

Final Environmental Assessment

FM 1387 Widening, Dallas District

From North Midlothian Parkway to FM 664

CSJ Numbers: 1394-02-027, 1394-01-002, 1394-01-002 & 1394-02-030

Ellis County, Texas

October 2024

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.

Table of Contents

1.0	Introduction	1
2.0	Project Description	1
2.1	Existing Facility	1
2.2	Proposed Facility	1
2.3	Logical Termini and Independent Utility	2
2.4	Planning Consistency	3
3.0	Purpose and Need	3
3.1	Need	3
3.2	Supporting Facts and/or Data	3
3.3	Purpose	4
4.0	Alternatives	4
4.1	Build Alternative	4
4.2	No-Build Alternative	4
4.3	Preliminary Alternatives Considered but Eliminated from Further Consideration	4
5.0	Affected Environment and Environmental Consequences	5
5.1	Right-of-Way Property Acquisition	6
5.2	Land Use	6
5.3	Farmlands	6
5.4	Utility Relocation	7
5.5	Community Impacts	8
5	5.1. Community Study Area and Demographics	8
5	5.2. Displacements	9
5	5.3. Access and Travel Patterns	9
5	5.4. Community Cohesion	10
5	5.5. Limited English Proficiency	10
5	5.6. Environmental Justice	11
5.6	Visual/Aesthetic Impacts	11
5.7	Cultural Resources	12
5	7.1. Archeology	12
5	7.2. Historic Properties	13
5.8	Protected Lands	14
S	ection 4(f)	14
S	ection 6(f)	14
С	napter 26	14
5.9	Water Resources	15
5	9.1. Clean Water Act (CWA) Section 404	15
5	9.2. Clean Water Act Section 401	16
5	9.3. Executive Order 11990 Wetlands	16
5	9.4. Rivers and Harbors Act	17

5.9	9.5. Clean Water Act Section 303(d)	17
5.9	9.6. Clean Water Act Section 402	17
5.9	9.7. Floodplains	17
5.9	9.8. Wild and Scenic Rivers	18
5.9	9.9. Coastal Barrier Resources	18
5.9	9.10. Coastal Zone Management	18
5.9	9.11. Edwards Aquifer	18
5.9	9.12. International Boundary and Water Commission (IBWC)	18
5.9	9.13. Drinking Water Systems	18
5.10	Biological Resources	18
5.3	10.1. Impacts to Vegetation	18
5.3	10.2. Executive Order 13112 on Invasive Species	19
5.3	$10.3.\;\;$ Executive Memorandum on Environmentally and Economically Beneficial Landscaping .	20
5.3	10.4. Impacts to Wildlife	20
5.3	10.5. Migratory Bird Protections	21
5.3	10.6. Fish and Wildlife Coordination Act	21
5.3	10.7. Bald and Golden Eagle Protection Act of 2007	21
5.3	10.8. Magnuson-Stevens Fishery Conservation Management Act	21
5.3	10.9. Marine Mammal Protection Act	21
5.3	10.10. Threatened, Endangered, and Candidate Species	21
5.11	Air Quality	23
5.12	Hazardous Materials	25
5.13	Traffic Noise	27
5.14		
5.15	Cumulative Impacts	
5.16	Construction Phase Impacts	33
5.17	6	
5.3	17.1. Statewide On-road GHG*	35
5.3	17.2. Mitigation Measures*	35
5.3	17.3. TxDOT and a Changing Climate*	36
6.0	Agency Coordination	36
7.0	Public Involvement	37
Publi	ic Meetings	37
Publi	ic Hearing	38
Addi	tional Public Involvement	39
8.0	Post-Environmental Clearance Activities and Design/Construction Commitments	39
8.1	Post-Environmental Clearance Activities	
8.2	Design/Construction Commitments	40
9.0	Conclusion	41

10.0	References41
11.0	Names and Qualifications of Persons Preparing the EA or Conducting an Independent
Evalua	tion of the EA
	43
12.0	Appendices
	Appendix A – Project Location Map
	Appendix B – Project Photos
	Appendix C – Schematics
	Appendix D – Typical Sections
	Appendix E – Resource-Specific Maps
	Figure 1 – Community Facilities
	Figure 2 – Project Area Soils
	Figure 3 – Census Demographics
	Figure 4 – Water Features
	Figure 5 – Observed Vegetation
	Figure 6 – Hazardous Materials
	Figure 7 – Noise Analysis Results
	Figure 8 – Indirect Impact Area
	Figure 9 – Cumulative Impact Area
11.0 Name Evaluation of 43 12.0 Appe Appe Appe Appe Appe Appe Appe Appe	Appendix F – Resource Agency Coordination
	Appendix G – Comment and Response Matrix from the Notice of Availability of Draft EA/Public
	Hearing
List of	Tables
Table 1	L: Estimates and Projections for the City of Midlothian, Ellis County, and the State of Texas in
	2010, 2022 and 20503
Table 2	2: Annual Average Daily Traffic (AADT) along FM 13874
	3: Soil Types within the Proposed Project Area7
	15 Water Features
	5: Summary of Regulated Sites of Concern
	5: Traffic Noise Levels dB(A) Leq
	7: Noise Barrier Proposal (Preliminary)
rable 8	s. rrupuseu ivuise Curituurs

Acronyms

AADT Average Annual Daily Traffic

ACT Antiquities Code of Texas

AOI Area of Interest

APE Area of Potential Effects

BMP Best Management Practice

CEQ Council on Environmental Quality

CFR Code of Federal Regulations

CIA Community Impacts Assessment

CMAQ Congestion Mitigation and Air Quality

CMP Congestion Management Process

CWA Clean Water Act

CGP Construction General Permit

dB(A) A-weighted decibel level

DFW Dallas-Fort Worth

EA Environmental Assessment

EJ Environmental Justice

EO Executive Order

EPA Environmental Protection Agency

FHWA Federal Highway Administration

FIRM Flood Insurance Rate Map

FM Farm-to-Market

FONSI Finding of No Significant Impact

FTA Federal Transit Authority

GHG Greenhouse Gases

HRSR Historic Resources Survey Report

IBWC International Boundary & Water Commission

ISA Initial Site Assessment

LEP Limited English Proficiency

LPST Leaking Petroleum Storage Tank

LOP Letter of Permission

MOU Memorandum of Understanding

MPH miles per hour

MSAT Mobile Source Air Toxics

MTP Metropolitan Transportation Plan

NAAQS National Ambient Air Quality Standard

NAC Noise Abatement Criteria

NCTCOG North Texas Council of Governments

List of Acronyms (continued)

NEPA National Environment Policy Act

NHPA National Historic Preservation Act

NRCS Natural Resources Conservation Service

NRHP National Register of Historic Places

NWP Nationwide Permit

PA Programmatic Agreement

PCN Preconstruction Notification

PH Public Hearing

PM Particulate Matter

PWC Parks and Wildlife Code

PS&E Plans, Specifications, and Estimates

RGP Regional General Permit

ROE Right-of-Entry
ROW Right-of-Way

RTEST Rare, Threatened, and Endangered Species of Texas

SAL State Archeological Landmark

SGCN Species of Greatest Conservation Need

SHPO State Historic Preservation Officer

SP Individual Standard Permit
SIP State Implementation Plan
SOV Single Occupancy Vehicle

SW3P Storm Water Pollution Prevention Plan

TCEQ Texas Commission on Environmental Quality

TERP Texas Emissions Reduction Plan

THC Texas Historical Commission

TIP Transportation Improvement Program

TMA Transportation Management Area

TPWD Texas Parks and Wildlife Department

TxDOT Texas Department of Transportation

TXNDD Texas Natural Diversity Database

US United States

USACE U.S. Army Corps of Engineers

USCG U.S. Coast Guard

USFWS U.S. Fish and Wildlife Service

VMT Vehicle Miles Traveled

VPD Vehicles Per Day

1.0 Introduction

The proposed project consists of the reconstruction, realigning, and widening of Farm-to-Market (FM) 1387 from North Midlothian Parkway to FM 664 for approximately 5.8 miles in Ellis County, Texas. The first segment of the project would require the acquisition of approximately 28 acres of right of way (ROW) along both sides of the existing FM 1387. The second segment would be realigned on new location from the intersection of FM 1387 at Longbranch Road to FM 664 (see **Appendix A** for the Project Location Map). The realignment section would require 32 acres of new ROW. The proposed project would require a total of approximately 61 acres. The existing ROW width varies between 80 to 100 feet.

The purpose of this Environmental Assessment (EA) is to study the potential environmental consequences of the proposed project and to determine if such consequences warrant the preparation of an Environmental Impact Statement. The EA is prepared to comply with both the Texas Department of Transportation's (TxDOT) environmental review rules and the National Environmental Policy Act (NEPA). TxDOT has conducted an independent evaluation of all parts of this EA that were prepared by contractors and has determined that this EA meets the standards under NEPA, regulations in 40 CFR Subchapter A, and FHWA's and TxDOT's NEPA procedures. The EA was made available for public review and TxDOT considered the comments received. If TxDOT determines that there are no significant adverse effects, it will prepare and sign a Finding of No Significant Impact (FONSI), which will be made available to the public.

2.0 Project Description

2.1 Existing Facility

The existing FM 1387 consists of two undivided 12-foot-wide rural lanes with 2-foot-wide shoulders on both sides, as well as turn lanes at various locations along the existing roadway. The existing ROW width varies between 80 to 100 feet throughout the project corridor. The existing drainage flows into open ditches on both sides of the road. There are permanent utility easements along the roadway. There is one bridge located over North Prong Creek. No bicycle and pedestrian accommodations currently exist along the project limits, except for a 0.6-mile portion on the south side of FM 1387, from west of Midlothian Heritage High School to east of Walnut Grove Road. The existing speed limit is 50 miles per hour (mph). Refer to **Appendix B** for the project photos, **Appendix C** for the schematics, and **Appendix D** for the existing typical sections.

2.2 Proposed Facility

The proposed project would include the expansion of the current two-lane roadway to an interim four-lane roadway (ultimate six-lane roadway). The proposed improvements consist of 11- to 12-foot-wide travel lanes depending on ROW restrictions with a 10-foot-wide shared-use path in the westbound direction and a 5-foot-wide sidewalk in the eastbound direction with a variable-width, raised median. The project would also include turn lanes and intersection improvements at side and cross streets. The project passes through the eastern portion of the City of Midlothian and Ellis County, Texas.

The portion east of Longbranch Road would be realigned. The new alignment would begin at the intersection of FM 1387 and Longbranch Road and would extend to approximately 1,240 feet (0.2 mile)

east of the existing FM 1387 and FM 664 intersection. Refer to **Appendix A** for the project location map and **Appendix C** for the schematic.

The proposed improvements include the reconstruction of a bridge that spans across North Prong Creek. For a length of approximately 210 feet, the bridge would consist of 12-foot-wide lanes (two in each direction for the interim phase and three in each direction for the ultimate phase) with an overall width of 122 feet. Safety guard rails would also be proposed along the bridge structure. A maximum depth of impact at the bridge section would be approximately 15 feet for the proposed bridge columns.

The proposed project would add capacity and have a proposed design speed of 40 mph. The typical proposed ROW would be approximately 140 feet wide, with the minimum and maximum ROW width ranging from 115 feet to 350 feet. Within the proposed project, drainage will be conveyed into a storm sewer system with crossing culverts. Refer to **Appendix C** for the schematics and **Appendix D** for the proposed typical sections.

The typical depth of impacts ranges from 2.5 feet to 4.5 feet (maximum depth of impact at the proposed bridge reconstruction is approximately 15 feet).

The proposed ROW would be approximately 61 acres, with no temporary easements and approximately 0.14 acres of a permanent drainage easement. The total cost of the proposed project is approximately \$125 million and the total cost for the ROW is approximately 14.9 million. These costs would be funded with a combination of local, state, and federal funding sources.

2.3 Logical Termini and Independent Utility

The Code of Federal Regulations (CFR) requires that federally funded transportation projects have logical termini (23 CFR 771.111[f][1]). Simply stated, this means that a project must have rational beginning and end points. Those endpoints may not be created simply to avoid proper analysis of environmental impacts. The limits for the proposed improvements to FM 1387 are from North Midlothian Parkway to FM 664. These limits were chosen because they are major crossroads with considerable contributions to traffic within the proposed project area.

Federal regulations require that a project have independent utility and be a reasonable expenditure even if no other transportation improvements are made in the area (23 CFR 771.111[f][2]). This means that a project must be able to provide benefits by itself and must not compel further expenditures to make the project useful. Stated another way, a project must be able to satisfy its purpose and need with no other projects being built. The proposed project can stand on its own without the implementation of other traffic improvements because the proposed improvements can be accomplished without additional improvements to adjacent facilities. The project limits encompass the entire length of the project in which construction would take place and account for transitions into the existing roadway. Because the project stands alone, it does not irretrievably commit federal funds for other future transportation projects.

Federal law prohibits a project from restricting consideration of alternatives for other reasonably foreseeable transportation improvements (23 CFR 771.111[f][3]). This means that a project must not dictate or restrict any future roadway alternatives. The proposed project would not restrict the consideration of alternatives for foreseeable transportation improvements because the proposed

improvements would not preclude the future widening of adjacent roadway facilities or the development of other transportation modes or routes.

2.4 Planning Consistency

Both the North Central Texas Council of Governments' (NCTCOG) financially constrained 2045 Metropolitan Transportation Plan (MTP) Update and the 2023-2026 Transportation Improvement Program (TIP), as amended, were initially found to conform to the Texas Commission on Environmental Quality (TCEQ) State Implementation Plan (SIP) by the Federal Highway Administration (FHWA) and Federal Transit Authority (FTA) on December 15, 2022. The proposed project is consistent with the MTP and TIP.

3.0 Purpose and Need

3.1 Need

The proposed project is needed because the current capacity of FM 1387 within the project limits is inadequate to meet current and future traffic volumes, resulting in congestion, and reduced east-to-west mobility.

3.2 Supporting Facts and/or Data

Growth

The City of Midlothian's Comprehensive Plan Update anticipates residential and commercial growth along FM 1387, most notably at the intersection of South Walnut Grove Road. According to the United States (US) Census Bureau, the population of the City of Midlothian in 2010 was 18,037. In 2022, that number is estimated to be 38,635, a growth of 114 percent. The Texas State Data Center does not publish population projections for places in Texas, although the county projection suggests steady growth over the planning horizon for the proposed project (**Table 1**).

Table 1: Estimates and Projections for the City of Midlothian, Ellis County, and the State of Texas in 2010, 2022 and 2050

Entity	2010	2022	Percent Change 2010-2022	2050 Projection	Percent Change 2020-2050
City of Midlothian	18,037	38,635	114	N/A	N/A
Ellis County	149,610	212,182	42	257,336	21
State of Texas	25,145,561	29,653,355	18	35,465,604	20

Source: US Census Bureau (2022); Texas State Data Center State and County 0.5 Migration Scenario Projections (2022)

Congestion

Increased growth in this area will result in congestion and a demand for more mobility. Refer to the traffic data within the project limit (see **Table 2**). There is a lack of east-to-west connectivity within the study area which can create more challenges in transportation in an already growing place.

Table 2: Annual Average Daily Traffic (AADT) along FM 1387

Segment		Year AADT Vehicles per Day (VPD)					
	2018	2019	2020	2021	2022		
Between North Midlothian Parkway and Bryson Lane	10,746	11,090	11,445	11,811	12,189		
Between Bryson Lane and FM 664	4,919	4,919	4,968	5,328	5,989		

Source: Corridor Analysis Report FM 1387 from N Midlothian Parkway to FM 664 (2023)

3.3 Purpose

The purpose of the project is to reduce congestion and improve mobility on FM 1387 from North Midlothian Parkway to FM 664.

4.0 Alternatives

4.1 Build Alternative

Improvements would include the expansion of the existing two-lane rural roadway to a four-lane urban roadway (ultimate six-lanes) with a raised median with realignment east of Longbranch Road. Turn lanes, where applicable, will be located at side streets and intersections. Improvements would consist of 11-foot and 12-foot-wide travel lanes depending on ROW restrictions, a 10-foot-wide shared-use path on the north side, and a 5-foot-wide sidewalk on the south side of the roadway. The proposed ROW width will range from 120 to 300 feet. This alternative would provide pedestrian and bicycle accommodations, reduce congestion, and improve mobility. Refer to Section 2.2 for more details.

4.2 No-Build Alternative

Under the No-Build Alternative, the proposed FM 1387 project would not be constructed. The No-Build Alternative would not require the conversion of approximately 61 acres of new ROW from existing land uses to transportation use nor would other project-related impacts occur. The No-Build Alternative would not aid in traffic demand and local traffic management. Consequently, the anticipated mobility benefits of the proposed project would not be realized. For this reason, the No-Build Alternative does not meet the project's need and purpose, therefore the Build Alternative is the preferred alternative. However, the No-Build Alternative was carried forward for comparison purposes.

4.3 Preliminary Alternatives Considered but Eliminated from Further Consideration

To ensure the proposed FM 1387 alignment promotes mobility and minimizes impacts to adjacent properties and businesses, these alternative options were evaluated:

Reconstruction and Widening of the Existing FM 1387

The alternative follows the existing FM 1387 alignment and would include the expansion of the current 2-lane rural roadway to a 6-lane urban roadway. This alternative would displace single-family homes west of FM 664, in addition to the 10 residences that are located in a row on the south side of FM 1387 (from the southwest corner of Clinton Lane to the southeast corner of Virginia Boulevard). All of these homes are partially within the proposed ROW and cannot be avoided. This alternative received public disapproval at the August 30, 2018, public meeting, resulting in the development of a realignment beginning east of Longbranch Road.

Realignment Alternatives East of Longbranch Road

This alternative involves four realignment shift scenarios east of Longbranch Road to FM 664, south of Legacy Estates. These realignment alternatives (one northern and three southern realignment shifts) were presented to the public meeting on August 30, 2022. Based on the public comments, adjustments and selection of the realignment section were made.

5.0 Affected Environment and Environmental Consequences

Environmental issues were a primary focus in the planning, design, and environmental analysis processes. In support of this EA, the following technical reports were prepared and may be inspected and copied upon request at the TxDOT Dallas District Office at 4777 E. Highway 80, Mesquite, Texas 75150, Monday through Friday, from 9 a.m. to 5 p.m.:

- Community Impact Assessment Technical Report
- Archeological Background Study
- Archeological Permit Application
- Archeological Resources Survey Report
- Project Coordination Request for Historic Studies
- Historic Research Design
- Historic Resources Survey Report
- Water Features Delineation Report
- Species Analysis Form and Spreadsheet
- FPPA Form (NRCS-CPA-106)
- Air Conformity Report Form
- Congestion Management Process Disclosure Statement
- Air Quality Resources Technical Report
- Hazardous Materials Initial Site Assessment
- Traffic Noise Analysis Report
- Indirect Effects Technical Report
- Cumulative Effects Technical Report

The technical reports listed above, apart from the Archeological Resources Survey Report and the Historic Resources Survey Report (HRSR), are based on the environmental study area associated with the final schematic design shown in **Appendix C**. The environmental study area and the actual proposed project area are the same. The discussion of the study area for the Archeological Resources Survey Report and the HRSR are discussed in **Section 5.7**.

Resource categories with the potential to be affected by the implementation of the proposed project are summarized in the following sections.

5.1 Right-of-Way Property Acquisition

The Build Alternative would require acquiring approximately 61 acres of new ROW. The existing ROW within the project limits is 54 acres (**Appendix C**). Anticipated residential displacements are discussed in **Section 5.5.2**.

The ROW acquisition would be limited to those properties required for roadway construction. ROW acquisition would be conducted in accordance with the Federal Uniform Relocation and Real Property Acquisition Policy Act of 1970 (Uniform Act). All property owners, from whom property is needed, are entitled to receive just compensation for their land and property. Just compensation is based upon the fair market value of the property. Accommodations for persons with limited English proficiency will be made during the right-of-way acquisition process.

No-Build Alternative

Under the No-Build Alternative, no project-related ROW would be acquired; therefore, no displacements would occur.

5.2 Land Use

The project corridor is within a growing, predominately suburban area with residential development and undeveloped land. There are various traffic-generating establishments along FM 1387 such as Midlothian Heritage High School, Longbranch Elementary School, and Longbranch Community Baptist Church (**Figure 1** in **Appendix E**).

The proposed project area is relatively developed mixed with undeveloped land, rural and suburban residential properties, and various businesses. The undeveloped land and vegetation include pastures with wooded riparian corridors and mowed/maintained areas along existing roadways. Most of the undeveloped land does not appear to be used for agricultural purposes. The project crosses North Prong Creek, South Grove Creek, and Long Branch Creek, as well as six unnamed tributaries. There are no known historical features within and immediately adjacent to the project limit.

No-Build Alternative

Under the No-Build Alternative, no construction would occur; therefore, there would no project-related changes to land use.

5.3 Farmlands

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey (see Figure 2 in Appendix E) was used to determine the soil types present within the proposed project area and the U.S. Census Bureau map of urbanized areas (see Figure 3 in Appendix E) was used to see the areas within designated urban areas that are exempt from the Farmland Protection Policy Act (FPPA). The FPPA Form (NRCS-CPA-106) was completed, and the results of the analysis indicate a site assessment score of

less than 60 points; therefore, NRCS coordination is not required (see **Appendix F**). Observations made during the site reconnaissance on August 10, 2023, revealed that some agricultural lands exist adjacent to the proposed project; however, most of the undeveloped land does not appear to be used for agricultural purposes. The soils determined to be within the existing and proposed ROW are listed in **Table 3**.

Table 3: Soil Types within the Proposed Project Area

Map Unit Name	Farmland Classification
Austin silty clay, 1 to 3 percent slopes	Farmland of statewide importance
Austin silty clay, 2 to 5 percent slopes, moderately eroded	Not prime farmland
Austin silty clay, 5 to 8 percent slopes, moderately eroded	Not prime farmland
Broken alluvial land, rarely flooded	Not prime farmland
Eddy gravelly clay loam, 1 to 3 percent slopes	Not prime farmland
Eddy soils, 3 to 8 percent slopes, eroded	Not prime farmland
Eddy soils, 8 to 20 percent slopes	Not prime farmland
Frio silty clay, 0 to 1 percent slopes, frequently flooded	Not prime farmland
Houston Black clay, 1 to 3 percent slopes	All areas are prime farmland
Stephen-Eddy complex, 1 to 3 percent slopes, eroded	Not prime farmland
Stephen-Eddy complex, 3 to 5 percent slopes	Not prime farmland
Stephen silty clay, 1 to 3 percent slopes	Not prime farmland

Sources: NRCS Web Soil Survey, https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx (accessed 9/6/2023); NRCS Prime and other Important Farmlands,

https://efotg.sc.egov.usda.gov/references/public/LA/Prime_and_other_Important_Farmland.html (accessed 9/6/2023).

The Farmland Conversion Impact Rating for Corridor Type Projects was completed on February 8, 2023, and scored 25 (0 on Part IV) for Ellis County; therefore, coordination with the NRCS is not required. Farmland impacts would be limited to areas where the new location realignment section would be constructed. The proposed FM 1387 would result in the division or separation of existing agricultural land. The majority of farmlands would continue to function as they do under existing conditions; therefore, encroachment-alteration effects stemming from farmland impacts are not substantial as a result of the Build Alternative.

No-Build Alternative

Under the No-Build Alternative, additional ROW would not be obtained, existing farmland would not be developed; therefore, there would be no impacts to farmland.

5.4 Utility Relocation

It is reasonably foreseeable that utilities will have to be relocated as a result of this project.

Two refined liquid product transmission pipelines cross the project. These features are not considered environmental concerns for the project.

The impacts resulting from the removal of any utilities from within existing project ROW (e.g., construction noise, potential disturbance to archeological resources, and potential impacts to species habitat) have been considered as part of the overall project footprint impacts within this EA.

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

No-Build Alternative

Under the No-Build Alternative, there would be no project-related impacts to utilities.

5.5 Community Impacts

5.5.1.Community Study Area and Demographics

The community study area is based on census blocks within approximately one mile of the proposed project. The community study area is encompassed by eight census tracts, 12 block groups, and 246 census blocks. The total recorded population of the community study area based on the 2020 Census Data is 15,480. Of the 246 census blocks in the community study area, 40 (16.2%) have zero population, and 49 (19.9%) have a minority population greater than or equal to 50% of the total population. Of the 49 census blocks with minority populations greater than or equal to 50%, two are located adjacent to the proposed project.

Of the estimated 15,480 persons within the community study area, 10,505 (67.9%) are White alone; 2,492 (16.1%) are Hispanic or Latino; 1,497 (9.7%) are Black or African American alone; 85 (0.6%) are American Indian and Alaska Native alone; 168 (1.1%) are Asian alone; 9 (0.1%) Native Hawaiian and Other Pacific Islander alone; 49 (0.3%) are some other race alone; and 675 (4.4%) are two or more races.

Of the eight census tracts and 12 block groups encompassing the community study area, none have median household incomes below the 2023 U.S. Department of Health and Human Services poverty guideline of \$30,000 for a family of four. Median incomes for census tracts range from \$79,107 to \$141,102. The block group's median income ranges from \$68,098 to \$144,375. There are an estimated 16,225 households within the eight census tracts encompassing the community study area, with 852

(5.3%) being below the poverty threshold. There are an estimated 9,966 households within the 12 block groups encompassing the study area, with 706 (7.1%) being below the poverty threshold.

5.5.2.Displacements

Ten residences could potentially be displaced by the proposed project. All are single-family homes located along FM 1387. These 10 residences are located in a row on the south side of FM 1387 from the southwest corner of Clinton Lane to the southeast corner of Virginia Boulevard. All of these homes are partially within the proposed ROW and would be displaced, subject to final design considerations.

Potential displacements were minimized by avoiding impacts to structures where possible and using available vacant or open land where practicable. Constraints were mapped and used in the planning process to avoid important resources such as places of worship, public facilities, and other various resources. Encroachment-alteration effects could include the loss of undeveloped land for agricultural use.

ROW acquisition would be conducted in accordance with the Federal Uniform Relocation and Real Property Acquisition Policy Act of 1970 (Uniform Act). All property owners, from whom property is needed, are entitled to receive just compensation for their land and property. Just compensation is based upon the fair market value of the property.

No-Build Alternative

Under the No-Build Alternative, there would be no potential displacements resulting from the proposed project.

5.5.3. Access and Travel Patterns

The proposed project is generally anticipated to reduce travel times through the inclusion of raised medians, widening of the roadway from one to two lanes in each direction, and reconstruction of intersections. Raised medians could increase travel times for motorists adjacent to FM 1387 and along cross streets without median breaks, but increases would be minimal, with median breaks being located at regular intervals along the corridor.

Access along FM 1387 for pedestrians/cyclists would also be improved through the inclusion of shared-use lanes and sidewalks. Bicycle and pedestrian facilities would comply with TxDOT's Bicycle Accommodation Design Guidance. TxDOT's guidance implements the U.S. Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodations, as well as FHWA policy.

Bicycle traffic would be accommodated with a 10-foot-wide shared-use path in the westbound direction and a 5-foot-wide American with Disabilities Act-compliant sidewalk in the eastbound direction along the entire project limit (see **Appendix C** for the schematics and **Appendix D** for the typical sections).

There is the potential for the proposed project area to experience changes in the mode(s) of transportation utilized by area residents and changes in traffic volumes. The introduction of new bike/pedestrian facilities in the immediate area may encourage people to pursue alternative modes of transportation. With improved access to bike/pedestrian facilities, people may have more desire to visit or use local services and facilities.

No-Build Alternative

Under the No-Build Alternative, there would be no changes to access for vehicular and pedestrian traffic within the project limits between North Midlothian Parkway and FM 664.

5.5.4.Community Cohesion

No substantial adverse impacts to community cohesion are anticipated. One neighborhood, where 10 displacements are anticipated, and where median breaks would be limited to only one of three cross streets entering the neighborhood, would likely feel the largest impact on community cohesion. FM 1387 would continue to provide direct access to all adjacent properties while most cross streets would continue to provide access across FM 1387 as they currently do, along with additional lanes and turn lanes to facilitate more efficient travel. Median breaks would provide U-turn access for cross streets and adjacent property owners without median breaks. Sidewalks and shared-use paths would reduce existing levels of separation for bicyclists and pedestrians.

A detailed discussion of the community impacts can be found in the Community Impacts Assessment (CIA) Technical Report Form for the proposed project.

No-Build Alternative

Under the No-Build Alternative, there would be no impacts to the community associated with the proposed project.

5.5.5.Limited English Proficiency

Executive Order (EO) 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with Limited English Proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. Persons who have special communication or accommodation needs, or need an interpreter, have been, and will continue to be encouraged to contact the TxDOT Dallas District Public Information Office for assistance. Reasonable steps have been and will continue to be taken to ensure LEP persons have meaningful access to the programs, services, and information TxDOT provides. If a request is received, TxDOT will make every reasonable effort to accommodate persons with special communication or mobility needs.

LEP populations are present across the community study area but are limited. The LEP population is estimated to be 613 (2.3%) across the 12 census block groups. Of the 613 LEP persons; 434 (70.8%) are Spanish Speakers; 70 (11.4%) are Other Indo-European Language Speakers; 52 (8.5%) are Pacific Island Language Speakers; and 57 (9.3%) are Other Language Speakers. Accommodations have been and will be provided for Spanish language speakers for all public involvement. (see **Figure 3** in **Appendix E**).

Accommodations for LEP persons for public involvement events for the proposed project have included providing bilingual (English/Spanish) public notices, placing public notice display ads in English and Spanish newspapers, and having Spanish-speaking staff present at public involvement events. In addition, the public involvement notices state that accommodations for other non-English languages would be provided if requested ahead of the meeting and hearing. Refer to **Section 7.0** for more information about public involvement conducted for the proposed project.

5.5.6. Environmental Justice

EO 12898 directs federal agencies to:

- identify and address the disproportionately high and adverse human health or environmental
 effects of their actions on minority and low-income populations, to the greatest extent practicable
 and permitted by law.
- develop a strategy for implementing environmental justice.
- promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation.

Environmental Justice (EJ) populations occur throughout the community study area as discussed in **Section 5.5.1**. Based on the analysis, EJ populations are not expected to experience disproportionately high and adverse impacts. Of the ten potential displacements, two are within an EJ census block and eight are within non-EJ census blocks; therefore, displacements would impact both EJ and non-EJ geographies. Impacts to access, travel patterns, and community cohesion would also be equally shared between EJ populations and non-EJ populations. Refer to the CIA Technical Report Form for the locations of the EJ census areas containing minority and low-income populations within the CIA study area, as well as census data obtained from the U.S. Census Bureau.

No-Build Alternative

Under the No-Build Alternative, there would be no impact, adverse or beneficial, to EJ populations.

5.6 Visual/Aesthetic Impacts

The section of FM 1387 from North Midlothian Parkway to Longbranch Road is an existing roadway. The portion east of Longbranch Road would be realigned. The new alignment would begin at the intersection of FM 1387 and Longbranch Road and would extend to approximately 1,240 feet (0.2 mile) east of the existing FM 1387 and FM 664 intersection. Vegetation in the ROW consists primarily of maintained grasses with minimal tree cover at some of the stream crossings. Aesthetic enhancement of the existing roadway and the realigned section is minimal. The Build Alternative would have minimal effect on the overall aesthetic quality along the proposed project area. Visual impacts resulting from the Build Alternative would include roadway widening. Because this is a change from the existing condition, the viewsheds of existing residences and business facilities would be directly impacted. However, these impacts would not be considered as being detrimental to business operations. Landscaping would not be included as a part of the proposed project.

The proposed project may incorporate safety lighting, which could be considered as a positive effect on the visual and aesthetic qualities of the proposed pedestrian and bicycle accommodations. During the final design, the design and location of light fixtures would be completed. Local, state, and federal requirements would be reviewed during the final design and designation of additional lighting required for this project. The roadway lighting system could consist of low-impact, downward directional lighting to minimize impacts to adjacent properties.

Where reasonable and feasible, mitigation measures that would result in beneficial visual and aesthetic impacts may be programmed for this project. These measures may include aesthetic enhancements, such as lighting, and/or decorative details. Aesthetic treatments would be developed during the final design and incorporated into the project design as appropriate.

No-Build Alternative

The No-Build Alternative would not result in FM 1387 project-related visual impacts along the existing corridor as the proposed improvements would not be constructed.

5.7 Cultural Resources

Cultural resources are structures, buildings, archeological sites, districts (a collection of related structures, buildings, and/or archeological sites), cemeteries, and objects. Both federal and state laws require consideration of cultural resources during project planning. At the federal level, NEPA and the National Historic Preservation Act (NHPA) of 1966, among others, apply to transportation projects such as this one. Evaluation of impacts to cultural resources has been conducted under Section 106 of the NHPA in accordance with the Programmatic Agreement (PA) among FHWA, TxDOT, the Texas State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings. Review and coordination of this project followed approved procedures for compliance with federal and state laws.

5.7.1.Archeology

The purpose of the archeological investigation is to conduct an inventory or determine the presence/absence of archeological resources (36 CFR 800.4) and to evaluate identified resources for their eligibility for inclusion on the National Register of Historic Places (NRHP), per Section 106 (36 CFR 800) of the NHPA of 1966, as amended, or as a designated State Archeological Landmark (SAL) under the Antiquities Code of Texas (ACT) (13 TAC 26.12).

The Area of Potential Effects (APE) for the archeological resources is defined as the footprint of the proposed project to the maximum depth of impact and project-specific location. The project's total APE encompasses approximately 120.6 acres, and measures 5.8 miles long, with widths ranging from 80 to 100 feet. The typical depth of impact is anticipated to be 2.5 feet, with an anticipated maximum of 15 feet. The survey was conducted within the proposed ROW on parcels in which right-of-entry (ROE) had been granted.

The survey was conducted on October 18 and 19, 2023, and consisted of an intensive pedestrian survey with shovel testing within the portions of the APE where ROE was granted. In total 63 shovel tests were excavated in the APE. Although backhoe trenching was initially proposed for the property along the east side of North Prong Creek where ROE was granted, the field survey recorded extensive disturbances in that area due to the construction of a nearby earthen dam, and trenching was therefore deemed unnecessary. Two archeological sites were recorded during this survey, 41EL304 and 41EL305. Both sites consist of demolished historic structures and are recommended not eligible for listing in the NRHP and as SAL. No additional work is recommended in the surveyed parcels, but an additional survey will be necessary for the ROE-denied properties prior to road construction. In particular, additional survey will be

needed along the APE of the road relocation between FM 664 and Longbranch Road, the proposed ROW on the south side of FM 1387 from Longbranch Road to North Prong Creek, the pasture on the west side of North Prong Creek, the north side of FM 1387 from the Midlothian Fire Station to Kensington Drive, the south side of FM 1387 from Kensington Drive to just west of Onward Road, and both sides of FM 1387 between Kirk Road and Midlothian Parkway. All notes and field records will be curated at the Center for Archaeological Studies in San Marcos. See the Archeological Survey Report for FM 1387 for detailed information.

The project is compliant with Section 106 of the NHPA of 1966 (and subsequent amendments) and the ACT. Section 106 coordination will be conducted in accordance with the terms and conditions of the First Amended Programmatic Amendment (PA) among the FHWA, the THC, the Advisory Council for Historic Preservation, and TxDOT, as well as the Memorandum of Understanding (MOU) between TxDOT and the THC.

A TxDOT archeologist has reviewed the report and concurs with the results. The SHPO concurred with this assessment in a letter signed and dated February 22, 2024 (Appendix F). The identification efforts and analysis of effects completed to date are adequate. No further work or consultation is required within the evaluated portions of the APE. Once access is obtained to areas for which access has been denied, TxDOT will complete the required investigations and consultation prior to construction. If unanticipated archeological deposits are encountered during construction, work in the immediate area will cease and TxDOT archeological staff will be contacted to initiate post-review discovery procedures under the provisions of the PA and MOU.

It is not anticipated that the proposed project would result in direct impacts to known archeological resources. In the unlikely event that cultural resources are discovered during the construction of the proposed project, TxDOT would immediately initiate cultural resource discovery procedures. All work in the vicinity of the discovery would cease until a specialist from TxDOT and/or the THC could arrive on site and assess the discovery's significance and the need, if any, for additional investigation.

Consultation with federally recognized Native American tribes was concluded on February 16, 2024. Responses were received from Comanche Nation, Caddo Nation and Shawnee Tribe with no objections or expressions of concern. See **Appendix F** for the tribal coordination documentation.

Potential impacts to archeological resources would be limited to the construction phase of the project and confined to the existing and proposed ROW; thus, encroachment-alteration effects would not occur. Once access is obtained to areas for which access has been denied, TxDOT will decide if mitigation would be required. It is not anticipated that the proposed project would result in direct impacts to known archeological resources.

No-Build Alternative

As construction of the proposed project would not occur, there would be no project-related impacts on archaeological resources associated with the No Build Alternative.

5.7.2. Historic Properties

TxDOT-certified historians surveyed the project APE on September 26 and 27, 2023. It was determined through consultation with the SHPO that the APE for the proposed project is 150 feet on either side of the existing ROW and 300 feet on either side of the proposed ROW. The survey identified a total of 34 historicage (built prior to 1982) properties in the APE. Property types include domestic and agricultural, dating from c. 1950 to the late 1970s and early 1980s (majority of properties built later). TxDOT historians determined that the properties are common designs that lack architectural merit, are not works of a master, and have no known historic associations with important events or persons, and are therefore not eligible for NRHP listing under Criterion A, B, or C. See the HRSR for FM 1387 for detailed information.

On December 8, 2023, TxDOT historians determined that there are no historic, non-archeological properties in the APE. In compliance with the ACT and the MOU, TxDOT historians determined project activities have no potential for adverse effects. Individual project coordination with SHPO is not required (**Appendix F**).

No-Build Alternative

No changes to existing conditions would occur in the No-Build Alternative scenario; therefore, no impacts to historic properties are anticipated.

5.8 Protected Lands

Section 4(f)

Section 4(f) protects publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, and any land from a historic site of national, State, or local significance. Hawkins Spring Park and the recreational facilities at Midlothian Heritage High School are two potential 4(f) properties adjacent to the project. These properties would not be impacted by the proposed project.

Section 6(f)

The proposed project would not use any lands protected by Section 6(f) of the Land and Water Conservation Fund Act or Parks and Wildlife Code (PWC) Chapter 26 lands. There are no Section 6(f) properties present in the proposed project area.

Chapter 26

Chapter 26 of the Texas PWC protects the taking of public land designated and used prior to the arrangement of the project as a park, recreation area, scientific area, wildlife refuge, or historic site. There are no Chapter 26 properties present in the proposed project area.

No-Build Alternative

As construction of the proposed FM 1387 project would not occur, there would be no project-related impacts on Section 4(f), Section 6(f), and PWC Chapter 26 properties associated with the No-Build Alternative.

5.9 Water Resources

5.9.1.Clean Water Act (CWA) Section 404

This project will involve regulated activity in jurisdictional waters and therefore will require authorization under Section 404 of the CWA. **Table 4** shows the waters that are anticipated to be jurisdictional waters in which regulated activity is anticipated to take place. It also indicates whether the impacts are anticipated to be authorized under Section 404 by a non-reporting nationwide permit (i.e., no pre-construction notification (PCN) required), or if it is anticipated that a nationwide permit (NWP) with PCN, individual standard permit (SP), letter of permission (LOP), or regional general permit (RGP) will be required.

Field reconnaissance conducted on August 10 and October 25, 2023, confirmed this determination. Eleven water features were identified within the proposed project area. Wetland boundaries and stream ordinary high-water marks were determined in the field according to the U.S. Army Corps of Engineers (USACE) 1987 Wetlands Delineation Manual and 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2). A detailed discussion of the water features can be found in the Water Features Delineation Report for the proposed project and is available at the TxDOT Dallas District office.

Table 4: Water Features

Name of water feature*	Type of water feature	Location of water feature	Covered by non-reporting NWP under Section 404?	NWP with PCN, SP, LOP, or RGP required under Section 404?
1	Intermittent tributary to Waxahachie Creek	32.488804, -96.968003	Y, NWP 14	N
2	Intermittent tributary to Waxahachie Creek	32.488574, -96.959815	Y, NWP 14	N
6	Intermittent tributary to North Prong Creek	32.485598, -96.921702	Y, NWP 14	N
7	Long Branch Creek (Perennial Stream)	32.485354, -96.904839	Y, NWP 14	N
8	Pond	32.485156, -96.904436	N	Y, NWP 14 with PCN
11	Intermittent tributary to Long Branch Creek	32.483421, -96.897766	N	Y, NWP 14 with PCN
12	South Grove Creek (Intermittent Stream)	32.483034, -96.882427	Y, NWP 14	N

^{*}The table shows only the waters that are anticipated to be jurisdictional waters in which regulated activity is anticipated to take place. All other water features have been omitted from this table.

Table 4 and **Figure 4** in **Appendix E** show the water features where regulated activity is anticipated to take place. Impacts on these water features would result from roadway construction and culvert installation and would be authorized under NWP 14 and must comply with the conditions of the permit. Water features 8 and 11 will require a PCN due to permanent impacts exceeding 0.10 acre. The need for an SP under Section 404 is not anticipated. If it is later determined that an SP under Section 404 is needed, compliance with Environmental Protection Agency's (EPA) Section 404(b)(1) Guidelines will be confirmed prior to submittal of the individual standard permit application. Adverse construction-related impacts would be minimized by implementing soil erosion and sedimentation Best Management Practices (BMPs), as noted in **Section 5.9.2**.

No-Build Alternative

As construction of the proposed project would not occur, there would be no project-related impacts on potentially jurisdictional water features associated with the No-Build Alternative.

5.9.2.Clean Water Act Section 401

For projects that require an NWP under Section 404 that is covered by TCEQ's blanket 401 water quality certification, regardless of whether the NWP is non-reporting, or requires the submission of a PCN, TxDOT complies with Section 401 of the CWA by implementing TCEQ conditions for NWPs. For projects that require authorization under a NWP under Section 404 that is not covered by TCEQ's blanket 401 water quality certification, or under an SP, LOP, or RGP under Section 404, TxDOT will coordinate the Section 401 water quality certification with TCEQ. TCEQ will either approve or deny the Section 401 water quality certification or issue a waiver. The TCEQ Section 401 water quality certification decision must be submitted to the USACE before use of the NWP can be confirmed, or an SP, LOP, or RGP decision can be made.

General Condition 25 of the NWP Program requires applicants using NWP 14 to comply with Section 401 of the CWA. Compliance with Section 401 requires the use of BMPs to manage water quality on construction sites. General Condition 12 also requires applicants using NWP 14 to use appropriate soil erosion and sedimentation controls.

Impacts on water quality would be minimized by using BMPs to control erosion, sediment, and post-construction Total Suspended Solids, as identified in the Stormwater Pollution Prevention Plan (SWP3). BMPs would be used before and after construction, regularly inspected, and proactively maintained.

No-Build Alternative

As construction of the proposed project would not occur, there would be no project-related impacts on potentially jurisdictional water features associated with the No-Build Alternative

5.9.3. Executive Order 11990 Wetlands

This project is federally funded and therefore is subject to EO 11990, Protection of Wetlands, and will not involve construction in any wetlands.

No-Build Alternative

As construction of the proposed project would not occur, there would be no project-related impacts on wetlands associated with the No-Build Alternative.

5.9.4. Rivers and Harbors Act

This project does not involve work in or over a navigable Water of the U.S.; therefore, Section 10 of the Rivers and Harbors Act does not apply. Likewise, a navigational clearance under the General Bridge Act of 1946, and Section 9 of the Rivers and Harbors Act (administered by the U.S. Coast Guard [USCG]) is not applicable. Coordination with the USCG (for Section 9 and the General Bridge Act) and the USACE (for Section 10) would not be required.

5.9.5.Clean Water Act Section 303(d)

The project is not located within 5 linear miles (not stream miles) of, is not within the watershed of, and does not drain to an impaired assessment unit under the July 7, 2022, Section 303(d) list.

5.9.6.Clean Water Act Section 402

Since Texas Pollutant Discharge Elimination System Construction General Permit (CGP) authorization and compliance (and the associated documentation) occur outside of the environmental clearance process, compliance is ensured by the policies and procedures that govern the design and construction phases of the projects. The Project Development Process Manual and the Plans, Specifications, and Estimates (PS&E) Preparation Manual require a Storm Water Pollution Prevention Plan (SW3P) to be included in the plans of all projects that disturb one or more acres. The Construction Contract Administration Manual requires that the appropriate CGP authorization documents (Notice of Intent or site notice) be completed, posted, and submitted, when required by the CGP, to TCEQ and the Municipal Separate Storm Sewer System operator. It also requires that projects be inspected to ensure compliance with the CGP.

The PS&E Preparation Manual requires that all projects include Standard Specification Item 506 (Temporary Erosion, Sedimentation, and Environmental Controls), and the "Required Specification Checklists" require Special Provision 506-003 on all projects that need authorization under the CGP. These documents require the project contractor to comply with the CGP and SW3P and complete the appropriate authorization documents.

No-Build Alternative

The No-Build Alternative would not alter the amount of runoff generated within the proposed project area.

5.9.7.Floodplains

Ellis County and the City of Midlothian are participants in the National Flood Insurance Program. The study area is located on Flood Insurance Rate Map (FIRM) Panel Numbers 48139C0155F and 48139C0175F (effective June 3, 2013).

This project is federally funded and therefore is subject to and would comply with federal EO 11988, Floodplain Management. However, the project will not involve a significant encroachment in the floodplain.

A review of Federal Emergency Management Agency FIRMs indicates that the majority of the proposed project area is outside the 100-year floodplain. The sections of the proposed project that cross the tributary to Waxahachie Creek and North Prong Creek are situated within Zone AE (areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies, with base flood elevation of 707 to 712 feet and 661 to 662 feet, respectively). Mandatory flood insurance purchase requirements and floodplain management standards apply. This project is subject to and would comply with federal EO 11988 on Floodplain Management. The department implements this EO on a programmatic basis through adherence to its Hydraulic Design Manual. The design of this project would be conducted in accordance with the department's Hydraulic Design Manual. Adherence to the TxDOT Hydraulic Design Manual ensures that this project would not result in a "significant encroachment" as defined by FHWA's rules implementing EO 11988 at 23 CFR 650.105(q).

No-Build Alternative

This alternative would not alter the existing level of roadway encroachments into floodplains.

5.9.8. Wild and Scenic Rivers

The proposed project would not impact any present, proposed, or potential unit of the National Wild and Scenic Rivers System. The Wild and Scenic Rivers Act does not apply.

5.9.9. Coastal Barrier Resources

The Coastal Barrier Resources Act does not apply.

5.9.10. Coastal Zone Management

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

5.9.11. Edwards Aquifer

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

5.9.12. International Boundary and Water Commission (IBWC)

This proposed project does not cross or encroach upon the floodway of the IBWC ROW or an IBWC flood control project.

5.9.13. Drinking Water Systems

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

5.10 Biological Resources

5.10.1. Impacts to Vegetation

The proposed project would directly impact the following vegetation type: Agriculture (4.79 acres), Blackland Prairie: Disturbance or Tame Grassland (16.49 acres), Central Texas: Riparian Hardwood Forest

(3.44 acres), Central Texas: Riparian Herbaceous Vegetation (1.08), Edwards Plateau: Oak / Hardwood Motte and Woodland (9.12 acres), Native Invasive: Deciduous Woodland (1.47 acres), Open Water (1.19 acres), and Urban (77.66 acres). Refer to the Vegetation Map in **Figure 5** in **Appendix E**.

The Texas Natural Diversity Database (TXNDD) data obtained from the Texas Parks and Wildlife Department (TPWD) on January 15, 2024, was reviewed along with the TPWD Rare, Threatened, and Endangered Species of Texas list for Ellis County, dated September 1, 2023. The TXNDD radii search revealed there is no element of occurrence record within 1.5 miles of the proposed project. Within 10 miles of the proposed project, the following occurrences were recorded: two records of Hall's prairie clover (*Dalea hallii*), one record of Glass Mountains coral-root (*Hexalectris nitida*), one record of Warnock's coral-root (*Hexalectris wanockii*), one record of plateau milkvine (*Matelea edwardsensis*), one record of Vertisol Blackland Prairie (*Schizachyrium scoparium – Sorghastrum nutans – Andropogon gerardii – Bifora americana Vertisol Grassland*). These species and plant communities are located outside of the proposed project area and would not be impacted by the proposed project.

According to the MOU with TPWD, important remnant vegetation includes communities listed as suitable vegetation type and within the range of Species of Greatest Conservation Need (SGCN). Important remnant vegetation includes 1) rare vegetation communities and 2) those that are suitable vegetation types for SGCNs. The proposed project area contains a potential suitable vegetation community for the Sutherland hawthorn (Crataegus viridis var. glabriuscula); however, no signs of the species were identified during site visits during its fruiting season; therefore, it is presumed to be unoccupied. To address important remnant vegetation's second component, general vegetation types of those SGCNs that the proposed project may impact include agriculture, grassland, woodland, riparian, and urban. These vegetation types are located within the proposed project area. Impacts to these vegetation types were quantified by using Ecological Mapping Systems of Texas correcting for discrepancies using actual observed vegetation types. None of these areas that include vegetation community for SGCNs are considered rare or remnant vegetation communities. Potential impacts to vegetation would be confined to the existing and proposed ROW; thus, encroachment-alteration effects would not occur. Impacts to vegetation would be avoided or minimized by limiting disturbance to only that which is necessary to construct the proposed project. The removal of native vegetation, particularly mature native trees and shrubs would be avoided to the greatest extent practicable. Seeding and replanting with TxDOT-approved seed mixes containing native species would be used in the re-vegetation of disturbed areas.

Notable features are North Prong Creek, Long Branch Creek, South Grove Creek, and their associated floodplains and wide riparian corridors that the proposed project would bridge over or culverts extended.

No-Build Alternative

If the No-Build Alternative were implemented, the proposed project would not be constructed. No impacts to vegetation related to the construction of the proposed project would occur. Existing land use and activities, including routine mowing, would continue to periodically impact vegetation communities.

5.10.2. Executive Order 13112 on Invasive Species

This project is subject to and will comply with EO 13112 on Invasive Species. The department implements EO on a programmatic basis through its Roadside Vegetation Management Manual and Landscape and Aesthetics Design Manual. Accordingly, seeding and replanting with TxDOT-approved seed mixes containing native species would be done where possible. Soil disturbance would be minimized in the ROW to minimize invasive species establishment.

5.10.3. Executive Memorandum on Environmentally and Economically Beneficial Landscaping

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

5.10.4. Impacts to Wildlife

As discussed in **Section 5.10.1**, the proposed project area contains both wildlife adapted to urban environments and others only found in the wooded and aquatic areas. Mammalian species that likely inhabit the area include the coyote (*Canis latrans*), Virginia opossum (*Didelphis virginiana*), raccoon (*Procyon lotor*), and eastern fox squirrel (*Sciurus niger*). Amphibians and reptiles such as the Texas rat snake (*Elaphe obsoleta lindheimeri*), red-eared slider (*Trachemys scripta*), western ribbon snake (*Thamnophis proximus*), and the northern cricket frog (*Acris crepitans*) may also utilize the different available habitats within the proposed project area.

The TXNDD radii search revealed element of occurrence records within 1.5 and 10 miles of the proposed project. Within 10 miles of the proposed project, two records of the Black-Capped Vireo (*Vireo atricapilla*). This species is located outside of the proposed project area and would not be impacted by the proposed project.

As noted, there is suitable habitat present within the proposed project area for state and federally-listed species, and SGCN species as discussed in **Section 5.10.10**.

The portion of the proposed project east of Longbranch Road would be realigned. This realignment would bisect continuous wildlife habitat resulting in habitat fragmentation. This would result in wildlife potentially being exposed to greater predation, human activities, domesticated animals and increased wildlife-vehicle collisions. Direct or indirect impacts to wildlife species are expected for all habitat within and adjacent to the project including areas of adjacent urban development and existing roadway structures (culverts, utility poles, etc.). Proposed work would include vegetation removal, soil disturbance, demolition, and construction of new roadway and roadway structures. It is likely that the impacted wildlife would recolonize the available habitat once construction of the proposed project is complete. Designing the bridge to span the floodplain, including Long Branch Creek, may enable the bridge to function as a wildlife crossing, and may help to lessen impacts to local populations once construction is complete.

No-Build Alternative

Under the No-Build Alternative, the proposed project would not be constructed; thus, there would be no project-related impacts on wildlife.

5.10.5. Migratory Bird Protections

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

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

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

5.10.6. Fish and Wildlife Coordination Act

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

5.10.7. Bald and Golden Eagle Protection Act of 2007

This project is not within 660 feet of an active or an inactive Bald or Golden Eagle nest. Therefore, no coordination with the U.S. Fish and Wildlife Service (USFWS) is required.

5.10.8. Magnuson-Stevens Fishery Conservation Management Act

There are no tidally influenced waters in Ellis County and the proposed project would not affect essential fish habitat. The Essential Fish Habitat/Magnuson-Stevens Fishery Conservation and Management Act does not apply.

