



Documented Reevaluation Checklist

I-35 Northeast Expansion (NEX) Project

Project limits: from I-410 South to FM 1103
CSJs: 0016-05-111, 0016-05-116, 0016-06-114, 0016-06-047, 0016-07-113,
0016-07-133, 0017-10-168, 0017-10-278
Bexar, Comal, and Guadalupe counties, Texas

September 2019

Texas Department of Transportation, San Antonio District

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 237 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.



Documented Reevaluation Checklist (DRC)

For detailed instructions on completing this checklist please see *Guidance: Preparing a Documented Reevaluation Using the Documented Reevaluation Checklist (DRC)* available in the TxDOT Environmental Compliance Toolkit.

Original Environmental Decision Date: 7/2/2015

Let Date: August 2020

DRC Prepared by: Jackie Lopez, Poznecki-Camarillo, Inc.

DRC Reviewed by:

Project Name: I-35 Northeast Expansion (NEX)

Project Limits From: I-410 South

Project Limits To: FM 1103

Control Section Job Number (CSJ): 0016-05-111, 0016-05-116, 0016-06-114, 0016-06-047, 0016-07-113, 0016-07-133, 0017-10-168, 0017-10-278

District(s): San Antonio

County(ies): Bexar, Comal, Guadalupe

Yes **Has the project design or scope changed since the original environmental decision and subsequent reevaluations?**

Project Description:

The Texas Department of Transportation (TxDOT) proposes improvements to I-35 from IH 410 South to FM 1103. Logical termini for the project are the I-35/I-410 South interchange to the south and FM 1103 to the north. The distance between the logical termini is approximately 15.4 miles. Construction limits, which account for transitions into the existing roadways, extend along I-35 from Walters Street to Freisenhahn Lane (north of FM 1103), I-410 North from Nacogdoches Road to I-35, I-410 South from I-35 to WW White Road, and Loop 1604 from Nacogdoches Road to I-35. The distance between the construction limits on I-35 is approximately 21.2 miles. The logical termini, along with the project’s construction limits, are shown in Appendix A-1. The project also includes proposed direct connectors at the following interchanges with I-35: I-410 South, I-410 North and 1604 West.

The proposed project would expand the existing 6 to 10-lane I-35 facility to a 12 to 16-lane facility by constructing one high-occupancy vehicle (HOV) lane and two general purpose (GP) lanes in each direction on elevated structures between I-410 South and FM 3009. Between FM 3009 and FM 1103, improvements for added capacity are at-grade widening for two lanes - one HOV and one GP. In general, the proposed elevated lanes would have an overall width of approximately 54 feet, which includes two 12-foot GP lanes, a 2-foot buffer, a 12-foot HOV lane, a 4-foot wide inside shoulder, a 10-foot wide outside shoulder, and a 1-foot bridge rail on each side. The design speed for the elevated HOV and GP lanes would be 70 miles per hour (mph). Fifty (50)-foot wide, gated crossovers between the northbound and southbound elevated HOV and GP lane structures are proposed north of Eisenhower Road, north of O’Connor Road, and near Retama Parkway to facilitate emergency responder access.

The proposed direct connector fly-overs are generally two lanes and would have an overall width of approximately 38 feet, which includes two 12-foot wide travel lanes, a 4-foot wide inside shoulder, an 8-foot wide outside shoulder, and a 1-foot bridge rail on each side. Some direct connectors have an increased inside shoulder width (10 to 12 feet) to help with sight distance. The design speed for the direct connectors at the major interchanges would be 45 mph.

Project History:

TxDOT and the Alamo Regional Mobility Authority (RMA) began identifying transportation needs and potential improvements along the I-35 corridor (between US 281 in downtown San Antonio to FM 1103 in Schertz) as part of the IH 35 Planning and Environmental Linkages (PEL) Study completed in 2013. The PEL Study was followed by the preparation of an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) phase of project development, with a Finding of No Significant Impact (FONSI) issued on July 2, 2015. The EA/FONSI-approved project included the addition of two tolled managed lanes in each direction on elevated structures and direct connector improvements at I-410 North, I-410 South, and Loop 1604 (west only). The EA/FONSI project limits are from the I-35/I-410 South interchange to FM 1103.



The total project would require approximately 35.9 acres of new right-of-way (ROW). Approximately 21 acres were previously cleared in the 2015 EA/FONSI; this previously cleared ROW has already been acquired by TxDOT or is currently being acquired. Approximately 14.9 acres of new ROW are proposed for the project due to design changes from the original EA/FONSI.

TxDOT has constructed operational improvements within the corridor, however, the project cleared in the EA (four elevated managed lanes, two in each direction, and direct connectors at I-35/I-410 South, I-35/I-410 West, and I-35/Loop 1604) has not been constructed since the completion of the EA/FONSI. Operational improvements on I-35 from FM 2252 to Schwab Road were let for construction in February 2019 and are currently ongoing.

Design revisions were made after the August 15, 2019 Public Hearing, including the removal of a proposed direct connector at I-35 and Loop 1604 East including Pat Booker Road from I-35 to Loop 1604. The environmental technical reports prepared as part of this Reevaluation studied the Loop 1604 East direct connector and Pat Booker connection, but these connections have since been removed from inclusion in the proposed project.

The project may be constructed in phases depending upon the availability of funds. The initial phase would construct upper decks between I-410 North and FM 3009, and would include direct connectors with I-410 North and Loop 1604 West. TxDOT intends to construct the initial phase with a design-build contract.

Portion of Project Currently Being Advanced:

The entirety of the project limits are currently being advanced.

Date(s) of Prior Reevaluations:

No prior reevaluations have been conducted.

Who is the lead agency responsible for the approval of the entire project?

- FHWA (Not Assigned to TxDOT) State
- TxDOT (Assigned by FHWA) FTA
- Other federal agency

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014 and executed by FHWA and TxDOT.

I. Environmental Classification

Select the project's environmental classification: Environmental Assessment (EA)

II. Project Information

1. Proposed Action

Yes **Have substantial changes occurred to the project design and/or scope since the original environmental decision or subsequent reevaluations?**

Explain:

See Appendix B, Section 2.1.



2. Project Limits

No **Has there been a change to the project limits from what was described in the original environmental decision or subsequent reevaluations?**

3. Right of Way

Yes **Have the ROW requirements changed since the original environmental decision or subsequent reevaluations?**

Yes **Would the changes require the acquisition of any new ROW not covered by the previous decision?**

What was the amount of ROW originally required (in acres): 21.0

How much did ROW change since the previous decision? (in acres): 14.9

If the required acreage is reduced, enter a negative number.

Total ROW required (in acres): 35.9

Describe:

See Appendix B, Section 2.3.

Yes **Would any additional ROW be required from a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site?**

Describe:

See Appendix B, Section 2.3.

4. Easements

No **Have the requirements for temporary or permanent easements changed since the original environmental decision or subsequent reevaluations?**

5. Displacements

No **Will changes, if any, result in residential or nonresidential displacements that were not covered by the original environmental decision or subsequent reevaluations?**

6. Access

Yes **Will changes, if any, to the project design result in a temporary or permanent adverse change of access to any residential or nonresidential properties that were not covered in the original environmental decision or subsequent reevaluations?**

Describe:

See Appendix B, Section 2.6.



7. Traffic

Yes **Have there been substantial changes to the projected ADT from what was described in the original environmental decision or subsequent reevaluations?**

Describe:

See Appendix B, Section 2.7.

8. Laws and Regulations

No **Have there been any changes to laws or regulations that would result in the need for any updated analyses since the original environmental decision or subsequent reevaluations?**

9. Land Use and Population

No **Have there been any substantial changes in land use or population within the project area since the original environmental decision or subsequent reevaluations?**

III. Required Action

Project Name: I-35 Northeast Expansion (NEX)

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Responses to the previous questions indicate there are potential changes that may affect the previous environmental decision. Further evaluation is required. Complete the reevaluation and Sections IV-X.



IV. Environmental Setting and Affected Environment

Indicate whether there have been changes in the affected environment since the environmental decision. Changes in the affected environment could result from changes in design, in the environmental setting, or laws and regulations.

Only select NA if a resource was not addressed in the original environmental documentation and does not need to be addressed as a result of the changes.

If Yes is selected, describe the changes in the field provided.

Changed?	Resource/Setting
Yes	Environmental Justice <i>Comments:</i> More recent income data was available at the block group level and additional census block groups (income data) and blocks (minority data) were included in the project due to the extended construction limits. Because this is a more recent dataset than available at the time of the EA/FONSI, the environmental justice (EJ) analysis was updated for the entire project corridor, not just the extended construction limits. See Appendix C.
Yes	Socio-economics <i>Comments:</i> More recent population and economic growth data was available; updated city plans were available to review economic goals relevant to the proposed project; updated Census data was available; modifications to proposed ramps/direct connectors resulted in access changes; additional census geographies, neighborhoods, and public facilities were included in the project area along the extended construction limits; and additional ROW was required for the proposed improvements. See Appendix C.
Yes	Farmlands <i>Comments:</i> A small portion of the extended construction limits are located in a non-urbanized area and contain prime farmland or farmland of statewide importance. See Appendix C.
Yes	Threatened/Endangered Species <i>Comments:</i> Due to the extended construction limits and new ROW requirements, the additional project area was evaluated for the potential to contain habitat for state and federally listed threatened and endangered species and species of greatest conservation need (SGCNs). Since approval of the EA/FONSI, the Texas Parks and Wildlife Department (TPWD) revised the Bexar, Comal, and Guadalupe county lists to include additional protected species. Furthermore, the effect calls for two federally endangered karst invertebrates were changed from those presented in the EA/FONSI. See Appendix C.



