



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

Texas Division

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

April 23, 2009

In Reply Refer To:
HA-TX

Tarrant County
DFW Connector
SH114: From Business 114L to
International Parkway
SH 121: From SH360 to FM 2499
CSJs: 0353-03-059; 0353-03-079; 0364-01-
072; 0364-01-112; 0364-01-113; 0364-01-
115

Ms. Dianna F. Noble, P.E.
Director, Environmental Affairs Division
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701

Dear Ms. Noble:

We have thoroughly reviewed our records on this project which include, but are not limited to, the Revised Environmental Assessment (EA) dated April 2009, and the Public Hearing Summary and Analysis (which includes responses to public comments) prepared by the Texas Department of Transportation (TxDOT) in April 2009. Based upon our own agency review and consideration of the analysis and evaluation contained in the revised EA for this project, as documented in the enclosed Finding of No Significant Impact (FONSI) document, and after further consideration of all social, economic and environmental factors, including input from the public involvement process, we hereby issue a FONSI for the DFW Connector Project.

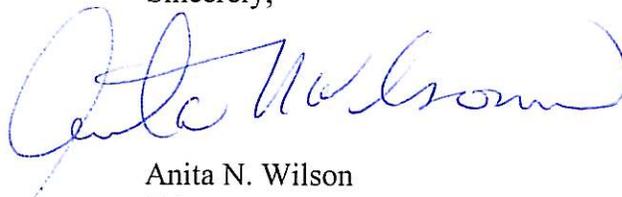
We concur with the findings made in the EA in that: (1) Build Alternative - Managed Express Lanes toll facility within the existing corridor is the recommended alternative for the DFW Connector Project, (2) Build Alternative - Managed Express Lanes toll facility within the existing corridor best meets the need and purpose of the project with the least amount of impacts

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to the resource areas, (3) the proposed DFW Connector Project will have no significant impacts on the quality of the human or natural environment under NEPA. In addition, based on this review, we find that an Environmental Impact Statement (EIS) is not required for this project.

Sincerely,



Anita N. Wilson
Urban Programs Engineer

Enclosure

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

DFW CONNECTOR
STATE HIGHWAY 114
FROM BUSINESS 114L (NORTHWEST HIGHWAY) TO INTERNATIONAL PARKWAY
AND
STATE HIGHWAY 121
FROM SH 360 TO FM 2499

TARRANT AND DALLAS COUNTIES, TEXAS

TxDOT CSJs: 0353-03-059, 0353-03-079, 0364-01-072,
0364-01-112, 0364-01-113, 0364-01-115

INTRODUCTION

The Federal Highway Administration (FHWA) has determined, in accordance with 23 CFR § 771.119 and § 771.121, that the DFW Connector Project (SH 114 from Business 114L (Northwest Highway) to International Parkway AND SH 121 from SH 360 to FM 2499) will not have a significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) for the preferred alternative is based on the April 2009 Revised DFW Connector Project Environmental Assessment (EA). The EA was approved by FHWA for public involvement on January 16, 2009. The Public Hearing Summary and Analysis and Comment and Response Report (which includes responses to public comments) prepared by the Texas Department of Transportation (TxDOT) in March of 2009 has been incorporated into the administrative record.

The April 2009 Revised EA and the Public Hearing Summary and Analysis and Comment and Response Report have been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, purpose, alternatives, environmental issues, and impacts of the proposed DFW Connector Project and appropriate mitigation measures. These documents provide sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. Finally, these documents are incorporated by reference into this decision document.

PROJECT DESCRIPTION

The Texas Department of Transportation (TxDOT) proposes to widen and reconstruct State Highway (SH) 114 and SH 121 in Tarrant and Dallas Counties. Proposed improvements focus on the convergence of SH 114 and SH 121 between Main Street and International Parkway. In addition, roadway facilities proposed for improvement as part of this project include six other interconnected roadways in the project area: FM 1709, SH 26 (Ira E. Woods Avenue), SH 360, International Parkway, IH 635, and FM 2499. The approximate 14.4 mile project area is located primarily within the cities of Grapevine and Southlake, just north of the Dallas/Fort Worth (DFW) International Airport. The proposed improvements for the DFW Connector include six main lanes eastbound and

seven main lanes westbound and the addition of two managed express lanes in each direction with improvements to SH 114 and SH 121 to tie to existing lanes on each end.

