

APPENDIX E: Agency Coordination

**Appendix E-1: U.S. Army Corps of Engineers (USACE)
Fort Worth District**

Mark Hull

From: Messer, Orville D (Darvin) CIV USARMY CESWF (USA) <Darvin.Messer@usace.army.mil>
Sent: Tuesday, January 11, 2022 10:22 AM
To: Mark Hull
Subject: RE: [Non-DoD Source] SWF-2020-00340 Spur 399 Extension (US 75 to US 380) USACE Project Coordination

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Mark,

I've reviewed the submittals and delineations/assessments appear reasonable. We await further information concerning preferred routing and potential impacts being quantified. Thanks.

Darvin Messer
Regulatory Project Manager
USACE Fort Worth District
(817) 886-1744
darwin.messer@usace.army.mil

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USACE Fort Worth District Regulatory Division Website:
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-----Original Message-----

From: Messer, Orville D (Darvin) CIV USARMY CESWF (USA)
Sent: Wednesday, December 01, 2021 3:35 PM
To: mark.hull@txdot.gov

Subject: FW: [Non-DoD Source] SWF-2020-00340 Spur 399 Extension (US 75 to US 380) USACE Project Coordination

Mark - Howdy, I'm the new 214 PM. I'll send you an upload link. Once I have some time to get familiar with this project, maybe we could have a call...?

Thanks.

Darvin Messer
Regulatory Project Manager
USACE Fort Worth District
(817) 886-1744
darwin.messer@usace.army.mil

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-----Original Message-----

From: Walker, Jennifer R CIV USARMY CESWF (USA) <Jennifer.R.Walker2@usace.army.mil>
Sent: Wednesday, December 01, 2021 3:21 PM
To: Messer, Orville D (Darvin) CIV USARMY CESWF (USA) <Darvin.Messer@usace.army.mil>
Subject: FW: [Non-DoD Source] SWF-2020-00340 Spur 399 Extension (US 75 to US 380) USACE Project Coordination

Hi Darvin,

Would you please reach out to Mark Hull on this? Thank you!!

Jennifer Walker

Chief, Evaluation Branch Regulatory Division

U.S. Army Corps of Engineers Ft. Worth District

819 Taylor Street

Fort Worth, Texas 76102-00300

Phone - 817-886-1863

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In the Fort Worth District Regulatory Branch we continue to seek ways to improve our Program.

We would greatly appreciate your help in improving our service by completing our Customer Service Survey.

We review these results on a monthly basis and truly welcome all feedback.

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Fort Worth Regulatory Home Page

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From: Mark Hull <Mark.Hull@txdot.gov>
Sent: Wednesday, December 01, 2021 11:36 AM
To: Walker, Jennifer R CIV USARMY CESWF (USA) <Jennifer.R.Walker2@usace.army.mil>
Subject: [Non-DoD Source] SWF-2020-00340 Spur 399 Extension (US 75 to US 380) USACE Project Coordination

Jennifer,

I haven't heard who will be taking over this 214 Agreement Project; therefore, I'm requesting an upload link to submit the Water Feature Report/Wetland Delineation Report and Impacts Table for the above referenced project for the USACE review and comments. Barry's procedure was the NJD/Concurrence Letter so that is how this project was planned. Once we receive the USACE comments, we will:

- * Develop the Alternative Analysis Memo
- * Submit the Alternative Analysis Memo For USACE Review
- * TxDOT Preferred Alternative/USACE LEDPA Concurrence

Mark Hull, Ph.D.

Environmental Specialist

Water Resource SME

Dallas District - ENV

Texas Department of Transportation

4777 East Highway 80

Mesquite, Texas 75150

(214) 320-6123 office

(214) 320-4470 FAX

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Appendix E-2: Tribal Coordination

From: [Scott Pletka](#)
To: irohrrer@mycaddonation.com; bgonzalez@mycaddonation.com; martina.minthorn@comanchenation.com; theodorev@comanchenation.com; jflynn@jenachoctaw.org; mattocknie@kiowatribe.org; holly@mathpo.org; tonya@shawnee-tribe.com; mallen@tonkawatribe.com; lbrown@tonkawatribe.com; Terri.Parton@wichitatribe.com; robin.williams@wichitatribe.com; mary.botone@wichitatribe.com; gary.mcadams@wichitatribe.com
Subject: Section 106 Consultation Request - 0364-04-051, Spur 399 Extension, Collin County, Dallas District
Date: Monday, March 14, 2022 11:10:00 AM

Sec. 106 Consultation

MARCH 14, 2022

Contacts:

[Scott Pletka](#)
512-416-2631

Notice:

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

We kindly request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed project. Please see the following summary for project details and information. To access the associated reports, which include a detailed project description, APE definition and identification efforts, use the attached link. After 30 days, the link will expire. We will provide an updated link upon request. This project will also be included during our monthly Sec. 106 conference call every third Wednesday of the month at 2 p.m.

