

Draft Environmental Assessment

US 80 and Spur 557, Dallas District

Project limits: US 80 (from FM 460 to Spur 557) and Spur 557 (from US 80 to IH 20)

CSJ Numbers: 0095-03-106, 0095-04-076, 0495-01-081

Kaufman County, Texas

December 2023

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

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Acronyms

AADT Average annual daily traffic

AOI Area of influence

APE Area of potential effects AST Above-ground storage tank **BMP** Best management practices Council on Environmental Quality CEO **CAFE** Corporate Average Fuel Economy CFR Code of Federal Regulations **CGP Construction General Permit CMP** Congestion management process

CO Carbon monoxide

CRIS Crash Records Information System

CSJ Control-section-job number

dB(A) A-weighted decibels

DOT Department of Transportation (US)

EA Environmental Assessment EJ Environmental Justice

EMST Ecological Mapping Systems of Texas

EO Executive Order

EPA Environmental Protection Agency

EPIC Environmental permits, issues, and commitments

FEMA Federal Emergency Management Agency

FHWA Federal Highway Administration

FM Farm-to-Market Road

FONSI Finding of No Significant Impact
FPPA Farmland Protection Policy Act
FWCA Fish and Wildlife Coordination Act

GHG Greenhouse gas

GIS Geographic Information Systems

IH Interstate Highway
ISA Initial Site Assessment
LEP Limited English Proficiency

Leg Equivalent Continuous Sound Level

LOS Level of Service

LPST Leaking Petroleum Storage Tank
LWCF Land and Water Conservation Fund

MBTA Migratory Bird Treaty Act

MOU Memorandum of Understanding
MPO Metropolitan Planning Organization
MS4 Municipal Separate Storm Sewer System

MSAT Mobile Source Air Toxics

MTP Metropolitan Transportation Plan NAAQs National Ambient Air Quality Standards

NAC Noise Abatement Criteria
NBI National Bridge Inventory

NCTCOG North Central Texas Council of Governments

NEPA National Environmental Policy Act
NRCS Natural Resource Conservation Service
NRHP National Register of Historic Places

NWP Nationwide Permit

PCN Pre-Construction Notification

PM Particulate matter

PS&E Plans, specifications and estimates

PWC Parks and Wildlife Code

RCRA Resource Conservation and Recovery Act

ROE Right of entry ROW Right-of-way

RPST Registered petroleum storage tank

RSA Resource study area

SGCN Species of Greatest Conservation Need

SHPO State Historic Preservation Office

SIP State Implementation Plan

STIP Statewide Transportation Improvement Plan

SWP33 Stormwater Pollution Prevention Plan

TAC Texas Administrative Code

TCEQ Texas Commission on Environmental Quality

TERP Texas Emissions Reduction Plan
THC Texas Historical Commission
TIP Transportation Improvement Plan

TPDES Texas Pollutant Discharge Elimination System

TPWD Texas Parks and Wildlife Department TxDOT Texas Department of Transportation

US United States Highway

USACE United States Army Corps of Engineers

U.S.C. United States Code

USCB United States Census Bureau

USFWS United States Fish and Wildlife Service

VMT Vehicle miles traveled

1.0 Introduction

The Texas Department of Transportation (TxDOT) proposes to improve the existing United States Highway (US) 80 from Farm-to-Market Road (FM) 460 to Spur 557, and Spur 557 from US 80 to Interstate Highway (IH) 20 in Kaufman County, Texas (see **Appendix A**).

The purpose of this draft Environmental Assessment (EA) is to study the potential environmental consequences of the proposed project and determine if those consequences warrant preparation of an Environmental Impact Statement. This draft EA is prepared to comply with both TxDOT's environmental review rules and the National Environmental Policy Act (NEPA). The Draft EA will be made available for public review and TxDOT will consider any comments submitted. If TxDOT determines that there are no significant adverse effects, it will prepare and sign a FONSI, which will be made available to the public.

2.0 Project Description

2.1 Existing Facility

The existing US 80 facility (see **Appendix B**) from FM 460 to Spur 557, is a four-lane divided highway (two lanes in each direction) divided by a grassy median. US 80 also has one-way and two-way frontage roads at some locations, with one to three lanes in each direction and turn lanes at various cross-street intersections.

From US 80 to IH 20, Spur 557 consists of a four-lane divided highway (two lanes in each direction) divided by a grassy median. Spur 557 also has one-way discontinuous one to two-lane frontage roads.

The existing typical right-of-way (ROW) width varies from approximately 300 to 400 feet along US 80 and varies from 375 to 500 feet along Spur 557, with wider footprints to accommodate large cross-street interchanges.

2.2 Proposed Facility

The proposed project consists of reconstructing US 80, from FM 460 to Spur 557, and Spur 557, from US 80 to IH 20, from a four-lane divided highway to a six-lane divided highway. This project is approximately 12 miles in length. The proposed project would also require an interstate access justification request to be approved by FHWA.

The proposed improvements consist of three 12-foot-wide travel lanes with typical ten foot inside shoulders in each direction divided by a concrete barrier along the centerline. The proposed improvements would also include one-way continuous two-lane frontage roads in each direction with ramp improvements that connect frontage roads to mainlanes with an auxiliary lane. Pedestrian and bicycle accommodations are proposed to include 10-foot shared use paths on the outside of the frontage roads in each direction. The proposed

typical ROW width varies from 300 to 420 feet along US 80, with wider footprints to accommodate large cross-street interchanges.

From US 80 to IH 20, the proposed improvements consist of reconstructing Spur 557 from a four-lane divided to a six-lane divided highway with a concrete barrier along the centerline. The proposed project would also include one-way continuous two to three-lane frontage roads in each direction with ramping improvements, shared use paths and sidewalks. The proposed typical ROW width varies from 375 to 520 feet along Spur 557, with wider footprints to accommodate large cross-street interchanges.

Interchange improvements would occur at US 80 and Spur 557 and at Spur 557 and IH 20. The proposed improvements are shown in the schematic and typical sections included in **Appendix C** and **D**, respectively.

2.3 Logical Termini and Independent Utility

Federal regulations require that federally funded transportation projects have logical termini, 23 CFR 771.111(f)(1). Simply stated, this means that a project must have rational beginning and end points. Those end points may not be created simply to avoid proper analysis of environmental impacts. For the US 80 project, FM 460 was chosen as the western project limit because this is a major cross street generating approximately 18,000 vehicles per day north of US 80. In addition, FM 460 is a major arterial roadway and one of the main connections to the cities (Heath and Rockwall) north of the corridor. The eastern limit of the project along Spur 557 is IH 20 because it is a major thoroughfare and traffic generator. As determined by the traffic demand model for 2022 studies for this proposed project, IH 20 generates 60,000 vehicles per day east of the project limits.

Federal regulations require that a project have independent utility and be a reasonable expenditure even if no other transportation improvements are made in the area, 23 CFR 771.111(f)(2). This means a project must be able to provide benefit by itself, and that the project not compel further expenditures to make the project useful. Stated another way, a project must be able to satisfy its purpose and need with no other projects being built. The proposed project can stand on its own without the implementation of other future traffic improvements because it cannot and does not irretrievably commit federal funds for other future transportation projects.

Federal law prohibits a project from restricting consideration of alternatives for other reasonably foreseeable transportation improvements, 23 CFR 771.111(f)(3). This means that a project must not dictate or restrict any future roadway alternatives. The US 80 and Spur 557 Project would not limit consideration of any other planned improvements or alternatives for such improvements. Furthermore, project planning for this project has included design to accommodate for other ongoing separate projects that may traverse or meet with this corridor and does not preclude the planning and design of such projects.

2.4 Planning Consistency

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth (DFW) region and responsible for developing Mobility 2045, the financially constrained Metropolitan Transportation Plan (MTP), adopted by the Regional Transportation Council on June 9, 2022. The proposed US 80 and Spur 557 Project is consistent with the description of the project in Mobility 2045, updated in 2022.

The NCTCOG adopted the regional 2023-2026 Transportation Improvement Plan (TIP) on June 9, 2022. The NCTCOG 2023-2026 TIP is reflected in TxDOT's 2023-2026 Statewide Transportation Improvement Program (STIP), which was approved by USDOT on November 18, 2022. The proposed project is consistent with the 2023-2026 TIP (as amended) and 2023-2026 STIP (as amended). A project level conformity determination was obtained from the Federal Highway Administration (FHWA) on October 24, 2023, as to its consistency with the USDOT-approved MTP and TIP/STIP (as amended).

3.0 Purpose and Need

3.1 Need

The proposed project is needed to improve safety, and to meet current and future travel demand from projected future population growth and traffic volumes.

3.2 Supporting Facts and/or Data

3.2.1 Safety Conditions

A safety and crash analysis study was conducted for the roadway facilities within the proposed project limits including the major interchanges at US 80/Spur 557 and Spur 557/IH 20. Data from the TxDOT Crash Records Information System (CRIS) database was used to perform the analysis and evaluation of safety conditions. The study identified total number of crashes, crash types and conditions. Over the five-year period from 2015 to 2019, there were a total of 1,854 crashes within the project area (Garver 2022). Within the five-year period, there were more than 300 crashes within the project area each year and Kaufman County reported approximately 2,000 crashes per year for the entire county. As shown in **Table 1**, approximately 20 percent of all crashes in Kaufman County occurred within the project area.

Table 1. Total Crashes by Year

	2015	2016	2017	2018	2019	Total
Total Crashes in Study Area	375	381	375	395	328	1,854
Total Crashes in Kaufman County	1,794	2,008	1,898	2,123	2,005	9,828
% of County's total crashes occurring within project area	21%	19%	20%	19%	16%	19%

Source: Safety and Operational Analysis Traffic Report, January 2023. * Note these numbers are approximations and are an average of the ADTs projected within the segments as listed.

Table 2 reflects statewide crash rates and project area crash rates per 100 million vehicle miles traveled (MVMT) for the five-year period from 2015 to 2019. The US 80 crash rate is higher than the statewide average for each year analyzed. Spur 557 has a lower crash rate than the statewide average for 2015, 2016, and 2019, which can be attributed to lower daily traffic on Spur 557.

Table 2. Statewide traffic crash rates per 100 MVMT for rural 4-lane divided highways (US 80 and Spur 557)

· ,						
Year	Statewide	US 80 (Project Limits)	Spur 557 (Project Limits)			
2015	62.29	114.18	49.05			
2016	57.31	103.3	52.23			
2017	57.65	96.84	67.59			
2018	60.42	87.28	173.42			
2019	57.04	92.95	53.43			

Source: Safety and Operational Analysis Traffic Report, January 2023.

According to the safety analysis conducted for the proposed project, the proposed improvements are anticipated to reduce collisions by approximately 22 percent. The proposed project would help reduce the number of crashes and improve safety through wider shoulders to provide recovery space, interchange/intersection improvements to provide direct connections and designated turn lanes, auxiliary lanes between on and off ramps to reduce weaving movements, and ramp improvements to increase acceleration and deceleration lengths.

3.2.2 Travel Demand

Population Growth

According to Mobility 2045 MTP, the population for NCTCOG's 12-county planning area is projected to grow to over 11 million by 2045. Included in the 12-county area is Kaufman County. Population data for Kaufman County is shown in **Table 3**.

Table 3. Population Data

Geography	2020	2022	2045	Percent Increase from 2020 to 2045
Kaufman County	145,310	172,366	211,585	68%

Source: U.S. Census Bureau 2020 Census and County Quickfacts, and Texas Demographic Center Projection Data.

The county has an estimated population of 172,366 in 2022 according to the U.S. Census Bureau (USCB) Quickfacts county data. In the 2020 Census, the population was reported as 145,310 for Kaufman County. This is an 18.6 percent change from 2020 to 2022. This growth trend for Kaufman County is also anticipated to continue in the future. The Texas Demographic Center estimates a continued increase in population through 2045. Based on the 2020 Census population data, the Texas Demographic Center projected the population for Kaufman County in 2045 to be 211,585, a 68 percent increase from the 2020 census numbers. With the growth in population, Kaufman County would also experience an increasing demand for the movement of people and goods through the US 80 and Spur 557 corridors. Improvements to these facilities would address the need to improve mobility for the growing population and associated future travel demand.

Traffic Volumes

Current traffic volumes and future traffic projections were evaluated within the project limits. As shown in **Table 4**, the average daily traffic (ADT) in 2022 ranges from 30,570 to 59,113 within the project limits. The ADTs projected in 2048 range from 44,650 to 91,425 in the No-Build condition. These numbers are not substantially high; however, the 2048 numbers are an increase of generally 50 percent from the 2022 numbers.

Table 4. US 80 and Spur 557 Vehicles per Day

Project Segment	2022	2028	2048	Percent Increase from 2022 to 2048
US 80 from Clements Dr. to 548	59,113	66,225	91,425	55%
US 80 from FM 548 to Spur 557	49,514	56,288	78,313	58%
Spur 557 from US 80 to IH 20	30,570	33,125	44,650	46%

Note: The numbers provided are an average of the projected ADTs within the segments listed. Source: Safety and Operational Analysis Traffic Report, January 2023.

Level of Service (LOS) analysis was also conducted to assess traffic conditions along US 80 and Spur 557. LOS levels are used by the USDOT as a way to describe the level of congestion and travel time delay for roadway facilities. **Table 5** describes the general conditions for each LOS classification.

Table 5. Level of Service General Definitions

Level of Service (LOS)	General Operating Conditions
А	Free flow, with low volumes and high speeds.
В	Reasonably free flow, but speeds beginning to be restricted by traffic conditions.
С	Stable flow, but most drivers are restricted in the freedom to select their own speeds.
D	Approaching unstable flow; drivers have little freedom to select their own speeds.
Е	Unstable flow; may be short stoppages.
F	Forced or breakdown flow; unacceptable congestion; stop-and-go.

Source: Adopted from the ASHTO Green Book and Flexibility in Highway Design

Within the project limits, ramp queue spillback onto main freeway lanes, and a LOS F was identified within several segments under existing conditions. A sharp degradation in operations throughout the study area would result in numerous segments of freeway mainlanes and ramps, as well as many intersections, anticipated to be operating at LOS E or F by 2048.

3.3 Purpose

The purpose of the project is to improve safety and mobility to accommodate future traffic volumes along US 80/Spur 557 within the project limits.

4.0 Alternatives

4.1 Build Alternative

The Build Alternative, as described in detail in **Section 2.2**, proposes a roadway facility with six mainlanes (three in each direction), one-way continuous two-to three-lane frontage roads in each direction, shared use paths and sidewalks, intersection improvements at side and cross streets and improvements to the US 80/Spur 557 and Spur 557/IH 20 interchanges. The Build Alternative extends approximately 12 miles and would acquire approximately 17 acres of ROW for transportation use and approximately 6 acres of permanent drainage easements.

This alternative meets the project's need and purpose by improving safety and meeting travel demands resulting from anticipated population growth and traffic volumes. The Build Alternative is also consistent with local and regional land use and transportation plans and policies. For these reasons, the Build Alternative is the recommended alternative.

4.2 No-Build Alternative

The No-Build Alternative would not result in any construction for the US 80 and Spur 557 corridors. This alternative does not improve mobility or safety and would not address future travel demands; therefore, the purpose and need would not be met by the No-Build Alternative and the Build Alternative would be considered the recommended alternative. The No-Build Alternative is evaluated throughout this EA for comparison purposes.

4.3 Preliminary Alternatives Considered but Eliminated from Further Consideration

Other Build Alternatives considered but eliminated from further consideration include realignment of US 80 and reconfiguration of the US 80 and Spur 557 roadway facilities. These other alternatives were eliminated from further consideration because of the potential for substantial impacts as well as location limitations constrained by the UPRR Railroad that extends parallel to the south of US 80. Furthermore, additional constraints such as established residential and commercial development would be substantially impacted by any potential realignment of the existing US 80 and Spur 557 facilities.

5.0 Affected Environment and Environmental Consequences

In support of this EA, the following technical documentation was prepared and may be inspected and copied upon request at the TxDOT Dallas District Office at 4777 East Highway 80, Mesquite, Texas 75150, Monday through Friday, from 9 a.m. to 5 p.m.:

- Community Impact Assessment Technical Report Form
- Congestion Management Process Summary
- Cumulative Impacts Technical Report
- Hazardous Materials Initial Site Assessment
- Historic Bridge Section 4(f) De Minimis Checklist and Documentation
- Historic Resources Survey Report
- Historical Studies Research Design
- Induced Growth Analysis Technical Report
- Mobile Source Air Toxics Qualitative Assessment Report
- Natural Resources Conservation Service (NRCS) CPA-106 Form
- Project Coordination Request for Historical Studies Project
- Species Analysis Form and Spreadsheet
- Surface Water Analysis
- Traffic Noise Analysis Report
- Water Features Delineation Report

These reports and associated studies were conducted in support of the preparation of this EA. Information of the study findings and environmental consequences for the Build and No-Build Alternatives are described in the following sections by resource category. These

discussions include studies of direct and indirect effects, including encroachment-alteration effects if applicable resulting from the proposed improvements.

5.1 Right-of-Way/ Displacements

The proposed project would require acquisition of approximately 17 acres of additional ROW impacting 120 parcels, but no displacements are anticipated. See **Appendix C**, Schematics, to view where additional ROW is proposed for the project. TxDOT has and will continue to communicate with the affected property owners to provide just compensation for impacts to their properties. ROW acquisition and relocation assistance would be conducted in accordance with the TxDOT Right-of Way Acquisition and Relocation Assistance Program and the Federal Uniform Relocation and Real Property Acquisitions Policy Act of 1970.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no ROW acquisitions and no displacements would be anticipated.

5.2 Land Use

The existing land use of the project area generally consists of suburban residential and commercial land use with industrial, warehouse, and distribution centers located primarily along Spur 557. The area is a mix of well-established and new subdivision developments, and undeveloped, vacant land.

Additional developments and other transportation projects are planned in the area within the project limits. These developments would replace the vacant lands and convert to urban use. Although future growth and development is anticipated in the area, the land use would not be substantially altered by changes resulting from the proposed project. The proposed project would require additional ROW to accommodate the proposed improvements. As shown in **Appendix E**, the areas needed for additional ROW generally consist of disturbed land and are located immediately adjacent to the existing US 80 roadway that would be converted for transportation use. Additional information on the vegetation types and potential impacts is discussed in **Section 5.11**. Land use impacts related to induced growth are discussed in **Section 5.15**.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to land use would be anticipated.

5.3 Farmlands

As the project will require new ROW in non-urban land use areas, the Farmland Protection Policy Act (FPPA) applies. The proposed project area is identified as an urbanized area. According to the Natural Resources Conservation Service (NRCS), a total of 16.7 acres of

Prime and Unique Farmland and 0.1 acres of Statewide and Local Important Farmland would be directly converted by the Build Alternative. The results of the Farmland Conversion Impact Rating analysis indicated a site assessment score of less than 60 points, therefore no coordination with NRCS is required.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to farmlands would be anticipated.

5.4 Utility Relocation

It is reasonably foreseeable that utilities will have to be relocated as a result of this project. The impacts resulting from removal of any utilities from within existing highway ROW (e.g., construction noise, potential disturbance to archeological resources, and potential impacts to species habitat) have been considered as part of the overall project footprint impacts within this environmental assessment. It has not yet been determined whether the dislocated utilities will be re-installed within the highway ROW, or to a location outside the highway ROW. However, the potential impacts resulting from re-installation of the displaced utilities within the highway ROW have been considered as part of the overall project footprint impacts (e.g., construction noise, potential disturbance to archeological resources, and potential impacts to species habitat) within this environmental assessment. To the extent that the owner of any displaced utility determines to reinstall the displaced utility at a location outside of highway ROW, such location will be determined by the owner of the utility subject to the rules and policies governing the utility relocation process. Additionally, the owner of the utility will be responsible for acquiring any easements outside the highway ROW and ensuring that the design and construction meet all regulatory and environmental compliance requirements. See 43 Texas Administrative Code (TAC) 21.37(a)(9), (g)(1)), and (g)(4); 43 TAC 21.38(e)(2).

There are four natural gas transmission pipelines, two crude oil pipelines, and one highly volatile liquid (HVL) pipeline within the ROW. A complete subsurface utility engineering (SUE) survey, Quality Level B (QL-B) for the proposed project was completed to determine the horizontal locations of these lines. Known utility owners were contacted when possible to obtain available as-built information. Some of these lines will need to be relocated and would be determined during final design.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no utility relocations would be anticipated.

5.5 Bicycle and Pedestrian Facilities

The proposed project will comply with TxDOT's Bicycle Accommodation Design Guidance, which implements USDOT and FHWA policy regarding bicycle and pedestrian accommodations. A 10-foot shared use path is proposed along the outside of the frontage roads, one in each direction within the project limits. These improvements are shown in the design schematic included in **Appendix C**. No public transportation or transit services are available within the project limits and would not require connections.

No-Build Alternative

Under the No-Build Alternative, the No-Build Alternative would not construct bicycle and pedestrian facilities.

5.6 Community Impacts

The proposed project is located in a generally suburban setting within the cities of Forney and Terrell, Texas. These communities are generally commuter cities and suburbs within the overall Dallas-Fort Worth metroplex. The proposed study area consists of urban development intermixed with undeveloped open land. Developed lands include single and multi-family residences, places of worship, public facilities, and small and large commercial and industrial businesses including distribution and warehouse centers. Undeveloped lands are comprised of vacant (unimproved acreage) and some agriculture (ranch and pasture) land.

The proposed project would generally consist of adding one mainlane in each direction and providing a continuous frontage road system within the project limits for improved mobility and access.

No-Build Alternative

The No-Build Alternative would not result in construction improvements; therefore, no improvements to address mobility and safety would occur, and this alternative would not address the purpose and need for the project.

5.6.1 Displacements

The proposed project would not result in any displacements; therefore, a displacements analysis was not required. Although no displacements are anticipated, additional ROW of approximately 17 acres would be acquired at various locations within the project limits to accommodate for the proposed improvements. No further analysis was required.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no displacements and no ROW acquisitions would be anticipated.

5.6.2 Access and Travel Patterns

Ramping and intersection improvements are proposed within the project limits. Travel times are anticipated to shorten due to increased mobility, managed congestion and improved access through the continuous frontage roads and additional mainlanes. Vehicular transportation is the current mode generally used to access destinations in the study area with possible walking and cycling in residential areas. No public bus or mass transit is available within the study area. The proposed project would not substantially change existing travel patterns because of the existing facility; however, the project would benefit commuting travel times by reducing congestion and providing improved mobility through the project limits. Proposed improvements include continuous frontage roads, sidewalks, and ramping improvements. These proposed features are anticipated to improve accessibility and provide alternative modes to driving on the mainlanes. Ramp shifts would not eliminate or prohibit access to/from the main lanes and to any portion of the study area.

Emergency response times are also anticipated to be improved because of additional travel lanes and continuous frontage roads proposed within the project limits.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no access and travel pattern impacts would be anticipated.

5.6.3 Community Cohesion

The proposed project is not anticipated to result in adverse impacts to the cohesion of any neighborhood or subdivision within the project study area. The proposed project would not divide any existing communities or planned subdivisions. No feedback from the first public meeting was received to indicate any potential impact to community cohesion. The site visit observations did not identify potential impacts to communities because residential and commercial developments are built entirely north or south of the highway facility; therefore, these neighborhoods and developments are not currently divided, and no additional separation or division is anticipated from the proposed project to adversely impact community cohesion.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to community cohesion would be anticipated.

5.6.4 Environmental Justice and Limited English Proficiency

Environmental Justice (EJ)

In accordance with EO 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), a community impact assessment was performed

to identify the presence of EJ populations and evaluate any potential impacts to such populations.

Within the study area, there are 24 census block groups and 709 census blocks. The study area has a 51 percent overall minority population and includes 286 census blocks with half or more of the population identified as minorities. For the entire study area, the minority population is comprised mostly of Black or African American (21 percent) and Hispanic and Latino (22 percent), followed by two or more races (4 percent) and Asian (3 percent). No census block groups have a median household income below the poverty level. The median household incomes range from \$34,018 to \$204,453 among the census block group geographies.

Based on the analysis, impacts to EJ populations are not disproportionately high and adverse when compared to impacts to non-EJ populations because no displacements, no community cohesion impacts, and no adverse access changes are anticipated by the proposed improvements.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to EJ populations would be anticipated.

Limited English Proficiency (LEP)

There is a presence of persons who speak English "less than very well" in 16 out of the 24 census block groups in the study area. The LEP population percentages range from 0.2 percent to 19.4 percent among census block groups. Five census block groups have a LEP population greater than 5 percent. The most common language LEP persons are likely to speak is Spanish. Specifically, in the study area, the languages spoken by the LEP population are Spanish (2.3 percent), Asian and Pacific Islander languages (0.7 percent), other Indo-European languages (0.5 percent), and other languages (0.3 percent).

Language assistance and other accommodations were made available for past outreach activities and will continue to be provided in future public involvement. Materials including the notice and comment card will be provided in both English and Spanish and will be published in English and Spanish newspapers. An opportunity to request language accommodation and other assistance services would be included in the public hearing notice and provided if requested.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to LEP populations would be anticipated.

5.7 Visual/Aesthetic Impacts

The proposed project would consist of adding a mainlane in each direction and continuous one-way frontage roads along US 80 and Spur 557 within the project limits. Intersection improvements are also proposed at cross streets and improvements to the US 80/Spur 557 and Spur 557/IH 20 interchanges. Direct connectors would be included at these interchanges resulting in vertical changes in the immediate area. Throughout the project limits, the viewshed is generally flat with little obstructions to views outward from the roadway facility.

The grassy median along the center of the US 80 and Spur 557 facilities would be eliminated and replaced by a concrete center barrier and pavement for the additional mainlane and shoulder in each direction. This would change the visual aesthetics of the roadway for users of the facility. However, landscaping and other possible aesthetic treatments could be installed depending on funding and coordination conducted with local governments. Lighting would also be determined during final design and dependent on studies and funding. Some bridge structures would be replaced within the project limits; however, visually, they would be indistinguishable from existing structures. Any aesthetic treatments would be coordinated with local governments and may provide more aesthetically pleasing treatments than current conditions for roadway users. Adjacent properties and view towards the facility would not substantially change from current conditions; however, the interchange improvements would result in obstructed views from the elevated direct connectors and ramps proposed for the US 80/Spur 557 and Spur 557/IH 20 interchanges. Due to the wide existing ROW footprint, the proposed ROW would not substantially add to the existing footprint and would not substantially alter the existing views for roadway users and for adjacent viewers of the corridor.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no visual and aesthetic impacts would be anticipated.

5.8 Cultural Resources

Evaluation of impacts to cultural resources has been conducted in accordance with TxDOT's Memorandum of Understanding (MOU) with the Texas Historical Commission (THC).

5.8.1 Archeology

An Archeological Background Study and Archeological Survey Report were prepared for the proposed project. Based on the Background research, 10 previous cultural resources surveys were identified within 0.6 mile of the area of potential effects (APE) including five that intersect the APE. Seven Protected Areas of the United States (PADUS lands), eight historical markers, and two cemeteries are within 0.6 mile of the proposed project APE. No

National Register of Historic Places (NRHP) properties or districts or State Antiquities Landmarks are within 0.6 mile of the proposed project APE.

An intensive survey of the proposed new ROW included excavating 5 backhoe trenches and 101 shovel tests within the APE. Based on the results of the survey, a finding of "no historic properties affected" was recommended and no further archaeological investigations are recommended within the 11 currently surveyed parcels. A reconnaissance of three inaccessible parcels revealed substantial disturbances and negligible potential for intact archeological deposits; therefore, no further work is recommended on these parcels. Five parcels that were inaccessible during the survey are recommended for further investigation once access is obtained based on the potential for buried deposits and Potential Archeological Liability Model data.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to archeological resources would be anticipated.

5.8.2 Historic Properties

A study was conducted to evaluate historic-age properties within the project limits based on the historic-age limit of 45 years from letting date. A Project Coordination Request, Research Design and Historical Resources Survey Report were prepared for the proposed project. These documents can be viewed and copied upon request at the TxDOT Dallas District.

TxDOT historians conducted a Historic Resources Survey and identified 32 properties in the APE with a finding of four historic properties present (two bridges, two farms).

TxDOT determined two bridges in the APE NRHP-eligible under the 1945-1965 bridge study. Located at CR 217 at US 80 (NBI No. 181300009504108) and Windmill Farms Blvd at US 80 (NBI No. 181300009504109), they carry traffic over the mainlanes of US 80. TxDOT marketed the bridges on its bridge adoption website for over 30 days ending in July 2023.

TxDOT determined Landmark Hill (007) NRHP-eligible under Criterion A and C at the local level for its association with agriculture in Kaufman County and its representation of a Colonial Revival farmstead. TxDOT determined the Pinson Farm (011) NRHP-eligible under Criterion A and C for its association with agriculture in Kaufman County, representing an intact farmstead, with a Craftsman style house.

Pinson Farm is located outside of the proposed project improvements; therefore, the project would result in no impacts to this property. The identified eligible property, Landmark Hill, is approximately 8.04 acres in size. The proposed project requires approximately 0.06 acre in new ROW within the southern boundary of this property along US 80. This results in a total impact of 0.7 percent (less than one percent). TxDOT determined this impact constitutes a de minimis use of the historic property. TxDOT determined that this minor change poses no adverse effect as the property would still possess its significance following completion of the

project. The proposed project would not adversely affect the property's integrity of location, setting, feeling, association, design, materials, or workmanship.

Concurrence by THC was received on September 16, 2023 for no adverse effect to historic properties. The agency coordination letter is included in **Appendix F**.

Indirect Effect

Project activities pose minimal potential to cause indirect effects. The widening of an existing highway would not affect or diminish the qualities and characteristics that contribute to the historic significance of Landmark Hill. Potential visual impacts were assessed and determined no visual effects would occur as the roadway will remain at grade at this location. Noise impacts will not be measured as the property is now in commercial use.

Cumulative Effect

Project activities pose no foreseeable cumulative adverse effects to the property. The property is currently abandoned and not in agricultural use and any future use by other owners is not the subject of this review.

The project would result in no effect on the Pinson Farm property. The property is located away from the new ROW impacts. For additional details, the Historical Resources Survey Report is available for viewing and copy requests can be made at the TxDOT Dallas District office.

TxDOT completed programmatic mitigation for the replacement of all bridges in Group II. Group II bridges are those that are significant when considered together as a group. The significance of the Group II bridges lies in their history, rather than their potential for preservation in place. This programmatic mitigation is a public-facing education campaign about these bridges, which includes videos, a webpage, glossaries, photographs, educational activities, and continued promotion of these materials. Per prior agreement, TxDOT does not need to complete additional mitigation on Group II bridges.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to historic properties and structures would be anticipated.

5.9 Protected Lands

Section 4(f) of the USDOT Act requires special consideration to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. Section 6(f) of the Land and Water Conservation Fund (LWCF) Act protects parklands and recreational areas purchased or developed with federal LWCF funds from being converted to non-recreational uses. Chapter 26 of the Texas Parks and Wildlife Code

(PWC) protects any public land designated and used as a park, recreation area, scientific area, wildlife refuge, or historic area from acquisition or use for other purposes.

5.9.1 Section 4(f)

Within the project limits, the USDOT Section 4(f) protections applied to two eligible historic bridges and one recommended eligible historic property. No public parks, recreational areas, or wildlife and waterfowl refuges were identified within the project limits that would be impacted by the proposed project.

The two bridges would be replaced as part of the proposed project. A programmatic Section 4(f) checklist was prepared for each of these bridges and are included in **Appendix G**. In addition to the eligible bridges, the proposed project requires approximately 0.06 acre in new ROW within the southern boundary of the Landmark Hill property along US 80. The proposed ROW would not affect the integrity and character of this site and a *de minimis* Section 4(f) checklist was prepared for this property and included in **Appendix G**.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to Section 4(f) sites would occur.

5.9.2 Section 6(f)

There are no Section 6(f) properties present in the project area.

5.9.3 Chapter 26

There are no Chapter 26 properties present in the project area.

5.10 Water Resources

5.10.1 Clean Water Act Section 404

This project will involve regulated activity in jurisdictional waters and therefore will require authorization under Section 404. **Table 6** shows the water features that are anticipated to be jurisdictional waters in which regulated activity is anticipated to take place. It also indicates whether the impacts are anticipated to be authorized under Section 404 by a non-reporting nationwide permit (NWP) (i.e., no pre-construction notification required), or if it is anticipated that a nationwide permit with pre-construction notification, individual standard permit, letter of permission, or regional general permit will be required.

Table 6. Section 404 Waters

Table 6. Section 404 Waters						
Name of Water Feature	Type of Water Feature	Location of water feature	Covered by non-reporting nationwide permit under Section 404?	Nationwide permit with pre-construction notification, individual standard permit, letter of permission, or regional general permit required under Section 404?		
Stream 1 (Buffalo	Intermittent	32.7670138°N	Υ	N		
Creek)	stream	96.4861093°W				
		(App. E, Pg. 1)				
Stream 2	Perennial stream	32.7646593°N	Υ	N		
		96.4837355°W				
		(App. E, Pg. 1)				
Stream 5	Intermittent	32.7511041°N	Υ	N		
	stream	96.4608369°W				
		(App. E, Pg. 4)				
Stream 6	Intermittent	32.7508546°N	Υ	N		
(Mustang Creek)	stream	96.4605845°W				
		(App. E, Pg. 4)				
Stream 10	Intermittent	32.7397639°N	Υ	N		
	stream	96.3908791°W				
		(App. E, Pg. 10)				
Stream 13 (Big	Perennial stream	32.7393524°N	Υ	N		
Brushy Creek)		96.3754176°W				
		(App. E, Pg. 12)				
Stream 14	Intermittent	32.7355307°N	Υ	N		
(Terry Creek)	stream	96.3508925°W				
		(App. E, Pg. 14)				
Stream 15	Intermittent	32.7332702°N	Υ	N		
	stream	96.3463723°W				
		(App. E, Pg. 15)				

Source: Water Features Delineation Report, July 2023.

The water features listed above can be grouped into 4 single and complete crossings. The proposed project will permanently and/or temporarily impact intermittent streams 1, 5, 6, 10, 14, and 15, and perennial streams 2 and 13. One additional intermittent stream, eight ephemeral streams, and three wetlands were delineated along the corridor within the project limits; however, these streams and wetlands were either not potentially jurisdictional or not impacted by the proposed project. See **Appendix E** for locations of streams listed in **Table 6**. No wetland impacts are anticipated. Impacts at each single and complete crossing will be less than 0.10 acre and therefore will be covered by a non-reporting NWP 14 – Linear Transportation Projects. TxDOT will comply with the current Clean Water Act (CWA) rules, regulations, policies, and guidance in effect when the permit is requested or when construction begins.

The need for an individual standard permit under Section 404 is not anticipated. If it is later determined that an individual standard permit under Section 404 is needed, compliance with EPA's Section 404(b)(1) Guidelines will be confirmed prior to submittal of the individual standard permit application.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to jurisdictional waters would be anticipated.

5.10.2 Clean Water Act Section 401

For projects that require an NWP under Section 404 that is covered by TCEQ's blanket 401 water quality certification, regardless of whether the NWP is non-reporting, or requires the submission of a PCN, TxDOT complies with Section 401 of the Clean Water Act by implementing TCEQ conditions for NWPs. For projects that require authorization under an NWP under Section 404 that is not covered by TCEQ's blanket 401 water quality certification, or under an Individual Standard Permit, Letter of Permission, or Regional General Permit under Section 404, TxDOT will coordinate the Section 401 water quality certification with TCEQ. TCEQ will either approve or deny the Section 401 water quality certification or issue a waiver. The TCEQ Section 401 water quality certification decision must be submitted to the United States Army Corps of Engineers (USACE) before use of the NWP can be confirmed, or an Individual Standard Permit, Letter of Permission, or Regional General Permit decision can be made.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to water quality would be anticipated.

5.10.3 Executive Order 11990 Wetlands

Executive Order (EO) 11990, Protection of Wetlands (42 Federal Register 26961, 5/24/1977), prohibits new construction in wetlands unless there is no practicable alternative to such construction and the project includes all practicable measures to minimize harm to wetlands. Wetlands are present within the proposed project ROW. However, neither temporary nor permanent impacts to wetlands are anticipated resulting from the proposed project improvements.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to wetlands are anticipated.

5.10.4 Rivers and Harbors Act

The proposed project will not involve activities in a navigable waterway and therefore will not require authorization under Section 10 of the Rivers and Harbors Act. Furthermore, this project will not involve activities that alter, occupy, or use any USACE federally authorized civil works project. Therefore, Section 14 of the Rivers and Harbors Act (Section 408) does not apply for the Build and No-Build Alternatives.

5.10.5 Clean Water Act Section 303(d)

The proposed project is located within five linear miles of two impaired assessment units under Section 303(d) of the federal Clean Water Act according to the 2022 TCEQ 303(d) List (see **Table 7**).

Table 7. Section 303(d) Units

Watershed	Segment Name	Segment Number	Assessment Unit Number
Mustang Creek – East Fork Trinity River (120301060505)	East Fork Trinity River	0819	TX-0819_01
Headwaters Kings Creek (120301070105)	Kings Creek	0818C	TX-0818C_01

Source: SAS Form, July 2023.

To date, TCEQ has not identified (through either a total maximum daily load (TMDL) or the review of projects under the TCEQ MOU) a need to implement control measures beyond those required by the construction general permit (CGP) on road construction projects. Therefore, compliance with the project's CGP, along with coordination under the TCEQ MOU for certain transportation projects, collectively meets the need to address impaired waters during the environmental review process. As required by the CGP, the project and associated

activities will be implemented, operated, and maintained using best management practices to control the discharge of pollutants from the project site.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to impaired waters would be anticipated.

5.10.6 Clean Water Act Section 402

Since Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP) authorization and compliance (and the associated documentation) occur outside of the environmental clearance process, compliance is ensured by the policies and procedures that govern the design and construction phases of the project. The Project Development Process Manual and the Plans, Specifications, and Estimates (PS&E) Preparation Manual require a storm water pollution prevention plan (SWP3) be included in the plans of all projects that disturb one or more acres. The Construction Contract Administration Manual requires that the appropriate CGP authorization documents (notice of intent or site notice) be completed, posted, and submitted, when required by the CGP, to TCEQ and the municipal separate storm sewer system (MS4) operator. It also requires that projects be inspected to ensure compliance with the CGP.

The PS&E Preparation Manual requires that all projects include Standard Specification Item 506 (Temporary Erosion, Sedimentation, and Environmental Controls), and the "Required Specification Checklists" require the current version of Special Provision 506 on all projects that need authorization under the CGP. These documents require the project contractor to comply with the CGP and SWP3, and to complete the appropriate authorization documents.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no ground disturbance would occur and compliance with the TPDES CGP would not be required.

5.10.7 Floodplains

The proposed project is located within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain. The study area intersects approximately 70 acres of Zone AE 100-year floodplain along Buffalo Creek, Mustang Creek, Big Brushy Creek, Terry Creek, and Bachelor Creek, and 12 acres of Zone A 100-year floodplain along Terry Creek and Unnamed Tributary to Big Brushy Creek (Stream 10). This project is federally funded and therefore is subject to Executive Order (EO) 11988, Floodplain Management. However, the project will not involve a significant encroachment in the floodplain.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, coordination with the local floodplain administrator would not be required.

5.10.8 Wild and Scenic Rivers

No wild and scenic rivers are in or near the project limits; therefore, the Wild and Scenic Rivers Act does not apply.

5.10.9 Coastal Barrier Resources

The Coastal Barrier Resources Act (CBRA) does not apply.

5.10.10 Coastal Zone Management

The project area is not located within the Texas Coastal Management Plan boundary. Therefore, a consistency determination is not required.

5.10.11 Edwards Aquifer

The TCEQ Edwards Aquifer Rules and the EPA Edwards Aquifer MOU do not apply.

5.10.12 International Boundary and Water Commission

This project does not cross or encroach upon the floodway of the International Boundary Water Commission (IBWC) ROW or an IBWC flood control project.

5.10.13 Drinking Water Systems

In accordance with TxDOT's Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges (Item 103, Disposal of Wells), if discovered, any drinking water wells would need to be properly removed and disposed of during construction of the proposed project.

According to groundwater well data from the Texas Water Development Board (TWDB), no active drinking water wells are located within the vicinity of the project.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no impacts to drinking water systems would be anticipated.

5.11 Biological Resources

5.11.1 Impacts to Vegetation

The project area is located within the Southwestern Prairies Cotton and Forage Land Resource Region (LRR J) of the Great Plains and is more specifically located in Major Land Resource Area (MLRA) 86A (Texas Blackland Prairie). This area is characterized by fertile dark clay soils, gentle topography, deciduous trees (pecan, cedar elm, various oaks and

hackberry), and a diverse assortment of perennial and annual grasses. Watersheds and riparian zones of the Brazos and Trinity River and their associated tributaries support habitat for a variety of wildlife species.

Currently, the project area is located in an urban/suburban setting. Developed lands include single and multi-family residences, places of worship, public facilities, small and large businesses, industrial facilities, and distribution centers interspersed with mowed/maintained grasses and ornamental plants. Most of the project area is located on urbanized land. Undeveloped lands are comprised of deciduous woodland, floodplain, disturbed/tame grassland, barren ground, and cropland. There are multiple small stream and floodplain crossings within the project limits, with riparian and floodplain vegetation typically consisting of deciduous trees, shrubs, native grasses, herbs, and aquatic plants.

Dominant upland plant species include hackberry (*Celtis laevigata*), cedar elm (*Ulmus crassifolia*), American elm (*Ulmus americana*), eastern red cedar (*Juniperus virginiana*), ash (*Fraxinus spp.*), johnsongrass (*Sorghum halepense*), ragweed (*Ambrosia trifida*), bermuda grass (*Cynodon dactylon*), snow-on-the-prairie (*Euphorbia marginata*), sunflower (*Helianthus annuus*), poison ivy (*Toxicodendron radicans*), goldenrod (*Solidago sp.*), and greenbrier (*Smilax rotundifolia*). Dominant wetland plant species include balloon vine (*Cardiospermum halicacabum*), southern saltmarsh aster (*Symphyotrichum divaricatum*), cattail (*Typha sp.*), sedge (*Carex sp.*), rush (*Eleocharis sp.*) and black willow (*Salix nigra*). Soils in the project area vary but are dominated by clay soils with silty and sandy loams also present. Some clay soils exhibit hydric characteristics.

A Species Analysis Spreadsheet was prepared to identify the potential for rare, threatened and endangered species within the project area. There are no federally or state-listed plant species identified for the project. Potential habitats for Species of Greatest Conservation Need (SGCN) were also evaluated. Native species designated as SGCNs are generally those that are declining or rare and in need of attention to recover or to prevent the need to list under state or federal regulation.

See Appendix B for project photographs, and Appendix E to view exhibits showing the type and location of vegetative habitat in the existing and proposed ROW. Impacts to vegetation would be avoided or minimized by limiting disturbance to only that which is necessary to construct the proposed project. No unusual vegetation or special habitat features were observed within the proposed project area; the majority of impact will occur within acreage already converted to urban land use (742 ac). Impacts to other vegetation types include: native invasive deciduous woodland (16.3 ac), floodplain herbaceous vegetation (8.5 ac), barren land (4.2 ac), Blackland Prairie disturbed grassland (3.7 ac), floodplain hardwood forest (3.6 ac), and row crops (3.2 ac).

The following BMPs would be implemented for vegetation. Refer to **Section 8.0**, for detailed BMPs:

- Minimizing the amount of vegetation cleared and avoiding removal of native vegetation to the greatest extent practicable.
- Discouraging the use of non-native vegetation in landscaping and revegetation.
- Avoiding vegetation clearing activities during the general bird nesting season, March through September, to minimize adverse impacts to birds.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, the No-Build Alternative would have no impact on vegetation.

5.11.2 Executive Order 13112 on Invasive Species

This project is subject to and will comply with federal Executive Order 13112 on Invasive Species. The department implements this Executive Order on a programmatic basis through its Roadside Vegetation Management Manual and Landscape and Aesthetics Design Manual.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, compliance with EO 13112 on Invasive Species would not apply.

5.11.3 Executive Memorandum on Environmentally and Economically Beneficial Landscaping

This project is subject to and will comply with the federal Executive Memorandum on Environmentally and Economically Beneficial Landscaping, effective April 26, 1994. The department implements this Executive Memorandum on a programmatic basis through its Roadside Vegetation Management Manual and Landscape and Aesthetics Design Manual.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, beneficial landscaping would not apply.

5.11.4 Impacts to Wildlife

Wildlife habitat suitability is closely linked to the vegetation and soil profiles observed in the project area. Refer to **Section 5.11.1 – Impacts to Vegetation** for detail on dominant vegetation. Typical wildlife species that have the potential to occur in the habitat surrounding the project include a variety of small mammals, birds, reptiles, amphibians, small fish, mussels, and invertebrates.

A Species Analysis Spreadsheet was prepared to identify the potential for federally and state-listed threatened and endangered species as well as SGCNs within the project area. Habitat suitability and effect/impact determinations for these species as a result of the proposed project are discussed in **Section 5.11.10 – Threatened, Endangered, and Candidate Species**.

