

APPENDIX E: Agency Coordination

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

Christine Polito

From: NoReplyTo@mail.mil
Sent: Friday, October 14, 2022 11:33 AM
To: Christine Polito
Subject: Re: [DoD SAFE] SWF-2020-00339 US 380 McKinney Delineation Report

Follow Up Flag: Follow up
Flag Status: Completed

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.

This is an automated message sent to you by the DoD SAFE service.

Adam Fouts <adam.fouts@txdot.gov> has dropped off a file for you.

IF YOU TRUST THE SENDER and are expecting to receive a file from them, you may choose to retrieve the drop-off by clicking the following link (or copying and pasting it into your web browser):

<https://safe.apps.mil/pickup.php?claimID=8u78MFsFF9rpEjqr&recipCode=xCTr8Q>

You will be required to enter the claim passcode, which is:

BTbFEbYKhZmuqW7q

You have 7 days to retrieve the drop-off; after that the link above will expire.

The sender has left you a note:

Please see the Attached Delineation Report for US 380 McKinney SWF-2020-00339. This project was originally assigned to Barry Osborn. However, since Barry is no longer with the USACE Jennifer Walker indicated that she would likely assign this to Chandler Peter. If you have any questions, please feel free to contact me.

Full information about the drop-off:

Claim ID: 8u78MFsFF9rpEjqr
Recipient Code: xCTr8Q
Claim Passcode: BTbFEbYKhZmuqW7q
Drop-off Submitted: 2022-10-14 16:32:34 UTC
Drop-off Completed: 2022-10-14 16:32:40 UTC

— Sender —

Name: Adam Fouts
Organization: Guest
Email Address: adam.fouts@txdot.gov

— File —

Name: SWF-2020-00339_US380 WaterFeaturesReport_0135-02-065.pdf
Description: SWF-2020-00339_US380 Delineation Report

Size: 287574728

SHA-256 Checksum: 0AAAC851FE0452A1EB787AADB0E8FFB71D1077846EA7A1FA562BD071A11A74A2

Content Type: application/pdf

Appendix E-2: Tribal Coordination

Cannon-Mackey, Shari

Subject: FW: TxDOT Sec. 106 Consultation Request - CSJ: 013502065, US 380 , Collin County, Dallas District

From: Scott Pletka <Scott.Pletka@txdot.gov>

Sent: Friday, May 20, 2022 2:35 PM

To: jrohrer@mycaddonation.com; bgonzalez@mycaddonation.com; martina.minthorn@comanchenation.com; theodorev@comanchenation.com; klucas@delawarenation-nsn.gov; 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: TxDOT Sec. 106 Consultation Request - CSJ: 013502065, US 380 , Collin County, Dallas District

Sec. 106 Consultation

MAY 20, 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, 2019, and executed by FHWA and TxDOT.

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: 0135-02-065, US 380 from FM 1827 to Coit Road, Collin County, Dallas District</i>
<i>Lat/Longs:</i>	<i>Begin: 33.2186740, -96.8007410 End: 33.2116104, -96.6128879</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>Construct new roadway</i>
<i>New Right of Way:</i>	<i>1,079.37 acres</i>
<i>Depth of Impacts:</i>	<i>The estimated depth of impacts is typically five feet with a maximum depth of impacts of 75 feet.</i>
<i>Known Archeological Sites or Properties in project area:</i>	<ul style="list-style-type: none">• <i>41COL00309 – Middle Archaic occupation with preserved midden, previously determined to be eligible for NHRP listing</i>• <i>41COL0315 – Railroad berm associated with the Texas Electric Railway constructed in 1908, recommended as not eligible based on survey performed for this project</i>
<i>Identification Efforts:</i>	<i>Background Study and Survey of accessible areas</i>
<i>Recommendations:</i>	<i>No historic properties affected within fully surveyed portions of the APE; complete survey once access obtained to remainder of APE, including further evaluation of extent to which 41COL00309 occurs within APE</i>
<i>Link to Detailed Reports:</i>	<i>Background Study:</i> https://txdot.box.com/s/3kcrd6n3skelp54jtshe6gnw504imo9 <i>Survey:</i> https://txdot.box.com/s/wvx2h6qm3v0fgtifjdojpylc1q8yv9f1

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.

