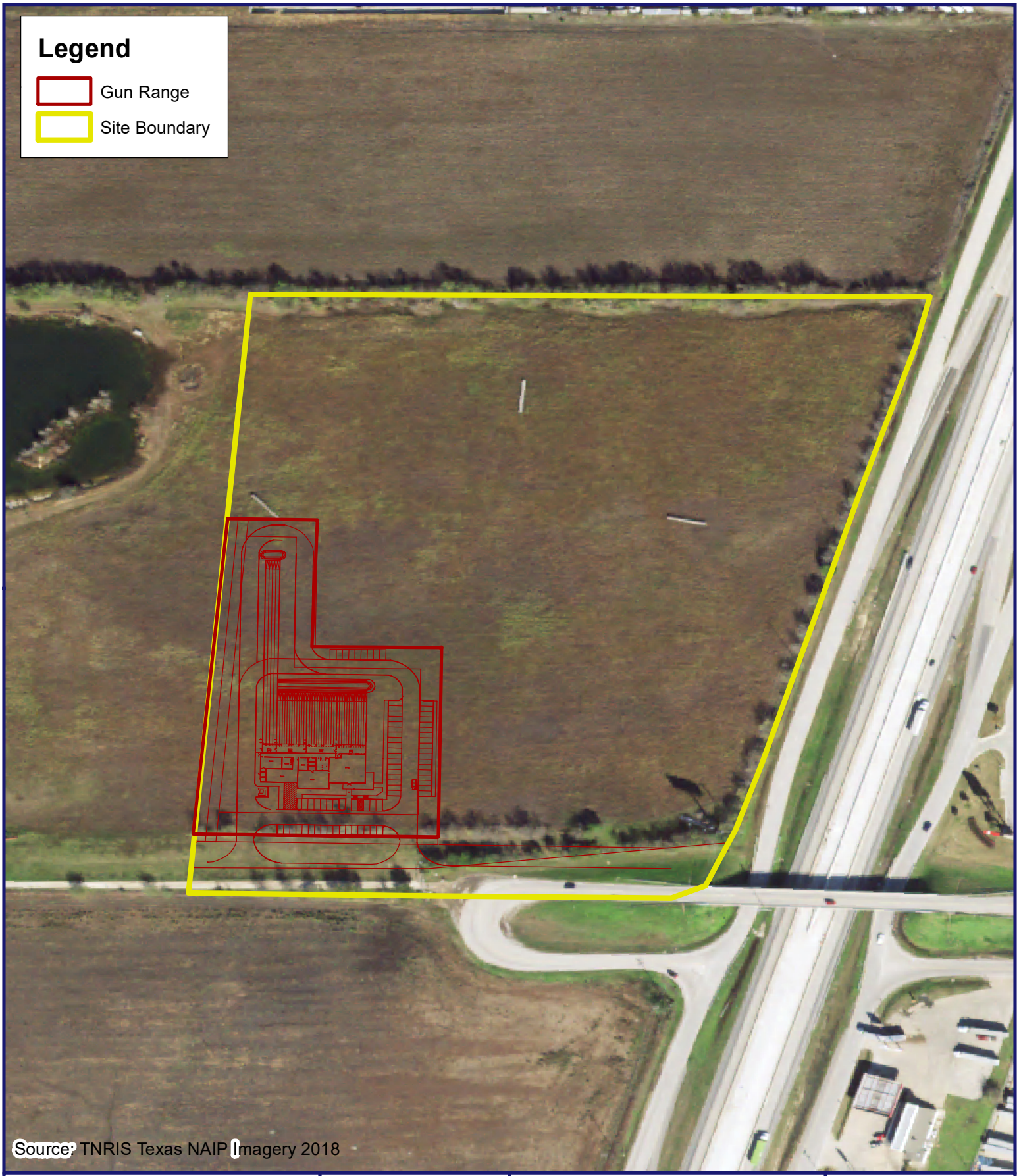


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March 1, 2021

Mr. Jeff Williams
Titanium Environmental Service, LLC
311 East Cotton Street
Longview, TX 75606

RE: Summit at Breezy Acres Proposed Summit Center Indoor Target Range, Ellis County

Dear Mr. Jeff Williams:

Titanium Environmental Service, LLC, on behalf of Summit at Breezy Acres, LLC, has requested environmental resource information in preparation of an environmental assessment for the proposed construction of an indoor target range facility to occupy an approximately 3.3-acre footprint within an upland area. The project would be located at northwest of the intersection of Interstate Highway (IH) 35 E and Butcher Road. The project consists of a classroom, indoor gun range, future expansion area, registration and retail area, employee breakroom, inventory room, gunsmith room, and restroom facilities. Financial assistance is being provided through a grant under the Wildlife and Sport Fish Restoration Program from the U.S. Fish and Wildlife Service (USFWS), administered by the Texas Parks and Wildlife Department (TPWD).

## TPWD WHAB Coordination

*Wildlife Division:* Your project was addressed to the Biological and Conservation Data System of the Resource Protection Division. Please note that in the early 2000s TPWD was restructured and no longer has a Resource Protection Division. The Biological and Conservation Data System was replaced by the Texas Natural Diversity Database (TXNDD). Project review requests are conducted in the Wildlife Division – WHAB. The TXNDD is managed within WHAB. Data from the TXNDD can be requested through the TXNDD website.

*Electronic submittal:* For more efficient project tracking and review, TPWD WHAB prefers that projects be submitted electronically to WHAB@tpwd.texas.gov. For future review requests, please use the project submittal email.

## TPWD WHAB Review

As the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Texas Parks and Wildlife Code (PWC) section 12.0011, TPWD WHAB hereby provides the following information and recommendations to minimize potential adverse impacts to the state's biological resources, including rare, threatened and endangered species, in association with the proposed project.

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800

www.tpwd.texas.gov

**Federal Regulations**

*Federal Regulations: Migratory Bird Treaty Act (MBTA)*

The MBTA prohibits direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The USFWS Migratory Bird Office can be contacted at (505) 248-7882 for more information.

Within the project area, potential impacts to migratory birds may occur during site preparation and grading activities through the disturbance of existing vegetation and bare ground that may harbor active bird nests, including nests that may occur in grass, shrubs and trees and on bare ground including gravel pads and roads.

> **Recommendation:** TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed. If active nests are observed during surveys, TPWD recommends a 150-foot non-disturbance buffer until the eggs have hatched and the young have fledged.

Sky glow as a result of light pollution can have negative impacts on wildlife and ecosystems by disrupting natural day and night cycles inherent in managing behaviors such as migration, reproduction, nourishment, sleep, and protection from predators.

> **Recommendation:** As bird protection measures for migrant and resident birds as well as other wildlife, TPWD recommends utilizing the minimum amount of permanent night-time lighting needed for safety and security. TPWD recommends minimizing the project's contribution toward skyglow by focusing light downward, with full cutoff luminaries to avoid light emitting above the horizontal, and to use dark-sky friendly lighting that is on only when needed, down-shielded, as bright as needed, and minimizes blue light emissions. Appropriate lighting technologies and beneficial management practices (BMPs) can be found at the International Dark-Sky Association website.

*Federal Regulations: Endangered Species Act (ESA)*

Federally listed animal species and their habitat are protected from take on any property by the 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. Take of a federally-listed species or its habitat without allowance from USFWS is a violation of the ESA. Official USFWS rare species lists can be obtained at the USFWS Information Planning and Consultation (IPaC) website.

