

APPENDIX H: Comment/Response Matrix from the Public Hearing/Notice of Availability of the DEIS

Comment Number	Commenter Name	Date Received	Source	Comment Topic	Comment Response
1	Alishe Adams	11/10/2022	Comment Form	Very disappointed to find out there will not be a sound wall along the homes - nothing was ever said in regards to this extension being built. We need a sound wall!!! The noise now is unbelievable!!!	<p>A traffic noise analysis was conducted in accordance with TxDOT's (FHWA-approved) <i>Guidelines for Analysis and Abatement of Roadway Traffic Noise and Construction Noise</i>. TxDOT requires that a noise barrier meet feasibility and reasonableness criteria in order to be built. The barrier analyzed near the address you provided was unable to meet the required noise reduction. More information about the traffic noise analysis that was conducted can be found in the DEIS document in section 3.14, page 3-91.</p> <p>TxDOT began studying an extension of Spur 399 as part of the US 380 Feasibility Study in 2018. Multiple public meetings with formal public comment opportunities have been held throughout the process, including the EIS Public Meeting held on October 21, 2021.</p>
2	Anthony Lynch	11/28/2022	Online Comment Form	I am writing to voice support for the orange option of the proposed Spur 399 but do not want to see tolls used to fund it's construction.	Your comment and support for the Orange Preferred Alternative are noted. Tolling will not be used as a funding mechanism for construction of this project.
3	City of McKinney	12/6/2022	Resolution	<p>A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, PROVIDING SUPPORT OF THE SPUR 399 CONTROLLED ACCESS FREEWAY ALIGNMENT BETWEEN US 75 AND US 380 AND ASSOCIATED ENVIRONMENTAL IMPACT STATEMENT</p> <p>WHEREAS, the Texas Department of Transportation completed the US 380 Collin County Feasibility Study in 2020 in order to analyze potential roadway alternatives for US 380 and Spur 399 through Collin County, Texas, to support projected long-term growth and mobility within the county and the region; and</p> <p>WHEREAS, through the efforts of the feasibility study, the Texas Department of Transportation provided a recommended freeway alignment between US 75 and US 380 which identified a freeway alignment generally west of McKinney National Airport; and</p> <p>WHEREAS, the City Council of the City of McKinney, Texas, approved a resolution in October 2019 (Resolution No. 2019-10-128R) which supported the goals of the US 380 Collin County Feasibility Study while opposing any alternative of the Spur 399 extension west of the McKinney National Airport and providing guiding principles for alternatives which provide freeway extension alignments south and east of McKinney National Airport; and</p> <p>WHEREAS, following the completion of the US 380 Collin County Feasibility Study in March 2020, the Texas Department of Transportation initiated the environmental impact statement (EIS) phase of the project between US 75 and US 380 in order to further evaluate the impacts of various freeway alignment alternatives considered during the feasibility study based on additional environmental factors and more thorough technical design/analysis and field data; and</p> <p>WHEREAS, the draft environmental impact study (EIS) phase between US 75 and US 380 by the Texas Department of Transportation has been completed and the preferred alternative has been identified as the Orange Alternative which generally runs south and east of the McKinney National Airport; and</p> <p>WHEREAS, since the initiation of the environmental study (EIS) phase, the Texas Department of Transportation has developed detailed schematic designs for two Build Alternatives, including the Purple Build Alternative and the Orange Build Alternative; and</p> <p>WHEREAS, the Segment Analysis Matrix provided by the Texas Department of Transportation at the November 10, 2022, Public Hearing includes an evaluation of Purpose and Need, Engineering, Displacements and Right-of- Way Requirements, Land Use and Development Impacts, Environment and Natural Resources, Community Impacts and Cultural Resources, Air Quality and Traffic Noise, Induced Growth Cumulative Effects, Cost, and Stakeholder, Agency, and Public Input; and</p> <p>WHEREAS, based on the Segment Analysis Matrix related to Purpose and Need, the Texas Department of Transportation has determined that Orange Alternative best meets the criteria for managing regional congestion and improving safety; and</p> <p>NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:</p> <p>Section 1. The City Council of the City of McKinney, Texas, hereby acknowledges and supports the alignment and footprint for a Spur 399 limited-access freeway generally between US 75 and US 380, depicted as "Orange Alternative" on "Exhibit A."</p> <p>Section 2. This Resolution shall take effect immediately from and after the date of passage and is so resolved.</p> <p>DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 6TH DAY OF DECEMBER, 2022.</p>	Your support of the Orange Preferred Alternative is noted.

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4	Cody C	11/11/2022	Online Comment Form	I live in the meridian at southgate subdivision specifically closest to highway 5. A noise barrier is an absolute must in our side of highway as since living her for over a year I have already noticed the increase noise volume and no construction has even started yet. I propose this needs to be looked at very closely and would share my experience if need be.	A traffic noise analysis was conducted in accordance with TxDOT's (FHWA-approved) <i>Guidelines for Analysis and Abatement of Roadway Traffic Noise and Construction Noise</i> . TxDOT requires that a noise barrier meet feasibility and reasonableness criteria in order to be built. The barrier analyzed for this neighborhood was unable to meet the required noise reduction. More information about the traffic noise analysis that was conducted can be found in the DEIS document, section 3.14, page 3-91.
5	Diane Wiley	11/10/2022	Comment Form	What will they do to 722 that goes to the north side of airport to Airport Dr. Will there be a road left open, or will airport runwayclose that end of road off?	County Road (CR) 722 is under the jurisdiction of Collin County. Airport improvements proposed by the City of McKinney (which are not part of the Spur 399 project) include a runway extension which is expected to cut off CR 722 upon completion.
