



Appendix G

Right of Entry Summary

Lubbock Outer Route Study

In order to conduct the environmental field study, Right of Entry letters were sent to all property owners within the study area in March 2014.

Six hundred and seventy seven (677) letters were mailed in total with three hundred sixty nine (369) responses received during the following weeks. Two hundred sixty eight (268) property owners allowed right-of-entry with forty nine (49) of them doing so only under certain conditions. Forty (40) property owners responded with denials and three hundred and sixty-nine (369) letters went unanswered.

The template for the Right-of-Entry letter used is as follows.

January 27, 2014

Parcel(s): (#) Address

Re: Permission for Right-of-Entry – Lubbock Outer Route Study

Dear Property Owner:

Jacobs has been contracted by the Texas Department of Transportation (TxDOT) to work on a study for a new route to be located between US 84 northwest, near Shallowater, to US 84 southeast, near Slaton in Lubbock County. A project location map is attached. Jacobs is conducting environmental studies and distributing right-of-entry requests for field surveys associated with the potential improvement.

In order to satisfy state and federal regulations, Jacobs request right-of-entry and permission to walk, photograph, and/or complete shovel testing on a portion of your property that is within the study area of the project. This survey would be necessary to determine whether any protected natural or cultural resources exist within the study area of the potential project route. An explanation as to how the surveys would be conducted and why they are required is included in the attached Permission for Right-of-Entry form. All surveys will be conducted by environmental consultants hired by TxDOT with the understanding that livestock, fences, and buildings would not be disturbed in any manner.

On the Permission for Right-of-Entry form there are two signature lines. Your signature under the “Acceptance of Entry to Property” indicates you allow TxDOT personnel and/or their consultant access to your property for these surveys. Any special conditions or comments may be written on the form. Under “Denial of Entry to Property” your signature indicates TxDOT personnel or their consultant are not allowed access to your property. Whether you accept or deny entry, it would be appreciated if you would return both pages of the Permission for Right-of-Entry form in the enclosed stamped envelope before February 7, 2014. We would like to schedule surveys between February 19, 2014 and June 30, 2014.

If you have any questions about the survey or the studies being conducted, please feel free to call Andrew Cooper at (512) 732-7519.

For other information regarding the Lubbock Outer Route Study, please contact Steven Warren, P.E. at (806) 748-4490 or <https://www.txdot.gov/inside-txdot/projects/studies/lubbock/outer-route.html>. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Andrew Cooper". The signature is written in a cursive style with a large initial "A".

Andrew Cooper
Jacobs Engineering Group

Attachment

PERMISSION FOR RIGHT OF ENTRY

THE UNDERSIGNED, being the (owner/renter) of certain real estate,

(#) Address

which may be affected by the transportation project shown in Figure 1 attached, understanding that the Texas Department of Transportation (TxDOT), in compliance with federal and state laws requiring the determination of the potential existence of:

X **WETLANDS**

X **THREATENED OR ENDANGERED PLANTS AND ANIMALS**

X **HISTORIC BUILDINGS AND STRUCTURES**

X **ARCHEOLOGICAL MATERIALS**

along the project route. The necessary surveys to determine whether any protected natural or cultural resources exist within the project study area are as follows:

FOR WETLANDS: Jacobs may conduct limited shovel testing to determine soil characteristics of a suspected wetland area, consisting of the removal of a plug of soil approximately 18 inches deep and 12 inches in diameter, which will be replaced after inspection. Depending on the determination of the survey, the results of the survey may be sent to the United States Army Corps of Engineers, as well as other state and federal agencies in order to obtain the proper permit authority under the Federal Clean Water Act.

FOR THREATENED OR ENDANGERED PLANTS AND ANIMALS: Jacobs' biologists would conduct walking surveys to determine if the property has either an individual threatened or endangered species or the habitat to support a threatened or endangered species. If the survey results are negative, no further action is required. If an individual or the habitat of a threatened or endangered species is found, the information would be coordinated with the United States Fish and Wildlife Service according to the Endangered Species Act, as well as the Texas Parks and Wildlife Department.

FOR HISTORIC BUILDINGS AND STRUCTURES: Jacobs' personnel would conduct a survey of the project area to determine the existence of any buildings or structures that may be historically significant for their architecture or their association with local, state or national history. Historic buildings or structures may be houses, barns, agricultural buildings, silos, tanks, bridges, cattle guards or any other form of construction. The survey would consist of the inspection and photography of the exterior of structures within or adjacent to the project study area. Survey results would be provided to the Texas Historical Commission as required by state and federal law. If additional research were required to determine the historical significance of any building or structure, such research would be part of a separate agreement.

FOR ARCHEOLOGICAL MATERIALS: Jacobs' archeologist evaluations may consist of shovel tests in selected areas of the proposed study area. Shovel tests will be approximately 18

PERMISSION FOR RIGHT OF ENTRY

inches in diameter and may extend to a depth of about three feet. The soil removed from these shovel tests will be screened on-site to locate cultural evidence, after which the holes will be back-filled. Additionally, all efforts will be made to minimize long term disturbance and return the affected area to its previous contours. Survey results would be provided to the Texas Historical Commission as required by state and federal law. If additional research were required to determine the historical significance of any materials, such research would be part of a separate agreement.

ACCEPTANCE OF ENTRY TO PROPERTY

I, _____, understanding the nature and extent of the surveys necessary to determine the existence of natural and cultural resources protected by federal and state laws, do hereby grant permission to TxDOT and Jacobs staff to enter the real estate described in this document to conduct the requested surveys and testing.

SPECIAL CONDITIONS:

SIGNATORY:

Signature Date

Printed Name

Address Telephone Number

With your permission, we would like to schedule the surveys for some time between February 19, 2014 and June 30, 2014. If this time is not convenient, please contact the person listed below to arrange for an alternate time. You or your representatives are cordially invited to accompany the surveyors. If you have any questions, or require additional information, please contact: Andrew Cooper, Jacobs Engineering, (512) 732-7519.

DENIAL OF ENTRY TO PROPERTY

Signature Date

Printed Name