



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

**Texas Division Office**

May 23, 2011

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In Reply Refer To:  
HB-TX

Finding of No Significant Impact  
Galveston County  
FM 646: I-45 to Bayshore Boulevard  
CSJ: 0978-02-034

Julia Ragsdale  
Project Delivery Section Team Leader  
Environmental Affairs Division  
Texas Department of Transportation  
Austin, Texas 78701

Dear Ms. Ragsdale:

Enclosed is a signed copy of our Finding of No Significant Impact (FONSI) for the above-mentioned project. This FONSI documents our approval of Alternative D (Preferred Alternative) which will widen FM 646 to a four-lane divided roadway. The decision is based on the results from the Environmental Assessment prepared for the project. If you should have any questions, please contact me at 512-536-5961.

Sincerely,

Randy Paulk, P.E.  
Area Engineer

Enclosure

**RECEIVED-TXDOT**

**MAY 25 2011**

**ENVIRONMENTAL  
AFFAIRS DIVISION**



Federal Highway Administration  
**Finding of No Significant Impact**

FM 646: from IH 45 to Bayshore Boulevard  
Galveston County, Texas

CSJs: 3049-01-027, 3049-01-022, 3049-01-023, 0978-02-053, & 0978-02-034

**Introduction**

The Federal Highway Administration (FHWA) has determined, in accordance with 23 CFR §771.119 and §771.121, that the FM 646 project [Farm-to-Market Road (FM) 646 from Interstate (IH) 45 to Bayshore Boulevard (Blvd.)] 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 March 2010 FM 646 project Environmental Assessment (EA). A public hearing was held in July 2010. The Public Hearing Summary Report (which includes responses to public comments) prepared by the Texas Department of Transportation (TxDOT) in April 2011 has been included in the project's public record.

The March 2010 EA and the Public Hearing Summary Report have been independently evaluated by FHWA and determined to adequately and accurately discuss the need, purpose, alternatives, environmental issues, and impacts of the proposed FM 646 project and appropriate avoidance, minimization and mitigation measures. These documents provide sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The documents are incorporated by reference into this decisional document.

**Project Background**

Total project length is approximately 8 miles (mi). The FM 646 roadway improvements are being proposed by TxDOT under five Control Section Job (CSJ) numbers: 3049-01-027 (Benson Gully to IH 45), 3049-01-022 (Edmunds Way to FM 1266), 3049-01-023 (FM 3436 to FM 1266), 0978-02-053 (FM 3436 to SH 146), and 0978-02-034 (SH 146 (N) to 1 mi east of SH 146). The last section of the roadway that passes through the unincorporated community of Bacliff is also referred to as Grand Avenue. For the purposes of this document, the existing roadway will be solely referred to as FM 646.

The proposed project is to widen FM 646 from a two-lane undivided roadway to a four-lane divided roadway. The proposed roadway from IH 45 to Maryland Avenue (2.125 mi) will be an urban curb and gutter section with four 12-foot (ft) lanes, 12-ft outside shoulders and a 14-ft raised median with a 2-ft inside curb offset.

A bridge is proposed to extend from west of SH 3 to east of Nichols Avenue. The 2,166-ft long bridge will extend over SH 3, the Union Pacific Railroad crossing and Nichols Avenue. Half of the bridge length will be four 12-ft lanes with 12-ft outside shoulders and a 14-ft raised median with a 2-ft inside curb offset. The second half of the bridge will be twin structures. Each structure will have two 12-ft lanes with 4-ft inside shoulders and 10-ft outside shoulders. The existing roadway crossing at the Union Pacific Railroad will remain open, and parallel access roads along the bridge will be proposed to maintain access to adjacent properties.

The proposed roadway from Maryland Avenue to Vicksburg Lane (3.875 mi) will be four 12-ft lanes, 12-ft outside shoulders and a 16-ft raised median with a 2-ft inside curb offset and open ditches. Sidewalks are proposed to extend from IH 45 to FM 1266, and will include pedestrian

access to Elva Lobit Park. The proposed improvements to FM 646 would require the acquisition of 25.6 acres of additional right-of-way (ROW).