6	Environmental Protection Agency (EPA)	12/5/2022	Letter	<p>Mr. Doug Booher Director of Environmental Affairs Texas Department of Transportation 125 East 11th Street Austin, Texas 78701</p> <p>Re: Spur 399 Extension Draft Environmental Impact Statement</p> <p>Dear Mr. Booher:</p> <p>The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the Texas Department of Transportation (TxDOT) Draft Environmental Impact Statement (EIS) (CEQ No. 20220148) for the Spur 399 Extension project in Collin County, Texas. The Draft EIS was reviewed pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations (40 CFR Parts 1500 – 1508), and by our NEPA review authority under Section 309 of the Clean Air Act.</p> <p>The Spur 399 project proposes to provide improved north-south mobility and connectivity for travelers from northern and eastern Collin County to destinations south of McKinney, including the core of the Dallas metroplex. This would be accomplished by constructing an eight (8)-lane freeway with frontage roads connecting US 75 (southern terminus) with US 380 (northern terminus) around southeastern McKinney. We have provided the following detailed comments for your consideration.</p> <p>We appreciate the opportunity to review the Draft EIS. If you have any questions on our recommendations, please contact Keith Hayden of my staff at [REDACTED] or by e-mail at [REDACTED].</p> <p>Hazardous Waste:</p> <p>Prior to beginning construction activities, all hazardous materials concerns should be resolved, and provisions or contingency language should be added to all applicable project plans, specifications, and other documents describing processes for handling and containing any hazardous materials encountered during construction. This includes completion of all required actions associated with the relocation of the North Texas Municipal Water District/McKinney Landfill boundary, including completion by TxDOT of Phase II subsurface investigations within the proposed Right-of-Way, as well as implementation of steps to protect and monitor groundwater as needed.</p> <p>Noise:</p> <p>Both proposed build alternatives have noise sensitive receptors (NSR's) and barriers are proposed to mitigate noise impacts to some of the NSR's. Other NSR's will not receive noise mitigation due to cost or feasibility. EPA recommends TxDOT continue to explore potential noise mitigation solutions to reduce impacts to affected NSR's. Also, ensure that NSR's understand the scope of the issue and discuss any potential solutions with them. While noise impacts may not be fully mitigated due to cost, a reduction of noise effects might be feasible, and would be better than no mitigation at all.</p>	<p>Your recommendations are noted.</p> <p>TxDOT will continue coordination with NTMWD and the City of McKinney to relocate the northern boundary of the NTMWD/McKinney Landfill, including relocating the existing drainage infrastructure, plugging the existing and installing new groundwater monitoring wells, and relocating the gas flare. Relocation of the landfill boundary will be coordinated through TCEQ and would need to be moved prior to TxDOT acquiring the ROW to build the Orange Alternative. After the landfill-permitted boundary is moved, TxDOT will conduct Phase II subsurface investigations within the proposed ROW to determine if any waste or other contamination is present prior to initiating roadway construction.</p> <p>A traffic noise analysis was conducted in accordance with TxDOT's (FHWA-approved) <i>Guidelines for Analysis and Abatement of Roadway Traffic Noise and Construction Noise</i>. As a new location roadway, the proposed project will introduce traffic noise where it has not existed at these levels before. The feasibility and reasonableness criteria used to evaluate noise abatement were applied consistently across the project. In locations where noise abatement was found to be not feasible or reasonable, receptors may be located too far away from the proposed roadway to achieve the minimum noise reduction. In other cases, receptors may not be present in sufficient densities to meet the cost criteria, or there may be intervening land uses or parcel ownership that separate the proposed roadway from the receptors.</p> <p>If alignment changes are made during final design, TxDOT will re-evaluate the noise model to determine if additional abatement is warranted. More information about the traffic noise analysis that was conducted can be found in the DEIS, section 3.14, page 3-91.</p>
7	Felipe & Victoria Lezam	11/14/2022	Online Comment Form	I would like to know with all this amount of information a short answer, when is this project going to be approved if approved and when are you going to reach out to owners to negotiate purchases?.	We are currently anticipating final environmental clearance, also called a Record of Decision, in Spring 2023. After the Record of Decision is issued, TxDOT can begin making offers to property owners and acquiring right-of-way which is expected to begin in Summer 2023.
8	Georgene Wood	11/10/2022	Comment Form	I live at the corner of Airport Boulevard and Old Mill Road. None of your schematics show where Airport joins Old Mill Road. I'd like to see this color coded map extend Airport Blvd to the juncture (the "T") of Old Mill Road.	The area referenced is outside of the study area for this project.

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9	Greg Adams	11/10/2022	Comment Form	I'm surprised there is no noise barrier planned from current end of spur to Stewart Rd. Currently the traffic noise is loud enough to cause concern for our neighborhood of Meridian at Southgate. With added traffic it will be louder illuminating outdoor activities. Please reconsider installation of a noise barrier on north side up to Stewart Rd.	A traffic noise analysis was conducted in accordance with TxDOT's (FHWA-approved) Guidelines for Analysis and Abatement of Roadway Traffic Noise and Construction Noise. TxDOT requires that a noise barrier meet feasibility and reasonableness criteria in order to be built. The barrier analyzed for this neighborhood was unable to meet the required noise reduction. More information about the traffic noise analysis that was conducted can be found in the DEIS document, Section 3.14, page 3-91
10	Jackson Hurst	11/14/2022	Online Comment Form	I have reviewed the draft environmental impact statement for TxDOT's Spur 399 Extension Project, and upon review of the draft environmental impact statement I support TxDOT's preferred alternative (Orange Alternative) because the Orange Alternative will improve safety, reduce congestion, and provide access to the Amazon and Encore Wire facilities.	Your support of the Orange Preferred Alternative is noted.