COMANCHE NATION



Texas Department of Transportation
Attn: Mr. Scott Pletka
118 E. Riverside
Texas 78704

May 24, 2022

Re: TXDOT Sec. 106 Consultation Request – CSJ-013502065, US 380,
Collin County, Dallas District

Dear Mr. Pletka:

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)).

Please contact this office at (580) 595-9960/9618) if you require additional information on this project.

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.

Regards

Comanche Nation Historic Preservation Office
Theodore E. Villicana , Technician
#6 SW “D” Avenue, Suite C
Lawton, OK. 73502

Consult Response delayed due to Covid-19 work conditions.

Appendix E-3: Texas Historical Commission



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

May 20, 2022

RE: CSJ: 0135-02-065; US 380, Rehabilitate Existing Roadway, Collin County, Dallas District; Section 106 Consultation and Antiquities Code Coordination; Texas Antiquities Permit No. Number 30497

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 rehabilitate the existing roadway on US 380. The proposed project would construct an eight-lane, access-controlled freeway with one-way frontage roads on each side within an anticipated right-of-way width of between 330 to 350 feet depending on location. The project extends along existing US 380 from Coit Road to FM 1827, a distance of approximately 11.2 miles. TxDOT is currently considering multiple alternatives. A final proposed alignment will be selected later in project development. New location alternatives are being considered to the north of McKinney, connecting Coit Road and FM 1827. The new location alternatives could be as long as 15.5 miles and may extend north of Bloomdale Road. The existing right-of-way along US 380 ranges in width from approximately 130 feet to 180 feet, with the proposed freeway requiring approximately 330 feet to 350 feet of right-of-way. Additional right-of-way may be required to construct the proposed improvements.

Area of Potential Effects

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

- The project limits extend from Coit Road to FM 1827 along US 380. The total project length is thus 59,136 feet, and the APE includes any existing ROW within these limits.
- The existing ROW comprises approximately 405.87 acres.
- The proposed project would require up to 1,079.38 acres for new right of way and/or easements. Note that this proposed new ROW acreage encompasses multiple alternatives. The final design and APE will entail a lesser amount of proposed new ROW.
- The estimated depth of impacts is typically five feet with a maximum depth of impacts of 75 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,
 - No acres had been previously surveyed or otherwise evaluated for this project;
 - Approximately 139.02 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;
 - 700.47 acres, including 405.87 acres of existing ROW and 294.60 acres of proposed new ROW, were surveyed and described in the attached report; of these 700.47 acres, 605.40 require no further work;
 - Up to 879.85 acres still require survey due to access issues, including areas that were shovel tested for this survey for which permission to conduct required trenching could not be obtained;
 - previous investigation within the APE identified site 41COL00309 in the APE; and
 - the current survey identified site 41COL0066
- Identified archeological sites that are eligible for inclusion in the National Register of Historic Places and/or that warrant formal designation as State Antiquities Landmarks include 41COL00309. The portion of the APE where this site has been mapped could not be trenched. Further identification efforts shall be conducted to evaluate the extent to which this site occurs within the APE, once ROW has been acquired and prior to construction.
- 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 41COL0066. The site comprises concrete piers and a portion of the berm associated with the Texas Electric Railway, built in 1908. The ballasts, crossties, rails, and tie plates are all gone. The site thus lacks sufficient

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integrity of design, materials, and feeling to be eligible for inclusion in the National Register of Historic Places or to merit formal designation as a State Antiquities Landmark.