As the project activities involve widening and improving upon existing roadway, habitat fragmentation is not anticipated and therefore long-term impacts such as disruption of animal movement and gene-flow will be minimized. However, short-term impacts may occur in fringe areas containing suitable habitat. During construction, heavy machinery could kill small, low-mobility animals or could cause soil compaction, impacting animals that live underground. Proper use of BMPs used to protect rare, threatened, and endangered species will help minimize impacts to wildlife during construction. Refer to **Section 8.0** for a discussion on wildlife BMPs and the TPWD BMPs form included in **Appendix F**.

5.11.5 Migratory Bird Protections

This project will comply with applicable provisions of the Migratory Bird Treaty Act (MBTA) and Texas PWC Title 5, Subtitle B, Chapter 64, Birds. It is the department's policy to avoid removal and destruction of active bird nests except through federal or state approved options. In addition, it is the department's policy to, where appropriate and practicable:

- Use measures to prevent or discourage birds from building nests on man-made structures within portions of the project area planned for construction, and
- Schedule vegetation clearing activities outside the typical nesting season.

Additional preemptive and preventative measures that may be applied, where appropriate and practicable, are described in TxDOT's Guidance – Avoiding Migratory Birds and Handling Potential Violations.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, impacts to migratory bird nests would not be anticipated.

5.11.6 Fish and Wildlife Coordination Act

The project is anticipated to require a nationwide permit issued by the USACE. Compliance with the Fish and Wildlife Coordination Act will be accomplished by complying with the terms and conditions of the nationwide permit.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, compliance with the Fish and Wildlife Coordination Act would not apply.

5.11.7 Bald and Golden Eagle Protection Act of 2007

This project is not within 660 feet of an active or inactive Bald or Golden Eagle nest. Therefore, no coordination with USFWS is required for either Build Alternative or the No-Build Alternative.

5.11.8 Magnuson-Stevens Fishery Conservation Management Act

The Essential Fish Habitat (EFH)/Magnuson-Stevens Fishery Conservation and Management Act (MSA) does not apply to either the Build Alternative or the No-Build Alternative.

5.11.9 Marine Mammal Protection Act

This project is not located within or over tidally influenced waters; therefore, the project area does not contain suitable habitat for marine mammals. The Marine Mammal Protection Act does not apply to either the Build Alternative or the No-Build Alternative.

5.11.10 Threatened, Endangered, and Candidate Species

The proposed project is within range of and has suitable habitat for the federal candidate monarch butterfly (*Danaus plexippus*) and the federally endangered Whooping Crane (*Grus americana*, endangered). The monarch butterfly is a candidate species, and no consultation with USFWS is required at this time. TxDOT is a partner in the Nationwide Candidate Conservation Agreement with Assurances/Candidate Conservation Agreement for Monarch Butterfly on Energy and Transportation Lands (Agreement). The Agreement authorizes incidental take for all activities included in the proposed project should the monarch butterfly be listed as endangered or threatened. Any presence of Whooping Cranes in the project area would be incidental and temporary; therefore, the project would have no effect on the species.

The proposed project is within range of and has suitable habitat for the state-threatened White-Faced Ibis (*Plegadis chihi*) and Wood Stork (*Mycteria americana*). The presence of these species in the project area would be incidental and temporary; therefore, the project would have no impact on these species.

Based on field investigations performed September 7-8, 2022, the project area includes two perennial streams, Big Brushy Creek and Buffalo Creek relief, which are ungrouped streams according to 2023 USFWS/TPWD Texas Freshwater Mussel Survey Protocol. Ungrouped streams would be studied similarly to Group 5. Group 5 consist of streams where no federally- or state-listed freshwater mussels occur, but mussels are known to occur; or perennial streams where it is anticipated that live freshwater mussels may occur, but presence or diversity have not been confirmed. For the proposed project, Freshwater Mussel BMPs, including survey/relocation of native mussel species applies in compliance with the USFWS-TPWD protocol. Any mussels found during the survey would be relocated following mussel relocation protocols established by TPWD and USFWS.

Potential habitats for SGCN were also evaluated. The proposed project is within range of, has suitable habitat for, and may impact the following SGCNs:

- Eastern tiger salamander (Ambystoma tigrinum),
- Woodhouse's toad (Anaxyrus woodhousii),
- Strecker's chorus frog (Pseudacris streckeri),
- Southern crawfish frog (Lithobates areolatus areolatus).
- Western burrowing owl (Athene cunicularia hypugaea),
- Sprague's pipit (Anthus spragueii),
- Chestnut-collared longspur (Calcarius ornatus),
- Swamp rabbit (Sylvilagus aquaticus),
- Muskrat (Ondatra zibethicus)
- Long-tailed weasel (Mustela frenata)
- Eastern spotted skunk (Spilogale putorius)
- Western chicken turtle (Deirochelys reticularia miaria)
- Eastern box turtle (Terrapene carolina)
- Western box turtle (*Terrapene ornata*)
- Slender glass lizard (Ophisaurus attenuatus)
- American bumblebee (Bombus pensylvanicus)

None of the species were observed during the site visits.

BMPs per the TxDOT-TPWD BMP Programmatic Agreement and TxDOT-TPWD coordination will be utilized to minimize or avoid impacts to state-listed threatened species. Specific BMPs are outlined in the TPWD BMPs form, in **Attachment F** and summarized in **Section 8.0**.

Coordination with TPWD was initiated on August 9, 2023.

No-Build Alternative

Under the No-Build Alternative, no impacts to federally- or state-listed threatened or endangered species or their habitats would be anticipated.

5.12 Air Quality

This project is located within an area that has been designated by EPA as a severe and moderate nonattainment area for the 2008 and 2015 ozone NAAQS, respectively; therefore, transportation conformity rules apply. Conformity for older standards is satisfied by conformity to the more stringent 2008 and 2015 ozone NAAQS, as applicable. The proposed action is consistent with the NCTCOG's financially constrained Mobility 2045 MTP and the 2023-2026 TIP, as amended, which were initially found to conform to the TCEQ State Implementation Plan (SIP) by FHWA and FTA on December 15, 2022, respectively. All projects in the NCTCOG TIP that are proposed for federal or state funds were initiated in a manner consistent with federal guidelines in Section 450, of Title 23 CFR and Section 613.200, Subpart B, of Title 49 CFR.

Carbon Monoxide Traffic Air Quality Analysis

Traffic data for the estimated time of completion (ETC) year (2028) and design year (2048) is 88,200 vehicles per day and 122,000 vehicles per day, respectively. A prior TxDOT modeling study and previous analyses of similar projects demonstrated that it is unlikely that the carbon monoxide standard would ever be exceeded as a result of any project with an average annual daily traffic (AADT) below 140,000. The AADT projections for the project do not exceed 140,000 vehicles per day; therefore, a Traffic Air Quality Analysis was not required.

Mobile Source Air Toxics (MSAT)

A quantitative MSAT analysis was not required since this added capacity project is not estimated to have an Annual Average Daily Traffic (AADT) greater than 140,000 vehicles per day, would not affect or be affected by an intermodal facility or another facility that may be a large generator of diesel traffic, and the public has not expressed air quality concerns specifically about this project. However, since this is an added-capacity project, is not a categorical exclusion or a project of the types listed in 40 CFR 93.126, a qualitative MSAT assessment is required.

A qualitative analysis provides a basis for identifying and comparing the potential differences among MSAT emissions, if any, from the various alternatives. The qualitative assessment conducted for the proposed project is derived in part from a study conducted by FHWA entitled A Methodology for Evaluating Mobile Source Air Toxic Emissions Among Transportation Project Alternatives (Claggett and Miller, 2011).

The vehicle miles traveled (VMT) estimated for the Build Alternative is slightly higher than that for the No-Build Alternative, because the additional capacity increases the efficiency of the roadway and attracts rerouted trips from elsewhere in the transportation network. The additional travel lanes contemplated as part of the Build Alternative will have the effect of moving some traffic closer to nearby homes, schools, and businesses; therefore, there may be localized areas where ambient concentrations of MSAT could be higher under the Build Alternative than the No-Build Alternative. The localized increases in MSAT concentrations would likely be most pronounced along the expanded roadway sections that would be built near intersections and interchanges, where vehicle acceleration and brake wear would increase emissions. However, the magnitude and the duration of these potential increases compared to the No-Build Alternative cannot be reliably quantified due to incomplete or unavailable information in forecasting project-specific MSAT health impacts. Also, MSAT will be lower in other locations when traffic shifts away from them. However, on a regional basis, EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than today.

Congestion Management Process

The congestion management process is a systematic process for managing congestion that provides information on transportation system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet state and local needs. The project was developed from the NCTCOG's CMP, which meets all requirements of 23 CFR 450.320 and 500.109, as applicable. The CMP was adopted by NCTCOG in August 2021.

The region commits to operational improvements and travel demand reduction strategies at two levels of implementation: program level and project level. Program level commitments are inventoried in the regional CMP, which was adopted by NCTCOG; they are included in the financially constrained MTP, and future resources are reserved for their implementation.

The CMP element of the plan carries an inventory of all project commitments (including those resulting from major investment studies) that details type of strategy, implementing responsibilities, schedules, and expected costs. At the project's programming stage, travel demand reduction strategies and commitments will be added to the regional TIP or included in the construction plans. The regional TIP provides for programming of these projects at the appropriate time with respect to the single occupancy vehicle (SOV) facility implementation and project-specific elements.

Committed congestion reduction strategies and operational improvements within the study boundary will consist of constructing an additional lane for one-way continuous frontage roads in each direction, adding a mainlane in each direction, including intersection improvements and a shared use path adjacent to the frontage roads with bicycle and pedestrian accommodations. Individual projects are listed in **Table 8**.

Table 8. Congestion Management Process Strategies

Operational Improvements in Travel Corridor					
Location	Туре	Implementation Date			
FM 429 from US 80 to north of US 80	Reconstruction, intersection improvement	2024			
FM 429 from US 80 to south of US 80	Addition of lanes, reconstruction	2024			
US 80 from on Moore Ave (US 80) west from Brookshires Drive to Bradshaw Street	Bike/pedestrian, intersection improvement, reconstruction	2025			
Spur 557 at Las Lomas Parkway (CR 305)	Addition of Lanes	2028			
FM 548 from US 80 to FM 1641	Addition of lanes, reconstruction	2045			
SH 205 from south of FM 548 to US 80	Addition of lanes	2045			
IH 20 from Spur 557 to east of CR 138 (Wilson Road)	New roadway	2045			
FM 1641 from FM 548 to FM 148	Addition of lanes, reconstruction	2045			

Note: Only projects with an implementation year of 2023 or later were included. Source: NCTCOG TIPINS Interactive Map and Query, found at https://rapts.dfwmaps.com/. Accessed 8/14/2023.

In an effort to reduce congestion and the need for SOV lanes in the region, TxDOT and NCTCOG will continue to promote appropriate congestion reduction strategies through the Congestion Mitigation and Air Quality Improvement (CMAQ) program, the CMP, and the MTP. The congestion reduction strategies considered for this project would help alleviate congestion in the SOV study boundary but would not eliminate it.

Therefore, the proposed project is justified. The CMP analysis for added SOV capacity projects in the TMA is on file and available for review at NCTCOG.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, there would be no improvements to reduce congestion nor possible air quality benefits.

5.13 Hazardous Materials

A Hazardous Materials Initial Site Assessment (ISA) was completed for the Build Alternative in accordance with TxDOT's Environmental Handbook for Hazardous Materials. The purpose of the ISA is to identify sites that might pose a potential for hazardous material impacts to the proposed project. The ISA, approved in February 2023, was completed for a construction western limit at FM 460. However, the construction west limits have been reduced from FM 460 to east of Buffalo Creek Relief as shown on the 100% Design Schematic. The reduced west limits has removed as a concern for this project one hazardous materials site that was identified on the February 2023 ISA. The approved ISA is maintained in the TxDOT Dallas District project files.

The evaluation of potential hazardous materials sites began with a review of sites identified in an environmental regulatory database search, followed by information gleaned from field observations, review of historical aerial photographs and topographic maps and additional online federal and state environmental database research. The evaluation reached conclusions regarding potential impacts for each concern identified during preparation of the ISA. Evaluation of regulatory database sites determined five sites to pose moderate environmental risks to the project. All other sites were determined to be low environmental risks or not environmental concerns to the project. The moderate risk sites are as follows:

ISA Map ID 9 – IHWCA: Hoffman Drum Forney, possible address location 10462 W US Highway 80 in Forney.

ISA Map ID 31 – LPST: Bingo Fuel Stop, former location currently addressed at 104-114 E US Highway 80 in Forney.

ISA Map ID 49 – LPST: Millers Truck Stop/Xpress Travel Center, addressed at 120 E US Highway 80 in Forney.

ISA Map ID 51 – LPST: Food Fast 67, addressed at 899 Pinson Rd in Forney.

ISA Map ID 54 – LPST: Shell/Motiva Enterprises, addressed at 101 W US Highway 80 in Forney.

ISA Map ID 66 – LPST: former Stuckey's Truck Stop, addressed at 594 W US Highway 80 in Forney.

Additional research was performed for these sites as a TCEQ Regulatory File Review Report, dated September 25, 2023. Based on TCEQ file information in conjunction with proposed project work, Hoffman Drum Forney and Food Fast 67 were determined to have a low potential to impact the project. However, Bingo Fuel Stop, Millers Truck Stop/Xpress Travel Center, the former Stuckey's Truck Stop, and Shell/Motiva Enterprises were determined to have the potential to impact proposed project construction and additional subsurface investigations have been recommended to evaluate potential impacts. Map ID 66 will be addressed under a separate project (CSJ:0095-03-100) as the west portion of the project, where this is located, has been removed from construction activities under the US 80 project (CSJ: 0095-03-106, etc.). The TCEQ Regulatory File Review Report is maintained in the TxDOT Dallas District project files.

The site visit disclosed several auto body shops, auto lube and service facilities, tire shops and construction/materials companies along the corridor adjacent to the proposed project that were not identified as the regulatory facilities. These sites were considered low environmental risks to the project. In addition, the site visit identified pole-mounted electrical transformers along various sections of US 80, but it was determined that these transformers do not pose an environmental concern for the project. No evidence of spills or releases were observed near areas of proposed construction within the highway corridor.

The proposed project includes the demolition of bridge and bridge class culvert structures. The structures may involve asbestos-containing materials or lead-containing paint. Asbestos-containing materials and lead-containing paint inspections, notification, abatement, and disposal, as applicable, would be addressed prior to demolition in accordance with regulatory requirements.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, there would be no potential to encounter hazardous materials related to construction or property acquisition.

5.14 Traffic Noise

A traffic noise analysis was prepared in accordance with TxDOT's (FHWA-approved) Traffic Noise Policy (2019). The Traffic Noise Analysis Report (2023), which includes details about the analysis, is available for public review at the TxDOT Dallas District office.

Existing and predicted traffic noise levels were modeled at representative land use activity areas (receptors) adjacent to the project that might be impacted by traffic noise and would potentially benefit from feasible and reasonable noise abatement (**Table 9**).

Table 9. Traffic Noise Levels dB(A) Leq

Table 9. Traffic Noise Levels dB(A) Leq									
Representative Receiver	NAC Category	NAC Level	Existing	Predicted 2048	Change (+/-)	Noise Impact (yes/no)			
R1 (Residential)	В	67	75	75	0	Yes			
R2 (Residential)	В	67	72	73	1	Yes			
R3 (Residential)	В	67	70	71	1	Yes			
R4 (Residential)	В	67	69	70	1	Yes			
R5 (Residential)	В	67	69	70	1	Yes			
R6 (Residential)	В	67	64	65	1	No			
R7 (Residential)	В	67	63	64	1	No			
R8 (Residential)	В	67	62	64	2	No			
R9 (Residential)	В	67	62	63	1	No			
R10 (Residential)	В	67	73	73	0	Yes			
R11 (Residential)	В	67	70	71	1	Yes			
R12 (Residential)	В	67	68	69	1	Yes			
R13 (Residential)	В	67	67	68	1	Yes			
R14 (Residential)	В	67	65	66	1	Yes			
R15 (Residential)	В	67	64	66	2	Yes			
R16 (Residential)	В	67	62	64	2	No			
R17 (Residential)	В	67	61	63	2	No			
R18 (Residential)	В	67	60	62	2	No			
R19 (Residential)	В	67	60	62	2	No			
R20 (Residential)	В	67	59	62	3	No			
R21 (Residential)	В	67	60	63	3	No			
R22 (Residential)	В	67	60	63	3	No			
R23 (Residential)	В	67	61	63	2	No			
R24 (Residential)	В	67	60	63	3	No			
R25 (Residential)	В	67	60	62	2	No			
R26 (Residential)	В	67	60	63	3	No			
R27 (Residential)	В	67	67	68	1	Yes			
R28 (Residential)	В	67	69	70	1	Yes			
R29 (Residential)	В	67	71	70	-1	Yes			
R30 (Residential)	В	67	72	71	-1	Yes			
R31 (Residential)	В	67	72	72	0	Yes			

31

Representative Receiver	NAC Category	NAC Level	Existing	Predicted 2048	Change (+/-)	Noise Impact (yes/no)
R32 (Residential)	В	67	70	70	0	Yes
R33 (Residential)	В	67	63	64	1	No
R34 (Residential)	В	67	64	65	1	No
R35 (Residential)	В	67	60	62	2	No
R36 (Residential)	В	67	61	63	2	No
R37 (Residential)	В	67	61	63	2	No
R38 (Residential)	В	67	61	63	2	No
R39 (Residential)	В	67	63	63	0	No
R40 (Restaurant)	Е	72	65	65	0	No
R41 (Residential)	В	67	61	61	0	No
R42 (Residential)	В	67	62	64	2	No
R43 (Residential)	В	67	64	67	3	Yes
R44 (Residential)	В	67	64	67	3	Yes
R45 (Residential)	В	67	64	67	3	Yes
R46 (Residential)	В	67	63	66	3	Yes
R47 (Residential)	В	67	63	66	3	Yes
R48 (Residential)	В	67	62	65	3	No
R49 (Residential)	В	67	62	64	2	No
R50 (Residential)	В	67	63	66	3	Yes
R51 (Residential)	В	67	63	65	2	No
R52 (Residential)	В	67	64	66	2	Yes
R53 (Residential)	В	67	64	67	3	Yes
R54 (Residential)	В	67	65	67	2	Yes
R55 (Residential)	В	67	64	67	3	Yes
R56 (Residential)	В	67	64	66	2	Yes
R57 (Residential)	В	67	63	66	3	Yes
R58 (Residential)	В	67	63	65	2	No
R59 (Residential)	В	67	62	65	3	No
R60 (Residential)	В	67	62	64	2	No
R61 (Residential)	В	67	62	64	2	No
R62 (Residential)	В	67	63	65	2	No
R63 (Residential)	В	67	64	66	2	Yes
R64 (Residential)	В	67	65	67	2	Yes
R65 (Residential)	В	67	66	68	2	Yes
R66 (Residential)	В	67	66	68	2	Yes

Representative Receiver	NAC Category	NAC Level	Existing	Predicted 2048	Change (+/-)	Noise Impact (yes/no)
R67 (Residential)	В	67	69	70	1	Yes
R68 (Residential)	В	67	69	69	0	Yes
R69 (Residential)	В	67	67	69	2	Yes
R70 (Residential)	В	67	67	69	2	Yes
R71 (Residential)	В	67	66	68	2	Yes
R72 (Residential)	В	67	65	66	1	Yes
R73 (Residential)	В	67	66	66	0	Yes
R74 (Residential)	В	67	65	66	1	Yes
R75 (Residential)	В	67	64	65	1	No
R76 (Residential)	В	67	65	65	0	No
R77 (Residential)	В	67	65	65	0	No
R78 (Residential)	В	67	64	65	1	No
R79 (Residential)	В	67	63	64	1	No
R80 (Residential)	В	67	62	63	1	No
R81 (Residential)	В	67	62	62	0	No
R82 (Residential)	В	67	62	63	1	No
R83 (Residential)	В	67	62	63	1	No
R84 (Residential)	В	67	63	64	1	No
R85 (Residential)	В	67	64	64	0	No
R86 (Residential)	В	67	63	65	2	No
R87 (Residential)	В	67	62	64	2	No
R88 (Residential)	В	67	62	63	1	No
R89 (Residential)	В	67	61	63	2	No
R90 (Residential)	В	67	61	63	2	No
R91 (Residential)	В	67	62	64	2	No
R92 (Residential)	В	67	62	64	2	No
R93 (Residential)	В	67	61	62	1	No
R94 (Residential)	В	67	62	63	1	No
R95 (Residential)	В	67	63	63	0	No
R96 (Residential)	В	67	61	62	1	No
R97 (Residential)	В	67	62	63	1	No
R98 (Residential)	В	67	66	65	-1	No
R99 (Residential)	В	67	65	65	0	No
R100 (Residential)	В	67	65	65	0	No
R101 (Residential)	В	67	63	64	1	No

Representative Receiver	NAC Category	NAC Level	Existing	Predicted 2048	Change (+/-)	Noise Impact (yes/no)
R102 (Residential)	В	67	62	63	1	No
R103 (Residential)	В	67	70	69	-1	Yes
R104 (Residential)	В	67	72	70	-2	Yes
R105 (Residential)	В	67	75	72	-3	Yes
R105A (Residential)	В	67	74	71	-3	Yes
R106 (Residential)	В	67	61	63	2	No
R107 (Residential)	В	67	61	63	2	No
R108 (Residential)	В	67	62	64	2	No
R109 (Residential)	В	67	63	64	1	No
R110 (Residential)	В	67	63	65	2	No
R111 (Residential)	В	67	63	65	2	No
R112 (Residential)	В	67	63	65	2	No
R113 (Residential)	В	67	63	65	2	No
R114 (Residential)	В	67	63	65	2	No
R115 (Residential)	В	67	63	65	2	No
R116 (Residential)	В	67	63	65	2	No
R117 (Residential)	В	67	63	64	1	No
R118 (Residential)	В	67	63	64	1	No
R119 (Residential)	В	67	63	64	1	No
R120 (Residential)	В	67	63	64	1	No
R121 (Residential)	В	67	63	64	1	No
R122 (Residential)	В	67	63	64	1	No
R123 (Residential)	В	67	63	65	2	No
R124 (Residential)	В	67	63	65	2	No
R125 (Residential)	В	67	63	65	2	No
R126 (Residential)	В	67	63	65	2	No
R127 (Residential)	В	67	63	65	2	No
R128 (Residential)	В	67	63	64	1	No
R129 (Residential)	В	67	63	65	2	No
R130 (Residential)	В	67	63	64	1	No
R131 (Residential)	В	67	62	65	3	No
R132 (Residential)	В	67	63	65	2	No
R133 (Residential)	В	67	62	64	2	No
R134 (Residential)	В	67	62	64	2	No
R135 (Residential)	В	67	62	64	2	No

Representative Receiver	NAC Category	NAC Level	Existing	Predicted 2048	Change (+/-)	Noise Impact (yes/no)
R136 (Residential)	В	67	62	64	2	No
R137 (Residential)	В	67	62	64	2	No
R138 (Residential)	В	67	60	62	2	No
R139A (Apartment 1st Floor)	В	67	65	68	3	Yes
R139B (Apartment 2nd Floor)	В	67	70	71	1	Yes
R140A (Apartment 1st Floor)	В	67	67	69	2	Yes
R140B (Apartment 2nd Floor)	В	67	71	72	1	Yes
R141A (Apartment 1st Floor)	В	67	68	70	2	Yes
R141B (Apartment 2nd Floor)	В	67	72	73	1	Yes
R142A (Apartment 1st Floor)	В	67	69	71	2	Yes
R142B (Apartment 2nd Floor)	В	67	72	74	2	Yes
R143A (Apartment 1st Floor)	В	67	70	72	2	Yes
R143B (Apartment 2nd Floor)	В	67	73	75	2	Yes
R144A (Apartment 1st Floor)	В	67	72	74	2	Yes
R144B (Apartment 2nd Floor)	В	67	75	77	2	Yes
R145A (Apartment 1st Floor)	В	67	73	75	2	Yes
R145B (Apartment 2nd Floor)	В	67	75	78	3	Yes
R146A (Apartment 1st Floor)	В	67	75	77	2	Yes
R146B (Apartment 2nd Floor)	В	67	77	79	2	Yes
R147A (Apartment 1st Floor)	В	67	68	71	3	Yes
R147B (Apartment 2nd Floor)	В	67	72	74	2	Yes
R148A (Apartment 1st Floor)	В	67	70	73	3	Yes
R148B (Apartment 2nd Floor)	В	67	74	76	2	Yes
R149A (Apartment 1st Floor)	В	67	70	73	3	Yes
R149B (Apartment 2nd Floor)	В	67	74	76	2	Yes
R150A (Apartment 1st Floor)	В	67	70	72	2	Yes
R150B (Apartment 2nd Floor)	В	67	74	76	2	Yes
R151A (Apartment 1st Floor)	В	67	70	72	2	Yes
R151B (Apartment 2nd Floor)	В	67	74	75	1	Yes
R152A (Apartment 1st Floor)	В	67	72	75	3	Yes
R152B (Apartment 2nd Floor)	В	67	75	78	3	Yes
R153A (Apartment 1st Floor)	В	67	72	75	3	Yes
R153B (Apartment 2nd Floor)	В	67	75	78	3	Yes
R154A (Apartment 1st Floor)	В	67	71	74	3	Yes
R154B (Apartment 2nd Floor)	В	67	75	77	2	Yes

Representative Receiver	NAC Category	NAC Level	Existing	Predicted 2048	Change (+/-)	Noise Impact (yes/no)
R155A (Apartment 1st Floor)	В	67	72	75	3	Yes
R155B (Apartment 2nd Floor)	В	67	75	77	2	Yes
R156 (Pool)	С	67	65	68	3	Yes
R157A (Apartment 1st Floor)	В	67	74	76	2	Yes
R157B (Apartment 2nd Floor)	В	67	76	79	3	Yes
R158A (Apartment 1st Floor)	В	67	70	73	3	Yes
R158B (Apartment 2nd Floor)	В	67	74	76	2	Yes
R159A (Apartment 1st Floor)	В	67	69	72	3	Yes
R159B (Apartment 2nd Floor)	В	67	73	74	1	Yes
R160A (Apartment 1st Floor)	В	67	67	70	3	Yes
R160B (Apartment 2nd Floor)	В	67	71	73	2	Yes
R161A (Apartment 1st Floor)	В	67	73	76	3	Yes
R161B (Apartment 2nd Floor)	В	67	76	78	2	Yes
R162A (Apartment 1st Floor)	В	67	70	73	3	Yes
R162B (Apartment 2nd Floor)	В	67	74	76	2	Yes
R163A (Apartment 1st Floor)	В	67	69	72	3	Yes
R163B (Apartment 2nd Floor)	В	67	73	75	2	Yes
R164A (Apartment 1st Floor)	В	67	67	70	3	Yes
R164B (Apartment 2nd Floor)	В	67	71	73	2	Yes
R165 (Park)	С	67	67	69	2	Yes
R166A (Apartment 1st Floor)	В	67	67	68	1	Yes
R166B (Apartment 2nd Floor)	В	67	71	72	1	Yes
R167A (Apartment 1st Floor)	В	67	66	68	2	Yes
R167B (Apartment 2nd Floor)	В	67	71	72	1	Yes
R168A (Apartment 1st Floor)	В	67	66	68	2	Yes
R168B (Apartment 2nd Floor)	В	67	70	72	2	Yes
R169A (Apartment 1st Floor)	В	67	66	68	2	Yes
R169B (Apartment 2nd Floor)	В	67	70	71	1	Yes
R170 (Hotel)	Е	72	65	67	2	No
R171 (Hotel)	Е	72	63	65	2	No
R172 (Hotel)	Е	72	59	61	2	No
R173 (Hotel)	Е	72	59	61	2	No
R174 (Residential)	В	67	64	65	1	No
R175 (Residential)	В	67	63	65	2	No
R176 (Residential)	В	67	63	64	1	No

Source: Project Team, Traffic Noise Analysis Technical Report, August 2023.

Modeled noise-sensitive locations were primarily residential, but also included apartment complexes, a community pool, a park, and hotels. The traffic noise analysis determined that out of 176 representative receptors, 105 were predicted to have noise levels that approach or exceed the FHWA noise abatement criteria or that substantially exceed the existing noise levels; therefore, the proposed project would result in traffic noise impacts (see **Appendix E**).

Noise abatement measures were considered and analyzed for each impacted receptor location. Abatement measures, typically noise barriers, must provide a minimum noise reduction, or benefit, at or above the threshold of 5 dB(A). A barrier is not acoustically feasible unless it reduces noise levels by at least 5 dB(A) at greater than 50 percent of first-row impacted receptors and benefits a minimum of two impacted receptors. To be reasonable, the barrier must not exceed the cost reasonableness allowance of 1,500 square feet per benefited receptor and must meet the noise reduction design goal of 7 dB(A) for at least one receptor.

One noise barrier was found to be both reasonable and feasible and is recommended for incorporation into the proposed project (**Table 10**). Noise barriers were not reasonable and feasible for the remaining impacted representative receivers, and abatement is not proposed for those locations. Additional details regarding the barrier analysis can be found in the Traffic Noise Analysis Report (2023).

A noise barrier is proposed for the following location: R139A through R 169B. As shown in **Appendix E**, these receivers represent 68 residences in Parc at Windmill Farms Apartment complex with first and second floor patios/decks that face the roadway. Twenty-seven of the first-row receptors have predicted traffic noise impacts. A continuous noise barrier would restrict access to these residences but gaps in the noise barrier would satisfy access requirements. Two noise barriers (NB3A and NB3B) with a total length of approximately 1,437 feet long and 16 feet in height, placed along the ROW would reduce noise levels by at least 5 dB(A) for 23 first-row impacted receptors and meet the noise reduction design goal of 7 dB(A) for one of those receptors. The barrier would also benefit 20 additional sites. With a total area of abatement of 22,992 square feet or 535 square feet per benefited receptor, the barrier would also be cost reasonable and below the 1,500 square feet per benefitted receptor.

Table 10. Noise Barrier Proposal (Preliminary)

Barrier	Representative Receivers	Total # Benefitted	Length (feet)	Height (Feet)	Total Square Footage	Sq. Ft. per Benefitted Receptor
NB3A and NB3B	R139A through R169B	43	1,437	16	22,992	535

Source: Project Team, Traffic Noise Analysis Technical Report, August 2023.

Any subsequent project design changes may require a reevaluation of this preliminary noise barrier proposal. The final decision to construct the proposed noise barrier will not be made until completion of the project design, utility evaluation, and polling of all benefited and adjacent property owners and residents.

To avoid noise impacts that may result from future development of properties adjacent to the project, local officials responsible for land use control programs must ensure, to the maximum extent possible, that no new activities are planned or constructed along or within the following predicted (2048) noise impact contours (**Table 11**).

Table 11. Predicted Noise Impact Contours

			Distance from Right of Way						
Land	Impact	Segment							
Use Contour	Contour	FM 460 to Pinson Road (FM740)	Pinson Road to FM 548	FM 548 to Windmill Farms Blvd	Windmills Farms Blvd to Spur 557	Spur 557 to FM304			
NAC	66	225 feet (North Side)	325 feet (North side)	325 feet (North side)	350 feet (North side)	275 feet (North side)			
B & C	B & C dB(A)	350 feet (South Side)	300 feet (South Side)	325 feet (South Side)	375 feet (South Side)	275 feet (South Side)			
NAC Category	71	75 feet (North Side)	150 feet (North Side)	150 feet (North Side)	125 feet (North Side)	75 feet (North Side)			
E	dB(A)	150 feet (South Side)	150 feet (South Side)	125 feet (South Side)	100 feet (South Side)	100 feet (South Side)			

Source: Project Team, Traffic Noise Analysis Technical Report, August 2023.

Noise associated with the construction of the project is difficult to predict. Heavy machinery, the major source of noise in construction, is constantly moving in unpredictable patterns. However, construction normally occurs during daylight hours when occasional loud noises are more tolerable. None of the receptors is expected to be exposed to construction noise for a long duration; therefore, any extended disruption of normal activities is not expected. Provisions will be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work-hour controls and proper maintenance of muffler systems.

A copy of this traffic noise analysis will be available to local officials to assist in future land use planning. On the date of approval of this document (Date of Public Knowledge), FHWA and TxDOT are no longer responsible for providing noise abatement for new development adjacent to the project.

No-Build Alternative

Under the No-Build Alternative, the proposed project would not be constructed. If the No-Build Alternative were implemented, traffic noise levels would be expected to increase with an associated future increase in traffic volumes.

5.15 Induced Growth

The Council on Environmental Quality (CEQ) defines indirect effects as those "caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 CFR Section 1508.8). For the Build Alternative, an analysis of indirect impacts followed the processes outlined in TxDOT's Guidance: Indirect Impacts Analysis (January 2019). The Indirect Impacts Analysis Technical Report provides a detailed discussion of the indirect effects analysis and is available for review at the TxDOT Dallas District office.

An Area of Influence (AOI), or study area, for the indirect impacts analysis includes the boundaries of the cities of Forney and Terrell and the unincorporated areas of Kaufman County in between. The AOI is approximately 38,501.4 acres. Temporal boundaries for the induced growth impacts analysis extend from the time of construction of the proposed project to 2045, the end of the current NCTCOG MTP planning cycle.

The analysis included a combination of Planning Judgment and Cartographic Technique (GIS-based) approaches. An indirect impacts questionnaire was completed by representatives of the cities of Forney and Terrell, and Kaufman County. The responses were used as a basis for the analysis and determinations of potential induced growth areas. Approximately 4,491.6 acres of potential induced growth areas were identified. These induced growth areas would potentially impact approximately 4,328 acres of non-urban land cover, including agriculture; disturbed prairie; Edwards plateau savannah, woodland, and shrubland; floodplain; post oak savannah; riparian; and tallgrass prairie, grassland. In addition, approximately 827.8 acres of prime farmland (4.5 percent of the total features within the AOI) and 1,923.7 acres of farmland of statewide importance (20.0 percent of the total features within the AOI) occur within the areas of potential induced growth.

Approximately 4.2 acres of NWI-mapped Freshwater Emergent Wetlands (4.5 percent of the total features within the AOI) and 1.9 acres of Freshwater Forested/Shrub Wetlands (0.4 percent of the total features within the AOI) are located within the areas of potential induced growth. Approximately 75,353.1 linear feet of National Hydrography Dataset (NHD) streams (8.1 percent of the total features within the AOI) are located within the potential induced growth area. It is anticipated that impacts to water features would likely be avoided or minimized as per local and federal regulations, but this analysis assumes a worst-case scenario where all features would be impacted.

Indirect impacts from the proposed project's induced growth are not anticipated to be substantial. Although some water resources, including wetlands, exist within the areas of induced growth, the potential impacts are anticipated to be less than the worst-case scenario presented here. Furthermore, it would be the responsibility of the owner or developer to follow applicable local, state, and federal regulations to minimize and mitigate potential impacts.

Impacts to prime farmland and farmland of statewide importance may be subject to FPPA for some projects but would not apply to private development. Since the induced growth impacts to prime farmlands represent 4.5 percent of the total features within the AOI, impacts to prime farmlands are not anticipated to be substantial.

Impacts to vegetation and wildlife habitat from project-induced growth impacts are subject primarily to regulation by city and county governments, which guide the type and location of new development. Based on the analysis, impacted habitat within the areas of induced growth total less than 12 percent of habitat within the AOI, and approximately a quarter of the induced growth areas consist of low-quality agriculture and disturbed prairie. Therefore, impacts to vegetation and wildlife habitat are not anticipated to be substantial.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no induced growth impacts are anticipated.

5.16 Cumulative Impacts

The CEQ regulations [40 CFR § 1508.7] defines cumulative impacts (i.e., effects) as "the impact on the environment which results from the incremental impact of the proposed action when added to other past, present and reasonably foreseeable future actions." The purpose of a cumulative effects analysis is to assess the direct and indirect impacts of the proposed project within the larger context of past, present, and future activities that are independent of the proposed project, but which are likely to affect the same resources in the future. In accordance with TxDOT's Cumulative Impacts Analysis Guidelines (January 2019), the cumulative impacts analysis for the Build Alternative evaluated past, present and reasonably foreseeable actions that would impact water resources and vegetation and wildlife habitat. These resources were evaluated in the cumulative impacts analysis because direct and induced-growth impacts are expected to affect vegetation and wildlife habitats and the proposed project would cause permanent impacts to several water features subject to Section 404 regulations of the CWA. This analysis is detailed in the Cumulative Impacts Analysis Technical Report and available for review at the TxDOT Dallas District office.

The cumulative impacts analysis considers both geographic and temporal study limits where applicable. A Resource Study Area (RSA) was determined using watershed characteristics to help analyze the water resources that could be potentially impacted by the proposed project.

Vegetation types are influenced by the watershed area in which they are located; therefore, the watershed boundary is used as the RSA for both water resources, and vegetation and wildlife habitat. The RSA includes the eight sub-watersheds of Anthony Branch-Buffalo Creek, Headwaters Kings Creek, High Point Creek, Little Brushy Creek-Kings Creek, Long Branch-Buffalo Creek, Middle Big Brushy Creek, Mustang Creek-East Fork Trinity River, and Upper Big Brushy Creek. The RSA is approximately 174,767.5 acres. The temporal boundaries for the cumulative impacts analysis extend from the 1950s until 2045. These years correspond to the year the US 80 facility was improved within the RSA and the project's design horizon year that correlates with the current MTP time frame.

A review of state, local, and regional project planning sources, including TxDOT Project Tracker, NCTCOG 2045 MTP and Recommended Project Listing, NCTCOG Development Monitoring Map, City of Terrell, City of Rockwall, and City of Mesquite resulted in 6,767.4 acres of reasonably foreseeable projects within the RSA. The overall effects of the proposed project combined with other actions are not considered substantial to either of the resources evaluated.

The combined cumulative impacts to wetlands total 5.3 acres of NWI-mapped Freshwater Emergent Wetland and 9.9 acres of Freshwater Forested/Shrub Wetland. Each of these total less than one percent of the total resource type within the RSA. The combined cumulative impacts to National Hydrography Dataset (NHD)-mapped streams total 213,612.6 feet, approximately 4.9 percent of total NHD streams within the RSA. It is likely that many of these wetland and stream features would likely be avoided on an individual project basis, in accordance with local, state, and federal regulations and permitting requirements. Therefore, it is not anticipated that the cumulative impacts would be substantial.

The combined cumulative impacts to nonurban MOU habitat types, representing vegetation and wildlife resources, total 10,524.4 acres, approximately 6.0 percent of total nonurban MOU habitat types within the RSA. The additional 1,516.8 acres of urban habitat type is highly developed and would not be considered suitable habitat for wildlife or conducive to vegetation. The cumulative impacts to vegetation and wildlife habitat are less than 9 percent for any MOU habitat type. Therefore, it is not anticipated that the cumulative impacts to vegetation and wildlife habitat would be substantial.

No-Build Alternative

Under the No-Build Alternative, construction activities would not occur; therefore, no cumulative impacts are anticipated.

5.17 Construction Phase Impacts

Temporary impacts may occur during construction activities associated with the proposed project. This includes light pollution; impacts associated with physical construction activity, temporary lane, road or bridge closures (including detours); and other disruptions.

Construction Noise

Noise associated with the construction of the project is difficult to predict. Heavy machinery, the major source of noise in construction, is constantly moving in unpredictable patterns. However, construction normally occurs during daylight hours when occasional loud noises are more tolerable. None of the receptors is expected to be exposed to construction noise for a long duration; therefore, any extended disruption of normal activities is not expected. Provisions will be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work-hour controls and proper maintenance of muffler systems.

Construction Emissions

During the construction phase of this project, temporary increases in particulate matter (PM) and MSAT emissions may occur from construction activities. The primary construction-related emissions of PM are fugitive dust from site preparation, and the primary construction-related emissions of MSAT are diesel particulate matter from diesel powered construction equipment and vehicles. The potential impacts of PM emissions will be minimized by using fugitive dust control measures contained in standard specifications, as appropriate. The Texas Emissions Reduction Plan (TERP) provides financial incentives to reduce emissions from vehicles and equipment. TxDOT encourages construction contractors to use this and other local and federal incentive programs to the fullest extent possible to minimize diesel emissions. Information about the TERP program can be found on TCEQ's TERP website (https://www.tceq.texas.gov/airquality/terp).

However, considering the temporary and transient nature of construction-related emissions, the use of fugitive dust control measures, the encouragement of the use of TERP, and compliance with applicable regulatory requirements; it is not anticipated that emissions from construction of this project will have any significant impact on air quality in the area.

Light Pollution

Construction normally occurs during daylight hours; however, construction could occur during the night-time hours to minimize impacts to the traveling public during the daylight hours. Due to the close proximity of businesses and residents to the project, if construction were to occur during the night-time hours, it would be of short duration. Construction during the night-time hours would follow any local policies and ordinances established for construction activities, such as light limitations.

Construction Activity Impacts

Construction activities would be limited to the proposed project footprint. Excessive vibration from construction equipment is not anticipated. If excessive vibration were to result from construction equipment it would be of short duration.

Temporary Lane, Road, or Bridge Closures, Including Detours

During the construction phase, traffic would follow the existing traffic patterns. Traffic control plans would be prepared and implemented in coordination with the cities and the counties. Construction that would require cross-street closures would be scheduled so only one crossing in an area is affected at a time. Where detours are required, clear and visible signage for an alternative route would be displayed. Construction of the proposed project would not restrict access to any existing public or community services, businesses, commercial areas, or employment centers.

Work on US 80/Spur 557 would be phased in such a manner to allow the roadway to remain open during construction. Access to businesses and residences would be maintained at all times and no detours are anticipated. However, in the event that road closures or detours are required, county and local public safety officials would be notified of the proposed road closures or detours. Detour timing and necessary rerouting of emergency vehicles would be coordinated with the proper local agencies. Motorists would be inconvenienced during construction of the project due to lane and cross-street closures; however, these closures would be of short duration and alternate routes would be provided.

No-Build Alternative

Under the No-Build Alternative, construction would not occur and would not result in noise, dust or light pollution; impacts associated with physical construction activity, temporary lane, road closures; and other traffic disruptions associated with construction.

5.18 Greenhouse Gas Emissions and Climate Change

The Texas Department of Transportation (TxDOT) has prepared a Statewide On-Road Greenhouse Gas Analysis and Climate Change Assessment technical report (TxDOT 2021). The report discloses: 1) an analysis of available data regarding statewide greenhouse gas (GHG) emissions for on-road GHG emissions, 1 2) TxDOT actions and funding that support reducing GHG emissions, 3) projected climate change effects for the state of Texas and 4) TxDOT's current strategies and plans for addressing the changing climate. A summary of key issues in this technical report is provided below. Please refer to the technical report for more details.

The Earth has gone through many natural changes in climate over time. However, since the industrial revolution began in the 1700s, atmospheric concentration of GHG emissions has

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¹ Greenhouse gas (GHG) emissions consist of on-road tailpipe emissions and upstream fuel cycle emissions. Upstream fuel cycle emissions are the emissions generated by extracting, shipping, refining, and delivering fuels.

continued to climb, primarily due to humans burning fossil fuel (e.g., coal, natural gas, gasoline, oil and/or diesel) to generate electricity, heat and cool buildings, and power industrial processes, vehicles, and equipment. According to the Intergovernmental Panel on Climate Change (IPCC), this increase in GHG emissions is projected to contribute to future changes in climate (Solomon 2007, Stocker 2013).

5.18.1 Statewide On-road GHG

TxDOT prepared a GHG analysis for the statewide on-road transportation system and associated emissions generated by motor vehicle fuels processing called "fuel-cycle emissions." EPA's Motor Vehicle Emissions Simulator (MOVES2014 version) emissions model was used to estimate emissions. Texas on-road and fuel cycle GHG emissions are estimated to be 186 million metric tons (MMT) in 2050 and reach a minimum in 2032 at 161 MMT. Future on-road GHG emissions may be affected by changes that may alter where people live and work and how they use the transportation system, including but not limited to: 1) the results of federal policy including tailpipe and fuel controls, 2) market forces and economics, 3) individual choice decisions, 4) acts of nature (e.g. pandemic) or societal changes, and 5) other technological advancements. Such changes cannot be accurately predicted due to the inherent uncertainty in future projections related to demographics, social change, technology, and inability to accurately forecast where people work and live.²

5.18.2 Mitigation Measures

Strategies that reduce on-road GHG emissions fall under four major categories:

- Federal engine and fuel controls under the Clean Air Act implemented jointly by EPA and USDOT, which includes Corporate Average Fuel Economy (CAFE) standards;
- "Cash for clunker" programs which remove older, higher-emitting vehicles from roads;
- Traffic system management which improves the operational characteristics of the transportation network (e.g., traffic light timing, pre-staged wrecker service to clear accidents faster, or traveler information systems); and
- Travel demand management which provides reductions in VMT (e.g., transit, rideshare, and bicycle and pedestrian facilities) and requires personal choice decisions.