Changed? Resource/Setting

Yes

Vegetation

Comments:

Due to the extended construction limits and new ROW, the additional project area was assessed for impacts to vegetation and habitat. See Appendix C.

No

Water Quality

Comments:

No additional threatened/impaired waters are located in the extended construction limits and proposed design changes are not anticipated to result in additional impacts to water quality from those identified in the EA.

Yes

Wetlands/Waters of the U.S.
(including any changes in permitting)

Comments:

The need for new ROW due to the extended construction limits and design changes increased the amount of waters of the U.S. (WOUS) in the project area and potential impacts. See Appendix C.

Yes

Floodplains

Comments:

The need for new ROW and extended construction limits increased the amount of floodplain in the project area. See Appendix C.

Yes

Air Quality

Comments:

Updated traffic projections, changes in the project design, and changes to the proposed design year required an updated air quality analysis. See Appendix C.

Yes

Noise Impacts

Comments:

The Reevaluation traffic noise analysis analyzed the same or nearby representative receivers from the EA, for a total of 115 representative receivers along the project corridor. See Appendix C.

Yes

Hazardous Materials

Comments:

More recent hazardous materials data was available for the project area. The hazardous materials analysis was updated for the entire project corridor, not just the extended construction limits. See Appendix C.



Changed?	Resource/Setting
Yes	Archeological Resources <i>Comments:</i> Due to the extended construction limits and additional proposed ROW areas, the project's Area of Potential Effects (APE) changed for the proposed additional project area. See Appendix C.
Yes	Historic Resources <i>Comments:</i> Due to the extended construction limits and additional proposed ROW areas, the project's APE changed for the proposed project. Effects to the previously identified historic properties required reevaluation, due to the proposed project design changes. See Appendix C.
Yes	Section 4(f)/6(f) <i>Comments:</i> Additional ROW requirements included acquisition from a Section 4(f) property. See Appendix C. There was no change to the affected environment for Section 6(f) resources; the proposed project would not impact Section 6(f) properties.
No	Visual Resources/Aesthetics <i>Comments:</i> Although there are proposed height changes, ramp reconfigurations, and other design changes from those proposed in the EA/FONSI, the overall visual setting of the project area or impacts to aesthetics has not changed substantially to require a reevaluation. See Appendix C.
Yes	Indirect and Cumulative Impacts <i>Comments:</i> The direct and indirect impacts identified in the EA/FONSI are still applicable to the reevaluation analysis, but emanate from a slightly larger area due to the extended construction limits. See Appendix C.
NA	Others



V. Resource Agency Coordination

Check the box in the NA Column if no additional coordination was required.

If additional coordination was required, describe it, and enter the dates the original and additional coordination were completed. List documentation of additional coordination in Section IX below.

NA	Agency	Previous Coordination Completed	Additional Completed
	Texas Historical Commission		
<input type="checkbox"/>	Archeology <i>Describe: See Appendix E.</i>	September 11, 2014	May 9, 2019
<input type="checkbox"/>	Historical Structures <i>Describe: See Appendix E.</i>	April 27, 2007	July 2, 2019
<input type="checkbox"/>	Texas Parks and Wildlife Department <i>Describe: See Appendix E.</i>	N/A	August 5, 2019
<input checked="" type="checkbox"/>	Texas Commission on Environmental Quality		
<input checked="" type="checkbox"/>	U.S. Army Corps of Engineers		
<input checked="" type="checkbox"/>	U.S. Coast Guard		
<input type="checkbox"/>	U.S. Fish & Wildlife Service <i>Describe: See Appendix E</i>	N/A	June 27, 2019
<input checked="" type="checkbox"/>	FHWA (Conformity Determination)		
<input checked="" type="checkbox"/>	Other:		

VI. Additional Studies

If applicable, describe any additional environmental studies that were conducted. Select NA if changes to the project did not result in a need for new studies. Indicate whether studies have been conducted or remain to be completed. Describe additional studies, and list them in Section IX below.

Yes **Were additional studies needed?**

Describe:

The following technical reports were prepared in support of this Reevaluation:

- Archeological Background Study (June 2019)
- Biological Evaluation Form (July 2019)
- Carbon Monoxide Traffic Air Quality Analysis (July 2019)
- Community Impacts Memorandum (April 2019)
- Hazardous Materials Initial Site Assessment (ISA) (May 2019)
- Hazardous Materials Project Impact Evaluation Report (May 2019)
- Historic Resources Project Coordination Request Memorandum (May 10, 2019)
- Karst Features Survey Report (May 2019)
- Karst Technical Report (February 2019)
- Mobile Source Air Toxics Technical Report (July 2019)
- Noise Technical Report (September 2019)



- Tier I Site Assessment (July 2019)
- Water Resources Technical Report (August 2019)

No Are there studies that remain to be completed?

VII. EPICS

Indicate the status of required any permits and/or commitments, and describe any changes in the related requirements. List any required documentation in Section IX below. Selecting some options will trigger the appearance of a description field. If a field appears after making a selection, a description is required.

Select the applicable finding from the dropdown field below:

There are additional mitigation requirements or commitments.

Describe:

See Appendix D.

VIII. Public Involvement

If additional public involvement is required, list summaries or required documentation in Section IX below. If no additional public involvement was required, select NA.

No Is there substantial controversy on environmental grounds?

Yes Was additional public involvement completed for this reevaluation?

Previously Completed Public Involvement Activities:

MAPOs, Stakeholder Meetings, Public Hearing, Agency Coordination Meeting

No Does any additional public involvement remain to be completed?

Comments:

On November 20, 2018, TxDOT held an agency coordination meeting at the TxDOT San Antonio District Office. On December 12, 2018 and March 21, 2019, TxDOT held stakeholder meetings with the City of Live Oak. In June and July 2019, TxDOT conducted meetings with affected property owners (MAPOs). MAPO invitations were sent to 67 adjacent property owners, with 21 owners who attended the meetings.

On August 15, 2019, TxDOT held a public hearing at Morgan's Wonderland located at 5223 David Edwards Dr., San Antonio, TX 78233, starting at 5:00 p.m., with the formal presentation at 6:00 p.m.; a total of 191 individuals attended the meeting (4 elected officials, 5 members of the media, 152 public members, and 30 project staff members) and 34 comments were received.

IX. Attachments and References



Attachments:

List any studies, permits, coordination, etc. attached to this checklist. If there are no associated attachments, enter NA into the field.

- Appendix A- Exhibits
- Appendix B- Proposed Project Information
- Appendix C- Affected Environment and Environmental Impacts
- Appendix D- Environmental Permits, Issues, and Commitments
- Appendix E- Agency Coordination

References:

List any studies, permits, coordination, etc. incorporated into the DRC by reference. Include the names and locations of electronic files. If there are no associated references, enter NA into the field.

- TxDOT. 2019. I-35 Northeast Expansion (NEX) Project, Archeological Background Study. June 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Biological Evaluation Form. July 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Carbon Monoxide Traffic Air Quality Analysis. July 2019.
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Community Impacts Memorandum. April 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Hazardous Materials Initial Site Assessment (ISA). May 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Hazardous Materials Project Impact Evaluation Report May 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Historic Resources Project Coordination Request Memorandum. May 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Karst Features Survey Report. May 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Karst Technical Report. February 6, 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Mobile Source Air Toxics Technical Report. July 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Noise Technical Report. July 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Project Description. April 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Tier I Site Assessment. July 2019
- _____. 2019. I-35 Northeast Expansion (NEX) Project, Water Resources Technical Report. August 2019
- _____. 2015. Environmental Assessment, I-35 Northeast San Antonio Expansion Project. May 2015

X. Conclusion and Recommendation

Project Name: I-35 Northeast Expansion (NEX)

Control Section Job Number (CSJ): 0016-05-111, 0016-05-116, 0016-06-114, 0016-06-047, 0016-07-113,
0016-07-133, 0017-10-168, 0017-10-278



Reevaluation Preparer's Recommendation

The environmental decision has been reevaluated as required by 23 CFR 771.129 and/or 43 TAC §2.85 and it has been determined that no substantial changes have occurred to the social, economic or environmental impacts of the proposed action that would substantially impact the quality of the human or natural environment. Therefore, the original environmental decision remains valid. It is recommended that the project be advanced to the next phase of project development.

Jackie Lopez, Poznecki-Camarillo, Inc.
Reevaluation Preparer Name

Sr. Environmental Specialist
Title

Jackie Lopez

Digitally signed by Jackie Lopez
Date: 2019.08.01 13:08:43 -05'00'

September 17, 2019

Reevaluation Preparer Signature

Date

Reevaluation Reviewer's Recommendation

The environmental decision has been reevaluated as required by 23 CFR 771.129 and/or 43 TAC §2.85 and it has been determined that no substantial changes have occurred to the social, economic or environmental impacts of the proposed action that would substantially impact the quality of the human or natural environment. Therefore, the original environmental decision remains valid. It is recommended that the project be advanced to the next phase of project development.

Comments (Optional):

Lindsey Kimmitt

Reevaluation Reviewer Name

Environmental Specialist
Title

Lindsey Kimmitt
Reevaluation Reviewer Signature

9/23/19
Date

Department Delegate's Decision

The environmental decision has been reevaluated as required by 23 CFR 771.129 and/or 43 TAC §2.85 and it has been determined that no substantial changes have occurred to the social, economic or environmental impacts of the proposed action that would substantially impact the quality of the human or natural environment. Therefore, the original environmental decision remains valid. It is recommended that the project be advanced to the next phase of project development.

