

APPENDIX E: Agency Correspondence



U.S. Department
of Transportation
**Federal Highway
Administration**

Texas Department of Transportation
District No. 18

MAY 13 2004

300 E. 8th Street, Room 826
Austin, Texas 78701

May 10, 2004

Texas Division Office

In Reply Refer To:
HA-TX

Mr. William Fickel, Jr.
Chief, Environmental Division
CESWF-EV
Department of the Army
Fort Worth District Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

<input type="checkbox"/> Dist. Engr.	<input type="checkbox"/>
<input type="checkbox"/> Asst. Dist. Engr.	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/> Action
<input type="checkbox"/>	<input type="checkbox"/> Advise
<input type="checkbox"/> <i>Booth</i>	<input type="checkbox"/> Comment

Dear Mr. Fickel:

Nathan L.
Craig L.

The Federal Highway Administration (FHWA), in cooperation with the Texas Department of Transportation (TxDOT), is initiating an Environmental Assessment (EA) for IH 35E from the SH 121 Bypass to Denton Drive South in Denton County, Texas, a distance of approximately nine miles. This segment crosses USACE property in the Lewisville Lake area and will require a Section 404 permit and mitigation that complies with the Lewisville Lake Programmatic EA. Due to your agency's legal jurisdiction over such matters, we are inviting you to be a cooperating agency.

The purpose of the proposed project is to enhance the regional and national transportation system by increasing capacity, reducing traffic congestion, correcting design deficiencies, and improving mobility within the Dallas/Ft. Worth metropolitan area. The current transportation network in the project area is insufficient to accommodate the increased capacity projected by TxDOT and the North Central Texas Council of Governments (NCTCOG).

Your agency's involvement should entail those areas under its jurisdiction and no direct writing or analysis will be necessary for the document's preparation. The following are activities we will take to maximize interagency cooperation:

- Invite you to coordination meetings;
- Consult with you on any relevant technical studies that will be required for the project;
- Organize joint field reviews with you;
- Provide you with project information, including study results;
- Encourage your agency to use the above documents to express your views on subjects within your jurisdiction or expertise; and

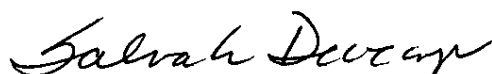
Include information in the project environmental documents that cooperating agencies need in order to discharge their National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances

HALL
056-0196-02-008

You have the right to expect that the EA will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your needs are not being met. We expect that at the end of the process the EA will satisfy your NEPA requirements including those related to project alternatives, environmental consequences, and mitigation. Further, we intend to utilize the EA and our subsequent actions (FONSI) as our decision making document and as the basis for the permit application to proceed before the project is constructed.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EA, please contact Ms. Anita Wilson at (512) 536-5951 or Mr. Tom Bruechert (512) 536-5948.

Sincerely,

A handwritten signature in black ink, appearing to read "Salvador Deocampo". The signature is fluid and cursive, with the first name "Salvador" written in a larger, more prominent script than the last name "Deocampo".

Salvador Deocampo
District Engineer

Enclosure

cc: Ms. Dianna Noble, P.E., Director, Office of Environmental Affairs, TxDOT
Mr. William Hale, P.E., District Engineer, Dallas District, TxDOT



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

July 30, 2006

Planning, Environmental, and Regulatory Division

Mr. Salvador Deocampo
District Engineer
FHWA, Texas Division
300 East 8th Street, Suite 826
Austin Tx 78701
Phone: (512) 536-5950

Dear Mr. Deocampo:

Thank you for your letter dated May 10, 2004, requesting that the U.S. Army Corps of Engineers (USACE), Fort Worth District, become a cooperating agency on the Environmental Assessment (EA) proposed for the IH 35E Widening Project, Denton County, Texas. We appreciate the ongoing coordination with our Regulatory and Lake staff on this project over the last few years and now would like to formalize our status as a cooperating agency. Our jurisdiction and involvement as a cooperating agency will focus on those activities affecting USACE property and the Section 404 permit approval process.

Coordination has begun between USACE environmental team members and HNTB concerning the proposed activities at Copperas Branch Park. We look forward to our role as a cooperating agency to insure that the NEPA process provides adequate consideration and public disclosure of impacts to USACE land. We are committed to continued cooperation with your agency and the Texas Department of Transportation in this effort. As the proposed action is not within the scope of our normal operation activities at the lakes, we would appreciate funding support for our efforts as a cooperating agency. Please contact Mr. Don Wiese at (817)886-1568 or Mr. Brandon Mobley at (817)886-1714 to arrange a time to discuss our requirements and funding level.

Sincerely,

A handwritten signature in black ink, appearing to read "William Fickel, Jr.", is positioned above the typed name.

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
WinSystems Center Building
711 Stadium Drive, Suite 252
Arlington, Texas 76011

2-12-03-I-262

April 14, 2003

Ms. Jennifer Halstead
Senior Environmental Planner
HNTB
5910 W. Plano Parkway, Suite 200
Plano, Texas 75093

Dear Ms. Halstead:

This responds to your April 4, 2003, letter requesting information on federally listed threatened and endangered species with regard to the proposed roadway improvements on Interstate Highway 35E in Dallas and Denton Counties, Texas. The information provided by this office is to be used in the preparation of an Environmental Assessment for the proposed project.

Threatened and Endangered Species

Our records indicate that the following threatened (T), endangered (E), proposed (P), and candidate species have been documented, or are known to occur in Dallas and/or Denton County:

Listed species:

black-capped vireo (*Vireo atricapillus*) - E
golden-cheeked warbler (*Dendroica chrysoparia*) - E
interior least tern (*Sterna antillarum*) - E
whooping crane (*Grus americana*) - E
bald eagle (*Haliaeetus leucocephalus*) - T
piping plover (*Charadrius melodus*) - T

Proposed species:

mountain plover (*Charadrius montanus*) - PT

Candidate species:

black-tailed prairie dog (*Cynomys ludovicianus*)

There is no designated critical habitat for listed species in Dallas and Denton Counties. Candidate species are not afforded federal protection under the Endangered Species Act; however, we recommend that potential impacts to these species be considered during project planning. For information on the general biology of these species, visit our website at <http://arlingtontexas.tws.gov>.

A qualified biologist should use the most current information available to evaluate the project site and adjacent areas for the presence of suitable habitat for the listed or proposed listed species occurring in the county. If, after an assessment has been conducted using appropriate biological expertise, the assessment indicates there is the potential for the proposed action to affect listed or proposed listed species (i.e., suitable habitat for listed species is present within or adjacent to the action area), you should contact this office for further evaluation. Otherwise, no further coordination with this office would be necessary regarding threatened or endangered species.