TxDOT has implemented programmatic strategies that reduce GHG emissions including: 1) travel demand management projects and funding to reduce VMT, such as bicycle and pedestrian facilities, 2) traffic system management projects and funding to improve the operation of the transportation system, 3) participation in the national alternative fuels

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² Transportation Research Board Special Report 288 (2007) Metropolitan Travel Forecasting Current Practice and Future Direction.

corridor program, 4) clean construction activities, 5) clean fleet activities, 6) CMAQ funding, 7) transit funding, and 8) two statewide campaigns to reduce tailpipe emissions.

5.18.3 TxDOT and a Changing Climate

TxDOT has strategies that address a changing climate in accordance with TxDOT and FHWA design, asset management, maintenance, emergency response, and operational policies and guidance. The flexibility and elasticity in TxDOT transportation planning, design, emergency response, maintenance, asset management, and operation and maintenance of the transportation system are intended to consider any number of changing scenarios over time. Additional details are in the statewide technical report.

6.0 Agency Coordination

Coordination with TPWD was initiated on August 9, 2023. In accordance with the MOU between TxDOT and TPWD, TPWD has provided a set of recommended BMPs in a document titled, "Beneficial Management Practices – Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources," which is available on TxDOT's Natural Resources Toolkit at https://www.txdot.gov/insidetxdot/division/environmental/compliance-toolkits/natural-resources.html. The MOU provides that application of specific BMPs to individual projects will be determined by TxDOT at its discretion. The TPWD-recommended BMPs that will be applied to this project are indicated in the Form – Documentation of Texas Parks and Wildlife Department Best Management Practices prepared for the project, which is included in Appendix F.

Coordination with TCEQ and the EPA would be completed during the notice of availability period for this draft EA and any feedback would be incorporated into the final EA.

TxDOT initiated project-specific consultation under Section 106 of the National Historic Preservation Act with federally recognized tribes on August 23, 2023. TxDOT sent a request for consultation to the following federally recognized tribes: Caddo Nation, Comanche Nation of Oklahoma, Delaware Nation, Jena Band of Choctaw Indians, Kiowa Tribe, Mescalero Apache Tribe, Shawnee Tribe, Tonkawa Tribe of Oklahoma, and Wichita and Affiliated Tribes. The Caddo Nation responded on August 25, 2023 and determined that the project does not affect known cultural, tradition or sacred sites of interest to the Caddo Nation. The Caddo Nation has no objection to the project. To date, no other tribe has responded with objections or any other response. TxDOT will continue coordination with these tribes after access to the remaining unsurveyed portions of the APE has been obtained and those studies have been completed.

Coordination in accordance with the Section 106 process was initiated with State Historic Preservation Officer (SHPO) and THC on July 27, 2023. Concurrence by the SHPO was received on August 16, 2023, that NRHP eligible properties are present with adverse effects

with mitigation for the two bridges, and no adverse effect to historic properties and no comments on the Section 4(f) evaluations associated with these properties. Additional coordination with the Advisory Council for Historic Preservation on the eligible historic bridges was also completed. TxDOT initiated project-specific consultation regarding archeological historic properties under Section 106 of the National Historic Preservation Act with SHPO/THC on August 30, 2023. On September 20, 2023, TxDOT received concurrence from SHPO/THC that the project would have no effect on archeological historic properties within the evaluated portions of the area of potential effects. TxDOT will continue coordination with SHPO/THC after access to the remaining unsurveyed portions of the APE has been obtained and those studies have been completed. For additional information, see correspondence included in **Appendix F**.

Coordination with staff from the City of Terrell, City of Forney and Kaufman County was conducted for the proposed project. As a result of these discussions, design modifications were incorporated into the proposed design to accommodate for other separate transportation projects and developments proposed by others along the project corridor. The proposed project would not preclude the construction of other projects as discussed with local entities.

7.0 Public Involvement

A virtual public meeting with an in-person option was held on July 28, 2022 for the proposed project. The in-person meeting was held from 5:30 to 7:30 p.m. at Brown Middle School (1050 Windmill Farms Boulevard, Forney, Texas 75126). The open house format allowed for the public to come and go at their convenience to view project materials, ask questions, and receive information from the project team members and TxDOT staff about the proposed project. The virtual meeting was held online at www.keepitmovingdallas.com/US80-Spur557, and made available from 5:30 p.m. on Thursday, July 28, 2022, through 11:59 p.m. on Friday, April 12, 2022. The virtual public meeting and in-person option were conducted in English; however, translation and interpreter services and other language accommodations were made available upon request. Fifty-five people were in attendance, including three elected officials, at the in-person public meeting. A total of 19 comments were received within the 15-day comment period ending on Friday, April 12, 2022. No comments opposing the proposed project were received and comments were generally positive and included questions related to access, ramping improvements, and proposed ROW impacts.

A public hearing will be held upon approval of this draft EA for public viewing. Similar to the public meeting, bilingual notices will be mailed and published in both Spanish and English language newspapers. Language translation services and other accommodations will also be provided upon request. Comments and responses are included in **Appendix H**.

A notice of pending construction of the added capacity improvements will be provided to owners of adjoining property and affected local governments and public officials. The notice may be provided via a sign or signs posted in the ROW, mailed notice, printed notice distributed by hand, notice via website when the recipient has previously been informed of the relevant website address, or other means. This notice will be provided after the environmental decision for the project, but before earthmoving or other activities requiring the use of heavy equipment.

8.0 Post-Environmental Clearance Activities and Design/Construction Commitments

8.1 Post-Environmental Clearance Activities

This section lists any unresolved environmental activities that could not be completed prior to environmental decision. These activities must be completed within short duration prior to commencement of construction activities and are listed as follows:

- Completion of presence/absence surveys of protected mussel species
- Sampling of bridges and bridge class culverts for presence of asbestos and lead prior to demolition.
- USACE 404 permit without PCN
- Proposed noise wall constructability review and conduct noise workshop for impacted adjacent property owners.
- Completion of archeological surveys in recommended areas specified in the Archeological Resource Survey Report when additional access might be granted during or after the ROW acquisition process.
- Sampling of soil and groundwater is proposed at sites that were identified in the Hazardous Materials ISA and TCEQ Regulatory File Review Report with the potential to impact the project (see Section 5.13).
- Formal utility location review and advance planning prior to construction.

8.2 Design/Construction Commitments

Based on the analysis performed for the proposed project, this section outlines projectspecific avoidance measures or special instructions needed in the final design and construction of the project.

- In the event that unanticipated archeological deposits are encountered during construction, work in the immediate area will cease and TxDOT archeological staff will be contacted to initiate post-review discovery procedures.
- Comply with Executive Order 13112 on Invasive Species and the intent of the Executive Order Memorandum on Beneficial Landscapes for re-vegetating the project area. The proposed seed mixture (both grasses and forbs) would be in accordance

- with Item 164, Seeding for Erosion Control in TxDOT's Standard Specifications for the construction of Highways, Streets, and Bridges.
- Should unanticipated hazardous materials/substances be encountered, the TxDOT Dallas District would be notified, and steps would be taken to protect personnel and the environment. Any unanticipated hazardous materials encountered during construction would be handled according to applicable federal, state, and local regulations per TxDOT Standard Specifications. During construction, appropriate measures would be taken to prevent, minimize, and control the spill of hazardous materials in the construction staging area. All construction materials used for this project would be removed as soon as the work schedules permit.
- If any species on the Kaufman County Threatened & Endangered List is sighted in the project area during construction, stop construction and notify the Area Engineer immediately.

As indicated above in **Section 6.0**, the TPWD-recommended BMPs that will be applied to this project are indicated in the Form – Documentation of Texas Parks and Wildlife Department Best Management Practices prepared for the project, which is included in **Appendix F**. These BMPs are summarized below:

- Minimize impacts to wetland habitats including isolated ephemeral pools
- Vegetation BMP
- Water Quality BMP
- Bird BMP (in addition to complying with the Migratory Bird Treaty Act (MBTA) and Chapter
 64 of the Parks and Wildlife Code (PWC) regarding nongame bird protections)
- Freshwater Mussel BMP
- Aquatic Amphibian and Reptile BMP
- Terrestrial Amphibian and Reptile BMP
- Insect Pollinator BMP

9.0 Conclusion

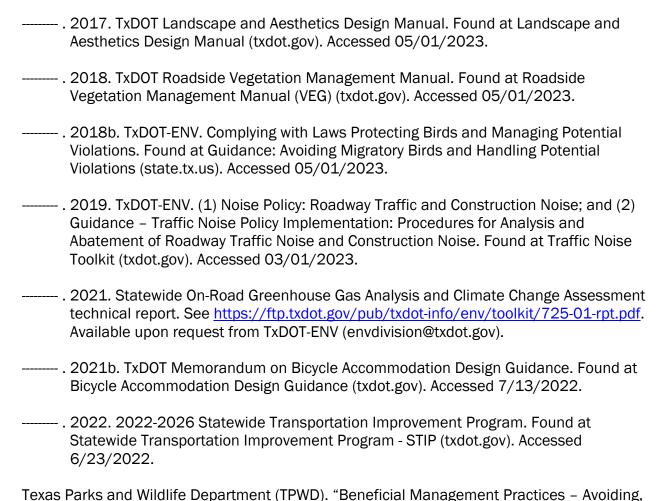
Implementation of the proposed project would not result in a significant impact on the human or natural environment. Therefore, a finding of no significant impact is recommended.

10.0 References

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11.0 Names and Qualifications of Persons Preparing the EA or Conducting an Independent Evaluation of the EA

The following persons assisted in compiling this draft EA:

TxDOT Dallas District

Nelson Underwood, P.E. Transportation Engineer, Project Manager – 25 years

Mohammed Shaikh, District Environmental Coordinator – 20 years

Adam Fouts, Environmental Specialist, District Water Resources Specialist – 11 years

Deborah Nixon, Environmental Specialist, District Hazardous Materials Specialist – 20 years

Leslie Mirise, Environmental Specialist, District Biologist – 21 years

Manuel Trevino, Environmental Specialist, District Traffic Noise Specialist – 16 years

Jamila Murchison, Environmental Specialist, District Biologist – 2 years

Adelina Munoz, Environmental Specialist – 24 years

<u>TxDOT Environmental Affairs Division</u>

Michelle Lueck, Project Delivery Manager – 22 years
Ray Umscheid, Traffic Noise Specialist – 15 years
Susan M. Shuffield, Environmental Specialist, Water Team Lead – 24 years
Scott Pletka, Archeology Program Manager – 19 years
Renee Benn-Lee, Historic Resources Program Manager – 18 years
Spencer Ward, Community Impacts Specialist – 3 years
Glendora Lopez, Air Quality Specialist – 2 years

Garver, Inc.

Stephen Johnson, P.E., Project Manager – 19 years Susan Chavez, Texas Program Leader – 25 years Michele Lopez, Environmental Task Lead – 23 years Tracy Michel, Senior Planner – 17 years Rain Nox, Program Manager – 16 years Leigh Mercer, Environmental Planner – 2 years

12.0 Appendices

Appendix A - Project Location Map

Appendix B - Project Photos

Appendix C – Schematics

Appendix D - Typical Sections

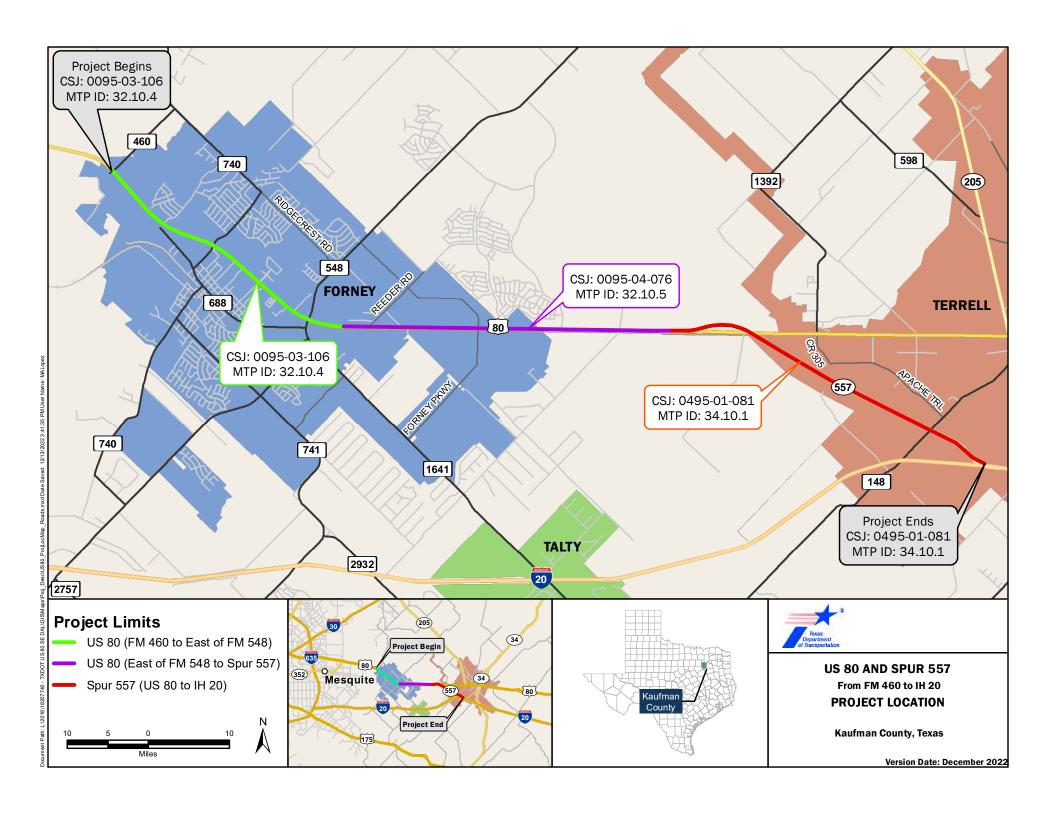
Appendix E - Resource Map

Appendix F - Resource Agency Coordination

Appendix G - Section 4(f) Documentation

Appendix H - Comment and Response Matrix from Hearing





Appendix B: Project Photos

CSJs: 0095-03-106, 0095-04-076, 0495-01-081



Photo 1: View from FM 460, facing east toward US 80 main lanes at project start. (1/19/23)



Photo 2: View facing north along US 80 westbound frontage road, toward typical undeveloped open land present in the study area with urban development in the background. (1/19/23)

CSJs: 0095-03-106, 0095-04-076, 0495-01-081



Photo 3: View facing south from the US 80 eastbound frontage road at Summer Haven Mobile Home and RV Park located at 655 Summer Haven, Forney. (9/8/22)



Photo 4: View facing west from the US 80 westbound frontage road toward the apartment complex west of Windmill Farms Boulevard. (1/19/23)

Project Area Photographs

U.S. Highway 80 (from FM 460 to Spur 557) and Spur 557 (from US 80 to IH 20)

CSJs: 0095-03-106, 0095-04-076, 0495-01-081



Photo 5: View facing southeast along US 80 westbound frontage road, toward eligible historic bridge at Reeder Road/CR 217 (NBI#181300009504108). (10/12/23)



Photo 6: View facing northwest along US 80 eastbound frontage road, toward eligible historic bridge at Windmill Farms Boulevard (NBI# 181300009504109). (10/12/23)

CSJs: 0095-03-106, 0095-04-076, 0495-01-081

Kaufman County, Texas



Photo 7: View facing northeast along US 80, toward Landmark Hill property (300 W. US 80, Forney), a recommended eligible historic property. (10/12/22)



Photo 8: View facing south toward typical industrial-type business within the project limits. The business shown is Smurfit Kappa located at 855 E. US 80, Forney. (1/19/23)

CSJs: 0095-03-106, 0095-04-076, 0495-01-081



Photo 9: View facing northwest along Spur 557, toward Walmart distribution typical of the large facilities found along Spur 557. (1/19/23)



Photo 10: View looking northwest along westbound frontage road southeast of FM 740. Xpress Travel Center (former Millers Truck Stop) is visible in center right of photo. The former Bingo Fuel Stop was located where Applebee's and the retail center are located, photo background. These sites are considered moderate environmental risks to the project. (1/19/23)

CSJs: 0095-03-106, 0095-04-076, 0495-01-081



Photo 11: View facing east looking upstream of (Stream 2) tributary to Buffalo Creek as the stream crosses under the US 80 eastbound frontage road. (9/8/22)



Photo 12: View facing north looking upstream to (Stream 5) tributary to Mustang Creek. Culvert is located on the US 80 eastbound frontage road. (9/8/22)

CSJs: 0095-03-106, 0095-04-076, 0495-01-081



Photo 13: View facing south along US 80 eastbound frontage road, looking downstream of Mustang Creek. (9/8/22)



Photo 14: View facing south along US 80 eastbound frontage road, looking downstream of Stream 7. This stream does not cross US 80. Pooling is shown before the stream narrows considerably as it flows south. (9/8/22)



Photo 15: View facing south along US 80 eastbound frontage road, looking downstream of Stream 8 as it crosses under the UPRR. (9/8/22)



Photo 16: View facing south along US 80 eastbound frontage road, looking downstream of Stream 9 as it crosses under the UPRR. (9/8/22)



Photo 17: View facing south along US 80 eastbound frontage road, looking downstream of Stream 11 as it crosses under UPRR. This stream does not fully cross US 80. (9/8/22)



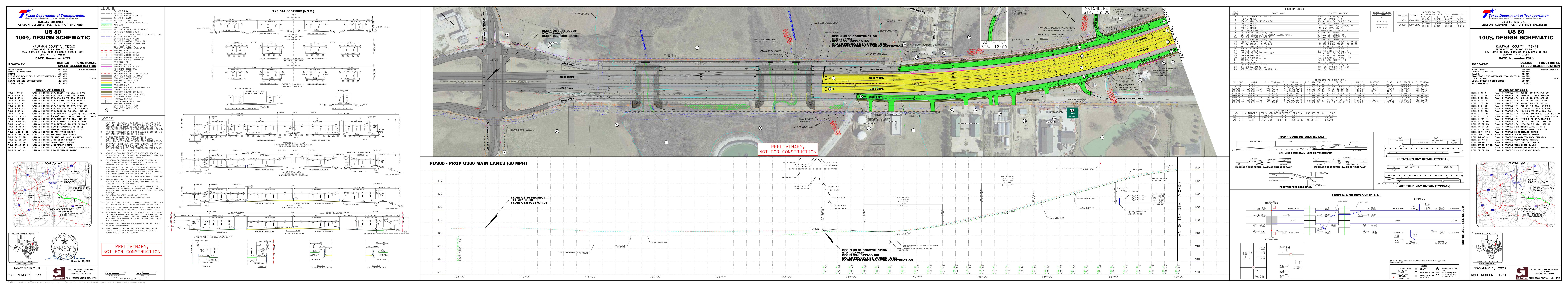
Photo 18: View facing north along Spur 557 eastbound frontage road, looking upstream of (Stream 16) Little Brushy Creek. (9/8/22)

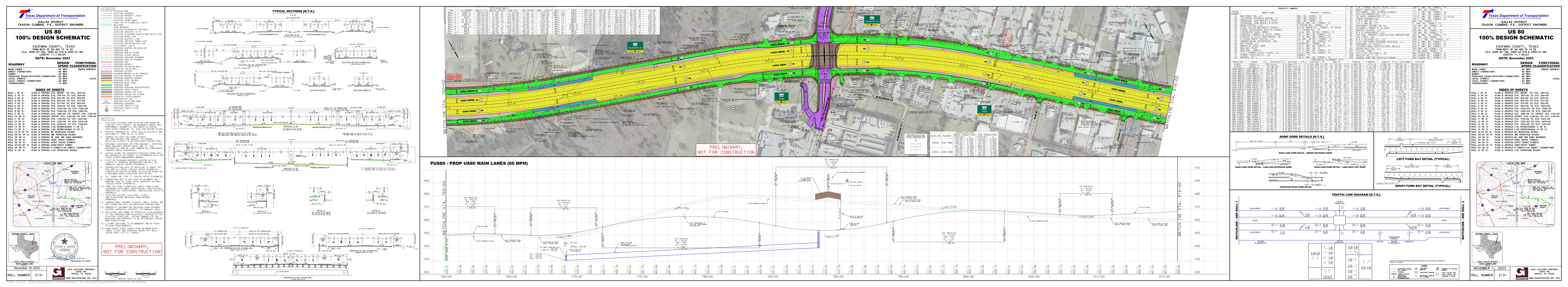
Project Area Photographs U.S. Highway 80 (from FM 460 to Spur 557) and Spur 557 (from US 80 to IH 20) CSJs: 0095-03-106, 0095-04-076, 0495-01-081 Kaufman County, Texas

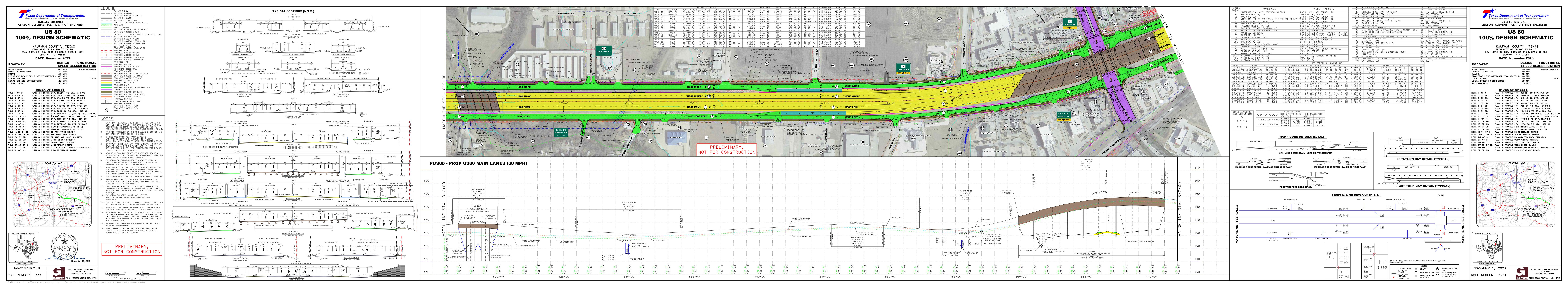


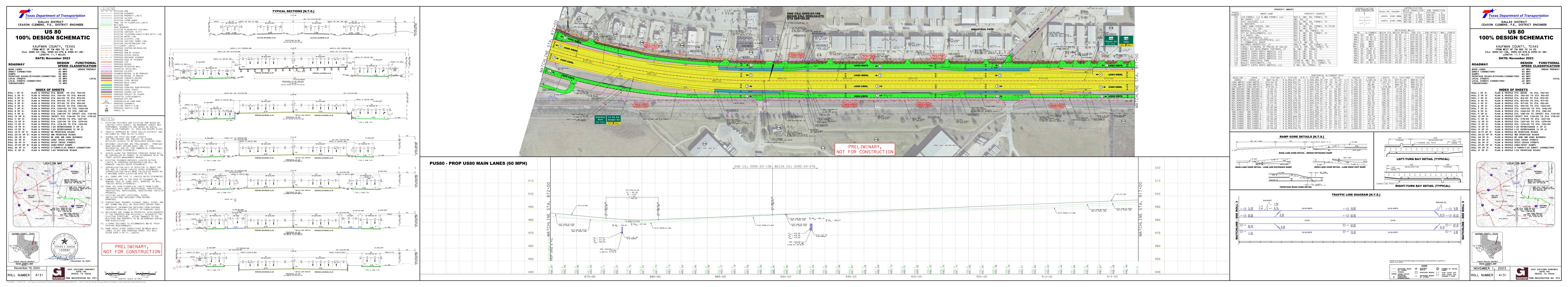
Photo 19: View of the southwest corner of FM 740 and US 80 eastbound frontage road showing former location of Shell gas station, at 101 W US Hwy 80 in Forney. The site has been redeveloped as a Dairy Queen. The site is considered a moderate environmental risk to the proposed project. (9/8/22)