Comments (Optional):

Jenise Walton
Department Delegate Name

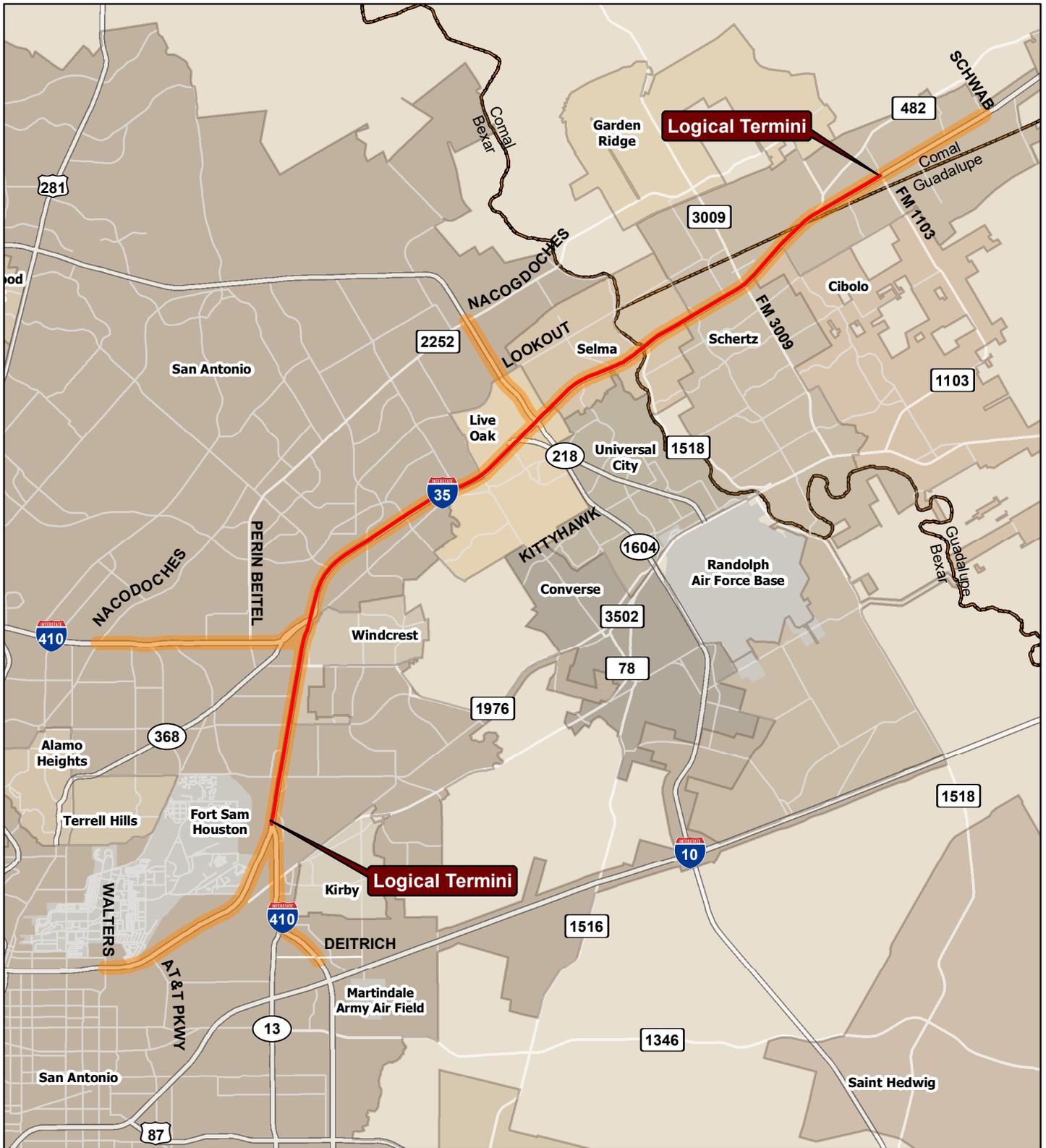
PD Section Director
Title

Jenise Walton
Department Delegate Signature

9/23/19
Date

APPENDIX A Exhibits

- A-1 – Logical Termini and Construction Limits
- A-2 – EA vs. Reevaluation Construction Limits
 - A-3 – Proposed ROW
 - A-4 – Corridor Map from 2015 EA



Logical Termini

Logical Termini

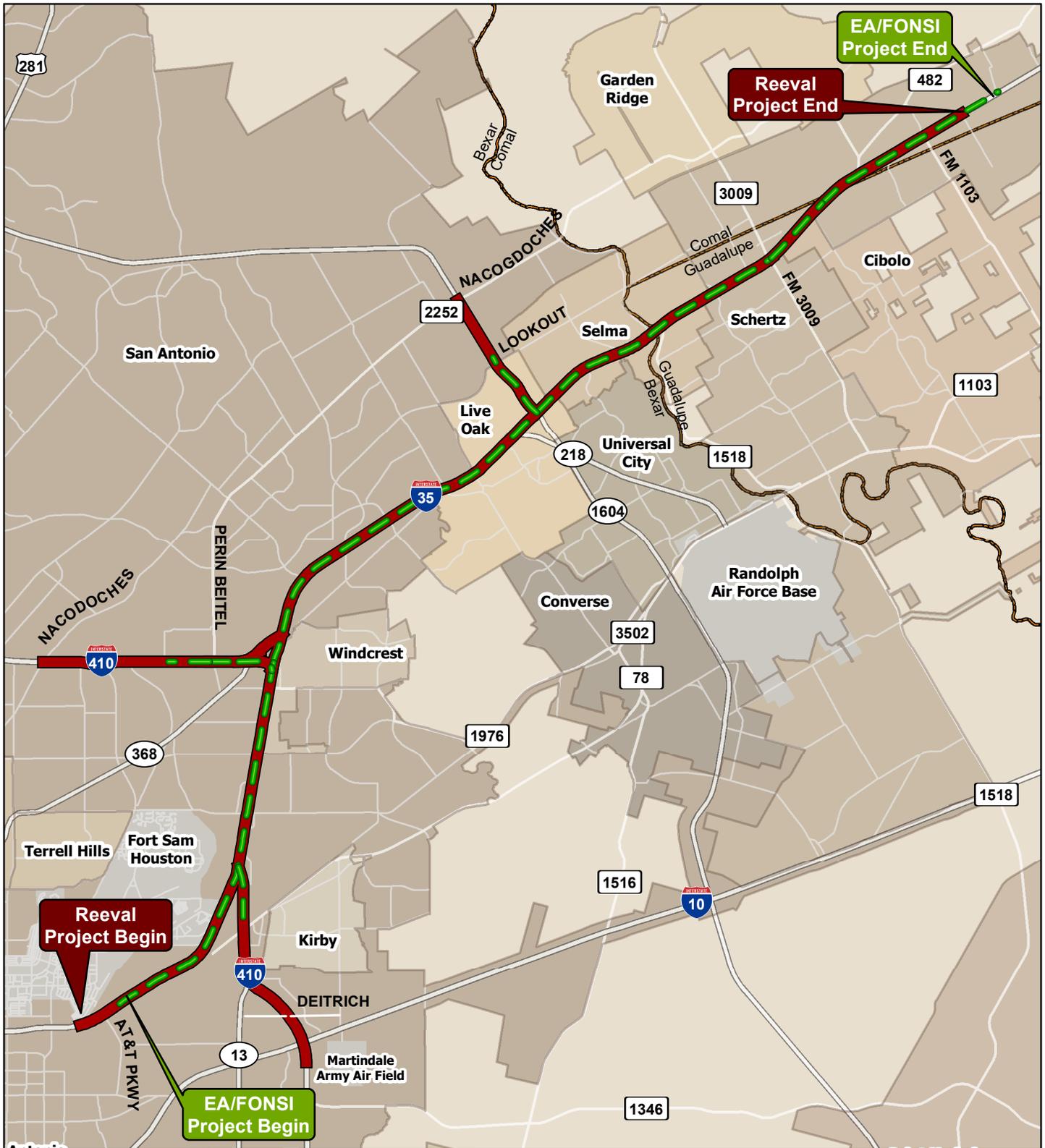
-  County Line
-  Construction Limits



**I-35 NORTHEAST
EXPANSION PROJECT**
I-35: I-410 South to FM 1103

**LOGICAL TERMINI AND
CONSTRUCTION LIMITS**
APPENDIX A-1

Comal, Bexar, and Guadalupe Counties



— Proposed Construction Limits
— EA/FONSI Construction Limits



I-35 NEX

BASE: from South of I-410 North to FM 3009

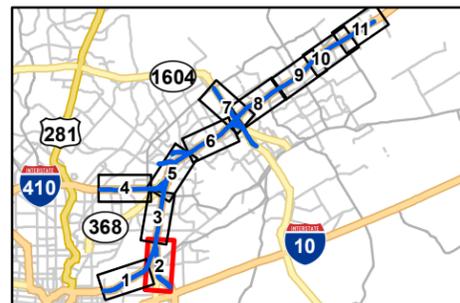
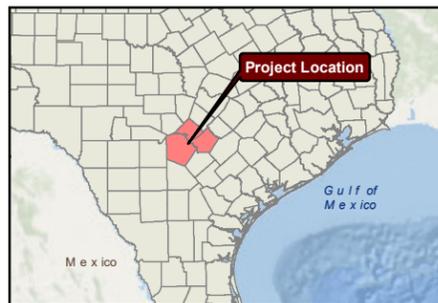
DWC-1: from FM 3009 to FM 1103