The needs for the project, or reasons for the project, are identified in the EA. SH 114 and SH 121 in northeast Tarrant County face serious transportation problems. Most immediately, these highway facilities are not able to accommodate current traffic levels, which results in several hours of severe congestion during weekday commute times. These travel delays contribute to lost economic productivity and increased air pollution. Unless the congestion problem is resolved, the effects could become much worse over the coming decades as the area's population and employment grows and travel demand increases.

The purposes of the project, or solutions to the needs, are identified in the EA. In response to the need for improvements, the purpose of proposed transportation improvements is to improve mobility and access within the rapidly developing DFW Connector. The DFW Connector is proposed to be widened and reconstructed to enhance mobility, improve access and improve operational deficiencies. Proposed improvements for achieving this purpose must address the following objectives:

- eliminate existing transportation system deficiencies in order to accommodate both local and regional traffic;
- improve safety;
- alleviate existing congestion;
- accommodate future travel demand;
- maintain and enhance accessibility to commercial centers, employment sites and other activity areas; and
- avoid, minimize or mitigate any adverse social, economic and environmental effects.

The DFW Connector Project was developed in accordance with the National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality (CEQ) Regulation for Implementing the Procedural Provisions of the NEPA (40 CFR 1500-1508), FHWA Environmental Impact and Related Procedures (23 CFR Part 771), and Public Involvement Rules (43 TAC Chapter 2), and other related federal and state requirements.

The DFW Connector project will acquire approximately 150 acres of new ROW from Dallas-Fort Worth (DFW) International Airport, which is a department of both the cities of Dallas and Fort Worth. Since the airport property represents federally obligated land, Federal Aviation Administration (FAA) involvement is mandatory. When land is acquired from an airport, FAA must make a federal action to release the airport property for sale. This condition applies to the proposed acquisition from the DFW International Airport for the proposed DFW Connector project.

The FAA has statutory responsibility for promoting safe flight of civil aircraft in air commerce. The purpose of FAA action in connection with the proposed construction of the DFW Connector project is to ensure that the proposed alterations to the airport do not adversely affect the safety, utility, or efficiency of the airport. FAA action is necessary in connection with proposed use of airport residual property because, pursuant to 49 USC § 47107(a)(16), the FAA Administrator (under authority delegated from the Secretary of

Transportation) must approve any revision or modification to an Airport Layout Plan (ALP) before the revision or modification takes effect. The Administrator's approval includes a determination that the proposed alterations to the airport, reflected in the ALP revision or modification, do not affect adversely the safety, utility, or efficiency of the airport.

The FAA federal action requires a NEPA analysis that meets the requirements of FAA Order 5050.4B: National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects and FAA Order 1050.1E: Policies and Procedures for Considering Environmental Impacts. Appendix A of the FAA Order 1050.1E requires the evaluation of specific resource categories as part of an EA. Each of these impact categories has been evaluated against FAA's thresholds of significance as indicated in the order.

In order to better address FAA requirements additional sections are included in the EA and are: Children's Environmental Health and Safety Risks; Light Emissions, Visual Impacts and Aesthetics; and Natural Resources and Energy Supply.