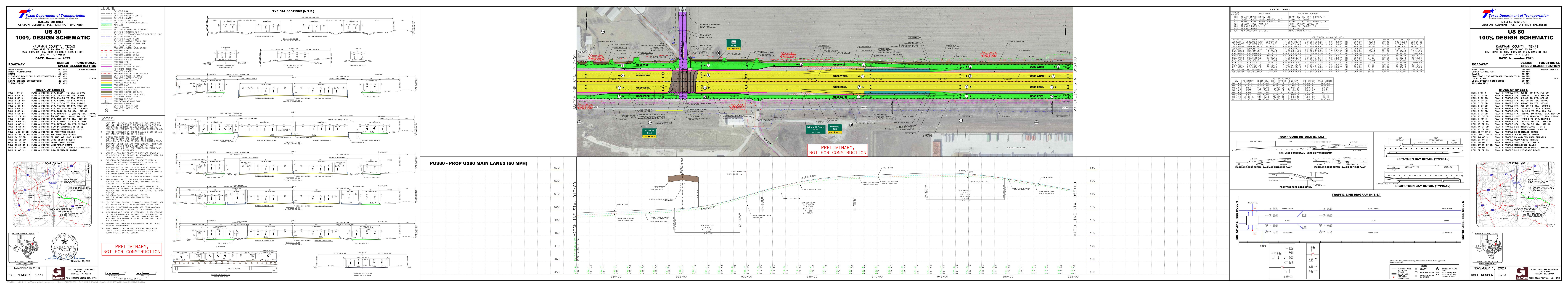
Appendix C: Schematics

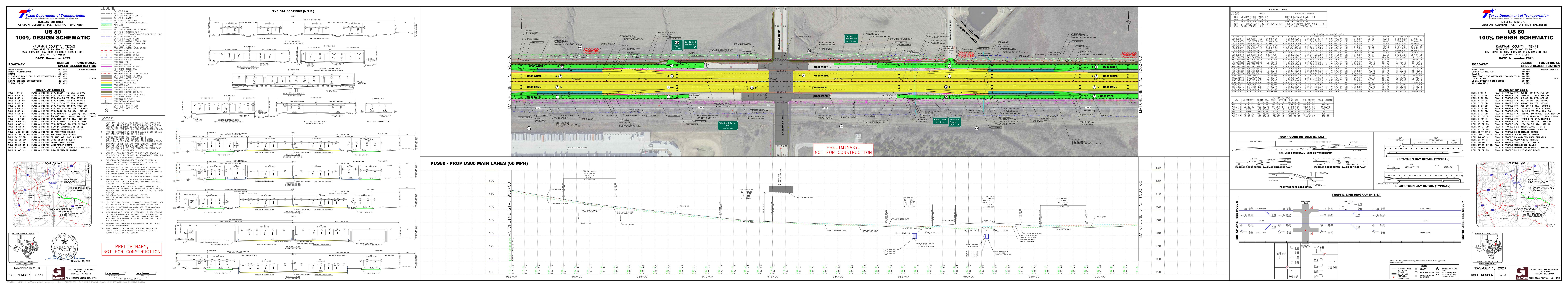


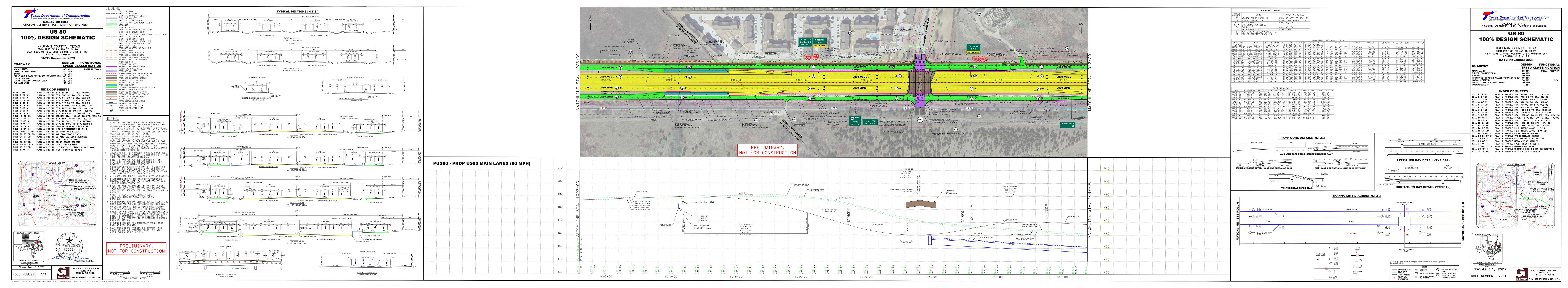


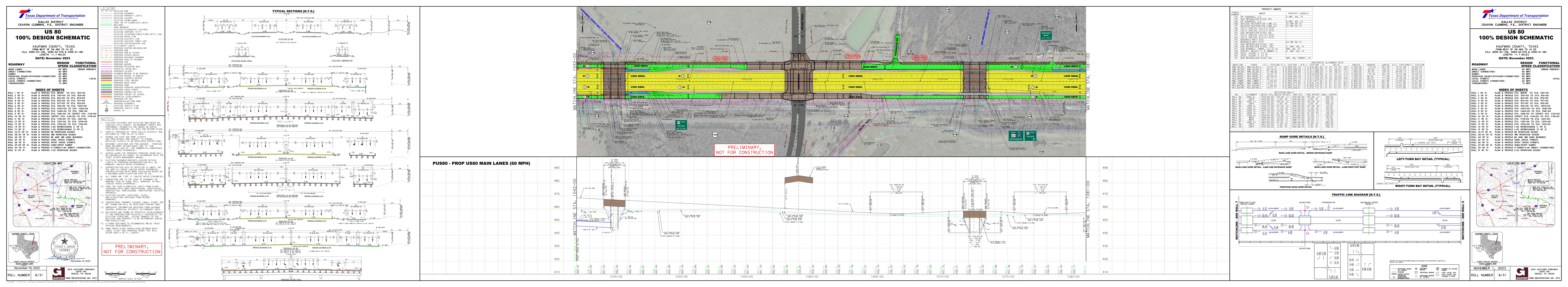


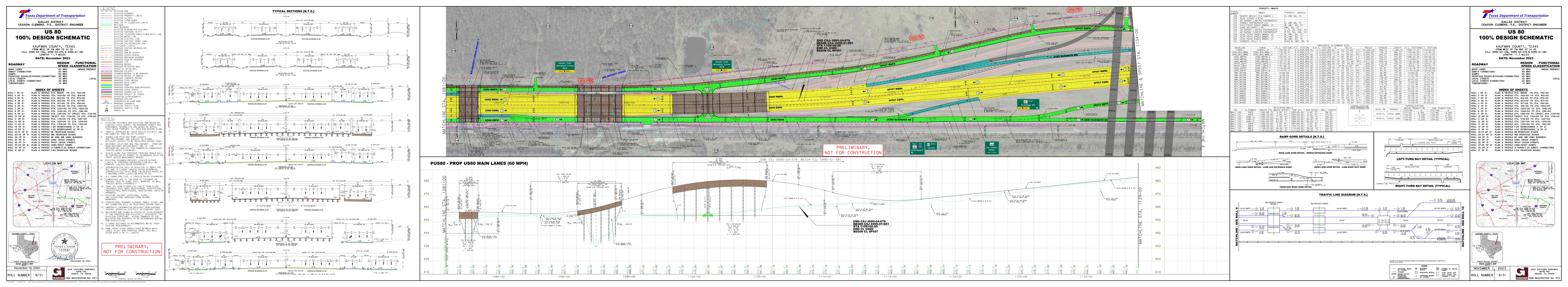


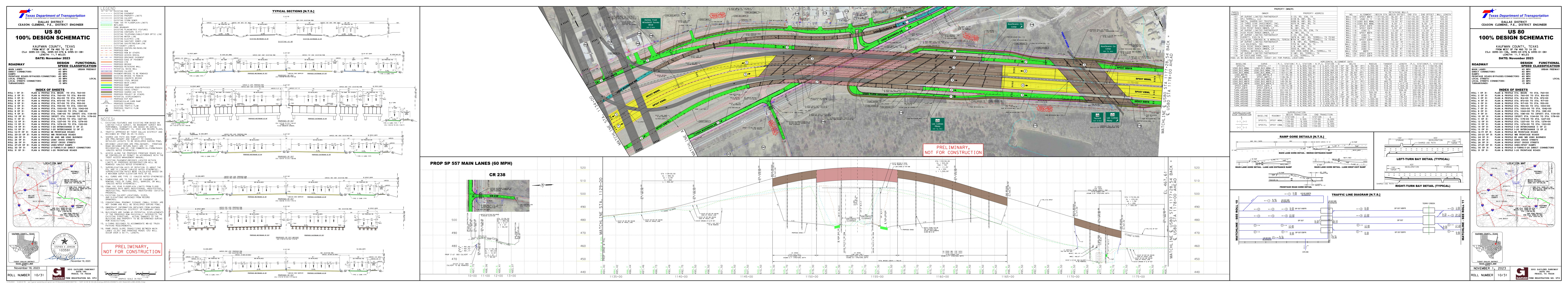


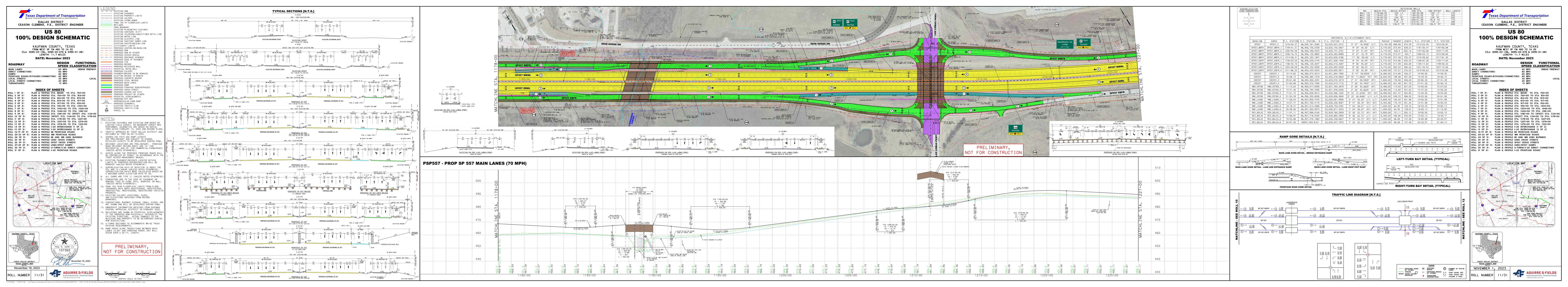


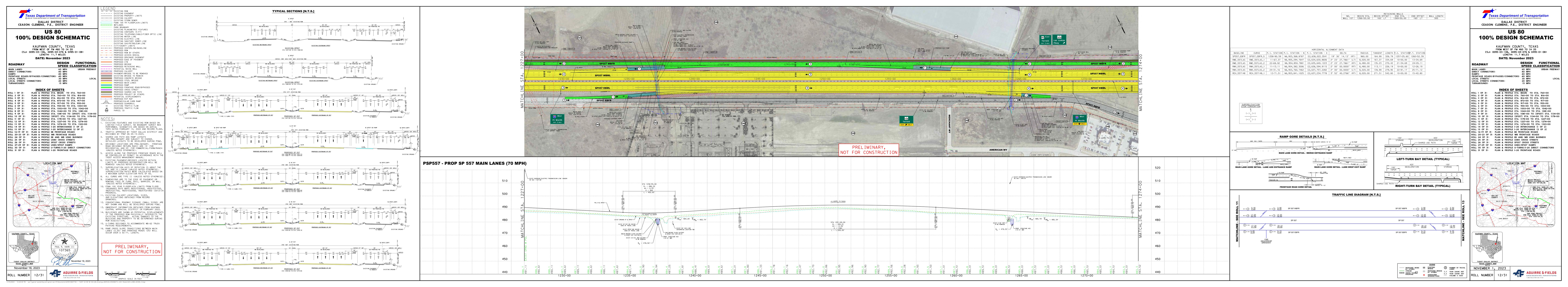


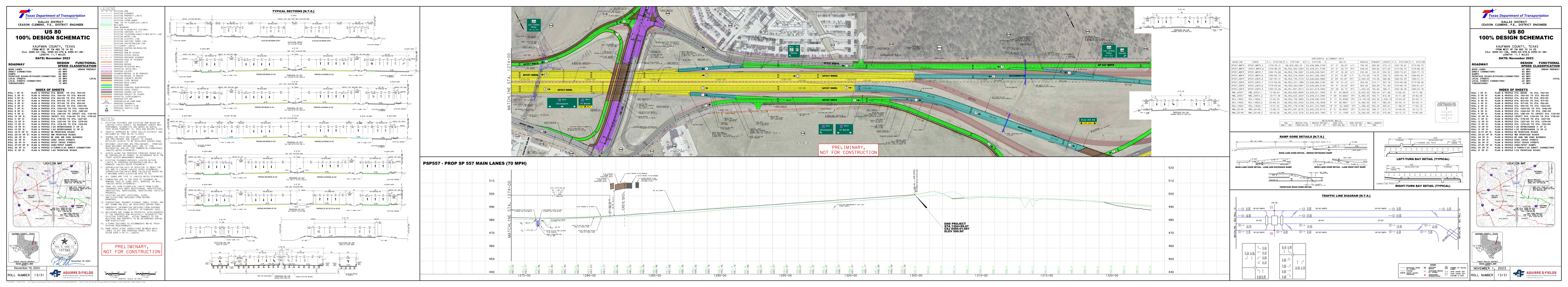


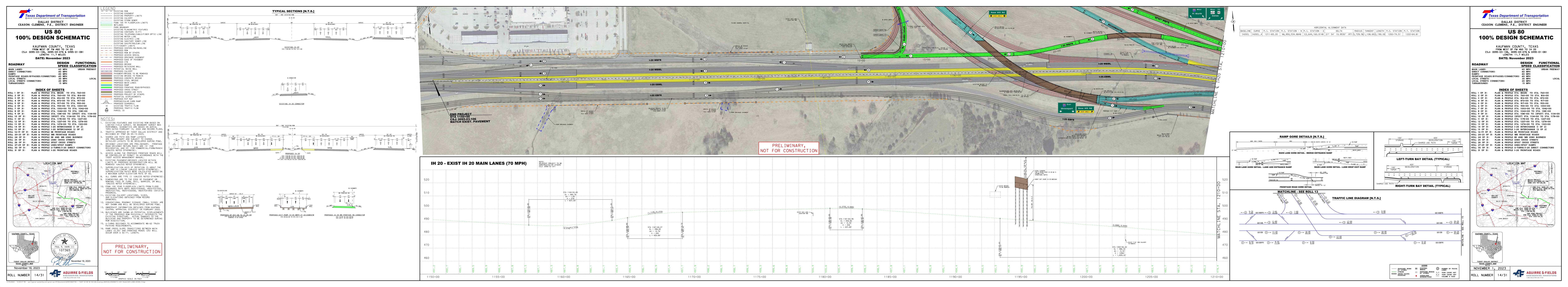


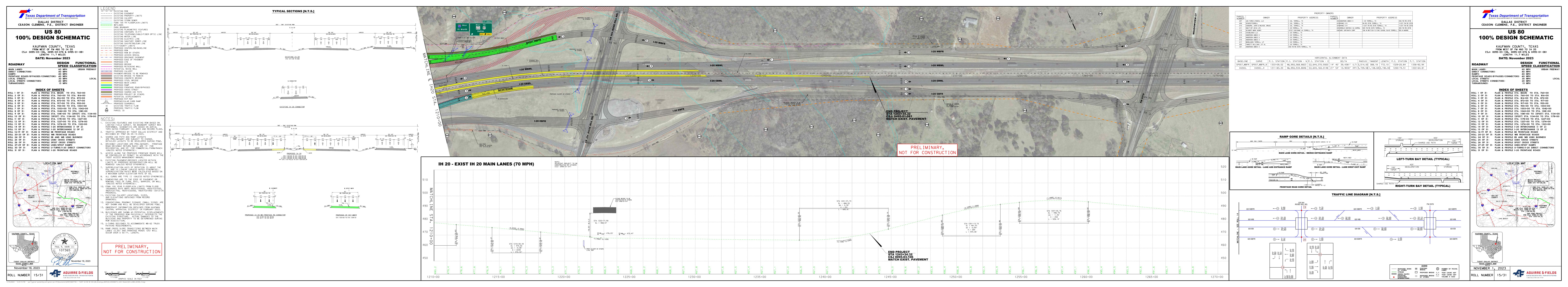


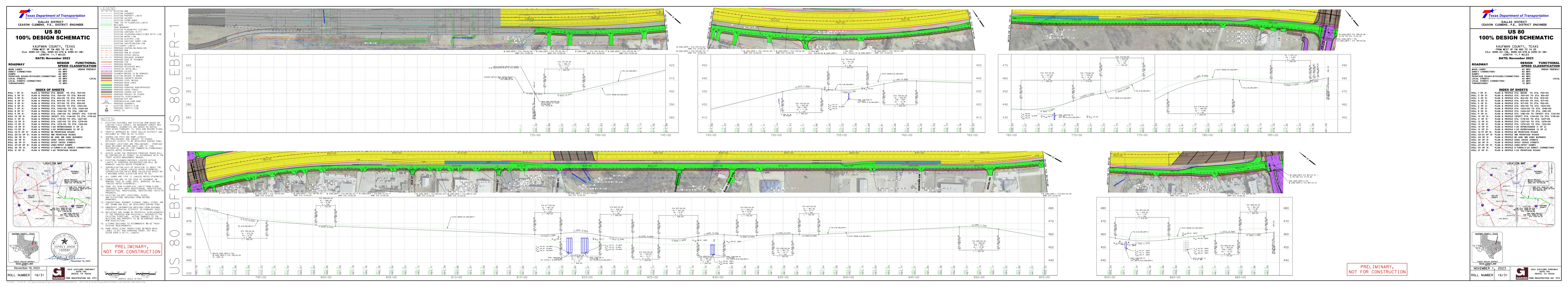






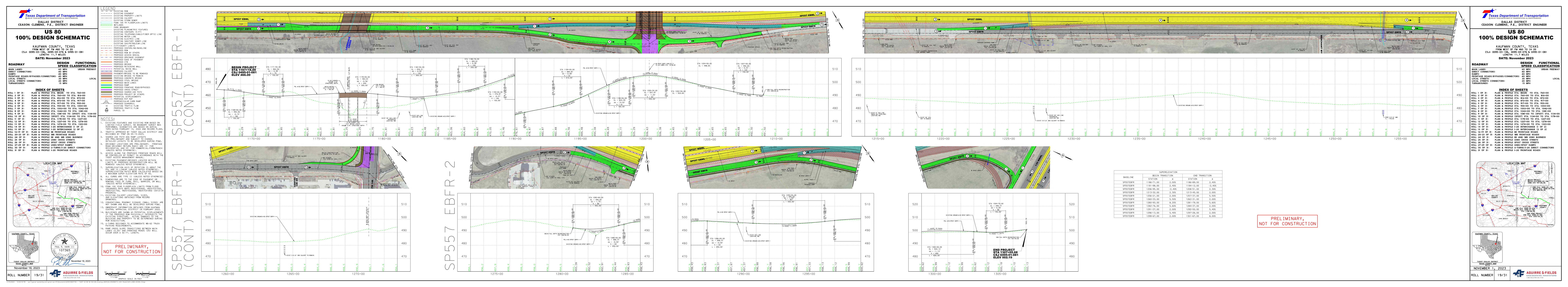


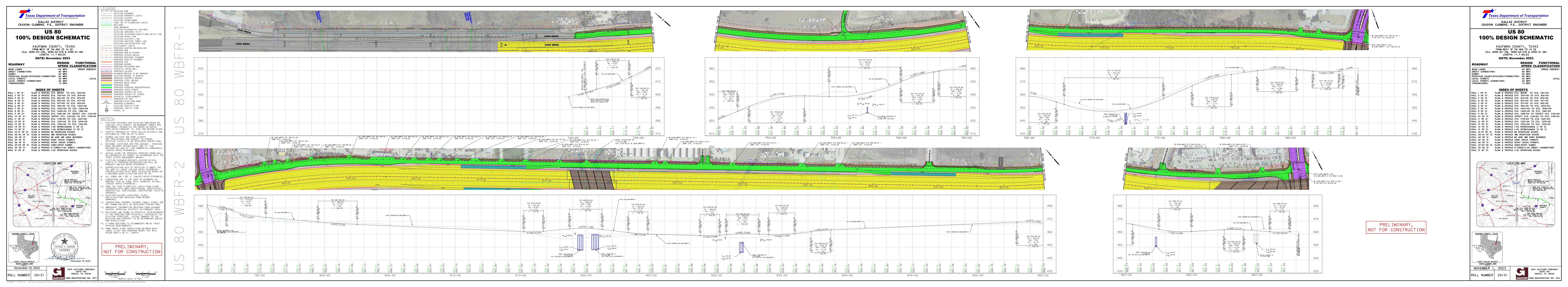


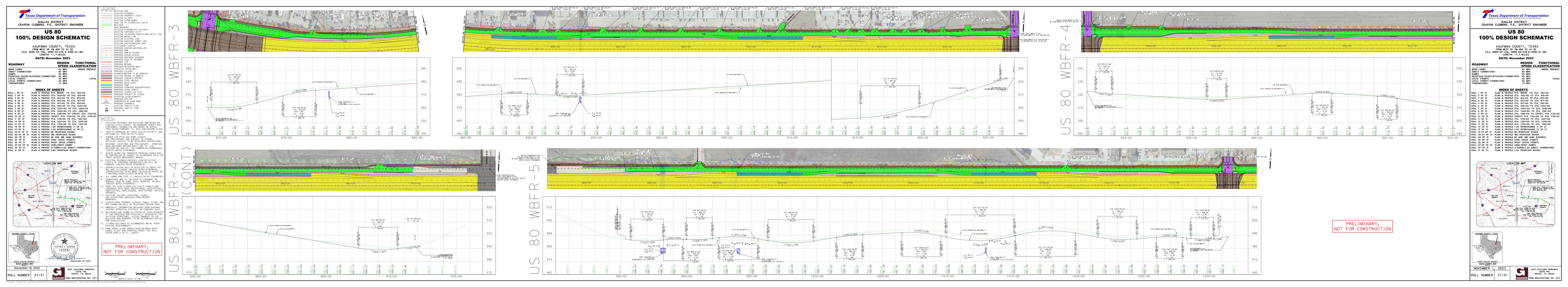


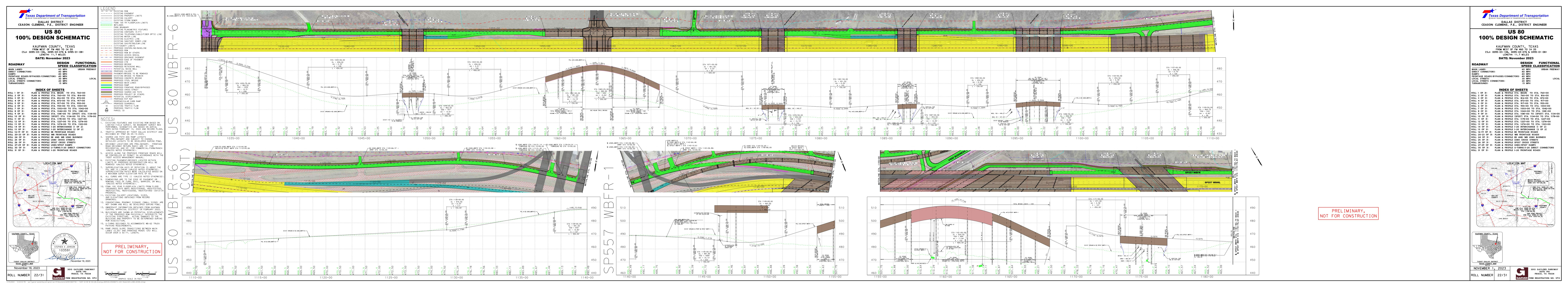


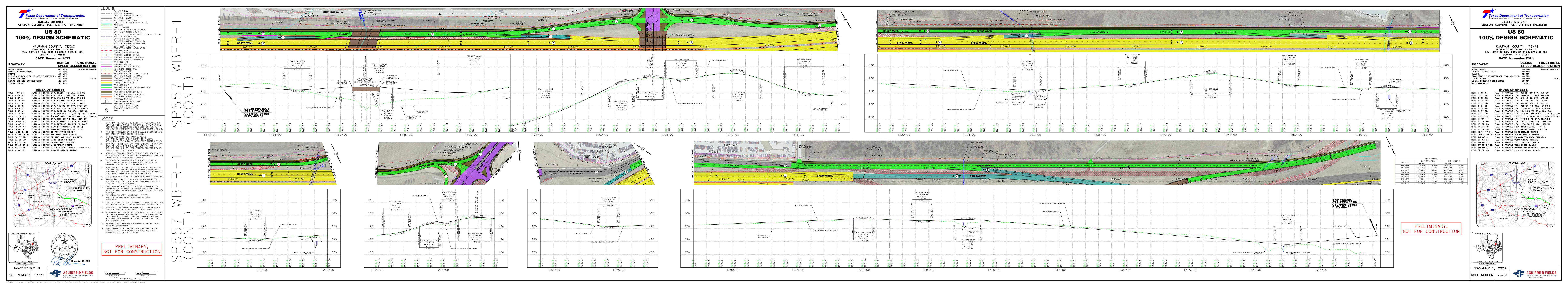


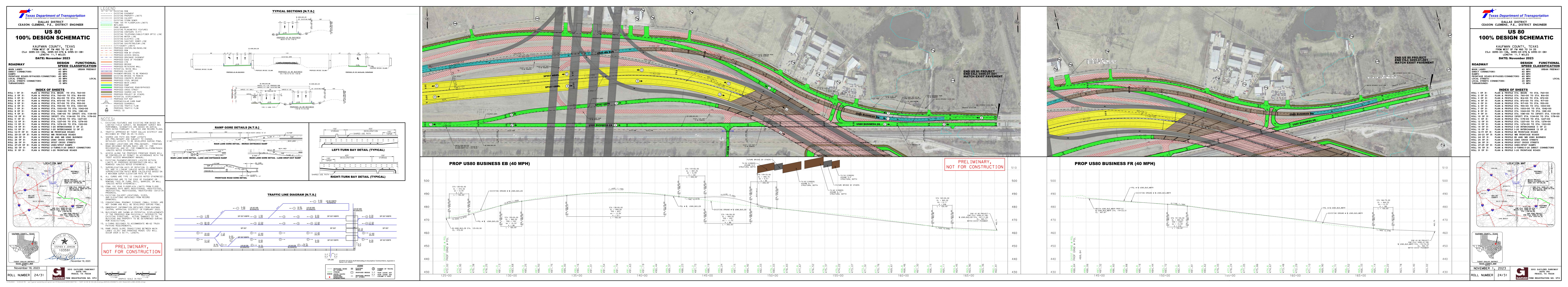


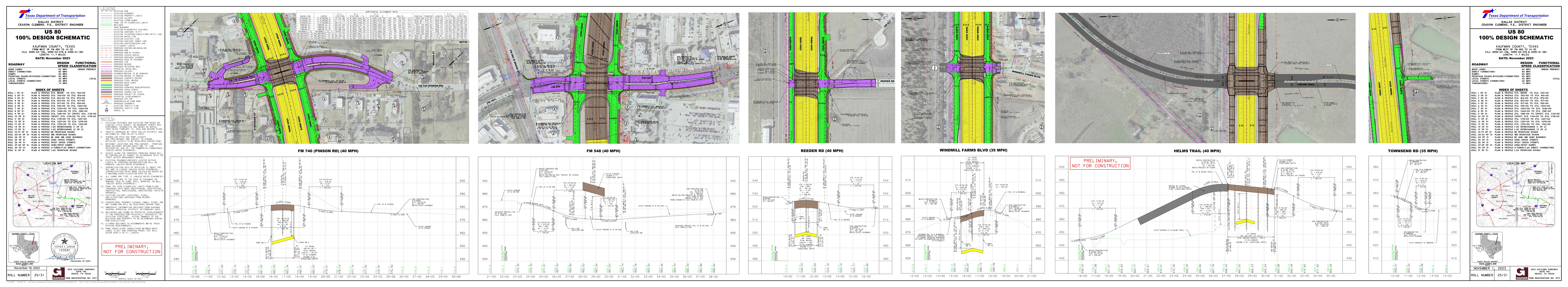


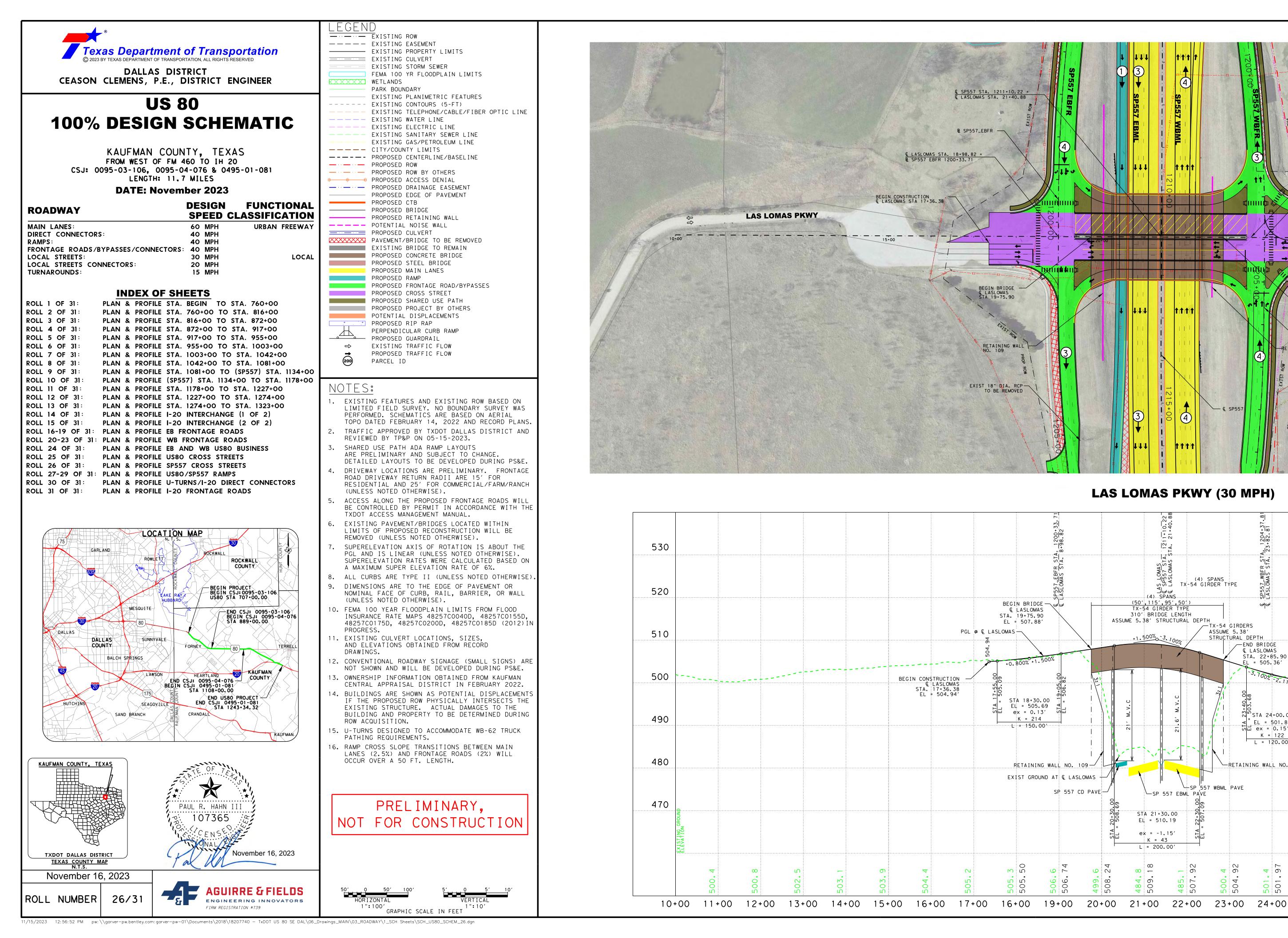


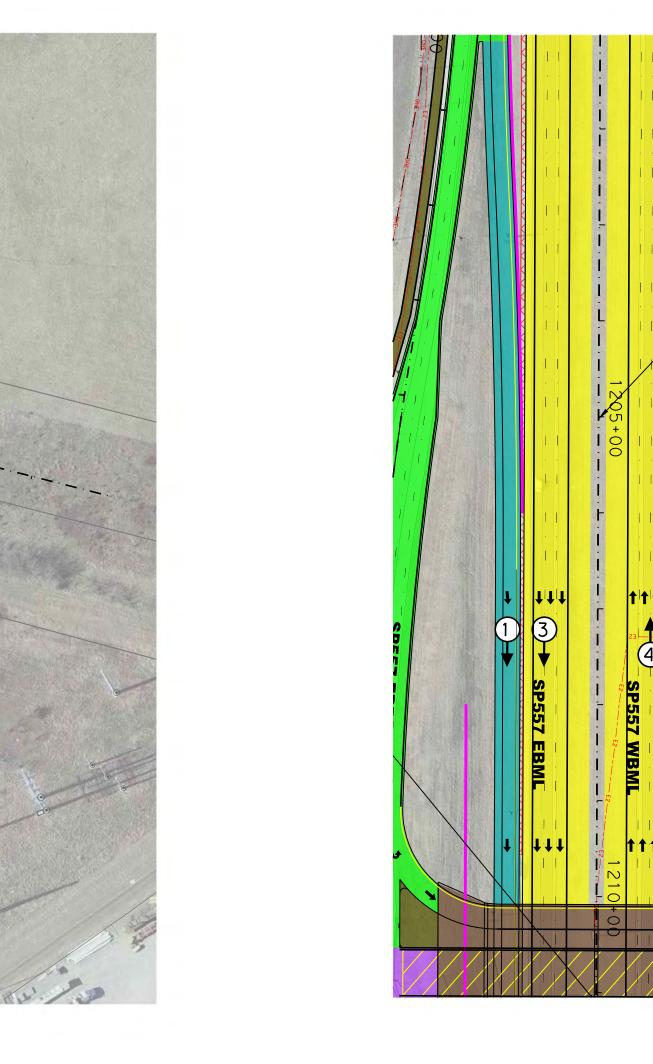


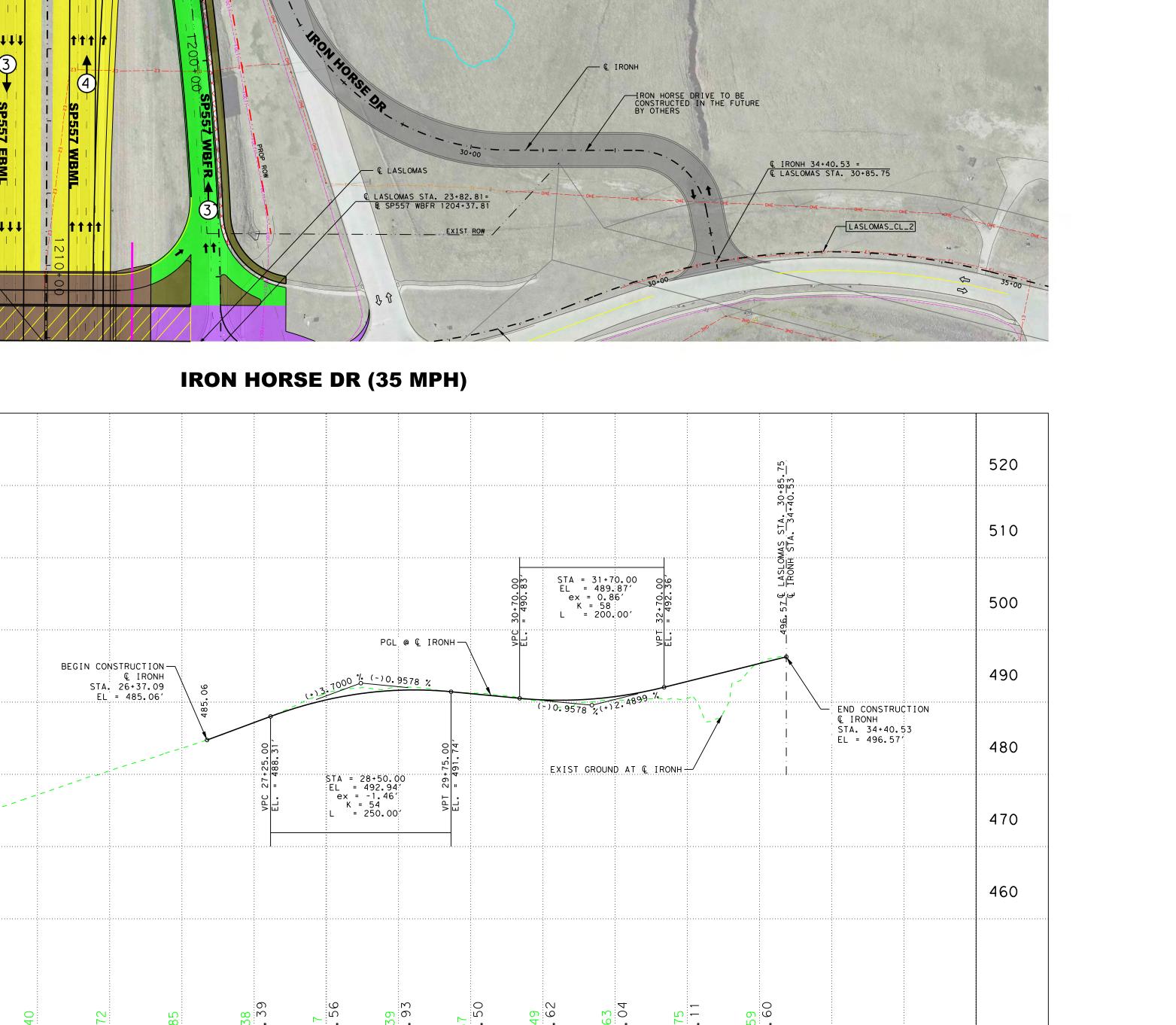


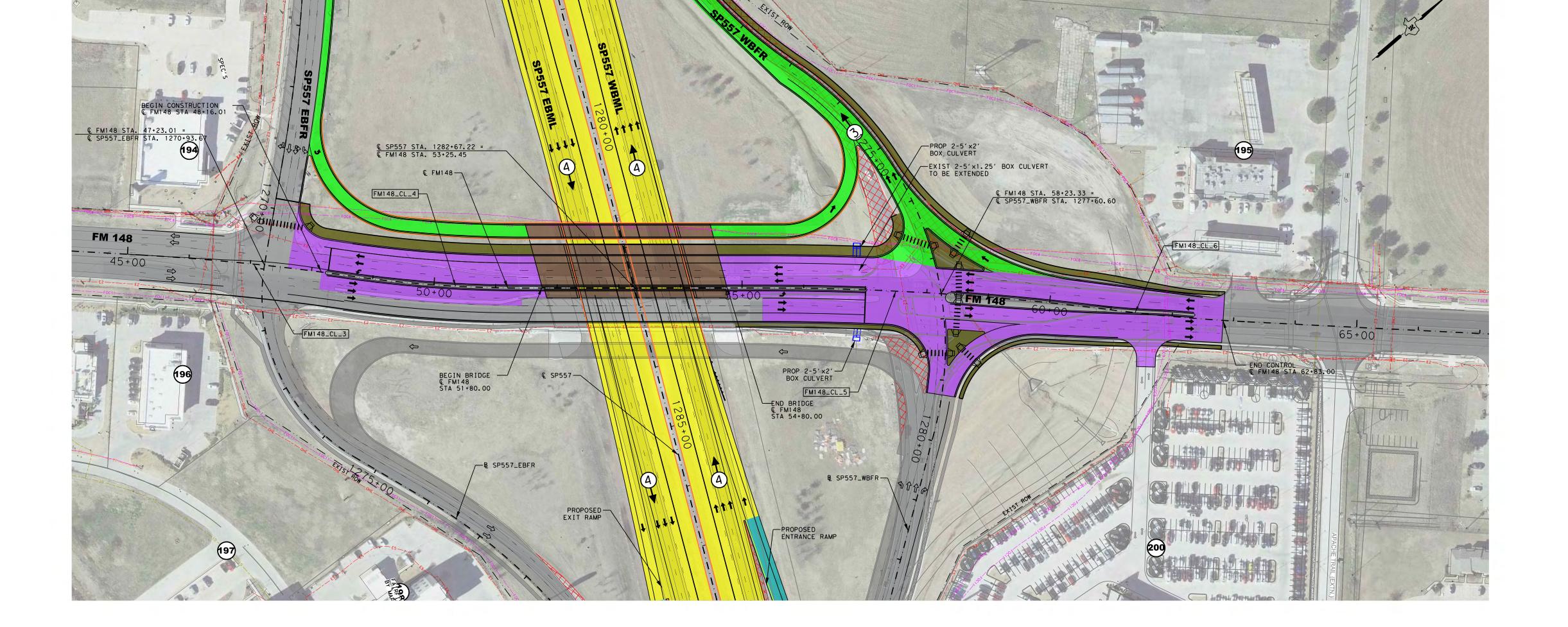


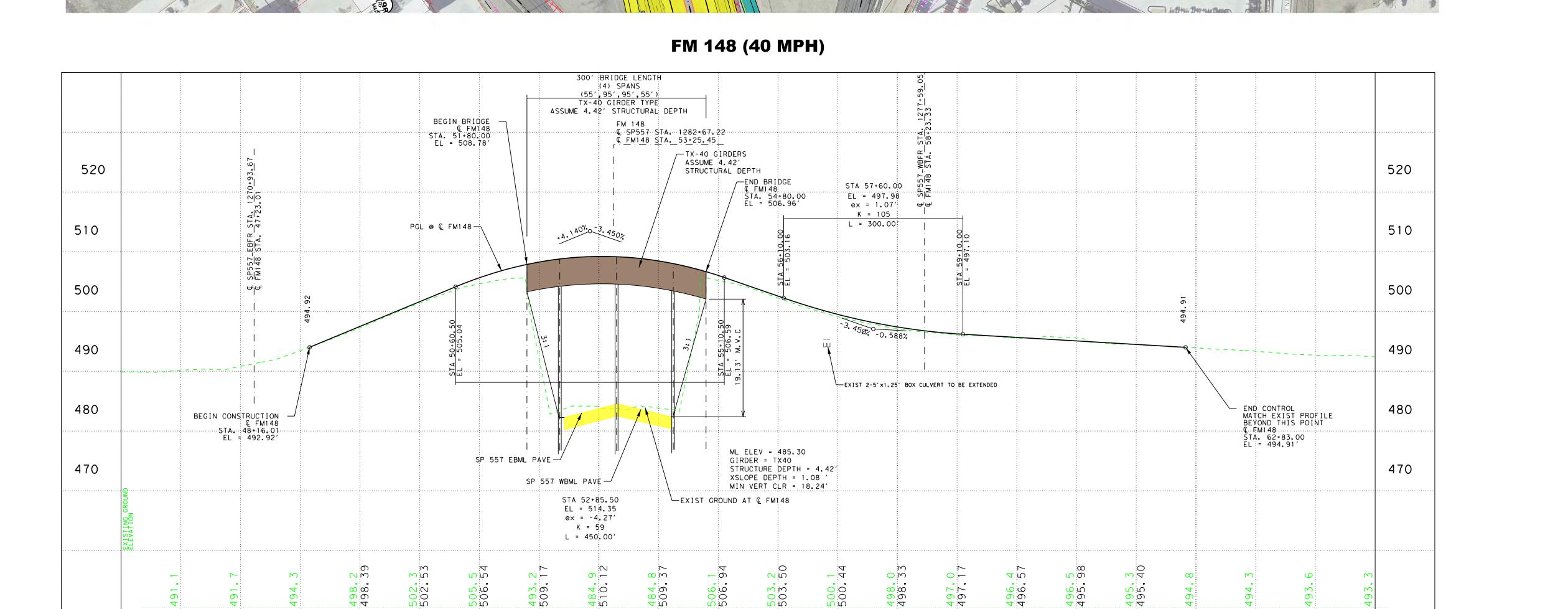


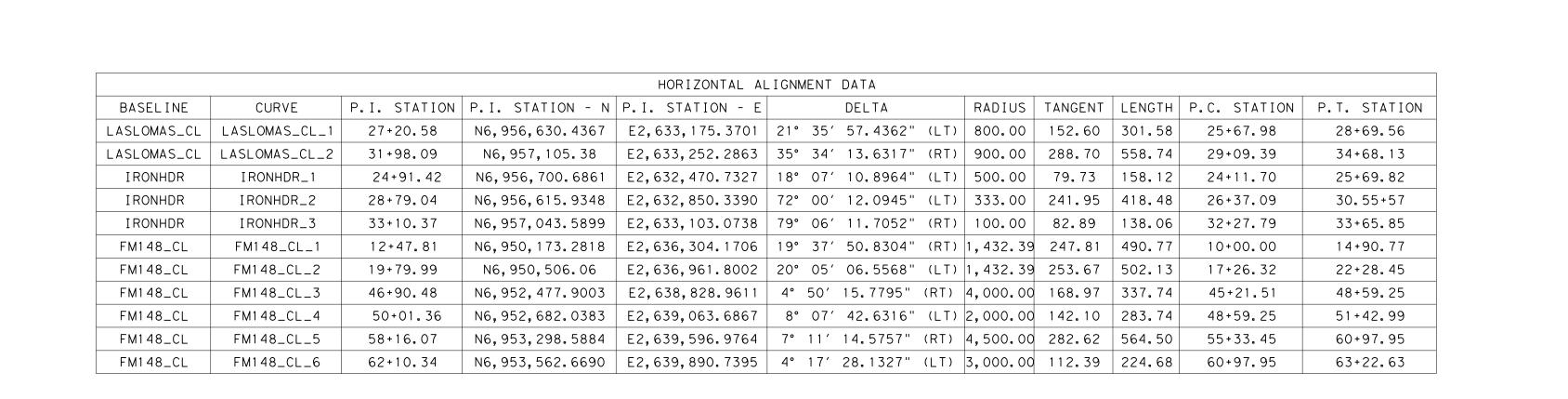




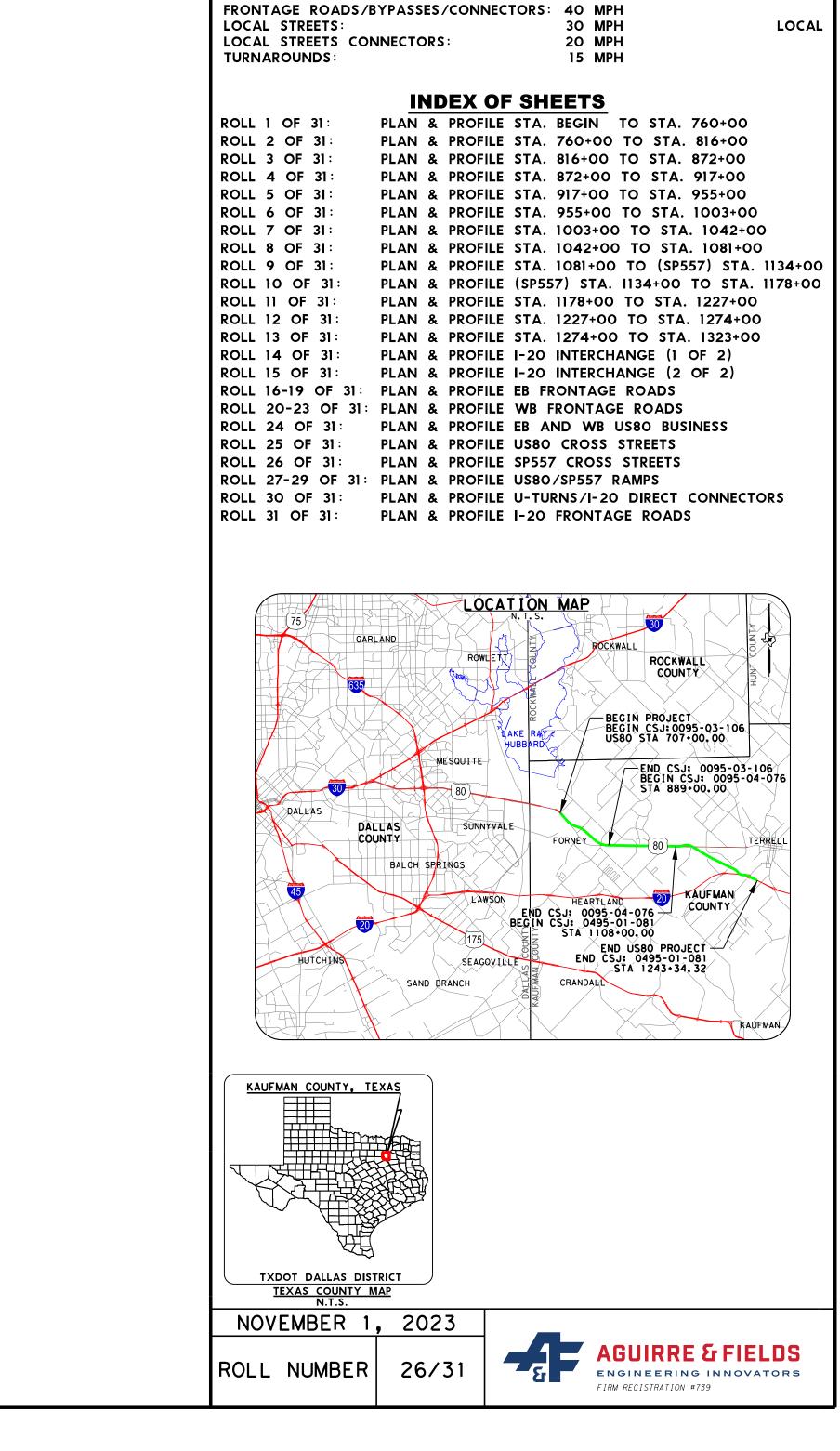






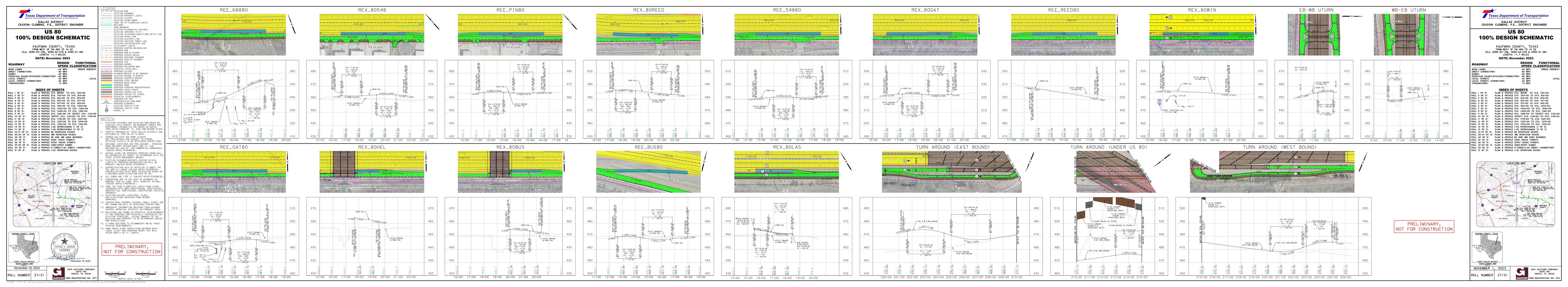


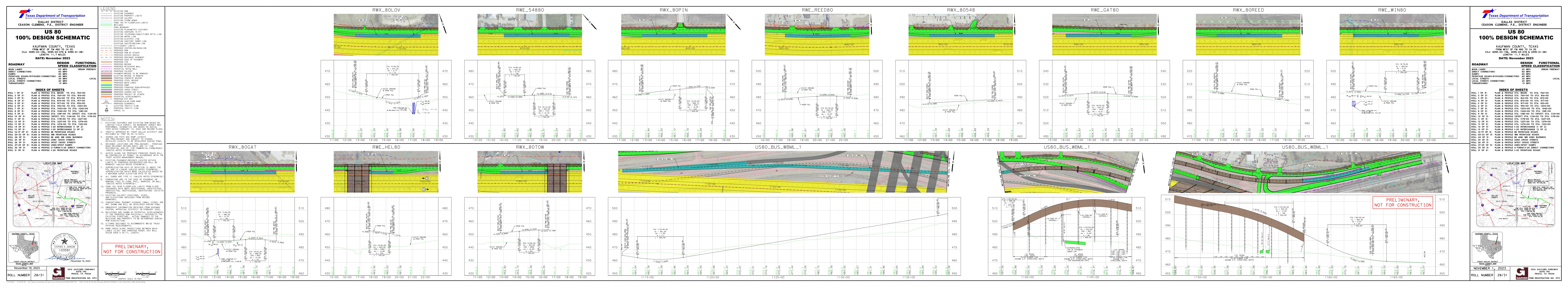


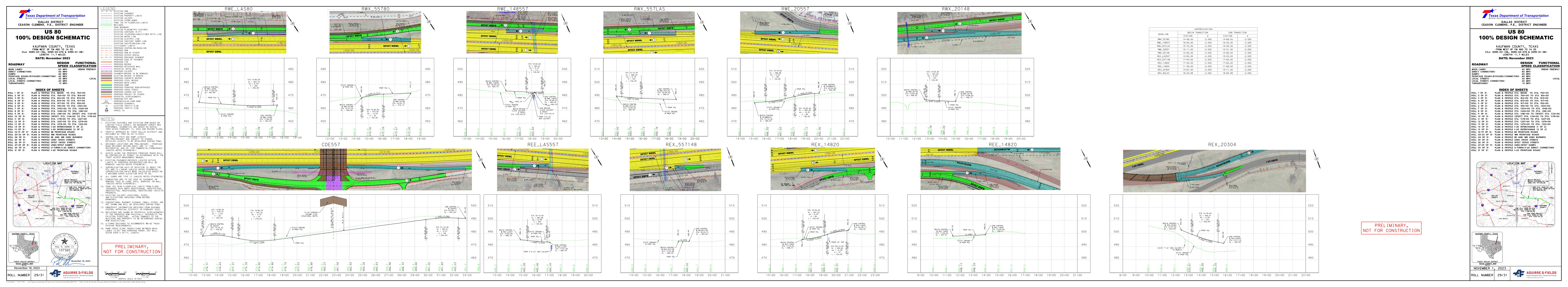


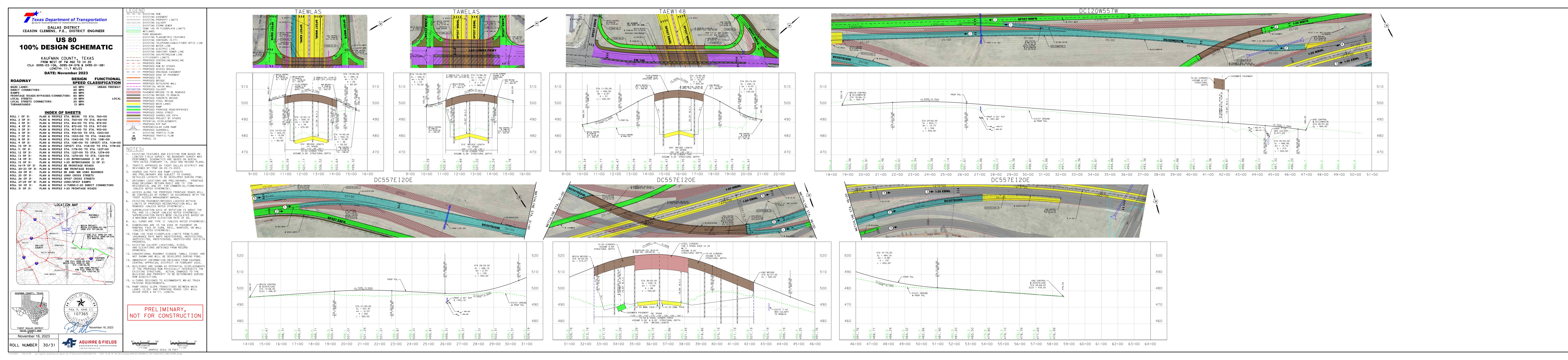
US 80 100% DESIGN SCHEMATIC

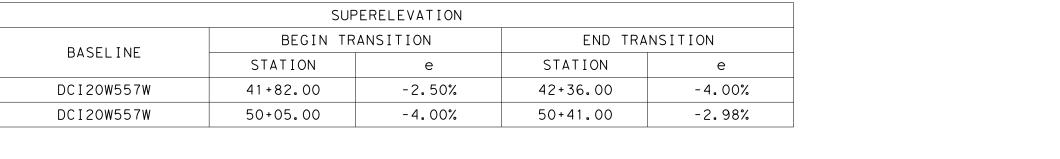
CSJ: 0095-03-106, 0095-04-076 & 0495-01-081







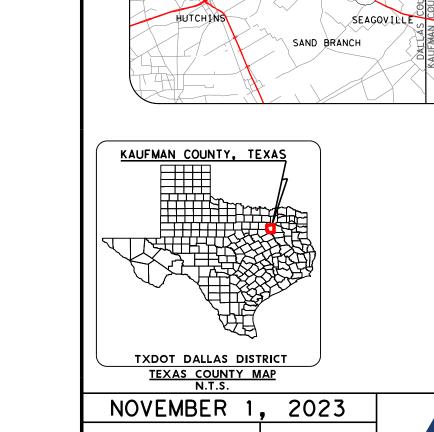




SUPERELEVATION								
DACEL INE	BEGIN TRA	ANSITION	END TRANSITION					
BASELINE	STATION	е	STATION	е				
DC557EI20E	14+08.00	2.50%	15+00.00	4.40%				
DC557EI20E	21+49.00	4.40%	22+41.00	2.50%				
DC557EI20E	30+63.00	2.50%	34+25.00	-5.00%				
DC557EI20E	43+29.00	-5.00%	46+31.00	3.40%				
DC557EI20E	58+38.00	3.40%	58+69.96	2.50%				

INE I20E DC	CURVE									
	CURVE									
	CURVE			HORIZONIAL	ALIGNMENT DATA					
. 20E DC		P.I. STATION	P.I. STATION - N	P.I. STATION - E	DELTA	RADIUS	TANGENT	LENGTH	P.C. STATION	P.T. STATION
, 202 00	C557EI20E_1	18+27.85	N6,951,940.8492	E2,641,224.2918	19° 23′ 05.3481" (RT)	2,000.00	241.54	676.66	14+86.26	21+62.91
I20E DC	C557EI20E_2	40+40.93	N6, 950, 358. 1805	E2,642,780.5064	48° 09′ 02.0834" (LT)	1,500.00	670.21	1,260.58	33+70.72	46+31.30
I20E DC	C557EI20E_3	52+59.58	N6, 950, 418. 6167	E2,644,077.5903	23° 39′ 24.5588" (RT)	3,000.00	628.28	1,238.61	46+31.30	58+69.91
557W DC	CI20W557W_1	34+61.21	N6,951,274.4388	E2,642,716.5673	8° 45′ 58.59" (RT)	10,000.00	766.50	1,530.00	26+94.71	42+24.72
557W DC	CI20W557W_2	46+37.33	N6, 950, 600. 4162	E2,643,684.0393	20° 20′ 28.1119" (LT)	2,300.00	412.62	816.55	42+24.72	50+41.26
	TAEW148_1	11+55.75	N6, 952, 610. 4914	, ,	92° 09′ 15.4821" (LT)	150.00	155.75	241.26	10+00.00	12+41.26
	TAEW148_2	13+37.79	N6, 952, 783. 5640		5° 49′ 28.4126" (LT)	1,897.50	96.53	192.90	12+41.26	14+34.15
	TAEW148_3	18+41.05	N6, 953, 164. 3195		0° 24′ 32.9317" (RT)	4,602.50	16.43	32.87	18+24.62	18+57.48
	TAEW148_4	21+08.82	N6, 953, 365. 5859		136° 36′ 27.2184" (LT)	100.00	251.34	238.42	18+57.48	20+95.91
	TAEWLAS_1	11+05.23	N6, 956, 004. 3389	, ,	91° 47′ 10.9407" (LT)	102.00	105.23	163.4	10+00.00	11+63.40
	TAEWLAS_2	14+72.12	N6, 956, 359. 9135		93° 10′ 24.8946" (LT)	102.00	107.81	165.87	13+64.31	15+30.18
	TAWELAS_1					102.00				
		11+02.36	N6, 956, 258. 7460		90° 11′ 58.4237" (LT)		102.36	160.58	10+00.00	11+60.58
AS 1	TAWELAS_2	14+71.04	N6, 955, 904.1436	E2,632,856.5306	91° 27′ 37.0116" (LT)	102.00	104.63	162.82	13+66.41	15+29.23





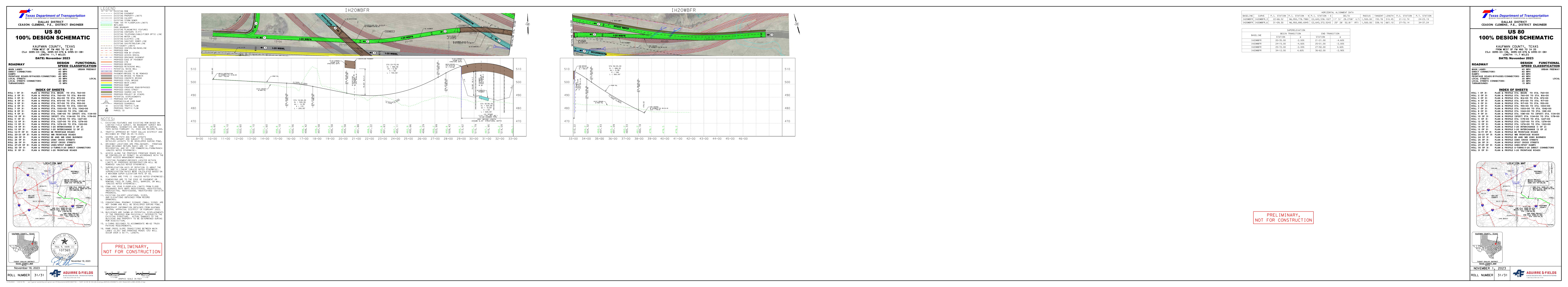
US 80

100% DESIGN SCHEMATIC

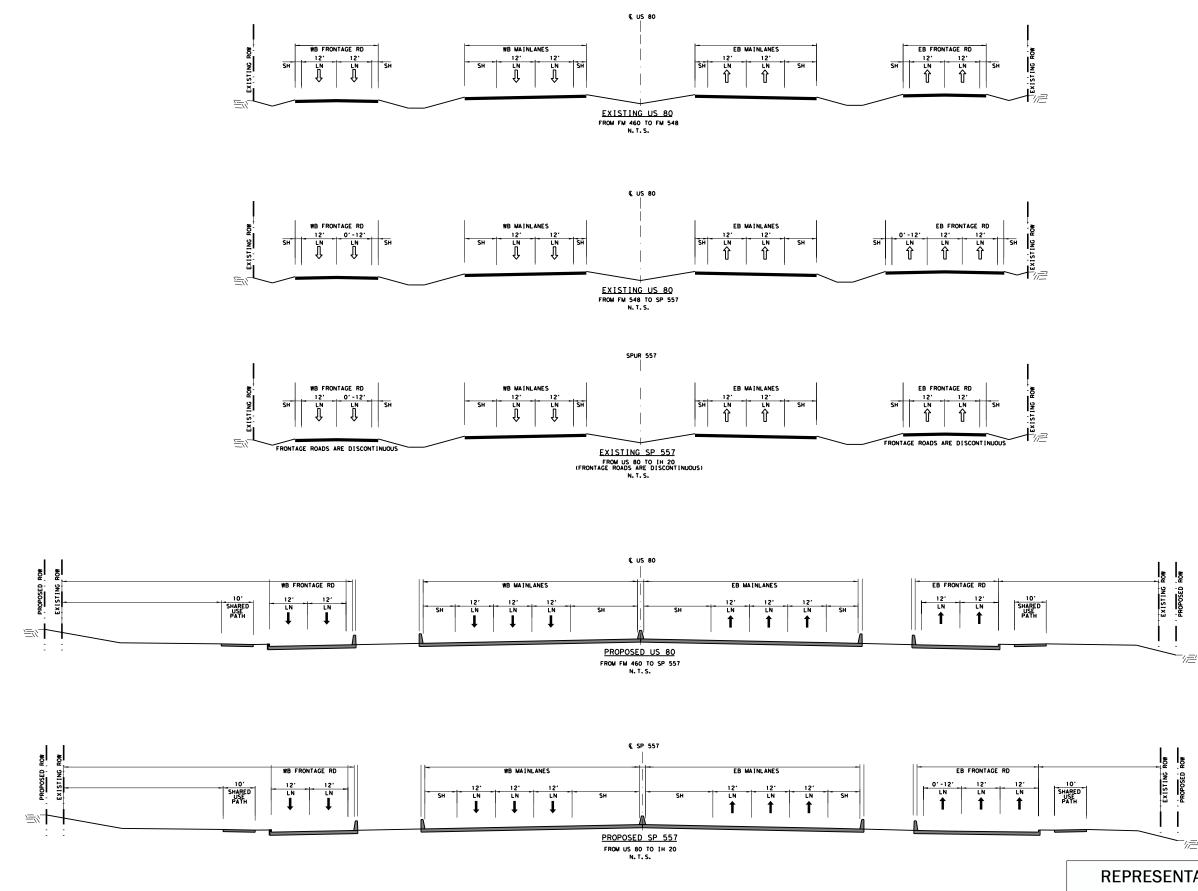
KAUFMAN COUNTY, TEXAS
FROM WEST OF FM 460 TO IH 20
CSJ: 0095-03-106, 0095-04-076 & 0495-01-081
LENGTH: 11.7 MILES

FRONTAGE ROADS/BYPASSES/CONNECTORS: 4

DCAL STREETS: DCAL STREETS CONNECTORS:

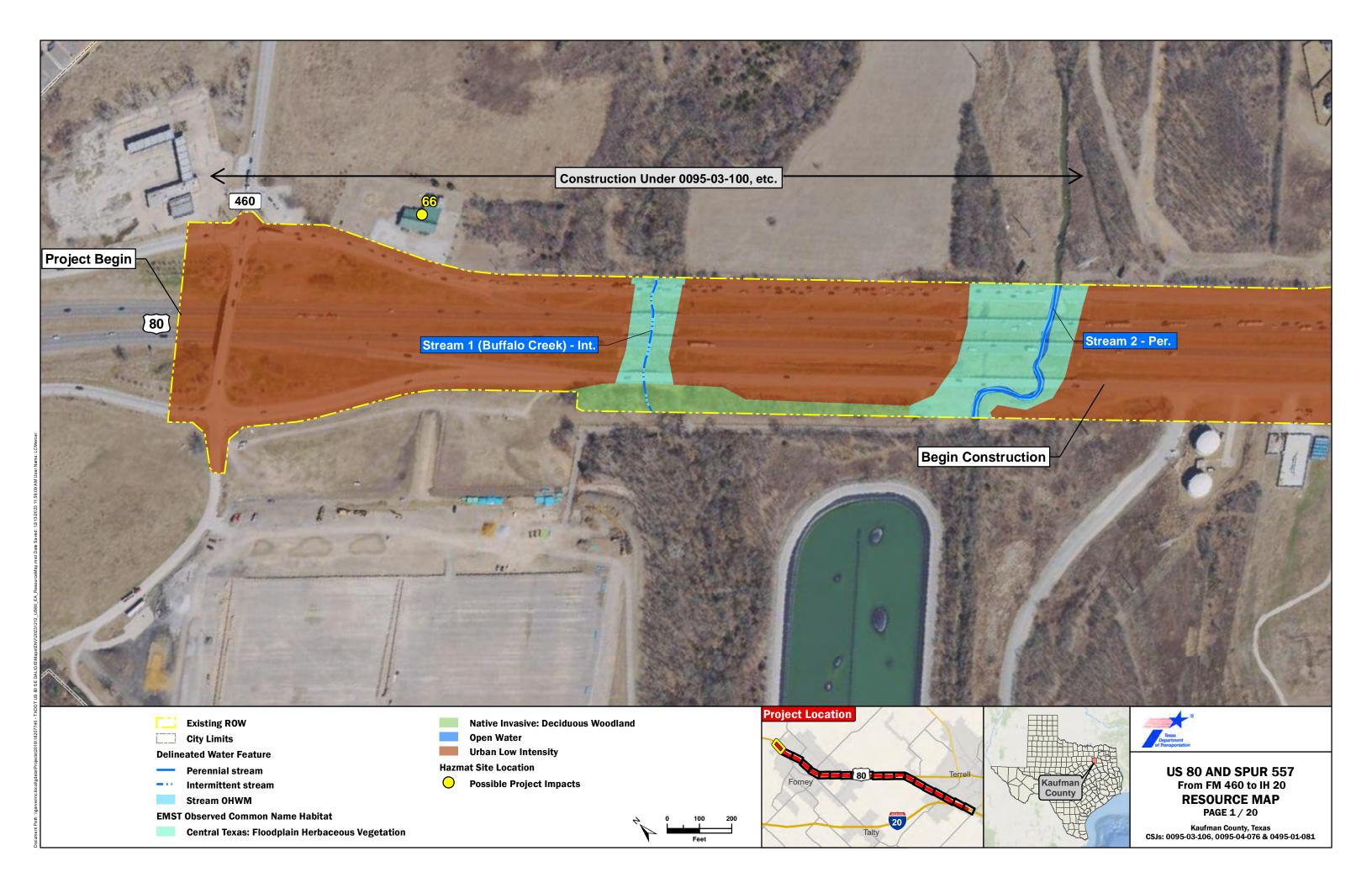


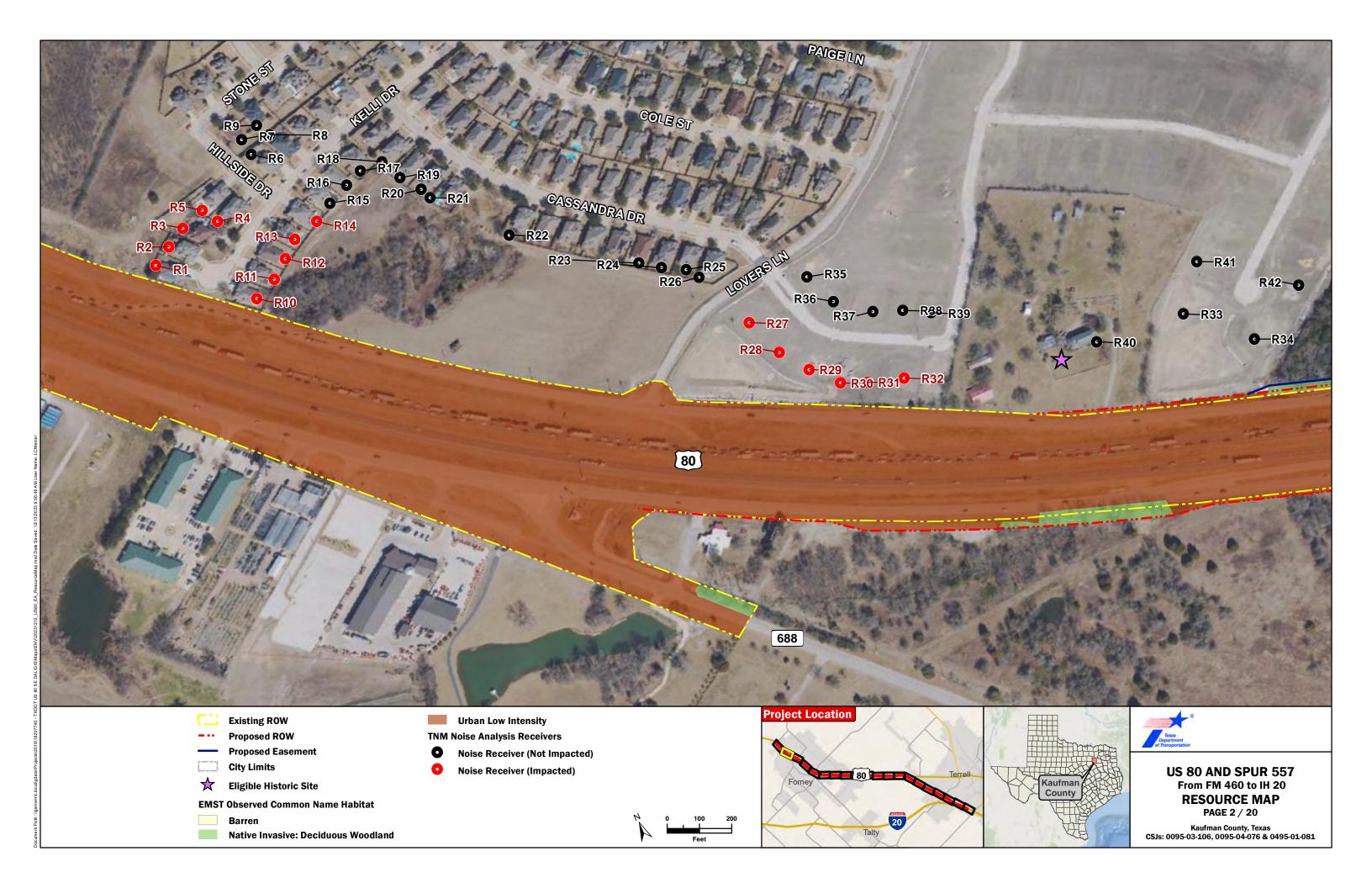
Appendix D: Typical Sections

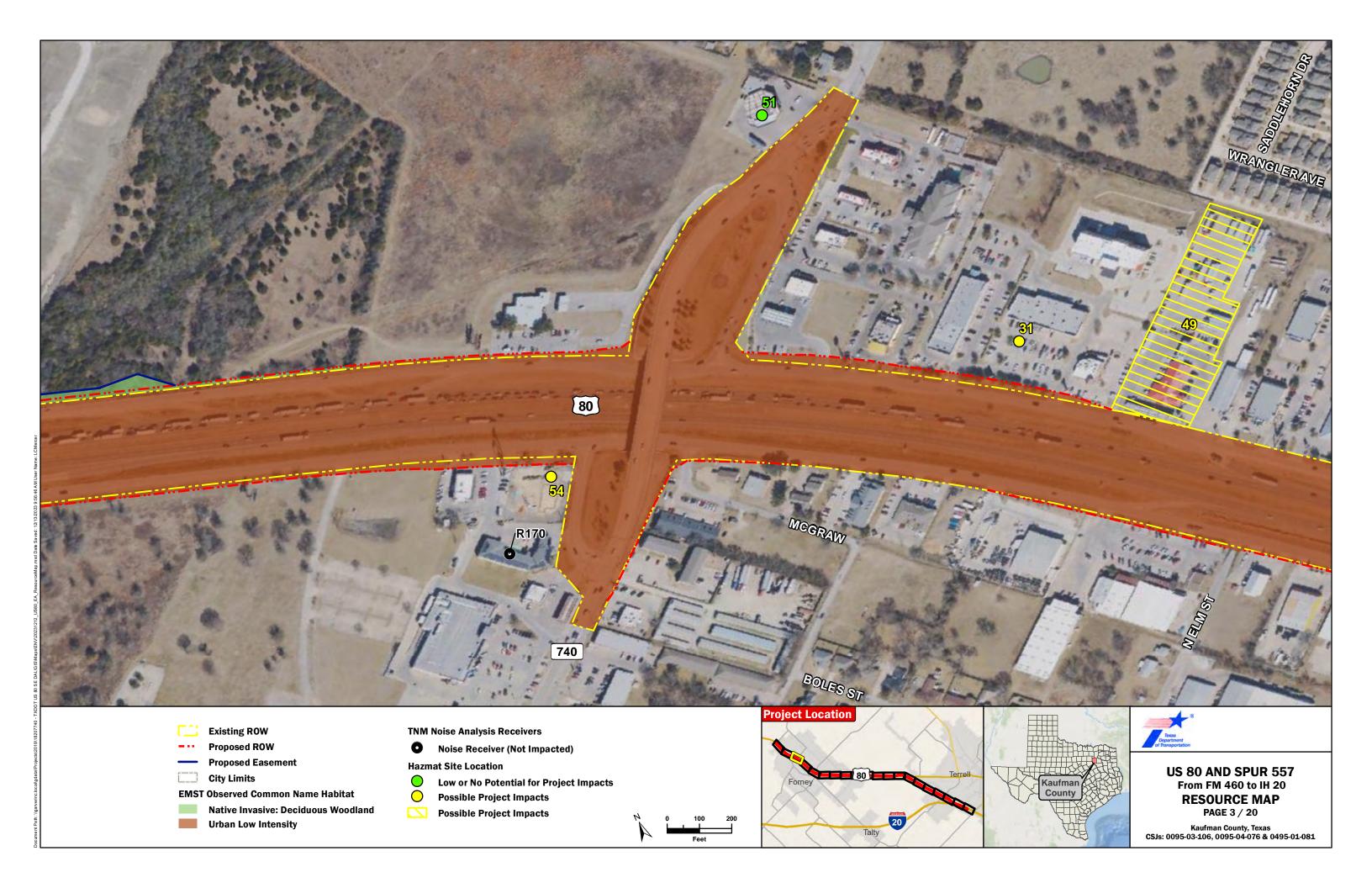


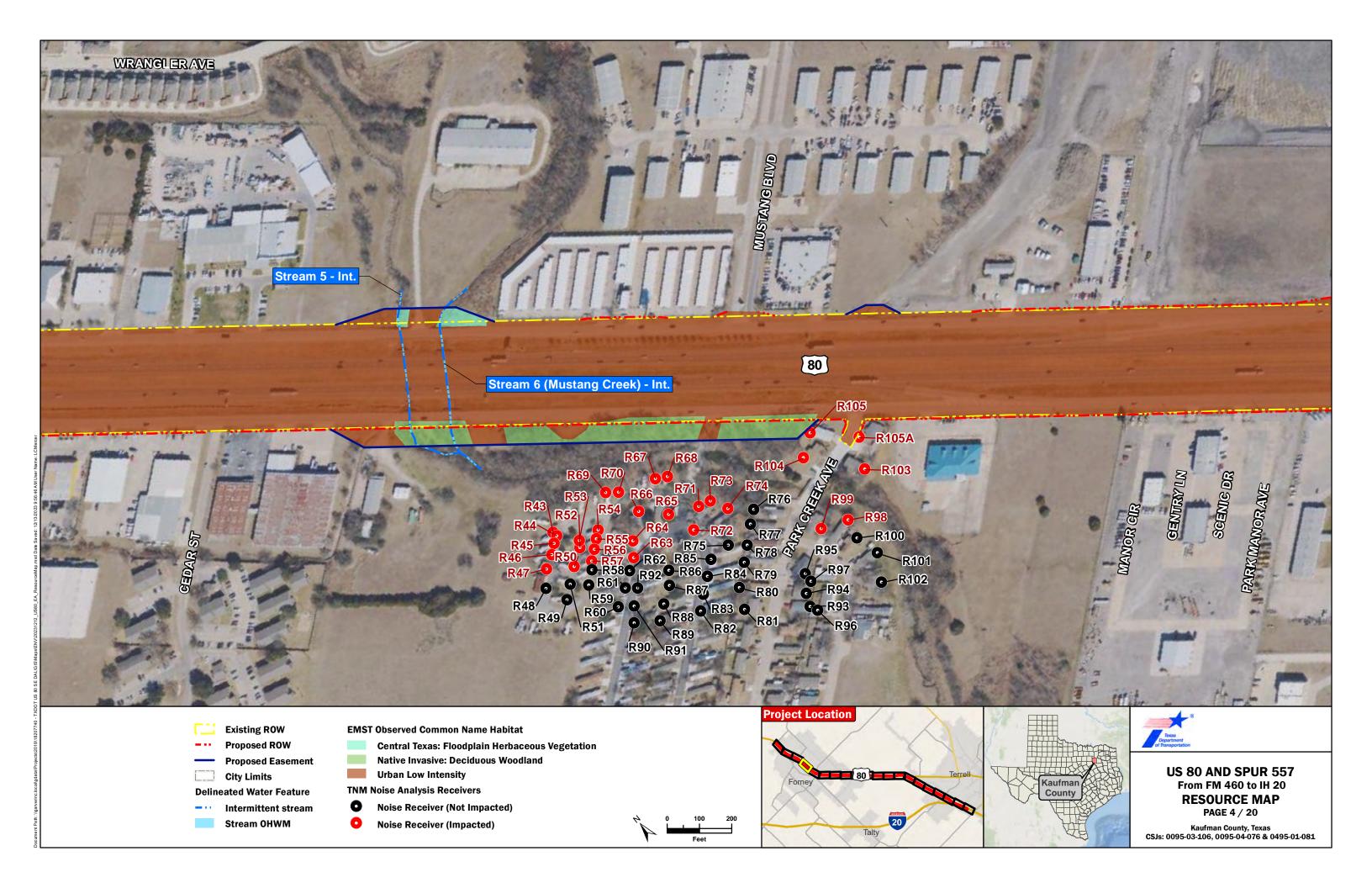
REPRESENTATIVE TYPICAL SECTIONS

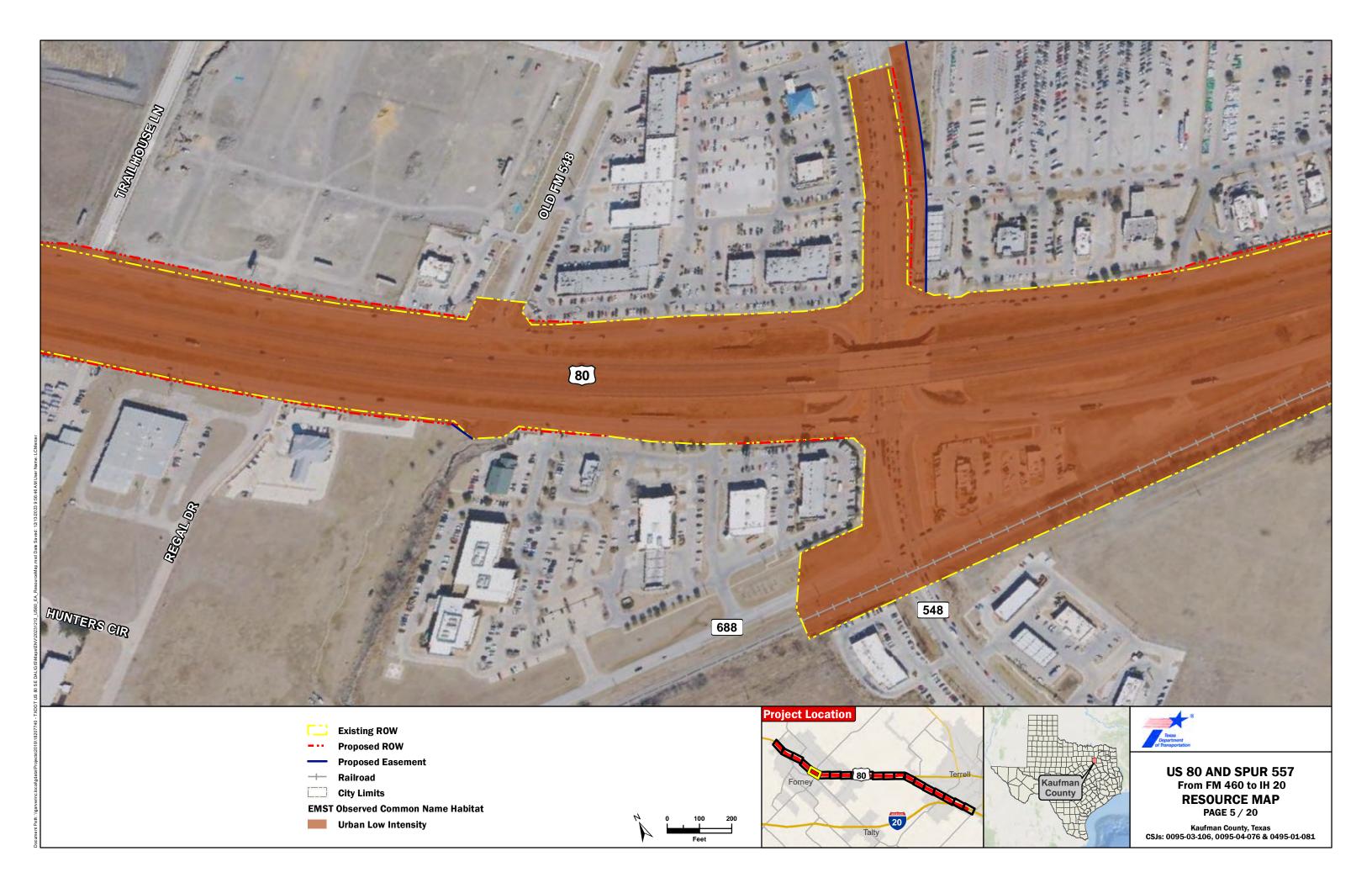
US 80 (FROM FM 460 TO SPUR 557) AND SPUR 557 (FROM US 80 TO IH 20) KAUFMAN COUNTY, TEXAS CSJs: 0095-03-106, 0095-04-076, 0495-01-081 Appendix E: Resource Map