Summary:

<i>Project ID (CSJ), Roadway, Limits, County and TxDOT District</i>	<i>CSJ: 0364-04-051, Spur 399 from US 75 to SH 5, Collin County, Dallas District</i>
<i>Lat/Longs:</i>	<i>Begin:33.1671936, -96.6291835 End:33.1580089, -96.6455560</i>
<i>Project Sponsor:</i>	<i>TxDOT</i>
<i>Consultation Status:</i>	<input type="checkbox"/> <i>Initial Consultation</i> <input checked="" type="checkbox"/> <i>Continuation of Consultation</i> <i>Reason(s): Initial survey completed</i>
<i>Short Description:</i>	<i>Construct new roadway lanes</i>
<i>New Right of Way:</i>	<i>326.1 acres</i>
<i>Depth of Impacts:</i>	<i>The estimated depth of impacts is typically five feet with a maximum depth of impacts of 40 feet.</i>
<i>Known Archeological Sites or Properties in project area:</i>	<i>Two previously-identified historic-age farmsteads (41COL168 and 41COL776) could not be relocated and have been destroyed by previous development; those two sites had been determined to not be eligible for inclusion in the National Register of Historic Places.</i> <i>The survey identified one new site, 41COL358. This new site is a scatter of trash dating to the 1960's and 1970's. The new site is recommended as ineligible for inclusion in the National Register of Historic Places.</i>
<i>Identification Efforts:</i>	<i>Survey</i>
<i>Recommendations:</i>	<i>No historic properties affected within surveyed areas; complete survey once access obtained to remainder of APE</i>
<i>Link to Detailed Report:</i>	https://txdot.box.com/s/pzas67shoe8ntk0sf912j8oa08nec20i

Please provide any comments that you may have on the TxDOT findings and recommendations. Please provide your comments within 30 days of receipt of this letter. Any comments provided after that time will be addressed to the fullest extent possible.

*2019, and
executed by
FHWA and
TxDOT.*

Cannon-Mackey, Shari

From: Martina Minthorn <Martina.Minthorn@comanchenation.com>
Sent: Tuesday, October 19, 2021 4:42 PM
To: Laura Cruzada
Subject: RE: TxDOT CSJ: 0364-04-051, Spur 399, Roadway Extension; Collin County, Dallas District
Attachments: RE TxDOT CSJ 0364-04-051, Spur 399, Roadway Extension Collin County, Dallas District.docx

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Dear Mrs. Laura Cruzada,

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of "No Properties" have been identified. (IAW 36 CFR 800.4(d)(1)).

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office. Please contact the Comanche Nation Tribal Historical Preservation Office at (580) 595-9618, if you require additional information on this project.

Best Regards,

Martina Minthorn

Comanche Nation
Tribal Historic Preservation Officer (THPO)
6 SW D Ave., Suite C
Lawton, OK 73501
(580) 595-9618 Phone
(580) 595-9733 Fax
Martina.Minthorn@comanchenation.com



Enchanted Rock, Texas

"To preserve historic and sacred landmarks of the Comanche Nation"

COMANCHE NATION

October 19, 2021

Texas Department of Transportation (TXDOT)
Public Involvement Specialist & Tribal Liaison
ATT: Laura Cruzada
125 E. 11th Street
Austin TX 78701

RE: TxDOT CSJ: 0364-04-051, Spur 399, Roadway Extension; Collin County, Dallas District

Dear Mrs. Laura Cruzada,

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of **"No Properties"** have been identified. (IAW 36 CFR 800.4(d)(1)).

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office. Please contact the Comanche Nation Tribal Historical Preservation Office at (580) 595-9618, if you require additional information on this project.