REVIEW OF THE EA

TxDOT completed the EA in March 2009. The EA considered and analyzed the potential social, economic, and environmental impacts related to the proposed improvement to the DFW Connector. Specifically, the EA studied the potential impacts associated with several alternatives:

- No-Build Alternative – This alternative represents the case in which the proposed project is not constructed. No improvements to the DFW Connector other than normal pavement and structure maintenance and repair will occur. The No-Build Alternative is carried forward through this Environmental Assessment as a baseline for comparison against the Build Alternative.
- Transportation Systems Management (TSM) – These strategies are relatively low-cost enhancements to the existing transportation network that can greatly improve operational efficiency. TSM strategies include freeway bottleneck removal, widening of arterials, intersection improvements, traffic signal improvements, signage improvements, traffic management systems and other enhancements that make it easier for traffic to flow through the transportation network. These include a variety of Intelligent Transportation System (ITS) improvements such as communication systems, mobility assistant patrols, and advanced traffic management.
- Transportation Demand Management (TDM) – Demand management is aimed at reducing the volume of vehicles on the transportation network. TDM strategies include carpooling and ridesharing to combine person-trips into fewer vehicle-trips. This group of improvements also includes bicycle and pedestrian facility improvements. Demand management has the potential to greatly increase the efficiency of existing transportation facilities.

- Transit Alternatives

Circulation Bus Service – This strategy considered bus service that will link people and jobs within the City of Grapevine. Buses will use existing roadways within the corridor for local service.

Express Bus Service – This service focused on trips originating within the project area and major destinations both inside and outside the project area. Buses will use existing roadways within the corridor.

Commuter Rail Service – The Commuter Rail option called for accommodating commute trips by providing new passenger rail service on the Cotton Belt rail line. Commuter rail service on the Cotton Belt rail line, which is owned by Dallas Area Rapid Transit (DART), was included in the Metropolitan Transportation Plan (MTP) to reduce roadway trips and encourage regional non-roadway travel alternatives.

Build Alternatives

- General Purpose Lanes – This alternative will add two general-purpose lanes in each direction in the median of the existing SH 114/SH 121 section of freeway from the International Parkway to SH 114/SH 121 split on the west end of the project.
- High Occupancy Vehicle (HOV) Lanes – Two HOV options were considered: adding HOV lanes to the median of the existing SH 114/SH 121 corridor from SH 114 near SH 26 to SH 114 near Freeport Parkway and from SH 121 near SH 360. Both options will add one general-purpose lane in each direction to the common SH 114/SH 121 freeway segment.
- Express Managed Lanes Facility within the Existing Corridor – Under this alternative, the SH 114/SH 121 Concurrent Route will provide six eastbound and seven westbound general purpose freeway lanes and two managed lanes in each direction throughout the day. The lanes of the managed facility will serve through travel on SH 114. The frontage roads will be reconstructed from two to three lanes. Improvements to interconnecting transportation facilities, such as SH 360, FM 1709, International Parkway, IH 635, and FM 2499, will also be made.

Additional focus on the Build Alternatives considered the possibility of a new location facility, and how best to address more specific design and operational issues, including route continuity, lane balance, interchange and ramp design, collector-distributor roads, by-pass frontage roads, managed facility, utility considerations, compatibility with light rail and commuter rail, constructability, system connections, interchanges, ramp spacing and weaving. Attention was also given to balancing the need for HOV lanes, additional general purpose lanes, and reversible managed lanes.

The potential impacts studied included direct, indirect and cumulative impacts of the project. Direct effects are defined by the CEQ regulations (40 CFR § 1508) as being “caused by the action and occur at the same time and place.” Indirect effects are defined as effects that are “caused by an action and occur later in time or are farther removed in distance, but are still reasonably foreseeable.”

and 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 ecosystem.” Cumulative impacts are the incremental impacts that the project’s direct or indirect effects have on a resource in the context of the myriad of other past, present, and reasonably foreseeable future effects on that resource from unrelated activities.

Throughout the alternatives analysis process, the Study Team (TxDOT staff and Consultants) met with a Technical Advisory Committee (TAC) established specifically for the project. The TAC was formed in September, 1996 to represent various local and regional stakeholders and public interests and to help facilitate public input within the region’s communities. The TAC consisted of representatives from the following organizations and communities: FHWA, TxDOT, City of Colleyville, City of Coppell, City of Euless, Town of Flower Mound, City of Grapevine, City of Irving, City of Keller, City of Lewisville, City of Southlake, Dallas Area Rapid Transit, Fort Worth Transportation Authority, DFW International Airport, and North Central Texas Council of Governments (NTCOG). The Study Team worked with the TAC to define transportation problems, consider potential solutions, and determine the best method for accomplishing the project’s purpose and objectives.

