

FEDERAL HIGHWAY ADMINISTRATION

***FINDING OF NO SIGNIFICANT IMPACT (FONSI)***

For

FM 865: From Almeda-Genoa Road to FM 518  
Harris and Brazoria Counties, Texas  
TxDOT CSJ 0976-01-019, 0976-01-034, 0976-02-083, and 0976-02-085

**PROJECT DESCRIPTION**

The Texas Department of Transportation (TxDOT) proposed to improve a segment of Farm-to-Market (FM) 865 (also known as Cullen Boulevard) from Almeda-Genoa Road in Harris County to FM 518 in Brazoria County, Texas. The 4.0-mile project is located in Harris and Brazoria Counties within the cities of Houston and Pearland. The proposed facility will be a four-lane divided roadway with a curb and gutter drainage system. The proposed facility will also include a Shared Use Path for bicyclists and other non-motorized transportation on the west side of the roadway, and a sidewalk to the east.

**Project History**

Currently, FM 865 is a two-lane undivided facility with 12-foot main lanes (one in each direction) that lacks sidewalks and a curb and gutter drainage system. The existing right-of-way (ROW) varies between 80 feet and 125 feet. Traffic signals are located at the cross streets of Almeda-Genoa Road, Hughes Ranch Road, Kilnar Road, and FM 518 as well as at the Sam Houston Tollway/Beltway 8.

Northbound and southbound through traffic along FM 865 must stop intermittently for other drivers making unprotected left turns at intersections and driveways where no turn bays and/or traffic signals exist, which creates inadequate mobility (congestion) and traffic delays along the project corridor. Unprotected left turns are primarily made by drivers entering the cemeteries (for funeral services) located in the southern portion of the project area as well as by drivers who access the adjacent businesses, residences, and subdivisions scattered along FM 865. Furthermore, future development of a Pearland I.S.D new planned high school is proposed at the northwest corner of Hughes Ranch Road and FM 865. The new planned high school (Glenda Dawson High School) is scheduled to open in the fall of 2009, and with an estimated attendance of 2,000 students (Pearland I.S.D. 2007), traffic volumes are anticipated to increase causing additional congestion. Travel patterns within the project area reinforce the need to plan for an improved roadway facility. The proposed project will improve mobility and safety along FM 865 for local and through traffic.

The No Build and Build Alternatives were considered during the planning process. As a result of the public involvement and project development process, the Build Alternative, which would utilize the existing FM 865 facility and acquire additional ROW, is selected as the Recommended Alternative. The Build Alternative will best achieve the need for and purpose of the project.

In accordance with the regulatory requirements of Section 106 of the National Historic Preservation Act and the terms of the First Amended Programmatic Agreement, coordination with the Texas Historical Commission for Historic Structures and Archeology has been completed and concurrences of “no adverse effect” were received.

Coordination with the Texas Parks and Wildlife Department (TPWD) was completed on February 25, 2008. The results of the air quality assessment indicate that no mitigation is necessary. The results of the noise analysis indicate that a noise barrier tying into the existing east-west noise barrier on the north side of Morningside Place was determined to be both feasible and reasonable. It is anticipated that this project will require a Nationwide Permit No. 14 with the need for a pre-construction notice (PCN) to the United States Army Corps of Engineers (USACE).

The Federal Highway Administration (FHWA) approved the EA as ‘Satisfactory for Further Processing’ on August 11, 2008. The Houston District afforded the opportunity for the public to request a public hearing; however, no requests were received.

## **MITIGATION COMMITMENTS**

### **Relocations**

The Build Alternative would impact approximately 0.50 acre of commercial land use, 0.82 acre of residential land use, and 1.25 acres of undeveloped land. A total of 2.57 acres of land use would be converted to roadway ROW. No residential or business displacements or relocations are required.

Both the U.S. and Texas Constitutions provide that no private land may be taken for a public purpose without adequate compensation. Therefore, all land necessary for highway improvements must be purchased from existing property owners in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereafter referred to as the Uniform Act.

### **Local Economy**

The long-term economic effects resulting from the Build Alternative are anticipated to be positive. Increased roadway capacity would reduce congestion on FM 865, accommodate the increase in traffic due to the growing population, and provide easier access to businesses in and around the project area. This would decrease travel time and result in reduced vehicle operating costs for commuters using the highway. Increased accessibility would tend to induce additional land development, which could increase the property value of properties adjacent to the improved roadway and eventually increase the local tax base. A short-term benefit to the local economy would be stimulation of employment during construction-related expenditures, also resulting in a positive effect on the local tax base.

### **Land Use**

The viability of the cities of Houston and Pearland as well as the surrounding communities is not expected to change because of the proposed project. The presence of the proposed project may induce land use changes near the planned developments along FM 865 and around intersections with the proposed project, including Beltway 8, Brookside Road, and Hughes Ranch Road. Land use

changes would likely include the conversion of undeveloped land to retail, such as convenience stores and gas stations serving through travelers, as well as to residential uses. Land use changes may also occur, especially at or near intersections, as businesses seek financial opportunities associated with improved accessibility. Along with improving accessibility, the proposed project would also improve travel times to key destinations and decrease congestion. Overall, these factors are not anticipated to substantially impact current or future land use. The proposed project is consistent with regional and local plans.