Best Regards,

Martina Minthorn

Comanche Nation Historic Preservation Office
Martina Minthorn, Tribal Historic Preservation Officer
#6 SW "D" Avenue, Suite C
Lawton, OK. 73501
Martina.Minthorn@comanchenation.com
(580) 595-9618/Fax (580) 595-9733

FYI: We have a new Chairman of the Comanche Nation, Mr. Mark Woommavovah, and his email address is Mark.Woommavovah@comanchenation.com

“

“To preserve historic and sacred landmarks of the Comanche Nation”

COMANCHE NATION P.O. BOX 908 LAWTON, OK 73507
TOLL FREE 1-877-492-492-4988 OR (580) 492-4988

From: Laura Cruzada <Laura.Cruzada@txdot.gov>

Sent: Friday, September 10, 2021 1:02 PM

To: mattocknie@kiowatribe.org; holly@mathpo.org; gary.mcadams@wichitatribe.com; Terri.Parton@wichitatribe.com; bgonzalez@mycaddonation.com; jflynn@jenachoctaw.org; lbrown@tonkawatribe.com; mallen@tonkawatribe.com; Martina Minthorn <Martina.Minthorn@comanchenation.com>; Theodore Villicana <Theodore.Villicana@comanchenation.com>; tonya@shawnee-tribe.com; robin.williams@wichitatribe.com; mary.botone@wichitatribe.com; jrohrer@mycaddonation.com

Cc: Allen Bettis Jr <Allen.Bettis@txdot.gov>

Subject: [EXTERNAL] TxDOT Sec. 106 Consultation Request - CSJ: 0364-04-051, Spur 399, Roadway Extension; Collin County, Dallas District

[SYSTEM: This email came from outside our organization, please exercise caution.]

Good afternoon,

Please see the details for the above referenced project, which will require intensive survey. If you'd like to participate, let me know.

Thank you for your consultation on this request.



Sec. 106 Consultation

SEPTEMBER 10, 2021

Contacts:

[Laura Cruzada](#)
512-416-2638

We kindly request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed project. Please see the following summary for project details and information. To access the associated reports, which include a detailed project description, APE definition and identification efforts, use the attached link. After 21 days, the link will expire. We will provide an updated link upon request. This project will also be included during our monthly Sec. 106 conference call every third Wednesday of the month at 2 p.m.

Summary:

<i>Project ID (CSJ), County and TxDOT District</i>	<i>CSJ: 0364-04-051, Collin County, Dallas District</i>
<i>Project Sponsor:</i>	<i>TxDOT</i>
<i>Consultation Status:</i>	<input checked="" type="checkbox"/> <i>Initial Consultation</i> <input type="checkbox"/> <i>Continuation of Consultation</i> <i>Reason(s):</i>
<i>Short Description:</i>	<i>Spur 399, Roadway Extension</i>
<i>Lat/Longs:</i>	<i>Begin: 33° 10' 01.89" N 96° 37' 95.06" W</i> <i>End: 33° 09' 28.83" N 96° 38' 44.00" W</i>
<i>New Right of Way:</i>	<i>The amount of acreage for the proposed new ROW has not been determined at this time (no easements needed)</i>
<i>Depth of Impacts:</i>	<i>5.0 feet typical and 50.0 feet maximum (increase of depth of construction impacts)</i>
<i>Known Archeological Sites or Properties in project area:</i>	<i>No recorded sites within the APE or within 150 feet of the APE</i>
<i>Identification Efforts:</i>	<i>Archeological Background Study</i>
<i>Recommendations:</i>	<i>Archeological intensive survey of APE</i>
<i>Link to detailed report:</i>	https://txdot.box.com/s/n9zobeasxo4621jifannvz3si7182li

Please provide any comments that you may have on the TxDOT findings and recommendations. Please provide your comments within 30 days of receipt of this letter. Any comments provided after that time will be addressed to the fullest extent possible.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

Laura Cruzada
Public Involvement Specialist and Tribal Liaison
Environmental Affairs Division
laura.cruzada@txdot.gov
TxDOT office: 512-416-2638
TxDOT mobile: 737-212-3795

Appendix E-3: Texas Historical Commission



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

April 8, 2022

RE: CSJ: 036404051; Spur 399, Convert Non-Freeway to Freeway, Collin County, Dallas District; Section 106 Consultation and Antiquities Code Coordination; Texas Antiquities Permit No. 30310

Mr. Mark Wolfe
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Mr. Wolfe:

As required by the Programmatic Agreement and the Memorandum of Understanding with your agency, we are initiating consultation on this project. Environmental studies are in the process of being conducted for this project. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019 and executed by FHWA and TxDOT. We have enclosed for your review a draft report of archeological investigations for this undertaking.