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 history properties within the 605.40 acres that have been fully evaluated, including site 41COL0066. Up to 879.85 acres of proposed new ROW still require further work once the ROW has been acquired and prior to construction. This additional work includes trenching at the mapped location of eligible site 41COL00309, to determine the extent of that site in the APE. 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 identification efforts and analysis of effects completed to date within 605.40 acres of the APE are adequate.
- TxDOT shall continue identification efforts within up to 879.85 acre of proposed new ROW, once an alternative has been selected and ROW has been acquired.
- TxDOT shall conduct further evaluation of site 41COL00309.
- 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 512-416-2631.

Sincerely,



Scott Pletka
Archeological Studies Branch
Environmental Affairs Division

Cannon-Mackey, Shari

From: noreply@thc.state.tx.us
Sent: Thursday, July 7, 2022 4:09 PM
To: Scott Pletka; reviews@thc.state.tx.us
Subject: Section 106 Submission

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.



TEXAS HISTORICAL COMMISSION

real places telling real stories

Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

THC Tracking #202211638

Date: 07/07/2022

013502065 US 380 (Permit 30497)

US 380 at Coit Rd

McKinney, TX 75069

Description: This is a resubmittal, correcting an error in the transmittal letter. TxDOT proposes to construct improvements to US 380. The submitted report is a draft archeological survey report.

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 and the Antiquities Code of Texas.

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

- THC/SHPO concurs with information provided.
- Property/properties are not eligible for listing in the National Register of Historic Places.
- This draft report is acceptable. To facilitate review and make project information and final reports available through the Texas Archeological Sites Atlas, we appreciate submission of tagged pdf copies of the final report including one restricted version with all site location information (if applicable), and one public version with all site location information redacted; an online abstract form submitted via the abstract tab on eTRAC; and survey area shapefiles submitted via the shapefile tab on eTRAC. For questions on how to submit these please visit our video training series at: <https://www.youtube.com/playlist?list=PLONbbv2pt4cog5t6mCqZVaEAx3d0MkgQC> Please note that these steps are required for projects conducted under a Texas Antiquities Permit.
- The adverse effect of the project must be mitigated. Please submit a research design with a data recovery plan.

We have the following comments: We concur that 41COL309 is eligible and requires mitigation of adverse effects. We also concur that site 41COL315 is ineligible for inclusion in the NRHP. Please ignore the auto-generated language regarding submission of a research design. Follow the stipulations in the PA and MOU.

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,

A handwritten signature in black ink, appearing to read "William A. Martin". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

Leslie Mirise

From: Leslie Mirise
Sent: Wednesday, July 6, 2022 3:55 PM
To: Suzanne Walsh
Cc: Christine Polito; Stirling Robertson; Dan Perge
Subject: RE: CSJ 0135-02-065, etc. US 380 Improvement McKinney EIS - request for collaborative review

Suzanne,

Due to the multiple sets of comments, I am altering my typical response format and including all TxDOT responses (1 – 10) in blue below each relevant comment in this email chain.

The November 23, 2020, scoping comments and recommendations are as follows:

Stephen,

This email is in response to your request for agency information, issues, or concerns about the proposed US 380 from Coit Road to FM 1827 in Collin County (CSJs: 0135-02-065 and 0135-03-053). Below is a list of topics that TPWD believes that TxDOT should consider when choosing an alternative route and should study in detail in the EIS. Please note that this list is based on the very limited amount of preliminary information TPWD has about the project and does not represent all TPWD comments and recommendations on the project. Please continue to include me in notifications about upcoming scoping meetings. TPWD would like to review and comment on the draft EIS when it is available.

TPWD recommends utilizing existing roadways as corridors rather than exploring new alignments to reduce habitat fragmentation and adverse impacts to natural resources. The green alignment is the most direct route and 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 specifically advises against and strongly discourages the selection of Segments C and D. As Segments C and D particularly will impact East Fork Trinity River, TPWD has concerns because of its value to terrestrial wildlife, such as birds and mammals, as well as aquatic life. The placement of the road in this area will not only have direct effects on the Trinity River but will incur development that increases the impact to the river, associated riparian habitat, floodplain, and ultimately to Lake Lavon as well. Future use of lands as a park or greenbelt trail may be affected by these eastern segments that cross the floodplain. If these eastern segments are considered, which TPWD advises against, then Segment D is preferable to Segment C.