> **Recommendation:** TPWD recommends that the EA identify the federally-listed, candidate, and proposed species with potential to occur within the study area. TPWD recommends assessing the project site to identify if suitable habitat for

federally-listed species occurs, to assess potential impacts to federally-listed species, and to determine project adjustments, if needed, to avoid or minimize adverse impacts to federally-listed, candidate, and proposed species. If impact to a federally-listed species is anticipated, please consult with USFWS – Arlington Ecological Services at (817) 277-1100 pursuant to the ESA. The USFWS should be contacted for additional species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species.

The whooping crane (*Grus americana*) is listed endangered in the entire U.S. except where it is listed as an experimental, non-essential population. The Aransas-Wood Buffalo National Park population is the only self-sustaining wild population and had a 2019-2020 estimated size of 506 birds (Butler and Harrell 2020). The Aransas-Wood Buffalo National Park population migrates across and winters in Texas utilizing a variety of wetland and other habitats, including coastal marshes and estuaries, inland marshes, lakes, ponds, wet meadows, rivers, and agricultural fields. During migration, roosting occurs in shallow, seasonally and semi-permanently flooded palustrine wetlands. During migration, feeding occurs in wetlands and harvested grain fields for a diet of frogs, fish, crayfish, insects, and agricultural grains.

The project area occurs within the core migration corridor that represents 95% of the sightings during whooping crane migration (Pearse et al., 2018). The *Whooping Crane Stopover Site Use Intensity Within the Great Plains* report indicates that the project area is categorized as unoccupied with zero stopover sites and lacks evidence of use by whooping cranes (Pearse et al., 2015).

**Recommendation:** TPWD recommends avoiding project development within areas that may provide stopover habitat for whooping cranes during migration. TPWD recommends the EA identify if grain crops have been grown at the project site and assess if the site may provide stopover habitat for the whooping crane.

**State Regulations**

*State Regulations – Chapter 64, Birds*

PWC section 64.002, regarding protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. PWC section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl. PWC chapter 64 does not allow for incidental take and therefore is more restrictive than the MBTA.

**Recommendation:** Please review the *Migratory Bird Treaty Act* section above for recommendations because they are also applicable for compliance with PWC.

*State Regulations: State-listed Species*

PWC 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. The

TPWD online application identifying rare, threatened, and endangered species by county (RTEST) provides information regarding state-listed threatened and endangered species with potential to occur within each county in Texas, as well as other rare species considered Species of Greatest Conservation Need (SGCN).

TPWD also maintains location-specific records of known occurrences for SGCN, threatened, and endangered species within the TXNDD, and these data are available by request. Please note that the TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Please note that absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously based on new, updated and undigitized records. For questions regarding a record or to obtain digital data, please visit the TXNDD website for guidance.

TPWD review of aerial imagery and Google Earth Street View indicate that the site of the proposed gun range consists of an open agricultural field used for hay production. TPWD review of USGS topographic maps indicate that no streams occur at the site. TPWD review of the TXNDD indicates there are no known reports of threatened and endangered species, species of greatest conservation need (SGCN), or natural vegetation communities within the proposed project area.

> **Recommendation:** TPWD recommends the EA identify the state-listed threatened and endangered species with potential to occur within the project area using the RTEST list for Ellis County. TPWD recommends conducting field assessments to identify if suitable habitat for state-listed species occurs, to assess potential impacts to state-listed species, and to determine if beneficial practices are needed to avoid or minimize adverse impacts to state-listed species. TPWD recommends implementing the BMPs identified in *General Design and Construction Recommendations* below to protect state-listed species, rare vegetation communities, SGCN, and other wildlife that may occur within the area.

**State Fish and Wildlife Resources**

The Texas Conservation Action Plan (TCAP) contains handbooks for each ecoregion of the state for use by all entities for guidance regarding SGCN and important habitats. The TCAP identifies threats affecting native species and habitats such as loss due to development. In addition to state- and federally-listed species, TPWD tracks SGCN and natural plant communities and actively promotes their conservation. TPWD considers it important to evaluate and, if feasible, 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.

The project site is located within EPA Level III Texas Blackland Prairies Ecoregion. Within the Texas Blackland Prairies ecoregion, priority habitats identified in the TCAP for conservation of SGCN include barrens, tallgrass prairie communities, slope forest/woodlands, riparian and bottomland woodlands, freshwater wetlands, seeps, springs, and savannahs and woodlands. TPWD encourages landowners and land agents to conserve priority habitats of the ecoregion and discourages fragmentation and loss to such habitats.

The RTEST list identifies SGCN flora and fauna and their habitats with potential to occur in Ellis County.

> **Recommendation:** TPWD recommends that precautions be taken to avoid impact to SGCN flora and fauna, natural plant communities, and priority habitat types of the ecoregion (barrens, tallgrass prairie communities, slope forest/woodland, riparian and bottomland woodlands, freshwater wetlands, seeps, springs, and savannahs and woodlands) when developing the project or if encountered during project construction, operation, and maintenance activities.

**General Design and Construction Recommendations**

In addition to recommendations provided above, TPWD recommends the implementation of the following BMPs to avoid or minimize potential impacts to wildlife resources potentially occurring at the construction site:

1. TPWD recommends informing employees and contractors of the potential for state-listed threatened species or SGCN to occur in the project area. Contractors should be advised to avoid impacts to all wildlife that are encountered.

2. If the presence of a biological monitor during construction is not feasible, state-listed threatened species observed during construction should be allowed to safely leave the site or be translocated by a permitted individual to a nearby area with similar habitat that would not be disturbed during construction. TPWD recommends that any translocations of reptiles be the minimum distance possible no greater than one mile, preferably within 100-200 yards from the initial encounter location. For purposes of relocation, surveys, monitoring, and research, biological monitors or consultants may only handle terrestrial state-listed species after obtaining authorization through the TPWD Wildlife Permits Office.

3. If trenching is involved, TPWD recommends minimizing the length of trenches left open at any given time during construction. Trenches left open for more than two daylight hours should be inspected for the presence of trapped wildlife prior to backfilling. If trenches cannot be backfilled the day of initial trenching, then escape ramps, in the form of short lateral trenches or wooden planks sloping to the surface at an angle of less than 45 degrees, should be installed at least every 90 meters.

4. For soil stabilization and revegetation of disturbed areas within the proposed project area, TPWD recommends erosion and seed/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, TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding rather than erosion control blankets or mats due to a reduced risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Because microplastic pollution is a concern for wildlife food chains, hydromulch containing plastic ingredients and plastic mesh matting should be avoided.

5. TPWD recommends designing the project to minimize the removal of native vegetation and to utilize only native species in the revegetation and landscaping plan. Additionally, reductions in native floral resources has led to widespread concern about significant declines in native insect pollinator species, including the American bumblebee, a Species of Greatest Conservation Need of Ellis County. To support pollinators, TPWD encourages the establishment of native wildflower habitats across the state and recommends that native floral resources be included in revegetation and landscaping plans of the proposed project. Please refer to publications on TPWD's Native Pollinator website for guidance.

6. To aid in the scientific knowledge of a species' status and current range, TPWD encourages reporting encounters of SGCN, threatened, and endangered species to the TXNDD according to the data submittal instructions found on the TXNDD website. An alternative method for reporting observations of species is the iNaturalist citizen science app in which 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, Rare Plants of Texas, Bees & Wasps of Texas, Terrestrial Mollusks of Texas, Texas Freshwater Mussels, Fishes of Texas, and All Texas Nature.

Thank you for considering the fish and wildlife resources of Texas. If you have any questions, please contact me at Karen.Hardin@tpwd.texas.gov or (903) 322-5001.