### **Noise**

Proposed noise barriers for the Morningside Place subdivision were determined to be both feasible and reasonable for six receivers, representing 27 residences, and therefore, are proposed for incorporation into the project. Based on preliminary calculations a noise barrier tying into the existing east-west noise barrier on the north side of Morningside Place, approximately 1,040 feet in length at 10 feet in height and then a barrier approximately 565 feet in length at 10 feet in height, would reduce the noise level by at least 5 dBA for 27 benefited receivers and a total cost \$240,705 or \$8,915 per benefited receiver.

The final decision to construct the proposed noise barrier would be made upon completion of the project design, utility evaluation, and the public involvement process.

### **Floodplains**

The hydraulic design for the project will be in accordance with current TxDOT and FHWA design policies and procedures. The alternatives considered would permit the conveyance of a 100-year flood, inundation of the roadway being acceptable, without causing significant damage to the roadway, floodplain or other property along the route.

### **Waters of the U.S., including Wetlands**

Approximately 0.10 acre of open waters and 0.001 acre of adjacent wetlands of Hickory Slough were identified within the existing and proposed ROW of the Build Alternative. The Build Alternative would not affect more than the allowable threshold acreages in non-tidal waters (0.50 acre) and therefore, would qualify for a USACE Nationwide Permit (NWP) 14. No tidally-influenced water bodies are associated with this project. A NWP 14 would be used where culvert construction would result in the placement of fill in waters of the U.S., including wetlands. A PCN to the USACE would be required since there would be discharges to wetlands, which are special aquatic sites, and because cumulative impacts in some areas exceed 0.1 acre, which is the NWP 14 acreage threshold for a PCN.

A review of USACE requirements would be conducted as design plans are finalized. Compensatory mitigation for Section 404 effects would be coordinated with the USACE and performed in accordance with the terms of the approved permits. All appropriate permits would be acquired by TxDOT prior to construction.

### **Vegetation**

According to the Provision (4)(A)(ii) of the TxDOT-Texas Parks and Wildlife (TPWD) Memorandum of Understanding (MOU), the following habitat types are to be considered for compensatory mitigation: habitat for federal candidate species, rare vegetation that provides habitat for state listed species, all vegetation associations listed as S1 or S2, bottomland hardwoods, native prairies, riparian areas, or any habitat locally considered important to mitigate.

Of the vegetation effects associated with the preferred alternative, none are considered pertinent to the TxDOT-TPWD MOU. Clearing of vegetation would be avoided or minimized where possible for construction of the proposed widened roadway and establishment of clear zones. Upon completion of earthwork operations, disturbed areas would be restored and reseeded in accordance with TxDOT's "Seeding for Erosion Control," Executive Order 13112 on Invasive Species, and the Executive Memorandum on Beneficial Landscaping.

### **Water Quality**

Effects to water quality would be minimized by implementing a Storm Water Pollution Prevention Plan (SW3P) in compliance with Texas Commission of Environmental Quality (TCEQ) requirements. The SW3P would utilize temporary erosion and sedimentation control practices (i.e., silt fence, rock berm, and drainage swales) from TxDOT's manual "Standard Specifications for the Construction of Highways, Streets, and Bridges." Where appropriate, these best management practices (BMPs) would be in place prior to the initiation of construction and would be maintained throughout the duration of the construction. Upon completion of construction, a Notice of Termination (NOT) would be provided to TCEQ. Additionally, a portion of the proposed project operates within a small Phase II MS4 area while other portions operate within a regulated Phase I MS4 area; therefore, the contractor would need to coordinate the project with the appropriate MS4 operator and the TCEQ prior to any discharge into the MS4 system. The BMPs and erosion controls used would also coincide with those identified in the Section 401 Water Quality Certification request from TCEQ.

Clearing of vegetation would be limited and/or phased in order to maintain a natural water quality buffer and minimize the amount erodible earth exposed at any one time. Because the preferred alternative would disturb more than five acres, it would be necessary to file a Notice of Intent (NOI) with TCEQ prior to construction.

### **Hazardous Materials**

The contractor would take appropriate measures to prevent, minimize and control the spill fuels, lubricants, and hazardous materials in the construction staging area. All materials being removed and/or disposed of by the contractor would be done so in accordance to state and federal laws and by the approval of the Project Engineer.

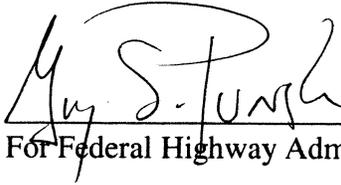
### **Cultural Resources**

If historic structures or archeological sites are discovered prior to or during construction, work would cease immediately. TxDOT archeological staff would assess the site pursuant to the Texas

Administrative Code (TAC) and the site would be avoided or mitigated according to Section 106 of the National Historic Preservation Act.

**DETERMINATION**

The FHWA has determined that the Build Alternative will have no significant impact on the human environment. This Finding of No Significant Impact (FONSI) is based on the attached Environmental Assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impact of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

  
\_\_\_\_\_  
For Federal Highway Administration

11-24-2008  
Date