The following items are the focal points regarding the need for this project:

- Improved mobility, both locally and regionally, due to the projected increases in traffic, population, and development
- Decreased congestion during hurricane evacuations
- Improved safety and operational efficiency
- Reduced congestion and address safety concerns at the at-grade railroad crossing

Galveston County population increased 47.3% between 1970 and 2000. The Houston-Galveston Area Council (H-GAC) forecasts continued growth, reaching 394,100 persons in 2030, a 57.5% increase over the year 2000 population of 250,170.<sup>1</sup> During the same period, H-GAC forecasts the regional analysis zone (RAZ) in which the project is located to increase from a year 2000 population of 4,332 to 12,289; an increase of 183.7%.

Mobility and congestion problems exist along FM 646 since the capacity of this roadway is currently not sufficient to meet an acceptable level of service (LOS). LOS is a qualitative measure of operating conditions at a location and is directly related to roadway network performance measures such as vehicular delay. LOS is given a letter of designation ranging from A to F (free flowing to heavily congested), with LOS C considered as the limit of acceptable operation in rural areas. Based on existing traffic volumes and data for similar roadways within the project area, the existing LOS for FM 646 is F. This LOS is below the limit of acceptable operation (LOS C) for a two-lane rural roadway. The proposed improvements are necessary in order for the FM 646 facility to accommodate the projected increase in traffic volumes and to operate at a LOS C or better.

The Federal Railroad Association's (FRA) Highway-Rail Crossing Safety and Trespass Prevention Program goals include reducing the number of accidents at highway-rail grade crossings and along railroad rights-of-way. It is estimated that in recent years approximately 300-400 deaths nationwide have occurred annually within existing at-grade crossings, thus warranting consideration from transportation agencies with jurisdictional oversight of these crossings. Funds have been earmarked for this purpose under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) program which has been extended until September 2011. This program allocates money to the States to eliminate hazards at public highway-railroad at-grade crossings. The proposed improvements to FM 646 would include adding an overpass over the existing railroad crossing near SH 3. This would improve both safety and mobility in the project area.

Due to the anticipated increases in traffic, population, and regional development, improvements to FM 646 are needed. FM 646 is listed as a prioritized project on the July 2006 Regional Metropolitan Mobility Plan. A Congestion Mitigation Analysis was performed in May 2006 from IH 45 to FM 1266. This analysis concluded that this section of FM 646 has deteriorated significantly to justify adding additional road capacity. Adding capacity on this roadway is consistent with the Congestion Management System Plan of the H-GAC Air Quality-Congestion Management System. The expansion of FM 646 would help meet existing and future traffic demands and provide for safer mobility.

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<sup>1</sup> 2035 Regional Growth Forecast.

The section of FM 646 from Bacliff to IH 45, within the proposed project limits is a two-lane, undivided roadway. This section of FM 646 provides a primary connection to IH 45 and SH 146, both of which are utilized by commuters to access the surrounding communities of Dickinson, League City, and Bacliff. Development is rapidly increasing in this area and the number of commuters into Houston is continuously increasing.

Throughout the 1980s and 1990s, Galveston County experienced a steady increase in population. Due to the growth in population, vehicular traffic on local roadways has increased. The increased vehicular traffic has accelerated the degradation of the existing roadway and has increased congestion within the project limits. Additionally, the limited paved surface does not provide accessible safe areas for motorists to depart the travel lanes in the case of an emergency.

Currently, FM 646 is utilized as the main thoroughfare for residents of Dickinson, League City, and Bacliff. Therefore, the FM 646 roadway is crucial to the local economy. The proposed project would provide improved service to surrounding communities.

FM 646 also serves as a direct link to hurricane evacuation routes for area communities, and has been designated by the county as an important corridor for regional public safety. The proposed project would also increase public safety by providing improved mobility to surrounding communities.