Sincerely,

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/45896

References

Butler, Matthew J. and Wade Harrell. 2020. *Whooping Crane Survey Results: Winter 2019-2020*. U.S. Fish and Wildlife Service, Aransas National Wildlife Refuge, Whooping Crane Updates. Available at

https://www.fws.gov/refuge/Aransas/wwd/science/updates.html. Accessed: December 8, 2020.

Pearse, A.T., Brandt, D.A., Harrell, W.C., Metzger, K.L., Baasch, D.M., and Hefley, T.J., 2015, Whooping crane stopover site use intensity within the Great Plains: U.S. Geological Survey Open-File Report 2015–1166, 12 p., http://dx.doi.org/10.3133/ofr20151166.

Pearse, A.T., Rabbe, Matt, Bidwell, M.T., Juliusson, L.M., Craig-Moore, Lea, Brandt, D.A., and Harrell, Wade, 2018, Map of whooping crane migration corridor: U.S. Geological Survey data release, https://doi.org/10.5066/F7FT8K74.

TITANIUM ENVIRONMENTAL SERVICES, LLC

P.O. Box 4029
Longview, Texas 75606-4029

Phone (903) 234-8443
Fax (903) 234-1641

January 13, 2021

Jennifer Walker, Permits Section Chief
United States Army Corps of Engineers
Regulatory Division (Attn: CESWF-DE-R)
P.O. Box 17300
Fort Worth, TX 76102 - 0300

Re: Summit At Breezy Acres, LLC (Summit Center Indoor Target Range)
Environmental Assessment

Dear Sir or Madam:

This letter is to notify you that the Summit at Breezy Acres (Summit) is preparing an Environmental Assessment (EA) pursuant to Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500-1508). Financial assistance for this project is being provided through a grant under the Wildlife and Sport Fish Restoration Program from the United States Fish and Wildlife Service (USFWS) that will be administered by the Texas Parks and Wildlife Department (TPWD). The program is authorized by the Wildlife Restoration Act (Pittman-Roberson PR) of 1937.

The Proposed Action is to construct, operate, and maintain an indoor target range facility to provide hunter education, instruction, train the public in the safe and responsible use of firearms and provide a safe shooting experience. The construction and operation of the indoor shooting center would accommodate youth and adults of Waxahachie and in surrounding communities of the greater Dallas Fort Worth Metroplex with an opportunity to learn about and develop firearm skills. The proposed location of The Summit Shooting Center is at 5375 N. IH 35E, Waxahachie, Texas (**Figures 1 and 2**). The proposed footprint of development would be approximately 3.3 acres within an upland field of the Breezy Acres Ranch. Within this footprint would be the following:

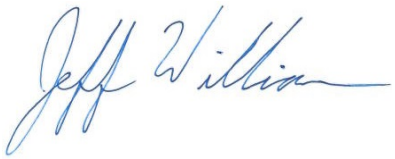
- One large classroom
- 12-lane, 25-yard indoor gun range with state-of-the-art targeting systems
- Future expansion: Two 12-lane, 25-yard indoor gun ranges with state-of-the-art targeting systems and a 5-lane, 100-yard indoor gun range for rifle sight-ins
- Registration/retail area
- Employee break room
- Inventory room
- Gunsmith room
- Restroom facilities

The EA will describe the need for and purpose of the proposed project, alternatives under consideration, the affected environment, and will assess the potential environmental effects of the alternatives.

To help ensure that the EA addresses environmental resource categories for which your agency manages or has the responsibility to regulate, it is requested that you provide any comments or recommendations you may have regarding the performance of the EA. We look forward to receiving your comments.

Please send any correspondence and information regarding this request to the attention of Mr. Jeff Williams at Titanium Environmental Services, LLC, at 311 East Cotton Street, Longview, TX 75606 or by e-mail at jwilliams@titaniumenvironmental.com. If you have any questions regarding this matter, I can be contacted by phone at (903) 234-8443 or by the email listed above. Thank you for your consideration of this request.