11	James Griffin	11/10/2022	Email	<p>Steve, I own some 450 acres of currently active agricultural land acquired by my family in the 1880-1920 period proximate to the routes being presented to the public for comment on November 11, 2022 in McKinney. I have opened and briefly scanned the TxDOT electronic Environment Impact Study report which TxDOT has posted on the web and will be presented to the pubic tonight. Unfortunately, because of a funeral obligation I have, I will be unable to attend tonight.</p> <p>Clearly, the report will have a favorable impact in all respects on my nearby but not abutting property. I fully support either of the two routes TxDOT plans to present for public comment tonight. I am willing to record my support via a formal letter to TxDOT should you judge a letter to be a stronger recorded version of the above text. Should you prefer a letter record reflecting my support, please request same from me.</p> <p>I would like to have a printed and bound copy of the final edition of the Environmental Impact Statement. Please notify me of its availability and the date of availability, and I will personally retrieve same at either of the TxDOT US 80 or McKinney residency offices.</p> <p>Thank you for the hearing notification and availability of the report.</p> <p>James W. Griffin, PE, RPLS 5455 La Sierra Drive-Apt 902 Dallas, Texas 75231-4122</p> <p>OR</p> <p>[REDACTED]</p>	<p>Email response from TxDOT on Nov. 14, 2022:</p> <p>Thank you for your comments. We will place them in our public hearing summary. If you can provide your property addresses and/or a map it would be helpful. It appears the properties are south of the project.</p> <p>Are these properties related to the Enloe family properties? An email or letter is recorded the same in our summary report.</p> <p>We do not provide a paper copy. You can download and print the Draft Environment Impact Study from our website. We have a paper copy here at the Dallas district if you would like to review here at the district.</p> <p>Follow-up from TxDOT:</p> <p>Over a phone call, James Griffin explained the property is not related to Enloe Family Property.</p>
12	Julie Cox	12/7/2022	Email	<p>Hi Stephen</p> <p>I meant to get this to you earlier for my questions with regards to the 399 spur expansion. Can you please let me know if they plan to leave the tree line on the airport road headed to old mill rd. It would be great if the do. If not what will they do to keep the noise level down?</p> <p>Secondly will the drain water that now runs in our pasture from Simpson strong tie will that be changed ? It is much water and hope it will help. These last couple of year with the new building has made this 10 times worse.</p> <p>And last of all what will be the changes for old mill road? Will we lose any of the road?</p> <p>Thank you Sincerely Julie cox 1280 old mill rd Mckinney texas 75069 [REDACTED]</p>	<p>Email response from TxDOT on Dec. 7, 2022:</p> <p>Good Afternoon,</p> <p>Just to let you know the public hearing is ongoing. You can view the public hearing content at https://www.keepitmovingdallas.com/spur399</p> <p>Comments to the public hearing are due by December 10th. https://survey123.arcgis.com/share/0c214a520df740149ce9c4b9bf9dd59e</p> <p>The following links show the design in the area of Airport Road.</p> <p>https://www.keepitmovingdallas.com/sites/default/files/docs/0364-04-051%20etc%20Spur%20399%20Ext%20PH%20Schematic%20Plan%20View_from%20FM%20546%20to%200Id%20Mill%20Road%20-%202%20of%204.pdf https://www.keepitmovingdallas.com/sites/default/files/docs/Design%20Updates%20-%203.pdf</p> <p>We do not show removing the trees you are asking about.</p> <p>From what I understand the same amount of runoff will be draining through your pasture.</p>
13	Julie Landsaw McKinney Properties/ McKinney Uplands	11/10/2022	Comment Form	From what I can see Spur 399 will bisect our property in a way that will limit access and severely impact the value of the visibility and value of the land that is not in the flood plain.	<p>Your concerns about the project's impact to your property and access are noted.</p> <p>Your property is shown as parcels W115 and W116 on sheets 5 and 6 of the schematic design roll plots. The alignment appears to encroach into the easternmost portion of the property and would remove a portion of the northernmost parcel, primarily crossing through areas mapped as 100-year floodplain. The new roadway through this area would be built on bridge to minimize impacts to the floodplain and associated water features such as the wetlands and the tributaries to the East Fork Trinity River. The property would be accessible from the frontage road along the west side of the freeway lanes. A turn-around under the freeway would be built near the northeast corner of your property.</p>

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14	Kris Bogner	11/10/2022	Comment Form	Noise seems to be a common complaint. If there is no consideration of putting in any noise barriers in the beginning, will there be test done after completion to see if the models were accurate? Noise levels are high now for the residential areas. Please consider all of the facts going forward on your endeavour of moving the traffic thru our backyard.	A traffic noise analysis was conducted in accordance with TxDOT's (FHWA-approved) <i>Guidelines for Analysis and Abatement of Roadway Traffic Noise and Construction Noise</i> . As part of the analysis, noise mitigation was evaluated for the year 2050. Guidelines do not require a post-completion analysis. TxDOT requires that a noise barrier meet feasibility and reasonableness criteria in order to be built. More information about the traffic noise analysis that was conducted can be found in the DEIS document, Section 3.14, page 3-91.
15	Linda Hampton	11/10/2022	Comment Form	399 has made 546 ----> - DANGEROUS - VIOLENT - DANGEROUS BEYOND NOISE!! Many accidents in our backyard	Your comment and concerns about traffic and conditions along FM 546 are noted. Collin County is currently evaluating improvements to FM 546 to address traffic and safety concerns. More information about that study can be found at https://publicinput.com/L611 .
16	Lisa LeBlanc	11/10/2022	Comment Form	SPUR 399 WILL BISECT OUR PROPERTY/ MCKINNEY UPLANDS + MCKINNEY PROPERTY IDS 2653830, 2653834, 2653833 + 2653829 AND WE WOULD LIKE TO REQUEST A MEETING. IN THE NEAR FUTURE. IT ALSO APPEARS TO REMOVE OUR RIGHT OF WAY.	Your comment and concerns are noted. TxDOT reached out to the commenter and scheduled a meeting to discuss concerns.
17	Luke Walter	11/16/2022	Online Comment Form	This draft environmental impact statement is unfortunately yet another example of car-centric behavior by agencies and cities in the United States. Urban areas are expected to grow significantly over the next fifty years, and infrastructure will of course have to be modified to match the increased demands of those populations. However, this DEIS dismisses the idea of public transit as a viable alternative to road expansion and automobile transport in general. TxDOT claims these roads are needed or else the other existing roads will become too congested, and public transportation will fail to meet those demands. However, while opening a new road may temporarily lower traffic, the principle of induced demand will mean that these new roads will likely soon fill up as drivers adjust to the new road configuration. Although local transit agencies have not made plans to service the areas around McKinney, TxDOT could work with them and help with funding and other logistics. The project area is directly next to an airport, which makes it an extremely viable option as a hub for a light rail, commuter train, rapid bus, or other mass transit system. TxDOT already rejected an alternative that would cut through a nature reserve and soccer field, which does protect community interest. However, the agencies involved could do much more to enhance the lives of Texans. This project could be instrumental in helping move people more efficiently around the Dallas-Fort Worth Metroplex in the long-term, with reduced greenhouse gas emissions as well. Instead, this proposal seeks to degrade more land and negatively impact communities in pursuit of a temporary, car-based solution.	Your opposition to the project is noted. Transit as a standalone solution would not address the mobility, connectivity, and access needs identified in the study area. Existing US 380 and the proposed Spur 399 Extension collect travelers from the northern and eastern portion of Collin County and connect them to other regional arterials to gain access to employment, education, health care, and commerce centers across the Dallas Metroplex. TxDOT continues to coordinate with transit providers across the region to consider what types of improvements would best benefit the traveling public. More information about transit in Collin County can be found in a study recently completed by NCTCOG found at this website: https://www.nctcog.org/trans/plan/transit-management-and-planning/general-public-information/transit-planning-activities/transit-planning-projects/transit-planning-and-implementation-studies/collin-county-study-area
18	Maggie Petrosino	11/29/2022	Email	Hi Stephen, Attached is my Public Hearing Comment For Spur 399 from US 75 to US 380. I have also attached a photo of the road that is going to be expanded to show there currently is no barrier for noise. In case you cannot read my handwriting, here is what I wrote in my form. I live in Meridian South Gate Community. I have a direct line of vision to the road that will have expanded construction. Currently it is loud and has no sound barrier. I do not know how you finalized the decibel of noise to determine it at an acceptable level. Currently the noise level is high, before the construction to expand the traffic flow. Please let me know how this will be handled so all residents are buffered by the noise. Thank you, Maggie Petrosino 801 Emerling Rd McKinney, TX 75069	A traffic noise analysis was conducted in accordance with TxDOT's (FHWA-approved) <i>Guidelines for Analysis and Abatement of Roadway Traffic Noise and Construction Noise</i> . TxDOT requires that a noise barrier meet feasibility and reasonableness criteria in order to be built. The barrier analyzed for this neighborhood was unable to meet the required noise reduction. More information about the traffic noise analysis that was conducted can be found in the DEIS document, Section 3.14, page 3-91.