DWC-2: from AT&T Parkway to I-410 North

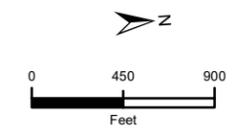
A-2: Project Construction Limits

Comal, Bexar, and Guadalupe Counties
 CSJs - 0017-10-168, 0016-07-113, 0016-06-047, 0016-05-111

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	Park		Project Limits		Proposed Right-of-Way
	Church		Proposed Right-of-Way		EA Cleared Right-of-Way
	School		Right-of-Way under Acquisition		EA Cleared No Longer Needed
			EA Cleared no longer needed		Existing Right-of-Way
			Acquired Right-of-Way		Existing Drainage Easement
			Railroad Right-of-Way		Neighborhood Associations
			Existing Drainage Easement		
			Existing Right-of-Way		

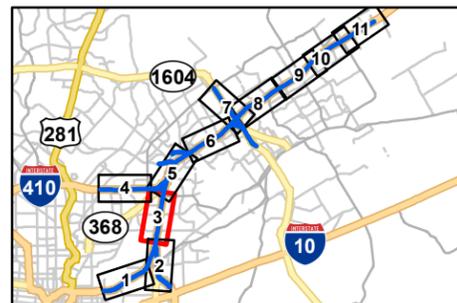


I-35 NORTHEAST EXPANSION PROJECT
I-35: I-410 South to FM 1103

CORRIDOR MAP
 APPENDIX A-3
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Bexar, Comal and Guadalupe Counties

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Park	Project Limits	Proposed Right-of-Way
Church	Proposed Right-of-Way	EA Cleared Right-of-Way
School	Right-of-Way under Acquisition	EA Cleared No Longer Needed
	EA Cleared no longer needed	Existing Right-of-Way
	Acquired Right-of-Way	Existing Drainage Easement
	Railroad Right-of-Way	Neighborhood Associations
	Existing Drainage Easement	
	Existing Right-of-Way	

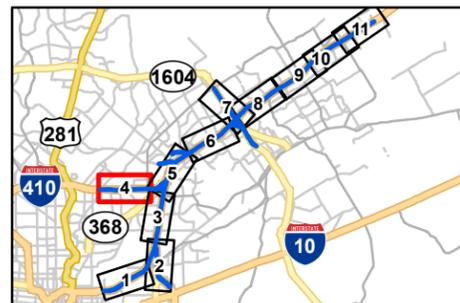
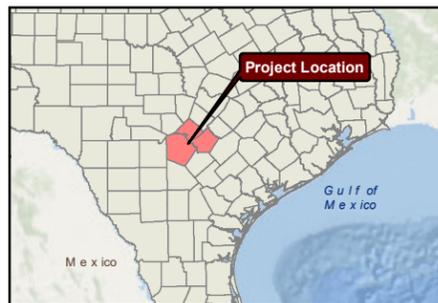
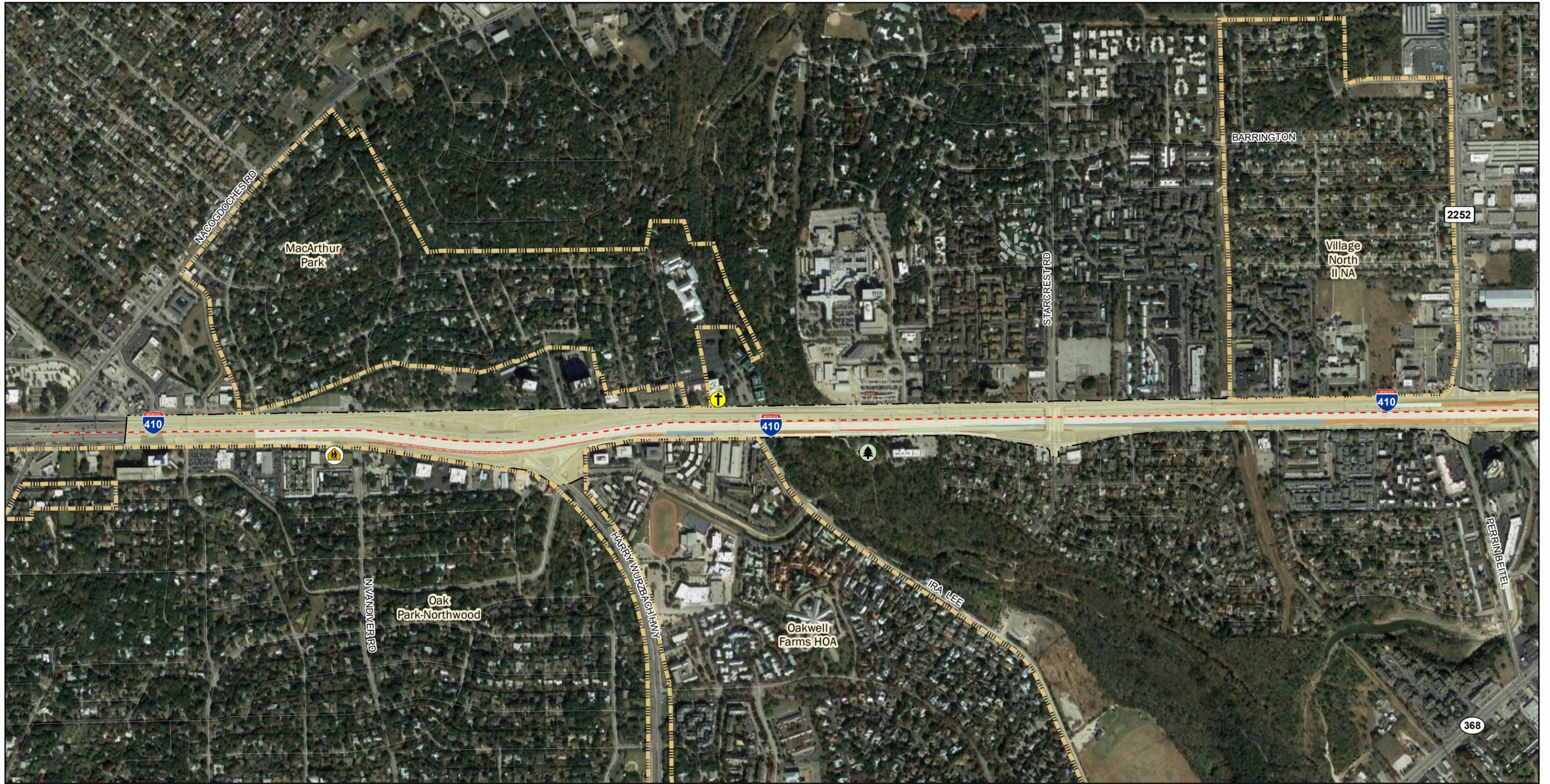


**I-35 NORTHEAST
 EXPANSION PROJECT**
I-35: I-410 South to FM 1103

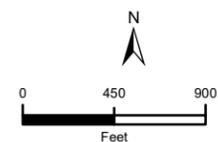
CORRIDOR MAP
 APPENDIX A-3
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Bexar, Comal and Guadalupe Counties

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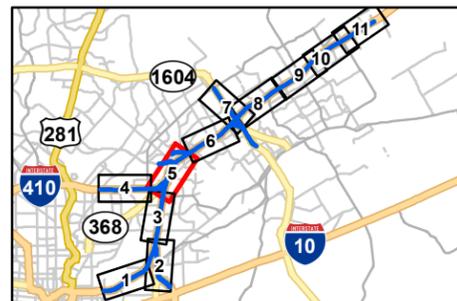


**I-35 NORTHEAST
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I-35: I-410 South to FM 1103

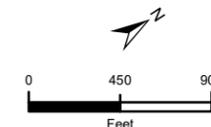
CORRIDOR MAP
 APPENDIX A-3
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Bexar, Comal and Guadalupe Counties

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	Railroad Right-of-Way	Neighborhood Associations
	Existing Drainage Easement	
	Existing Right-of-Way	