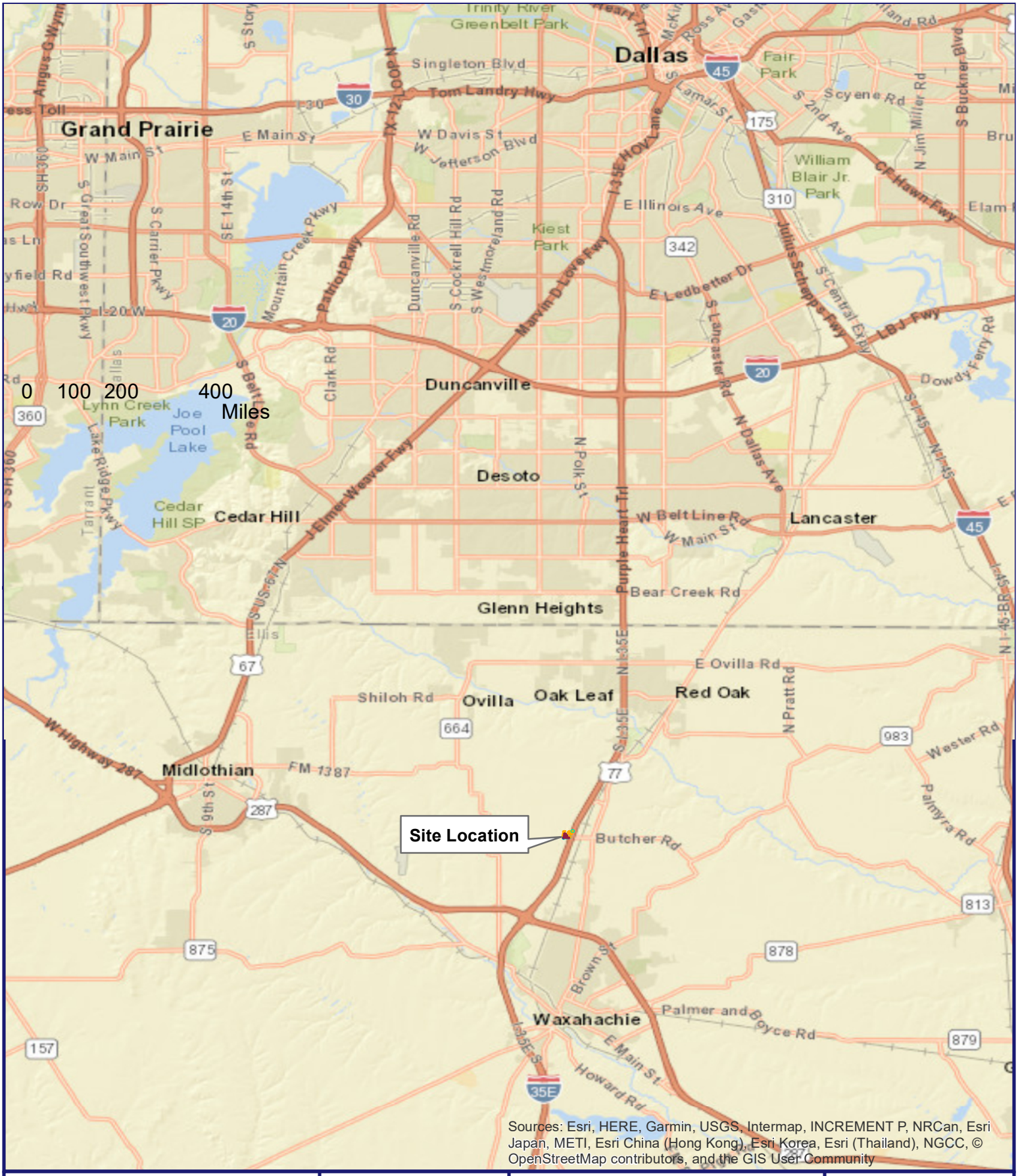
Sincerely,



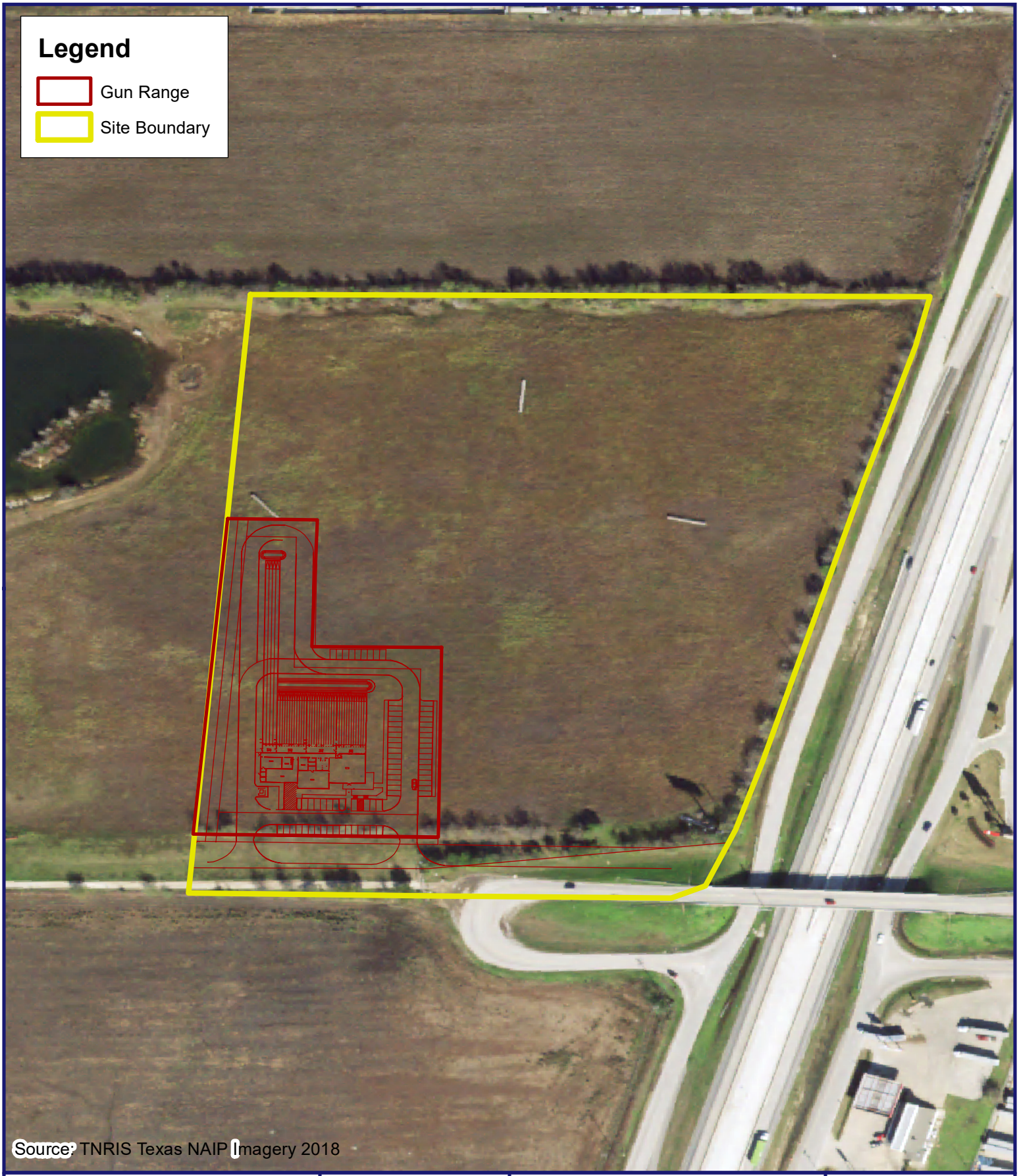
Jeff Williams
Natural Resources Manager

Attachments

CC: Mr. Ray Porter (Managing Member – Summit at Breezy Acres, LLC.
Mr. Renán Zambrano (TPWD – Target Range Grants)




| | CLIENT | PROJECT DESCRIPTION | FIGURE 1 |
|---|---|---|---|
| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | Summit at Breezy Acres | Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas | Site Vicinity Map |
| | 0 1.5 3 6 9 Miles | N | Created by: AC Williamson<br>Date: 11/23/2020<br>Revised by:<br>Date: |




| | | |
|---|---|---|
| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | **CLIENT**<br>Summit at Breezy Acres | **PROJECT DESCRIPTION**<br>Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas |
| | **FIGURE 2**<br>Project Layout Map | |
| 0 87.5 175 350 525 700 Feet N | Created by: AC Williamson<br>Date: 11/17/2020<br>Revised by: AC Williamson<br>Date: 11/23/2020 | |

**DEPARTMENT OF THE ARMY**
**U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT**
**P. O. BOX 17300**
**FORT WORTH, TEXAS 76102-0300**

April 23, 2021

Regulatory Division

SUBJECT: Project Number SWF-2021-00068, Summit Center Indoor Target Range

Mr. Ray Porter
Summit at Breezy Acres, LLC
5375 I-35E
Waxahachie, Texas 75165
Summitcenterllc1@gmail.com

Dear Mr. Porter:

This letter is in regard to information received January 15, 2021, concerning a proposal by Summit at Breezy Acres, LLC to construct and maintain an indoor target range facility in the City of Waxahachie, Ellis County, Texas. This project has been assigned Project Number SWF-2021-00068. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, and other information available to us, we have determined this project will not involve activities subject to the requirements of Section 404 or Section 10. Therefore, it will not require Department of the Army authorization pursuant to Section 404 or Section 10.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at http://www.swf.usace.army.mil/Missions/Regulatory or contact Ms. Katie Roeder at the address above, by telephone (817) 886-1740, or by email Katie.O.Roeder@usace.army.mil, and refer to your assigned project number.

Please help the regulatory program improve its service by completing the survey on the following website: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

For: Brandon W. Mobley
Chief, Regulatory Division

Copy Furnished by Electronic Transfer:

Mr. Jeff Williams
jwilliams@titaniumenvironmental.com

TITANIUM ENVIRONMENTAL SERVICES, LLC

P.O. Box 4029
Longview, Texas 75606-4029

Phone (903) 234-8443
Fax (903) 234-1641

January 13, 2021

Debra Bills, Field Supervisor
U.S. Fish and Wildlife Service
Arlington, Texas Ecological Services Field Office
2005 Northeast Green Oaks Boulevard, Suite 140
Arlington, Texas 76006

Re: Summit At Breezy Acres, LLC (Summit Center Indoor Target Range)
Environmental Assessment

Dear Sir or Madam:
Dear Sir or Madam:

This letter is to notify you that the Summit at Breezy Acres (Summit) is preparing an Environmental Assessment (EA) pursuant to Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500-1508). Financial assistance for this project is being provided through a grant under the Wildlife and Sport Fish Restoration Program from the United States Fish and Wildlife Service (USFWS) that will be administered by the Texas Parks and Wildlife Department (TPWD). The program is authorized by the Wildlife Restoration Act (Pittman-Roberson PR) of 1937.