5.10.9. Marine Mammal Protection Act

The proposed project area does not contain suitable habitat for marine mammals.

5.10.10. Threatened, Endangered, and Candidate Species

The TXNDD data obtained from TPWD on January 17, 2024, the RTEST data obtained from TPWD on May 29, 2024, and the USFWS Official Species List, obtained May 29, 2024, were reviewed. Based on field investigations conducted on August 10 and October 25, 2023, and as detailed in the Species Analysis Spreadsheet and Species Analysis Form, the following were identified:

Federally-Listed Endangered, Threatened, Candidate, and Proposed Species

According to the USFWS Official Species list, there are eight threatened, endangered, proposed, and candidate species within the range of the proposed project area. The Whooping Crane (*Grus americana*) is a federally endangered species. The tricolored bat (*Perimyotis subflavus*) and Texas Heelsplitter

(*Potamilus amphichaenus*) are federally proposed endangered species. The Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), and Texas Fawnsfoot (*Truncilla macrodon*) are federally threatened species. The Alligator Snapping Turtle (*Macrochelys temminckii*) is a federally proposed threatened species. The monarch butterfly (*Danaus plexippus*) is a federal candidate species.

There is no suitable habitat for Whooping Crane as there are no freshwater wetlands of substantial size, marshes, ponds, rivers, irrigated land, or sloughs in the proposed project area. Species presence would be temporary and incidental; therefore, no effect to the species is anticipated.

The Tricolored Bat has been proposed as a federally endangered species. There is no suitable habitat for the tricolored bat based on the fragmented nature of the woodland habitat, lack of known occurrence data from the USFWS Species Status Assessment, proximity/distance to aquatic features, and lack of large culverts of suitable size within the project area; therefore, no effect to the species is anticipated.

There is no suitable habitat for Texas Fawnsfoot and Texas Heelsplitter in the proposed project area; however, Freshwater Mussel BMPs, including survey/relocation of native mussels, in compliance with USFWS-TPWD Protocol; Water Quality BMPS, and Stream Crossing BMPs would be implemented.

The USFWS Information for Planning and Consultation Official Species List states that the Piping Plover and Rufa Red Knot only need to be considered for wind energy projects. No effect on these two species is anticipated.

There is no suitable habitat for Alligator Snapping Turtle within the project area. Within the action area, North Prong Creek and Long Branch water bodies are not large enough or deep enough to support this species. Both streams are approximately 12 inches in depth and woody debris is limited, therefore the proposed project would have no effect on the species.

The action area contains suitable habitat for the Monarch Butterfly. Nectar plants are found within the existing and proposed ROW and the species was identified during the October 25, 2023 site visit. The proposed project footprint would impact nectar plants utilized by this species. The project may affect the Monarch Butterfly; however, this project is anticipated to be completed prior to the species being listed and consultation is not required for candidate species. If the Monarch Butterfly is proposed for listing during the life of this project, the impacts on Monarch Butterflies will be reevaluated to determine the appropriate course of action, which may include a conference or consultation with USFWS. There is no USFWS-designated Critical Habitat for any federally listed species within the proposed project area.

State-Listed Species

The TXNDD radius search was 1.5 and 10 miles from the proposed project. TxDOT has reviewed the TPWD Rare, Threatened, and Endangered Species of Texas list and analyzed potential impacts to state-listed species in the Species Analysis Spreadsheet. The evaluations determined no impacts to these species. The proposed project area does not contain suitable breeding or wintering habitat for the State-listed species and the species presence would be temporary or incidental. Suitable habitat is not present for mollusks in the proposed project area; however, Freshwater Mussel BMPs, including survey/relocation of native mussels, in compliance with USFWS-TPWD Protocol; Water Quality BMPS, and Stream Crossing BMPs would be implemented.

Species of Greatest Conservation Need

Two element occurrences for Hall's prairie clover (*Dalea hallii*), an SGCN species, were recorded within the 10-mile radius of the proposed project. The proposed project area contains potential suitable vegetation community for the Sutherland hawthorn; however, no signs of the species were identified during site visits during its fruiting season. Suitable habitat was observed within the proposed project for the following SGCN: southern crawfish frog (*Lithobates areolatus areolatus*), Strecker's chorus frog (*Pseudacris streckeri*), Woodhouse's toad (*Anaxyrus woodhousii*), chestnut-collared longspur (*Calcarius ornatus*), Sprague's pipit (*Anthus spragueii*), western burrowing owl (*Athene cunicularia hypugaea*), American bumblebee (*Bombus pensylvanicus*), *Amblycorypha uhleri*, eastern spotted skunk (*Spilogale putorius*), long-tailed weasel (*Mustela frenata*), muskrat (*Ondatra zibethicus*), swamp rabbit (*Sylvilagus aquaticus*), 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*), and western chicken turtle (*Deirochelys reticularia miaria*).

Aquatic species may be impacted by the proposed project due to the construction of culverts and a bridge over Long Branch which may include riparian hardwood forest and herbaceous vegetation. Terrestrial and avian species may be impacted by the proposed project due to the ROW acquisition of suitable habitat such as riparian hardwood forest and disturbance or tame grasslands.

Impacts to these SGCN would be avoided or minimized by implementing the following BMPs: Aquatic Amphibian and Reptile BMPs, Bird BMPs, Insect Pollinator BMPs, General Design and Construction BMPs, Terrestrial Amphibian and Reptile BMPs, Vegetation BMPs and Water Quality BMPs. Refer to **Appendix F** for the coordination documentation and to **Section 8** for BMPs or mitigation strategies that will be used to avoid or minimize impacts to these SGCN.

No-Build Alternative

Under the No-Build Alternative, there would be no impacts to state-listed species.

5.11 Air Quality

For information regarding air quality refer to the Air Quality Technical Report available at the TxDOT Dallas District Office and **Appendix F** for the letter of concurrence from TCEQ.

Transportation Conformity

This project is located within an area that has been designated by the EPA as a severe nonattainment area and moderate nonattainment area for the 2008 Ozone National Ambient Air Quality Standard (NAAQS) and 2015 Ozone NAAQS, respectively; therefore, transportation conformity rules apply. Conformity for older standards is satisfied by conformity to the more stringent 2008 and 2015 ozone NAAQS, as applicable.

The proposed action is consistent with the NTCOG's financially constrained MTP and TIP, as amended, which were initially found to conform to the TCEQ SIP by FHWA and FTA on December 15, 2022. All projects in the NCTCOG TIP that are proposed for federal or state funds were initiated in a manner consistent with federal guidelines in Section 450, of Title 23 CFR and Section 613.200, Subpart B, of Title 49 CFR.

Carbon Monoxide Traffic Air Quality Analysis

Traffic data for the estimated time of completion year 2028 and design year 2045 is 16,945 and 22,300 VPD, respectively. A prior TxDOT modeling study and previous analyses of similar projects demonstrated that it is unlikely that the carbon monoxide standard would ever be exceeded as a result of any project with an AADT below 140,000. The AADT projections for the project do not exceed 140,000 VPD; therefore, a Traffic Air Quality Analysis was not required.

Mobile Source Air Toxics

A qualitative mobile source air toxics (MSAT) assessment has been conducted relative to the Build and No-Build Alternative. As documented in the technical report, all project alternatives may result in increased exposure to MSAT emissions in certain locations although the concentrations and duration of exposure are uncertain. Because of this uncertainty, the health effects of these emissions cannot be estimated. However, on a regional basis, EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than today.

Congestion Management Process

The proposed project is adding single-occupant vehicle (SOV) capacity, is a project with FHWA/FTA involvement, and is within the Dallas Fort-Worth (DFW) Transportation Management Area (TMA); therefore, a Congestion Management Process (CMP) analysis is required. The proposed project is within the DFW TMA. The project-level CMP analysis is on file and available for review at the NCTCOG and is included as an appendix in the Air Quality Technical Report.

Committed congestion reduction strategies and operational improvements within the study boundary will consist of dedicated turn lanes, intersection improvements, and pedestrian and bicycle accommodations. There are no complementary Transportation Demand Management or Transportation Systems Management and Operations projects, listed or not listed in the 2020-2025 TIP, within the general vicinity of the project.

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

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

Air Quality Construction Emissions Reduction Strategies

During the construction phase of this project, temporary increases in particulate matter (PM) and MSAT emissions may occur from construction activities. The primary construction-related emissions of PM are fugitive dust from site preparation, and the primary construction-related emissions of MSAT are diesel PM from diesel-powered construction equipment and vehicles.

The potential impacts of PM emissions will be minimized by using fugitive dust control measures contained in standard specifications, as appropriate. The Texas Emissions Reduction Plan (TERP) provides financial incentives to reduce emissions from vehicles and equipment. TxDOT encourages construction contractors to use this and other local and federal incentive programs to the fullest extent possible to minimize diesel emissions. Information about the TERP program can be found on TCEQ's TERP website¹.

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

No-Build Alternative

This alternative would result in gradually increasing vehicle miles traveled as traffic volumes increase and traffic congestion worsens within the existing roadway system over time. Actual and predicted trends in both criteria pollutant and MSAT emissions would be expected to continue in the future, regardless of the alternative chosen.

Hazardous Materials 5.12

The presence of hazardous materials within a project study area can create issues affecting ROW acquisition, project development, and construction. The Hazardous Materials Initial Site Assessment (ISA) identifies the potential hazardous materials concerns as they relate to project construction and/or ROW acquisition for concerns identified. The ISA was completed and approved on October 13, 2023, and summarizes potential hazardous materials within and adjacent to the project corridor. The ISA included a site reconnaissance, research of existing and previous land use, reviewing the project design and ROW requirements, and reviewing federal and state regulatory database files. The evaluation reached conclusions regarding the potential impacts of each concern identified during the preparation of the ISA. The ISA is maintained in the Dallas District project files.

The existing and previous land use of the project location and surrounding area is a combination of undeveloped land, agricultural fields, and commercial and residential development. As part of the ISA, a review of selected environmental regulatory databases published by federal and state agencies was conducted to determine the potential for hazardous material issues within and near the project study area. A review of the regulatory database report dated August 3, 2023, was performed in general accordance with the American Society for Testing and Materials Standard E1527 and TxDOT guidelines, which define the environmental record sources to be reviewed and their minimum search distances from the proposed project.

Four regulatory sites (including an unplotted site) were identified in the regulatory database report. Two listings were Emergency Response Notification System incidents not involving hazardous materials releases. **Table 5** below summarizes the remaining two regulatory listings.

¹https://www.tceq.texas.gov/airquality/terp FM 1387 Widening Environmental Assessment

Based on an evaluation of the regulatory sites, all of the regulatory listings were determined to pose a low environmental risk or no environmental concern to the project. The site locations are shown on the Hazardous Materials Site Location Map (see **Figure 6** in **Appendix E**).

Table 5: Summary of Regulated Sites of Concern

ERIS Map ID*	Site Information	Database	Location Relative to Project
2	Midlothian 981 closed landfill Midlothian, Texas	Closed Landfill Inventory Risk Level: Low	According to the database, the landfill is described as being approximately two miles east of Midlothian on the north side of FM 1387. An additional description provided on NCTCOG Closed Landfill Inventory states the site is between Short Line and N. Walnut Grove. The TCEQ municipal solid waste unnumbered sites list states the site was identified from a 1968 US Department of Health, Education, and Welfare survey. The site size is reported as 6 acres and had accepted household waste. A review of historic aerials from 1956 to 1995 did not identify a site of this description along the north side of FM 1387. A Soil Conservation Service reservoir is in the area of one of the described landfill locations and residential neighborhoods comprise the area between Short Line and Walnut Grove. Based on the type of project work within the described landfill location area and historic aerial imagery, this site is considered a low environmental risk to the project.
3	Mazda Port Midlothian 100 Center Drive, Midlothian, Texas	Leaking Petroleum Storage Tank (LPST) Risk Level: None	According to the database, this LPST site is a very large property with its nearest point approximately 1,745 feet west of the proposed project's beginning limit. Based on the distance, this site is not considered an environmental concern for the project.

Map ID numbers correspond to those used in the ISA.

Sources: ERIS Database Report (August 3, 2023) and Site Survey (August 8, 2023).

No-Build Alternative

Under the No-Build Alternative, the proposed project would not be constructed; thus, project-related hazardous materials impacts would not occur.

5.13 Traffic Noise

A traffic noise analysis was prepared in accordance with TxDOT's (FHWA-approved) Traffic Noise Policy (2019). The Traffic Noise Analysis Report (2024), which includes details about the analysis, is available for public review at the TxDOT Dallas District office.

Existing and predicted traffic noise levels were modeled at representative land use activity areas (receptors) adjacent to the project that might be impacted by traffic noise and would potentially benefit from feasible and reasonable noise abatement (**Table 6**).

Table 6: Traffic Noise Levels dB(A) Leq

Representative Receiver	NAC Category	NAC Level	Existing	Predicted 2043	Change (+/-)	Noise Impact (Yes/No)
R1 - Single-family residential	В	67	62	66	+4	Yes
R2 - Learning Station (playground)	С	67	55	58	+3	No
R3 - Single-family residential	В	67	69	69	0	Yes
R4 - Single-family residential	В	67	67	68	+1	Yes
R5 - Single-family residential	В	67	68	66	-2	Yes
R6 - Single-family residential	В	67	56	59	+3	No
R7 - Single-family residential	В	67	67	69	+2	Yes
R8 - Single-family residential	В	67	67	69	+2	Yes
R9 - Single-family residential	В	67	67	69	+2	Yes
R10 - Single-family residential	В	67	51	52	+1	No
R11 - Single-family residential	В	67	50	52	+2	No
R12 - Single-family residential	В	67	65	67	+2	Yes
R13 - Single-family residential	В	67	64	67	+3	Yes
R14 - Single-family residential	В	67	60	65	+5	No
R15 – Midlothian Heritage High School (bleachers)	С	67	53	54	+1	No
R16 - Single-family residential	В	67	54	57	+3	No
R17 - Single-family residential	В	67	49	52	+3	No
R18 – Midlothian Heritage High School (interior)	D	52	40	40	0	No
R19 - Single-family residential	В	67	61	61	0	No
R20 - Single-family residential	В	67	60	62	+2	No
R21 - Single-family residential	В	67	63	69	+6	Yes

Table 6: Traffic Noise Levels dB(A) Leq

Representative Receiver	NAC Category	NAC Level	Existing	Predicted 2043	Change (+/-)	Noise Impact (Yes/No)
R22 - Single-family residential	В	67	62	63	+1	No
R23 - Single-family residential	В	67	45	48	+3	No
R24 - Single-family residential	В	67	61	61	0	No
R25 - Single-family residential	В	67	51	54	+3	No
R26 - Single-family residential	В	67	66	67	+1	Yes
R27 - Single-family residential	В	67	67	68	+1	Yes
R28 - Single-family residential	В	67	67	68	+1	Yes
R29 - Single-family residential	В	67	56	56	0	No
R30 - Single-family residential	В	67	63	64	+1	No
R31 - Single-family residential	В	67	55	60	+5	No
R32 - Single-family residential	В	67	49	63	+14	Yes
R33 - Single-family residential	В	67	49	61	+12	Yes
R34 - Single-family residential	В	67	47	61	+14	Yes
R35 - Single-family residential	В	67	47	60	+13	Yes
R36 - Single-family residential	В	67	47	64	+17	Yes
R37 - Single-family residential	В	67	47	61	+14	Yes
R38 - Single-family residential	В	67	47	60	+13	Yes
R39 - Single-family residential	В	67	47	64	+17	Yes

Source: Project Team, Traffic Noise Analysis Technical Report, April 2024.

Modeled noise-sensitive locations were primarily single-family residential, but also included a school and childcare facility. The traffic noise analysis determined that out of 39 representative receptors, 23 were predicted to have noise levels that approach or exceed the FHWA noise abatement criteria (NAC) or that

substantially exceed the existing noise levels; therefore, the proposed project would result in traffic noise impacts (see **Figure 7** in **Appendix E**).

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

Four noise barriers were found to be both reasonable and feasible and are recommended for incorporation into the proposed project (**Table 7**). Noise barriers were not reasonable and feasible for the remaining impacted representative receivers, and abatement is not proposed for those locations. Additional details regarding the barrier analysis can be found in the Traffic Noise Analysis Report (2024).

R3 through R5 (Barrier 1): These receivers represent 10 impacted receptors with backyards adjacent to the roadway. A continuous noise barrier would restrict access to these residences. Gaps in the noise barrier would satisfy access requirements. A non-continuous noise barrier 10 feet in height and 1,396 feet in length (three barriers, one 736 feet long, one 307 feet long, and one 353 feet long) was modeled along the ROW. This barrier would achieve the minimum, feasible reduction of 5 dB(A) for 10 of the first-row receivers and the noise reduction design goal of 7 dB(A) for at least one receiver. The square footage of abatement (13,960 square feet or 1,396 square feet per benefited receptor) would meet the reasonable, cost reasonableness criterion of 1,500 square feet per benefited receptor. Therefore, this noise barrier is proposed for incorporation into the project.

R7 to R9, R12 and R13 (Barrier 2): These receivers represent 20 residences with backyards adjacent to the roadway. A continuous noise barrier would restrict access to these residences. Gaps in the noise barrier would satisfy access requirements. A non-continuous noise barrier 10 feet in height and 1,748 feet in length (three barriers, one 819 feet long, one 798 feet long, and one 131 feet long) was modeled along the ROW. This barrier would reduce noise levels by at least 5 dB(A) for 20 first row receivers and achieve the 7 dB(A) design goal for at least one receiver. The square footage of abatement (17,480 square feet or 874 square feet per each benefited receiver) would meet the reasonable, cost-reasonableness criterion of 1,500 square feet per benefited receptor. Therefore, this noise barrier is proposed for incorporation into the project.

R21 (Barrier 3): This receiver represents four impacted receptors in the Marigold Drive intersection with backyards adjacent to the roadway. A continuous barrier would restrict access to these residences. Gaps in the noise barrier would satisfy access requirements. A non-continuous noise barrier 10 feet in height and 392 feet in length (two barriers, one 116 feet long and one 276 feet long) was modeled along the ROW. This barrier would satisfy access requirements and meet the minimum, feasible reduction of 5 dB(A) for three of the impacted receptors and achieve the design goal of 7 dB(A) for at least one receiver. The square footage of abatement (3,920 square feet or 1,307 square feet per each benefited receptor) would

meet the reasonable, cost-reasonableness criterion of 1,500 square feet per benefited receptor. Therefore, this noise barrier is proposed for incorporation into the proposed project.

R26 through R28 (Barrier 4): These receivers represent 12 residences with backyards adjacent to the roadway. A continuous noise barrier would restrict access to these residences. Gaps in the noise barrier would satisfy access requirements. A non-continuous noise barrier 10 feet in height and 1,044 feet in length (three barriers, one 233 feet long, one 370 feet long, and one 441 feet long) was modeled along the ROW. This barrier would reduce noise levels by at least 5 dB(A) for 12 first row receivers and achieve the 7 dB(A) design goal for at least one receiver. The square footage of abatement (10,400 square feet or 870 square feet per each benefited receptor) would meet the reasonable, cost-reasonableness criterion of 1,500 square feet per benefited receptor. Therefore, this noise barrier is proposed for incorporation into the proposed project.

Table 7: Noise Barrier Proposal (Preliminary)

Barrier	Representative Receivers	Total # Benefited	Length (feet)	Height (feet)	Total Sq. Ft.	Sq. Ft. per Benefited Receptor
1	R3 through R5	10	1,396	10	13,960	1,396
2	R7through R9, R12, R13	20	1,748	10	17,480	874
3	R21	3	392	10	3,920	1,307
4	R26 through R28	12	1,044	10	10,400	870

Source: Project Team, Traffic Noise Analysis Technical Report, April 2024.

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

To avoid noise impacts that may result from the future development of properties adjacent to the project, local officials responsible for land use control programs must ensure, to the maximum extent possible, that no new activities are planned or constructed along or within the following predicted (2045) noise impact contours (**Table 8**).

Table 8: Proposed Noise Contours

	Land Use NAC Category	Impact Contour	Distance from Right of Way
East of North Midlothian Parkway to	B & C	66 dB(A)	Within ROW
Onward Road	E	71 dB(A)	Within ROW
S. Walnut Crove Boad to Marigold Drive	B & C	66 dB(A)	45 feet
S. Walnut Grove Road to Marigold Drive	E	71 dB(A)	15 feet
	B & C	66 dB(A)	30 feet
Marigold Drive to Hayes Road	E	71 dB(A)	Within ROW
Blackchamp Road to FM 466	B & C	66 dB(A)	20 feet
Blackchallip Rodu to Fivi 400	E	71 dB(A)	Within ROW

Source: Project Team, Traffic Noise Analysis Technical Report, April 2024.

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

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

No-Build Alternative

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

5.14 Induced Growth

The Council on Environmental Quality (CEQ) defines indirect effects as those caused by the action and occur later or farther removed in distance than direct effects but are still reasonably foreseeable. Indirect impacts may include growth-inducing effects and other effects related to induced changes in the pattern

of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (40 CFR Section 1508.8).

An analysis of indirect impacts followed the processes outlined in TxDOT's Indirect Impacts Analysis Guidance (January 2019). Refer to the Indirect Impacts Analysis Technical Report for a detailed discussion of the indirect effects analysis.

The Area of Influence (AOI) encompasses approximately 5,873.7 acres. A map of the AOI is provided in **Figure 8** in **Appendix E**.

Based on the information from the planning departments of the cities of Midlothian and Waxahachie, as well as planning documents, land use and zoning maps, thoroughfare plans, and population, employment, and housing trend data, the proposed project would not result in any resources being impacted by induced growth impacts.

No-Build Alternative

This alternative would not result in induced growth.

5.15 Cumulative Impacts

The CEQ defines cumulative impacts as those which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR §1508.7). As such, it may be difficult to understand the role that a proposed action may have in contributing to the overall or cumulative impacts on an area or resource.

Socioeconomic, cultural, floodplains, waters, farmland, and visual/aesthetics have either no substantial direct impacts, no direct impacts, or/and are not in poor and/or declining health in the context of the proposed project; therefore, these resources were not carried forward for detailed evaluation in the Cumulative Impacts Analysis Technical Report. The health of biological resources within the proposed project area is considered to be at risk due to potential effects on wildlife habitat, which may, in turn, impact sensitive and protected species.

Biological resources related to sensitive species and their habitats were considered in further detail to determine if the proposed project, in conjunction with other past, present, and reasonably foreseeable future actions, would pose a risk to the sustainability or health of these resources. The proposed project would not result in cumulative effects on sensitive species and their habitats or water resources. The contribution of the proposed project to cumulative effects on these resources would be minor, and cumulative effects on these resources would not adversely affect the overall sustainability or long-term health of sensitive species and their habitats.

No-Build Alternative

This alternative would not result in cumulative impacts.

5.16 Construction Phase Impacts

Depending on required traffic control and phasing, the construction phase of the proposed project, and associated construction impacts, are anticipated to be 24 to 48 months. During the construction phase of the proposed project, there is the potential for noise, dust, or light pollution; impacts associated with physical construction activity, and other traffic disruptions. These potential impacts are discussed as follows:

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

Light Pollution – Construction normally occurs during daylight hours; however, construction could occur during the night-time hours to minimize impacts on the traveling public during daylight hours.

Due to the proximity of residences and businesses to the project, if construction were to occur during the night-time hours, it would be of short duration and would not be conducted late in the evening. Construction during the nighttime hours would follow any local policies and ordinances established for construction activities, such as light limitations.

Construction Activity Impacts – Construction activities would be limited to the proposed project footprint. Excessive vibration from construction equipment is not anticipated. If there was excessive vibration from construction equipment, it would be of short duration.

Traffic control plans would be prepared and implemented in coordination with the city and the county. Construction that would require cross-street closures would be scheduled so only one crossing in an area is affected at one time. Where detours are required, clear and visible signage for an alternative route would be displayed. In residential areas, major activity would be limited to normal work hours whenever practicable, to avoid noise and related impacts to the local population.

Temporary Lane, Road, or Bridge Closures (Including Detours) – Traffic control plans would be prepared and implemented in coordination with the city and the county. Construction that would require cross-street closures would be scheduled so only one crossing in an area is affected at one time. Where detours are required, clear and visible signage for an alternative route would be displayed.

Motorists would be inconvenienced during the construction of the project due to lane and cross-street closures; however, these closures would be of short duration and alternate routes would be provided.

Residents and businesses in the immediate construction area would be notified in advance of the proposed construction activity using a variety of techniques, including signage, electronic media, community newspapers, and other techniques. The proposed project would not restrict access to any existing public or community services, businesses, commercial areas, or employment centers. Impacts on wildlife during construction could include direct mortality to species during grading and vegetation

removal. Disturbance of habitat could also result in increased vehicle strikes from construction vehicles and motorists in the area.

No-Build Alternative

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

5.17 Greenhouse Gas Emission and Climate Change*

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

The Earth has gone through many natural changes in climate over time. However, since the industrial revolution began in the 1700s, atmospheric concentrations of GHG emissions have continued to climb, primarily due to humans burning fossil fuel (e.g., coal, natural gas, gasoline, oil, and/or diesel) to generate electricity, heat and cool buildings, and power industrial processes, vehicles, and equipment. According to the Intergovernmental Panel on Climate Change, this increase in GHG emissions is projected to contribute to future changes in climate (Solomon 2007, Stocker 2013).

5.17.1. Statewide On-road GHG*

TxDOT prepared a GHG analysis for the statewide on-road transportation system and associated emissions generated by motor vehicle fuel processing called "fuel-cycle emissions." EPA's Motor Vehicle Emissions Simulator (MOVES2014 version) emissions model was used to estimate emissions. Texas on-road and fuel cycle GHG emissions are estimated to be 186 million metric tons (MMT) in 2050 and reach a minimum in 2032 at 161 MMT. Future on-road GHG emissions may be affected by changes that may alter where people live and work and how they use the transportation system, including but not limited to: 1) the results of federal policy including tailpipe and fuel controls, 2) market forces and economics, 3) individual choice decisions, 4) acts of nature (e.g. pandemic) or societal changes, and 5) other technological advancements. Such changes cannot be accurately predicted due to the inherent uncertainty in future projections related to demographics, social change, technology, and the inability to accurately forecast where people work and live³.

5.17.2. Mitigation Measures*

² Greenhouse gas (GHG) emissions consist of on-road tailpipe emissions and upstream fuel cycle emissions. Upstream fuel cycle emissions are the emissions generated by extracting, shipping, refining, and delivering fuels.

³ Transportation Research Board Special Report 288 (2007) Metropolitan Travel Forecasting Current Practice and Future Direction.

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

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

TxDOT has implemented programmatic strategies that reduce GHG emissions including: 1) travel demand management projects and funding to reduce VMT, such as bicycle and pedestrian facilities, 2) traffic system management projects and funding to improve the operation of the transportation system, 3) participation in the national alternative fuels corridor program, 4) clean construction activities, 5) clean fleet activities, 6) CMAQ funding, 7) transit funding, and 8) two statewide campaigns to reduce tailpipe emissions.

5.17.3. TxDOT and a Changing Climate*

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

6.0 Agency Coordination

Texas Historical Commission

Coordination with the THC regarding impacts on cultural resources has been completed, and the results of the coordination are included in **Appendix F**.

Texas Parks and Wildlife Department

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

Texas Commission on Environmental Quality

In accordance with the TxDOT-TCEQ MOU, **Appendix F** includes written correspondence between TxDOT and TCEQ. Coordination with the TCEQ regarding impacts on air quality has been completed.

7.0 Public Involvement

Public Meetings

Public Meeting #1 - August 30, 2018

A public meeting was held at Midlothian Heritage High School, located at 923 S 9th St, Midlothian, TX 76065 on August 30, 2018. The purpose of the meeting was to present the proposed widening along the existing FM 1387 alignment and to receive public comment on the proposed project. The meeting was held in an open house format from 6:00 p.m. to 8:00 p.m. to allow for questions and review of project exhibits. TxDOT and consultant personnel were available to answer questions during the open house. The total registered attendance at the public meeting was 262 persons, which was comprised of two elected officials and 235 members of the public. A total of 13 project staff members from TxDOT, and 12 project consultants also attended. The purpose of the meeting was to present the planned improvements and to receive public comment on the proposed project. Of the 116 written comments submitted, six are positive, 100 are negative, and 10 are neutral comments. Comments for the project, impacts to properties from the widening and realignment, and design concerns were received at the meeting (Appendix G).

Public Meeting #2 – September 10, 2020

A virtual public meeting was held on September 10, 2020, from 6:00 p.m. to 8:00 p.m. to allow for questions and review of project exhibits. Randy Gros, P.E. of Garver narrated the public meeting. The purpose of the meeting was to present the proposed north and south alignment alternatives and to receive public comment on the proposed project. The pre-recorded video presentation (www.keepitmovingdallas.com/FM1387), which included both audio and visual components, remained available for viewing until Friday, September 25th, 2020 at 11:59 p.m. A total of 82 comments were received by mail and email. Comments related to impacts on properties from the widening and realignment, traffic congestion, support and disapproval for the northern and southern routes realignment, and design concerns were received at the meeting.

Public Meeting #3 – August 30, 2022

An in-person and virtual public meeting was conducted for the proposed project. The in-person meeting was held at the Longbranch Community Baptist Church, located at 200 Longbranch Road, Midlothian, TX 76065 on August 30, 2022. The meeting was held in an open house format from 5:30 p.m. to 7:30 p.m. to allow for questions and review of project exhibits. The purpose of the meeting was to present the configuration and alignment of the proposed project. TxDOT and consultant personnel were available to answer questions during the open house. The total registered attendance at the public meeting was 256 persons which was comprised of seven elected officials and 235 members of the public. One county engineer, 15 project staff members from TxDOT, and eight project consultants also attended. A virtual public meeting was held from August 30, 2022, at 5:30 p.m. through September 15, 2022, at 11:59 p.m. The virtual public meeting consisted of a video presentation explaining the proposed project, which

included both audio and video components, along with other exhibits and materials for review. The virtual public meeting materials were posted to http://www.keepitmovingdallas.com/FM1387. For those who did not have internet access, a phone number was provided in order to ask questions about the project and access project materials at any time during the project development process. Translation services were available but were not requested. Attendance for this virtual public meeting did not require elected officials to identify themselves. A total of 448 virtual visitors were recorded. The total number of written comments received at the in-person and virtual meetings was 283. Comments related to impacts on properties from the widening and realignment, traffic congestion, support and disapproval for the northern and southern routes realignment, and design concerns were received at the in-person and virtual public meeting.

Public Meeting #4 – March 30, 2023

An in-person and virtual public meeting was conducted for the proposed project. The in-person meeting was held at the Longbranch Community Baptist Church, located at 200 Longbranch Road, Midlothian, TX 76065 on March 30, 2023. The meeting was held in an open house format from 5:30 p.m. to 7:30 p.m. to allow for questions and review of project exhibits. The purpose of the meeting was to present the configuration and alignment of the proposed project. TxDOT and consultant personnel were available to answer questions during the open house. The total registered attendance at the public meeting was 123 persons which was comprised of three elected officials and 97 members of the public. A total of 14 project staff members from TxDOT, and nine project consultants also attended. A virtual public meeting was held from March 30, 2023, at 5:30 p.m. through April 14, 2023, at 11:59 p.m. The virtual public meeting consisted of a video presentation explaining the proposed project, which included both audio and video components, along with other exhibits and materials for review. The virtual public meeting materials were posted to http://www.keepitmovingdallas.com/FM1387. For those who did not have internet access, a phone number was provided in order to ask questions about the project and access project materials at any time during the project development process. Translation services were available but were not requested. The total number of written comments received at the in-person and virtual meetings was 63. Comments related to impacts on properties from the widening and realignment, displacements, traffic congestion, support and disapproval for the northern and southern routes realignment, and design concerns were received at the in-person and virtual public meeting.

The public meeting documentation may be inspected and copied upon request at the TxDOT Dallas District Office.

Public Hearing

An in-person and virtual public hearing were held for the proposed project upon approval of the draft EA for public viewing. The in-person hearing was held at the Longbranch Community Baptist Church, located at 200 Longbranch Road, Midlothian, TX 76065 on August 22, 2024. The meeting was held in an open house format from 5:30 p.m. to 7:30 p.m. with a live presentation at 6 p.m. The public had an opportunity to review project materials and have questions answered by TxDOT and project team members. The total registered attendance at the public meeting was 97 persons, which was comprised of two elected officials and 95 members of the public. A total of 27 project staff from TxDOT and project consultants were also

present. A virtual public hearing was held online from August 22, 2024, at 5:30 p.m. through September 6, 2024, at 11:59 p.m. The virtual public hearing included a video presentation, along with the same exhibits and materials shown at the in-person hearing. The virtual public hearing materials were posted to http://www.keepitmovingdallas.com/projects/fm-roads/FM1387. For those who did not have internet access, a phone number was provided in order to ask questions about the project and access project materials at any time during the project development process. Translation services were available but were not requested. The total number of written comments received at the in-person and virtual hearing was 41. Comments related to impacts on properties from the widening and realignment, displacements, natural resources, noise impacts, traffic congestion, and design concerns were received at the in-person and virtual public hearing.

Similar to the public meeting, notices were mailed and published in both Spanish and English language newspapers. Language translation services and other accommodations were also provided upon request. The public hearing documentation may be inspected and copied upon request at the TxDOT Dallas District Office. Comments and responses are included in **Appendix G.**

Additional Public Involvement

A notice of impending construction would be provided to owners of adjoining property and affected local governments and public officials. The notice may be provided via a sign or signs posted in the ROW, mailed notice, printed notice distributed by hand, or notice via website when the recipient has previously been informed of the relevant website address. This notice would be provided after the environmental decision (i.e. FONSI), but before earthmoving or other activities requiring the use of heavy equipment begin.

8.0 Post-Environmental Clearance Activities and Design/Construction Commitments

8.1 Post-Environmental Clearance Activities

This section lists unresolved environmental activities that could not be done prior to the issuance of a FONSI, for which the project sponsor will be responsible.

- 1. Due to limited access to private property during filed investigations, it is recommended that some remaining parcels still warrant natural resources investigations and archeological surveys prior to construction.
- 2. The proposed project would require an NWP 14 with a PCN. The PCN would be obtained before construction. The proposed project would comply with all general conditions of the NWP.
- 3. Proposed noise wall constructability review and conduct noise workshop for impacted adjacent property owners.
- 4. Formal utilities' location and advance planning would be required to facilitate pipeline and utility adjustments and to otherwise avoid associated impacts prior to construction.
- 5. Coordination with the local Floodplain Administrators would be required prior to construction.

8.2 Design/Construction Commitments

This section lists project-specific avoidance measures or special instructions that will be conveyed to the design or construction contractor because of the department's environmental review of the project.

- In the unlikely event that significant cultural resources are discovered during the construction of
 the proposed project, TxDOT would immediately initiate cultural resource discovery procedures.
 All work in the vicinity would cease until a specialist from TxDOT and/or the THC could arrive on
 site and assess the discovery's significance and the potential need for additional investigation, if
 necessary.
- 2. Formal utilities' location and advance planning would be required to facilitate pipeline and utility adjustments and to otherwise avoid associated impacts.
- 3. Asbestos and lead-based paint inspections, specification, notification, license, accreditation, abatement, and disposal will be addressed during the ROW process for building structures.
- 4. Should unanticipated hazardous materials/substances be encountered during construction, TxDOT and/or the contractor would be notified, and steps would be taken to protect personnel and the environment. Any unanticipated hazardous materials encountered during construction would be handled according to applicable federal, state, and local regulations per TxDOT Standard Specifications. The contractor would take appropriate measures to prevent, minimize, and control the spill of hazardous materials in construction staging areas. All construction materials used for the proposed project will be removed as soon as the work schedules permit. The contractor would initiate early regulatory agency coordination during project development.
- 5. The potential impacts of PM emissions would be minimized by using fugitive dust control measures contained in standard specifications, as appropriate. The TERP provides financial incentives to reduce emissions from vehicles and equipment. TxDOT encourages construction contractors to use this and other local and federal incentive programs to the fullest extent possible to minimize diesel emissions. Information about the TERP program can be found at: https://www.tceq.texas.gov/airquality/terp.
- 6. Implement Water Quality BMPs including permanent seeding/sodding, stone riprap at culverts, silt fence, rock berms, mulch filter socks, and installing vegetative-lined ditches.
- 7. Comply with Executive Order 13112 on Invasive Species and the intent of the Executive Order Memorandum on Beneficial Landscapes for re-vegetating the project area. The proposed seed mixture (both grasses and forbs) would be in accordance with Item 164, Seeding for Erosion Control in TxDOT's Standard Specifications for the construction of Highways, Streets, and Bridges.
- 8. If any species on the Ellis County Threatened and Endangered Species List is sighted in the project area during construction, construction would stop, and the contractor would notify the Area Engineer immediately.

9. Implement Bird BMPs, Freshwater Mussel BMPs, Water Quality BMPs, Stream Crossings BMPs, Terrestrial Amphibian and Reptile BMPs, Insect Pollinator BMPs, Vegetation BMPs, Aquatic Amphibian and Reptile BMPs, and General Design and Construction BMPs.

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

9.0 Conclusion

Implementation of the proposed project would not result in a significant impact on the human or natural environment; therefore, a FONSI is recommended.

10.0 References

Campbell, L. 2003. Endangered and Threatened Animals of Texas: Their Life History and Management.

Federal Emergency Management Agency. National Flood Hazard Layer.

at: https://www.fema.gov/national-flood-hazard-layer-nfhl

- Federal Highway Administration. 2010. United States Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodation Regulations and Recommendations.
 - at: http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/policy_accom.cfm.
- ------ 2023. Updated Interim Guidance on Mobile Source Air Toxic Analysis in National Environmental Policy Act Documents.
 - http://www.fhwa.dot.gov/environment/air quality/air toxics/policy and guidance/msat/index. cfm
- North Central Texas Council of Governments. 2018. Mobility 2045 Metropolitan Transportation Plan. at: https://www.nctcog.org/trans/plan/mtp/mobility-2045-2022-update (accessed September 2023).
- -----. 2010. Vision North Texas 2050. at: https://www.nctcog.org/envir/development-excellence/vision-north-texas.
- ------ Regional Data Center. at: http://data-nctcoggis.opendata.arcgis.com/
- Solomon, S. D. (2007). Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. IPCC.

 Cambridge, United Kingdom and New York, NY, USA: Cambridge University Press.
- Stocker, T. D.-K. (2013). Summary for Policymakers: Climate Change 2013: The Physical Science Basis.

 Contribution of Working Group to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. IPCC. Cambridge, United Kingdom and New York, NY, USA: Cambridge University Press.

Texas Commission on Environmental Quality. 2002. Water Quality Inventory. Trinity River Basin.

at: https://www.tceq.texas.gov/assets/public/waterquality/swqm/assess/02twqi/basin8.pdf (accessed September 2023)
Texas Department of Transportation (TXDOT). 2021. Bicycle Accommodation Design Guidance. at: https://ftp.TxDOT.gov/pub/TxDOT-info/ptn/bike-acco-design-guide.pdf (accessed September 2023)
2023. Statewide Transportation Improvement Program, Latest Completed 2023-2026 STIP Revision. at: https://www.dot.state.tx.us/apps/estip/index.aspx (accessed January 2024).
TXDOT. 2023-2024
a. Community Impact Assessment Technical Report.
b. Archeological Resources Survey Report.
c. Historic Resources Survey Report.
d. Water Features Delineation Report.
e. Species Analysis Form and Spreadsheet.
f. Air Quality Resources Technical Report.
g. Qualitative Mobile Source Air Toxics Analysis.
h. Hazardous Materials Initial Site Assessment
i. Traffic Noise Analysis Report.
j. Indirect Effects Technical Report.
k. Cumulative Effects Technical Report.
Texas Parks and Wildlife Department. August 1, 2023. Annotated County List of Rare Species for Ellis County.
at: http://tpwd.texas.gov/gis/rtest/ (accessed August 2023).
Texas Natural Diversity Database. at: https://tpwd.texas.gov/huntwild/wild/wildlife_diversity/txndd/data.phtml (received January 15, 2023)
U.S. Census Bureau. 2016-2020 American Community Survey 5-Year Estimates data. at: https://data.census.gov/cedsci/ (accessed August 2023).
U.S. Department of Agriculture. Natural Resources Conservation Service Web Soil Survey.

at: http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx (accessed September 2023).

U.S. Department of Justice. Executive Order 13166.

at: https://www.justice.gov/crt/executive-order-13166

U.S. Fish and Wildlife Service. National Wetlands Inventory.

at: https://www.fws.gov/wetlands/data/Mapper.html (accessed September 2023).

----- Official Species List.

at: https://ecos.fws.gov/ipac/ (accessed January 2, 2024).

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

The following persons assisted in compiling this EA:

TxDOT Dallas District

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

Mohammed Shaikh, District Environmental Coordinator – 20 years

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

Adelina Munoz, Environmental Specialist – 24 years

TxDOT Environmental Affairs Division

Doug Booher, Director of Environmental Affairs – 26 years

Sonya Hernandez, Project Delivery Section Director – 17 years

Michelle Lueck, Project Delivery Manager – 23 years

Ray Umscheid, Traffic Noise Specialist – 16 years

Adam Fouts, Environmental Specialist, District Water Resources Specialist – 13 years

Leslie Mirise, Environmental Specialist, District Biologist – 23 years

Renee Benn-Lee, Historic Resources Program Manager – 18 years

Scott Pletka, Archeology Program Manager – 20 years

Spencer Ward, Community Impacts Specialist – 4 years

Glendora Lopez, Air Quality Specialist – 3 years

Deborah Nixon, Environmental Project Planner, Hazardous Materials Specialist – 22 years

Lauren Young, Environmental Specialist – 16 years

Garver

Michele Lopez, Senior Environmental Planner - 24 years Randy L. Gros, PE, PTOE, Project Manager - 18 years

Bartlett & West, Inc.

Jonathan Stewart, Supervising Environmental Manager – 35 years

Alma R. Canning, Sr. Environmental Scientist – 28 years

Austin Gibson, Environmental Planner/GIS Specialist – 6 years

Robert Pitt, Sr. Environmental Scientist – 27 years

Christopher Hagar, Sr. Environmental Scientist – 31 years

Chris Davis, Environmental Planner – 7 years

Lauren Bartsch, Environmental Planner – 3 years

Jillian North, Environmental Planner – 5 years

Isabelle Martinez, Environmental Planner – 2 years

Amber Anderson, Environmental Planner/GIS Specialist – 8 years

AmaTerra Environmental, Inc.

Deborah Dobson-Brown Sr. Architectural Historian – 39 years

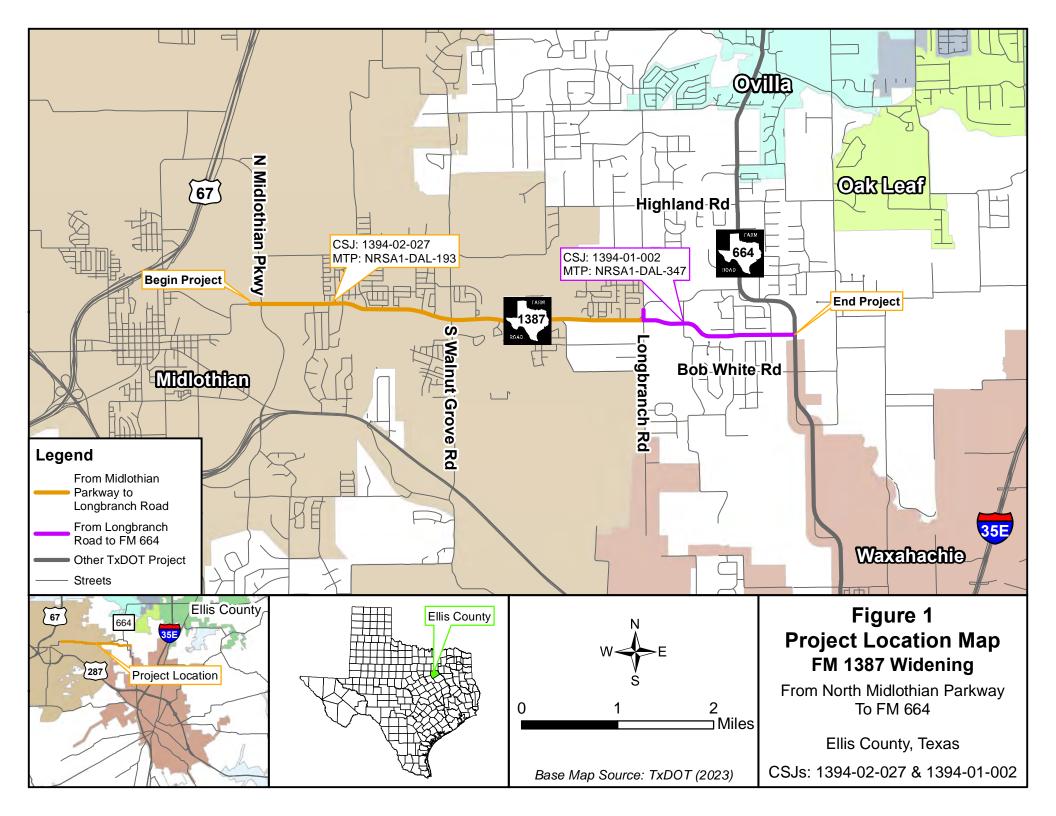
Aaron Norment Archeological Principal Investigator – 18 years

Katherine Seikal, PhD Archeological Principal Investigator – 16 years

Kurt Korfmacher Sr. Architectural Investigator – 20 years

12.0 Appendices

Appendix A - Project Location Map



Appendix B - Project Photos



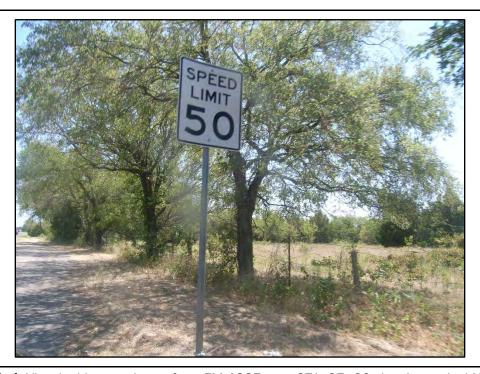
Photograph 1: View looking east along FM 1387 from the western project limit south ROW. Date of photograph: 8/10/23.



Photograph 2: View looking east from Longbranch Road toward the new location portion of FM 1387 near STA 237+00. Date of photograph: 8/10/23.



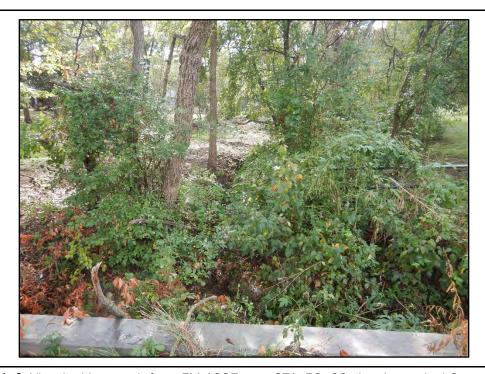
Photograph 3: View looking east from FM 664 toward the new location portion of FM 1387 near STA 309+00. Date of photograph: 10/5/23.



Photograph 4: View looking southeast from FM 1387 near STA. 27+00 showing typical Native Invasive: Deciduous Woodland habitat along the project. Date of photograph: 8/10/23.



Photograph 5: View looking southeast from FM 1387 near STA. 40+00 showing typical Agriculture habitat along the project. Date of photograph: 8/10/23.



Photograph 6: View looking south from FM 1387 near STA. 50+00 showing typical Central Texas: Riparian Hardwood Forest habitat along the project. Date of photograph: 10/25/23.



Photograph 7: View looking northwest from FM 1387 near STA. 163+00 showing typical Edwards Plateau: Oak / Hardwood Motte and Woodland habitat along the project. Date of photograph: 8/10/23.



Photograph 8: View looking south from the Longbranch Community Baptist Church parking lot north of STA. 243+00 showing typical Blackland Prairie: Disturbance or Tame Grassland habitat along the new location portion of the project. Right of entry was not authorized by the property owner. Date of photograph: 10/25/23.



Photograph 9: View looking southeast toward the Midlothian Police Department and Courthouse (ID 1) at 1150 US 67, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 10: View looking north toward Margie Webb Park (ID 2) at 200 W Railway Avenue, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 11: View looking west toward Heritage Park (ID 3) at 234 N 8th Street, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 12: View looking east toward the Midlothian City Hall (ID 6) at 104 W Avenue E, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 13: View looking southeast toward the Midlothian Fire Administration (ID 7) at 100 W Avenue F, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 14: View looking northeast toward Palace Academy (ID 9) at 1014 N 9th Street, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 15: View looking south toward the Bridges Training Foundation (ID 10) at 110 E Ohio St Avenue, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 16: View looking northwest toward a United States Post Office (ID 11) at 211 E Avenue G, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 17: View looking northeast toward Midlothian Cemetery (ID 13) at 224 S 11th Street, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 18: View looking south toward Tucker Family Park (ID 15) at Pecan Oak Drive, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 19: View looking south toward the Oxford Square Apartments (ID 16) at 400 E Main Street, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 20: View looking northwest toward Kids Care Center (ID 17) at 114 S 14th Street, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 21: View looking east toward the Stonegate Square Apartments (ID 18) at 430 Hawkins Run Suite 4, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 22: View looking east toward Eastwood Apartments (ID 19) at 110 N 14th Street, Midlothian, TX. Date of photograph: 8/10/23.



Photograph 23: View looking east toward Legacy Oaks of Midlothian (ID 20) at 614 S 14th Street, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 24: View looking south toward Hawkins Spring Park (ID 22) at 1387 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 25: View looking southwest toward The Learning Station (ID 23) at 571 Kirk Road, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 26: View looking southeast toward T.E. Baxter Elementary School (ID 24) at 1050 Park Place Boulevard, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 27: View looking west toward Mockingbird Nature Park (ID 25) at 1361 Onward Road, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 28: View looking north toward Church of the Nazarene (ID 26) at 3221 Mockingbird Lane, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 29: View looking east toward Kensington Park Neighborhood Park (ID 28) at 703 Victoria Drive, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 30: View looking north toward Midlothian Fire Station 2 (ID 29) at 3661 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 31: View looking southeast from FM 1387 toward Midlothian Heritage High School (ID 31) at 4000 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 32: View looking southwest toward Gateway Church of the Assemblies of God (ID 33) at 555 N Walnut Grove Road, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 33: View looking northeast toward Walnut Grove Midde School (ID 35) at 990 Walnut Grove Road, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 34: View looking northeast toward Massey Meadows Community Park (ID 36) at 4209 Massey Meadows Way, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 35: View looking northwest toward Walnut Grove Child Care (ID 37) at 4451 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 36: View looking south toward One Church (ID 38) at 6060 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 37: View looking east toward an unnamed park (ID 39) near 538 Branchwood Drive, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 38: View looking northwest from FM 1387 toward Longbranch Elementary School (Map ID 40) at 6631 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 39: View looking northwest toward the entrance to Midlothian Private School (Map ID 41) at 950 Bryson Lane, Midlothian, TX 76065. Date of photograph: 8/10/23



Photograph 40: View looking southeast from FM 1387 toward Longbranch Community Baptist Church (Map ID 42) at 200 Longbranch Road, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 41: View looking toward Displacement 1 at 2178 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 42: View looking toward Displacement 2, partially obscured by vegetation, at 2310 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 43: View looking toward Displacement 3 at 2330 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 44: View looking toward Displacement 4 at 2428 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 45: View looking toward Displacement 5 at 2468 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 46: View looking toward Displacement 6 at 2498 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 47: View looking toward Displacement 7 at 2628 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 48: View looking toward Displacement 8 at 2648 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 49: View looking toward Displacement 9 at 2668 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 50: View looking toward Displacement 10 at 3461 FM 1387, Midlothian, TX 76065. Date of photograph: 8/10/23.



Photograph 51: View looking north toward the former City of Midlothian landfill (Map ID 2) from the north existing ROW near STA 55+00. Date of photograph: 10/5/23.



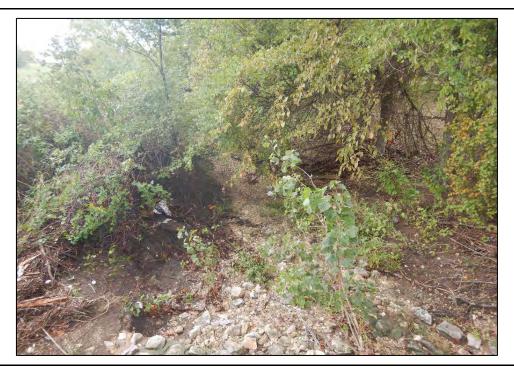
Photograph 52: View looking south from FM 1387 toward a natural gas utility line near STA 130+00. Date of photograph: 8/10/23.



Photograph 53: View looking south toward Water Feature 1 near STA 50+00. Date of photograph: 10/25/23.