The *Corridor Alternative Analysis Study* report provides detailed assessments of all alternatives considered. Alternatives were eliminated from further consideration if they were found to have unacceptable environmental impacts, were not able to meet the project purpose, or encountered opposition through TAC meetings and the public involvement process.

Neither the No-Build, TSM, TDM nor Transit Alternatives were able to meet the purpose of the project. None of these low-to-moderate investment options as discussed in the *Corridor Alternative Analysis Study* – as stand alone actions – would be able to fully address the project’s purpose. These alternatives did not eliminate existing transportation system deficiencies, did not attract enough trips to alleviate existing congestion, and were not able to adequately accommodate future travel demand. Selection of one of these alternatives would have resulted in gradually diminishing accessibility and adverse social, economic and environmental effects.

New location facilities were eliminated from further consideration because they would divide the City of Grapevine and DFW International Airport property, requiring approximately forty to sixty displacements and other unacceptable adverse social, economic and environmental impacts. These options were inconsistent with local plans and were opposed by the TAC and at public meetings.

Although the General Purpose Lane Alternative allowed for operational flexibility, it did not fully resolve the weaving problems. The HOV Lane Alternative accommodated future travel demand, but it too was unable to solve the adverse weaving conditions.

After considering the alternatives and input from the TAC and refining the design, the Study Team reached consensus on a preferred option, concluding that the Managed Express Lanes toll facility within the existing corridor will be the best solution to the corridor’s transportation needs and will best meet the purpose of the project. The Build Alternative – Managed Express Lanes toll facility within the existing corridor – is the Proposed Action. The following points explain why:

- The managed express lanes toll facility will be utilized by vehicles making through trips on SH 114, thereby separating this heavy traffic movement from the SH 121, SH 360, International Parkway, IH 635 and local street mix. Based on the NCTCOG link analysis, approximately 45% of the traffic on SH 114 desires to simply travel through the SH 114/SH 121 Concurrent Route and remain on SH 114. The managed express toll facility will allow this express movement through the corridor by separating these trips from vehicles currently weaving across numerous lanes to maneuver between SH 121 to SH 114. Congestion levels will dramatically decrease at local intersections and for the through movements of both SH 114 and SH 121.
- The managed express lane toll facility provides flexibility to accommodate additional through-traffic flow during peak commuter times in the appropriate direction, allowing commuters to bypass the general-purpose lanes. Lane management operations can be adjusted to any changes in regional transportation goals and policies.
- Improved freeway interchanges, freeway ramps, and local street intersections with frontage roads throughout the corridor – all of which are included in the Proposed Action – will help to improve regional mobility and air quality by lessening congestion levels and increasing total average vehicle speeds. Motorists will benefit by both the large-scale and small-scale improvements proposed throughout the corridor. Local intersecting streets will benefit from design and signalization enhancements.
- Travel time for motorists driving from northbound SH 121 to westbound SH 114 and vice-versa in the western part of the corridor will dramatically decrease. Currently, to get from northbound SH 121 or SH 360 to westbound SH 114 motorists must travel through the William D. Tate Avenue - Mustang Drive intersection and the SH 114 - William D. Tate Avenue interchange. The Proposed Action provides direct connections between SH 121 or SH 360 and SH 114 in this location.
- The proposed improvements represent an innovative system to efficiently collect and distribute traffic among several major highways. The new corridor will allow five converging highways (SH 114, SH 121, SH 360, IH 635 and International Parkway) to interconnect while allowing traffic to flow smoothly.
- The Proposed Action will complement other planned transportation facilities and programs in the Dallas-Fort Worth region. The Proposed Action is included in the NCTCOG's Mobility 2030 MTP, and as such, is part of a conforming air quality plan. Other planned transportation projects within the project corridor include bus and rail transit, TSM and TDM improvements.