19	Mikayla Foy	11/10/2022	Comment Form	How does this road conflict with the utilities? Has the alternatives considered if future road might have to be re-designed again due to unforeseen circumstances?	Major utility conflicts can be seen on the alternatives analysis matrix in Section 2.3 of the DEIS, as well as in Section 3.4, page 3-14. Construction of the Orange Preferred Alternative would require re-permitting and relocation of the northern boundary of the NTMWD McKinney Landfill and the associated utilities and infrastructure within that area. It would also conflict with a 20" Atmos gas line. The next step in the project development process will include final design of this alternative as well as utilities coordination and ROW acquisition.

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20	Mitch Claborn	11/11/2022	Online Comment Form	I am in favor of this project if it does not require forced relocation of residences or businesses. The section of 380 where 399 would join is already very busy during peak periods, so care needs to be taken that this project does not exacerbate that condition.	Residential and business displacements would be required for this project. More details can be found in the DEIS, in the alternatives analysis matrix - Section 2.3, page 2-14, and in the of the right-of-way/displacements section - Section 3.1 on page 3-3. The proposed Spur 399 Extension would connect to existing US 380 at a signalized intersection with turn-lanes to accommodate traffic movements to the west, east, and south. In the interim before the Spur 399 Extension is constructed, TxDOT will be widening existing US 380 between Airport Drive and CR 458 to provide additional travel and turn lanes, a raised median, and sidewalks along the outside of the roadway. These interim improvements should be ready to let for construction in February 2024. This additional capacity along US 380 combined with an optimized signalized intersection will offer an adequate level of service and reduce delays in the AM and PM peak rush hours through the year 2050.
21	Norma Barrenada	11/14/2022	Email	I don't see a real benefit on this project if the Mai issue on 380 is it resolved. Of course it will be nice to continue from 121 through 380 without the bottle neck on highway five and industrial; but how can it be justified when 380 becomes a parking lot that starts from Airport all the way to the new municipal comped in Princeton. Our lives have become miserable with that traffic issue having to commute from Farmersville. we pay high property taxes and the cities of Princeton and McKinney continue approving new developments without planning alternate routes. When is 380 going to get resolved??	Email response from TxDOT on Nov. 15, 2022: Thank you for your comments. We will add them to our public hearing summary. We hope to construct an east-west US 380 freeway throughout Collin County in the future. At this time, TxDOT has four projects on US 380 and one on Spur 399 in schematic design to construct a freeway.
22	Regional Transportation Council/North Central Texas Council of Governments	11/28/2022	Letter	The North Central Texas region continues to experience significant population growth, as the Dallas-Fort Worth area is currently the fourth-largest metropolitan area in the United States with eight million people and is projected to have a population of over 11 million by 2045. A good share of that regional growth is occurring in Collin County, aggravating already congested conditions on area roadways. For local commuters, US 75, US 380, and SH 121 are critical transportation corridors that serve as principal routes. The proposed extension of Spur 399 as a six- to eight-lane freeway with frontage roads will help to manage congestion and provide improved access to several key highways and transportation facilities, including US 75, US 380, and SH 121. In addition, this project includes shared-use paths along the outside of the proposed Spur 399 frontage roads to support multimodal access. The recommended extension of Spur 399, including the proposed bicycle and pedestrian accommodations, are consistent with Mobility 2045: The Metropolitan Transportation Plan for North Central Texas – 2022 Update. In particular, NCTCOG (North Central Texas Council of Governments) supports the Texas Department of Transportation's preferred alternative for Spur 399 south and east of the McKinney National Airport. Altogether, the proposed project will provide enhanced north-south mobility, connectivity, and accessibility to the city of McKinney, Collin County, and the region. The Texas Department of Transportation continues to coordinate with local cities, Collin County, and NCTCOG on ongoing studies and through regular meetings, workshops, and collaboration to develop a comprehensive mobility solution for the region in which the recommended Spur 399 extension is a key component. Because of the regional significance of this project, NCTCOG is willing to provide any assistance in the planning, design, and implementation of this project.	NCTCOG's support of the Orange Preferred Alternative is noted.
23	Ruth Stovall	11/10/2022	Comment Form	Sound walls needed. Noise is an issue now with this spur & fly over noise is going to increase exponentially. A model done on a simulation will not give you a real knowledge of the noise in our neighborhood. There is nothing other than a few trees between Stewart Road/Spur 399 and my back patio other than a few trees. Vegetation, speed limits and sound barriers. Please, include this protection from sound pollution.	A traffic noise analysis was conducted in accordance with TxDOT's (FHWA–approved) <i>Guidelines for Analysis and Abatement of Roadway Traffic Noise and Construction Noise</i> . TxDOT requires that a noise barrier meet feasibility and reasonableness criteria in order to be built. The barrier analyzed for this neighborhood was unable to meet the required noise reduction. More information about the traffic noise analysis that was conducted can be found in the DEIS document, Section 3.14, page 3-91.