Wetlands and Wildlife Habitat

Impacts to wetlands and the clearing of vegetation from riparian areas associated with temporary and permanent right-of-way is usually damaging to fish and wildlife habitat, and can disturb the natural processes and biotic functions associated with these systems. Impacts to these areas may fragment wildlife habitat, increase soil erosion, disrupt nutrient cycling, and alter the hydrology of the impacted area. Numerous species of resident and migratory wildlife depend on wetlands and riparian corridors for food, water, and shelter. Additionally, these areas may be used as nesting and breeding areas, as well as dispersal and migration corridors between habitats. Wetlands and riparian areas are unique wildlife resources and may be the only suitable habitat for certain species of wildlife in an area.

For these reasons, we recommend the EA for the proposed project include a description and quantification of all impacts to fish and wildlife resources (especially to wetland, riparian, and upland forested areas). A mitigation plan should be developed early in the project planning process, and subsequently reviewed by the resource agencies, which demonstrates how impacts to fish and wildlife resources would be avoided, how impacts would be minimized, and plans developed to rectify/compensate for unavoidable project related impacts.

Thank you for the opportunity to provide information on the proposed project. If you have any questions, please contact Curtis Hoagland or Omar Bocanegra of my staff at (817) 277-1100.

Sincerely,



Thomas J. Cloud, Jr.
Field Supervisor

July 19, 2006

Ms. Kathy Boydston
Habitat Assessment Branch, Resource Protection Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

HNTB

Re.: Interstate Highway (IH) 35E
From State Highway (SH) 190/President George Bush Turnpike (PGBT)
To Farm-to-Market Road (FM) 2181
Dallas and Denton Counties, Texas
CSJs: 0196-02-068, 0196-01-096, 0196-02-073

Dear Ms. Boydston:

HNTB Corporation, on behalf of the Texas Department of Transportation (TxDOT) – Dallas District, is currently conducting an Environmental Assessment (EA) for proposed improvements along the IH 35E corridor in Dallas and Denton Counties (**See attached Vicinity Map**). The proposed expansion and reconstruction of the IH 35E corridor extend from PGBT to FM 2181, a total distance of approximately 12 miles. The cities adjacent to the proposed improvements include Carrollton, Lewisville, Hickory Creek, Highland Village, Lake Dallas, and Corinth.

The existing facility is within a primarily urbanized area with a few undeveloped areas adjacent to the right-of-way (ROW). The current IH 35E facility consists of six main lanes. North of Lewisville Lake, the IH 35E six mainlanes are reduced to four lanes. The frontage roads consist of two lane frontage roads and are mostly continuous along the corridor with an exception of the bridge over Lewisville Lake where there are no frontage roads. The existing ROW varies from approximately 250 ft to 300 ft along the corridor. The proposed typical section would consist of ten mainlanes, two reversible managed lanes, and three lane frontage roads in each direction. Approximately 200 acres of additional ROW would be required for this project.

We are seeking your input regarding recommended studies and actions to address the presence or absence of threatened or endangered wildlife and rare vegetation series within Dallas and Denton Counties. In addition, we would like to request your input regarding any additional concerns or recommendations to minimize potential impacts to the fish and wildlife resources managed by your agency. If you should need further information concerning this project, please contact me at (972) 661-5626.

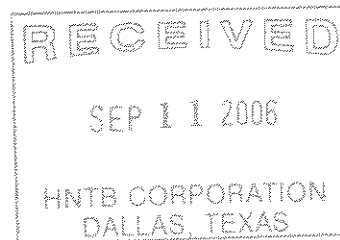
Sincerely,


Scott English
HNTB CORPORATION
Environmental Planner

Attachment: Vicinity Map
cc: Nasser Askari, P.E., TxDOT Project Manager
HNTB File - 37641 PL 002



September 8, 2006



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Mr. Scott English
HTNB Corporation
5910 W. Plano Parkway, Suite 200
Plano, TX 75093

RE: Expansion and Reconstruction of IH 35E: From SH 190/ President George Bush Turnpike (PGBT) to FM 2181 (Dallas and Denton Counties, CSJs 0196-02-068, 0916-01-096, 0916-02-073)

Dear Mr. English:

On behalf of the Texas Department of Transportation (TxDOT), you have requested input from the Texas Parks and Wildlife Department (TPWD) regarding recommended studies and actions to address the presence or absence of threatened or endangered wildlife and rare vegetation. This is in preparation of an Environmental Assessment (EA) for the project referenced above and for input regarding concerns or recommendations to minimize potential impacts to fish and wildlife resources.

Portions of the existing roadway consist of either six or four mainlanes with two-lane frontage roads except across Lewisville Lake. The proposed project would consist of 10 mainlanes, two reversible managed lanes, and three-lane frontage roads in each direction for approximately 12 miles. Approximately 200 acres of additional right-of-way (ROW) would be required.

TPWD recommends that the EA include the following items:

- The area of impact by habitat type including riparian habitat, bottomland hardwood forest, native grasslands, introduced grasslands, jurisdictional and non-jurisdictional wetlands, forested uplands, rangeland (semi-wooded), cropland, and developed areas.
- For each habitat type, a description of the dominant vegetative species present and to be removed, the range and average height and diameter at breast height (dbh) of tree species to be removed, and the percent canopy cover of overstory, mid-story, and understory vegetation.
- Site photographs of vegetation that will be impacted by the project, aerial photography, and topographic maps.
- A review of the project area for potential impact to rare species and communities



Take a kid
hunting or fishing

• • •

Visit a state park
or historic site

Scott English
Page 2
September 8, 2006

- Measures to avoid and minimize disturbance to fish and wildlife resources
- Measures to reduce sedimentation to watercourses
- Mitigation for impacts to fish and wildlife resources
- Impacts to parks

The TPWD county Lists of rare species are now available on the internet at http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species.ph tml. To obtain the list of rare species and their habitats that may occur in Dallas and Denton Counties, please choose the access link for Rare, Threatened, and Endangered Species of Texas by County. Please review the lists to aid in site surveys of the project area by qualified biologists and determining the potential of the area to support the species or their habitat. If suitable habitat is present additional surveys for absence/presence of a species may be necessary at that time. Please be aware that species not occurring during site surveys may utilize the habitat within the project area at times beyond those during which the survey was conducted, such as seasonally or nocturnally. The proposed project should be designed and constructed to avoid or minimize adverse impacts and to mitigate any impacts when rare plant and animal species and their habitat are found within or near the project area.

TxDOT should inform contractors of the species with special status in Dallas and Denton Counties and should avoid disturbance to sensitive species if encountered during construction. Only personnel with a TPWD scientific collection permit are allowed to handle and move state listed species.