Undertaking Description

The proposed project will be undertaken with federal funds and will occur in part or in whole on non-federal public lands. TxDOT is proposing to extend Spur 399. The proposed project would build a road on new alignment. TxDOT is currently considering two alignments, and TxDOT is evaluating both alignments.

Area of Potential Effects

The project's area of potential effects (APE) comprises the following area.

- The project limits extend from US 75 to SH 5 along Spur 399. The total project length is thus 34,320 feet, and the APE includes any existing ROW within these limits.
- The existing ROW comprises a maximum of 158.51 acres.
- Existing easements comprise approximately zero acres.
- The proposed project would require a maximum of 325.98 acres of new right of way.
- The proposed project would require zero acres of new easements.

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OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

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- The proposed project would require zero acres of additional project specific locations and/or utility installations specified by the project sponsor.
- The estimated depth of impacts is typically five feet with a maximum depth of impacts of 40 feet.
- The APE is further detailed and illustrated in the attached report.

Identification Efforts

For this project, TxDOT has conducted a survey. The enclosed report of investigations has more details regarding this work. The following bullets summarize the identification efforts.

- The investigations reported here concern portions of the APE that did not warrant survey and portions of the APE that were accessible during survey.
- Archeologists undertook a survey. For this survey,
 - Zero acres had been previously surveyed or otherwise evaluated for this project;
 - Zero acres were identified as not requiring field survey, due to existing conditions of the setting identified through background research and described in the attached report;
 - 443 acres were surveyed and described in the attached report;
 - 41.6 acres still require survey due to access issues;
 - previous investigation within the APE identified 41COL168 and 41COL776; and
 - the current survey identified 41COL358.
- Identified archeological sites that are not eligible for inclusion in the National Register of Historic Places and/or that do not warrant formal designation as State Antiquities Landmarks include: 41COL168, 41COL348, and 41COL776. Sites 41COL168 and 41COL776 are historic-age farmsteads previously documented as profoundly disturbed and lacking sufficient integrity and data to qualify for inclusion in the National Register of Historic Places (NRHP) or for designation as State Antiquities Landmarks (SALs). Site 41COL358 is a mid-twentieth century artifact debris scatter that lacks sufficient data to qualify for inclusion in the NRHP or for designation as an SAL.

Effects Determination

The proposed project would have direct effects resulting from ground-disturbing construction activities within the APE. Given the results of the identification efforts, TxDOT proposes that the project will have no effect on archeological historic properties as the evaluated portions of the APE do not contain sites that are eligible for inclusion in the National Register of Historic Places or that warrant formal designation as State Antiquities Landmarks. The next section identifies the steps recommended by TxDOT based on the results of the identification efforts and this effects analysis.

Recommendations

TxDOT seeks your concurrence on the following points:

- The evaluation of the identified sites is adequate.
- TxDOT did not have permission to conduct trenching, so trenching will be conducted in proximity of Wilson Creek, the East Fork of the Trinity River, and associated tributaries once access has been obtained and prior to construction.
- Once access is obtained to areas where access has been denied, TxDOT will complete required investigations prior to construction.
- TxDOT will complete reporting and consultation on the remaining required investigations prior to construction.
- The attached draft report meets the reporting requirements of the Texas Antiquities Permit issued for the investigation.

Thank you for your consideration of this matter. If you have any questions or have need of further information, please contact me at 512-865-8694

Sincerely,

Scott Pletka
Archeological Studies Branch
Environmental Affairs Division

Cc w/o attachments: ECOS Scan

From: noreply@thc.state.tx.us
To: [Scott Pletka](mailto:Scott.Pletka); reviews@thc.state.tx.us
Subject: Section 106 Submission
Date: Friday, April 22, 2022 9:59:25 AM

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Re: Project Review under Section 106 of the National Historic Preservation Act
THC Tracking #202208846

Date: 04/22/2022

036404051 Spur 399 Extension (Permit 30310)

Spur 399 at SH 5

McKinney, TX 75069

Description: TxDOT proposed to construct a road on new location. The submitted report is the draft archeological survey report for the accessible portions of the project area.