Photograph 54: View looking northeast toward Datapoint (DP) 1 on the west side of Water Feature 1 near STA 50+00. Date of photograph: 10/25/23.



Photograph 55: View looking southwest toward Water Feature 2 from the south side of FM 1387 near STA 76+00. Date of photograph: 10/25/23.



Photograph 56: View looking northeast toward DP5 on the west side of Water Feature 3 near STA 131+00. Date of photograph: 10/25/23.



Photograph 57: View looking east toward Water Feature 3 from the east side of Walnut Grove Road with FM 1387 in the background near STA 131+50. Date of photograph: 10/25/23.



Photograph 58: View looking west from the west side of Hidden Meadows Circle toward Water Feature 4 near STA 157+00. Date of photograph: 10/25/23.



Photograph 59: View looking south toward DP6 with Water Feature 4 in the background, east of Hidden Meadows Circle near STA 157+50. Date of photograph: 10/25/23.



Photograph 60: View looking northeast toward North Prong Creek (Water Feature 5) with FM 1387 bridging over it in the background near STA 158+00. Date of photograph: 10/25/23.



Photograph 61: View looking west along FM 1387 toward a typical drainage ditch along the project area near STA 169+00. Date of photograph: 8/10/23.



Photograph 62: View looking southeast from the south side of FM 1387 toward Water Feature 6 near STA 198+00. Date of photograph: 10/25/23.



Photograph 63: View looking west from the west side of Blackchamp Road toward Water Feature 10 near STA 259+00. Date of photograph: 10/25/23.



Photograph 64: View looking southwest toward Water Feature 11 near STA 157+00. Date of photograph: 10/25/23.



Photograph 65: View looking south toward Water Feature 12 near STA 318+50. Date of photograph: 10/25/23.

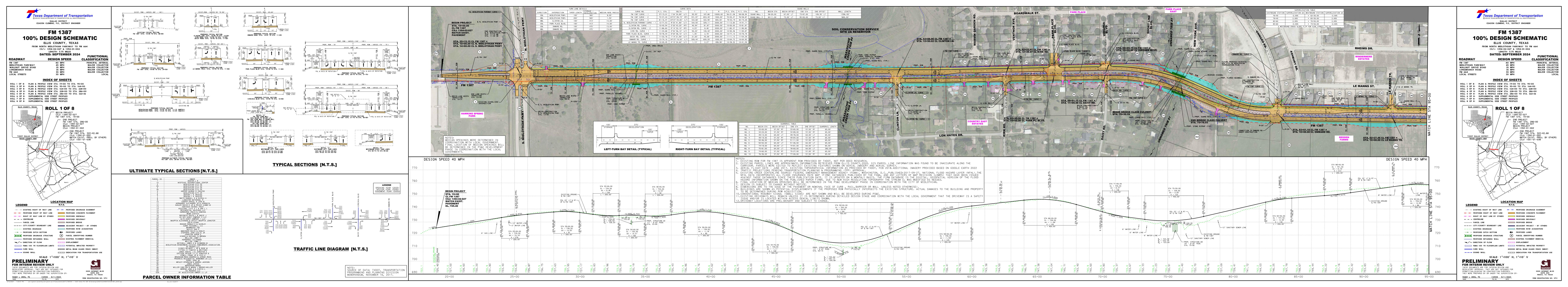


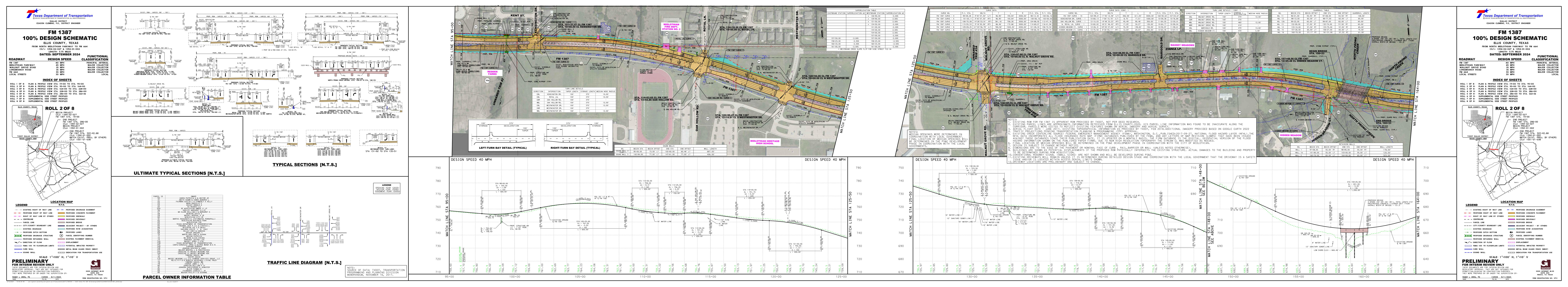
Photograph 66: View looking west toward DP1 from the east side of Water Feature 12 near STA 319+00. Date of photograph: 10/25/23.

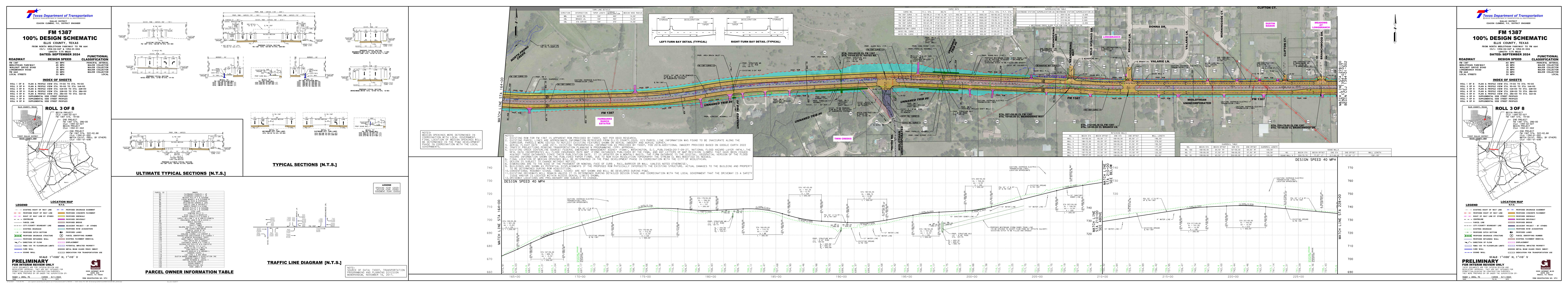


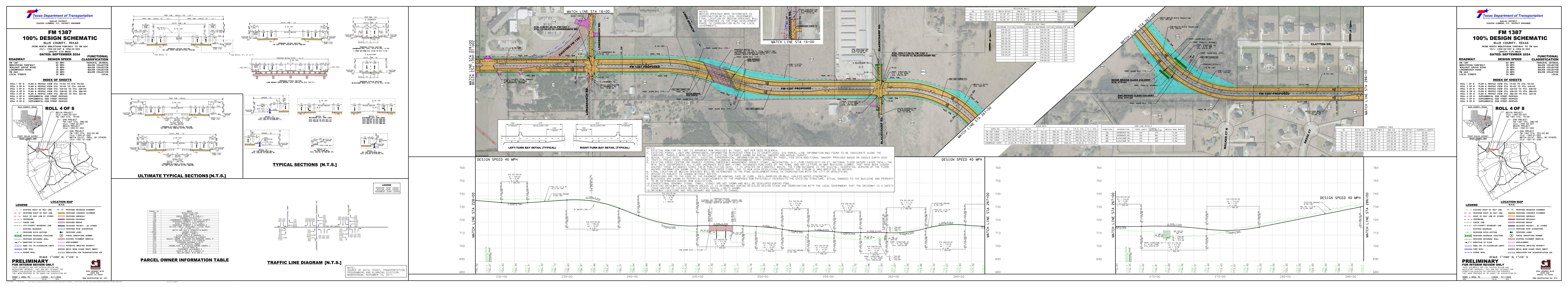
Photograph 67: View looking west toward a representative Water Feature 13 (roadside ditch) near STA 70+00. Date of photograph: 8/10/23.

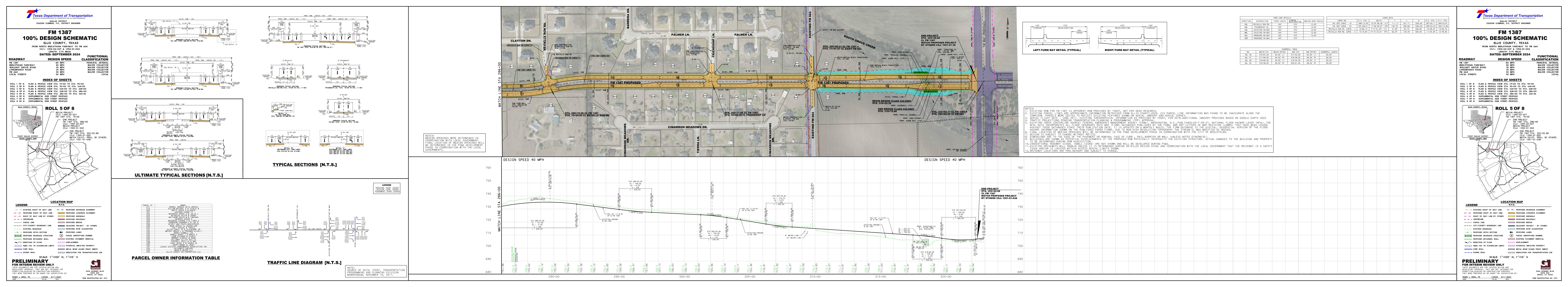
Appendix C – Schematics

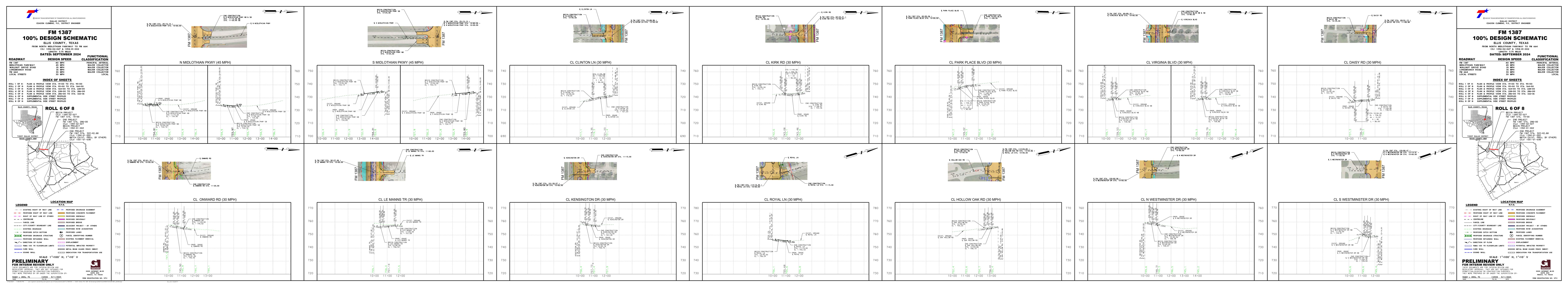


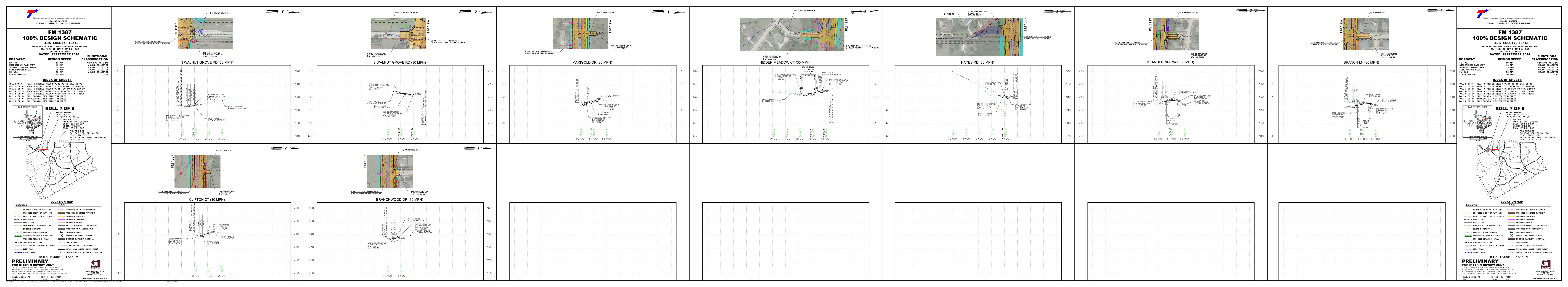


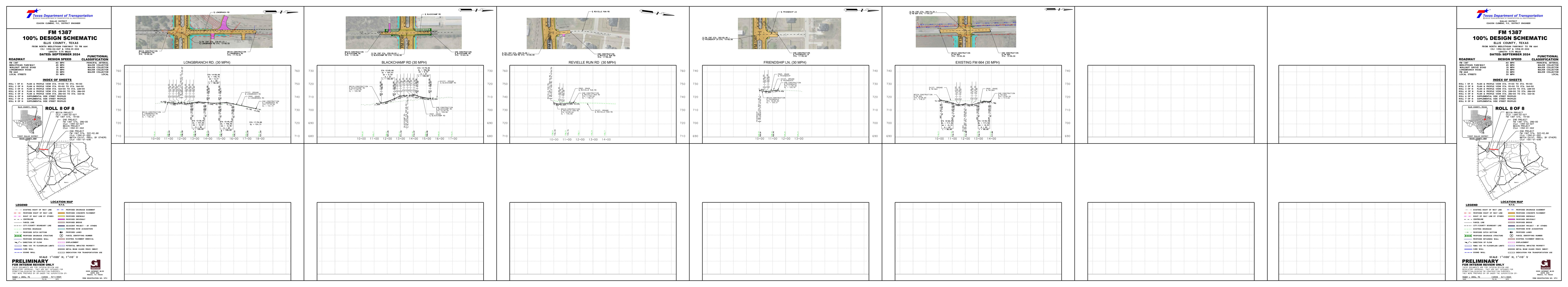






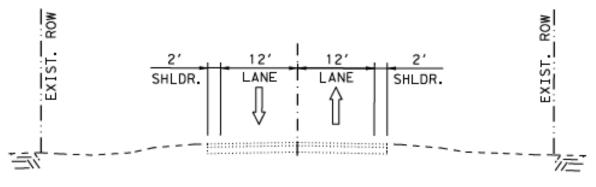




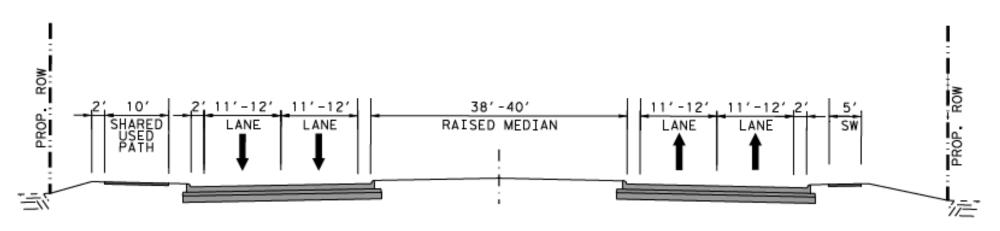


Appendix D - Typical Sections

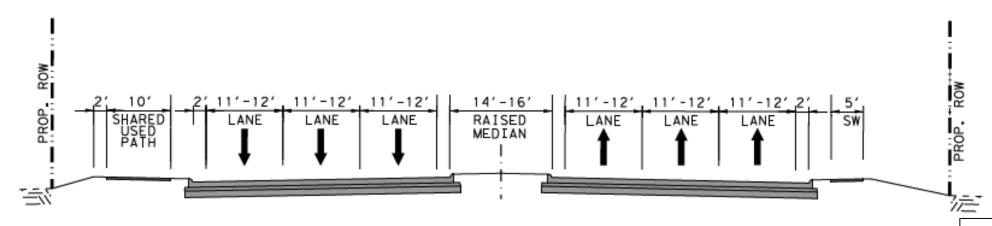
NOTE: GRAPHICS ARE NOT TO SCALE.



EXISTING TYPICAL SECTION



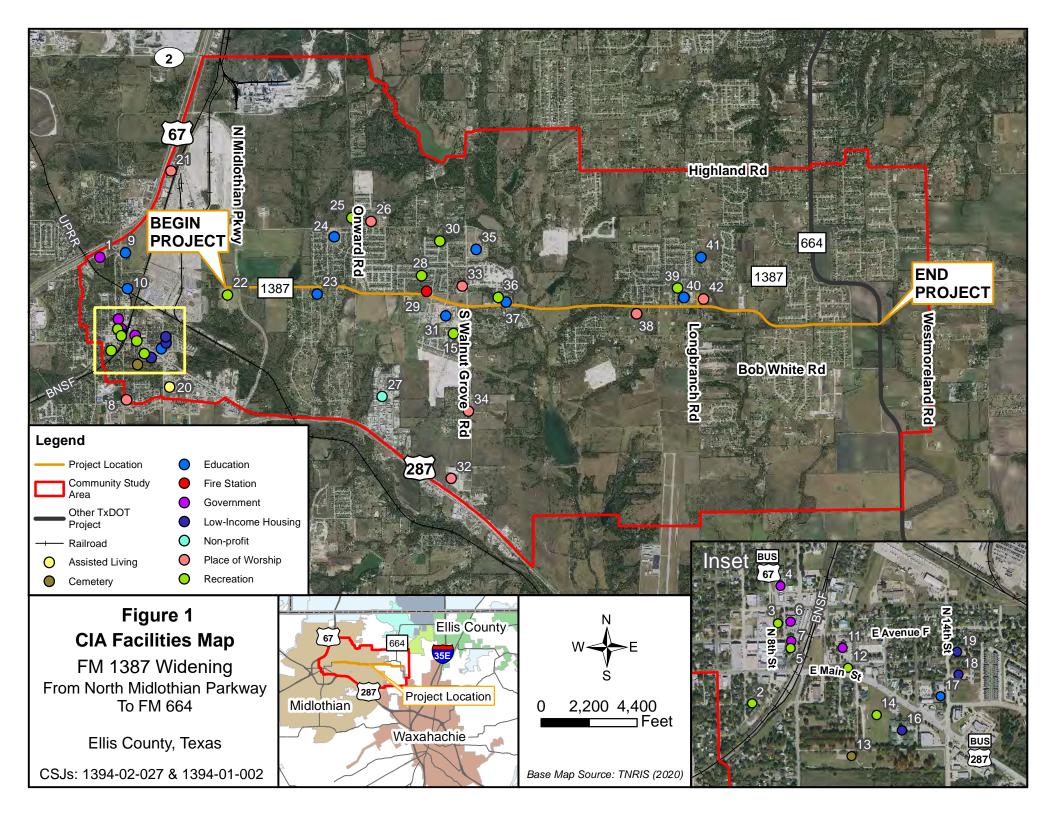
PROPOSED INTERIM TYPICAL SECTION

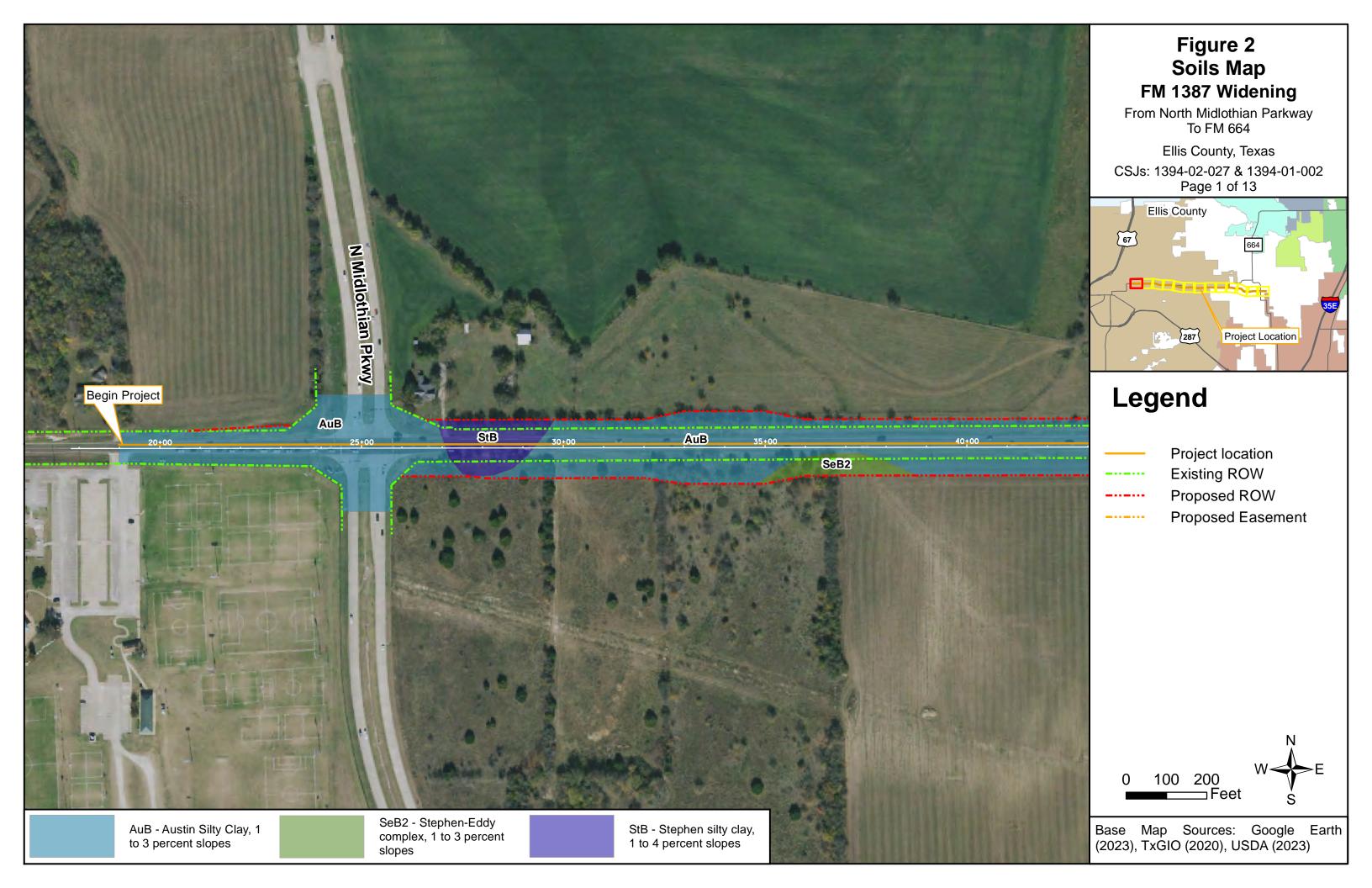


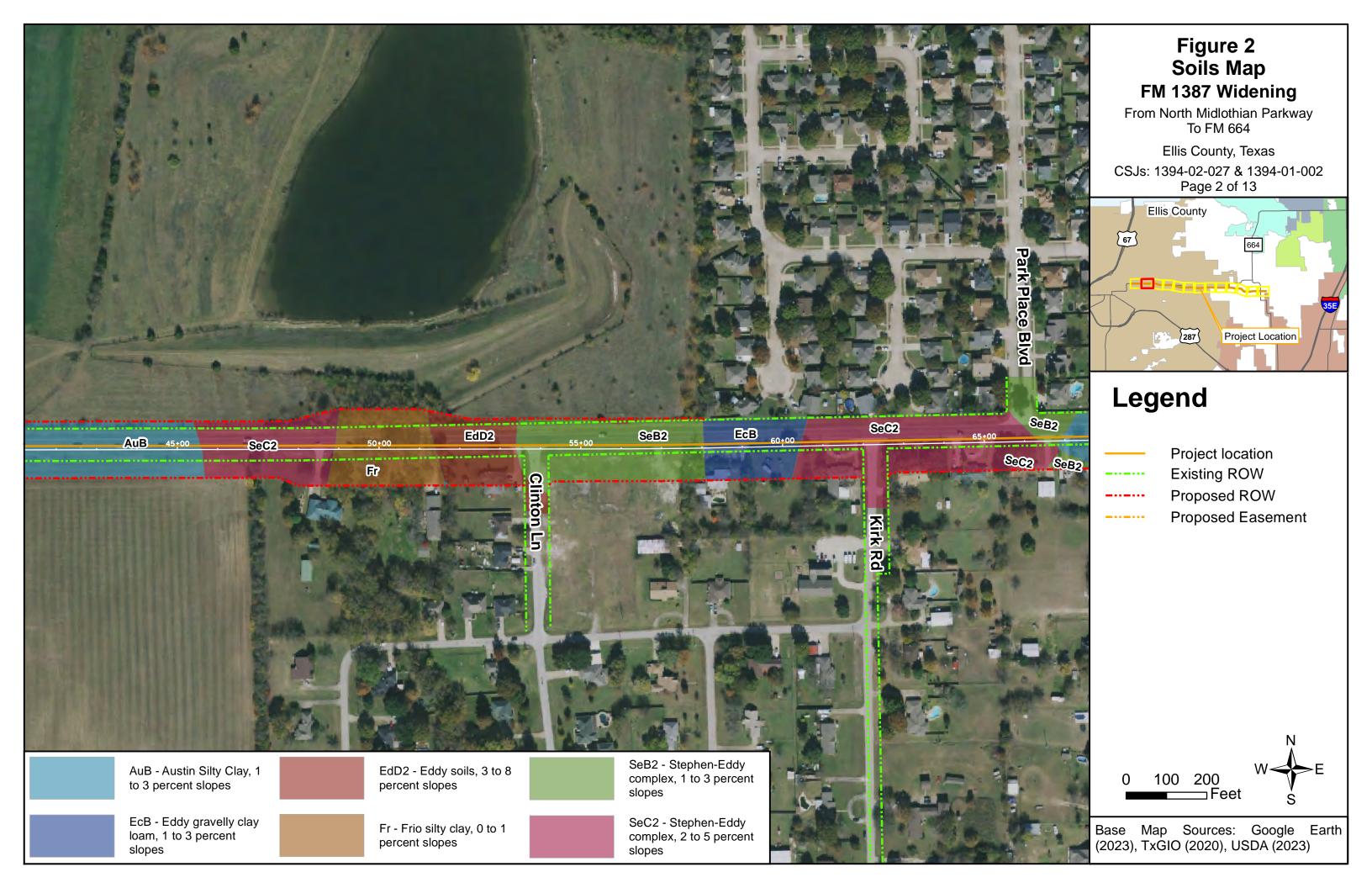
PROPOSED ULTIMATE TYPICAL SECTION

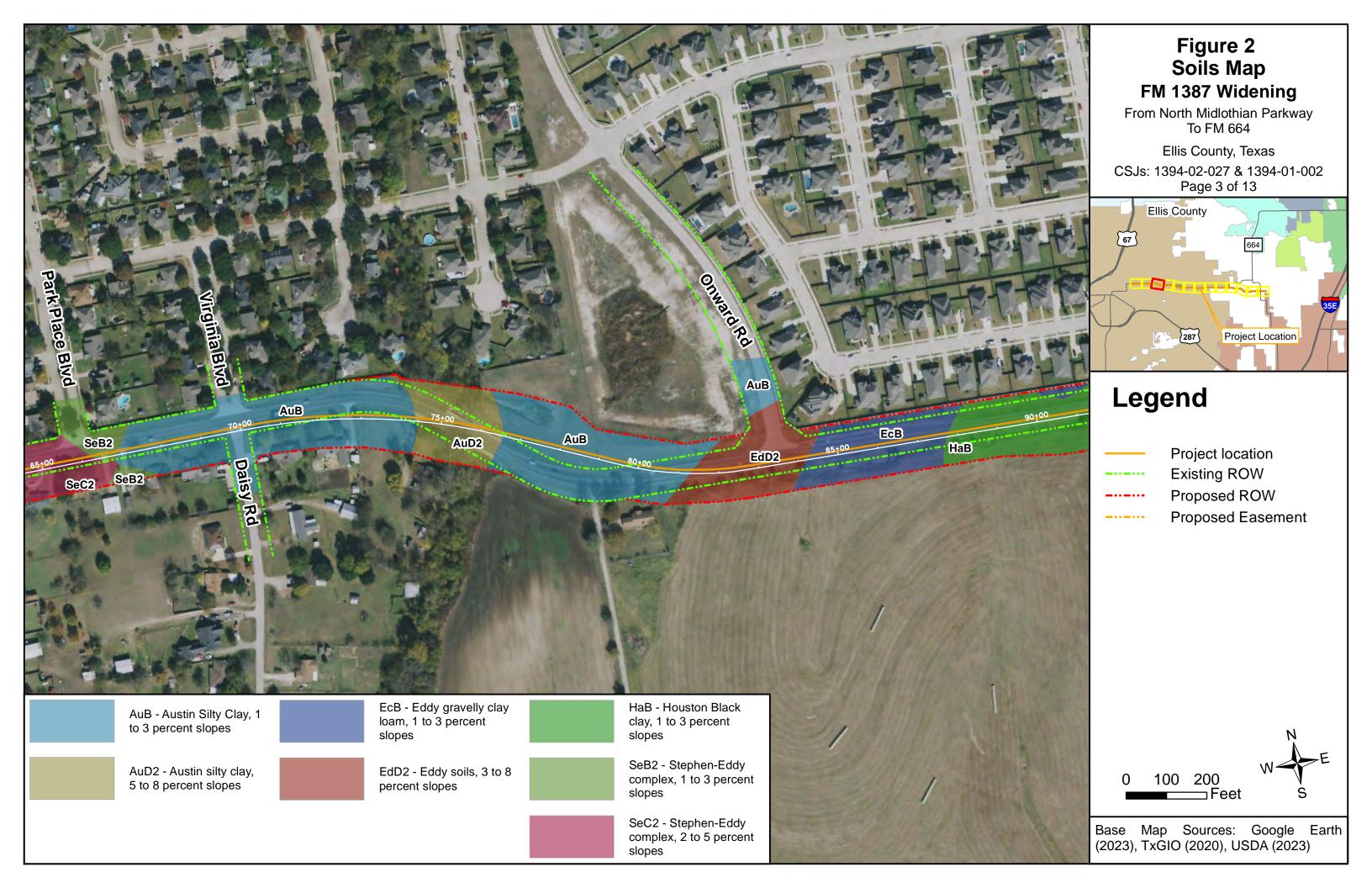
REPRESENTATIVE TYPICAL SECTIONS

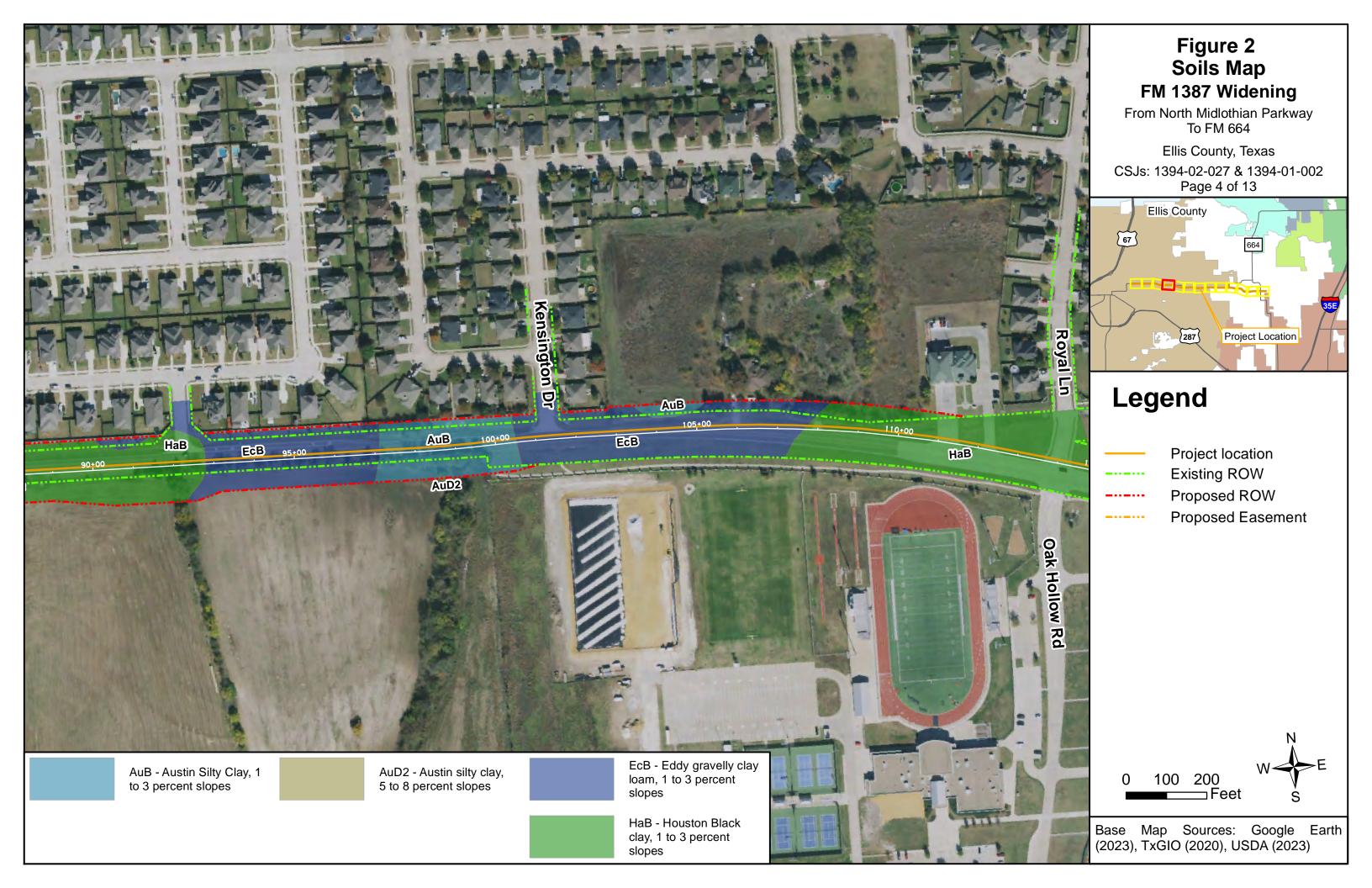
FM 1387 (FROM NORTH MIDLOTHIAN PARKWAY TO FM 664) ELLIS COUNTY, TEXAS CSJs: 1394-02-027, 1394-01-002 Appendix E – Resource-specific Maps