The Proposed Action is to construct, operate, and maintain an indoor target range facility to provide hunter education, instruction, train the public in the safe and responsible use of firearms and provide a safe shooting experience. The construction and operation of the indoor shooting center would accommodate youth and adults of Waxahachie and in surrounding communities of the greater Dallas Fort Worth Metroplex with an opportunity to learn about and develop firearm skills. The proposed location of The Summit Shooting Center is at 5375 N. IH 35E, Waxahachie, Texas (**Figures 1 and 2**). The proposed footprint of development would be approximately 3.3 acres within an upland field of the Breezy Acres Ranch. Within this footprint would be the following:

- One large classroom
- 12-lane, 25-yard indoor gun range with state-of-the-art targeting systems
- Future expansion: Two 12-lane, 25-yard indoor gun ranges with state-of-the-art targeting systems and a 5-lane, 100-yard indoor gun range for rifle sight-ins
- Registration/retail area
- Employee break room
- Inventory room
- Gunsmith room
- Restroom facilities

The EA will describe the need for and purpose of the proposed project, alternatives under consideration, the affected environment, and will assess the potential environmental effects of the alternatives.

To help ensure that the EA addresses environmental resource categories for which your agency manages or has the responsibility to regulate, it is requested that you provide any comments or recommendations you may have regarding the performance of the EA. We look forward to receiving your comments.

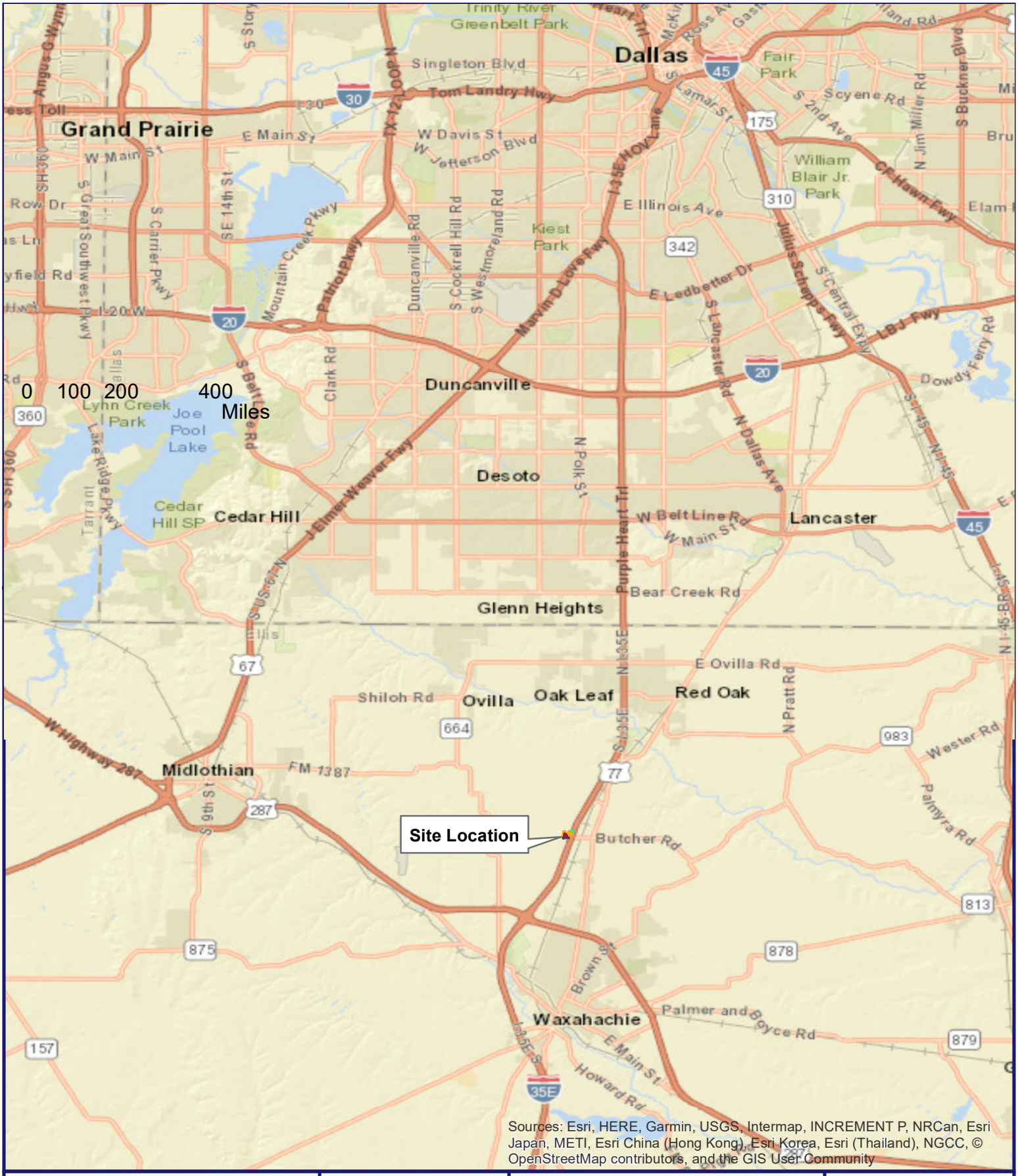
Please send any correspondence and information regarding this request to the attention of Mr. Jeff Williams at Titanium Environmental Services, LLC, at 311 East Cotton Street, Longview, TX 75606 or by e-mail at jwilliams@titaniumenvironmental.com. If you have any questions regarding this matter, I can be contacted by phone at (903) 234-8443 or by the email listed above. Thank you for your consideration of this request.

Sincerely,

Jeff Williams
Natural Resources Manager

Attachments

CC: Mr. Ray Porter (Managing Member – Summit at Breezy Acres, LLC.
Mr. Renán Zambrano (TPWD – Target Range Grants)