Dear TxDOT Staff:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff, led by Bill Martin, has completed its review and has made the following determinations based on the information submitted for review:

Archeology Comments

- No historic properties affected. However, if cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.
- THC/SHPO concurs with information provided.
- This draft report is acceptable. Please submit a final report: one restricted version with any site location information (if applicable), and one public version with all site location information redacted. To facilitate review and make project information and final reports available through the Texas Archeological Sites Atlas, we appreciate submitting abstracts online at <https://xapps.thc.state.tx.us/106Review/Abstract/Create> and e-mailing survey area shapefiles to archeological_projects@thc.texas.gov if this has not already occurred. Please note that these steps are required for projects conducted under a Texas Antiquities Permit.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: bill.martin@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,



for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.

Appendix E-4: Texas Parks and Wildlife Department



Form
Documentation of Texas Parks and Wildlife Department Best Management Practices

Project Name: **Spur 399 Extension**

CSJ(s): **0364-04-051, 0047-05-058, 0047-10-002**

County(ies): **Collin**

Date Form Completed: **9/29/2021**

Prepared by: **Leslie Mirise**

Information on state-listed species, SGCN, water resources, and other natural resources can be found in the ECOS documents tab under the filenames specified in the e-mail sent to WHAB_TXDOT@tpwd.texas.gov.

1. Does the project impact any state parks, wildlife management areas, wildlife refuges, or other designated protected areas?

No

Yes

2. Does TxDOT need TPWD assistance in identifying and locating Section 404 mitigation opportunities for this project?

No / N/A / Not yet determined

Yes

3. Is there a species or resource challenge that TPWD can assist with additional guidance? If so, describe below:

There are no species or resource challenges known at this time.

4. Select all the best management practices (BMPs) that will be applied to the project:

Freshwater Mussel BMP

Water Quality BMP

Stream Crossing BMP

Bird BMP



Species-specific BMPs for the following: alligator snapping turtle (*Macrochelys temminckii*), southern crawfish frog (*Lithobates areolatus areolatus*), Strecker's chorus frog (*Pseudacris streckeri*), Woodhouse's toad (*Anaxyrus woodhousii*), eastern box turtle (*Terrapene carolina*), slender glass lizard (*Ophisaurus attenuatus*), Texas garter snake (*Thamnophis sirtalis annectens*), timber (canebrake) rattlesnake (*Crotalus horridus*), western box turtle (*Terrapene ornata*)

Aquatic Amphibian and Reptile BMP

Terrestrial Amphibian and Reptile BMP

Vegetation BMP

Aquatic Invertebrate BMP

Bat BMP

General Design and Construction BMP

Exact locations of some of these BMPs are still yet to be determined depending how the planning process develops and which alternative is chosen.

5. Select any species protection specifications that will be applied to the project.

Amphibian and Reptile Exclusion Fence

Bat Houses

Bat Exclusion System

Other

6. Select and/or explain where the above-listed BMPs will be documented and communicated to the contractor (e.g., plan sheets, general notes, EPIC sheet, etc.):

Environmental Document (EA or EIS) – Required

ECOS Non-ESA Commitments Activity – Required for surveys and other pre-construction actions

Plan Sheets/ EPIC Sheet

General notes



Other

Applicable BMPs would be specified in the project EIS and EPIC sheet. The Freshwater Mussel BMPs and Bat BMPs would be performed at suitable habitat locations. Those possible locations for the project alternatives would be included in the EIS. Specific survey areas based on the selected alternative would be noted in the ECOS Non-ESA Commitments Activity and the EPIC sheet. Reports documenting survey results would be uploaded to ECOS upon completion.

Cannon-Mackey, Shari

From: Leslie Mirise <Leslie.Mirise@txdot.gov>
Sent: Tuesday, June 14, 2022 4:07 PM
To: Suzanne Walsh
Cc: Christine Polito; Dan Perge; Stirling Robertson
Subject: RE: 0364-04-051, etc. Spur 399 - Request for initial collaborative review for an EIS

Suzanne,

To follow up on the email provided in February 2022, TxDOT has reviewed the scoping comments provided by TPWD on December 22, 2021. TxDOT will provide notification when the DEIS is available for agency review.

TPWD comment 1: TPWD prefers that the alignment selected for the project utilize existing transportation corridors to minimize impacts to undeveloped areas, such as the Purple Route. The purple route would have the least impact to floodplains, wetlands, streams, and habitat for wildlife and aquatic species.

TxDOT response 1: Comment noted. TxDOT will consider impacts to natural resources in the alternative selection process that includes impact analyses of multiple resource areas.