24	Ruth Stovall	11/18/2022	Email	Mr. Enders, The lack of sound barriers is a big issue on the construction of Spurr 399. I emailed you over year ago with the same construction concerns. As project manager, you know all of the appropriate legal requirements, however; noise pollution is all a huge concern for everyone living in the Meridian at Southgate, Coventry and McKinney Greens housing additions. All of the sound “models” or simulations do not come close to the noise levels we are actually hearing now. I cannot imagine what it will be when the traffic increases in volume and speed. There is nothing between my back patio and Stewart Road intersection but a few old trees and those are dying at a rapid rate. The city had to cut down six more last month. I retired and built my home on Dog Leg Trail which is becoming a funnel for sound pollution. Between Eldorado/Industrial Blvd, McKinney Airport, Hwy 121 and Spurr 399, there is NO time to sit in my backyard quietly. I have spent thousands of dollars replacing all of my windows so that we can sleep. There isn't anything more I can do to fix this problem, but the state of Texas can help by adding more sound barriers. By adding these barriers all of the people living it the above mentioned neighborhoods benefit not just me. I know a highway is coming, but please put up sound barriers and protect citizens rights to some stimulants of peace. Please don't brush this concern aside. As a senior citizen, I cannot pick up my house and move! Thank you for taking time to respond. I Ruth Stovall 2525 Dog Leg Trail McKinney 75069	A traffic noise analysis was conducted in accordance with TxDOT's (FHWA–approved) <i>Guidelines for Analysis and Abatement of Roadway Traffic Noise and Construction Noise</i> . TxDOT requires that a noise barrier meet feasibility and reasonableness criteria in order to be built. The barrier analyzed for this neighborhood was unable to meet the required noise reduction. More information about the traffic noise analysis that was conducted can be found in the DEIS document, Section 3.14, page 3-91.

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25	Samuel Simmons	12/8/2022	Voicemail	Samuel Simmons [REDACTED] Six Flags Drive Arlington Texas. I'm representing the Regional Transportation Council and the North Central Texas Council of Governments together serving you as the Metropolitan Planning Organization for the Dallas/Fort Worth area. The North Central Texas region continue to experience significant population growth. A good share of that regional growth is occurring in Collin County aggravating already congested conditions on area roadways. The local commuters US 75, US 380 and State Highway 121 are critical transportation corridors that service principal routes. The proposed extension of Spur 399 will help to manage congestion and provide improve access to several key highways and transportation facilities. The recommended extension of Spur 399 is consistent with Mobility 2045 2020 update, in particular NCTCOG supports TxDOT's preferred alternative for Spur 399 southeast of the McKinney National Airport. All together the proposed project will provide enhanced north-south mobility, connectivity and accessibility to the City of McKinney, Collin County and the region. TxDOT continues to coordinate with local cities, Collin County and NCTCOG on ongoing studies and through regular meetings, workshops in collaboration to develop a comprehensive mobility solution for the region in which the recommended Spur 399 Extension is the key component. Because of the regional significance of this project, NCTCOG is willing to provide any assistance in the planning, design and implementation of this project.	NCTCOG's support of the Orange Preferred Alternative is noted.
26	Scott McMahon	11/10/2022	Comment Form	As the VP of development for North Texas Natural Select Materials, LLC (NTNSM) representing property located at 3403 CR 317 (E121?), I advise TxDOT that this property contains an operating business as a material processing site (crusher) and is not an agricultural use as depicted on current plans. If the 399 Spur Alignment can not be shifted to impact less than 20% (+/-) of the NTNSM property, our business operations will suffer complete damage. It is very difficult to secure land and permitting for this type of use in this location making the land unique in value. (in addition to business loss)	Per our meeting with you on December 12, our team displayed possible access points to the property and previously considered your request to shift the alignment. Due to the runway protection zone for the Airport on the north and a park on the south side of the property, TxDOT will not be able to make the change to the alignment.
27	Sheryl Wyatt	10/30/2022	Email	Stephen Is it official the plan is to go through Simpson's property that is South of our existing building. Last time we spoke the decision was still open. Regards, Sheryl Wyatt Director, Plant Operations Simpson Strong-Tie Office [REDACTED] Cell [REDACTED]	Email response from TxDOT on Oct. 31, 2022: The Draft Environmental Impact Statement (DEIS) for the Spur 399 extension project is available for review at https://www.keepitmovingdallas.com/spur399 . The in person public hearing will be held on November 10. The information presented at in person public hearing will also be provided at above website. TxDOT has selected the Orange alignment which goes south and east of the airport which is the alignment which goes through the Simpson Strong-Tie Property. This alignment is presented in the DEIS and the comment period is now ongoing.
28	Stephanie Potter	11/10/2022	Comment Form	This current project will add congestion to the current 380 Hwy. Where is the mockup that shows the layout & overlay of the Hwy 380 project & proposed intersections??? The current 399 extension adds several additional intersections to an already busy roadway & two large intersections already stacked on each other.	While the other US 380 schematic design and environmental review projects in Collin County are required by NEPA to be separate projects, they are all being led by TxDOT with regular coordination conducted by the project teams. Graphic depictions are available at the following website: https://www.keepitmovingdallas.com/sites/default/files/docs/Spur%20399%20connections.pdf
29	Teresa Evans	11/10/2022	Comment Form	Teresa Evans 2613 CR 330 McKinney, TX 75070 [REDACTED]	Your participation in the Public Hearing is noted.