The purpose of the project includes:

- Increase safety and operational efficiency (mobility)
- Reduce congestion during evacuation events
- Provide added capacity for future traffic volumes
- Addition of an overpass at the Union Pacific railroad crossing

Reconstruction of the roadway and the addition of travel lanes will improve mobility and provide additional capacity for future traffic. Widening the shoulders and adding a raised center median would improve the safety characteristics of the roadway. Construction of a new overpass at the Union Pacific Railroad crossing will also improve mobility and increase safety along the corridor.

The FM 646 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.

### **Review of the EA**

TxDOT completed the EA, and FHWA approved the EA for further processing in April 2010. The EA considered and analyzed the potential social, economic, and environmental impacts related to the proposed improvements to FM 646. Specifically, the EA studied the potential impacts associated with the No-Build Alternative and the Preferred Alternative.

The potential impacts studied include 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 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 ecosystems." 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 future effects on that resource from unrelated activities.

Several roadway design concept alternatives were developed by the project sponsor. During the alternatives analysis process, described in detail in the EA, five preliminary alternatives were initially proposed to determine whether any of them meet the stated need and purpose of the project. The preliminary alternatives studied include the No-Build Alternative, widening to the north (Build Alternative A), widening to the south (Build Alternative B), widening to center (Build Alternative C), and a combination of Alternatives A and C (Build Alternative D) was added. All of these alternatives are discussed below.

#### ***No-Build Alternative***

The No-Build Alternative assumes only routine maintenance of the roadway. Other projects currently planned and programmed in the H-GAC's *2008–2011 Transportation Improvement Program* would still be built. The No-Build Alternative offers no additional capacity or mobility improvements to FM 646. Due to current and future increases in population, the No-Build Alternative would not accommodate the mobility needs of the public resulting from the increased growth of businesses and residential developments, nor would it improve the operational efficiency and safety conditions along FM 646 within the project limits. Therefore, the No-Build Alternative would not meet the project's need and purpose.

#### ***Build Alternatives***

When considering the widening of an existing highway, there are generally four possible alternatives available; acquire needed additional ROW on one side of the existing highway, acquire needed additional ROW on the other side, or possibly reduce impacts on adjoining property owners by acquiring lesser amounts of ROW on both sides of the existing highway. Building on new alignment is usually more costly and more disruptive to the developing project area and was therefore not considered in this analysis. Three build alternatives and the No-Build Alternative were originally considered for the proposed project. The three build alternatives were presented to the public at two public meetings held in 2005 and 2006. All of them were considered sufficient in satisfying the need and purpose of the project as stated in the EA; however, due to public comments Alternatives A, B and C as originally presented, were dismissed in the early planning stages and a fourth build alternative, Alternative D (a combination of alternatives A and C), was carried through analysis. TxDOT has recommended the approval of the Build Alternative D as the Preferred Alternative, as discussed below.

#### ***Alternative A – North Alignment***

Alternative A would acquire all additional ROW primarily from the north side of the existing roadway. The maximum proposed ROW width for this alternative would be 152 ft. This alternative was not preferred because of increased impacts to residential and commercial displacements on the north side of the roadway. Public comments did not favor this alternative and it was dismissed in the early planning stages.

#### ***Alternative B – South Alignment***

Alternative B would require additional ROW primarily from the south side of the existing FM 646 roadway. The maximum proposed ROW width for this alternative would be 152 ft. This alternative was not preferred because of increased impacts to residential and commercial

displacements on the south side of the roadway. Public comments did not favor this alternative and it was dismissed in the early planning stages.

***Alternative C – Center Alignment***

Alternative C would center the proposed alignment along the existing FM 646 facility, thus dividing the additional ROW needs from both the north and south sides of the roadway as a best-fit scenario. The maximum proposed ROW width for this alternative would be 152 ft. An equal amount of ROW would be acquired from both sides of the roadway, therefore not resulting in disproportionate displacements on the north or south sides. However, this alternative had impacts to Elva Lobit Park. This alternative was initially preferred by the public.