[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 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 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 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 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.

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 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. As part of the Species Analysis process, TxDOT investigates impacts/effects to protected freshwater mussels. The Freshwater Mussel BMP will be implemented where suitable habitat for protected freshwater mussels exists, and section 7 consultation/conference will be conducted where applicable. 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 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 6:

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 TxDOT's 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 appreciates the opportunity to provide comments on the proposed US 380 EIS in Collin County.

This concludes the TxDOT responses to the November 23, 2020, TPWD scoping comments. Please see additional TxDOT responses located in the April 21, 2022, email below.

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

From: Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>

Sent: Thursday, April 21, 2022 5:00 PM

To: Leslie Mirise <Leslie.Mirise@txdot.gov>

Cc: Christine Polito <Christine.Polito@txdot.gov>; Stirling Robertson <Stirling.Robertson@txdot.gov>; Dan Perge <Dan.Perge@txdot.gov>

Subject: RE: CSJ 0135-02-065, etc. US 380 Improvement McKinney EIS - request for collaborative review

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Leslie,

TPWD has reviewed available US 380 EIS documents regarding TxDOT's *Initial Collaborative Review* request in January 2022 and *Virtual Public Meeting* in March 2022 and offers the following comments and recommendations for consideration in the US 380 Draft EIS to minimize impacts to state's natural resources.

TPWD provided scoping comments and recommendations to TxDOT on November 23, 2020 in response to the district's request for agency information, issues, or concerns about the proposed US 380 EIS project. Please review the TPWD correspondence, and consider the recommendations provided, as they remain applicable to the project.

TPWD recommends that the Draft EIS provide all individual BMP within a category that TxDOT will commit to implement from TPWD's *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources*.

TxDOT response 7: Based on project alternative selection and potential fluctuations of project design that could occur between the NEPA process and construction, the TxDOT Dallas District provides and commits to a list of BMPs in the Species Analysis documents and DEIS from TPWD's *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation on State Natural Resources*. The listed BMPs will be adopted as written and as applicable.

TPWD encourages TxDOT to be proactive in incorporating bat-friendly design into bridges and culverts as this EIS project lends an opportunity to help reduce impacts of habitat loss to these species by the creation of roosting habitat. Please feel free to reach out if you need any assistance with incorporating bat-friendly design for this project.

TxDOT response 8: TxDOT Dallas District commits to the consideration of bat roost habitat under suitable bridges. Appropriate location(s) will be considered as the project develops.

TPWD recommends preparing a Draft EIS to include a detailed comparison of water resource impacts among alternatives. The Draft EIS should address all direct, indirect, induced, and cumulative impacts to the functions and values of aquatic habitats for fish and wildlife resources. Waterways, floodplains, riparian corridors, lakes, and wetlands provide valuable wildlife habitat, and TPWD recommends protecting them to the maximum extent possible. For crossings, TPWD recommends that crossings be bridged rather than incorporating culverts that can restrict water flow and impede animal passage. Further, all crossings are within the same watershed and should be considered as a single impact for permitting purposes rather than as separate, individual crossings.

TxDOT response 9: TxDOT prepares a water resource analysis as part of the DEIS and complies with the CWA. Similar to TxDOT responses 4 and 5 above, TxDOT will consider impacts to aquatic habitats for fish and wildlife as part of the species analysis, water resources analysis, both of which are governed by state and Federal resource regulations but are also part of the NEPA process. TxDOT prioritizes bridging over culverts for improved water flow and wildlife crossing.

The Clean Water Act [Section 40 C.F.R. § 230.10(a)(3)] requires that where the activity associated with a discharge which is proposed for a special aquatic site does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not "water dependent"), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise. Since this project does not appear to be water dependent, a higher standard should be required for a permit to be issued. The applicant must demonstrate that a less environmentally damaging practicable alternative does not exist.