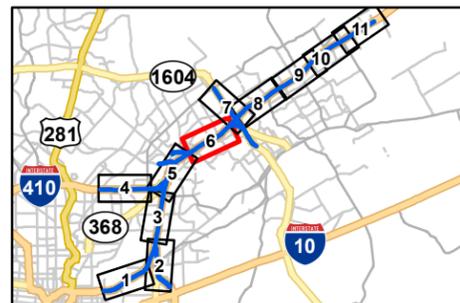
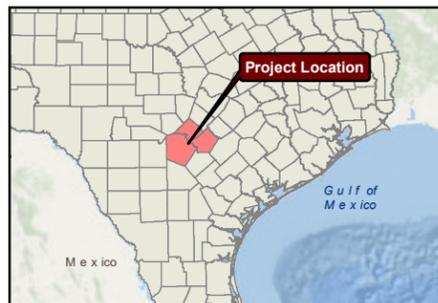
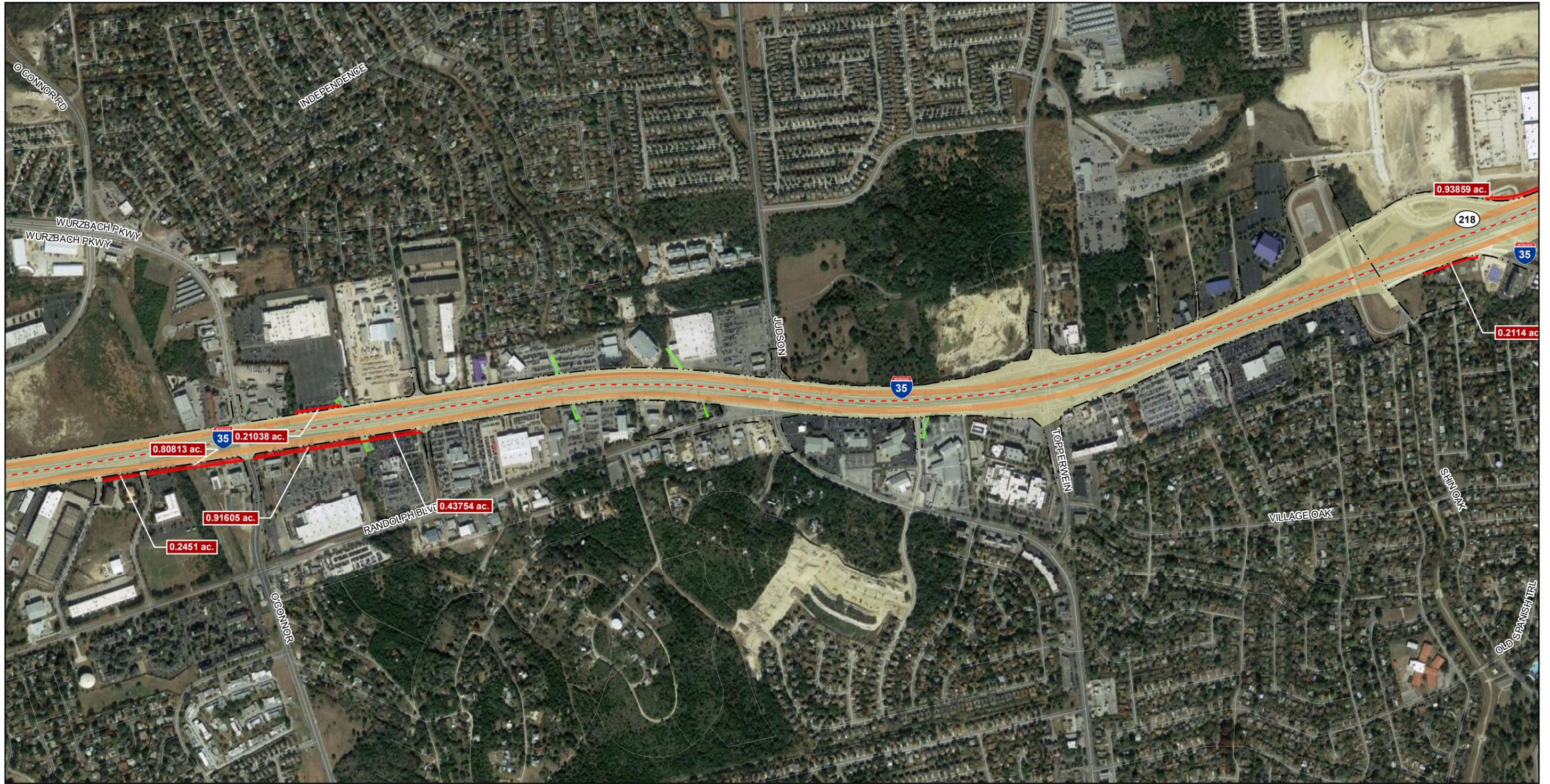


**I-35 NORTHEAST
 EXPANSION PROJECT**
I-35: I-410 South to FM 1103

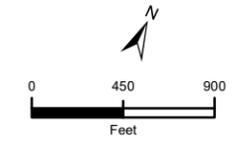
CORRIDOR MAP
 APPENDIX A-3
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Bexar, Comal and Guadalupe Counties

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	Church		Proposed Right-of-Way		EA Cleared Right-of-Way
	School		Right-of-Way under Acquisition		EA Cleared No Longer Needed
			EA Cleared no longer needed		Existing Right-of-Way
			Acquired Right-of-Way		Existing Drainage Easement
			Railroad Right-of-Way		Neighborhood Associations
			Existing Drainage Easement		
			Existing Right-of-Way		

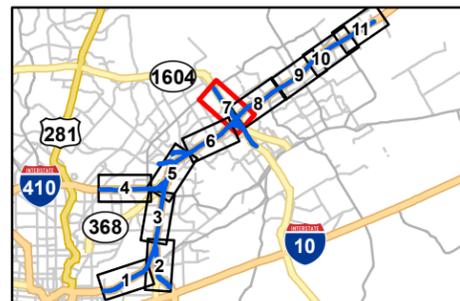
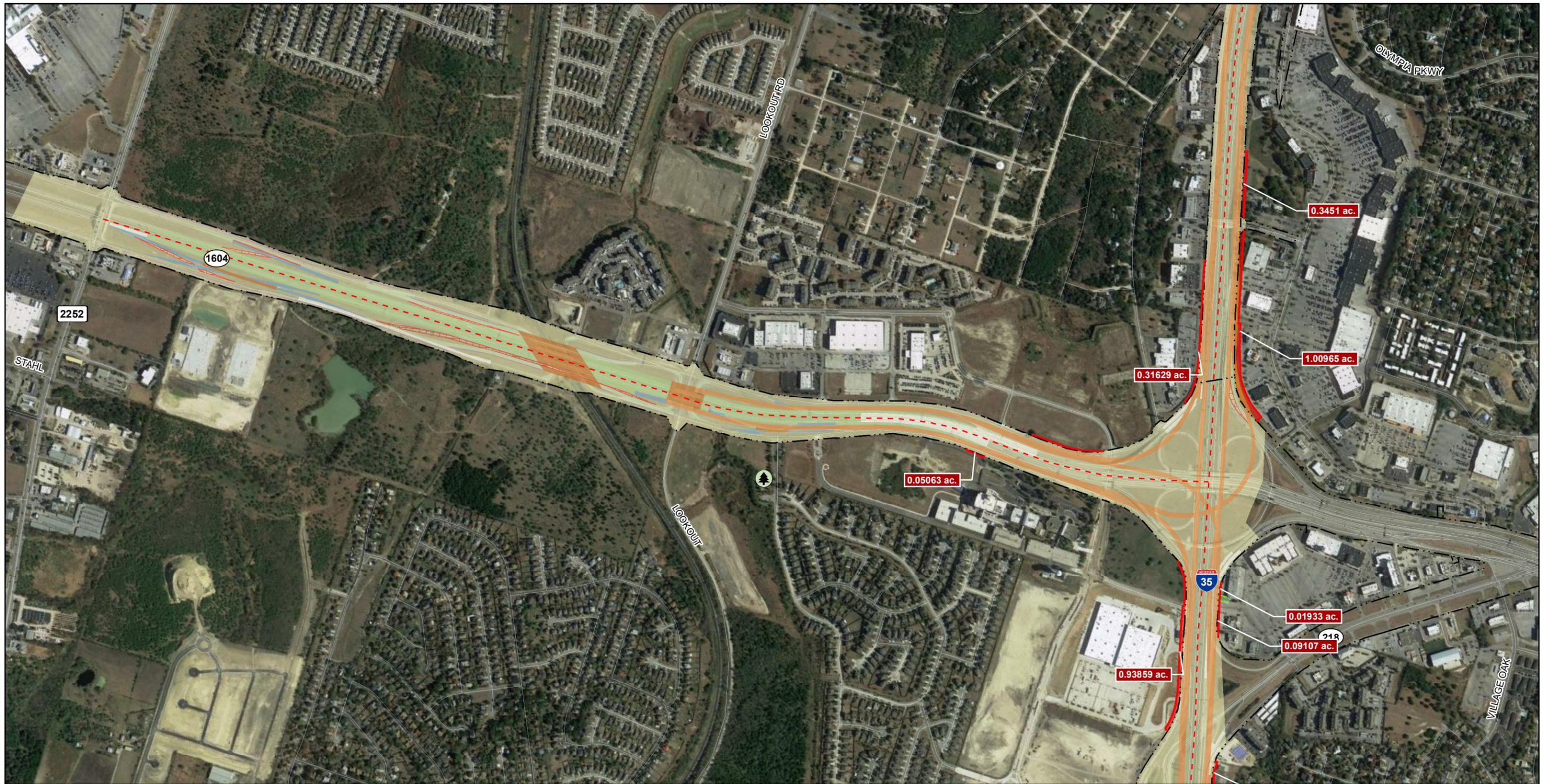


I-35 NORTHEAST EXPANSION PROJECT
I-35: I-410 South to FM 1103

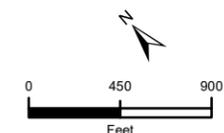
CORRIDOR MAP
 APPENDIX A-3
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Bexar, Comal and Guadalupe Counties