Comment Number	Commenter Name	Date Received	Source	Comment Topic	Comment Response
30	Texas Commission on Environmental Quality (TCEQ)	10/14/2022	Email	<p>In accordance with the Memorandum of Understanding between TxDOT and TCEQ addressing environmental reviews, which is codified in Chapter 43, Subchapter I of the Texas Administrative Code (TAC) and 30 TAC § 7.119, TCEQ is responding to your request for review by providing the below comments.</p> <p>This project is in an area of Texas classified by the United States Environmental Protection Agency (EPA) as serious nonattainment for the 2008 ozone National Ambient Air Quality Standard (NAAQS) and marginal nonattainment for the 2015 ozone NAAQS. Effective November 7, 2022, the area will be reclassified by the EPA to severe for the 2008 ozone NAAQS and moderate for the 2015 ozone NAAQS. Air Quality staff reviewed the draft environmental impact statement (DEIS) for this proposed action in accordance with transportation and general conformity regulations codified in 40 Code of Federal Regulations Part 93. The TCEQ agrees with TxDOT's assessment that project-level conformity is pending approval of the North Central Texas Council of Government's Mobility 2045 Metropolitan Transportation Plan Update and 2023-2026 Transportation Improvement Program by the Federal Highway Administration. However, Section 3.12 of the DEIS should be updated to reflect the area's reclassification status and to remove the erroneous reference to a TCEQ revision to the State Implementation Plan to be adopted in October 2022 and considered by the EPA in December 2022.</p> <p>We are in support of the project. The environmental assessment addresses issues related to surface and groundwater quality.</p> <p>TxDOT will still need to follow all other applicable laws related to this project, including applying for applicable permits.</p> <p>If you have any questions, please contact the agency NEPA coordinator at [REDACTED] or [REDACTED].</p>	<p>Your comment and support for the Orange Preferred Alternative are noted. Section 3.12 will be updated in the FEIS to reflect the change in reclassification status of the region and the reference to the SIP adoption will also be removed.</p>

Comment Number	Commenter Name	Date Received	Source	Comment Topic	Comment Response
31	Texas Parks and Wildlife Department (TPWD)/Suzanne Walsh	11/21/2022	Letter	<p>Dear Ms. Polito:</p> <p>Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Environmental Impact Statement (DEIS) upon TxDOT's Notice of Availability of DEIS received by our office on October 7, 2022, regarding the above-referenced transportation project. TPWD, as the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code (PWC) section 12.011, hereby provides the following comments and recommendations to minimize adverse impacts to natural resources. Please reference TPWD project number 49335 in any return correspondence on this project.</p> <p>Project Description Section 2.2 (page 2-6) of the DEIS included the following "Descriptions of Reasonable Alternatives and the No-Build Alternative" for the project: "Two reasonable alternatives to extend Spur 399 are carried forward for detailed study in addition to the No-Build Alternative. The Purple Alternative and the Orange Alternative would each construct an 8-lane freeway with frontage roads primarily on new location connecting US 75 south of McKinney to US 380 east of McKinney (see Appendix A). Depending on the location, the typical freeway section would consist of four 12-foot-wide travel lanes in each direction with 10-foot-wide inside and outside shoulders and 2-lane (each 12-feet-wide), one-way frontage roads on either side of the mainlanes. Grade-separated interchanges would include 14- foot wide ramps with 2-foot-wide inside shoulders and 6-foot-wide outside shoulders, with curb and gutter to support drainage. Bridges and overpasses along the mainlanes would have a desired vertical clearance of 18.5 [feet, with a vertical clearance over railroads proposed at 23.5 feet. Shared-use paths (SUPs) built along the outside of the frontage roads would provide bicycle and pedestrian accommodations and support multimodal access. The anticipated ROW width needed to accommodate the proposed new location improvements ranges between 165 feet and 696 [feet, with an average ROW width of approximately 400 feet. The Purple and Orange Alternatives share a section of "Common Alignment" from the southern terminus of the proposed action (Spur 399/US 75/SRT-SH 121 junction) extending north along SH 5 to just south of FM 546/Harry McKillop Boulevard where the alignment turns east on new location. The Common Alignment ends approximately 500 feet west of Couch Drive where the remaining portions of the Build Alternatives diverge to connect to US 380, the northern project terminus."</p> <p>Proposed Alternative in DEIS The Orange Alternative in the DEIS is the Preferred Alternative recommended by TxDOT for this project. TxDOT's Selected Alternative will be given in a combined Final Environmental Impact Statement (FEIS) and Record of Decision (ROD).</p> <p>Previous Coordination After attending an Agency Scoping Meeting on December 8, 2020, TPWD provided recommendations on December 22, 2020, for natural resource information, issues, or concerns for this project. TxDOT submitted a request for initial collaborative review on November 19, 2021, under the 2021 Memorandum of Understanding (MOU) and provided early environmental documents for review. TPWD determined that initial collaborative review could not be completed due to the reduced review period and requested that TxDOT review previous scoping recommendations on February 28, 2022. TxDOT provided responses to TPWD's previous scoping recommendations on June 14, 2022. Recommendation: TPWD recommends that Section 3.11.11 (page 3-79) of the DEIS should document the early communication between TxDOT and TPWD during the scoping period. TPWD also recommends including this letter with an attachment of TPWD's Scoping Comments on December 22, 2020, for Agency Coordination Section in Appendix E (page 21) of the DEIS. Recommendation: As stated in TPWD's scoping comments on the project, TPWD prefers the shorter Purple Alternative as this alignment makes use of existing transportation corridors and has the least impacts to undeveloped areas, streams, wetlands, floodplains, and habitat for wildlife and aquatic species. All waterways and associated floodplains, riparian corridors, and wetlands, regardless of their jurisdictional status, provide valuable wildlife habitat and should be protected to the maximum extent possible. TPWD recommends selecting the Purple Alternative that would minimize adverse impacts to natural resources. TPWD advised against and discouraged the consideration of the longer Orange Alternative due to the greater natural resource impacts, including concerns about impacts to the East Fork Trinity River, fragmentation of riparian corridors, water quality, and increased development pressure. If TxDOT moves forward with the selection of the Orange Alternative in the FEIS, TPWD recommends the consideration of additional modifications to the Orange Alternative's alignment to further minimize natural resource impacts, particularly to Waters of the United States (WOTUS).