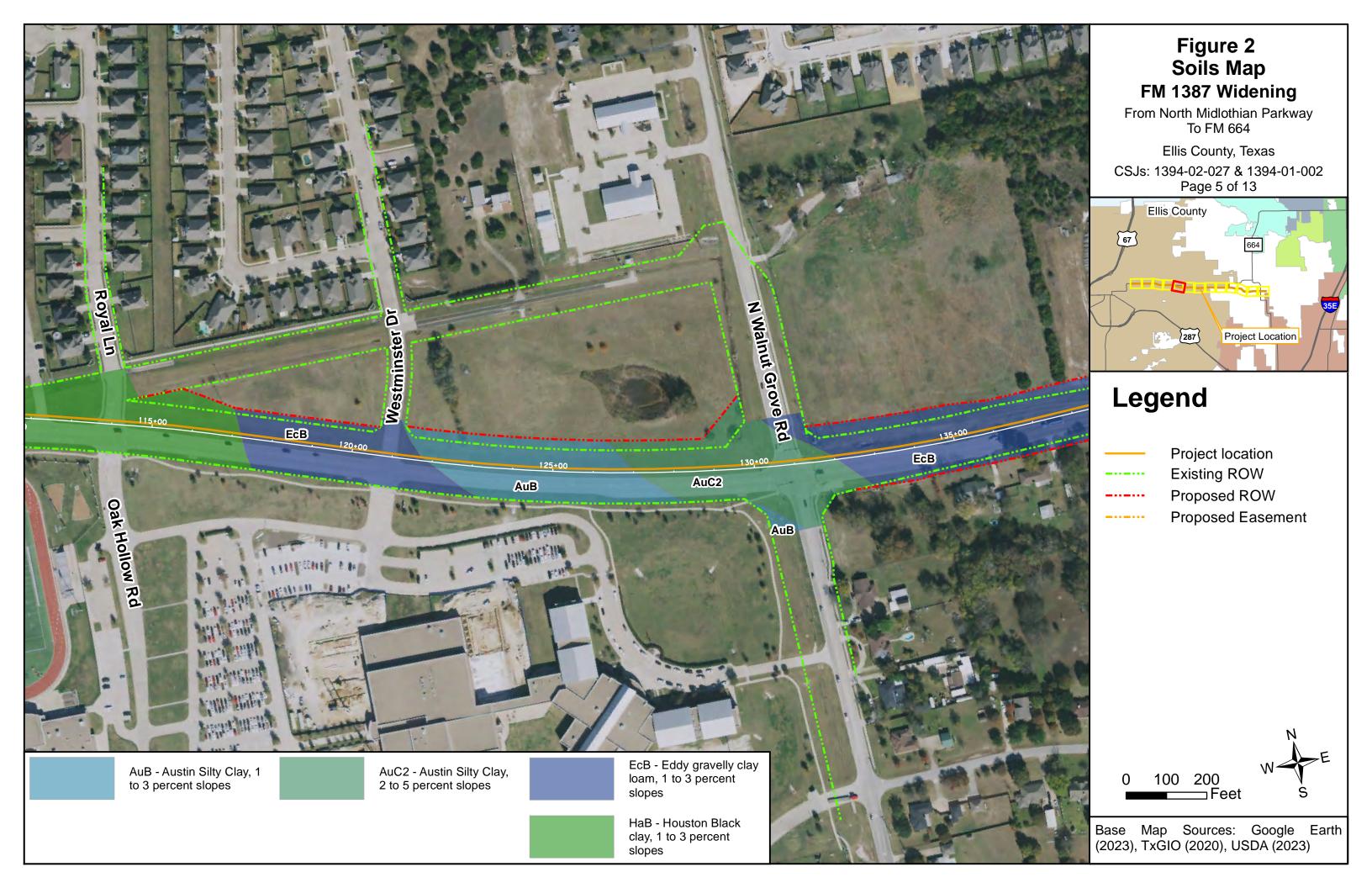


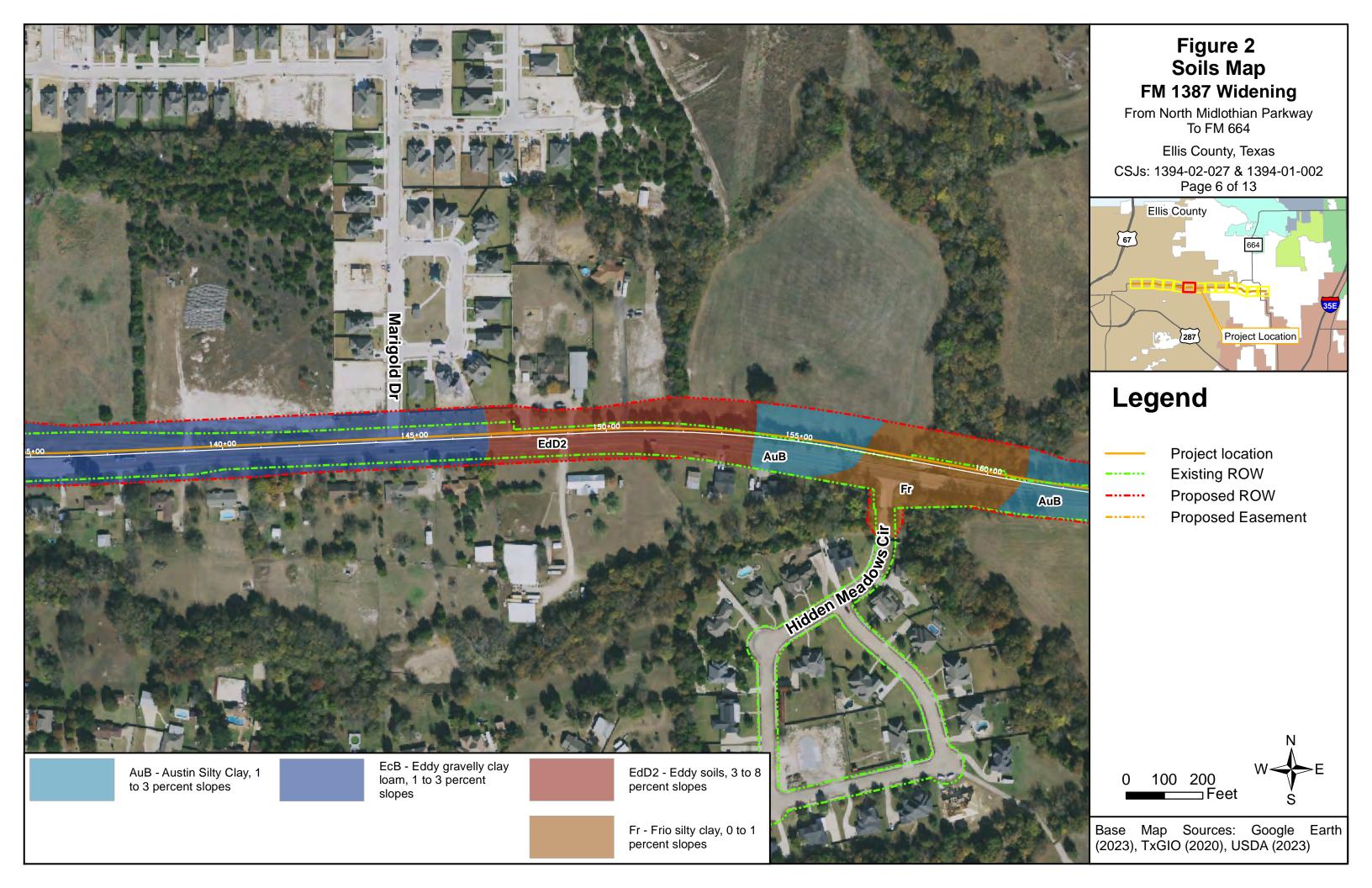


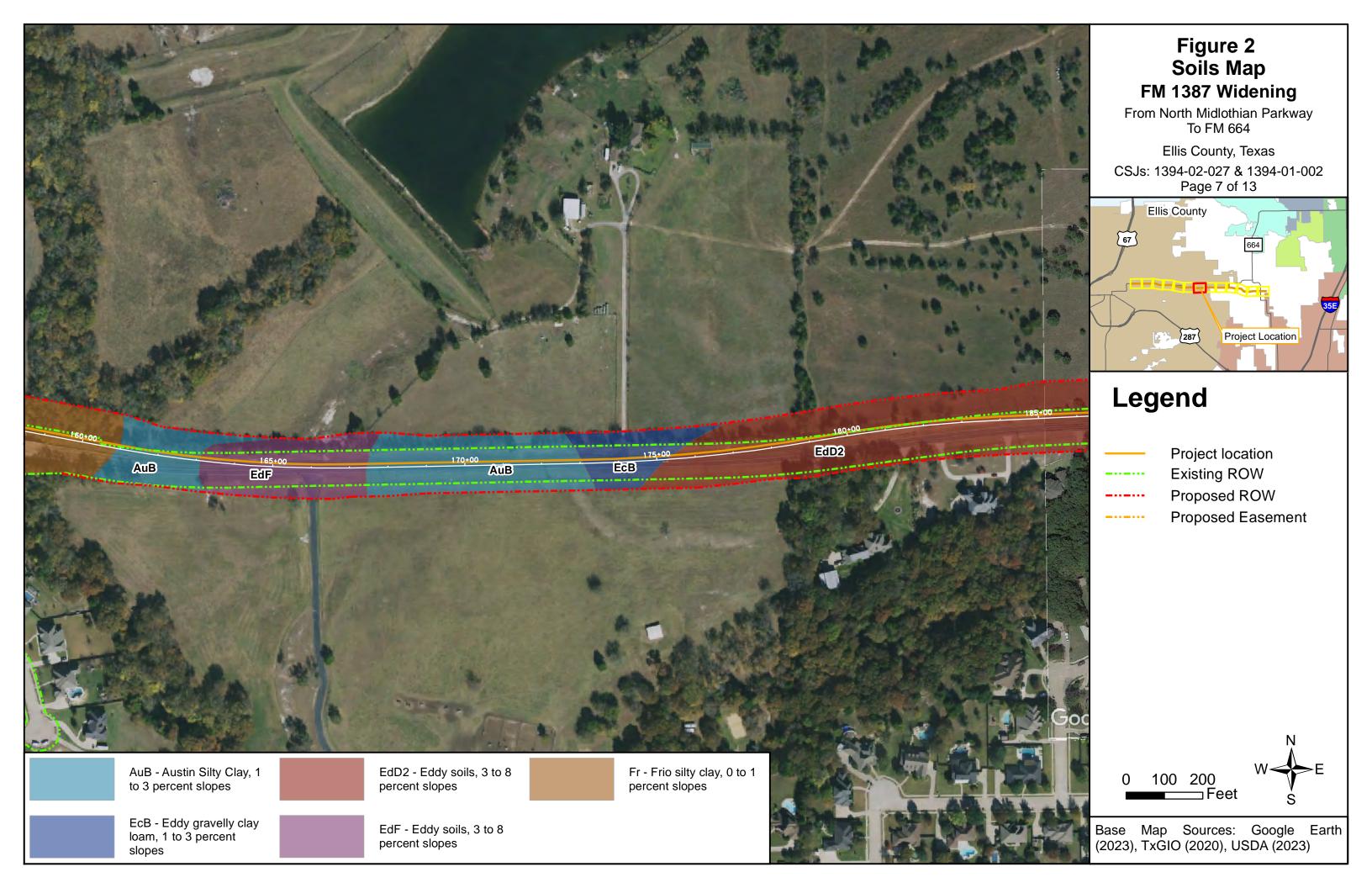


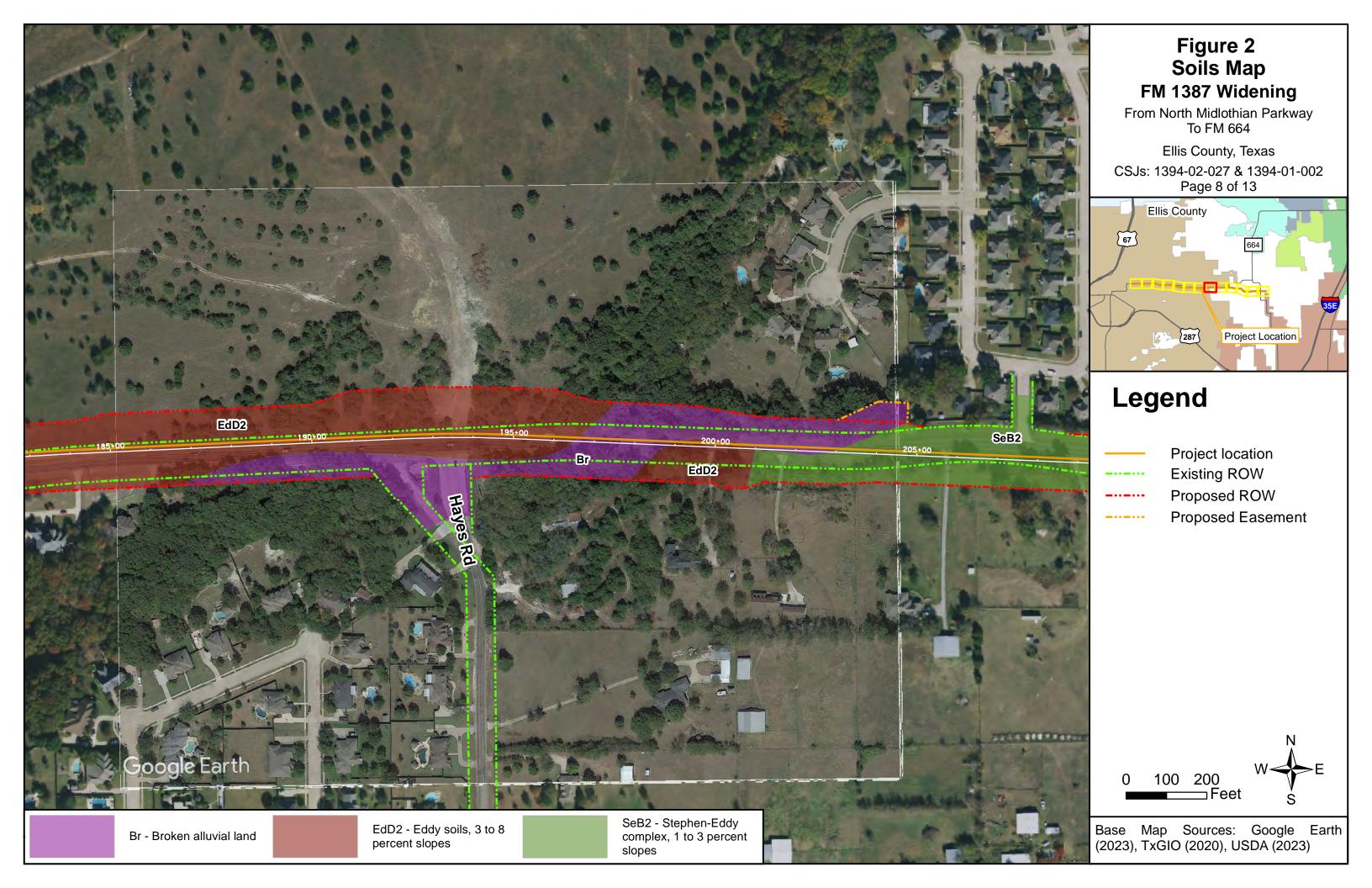


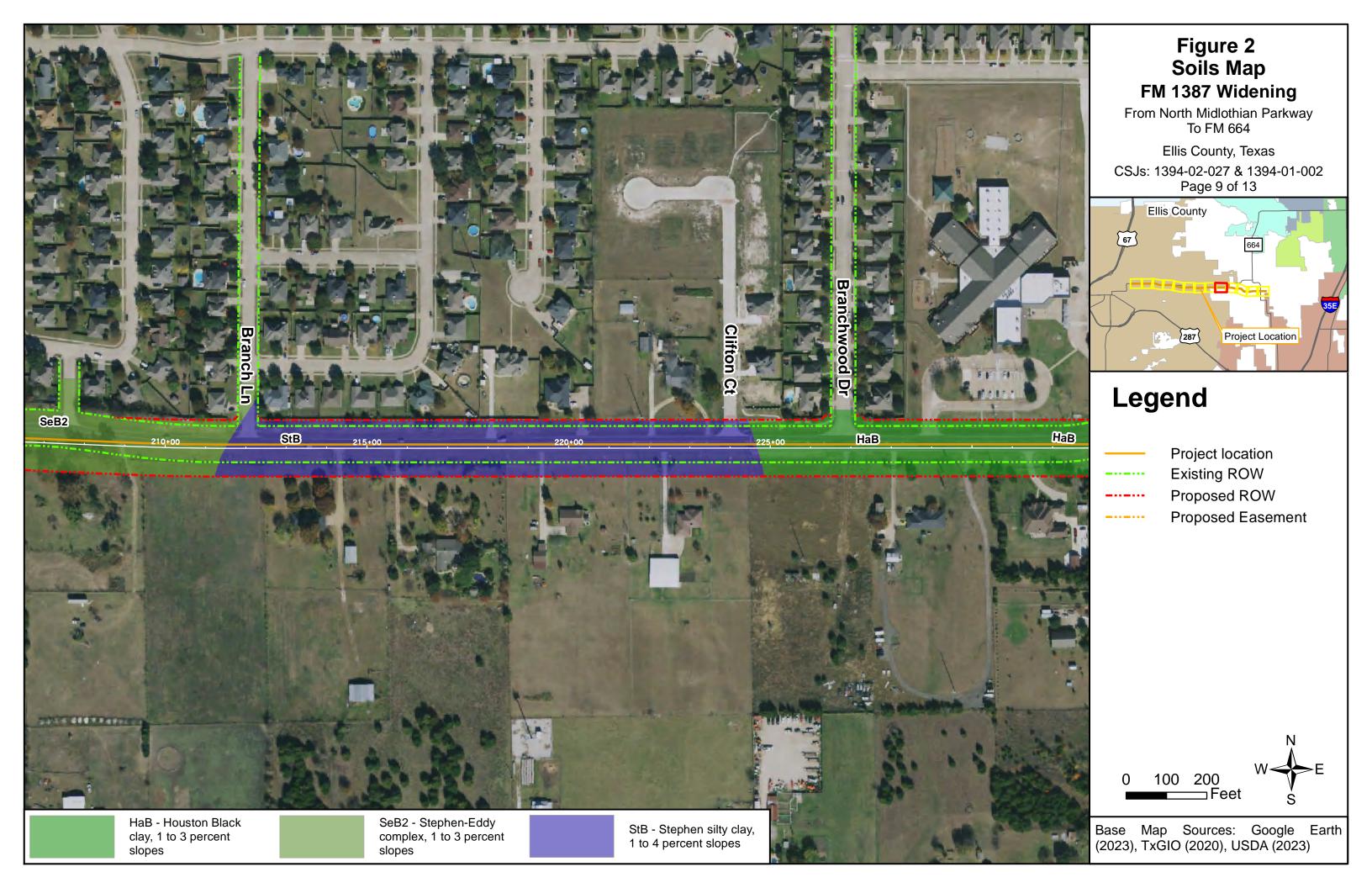


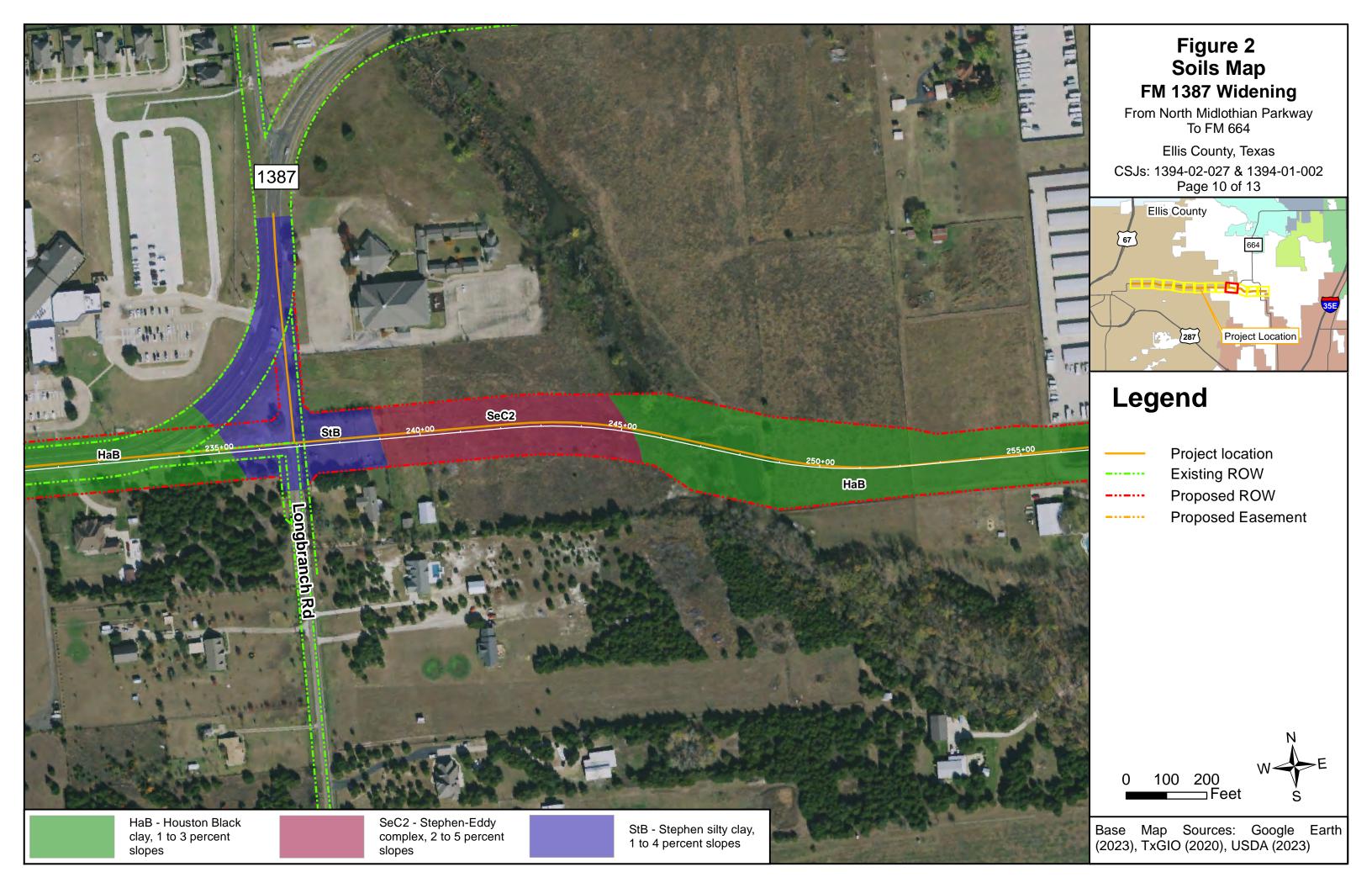


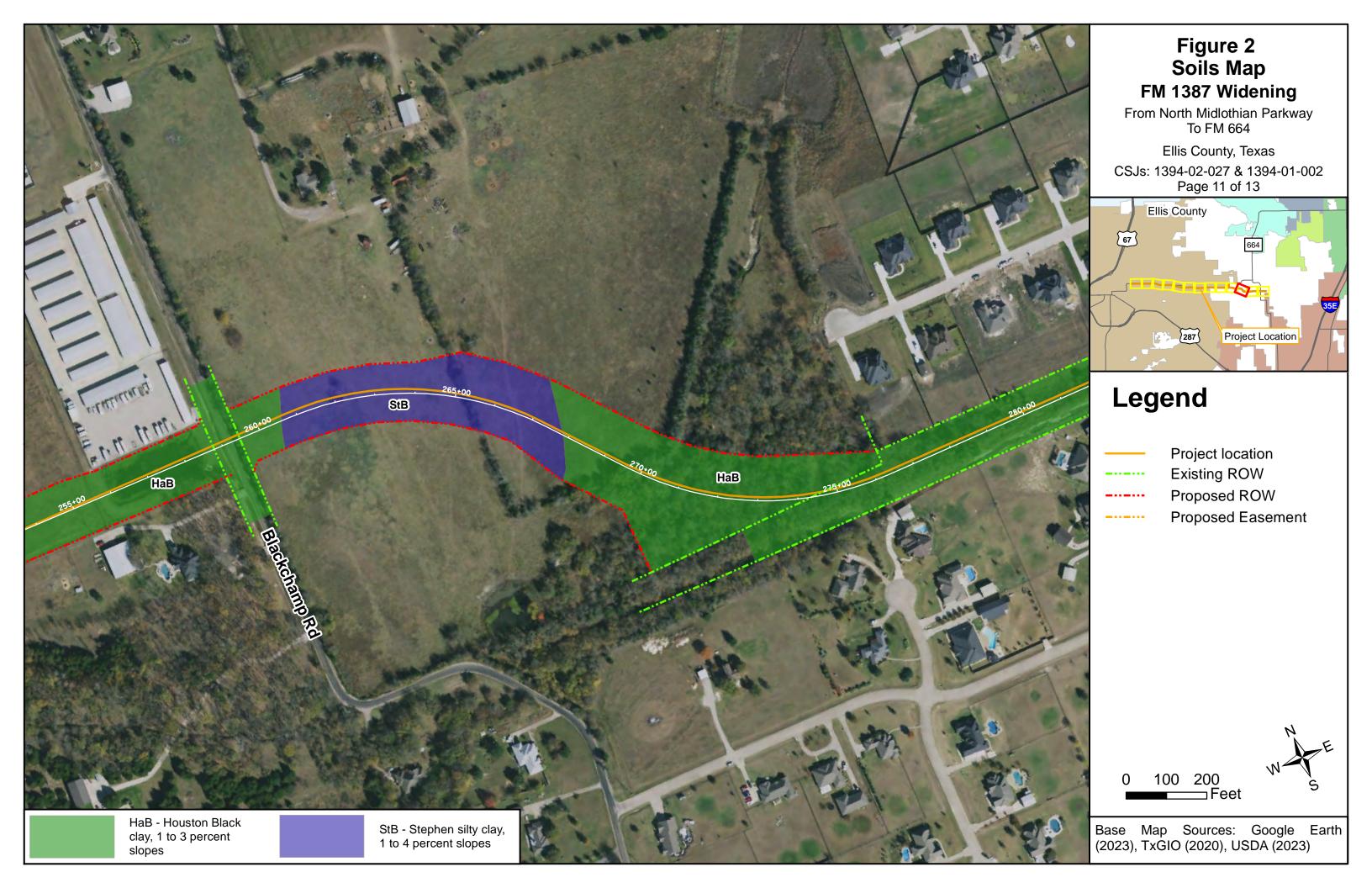


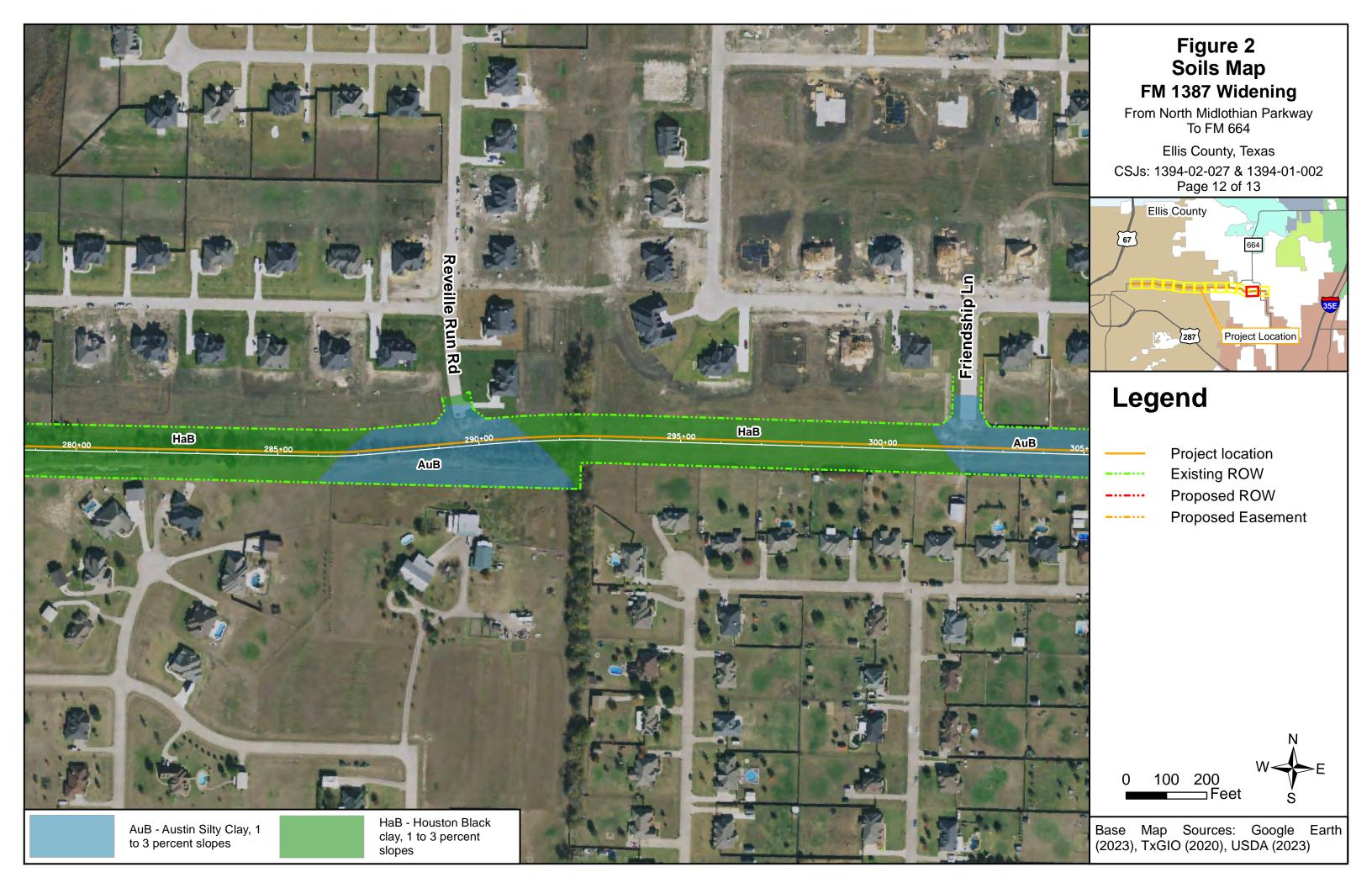


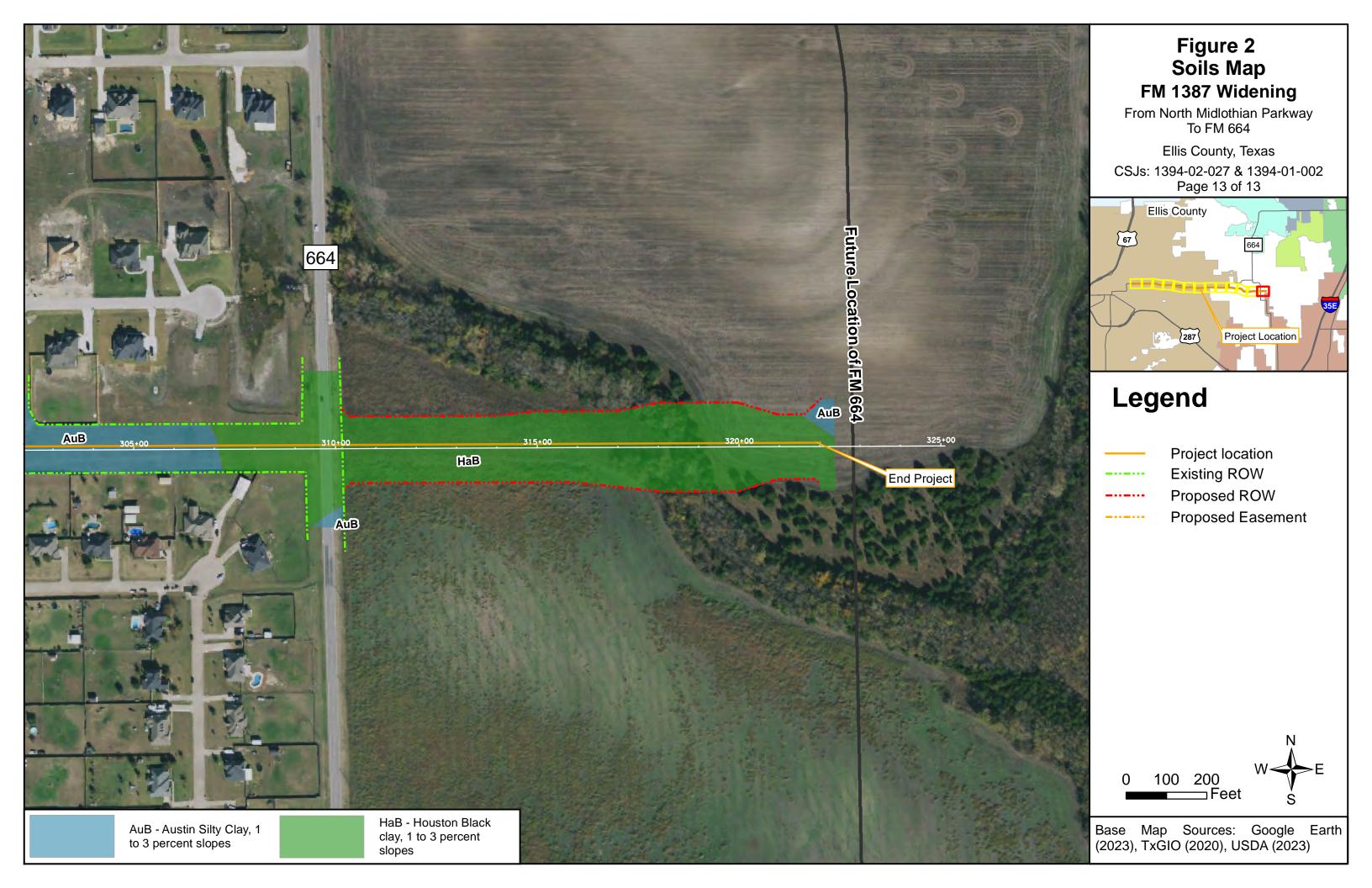


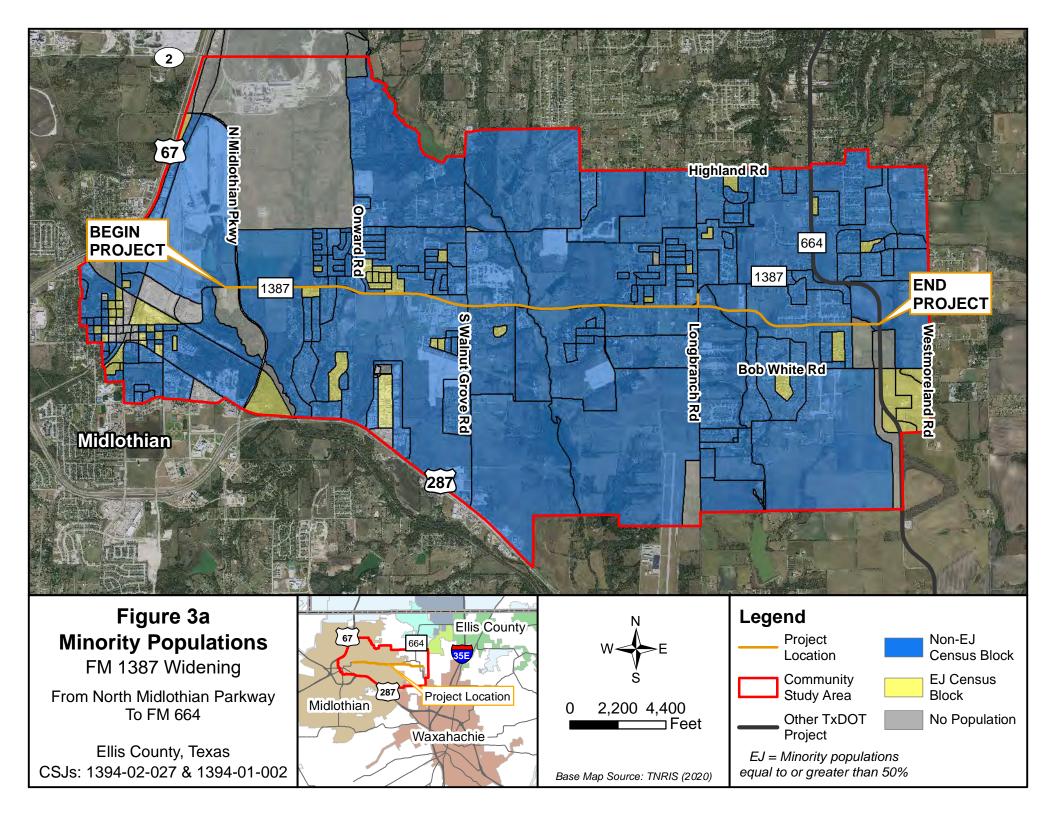


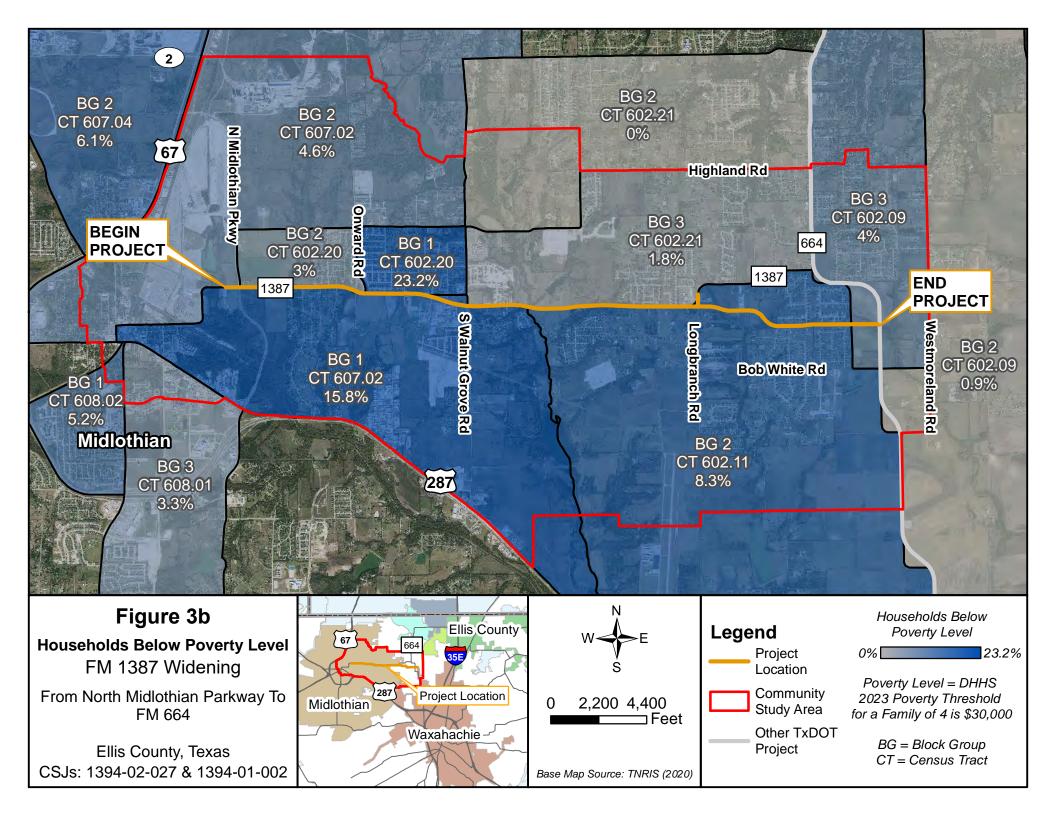


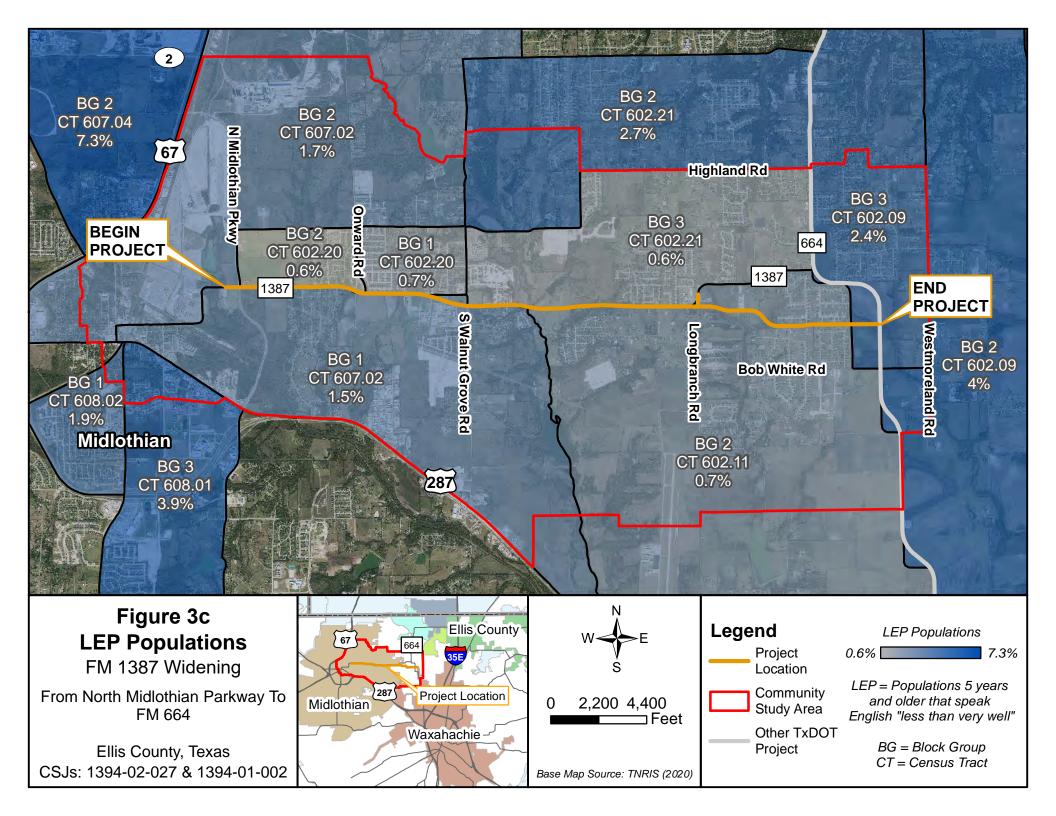


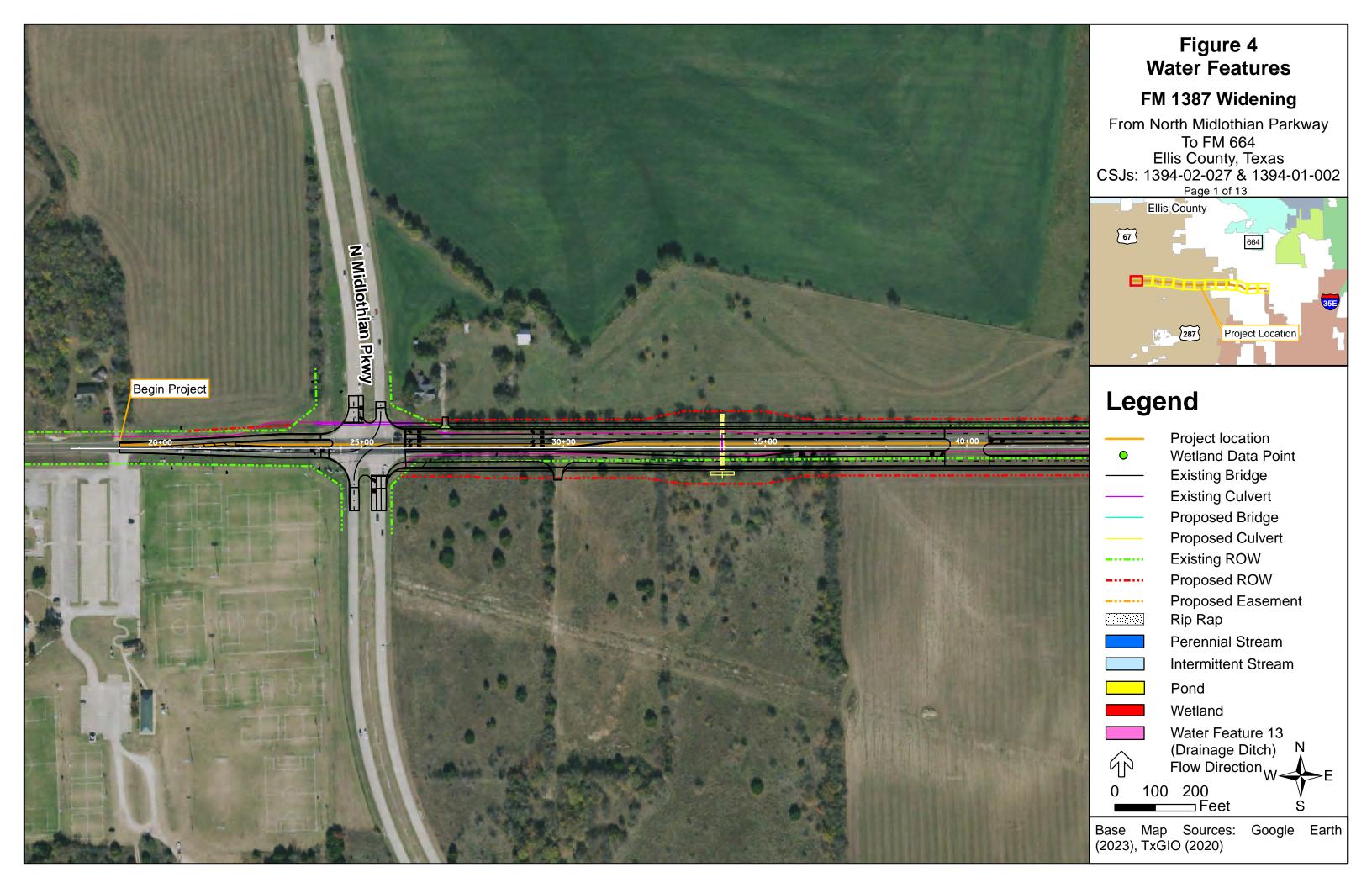


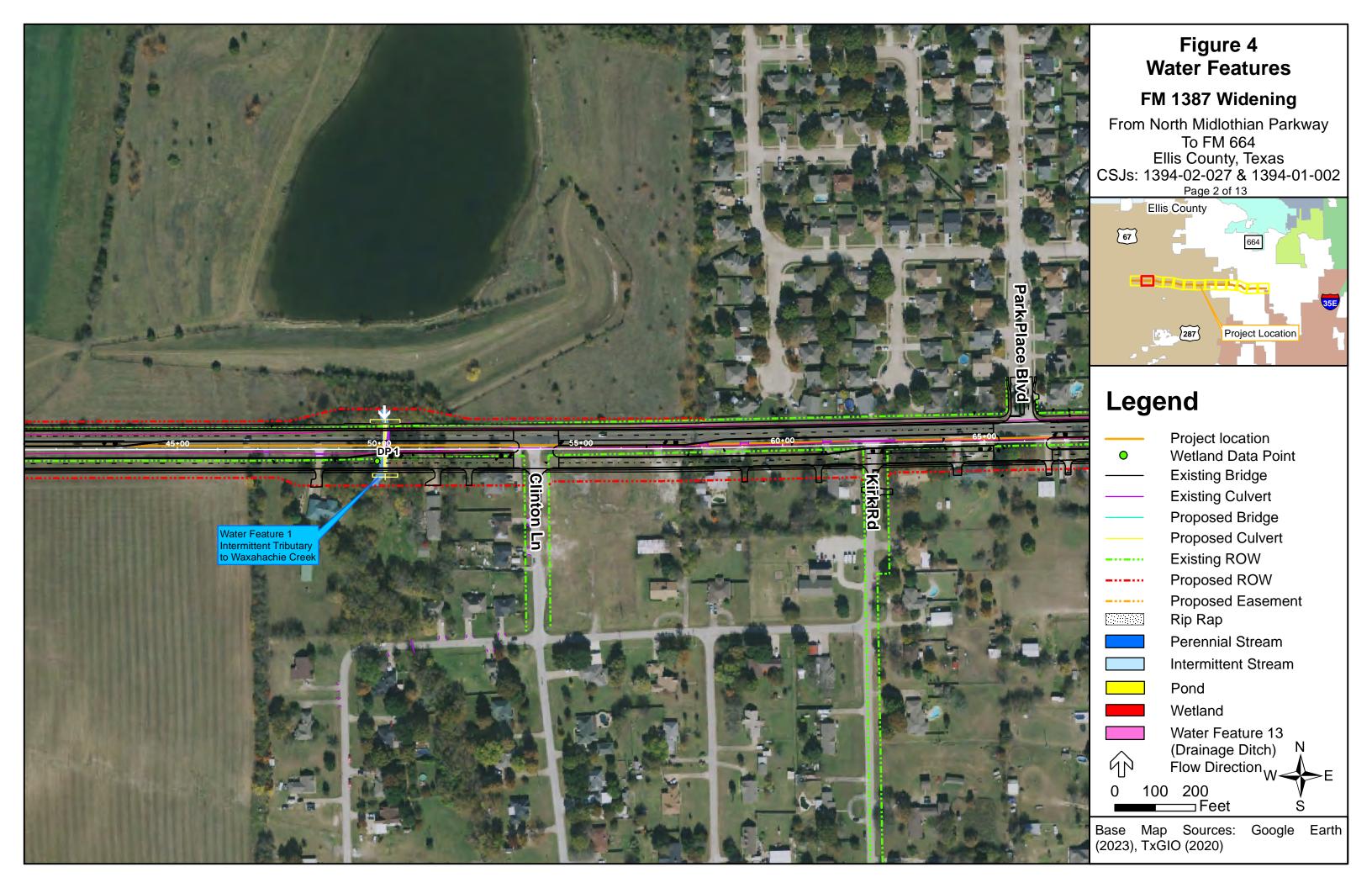


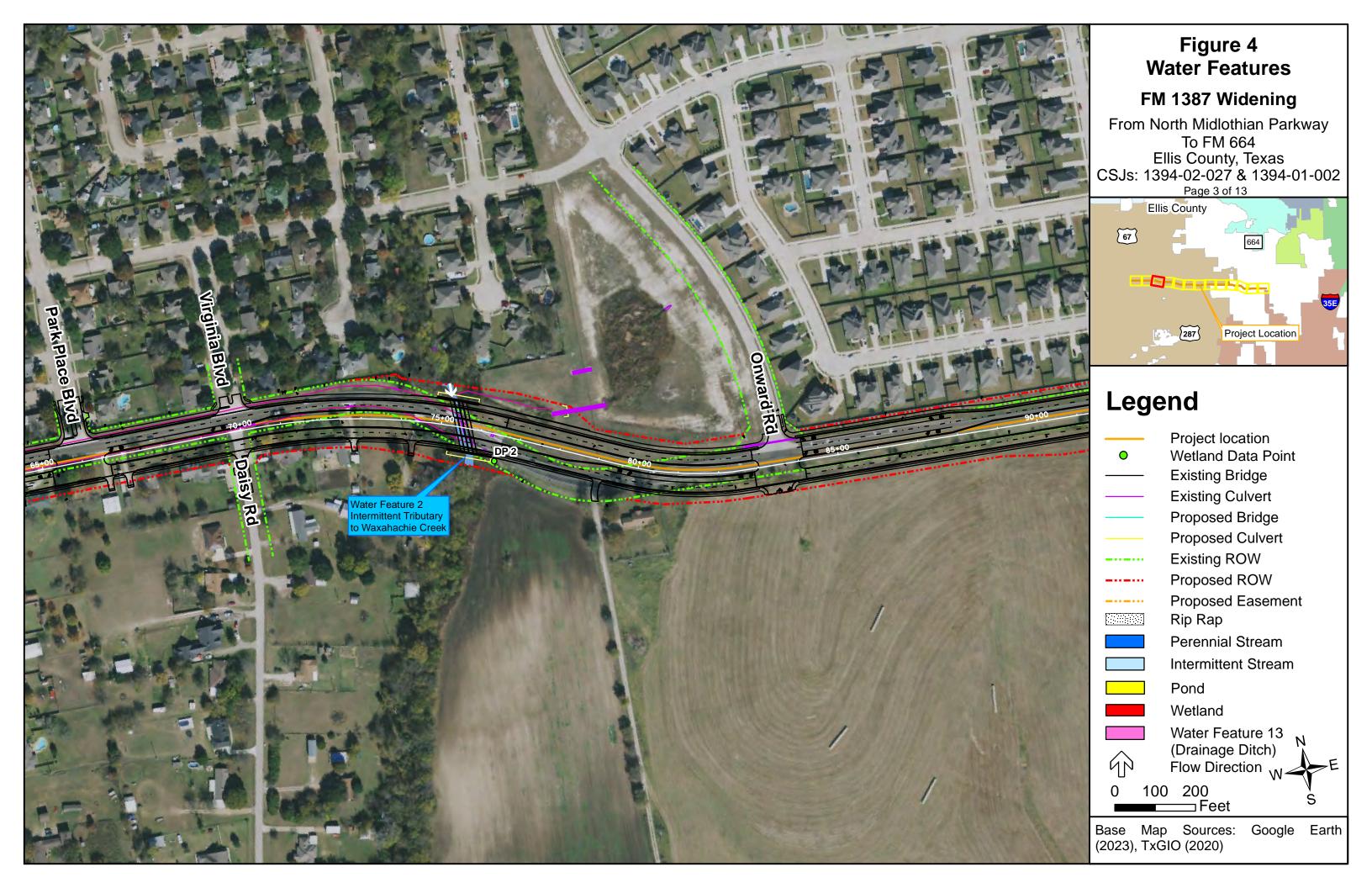


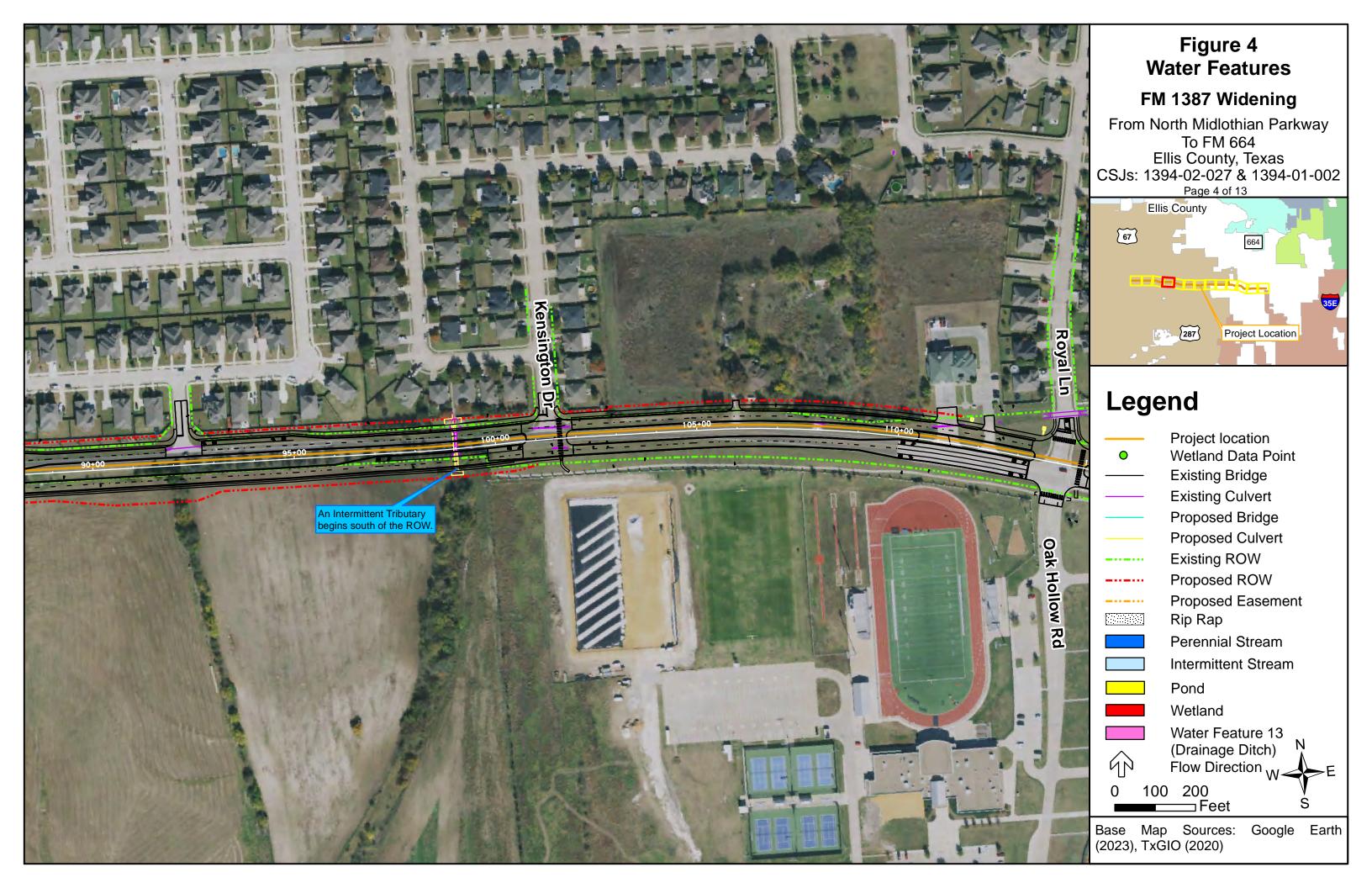


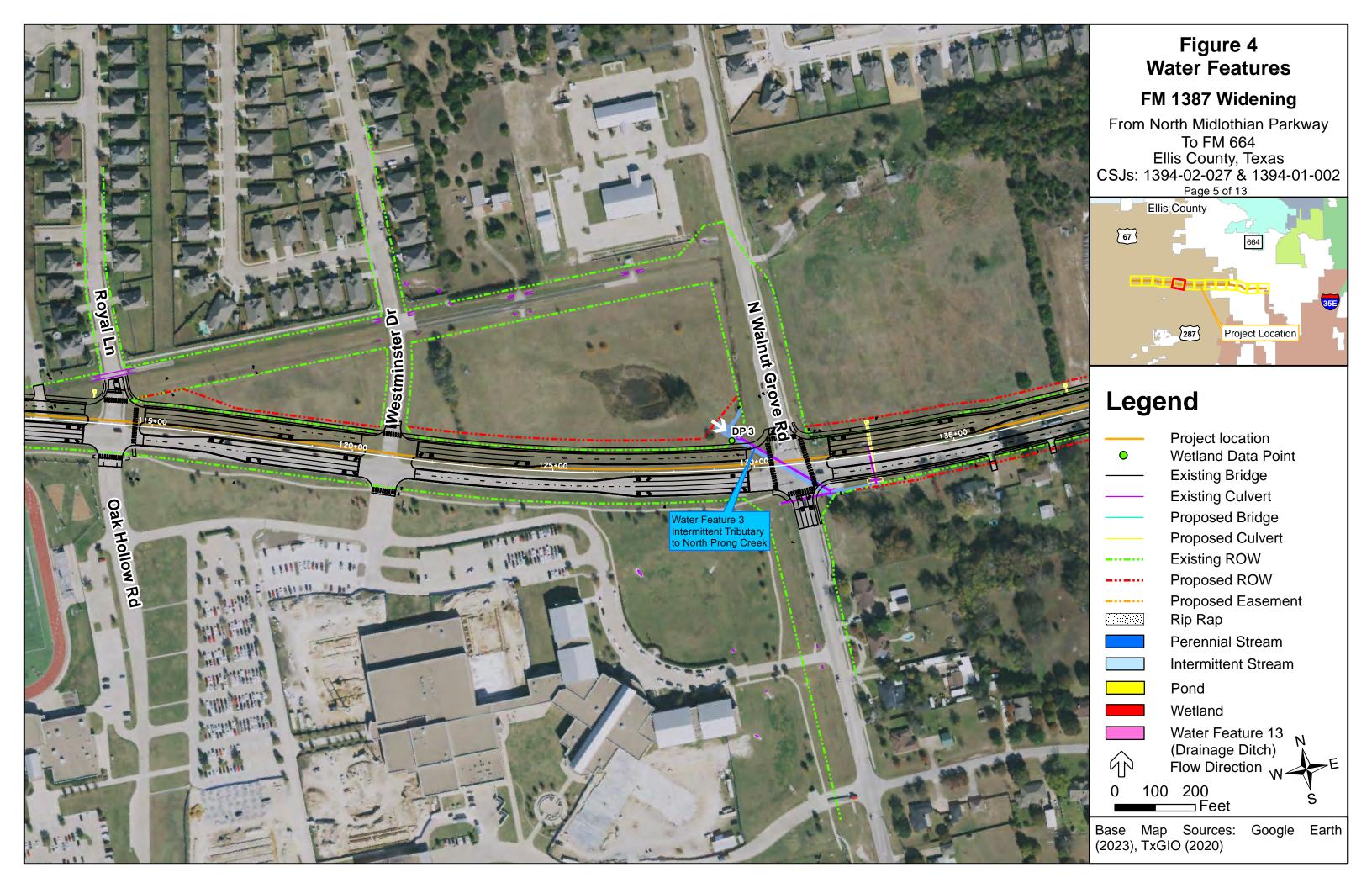


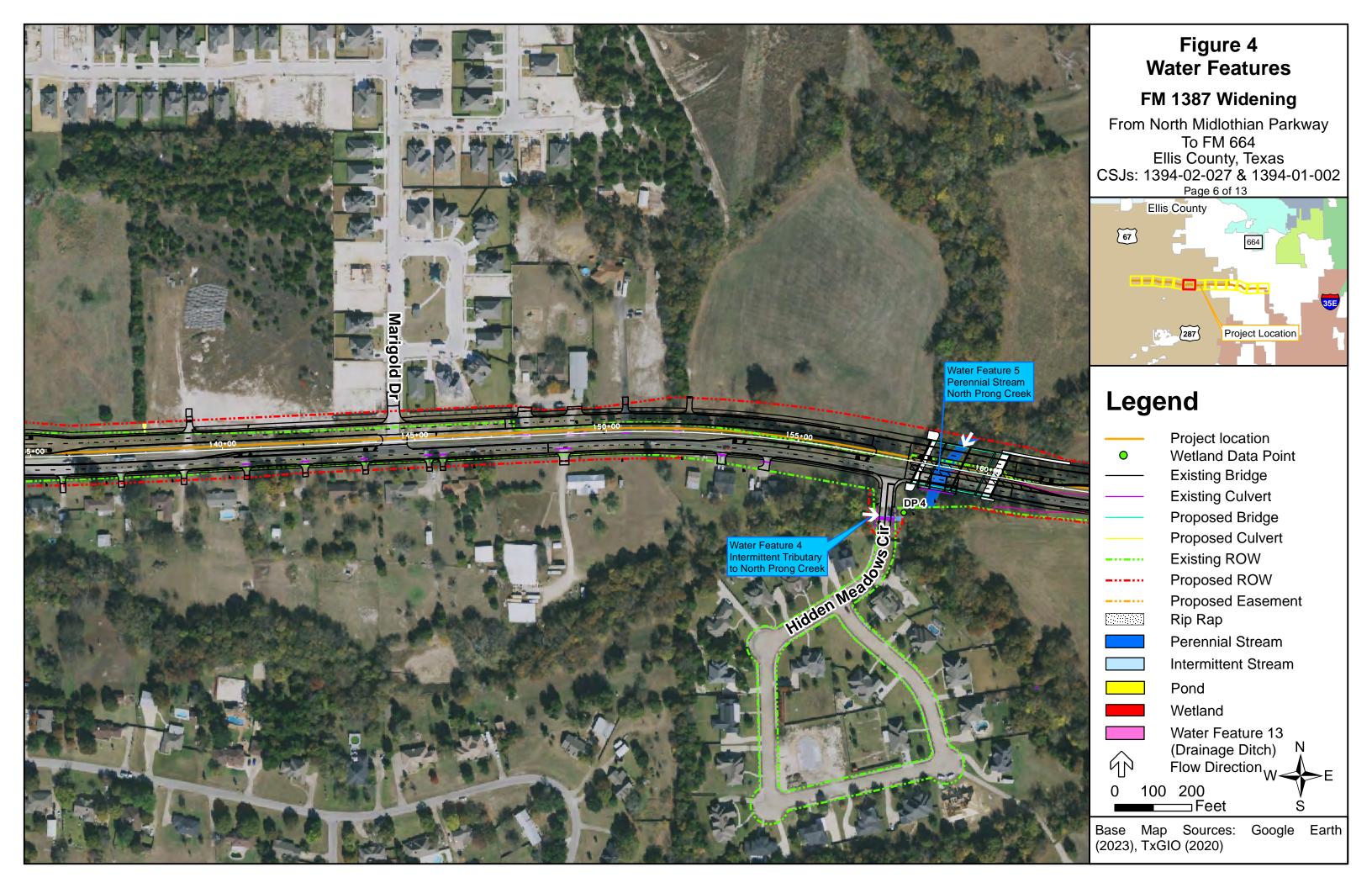