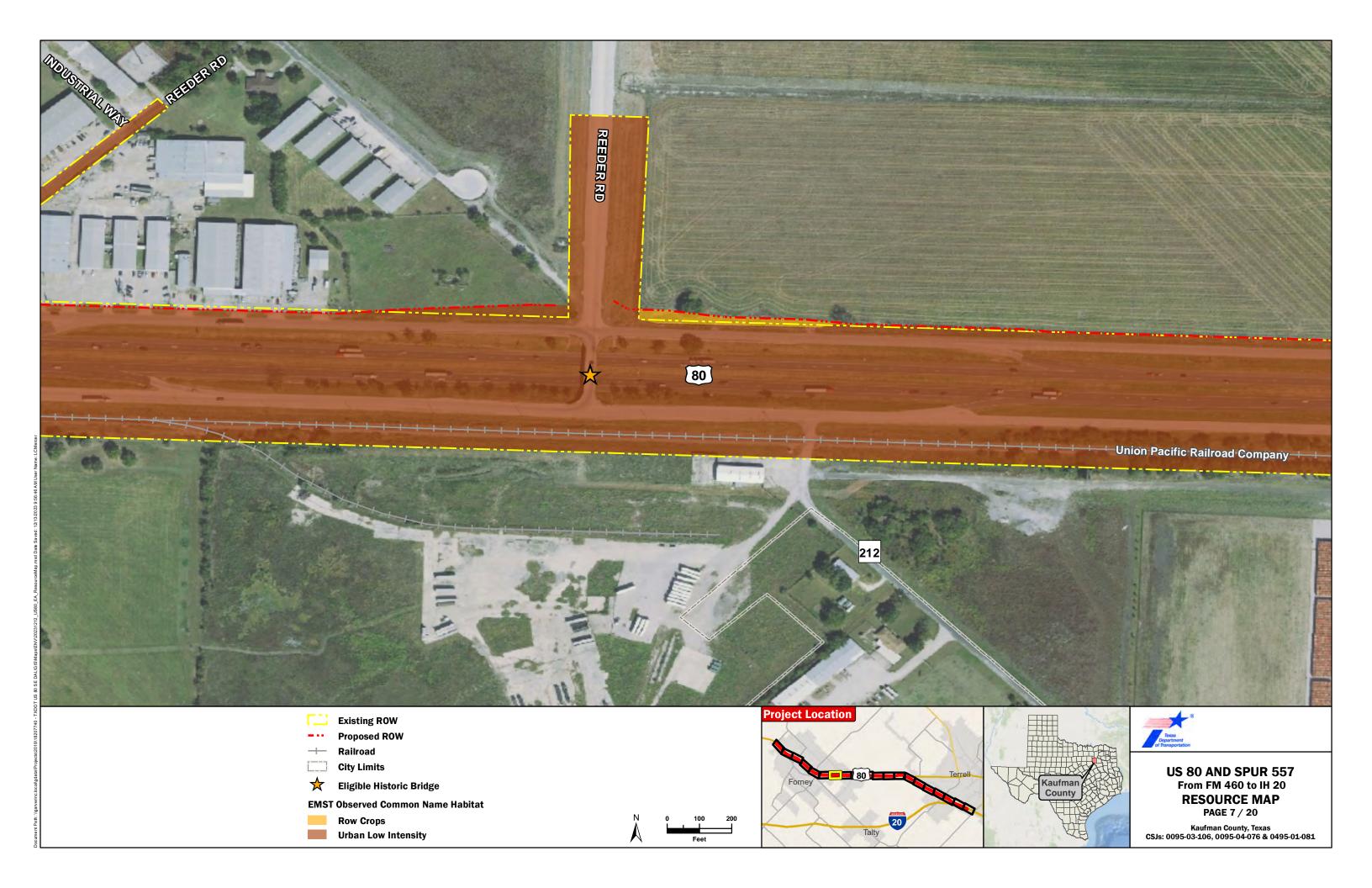


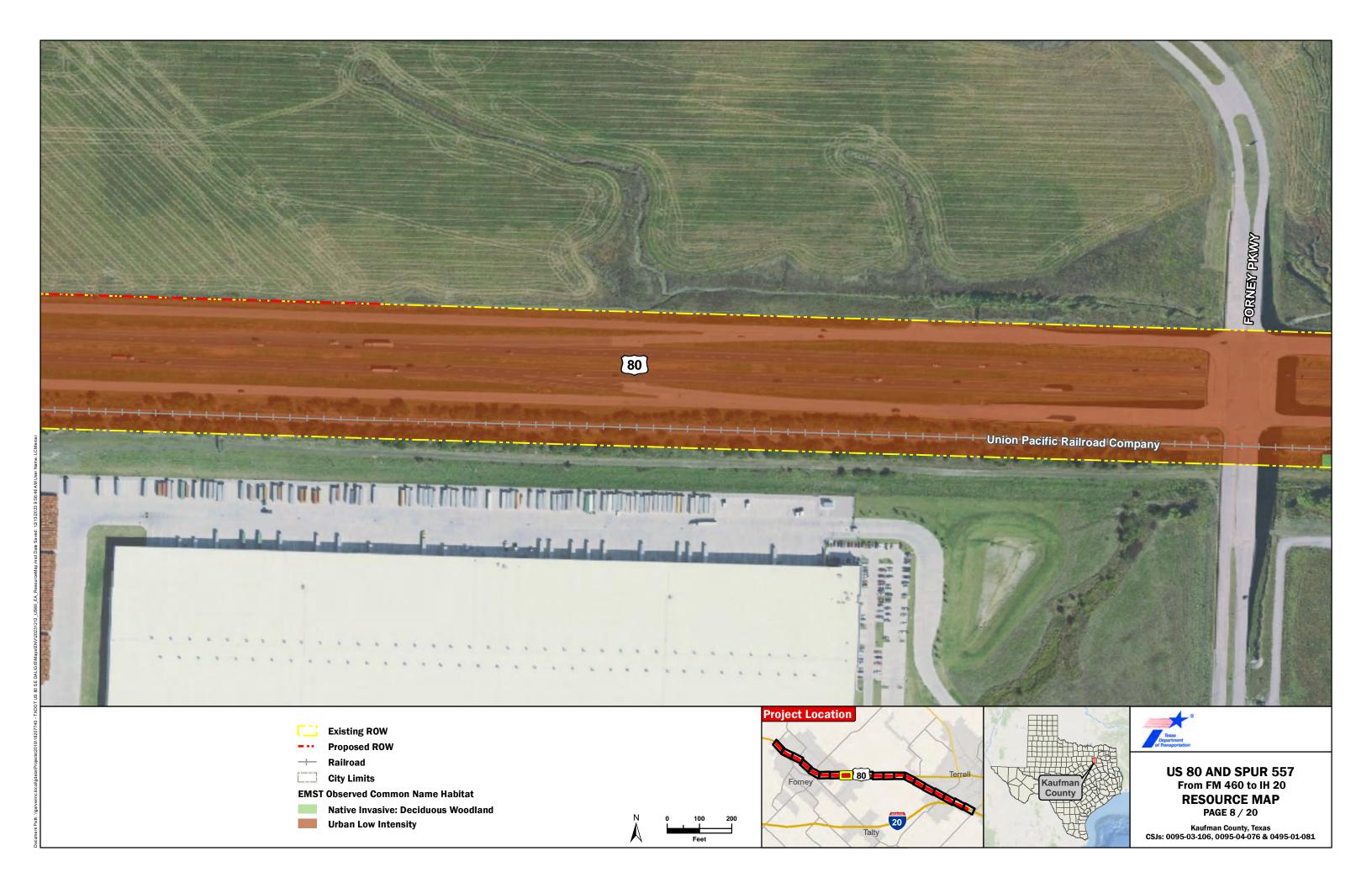


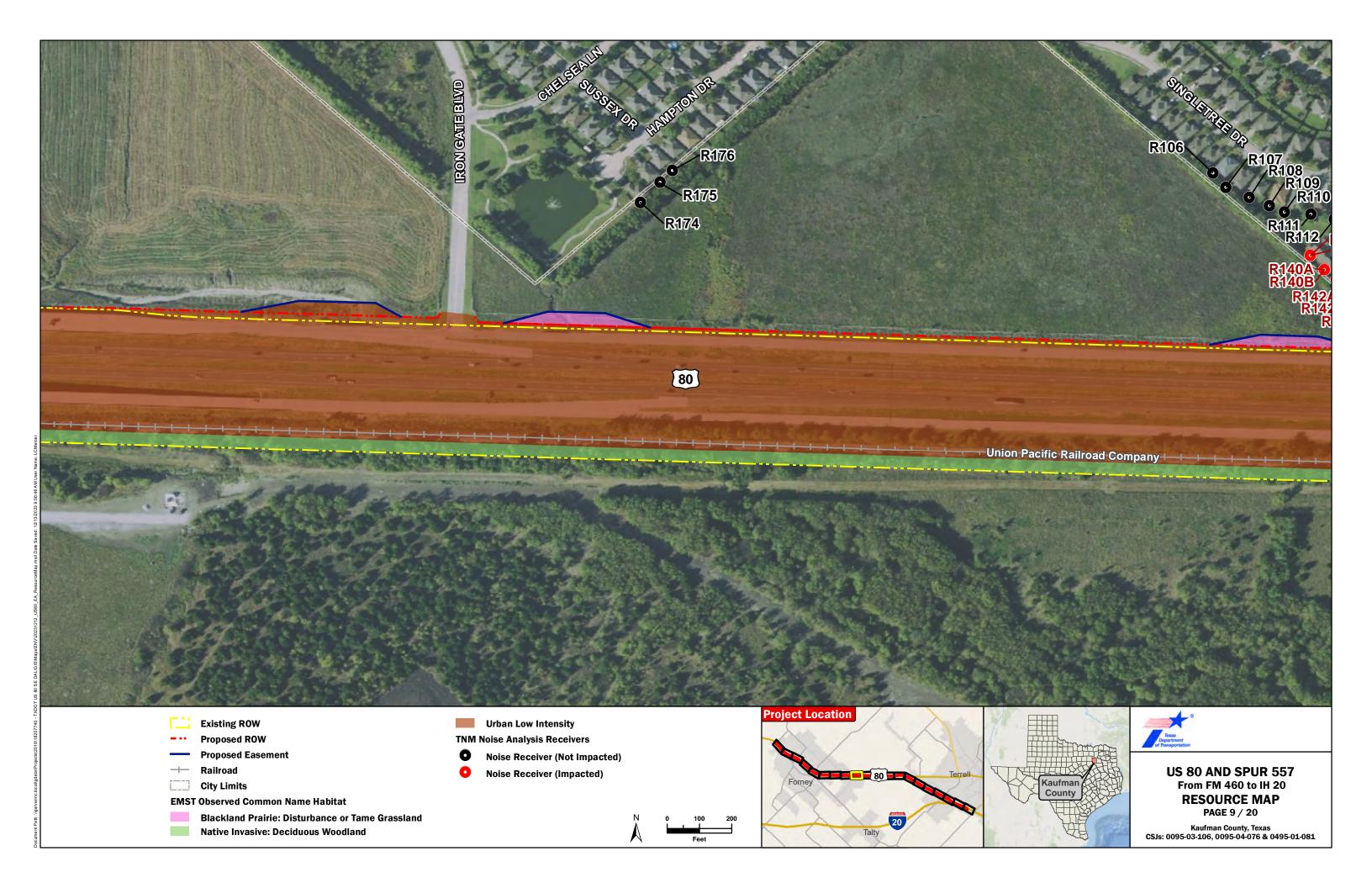


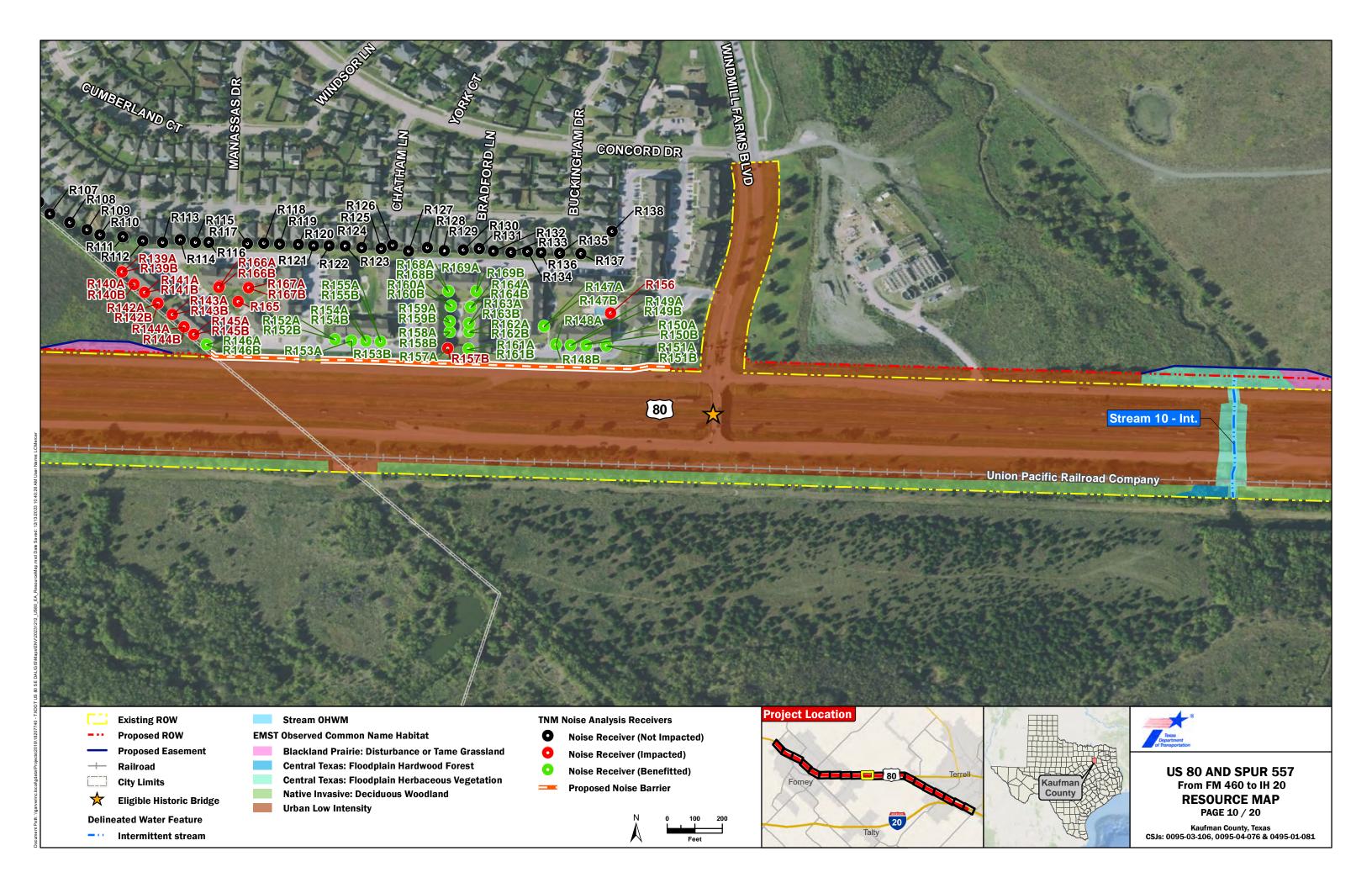


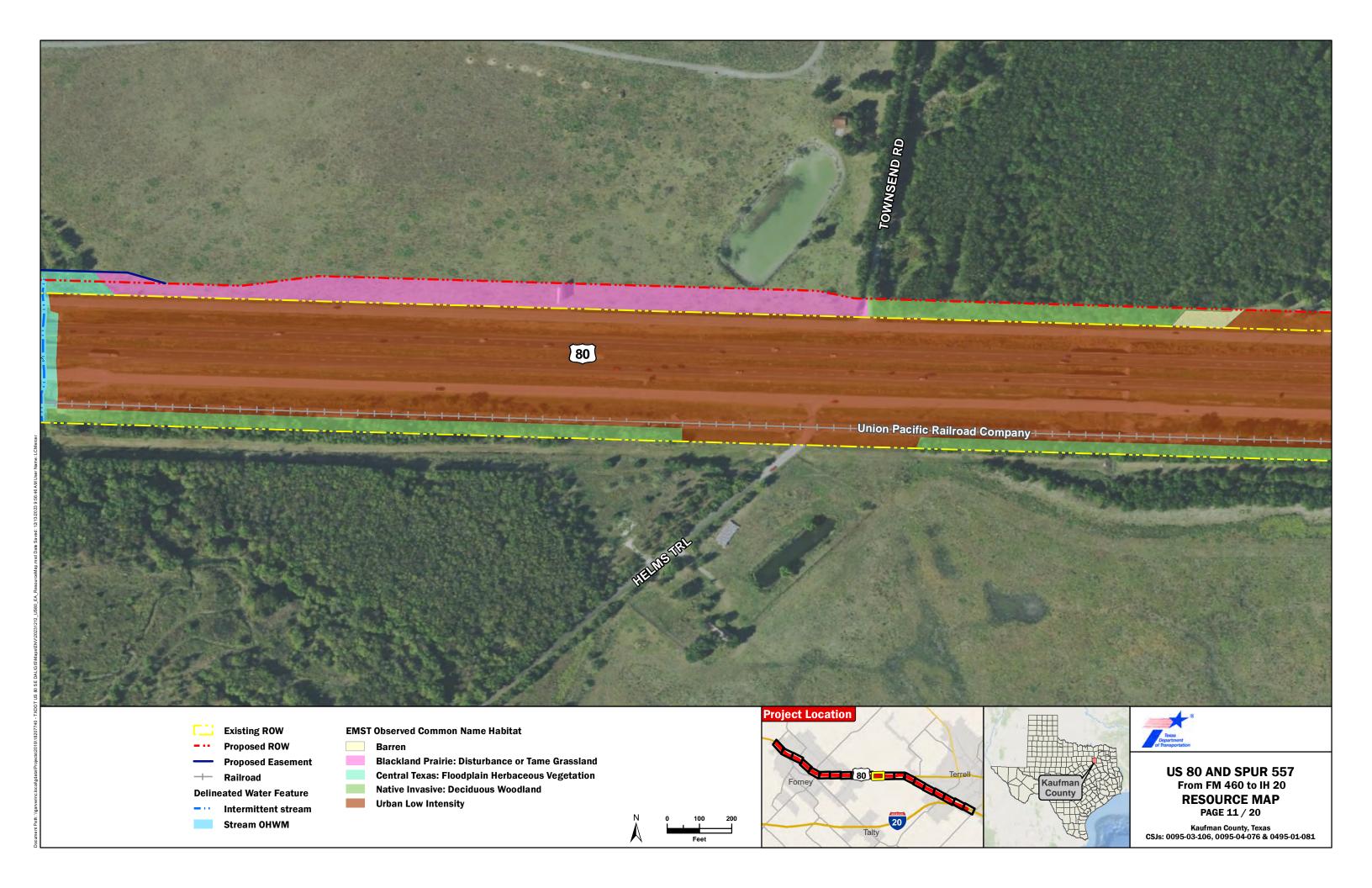


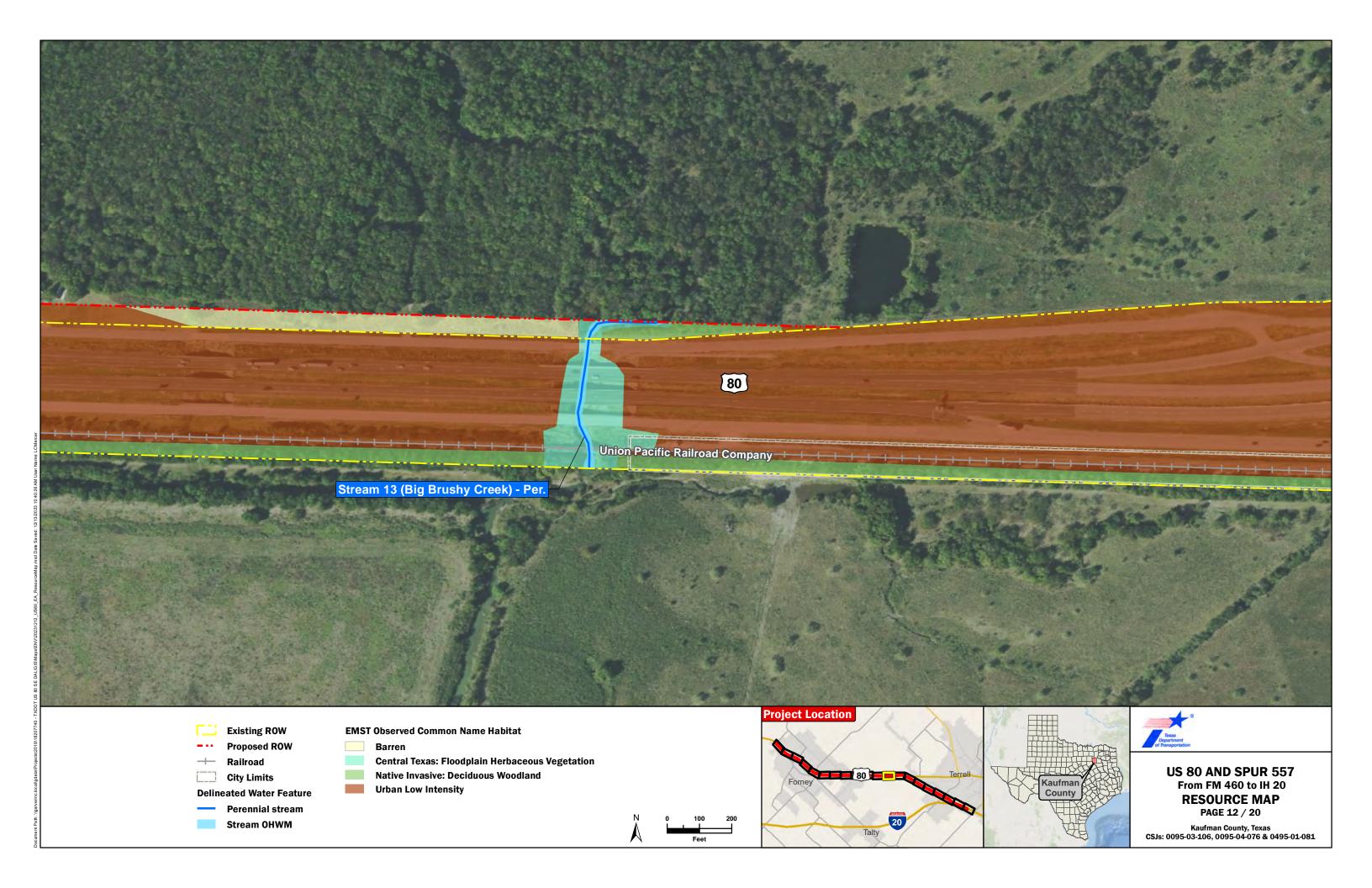


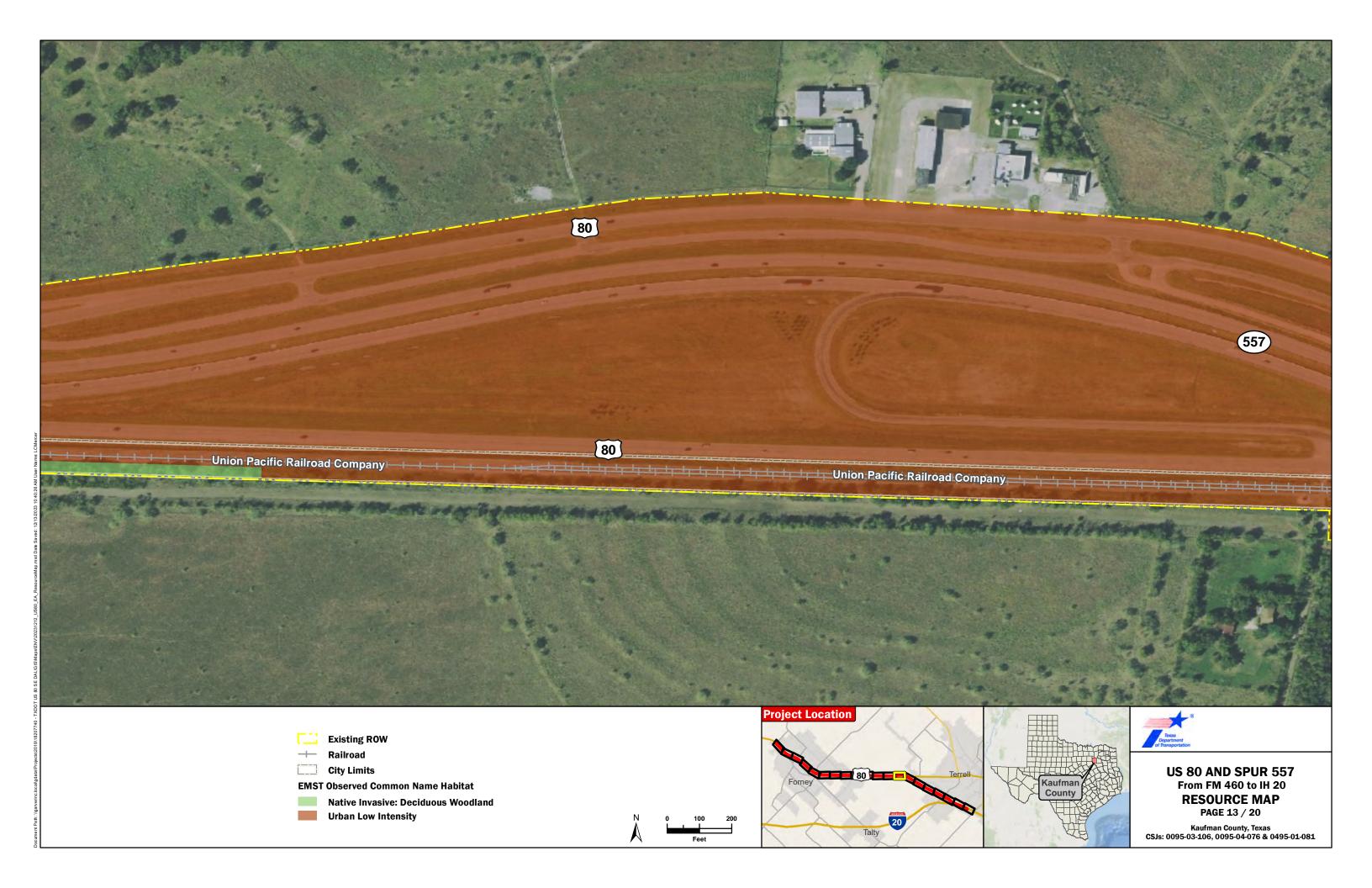


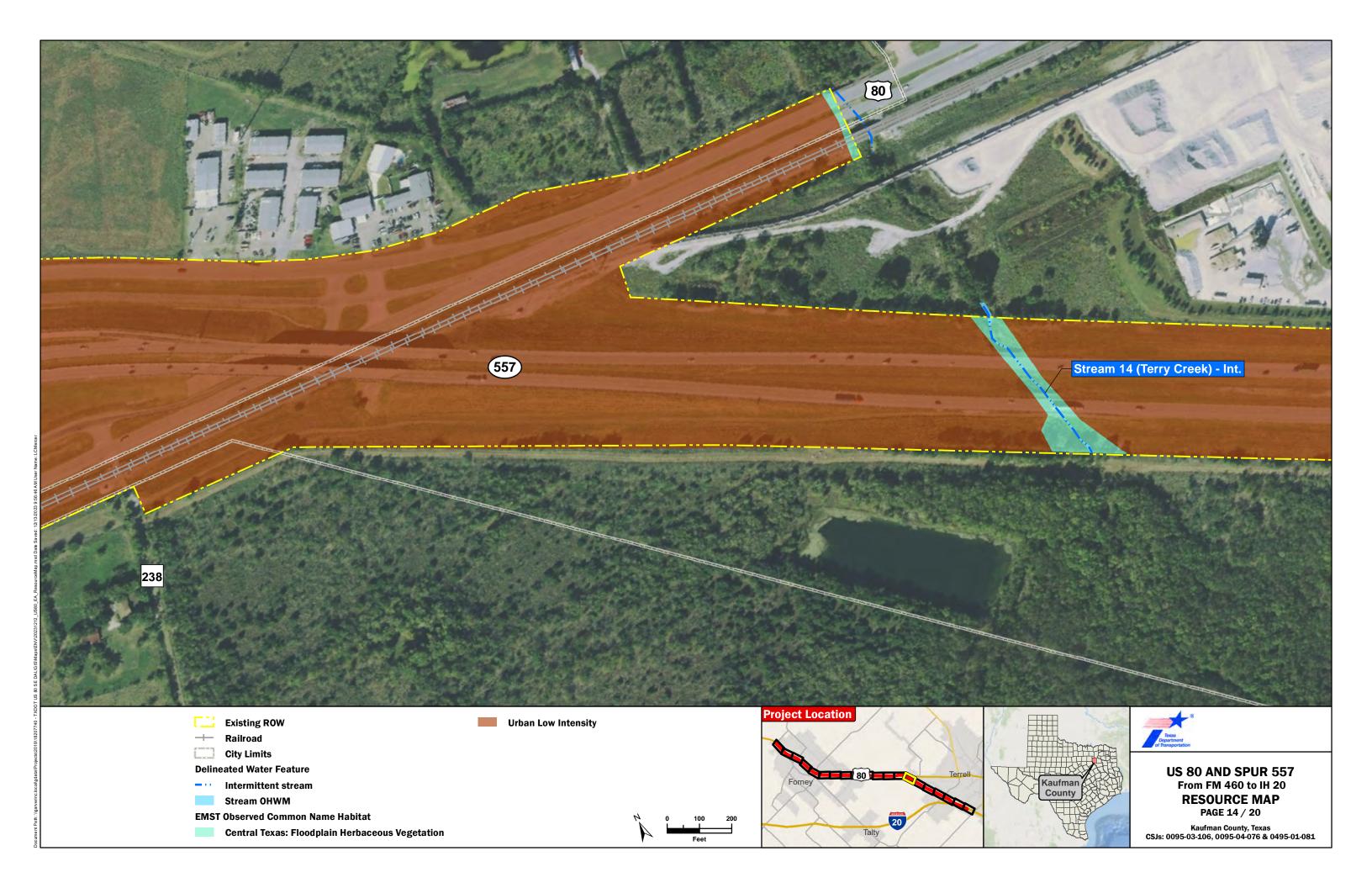


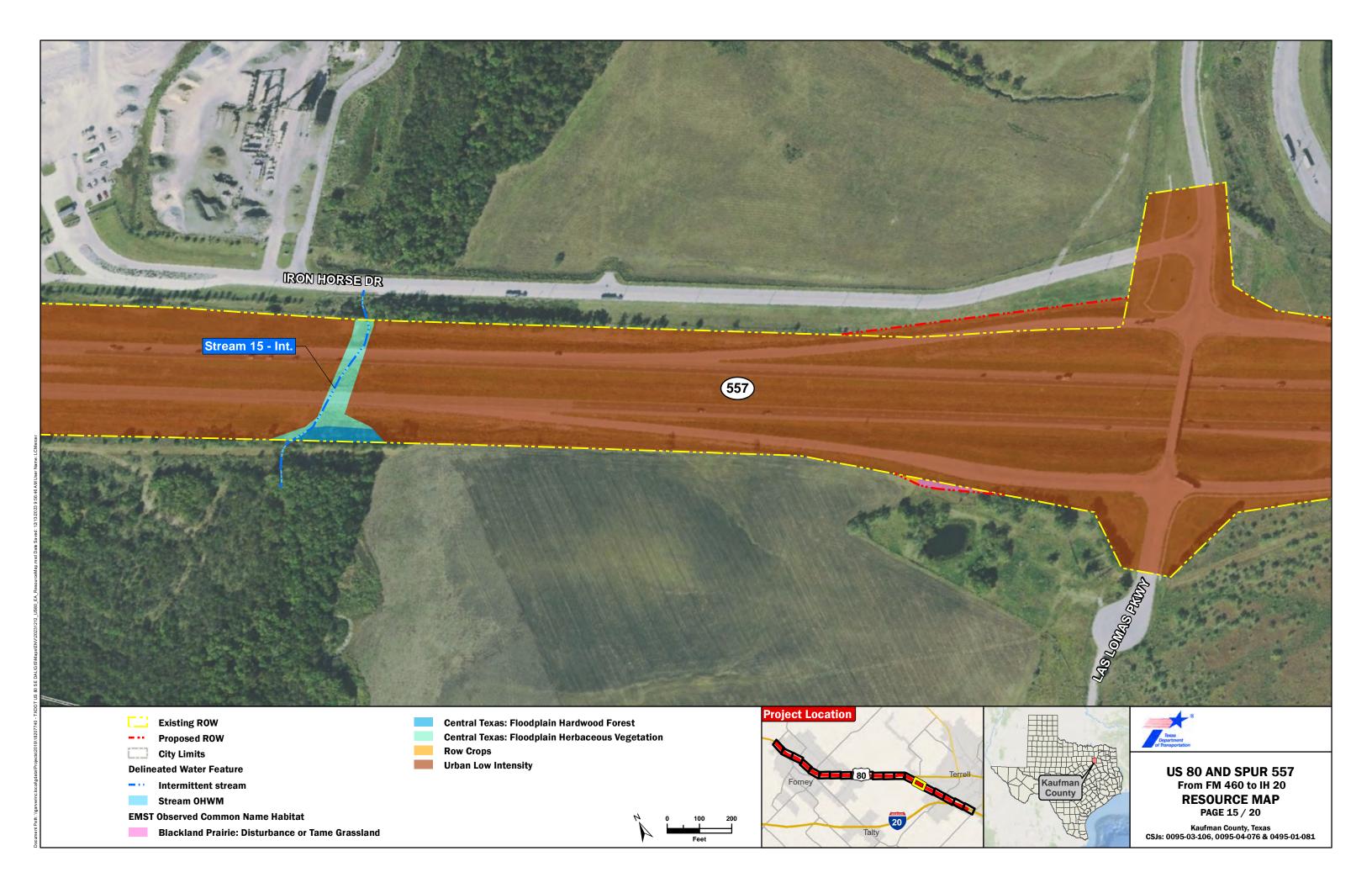


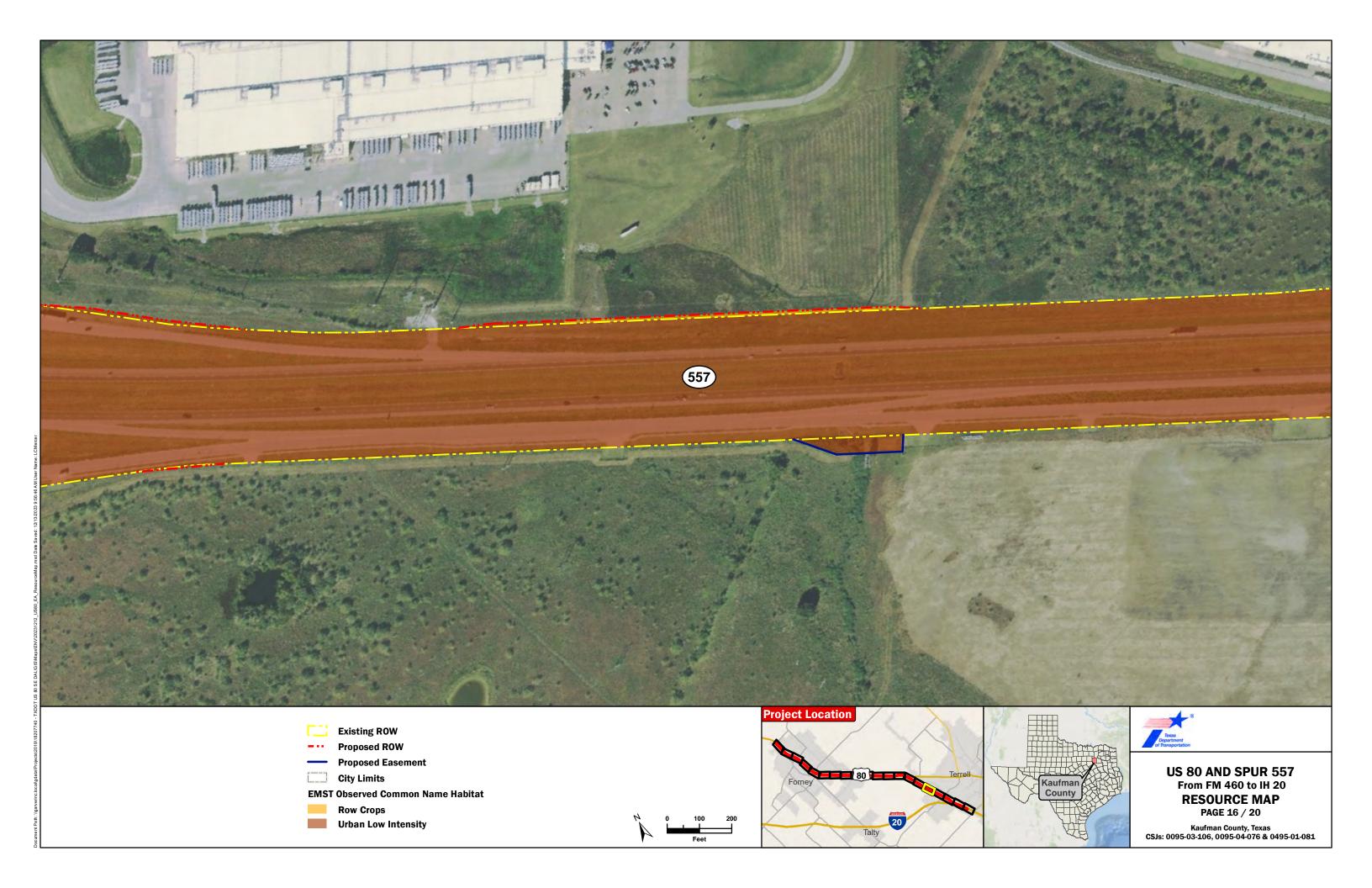




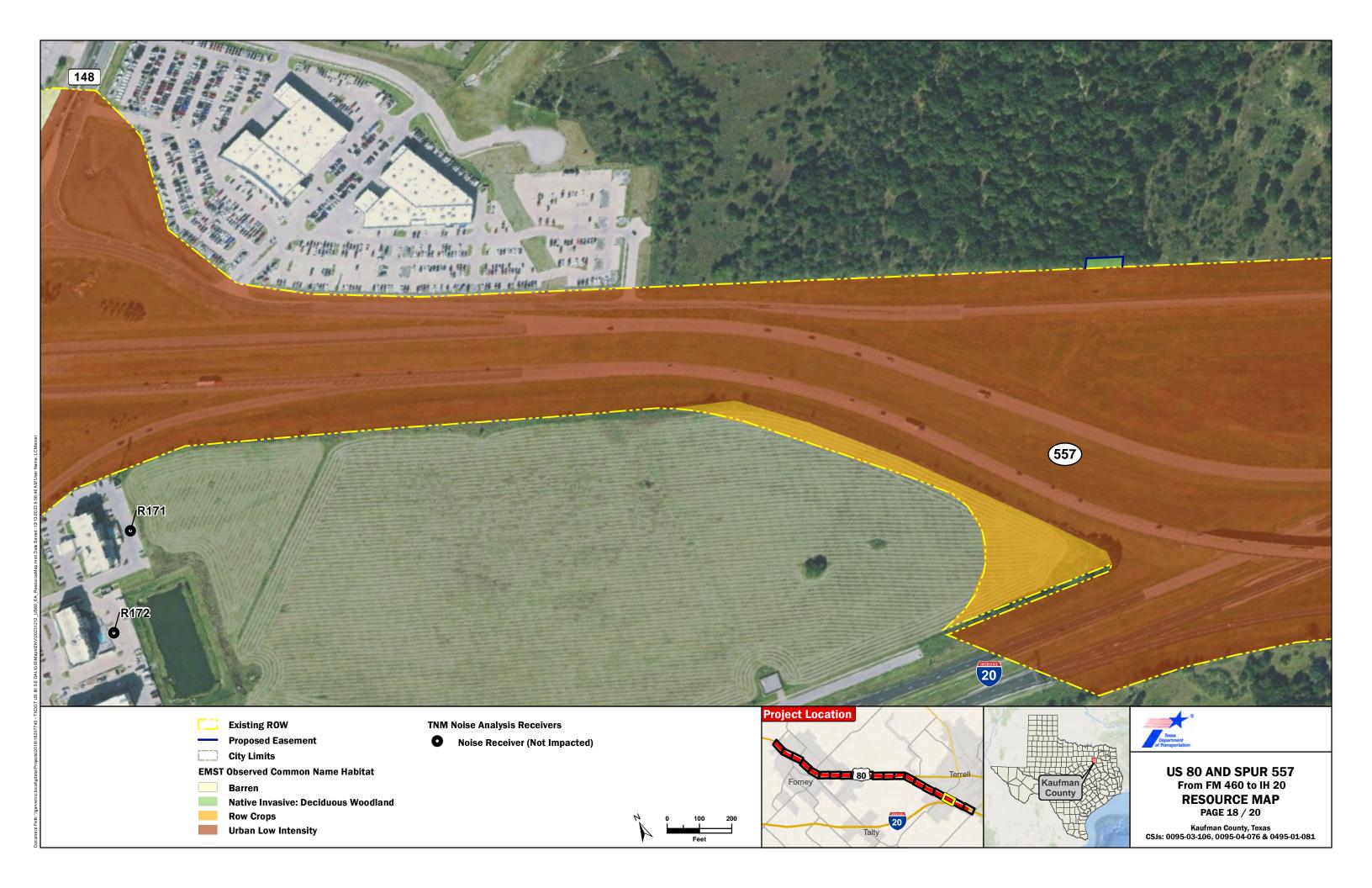


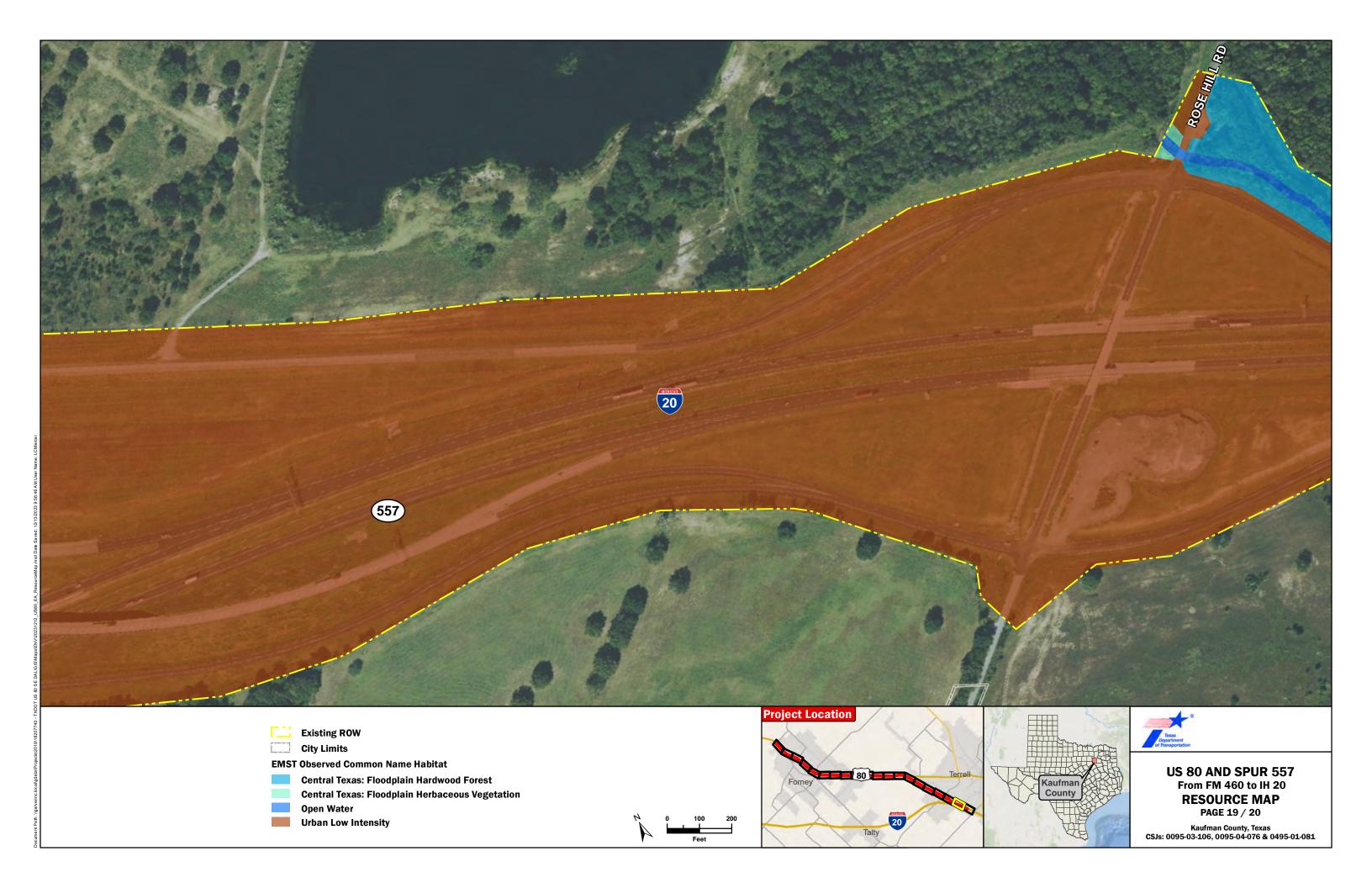


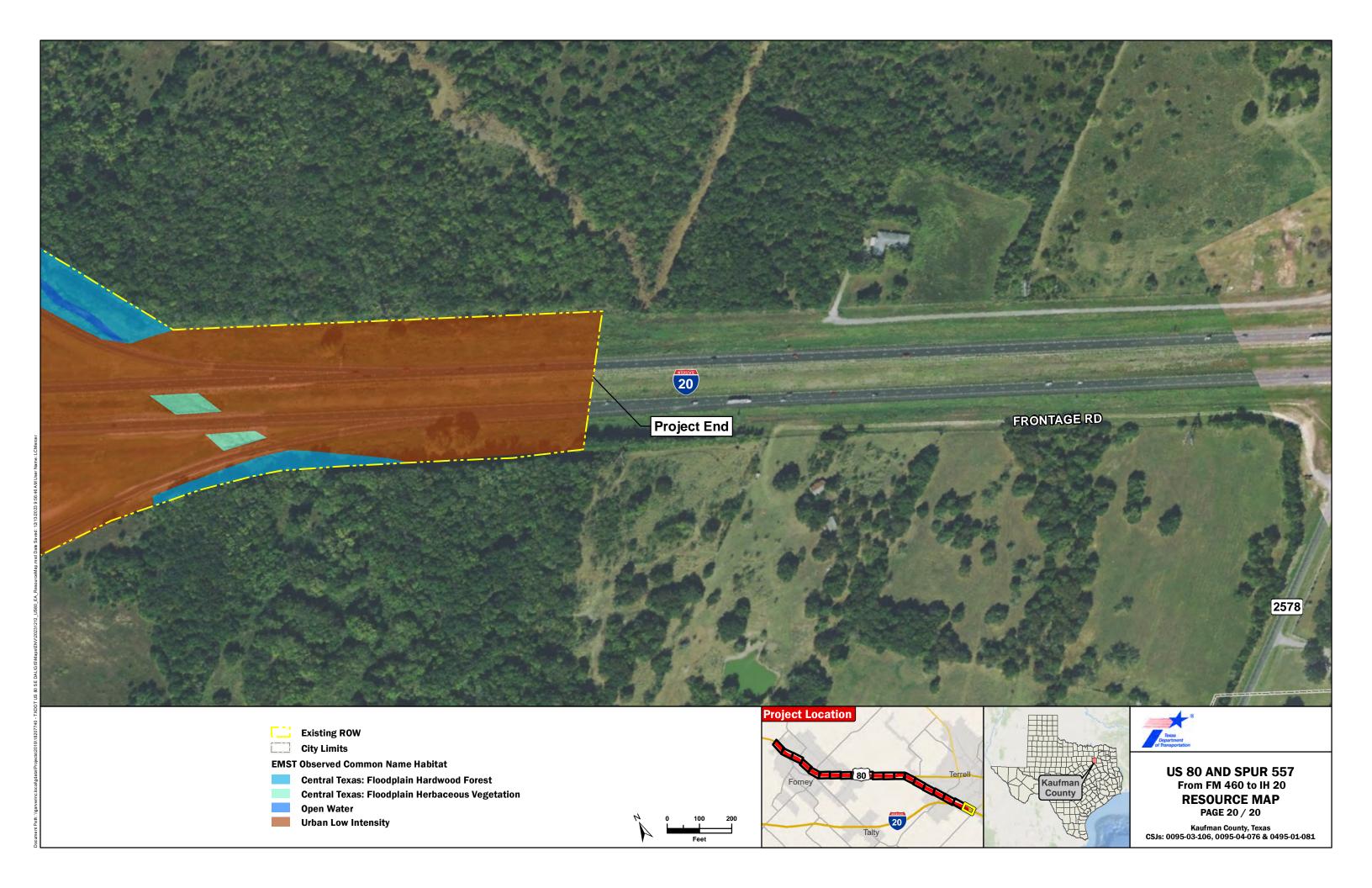
















125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

July 27, 2023

SECTION 106 REVIEW: DETERMINATION OF NRHP ELIGIBILITY AND ADVERSE EFFECT SECTION 4(f) REVIEW: COMMENT AS OFFICIAL WITH JURISDICTION-PROGRAMMATIC BRIDGE AND DE MINIMIS

Kaufman County / Dallas District US 80 (from FM 460 to Spur 557), and Spur 557 (US 80 to IH 20) CSJ: 0095-03-106

Mr. Justin Kockritz History Programs Texas Historical Commission Austin, TX 78711

Dear Mr. Kockritz:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT. In accordance with 36 CFR 800 and our Section 106 Programmatic Agreement, this letter initiates Section 106 consultation on the effect the proposed undertaking poses for a historic property located within the project's area of potential effects (APE). As a consequence of these agreements, TxDOT's regulatory role for this project is that of the Federal action agency.

Project Description

See HRSR page 26-33 for screenshots from TxDOT's Environmental Compliance Oversight System (ECOS) that describe the project, setting, and amount of right-of-way (ROW) and easements necessary for the project.

Determinations of Eligibility

TxDOT historians determined that the APE extends 150' in each direction from the proposed and existing ROW and easements. TxDOT historians identified two historic properties previously documented within the APE by consulting inventories for the National Register of Historic Places (NRHP), State Antiquities Landmarks (SAL), and Recorded Texas Historic Landmarks (RTHL) maintained by your agency.

The two previously identified historic properties are bridges constructed in 1958 over US 80 mainlanes. TxDOT completed an inventory of all bridges built between 1945 and 1965 in 2010, and these bridges are classified into Group II of III. The bridges are significant as an example of a concrete rigid frame, an uncommon bridge type during the 1945 to 1965 period.

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TxDOT historians conducted a Historic Resources Survey Report (HRSR) and identified 32 properties in the APE with a finding of four historic properties present (two bridges, two farms).

TxDOT determined Landmark Hill (007) NRHP-eligible under Criterion A and C at the local level for its association with agriculture in Kaufman County and its representation of a Colonial Revival farmstead. Most recently used as an event space, 007 is a former agricultural property that is now vacant. County parcel data indicates the main dwelling (007a), and the detached garage (007b) were constructed in 1926. While parcel data does not state when the other buildings on the property were constructed, all the extant buildings are visible in a 1956 historic aerial. The extant buildings include the main dwelling and detached garage (007a and 007b), three barns (007c, 007d, 007e), another detached garage (007f), and two other outbuildings. The last two outbuildings were not visible from ROW (007f and 007g). For purposes of this project, due to lack of access and vegetation hindering views, all resources on the property are contributing.

The entire property is enclosed by a fence. The majority of the fence is an 8-foot tall, modern chain link fence, but there is a section of the fence at the driveway access that is historicage wrought iron. While there is a historicage section, the fence overall has lost significant integrity with most of it being replaced with a chain link fence, and so the fence is not a contributing resource to the property.

The property is representative of a large farmstead in Kaufman County. The Pinson family, which owned large tracts of land in Forney, developed the farmstead during the POS for agriculture in Kaufman County. The family owned the property until the 1970s. Along with many extant historic-age agricultural buildings, the property retains the original 1926 dwelling and garage. While the property no longer functions as a farm, it is still able to convey its agricultural history.

The boundaries of the eligible resource are defined as the existing parcel boundaries of the two properties associated with Landmark Hill containing the house and outbuildings with some land. The majority of the agricultural land surrounding the property is lost due to housing development. For additional information see pages 66-79 of the HRSR.

TxDOT determined the **Pinson Farm (011) NRHP-eligible** under Criterion A and C for its association with agriculture in Kaufman County, representing an intact farmstead, with a Craftsman style house. Four extant buildings include the main dwelling (011a), a detached garage (011b), a metal barn (011c), and a wood barn (011d), all contribute to the property. A barbed wire fence along the property line encloses the outbuildings of the property. The fence is not original to the property and does not contribute.

William Henry Harrison Pinson established a farm on the property in 1878. At the time, Pinson owned 224 acres of land and farmed cotton, feed grains, and had domestic

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livestock. He left the property to his wife, who in turn left the property to their son, Clem Pinson. Clem Pinson's cousin, Jim Perry Pinson, constructed the farmstead known as Landmark Hill in 1926 (Property 007).

The family continued its agricultural operations on Property 011 and the State of Texas recognized it as a Family Land Heritage Farm (FLH) in 1991. This honor does not automatically convey NRHP-eligibility to a property. The property must still satisfy the criteria to be NRHP eligible.

The Pinson family established the farm during the Period of Significance (POS) for Agriculture (1850-1930) in Kaufman County, at a time when the primary industry was agriculture. According to the FLH listing, the property size is now only 16 acres, but the feeling and representation of its agricultural significance are still visible. TxDOT determined the Pinson Farm NRHP-eligible for listing under Criterion A for Agriculture at the local level. In addition, the Craftsman style house retains enough integrity for NRHP-eligibility under Criterion C for architecture at the local level.

The NRHP boundary is the current parcel with house and outbuildings. For additional information see pages 97-110 of the HRSR.

While both properties were historically associated with the same family, due to distance and new housing and commercial development in between them, the area no longer contains integrity to constitute a rural historic landscape.

TxDOT determined two bridges in the APE **NRHP-eligible** under the 1945-1965 bridge study. Located at CR 217 @ US 80, (NBI No. 181300009504108) and Windmill Farms Blvd @ US 80, (NBI No. 181300009504109), they carry traffic over the mainlanes of US 80. TxDOT marketed the bridges on its bridge adoption website for over 30 days in June/July 2023.

The bridges are significant as an example of a concrete rigid frame, an uncommon bridge type during the 1945 to 1965 period. Rigid frame bridges, in which the superstructure and substructure are a continuous form poured monolithically in one mold, were used for a variety of roadway types from the 1920s through 1940s. However, their use following World War II was uncommon and generally limited to grade separation structures in urban locations where logistics, setting, and/or cost prevented the construction of a substantial foundation. The rigid frame form also provided an attractive, slightly arched form suitable for use on urban roadways.

The bridges are also significant as an important work of a master engineer, designer, fabricator, or builder. The bridges were designed by Farland C. Bundy, recognized as an innovative Texas bridge designer of the period. Bundy worked as an engineer in the Texas Highway Department's Bridge Division from 1948 to 1984 and was responsible for several award-winning designs and innovative practices. The bridges do not exhibit physical alterations and retain historic integrity of location, design, materials, workmanship, setting,

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feeling, and association. The bridges are **eligible** for listing in the National Register of Historic Places under Criterion C in the area of Engineering at the state level of significance.

TxDOT historians determined the remaining properties in the APE consisting of domestic, commercial, transportation and agricultural (among other types) are common designs that lack architectural merit, are not works of a master, and have no known historic associations with important events or persons, and are therefore **not eligible** for NRHP listing under Criterion A, B, or C.

Consultation with Other Parties

TxDOT contacted the Kaufman County Historical Commission (CHC) regarding the proposed project in November 2022 via email. As of July 2023, Kaufman CHC had not responded.

Determinations of Effect

Property 07 Landmark Hill. The identified eligible property is approximately 8.04 acre in size. The proposed project requires approximately 0.076 acres in new right of way within the southern boundary of the property along US 80 (see page 245 of HRSR for map). This results in a total impact of 0.94% (less than 1%). TxDOT determined this constitutes a *de minimis* use of the historic property. TxDOT determined that this minor change poses no adverse effect as the property would still possess its significance following completion of the project. The proposed project would not adversely affect the property's integrity of location, setting, feeling, association, design, materials or workmanship.

Indirect Effect: Project activities pose minimal potential to cause indirect effects. The widening of an existing highway would not affect or diminish the qualities and characteristics that contribute to the historic significance of Landmark Hill. Potential visual impacts: none as roadway will remain at grade at this location. Noise impacts: will not be measured as the property is now in commercial use.

Cumulative Effect: Project activities pose no foreseeable cumulative adverse effects to the property. The property is currently abandoned and not in agricultural use and any future use by other owners is not subject of this review.

Property 11 Pinson Farm

The project would result in **no effect** to the property. The property is well away from the new ROW impacts. See map on page 246 of HRSR.

Bridges-

TxDOT examined multiple alternatives to improve the bridge crossings. The alternatives analysis indicates that replacement of the historic bridge is necessary. TxDOT's proposed replacement of the existing historic bridges with a new bridge constitutes an **adverse effect**. TxDOT considered measures to avoid or minimize the adverse effect, such as rehabilitating the bridges for continued use, constructing a parallel bridge and rehabilitating the bridges

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for one-way traffic, or leaving the bridges in place as a monument. Detailed analysis of these options determined that costs are prohibitive for the rehabilitation, while leaving the historic bridges in place may result in safety issues and geometric issues (TxDOT cannot widen US 80 mainlanes with the current bridge piers at their current locations as there is not enough space between piers to do so. Additionally, the current bridges do not meet height requirements for a US highway). See the attached checklist and alternatives analysis chart for discussions of planning efforts to avoid and minimize the adverse effects to the bridges.

Mitigation

TxDOT completed programmatic mitigation for the replacement of all bridges in Group II. This programmatic mitigation is a public-facing education campaign about these bridges, which includes videos, a webpage, glossaries, photographs, educational activities, and continued promotion of these materials. Per prior agreement, TxDOT does not need to complete additional mitigation on Group II bridges.

Conclusion

TxDOT hereby requests your signed concurrence with our determinations of **eligibility** and **effects**.

We additionally notify you that SHPO is the designated Official with Jurisdiction (OWJ) over Section 4(f) resources protected under the provisions of 23 CFR 774 and that your comments on our Section 106 findings will be integrated into decision-making regarding prudent and feasible alternatives for purposes of Section 4(f) evaluations. Final determinations for the Section 4(f) process will be rendered by TxDOT pursuant to 23 U.S.C. 327 and the afore-mentioned MOU dated 12-9-19. TxDOT intends to render a de minimis finding on 007 Landmark Hill and a programmatic finding on the two historic bridges over US 80.

We look forward to further consultation with your staff and hope to maintain a partnership that will foster effective and responsible solutions for improving transportation, safety and mobility in the state of Texas. Thank you for your cooperation in this federal review process. If you have any questions or comments concerning these evaluations, please call me at (409) 673-0787 or renee.benn@txdot.gov.

Sincerely, by:

Rence Benn

Renee Benn

Environmental Protection Specialist Historical Studies Branch Environmental Affairs Division

cc: Linda Henderson, HIST Program Manager Lead:



NAME:

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CONCUR-NRHP ELIGIBLE PROPERTIES PRESENT ADVERSE EFFECTS WITH MITIGATION (TWO BRIDGES) NO ADVERSE EFFECT TO HISTORIC PROPERTIES (07 and 11) NO COMMENTS ON SECTION 4(f) EVALUATIONS

Digitally signed by Justin Kockritz

Date: 2023.08.16 12:29:13

-05'00'

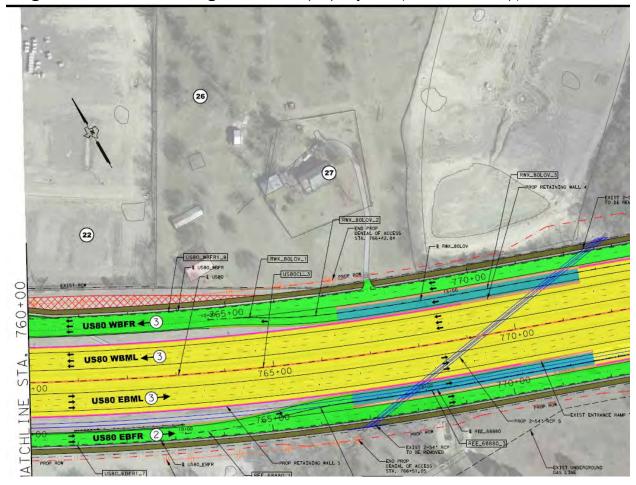
DATE:____

for Mark Wolfe, State Historic Preservation Officer

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Image from schematic showing ROW take at property 007 (#27 on this map):



Proposed ROW line is dashed red. Hashed red is removal of pavement. Note frontage road lanes moving away from property due to pavement removal.

Lopez, Michele A.

From: Mohammed Shaikh < Mohammed. Shaikh@txdot.gov>

Sent: Wednesday, August 16, 2023 1:29 PM

To: Lopez, Michele A.

Cc: Dan Perge

Subject: FW: CSJ 0095-03-106, ETC US 80 Widening - Request for Collaborative Review

Hi Michele,

Please see below for TPWD coordination.

Thanks, Mohammed

From: Jamila Murchison < Jamila. Murchison@txdot.gov>

Sent: Wednesday, August 09, 2023 4:03 PM

To: WHAB TxDOT < WHAB TxDOT@tpwd.texas.gov>

Cc: Dan Perge <Dan.Perge@txdot.gov>; Christine Polito <Christine.Polito@txdot.gov>; Mohammed Shaikh

<Mohammed.Shaikh@txdot.gov>

Subject: CSJ 0095-03-106, ETC US 80 Widening - Request for Collaborative Review

Hello,

TxDOT requests initial collaborative review for the US 80 project in Kaufman County, Texas. The project proposes the widening of US 80 from FM 460 to East of FM 548. Please see ECOS for a more detailed project description. This project is categorized as an EA. The following file names for relevant documents are available in ECOS:

- 1. Species analysis spreadsheet: 5. Approved Updated 0095-03-106, ETC. US 80_SAS_08.2023
- 2. Species analysis form: 3. Approved 0095-03-106, ETC. US 80 Roadway Widening Species Analysis Form 08.2023
- 3. BMP form: 1. Approved 0095-03-106, ETC US 80 Roadway Widening BMP Form 08.2023
- 4. RTEST Species List: CSJ 0095-03-106, ETC._US 80_TPWD RTEST Species List_20230501
- 5. IPaC Species List: CSJ 0095-03-106, ETC. US 80 USFWS Official Species List 20230501
- 6. NDD: 6. 0095-03-106, ETC. US 80 NDD 08.2023
- 7. EMST Map: 7. Approved 0095-03-106, ETC. US 80_EMST_08.2023
- 8. EMST Spreadsheet: 8. Approved 0095-03-106, ETC. US 80_EMST Spreadsheet_08.2023
- 9. NRCS Soil Report: 9. Approved 0095-03-106, ETC. US 80 NRCS Soils Report 08.2023
- 10. Photo Log: 2. Approved 0095-03-106, ETC. US 80 Roadway Widening Photo Log 08.2023
- 11. CPA Form: Approved 0095-03-106, ETC US 80 Roadway Widening FPPA Coordination CPA 106 Form 08.2023

These documents, along with other project-related information, are available in ECOS under the CSJ: 0095-03-106, ETC. The public hearing and draft EA is anticipated by December 2023. Feel free to contact me with any questions or if you need any additional information.

Jamila Murchison / Jamila.Murchison@txdot.gov / (214) 320-4463

My Best,

Jamila Murchison

Environmental Specialist Texas Department of Transportation 4777 East Highway 80 Mesquite, Texas 75150





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Arlington Ecological Services Field Office 501 West Felix Street Suite 1105 Fort Worth, TX 76115-3410

Phone: (817) 277-1100 Fax: (817) 277-1129 Email Address: arles@fws.gov

In Reply Refer To: May 01, 2023

Project Code: 2022-0076721

Project Name: US 80 and Spur 557

Subject: List of threatened and endangered species that may occur in your proposed project

location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, which may occur within the boundary of your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under section 7(a)(1) of the Act, Federal agencies are directed to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Under and 7(a)(2) and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether their actions may affect threatened and endangered species and/or designated critical habitat. A Federal action is an activity or program authorized, funded, or carried out, in whole or in part, by a Federal agency (50 CFR 402.02).

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For Federal actions other than major construction activities, the Service suggests that a biological evaluation (similar to a Biological Assessment) be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

After evaluating the potential effects of a proposed action on federally listed species, one of the following determinations should be made by the Federal agency:

- 1. *No effect* the appropriate determination when a project, as proposed, is anticipated to have no effects to listed species or critical habitat. A "no effect" determination does not require section 7 consultation and no coordination or contact with the Service is necessary. However, the action agency should maintain a complete record of their evaluation, including the steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related information.
- 2. May affect, but is not likely to adversely affect the appropriate determination when a proposed action's anticipated effects to listed species or critical habitat are insignificant, discountable, or completely beneficial. Insignificant effects relate to the size of the impact and should never reach the scale where "take" of a listed species occurs. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects, or expect discountable effects to occur. This determination requires written concurrence from the Service. A biological evaluation or other supporting information justifying this determination should be submitted with a request for written concurrence.
- 3. *May affect, is likely to adversely affect* the appropriate determination if any adverse effect to listed species or critical habitat may occur as a consequence of the proposed action, and the effect is not discountable or insignificant. This determination requires formal section 7 consultation.

The Service has performed up-front analysis for certain project types and species in your project area. These analyses have been compiled into *determination keys*, which allows an action agency, or its designated non-federal representative, to initiate a streamlined process for determining a proposed project's potential effects on federally listed species. The determination keys can be accessed through IPaC.

The Service recommends that candidate species, proposed species, and proposed critical habitat be addressed should consultation be necessary. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found at: https://www.fws.gov/service/section-7-consultations

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (https://www.fws.gov/library/collections/bald-and-golden-eagle-management). Additionally, wind energy projects should follow the wind energy guidelines (https://www.fws.gov/media/land-based-wind-energy-guidelines) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation. The Federal Aviation Administration (FAA) released specifications for and made mandatory flashing L-810 lights on new towers 150-350 feet AGL, and the elimination of L-810 steady-burning side lights on towers above 350 feet AGL. While the FAA made these changes to reduce the number of migratory bird collisions (by as much as 70%), extinguishing steady-burning side lights also reduces maintenance costs to tower owners. For additional information concerning migratory birds and eagle conservation plans, please contact the Service's Migratory Bird Office at 505-248-7882.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

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OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arlington Ecological Services Field Office 501 West Felix Street Suite 1105 Fort Worth, TX 76115-3410 (817) 277-1100

PROJECT SUMMARY

Project Code: 2022-0076721 Project Name: US 80 and Spur 557

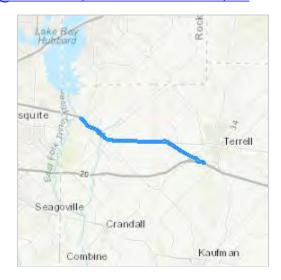
Project Type: Road/Hwy - Maintenance/Modification

Project Description: Road reconstruction on US 80 from FM 460 to Spur 557 and Spur 557

from US 80 to IH 20

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@32.741048,-96.41664573100064,14z



Counties: Kaufman County, Texas

ENDANGERED SPECIES ACT SPECIES

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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.

MAMMALS

NAME	STATUS
Tricolored Bat <i>Perimyotis subflavus</i>	Proposed
No critical habitat has been designated for this species.	Endangered
Species profile: https://ecos.fws.gov/ecp/species/10515	9

BIRDS

NAME	STATUS

Piping Plover Charadrius melodus

Threatened

Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

This species only needs to be considered under the following conditions:

Wind Energy Projects

Species profile: https://ecos.fws.gov/ecp/species/6039

Red Knot Calidris canutus rufa

Threatened

There is **proposed** critical habitat for this species.

This species only needs to be considered under the following conditions:

• Wind Energy Projects

Species profile: https://ecos.fws.gov/ecp/species/1864

Whooping Crane Grus americana

Endangered

Population: Wherever found, except where listed as an experimental population

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

Species profile: https://ecos.fws.gov/ecp/species/758

REPTILES

NAME

Alligator Snapping Turtle *Macrochelys temminckii*No critical habitat has been designated for this species.

Species profile: https://ecos.fws.gov/ecp/species/4658

Threatened

CLAMS

NAME STATUS

Texas Fawnsfoot *Truncilla macrodon* Proposed

There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.

INSECTS

NAME STATUS

Candidate

Monarch Butterfly Danaus plexippus

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743

Species profile: https://ecos.fws.gov/ecp/species/8965

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> 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 OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

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 <u>below</u>.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The Bald and Golden Eagle Protection Act of 1940.
- 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

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
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> 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.	Breeds Sep 1 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25

NAME

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

https://ecos.fws.gov/ecp/species/9679

Little Blue Heron Egretta caerulea
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

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.

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 (|)

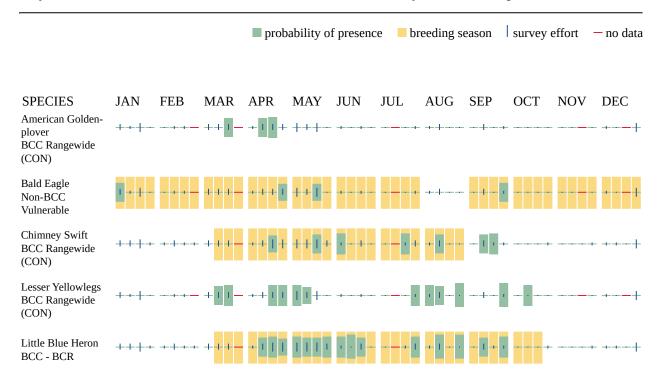
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

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.



Additional information can be found using the following links:

- Birds of Conservation Concern https://www.fws.gov/program/migratory-birds/species
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf

MIGRATORY BIRDS FAQ

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 list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS <u>Birds of Conservation Concern</u> (<u>BCC</u>) 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 Rapid Avian Information Locator (RAIL) 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 <u>Avian Knowledge Network (AKN)</u>. 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 or migrating in my 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 query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. 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 <u>Birds of Conservation Concern</u> (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 <u>Diving Bird Study</u> and the <u>nanotag studies</u> or contact <u>Caleb Spiegel</u> or <u>Pam Loring</u>.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to <u>obtain a permit</u> 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.