As noted above, the EA examined the direct, indirect, and cumulative impacts of the project and identified potential impacts of special concern to include: (1) riparian vegetation, (2) water bodies, (3) floodplains, (4) air quality, and (5) community. The EA concluded that the Build Alternative: Managed Express Lanes toll facility within the existing corridor:

- Managed Express Lanes toll facility within the existing corridor is the Preferred Alternative for the DFW Connector Project.

- Managed Express Lanes toll facility within the existing corridor will be the best solution to the corridor's transportation needs and will best meet the purpose of the project.
- Managed Express Lanes toll facility within the existing corridor will have no significant impacts on the quality of the human or natural environment.

TxDOT recommended a FONSI for the DFW Connector Project. TxDOT's recommendation for the selection of Build Alternative (Managed Express Lanes toll facility within the existing corridor) resulted from a process that involved the public and close coordination with various federal, state, and local government agencies.

PUBLIC INVOLVEMENT

Public involvement is an integral and critical component of the NEPA project development process. A comprehensive public involvement plan was developed to incorporate all the different type of stakeholders and their needs, from safety to mobility to environmental concerns. In addition to the TAC meetings, six public meetings were held to provide information and solicit additional public input. The public meetings were held on May, 21, 1997, September 3, 1998, December 10, 1998, April 27, 1999, July 15, 1999 and February 23, 2006. At the final public meeting on February 23, 2006 at the Grapevine Convention Center, verbal statements of support for the proposed project were presented on behalf of the City of Grapevine, Town of Westlake, Metroport Cities Fellowship, Grapevine Mills (Mall), Baylor Regional Medical Center, City of Colleyville, and City of Coppell. A written statement of support for the project was also submitted by the City of Southlake.

A public hearing for the DFW Connector Project was held on February 24, 2009 at the Grapevine Convention Center. Invitations were sent via letter to residents, property owners, interested citizens, businesses, special interest groups, and federal, state, county, and city elected and appointed officials. In addition, the public hearing notice was published in both English and Spanish. An English version of the notice of public hearing was published in the legal section of the *Fort Worth Star-Telegram* and the *Dallas Morning News* on January 25 and February 15, 2009. Also, the public hearing notice was also published in the *Coppell Gazette* on January 28, 2009 and February 11, 2009 and the *Grapevine Sun* on January 29, 2009 and February 12, 2009. A Spanish version of the public hearing notice as published in the legal section of *Al Dia* on February 14, 2009 and February 21, 2009, in *La Semana* on February 13, 2009 and in *La Estrella* on February 21, 2009. Communication material used before and during the hearing included a PowerPoint presentation and plans illustrating the proposed project. These plans included design schematics on aerial photograph. A five minute 3D simulation video of the project, the Environmental Assessment document and TxDOT's *Right-of-Way* booklet and *Relocation Assistance* booklets in both English and Spanish were available at the public hearing. Handouts showing general public information and the public hearing agenda were given to attendees. A transcript of the Public Hearing, as well as responses to comments that were received as a result of the hearing, are included in the administrative record.

Finally, electronic postings to the DFW Connector Project website included information covering the following subjects: project, press room, Comprehensive Development Agreement (CDA), SH 114/SH 121 Study, TxDOT address, CDA project manager contact information and contact information for the Environmental (Schematic) Project Manager. Project information

included a fact sheet, a section map, Frequently Asked Questions, and presentation information. Press Room information included e-Newsletters, new releases and Media information. CDA information included a Request for Proposals, CDA time lines and a short list of Proposer Teams for the project. The SH 114/SH 121 Study information included an overview, a map and a newsletter for a public meeting specific to the CDA phase of this project.