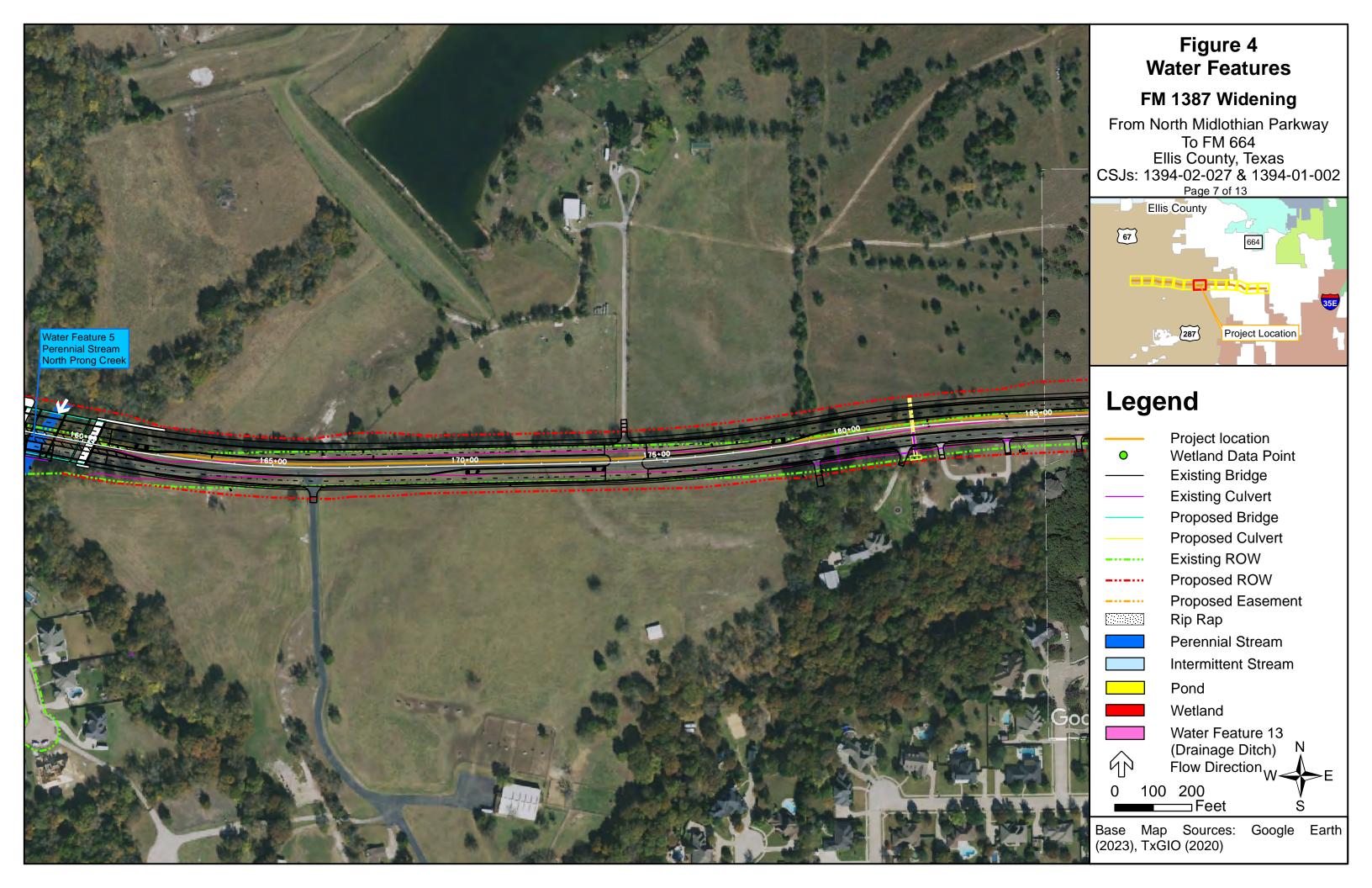


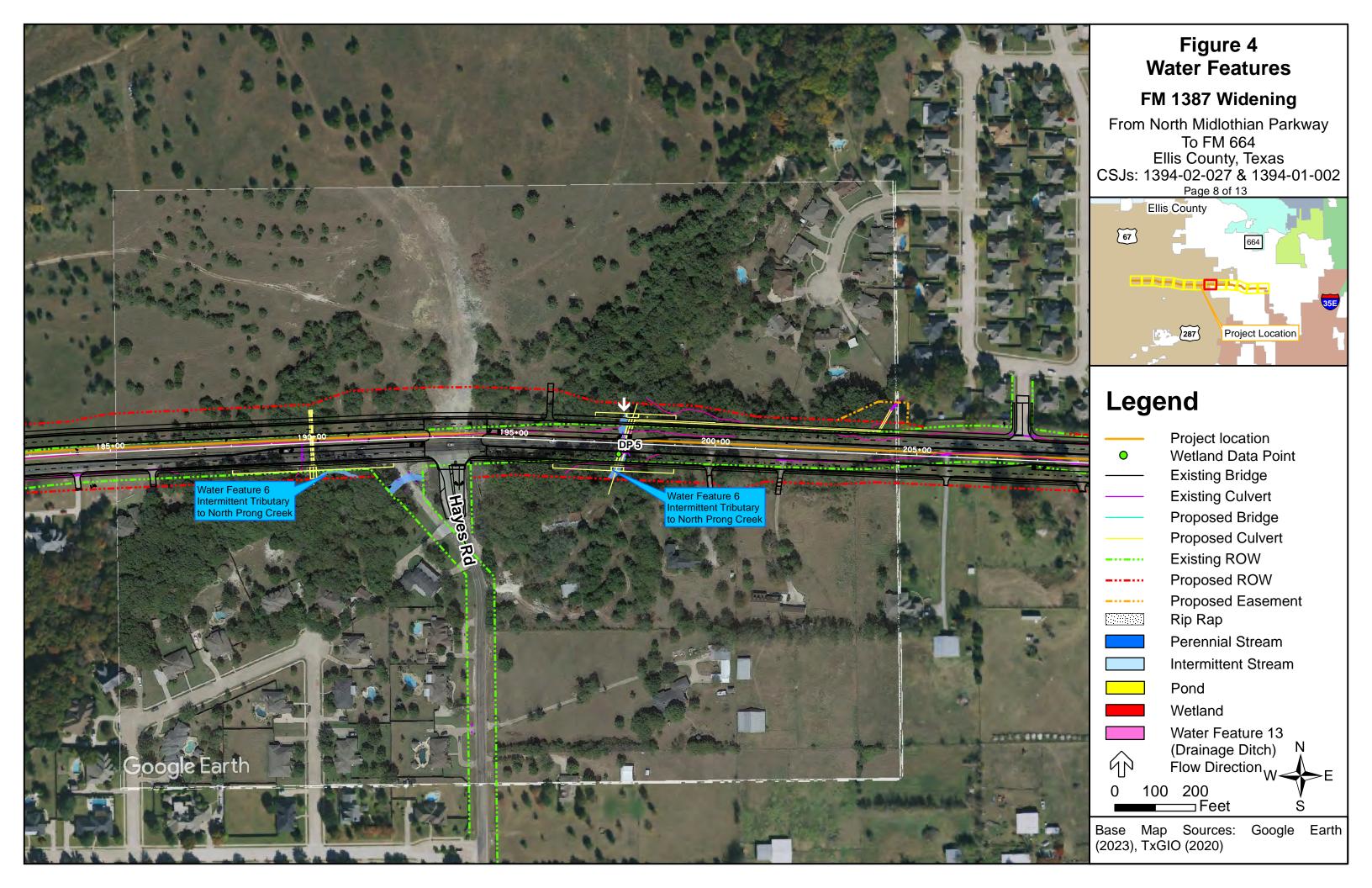


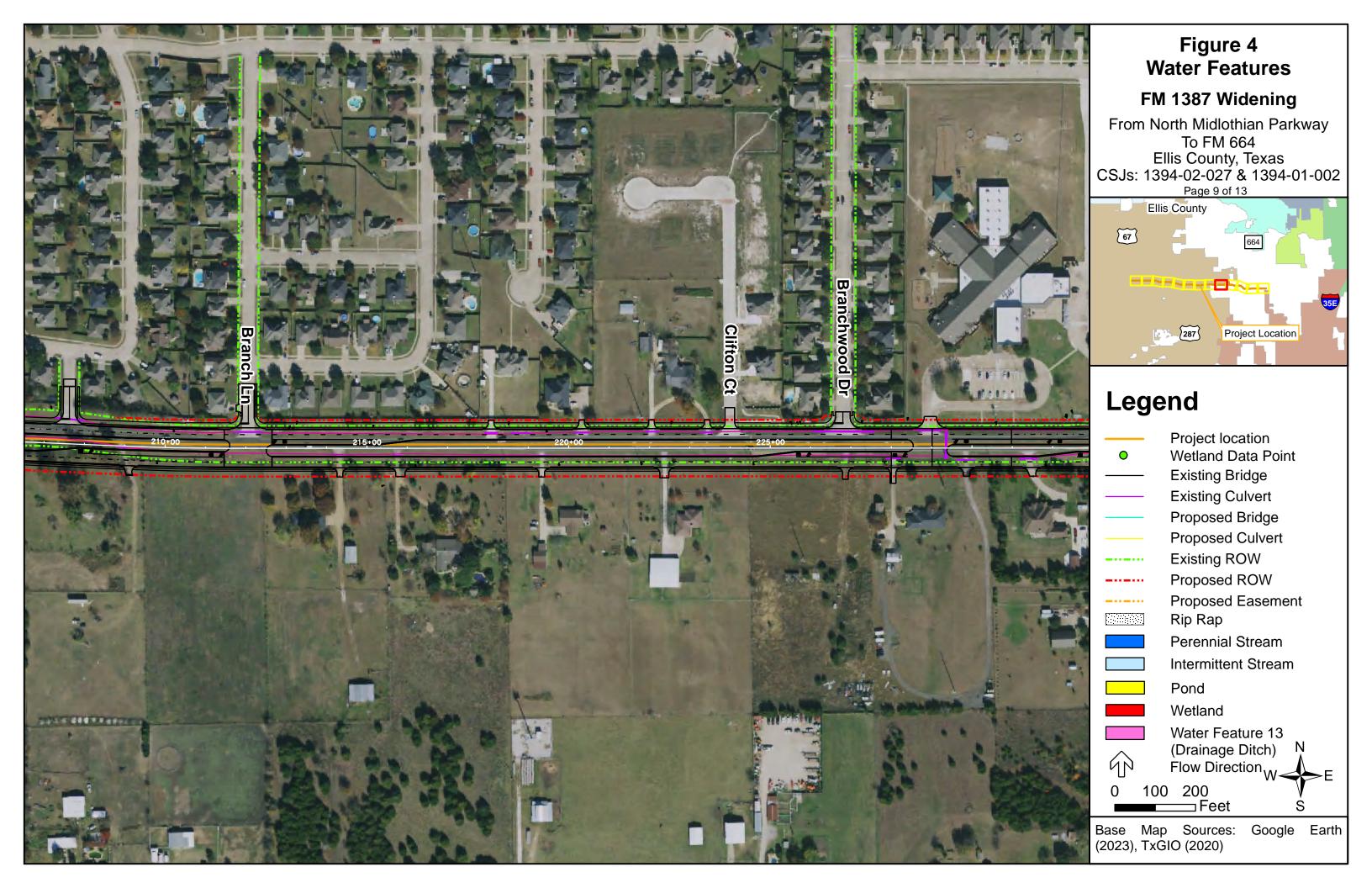


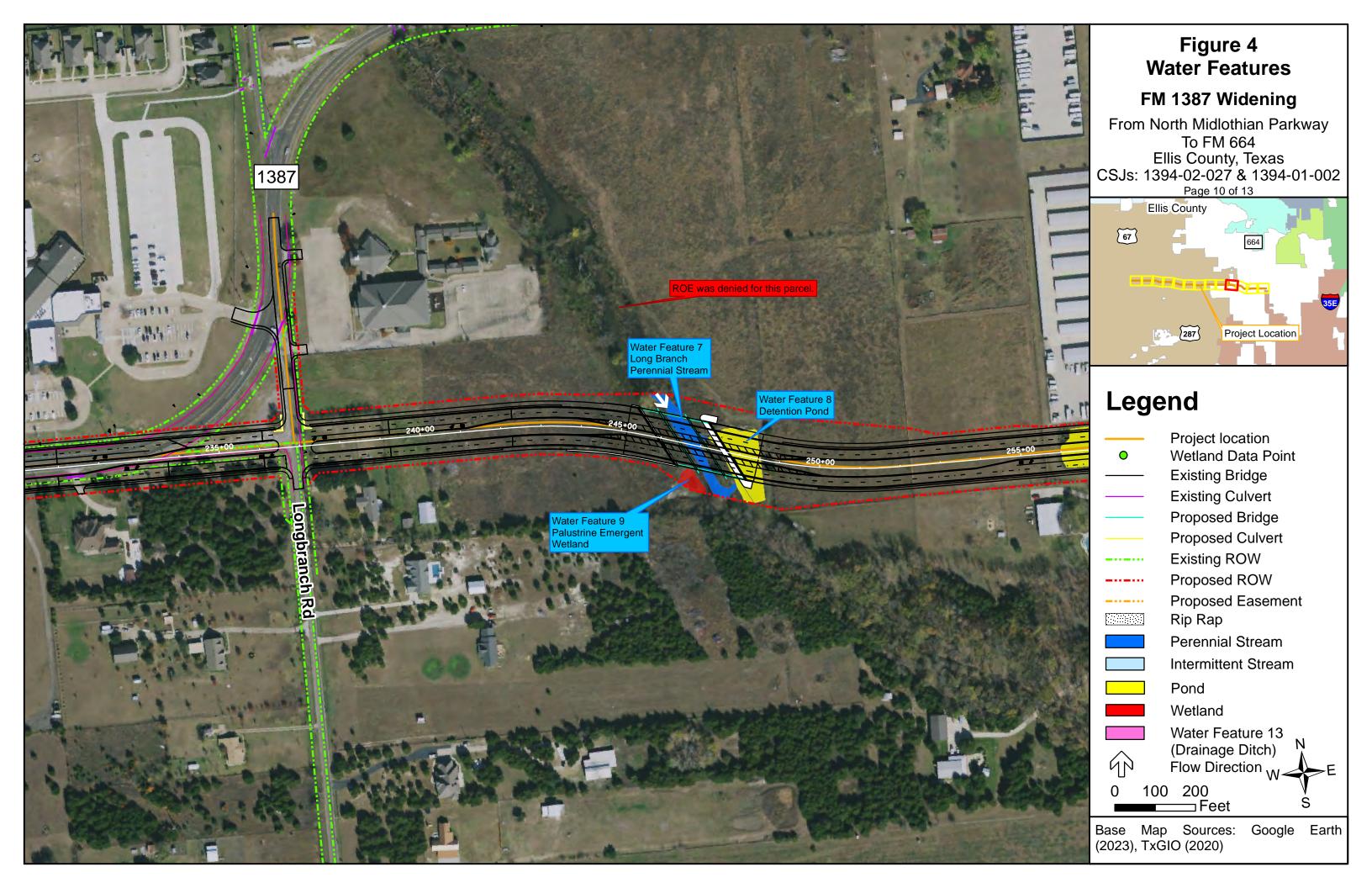


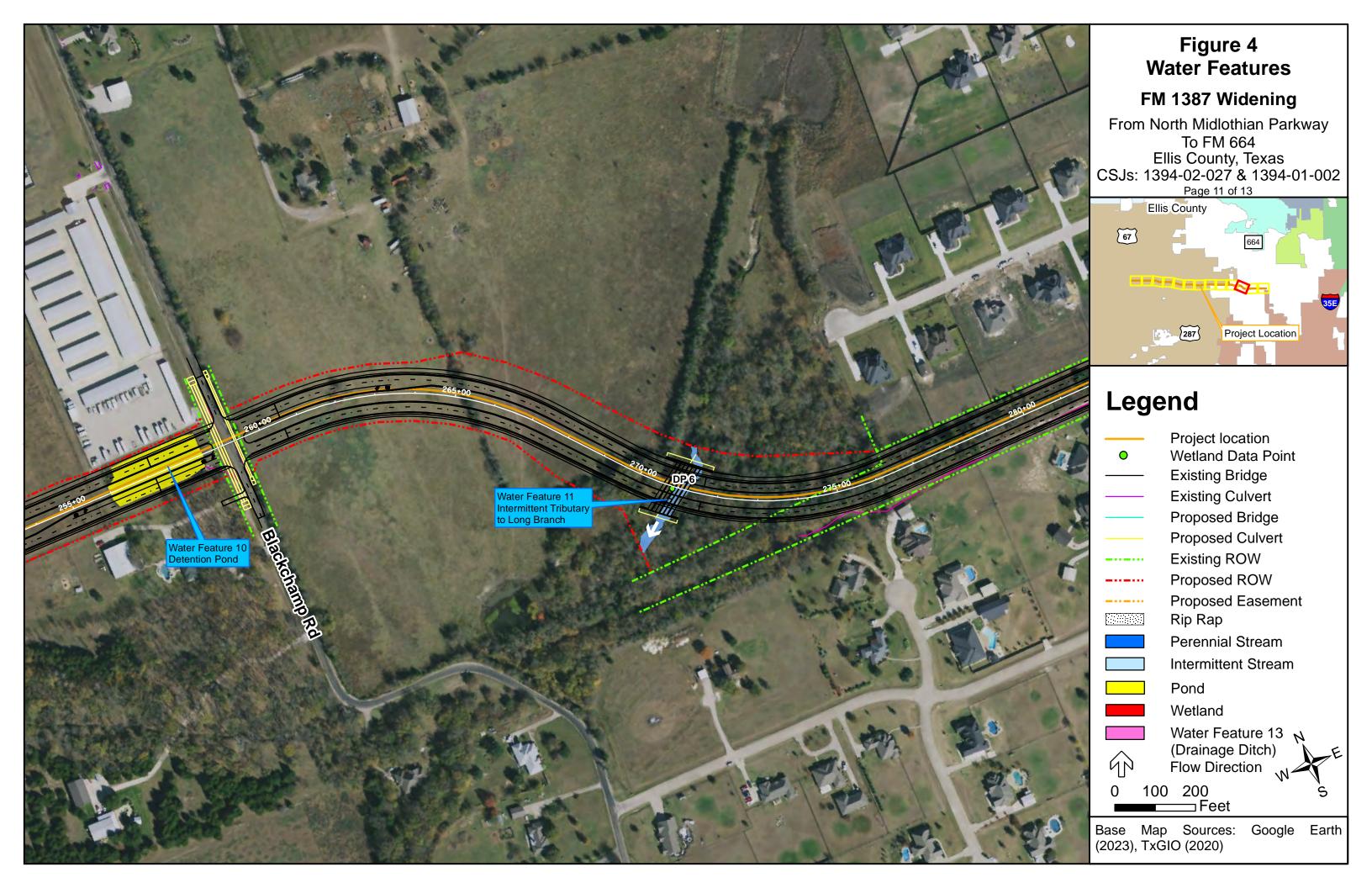


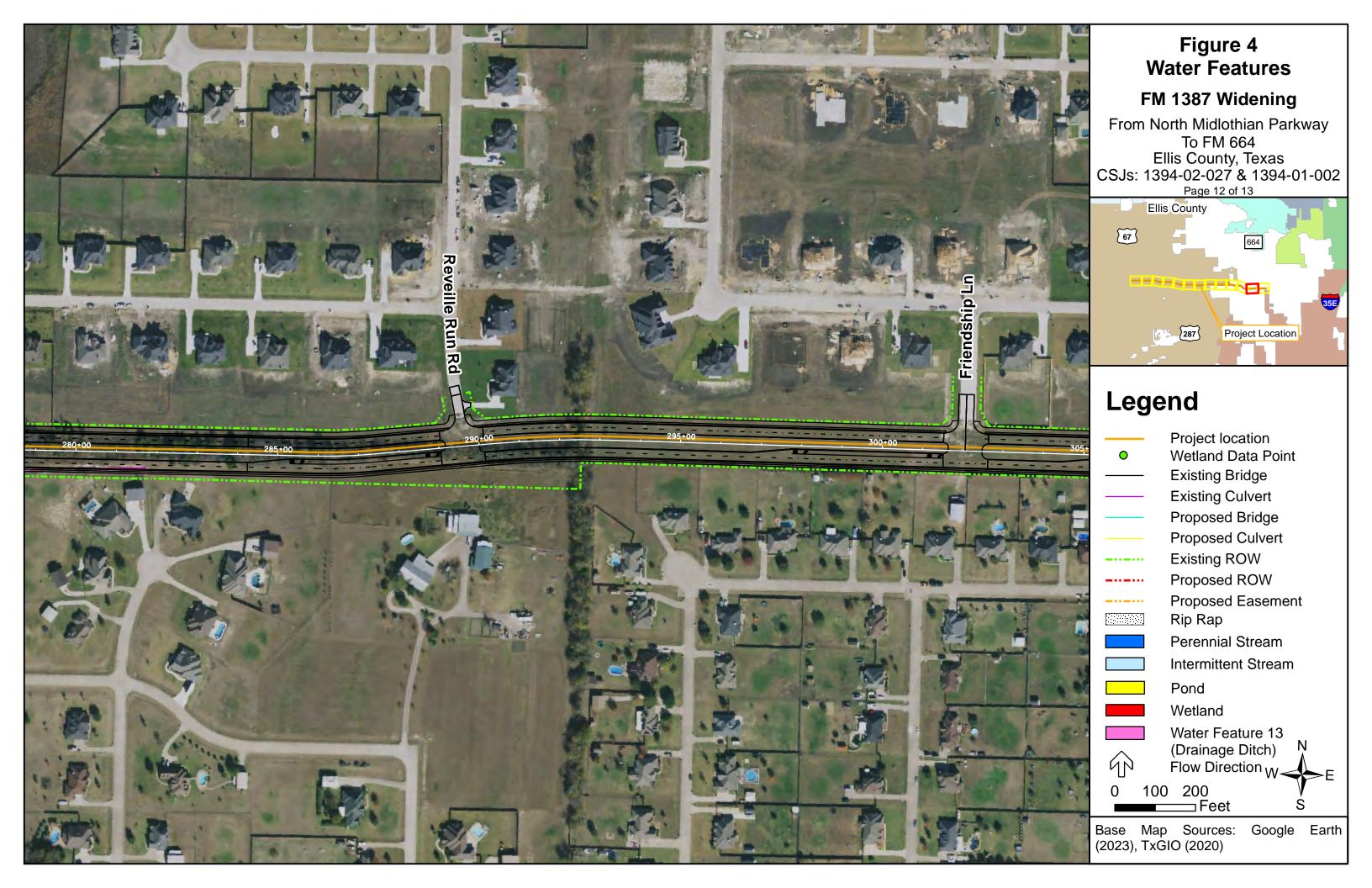


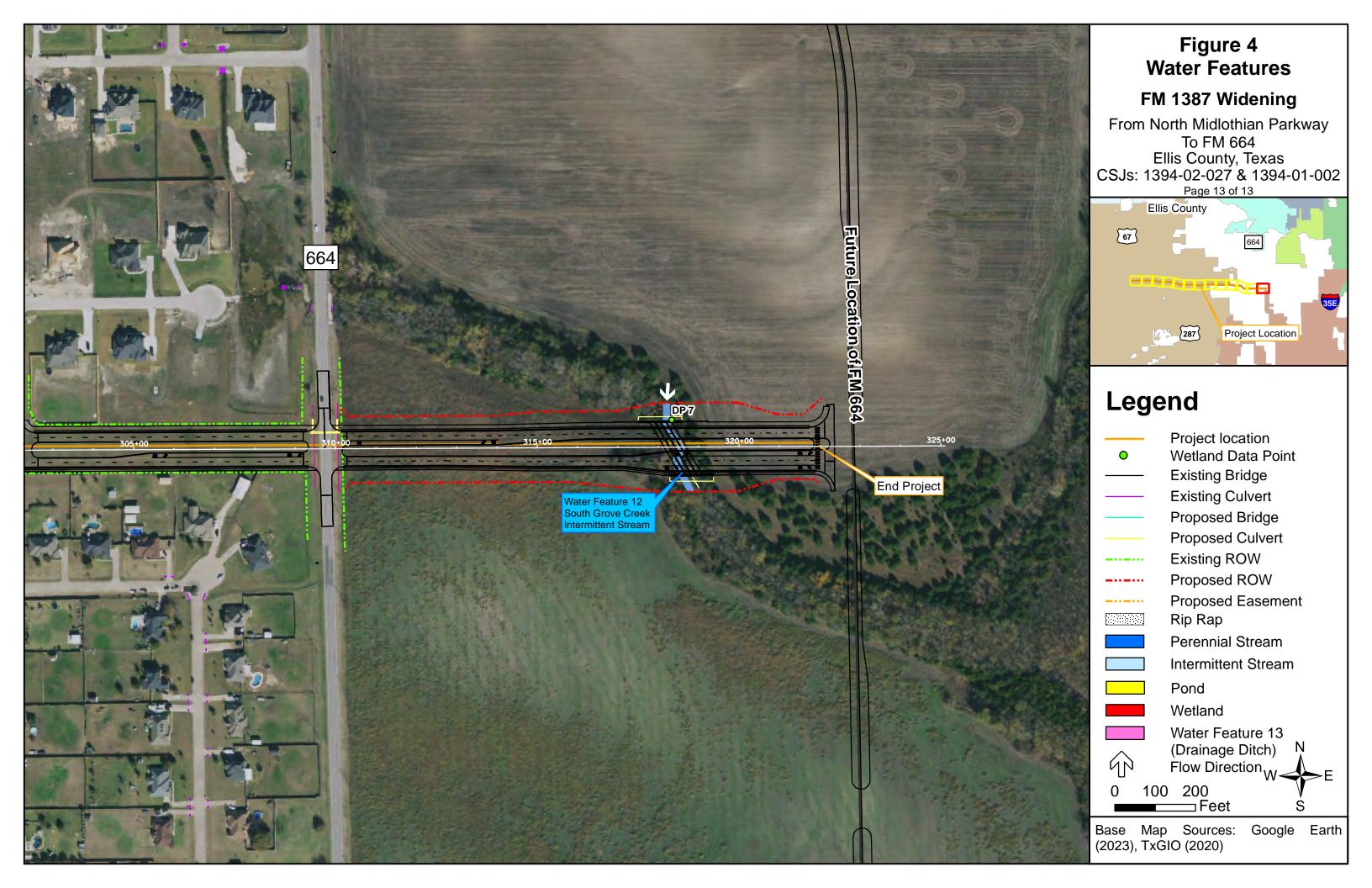


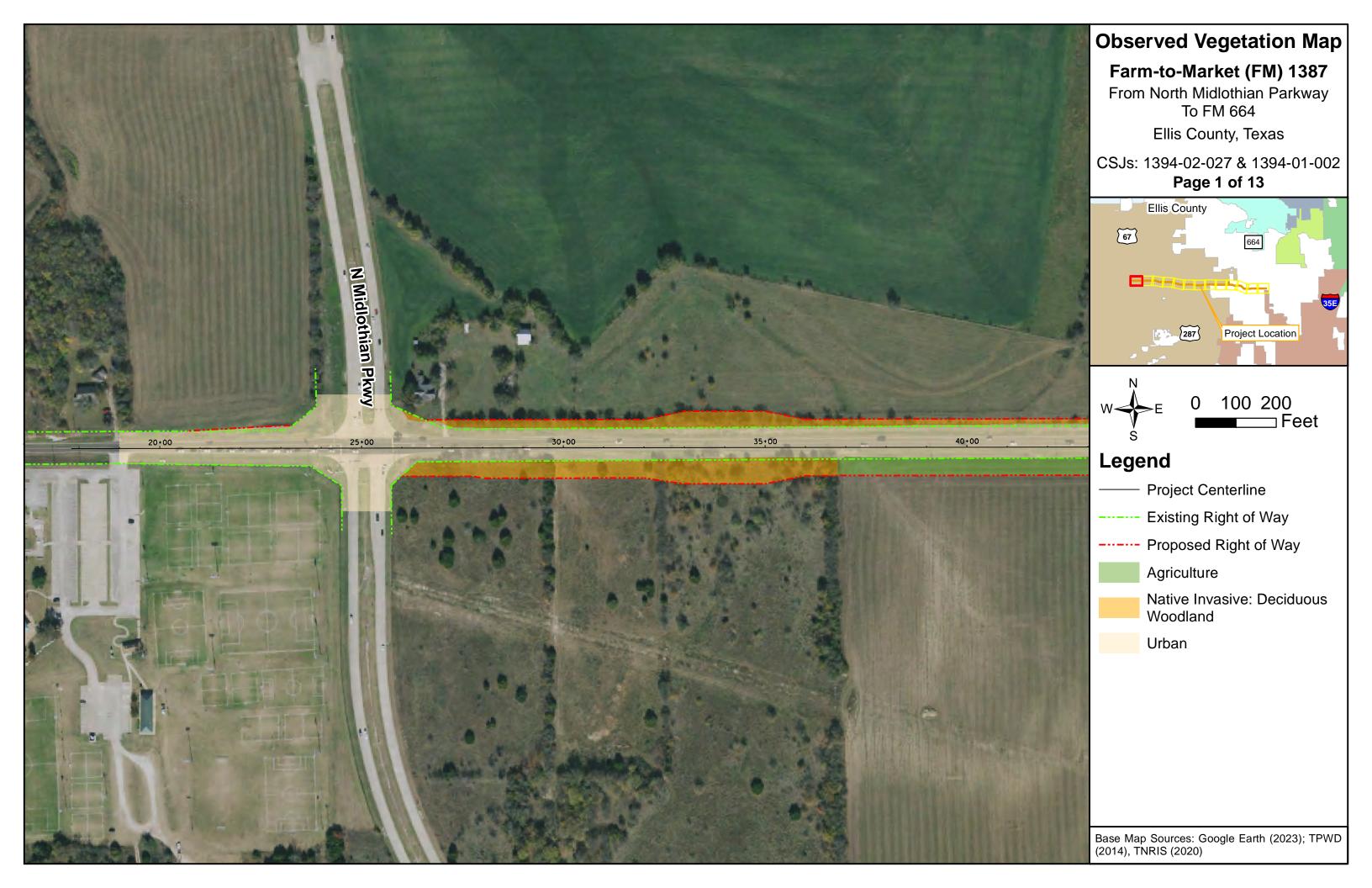


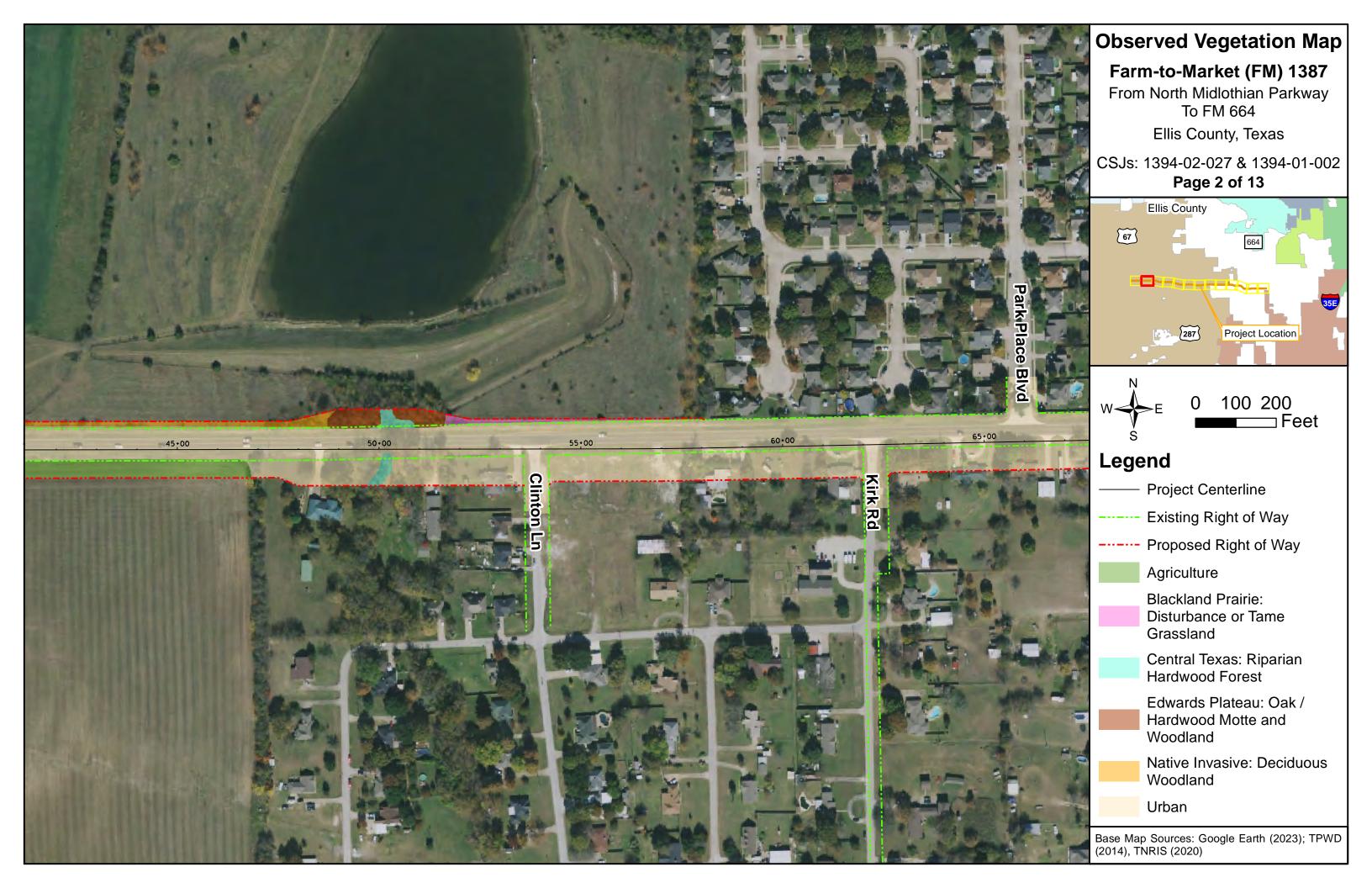


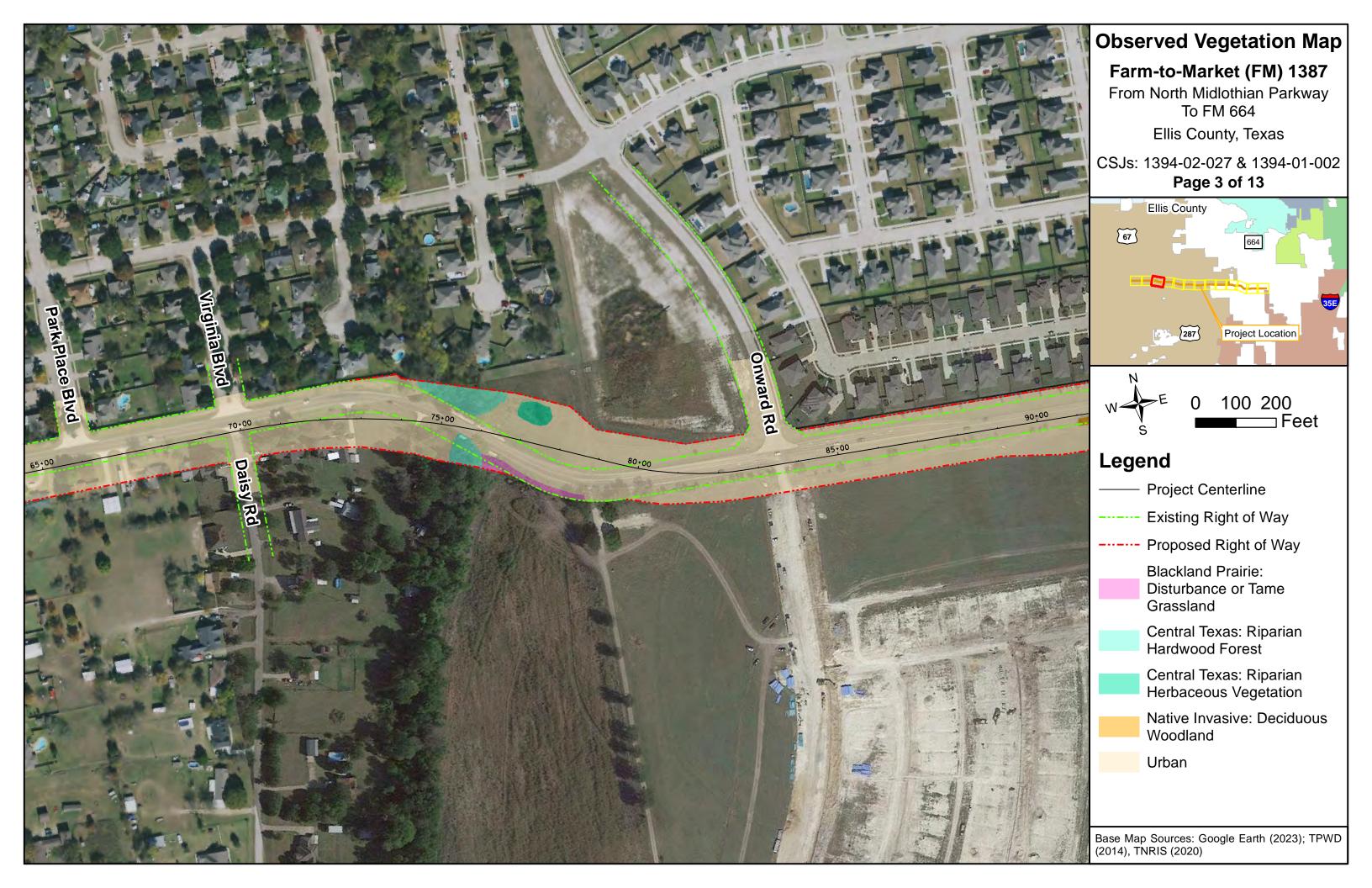


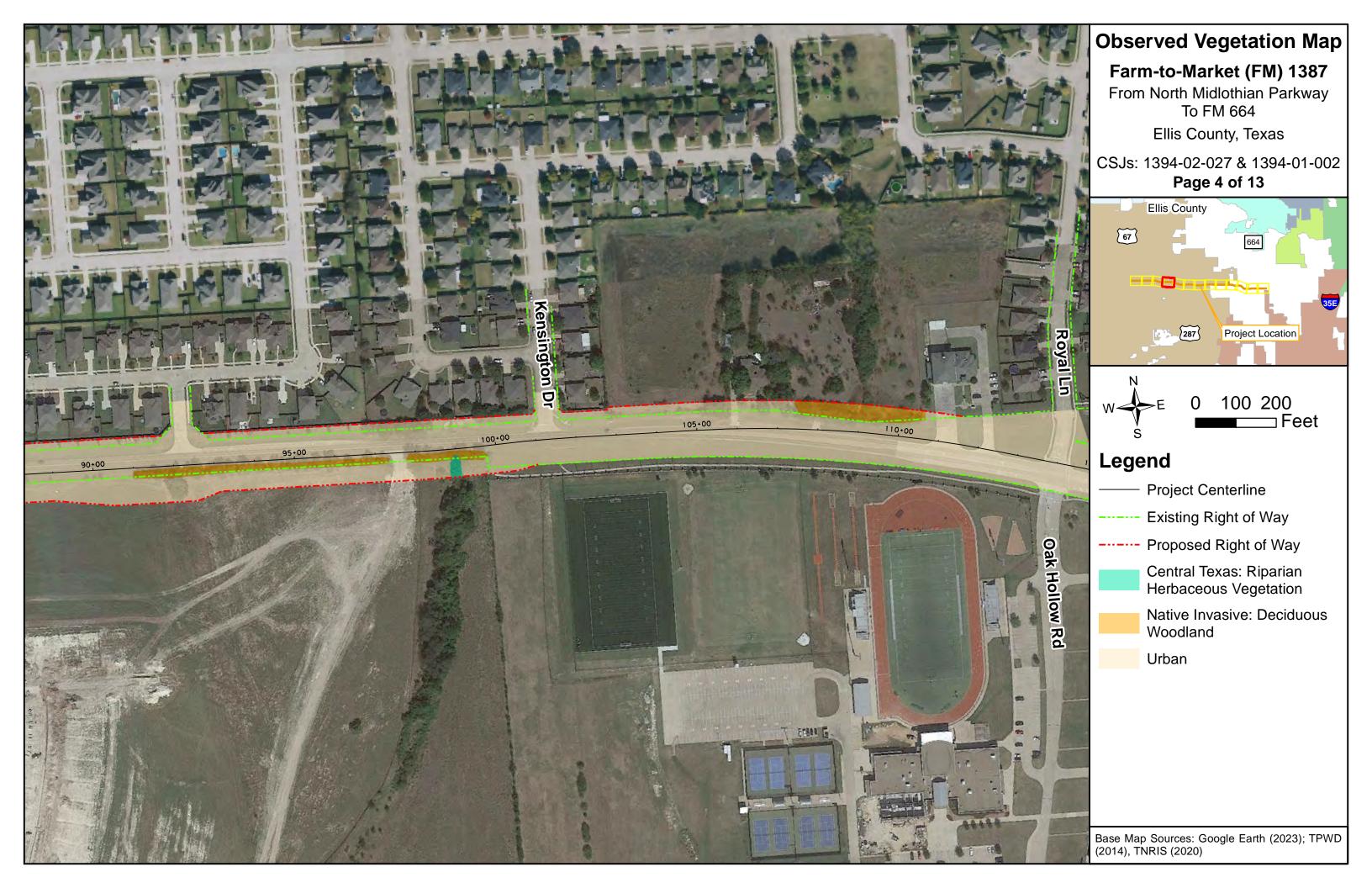


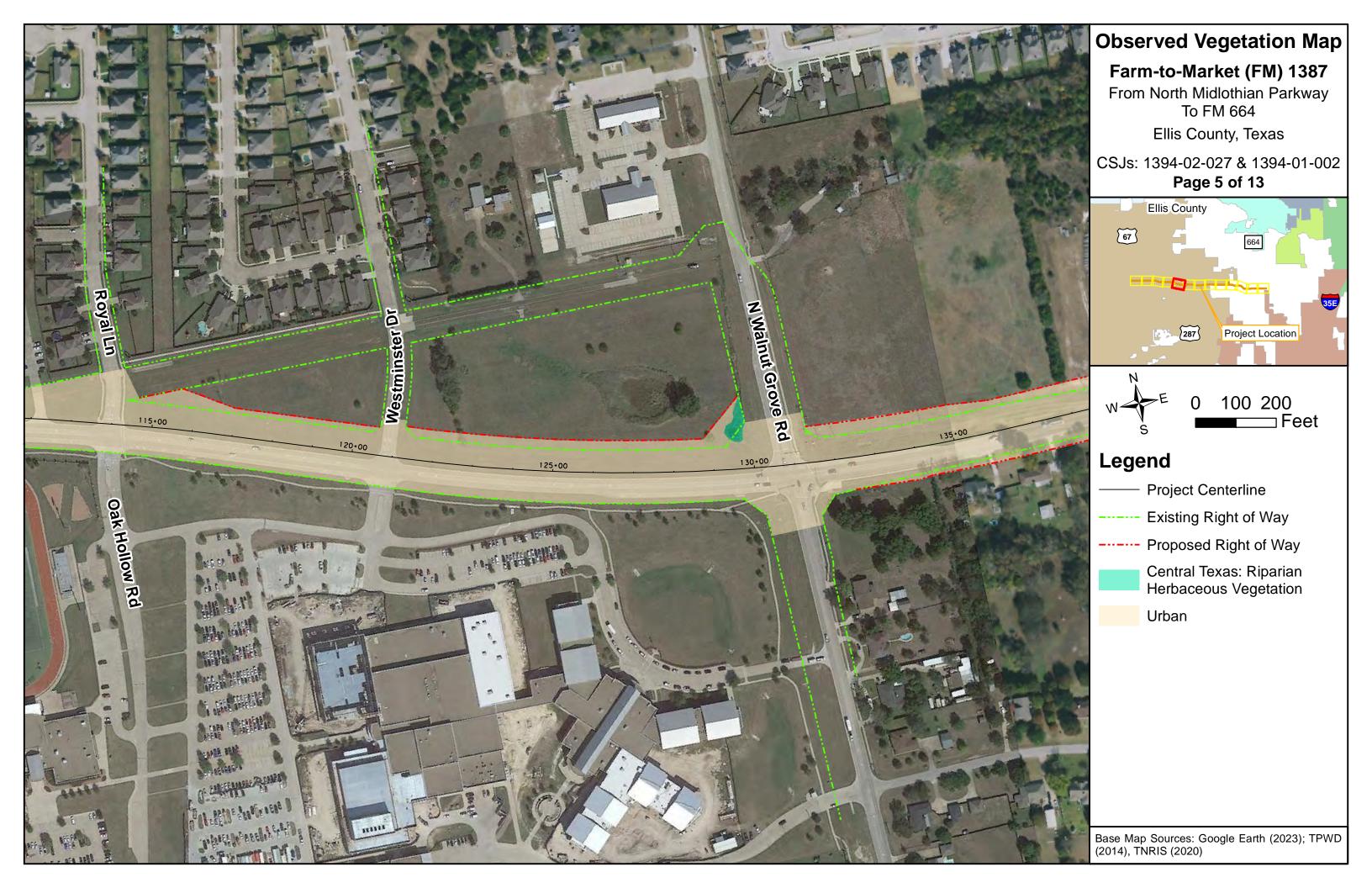


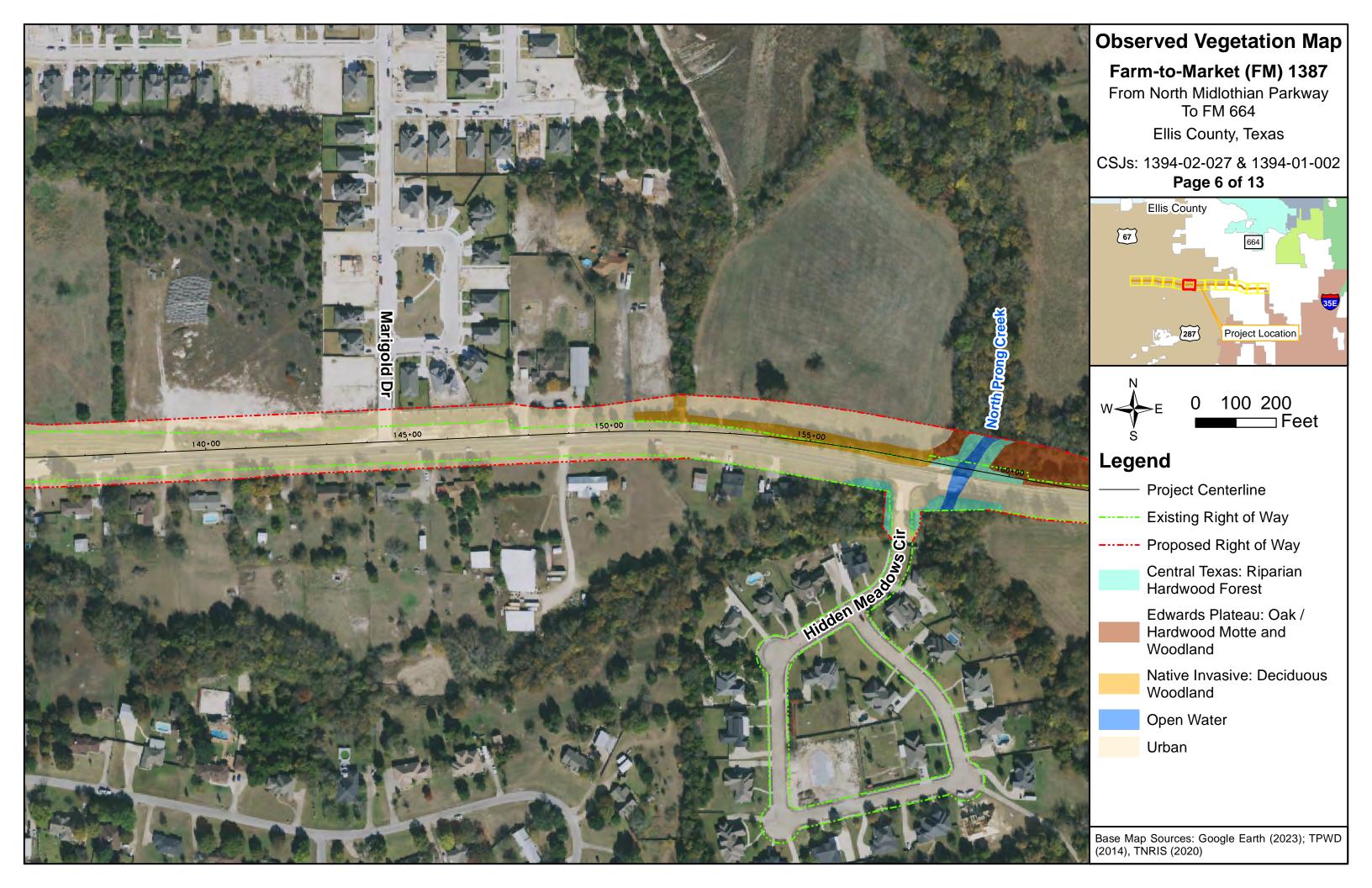


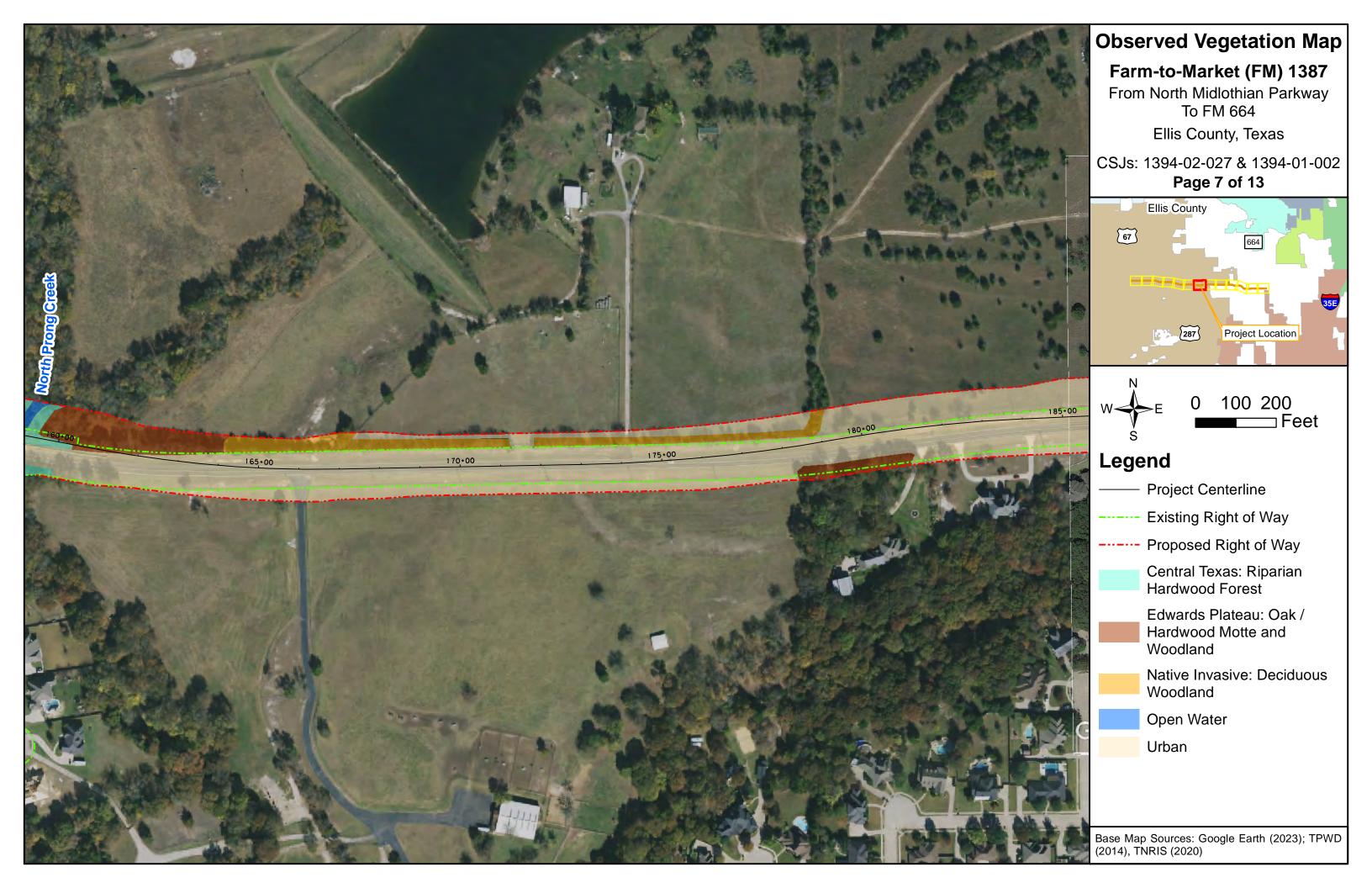


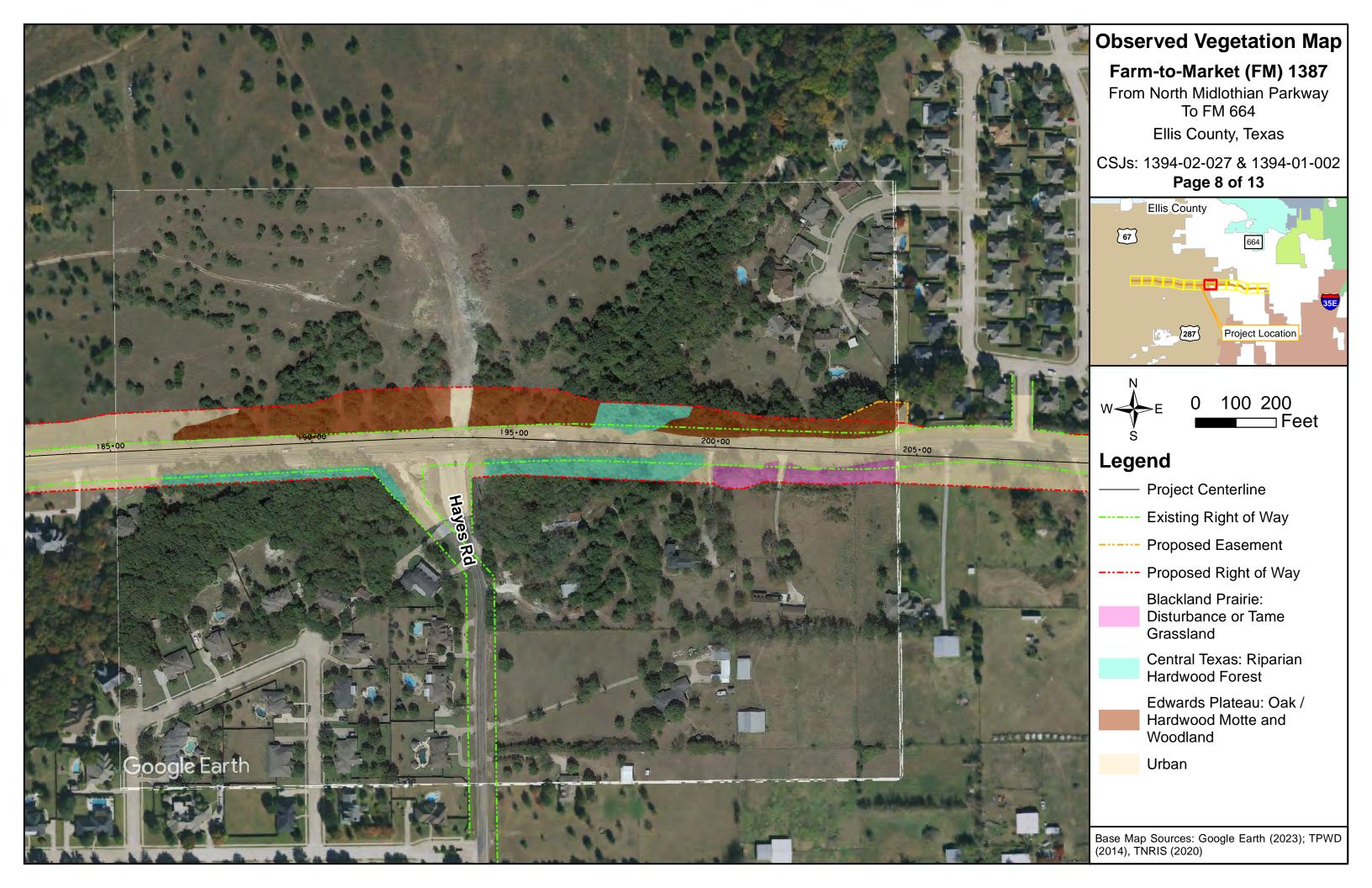


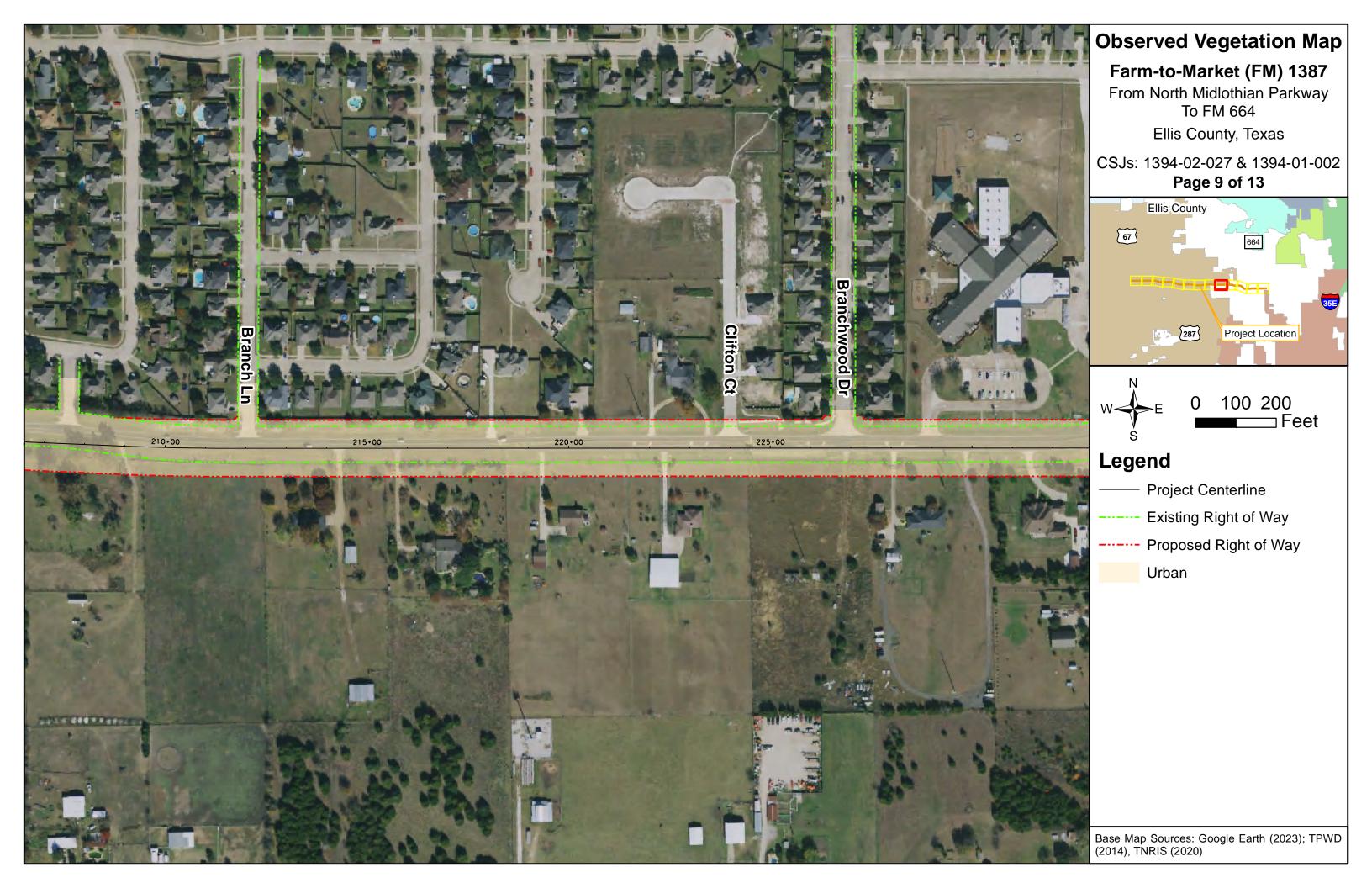


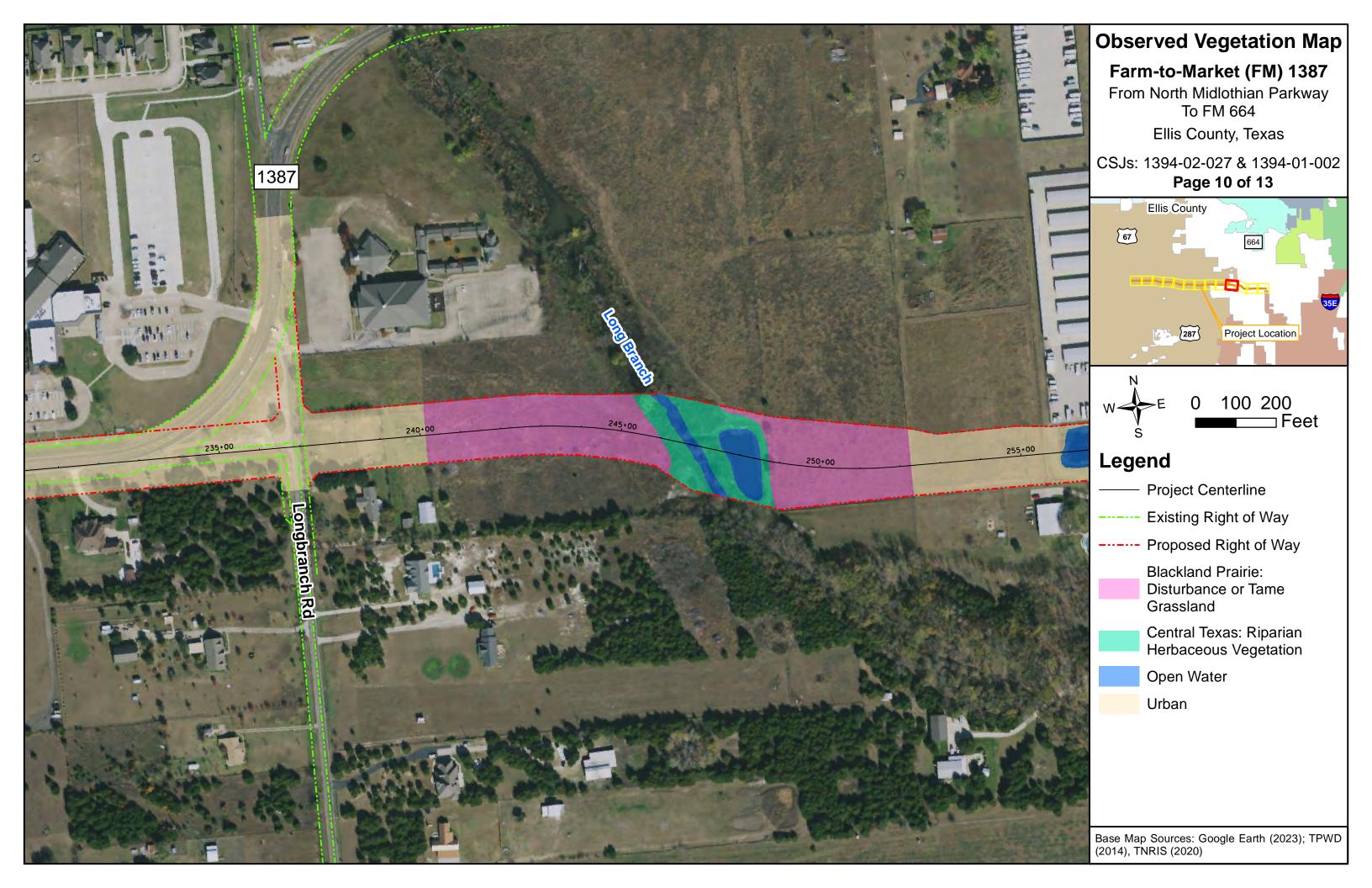


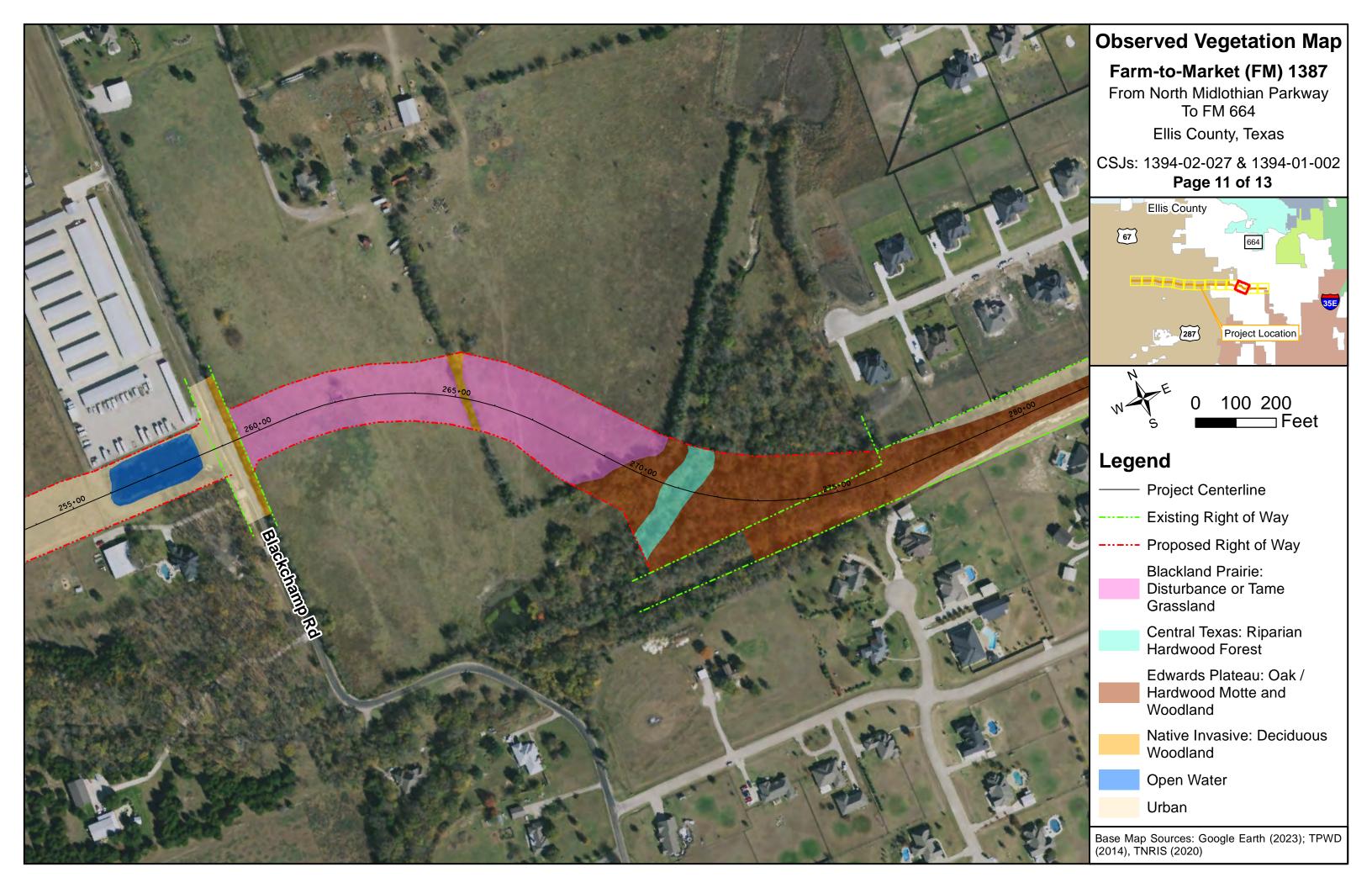