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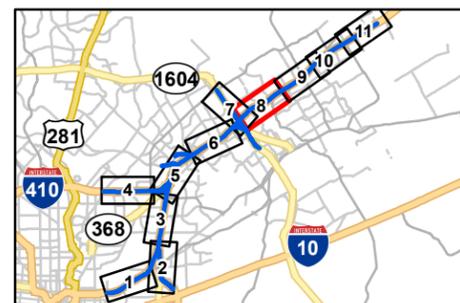
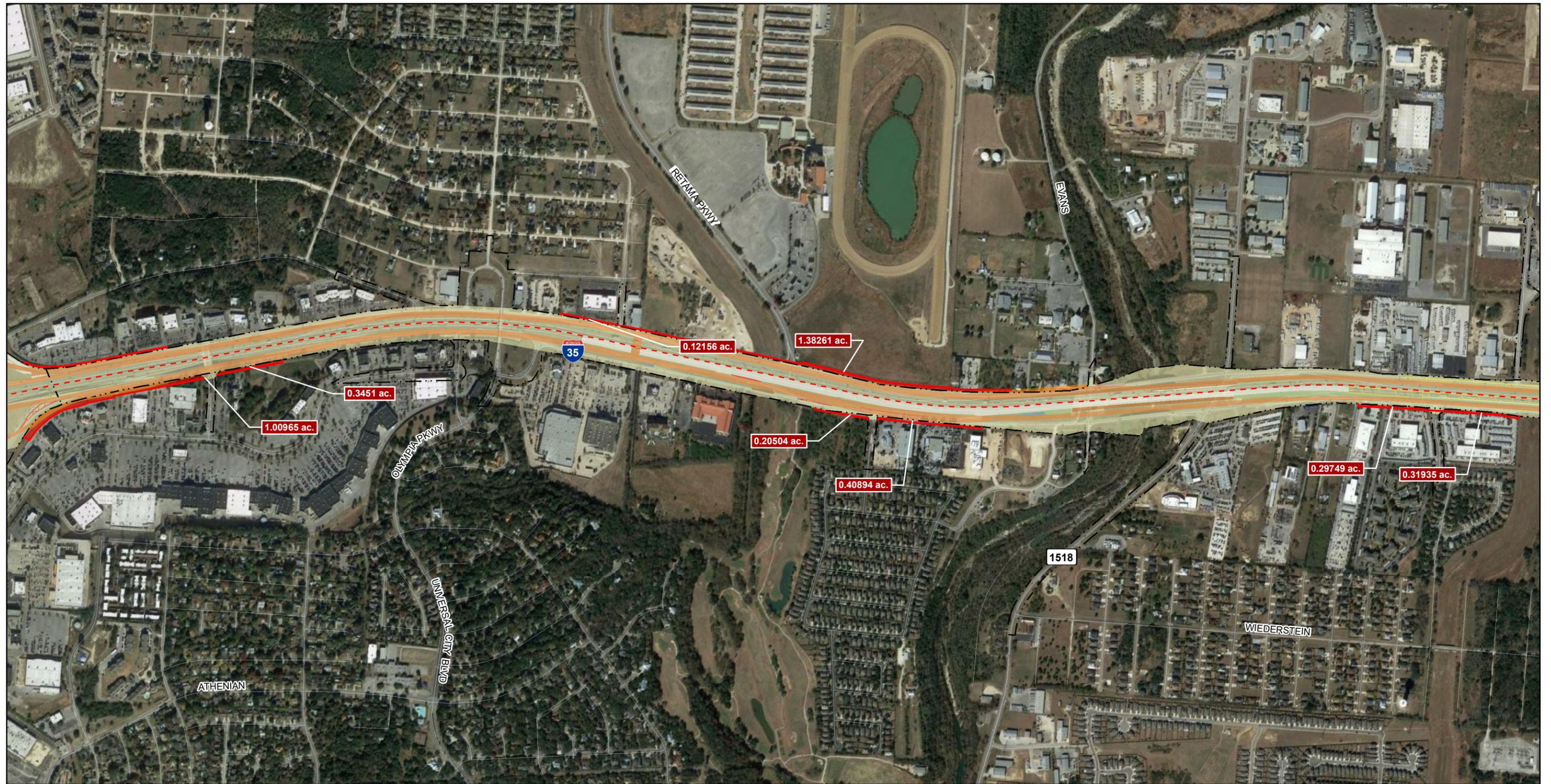
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	Church		Proposed Right-of-Way		EA Cleared Right-of-Way
	School		Right-of-Way under Acquisition		EA Cleared No Longer Needed
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			Acquired Right-of-Way		Existing Drainage Easement
			Railroad Right-of-Way		Neighborhood Associations
			Existing Drainage Easement		
			Existing Right-of-Way		



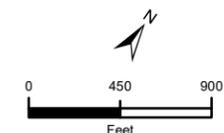
**I-35 NORTHEAST
 EXPANSION PROJECT**
I-35: I-410 South to FM 1103

CORRIDOR MAP
 APPENDIX A-3
 Page 7 of 11

Bexar, Comal and Guadalupe Counties



Park	Project Limits	Proposed Right-of-Way
Church	Proposed Right-of-Way	EA Cleared Right-of-Way
School	Right-of-Way under Acquisition	EA Cleared No Longer Needed
	EA Cleared no longer needed	Existing Right-of-Way
	Acquired Right-of-Way	Existing Drainage Easement
	Railroad Right-of-Way	Neighborhood Associations
	Existing Drainage Easement	
	Existing Right-of-Way	

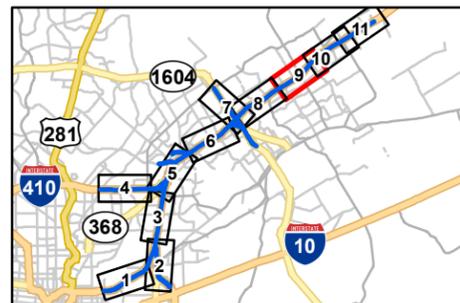
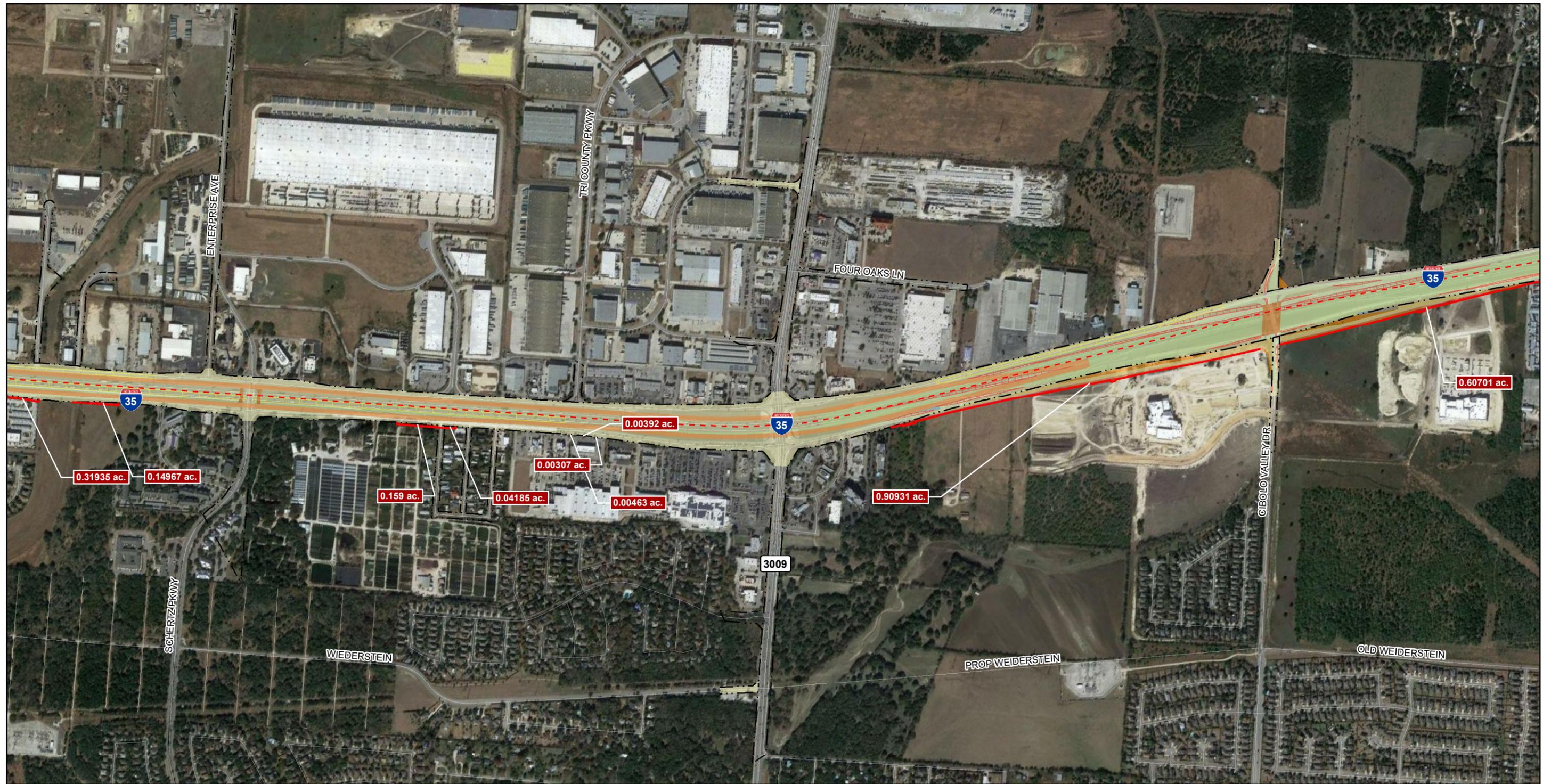


**I-35 NORTHEAST
 EXPANSION PROJECT**
I-35: I-410 South to FM 1103

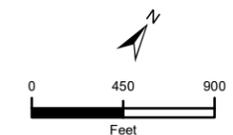
CORRIDOR MAP
 APPENDIX A-3
 Page 8 of 11

Bexar, Comal and Guadalupe Counties

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	Park		Project Limits		Proposed Right-of-Way
	Church		Proposed Right-of-Way		EA Cleared Right-of-Way
	School		Right-of-Way under Acquisition		EA Cleared No Longer Needed
			EA Cleared no longer needed		Existing Right-of-Way
			Acquired Right-of-Way		Existing Drainage Easement
			Railroad Right-of-Way		Neighborhood Associations
			Existing Drainage Easement		
			Existing Right-of-Way		