The address for the DFW Connector website is as follows:

http://www.txdot.gov/project_information/projects/fort_worth/dfw_connector/default.htm

MITIGATION/COMMITMENTS

| Environmental Mitigation and Monitoring Commitments | | |
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| Project Issues and Resources | Type of Impact | Mitigation and Monitoring Commitments |
| Business Displacements | 16 businesses displaced. | Displaced businesses are eligible for assistance under the requirements of the Federal Uniform Relocation Act. |
| Loss of Surface Parking Spaces | Approximately 350 parking spaces will be lost. | If the loss of parking spaces for any individual business will result in non-compliance with the city's off-street parking requirements, the business will be able to continue operating under the nonconforming use provisions of the local zoning ordinance. A landowner impacted will be compensated for the loss of the land and any damages to the remaining property as a result of taking the land. Additionally, a landowner impacted will be compensated for cost to cure damages such as re-stripping the parking lot. Approximately half of the parking displacements will occur at the Don Davis Classic Chevrolet car dealership in order to accommodate a proposed direct connector ramp. An undetermined number of these spaces may still be used underneath the elevated ramp through an agreement between the property owner and TxDOT. |
| Parkland/Section 4(f) | None | The City of Grapevine is interested in coordinating with TxDOT during the design phase for opportunities to enhance safety for the Bear Creek Trail through the SH 360 and SH 121 interchange. The City also will like to arrange adequate horizontal and vertical clearances for a proposed trail extension at the FM 2499 crossing of Denton Creek. |
| Pedestrians | Beneficial | All cross streets that underpass, overpass or intersect the DFW Connector will be constructed with pedestrian sidewalks. Intersections will be equipped with pedestrian cross walks, safety lights, and other facilities in compliance with the Americans with Disabilities Act. |
| Environmental Justice | No disproportionately high and adverse impacts | NCTCOG will continue its efforts to work with all communities in the planning process to identify transportation challenges and explore and develop the appropriate strategies to respond to the issues. Examples include programs and projects to improve availability and accessibility to alternate transportation options including discounted transit fares and tolls, HOV discounts on toll roads and managed lanes, better accessibility to regional transportation systems, and community level congestion management. Spanish language versions of the Public Hearing notice were published in three different locally circulated Spanish language newspapers and were included with the notice to property owners. TxDOT will offer bilingual (English and Spanish) tolling information in both their websites and over the phone (Customer Service Center). |
| Aesthetic Quality | Beneficial | TxDOT will consider including aesthetic treatments in structural components (retaining walls, bridges, and signage) and architectural details (landscaping, lighting, colors, finishes, etc.). The City of Southlake and others have requested that TxDOT incorporate such features to enhance the aesthetics of the corridor. The implementation of some design elements will require participation and cost-sharing to fund the aesthetic improvements from local jurisdictions, property owners or community-based organizations. |

| Environmental Mitigation and Monitoring Commitments | | |
|---|---|---|
| Project Issues and Resources | Type of Impact | Mitigation and Monitoring Commitments |
| Access | Entrance and Exit Ramp Modifications, Some Driveway Closures | All properties located along the DFW Connector and currently having access to and from the freeways will continue to have access after the proposed improvements are constructed. Access to businesses will be maintained during construction. |
| Air Quality | None | The project is subject to a regional air quality analysis. The NCTCOG is responsible for the conformity analysis in the Dallas-Fort Worth area. |
| Noise | Traffic noise levels will exceed the FHWA Noise Abatement Criteria at two receivers. | No noise mitigation measures were deemed reasonable and feasible; therefore, no abatement measures are proposed for this project. |
| Hazardous Materials | Approximately 13 sites may have the potential for being impacted by the proposed project. | Additional investigation will be necessary if contamination is discovered during construction, or if additional information becomes available regarding hazardous materials sites, or if changes are made to the proposed right-of-way. If contamination were to be confirmed, TxDOT will develop appropriate soils and/or groundwater management plans for activities within these areas. |
| Archeological Resources | Accidental Disturbance of Buried Cultural Deposits during 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. |
| Historic Resources | None | There is one Official Texas Historical Marker commemorating the Thomas Easter Cemetery in the APE. The marker will not need relocation for the project as proposed and will not be affected during construction of the project. |
| Migratory Birds | Migration patterns will not be affected. Swallow nests were observed on some bridge structures near the project area; however these nests did not appear to be active, even though the field visit was conducted during the nesting season. | In the event that migratory birds are encountered on-site during project construction, every effort will be made to avoid take of protected birds, active nests, eggs, and/or young. The contractor will remove all old migratory bird nests between September 1st and the end of February from any structure where work will be done. In addition, the contractor will avoid or minimize clearing vegetation within the project area between March 1 and August 31. |
| Riparian Vegetation | Up to approximately 4.5 acres of riparian vegetation will be impacted. | Mitigation is not proposed, as current design plans indicate that either the streams in the project area are to be spanned and existing vegetation under bridge structures will be left in place as much as is practicable or the improvements will be limited to extensions of existing culverts; therefore, impacts to riparian vegetation will be minimized. The riparian area associated with Cottonwood Branch will be primarily bridged and should experience minor impacts. A commitment has been made to TPWD that clearing activities in this area be limited to that necessary to build the supporting elements of the proposed structure. |