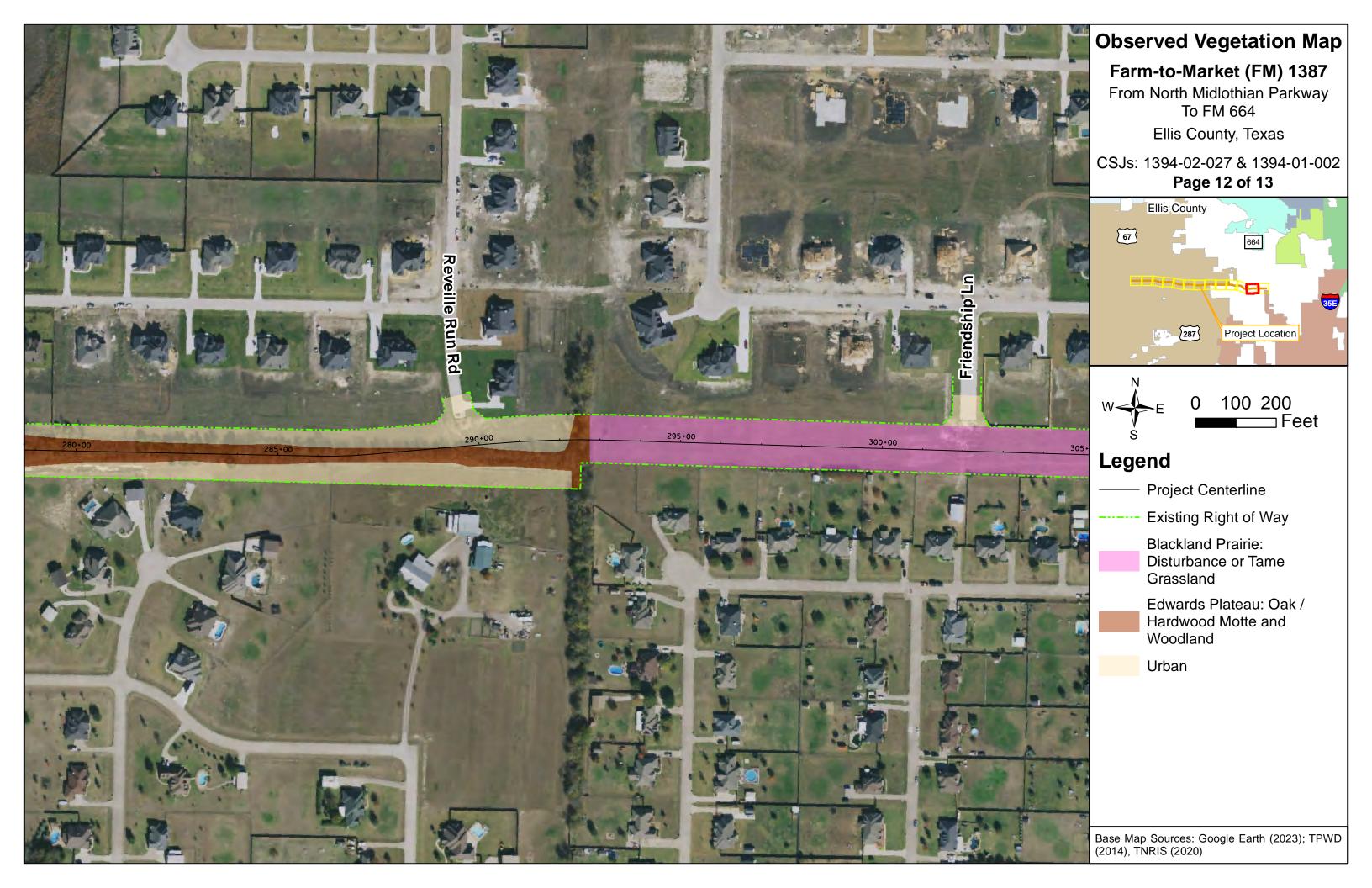


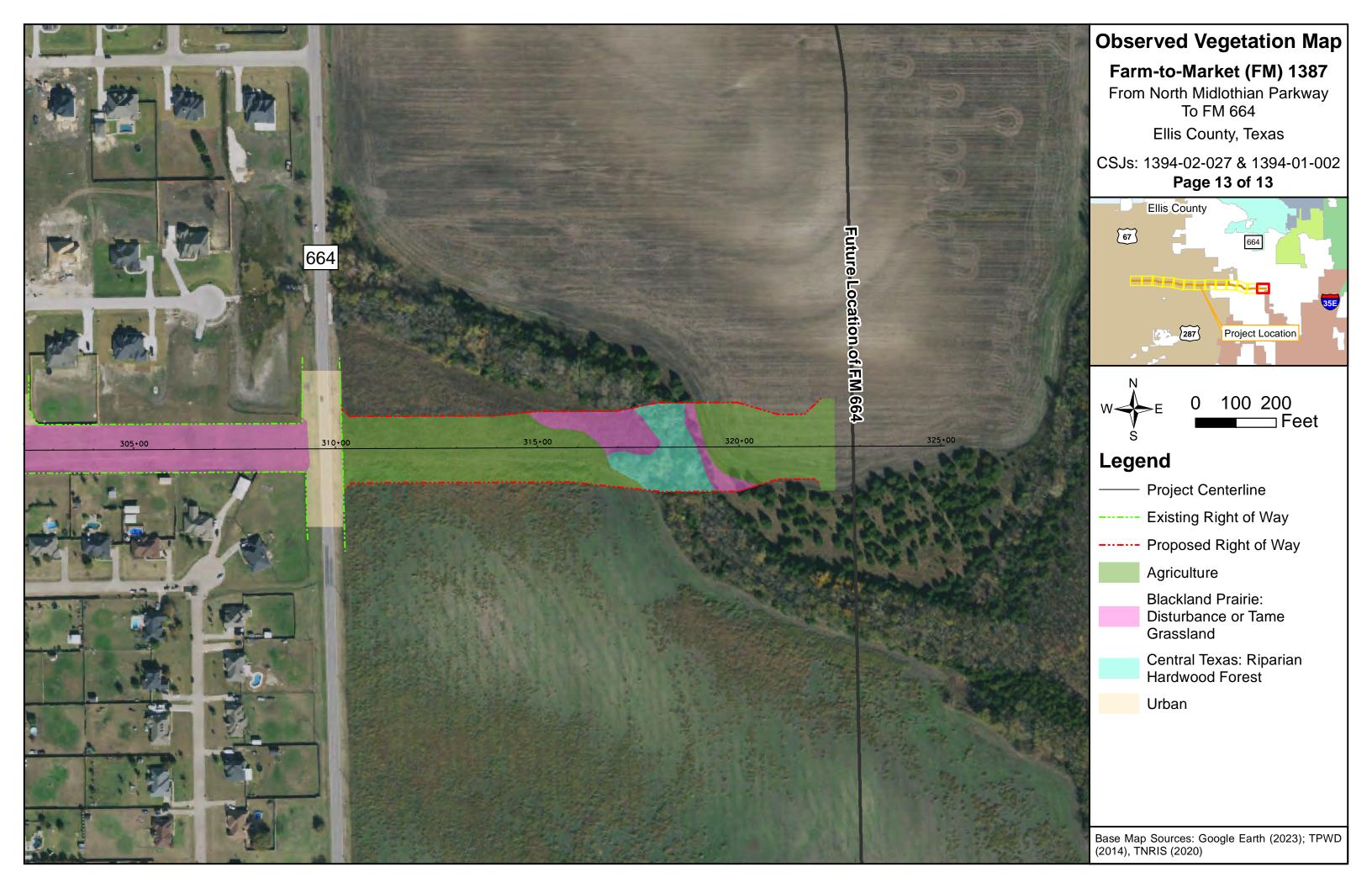


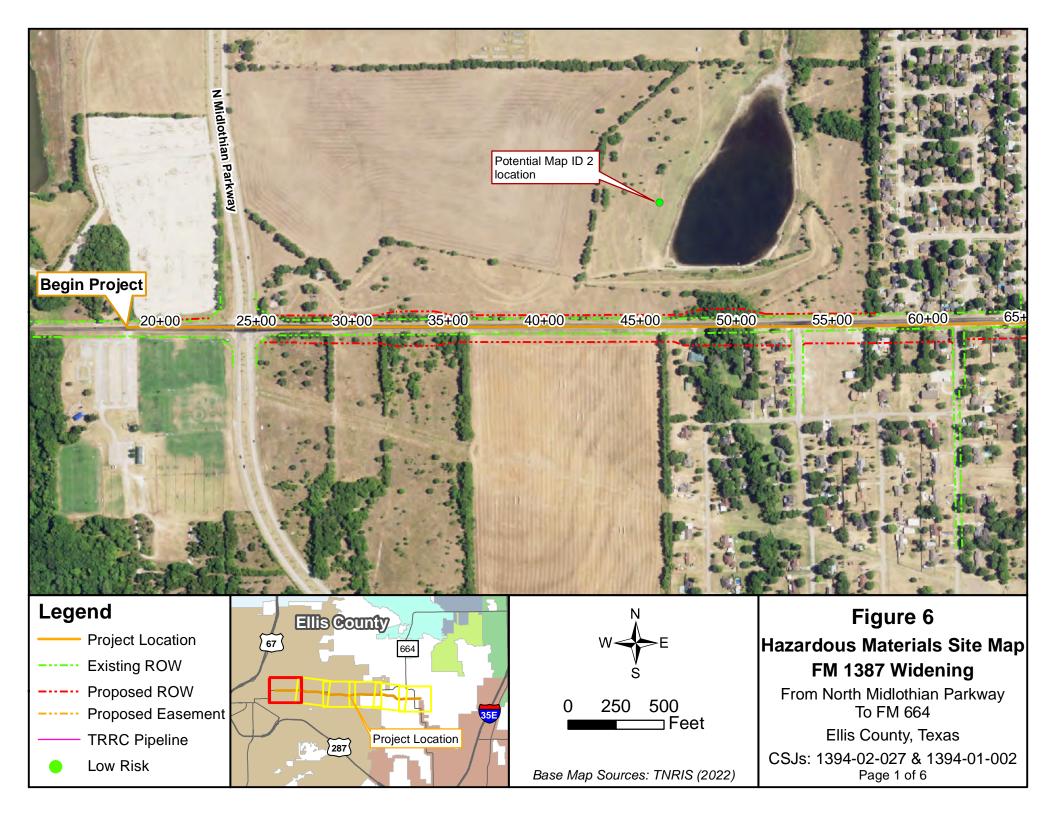


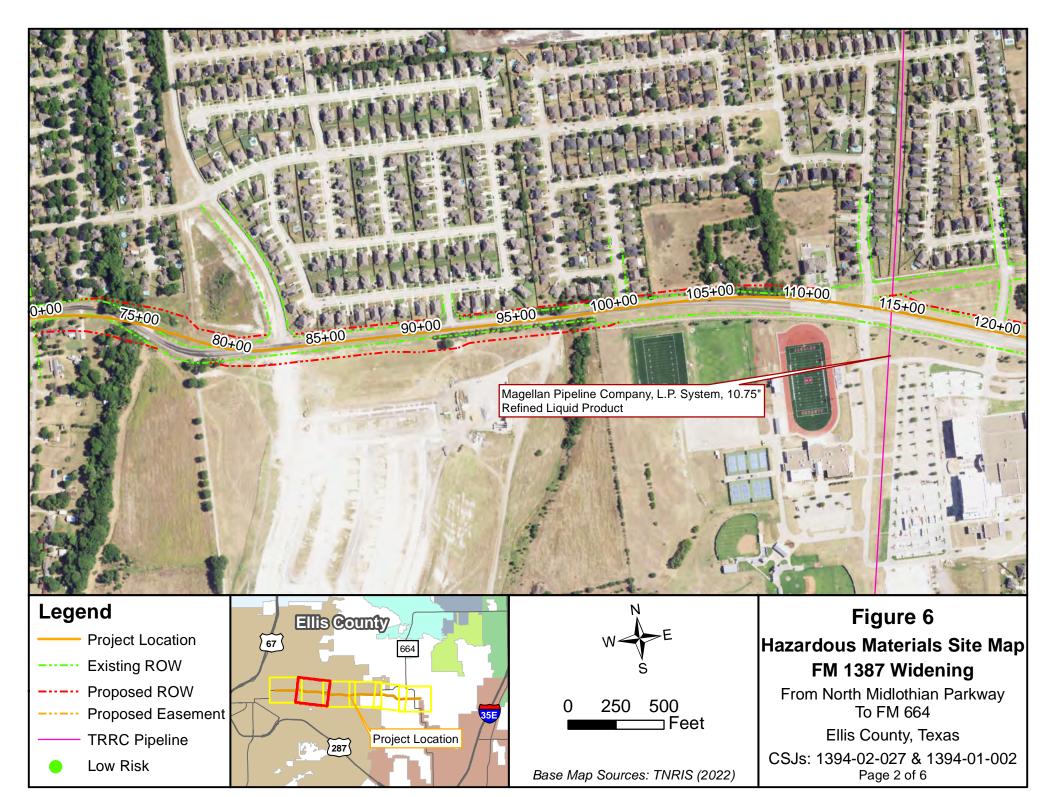


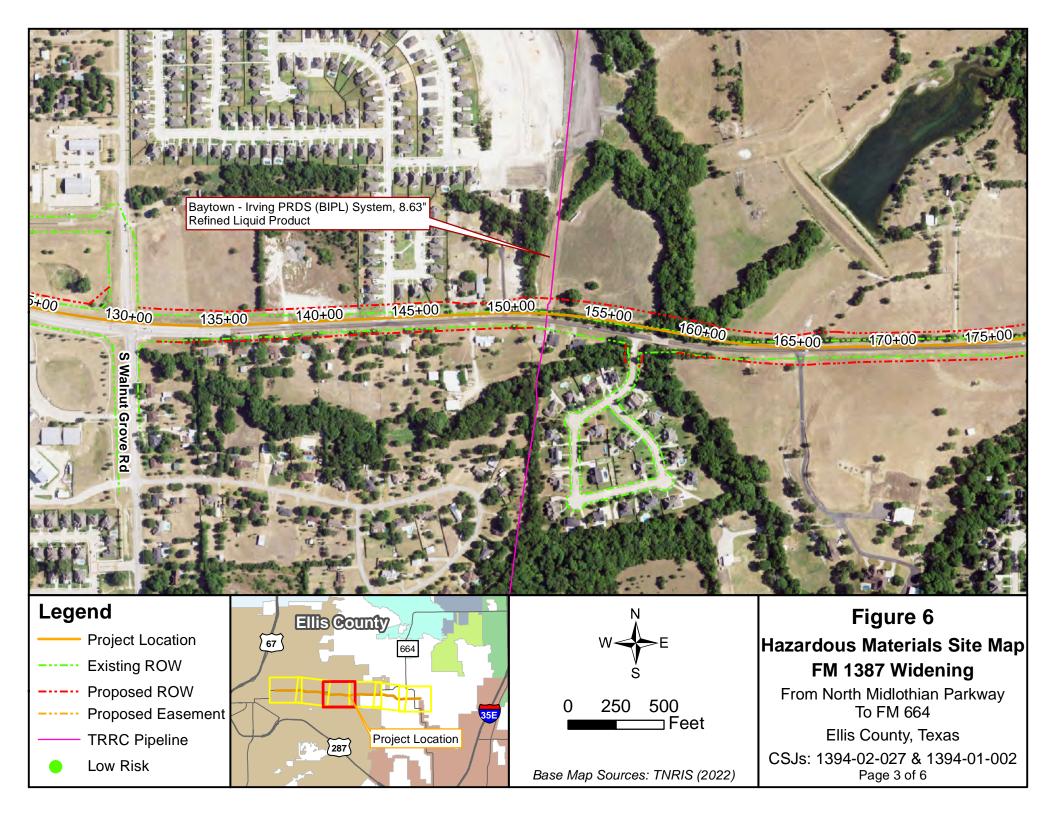


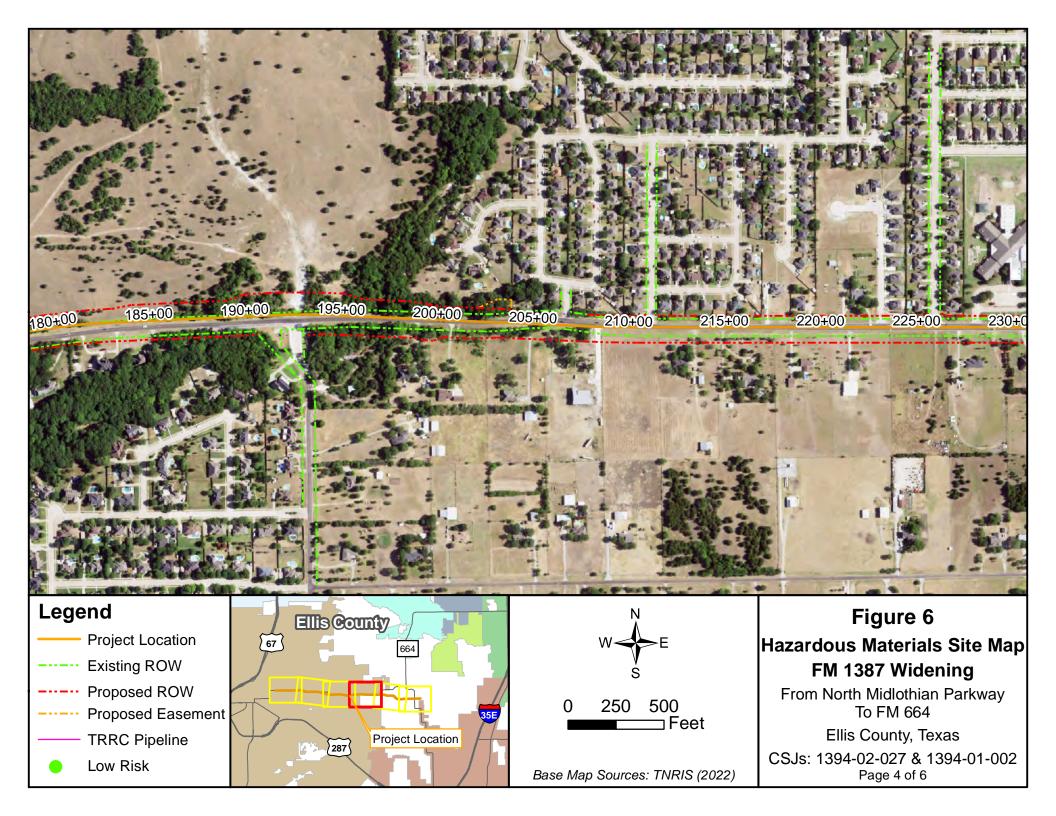


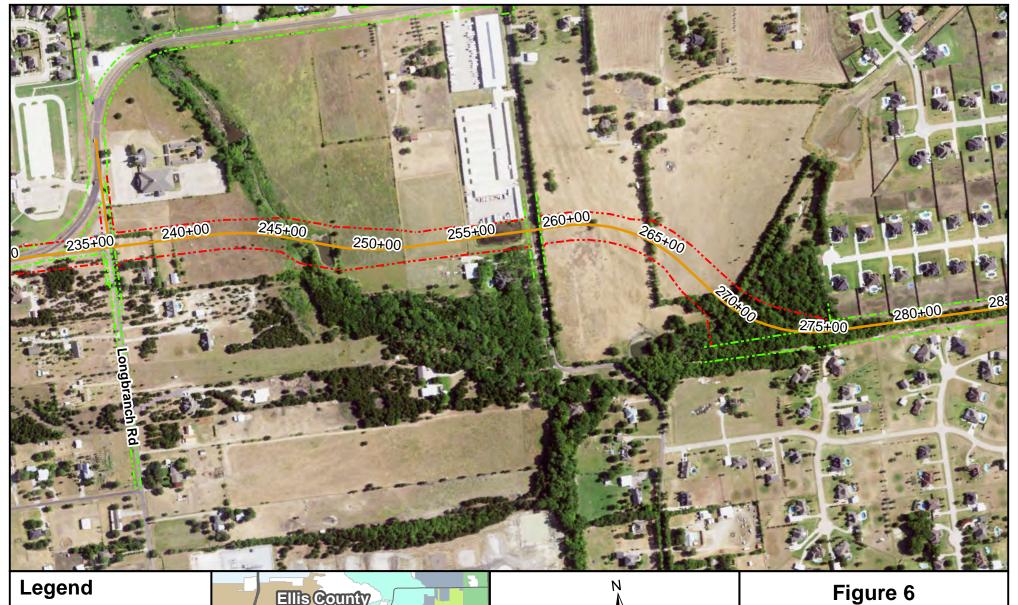


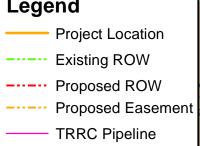












Low Risk





0 250 500 Feet

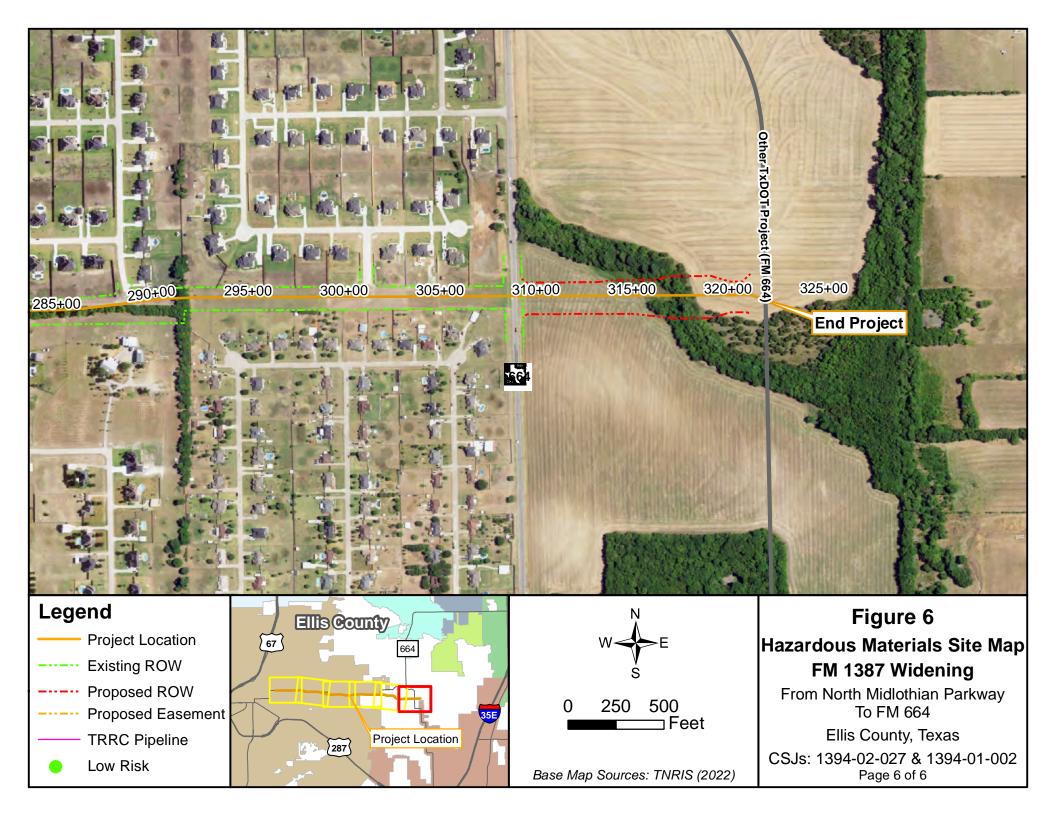
Base Map Sources: TNRIS (2022)

Figure 6 Hazardous Materials Site Map FM 1387 Widening

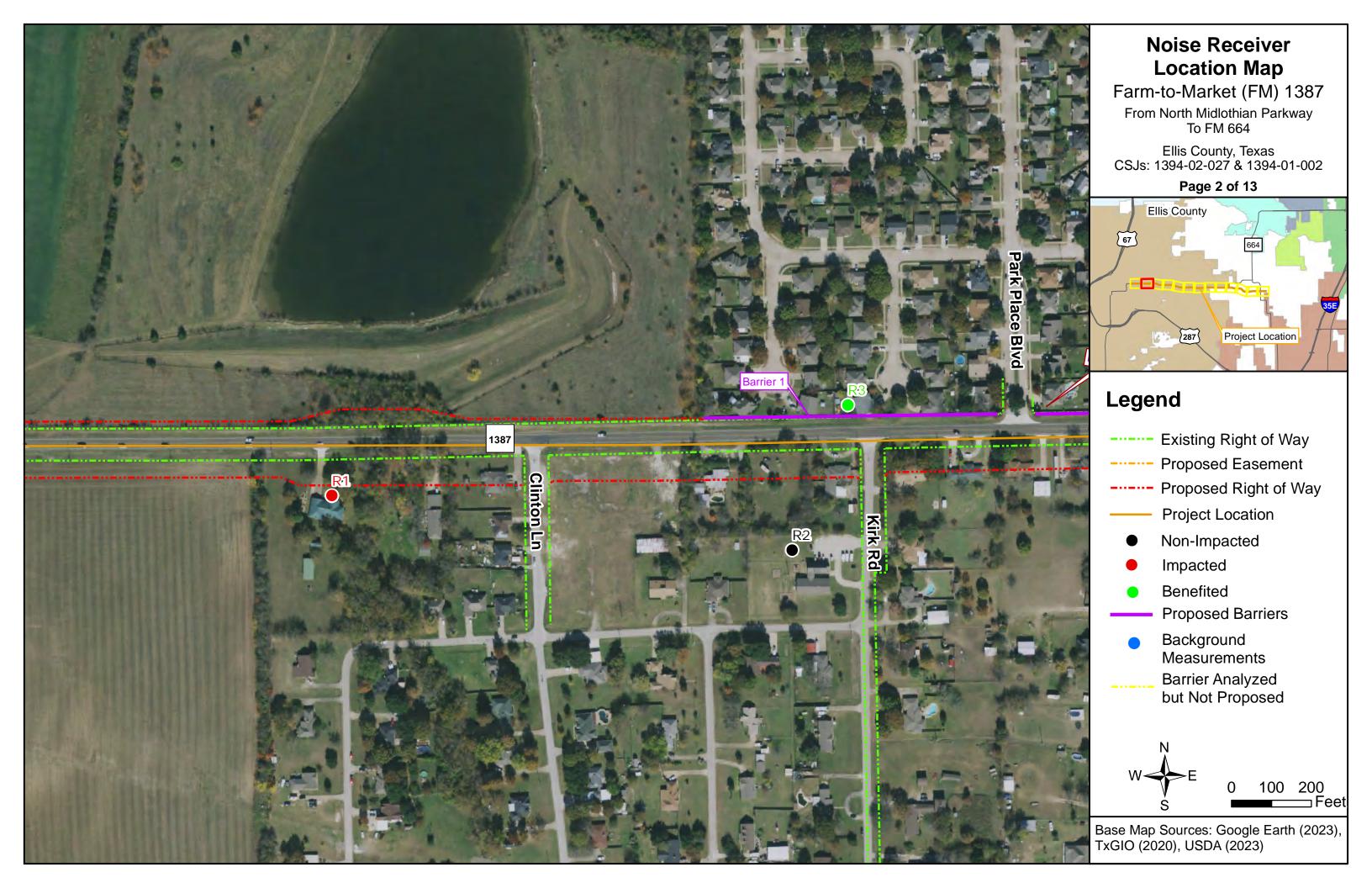
From North Midlothian Parkway To FM 664

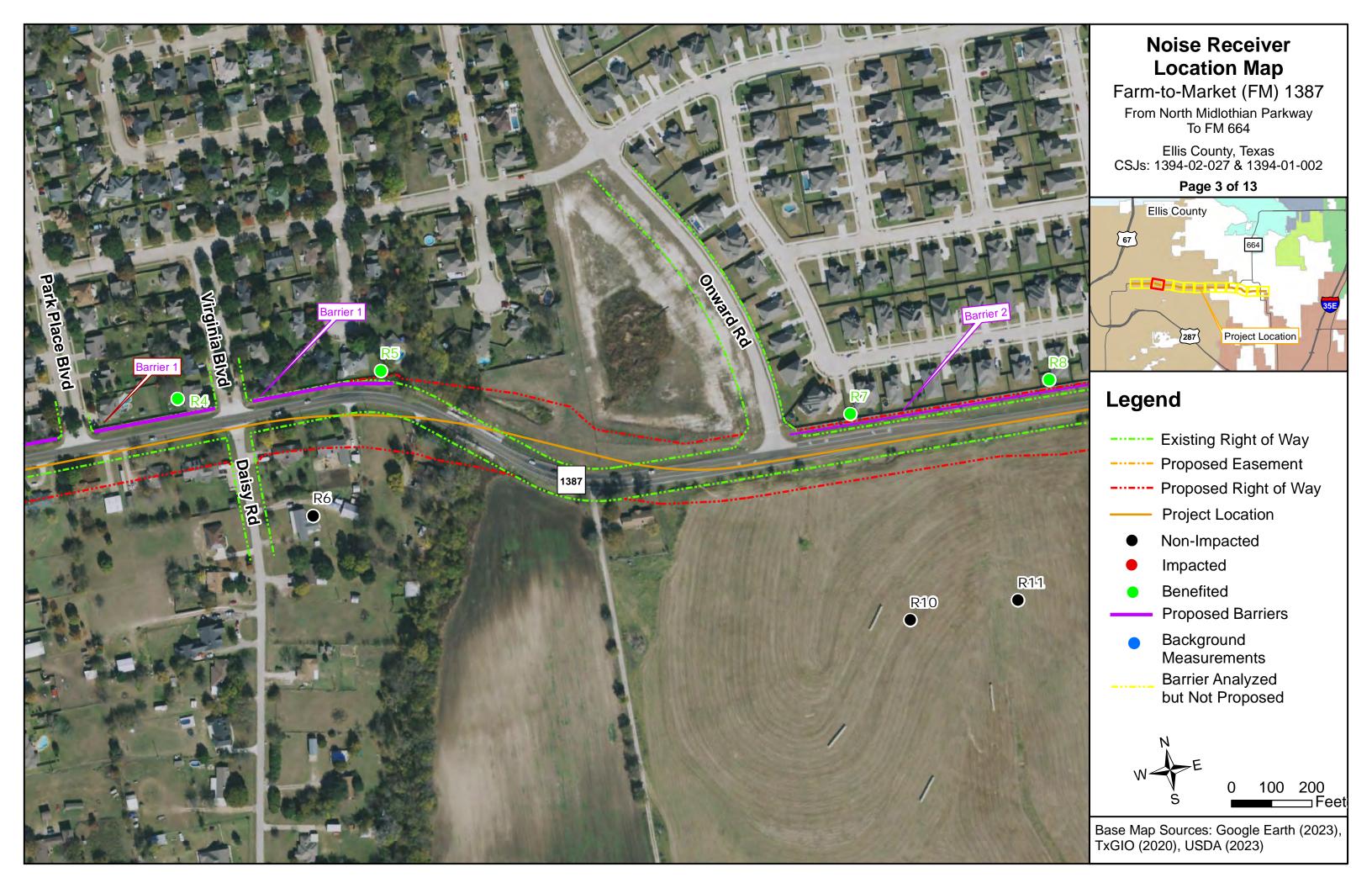
Ellis County, Texas

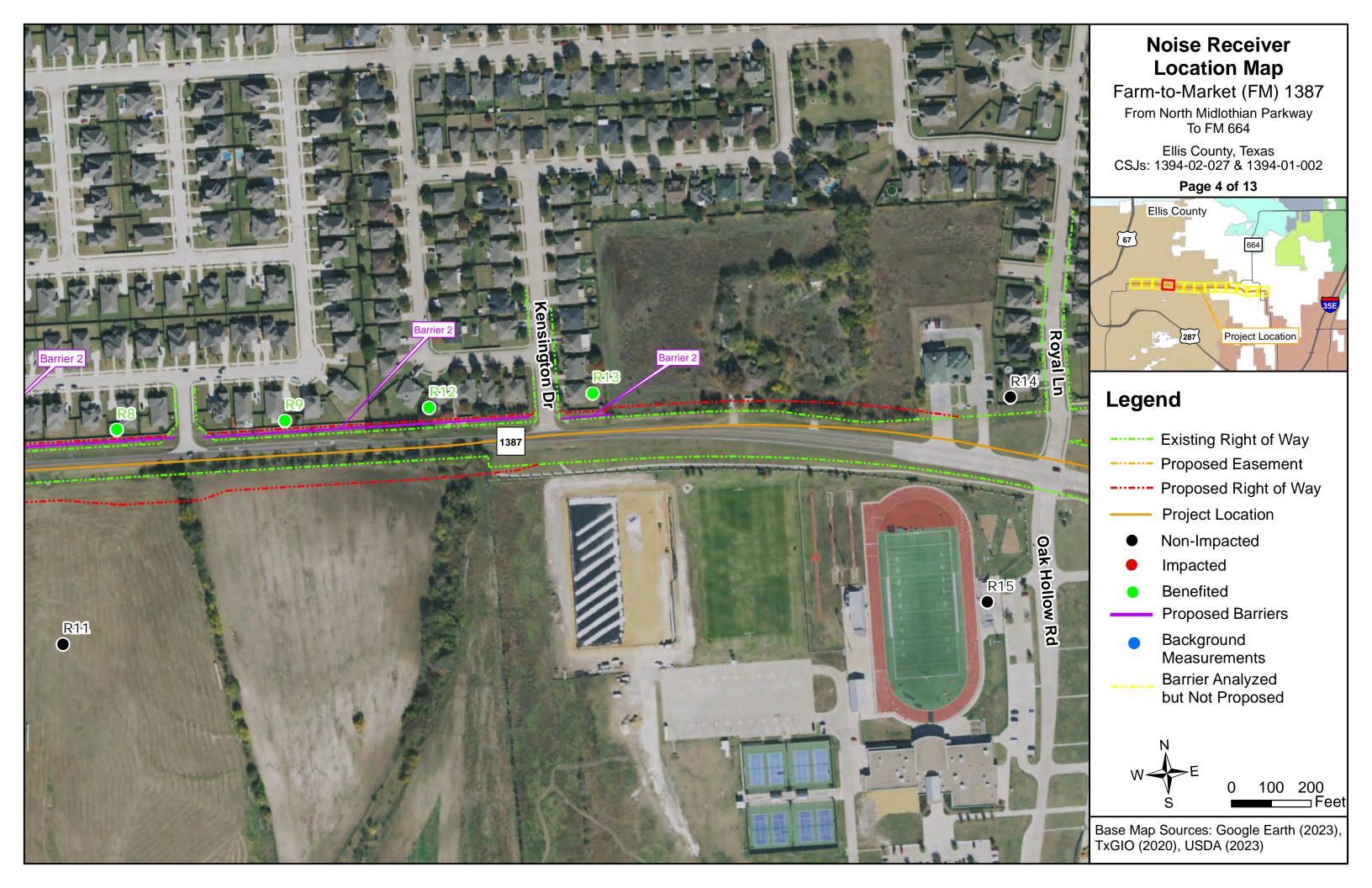
CSJs: 1394-02-027 & 1394-01-002 Page 5 of 6