TPWD recommends that TxDOT should minimize and avoid impacts to all aquatic habitats within the project area and provide compensatory mitigation for all unavoidable impacts. TxDOT should consider compensatory mitigation for indirect impacts to wetlands which may be damaged by change in their hydrology. In-kind mitigation compensation strategies are preferred to out-of-kind mitigation to adequately replace the loss of functions and services by the impacted aquatic resource. TPWD requests the opportunity to review and comment on TxDOT's mitigation plan.

TxDOT response 10: TxDOT will avoid and minimize impacts to aquatic habitats where possible within the project area. Mitigation of wetland impacts that are under US Army Corps of Engineers jurisdiction will be determined during the CWA section 404 permitting process.

TPWD appreciates the opportunity to provide comments and recommendations during the development of the Draft EIS for the proposed project. If you have any questions regarding TPWD's input, please contact me to discuss further.

Sincerely,

Suzanne Walsh
Transportation Conservation Coordinator
Phone: (512) 389-4579

From: WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>

Sent: Tuesday, January 25, 2022 3:31 PM

To: Leslie Mirise <Leslie.Mirise@txdot.gov>; WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>; Christine Polito <Christine.Polito@txdot.gov>; Stirling Robertson <Stirling.Robertson@txdot.gov>; Dan Perge <Dan.Perge@txdot.gov>

Cc: Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>

Subject: RE: CSJ 0135-02-065, etc. US 380 Improvement McKinney EIS - request for collaborative review

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 48094. 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: Monday, January 24, 2022 3:10 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>

Subject: CSJ 0135-02-065, etc. US 380 Improvement McKinney EIS - request for collaborative review

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 collaboration review for the US 380 Improvement McKinney project (EIS) in Collin County, Texas. Please see ECOS WPD I screen for the project description. The project extends along existing US 380 from Coit Road to FM 1827. New location alternatives could be as long as 15.5 miles and may extend north of Bloomdale Road. The following file names for relevant documents are available in ECOS:

1. APPROVED 01 0135-02-065, etc. US 380 SAS 1-21-2022.pdf
2. APPROVED 02 0135-02-065, etc. US 380 SAF 1-21-2022.pdf
3. APPROVED 03 0135-02-065, etc. US 380 BMP Form 1-21-2022. pdf
4. APPROVED 04 0135-02-065, etc. US 380 USFWSOfficialSppList accessed 11-11-2021.pdf
5. APPROVED 05 0135-02-065, etc. US 380 TPWD RTEST CollinCo accessed 1-20-2022.pdf
6. APPROVED 06 0135-02-065, etc. US 380 NDD withSpur accessed 11-12-2021.pdf
7. APPROVED 07 0135-02-065, etc. US 380 NDD withoutSpur accessed 11-12-2021.pdf
8. APPROVED 08 0135-02-065, etc. US 380 EMST withSpur accessed 1-21-2022.pdf
9. APPROVED 09 0135-02-065, etc. US 380 EMST withoutSpur accessed 1-21-2022.pdf
10. APPROVED 10 0135-02-065, etc. US 380 EMST Verified withSpur 1-21-2022.pdf
11. APPROVED 11 0135-02-065, etc. US 380 EMST Verified withoutSpur 1-21-2022.pdf
12. APPROVED 12 0135-02-065, etc. US 380 EMST FieldVerifiedQuantification 1-21-2022.xlsx
13. APPROVED 13 0135-02-065, etc. US 380 Photos 1-21-2022.pdf
14. APPROVED 14 0135-02-065, etc. US 380 Bat-WoodlandHabitat withSpur 1-21-2022.pdf
15. APPROVED 15 0135-02-065, etc. US 380 Bat-WoodlandHabitat withoutSpur 1-21-2022.pdf
16. APPROVED 16 0135-02-065, etc. US 380 PerennialStreamCrossings withSpur 1-21-2022.pdf
17. APPROVED 17 0135-02-065, etc. US 380 PerennialStreamCrossings withoutSpur 1-21-2022.pdf

Please note that some of the files include “withSpur” or “withoutSpur” in the file name. This was done in order to clarify the distinction between this US 380 Improvements McKinney project and the Spur 399 Extension (CSJ 0364-04-051, etc.) project. I am happy to expand on the distinctions once the TPWD biologist is assigned. These documents, along with other project-related information, are available in ECOS under the CSJ 0135-02-065. As general timeline information, the DEIS is expected to be published in fall 2022. Please feel free to contact me with any questions of it additional information is needed.