***Alternative D – Preferred Alternative***

Following the public meetings, public input was taken into further consideration. As a result, a combination of the north and center alignments (Alternatives A and C) is considered the Preferred Alternative (Alternative D). The majority of the proposed project area would have equal amounts of ROW acquired from the north and south sides of the roadway except in the vicinity of Elva Lobit Park. The park is adjacent to the roadway on the south side of FM 646, approximately 1.2 mi east of SH 3. To completely avoid this park, the alignment is proposed to shift to the north from Wyoming Street to approximately 1.0 mi east of the park limits and then return to the center alignment. Like Alternatives A, B, and C, this alternative would also not acquire additional ROW in the Bacliff area. This alignment was preferred by the public because of the design modifications that avoided the park.

The Preferred Alternative would meet all the project needs by improving mobility, decreasing congestion during hurricane evacuations, and improving safety and the operational efficiency of the roadway as well as incorporate the public involvement.

The Preferred Alternative would involve widening approximately 8 mi of FM 646. The Preferred Alternative would require the acquisition of approximately 25.6 acres of additional ROW, along both sides of the existing FM 646 corridor. The Preferred Alternative complies with the State Implementation Plan to bring the Houston area into compliance with the U.S. Environmental Protection Agency's air quality standards.

Implementation of the proposed project would result in the clearing of approximately 37.28 ac of vegetation within the existing and proposed ROW. Of those 37.28 ac, approximately 36.72 ac would be maintained grasses/lawns, 0.13 ac would be non-forested wetlands, and 0.43 ac would be upland forest. Field surveys identified six areas within the project area that contain a total of 0.45 ac of potentially jurisdictional waters of the U.S., including wetlands. This acreage consists of two wetlands totaling 0.13 ac and five waters totaling 0.32 ac. A Nationwide Permit 14 for Linear Crossings will be submitted to the U.S. Army Corps of Engineers for the proposed project. The Preferred Alternative would cross the 100-year floodplain within the area around Benson Bayou; however, the hydraulic design of the proposed improvements would be in accordance with the current TxDOT and FHWA policy standards. Therefore, the proposed project would not increase the base flood elevation to a level that would violate applicable floodplain regulations and ordinances. The Preferred Alternative would have a small effect on surface water runoff quality. It would increase impervious cover; however, proposed drainage improvements would convey the additional runoff.

Additional ROW is required for the proposed project; however, it is zoned for urban use and therefore is exempt from the requirements of the Farmland Protection Policy Act and would not require coordination with the Natural Resources Conservation Service. A determination of "no

effect" on federally listed threatened or endangered species has been reached for the proposed project. Also under the Preferred Alternative, no impacts to state-listed threatened or endangered species are anticipated. The proposed project would not impact essential fish habitat or migratory birds. It would not divide neighborhoods, restrict access to public services, nor affect community cohesion as it is a widening of an existing corridor. This alternative would not impact noise receivers. No cultural resources have been identified as being impacted under the proposed Preferred Alternative. However, 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.

The Elva Lobit Park is located along FM 646, approximately 1.2 miles east of SH 3. The Preferred Alternative was designed to avoid any potential impacts to this park, and would not impact any other Section 4(f) resource. There are no pedestrian or bicycle facilities that extend through the length of the existing project area. Where construction has occurred in the western portion of the project in recent years, sidewalks have been built independently by developers. The proposed project will add continuous sidewalks from IH 45 to FM 1266 and from SH 146 to Bayshore Blvd. The sidewalks will also add pedestrian access to Elva Lobit Park.

There are single track railroad facilities running in north-south directions within the project area which will be temporarily impacted by the roadway expansion. Impacts to these railroad crossings during the construction of the project are considered minor. No long term impacts to the railroad facilities are anticipated. TxDOT will coordinate with the railroads during the design phase of the project for the impacted rail facilities.