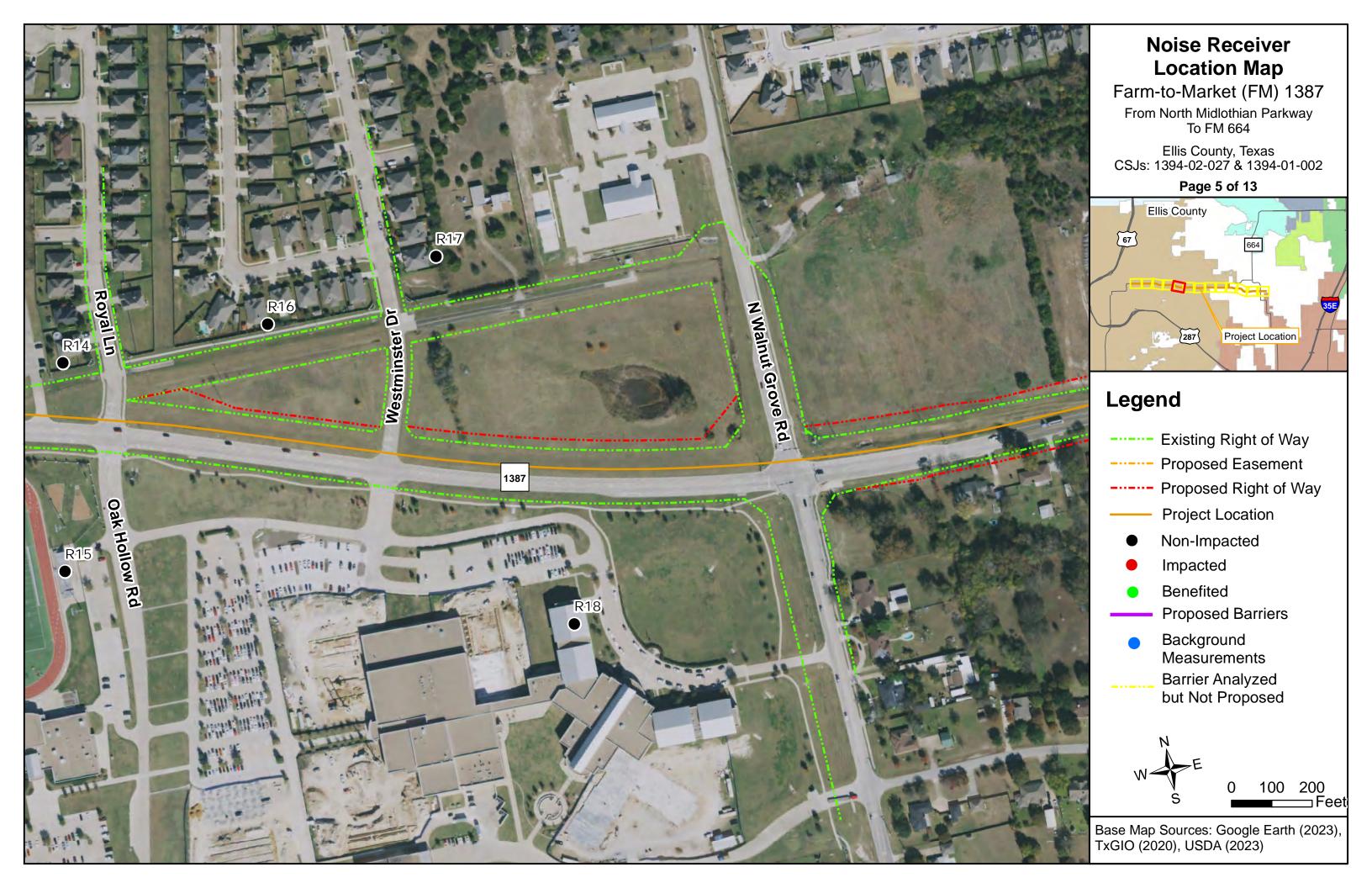


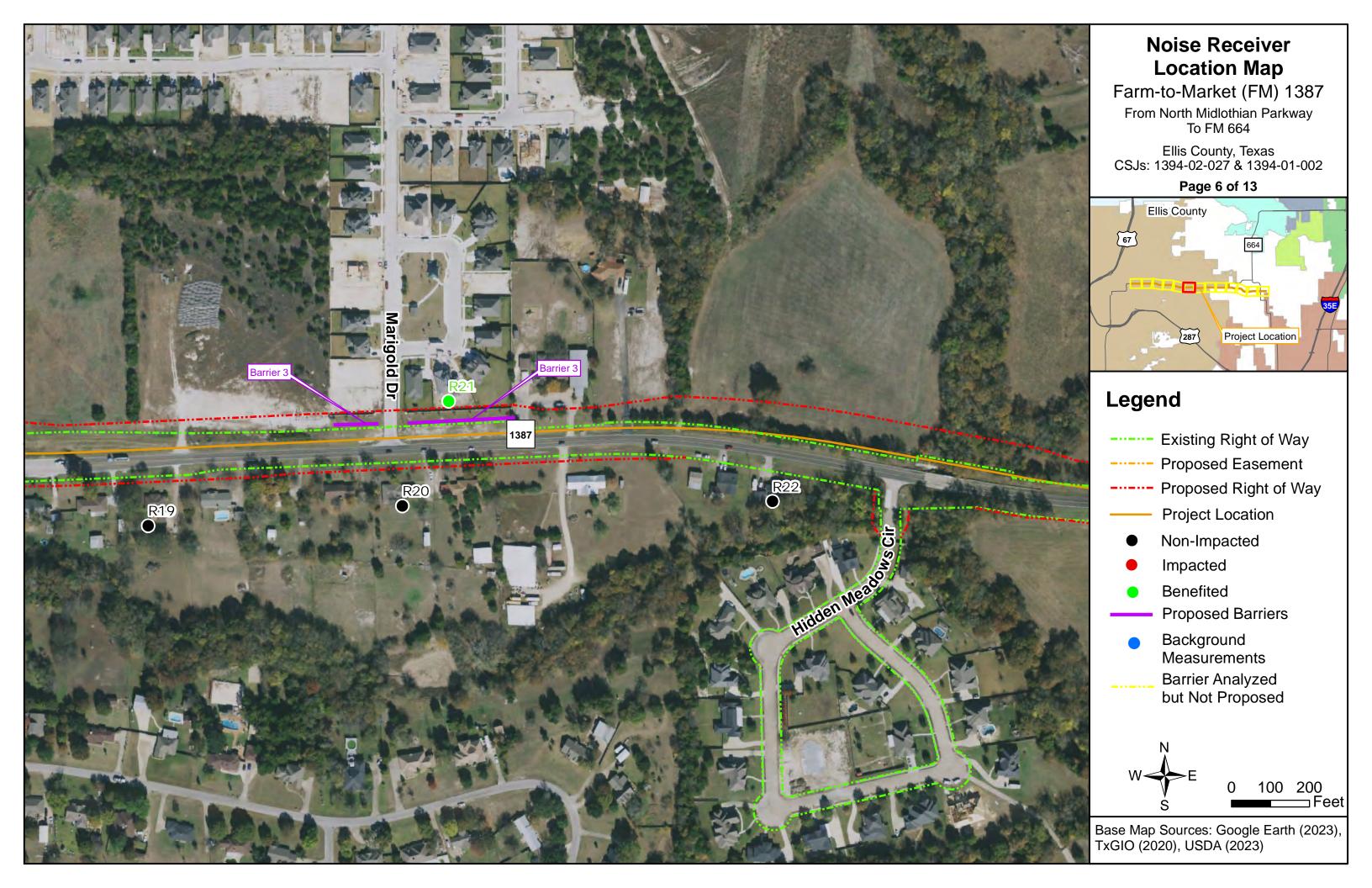


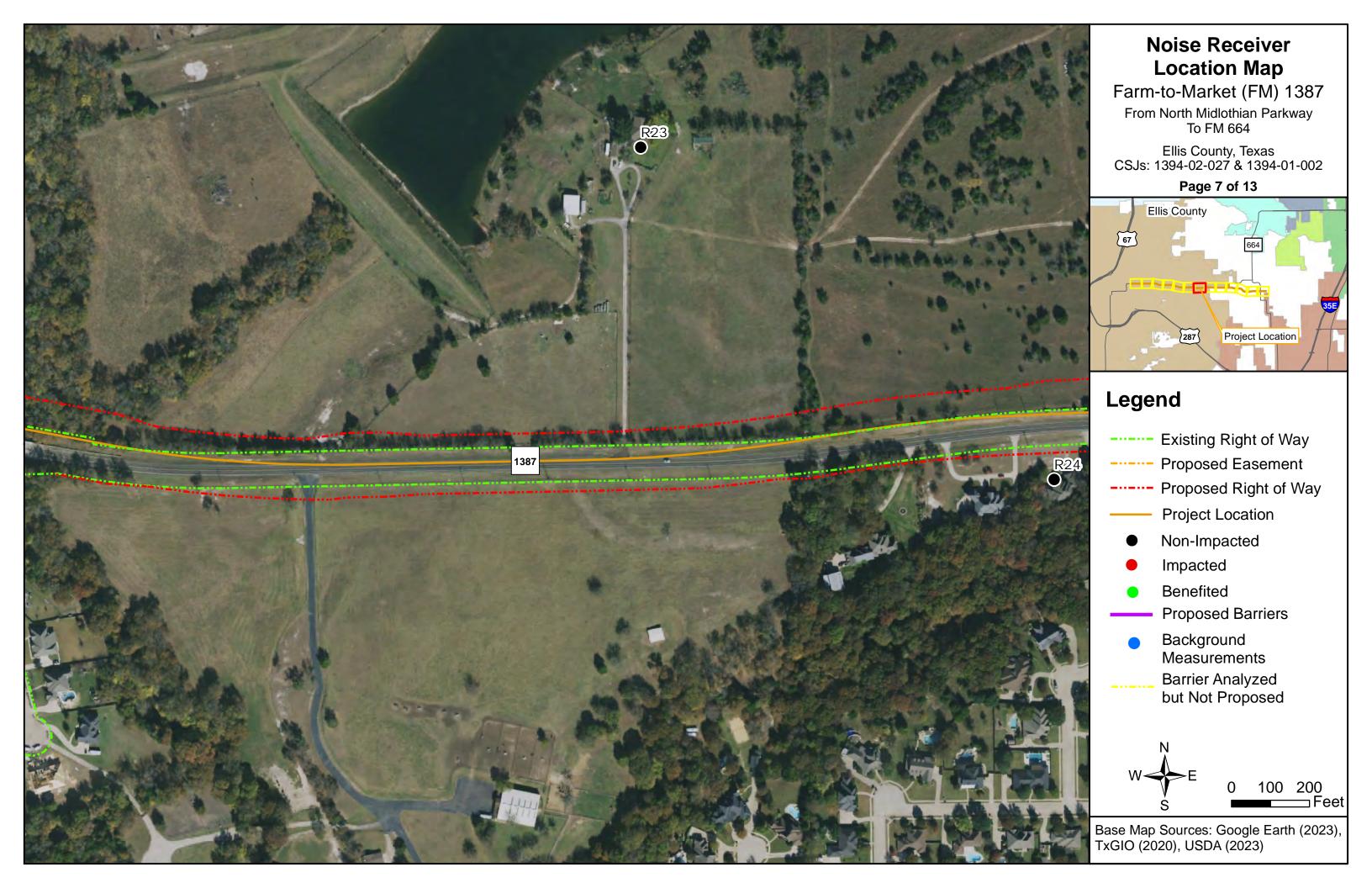


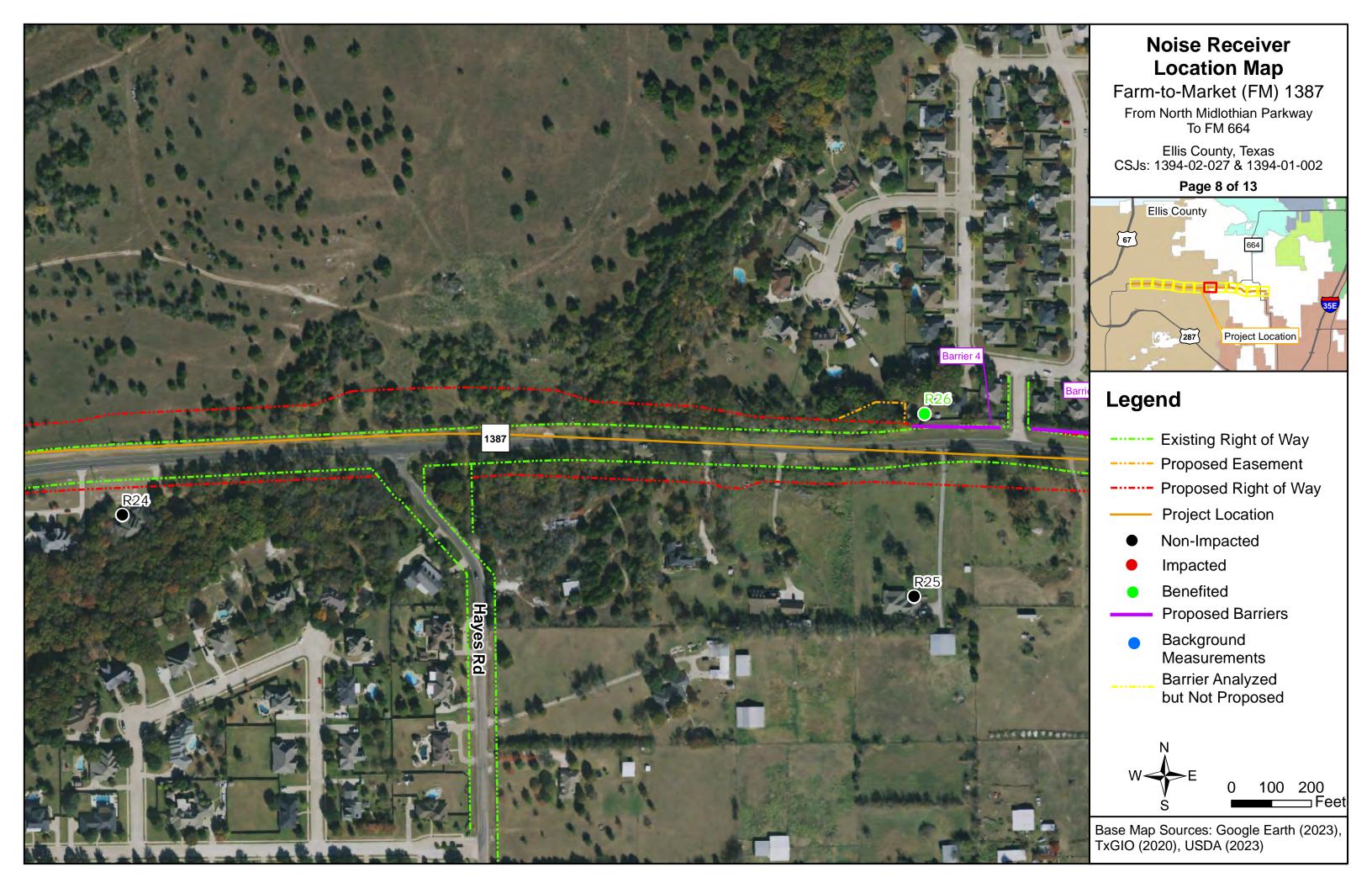


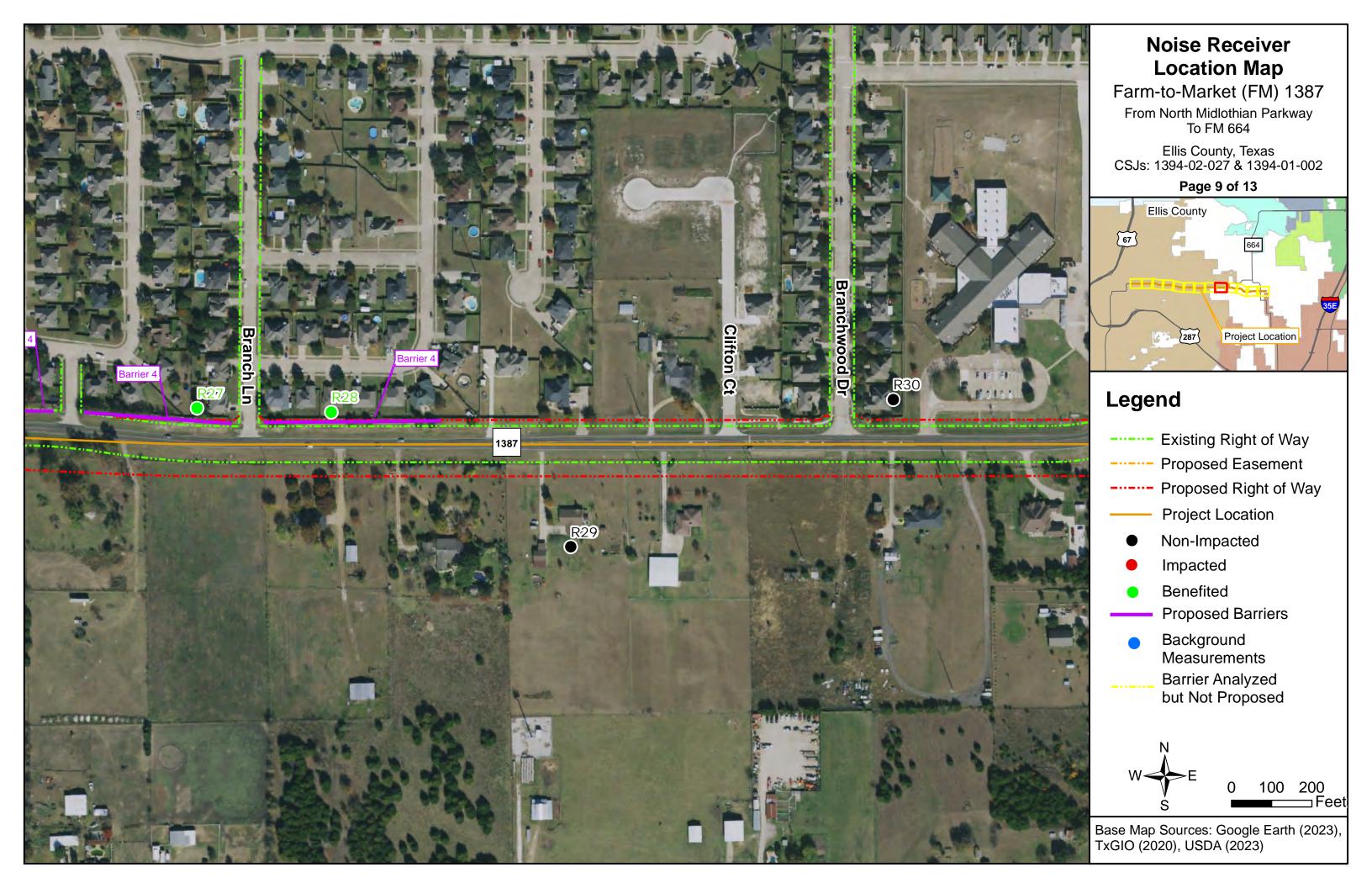


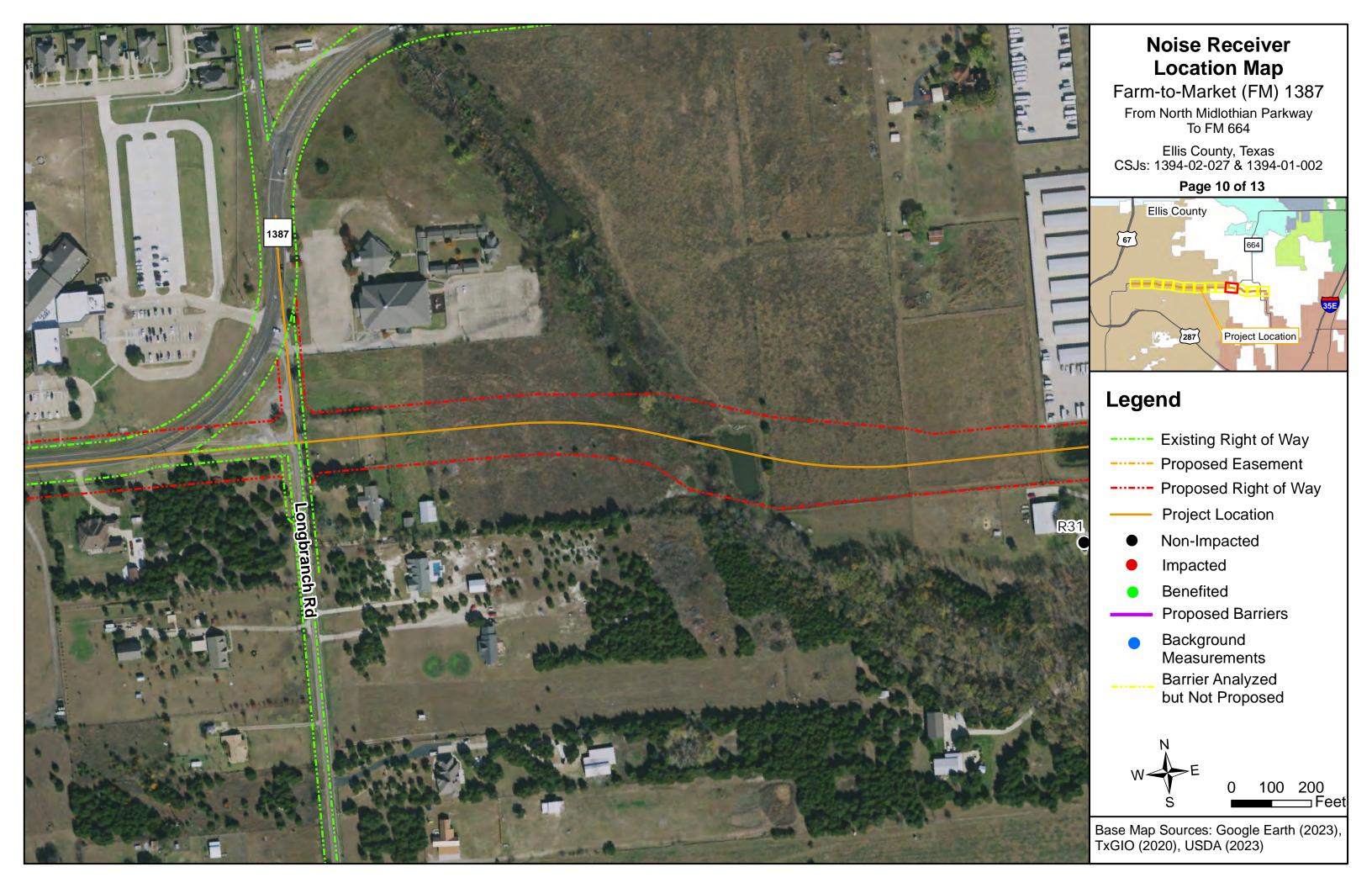


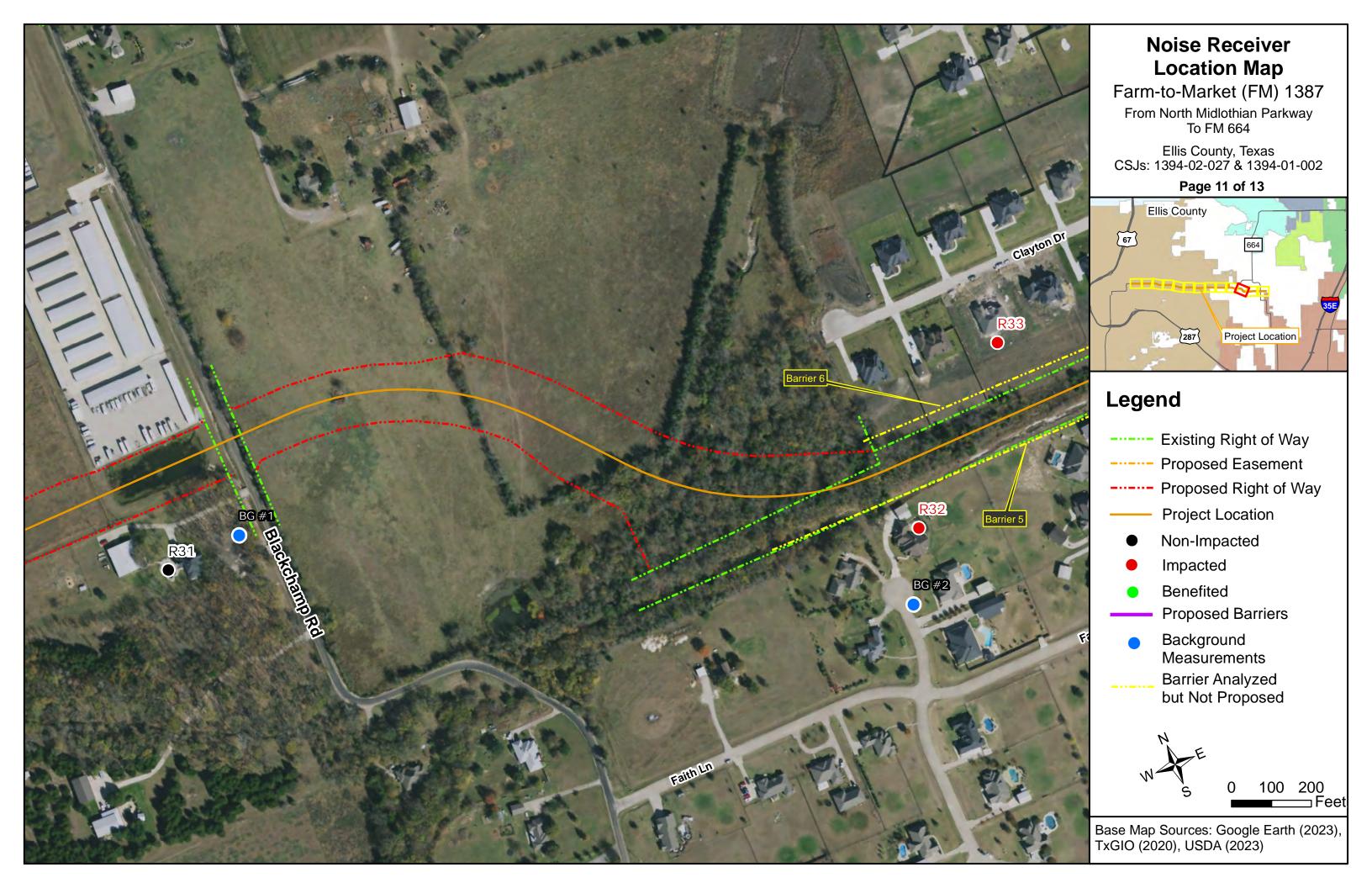


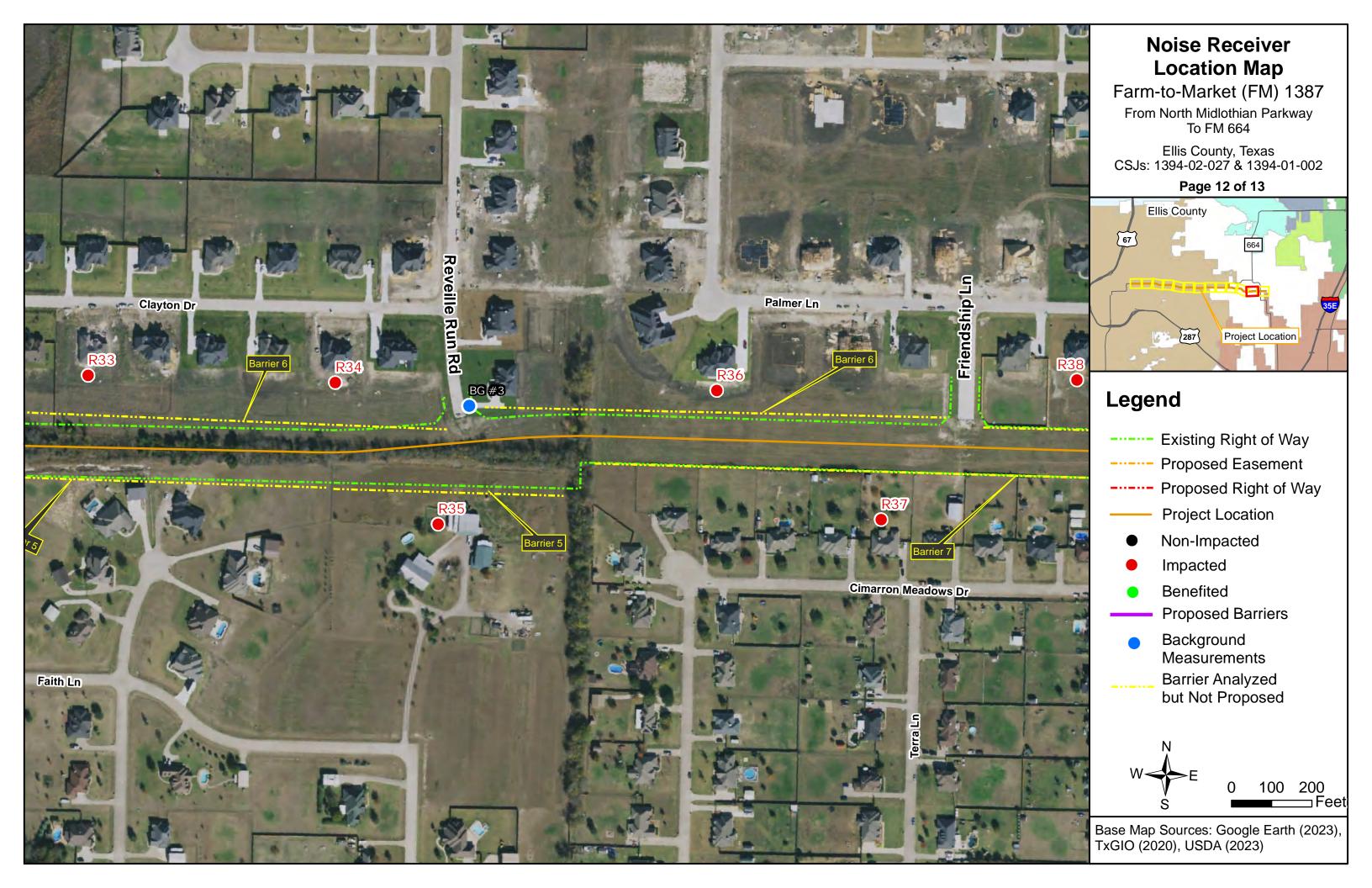


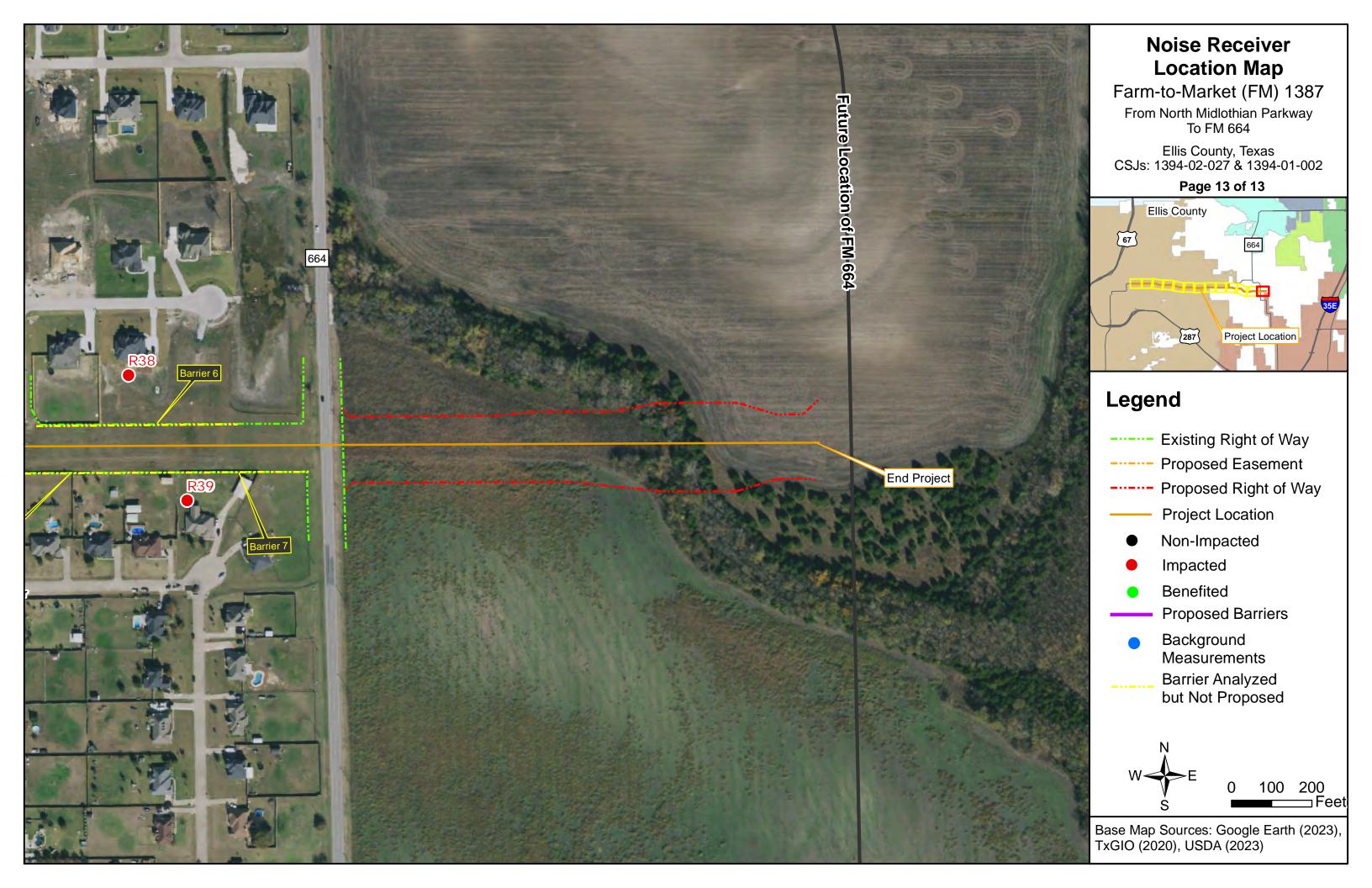


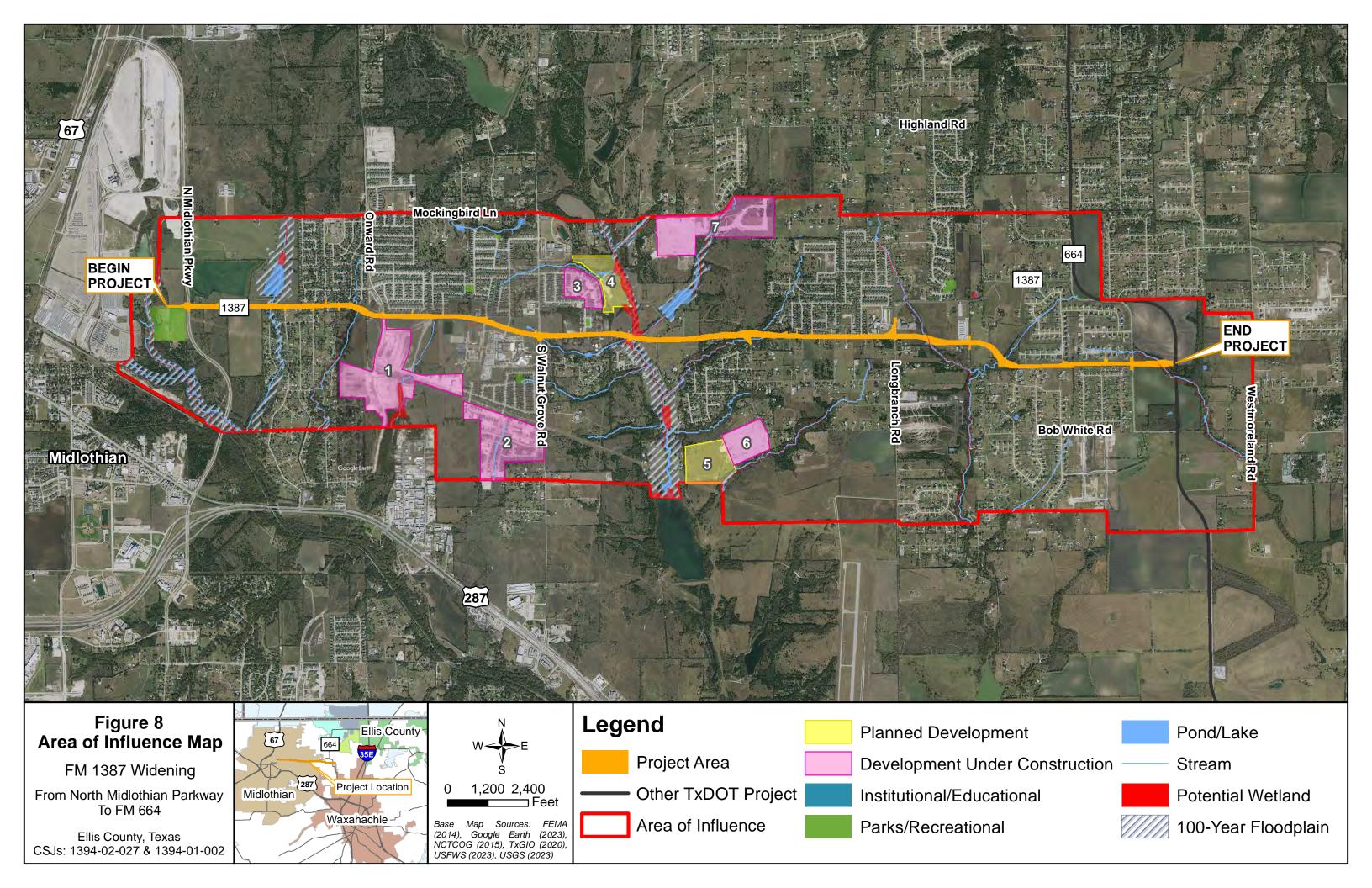


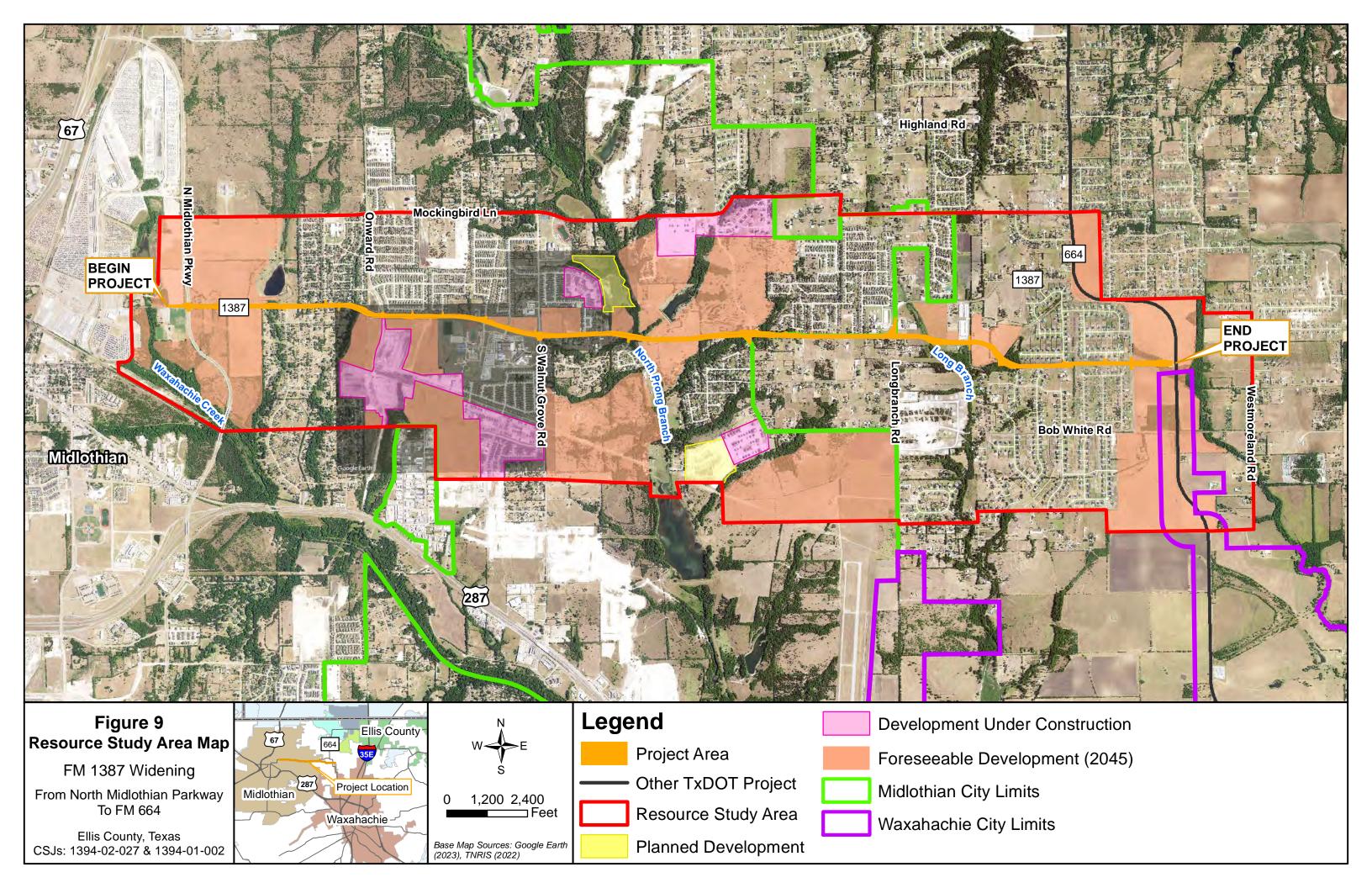












Appendix F – Resource Agency Coordination



MEMO
December 6, 2023

TO: Administrative File From: Renee Benn

District: DAL County: Ellis

CSJ#: 1394-02-027 Highway: FM 1387

Project Limits: From North Midlothian Pkwy to FM 664

Let Date: 2027

Project Summary: Reconstruct, partial realign, and widen from two to four lanes (ultimate six). New ROW

required. No historic properties present.

SUBJECT: Internal review under the Section 106 Programmatic Agreement (Section 106 PA) among

the Texas Department of Transportation, Texas State Historic Preservation Officer, Advisory

Council on Historic Preservation, and Federal Highway Administration; and the

Memorandum of Understanding (MOU) between the Texas Historical Commission and the

Texas Department of Transportation

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.

Project Description

See the attachment from TxDOT's Environmental Compliance Oversight System (ECOS) that describes the project, setting, and amount of right-of-way (ROW) and easements necessary for the project.

Determination of Eligibility:

TxDOT historians reviewed the National Register of Historic Places (NRHP), the list of State Antiquities Landmarks (SAL), the list of Recorded Texas Historic Landmarks (RTHL), and TxDOT files and found no historically significant resources previously documented within the area of potential effects (APE). The TxDOT Section 106 Programmatic Agreement defines the APE for this project as 150' and 300' from the existing and proposed ROW.

Based on the historic resources survey report (HRSR), TxDOT determined there are 34 historic-age (built prior to 1982) properties in the APE. Property types include domestic and agricultural, dating from c. 1950 to the late 1970s and early 1980s (majority of properties built later). TxDOT historians determined that the properties are common designs that lack architectural merit, are not works of a master, and have no known historic associations with important events or persons, and are therefore not eligible for NRHP listing under Criterion A, B, or C.

Consultation:

TxDOT historians emailed the Ellis CHC and provided a copy of the draft HRSR in early November 2023. To date, Ellis CHC did not respond.

Therefore, pursuant to Stipulation IX, Appendix 6 "Undertakings with the Potential to Cause Effects per 36 CFR 800.16(i)" of the Section 106 PA and the MOU, TxDOT historians determined that there are no historic, non-archeological properties in the APE. In compliance with the Antiquities Code of Texas and the MOU, TxDOT historians determined project activities have no potential for adverse effects. Individual project coordination with SHPO is not required.

Project description from ECOS:

ypical Depth of Impacts:	2.5 (Feet)	Maximum Depth of Impacts:	15 (Feet)	
ew ROW Required:	60 (Acres		(Feet)	
•	(veres			
ew Perm. Easement Required:	0.14 (Acres	New Temp. Easement Required:	0	(Acres)
Project Description				
Describe Limits of All Activities	: (3391 characters left) Spel			
Midlothian Parkway to FM of the first segment of the palong both sides of the eintersection of FM 1387 at	664 for approximately 5.8 m: project will require the acc xisting FM 1387. The second t Longbranch Road to FM 664 posed project would require	realigning, and widening of F les in Ellis County, Texas, puisition of approximately 28 segment is on a new location The new location section wou a total of approximately 61 a	acres of ROW from the (ld require 32	
			~	
Describe Project Setting			~	
and undeveloped land. The	re are various traffic gener	oly suburban area with residen ating establishments along FM ry School, and Longbranch Comm	1 1387 such as	

Describe Existing Facility:

The existing FM 1387 consists of two undivided 12-foot-wide rural lanes with 2-foot shoulders on both sides, as well as turn lanes at various locations along the existing roadway. The existing ROW width varies between 80 to 100 feet throughout the project corridor. The existing drainage flows into open ditches on both sides of the road. There are permanent utility easements along the roadway. There is one bridge located over North Prong Creek.

Describe Proposed Facility:

Spell

The proposed project would include the expansion of the current two-lane roadway to an interim four-lane roadway (ultimate six-lane roadway). The proposed improvements consist of 11-foot to 12-foot-wide travel lanes depending on ROW restrictions with a 10-foot-wide shared-use path on the westbound direction and a five-foot-wide sidewalk in the eastbound direction with a variable raised median. The project would also include turn-lanes and intersection improvements at side and cross streets. The project passes through the eastern portion of the City of Midlothian and Ellis County, Texas.

The portion east of Longbranch Road would be realigned. The new alignment would begin at the intersection of FM 1387 and Longbranch Road and would extend to approximately 1,240 feet (0.2 mile) east of the existing FM 1387 and FM 664 intersection.

The proposed improvements include reconstruction of a bridge that spans across North Prong Creek. For a length of approximately 210 feet, the bridge would consist of 12-foot-wide lanes (two in each direction for the interim phase and three in each direction for the ultimate phase) with an overall width of 122 feet. Safety guard rails would also be proposed along the bridge structure. A maximum depth of impact at the bridge section would be approximately 15 feet for proposed bridge columns.

The proposed project would add capacity and have a proposed design speed of 40 mph. The typical proposed ROW would be approximately 140 feet wide, with the minimum and maximum ROW width ranging from 120 feet to 330 feet. Within the proposed project, drainage will be conveyed into a storm sewer system with crossing culverts.

From: noreply@thc.state.tx.us

Sent: Thursday, February 22, 2024 12:39 PM **To:** Scott Pletka; reviews@thc.state.tx.us

Subject: 139402027 FM 1397

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 and/or the Antiquities Code of Texas

THC Tracking #202406131

Date: 02/22/2024

139402027 FM 1397 (Permit 31382)

FM 1397 at FM 664 Midlothian,TX 76065

Description: TxDOT proposes to widen FM 1397. The submitted report is the draft archeological survey report for accessible portions of the APE.

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 Brad Jones, 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.
- Thank you for submitting this final report. To facilitate review and make project information and final reports available through the Texas Archeological Sites Atlas, we appreciate submission of abstracts and shapefiles through eTRAC via their corresponding tabs, if this has not already occurred. Please note that these steps are required for projects conducted under a Texas Antiquities Permit. For questions on how to submit these please visit our video training series at: https://www.youtube.com/playlist?list=PLONbbv2pt4cog5t6mCqZVaEAx3d0MkgQC
- 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.

We have the following comments: THC concurs with TxDOT's recommendations that the 23.84 acre APE described in the report has been adequately evaluated and no further coordination with our office is required. We further concur that the two newly recorded archeological sites - 41EL304 & 41EL305 - are not eligible for the NRHP or as SALs. Prior to construction, the remaining 23.7 acres of unsurveyed project area will need to be evaluated.

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: brad.jones@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 Edward G. Lengel, Ph.D State Historic Preservation Officer

Please do not respond to this email.

From: <u>Laserfiche Notification</u>
To: <u>Kevin Hanselka</u>

Subject: Section 106 Consultation - CSJ 1934-02-027

Date: Tuesday, February 13, 2024 1:22:03 PM

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 email is in response to CSJ 1934-02-027. The project is out of the Shawnee Tribe's area of interest. If you have any questions, you may contact me via email at Section106@shawnee-tribe.com.

Thank you for giving us the opportunity to comment on this project.

Sincerely,



COMANCHE NATION



Texas Department of Transportation Attn: Mr. Kevin Hanselka 118 E. Riverside Texas 78704

February 16, 2024

Re: TXDOT Sec. 106 Consultation Request – CSJ-1934-02-027, FM 1387, From Midlothian parkway, to FM 664, Ellis County, Dallas District

Dear Mr. Hanselka:

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) 492-1153) 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 From: Jonathan Rohrer <noreply@jotform.com>

Sent: Friday, February 16, 2024 1:53 PM

To: Kevin Hanselka

Subject: Widen Non-Freeway. Ellis County, Dallas District - CSJ: 1394-02-027

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.

Kevin

Thank you for your request for consultation, received on 02-16-2024. The Caddo Nation appreciates your willingness to conduct proper consultation, pursuant to Section 106 of the National Historic Preservation Act.

Upon review of the project and location I have determined that it does not affect known cultural, traditional or sacred sites of interest to the Caddo Nation. As such, the Caddo Nation has no objection to the project at this time. However, in the event that an inadvertent discovery of potentially relevant cultural sites, funerary objects, or human remains occurs, we request that the project be immediately halted and the proper authorities be contacted. Additionally, The Caddo Nation would need to be notified of an inadvertent discovery with 24 hours.

Should you have any question or concerns regarding this response please feel free to contact our office.

Best regards,

Jonathan

Jonathan M. Rohrer

Tribal Historic Preservation Officer



Caddo Nation

P.O. Box 487 Binger, OK 73009 t: (405)656-0970 Ext. 2070 e: jrohrer@mycaddonation.com

www.mycaddonation.com





United States Department of the Interior



FISH AND WILDLIFE SERVICE

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

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

In Reply Refer To: 05/29/2024 15:45:49 UTC

Project Code: 2023-0114319 Project Name: FM 1387

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

location or may be affected by your proposed project

To Whom It May Concern:

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

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

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

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

Project code: 2023-0114319

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

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

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

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

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

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

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

Attachment(s):

Project code: 2023-0114319

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

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

This species list is provided by:

Project code: 2023-0114319 05/29/2024 15:45:49 UTC

Arlington Ecological Services Field Office

501 West Felix Street Suite 1105 Fort Worth, TX 76115-3410 (817) 277-1100

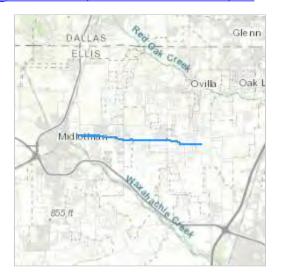
PROJECT SUMMARY

Project Code: 2023-0114319 Project Name: FM 1387

Project Type: Road/Hwy - Maintenance/Modification Project Description: Realignment and expansion of FM 1387

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@32.4859582,-96.92232751359828,14z



Counties: Ellis County, Texas

ENDANGERED SPECIES ACT SPECIES

Project code: 2023-0114319

There is a total of 8 threatened, endangered, or candidate species on this species list.

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

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

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

1. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Project code: 2023-0114319 05/29/2024 15:45:49 UTC

MAMMALS

NAME STATUS

Tricolored Bat Perimyotis subflavus

Proposed Endangered

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515

BIRDS

NAME STATUS

Piping Plover Charadrius melodus

Threatened

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

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

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

Wind Energy Projects

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

Rufa Red Knot Calidris canutus rufa

Threatened

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

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

Wind Energy Projects

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

Whooping Crane Grus americana

Endangered

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

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

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

REPTILES

NAME STATUS

Alligator Snapping Turtle *Macrochelys temminckii*

No critical habitat has been designated for this species.

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

Proposed

Threatened

CLAMS

NAME STATUS

Texas Fawnsfoot Truncilla macrodon

Proposed

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

habitat.

Threatened

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

Texas Heelsplitter *Potamilus amphichaenus*

Proposed Endangered

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

habitat.

Species profile: https://ecos.fws.gov/ecp/species/299

Project code: 2023-0114319 05/29/2024 15:45:49 UTC

INSECTS

NAME STATUS

Monarch Butterfly Danaus plexippus

Candidate

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

CRITICAL HABITATS

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

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

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

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

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to <u>Bald Eagle Nesting and Sensitivity to Human Activity</u>

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME BREEDING SEASON

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

https://ecos.fws.gov/ecp/species/1626

Breeds Sep 1 to Jul 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (

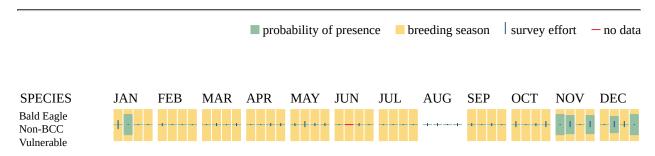
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (-)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

MIGRATORY BIRDS

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

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

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

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere

BREEDING

Project code: 2023-0114319

BREEDING NAME **SEASON** Little Blue Heron *Egretta caerulea* Breeds Mar 10 This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions to Oct 15 (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9477 Breeds Feb 1 to Prairie Loggerhead Shrike *Lanius ludovicianus excubitorides*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Jul 31

https://ecos.fws.gov/ecp/species/8833

Red-headed Woodpecker *Melanerpes erythrocephalus*

Breeds May 10

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

to Sep 10

https://ecos.fws.gov/ecp/species/9398

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (**•**)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

probability of presence breeding season survey effort — no data SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

WETLANDS

Project code: 2023-0114319

Red-headed Woodpecker BCC Rangewide (CON)

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of Engineers District</u>.

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

RIVERINE

- R5UBH
- R4SBC

Project code: 2023-0114319 05/29/2024 15:45:49 UTC

FRESHWATER FORESTED/SHRUB WETLAND

■ PFO1C

Project code: 2023-0114319 05/29/2024 15:45:49 UTC

IPAC USER CONTACT INFORMATION

Agency: Bartlett and West Name: Christopher Davis

Address: 9330 Lyndon B Johnson Fwy

Address Line 2: 1150 City: Dallas State: TX Zip: 75243

Email chris.davis@bartwest.com

Phone: 2147035151

From: <u>Adelina Munoz</u>

To: <u>WHAB_TxDOT@tpwd.texas.gov</u>

Cc: Dan Perge; Lauren Young; Mohammed Shaikh; Michelle Lueck; Leslie Mirise

Subject: 1394-02-027, 1394-01-002 FM 1387 Widening; Request for Initial Collaborative Review Phase for this EA Project

Date: Wednesday, May 29, 2024 11:29:29 AM

Attachments: <u>image001.png</u>

Hello,

TxDOT requests initial collaborative review for 1394-02-027, 1394-01-002 FM 1387 Widening in Ellis County, Texas. Please see ECOS WPD I screen in ECOS for the project description.

The following file names for relevant documents are available in ECOS:

- 1. APPROVED_01 1394-02-027_FM 1387_Species_Analysis_Spreadsheet 2-7-24.pdf
- 2. APPROVED_02 1394-02-027_FM 1387 Species Analysis Form 12-4-23.docx
- 3. APPROVED_03 1394-02-027_FM 1387 BMP Form 2-7-24.docx
- 4. 04 FM_1387_PLM 11-29-23.pdf
- 5. 05 FM_1387_Topo 9-18-23.pdf
- 6. 06 FM 1387 Aerial 9-6-23.pdf
- 7. 07 FM 1387 USFWS IPaC Accessed 1-2-24.pdf
- 8. 08 FM 1387 Ellis County RTEST Accessed 1-2-24.pdf
- 9. 09 APPROVED 13 1394-02-027 FM 1387 NDD Map and EO Report
- 10. 10 APPROVED_13 1394-02-027 FM 1387 EMST Map 11-30-23.pdf
- 11. APPROVED_11a 1394-02-027 FM 1387 Observed Vegetation Map 12-5-23.pdf 12 FM 1387 Vegetation Table 11-30-23.xlsx
- 12. APPROVED_13 1394-02-027_FM 1387 Veg Photos 1-2-24.pdf
- 13. 13b FM 1387 Photo Key Map 12-5-23.pdf
- 14. 14 FM 1387 Prime Soils Report.pdf
- 15. 15 FM 1387 Urban Areas Map.pdf
- 16. APPROVED_1394-02-027, ETC FM 1387 revised Surface Water Analysis Form 01.2024.docx
- 17. APPROVED_1394-02-027, ETC FM 1387 revised Water Features Delineation Report 01.2024.pdf
- 18. APPROVED_1394-02-027, ETC FM 1387 Section 404-10 Impacts Table 01.2024.xlsx

These documents, along with other project-related information, are available in ECOS under the CSJ 1394-02-027. Just as general timeline information, the DEA is expected to be published in mid-June. Please feel free to contact me with any questions or if additional information is needed. Thank you,

ADELINA MUÑOZ

Environmental Specialist
Dallas Environmental
Texas Department of Transportation
4777 E. Highway 80
Mesquite, TX 75150-6643

Office: 214-320-6140 | Adelina.Munoz@txdot.gov

TxDOT.gov | Texas Highways Magazine | Get Involved



Out of office: May 24 and 28.



FormDocumentation of Texas Parks and Wildlife Department Best Management Practices

Pro	oject Name: FM 1387 Widening						
cs	J(s): 1394-02-027 & 1394-01-002						
Co	unty(ies): Ellis						
Dat	te Form Completed: 12/21/2023						
Pre	epared by: Austin Gibson						
in t	ormation on state-listed species, SGCN, water resources, and other natural resources can be found the ECOS documents tab under the filenames specified in the e-mail sent to HAB_TXDOT@tpwd.texas.gov.						
1.	. Does the project impact any state parks, wildlife management areas, wildlife refuges, or other designated protected areas?						
	⊠ No						
	☐ Yes						
	<if describe="" yes,=""></if>						
2.	Does TxDOT need TPWD assistance in identifying and locating Section 404 mitigation opportunities for this project?						
	No / N/A / Not yet determined						
	☐ Yes						
	<if describe="" yes,=""></if>						
3.	Is there a species or resource challenge that TPWD can assist with additional guidance? If so, describe below:						
	No assistance requested at this time.						



4. List all BMP that will be applied to this project per the document *Beneficial Management Practices:*Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources.

*Note, these are BMP that TxDOT commits to implement at the time this form is completed. This list may change prior to or during construction based on changes to project impacts, design, etc.

BMP to be Implemented:

Aquatic Amphibian and Reptile BMPs:

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species:
 - o Black-spotted newt (Notophthalmus meridionalis)
 - o Cascade Caverns salamander (Eurycea latitans)
 - o Texas salamander (Eurycea neotenes)
 - o Brazos water snake (Nerodia harteri)
 - o Concho water snake (Nerodia paucimaculata)
- For projects within existing right-of-way (ROW) when work is in water or will permanently impact a water feature and potential habitat exists for the target species complete the following:
 - o Minimize impacts to wetlands, temporary and permanent open water features, including depressions, and riverine habitats.
 - o Maintain the existing hydrologic regime and any connections between wetlands and other aquatic features.
 - o Use barrier fencing to direct animal movements away from construction activities and areas of potential wildlife-vehicle collisions in construction areas directly adjacent, or that may directly impact, potential habitat for the target species.
 - o Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas. If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
 - o Project specific locations (PSLs) proposed within state-owned ROW should be located in uplands away from aquatic features.
 - o When work is directly adjacent to the water, minimize impacts to shoreline basking sites (e.g., downed trees, sand bars, exposed bedrock) and refugia/overwinter sites (e.g., brush and debris piles, crayfish burrows, aquatic logjams, and leaf packs).
 - o If gutters and curbs are part of the roadway design, install gutters that do not include the side box inlet and include sloped (i.e., mountable) curbs to allow small animals to leave roadway. If this modification to the entire curb system is not possible, install sections of sloped curb on either side of the storm water drain for several feet to allow small animals to leave the roadway. Priority areas for these design recommendations are those with nearby wetlands or other aquatic features.
- For projects that require acquisition of additional ROW and work within that new ROW is in water or will permanently impact a water feature, implement BMP for projects within existing ROW above plus those below:
 - o For sections of roadway adjacent to wetlands or other aquatic features, install wildlife barriers that prevent climbing. Barriers should terminate at culvert openings in order to funnel animals under the road. The barriers should be of the same length as the adjacent feature or 80 feet long in each direction, or whichever is the lesser of the two.



o For culvert extensions and culvert replacement/installation, incorporate measures to funnel animals toward culverts such as concrete wingwalls and barrier walls with overhangs. o When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of terrestrial or aquatic wildlife through the water feature. Biotechnical streambank stabilization methods using live native vegetation or a combination of vegetative and structural materials should be used.

Bird BMPs:

The following Bird BMP apply to projects within the range and in suitable habitat for all bird SGCN listed on TPWD's RTEST application. Please note that projects within the range and in suitable habitat for the bald eagle (Haliaeetus leucocephalus) are required to comply with the Bald and Golden Eagle Protection Act. In addition to complying with the Migratory Bird Treaty Act (MBTA) and Chapter 64 of the Parks and Wildlife Code (PWC) regarding nongame bird protections, perform the following BMP:

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

Insect Pollinator BMPs:

- Mowing should only be applied to 30% or less of a site in a given year when practical. In general, mowing is inadequate for management of native insect pollinator habitat in the long term, except to remove annual non-native plants during establishment (i.e., high-mowing before they flower) or to facilitate a light disking. When conducted it should be done post bloom or when host plants have gone dormant for the growing season. This can also be done by leaving strips of habitat farthest from road or highway corridors un-mowed when practical.
- If mowing is required during period of active bloom or high pollinator activity it should be implemented during the heat of the day and with a high mower deck to allow for pollinators to escape and to give late season blooming species a chance to recover and bloom.
- Deep soil disturbances, such as, tilling or deep disking in areas that host aggregations of ground-nesting bees should be avoided. Tilling and disking also may promote the invasion or germination of non-native plants. Different species of native ground-nesting bees prefer different soil conditions,



although research suggests that many ground nesting bees prefer sandy, loamy sand or sandy loam soils. In areas with these soil types consider leaving open patches of soil.