| | CLIENT | PROJECT DESCRIPTION | FIGURE 1 |
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| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | Summit at Breezy Acres | Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas | Site Vicinity Map |
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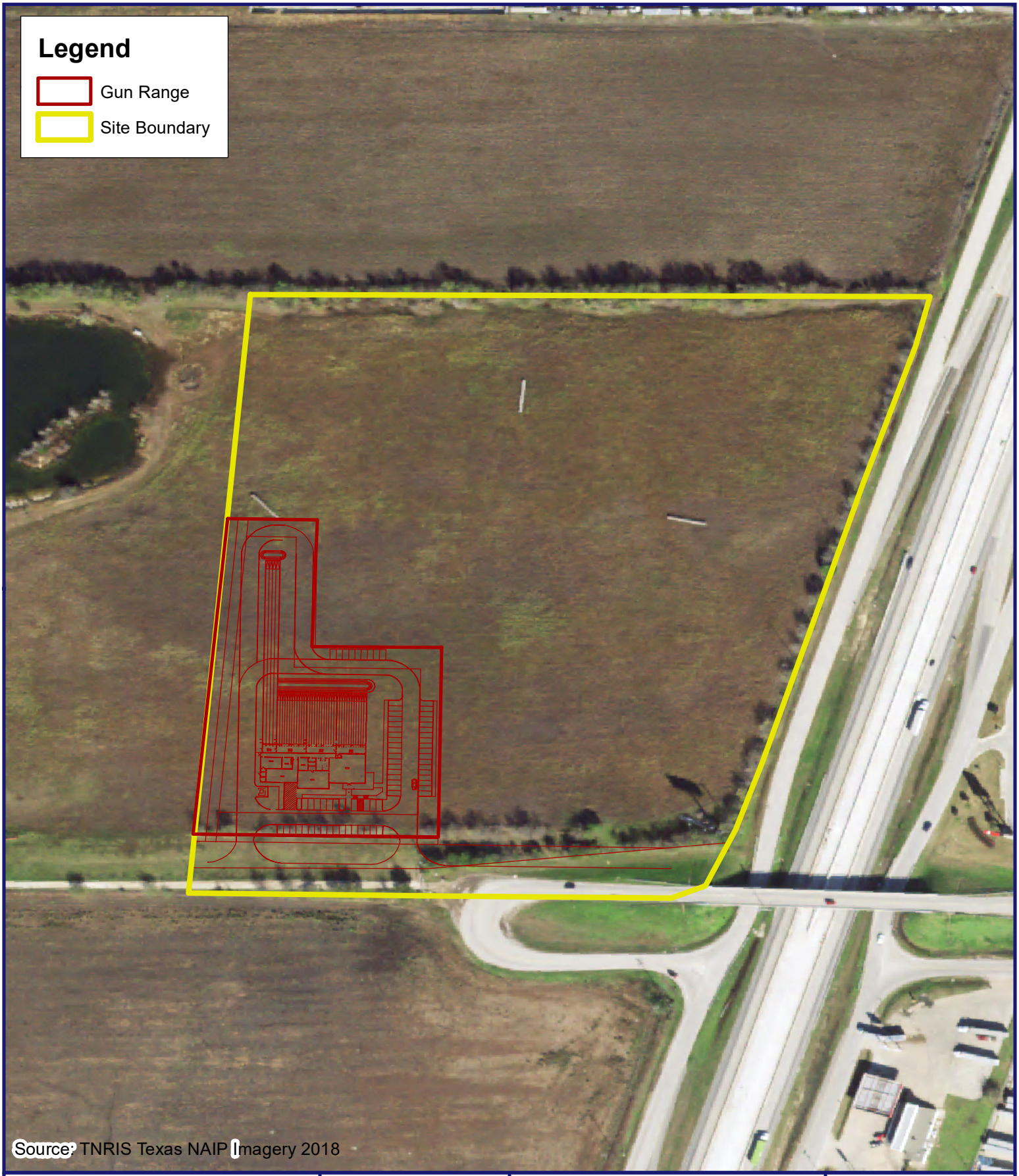


| | | |
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| TITANIUM ENVIRONMENTAL SERVICES, LLC<br>www.titaniumenvironmental.com | **CLIENT**<br>Summit at Breezy Acres | **PROJECT DESCRIPTION**<br>Gun Range Environmental Assessment<br>Waxahachie, Ellis County, Texas |
| | **FIGURE 2**<br>Project Layout Map | |
| 0 87.5 175 350 525 700 Feet N | Created by: AC Williamson<br>Date: 11/17/2020<br>Revised by: AC Williamson<br>Date: 11/23/2020 | |

**From:** Khan, Jennifer M
**To:** Jeff Williams
**Subject:** RE: [EXTERNAL] Summit at Breezy Acres Target Range T&E Questions
**Date:** Tuesday, March 30, 2021 4:47:07 PM

---

Hello Mr. Williams:

Thank you for the detailed information. I have reviewed our information and found no records of occurrence for the federally listed species (whooping crane, red knot, piping plover, and Texas fawnsfoot) on or near the project boundary. I've also included some additional rationale below to concur with your "no effect" determinations for each species which may differ slightly from the rationale provided in the draft BE and the sentences you highlighted. This is because it's difficult for me to concur that there is no suitable habitat for whooping crane without making a site visit. Whooping cranes have been observed feeding in sorghum stubble; however, impacts to whooping cranes would be highly unlikely due to the proximity of Interstate 35 and other human disturbance. Although whooping cranes use a variety of habitats, including croplands and wetlands during migration, they prefer isolated areas away from human activity. Impacts to whooping cranes would be highly unlikely because of the presence of ongoing human disturbance in the vicinity, and thus a "no effect" determination was made.

Because the red knot and piping plover occur in north Texas only during migration, actions that may adversely affect the species are limited to those that are believed to expose the species to risk during migration. Wind energy is identified as an action that may impact the species, due to the known collision hazard turbines present to migratory birds. The proposed action is not a wind energy project, and thus a "no effect" determination was made.

The Texas fawnsfoot occurs in flowing rivers and streams. No suitable habitat is present, and thus a "no effect" determination was made.

Please let me if there is anything else I can help you with.

Thank you,

_____
Jennifer M. Khan
Fish & Wildlife Biologist
U.S. Fish & Wildlife Service
2005 NE Green Oaks Blvd, Suite 140
Arlington, Texas 76006
(817) 277-1100 ext. 22105

---

**From:** Jeff Williams <jwilliams@titaniumenvironmental.com>
**Sent:** Friday, March 26, 2021 11:57 AM

**To:** Khan, Jennifer M <jennifer_khan@fws.gov>
**Subject:** RE: [EXTERNAL] Summit at Breezy Acres Target Range T&E Questions

Hello Ms. Khan,

We had a pair of our biologists evaluate the site for T&E habitat and presence and determined that there is no habitat or presence for any listed species with potential to occur in Ellis County (per IPAC and TPWD RTEST lists). Although the site is an agricultural field, it is used in hay production. We noted sorghum in the project area, but no waste grain was present on the ground or on remaining mowed vegetation despite a recent harvest (bailing). I have attached a photo log that contains a photo with a few intact sorghum plants along the fence line. Intact seed heads like these comprise less than one percent of the project area. This was the only reason we were able to differentiate sorghum from Johnsongrass in the remainder of the field. The hay field was dominated by Bermudagrass (*Cynodon dactylon*), sorghum (*Sorghum bicolor*) and Johnsongrass (*Sorghum halepense*). Because of the lack of waste grain on or near the project area, we have considered the habitat unsuitable for Whopping Cranes. We did evaluate the habitat based on its condition at the time of the evaluation, but we felt that this method of harvest that left no visible grain behind would be repeated in subsequent harvests (hay baling). I have also attached a screen capture showing the local availability of agricultural fields compared to the project footprint shown on the east side of the image (solid white within white contour lines). The Texas Natural Diversity Database (TXNDD) has no T&E occurrences recorded on or near the project area and per USFWS' data no designated critical habitat exists for Ellis County.

I have attached a draft BE form that we have prepared for USFWS Wildlife & Sport Fish Restoration Program personnel's' use. They have this draft for review, but I instructed them that it was a draft without your offices review or input. The highlighted section is what I hope to confirm with you. Previously we have not made a Section 7 consultation request to complete this information, but I am glad to do so if that is what is needed. If so, let me know if that should be done through my IPaC account or by some other method.

About our experience : I manage our natural resources group and my biologists have education, training, and experience in Federal species surveys, especially within Texas and specific experience and training for these species and within north Texas. I also reviewed the desktop analysis as well as the field data including photos and video. I have performed T&E evaluations with these species regularly since 2008 (except red knot which wasn't listed until 2015). I also have a USWFS recovery permit for the red-cockaded woodpecker for the last few years to emphasis my bird survey experience.

Please let me know if you have any questions about site conditions or our evaluation. All of my contact information is below if you prefer to speak with me instead of email. I have greater access to my mobile number.