</p> <p>Comments on the DEIS Appendix E in the DEIS includes documentation of TPWD's response on February 28, 2022, to TxDOT's initial collaborative review under the 2021 TxDOT-TPWD MOU that states "TPWD is interested in the specific measures that TxDOT will commit to implement for a project and requests that TxDOT specify all the individual BMP within a category" (page 27). Recommendation: TPWD recommends adding the full language as previously requested for all of the individual BMP within a given BMP category and updating the DEIS. If there is a change in project design that arises during the period between the National Environmental Policy Act (NEPA) process and construction phase, TPWD understands that the list of project commitments made be revised at a later date. TxDOT projects classified as an Environmental Assessment (EA) generally include a list of the full BMP language for all individual BMPs within a given BMP category during the initial collaborative review and coordination of a Draft EA, and the DEIS should also provide the same information on project commitments. TPWD requests that the DEIS provide a list of the full BMP language for all BMP in addition to the BMP category type that TxDOT agrees to avoid, minimize, and mitigate impacts to natural resources from this project. Appendix O in the DEIS lists TxDOT's Form "Documentation of Texas Parks and Wildlife Department Best Management Practices" with a date of September 29, 2021 (page 49), USWFS's Information for Planning and Consultation (IPaC) (page 56) with a date of July 5, 2022, and TPWD's Rare, Threatened, and Endangered Species of Texas by County (RTEST) (page 72) with a date of March 17, 2022. TPWD notes that an updated IPaC and RTEST were included in the DEIS compared to those submitted for initial collaborative review on November 19, 2021, under the 2021 Memorandum of Understanding (MOU), with a date of June 17, 2021, and June 22, 2021, respectively. Please note that RTEST for Collin County was updated on July 12, 2022. Further, TxDOT's Form 310.01 "Documentation of Texas Parks and Wildlife Department Best Management Practices" with an Effective Date of September 2021 in the DEIS has not been updated to Form 300.04 with an Effective Date of April 2022 as found on TxDOT's N.natural Resources Toolkit</p>	<p>TxDOT considered a number of criteria in selecting the Preferred Orange Alternative including the potential effects of the alignment on water features, habitats, and protected species both at the state and federal levels. We will continue to evaluate ways to further minimize impacts to these features as the final design progresses. The Orange Alternative includes numerous measures to minimize impacts to such resources to the extent practicable by using the existing alignment of a portion of SH5, following as closely as possibly the existing alignment of FM 546, using bridges to span stream crossings, wetland complexes and floodplain areas, and using retaining walls (where feasible) to minimize the extent of new ROW needed. TxDOT prioritizes bridging over the construction of culverts for fish passage, wetland avoidance, and wildlife crossings and will incorporate culvert designs that allow fish passage, where appropriate. Bridging of the floodplain areas and stream corridors should allow these areas to continue to be used by wildlife as travel corridors within the East Fork Trinity River and Lavon Lake watersheds. TxDOT will continue to coordination with the USACE to determine the jurisdictionality of the delineated water features that cannot be avoided by the project under the applicable Section 404 regulatory environment as we develop the FEIS and proceed with final design. We will also work with the USACE to determine the appropriate mitigation ratios and wetland and stream banks to purchase credits from based on the final impacts to be determined during final design.</p> <p>The list of TPWD BMPs that would be implemented under the Orange Alternative is listed in Section 3.11.2, page 3-75 of the DEIS. The full text of each TPWD BMP is not included in the body of the FEIS, but reference is made to the updated TPWD BMP Form included in Appendices E and O. The Species Analysis Form (SAF), Species Analysis Spreadsheet (SAS) and TPWD BMP Form have been updated as of December 2022 and are included in Appendices E and O. Changes in the species listings are reflected in the updated forms.</p> <p>TxDOT will continue to evaluate the appropriate anticipated Section 404 permitting track as the FEIS is developed and through coordination with the USACE.</p> <p>This project is subject to and will comply with federal EO 13112 on Invasive Species. TxDOT implements this EO on a programmatic basis through its Roadside Vegetation Management Manual and Landscape and Aesthetics Design Manual. The TPWD Invasive Species BMP including the language provided has been added to the updated TPWD BMP Form included in Appendices E and O. The TPWD Invasive Species BMP has been added to the list of BMPs to be implemented under the Orange Alternative.</p>

31	Texas Parks and Wildlife Department (TPWD)/ Suzanne Walsh	11/21/2022	Letter	<p>Website (see link: 300-04-frm.docx (live.com)). Recommendation: TPWD recommends accessing the most recent RTEST list and TxDOT Form 300.04 to document TPWD BMP for the project and updating the DEIS.</p> <p>Water Resources</p> <p>Section 3.10.1 (page 3-58) of the DEIS states “An initial impact assessment (see Appendix N) was conducted based on the Geometric Schematic Design including the proposed ROW developed for the Purple and Orange Alternatives. The Purple Alternative would result in temporary impacts of 1.00 acre (1,527 linear feet [LF]) and permanent impacts of 0.20 acre (767 LF) to WOTUS. The Orange Alternative would result in temporary impacts of 1.73 acres (2,854 LF) and permanent impacts of 0.38 acre (2,997 LF) to WOTUS. Total permanent and temporary impacts to WOTUS would be greater for the Orange Alternative compared to the Purple Alternative. Figure 3-26 below summarizes these impacts by water feature type. Discharges of dredged or fill material into WOTUS, including wetlands, require permit authorization from the USACE under Section 404 of the Clean Water Act (CWA) prior to the initiation of project activities involving discharges. Typically for linear transportation projects, if no more than 0.50 acre of loss of non-tidal WOTUS occurs at a single and complete crossing, the impacts to any WOTUS, including wetlands could be authorized under NWP 14. A loss of greater than 0.50 acre would require an Individual Standard Permit. For NWP 14, a loss that exceeds 0.10 acre of discharge into a special aquatic site, including wetlands, would require a PCN. Based on the initial impact assessment described above, both the Purple and Orange Alternatives would meet the terms and conditions of NWP 14 with a PCN for the crossings of the East Fork Trinity River, Wilson Creek, and their respective tributaries, as a result of minimal loss of these water features”. For Section 404 of the Clean Water Act authorization, it appears that TxDOT proposes to seek individual USACE Nationwide Permits (NWPs) for each stream crossing rather than seeking an Individual Permit (IP) that covers the entire project. For both alternatives, all of the stream impacts are within the watershed of Lake Lavon, which has a Watershed Protection Plan to improve water quality in the watershed and assist Wilson Creek and East Fork of the Trinity River with addressing bacterial levels. The impacts are also within watersheds of segments that are on the 303(d) list for E. coli contamination. Recommendation: Due to these water quality concerns as well as the concern for sedimentation into Lake Lavon, TPWD recommends that all WOTUS impacts be covered under a single IP for the entire project area, regardless of selected alternative.</p> <p>Invasive Species</p> <p>The DEIS does not address the potential of the project to introduce or spread invasive plants and animals during construction activities that may require equipment and materials to come into contact with inland water bodies. The colonization by invasive species, including harmful fish, shellfish, and plants, should be actively prevented when entering or leaving waters at the project site. Recommendation: TPWD recommends implementing the following Invasive Species BMP for preventing inadvertent transfer of invasive plants and animals to and from the project site as outlined in TPWD’s Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources (Version September 17, 2021).</p> <ul style="list-style-type: none"> • For all work in water bodies designated as ‘infested’ or ‘positive’ for invasive zebra (<i>Dreissena polymorpha</i>) or quagga mussels (<i>Dreissena bugensis</i>) on http://texasinvasives.org/zebramussels/ as well as waters downstream of these lakes, all machinery, equipment, vessels, or vehicles coming in contact with such waters should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the potential spread of invasive mussels. • Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction. • Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (<i>Salvinia molesta</i>), common salvinia (<i>Salvinia minima</i>), hydrilla (<i>Hydrilla verticillata</i>), water hyacinth (<i>Eichhornia</i> spp.), Eurasian watermilfoil (<i>Myriophyllum spicatum</i>), water lettuce (<i>Pistia stratiotes</i>), and alligatorweed (<i>Alternanthera philoxeroides</i>) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal. • Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (<i>Arundo donax</i>), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation. • Aquatic invasive species (e.g., tilapias (<i>Oreochromis</i> spp., <i>Tilapia zillii</i>), suckermouth armored catfish (<i>Hypostomus plecostomus</i>, <i>Pterigoplichthys</i> spp.), Asian clams (<i>Corbicula fluminea</i>), zebra mussels (<i>Dreissena polymorpha</i>) or those not native to the subwatershed should not be relocated but rather should be dispatched. Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession. <p>TPWD appreciates the opportunity to provide comments and recommendations for the DEIS of this project. If you have any questions, please contact me at [REDACTED] or [REDACTED]."</p>	