05/01/2023

WETLANDS

Impacts to <u>NWI wetlands</u> 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>U.S. Army Corps of Engineers District</u>.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R5UBH
- R4SBC

FRESHWATER FORESTED/SHRUB WETLAND

- <u>PFO1C</u>
- PSS1C
- PFO1A

FRESHWATER POND

- PUBH
- PUBHx
- PUBHh

FRESHWATER EMERGENT WETLAND

- <u>PEM1Cx</u>
- PEM1C
- PEM1A

IPAC USER CONTACT INFORMATION

Agency: Garver LLC
Name: Leigh Mercer

Address: 3755 S Capital of Texas Hwy

Address Line 2: Ste 325
City: Austin
State: TX
Zip: 78704

Email lcmercer@garverusa.com

Phone: 5125391966

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration



FormDocumentation of Texas Parks and Wildlife Department Best Management Practices

Project Name: US 80 from FM 460 to Spur 557 and Spur 557 from US 80 to IH 20 CSJ(s): 0095-03-106, 0095-04-076, 0495-01-081 County(ies): Kaufman Date Form Completed: 11/16/2023 Prepared by: Leigh C Mercer - Garver Information on state-listed species, SGCN, water resources, and other natural resources can be found in the ECOS documents tab under the filenames specified in the e-mail sent to WHAB_TXDOT@tpwd.texas.gov. 1. Does the project impact any state parks, wildlife management areas, wildlife refuges, or other designated protected areas? No. ☐ Yes 2. Does TxDOT need TPWD assistance in identifying and locating Section 404 mitigation opportunities for this project? No / N/A / Not yet determined ☐ Yes 3. Is there a species or resource challenge that TPWD can assist with additional guidance? If so, describe below: No species or resource challenges identified for the project. 4. List all BMP that will be applied to this project per the document Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources.

BMP to be Implemented:

Minimize impacts to wetland habitats including isolated ephemeral pools.

to or during construction based on changes to project impacts, design, etc.

Vegetation BMP:

 Minimize the amount of vegetation cleared. Removal of native vegetation, particularly mature native trees and shrubs should be avoided. Impacted vegetation should be replaced with inkind onsite replacement/restoration of native vegetation.

*Note, these are BMP that TxDOT commits to implement at the time this form is completed. This list may change prior



- To minimize adverse effects, activities should be planned to preserve mature trees, particularly
 acorn, nut or berry producing varieties. These types of vegetation have high value to wildlife as
 food and cover.
- It is strongly recommended that trees greater than 12 inches in diameter at breast height (DBH) that are removed be replaced. TPWD's experience indicates that for ecologically effective replacement, a ratio of three trees for every one (3:1) lost should be provided to either on-site or off-site. Trees less than 12 inches DBH should be replaced at a 1:1 ratio.
- Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species.
- When trees are planted, a maintenance plan that ensures at least an 85 percent survival rate after three years should be developed for the replacement trees.
- The use of any non-native vegetation in landscaping and revegetation is discouraged. Locally adapted native species should be used.
- The use of seed mix that contains seeds from only regional ecotype native species is recommended.

Water Quality BMP:

- Minimize the use of equipment in streams and riparian areas during construction. When
 possible, equipment access should be from banks, bridge decks, or barges.
- When temporary stream crossings are unavoidable, remove stream crossings once they are no longer needed and stabilize banks and soils around the crossing.
- Wet-Bottomed detention ponds are recommended to benefit wildlife and downstream water quality. Consider potential wildlife-vehicle interactions when siting detention ponds.
- Rubbish found near bridges on TxDOT ROW should be removed and disposed of properly to minimize the risk of pollution. Rubbish does not include brush piles or snags.

Bird BMP (in addition to complying with the Migratory Bird Treaty Act (MBTA) and Chapter 64 of the Parks and Wildlife Code (PWC) regarding nongame bird protections):

- Avoid vegetation clearing activities during the general bird nesting season, March through August, to minimize adverse impacts to birds.
- Prior to construction, perform daytime surveys for nests including under bridges and in culverts
 to determine if they are active before removal. Nests that are active should not be disturbed. If
 active nests are observed during surveys, TPWD recommends a 150-foot buffer of vegetation
 remain around the nests until the young have fledged or the nest is abandoned.
- Do not disturb, destroy, or remove active nests, including ground nesting birds, during the nesting season.
- If unoccupied, inactive nests will be removed, ensure that nests are not protected under the Endangered Species Act (ESA), MBTA, or BGEPA.
- Prevent the establishment of active nests during the nesting season on TxDOT owned and operated facilities and structures proposed for replacement or repair.
- Do not collect, capture, relocate, or transport birds, eggs, young, or active nests without a permit.
- Minimize extended human presence near nesting birds during construction and maintenance activities. Protect sensitive habitat areas with temporary barriers or fencing to limit human foot traffic and off-road vehicle use to alert and discourage contractors from causing any unintentional impacts.
- Minimize construction noise above ambient levels during general bird nesting season to minimize adverse impacts on birds.
- Minimize construction lighting during the general bird nesting season by scheduling work activities between dawn and dusk.

Freshwater Mussel BMP:

• In addition to Water Quality and Stream Crossing BMP, follow the most recent, "TPWD-TxDOT Annual Work Plan for Pre-Construction Surveys, Aquatic Resources Relocations, and Other



- Best Management Practices to Avoid, Minimize, and Mitigate Impacts to Freshwater Resources."
- When work is adjacent to the water: Water Quality BMP implemented as part of the Texas Commission on Environmental Quality (TCEQ) Stormwater Pollution Prevention Plan (SWPPP) for a construction general permit or any conditions of the 401 Water Quality Certification for the project will be implemented.

Insect Pollinator BMP:

- Mowing should only be applied to 30% or less of a site in a given year when practical. In general, mowing is inadequate for management of native insect pollinator habitat in the long term, except to remove annual non-native plants during establishment (i.e., high-mowing before they flower) or to facilitate a light disking. When conducted it should be done post bloom or when host plants have gone dormant for the growing season. This can also be done by leaving strips of habitat farthest from road or highway corridors un-mowed when practical.
- If mowing is required during period of active bloom or high pollinator activity it should be implemented during the heat of the day and with a high mower deck to allow for pollinators to escape and to give late season blooming species a chance to recover and bloom.
- Deep soil disturbances, such as, tilling or deep disking in areas that host aggregations of
 groundnesting bees should be avoided. Tilling and disking also may promote the invasion or
 germination of non-native plants. Different species of native ground-nesting bees prefer
 different soil conditions, although research suggests that many ground nesting bees prefer
 sandy, loamy sand or sandy loam soils. In areas with these soil types consider leaving open
 patches of soil.
- Allow dead trees to stand (so long as they do not pose a risk to property or people) and protect shrubs and herbaceous plants with pithy or hollow stems (e.g., cane fruits, sumac, elderberry), as these provide nesting habitat for tunnel-nesting native bees.
- Retain dead or dying branches whenever it is safe and practical at the edges of the ROW.
 Woodboring beetle larvae often fill dead trees and branches with narrow tunnels into which tunnelnesting bees will establish nests. Additionally, bumble bees may choose to nest in wood piles.
- Retain rotting logs at edges of the ROW where some bee species may burrow tunnels in which to nest.
- Protect sloped or well-drained ground sites where plants are sparse and direct access to soil is available. These are the areas where ground-nesting bees may dig nests. Turning the soil destroys all ground nests that are present at that depth and hinders the emergence of bees that are nesting deeper in the ground.
- Protect grassy thickets, or other areas of dense, low cover from mowing or other disturbance. These are the sites where bumble bees might find the nest cavities they need, as well as annual and perennial wildflowers that can provide important food resources.
- Where available and economical, native plants and seed should be procured from local ecotype providers. Seed mixes should be diverse and include as many ecoregion natives as possible ensuring full season floral resources. Species by Texas ecoregion can be found in the Texas Management Recommendations for Native Insect Pollinators in Texas document: https://tpwd.texas.gov/publications/pwdpubs/media/pwd_bk_w7000_1813.pdf.
- Planting at least three different native flowering plants within each of three blooming periods
 are recommended (spring, summer, early fall) in high rainfall regions of Texas. In drier regions
 of the state, a target of three native flowering plants within each of two blooming periods can
 be used.
- In areas along the I-35 corridor of central Texas consider increasing fall blooming nectar resources as this is a critical time period of monarch butterflies (Danaus plexippus) and nesting bees and has been identified as a critical need for these species in Texas.
- Habitat enhancements for native pollinators should include at least one native bunchgrass adapted to the site.
- Utilize an Integrated Pest Management Strategy (IPM) strategy for controlling weedy or invasive plants by minimizing broad use of certain herbicides and surfactants in close proximity



to intact habitats utilized by native pollinators. Reduce application timing to periods of low pollinator activity and not during peak bloom season.

Aquatic Amphibian and Reptile BMP:

- For projects within existing right-of-way (ROW) when work is in water or will permanently impact a water feature and potential habitat exists for the target species complete the following:
 - Minimize impacts to wetlands, temporary and permanent open water features, including depressions, and riverine habitats.
 - Maintain the existing hydrologic regime and any connections between wetlands and other aquatic features.
 - Use barrier fencing to direct animal movements away from construction activities and areas of potential wildlife-vehicle collisions in construction areas directly adjacent, or that may directly impact, potential habitat for the target species.
 - O Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas. If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
 - Project specific locations (PSLs) proposed within state-owned ROW should be located in uplands away from aquatic features.
 - When work is directly adjacent to the water, minimize impacts to shoreline basking sites (e.g., downed trees, sand bars, exposed bedrock) and refugia/overwinter sites (e.g., brush and debris piles, crayfish burrows, aquatic logjams, and leaf packs).
 - o If gutters and curbs are part of the roadway design, install gutters that do not include the side box inlet and include sloped (i.e., mountable) curbs to allow small animals to leave roadway. If this modification to the entire curb system is not possible, install sections of sloped curb on either side of the storm water drain for several feet to allow small animals to leave the roadway. Priority areas for these design recommendations are those with nearby wetlands or other aquatic features.
- For projects that require acquisition of additional ROW and work within that new ROW is in water or will permanently impact a water feature, implement BMP for projects within existing ROW above plus those below:
 - For sections of roadway adjacent to wetlands or other aquatic features, install wildlife barriers that prevent climbing. Barriers should terminate at culvert openings in order to funnel animals under the road. The barriers should be of the same length as the adjacent feature or 80 feet long in each direction, or whichever is the lesser of the two.
 - For culvert extensions and culvert replacement/installation, incorporate measures to funnel animals toward culverts such as concrete wingwalls and barrier walls with overhangs.
 - When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of terrestrial or aquatic wildlife through the water feature. Biotechnical streambank stabilization methods using live native vegetation or a combination of vegetative and structural materials should be used.

Terrestrial Amphibian and Reptile BMP:

- For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Visually inspect excavation areas for trapped wildlife prior to backfilling
- Avoid or minimize disturbing or removing cover objects, such as downed trees, rotting stumps, brush piles, and leaf litter. If avoidance or minimization is not practicable, consider removing cover objects prior to the start of the project and replace them at project completion.
- Examine heavy equipment stored on site before use, particularly after rain events when reptile and amphibian movements occur more often, to ensure use will not harm individuals that might be seeking temporary refuge.



- Due to increased activity (mating) of reptiles and amphibian during the spring, construction
 activities like clearing or grading should attempt to be scheduled outside of the spring (MarchMay) season. Also, timing ground disturbing activities before October when reptiles and
 amphibians become less active and may be using burrows in the project area is also
 encouraged.
- When designing roads with curbs, consider using Type I or Type III curbs to provide a gentle slope to enable turtles and small animals to get out of roadways.
- If Texas tortoises (Gopherus berlandieri) or box turtles (Terrepene spp.) are present in a
 project area, they should be removed from the area and relocated between 100 and 200
 meters from the project area. After removal of the individuals, the area that will be disturbed
 during active construction and project specific locations should be fenced off to exclude reentry
 by turtles, tortoises, and other reptiles. The exclusion fence should be constructed and
 maintained as follows:
 - o The exclusion fence should be constructed with metal flashing or drift fence material.
 - o Rolled erosion control mesh material should not be used.
 - The exclusion fence should be buried at least 6 inches deep and be at least 24 inches high.
 - o The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated.
- After project is complete, revegetate disturbed areas with an appropriate locally sourced native seed mix. If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.

J.	and Reptile Exclusion Fence, Bat Houses, etc.)
<u>Sp</u>	ecies protection specifications to be Implemented:



Bridge Name: CR 217 Bridge

Bridge Location: CR 217 at US 80

County: Kaufman

District: Dallas

Control Section Job Number (CSJ): 0095-03-106

Highway/Facility: CR 217

Bridge Type: Cast-in-place concrete rigid frame unit

NB #: 181300009504108

The environmental review, consultation and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

I. Description of Section 4(f) Property, Project Scope, and Need and Purpose Statement

The purpose of the proposed project is to reconstruct US 80 to meet current roadway corridor standards, reduce traffic congestion, improve mobility, and increase safety within this major east/west thoroughfare connecting the Dallas/Fort Worth Metroplex and East Texas.

The proposed project is needed because US 80 (from FM 460 to Spur 557) does not meet current and future traffic demand volumes with the appropriate Level of Service. The current ROW configuration and bridge column locations do not have sufficient width to add the number of lanes needed using current design standards for lane and shoulder width. The CR 217 Bridge has lower vertical clearance than the current design standard and is significantly lower than the standards being implemented for freight corridors.

II. Determination of Applicability

All must result in a Yes answer for this checklist to be used.

Yes	No	
		The project requires the use of a bridge defined as historic per Section 106 regulations. (36 CFR 800)
\boxtimes		The historic bridge is not a designated National Historic Landmark (NHL).
		The project results in:
\boxtimes		Section 4(f) use of a historic bridge, AND
		Additional impacts to protected Section 4(f) properties are limited to <i>de minimis</i> or exception categories as specified in the Scope of Work.





III. Identify additional Section 4(f) properties in the project area

Either exception, de minimis, or another programmatic

Windmill Farms Boulevard Bridge Programmatic Evaluation Landmark Hill Section 4(f) de minimis

Comments: The Windmill Farms Boulevard Bridge is similar in design to the CR 217 Bridge. The Landmark Hill Section 4(f) de minimis is addressed under separate cover.

IV. Alternatives Considered/Findings No Build (Indicate all that apply.) Structural Deficiencies The No Build alternative does not correct the situation that causes the bridge to be considered structurally deficient or significantly deteriorated. These deficiencies can lead to eventual structural failure/collapse. Normal maintenance is not considered adequate to address these deficiencies. **Functional/Geometric Deficiencies** The No Build alternative does not correct the situation that causes the bridge to be considered functionally/geometrically deficient. These deficiencies can lead to safety hazards to the traveling public or place unacceptable restrictions on transport and travel. \boxtimes Justification (Summary describing constraints posed by terrain; adverse social, economic, or environmental effects, engineering and economic considerations, and preservation standards) The current bridge is not wide enough to meet current and projected traffic volumes. Similarly, the present 14'-6"-ft vertical clearance for eastbound traffic and 16'-1"-ft vertical clearance for westbound traffic does not meet the 18'-6"-ft standard for a freight corridor such as US 80. Industrial warehouses and recent commercial and industrial development along US 80 demonstrate the relevance of the project need. Overheight trucks are currently forced to exit and re-enter the highway to avoid impacts with the bridge structure. The width of the bridge is not sufficient to handle the increased amount of traffic projected along the existing US 80 frontage roads. The low inventory rating would require substantial strengthening to achieve HS 20 Inventory rating. The No Build alternative is not prudent as it does not meet the project's purpose and need. \boxtimes Recommendation (Mandatory)

Alternative: Build on New Location (conversion to one-way pair/parallel construction with monument)

TxDOT determined this alternative fails the Section 4(f) prudent and feasible standard and is not

Structural Deficiencies

recommended.



Checklist for Section 4(f) Programmatic Evaluation of Historic Bridge Projects

The New Location alternative does not correct the situation that causes the bridge to be considered structurally deficient or significantly deteriorated. These deficiencies can lead to eventual structural failure/collapse. Normal maintenance is not considered adequate to address these deficiencies.

The New Location alternative does not correct the situation that causes the bridge to be considered functionally/geometrically deficient. These deficiencies can lead to safety hazards to the traveling public or place unacceptable restrictions on transport and travel.

Justification (Summary describing constraints posed by terrain; adverse social, economic, or environmental effects, engineering and economic considerations, and preservation standards)

Conversion of the bridge to a one-way pair or parallel construction does not resolve the vertical clearance issues mentioned under the No Build option. Widening US 80 is not possible if any part of the bridge remains in place due to its construction method. The cast-in-place rigid frame cannot be lengthened to span the proposed roadway cross section, nor can it be raised to meet vertical clearance requirements. The structure already has a low vertical clearance and widening the existing structure would only further reduce this clearance due to the cross slope. Additionally, the low inventory rating of the bridge would require substantial strengthening to achieve HS 20 inventory rating. This alternative does not meet the purpose and need of the project because it does not resolve the vertical clearance issue. It is not feasible as the additional US 80 lanes cannot be constructed between the existing bridge piers as a matter of sound engineering.

□ Recommendation (Mandatory)

TxDOT determined this alternative fails the Section 4(f) prudent and feasible standard and is not recommended.

Alternative: Rehabilitation of Historic Bridge (two-way vehicular/pedestrian in situ or relocated)

□ Structural Deficiencies

The Rehabilitation alternative does not correct the situation that causes the bridge to be considered structurally deficient or significantly deteriorated. These deficiencies can lead to eventual structural failure/collapse. Normal maintenance is not considered adequate to address these deficiencies.

The Rehabilitation alternative does not correct the situation that causes the bridge to be considered functionally/geometrically deficient. These deficiencies can lead to safety hazards to the traveling public or place unacceptable restrictions on transport and travel.

Justification (Summary describing constraints posed by terrain; adverse social, economic, or environmental effects, engineering and economic considerations, and preservation standards)

Rehabilitation of the CR 271 Bridge for continued use according to the Secretary of the Interior's Standards would not resolve the vertical clearance or capacity issues mentioned in the No Build alternative discussion. Raising the bridge is not possible due to its cast-in-place ridgid frame construction. While US 80 could be lowered to correct the vertical clearance deficiency, the required additional US 80 lanes cannot be constructed between the existing piers. The bridge cannot be removed and relocated due to its construction. This alternative does not meet the purpose and need of the project because it does not resolve the vertical clearance issue. It is not feasible as the additional US 80 lanes cannot be constructed between the existing bridge piers as a matter of sound engineering.

Texas Department of Transportation	Checklist for Section 4(f) Programmatic Evaluation of Historic Bridge Projects
\boxtimes	Recommendation (Mandatory)
	TxDOT determined this alternative fails the Section 4(f) prudent and feasible standard and is not recommended.
Altern	ative: Replacement on Current Alignment
	Structural Deficiencies
	The Replacement alternative corrects the situation that causes the bridge to be considered structurally deficient or significantly deteriorated.
\boxtimes	Functional/Geometric Deficiencies
	The Replacement alternative corrects the situation that causes the bridge to be considered functionally/geometrically deficient.
	Justification (Summary describing constraints posed by terrain; adverse social, economic, or environmental effects, engineering and economic considerations, and preservation standards)
	TxDOT engineers propose replacing the CR 271 Bridge with a new multi-lane bridge with separate turn-arounds for frontage road traffic. The new bridge would meet current and future geometric requirements. This alternative is both feasible and prudent and is the preferred alternative.
\boxtimes	Recommendation (Mandatory)
	TxDOT determined this alternative meets the Section 4(f) prudent and feasible standard and is recommended.

V. Measures to Minimize Harm

	te all that apply, but a minimum of one must be selected. Verify that the project includes all possible ng to minimize harm.
	Measures taken to preserve historic integrity per preservation standards
\boxtimes	Measures taken to market historic bridge for alternative use
	Alternative design measures taken to address deficiencies that complies with codes
	Other measures taken to address deficiencies that complies with codes



VI. Mitigation Commitment

Describe mitigation agreed to in consultation with SHPO and other consulting parties.

Programmatic

The CR 271 Bridge is categorized in the "Programmatic Agreement Among the Texas Department of Transportation, the Texas State Historic Preservation Office, and the Advisory Council on Historic Preservation Regarding the Treatment of Historic Bridges Constructed Between 1945 and 1965" (hereinafter referred to as "PA") as a mitigated eligible bridge. The PA states, "Mitigated eligible bridges are those post-1945 bridges that are significant primarily for their technological innovations. The significance lies in the physical representation of those innovations, rather than their potential for preservation in place." Programmatic mitigation entailed a public involvement campaign to share eligibility recommendations regarding the whole class of bridges covered by the PA, to inform the public of the provisions of the PA and its implications, and to consider comments received in finalizing the treatment protocols outlined in the PA. It also entailed training for consulting parties on how to respond to formal requests for comment on TxDOT bridge projects. The MOA was executed March 7, 2017 and TxDOT has completed its obligations under the MOA for the class of bridges that includes the CR 271 at US 80 Bridge.

Customized

N/A

VII. Summary and Approval

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated 12-9-19 and executed by FHWA and TxDOT.

The proposed project meets all the applicability criteria set forth by the Federal Highway Administration's (FHWA) guidance for Programmatic Bridge Section 4(f) Evaluation. TxDOT fully evaluated all alternatives set forth in the subject programmatic and the findings made are clearly applicable to this project. There are **no feasible and prudent alternatives** to the use of the historic bridge.

The project includes all possible planning to minimize harm. The Texas Department of Transportation (TxDOT) will include the measures to minimize harm as environmental commitments in the applicable National Environmental Policy Act (NEPA) document and Environmental Compliance Oversight System (ECOS) for the proposed project.

The following **MUST** be attached to this checklist to ensure proper documentation of the Historic Bridge Programmatic Section 4(f):

- 1. Concurrence letter with the Official with Jurisdiction
- Proof of Historic Bridge Marketing
- 3. Historic Bridge Team Report
- 4. Detour Map
- 5. Photographs of the bridge detailing conditions cited in alternatives analyses



Checklist for Section 4(f) Programmatic Evaluation of Historic Bridge Projects

6. Comparative alternatives analysis chart



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July 27, 2023

SECTION 106 REVIEW: DETERMINATION OF NRHP ELIGIBILITY AND ADVERSE EFFECT SECTION 4(f) REVIEW: COMMENT AS OFFICIAL WITH JURISDICTION-PROGRAMMATIC BRIDGE AND DE MINIMIS

Kaufman County / Dallas District US 80 (from FM 460 to Spur 557), and Spur 557 (US 80 to IH 20) CSJ: 0095-03-106

Mr. Justin Kockritz History Programs Texas Historical Commission Austin, TX 78711

Dear Mr. Kockritz:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT. In accordance with 36 CFR 800 and our Section 106 Programmatic Agreement, this letter initiates Section 106 consultation on the effect the proposed undertaking poses for a historic property located within the project's area of potential effects (APE). As a consequence of these agreements, TxDOT's regulatory role for this project is that of the Federal action agency.

Project Description

See HRSR page 26-33 for screenshots from TxDOT's Environmental Compliance Oversight System (ECOS) that describe the project, setting, and amount of right-of-way (ROW) and easements necessary for the project.

Determinations of Eligibility

TxDOT historians determined that the APE extends 150' in each direction from the proposed and existing ROW and easements. TxDOT historians identified two historic properties previously documented within the APE by consulting inventories for the National Register of Historic Places (NRHP), State Antiquities Landmarks (SAL), and Recorded Texas Historic Landmarks (RTHL) maintained by your agency.

The two previously identified historic properties are bridges constructed in 1958 over US 80 mainlanes. TxDOT completed an inventory of all bridges built between 1945 and 1965 in 2010, and these bridges are classified into Group II of III. The bridges are significant as an example of a concrete rigid frame, an uncommon bridge type during the 1945 to 1965 period.

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TxDOT historians conducted a Historic Resources Survey Report (HRSR) and identified 32 properties in the APE with a finding of four historic properties present (two bridges, two farms).

TxDOT determined Landmark Hill (007) NRHP-eligible under Criterion A and C at the local level for its association with agriculture in Kaufman County and its representation of a Colonial Revival farmstead. Most recently used as an event space, 007 is a former agricultural property that is now vacant. County parcel data indicates the main dwelling (007a), and the detached garage (007b) were constructed in 1926. While parcel data does not state when the other buildings on the property were constructed, all the extant buildings are visible in a 1956 historic aerial. The extant buildings include the main dwelling and detached garage (007a and 007b), three barns (007c, 007d, 007e), another detached garage (007f), and two other outbuildings. The last two outbuildings were not visible from ROW (007f and 007g). For purposes of this project, due to lack of access and vegetation hindering views, all resources on the property are contributing.

The entire property is enclosed by a fence. The majority of the fence is an 8-foot tall, modern chain link fence, but there is a section of the fence at the driveway access that is historicage wrought iron. While there is a historicage section, the fence overall has lost significant integrity with most of it being replaced with a chain link fence, and so the fence is not a contributing resource to the property.

The property is representative of a large farmstead in Kaufman County. The Pinson family, which owned large tracts of land in Forney, developed the farmstead during the POS for agriculture in Kaufman County. The family owned the property until the 1970s. Along with many extant historic-age agricultural buildings, the property retains the original 1926 dwelling and garage. While the property no longer functions as a farm, it is still able to convey its agricultural history.

The boundaries of the eligible resource are defined as the existing parcel boundaries of the two properties associated with Landmark Hill containing the house and outbuildings with some land. The majority of the agricultural land surrounding the property is lost due to housing development. For additional information see pages 66-79 of the HRSR.

TxDOT determined the **Pinson Farm (011) NRHP-eligible** under Criterion A and C for its association with agriculture in Kaufman County, representing an intact farmstead, with a Craftsman style house. Four extant buildings include the main dwelling (011a), a detached garage (011b), a metal barn (011c), and a wood barn (011d), all contribute to the property. A barbed wire fence along the property line encloses the outbuildings of the property. The fence is not original to the property and does not contribute.

William Henry Harrison Pinson established a farm on the property in 1878. At the time, Pinson owned 224 acres of land and farmed cotton, feed grains, and had domestic

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livestock. He left the property to his wife, who in turn left the property to their son, Clem Pinson. Clem Pinson's cousin, Jim Perry Pinson, constructed the farmstead known as Landmark Hill in 1926 (Property 007).

The family continued its agricultural operations on Property 011 and the State of Texas recognized it as a Family Land Heritage Farm (FLH) in 1991. This honor does not automatically convey NRHP-eligibility to a property. The property must still satisfy the criteria to be NRHP eligible.

The Pinson family established the farm during the Period of Significance (POS) for Agriculture (1850-1930) in Kaufman County, at a time when the primary industry was agriculture. According to the FLH listing, the property size is now only 16 acres, but the feeling and representation of its agricultural significance are still visible. TxDOT determined the Pinson Farm NRHP-eligible for listing under Criterion A for Agriculture at the local level. In addition, the Craftsman style house retains enough integrity for NRHP-eligibility under Criterion C for architecture at the local level.

The NRHP boundary is the current parcel with house and outbuildings. For additional information see pages 97-110 of the HRSR.

While both properties were historically associated with the same family, due to distance and new housing and commercial development in between them, the area no longer contains integrity to constitute a rural historic landscape.

TxDOT determined two bridges in the APE **NRHP-eligible** under the 1945-1965 bridge study. Located at CR 217 @ US 80, (NBI No. 181300009504108) and Windmill Farms Blvd @ US 80, (NBI No. 181300009504109), they carry traffic over the mainlanes of US 80. TxDOT marketed the bridges on its bridge adoption website for over 30 days in June/July 2023.

The bridges are significant as an example of a concrete rigid frame, an uncommon bridge type during the 1945 to 1965 period. Rigid frame bridges, in which the superstructure and substructure are a continuous form poured monolithically in one mold, were used for a variety of roadway types from the 1920s through 1940s. However, their use following World War II was uncommon and generally limited to grade separation structures in urban locations where logistics, setting, and/or cost prevented the construction of a substantial foundation. The rigid frame form also provided an attractive, slightly arched form suitable for use on urban roadways.

The bridges are also significant as an important work of a master engineer, designer, fabricator, or builder. The bridges were designed by Farland C. Bundy, recognized as an innovative Texas bridge designer of the period. Bundy worked as an engineer in the Texas Highway Department's Bridge Division from 1948 to 1984 and was responsible for several award-winning designs and innovative practices. The bridges do not exhibit physical alterations and retain historic integrity of location, design, materials, workmanship, setting,

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feeling, and association. The bridges are **eligible** for listing in the National Register of Historic Places under Criterion C in the area of Engineering at the state level of significance.

TxDOT historians determined the remaining properties in the APE consisting of domestic, commercial, transportation and agricultural (among other types) are common designs that lack architectural merit, are not works of a master, and have no known historic associations with important events or persons, and are therefore **not eligible** for NRHP listing under Criterion A, B, or C.

Consultation with Other Parties

TxDOT contacted the Kaufman County Historical Commission (CHC) regarding the proposed project in November 2022 via email. As of July 2023, Kaufman CHC had not responded.

Determinations of Effect

Property 07 Landmark Hill. The identified eligible property is approximately 8.04 acre in size. The proposed project requires approximately 0.076 acres in new right of way within the southern boundary of the property along US 80 (see page 245 of HRSR for map). This results in a total impact of 0.94% (less than 1%). TxDOT determined this constitutes a *de minimis* use of the historic property. TxDOT determined that this minor change poses no adverse effect as the property would still possess its significance following completion of the project. The proposed project would not adversely affect the property's integrity of location, setting, feeling, association, design, materials or workmanship.

Indirect Effect: Project activities pose minimal potential to cause indirect effects. The widening of an existing highway would not affect or diminish the qualities and characteristics that contribute to the historic significance of Landmark Hill. Potential visual impacts: none as roadway will remain at grade at this location. Noise impacts: will not be measured as the property is now in commercial use.

Cumulative Effect: Project activities pose no foreseeable cumulative adverse effects to the property. The property is currently abandoned and not in agricultural use and any future use by other owners is not subject of this review.

Property 11 Pinson Farm

The project would result in **no effect** to the property. The property is well away from the new ROW impacts. See map on page 246 of HRSR.

Bridges-

TxDOT examined multiple alternatives to improve the bridge crossings. The alternatives analysis indicates that replacement of the historic bridge is necessary. TxDOT's proposed replacement of the existing historic bridges with a new bridge constitutes an **adverse effect**. TxDOT considered measures to avoid or minimize the adverse effect, such as rehabilitating the bridges for continued use, constructing a parallel bridge and rehabilitating the bridges

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for one-way traffic, or leaving the bridges in place as a monument. Detailed analysis of these options determined that costs are prohibitive for the rehabilitation, while leaving the historic bridges in place may result in safety issues and geometric issues (TxDOT cannot widen US 80 mainlanes with the current bridge piers at their current locations as there is not enough space between piers to do so. Additionally, the current bridges do not meet height requirements for a US highway). See the attached checklist and alternatives analysis chart for discussions of planning efforts to avoid and minimize the adverse effects to the bridges.

Mitigation

TxDOT completed programmatic mitigation for the replacement of all bridges in Group II. This programmatic mitigation is a public-facing education campaign about these bridges, which includes videos, a webpage, glossaries, photographs, educational activities, and continued promotion of these materials. Per prior agreement, TxDOT does not need to complete additional mitigation on Group II bridges.

Conclusion

TxDOT hereby requests your signed concurrence with our determinations of **eligibility** and **effects**.

We additionally notify you that SHPO is the designated Official with Jurisdiction (OWJ) over Section 4(f) resources protected under the provisions of 23 CFR 774 and that your comments on our Section 106 findings will be integrated into decision-making regarding prudent and feasible alternatives for purposes of Section 4(f) evaluations. Final determinations for the Section 4(f) process will be rendered by TxDOT pursuant to 23 U.S.C. 327 and the afore-mentioned MOU dated 12-9-19. TxDOT intends to render a de minimis finding on 007 Landmark Hill and a programmatic finding on the two historic bridges over US 80.

We look forward to further consultation with your staff and hope to maintain a partnership that will foster effective and responsible solutions for improving transportation, safety and mobility in the state of Texas. Thank you for your cooperation in this federal review process. If you have any questions or comments concerning these evaluations, please call me at (409) 673-0787 or renee.benn@txdot.gov.

Sincerely, by:

Rence Benn

Renee Benn

Environmental Protection Specialist Historical Studies Branch Environmental Affairs Division

cc: Linda Henderson, HIST Program Manager Lead:



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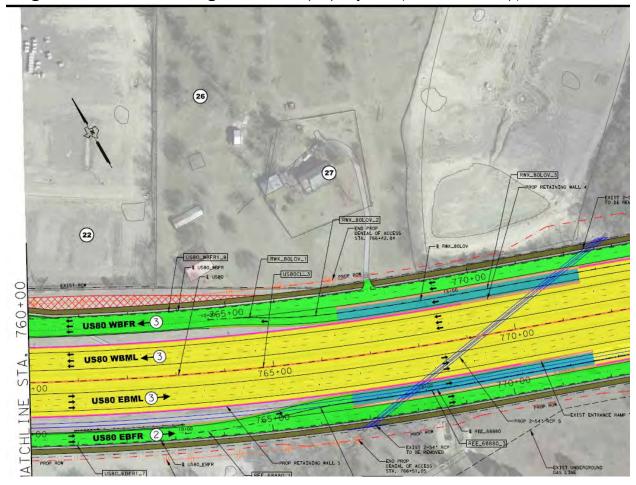
CONCUR-NRHP ELIGIBLE PROPERTIES PRESENT ADVERSE EFFECTS WITH MITIGATION (TWO BRIDGES) NO ADVERSE EFFECT TO HISTORIC PROPERTIES (07 and 11) NO COMMENTS ON SECTION 4(f) EVALUATIONS

NAME:	DATE:
	for Mark Wolfe, State Historic Preservation Officer

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Image from schematic showing ROW take at property 007 (#27 on this map):



Proposed ROW line is dashed red. Hashed red is removal of pavement. Note frontage road lanes moving away from property due to pavement removal.



Historic Bridge Adoption Information Packet

Kaufman County 0095-03-106 CR 217 at US 80 June 2023

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_	
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Announcement

The Texas Department of Transportation (TxDOT) seeks adopters for the historic bridge detailed below for reuse according to federal transportation and historic preservation laws. The bridge is located in Kaufman County, on CR 217 crossing US 80.

Letters of interest and/or reuse proposals will be accepted until 5 p.m. on July 13, 2023. TxDOT is currently undergoing alternatives analysis for this project. The outcome of the analysis may impact the availability of this bridge. Priority for assistance will be given to public entities seeking to reuse the bridge in a public or publicly visible space. Bridges available through this program are not suitable for vehicular service. All rehabilitation work must conform to the Secretary of the Interior's Standards for Rehabilitation in consultation with the Texas Historical Commission (THC).

Interested parties may request additional information, indicate an interest, or submit a reuse proposal by contacting:

Mohammed Shaikh, Environmental Specialist TxDOT Dallas District 4777 E. Highway 80, Mesquite, TX 75150-6643

Phone Number: (214) 320-6148

Email address: Mohammed.Shaikh@txdot.gov



Bridge Location

County: Kaufman

■ Highway or Facility: CR 217

• Feature Crossed: US 80

GIS Locational

Information 1. https://arcg.is/1zKCvD

2. 32.741019, -96.429808

Bridge Information

Bridge Owner
 Texas Department of Transportation – Dallas District

Main-span Type: Cast-in-place concrete rigid frame unit

Main-span Length 120 feet

Roadway Width 28 feet

Year Built 1958

Builder Texas Highway Department

Bridge Condition and Load Rating

Based on a 2022 condition assessment, the bridge is in fair condition but exhibits widespread moderate spalling, map cracking, and scaling with overheight impact related spalling at the deck edges. A large area of the deck surface has been patched with asphalt. The superstructure exhibits cracking and spalling at the interface between the abutment walls and the retaining walls. The bridge has its original rails which are neither MASH nor NCHRP 350 compliant. The bridge is load rated at HS 15.9 (IR) and HS 26.6 (OR).

Historic Significance of the Bridge

The bridge was determined eligible in 2009 as an example of a concrete rigid frame, an uncommon bridge type built between 1945 and 1965. The bridge is also significant as an important work of a master engineer, in this case THD (TxDOT) engineer Farland C. Bundy, who worked in the Bridge Division from 1948 to 1984. The CR 271 Bridge is eligible under Criterion C in the area of Engineering at the state level of significance. The bridge does not exhibit physical alterations and retains its integrity of location, design, setting, materials, workmanship, feeling, and association.

TxDOT Estimated Work Items and Costs

Costs to rehabilitate and relocate the bridge for pedestrian use are estimated by TxDOT bridge engineers based on TxDOT expenditures for similar items on other bridges. All prospective owners should have access to a structural engineer to assist in determining the appropriate work to be completed as well as appropriate estimates. Costs may vary outside the TxDOT system.

Due to the nature of the bridge's construction method and materials, moving the bridge is not possible nor feasible. A cost estimate for moving the bridge is thus not available. Leaving the bridge in place for adaptive re-use is likewise not feasible given the proposed project activities requiring this course of action.

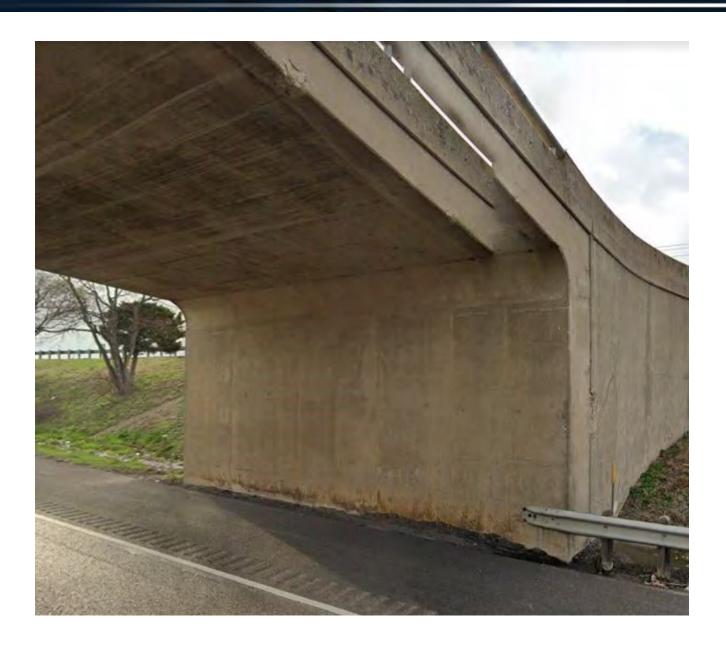
Bridge Photographs











A Historic Bridge Team Report (HBT) and Detour Map were not prepared for the US 80 bridges in this project. An HBT report was not needed to demonstrate the bridges' historical significance, the project's Need and Purpose, or to complete the Section 4(f) Programmatic Evaluation of Historic Bridge Projects checklist. A Detour Map was not needed, given the current bridges will remain open to traffic while new ones are constructed alongside.

Decision Matrix: CR 271 Bridge

NBI 181300009504108 CSJ: 0095-03-106

Alternative	Addresses Structural Deficiency	Addresses Functional Deficiency	Requires New ROW	Construction A: Feasibility B: Prudent C: Major Budget Line Items	Notes / Other Environmental Impacts
1. No Build	N/A	No	No	A: Yes B: No, geometric issues not resolved	Not feasible or prudent. Does not address project purpose and need: bridge vertical clearance and US 80 geometries would remain unresolved.
				C: Strengthening to achieve HS 20 inventory rating	
2. Rehab for Paired Two-Way Traffic	N/A	No	No	A: No B: No, geometric issues not resolved	Not feasible or prudent. Does not address project purpose and need: geometries of both the bridge and US 80.
				C: Strengthening to achieve HS 20 inventory rating	
3. Bypass Existing Bridge	N/A	No	Yes	A: No B: No, geometric issues not resolved	Not feasible or prudent. Does not address project purpose and need: bridge geometry, and exorbitant cost and magnitude to bypass including multiple displacements.
				C: Reconstruction of US 80 to bypass CR 271 Bridge	
4. New Structure (Preferred)	N/A	Yes	No	A: Yes B: Yes	Meets purpose and need: replacing the bridge would resolve all geometric issues.
				C: Full bridge replacement	

Bridge Name: Windmill Farms Boulevard Bridge **Bridge Location:** Windmill Farms Blvd. at US 80

County: Kaufman

District: Dallas

Control Section Job Number (CSJ): 0095-03-0106

Highway/Facility: Windmill Farms Blvd (US 80 Frontage)

Bridge Type: Cast-in-place concrete rigid frame unit

NB #: 181300009504109

The environmental review, consultation and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

I. Description of Section 4(f) Property, Project Scope, and Need and Purpose Statement

The purpose of the proposed project is to reconstruct US 80 to meet current roadway corridor standards, reduce traffic congestion, improve mobility, and increase safety within this major east/west thoroughfare connecting the Dallas/Fort Worth Metroplex and East Texas.

The proposed project is needed because US 80 (from FM 460 to Spur 557) does not meet current and future traffic demand volumes with the appropriate Level of Service. The current ROW configuration and bridge column locations do not have sufficient width to add the number of lanes needed using current design standards for lane and shoulder width. The Windmill Farms Boulevard Bridge has lower vertical clearance than the current design standard and is significantly lower than the standards being implemented for freight corridors.

II. Determination of Applicability

All must result in a Yes answer for this checklist to be used.

Yes	No	
		The project requires the use of a bridge defined as historic per Section 106 regulations. (36 CFR 800)
\boxtimes		The historic bridge is not a designated National Historic Landmark (NHL).
		The project results in:
\boxtimes		Section 4(f) use of a historic bridge, AND
		Additional impacts to protected Section 4(f) properties are limited to <i>de minimis</i> or exception categories as specified in the Scope of Work.





III. Identify additional Section 4(f) properties in the project area

Either exception, de minimis, or another programmatic

CR 217 Bridge Programmatic Evaluation Landmark Hill Section 4(f) de minimis

Comments: The CR 217 Bridge is similar in design to the Windmill Farms Boulevard Bridge. The Landmark Hill Section 4(f) de minimis is addressed under separate cover.

IV. Alternatives Considered/Findings No Build (Indicate all that apply.) Structural Deficiencies The No Build alternative does not correct the situation that causes the bridge to be considered structurally deficient or significantly deteriorated. These deficiencies can lead to eventual structural failure/collapse. Normal maintenance is not considered adequate to address these deficiencies. **Functional/Geometric Deficiencies** The No Build alternative does not correct the situation that causes the bridge to be considered functionally/geometrically deficient. These deficiencies can lead to safety hazards to the traveling public or place unacceptable restrictions on transport and travel. \boxtimes Justification (Summary describing constraints posed by terrain; adverse social, economic, or environmental effects, engineering and economic considerations, and preservation standards) The current bridge is not wide enough to meet current and projected traffic volumes. Similarly, the present 14'-9"-ft vertical clearance for eastbound traffic and 16'-4"-ft vertical clearance for westbound traffic does not meet the 18'-6"-ft standard for a freight corridor such as US 80. Industrial warehouses and recent commercial and industrial development along US 80 demonstrate the relevance of the project need. Overheight trucks are currently forced to exit and re-enter the highway to avoid impacts with the bridge structure. The width of the bridge is not sufficient to handle the increased amount of traffic projected along the existing US 80 frontage roads. The low inventory rating would require substantial strengthening to achieve HS 20 Inventory rating. The No Build alternative is not prudent as it does not meet the project's purpose and need. \boxtimes Recommendation (Mandatory) TxDOT determined this alternative fails the Section 4(f) prudent and feasible standard and is not recommended. Alternative: Build on New Location (conversion to one-way pair/parallel construction with monument) Structural Deficiencies



Checklist for Section 4(f) Programmatic Evaluation of Historic Bridge Projects

The New Location alternative does not correct the situation that causes the bridge to be considered structurally deficient or significantly deteriorated. These deficiencies can lead to eventual structural failure/collapse. Normal maintenance is not considered adequate to address these deficiencies.

⊠ Functional/Geometric Deficiencies

The New Location alternative does not correct the situation that causes the bridge to be considered functionally/geometrically deficient. These deficiencies can lead to safety hazards to the traveling public or place unacceptable restrictions on transport and travel.

Justification (Summary describing constraints posed by terrain; adverse social, economic, or environmental effects, engineering and economic considerations, and preservation standards)

Conversion of the bridge to a one-way pair or parallel construction does not resolve the vertical clearance issues mentioned under the No Build option. Widening US 80 is not possible if any part of the bridge remains in place due to its construction method. The cast-in-place rigid frame cannot be lengthened to span the proposed roadway cross section, nor can it be raised to meet vertical clearance requirements. The structure already has a low vertical clearance and widening the existing structure would only further reduce this clearance due to the cross slope. Additionally, the low inventory rating of the bridge would require substantial strengthening to achieve HS 20 inventory rating. This alternative does not meet the purpose and need of the project because it does not resolve the vertical clearance issue. It is not feasible as the additional US 80 lanes cannot be constructed between the existing bridge piers as a matter of sound engineering.