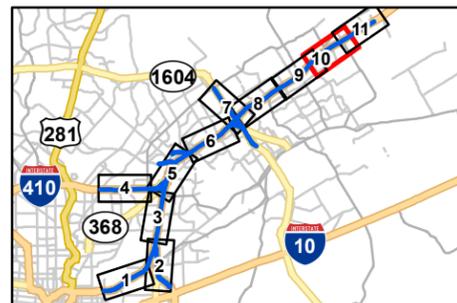
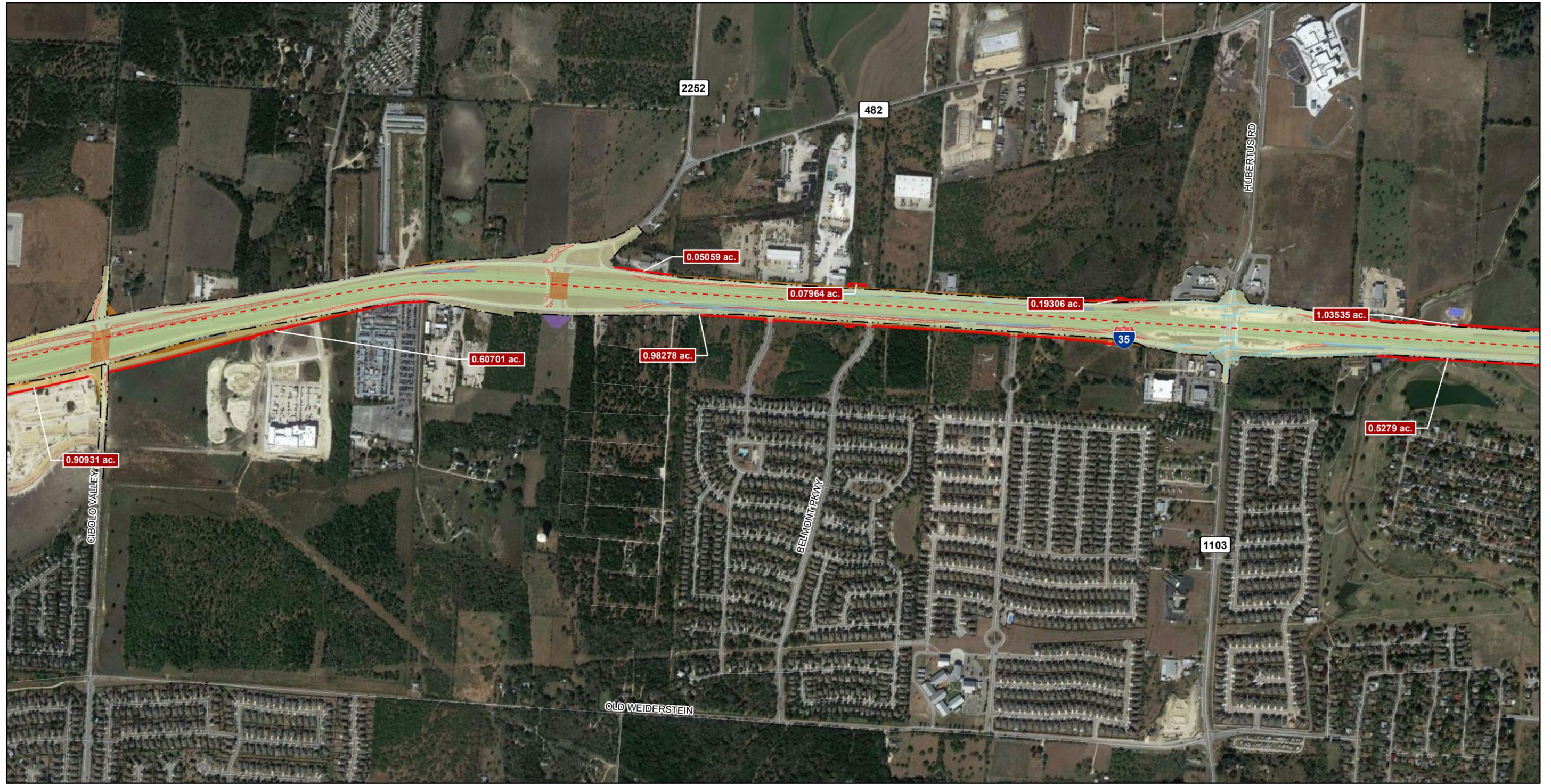


**I-35 NORTHEAST
 EXPANSION PROJECT**
I-35: I-410 South to FM 1103

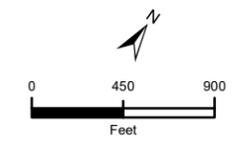
CORRIDOR MAP
 APPENDIX A-3
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Bexar, Comal and Guadalupe Counties

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Park	Project Limits	Proposed Right-of-Way
Church	Proposed Right-of-Way	EA Cleared Right-of-Way
School	Right-of-Way under Acquisition	EA Cleared No Longer Needed
	EA Cleared no longer needed	Existing Right-of-Way
	Acquired Right-of-Way	Existing Drainage Easement
	Railroad Right-of-Way	Neighborhood Associations
	Existing Drainage Easement	
	Existing Right-of-Way	

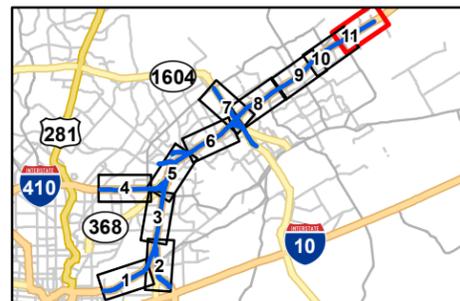


I-35 NORTHEAST EXPANSION PROJECT
I-35: I-410 South to FM 1103

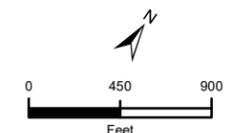
CORRIDOR MAP
 APPENDIX A-3
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Bexar, Comal and Guadalupe Counties

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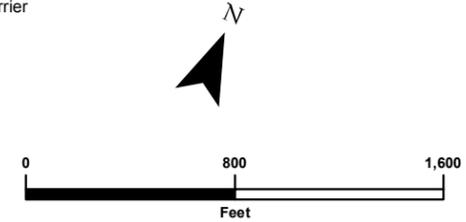
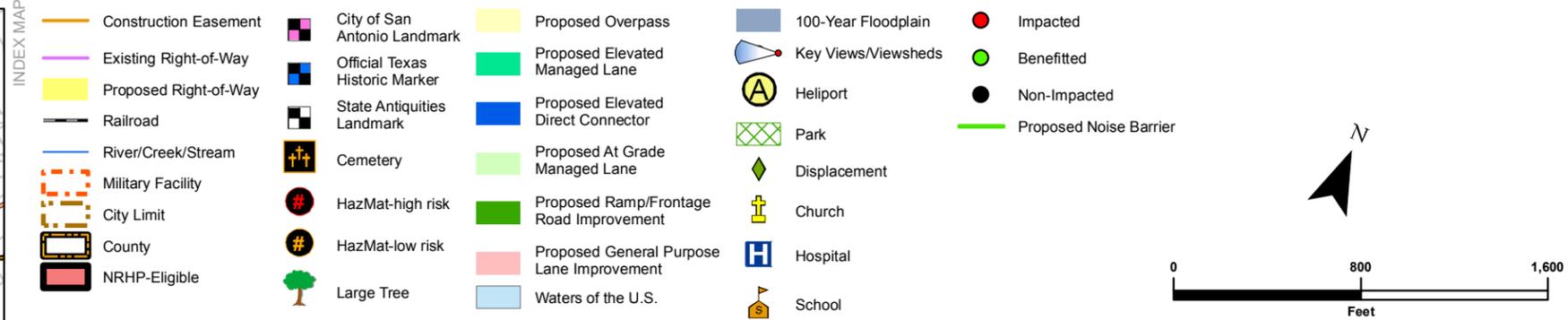
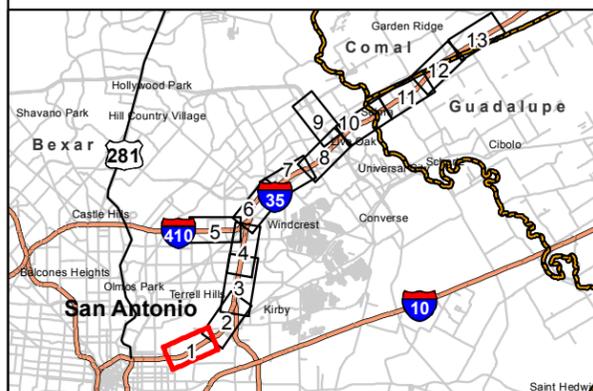
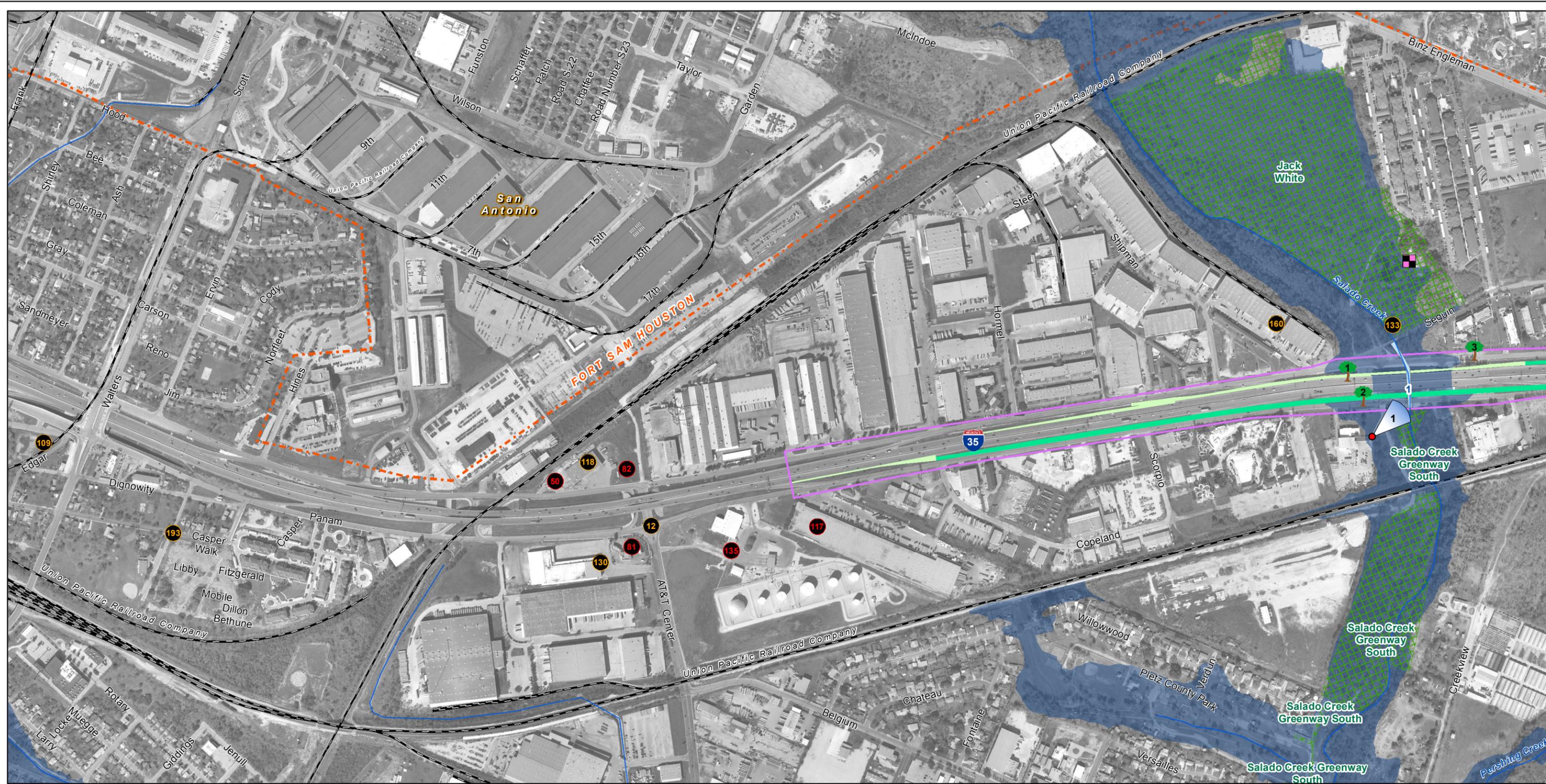
Park	Project Limits	Proposed Right-of-Way
Church	Proposed Right-of-Way	EA Cleared Right-of-Way
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	Acquired Right-of-Way	Existing Drainage Easement
	Railroad Right-of-Way	Neighborhood Associations
	Existing Drainage Easement	
	Existing Right-of-Way	