Thanks,

Jeff Williams

Titanium Environmental Services, LLC
311 E. Cotton Street
Longview, TX 75606-4029
Office (903) 234-8443
Mobile (903) 235-7505
Fax (903) 234-1641
www.titaniumenvironmental.com



---

**From:** Khan, Jennifer M <jennifer_khan@fws.gov>
**Sent:** Friday, March 26, 2021 9:03 AM
**To:** Jeff Williams <jwilliams@titaniumenvironmental.com>
**Subject:** RE: [EXTERNAL] Summit at Breezy Acres Target Range T&E Questions

Hello Mr. Williams:

Thank you for your letter dated January 13, 2021 and your follow-up email dated March 22, 2021, concerning a proposed indoor range in Ellis County, TX. To assist in project reviews related to the Endangered Species Act (ESA) and the Migratory Bird Treaty Act (MBTA), we provide information on fish and wildlife resources on our Information for Planning and Consultation (IPaC) website found here: http://ecos.fws.gov/ipac/. You can find information on wetlands, migratory birds of conservation concern, and endangered/threatened species. You can also obtain an official species list for initiating consultation under section 7 of the ESA. We recommend utilizing the IPaC website to obtain a species list for proposed projects, which can be used to determine if any suitable habitat for those species occurs within the vicinity of the project and assist in developing a biological evaluation if needed.

The federally-listed and proposed species known to occur in Ellis County are the piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and whooping crane (*Grus americana*). Currently, the Service recommends the piping plover and red knot be evaluated for wind energy projects only in Ellis County; therefore, no consultation is necessary regarding those species. The least tern (*Sterna antillarum*) was delisted due to recovery as of February 12, 2021, and thus does not require consultation. The only species of concern in Ellis County is the whooping crane during its migration.

Whooping Cranes migrate over north and east-central Texas on their way to and from coastal marshes in Texas each fall and spring. The whooping crane breeds, migrates, winters, and forages in a variety of wetland and other habitats, including coastal marshes and estuaries, inland marshes, lakes, ponds, wet meadows and rivers, and agricultural fields. The largest amount of stopover foraging time is spent feeding in harvested grain fields.

To assist in determining whether a specific project may affect federally listed species, we suggest using our IPaC website. If, after evaluating the full scope of your project and the information provided by IPaC, you determine that listed species may be affected due to the presence of habitat on the site, you should submit that information to this office. If the proposed action is determined to have no effect on listed species, no further contact with this office will be necessary. If you have any questions, please let me know.

Thank you,

Jennifer M. Khan
Fish & Wildlife Biologist
U.S. Fish & Wildlife Service
2005 NE Green Oaks Blvd, Suite 140
Arlington, Texas 76006
(817) 277-1100 ext. 22105

---

**From:** Bocanegra, Omar <omar_bocanegra@fws.gov>
**Sent:** Tuesday, March 23, 2021 8:55 AM
**To:** Khan, Jennifer M <jennifer_khan@fws.gov>
**Subject:** Fw: [EXTERNAL] Summit at Breezy Acres Target Range T&E Questions

Omar R. Bocanegra
Supervisory Fish & Wildlife Biologist
Branch of Environmental Review, Classification & Recovery
U.S. Fish & Wildlife Service
2005 NE Green Oaks Blvd, Suite 140
Arlington, Texas 76006
(817) 277-1100 ext. 22110
(817) 277-1129 fax
Website: https://www.fws.gov/southwest/es/arlingtontexas/

---

**From:** Jeff Williams <jwilliams@titaniumenvironmental.com>
**Sent:** Monday, March 22, 2021 4:26 PM
**To:** Bocanegra, Omar <omar_bocanegra@fws.gov>
**Subject:** [EXTERNAL] Summit at Breezy Acres Target Range T&E Questions

Hello Omar,

We have coordinated in the past on a FWS target range grant for the Girls Scouts in Dallas. I have a project in Waxahachie under the same grant program. Assuming that this project is in your area and that you are still in the same role, could you help me with some information? The project is within an active ag field (hay/sorghum) with just a few small hackberry trees along a fence line. There are no aquatic features on the site and a single stock pond (< 3 acres) about 200 feet from the closest project boundary. I have attached a figure, site photos, and a KMZ of the project area. The address is at 5375 North l35 East, Waxahachie, Texas. It is the Summit at Breezy Acres Indoor Firearm Range. I've also included the coordination letter that was sent to the Arlington FWS office. We have not received a response from that letter, but we are coordinating with Brian Hobbs and Kelly Oliver Amy in the Albuquerque Wildlife & Sport Fish Restoration Program Office.

Can you confirm that there are no recorded T&E occurrences on or near the project area? Can you concur that no suitable habitat would be impacted by the proposed project?

Please let me know if you need any further information or if you would like to discuss the project.

Thanks,

Jeff Williams

Titanium Environmental Services, LLC
311 E. Cotton Street
Longview, TX 75606-4029
Office (903) 234-8443
Mobile (903) 235-7505
Fax (903) 234-1641
www.titaniumenvironmental.com

# Appendix E
# Intra-Service Section 7 Biological Evaluation

**INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM**

**Originating Person:** Jeff Williams
**Telephone Number:** (903) 234 - 8443
**Date:** May 20, 2021

**I. Region:** Southwest Region 2

**II. Service Activity (i.e. Grant Program):**

Wildlife Restoration

**III. Pertinent Species and Habitat:**

**A. Listed Species and/or Their Critical Habitat within the Action Area:**

| SPECIES/CRITICAL HABITAT | STATUS |
|---|---|
| Piping Plover (*Charadrius melodus*) | Threatened |
| Rufa Red Knot (*Calidris canutus rufa*) | Threatened |
| Whooping Crane (*Grus americana*) | Endangered |
| Texas Fawnsfoot (*Truncilla macrodon*) | Candidate |

**Note:** See also Environmental Assessment (EA) sections 3.2.2 and 4.2.2 for complete list of state and federal species with potential to occur in Ellis County.

**B. Proposed Species and/or Proposed Critical Habitat within the Action Area:**

None

**C. Candidate Species within the Action Area:**

None

**IV. Geographic Area and Action:**

Summit at Breezy Acres (Summit) proposes to construct, operate, and maintain an indoor firearm range and facility for hunter education instruction, train the public in firearm safety and responsibility and to provide a safe shooting experience. Youth from the surrounding communities and the general public will have the opportunity to learn about and develop firearm skills. The finished indoor firearm range and facility will be located at 5375 North lH35 E Waxahachie, Texas.

**V. Location: (See EA, Figure 1)**

**A. Ecoregion:** Blackland Prairie

**B. County and State:** Ellis County, TX

**C. Section, Township, and Range (or Latitude and Longitude):**

32° 27' 36.46" N, 96° 50' 45.86" W (WGS 84)

**D. Distance (Miles) and Direction to Nearest Town:**

5 miles north of Waxahachie, Texas

## VI. Description of Proposed Action:

A proposed indoor shooting range will comprise a total footprint of 3.33 acres located on a 19.67-acre property owned by Summit. The site is currently used for agricultural purposes including hay production. Access to the site for construction and use will be by the existing southbound service road of IH 35E road on the Summit property.

## VII. Determination of Effects

A threatened and endangered species habitat survey was conducted on November 18, 2021 to assess the existing conditions in the proposed project area relative to such species. Suitable habitat was present for the whooping crane. Although whooping cranes might use agricultural fields and the nearby stock pond during migration, they prefer isolated areas away from human activity. Impacts to whooping cranes would be highly unlikely because of the presence of ongoing human disturbance from Interstate 35, and thus a "no effect" determination was made for the whooping crane (pers comm Jennifer Khan, U.S. Fish and Wildlife Service Arlington Ecological Services Field Office). No suitable habitat for the remaining listed species was observed. The following species from the USFWS Information for Planning and Consultation (IPaC) Ellis County species list were eliminated from further analysis due to lack of suitable habitat and survey results (See EA Section 3.2.2).