Known Occurrences

Given the small proportion public versus private land in Texas, the TPWD Natural Diversity Database (NDD) (formerly the Biological and Conservation Data System) does not include a representative inventory of rare resources in the state. Although it is based on the best data publicly available to TPWD regarding rare species, the data from the NDD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within your project area. These data cannot substitute for on-site evaluation by your qualified biologists. The NDD information is intended to assist you in avoiding harm to species that may occur on your project site.

A search of the NDD indicated the following known occurrences within the vicinity of the project:

Species of Concern

Scott English
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September 8, 2006

Texas Garter Snake (*Thamnophis sirtalis annectens*) – the project crosses occurrence area

Special Features and Natural Communities

Rookery – within 2 miles

Little Bluestem – Indiangrass Series (*Schizachyrium scoparium* –
Sorghastrum nutans) – within 5 miles

Managed Areas

Lewisville Lake (USACE) – the project crosses occurrence area

Grapevine Lake (USACE) – within 6 miles

Because the project crosses an area of known occurrence for the Texas Garter Snake, habitat suitable for this species within the project area should be surveyed specifically for this species. The entity responsible for management of Lewisville Lake is the U.S. Army Corps of Engineers (USACE). Project coordination should involve the USACE regarding impact to this managed area crossed by the project. For additional species occurrence data, guidance, permitting, survey protocols, and mitigation for federally listed species coordination with the U.S. Fish and Wildlife Service (USFWS) is required.

TPWD – TxDOT MOU and Non-regulatory Mitigation

TPWD expects that TxDOT will consider non-regulatory mitigation for loss of special habitat features and unusual vegetation as per the Memorandum of Understanding and Memorandum of Agreement (MOA) between TPWD and TxDOT. The MOA designates the following habitat categories for which TxDOT would consider compensatory mitigation:

- Habitat for Federal candidate species (impacted by the project) if mitigation would assist in the prevention of the listing of the species,
- Rare vegetation series (S1, S2, or S3) that also locally provide habitat for a state-listed species,
- All vegetation communities listed as S1 or S2,
- Bottomland hardwoods, native prairies, and riparian sites, and
- Any other habitat feature considered to be locally important that the TxDOT district chooses to consider.

Disturbance to special habitat features or unusual vegetation within the project area should be minimized to prevent loss of wildlife habitat and to prevent increased sedimentation to waterways. If impacts are to occur to the habitat

Scott English
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September 8, 2006

categories listed above, non-regulatory mitigation in the form of habitat restoration would be most beneficial within the same system impacts occur, though lack of available ROW or easement space could be a limiting factor. Planning early in the project development process to include ROW and/or easements for restoration sites would solve the problem of lack of space.

Because the project is within an urban areas, restoration of riparian vegetation along a nearby degraded system would be an alternative way in which TxDOT could show its commitment towards conserving and protecting the State's natural resources. The creation of greenbelts along streams within urban areas and the prevention of urban development along streams would protect riparian areas and reduce problems associated with urban influences on flooding and water quality. A three to five year maintenance plan that ensures an 85% survival rate should be developed for replacement trees when large mature trees will be removed as a result of the project.

Parks

Please coordinate with the Grants-In-Aid Branch of the TPWD (512) 912-7124 to determine whether or not any portion of this project will impact parks funded with Local Park Grant funds or other state or federal funding. This is necessary to prevent conversion of grant assisted lands to other than public outdoor recreation use - as prohibited by Section 6(f) of the Land and Water Conservation Act.

Please provide TPWD with the draft EA once it is complete. If you have any questions, please contact me at (903) 675-4447.

Sincerely,

A handwritten signature in cursive script, reading "Karen B. Hardin", followed by a horizontal line.

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/11922



Life's better outside.™

February 1, 2010

SCANNED ETS



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Bryan W. Phillips
Ecological Resources Branch
Environmental Affairs Division
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701-2483

RE: Proposed Reconstruction of IH 35E Middle Section: From President George Bush Turnpike to FM 2181 (Denton and Dallas Counties, CSJs 0196-02-068, 0196-01-096, 0196-02-073, 0196-02-114, and 0196-03-245)

Dear Mr. Phillips:

The Texas Parks and Wildlife Department (TPWD) Habitat Assessment Program has reviewed the Environmental Assessment (EA) for the project referenced above. The project involves reconstruction of IH 35E with additional mainlanes, collector distributor lanes, concurrent tolled HOV/managed lanes (MHOV-C), and continuous frontage road lanes for approximately 12 miles. Approximately 179 acres of new right-of-way (ROW) and 54 acres of easement would be required.

The IH 35E currently crosses U.S. Army Corps of Engineers (USACE) Property through a fee simple easement of 77.8 acres. The bridge over Lewisville Lake would be reconstructed, and frontage roads would be added across the lake with two 11-ft wide lanes in each direction. Continuous pedestrian sidewalks on each side of the bridge to accommodate the future extension of the Trinity Trail hike and bike facility would also be incorporated on the bridge across the lake. Impacts to USACE property will comply with the mitigation ratios of the Lewisville Lake Programmatic Environmental Assessment (PEA) that was prepared by the USACE regarding the impacts of numerous development actions being proposed by several public and private entities within the next 10 years.

Waterways

The EA indicates that the majority of the Waters of the U.S. crossed by the project would be bridged. TPWD supports the use of bridge spans rather than culverts to reduce stream and riparian impacts and to allow for passage of aquatic organisms and wildlife.

Recommendations: Bridge spans should include a design that provides adequate vertical and horizontal clearances under the bridge to allow for wildlife to safely pass under the road.

Bryan Phillips
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February 1, 2010

When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge.

Parkland

The EA adequately addresses that no impacts would occur to sites that were acquired or developed through the Land and Water Conservation Fund or Local Parks Fund.

Vegetation and Wildlife

The EA *Section A.7 Vegetation and Wildlife Habitat* indicates that the project footprint would affect 233 acres inclusive of the proposed ROW. The footprint comprises approximately 57 acres existing paved areas, 148 acres herbaceous vegetation, 5.36 acres urban landscaped tree areas, 19.42 acres upland woodlands, and 3.2 acres riparian woodlands.

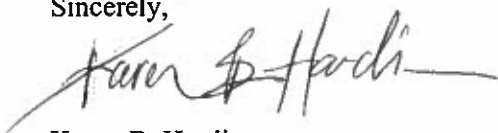
It is anticipated that all disturbed areas within the project area that would not ultimately be paved, would be revegetated with grass-dominated ground cover that would be mowed.

The EA indicates that TxDOT would compensate for the individual loss of large trees of diameter-at-breast height (dbh) greater than 20 inches and for the loss of riparian woodlands in accordance with the TxDOT – TPWD Memorandum of Agreement. The TxDOT Dallas District Standards for Woodlands Mitigation planting details would be used. TPWD supports the mitigation proposal regarding riparian and large tree impacts.