Efforts to avoid displacements were made, when feasible, during the project planning and design phases. Four residences and two businesses may be impacted as a result of the proposed improvements. Additional ROW would be acquired from three service stations. Prior to the acquisition of ROW in these areas, a Phase II Environmental Site Assessment would be performed to determine the location of underground storage tanks and gas lines as well as the potential risk for hazardous materials impacts. A final determination of impacts will be known during the next design phase of the project.

As noted above, the EA examines the direct, indirect, and cumulative impacts of the project and identified potential impacts of special concern to include: (a) displacements, (b) hazardous materials, (c) wetlands, (d) vegetation and (e) indirect and cumulative project effects on land use due to the current forecasted pace of development in the area.

The EA concludes:

1. The Build Alternative D is recommended as the Preferred Alternative for the FM 646 project.
2. The Preferred Alternative meets the need and purpose of the project with no significant impacts to the resource areas.
3. The proposed project would have no significant impacts on the quality of the human or natural environment.
4. TxDOT recommended a Finding of No Significant Impact (FONSI) for the FM 646 project.

TxDOT's recommendation for the selection of the Preferred Alternative (D) results from a process that involved the public and had close coordination with 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 types of stakeholders and their needs, from safety to mobility to environmental concerns. The public involvement team for this FM 646 project included representatives from the TxDOT Houston District, HNTB Corporation, and Othon. The process also included consultation with and the participation and involvement of FHWA.

### **Public Meeting and Public Hearing**

Two public meetings have been conducted for the proposed project. Both meetings were held at the Dunbar Middle School in Dickinson. The meetings were conducted in an open house format and consisted of numerous visual aids including an environmental constraints map, schematic layouts, and preliminary ROW maps. The open house format afforded interested persons the opportunity to interact with project representatives and view updated roadway and bridge design information. Preparation for the public meetings included published announcements in local papers in English and Spanish which informed citizens of the opportunity to request an interpreter (for language or other special communication needs) to be present at the public meetings. The Public Meeting notices were published in the *Houston Chronicle* and the *Galveston Daily News*.

The first public meeting was held on November 17, 2005 to inform the public of the proposed widening of FM 646 and to gather public input on the various alignment alternatives being considered for the proposed improvements. Thirty-nine comments were received from the 75 citizens that attended the meeting. Main issues of concern for the proposed project included property access, property acquisition, the requested removal of the Bacliff section from SH 146 to Bayshore Blvd. from the project, and traffic management at the IH 45 intersection. The majority of the participants were in support of the project.

The second public meeting was held on September 7, 2006 to update local residents on the status of the proposed roadway design, the revised project limits, and the preferred alternative. Thirty-seven comments were received from the 59 citizens that attended. The main issue for the citizens that attended this meeting concerned the requested addition of the Bacliff section of roadway back into the proposed project limits. A petition with 115 signatures was submitted to TxDOT in favor of this addition. ROW acquisition and property access were also issues that the participants were concerned about.

A Public Hearing was held on July 13, 2010. As with the public meeting, notice of the public hearing was advertised in metropolitan and local newspapers: the *Houston Chronicle* (in English), *La Voz* (in Spanish) and the *Galveston Daily News*. In addition, notice letters were sent to adjacent property owners and elected officials with jurisdiction in the project corridor. Communication materials used before and during the hearing included letters, boards, designs, handouts and a PowerPoint presentation containing project details. A transcript of the Public Hearing, as well as responses to comments that were received at the hearing and up to 14 days after the Hearing, are included in the April 2011 Public Hearing Summary Report.

### **Media Coordination**

Information regarding the project was posted on the TxDOT Houston District website. Copies of the EA and proposed design were made available to the public at the TxDOT Houston District office and the TxDOT Galveston Area Office.

### **Changes Made to the FM 646 Design as a Result of Public Input**

As a result of close coordination with stakeholders, resource agencies and the community, TxDOT was able to identify and address community needs and concerns throughout the project development process. The following is a summary of public issues and the corresponding actions taken by TxDOT:

- *Concern about increased noise levels:* TxDOT performed a noise analysis and determined that noise impacts would not occur; therefore, the construction of noise barriers would not be a feasible and reasonable measure.
- *Bacliff area improvement concerns:* TxDOT initially removed this section of the project due to public comments, but after a second meeting that requested that it was reinstated, the section was added back into the scope of the project.
- *Median openings/Access concerns:* TxDOT would determine the feasibility of providing median openings at several requested locations.