□ Recommendation (Mandatory)

TxDOT determined this alternative fails the Section 4(f) prudent and feasible standard and is not recommended.

Alternative: Rehabilitation of Historic Bridge (two-way vehicular/pedestrian in situ or relocated)

□ Structural Deficiencies

The Rehabilitation alternative does not correct the situation that causes the bridge to be considered structurally deficient or significantly deteriorated. These deficiencies can lead to eventual structural failure/collapse. Normal maintenance is not considered adequate to address these deficiencies.

The Rehabilitation alternative does not correct the situation that causes the bridge to be considered functionally/geometrically deficient. These deficiencies can lead to safety hazards to the traveling public or place unacceptable restrictions on transport and travel.

Justification (Summary describing constraints posed by terrain; adverse social, economic, or environmental effects, engineering and economic considerations, and preservation standards)

Rehabilitation of the Windmill Farms Boulevard Bridge for continued use according to the Secretary of the Interior's Standards would not resolve the vertical clearance or capacity issues mentioned in the No Build alternative discussion. Raising the bridge is not possible due to its cast-in-place ridgid frame construction. While US 80 could be lowered to correct the vertical clearance deficiency, the required additional US 80 lanes cannot be constructed between the existing piers. The bridge cannot be removed and relocated due to its construction. This alternative does not meet the purpose and need of the project because it does not resolve the vertical clearance issue. It is not feasible as the additional US 80 lanes cannot be constructed between the existing bridge piers as a matter of sound engineering.

Texas Department of Transportation	Checklist for Section 4(f) Programmatic Evaluation of Historic Bridge Projects
	Recommendation (Mandatory) TxDOT determined this alternative fails the Section 4(f) prudent and feasible standard and is not recommended.
Altern	ative: Replacement on Current Alignment
	Structural Deficiencies The Replacement alternative corrects the situation that causes the bridge to be considered structurally deficient or significantly deteriorated.
	Functional/Geometric Deficiencies The Replacement alternative corrects the situation that causes the bridge to be considered functionally/geometrically deficient.
	Justification (Summary describing constraints posed by terrain; adverse social, economic, or environmental effects, engineering and economic considerations, and preservation standards)
	TxDOT engineers propose replacing the Windmill Farms Boulevard Bridge with a new multi-lane bridge with separate turn-arounds for frontage road traffic. The new bridge would meet current and future geometric requirements. This alternative is both feasible and prudent and is the preferred alternative.
	Recommendation (Mandatory) TxDOT determined this alternative meets the Section 4(f) prudent and feasible standard and is recommended.
V Ma	easures to Minimize Harm

V. Measures to Minimize Harm

Indicate all that apply, but a minimum of one must be selected. Verify that the project includes all possible planning to minimize harm.				
	Measures taken to preserve historic integrity per preservation standards			
\boxtimes	Measures taken to market historic bridge for alternative use			
	Alternative design measures taken to address deficiencies that complies with codes			

Other measures taken to address deficiencies that complies with codes



VI. Mitigation Commitment

Describe mitigation agreed to in consultation with SHPO and other consulting parties.

Programmatic

The Windmill Farms Boulevard Bridge is categorized in the "Programmatic Agreement Among the Texas Department of Transportation, the Texas State Historic Preservation Office, and the Advisory Council on Historic Preservation Regarding the Treatment of Historic Bridges Constructed Between 1945 and 1965" (hereinafter referred to as "PA") as a mitigated eligible bridge. The PA states, "Mitigated eligible bridges are those post-1945 bridges that are significant primarily for their technological innovations. The significance lies in the physical representation of those innovations, rather than their potential for preservation in place." Programmatic mitigation entailed a public involvement campaign to share eligibility recommendations regarding the whole class of bridges covered by the PA, to inform the public of the provisions of the PA and its implications, and to consider comments received in finalizing the treatment protocols outlined in the PA. It also entailed training for consulting parties on how to respond to formal requests for comment on TxDOT bridge projects. The MOA was executed March 7, 2017 and TxDOT has completed its obligations under the MOA for the class of bridges that includes the Windmill Farms Boulevard at US 80 Bridge.

Customized

N/A

VII. Summary and Approval

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated 12-9-19 and executed by FHWA and TxDOT.

The proposed project meets all the applicability criteria set forth by the Federal Highway Administration's (FHWA) guidance for Programmatic Bridge Section 4(f) Evaluation. TxDOT fully evaluated all alternatives set forth in the subject programmatic and the findings made are clearly applicable to this project. There are **no feasible and prudent alternatives** to the use of the historic bridge.

The project includes all possible planning to minimize harm. The Texas Department of Transportation (TxDOT) will include the measures to minimize harm as environmental commitments in the applicable National Environmental Policy Act (NEPA) document and Environmental Compliance Oversight System (ECOS) for the proposed project.

The following **MUST** be attached to this checklist to ensure proper documentation of the Historic Bridge Programmatic Section 4(f):

- 1. Concurrence letter with the Official with Jurisdiction
- Proof of Historic Bridge Marketing
- 3. Historic Bridge Team Report
- 4. Detour Map
- 5. Photographs of the bridge detailing conditions cited in alternatives analyses



Checklist for Section 4(f) Programmatic Evaluation of Historic Bridge Projects

6. Comparative alternatives analysis chart



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

July 27, 2023

SECTION 106 REVIEW: DETERMINATION OF NRHP ELIGIBILITY AND ADVERSE EFFECT SECTION 4(f) REVIEW: COMMENT AS OFFICIAL WITH JURISDICTION-PROGRAMMATIC BRIDGE AND DE MINIMIS

Kaufman County / Dallas District US 80 (from FM 460 to Spur 557), and Spur 557 (US 80 to IH 20) CSJ: 0095-03-106

Mr. Justin Kockritz History Programs Texas Historical Commission Austin, TX 78711

Dear Mr. Kockritz:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT. In accordance with 36 CFR 800 and our Section 106 Programmatic Agreement, this letter initiates Section 106 consultation on the effect the proposed undertaking poses for a historic property located within the project's area of potential effects (APE). As a consequence of these agreements, TxDOT's regulatory role for this project is that of the Federal action agency.

Project Description

See HRSR page 26-33 for screenshots from TxDOT's Environmental Compliance Oversight System (ECOS) that describe the project, setting, and amount of right-of-way (ROW) and easements necessary for the project.

Determinations of Eligibility

TxDOT historians determined that the APE extends 150' in each direction from the proposed and existing ROW and easements. TxDOT historians identified two historic properties previously documented within the APE by consulting inventories for the National Register of Historic Places (NRHP), State Antiquities Landmarks (SAL), and Recorded Texas Historic Landmarks (RTHL) maintained by your agency.

The two previously identified historic properties are bridges constructed in 1958 over US 80 mainlanes. TxDOT completed an inventory of all bridges built between 1945 and 1965 in 2010, and these bridges are classified into Group II of III. The bridges are significant as an example of a concrete rigid frame, an uncommon bridge type during the 1945 to 1965 period.

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TxDOT historians conducted a Historic Resources Survey Report (HRSR) and identified 32 properties in the APE with a finding of four historic properties present (two bridges, two farms).

TxDOT determined Landmark Hill (007) NRHP-eligible under Criterion A and C at the local level for its association with agriculture in Kaufman County and its representation of a Colonial Revival farmstead. Most recently used as an event space, 007 is a former agricultural property that is now vacant. County parcel data indicates the main dwelling (007a), and the detached garage (007b) were constructed in 1926. While parcel data does not state when the other buildings on the property were constructed, all the extant buildings are visible in a 1956 historic aerial. The extant buildings include the main dwelling and detached garage (007a and 007b), three barns (007c, 007d, 007e), another detached garage (007f), and two other outbuildings. The last two outbuildings were not visible from ROW (007f and 007g). For purposes of this project, due to lack of access and vegetation hindering views, all resources on the property are contributing.

The entire property is enclosed by a fence. The majority of the fence is an 8-foot tall, modern chain link fence, but there is a section of the fence at the driveway access that is historicage wrought iron. While there is a historicage section, the fence overall has lost significant integrity with most of it being replaced with a chain link fence, and so the fence is not a contributing resource to the property.

The property is representative of a large farmstead in Kaufman County. The Pinson family, which owned large tracts of land in Forney, developed the farmstead during the POS for agriculture in Kaufman County. The family owned the property until the 1970s. Along with many extant historic-age agricultural buildings, the property retains the original 1926 dwelling and garage. While the property no longer functions as a farm, it is still able to convey its agricultural history.

The boundaries of the eligible resource are defined as the existing parcel boundaries of the two properties associated with Landmark Hill containing the house and outbuildings with some land. The majority of the agricultural land surrounding the property is lost due to housing development. For additional information see pages 66-79 of the HRSR.

TxDOT determined the **Pinson Farm (011) NRHP-eligible** under Criterion A and C for its association with agriculture in Kaufman County, representing an intact farmstead, with a Craftsman style house. Four extant buildings include the main dwelling (011a), a detached garage (011b), a metal barn (011c), and a wood barn (011d), all contribute to the property. A barbed wire fence along the property line encloses the outbuildings of the property. The fence is not original to the property and does not contribute.

William Henry Harrison Pinson established a farm on the property in 1878. At the time, Pinson owned 224 acres of land and farmed cotton, feed grains, and had domestic

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livestock. He left the property to his wife, who in turn left the property to their son, Clem Pinson. Clem Pinson's cousin, Jim Perry Pinson, constructed the farmstead known as Landmark Hill in 1926 (Property 007).

The family continued its agricultural operations on Property 011 and the State of Texas recognized it as a Family Land Heritage Farm (FLH) in 1991. This honor does not automatically convey NRHP-eligibility to a property. The property must still satisfy the criteria to be NRHP eligible.

The Pinson family established the farm during the Period of Significance (POS) for Agriculture (1850-1930) in Kaufman County, at a time when the primary industry was agriculture. According to the FLH listing, the property size is now only 16 acres, but the feeling and representation of its agricultural significance are still visible. TxDOT determined the Pinson Farm NRHP-eligible for listing under Criterion A for Agriculture at the local level. In addition, the Craftsman style house retains enough integrity for NRHP-eligibility under Criterion C for architecture at the local level.

The NRHP boundary is the current parcel with house and outbuildings. For additional information see pages 97-110 of the HRSR.

While both properties were historically associated with the same family, due to distance and new housing and commercial development in between them, the area no longer contains integrity to constitute a rural historic landscape.

TxDOT determined two bridges in the APE **NRHP-eligible** under the 1945-1965 bridge study. Located at CR 217 @ US 80, (NBI No. 181300009504108) and Windmill Farms Blvd @ US 80, (NBI No. 181300009504109), they carry traffic over the mainlanes of US 80. TxDOT marketed the bridges on its bridge adoption website for over 30 days in June/July 2023.

The bridges are significant as an example of a concrete rigid frame, an uncommon bridge type during the 1945 to 1965 period. Rigid frame bridges, in which the superstructure and substructure are a continuous form poured monolithically in one mold, were used for a variety of roadway types from the 1920s through 1940s. However, their use following World War II was uncommon and generally limited to grade separation structures in urban locations where logistics, setting, and/or cost prevented the construction of a substantial foundation. The rigid frame form also provided an attractive, slightly arched form suitable for use on urban roadways.

The bridges are also significant as an important work of a master engineer, designer, fabricator, or builder. The bridges were designed by Farland C. Bundy, recognized as an innovative Texas bridge designer of the period. Bundy worked as an engineer in the Texas Highway Department's Bridge Division from 1948 to 1984 and was responsible for several award-winning designs and innovative practices. The bridges do not exhibit physical alterations and retain historic integrity of location, design, materials, workmanship, setting,

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feeling, and association. The bridges are **eligible** for listing in the National Register of Historic Places under Criterion C in the area of Engineering at the state level of significance.

TxDOT historians determined the remaining properties in the APE consisting of domestic, commercial, transportation and agricultural (among other types) are common designs that lack architectural merit, are not works of a master, and have no known historic associations with important events or persons, and are therefore **not eligible** for NRHP listing under Criterion A, B, or C.

Consultation with Other Parties

TxDOT contacted the Kaufman County Historical Commission (CHC) regarding the proposed project in November 2022 via email. As of July 2023, Kaufman CHC had not responded.

Determinations of Effect

Property 07 Landmark Hill. The identified eligible property is approximately 8.04 acre in size. The proposed project requires approximately 0.076 acres in new right of way within the southern boundary of the property along US 80 (see page 245 of HRSR for map). This results in a total impact of 0.94% (less than 1%). TxDOT determined this constitutes a *de minimis* use of the historic property. TxDOT determined that this minor change poses no adverse effect as the property would still possess its significance following completion of the project. The proposed project would not adversely affect the property's integrity of location, setting, feeling, association, design, materials or workmanship.

Indirect Effect: Project activities pose minimal potential to cause indirect effects. The widening of an existing highway would not affect or diminish the qualities and characteristics that contribute to the historic significance of Landmark Hill. Potential visual impacts: none as roadway will remain at grade at this location. Noise impacts: will not be measured as the property is now in commercial use.

Cumulative Effect: Project activities pose no foreseeable cumulative adverse effects to the property. The property is currently abandoned and not in agricultural use and any future use by other owners is not subject of this review.

Property 11 Pinson Farm

The project would result in **no effect** to the property. The property is well away from the new ROW impacts. See map on page 246 of HRSR.

Bridges-

TxDOT examined multiple alternatives to improve the bridge crossings. The alternatives analysis indicates that replacement of the historic bridge is necessary. TxDOT's proposed replacement of the existing historic bridges with a new bridge constitutes an **adverse effect**. TxDOT considered measures to avoid or minimize the adverse effect, such as rehabilitating the bridges for continued use, constructing a parallel bridge and rehabilitating the bridges

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for one-way traffic, or leaving the bridges in place as a monument. Detailed analysis of these options determined that costs are prohibitive for the rehabilitation, while leaving the historic bridges in place may result in safety issues and geometric issues (TxDOT cannot widen US 80 mainlanes with the current bridge piers at their current locations as there is not enough space between piers to do so. Additionally, the current bridges do not meet height requirements for a US highway). See the attached checklist and alternatives analysis chart for discussions of planning efforts to avoid and minimize the adverse effects to the bridges.

Mitigation

TxDOT completed programmatic mitigation for the replacement of all bridges in Group II. This programmatic mitigation is a public-facing education campaign about these bridges, which includes videos, a webpage, glossaries, photographs, educational activities, and continued promotion of these materials. Per prior agreement, TxDOT does not need to complete additional mitigation on Group II bridges.

Conclusion

TxDOT hereby requests your signed concurrence with our determinations of **eligibility** and **effects**.

We additionally notify you that SHPO is the designated Official with Jurisdiction (OWJ) over Section 4(f) resources protected under the provisions of 23 CFR 774 and that your comments on our Section 106 findings will be integrated into decision-making regarding prudent and feasible alternatives for purposes of Section 4(f) evaluations. Final determinations for the Section 4(f) process will be rendered by TxDOT pursuant to 23 U.S.C. 327 and the afore-mentioned MOU dated 12-9-19. TxDOT intends to render a de minimis finding on 007 Landmark Hill and a programmatic finding on the two historic bridges over US 80.

We look forward to further consultation with your staff and hope to maintain a partnership that will foster effective and responsible solutions for improving transportation, safety and mobility in the state of Texas. Thank you for your cooperation in this federal review process. If you have any questions or comments concerning these evaluations, please call me at (409) 673-0787 or renee.benn@txdot.gov.

Sincerely, by:

Rence Benn

Renee Benn

Environmental Protection Specialist Historical Studies Branch Environmental Affairs Division

cc: Linda Henderson, HIST Program Manager Lead:



6

July 2023

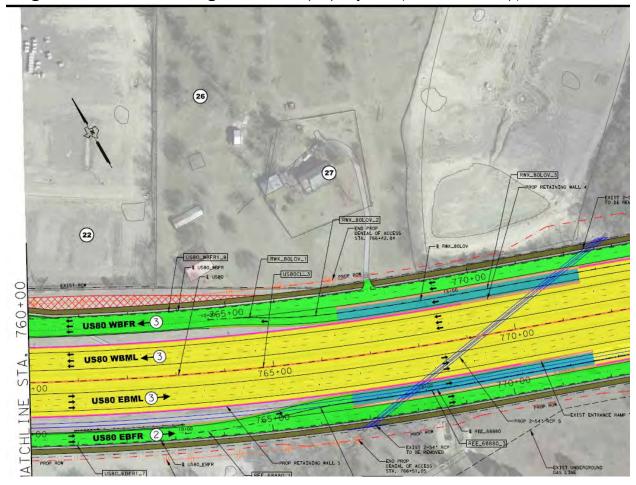
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NAME:	DATE:
	for Mark Wolfe, State Historic Preservation Officer

7

July 2023

Image from schematic showing ROW take at property 007 (#27 on this map):



Proposed ROW line is dashed red. Hashed red is removal of pavement. Note frontage road lanes moving away from property due to pavement removal.



Historic Bridge Adoption Information Packet

Kaufman County 0095-03-106 Windmill Farms Boulevard at US 80 June 2023

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Announcement

The Texas Department of Transportation (TxDOT) seeks adopters for the historic bridge detailed below for reuse according to federal transportation and historic preservation laws. The bridge is located in Kaufman County, on Windmill Farms Boulevard crossing US 80.

Letters of interest and/or reuse proposals will be accepted until 5 p.m. on July 13, 2023. TxDOT is currently undergoing alternatives analysis for this project. The outcome of the analysis may impact the availability of this bridge. Priority for assistance will be given to public entities seeking to reuse the bridge in a public or publicly visible space. Bridges available through this program are not suitable for vehicular service. All rehabilitation work must conform to the Secretary of the Interior's Standards for Rehabilitation in consultation with the Texas Historical Commission (THC).

Interested parties may request additional information, indicate an interest, or submit a reuse proposal by contacting:

Mohammed Shaikh, Environmental Specialist TxDOT Dallas District 4777 E. Highway 80, Mesquite, TX 75150-6643

Phone Number: (214) 320-6148

Email address: Mohammed.Shaikh@txdot.gov



Bridge Location

County: Kaufman

Highway or Facility: Windmill Farms Boulevard

• Feature Crossed: US 80

GIS Locational

Information 1. https://arcg.is/K1PCn

2. 32.739982, -96.396015

Bridge Information

Bridge Owner
 Texas Department of Transportation – Dallas District

• Main-span Type: Cast-in-place concrete rigid frame unit

• Main-span Length 120 feet

Roadway Width 28 feet

Year Built 1958

Builder Texas Highway Department

Bridge Condition and Load Rating

Based on a 2022 condition assessment, the bridge is in fair condition but exhibits widespread moderate spalling, map cracking, and scaling with overheight impact related spalling at the deck edges. A large area of the deck surface has been patched with asphalt. The superstructure exhibits cracking and spalling at the interface between the abutment walls and the retaining walls. The bridge has its original rails which are neither MASH nor NCHRP 350 compliant. The bridge is load rated at HS 15.9 (IR) and HS 26.6 (OR).

Historic Significance of the Bridge

The bridge was determined eligible in 2009 as an example of a concrete rigid frame, an uncommon bridge type built between 1945 and 1965. The bridge is also significant as an important work of a master engineer, in this case THD (TxDOT) engineer Farland C. Bundy, who worked in the Bridge Division from 1948 to 1984. The Windmill Farms Boulevard Bridge (originally constructed as a frontage road crossing and turnaround) is eligible under Criterion C in the area of Engineering at the state level of significance. The bridge does not exhibit physical alterations and retains its integrity of location, design, setting, materials, workmanship, feeling, and association.

TxDOT Estimated Work Items and Costs

Costs to rehabilitate and relocate the bridge for pedestrian use are estimated by TxDOT bridge engineers based on TxDOT expenditures for similar items on other bridges. All prospective owners should have access to a structural engineer to assist in determining the appropriate work to be completed as well as appropriate estimates. Costs may vary outside the TxDOT system.

Due to the nature of the bridge's construction method and materials, moving the bridge is not possible nor feasible. A cost estimate for moving the bridge is thus not available. Leaving the bridge in place for adaptive re-use is likewise not feasible given the proposed project activities requiring this course of action.

Bridge Photographs











A Historic Bridge Team Report (HBT) and Detour Map were not prepared for the US 80 bridges in this project. An HBT report was not needed to demonstrate the bridges' historical significance, the project's Need and Purpose, or to complete the Section 4(f) Programmatic Evaluation of Historic Bridge Projects checklist. A Detour Map was not needed, given the current bridges will remain open to traffic while new ones are constructed alongside.

Decision Matrix: Windmill Farms Boulevard Bridge

NBI 181300009504109 CSJ: 0095-03-106

Alternative	Addresses Structural Deficiency	Addresses Functional Deficiency	Requires New ROW	Construction A: Feasibility B: Prudent C: Major Budget Line Items	Notes / Other Environmental Impacts
1. No Build	N/A	No	No	A: Yes B: No, geometric issues not resolved	Not feasible or prudent. Does not address project purpose and need: bridge vertical clearance and US 80 geometries would remain unresolved.
				C: Strengthening to achieve HS 20 inventory rating	
2. Rehab for Paired Two-Way Traffic	N/A	No	No	A: No B: No, geometric issues not resolved	Not feasible or prudent. Does not address project purpose and need: geometries of both the bridge and US 80.
				C: Strengthening to achieve HS 20 inventory rating	
3. Bypass Existing Bridge	N/A	No	Yes	A: No B: No, geometric issues not resolved	Not feasible or prudent. Does not address project purpose and need: bridge geometry, and exorbitant cost and magnitude to bypass including multiple displacements.
				C: Reconstruction of US 80 to bypass CR 271 Bridge	
4. New Structure (Preferred)	N/A	Yes	No	A: Yes B: Yes	Meets purpose and need: replacing the bridge would resolve all geometric issues.
				C: Full bridge replacement	



Checklist for Section 4(f) *De Minimis* for Public Parks, Recreation Lands, Wildlife & Waterfowl Refuges, and Historic Properties

Main CSJ: 0095-03-106
District(s): Dallas
County(ies): Kaufman
Property ID: 007
Property Name: Landmark Hill
The environmental review, consultation, and other actions required by applicable Federal environmental laws for this projec are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.
The following checklist was developed as a tool to assist in streamlining the Section 4(f) <i>De Minimis</i> process and to ensure the all necessary information is documented in the File of Record (ECOS).
What Type of Property is Being Evaluated?
A park, recreation land, or wildlife/waterfowl refuge
Section 4(f) Defining Criteria for Historic Properties
1. Yes Is the property listed or eligible for the NRHP or NHL?
Establishing Section 4(f) Use of the Property
1. Yes Does the project require a use (i.e., new right of way, new easement(s), etc.)?
Establishing Section 4(f) <i>De Minimis</i> Eligibility
1. Yes Was it determined that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?
2. Yes Did the Official with Jurisdiction concur that the project will not adversely affect the features or attributes that make the property eligible for Section 4(f) protection?

Section 4(f) Use:

TxDOT determined Landmark Hill (007) NRHP-eligible under Criterion A and C at the local level for its association with agriculture in Kaufman County and its representation of a Colonial Revival farmstead. Most recently used as an event space, 007 is a former agricultural property that is now vacant. County parcel data indicates the main dwelling (007a), and the detached garage (007b) were constructed in 1926. While parcel data does not state when the other buildings on the property were constructed, all the extant buildings are visible in a 1956 historic aerial. The extant buildings include the main dwelling and detached garage (007a and 007b), three barns (007c, 007d, 007e), another detached garage (007f), and



Checklist for Section 4(f) De Minimis for Public Parks, Recreation Lands, Wildlife & Waterfowl Refuges, and Historic Properties

two other outbuildings. The last two outbuildings were not visible from ROW (007f and 007g). For purposes of this project, due to lack of access and vegetation hindering views, all resources on the property are contributing.

The property is representative of a large farmstead in Kaufman County. The Pinson family, which owned large tracts of land in Forney, developed the farmstead during the POS for agriculture in Kaufman County. The family owned the property until the 1970s. Along with many extant historic-age agricultural buildings, the property retains the original 1926 dwelling and garage. While the property no longer functions as a farm, it is still able to convey its agricultural history.

The boundaries of the eligible resource are defined as the existing parcel boundaries of the two properties associated with Landmark Hill containing the house and outbuildings with some land. The majority of the agricultural land surrounding the property is lost due to housing development. For additional information see pages 66-79 of the HRSR.

The identified eligible property is approximately 8.04 acre in size. The proposed project requires approximately 0.076 acres in new right of way within the southern boundary of the property along US 80 (see page 245 of HRSR for map). This results in a total impact of 0.94% (less than 1%). TxDOT determined this constitutes a de minimis use of the historic property. TxDOT determined that this minor change poses no adverse effect as the property would still possess its significance following completion of the project. The proposed project would not adversely affect the property's integrity of location, setting, feeling, association, design, materials or workmanship.

Documentation

The following MUST be attached to this checklist to ensure proper documentation of the Section 4(f) De Minimis:

√	A detailed map of the Section 4(f) Property including current and proposed ROW; property boundaries; access points for pedestrians and vehicles and existing and planned facilities.
\checkmark	Street level photograph of the property
✓	Concurrence letter from Official with Jurisdiction
\checkmark	Copy of WPD I Screen from ECOS.



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July 27, 2023

SECTION 106 REVIEW: DETERMINATION OF NRHP ELIGIBILITY AND ADVERSE EFFECT SECTION 4(f) REVIEW: COMMENT AS OFFICIAL WITH JURISDICTION-PROGRAMMATIC BRIDGE AND DE MINIMIS

Kaufman County / Dallas District US 80 (from FM 460 to Spur 557), and Spur 557 (US 80 to IH 20) CSJ: 0095-03-106

Mr. Justin Kockritz History Programs Texas Historical Commission Austin, TX 78711

Dear Mr. Kockritz:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT. In accordance with 36 CFR 800 and our Section 106 Programmatic Agreement, this letter initiates Section 106 consultation on the effect the proposed undertaking poses for a historic property located within the project's area of potential effects (APE). As a consequence of these agreements, TxDOT's regulatory role for this project is that of the Federal action agency.

Project Description

See HRSR page 26-33 for screenshots from TxDOT's Environmental Compliance Oversight System (ECOS) that describe the project, setting, and amount of right-of-way (ROW) and easements necessary for the project.

Determinations of Eligibility

TxDOT historians determined that the APE extends 150' in each direction from the proposed and existing ROW and easements. TxDOT historians identified two historic properties previously documented within the APE by consulting inventories for the National Register of Historic Places (NRHP), State Antiquities Landmarks (SAL), and Recorded Texas Historic Landmarks (RTHL) maintained by your agency.

The two previously identified historic properties are bridges constructed in 1958 over US 80 mainlanes. TxDOT completed an inventory of all bridges built between 1945 and 1965 in 2010, and these bridges are classified into Group II of III. The bridges are significant as an example of a concrete rigid frame, an uncommon bridge type during the 1945 to 1965 period.

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TxDOT historians conducted a Historic Resources Survey Report (HRSR) and identified 32 properties in the APE with a finding of four historic properties present (two bridges, two farms).

TxDOT determined Landmark Hill (007) NRHP-eligible under Criterion A and C at the local level for its association with agriculture in Kaufman County and its representation of a Colonial Revival farmstead. Most recently used as an event space, 007 is a former agricultural property that is now vacant. County parcel data indicates the main dwelling (007a), and the detached garage (007b) were constructed in 1926. While parcel data does not state when the other buildings on the property were constructed, all the extant buildings are visible in a 1956 historic aerial. The extant buildings include the main dwelling and detached garage (007a and 007b), three barns (007c, 007d, 007e), another detached garage (007f), and two other outbuildings. The last two outbuildings were not visible from ROW (007f and 007g). For purposes of this project, due to lack of access and vegetation hindering views, all resources on the property are contributing.

The entire property is enclosed by a fence. The majority of the fence is an 8-foot tall, modern chain link fence, but there is a section of the fence at the driveway access that is historicage wrought iron. While there is a historicage section, the fence overall has lost significant integrity with most of it being replaced with a chain link fence, and so the fence is not a contributing resource to the property.

The property is representative of a large farmstead in Kaufman County. The Pinson family, which owned large tracts of land in Forney, developed the farmstead during the POS for agriculture in Kaufman County. The family owned the property until the 1970s. Along with many extant historic-age agricultural buildings, the property retains the original 1926 dwelling and garage. While the property no longer functions as a farm, it is still able to convey its agricultural history.

The boundaries of the eligible resource are defined as the existing parcel boundaries of the two properties associated with Landmark Hill containing the house and outbuildings with some land. The majority of the agricultural land surrounding the property is lost due to housing development. For additional information see pages 66-79 of the HRSR.

TxDOT determined the **Pinson Farm (011) NRHP-eligible** under Criterion A and C for its association with agriculture in Kaufman County, representing an intact farmstead, with a Craftsman style house. Four extant buildings include the main dwelling (011a), a detached garage (011b), a metal barn (011c), and a wood barn (011d), all contribute to the property. A barbed wire fence along the property line encloses the outbuildings of the property. The fence is not original to the property and does not contribute.

William Henry Harrison Pinson established a farm on the property in 1878. At the time, Pinson owned 224 acres of land and farmed cotton, feed grains, and had domestic

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livestock. He left the property to his wife, who in turn left the property to their son, Clem Pinson. Clem Pinson's cousin, Jim Perry Pinson, constructed the farmstead known as Landmark Hill in 1926 (Property 007).

The family continued its agricultural operations on Property 011 and the State of Texas recognized it as a Family Land Heritage Farm (FLH) in 1991. This honor does not automatically convey NRHP-eligibility to a property. The property must still satisfy the criteria to be NRHP eligible.

The Pinson family established the farm during the Period of Significance (POS) for Agriculture (1850-1930) in Kaufman County, at a time when the primary industry was agriculture. According to the FLH listing, the property size is now only 16 acres, but the feeling and representation of its agricultural significance are still visible. TxDOT determined the Pinson Farm NRHP-eligible for listing under Criterion A for Agriculture at the local level. In addition, the Craftsman style house retains enough integrity for NRHP-eligibility under Criterion C for architecture at the local level.

The NRHP boundary is the current parcel with house and outbuildings. For additional information see pages 97-110 of the HRSR.

While both properties were historically associated with the same family, due to distance and new housing and commercial development in between them, the area no longer contains integrity to constitute a rural historic landscape.

TxDOT determined two bridges in the APE **NRHP-eligible** under the 1945-1965 bridge study. Located at CR 217 @ US 80, (NBI No. 181300009504108) and Windmill Farms Blvd @ US 80, (NBI No. 181300009504109), they carry traffic over the mainlanes of US 80. TxDOT marketed the bridges on its bridge adoption website for over 30 days in June/July 2023.

The bridges are significant as an example of a concrete rigid frame, an uncommon bridge type during the 1945 to 1965 period. Rigid frame bridges, in which the superstructure and substructure are a continuous form poured monolithically in one mold, were used for a variety of roadway types from the 1920s through 1940s. However, their use following World War II was uncommon and generally limited to grade separation structures in urban locations where logistics, setting, and/or cost prevented the construction of a substantial foundation. The rigid frame form also provided an attractive, slightly arched form suitable for use on urban roadways.

The bridges are also significant as an important work of a master engineer, designer, fabricator, or builder. The bridges were designed by Farland C. Bundy, recognized as an innovative Texas bridge designer of the period. Bundy worked as an engineer in the Texas Highway Department's Bridge Division from 1948 to 1984 and was responsible for several award-winning designs and innovative practices. The bridges do not exhibit physical alterations and retain historic integrity of location, design, materials, workmanship, setting,

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feeling, and association. The bridges are **eligible** for listing in the National Register of Historic Places under Criterion C in the area of Engineering at the state level of significance.

TxDOT historians determined the remaining properties in the APE consisting of domestic, commercial, transportation and agricultural (among other types) are common designs that lack architectural merit, are not works of a master, and have no known historic associations with important events or persons, and are therefore **not eligible** for NRHP listing under Criterion A, B, or C.

Consultation with Other Parties

TxDOT contacted the Kaufman County Historical Commission (CHC) regarding the proposed project in November 2022 via email. As of July 2023, Kaufman CHC had not responded.

Determinations of Effect

Property 07 Landmark Hill. The identified eligible property is approximately 8.04 acre in size. The proposed project requires approximately 0.076 acres in new right of way within the southern boundary of the property along US 80 (see page 245 of HRSR for map). This results in a total impact of 0.94% (less than 1%). TxDOT determined this constitutes a *de minimis* use of the historic property. TxDOT determined that this minor change poses no adverse effect as the property would still possess its significance following completion of the project. The proposed project would not adversely affect the property's integrity of location, setting, feeling, association, design, materials or workmanship.

Indirect Effect: Project activities pose minimal potential to cause indirect effects. The widening of an existing highway would not affect or diminish the qualities and characteristics that contribute to the historic significance of Landmark Hill. Potential visual impacts: none as roadway will remain at grade at this location. Noise impacts: will not be measured as the property is now in commercial use.

Cumulative Effect: Project activities pose no foreseeable cumulative adverse effects to the property. The property is currently abandoned and not in agricultural use and any future use by other owners is not subject of this review.

Property 11 Pinson Farm

The project would result in **no effect** to the property. The property is well away from the new ROW impacts. See map on page 246 of HRSR.

Bridges-

TxDOT examined multiple alternatives to improve the bridge crossings. The alternatives analysis indicates that replacement of the historic bridge is necessary. TxDOT's proposed replacement of the existing historic bridges with a new bridge constitutes an **adverse effect**. TxDOT considered measures to avoid or minimize the adverse effect, such as rehabilitating the bridges for continued use, constructing a parallel bridge and rehabilitating the bridges

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for one-way traffic, or leaving the bridges in place as a monument. Detailed analysis of these options determined that costs are prohibitive for the rehabilitation, while leaving the historic bridges in place may result in safety issues and geometric issues (TxDOT cannot widen US 80 mainlanes with the current bridge piers at their current locations as there is not enough space between piers to do so. Additionally, the current bridges do not meet height requirements for a US highway). See the attached checklist and alternatives analysis chart for discussions of planning efforts to avoid and minimize the adverse effects to the bridges.

Mitigation

TxDOT completed programmatic mitigation for the replacement of all bridges in Group II. This programmatic mitigation is a public-facing education campaign about these bridges, which includes videos, a webpage, glossaries, photographs, educational activities, and continued promotion of these materials. Per prior agreement, TxDOT does not need to complete additional mitigation on Group II bridges.

Conclusion

TxDOT hereby requests your signed concurrence with our determinations of **eligibility** and **effects**.

We additionally notify you that SHPO is the designated Official with Jurisdiction (OWJ) over Section 4(f) resources protected under the provisions of 23 CFR 774 and that your comments on our Section 106 findings will be integrated into decision-making regarding prudent and feasible alternatives for purposes of Section 4(f) evaluations. Final determinations for the Section 4(f) process will be rendered by TxDOT pursuant to 23 U.S.C. 327 and the afore-mentioned MOU dated 12-9-19. TxDOT intends to render a de minimis finding on 007 Landmark Hill and a programmatic finding on the two historic bridges over US 80.

We look forward to further consultation with your staff and hope to maintain a partnership that will foster effective and responsible solutions for improving transportation, safety and mobility in the state of Texas. Thank you for your cooperation in this federal review process. If you have any questions or comments concerning these evaluations, please call me at (409) 673-0787 or renee.benn@txdot.gov.

Sincerely, by:

Rence Benn

Renee Benn

Environmental Protection Specialist Historical Studies Branch Environmental Affairs Division

cc: Linda Henderson, HIST Program Manager Lead:



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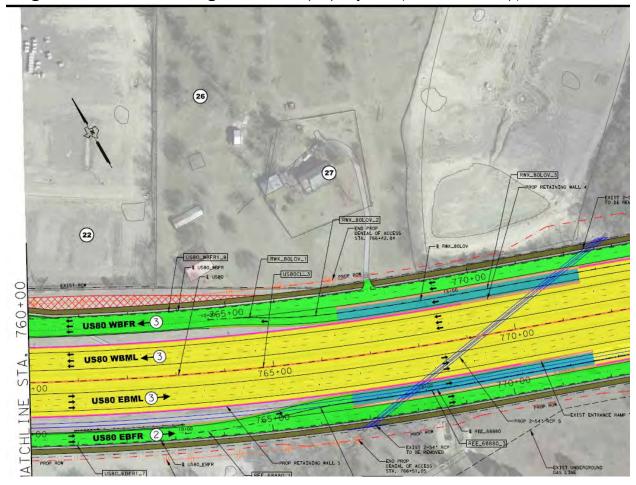
CONCUR-NRHP ELIGIBLE PROPERTIES PRESENT ADVERSE EFFECTS WITH MITIGATION (TWO BRIDGES) NO ADVERSE EFFECT TO HISTORIC PROPERTIES (07 and 11) NO COMMENTS ON SECTION 4(f) EVALUATIONS

NAME:	DATE:
	for Mark Wolfe, State Historic Preservation Officer

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Image from schematic showing ROW take at property 007 (#27 on this map):



Proposed ROW line is dashed red. Hashed red is removal of pavement. Note frontage road lanes moving away from property due to pavement removal.

Who is the lead agency responsible for the approval of the entire project? ☑ FHWA - Assigned to TxDOT □ TxDOT - No Federal Funding □ FHWA - Not Assigned to TxDOT TXDOT ✓ Who is the project sponsor as defined by 43 TAC 2.7? Is a local government's or a private developer's own staff or consultant preparing the CE documentation, EA or EIS? No Y Yes Y Does the project require any federal permit, license, or approval? ☑ USACE □ IBWC □ USCG □ NPS □ IAJR □ Other No V Does the project occur, in part or in total, on federal or tribal lands? Environmental Clearance Project Description Project Area Typical Depth of Impacts: Maximum Depth of Impacts: 30 (Feet) (Feet) New ROW Required: 56 (Acres) New Perm Easement Required: 0 (Acres) New Temp. Easement Required: 0 (Acres) Project Description Describe Limits of All Activities: 69416. The proposed improvements consist of reconstructing US 80 from EM 460 in the City of Forney to Spur 557, and Spur 557 from US 80 to IH 20 in the City of Terrell, within Kaufman County. The proposed project would include an additional main lane in each direction and one-way continuous frontage roads in each direction with ramping improvements. The US 80/Spur 557 and Spur 557/IH 20 interchanges would be reconfigured with ramping and direct connector improvements. Cross street inhersection improvements are also included at FM 740/Pinson Road for approx. 2,000 feet, FM 548 for approx. 1,200 feet, Reeder Road for approx. 675 feet, Windmill Parms Boulevard for approx. 1,800 feet, FM 305 (Las Lonas Parkway) for approx. 1,800 feet, and FM 148 for approx. 1,300 feet. Proposed improvements include tie-ins to side streets to the westbound side of US 80 at Lovers Lame, Mustang Boulevard, Trailhouse Lame, Marketplace Boulevard, Reeder Road, Irongate Boulevard, and Townsend Road; and to the eastbound side of US 80 to W. Broad Street, Rim Street, Cedar Street, Summeriaven, Regal Drive, FM 212, and Helms Trail. The project would also construct a cul-de-sac at North McGraw Street to remove access to eastbound US 80 frontage road just east of Pinson Road.

Describe Project Setting: Spell



The project is located in an urban/suburban setting. Developed and undeveloped lands are present within the proposed project area. Developed lands include single and sulti-family residences, places of worship, public facilities, small and large businesses including distribution centers. Undeveloped lands are comprised of vacant (not utilized) and some agriculture (ranch and pasture) land. Major Traffic Generators include the business areas and subdivisions of the cities of Forney and Terrell, IH 20, and Spar 557.

There are multiple stream crossings within the project limits, including 16 crossings within regulatory floodplains. The affected floodplains are Buffalo Creek, Mustang Creek, Union Branch, Big Brushy Creek and an unnamed tributary, and Bachelor Creek. Vegetation in the project vicinity consists primarily of maintained urban grasses, Landscaping, and seasonal agriculture (crops). Some woodland and mixed shrub areas are also present nearby. There are no cemeteries or parks within the immediately adjacent to the project area. Sowever 2 bridges (NBI #'s 181300009504108 s 181300009504109) are NRHP eligible under criterion C.

From PM 460 to Spur 557, US 80 is a four-lane divided highway (two lanes on each direction) divided by a grassy median. US 80 frontage roads are one-way continuous 1 to 2 lane frontage roads in each direction. Frontage roads widen by one to two lanes at some cross street intersections for turn lanes. An existing Union Pacific railroad track runs perallel to the existing US 80 eastbound frontage road to the south, from FM 548 to the US 80 / Spur 557 interchange.

From US 80 to IH 20, Spur 557 consists of a four-lane divided highway (two lanes on each direction) divided by a grassy median. Spur 557 frontage roads are one-way discontinuous one to two-lane frontage roads.

The existing typical right-of-way width varies from approximately 300 to 400-feet along US 80 and varies from 375 to 500 feet along Spur 557, with wider footprints to accommodate large cross-street interchanges.

Describe Proposed Facility: Beatle

From FM 460 to Spur 557, proposed improvements consist of reconstructing US 80 from a four-lane divided to a six-lane divided highway with a concrete barrier along the centerline. The proposed improvements would also include one-way continuous two to three-lane frontage roads in each direction with ramping improvements, shared use path and sidewalks. The proposed typical right-of-way width varies from 300 to 420 feet along US 80, with wider footprints to accommodate large cross-street interchanges.

From US 80 to IH 20, the proposed improvements consist of reconstructing Spur 557 from a four-lane divided to a six-lane divided highway with a concrete barrier along the centerline. The proposed project would also include one-way continuous two to three-lane frontage roads in each direction with ramping improvements, shared use path and sidewalks. The proposed typical right-of-way width varies from 375 to 520 feet along Spur 557, with wider footprints to accommodate large cross-street interchanges.

Interchange improvements would occur at US 80 and Spur 557 and at Spur 557 and IR 20. The project could potentially displace 2 residences, 1 business, and 2 non-residential structures (billboards).



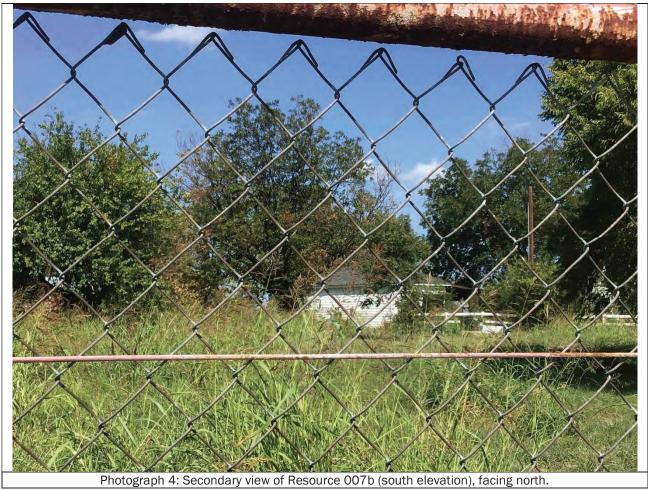
Photograph 1: View of the Landmark Hill residence (007a), south elevation, facing northeast.



Photograph 2: View of the Landmark Hill residence (007a), south elevation and front gate, facing northeast.



Photograph 3: View of Resource 007b, located on the west side of primary dwelling, facing north.





Photograph 5: View of barn (Resource 007c) on property, northwest. Resource 007d is visible in the background at right.





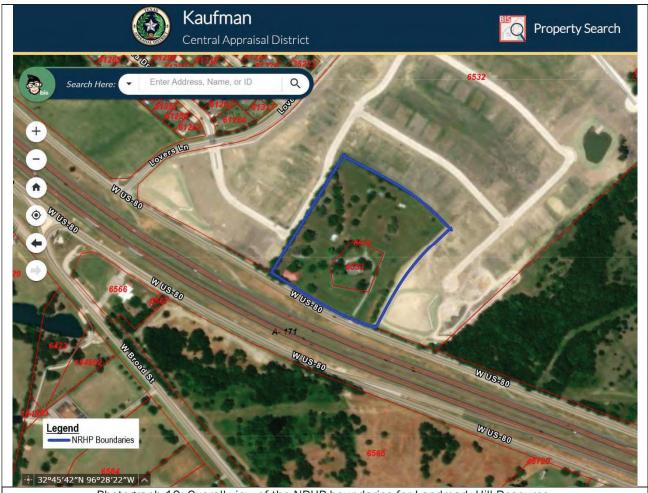
Photograph 7: View of Resource 007d, facing southeast from Aria Court.



Photograph 8: View of Resource 007e, facing southeast from Aria Court (007b in background).



Photograph 9: View of Resource 007f with 007e in foreground, facing east-southeast from Aria Court.



Photograph 10: Overall view of the NRHP boundaries for Landmark Hill Resource.



Appendix H: Comment and Response Matrix from Hearing (PENDING)