Recommendation: The TPWD Wildlife Habitat Assessment Program should be provided the mitigation plan once logistics have been determined and as the project progresses. It is recommended that the mitigation be carried out prior to the IH 35E Reconstruction being completed and finalized.

TPWD advises review and implementation of these recommendations. If you have any questions, please contact me at (512) 917-4155.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karen B. Hardin", with a long horizontal flourish extending to the right.

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/5895



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

November 21, 2006

RECEIVED
NOV 22 2006
ENV

Environmental Document Coordination
IH 35E
CSJ 0196 02 068
Denton County
Widen existing facility

Ms. Kathy Boydston
Texas Parks and Wildlife Department
Wildlife Division – Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, Texas 78744

Dear Ms. Boydston:

In the Texas Department of Transportation (TxDOT) – Texas Parks and Wildlife Department (TPWD) coordination response letter dated September 8, 2006, TPWD requested a copy of the completed draft Environmental Assessment (EA) for the project referenced above. Enclosed, please find the final draft EA as per your request. A copy of the TPWD letter is also included. If you have any questions regarding this project, please contact me at (512) 416-2603.

Sincerely,

Emily R. Cuellar
Ecological Resources Branch
Environmental Affairs Division

ERC:rl
Enclosures
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February 5, 2007

NATURAL
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RESOURCES

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Ms. Emily R. Cuellar
Ecological Resources Branch
Environmental Affairs Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

RE: Proposed IH 35E Widening: From President George Bush Turnpike to FM
2181 (Denton County, CSJ 0196-02-068, 0196-01-096, 0196-02-073)

Dear Ms. Cuellar:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Environmental Assessment (EA) and Section 4(f) Evaluations for the proposed project referenced above.

Portions of the existing roadway consist of either six or four mainlanes with two-lane frontage roads except across Lewisville Lake. The proposed project would consist of 10 mainlanes, two reversible managed lanes, and three-lane frontage roads in each direction for approximately 12 miles. Approximately 200 acres of additional right-of-way (ROW) would be required. The surrounding area is primarily urbanized and includes a few undeveloped areas and U.S. Army Corps of Engineers (USACE) property associated with Lewisville Lake.

Section 401 of the Clean Water Act

General Condition 9 of the Nationwide Permit Program requires compliance with Section 401 of the Clean Water Act, and thus requires the use of Best Management Practices (BMPs) to manage water quality on construction sites. The EA indicates that at least one BMP from each of three categories identified in the 401 Water Quality Certification Conditions for Nationwide Permits, as published by the Texas Commission on Environmental Quality (TCEQ) on April 12, 2002, would be implemented. The Category III Post-construction Total Suspended Solids (TSS) Control BMP chosen for this project includes "planting permanent native vegetation to create grass-lined ditches. These ditches would accept roadway runoff as sheet flow and filter it along the front slopes of the ditches as well as the bottom of the ditch."



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Visit a state park
or historic site

Recommendation. Descriptions and design considerations for Category III Post-Construction TSS Controls are provided on the TCEQ website, http://www.tceq.state.tx.us/permitting/water_quality/wq_assessment/401certification/401certification_tier1.html. Vegetated filter strips are most appropriate for use in rural areas where the impervious cover is relatively low and where land and hydraulic conditions are available to allow for effective performance. Based on the urban description of the project area, vegetated filter strips in the form of roadside ditches do not seem adequate to treat high flow velocities associated with high impervious cover. Additionally, the amount of space necessary to treat runoff water in this manner may not be available within the project area. TPWD recommends that alternative Category III BMPs appropriate to the conditions of the project be incorporated into the design and implemented for Section 401 compliance.

Special Habitat Features and Unusual Vegetation

The Texas Department of Transportation (TxDOT) has proposed non-regulatory compensatory mitigation for loss of special habitat features and unusual vegetation as per the Memorandum of Understanding and Memorandum of Agreement between TPWD and TxDOT. Mitigation is proposed for impact to 5.84 acres of riparian woodlands and for loss of individual large trees by planting replacement trees, though details regarding the location of mitigation for impacts outside of USACE property were not provided in the EA. Several Pecans (*Carya illinoensis*) and Post Oaks (*Quercus stellata*) would be removed from 0.49 acre and 0.32 acre sites. Additionally, 15 trees > 20 inches dbh would be removed from various other sites within the project area. The exact number of trees to be removed will not be determined until final design of the project. The TxDOT Dallas District Standards for Woodlands Mitigation planting details would be used. TPWD commends the TxDOT Dallas District for their efforts at compensating for losses to wildlife habitat.

Recommendation. Please coordinate with TPWD regarding the mitigation plan for impacts to riparian woodlands and large trees.

Parks

Coordination with the TPWD Recreation Grants Program concluded that parks within the proposed project ROW did not receive Land and Water Conservation

Emily Cuellar
Page 3
February 5, 2007

Fund or Local Parks Fund grants; therefore, no Section 6(f) conversions are involved in the proposed project.

Impacts on USACE Property

Impacts to USACE property will comply with the mitigation ratios established in the Lewisville Lake Programmatic Environmental Assessment (PEA) which discusses environmental impacts of more than 300 development actions proposed over the next 10 years on federal lands around Lewisville Lake. Section V of the EA indicates that actions of this project include mitigation at 1:1 and 3:1 ratios for impacts to approximately 6.64 acres of vegetation and habitat on USACE property. Through coordination between TxDOT and USACE, the preferred mitigation approach for vegetation and habitat impacts on USACE property would consist of an in-lieu fee payment.

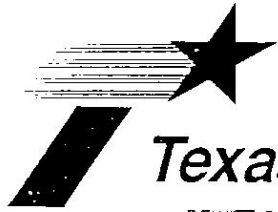
TPWD advises review and implementation of the recommendations. If you have any questions, please contact me at (903) 675-4447.

Sincerely,

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Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/4668 (11922)



Texas Department of Transportation

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November 20, 2002

NH 2001(369)
Section 4(f) Determination
Denton County
CSJ 3547-01-008

NOV 20 2002
SECTION 4(f) DETERMINATION
DENTON COUNTY

S.H. 121/I.H. 35E Interchange: From East of MacArthur Blvd. to East of IH 35E

Mr. C. D. Reagan
Division Administrator
Federal Highway Administration
Austin, Texas

Dear Mr. Reagan:

In 1986, the City of Carrollton acquired approximately 262 acres on the southeast corner of IH 35E and the future SH 121 (Lewisville Bypass). A resolution passed by the City on November 18, 1986 authorized the purchase of this property for "parks, recreation and other municipal purposes." The City also stated their original intent to use part of the acquired property for highway right-of-way (ROW) in a letter dated April 17, 1989. Copies of the letter, resolution and development plan are attached.