Thank you,

Leslie Mirise

Environmental Specialist
Dallas District – DAL-ENV
Texas Department of Transportation
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A Texas Department of Transportation message





Form

Documentation of Texas Parks and Wildlife Department Best Management Practices

Project Name: **US 380 Improvement McKinney**

CSJ(s): **0135-02-065, 0135-15-002, 0135-03-053**

County(ies): **Collin**

Date Form Completed: **1/21/22**

Prepared by: **Derek Green**

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.

- Section 404 mitigation opportunities suitable for the needs of this project have already been identified. Wetland impacts are located within the primary service area for existing mitigation banks with available credits to offset stream and wetland impacts.

☐ 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*) – Minimize impacts to wetland and riverine habitat; and southern crawfish frog (*Lithobates areolatus areolatus*) – Minimize impacts to wetland habitats including isolated ephemeral pools.
- ☒ Aquatic Amphibian and Reptile BMP
- ☒ Terrestrial Amphibian and Reptile BMP
- ☒ Vegetation BMP
- ☒ Aquatic Invertebrate BMP
- ☒ Crayfish BMP
- ☒ Bat BMP
- ☒ General Design and Construction BMP
- ☒ Rare Plant 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 BMP, Bat BMP, and Rare Plant BMP 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.

Appendix E-5: Natural Resources Conservation Service

Leslie Mirise

From: Leslie Mirise
Sent: Friday, March 11, 2022 4:21 PM
To: alan.stahnke@usda.gov
Cc: Stirling Robertson; 'Dan Perge'; Christine Polito
Subject: 0135-02-065, etc. US 380 McKinney - Request for FPPA coordination
Attachments: APPROVED 1a 0135-02-065, etc. US 380 NRCS-CPA-106 with spur 3-3-2022.pdf; APPROVED 1b 0135-02-065, etc. US 380 NRCS-CPA-106 without spur 3-3-2022.pdf; APPROVED 2 0135-02-065, etc. US 380 Farmland With and Without Spur AltComparisonTable 3-3-2022.pdf; APPROVED 3a 0135-02-065, etc. US 380 SoilsMap with spur 3-3-2022.pdf; APPROVED 3b 0135-02-065, etc. US 380 SoilsMap without spur 3-3-2022.pdf; APPROVED 4a 0135-02-065, etc. US 380 UrbanizedAreas with spur 3-3-2022.pdf; APPROVED 4b 0135-02-065, etc. US 380 UrbanizedAreas without spur 3-3-2022.pdf; US380-30%-ECF+ROW_7-01-2021.kmz

Mr. Stahnke,

The TxDOT Dallas District is conducting a NEPA analysis, including four alternatives, of the US 380 McKinney project (CSJ 0135-02-065, etc.) in Collin County, Texas. As such, TxDOT is also reviewing the project under the FPPA including scoring using the NRCS-CPA-106 form. Because all four alternatives scored at or higher than 60 points, we request FPPA coordination. The US Census Bureau Urbanized Areas map, soil report figures, farmland conversion table for all alignments, and NRCS CPA-106 form are attached in the file names starting with "APPROVED". The files are sent individually as the four alternatives are analyzed both with and without the spur. This was done in order to clarify the distinction between this US 380 McKinney project and the Spur 399 Extension (CSJ 0364-04-051, etc.) project. Separate files aid in keeping information sorted. A draft KMZ file is also attached.