| Environmental Mitigation and Monitoring Commitments | | |
|---|--|---|
| Project Issues and Resources | Type of Impact | Mitigation and Monitoring Commitments |
| Wetlands and Waters of the U.S. | <p>Proposed improvements will result in the placement of minor amounts of fill into waters of the U.S.</p> <p>The waters are not navigable; therefore, neither a U.S. Coast Guard Section 9 Permit nor a USACE Section 10 Permit will be required.</p> | <p>The project will be covered under a U.S. Army Corps of Engineers (USACE) Nationwide Permit 14. All Section 404 permitting will be coordinated with the Regulatory Branch, Fort Worth District of the USACE. The TCEQ issues Section 401 water quality certifications for projects prior to approval of the Section 404 permit from the USACE. Section 401 of the CWA requires states to certify that a proposed CWA Section 404 permit will not violate water quality standards. The design and construction of the proposed improvements must include construction and post-construction Best Management Practices (BMPs) to manage stormwater runoff and control sediments.</p> <p>No impacts to the wetland near Cottonwood Branch are expected since the area will be bridged; however, a commitment to TPWD has been made to establish fencing around the area to make the developer aware that the area is not to be disturbed.</p> <p>A wetland mitigation area owned by the DFW Airport and deed restricted to the USACE is located at the southeast corner of the intersection of SH 121 and Bethel Road. A retaining wall is proposed in this area eliminating the need for any additional right of way from the wetland mitigation area.</p> |
| Water Quality | Stormwater Runoff from Construction | <p>The water quality of wetlands and waters in the State shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative and Numerical Criteria. BMPs will be implemented in accordance with the Storm Water Pollution Prevention Plan (SW3P). The contractor will take appropriate measures to prevent, minimize, and control the spill of fuels, lubricants, and hazardous materials in the construction staging area. All spills, including those of less than 25 gallons shall be cleaned immediately and any contaminated soil shall be immediately removed from the site and be disposed of properly. Designated areas shall be identified for materials storage. These areas shall be protected from run-on and run-off. The use of construction equipment within stream channels is not anticipated for this project. However, if work within a watercourse or wetland is unavoidable, heavy equipment shall be placed on mats, if necessary, to protect the substrate from gouging and rutting. All construction equipment and materials used within stream channels and immediate vicinity will be removed as soon as the work schedule permits and/or when not in use and shall be stored in an area protected from run-on and run-off. All materials being removed and/or disposed of by the contractor will be done in accordance with state and federal laws and by the approval of the Project Engineer. Any changes to ambient water quality during construction of the proposed project shall be prohibited, may result in additional water quality control measures, and shall be mitigated as soon as possible. The contractor will practice "good housekeeping" measures, as well as, "grade management" techniques to help ensure that proper precautions are in place throughout construction of the proposed project.</p> |