The 262 acre-tract is currently undeveloped and is the site of the future T. C. Rice, Jr. Athletic Sports Complex which is in the planning stage. The property has not been designated as a public park by the City. Actual development is scheduled to begin in 2003 with its completion in 2004. At the time of acquisition, an estimate was prepared to determine the required amount of ROW for the bypass project. It was revealed that approximately 2.87 acres would be required to construct the direct connection ramps so the City committed to donate the property to the State.

On May 31, 1989, the Federal Highway Administration concurred that a Section 4(f) evaluation is not required since the original intent of the City, as indicated in their April 17, 1989 letter, was to use part of the 262-acre tract for highway ROW (or "other municipal") purposes and because the preliminary plans for the property included provisions for ROW use. The City's intent was restated in a letter dated November 4, 2002. Copies of the letters are attached.

November 20, 2002

Since the time that the FONSI was issued by FHWA on April 12, 1990, the ROW requirements have changed. An additional 2.35 acres of new ROW will be required from the 262-acre tract to incorporate acceleration and deceleration lanes as requested by the City of Carrollton to facilitate ingress and egress to the future sports complex. The City has agreed to donate the additional 2.35 acres. See attached letter from the City dated March 19, 2002.

We request your concurrence that the acquisition of property from the 262-acre tract does not constitute a Section 4(f) situation and that the preparation of a Section 4(f) evaluation is not required.

Sincerely,




Ann M. Irwin
Deputy Division Director
Environmental Affairs Division

Attachments

CONCUR: Salvatore Diocap DATE: 12/5/02
Federal Highway Administration



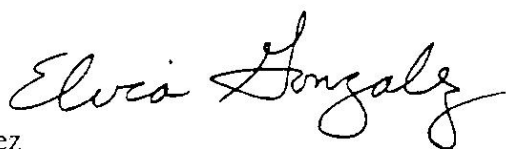
MEMORANDUM

TO:  Stan Hall, P. E.
APD Engineer
Dallas District

Date: December 9, 2002

FROM: Elvia R. Gonzalez
Branch Supervisor
Environmental Affairs Division

SUBJECT: NH 2001(369)
Section 4(f) Determination
Denton County
CSJ 3547-01-008



S.H. 121/IH 35E Interchange: From East of MacArthur Blvd. to East of I.H. 35E

Attached is a copy of ENV's letter dated November 20, 2002 indicating FHWA's concurrence (signed on December 5, 2002) that Section 4(f) does not apply to the acquisition of property from the 262-acre tract that is the future site of the T. C. Rice, Jr. Athletic Sports Complex.

Also attached are copies of letters indicating completion of coordination with the Texas Historical Commission for archeology and historic structures and the Texas Natural Resource Conservation Commission (now TCEQ). Tribal coordination was initiated by FHWA's letter dated October 30, 2002, and a response letter from the Delaware Nation NAGPRA Office was received in ENV on November 27, 2002. A copy of the letter was sent to the Dallas District. ENV is in the process of preparing a response letter to the Delaware Nation. Coordination with Texas Parks and Wildlife Department (TPWD) was initiated by letter dated November 7, 2002. A "no comment" response was received from Dr. Ray Telfair (TPWD) on December 2, 2002 (copy attached). We are awaiting a response from Ms. Celeste Brancel-Brown (TPWD). The 45-day comment period with TPWD expires on December 21, 2002. *As soon as coordination with TPWD is completed, the FONSI re-evaluation will be submitted to the FHWA for review and approval.*

A Nationwide Permit 14 is also required for the project, and the Dallas District initiated the coordination with the U.S. Army Corps of Engineers by letter dated October 10, 2002. The permit must be obtained by the Letter of Authority date for the February 2003 letting which is January 10, 2003. Please notify ENV as soon as the permit is obtained and forward a copy of it for the project files.

Attachments



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

4 May 2004

Texas Antiquities Code and Section 106 Coordination
Dallas and Denton Counties
CSJ 0195-03-050, 0196-03-138, etc.
Texas Antiquities Permit No. 3330

IH 35E from IH 635 to US 380

James E. Bruseth, Ph.D.
Department of Antiquities Protection
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Dr. Bruseth:

The proposed project will be undertaken with state and federal assistance. As required by the National Historic Preservation Act of 1966, as amended, and by Senate Bill 58, The Antiquities Code of Texas, and our Memorandum of Understanding with your agency, we are coordinating the proposed project with your office.

Please find enclosed a draft copy of *Cultural Resource Assessment of Revised Alignment of IH 35E between IH 635 and US 380 in Dallas and Denton Counties, Texas* by Christopher Lintz Ph.D. of Geo-Marine, Inc. The project was inspected previously by GMI archeologists from 2-6 February 2004 and coordinated with THC. However, the engineering consultant has added additional right-of-way to the project since the impact evaluation and THC concurrence. In the attached document, Dr. Lintz evaluates the added acreage and recommends that no further work is needed beyond the original investigation.

We request your concurrence that no archeological sites listed in, or determined eligible for designation in the National Register of Historic Places will be affected by the proposed project and that no further archeological investigation is required. If you have any questions, please call Barbara Hickman at 512-416-2637 or e-mail bhickman@dot.state.tx.us.

Sincerely,

Barbara J Hickman, Staff Archeologist
Archeological Studies Program
Environmental Affairs Division

Attachment

cc w/ attachment: Dallas District, attn: Mr. Dan Perge
ERG CRM/SBW BJH

Concurrence by:

For Lawrence Oaks, State Historic Preservation Officer

Date

5-4-04

RECEIVED
4 May 04
GMI 30011.02.06.06
P.161

RECEIVED
MAY 25 2004
HNTB CORPORATION
DALLAS, TEXAS

REC'D 11 NOV 2004



Texas Department of Transportation

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November 17, 2004

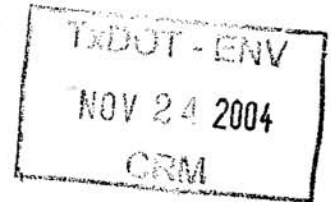
SECTION 106: IDENTIFICATION OF HISTORIC PROPERTIES

Denton County

CSJ: 0196-02-068; 0196-02-073

IH 35E: SH 121 Bypass to Denton Drive South (Middle Section)

Mr. Bob Brinkman
History Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711



Dear Mr. Brinkman:

In accordance with the Programmatic Agreement (PA) among TxDOT, FHWA, the Advisory Council on Historic Preservation, and the THC, we hereby initiate coordination on the results of a historic structure survey of the project area to identify properties potentially eligible for listing in the National Register of Historic Places, and the effects of the proposed undertaking on those properties.