### **Mitigation/Commitments**

Most potential impacts associated with the construction of the recommended Preferred Alternative will be avoided or minimized, as documented in the EA. The design and construction of FM 646 will incorporate measures to minimize harm to the environment, as described below.

### **Relocations and Right-of-Way Acquisition**

Access to adjacent residences, commercial and industrial areas will be maintained at all times during and after construction. Both the United States and Texas constitutions provide that no private land may be taken for public purposes without providing adequate compensation. The TxDOT Right-of-Way Acquisition and Relocation Assistance Program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, including the Uniform Relocation Assistance Act of 1987. Just compensation is based on the fair market value of the property.

### **Water Quality**

TxDOT will coordinate with the Texas Commission on Environmental Quality (TCEQ), as required, to maintain total maximum daily loads. The quality of waters in the state will be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative and Numerical Criteria.

TxDOT will require the use of Best Management Practices (BMPs) to prevent water pollution from construction sites, in accordance with Sections 401 and 402 of the Clean Water Act. The recommended BMPs will control erosion, sedimentation and post-construction total suspended solids. Erosion control will consist of applying mulch in disturbed areas. Sedimentation control will consist of silt fences placed around construction areas to prevent sediment transport to streams, and will remain in place until project completion. Post-construction total suspended solid control will consist of permanent vegetation filter strips planted between the road and adjacent areas to prevent suspended solids from reaching streams after construction. With these measures, degradation of water quality is not likely.

TxDOT will file a Notice of Intent with TCEQ to comply with the General Permit for Construction Activity and will prepare a Storm Water Pollution Prevention Plan (SW3P). The SW3P will be in place during construction. The plan uses temporary control measures as outlined in TxDOT's *Standard Specifications for the Construction of Highways, Streets and Bridges*.

TxDOT will ensure that appropriate measures are taken to prevent, minimize and control the spill of fuels, lubricants and hazardous materials in construction and staging areas. All materials

being removed or disposed of by the contractor will be done in accordance with state and federal laws.

#### **Waters of the United States, including Wetlands**

Field surveys identified six areas within the project area that contain a total of 0.45 ac of potentially jurisdictional waters of the U.S., including wetlands. This acreage consists of two wetlands totaling 0.13 ac and five waters totaling 0.32 ac. TxDOT will compensate the loss of jurisdictional wetlands and waters by using credits from the Coastal Bottomlands Mitigation Bank in Brazoria County.

#### **Floodplains**

The hydraulic design practices for this project will be in accordance with current TxDOT and FHWA design policies and standards. The hydraulic design of the roadway will be done with the most recent floodplain data that is available for use. The final hydraulic design will be done in accordance with applicable federal, state and local policies and in accordance with 23 CFR §650.113. The roadway will be designed to prevent inundation at recurrence intervals of at least 100 years, inundation of the roadway being acceptable without causing significant damage to the roadway, stream, or other property.

#### **Vegetation**

Following the completion of construction, TxDOT will re-establish turf grasses in the unpaved area of the ROW. TxDOT will use native plant species for replanting where possible. Steps will be taken in the design process to minimize impacts to the natural habitat and prevent pollution by reducing the need for fertilizers or pesticides. Steps will be taken to prevent the introduction of invasive species, control inadvertent introductions and minimize economic, ecological and human health impacts in compliance with Executive Order 13112 on Invasive Species. Soil disturbance will be minimized so that invasive species will not establish in the ROW. Construction equipment will be washed before it is brought to the project area to prevent seeds or propagules of invasive species that may be carried in the mud on construction equipment from being inadvertently introduced to the area.