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Comment Number	Commenter Name	Date Received	Source	Comment Topic	Comment Response
32	Tom Potter	11/10/2022	Comment Form	Route has too many compromises - it's an exagervated "S" probably longer travel distance but more lanes. *1 Huge problem -spoke with two people @ map tables - neither of the two could answer anything about the location of hwy 380 intersection vs. the "Loop" intersection (somewhere very close!). This feels like we are about to create another catastrophe like the old DFW airport area – to many highways or flows in a very short space. DFW now being revised at a huge cost —> if there is no coordination then how do you know that same thing isn't about to happen? Bypass 380 should be only one – all the way to Princeton, & no point building 399 unless it goes all the way north to that single bypass route!	<p>The number of lanes considered were the same for both of the Build Alternatives. While the other US 380 schematic design and environmental review projects in Collin County are required by NEPA to be separate projects, they are all being led by TxDOT with regular coordination conducted by the project teams.</p> <p>The Orange Preferred Alternative would provide a complete and functional connection between US 75/SRT-SH 121 and US 380 to address the connectivity and mobility needs identified without any additional improvements. The Orange Preferred Alternative would provide additional capacity to accommodate forecasted traffic volumes and support regional mobility and connectivity between areas of high growth in northern and eastern Collin County and the education, employment, health care, and commerce centers within the core of the Dallas Metroplex. The Orange Preferred Alternative would also provide system redundancy and resiliency by leaving Airport Drive in place to function as a reliever or emergency access route when incidents occur or construction activities along SH 5 or US 75 while allowing the Orange Preferred Alternative to operate at near free-flow conditions. The Orange Preferred Alternative would provide access to McKinney's expanding airport and support limited growth and development within an area designated for industrial and commercial uses.</p>
33	US Army Corps of Engineers (USACE)	12/16/2022	Email	<p>Mr. Endres,</p> <p>This in response to the Notice requesting comments on the Draft EIS for the referenced project.</p> <p>Our review concludes that the needs analysis and the defined purpose statement in the document would be adequate for our use IF a standard individual permit (SIP) were required for the project. However, it appears that the project will qualify for coverage under Nationwide Permits so the needs analysis and purpose statement are not applicable. Should design efforts result in the need for a SIP TxDOT should have confidence that no additional information would be needed for those 2 components of our permit evaluation process.</p> <p>Since the proposed action appears to qualify for coverage under Nationwide Permit authorization, consideration of alternatives is not warranted by the Regulatory program. However, if the design process results in a proposal that requires and SIP, then alternatives analysis would be required. Our review of the DEIS concludes the alternatives analysis screening specific to the Spur 399 Extension to get to the remaining 2 options would be acceptable for our permit evaluation. Please be aware this acceptance should not be construed as being applicable to the broader referenced Feasibility Study and its efforts to ID a corridor and proper road type for east/west traffic movement which appears outside the current focus of the need and purpose of the Spur 399 Extension. The Corps has no comment relative to your agency's preference for the Orange Alternative. Should an alternatives analysis be required for our permitting requirements (under and SIP evaluation) we would be constrained to authorizing the Least Environmentally Damaging Practicable Alternative (LEDPA) which would involve differing considerations than those included in Figure 2-8. Based on the information in that Figure, specifically Impacts to Rivers/Streams, and Figure 3-26 TOTALS line, the Orange Alternative would not be the LEDPA.</p> <p>Page 3-58, 2nd paragraph – The Regulatory Division has not concurred with the Water Feature Delineation Report but merely acknowledged that the report appears reasonable. We can undertake an effort to confirm the results of the wetland/waters delineation work as a separate action from any forthcoming permit request or as part of any permit submittals. Suggest the language be modified in the DEIS to reflect this.</p> <p>If you have any questions concerning these comments, contact me. I apologize missing the December 10, 2022 close of the comment period.</p> <p>Chandler J. Peter Regulatory Technical Specialist Regulatory Division, Fort Worth District [REDACTED]</p>	<p>The incorrect reference to the USACE concurring: on the Spur 399 Extension Water Features Delineation Report submitted in December 2021 will be corrected in the FEIS to note that the USACE's review was simply conducted. TxDOT evaluated the permanent and temporary impacts of the proposed action on potential jurisdictional waters of the US based on the regulatory environment at the time and to be consistent with the 2021-NWP general conditions and the 2021 Combined Texas Regional Conditions as a starting point.</p> <p>As final design is not anticipated to be completed for another two-to-three years, with construction anticipated to begin in 2026, TxDOT recognizes that changes in the regulatory environment may change the types of water features that are ultimately considered jurisdictional, and the type of permit required to implement the proposed action. TxDOT will continue to coordinate with USACE to discuss permitting as the project moves forward, including whether a jurisdictional determination is needed.</p> <p>TxDOT also compared the overall impacts of the two reasonable alternatives across a variety of criteria in selecting the Preferred Orange Alternative. TxDOT must consider all relevant factors in its decision-making process, including the impact of the action on communities, businesses, traffic, safety, and natural resources including water features, floodplains, and protected species and habitats. The Orange Alternative includes measures to minimize harm to wetlands, streams, and floodplains by bridging these areas (adding cost to the project) and using retaining walls in some areas to minimize the fill placed adjacent to water features and within floodplains. The unavoidable placement of fill below the 100-year floodplain water surface elevation will be offset through the creation of shallow swales and channels within the mapped floodplain, avoiding further impacts to streams and wetlands. Mitigation for unavoidable impacts to potentially jurisdictional wetlands and streams would be provided through the purchase of credits in USACE-approved wetland and stream mitigation banks through ongoing coordination with the USACE Fort Worth District.</p>