The proposed project consists of an approximate nine-mile section of IH 35E passing through the cities of Hickory Creek, Highland Village, Lake Dallas and Lewisville in Denton County, Texas. The limits extend from the SH 121 Bypass to Denton Drive South. The proposed IH 35E improvements would expand IH 35E from the current six mainlanes and two-lane frontage roads to eight mainlanes, three lane frontage roads, and two reversible HOV lanes. The two reversible HOV lanes would be in the center median of IH 35E from the SH 121 Bypass to just south of FM 407 (maintaining a wide center median north of FM 407 for future lane additions, if needed).

The proposed project would generally follow the existing alignment from the SH 121 Bypass to Justin Road (FM 407). Portions of IH 35E would be shifted to both the east and west in this portion of the corridor to accommodate the expansion. From Justin Road (FM 407) to Denton Drive South the proposed alignment shifts to the west of the existing alignment. In this area a railroad is adjacent to, and parallels IH 35E on the east side. The shifting of the alignment to the west would avoid disrupting the rail system.

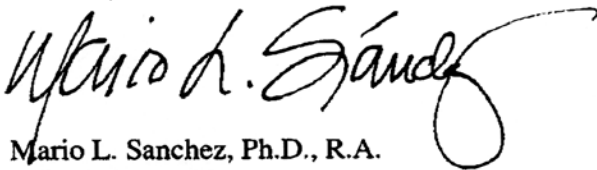
As part of the evaluation process, TxDOT personnel has undertaken a cultural resources survey in accordance with the provisions of 36 CFR 800 to identify properties potentially eligible for listing in the National Register of Historic Places. The project area includes a mixture of urban commercial and residential development, as well as undeveloped acreage. In Lewisville the study area skirts the oldest areas of the downtown business district (now undergoing a massive economic development project), but passes through several generally 1950s-1960s subdivisions and retail centers just south of the old CBD. The majority of the study area in Lewisville, however, is lined with large 1980s+ shopping centers, restaurants and motels. *Two hundred fourteen properties in the survey area appear to have been built in or prior to 1962 within the area of potential effects, which for this project was determined to be any additional right-of-way plus 500 feet in all directions.*

Please note that one property, Site 24, was omitted from the survey due to changes made in the project alignment. Previously, Site 24 was within the 500-foot APE; however, due to an alignment shift, the property is now more than 700 feet from the proposed right-of-way. Therefore, it was completely removed from the survey.

I have evaluated these two hundred fourteen properties through application of the Criteria of Eligibility for listing in the National Register of Historic Places, and I have determined that all sites are **not eligible** for inclusion in the register, as the buildings do not have associations with significant historical figures or events. The structures represent common vernacular types that do not clearly reflect the distinctive characteristic of type, period, method of construction, work or a master or high artistic value. There is no collection of structures with an identifiable architectural style possessing integrity within the project area that may constitute a historic district. As shown in the photos of the survey report, most of the structures evidence alterations to their original configuration and materials.

We request your written concurrence with these determinations of eligibility and effects within 30 days of receiving this letter. If you need further information, feel free to call me at 416-2770.

Sincerely,



Mario L. Sanchez, Ph.D., R.A.
Historical Architect
Environmental Affairs Division

MLS: mrf

Attachments

CONCUR NO ELIGIBLE PROPERTIES PRESENT IN THE APE	
NAME: <u>RLHBO</u>	DATE: <u>22 Nov 2004</u>
for F. Lawrence Oaks, State Historic Preservation Officer	

cc: Jennifer Halstead, HNTB Corporation



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

October 16, 2007

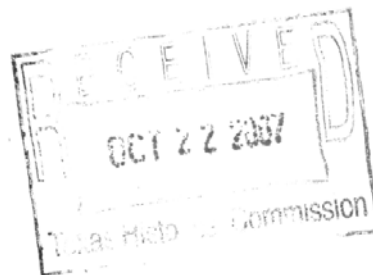
SECTION 106: Determination of Eligibility

Dallas and Denton Counties

CSJ# 0196-02-068, -073, -01-096

IH 35E: President George Bush Turnpike to FM 2181 (Middle Section)

Ms. Adrienne Campbell
History Programs
Texas Historical Commission
Austin, Texas 78711



Dear Ms. Campbell:

In accordance with the Programmatic Agreement for Transportation Undertakings (PA-TU) between the Texas Department of Transportation (TxDOT), the Federal Highway Administration (FHWA), the Advisory Council for Historic Preservation (ACHP), and the Texas Historical Commission (THC), this letter *finalizes* Section 106 consultation on the eligibility of the proposed undertaking on historic properties in the project's area of potential effects (APE.)

This letter is in response to your attached email correspondence dated October 20, 2006. In that correspondence, you requested additional information regarding the presence and eligibility of historic districts in the 150' project APE and study area. Please see attached for previous coordination efforts.

Efforts to Identify Historic Properties

Since your October 20, 2006 correspondence, an addendum reconnaissance survey was conducted to investigate the potential for historic districts within the APE and study area. The survey revealed three historic-age resources in the APE and two subdivisions – James Degan and Lakeland Terrace – in the larger study area (all built prior to 1963). The historic-age resources include two 1962 ranch residences (Site ID #101A and #102) located in the James Degan subdivision and one 1956 school (Site ID #103A) located between the two neighborhoods. Please see attached addendum survey for resource photos and location.

Determination of Eligibility for the Historic-Age Resources and Subdivisions

I have evaluated the three historic-age resources and two subdivisions through application of the Criteria of Eligibility for listing in the National Register of Historic Places, and I concur with the attached addendum survey that they are **not eligible** for inclusion in the register either individually or collectively. Site ID #101A, #102, and #103A do not have associations with significant historical figures or events. They also do not rise to the level of significance necessary for eligibility as they represent common vernacular types that do not clearly reflect the distinctive characteristic of type, period, method of construction, work of a master, or high artistic value. Additionally, the integrity of the Central Elementary School (Site ID #103A) has been severely compromised due to a large addition constructed in 2004 on the east side of the building. As a result, Site ID #101A, #102, and #103A are **not eligible** for NRHP-listing.

Additionally, the two subdivisions were evaluated for eligibility as historic districts under Criteria A, B, and C and we concur with the survey recommendation of **not eligible**. James Degan and Lakeland Terrace are two of the many subdivisions that were built in the late 1950s in response to the construction of IH 35E in 1959.

C-5670196-02-068, 1.2, ENR. *Historic* *coordination w/THC*

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October 16, 2007

All of these subdivisions have similar design and plan and they represent the inevitable formulaic residential growth that occurred due to the new interstate facility rather than unique and distinctive neighborhoods that set new planning precedents in the community. Therefore, the two subdivisions are not eligible under Criterion A.