#### **Wildlife and Migratory Birds**

Trees in the project ROW will be inspected for migratory birds and their nests before construction. If migratory birds or their nests are observed, measures will be taken to avoid harm to migratory birds, their nests, eggs or young. To ensure compliance with the Migratory Bird Treaty Act, clearing vegetation and work within the project area will be conducted outside of the normal nesting season, or measures will be taken to discourage birds from nesting in existing structures.

#### **Cultural Resources**

If evidence of archeological deposits is encountered during construction, work in the immediate area will cease and TxDOT Environmental Affairs Division archeological staff will be contacted to initiate accidental discovery procedures, under the provisions of the Programmatic Agreement among TxDOT, the Texas Historical Commission, FHWA and the Advisory Council on Historic Preservation, and the Memorandum of Understanding between TxDOT and the Texas Historical Commission.

#### **Hazardous Materials**

Additional ROW will be required from three commercial service stations. One at the northwest corner of FM 1266 and FM 646, one at the northwest corner of SH 3 and FM 646, and one at the southeast corner of SH 3 and FM 646. Underground petroleum storage tanks and

associated piping could be potentially impacted by construction at two of these facilities. However, the exact configuration of tanks and pipes is unknown. Prior to the purchase of additional ROW, an in-depth assessment of the location and exact amounts of ROW required from these three commercial service stations will be completed.

Two closed Leaking Underground Storage Tank sites were noted adjacent to the project area. However, based on the visual assessment of the project area and the hazardous materials database search, there is no reason to believe that there are nearby releases into soils and/or shallow groundwater which may affect the proposed construction. If hazardous substances/wastes are encountered unexpectedly during construction, appropriate measures for proper management of the contamination will be initiated in accordance with all applicable federal, state, and local regulations.

A review of Railroad Commission of Texas data shows 37 pipelines crossing FM 646 within the project limits. These pipelines transport gas, crude petroleum, highly volatile liquids (hvl), and non-highly volatile liquids (non-hvl). The pipelines range from 4.5 inches to 36 inches in diameter. Once final design information is available, impacts to each pipeline can be determined.

If any hazardous substance is encountered during construction, it will be handled according to federal, state and local regulations. Construction of the proposed project will involve handling fuel, hydraulic fluid, paint and possibly other hazardous substances, and generate small quantities of liquid wastes. The construction contractor will use measures to prevent spills of hazardous materials in the construction staging area. The contractor will remove or dispose of all materials in accordance with applicable state and federal laws so as not to degrade water quality.

The proposed project will demolish buildings that may contain asbestos. Before demolition, buildings will be inspected for asbestos. If asbestos is present, removal (using approved plans and specifications, notices, license, and accreditation), abatement and disposal, in compliance with federal and state regulations, will be done before construction.

#### **Monitoring or Enforcement**

All commitments and conditions of approval stated in the EA will be monitored by TxDOT and other appropriate state, federal and local agencies to ensure compliance.

#### **FHWA Decision**

FHWA has reviewed all of the relevant documents and materials and all of the previous environmental studies and findings. Based upon our own independent review and analysis, we find that the March 2010 FM 646 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) the Build Alternative (D) is the Preferred Alternative for the FM 646 project, (2) the Preferred Alternative (D) best meets the need and purpose of the project without significant impacts to the resource areas, (3) the proposed project would 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 this 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 FONSI for the FM 646 project. FHWA further approves the Preferred Alternative as the Preferred Alternative for selection as the proposed action for this project. The

Preferred Alternative would best fulfill the need and purpose for the project and meet the goals identified for the FM 646 corridor. This proposed project is included in the H-GACs 2008–2011 *Transportation Improvement Program* under the United Transportation Program, Funding Category 7 (STP Metropolitan Mobility and Rehabilitation).

As to project mitigation, TxDOT is hereby required to ensure completion of all mitigation outlined above and set out specifically in the March 2010 FM 646 project EA. TxDOT is also required to ensure that any and all local, state, or federal permit requirements and conditions are met and otherwise complied with.

  
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For Federal Highway Administration

5/23/2011  
Date