**A. Species eliminated from further analysis:**

| Species | Habitat | Suitable Habitat Present |
|---|---|---|
| Piping Plover[1] (*Charadrius melodus*) | Wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats. | No |
| Rufa Red Knot[1] (*Calidris canutus rufa*) | Migrate long distances in flocks northward through the contiguous United States mainly April-June, southward July-October. Prefers the shoreline of coast and bays and also uses mudflats during rare inland encounters. Habitat: Primarily seacoasts on tidal flats and beaches, herbaceous wetland, and tidal flat/shore. | No |
| Whooping Crane (*Grus americana*) | Small ponds, marshes, and flooded grain fields for both roosting and foraging. Potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties. | Yes |
| Texas Fawnsfoot (Truncilla macrodon) | Occurs in large rivers but may also be found in medium-sized streams. Typically occurs in substrates of mud, sandy mud, gravel and cobble. | No |

[1]USFWS only requires consideration of this species in Ellis County for wind energy projects

**B. Explanation of effects of the action:**

| SPECIES/ CRITICAL HABITAT | IMPACTS TO SPECIES/CRITICAL HABITAT |
|---|---|

| SPECIES/ CRITICAL HABITAT | IMPACTS TO SPECIES/CRITICAL HABITAT |
|---|---|
| Piping Plover | No impacts as no suitable habitat is present. |
| Rufa Red Knot | No impacts as no suitable habitat is present |
| Whooping Crane | No impacts as habitat would not be utilized due to nearby I35 disturbance. |
| Texas Fawnsfoot | No impacts as no suitable habitat is present |

**C. Actions to be implemented to reduce adverse effects:**

None, however, vegetation removal will occur outside of nesting season or the area will be checked for any presence of nests or birds before removal to comply with the Migratory Bird Treaty Act.

**VIII. Effect determination and response requested:**

Based on a review of TPWD, TXNDD, and USFWS records, no species occurrence or designated critical habitat for threatened and endangered species occurs in the proposed project area or adjacent to the project area. Whooping Cranes would not be impacted despite suitable habitat because of the nearby human disturbances associated with I35. No suitable habitat for the remaining listed species occurs on or near the project area.

**D. Effect Determination on Listed Species in the Project Vicinity:**

Based on a field investigation performed by TES on November 18, 2021, suitable habitat is present for the whooping crane and no suitable habitat for the remaining listed species is present on or adjacent to the proposed project area. Vegetation removal will occur outside of nesting season or the area will be checked for any presence of nests or birds before removal to comply with the Migratory Bird Treaty Act. USFWS Arlington Ecological Services was provided project information which included site location and environmental conditions. Ecological Services concurred that suitable habitat for the whooping crane was present and that no suitable habitat existed for the remaining federally listed species with potential to occur in the project area. Ecological Services also stated that they had no record of occurrence for listed species on or near the project boundary. No recorded occurrences of listed species are on or near the project area based on the Texas Natural Diversity Database (TXNDD) data and the ebird.org database as well.

**State Recommendation:**

**A. Listed species/designated critical habitat:**

**no effect:**
Piping Plover
Rufa Red Knot
Whooping Crane

**may effect, is not likely to adversely affect:**

**may effect, is likely to adversely affect:**

**B. Proposed species/proposed critical habitat:**

**no effect**:

**is not likely to jeopardize proposed species/ adversely modify proposed critical habitat:**

**is likely to jeopardize proposed species/ adversely modify proposed critical habitat:**

**C. Candidate species:**

**no effect:**
Texas Fawnsfoot

**is not likely to jeopardize:**

**is likely to jeopardize:**

**D. Remarks:**

**State Approval**

_____ _____

**Signature** **Date**

**Federal Assistance Determination:**

**A. Listed species/designated critical habitat:**

| **Determination** | **Response requested** |
|---|---|
| **no effect:**<br>Piping Plover<br>Rufa Red Knot<br>Whooping Crane | **__ Concurrence** |
| **may effect, is not likely to adversely affect:** | |
| **may effect, is likely to adversely affect:** | **__ Formal Consultation** |

**B. Proposed species/proposed critical habitat:**

| **Determination** | **Response requested** |
|---|---|
| **no effect**: | |
| **is not likely to jeopardize proposed species/ adversely modify proposed critical habitat:** | |
| **is likely to jeopardize proposed species/ adversely modify proposed critical habitat:** | **__ Conference** |

**C. Candidate species:**

| | |
|---|---|
| **no effect:**<br>Texas Fawnsfoot | |
| **is not likely to jeopardize:** | |
| **is likely to jeopardize:** | **__ Conference** |

**D. Remarks:**

**Federal Assistance Grant Manager**

_____ _____

**Signature** **Date**

**IX. Reviewing Ecological Services Office Evaluation:**

**A. Concurrence_x__ Non-concurrence____**

**B. Formal consultation required_____**

**C. Conference required ____**

**D. Remarks**

_____

**Signature**

_____

**Date**

# Appendix F
# Public Involvement Documentation

Summit At Breezy Acres, LLC

# Public Outreach Statement

An Environmental Assessment (EA) is underway for the construction of the Summit Shooting Sports, Self Defense & Fitness Training Center, LLC, dba Summit At Breezy Acres, LLC, (Summit) for an indoor training and practice range facility (facility) in accordance with Texas Parks & Wildlife Department (TPWD) and U.S. Fish & Wildlife Service (USFWS) guidelines, and in accordance with the National Environmental Policy Act. TPWD will be posting the draft EA on their website for review by the public.

The Summit proposes to construct and operate a modern state-of-the-art indoor firearm training and practice facility in order to serve the general public and the local community. The address of the facility will be 5375 N. IH 35E, Waxahachie, Texas 75165. The primary training offerings will be Hunter Education to youth and adults, License To Carry, Security Guard Certified Training and advanced training courses. The goal is to train youth and adults in the safe and responsible use of firearms and provide a fun experience while they gain proficiency. Additionally, many youth and adults do not have access to places to practice with their firearms or access to quality Hunter Education and firearm training in the DFW Metroplex. The facility will provide a great local experience for the public. The facility's modern training room can accommodate over 2,500 trainees per year for Hunter Education and other safety courses. The facility will provide reduced cost Hunter's Education classes for low socio-economic populations and underserved people in order to encourage youth, women and men to participate. The facility will feature twelve 25-yard indoor shooting lanes which are completely enclosed and are well within the EPA requirements for noise control based on the ambient noise level at this location.

Our "Progressive Training Method" will lead many more people to experience the family adventure, camaraderie with friends and the thrill and excitement that hunting provides. It will certainly lead many more people staying active in hunting and shooting sports throughout their lifetimes.

There is no comparable facility within 45 miles of the Summit that is compliant with the safety, design and operations guidelines of the National Rifle Association or National Shooting Sports Foundation.

The Summit has applied for a grant for the proposed project under the USFWS Wildlife and Sport Fish Restoration Program. The grant is being administered by the TPWD. The project construction is planned to occur in the 2021-2022 time frame, following completion of the EA process.

Questions regarding administration of the grant should be directed to the TPWD at (512) 389-8401 or via email at education@tpwd.texas.gov. Questions and comments regarding the Summit facility project and the EA should be directed to Mr. Ray Porter at (972) 923-2000 or via email at summitcenterllc1@gmail.com.