- Allow dead trees to stand (so long as they do not pose a risk to property or people) and protect shrubs and herbaceous plants with pithy or hollow stems (e.g., cane fruits, sumac, elderberry), as these provide nesting habitat for tunnel-nesting native bees.
- Retain dead or dying branches whenever it is safe and practical at the edges of the ROW. Woodboring beetle larvae often fill dead trees and branches with narrow tunnels into which tunnelnesting bees will establish nests. Additionally, bumble bees may choose to nest in wood piles.
- Retain rotting logs at edges of the ROW where some bee species may burrow tunnels in which to nest.
- Protect sloped or well-drained ground sites where plants are sparse and direct access to soil is available. These are the areas where ground-nesting bees may dig nests. Turning the soil destroys all ground nests that are present at that depth and hinders the emergence of bees that are nesting deeper in the ground.
- Protect grassy thickets, or other areas of dense, low cover from mowing or other disturbance. These are the sites where bumble bees might find the nest cavities they need, as well as annual and perennial wildflowers that can provide important food resources.
- Where available and economical, native plants and seed should be procured from local eco-type providers. Seed mixes should be diverse and include as many ecoregion natives as possible ensuring full season floral resources. Species by Texas ecoregion can be found in the Texas Management Recommendations for Native Insect Pollinators in Texas document:

https://tpwd.texas.gov/publications/pwdpubs/media/pwd_bk_w7000_1813.pdf.

- Planting at least three different native flowering plants within each of three blooming periods are recommended (spring, summer, early fall) in high rainfall regions of Texas. In drier regions of the state, a target of three native flowering plants within each of two blooming periods can be used.
- In areas along the I-35 corridor of central Texas consider increasing fall blooming nectar resources as this is a critical time period of monarch butterflies (Danaus plexippus) and nesting bees and has been identified as a critical need for these species in Texas.
- Habitat enhancements for native pollinators should include at least one native bunchgrass adapted to the site.
- Utilize an Integrated Pest Management Strategy (IPM) strategy for controlling weedy or invasive plants by minimizing broad use of certain herbicides and surfactants in close proximity to intact habitats utilized by native pollinators. Reduce application timing to periods of low pollinator activity and not during peak bloom season.

Freshwater Mussel BMPs:

The following Freshwater Mussel BMP apply to projects within the range and in suitable habitat for mussel SGCN found below and that are also listed on TPWD's RTEST online application.

- In addition to Water Quality and Stream Crossing BMP, follow the most recent, "TPWD-TxDOT Annual Work Plan for Pre-Construction Surveys, Aquatic Resources Relocations, and Other Best Management Practices to Avoid, Minimize, and Mitigate Impacts to Freshwater Resources."
- When work is adjacent to the water: Water Quality BMP implemented as part of the Texas Commission on Environmental Quality (TCEQ) Stormwater Pollution Prevention Plan (SWPPP) for a construction general permit or any conditions of the 401 Water Quality Certification for the project will be implemented. (Note: SWPPP and 401 BMP are not listed in this document).

General Design and Construction BMPs:

• Employees and contractors will be provided information prior to start of construction to educate personnel of the potential for all state-listed threatened species or other SGCN to occur within the



project area and should be advised of relevant rules and regulations to protect plants, fish, and wildlife.

- Contractors will be informed to avoid harming all wildlife species if encountered and allow them to safely leave the project site. Due diligence should be used to avoid killing or harming any wildlife species in the implementation of transportation projects.
- Direct animals away from the construction area with the judicious use and placement of sediment control fencing to exclude wildlife. Exclusion fence should be buried at least 6 inches and be at least 24 inches high, maintained for the life of the project, and removed after construction is completed. Contractors should examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities.
- Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.
- If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
- Project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.
- When lighting is added, consider wildlife impacts from light pollution and incorporating dark-sky practices into design strategies. Minimize sky glow by focusing light downward, with full cutoff luminaries to avoid light emitting above the horizontal. The minimum amount of night-time lighting needed for safety and security should be used.

Stream Crossing BMPs:

- Use spanning bridges rather than culverts.
- If using a culvert, staggered culverts that concentrate low flows but provide conveyance of higher flows through staggered culverts placed at higher elevations is recommended.
- Bottomless culverts are recommended to allow for fish and other aquatic wildlife passage in the low flow channel. If bottomless culverts are not used, making a low flow channel for fish passage is recommended.
- Avoid placing riprap across stream channels and instead use alternative stabilization such as biotechnical stream bank stabilization methods including live native vegetation or a combination of vegetative and structural materials. When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation.
- Incorporate bat-friendly design into bridges and culverts.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.
- A span wide enough to cross the stream and allow for dry ground and a natural surface path under the roadway is encouraged. For culverts, incorporation of an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife is recommended.
- Riparian buffer zones should remain undisturbed.

Terrestrial Amphibian and Reptile BMPs:



- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species:
 - o Black-spotted newt (Notophthalmus meridionalis)
 - o Brazos water snake (Nerodia harteri)
 - o Concho water snake (Nerodia paucimaculata)
 - o Dunes sagebrush lizard (Sceloporus arenicolus)
 - o Tamaulipan spot-tailed earless lizard (Holbrookia subcaudalis)
- For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Visually inspect excavation areas for trapped wildlife prior to backfilling
- Avoid or minimize disturbing or removing cover objects, such as downed trees, rotting stumps, brush piles, and leaf litter. If avoidance or minimization is not practicable, consider removing cover objects prior to the start of the project and replace them at project completion.
- Examine heavy equipment stored on site before use, particularly after rain events when reptile and amphibian movements occur more often, to ensure use will not harm individuals that might be seeking temporary refuge.
- Due to increased activity (mating) of reptiles and amphibian during the spring, construction activities like clearing or grading should attempt to be scheduled outside of the spring (March-May) season. Also, timing ground disturbing activities before October when reptiles and amphibians become less active and may be using burrows in the project area is also encouraged.
- When designing roads with curbs, consider using Type I or Type III curbs to provide a gentle slope to enable turtles and small animals to get out of roadways.
- If Texas tortoises (Gopherus berlandieri) or box turtles (Terrepene spp.) are present in a project area, they should be removed from the area and relocated between 100 and 200 meters from the project area. After removal of the individuals, the area that will be disturbed during active construction and project specific locations should be fenced off to exclude reentry by turtles, tortoises, and other reptiles. The exclusion fence should be constructed and maintained as follows:
 - o The exclusion fence should be constructed with metal flashing or drift fence material.
 - o Rolled erosion control mesh material should not be used.
 - o The exclusion fence should be buried at least 6 inches deep and be at least 24 inches high.
 - o The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated.
- After project is complete, revegetate disturbed areas with an appropriate locally sourced native seed mix. If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.

Vegetation BMPs:

- Minimize the amount of vegetation cleared. Removal of native vegetation, particularly mature native trees and shrubs should be avoided. Impacted vegetation should be replaced with in-kind onsite replacement/restoration of native vegetation.
- To minimize adverse effects, activities should be planned to preserve mature trees, particularly acorn, nut or berry producing varieties. These types of vegetation have high value to wildlife as food and cover.
- It is strongly recommended that trees greater than 12 inches in diameter at breast height (DBH) that are removed be replaced. TPWD's experience indicates that for ecologically effective replacement, a ratio of three trees for every one (3:1) lost should be provided to either on-site or off-site. Trees less than 12 inches DBH should be replaced at a 1:1 ratio.



- Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species.
- When trees are planted, a maintenance plan that ensures at least an 85 percent survival rate after three years should be developed for the replacement trees.
- The use of any non-native vegetation in landscaping and revegetation is discouraged. Locally adapted native species should be used.
- The use of seed mix that contains seeds from only regional ecotype native species is recommended.

Water Quality BMPs:

In addition to BMP required for a TCEQ Storm Water Pollution Prevention Plan and/or 401 Water Quality Certification:

- Minimize the use of equipment in streams and riparian areas during construction. When possible, equipment access should be from banks, bridge decks, or barges.
- When temporary stream crossings are unavoidable, remove stream crossings once they are no longer needed and stabilize banks and soils around the crossing.
- Wet-Bottomed detention ponds are recommended to benefit wildlife and downstream water quality. Consider potential wildlife-vehicle interactions when siting detention ponds.
- Rubbish found near bridges on TxDOT ROW should be removed and disposed of properly to minimize the risk of pollution. Rubbish does not include brush piles or snags.
- 5. List all TxDOT species protection specifications that will be applied to this project (e.g., Amphibian and Reptile Exclusion Fence, Bat Houses, etc.)

Species protection specifications to be Implemented:

N/A	

(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I (To be completed by Fed	eral Agency)		Date of Land Evaluation Request 4. Sheet 1 of					
1. Name of Project			5. Federal Agency Involved					
2. Type of Project			6. County and State					
PART II (To be completed by NR	CS)		Date Request Received by NRCS			n Completing Form		
3. Does the corridor contain prime, unio (If no, the FPPA does not apply - Do				res No		4. Acres	Irrigated Average	Farm Size
5. Major Crop(s)	Thot complete additiona	6. Farmable Land		nment Jurisdiction		7. Amoun	t of Farmland As D	efined in FPPA
o. Major Grop(o)		Acres:		%		Acres		%
8. Name Of Land Evaluation System U	sed	9. Name of Local	Site Asse			10. Date I	Land Evaluation Re	
PART III (To be completed by Fe	deral Agency)			Alternation				L Carridan D
A. Total Acres To Be Converted Dire	ctly			Corridor A	Corr	idor B	Corridor C	Corridor D
B. Total Acres To Be Converted Indi	-	Services						
C. Total Acres In Corridor	,							
PART IV (To be completed by N	RCS) Land Evaluati	on Information						
A. Total Acres Prime And Unique Fa	armland							
B. Total Acres Statewide And Local								
C. Percentage Of Farmland in Cour		To Be Converted	ı					
D. Percentage Of Farmland in Govt.	·							
PART V (To be completed by NRCS	,		Relative					
value of Farmland to Be Serviced	•	T T						
PART VI (To be completed by Fed Assessment Criteria (These criteria			Maximum Points					
	a are explained in 7	JFK 030.3(c))						
1. Area in Nonurban Use			15					
Perimeter in Nonurban Use Percent Of Corridor Being Far	mod		10 20					
Percent Of Corridor Being Par Protection Provided By State			20					
Size of Present Farm Unit Cor			10					
6. Creation Of Nonfarmable Farr			25					
7. Availablility Of Farm Support S			5					
8. On-Farm Investments	50.1.000		20					
9. Effects Of Conversion On Far	m Support Services		25					
10. Compatibility With Existing Ag	gricultural Use		10					
TOTAL CORRIDOR ASSESSMI	ENT POINTS		160					
PART VII (To be completed by Fe	deral Agency)							
Relative Value Of Farmland (From	Part V)		100					
Total Corridor Assessment (From assessment)	Part VI above or a loca	site	160					
TOTAL POINTS (Total of above	2 lines)		260					
		Janada ta ba						<u> </u>
Corridor Selected:	Total Acres of Farm Converted by Proje	1	. Date Of S	Selection:	4. Was	A Local Sit	e Assessment Use	ed?
					YES	NO		
5. Reason For Selection:		·						
Signature of Person Completing this	Part:					DATE		_
NOTE			Λ1ι :	- 0				
NOTE: Complete a form for ea	acn segment with r	nore than one	Aiternat	e Corridor				

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended? More than 90 percent - 15 points 90 to 20 percent - 14 to 1 point(s) Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use? More than 90 percent - 10 points 90 to 20 percent - 9 to 1 point(s) Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)

90 to 20 percent - 19 to 1 point(s Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)
As large or larger - 10 points

Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points

Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)

Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points

Some required services are available - 4 to 1 point(s)

No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points Moderate amount of on-farm investment - 19 to 1 point(s)

No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area? Substantial reduction in demand for support services if the site is converted - 25 points

Some reduction in demand for support services if the site is converted - 1 to 24 point(s)

No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points

Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)

Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

Jon Niermann, *Chairman*Bobby Janecka, *Commissioner*Catarina R. Gonzales, *Commissioner*Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 4, 2024

Re: Response to Request for TCEQ Environmental Review

The Texas Commission on Environmental Quality (TCEQ) received a request from the Texas Department of Transportation (TxDOT) regarding the following project:

FARM TO MARKET ROAD (FM) 1387 FROM NORTH MIDLOTHIAN PARKWAY TO FM 664, ELLIS COUNTY, TEXAS, CSJS: 1394-02-027, 1394-01-002

In accordance with the Memorandum of Understanding between TxDOT and TCEQ addressing environmental reviews, which is codified in Chapter 43, Subchapter I of the Texas Administrative Code (TAC) and 30 TAC § 7.119, TCEQ is responding to your request for review by providing the below comments.

This project is in an area of Texas classified by the United States Environmental Protection Agency as severe nonattainment for the 2008 ozone National Ambient Air Quality Standard (NAAQS) and serious nonattainment for the 2015 ozone NAAQS. Air Quality staff has reviewed the document in accordance with transportation and general conformity regulations codified in 40 Code of Federal Regulations Part 93. We concur with TxDOT's assessment.

We are in support of the project. The environmental assessment addresses issues related to surface and groundwater quality.

TxDOT will still need to follow all other applicable laws related to this project, including applying for applicable permits.

If you have any questions, please contact the agency NEPA coordinator at (512) 239-0010 or NEPA@tceq.texas.gov

Appendix G – Comment and Response Matrix from the Notice of Availability of Draft EA/Public Hearing

Comment No.	Name	Date Received	Type of Comment	Comment	Response
1	Donnie Lotz	8/22/2024	Comment Form	This has affected my families lives for (2) decades now. This road should stay as it is, straighten the curves and we can move on. I'm 60 yrs old and have waited to build our house because up until now the road was going to severly impact our land. Now they want to put it off until 2028. I know as soon as we build, the route can change and then we're stuck. Please consider the North (existing) route, our neighbors to the North have built a beautiful home only to have this major thorough fare only feet away from it. Traffic will back up Blackchamp and keep us from getting out of our driveway. The people to the east of us will lose all their tree line/privacy/wind break and wildlife. Please reconsideer the North option!	The north option following the existing FM 1387 route from Longbranch to FM 664 was proposed and evaluated during the beginning of the project development process. A public meeting was held on August 2018 which showed a north alternative. Based on comments received, a south alternative was proposed and included for consideration and evaluation. A second public meeting was held in September 2020 to present both north and south alignments. Although opposition to the south alignment was received at the public meeting, the south alignment received local support by elected officials and adoption into the thoroughfare plans of Ellis County and City of Midlothian. Two additional public meetings were held (August 2022 and March 2023) to present the south alignment options and the latest project information. The north alignment has been eliminated from consideration due to inconsistencies with the county thoroughfare plan. In addition, the designated county easement has been allocated for the realignment of FM 1387 since 2003, based on City of Midlothian documents. Traffic projections show increases in traffic regardless of the construction of the proposed project. The FM 1387 project is needed to address the traffic volume increases and improve mobility and safety in the area as a result of the anticipated traffic growth.
2	Amy Lotz	8/22/2024	Comment Form	Please do not pick the south option. I can't come up with one good reason you would change from the existing road. Everyone on the north already has a road in their front or back yard. They are ok with it, none of the people on the south want this road we all planned for a peaceful country living. You should not be robbing us. You would be ruining alot of peoples plans and dream with noise, pollution, traffic that does not need to be.	The north option following the existing FM 1387 route from Longbranch to FM 664 was proposed and evaluated during the beginning of the project development process. The north alignment has been eliminated from consideration due to inconsistencies with the county thoroughfare plan. The south alignment received local support by elected officials and adoption into local thoroughfare plans. In addition, the designated county easement has been allocated for the realignment of FM 1387 since 2003, based on City of Midlothian documents. Traffic projections show increases in traffic regardless of the construction of the proposed project. The FM 1387 project is needed to address the traffic volume increases and improve mobility and safety in the area as a result of the anticipated traffic growth. The environmental studies conducted for the proposed project included air quality and noise analyses. Air quality studies determined no substantial air pollution concerns based on traffic projections would not be at levels to impact air quality. A traffic noise analysis was conducted for the proposed project and determined impacted noise receivers; however, potential noise walls are proposed to mitigate for noise impacts at four locations.
3	Julie Musgrove	8/22/2024	Comment Form	South route option makes no sense there is already a current route to use or improve. <u>DO NOT</u> build South option. Will have flooding issues. Displace animals and tree. Disrupt family choices and lifestyle. Majority of people effected vote NO - Please listen to the people.	The north option following the existing FM 1387 route from Longbranch to FM 664 was proposed and evaluated during the beginning of the project development process. A public meeting was held on August 2018 which showed a north alternative. Based on comments received, a south alternative was proposed and included for consideration and evaluation. A second public meeting was held in September 2020 to present both north and south alignments. Although opposition to the south alignment was received at the public meeting, the south alignment received local support by elected officials and adoption into the thoroughfare plans of Ellis County and City of Midlothian. Two additional public meetings were held (August 2022 and March 2023) to present the south alignment options and the latest project information. The north alignment has been eliminated from consideration due to inconsistencies with the county thoroughfare plan. In addition, the designated county easement has been allocated for the realignment of FM 1387 since 2003, based on City of Midlothian documents. A hydraulic study was conducted and all efforts have been made to neither adversely impact property owners upstream or downstream of all potential drainage features. Further refinements to the proposed drainage crossings will be addressed during final design. A biological species analysis was conducted for the proposed project. The removal of native vegetation, mature native trees and shrubs would be avoided to the greatest extent practicable.
4	Jolene Musgrove	8/22/2024	Comment Form	No South Option 3yrs old	Comment noted.
5	Jaxon Musgrove	8/22/2024	Comment Form	I would not like the South route because it would engage animal habitat. It would produce less oxygen. We would not like South route because there is already a road. Wouldn't feel safe to play in backyard. 9yo.	A biological species analysis was conducted for the proposed project. The removal of native vegetation, mature native trees and shrubs would be avoided to the greatest extent practicable. Design safety features are included to improve existing conditions. Safety features such as sidewalks, curbs and raised medians are proposed to prohibit potential errant vehicles from leaving the roadway.
6	Grant Musgrove	8/22/2024	Comment Form	The new 664-FM1387 intersection is unnecessary. I am in complete objection to re-routing 1387 adjacent to Cimarron Meadows Drive	The FM 664 - FM 1387 intersection is necessary to provide a safer intersection for drivers to connect to FM 664 and to also reduce backups on FM 1387.

1

Comment No.	Name	Date Received	Type of Comment	Comment	Response
7	Gavin Musgrove	8/22/2024	Comment Form	I don't want the south route because it will destroy a lot of animals homes and cut down a lot of old and cool trees for climbing. And it will be loud outside because of all the cars.	A biological species analysis was conducted for the proposed project. The removal of native vegetation, mature native trees and shrubs would be avoided to the greatest extent practicable. A traffic noise study was conducted and noise barriers were determined as reasonable and feasible at four locations.
8	Alex Mauppin	8/22/2024	Comment Form	other projects are taking presidentence. We need to be bought out so we can move on with our lives. This is putting undue stress on my family and myself. This project has been in the works for over 8 years. There are days where it takes 10min to	The environmental clearance is anticipated in Fall 2024. Once an environmental decision is made, ROW acquisitions would begin pending the availability of funding. The proposed project is anticipated to be ready to let in 2028; however, the proposed project would not be constructed until funding has been identified. All proposed ROW acquisitions will be in accordance with the TxDOT ROW Manual and the Relocation Assistance and Real Property Acquisition Policies Act of 1970. Once the need for ROW acquisition is established after additional design refinement, the property owner will be compensated at a determined fair market value for the property in accordance with the ROW acquisition process.
9	Angie J Bostwick	8/22/2024	Comment Form	have been to every meeting and every time we are given a different line that this project is going to happen. Here is August 2024 and being told again it can take up to 1 year to start making offers. Just back in March 2024 we were told it would start in August 2024. This is more than frustrating at this point and time. The traffic continues to get worse, my house needs repairs and at this point I just want to	The environmental clearance is anticipated in Fall 2024. Once an environmental decision is made, ROW acquisition would begin pending the availability of funding. The proposed project is anticipated to be ready to let in 2028; however, the proposed project would not be constructed until funding has been identified. All proposed ROW acquisitions will be in accordance with the TxDOT ROW Manual and the Relocation Assistance and Real Property Acquisition Policies Act of 1970. Once the need for ROW acquisition is established after additional design refinement, the property owner will be compensated at a determined fair market value for the property in accordance with the ROW acquisition process.
10	David Bostwick	8/22/2024	Comment Form	We have been waiting on this project for years and it is putting undue stress to see the dates keep being pushed back we have lives to live and need to have some kind of action to be able to plan for the future. The traffic is building at such a pace we can wait long periods of time just to be able to get out on the road. We need to be compensated for this.	The environmental clearance is anticipated in Fall 2024. Once an environmental decision is made, ROW acquisition would begin pending the availability of funding. The proposed project is anticipated to be ready to let in 2028; however, the proposed project would not be constructed until funding has been identified. The proposed project is anticipated to relieve the congestion and provide safer driving conditions for this corridor. Traffic projections show increases in traffic regardless of the construction of the proposed project. The FM 1387 widening project is needed to address the traffic volume increases and improve mobility and safety as a result of the projected traffic growth.
11A	Marc Beller	8/22/2024	Comment Form	We have spotted white armadillos in the tree line behind our house. We also have an owl habitat they return to each year to roost new babies. These animals need to be protected. We also have a family of Rabbit white tail. Drainage is a huge issue. Is there a plan to help with locating and solving any future issues. Existing tree line - How many trees will be saved?	A biological species analysis was conducted for the proposed project. The removal of native vegetation, mature native trees and shrubs would be avoided to the greatest extent practicable. Amount of trees disturbed is pending the final design of the proposed project. A hydraulic study was conducted and all efforts have been made to neither adversely impact property owners upstream or downstream of all potential drainage features. Further refinements to the proposed drainage crossings will be addressed during final design.

Comment	Name	Date	Type of Comment	Comment	Response
No.	Marc Beller	Received 8/22/2024	Comment	Sound wall is not proposed for my back yard. My home backs up to	A traffic noise study was conducted to determine noise impacts and potential barriers that are reasonable and feasible.
	Put C Delle	0) 22/2024	Form	the existing tree line. Once this tree line is removed a new barrier will need to be installed if not by TxDOT will have to be by myself. An expense that will need to be added to the proposed plan prior to approval.	The study determined a noise barrier was not reasonable and feasible for the location referenced in the comment. Noise Barrier 5 was analyzed for this location. R32 and R35 (Barrier 5): These receivers represent nine impacted receptors on new location along Faith Lane, with backyards adjacent to the roadway. A noise barrier 12 feet in height and 1,902 feet in length was modeled along the ROW. This barrier would achieve the minimum, feasible reduction of 5 dB(A) for most of the impacted receptors and achieve the design goal of 7 dB(A) for at least one receptor. However, the square footage of abatement (22,824 square feet or 3,261 square feet per benefited receptor) would exceed the cost-reasonableness criterion of 1,500 square feet per benefited receptor. Therefore, this barrier was not proposed for this location. Any property impacts, including vegetation and tree removal, and all proposed ROW acquisitions will be in accordance with the TxDOT ROW Manual and the Relocation Assistance and Real Property Acquistion Policies Act of 1970. Once the need for ROW acquisition is established after additional design refinement, the property owner will be compensated at a determined fair market value for the property in accordance with the ROW acquisition process.
12	Ellen Freeman Wright	8/22/2024	Comment Form	To put a road in our backyard is unacceptable. We bought in the country for peace and quiet. Not to have a 6 Iane road behind our house as well as a turn into our neighborhood right beside us. I was just told that there will be no noise barrier behind our house - that a computer generated study nowhere near us determined that. Even though traffic on 663 as well as crashes at the curves can be heard loud and clear in our house! It is ridiculous to think that any increase in noise levels will be at an acceptable level. Besides the fact we are all wood fences and there will be no protection at anyone leaving the road and hitting our fence and coming through. This is just wrong!	Design features such as sidewalks, curbs and raised medians are proposed to benefit safety conditions in the area and prohibit potential errant vehicles from leaving the roadway. A traffic noise study was conducted to determine noise impacts and potential barriers that are reasonable and feasible. Noise Barrier 6 was analyzed for this location. R33, R34, R36, and R38 (Barrier 6): These receivers represent 17 impacted receptors on new location at the Reveille Run Road and Friendship Lane intersections, with backyards adjacent to the roadway. A continuous noise barrier would restrict access to these residences. Gaps in the noise barrier would satisfy access requirements. A non-continuous noise barrier 10 feet in height and 2,953 feet in length was modeled along the ROW. This barrier would satisfy access requirements and meet the minimum, feasible reduction of 5 dB(A) for most of the impacted receptors and achieve the design goal of 7 dB(A) for at least one receptor. However, the square footage of abatement (29,530 square feet or 1,737 square feet per benefited receptor) would exceed the reasonable, cost-reasonableness criterion of 1,500 square feet per benefited receptor. Therefore, this barrier was not proposed for this location.
13	Megan Dillow	8/22/2024	Comment Form	I do not understand why TxDot continues to choose the South option when the north option already has an existing road w/ drainage. You are choosing to place a road in 25 + peoples backyard where a road doesn't already exist (north option has an existing road already in front of the houses) This poses a safety concern for all the families that have children in their backyards. I do not understand why local elected officials and TxDot continue to ignore the wishes of 500 + citizens who have expressed that they prefer the north option.	The north option following the existing FM 1387 route from Longbranch to FM 664 was proposed and evaluated during the beginning of the project development process. A public meeting was held on August 2018 which showed a north alternative. Based on comments received, a south alternative was proposed and included for consideration and evaluation. A second public meeting was held in September 2020 to present both north and south alignments. Although opposition to the south alignment was received at the public meeting, the south alignment received local support by elected officials and adoption into the thoroughfare plans of Ellis County and City of Midlothian. Two additional public meetings were held (August 2022 and March 2023) to present the south alignment options and the latest project information. The north alignment has been eliminated from consideration due to inconsistencies with the county thoroughfare plan. In addition, the designated county easement has been allocated for the realignment of FM 1387 since 2003, based on City of Midlothian documents.
14	Charles Fairbanks	8/22/2024	Comment Form	The proposed TxDOT plan for widening F.M. 1387 in front of my home and business would greatly hinder my safety and access to enter and leave the property. My circumstances are different than other residents in the area as I have a buisness that uses 18 wheeler trucks that would be required to make dangerous U turns. I have over 2000 feet of pipe fence frontage also. This project as presented tonight would bring great safety and financial harm to my family. I need a cut to enter and leave my property going east and west. Thank you for your consideration.	The proposed project would provide an additional lane that would allow safer access to/from property and reduce backups for traffic. Although a median opening is not currently proposed at this property location, it can be coordinated with the Area Office/County during final design. The location of median openings and turn lanes must meet geometric standards and are determined in accordance with the TxDOT Access Management Manual. The proposed configuration is preliminary and subject to change in final design. Median openings were determined in coordination with local government. Final location of median openings will be determined in the final design development phase in coordination with the local governments.

Comment No.	Name	Date Received	Type of Comment	Comment	Response
15	Janet Napps	8/22/2024	Comment Form	Regarding NO noise barriers behind Cimarron Meadows saying that it is going to be noisey then saying that just because there is no more room between houses that we do not qualify for the noise barrier. That is MARLARKEY we are at the beginning of a road BEHIND OUR HOUSE Where they will be racing there motors too get across the road it will be noisy and there will be pollution and people throwing things over our fence we are on S.S.I and cannot afford to another fence or afford for someone too build one. Please reconsider.	Regardless of the room between houses and the roadway, a noise barrier analysis was conducted for the proposed project. Noise Barrier 7 was analyzed for this location. R37 and R39 (Barrier 7): These receivers represent 12 impacted receptors on new location along Cimarron Meadows Drive, with backyards adjacent to the roadway. A continuous noise barrier 12 feet in height and approximately 1,641 feet in length was modeled along the ROW. This barrier would not satisfy access requirements and meet the minimum, feasible reduction of 5 dB(A) for a majority of impacted receptors or achieve the design goal of 7 dB(A) for at least one receiver at a total cost of 19,692 square feet or 1,790 square feet per benefited receptor. Therefore, this barrier was not proposed for this location.
16A	Bobby Napps	8/22/2024	Comment Form	Still do not agree with putting a major roadway in our backyards. Also, as I understand it, there is no barrier wall proposed for our protection of family & kids from road noise, road traffic, & potential traffic hazards, including speeders & drunk drivers this I find unacceptable.	Design features such as sidewalks, curbs and raised medians are proposed to benefit safety conditions in the area and prohibit potential errant vehicles from leaving the roadway. A noise barrier analysis was conducted for the proposed project. Noise Barrier 7 was analyzed for this location. R37 and R39 (Barrier 7): These receivers represent 12 impacted receptors on new location along Cimarron Meadows Drive, with backyards adjacent to the roadway. A continuous noise barrier 12 feet in height and approximately 1,641 feet in length was modeled along the ROW. This barrier would not satisfy access requirements and meet the minimum, feasible reduction of 5 dB(A) for a majority of impacted receptors or achieve the design goal of 7 dB(A) for at least one receiver at a total cost of 19,692 square feet or 1,790 square feet per benefited receptor. Therefore, this barrier was not proposed for this location.
16B	Bobby Napps	8/29/2024	Online	I live at 301 Cimarron Meadows, Waxahachie TEXAS 75167 it is beyond my belief that this road is right up against my backyard and y'all are not doing any sound abatement protection for us. We saw where y'all are doing walls along most of the road way with many if not all houses being the same distance from the road. We (my family children and grandchildren) are at to much of a safety risk from such an open environment. Along with the fact that all of our privacy and security is being compromised. If we have no say in the road placement at least we can be afforded the right to safety, privacy and protection	A noise study was conducted for the proposed project. The study determined a noise impact at this receiver and modeled a noise barrier along the ROW at this location. A noise wall was determined not feasible and reasonable because it exceeded the reasonableness criteria of 1,500 square feet per benefited receiver (total cost of 19,692 square feet or 1,790 square feet per benefited receptor) and does not meet the minimum feasible reduction of 5 dB(A) for a majority of impacted receptors or achieve the design goal of 7 dB(A) for at least one receiver.
17	Joy Noack	8/22/2024	Comment Form	If you take out (cover over) the retention pond on the back side of the storage facility @ Blackchamp and 1387, then where will the water go? I'll tell you where - the creek that runs behind my house. When it rains more of my backyard will become flood plain, for which I will have to continue paying property taxes. UNFAIR! Immoral! I don't believe environmental engineers can make the inevitable water that is already there disappear; rather it will increase the outflow into the creek in my backyard. There is no way to stop this.	A hydraulic study was conducted and all efforts have been made to neither adversely impact property owners upstream or downstream of all potential drainage features. Further refinements to the proposed drainage crossings will be addressed during final design.
18	David Noack	8/22/2024	Comment Form	you would make a more reasonable size road. This huge road with	Concrete walls are not proposed for the proposed project except for 10 foot noise walls where determined reasonable and feasible, but is pending approval through noise workshops. Funding has not currently been identified for construction of the project.
19	Joanna Hassell Cole	8/22/2024	Comment Form	Your facts and figures constantly change each meeting I attend. If you are going to inform the public based on state requirements then your information needs to be correct. Whomever is manipulating this process will be discovered and brought to justice.	The public hearing presents the latest and updated information for the proposed project. Revisions and refinements can occur throughout the project development process and the public involvement events provide an opportunity for the public to view such information that may change over time.

Comment No.	Name	Date Received	Type of Comment	Comment	Response
20	Jeff Durrett	8/22/2024	Comment Form	To Whom it May Concern: I moved here six years ago with no idea a South option was even being considered. I live on Blackchamp close to where the exit will be and it will greatly affect my family quality of life. North option is a much better option as its already there. STRONGLY OPPOSED TO SOUTH	The proposed project is a 4-lane (ultimate 6-lane) roadway and is not a controlled access highway with exits. There will be an intersection at Blackchamp Road. There is no north option being proposed. Widening the existing roadway from Longbranch to FM 664 was eliminated from consideration because it would require additional property impacts and additional ROW acquisitions.
21	Sherri Durrett	8/22/2024	Comment Form	We think the south option is the worst idea ever. Dangerous for kids, lowers property value, and changes our neighborhood quality of life. No one took the residence opinion Ever.	Design features such as sidewalks, curbs and raised medians are proposed to benefit safety conditions in the area and prohibit potential errant vehicles from leaving the roadway. The north option following the existing FM 1387 route from Longbranch to FM 664 was proposed and evaluated during the beginning of the project development process. A public meeting was held on August 2018 which showed a north alternative. Based on comments received, a south alternative was proposed and included for consideration and evaluation. A second public meeting was held in September 2020 to present both north and south alignments. Although opposition to the south alignment was received at the public meeting, the south alignment received local support by elected officials and adoption into the thoroughfare plans of Ellis County and City of Midlothian. Two additional public meetings were held (August 2022 and March 2023) to present the south alignment options and the latest project information. The north alignment has been eliminated from consideration due to inconsistencies with the county thoroughfare plan. In addition, the designated county easement has been allocated for the realignment of FM 1387 since 2003, based on City of Midlothian documents.
22	David Verinder	8/22/2024	Comment Form	My comments are centered around the very dangerous aspect of the current highway (1387) This 2 Lane Rd. is the major highway between Midlothian and Ovilla. Each day, there are over 2,000 high school students traveling at high-speed on this dangerous road. In addition, 2 Elem schools and a Jr. High school use this road daily. We cannot wait another 4-5 years for construction to start. Divide it into phases but do something to help us fix this road. Thanks.	The environmental clearance is anticipated in Fall 2024. Once an environmental decision is made, ROW acquisition would begin pending the availability of funding. The proposed project is anticipated to be ready to let in 2028; however, the proposed project would not be constructed until funding has been identified.
23	Chuck King	8/22/2024	Comment Form	If the road is to be built next to my house, I should have a sound wall installed along the north property line. I still feel the existing north 1387 route could be redone to serve the same purpose. Thanks Chuck.	A noise study was conducted for the proposed project which determined that the projected noise levels at this property would not result in a noise impact and a noise barrier analysis was not warranted for this location.
24	Tina King	8/22/2024	Comment Form	We will not be able to pull out travel trailer into our driveway with without being in the lane of traffic. This will cause too much noise for our property and animals. We would like to receive a copy of the study. Please email and mail a copy.	A noise study was conducted for the proposed project which determined that the projected noise levels at this property would not result in a noise impact and a noise barrier analysis was not warranted for this location. The Draft EA can be viewed online on the project website and was also made available at the public hearing. The environmental materials can als be viewed at the TxDOT Dallas District office at 4777 E. Highway 80, Mesquite TX 75150. Study documents can also be requested through the TxDOT Open Records Request portal. Traffic projections show increases in traffic regardless of the construction of the proposed project. The FM 1387 widening project is needed to address the traffic volume increases and improve mobility and safety as a result of the projected traffic growth.
25	Adam Morgan	8/22/2024	Comment Form	Y'all some crooks pulling this bullshit! Nobody asked for a Southern auction	The north option following the existing FM 1387 route from Longbranch to FM 664 was proposed and evaluated during the beginning of the project development process. A public meeting was held on August 2018 which showed a north alternative. Based on comments received, a south alternative was proposed and included for consideration and evaluation. A second public meeting was held in September 2020 to present both north and south alignments. Although opposition to the south alignment was received at the public meeting, the south alignment received local support by elected officials and adoption into the thoroughfare plans of Ellis County and City of Midlothian. Two additional public meetings were held (August 2022 and March 2023) to present the south alignment options and the latest project information. The north alignment has been eliminated from consideration due to inconsistencies with the county thoroughfare plan. In addition, the designated county easement has been allocated for the realignment of FM 1387 since 2003, based on City of Midlothian documents.

Comment No.	Name	Date Received	Type of Comment	Comment	Response
26	Rhonda McGwier	8/22/2024	Comment Form	Noise wall- Between my house & wall who will mow; city & TxDOT. Who pays to maintain wall and for how long? Who picks design of image on the wall? City or TxDOT?	TxDOT will maintain sound wall for the lifetime of the wall as well as maintenance (such as mowing) of areas within TxDOT ROW. The aesthetics of the wall would be determined in coordination with the city and county pending a noise wall workshop.
27	Douglas L Jones	8/22/2024	Comment Form	I would very much like noise barriers between the John Houston subdivision, and Cimmaron Meadows Subdivision extending to Highway 664. Douglas L Jones	A noise study was conducted for the proposed project and modeled noise barrier where noise impacts were identified. A noise wall was determined not feasible and reasonable because it exceeded the reasonableness criteria of 1,500 square feet per benefited receiver and does not meet the minimum feasible reduction of 5 dB(A) for a majority of impacted receptors or achieve the design goal of 7 dB(A) for at least one receiver.
28	J.W. Tryon	8/22/2024	Comment Form	It is just wrong to build a road through (unclear) Behind people's backyard specially when a farm to market road already exists	The purpose of the proposed project is to reduce congestion and improve mobility. Realignment of the FM 1387 from Longbranch Road to FM 664 has been included in city and county thoroughfare plans and the designated county easement has been allocated for the realignment of FM 1387 since 2003, based on city documents.
29	Sharon Tryon	8/22/2024	Comment Form	TxDOT needs to use the North Option. The city of Midlothian has agreed to this. We do not build a road in people's backyards. You need to do what is right. Thank you, Sharon Tryon	The north option following the existing FM 1387 route from Longbranch to FM 664 was proposed and evaluated during the beginning of the project development process. A public meeting was held on August 2018 which showed a north alternative. Based on comments received, a south alternative was proposed and included for consideration and evaluation. A second public meeting was held in September 2020 to present both north and south alignments. Although opposition to the south alignment was received at the public meeting, the south alignment received local support by elected officials and adoption into the thoroughfare plans of Ellis County and City of Midlothian. Two additional public meetings were held (August 2022 and March 2023) to present the south alignment options and the latest project information. The north alignment has been eliminated from consideration due to inconsistencies with the county thoroughfare plan. In addition, the designated county easement has been allocated for the realignment of FM 1387 since 2003, based on City of Midlothian documents.
30	Sarita Heitman	8/22/2024	Comment Form	No South Option	Comment noted.
31	Gordan Krietmeyer	8/22/2024	Comment Form	to sell my home. I want to know how much this project will take	The property owner can request a layout through the TxDOT Open Records Request portal. The exhibit would also be part of any offer package as part of the ROW Acquisition process. Proposed ROW anticipated to be required from the property is approximately 0.23 acre (or 9831 SF) for the proposed project.
				TxDOT and anyone such as a third-party is no longer allowed to come on my property. 3rd party contractors didn't follow instructions 3rd party told me I was going to jail 3rd party told my property 972-775-7952.	Comment noted.
32	Linda Carter	8/22/2024	Comment Form	On our Preliminary Plan I see that from my house to 1387. I am only allowed to make a right turn. If I want to go back left, I would have to go down west on 1387 and make a U-turn to go to LCBC. I hope this changes for the final plan.	The location of median openings and turn lanes must meet geometric standards and are determined in accordance with the TxDOT Access Management Manual. The results from the traffic study also determine if and where turn lanes are warranted and the design is modified accordingly. The proposed configuration is preliminary and subject to change in final design. Although a median opening is not currently proposed at this property location, it can be coordinated with the Area Office/County during final design.
33	Yvonna Curry	8/22/2024	Online	When are the offers for the houses going to start. We were told they would start by July 2024. Now I see 2028. The traffic in front of our house is so bad we can't turn across traffic. This project is taking too long.	The environmental clearance is anticipated in Fall 2024. Once an environmental decision is made, ROW acquisition would begin pending the availability of funding. The proposed project is anticipated to be ready to let in 2028; however, the proposed project would not be constructed until funding has been identified. All proposed ROW acquisitions will be in accordance with the TxDOT ROW Manual and the Relocation Assistance and Real Property Acquisition Policies Act of 1970. Once the need for ROW acquisition is established after additional design refinement, the property owner will be compensated at a determined fair market value for the property in accordance with the ROW acquisition process.

Comment No.	Name	Date Received	Type of Comment	Comment	Response
34	Rick Curry	8/22/2024	Online	So my comment starts by saying thank you for holding us hostage for the last 5/6 years can't move because can't sell. We paid this house off 8 years early to move closer to daughters as soon as that happened we were set a letter from you folks then we were told April,May a realtor would contact us never happened then a month or so we were told offers would be coming in August and wanting to finish by December now it's gonna be another 4 years. Holding us hostage and lies should be illegal. This road just gets worse so bad we go to 287 to get out it's complete incompetence.	The environmental clearance is anticipated in Fall 2024. Once an environmental decision is made, ROW acquisition would begin pending the availability of funding. The proposed project is anticipated to be ready to let in 2028; however, the proposed project would not be constructed until funding has been identified. All proposed ROW acquisitions will be in accordance with the TxDOT ROW Manual and the Relocation Assistance and Real Property Acquisition Policies Act of 1970. Once the need for ROW acquisition is established after additional design refinement, the property owner will be compensated at a determined fair market value for the property in accordance with the ROW acquisition process.
35	Jackson Hurst	8/23/2024	Online	I approve and support TxDOT's FM 1387 from North Midlothian Parkway to FM 664 Project. I have reviewed the Draft Environmental Assessment for TxDOT's FM 1387 from North Midlothian Parkway to FM 664 Project and I approve and support the findings in the document. The aspect that I love about TxDOT's FM 1387 from North Midlothian Parkway to FM 664 is that FM-1387 will be widened from 2 lanes to 4 lanes (6 Lanes Ultimate) from North Midlothian Parkway to FM-664. The widening of FM-1387 will improve safety and reduce congestion from Midlothian to Oak Leaf, TX.	
36A	Clyde Hearn	8/24/2024	Comment Form	Homeowners before the "City Master Plan" are not afforded the same options of a "sound" wall and median cuts. Assume goals is that all property owners involved will receive a fair and equitable consideration. 1) Sidewalks and bike paths are not needed - example Midlothian Parkway. 2) Need roadway luminaires - urban street lights 3) Need curbs, gutter, curb inlets and area drains 4) Need additional traffic lights 5) Need median cuts for existing driveways for safety not just for subdivisions 6) If subdivisions are provided a "sound" wall without sacrificing their land; why are there no "sound" walls provided for residences across the road? The traffic noise level is high on just one side? Subdivisions are not being subjected to making sacrifices - residence (private) are!	2. Street lighting would be determined during final design in coordination with the city. 3. Curb and gutter and drainage improvements are included as part of the proposed improvements for the proposed project. See proposed typical section and schematic for reference. 4. A signal warrant study is required for providing signalization at an intersection, typically requested by the city to TxDOT. Signal warrant studies are not part of the schematic and environmental process. Signals and safety lighting would be determined during the design phase of the project. 5. The location of median openings and turn lanes must meet geometric standards and are determined in accordance with the TxDOT Access Management Manual. The proposed configuration is preliminary and subject to change in final design. 6. Sounds walls are determined through a traffic noise impact and barrier analysis. The traffic noise analysis determined any potential noise impacts and reasonable and feasible noise barriers for such impacts. Based on the findings of the noise analysis, no noise impact was determined for representative receiver for this location.
36B	Clyde Hearn	8/24/2024	Letter	After reviewing the new proposed plans for widening FM 1387 between Midlothian Parkway and FM 664 in an existing residential and residential zoned area, I have four expanded comments for the public record. 1) County sidewalks are not necessary and a waste of tax money. a. Midlothian Parkway has no sidewalks and is a four-lane road. b. It would not be safe to walk or ride a bike on or near a four-lane highway. c. Elementary School definitely would not have children walking to school -not in "this day and age." d. No commercial buildings- no fast-foods. 2) If this is proposed and promoted to be truly an urban street- in a residential area where are the: a. Roadway luminaires-Urban streetlights b. Curbs, gutter, curb inlets and area drain c. Additional traffic lights d. Median cuts except for the special sub-division entries	Sidewalks are required per TxDOT standards in accordance with the Roadway Design Manual and federal regulations. Street lighting would be determined during final design in coordination with the city. Curb and gutter and drainage improvements are included as part of the proposed improvements for the proposed project. See proposed typical section and schematic for reference. A signal warrant study is required for providing signalization at an intersection, typically requested by the city to TxDOT. Signal warrant studies are not part of the schematic and environmental process. Signals and safety lighting would be determined during the design phase of the project. The location of median openings and turn lanes must meet geometric standards and are determined in accordance with the TxDOT Access Management Manual. The proposed configuration is preliminary and subject to change in final design.

Comment No.	Name	Date Received	Type of Comment	Comment	Response
	Clyde Hearn	8/24/2024	Letter		Emergency vehicles would benefit from the additional travel lane to reach destinations within the corridor and reduce emergency response times. A proposed speed limit is 40 mph for the proposed project which is less than the current 50 mph speed limit. A signal warrant study is required for providing signalization at an intersection, typically requested by the city to TxDOT. Signal warrant studies are not part of the schematic and environmental process. Signals and safety lighting would be determined during the design phase of the project.
	Clyde Hearn	8/24/2024	Letter	4)There are proposed noise reduction (traffic protection) walls to be provided for the subdivision residences that are not subject to right-of-way acquisition and eminent domain at this time. a. If they are provided a "sound" wall; why are there no "sound" walls provided for residences subject to right-of-way acquisition. The noise survey determined that they deserved one. I do not believe the traffic noise level is high on one side and not the other. Now due to the implementation of sound walls on one side of the road, the county side's noise level would increase because of noise deflection off the proposed subdivision's sound walls. The Noise survey was conducted during peak traffic times i.e., school arrival/ departure times and morning/ afternoon shifts? b. Potentially displace 10 (?) residences along the FM 1387 west of Long Branch use the budget allocation to insure all property Owners involved receive fair and equitable consideration.	Sounds walls are determined through a traffic noise impact and barrier analysis. The traffic noise analysis determined any potential noise impacts and reasonable and feasible noise barriers for such impacts. Based on the findings of the noise analysis, no noise impact was determined for representative receiver for this location.
37	Mollye Hearn	8/24/2024	Comment Form	1) County sidewalks are not needed - midlothian parkway has none 2) Need additional traffic lights and streetlights, curb and gutter and drainage 3) Need median cuts for subdivisions and for county residences' driveways, example: E. Broad Street, Mansfield between Wisteria and Elm. If subdivisions are provided a "sound" wall without sacrificing their land; why are there no "sound" walls and median cuts provided for county residences across from the subdivisions. Subdivisions - median cuts, sound walls, no land & improvements sacrificed, traffic noise level (high) County Residence - no median cuts, no sound walls, land & improvements sacrificed, traffic noise level (high)	1. Design features such as sidewalks, curbs and raised medians are proposed to benefit safety conditions in the area and prohibit potential errant vehicles from leaving the roadway. Sidewalks are required per TxDOT standards in accordance with the Roadway Design Manual. 2. Street lighting would be determined during final design in coordination with the city. A signal warrant study is required for providing signalization at an intersection, typically requested by the city to TxDOT. Signal warrant studies are not part of the schematic and environmental process. Signals and safety lighting would be determined during the design phase of the project. Curb and gutter and drainage improvements are included as part of the proposed improvements for the proposed project. See proposed typical section and schematic for reference. 3. The location of median openings and turn lanes must meet geometric standards and are determined in accordance with the TxDOT Access Management Manual. The proposed configuration is preliminary and subject to change in final design. Sounds walls are determined through a traffic noise impact and barrier analysis. The traffic noise analysis determined any potential noise impacts and reasonable and feasible noise barriers for such impacts. Based on the findings of the noise analysis, no noise impact was determined for representative receiver for this location.

Comment No.	Name	Date Received	Type of Comment	Comment	Response
38	Councilman Ross Weaver	8/26/2024		With regard to the section of FM 1387 in "Roll 3" there should be a median crossing where the Fairbanks Ranch Estates drive intersects FM 1387. This will be the likely tie in location for any streets arising from developments' to the north due to the location of the soil conservation dam on the Phil Weaver tract. It would be very unlikely that such a similar road would intersect to the east of the lake due to the closing proximity of the Hayes/Mockingbird thoroughfare. Additionally, in "Roll 2" a median crossing is shown at the intersection of Hidden Meadow and FM 1387. This crossing would be less necessary due to the topographical constraints on the property immediately north of FM 1387 in the same location. Please consider having only one median crossing, located at the Fairbanks Ranch Estates drive intersection, between Marigold Drive to the west and Hayes Road to the east. I am not opposed to the Hidden meadow median crossing; however, in the long run i feel that the median crossing at the Fairbanks Ranch Estates drive will be more necessary to ensure the most efficient mobility on the FM 1387 facility.	The location of median openings and turn lanes must meet geometric standards and are determined in accordance with the TxDOT Access Management Manual. The results from the traffic study also determine if and where turn lanes are warranted and the design is modified accordingly. The proposed configuration is preliminary and subject to change in final design. Median openings were determined in coordination with local government. Final location of median openings will be determined in the final design development phase in coordination with the local governments.
39	Brenda Lu Walker	8/26/2024		is on the north side of 1387 with the front of my home facing south. I had included the survey plat for my property in that email. It is my understanding that anywhere from 20 to 25 feet could be acquired	(Prop#116 sheet 3) Proposed ROW is anticipated for this property would be approximately 0.05 acres, or about 15 feet onto the property. This would result in the ROW line to be approximately 30 feet from the front of the house. All proposed ROW acquisitions will be in accordance with the TxDOT ROW Manual and the Relocation Assistance and Real Property Acquisition Policies Act of 1970. Once the need for ROW acquisition is established after additional design refinement, the property owner will be compensated at a determined fair market value for the property in accordance with the ROW acquisition process.
40	NJ Cross	8/28/2024		1. This project was originally conceived around the year 2000. There was only one house involved at the time, belonging to Mr. Reese. He was the original owner of Cross Creek Estates. Mr. Reese sold all his property and moved out of the area, not caring what happened to it. 2. In approximately 2018, a meeting was scheduled to discuss rerouting FM 1387, but concerned citizens were not aware of the announcement. Consequently, concerned citizens did not attend the meeting to enter their protest. 3. In 2023, from spring through winter, multiple meetings were held with good attendance by residents protesting this route. At the final meeting held at the Ellis County Court House, the county judge and the majority of county commissioners disregarded the citizens protest of the 4-lane divided highway going through the tax paying homeowners back yards unnecessarily. 4. If the FM1387 proposed reroute moves forward, every property owner affected in Cross Creek, Cimarron Meadows, Legacy Estates and any other involved property owners should be payed market value for their entire property instead of just the portions used to build the new road. 5. Heaven forbid, do the right thing and widen the current road, FM1387. It effects less families.	1. Comment noted. 2. The first public meeting was held on Aug. 30, 2018. Notices were sent to adjacent property owners, elected, and local officials, and were published in the Dallas Morning News, Al Dia, Midlothian Mirror, and Waxahachie Daily Light. The north option was the only alternative presented at the meeting. 262 people were in attendance and 116 comments were received. Feedback received were against this option; therefore, a south alignment was proposed and added for evaluation. 3. Three additional public meetings were held for the project on Sept. 10, 2020, Aug. 30, 2022, and March 30, 2023. 4. All proposed ROW acquisitions will be in accordance with the TxDOT ROW Manual and the Relocation Assistance and Real Property Acquisition Policies Act of 1970. Once the need for ROW acquisition is established after additional design refinement, the property owner will be compensated at a determined fair market value for the property in accordance with the ROW acquisition process. 5. Comment Noted.

Comment No.	Name	Date Received	Type of Comment	Comment	Response
41	Jana Cross	9/3/2024	Form	what is wrong in keeping the existing route on FM 1387 to 664. It does not affect the many families. Going the route that you propose going through Legacy Estates, Cimarron Meadows, and Cross Creek families will lose property and homes. They sould be paid market value for their entire property. These families that moved out had a reason to raise their families and enjoy the country. People need to better informed of public meeting and not through the newspaper. Keep our property enjoyable not road traffic.	The north and south alignments were compared and the north alignment would have had additional potential displacements than the south alignment. 2. Property impacts and all proposed ROW acquisitions will be in accordance with the TxDOT ROW Manual and the Relocation Assistance and Real Property Acquisition Policies Act of 1970. Once the need for ROW acquisition is established after additional design refinement, the property owner will be compensated at a determined fair market value for the property in accordance with the ROW acquisition process. 3. Comment noted. 4. Notices for the Public Hearing were sent to adjacent property owners, elected, and local officials, and were published in the Dallas Morning News, Al Dia, Midlothian Mirror, and Waxahachie Daily Light as well as on social media postings. 5. The project is proposed to improve mobility and safety for FM 1387.