TPWD comment 2: TPWD specifically advises against and strongly discourages the selection of alignments that propose a new crossing over the East Fork Trinity River, such as the Orange Route. TPWD has concerns that the orange route would result in new disturbances to the Trinity River. The placement of the road in this area will not only have direct effects on the Trinity River, including fragmentation of the riparian area and negative impacts to water quality, but will incur development that increases impacts to the river, associated riparian habitat, floodplain, and ultimately to Lake Lavon.

TxDOT response 2: Comment noted. TxDOT will consider impacts to natural resources in the alternative selection process that includes impact analyses of multiple resource areas.

TPWD comment 3: TPWD recommends referring to the Texas Conservation Action Plans (TCAP), TPWD Rare, Threatened, and Endangered Species of Texas (RTEST) by County application, and the Texas Natural Diversity Database (TXNDD), and Ecological Mapping System of Texas (EMST) for information regarding sensitive resources potentially occurring in the area, priority habitats, and issues affecting sensitive resources within Collin County and avoid adverse impacts to the these resources by route selection and or adjustments.

TxDOT response 3: As part of the Species Analysis process, a variety of available resources are reviewed, including, but not limited to, those referenced above.

TPWD comment 4: TPWD recommends TxDOT consider potential impacts to wildlife travel corridors and incorporate wildlife crossings into design strategies to avoid further fragmentation of native habitats and minimize wildlife-vehicle interactions. Further, TPWD encourages TxDOT to consider opportunities within the study area to modify bridges and culverts to further enhance wildlife passage. Bridges and culverts can be modified by installing fences to direct wildlife to structures, creating pathways or installing passage benches/artificial ledges for wildlife movement, regularly cleaning out debris material from structures to ensure wildlife use, or incorporating vegetative cover to encourage wildlife to use structures.

TxDOT response 4: TxDOT designs bridges and culverts to meet current hydraulic specifications. In general, these specifications span wider areas than older structures. TxDOT considers the latest available information and has conducted research into wildlife crossings. Ample space for wildlife crossings will be considered.

TPWD comment 5: TPWD recommends choosing the alignment with the least impact on wetlands and streams. Impacts at stream crossings should be minimized during the design phase by spanning stream channels and other water features when feasible, reducing culvert lengths, and utilizing metal-beam guard fence to increase slope angles and reduce

embankment. To further minimize impacts, where culverts are used for road crossings, the crossings should be designed with the culvert(s) in the active channel area lower than those in the floodplain benches so that the flow in the channel is not overly spread out. The central/low-flow culvert(s) should be large enough to handle a 1.5-year flow without backing up water. The bottoms of these lower culverts should be set at least a foot below grade (i.e., recessed) to allow natural substrate to cover the culvert bottom and to allow for aquatic organism passage. These lower, recessed culverts should be installed in the thalweg or deepest part of the channel and be aligned with the low flow channel.

TxDOT response 5: TxDOT will consider impacts to wetlands and streams in the alternative selection process that includes impact analyses for multiple resource areas. TxDOT designs culverts according to current specifications. TxDOT prioritizes bridging over culverts for fish passage, wetland avoidance, and wildlife crossings and incorporating culvert designs that allow fish passage where appropriate.

TPWD comment 6: State-listed mussels have the potential to occur within perennial streams or intermittent streams with perennial pools in Collin County. TPWD recommends further evaluating species where suitable habitat may be present and relocating potentially impacted native aquatic resources in conjunction with a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters and an Aquatic Resource Relocation Plan (ARRP) if dewatering activities are required. ARRPs assist in the permitting process to ensure that aquatic organisms are being handled properly and protected from danger during dewatering and/or relocation activities. The ARRP should be completed and approved by TPWD 30 days prior to activity within project waters and/or resource relocation and submitted with an application for a no-cost Permit to Introduce Fish, Shellfish, or Aquatic Plants into Public Waters. ARRPs can be submitted to Bregan Brown, TPWD Region 2 Kills and Spills Team (KAST) Biologist at (903) 520-3821 cell or kirian.brown@tpwd.texas.gov.

TxDOT response 6: As part of the Species Analysis process, TxDOT investigates impacts/effects to protected freshwater mussels. In alignment with the TPWD-USFWS Joint Freshwater Mussel Survey Protocols, TxDOT will prepare an ARRP and permit application for submittal to TPWD after an alternative is selected and before suitable habitat is disturbed.