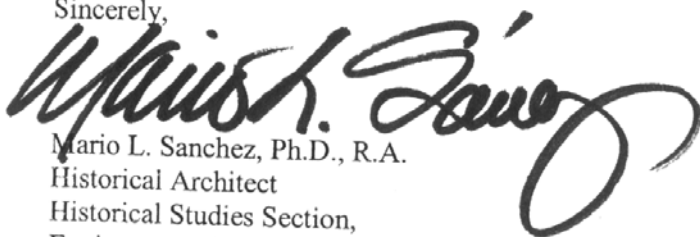
Furthermore, Lakeland Terrace and James Degan Subdivisions are not associated with any significant historical figures. Lakeland Terrace was platted by three different engineers/owners: C.L. Moon Engineers, Deutsch Lewisville Company, and John R. Ball. Research did not reveal any historical importance associated with these developers or that these subdivisions were important in the developers' careers. Moreover, as the addendum survey notes, research could not confirm the developers/architects for the James Degan Subdivision. Therefore, the subdivisions are not eligible under Criterion B.

Finally, the subdivisions exhibit uniform street patterns that are typical of many post-war planned neighborhoods. There is also no distinct landscaping and there has never been any associated auxiliary resources including shopping centers, parks, or schools. As the survey notes, Central Elementary School (Site ID #103A) is located between the two subdivisions but was not an original design element of either. In addition, the subdivisions do not retain integrity of materials and workmanship. The majority of the resources have experienced alterations including replacement windows and siding, conversions of garages to domestic spaces, and carport and garage additions. Therefore, Lakeland Terrace and James Degan Subdivisions are not eligible under Criterion C.

Conclusion

We request your written concurrence with these determinations of eligibility within 20 days of receiving this letter. If you need further information, feel free to call me at 416-2770.

Sincerely,



Mario L. Sanchez, Ph.D., R.A.
Historical Architect
Historical Studies Section,
Environmental Affairs Division

MLS: aar

Attachments

CONCUR: NO HISTORIC PROPERTIES IN PROJECT APE AND STUDY AREA	
NAME: <u><i>Col Hagg</i></u> for F. Lawrence Oaks, State Historic Preservation Officer	DATE: <u>11/9/07</u>

Bcc w/all attachments: Dallas District, Robert Hall/Kathleen Lyons
ENV/PM, Margaret Canty
ENV/CRM, Mario L. Sánchez

July 19, 2006

Peggy W. Capps
Denton County Historical Commission
1100 W. Hickory
Denton, Texas 76201

HNTB

Re.: Interstate Highway (IH) 35E
From State Highway (SH) 190/President George Bush Turnpike (PGBT)
To Farm-to-Market Road (FM) 2181
Dallas and Denton Counties, Texas
CSJs: 0196-02-068, 0196-01-096, 0196-02-073

Dear Ms. Capps:

HNTB Corporation, on behalf of the Texas Department of Transportation (TxDOT) – Dallas District, is currently conducting an Environmental Assessment (EA) for proposed improvements along the IH 35E corridor in Dallas and Denton Counties (**See attached Vicinity Map**). The proposed expansion and reconstruction of the IH 35E corridor extend from PGBT to FM 2181, a total distance of approximately 12 miles. The cities adjacent to the proposed improvements include Carrollton, Lewisville, Hickory Creek, Highland Village, Lake Dallas, and Corinth.

The existing facility is within a primarily urbanized area with a few undeveloped areas adjacent to the right-of-way (ROW). The current IH 35E facility consists of six main lanes. North of Lewisville Lake, the IH 35E six mainlanes are reduced to four lanes. The frontage roads consist of two lane frontage roads and are mostly continuous along the corridor with an exception of the bridge over Lewisville Lake where there are no frontage roads. The existing ROW varies from approximately 250 ft to 300 ft along the corridor. The proposed typical section would consist of ten mainlanes, two reversible managed lanes, and three lane frontage roads in each direction. Approximately 200 acres of additional ROW would be required for this project.

Your knowledge concerning the location of any historically or archaeologically significant properties in the subject area, which might be eligible for inclusion in, or nomination to, the *National Register of Historic Places* will be appreciated. If the project area under consideration contains no historical or archaeological sites, your signature below will be sufficient verification. If you should need further information concerning this project, please contact me at (512) 692-2203.

Sincerely,



Sally Victor
HNTB CORPORATION
Historian

Attachment: Vicinity Map

cc: Nasser Askari, P.E., TxDOT Project Manager
HNTB File 37641 PL 002

Chairperson, Denton County Historical Commission

Date

July 19, 2006

Julie Glover, CMSM
Denton County Historical Commission
Certified Local Government
1100 W. Hickory
Denton, Texas 76201

HNTB

Re.: Interstate Highway (IH) 35E
From State Highway (SH) 190/President George Bush Turnpike (PGBT)
To Farm-to-Market Road (FM) 2181
Dallas and Denton Counties, Texas
CSJs: 0196-02-068, 0196-01-096, 0196-02-073

Dear Ms. Glover:

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Sincerely,

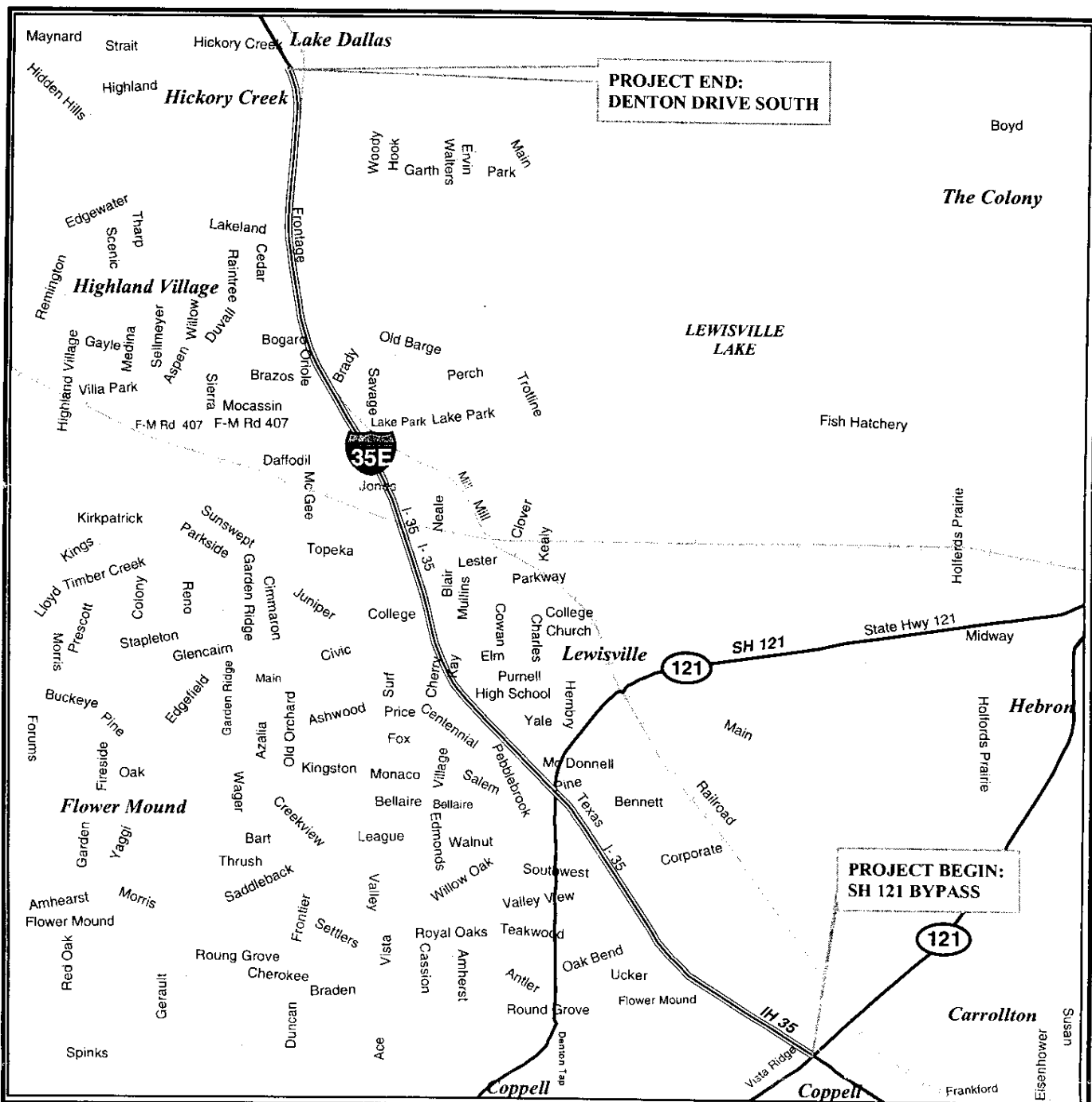


Sally Victor
HNTB CORPORATION
Historian

Attachment: Vicinity Map
CC: Nasser Askari, P.E., TxDOT Project Manager
HNTB File - 37641 PL 002

Chairperson, Denton County Historical Commission
Certified Local Government

Date



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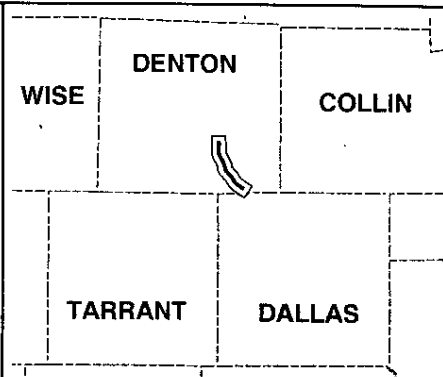
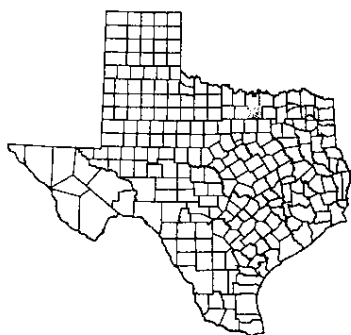


FIGURE 2 PROJECT VICINITY and LOCATION MAP

IH 35E
SH 121 BYPASS to
DENTON DRIVE SOUTH
CSJs: 0196-02-068, 0196-02-073

ENVIRONMENTAL ASSESSMENT
DENTON COUNTY, TEXAS

MAY 2003



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

September 27, 2010

Planning, Environmental, and Regulatory Division

Mr. H. Stan Hall, P.E.
District Advance Project Development Engineer
Texas Department of Transportation
P.O. Box 133067
Dallas TX 75313
Phone: (214) 320-6100

Dear Mr. Hall:

The U.S. Army Corps of Engineers (USACE), Fort Worth District has reviewed the draft Environmental Assessment and Section 4(f) Evaluations for Highland Lakes Park and USACE Property dated September 2010 (EA). The EA assesses the impacts to USACE property for the proposed IH 35E Widening Project, Denton County, Texas. We appreciate your agency's ongoing coordination with USACE on this project. Our jurisdiction and involvement as a cooperating agency has focused on those activities affecting USACE property and the Section 404 permit approval process.

Enclosed are USACE comments that should be addressed before the draft EA is released for public review. Once these comments are addressed, USACE is in agreement that the draft EA sufficiently addresses impacts and proposed mitigation for USACE property. We look forward to continuing our role as a cooperating agency to insure that the NEPA process provides adequate consideration and public disclosure of impacts to USACE property. We are committed to continued cooperation with your agency in this effort and look forward to the joining you at the upcoming Public Hearings and responding to any comments regarding USACE property. Please contact Mr. Brandon Mobley at (817)886-1565 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "William Fickel, Jr.", is positioned above the typed name.

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

Encl

USACE Comments
Environmental Assessment and Section 4(f)
Evaluations for Highland Lakes Park and USACE Property
September 2010

1. Section A.3, on page 29, TxDOT says that 18,500 cubic yards of fill would be placed within the 537 flood pool elevation of Lewisville Lake. The EA goes on to say that TxDOT will reclaim this lost flood storage by removing fill at another location and disposing of the fill above the flood pool on USACE property. Per the teleconference with TxDOT on 27 September 2010, TxDOT needs to revise this statement that cut and fill will be within the current easement and should result in an overall positive benefit to flood storage of Lake Lewisville.
2. Section A.7, Page 46 1st paragraph, page 155 last paragraph, page 195 last paragraph, page 198 4th paragraph, . The term "in-lieu fee payment" is an official term used by the WRDA 2007 Mitigation Rule in regards to wetlands. There is only one in-lieu fee mitigation provider in the state of Texas. Instead of using in-lieu fee payment, please change to fee payment only.
3. USACE did not include 404 permit application issues because a new or modified permit application has not been received. When the revised 404 application is received USACE will review the application at that time. If TxDOT has any questions on 404 issues please contact Mr. Barry Osborn at 817-886-1734.
4. Summary page 144. To try to stay in line with TxDOT/FHWA NEPA processes USACE is not including a Draft Finding of No Significant Impact (FONSI) with the Draft EA; however, it would be appropriate to include the transmittal letter of these comments in your correspondence appendix and in this summary state that USACE is in agreement with the impacts and mitigation to USACE property and that 404 impacts will be addressed during the permitting process.
5. USACE will provide comments/suggestions to the proposed Public Hearing Notice via email to Jennifer Halstead.