| Environmental Mitigation and Monitoring Commitments | | |
|---|---|--|
| Project Issues and Resources | Type of Impact | Mitigation and Monitoring Commitments |
| Texas Pollutant Discharge Elimination System | No Long-Term Water Quality Impacts | <p>TxDOT will be required to comply with TCEQ - Texas Pollutant Discharge Elimination System General Permit for Construction Activity. The project will disturb more than one acre; therefore, a Notice of Intent will be filed to comply with TCEQ stating that TxDOT will have a SW3P in place during construction of the proposed project.</p> <p>The project will also disturb more than five acres, thus requiring a Large Construction Permit. Should impacts to waters of the U.S. be associated with the construction of this project, Erosion Control, Sedimentation Control, and Post Construction Total Suspended Solids (TSS) Control devices from the TCEQ Section 401 Best Management Practices (BMP) List will be required. Erosion Control devices will be implemented and maintained until construction is complete. Sedimentation Control devices will be maintained and remain in place until completion of the project. Post-Construction TSS Control devices will be implemented upon completion of the project.</p> |
| Invasive Species and Beneficial Landscaping | Beneficial | <p>An Executive Memorandum dated August 9, 1994 directed that on all federally assisted projects, agencies "shall wherever cost-effective and to the extent practicable": (1) use regionally native plants for landscaping; (2) design, use or promote construction practices that minimize adverse effects on the natural habitat; (3) seek to prevent pollution by, among other things, reducing fertilizer and pesticide use; and (4) implement water-efficient and runoff reduction practices. The landscaping included with this project will be in compliance with the Executive Memorandum and the guidelines for environmentally and economically beneficial landscape practices. In accordance with Executive Order 13112, which addresses invasive species, and the Executive Memorandum on beneficial landscaping, landscaping will be limited to seeding and replanting of the right-of-way with native species of plants where possible. Where project construction has removed existing grasses, the States approved seeding specification or similar mix will be used to revegetate the right-of-way and for revegetation of trees and/or shrubs native replacements are needed. Soil disturbance will be minimized to avoid the introduction or spread of invasive species as a result of the proposed project.</p> |
| Airway/Highway Clearance | None | <p>A FAA Notice of Proposed Construction or Alteration form (Form AD-7460-1) will be completed during the design phase and submitted by TxDOT to the FAA for their approval prior to construction of the proposed improvements.</p> |
| Construction | Access, Traffic Control, Temporary Noise and Dust, etc. | <p>Plans to ensure safe and efficient traffic flow during construction will be developed as part of the detailed construction plans for the proposed improvements. Interruptions to public facilities and services during construction will be minimized through the use of appropriate traffic control and sequencing procedures. Other construction-related impacts (such as temporary air and noise effects) will be addressed in compliance with standard TxDOT policies and procedures.</p> <p>To minimize impacts to water quality during construction, the proposed project will utilize temporary erosion and sedimentation control practices (i.e., silt fences, rock berms, and drainage swales) from TxDOT's manual "Standard Specifications for the Construction of Highways, Streets, and Bridges".</p> <p>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. Access to businesses along the corridor will be maintained during construction. Any aerial and/or underground utility adjustments will be completed at the expense of the utility company and will be conducted in a manner that minimizes any interruptions in service.</p> |

FHWA DECISION

FHWA has reviewed all of the relevant documents and material and all of the previous environmental studies and findings. Based upon our own independent review and analysis we find that the March 2009 DFW Connector Project EA analyzed and considered all the relevant potential environmental impacts and issues. FHWA concurs with the findings made in the EA in that: (1) Build Alternative - Managed Express Lanes toll facility within the existing corridor is the recommended alternative for the DFW Connector Project, (2) Build Alternative - Managed Express Lanes toll facility within the existing corridor best meets the need and purpose of the project with the least amount of impacts to the resource areas, (3) the proposed DFW Connector Project will have no significant impacts on the quality of the human or natural environment under NEPA.

Based upon our own agency review and consideration of the analysis and evaluation contained in the EA for the DFW Connector Project, and after further careful consideration of all social, economic, and environmental factors, including input from the public involvement process, FHWA hereby approves the issuance of a Finding of No Significant Impact for the DFW Connector Project. FHWA further approves the Build Alternative - Managed Express Lanes toll facility within the existing corridor as the recommended alternative for selection as the proposed action for this project. The selected alternative will best fulfill the need and purpose for the project and meet the goals identified for the DFW Connector corridor. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.



Anita N. Wilson
Urban Programs Engineer
Federal Highway Administration

April 23, 2009
Date