TPWD comment 7: TPWD recommends TxDOT consider wildlife impacts from light pollution and incorporating dark-sky lighting practices into design strategies. When lighting is added, TPWD recommends minimizing sky glow by focusing light downward, with full cutoff luminaires to avoid light emitting above the horizontal. TPWD recommends using the minimum amount of night-time lighting needed for safety and security and to use dark-sky friendly lighting that is on only when needed, down-shielded, as bright as needed, and minimizing blue light emissions. Appropriate lighting technologies and beneficial management practices (BMPs) can be found on the International Dark-Sky Association website at: <https://www.darksky.org/>

TxDOT response 7:

While we should maintain a realization that the reduction or elimination of light trespass must never take precedence over the provision of adequate roadway lighting, the following standard TxDOT practices go into lighting decisions.

- It is TxDOT standard practice to:
 - Evaluate if the purpose of outdoor lighting could be achieved by reflective road markers, lines, warning or informational signs or effective passive methods that preserve the night sky environment. Lighting is typically only added if there is a safety need.
 - Utilize standard fixtures with zero uplight to reduce sky glow. TxDOT standard light fixtures are luminaires specified to have a Backlight, Uplight, and Glare (BUG) rating where the luminaire has zero uplight (i.e., U=0).
 - Reduce intensity of lighting by utilizing LED lights. While TxDOTs standard color temperature is 4000K lower color temperature lighting can be specified when needed. If special wildlife situations are present color temperature of 3000K and lower are available on request. (Remember individual species may have different response to different color lighting so it may take some looking into to find the “right” color temperature for a species.)
 - Direct lighting only where needed. For safety lighting, poles are placed to best light the conflict areas. Light fixtures are oriented so that most of the light hits the roadway.
 - Prevent/limit light trespass by using the minimum height pole needed to accomplish lighting the roadway area.

TPWD comment 8: The Land and Water Resource Conservation and Recreation Plan (LWRCRP) inventory indicated parks located within the project area. The TPWD Recreation Grants Program should be contacted to determine whether TxDOT's proposed Spur 399 Extension project may impact Land and Water Conservation Fund (LWCF) projects. The TPWD Recreation Grants Program can be contacted by email at rec.grants@tpwd.texas.gov or by phone at (512) 389-8224 (<https://tpwd.texas.gov/business/grants/recreation-grants/contact-us/contact-us>).

TxDOT response 8: Comment noted. As part of the NEPA process, TxDOT would be in compliance with Chapter 26 of the Parks and Wildlife Code concerning parks located within the project area. One park, Wilson Creek Greenbelt, owned by the City of McKinney, would be impacted by the Orange Alternative. It is considered both a 4(f) and Ch 26 protected resource. Wilson Creek Park, on the south side of Wilson Creek Parkway, is listed as a LWCF 6(f) property. The area of the Wilson Creek Greenbelt that would be impacted is well south of this location. Wilson Creek Park, which appears to be renamed Towne Lake Park, received the funding in 1984. The LWCF funds would be tied to the park boundary at that time. It does not appear that this would be a 6(f) impact. Other parks in the study area are either vacant lands designated for future park/recreation use by the City of McKinney or are owned by the Town of Prosper and not open to the public for park/recreation use.

Please let me know if you have any questions or require additional information.

Thanks,

Leslie Mirise

Environmental Specialist
Dallas District – DAL-ENV
Texas Department of Transportation
4777 East Highway 80
Mesquite, Texas 75150
(214) 320-6162 office
(214) 320-4470 FAX

From: Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>
Sent: Monday, February 28, 2022 5:27 PM
To: Leslie Mirise <Leslie.Mirise@txdot.gov>
Subject: RE: 0364-04-051, etc. Spur 399 - Request for initial collaborative review for an EIS

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Leslie,

I wanted to send an email to follow-up on our discussions in November and December 2021 about this project. TPWD provided recommendations on December 22, 2020 to TxDOT's request for agency information, issues, or concerns about the proposed Spur 399 Extension EIS project. Please review the TPWD scoping comments as these recommendations remain applicable to the project as proposed project.

TPWD looks forward to reviewing the draft EIS when it becomes available for public review. Please send the notice of availability of the DEIS to TPWD at WHAB_TxDOT@tpwd.texas.gov. As discussed, 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. If you have any questions, please let me know.