The project description is as follows:

Limits of all Activities

The project extends along existing US 380 from Coit Road to FM 1827, a distance of approximately 11.2 miles. New location alternatives are being considered to the north of McKinney, connecting Coit Road and FM 1827. The new location alternatives could be as long as 15.5 miles and may extend north of Bloomdale Road. The existing right-of-way along US 380 ranges in width from approximately 130 feet to 180 feet, with the proposed freeway requiring approximately 330 feet to 350 feet of right-of-way. Additional right-of-way may be required to construct the proposed improvements.

Project Setting

GENERAL – The US 380 project will include areas around the western, northern, and eastern edges of the City of McKinney through areas of mixed suburban, rural residential, and agricultural uses. Many areas are planned for residential and mixed-use development, particularly in the vicinity of US 75.

SPECIFIC – The US 380 project is proposed around the western, northern, and eastern edges of the City of McKinney through areas of mixed suburban, rural residential, and agricultural uses. The western and northern portions of the study area are characterized by scattered suburban residential, rural "ranchette" residential, and scattered single family homes across an area of agricultural use. Traffic generators within the study area include a major employer along existing US 380 west of US 75 and large commercial developments along US 75 and near the airport and FM 1827.

- Western Portion of the Study Area includes numerous creeks and tributaries, a reservoir, therapeutic horsemanship facility, and a ballfield. Undeveloped areas are dominated by open pasture and crop lands, with upland oak/hackberry forest along fencerows and bottomland/riparian (pecan/ash/elm) forest cover common along drainages and streams. Wetlands are mapped along drainages and within floodplain areas.
- Northern Portion of the Study Area parallels an existing road corridor and crosses US 75 separating suburban residential development on the south from more rural residential and open land areas to the north. This portion of the study area includes parks, trails, a reservoir, cemeteries, County facilities, a school, and a college facility. Areas have been planned for mixed use development and several major water and electric utilities (existing and planned) extend through the area. Mapped wetland and floodplains are associated with the many creeks and tributaries that cross this portion of the study area.
- Eastern Portion of the Study Area is dominated by open agricultural and undeveloped properties with scattered single-family homes. A river, its tributaries, associated floodplains and mapped wetlands cover much of this portion of the study area. SH 5 and the DART rail line pass through the area on a southwest to northeast. Horse boarding facilities and industrial businesses are located along the eastern edge of the study area and north of US 380.

Proposed Facility

US 380 is proposed to be an eight-lane, access-controlled freeway with one-way frontage roads on each side within an anticipated right-of-way width of between 330 to 350 feet depending on location. (Frontage roads may be eliminated, and the primary travel lanes may be depressed/lowered or elevated (on bridge/viaduct) to minimize impacts on sensitive resources). The freeway facility would also include ramps, direct connector roadways, frontage roads, and arterial roadways to support connectivity to the existing roadway network. Grade-separated interchanges would be constructed at major crossroads including US 75/ SH 5 (possible multi-level interchange), existing US 380 (both project termini), and other major local connectors as determined needed and feasible. The typical freeway section would consist of: 4 12-foot-wide travel lanes in each direction, 12 foot-wide turn lanes, 10 foot-wide inside shoulders (4 foot-wide may be considered in some locations), and 10 foot-wide outside shoulders. Ramps would be 14 feet-wide with 2 foot-wide inside shoulders and 6 foot-wide outside shoulders, with curb & gutter. Bridges/overpasses along the main lanes would have a desirable vertical clearance of 18.5 feet (minimum of 16.5 feet); vertical clearance over railroads would be 23.5 feet. Ramps, direct connector roadways, frontage roads, and arterial roadway improvements would follow similar design criteria. Median barriers would be included. As the study advances, the following decisions will be made based on location and to minimize impacts if appropriate: bridge/structure type, type/location of permanent/temporary easements, minimum ROW width (compressed sections), locations of depressed/lowered roadway sections, lighting/signage/ITS.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

Leslie Mirise

Environmental Specialist
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