Thanks,
Suzanne

Suzanne Walsh
Transportation Conservation Coordinator
Wildlife Division – Wildlife Habitat Assessment Program
Phone: (512) 389-4579

From: WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>
Sent: Friday, November 19, 2021 2:13 PM
To: Leslie Mirise <Leslie.Mirise@txdot.gov>; WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>; Christine Polito <Christine.Polito@txdot.gov>; Dan Perge <Dan.Perge@txdot.gov>; Stirling Robertson <Stirling.Robertson@txdot.gov>; Michelle Lueck <Michelle.Lueck@txdot.gov>
Cc: Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>
Subject: RE: 0364-04-051, etc. Spur 399 - Request for initial collaborative review for an EIS

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 47799. The Habitat Assessment Biologist who will complete your project review is copied on this email.

Thank you,

John Ney
Administrative Assistant
Texas Parks & Wildlife Department
Wildlife Diversity Program – Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744
Office: (512) 389-4571

From: Leslie Mirise <Leslie.Mirise@txdot.gov>
Sent: Friday, November 19, 2021 12:04 PM
To: WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>
Cc: Christine Polito <Christine.Polito@txdot.gov>; Dan Perge <Dan.Perge@txdot.gov>; Stirling Robertson <Stirling.Robertson@txdot.gov>; Michelle Lueck <Michelle.Lueck@txdot.gov>
Subject: 0364-04-051, etc. Spur 399 - Request for initial collaborative review for an EIS

ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Hello,

TxDOT requests initial collaborative review for the Spur 399 project (EIS) in Collin County, Texas. Please see ECOS WPD I screen in ECOS for the project description. The project location would include new location from US 75 south of

McKinney, including the existing intersection of US 75, SH 5, and Spur 399, north and east to intersect with US 380 east of McKinney. The following file names for relevant documents are available in ECOS:

1. APPROVED 01 0364-04-051, etc. Spur 399 SppAnalysisSpreadsheet 9-29-2021.pdf
2. APPROVED 02 0364-04-051, etc. Spur 399 SppAnalysisForm 9-29-2021.pdf
3. APPROVED 03 0364-04-051, etc. Spur 399 TPWD BMP Form 9-29-2021.pdf
4. APPROVED 04 0364-04-051, etc. Spur 399 USFWS OfficialSppList accessed 6-17-2021.pdf
5. APPROVED 05 0364-04-051, etc. Spur 399 TPWD RTEST Collin accessed 9-28-2021.pdf
6. APPROVED 06 0364-04-051, etc. Spur 399 NDD figure accessed 6-17-2021.pdf
7. APPROVED 07 0364-04-051, etc. Spur 399 EMSTfigures 9-29-2021.pdf
8. APPROVED 08 0364-04-051, etc. Spur 399 ObservedVegFigures 9-29-2021.pdf
9. APPROVED 09 0364-04-051, etc. Spur 399 EMST_ALTComparisonTable 9-29-2021.xlsx
10. APPROVED 10 0364-04-051, etc. Spur 399 EMSTdiscrepanciesPhotos 9-29-2021.pdf
11. APPROVED 11 0364-04-051, etc. Spur 399 RepresentativePhotos 9-29-2021.pdf
12. APPROVED 12 0364-04-051, etc. Spur 399 MusselHabitat 9-29-2021.pdf
13. APPROVED 13 0364-04-051, etc. Spur 399 WoodlandBatHabitat 9-29-2021.pdf
14. APPROVED 0364-04-051etc_SPUR399_SurfaceWaterAnalysisForm_2021-10-04.pdf
15. APPROVED 0364-04-051etc_SPUR399_404-10 Impacts Table_2021-11-04_SMS_v2_STUDY TEAM REV_2021-11-16.xlsx
16. Approved_0364-04-051etc_SPUR399_WaterFeaturesDelinReport_COMPLETE_2021-11-04.pdf
17. 0364-04-051, etc. Spur 399 DRAFT 60% schematic_revised ROW at north end of project.pdf

These documents, along with other project-related information, are available in ECOS under the CSJ 0364-04-051. Just as general timeline information, the DEIS is expected to be published in mid-January. Please feel free to contact me with any questions or if additional information is needed.

Thank you,

Leslie Mirise

Environmental Specialist
Dallas District – DAL-ENV
Texas Department of Transportation
4777 East Highway 80
Mesquite, Texas 75150
(214) 320-6162 office
(214) 320-4470 FAX