**I-35 NORTHEAST
 EXPANSION PROJECT**
I-35: I-410 South to FM 1103

CORRIDOR MAP
 APPENDIX A-3
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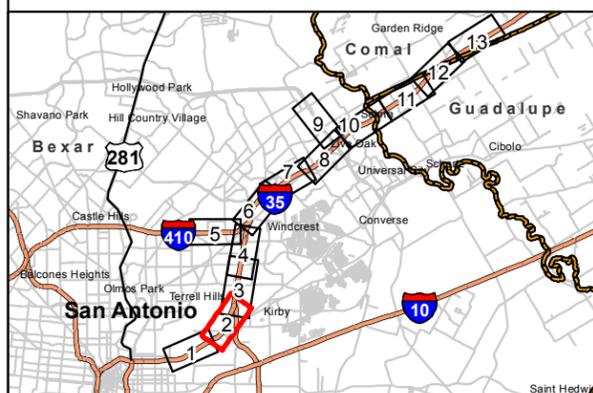
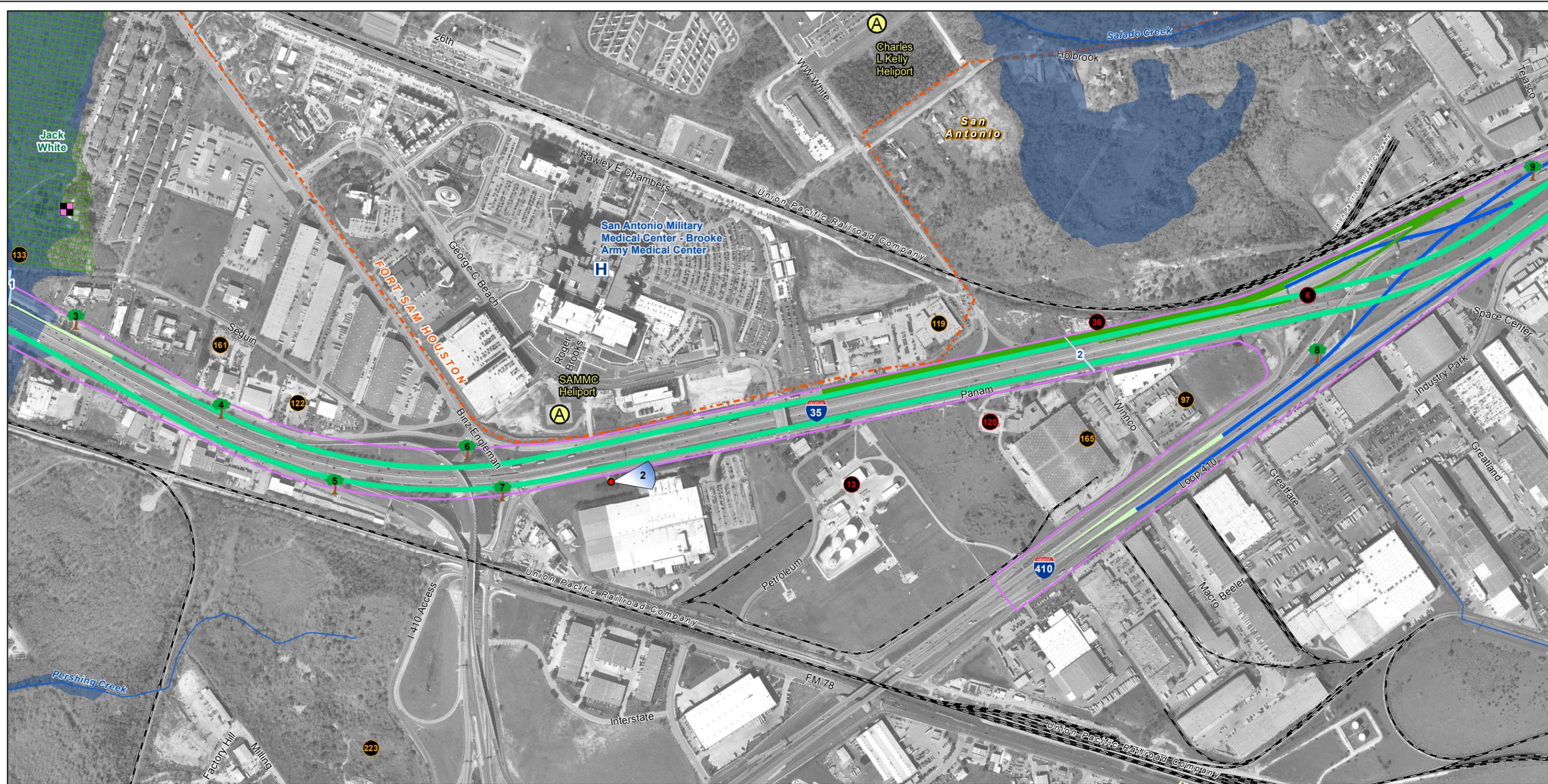
Bexar, Comal and Guadalupe Counties



A-4: Corridor Map from 2015 EA
Sheet 1 of 13

I-35 Northeast San Antonio Expansion Project
I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties

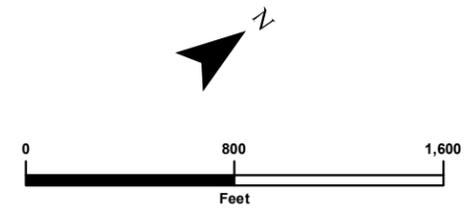


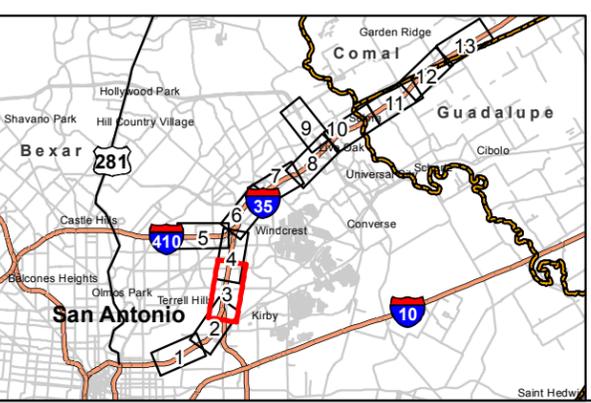
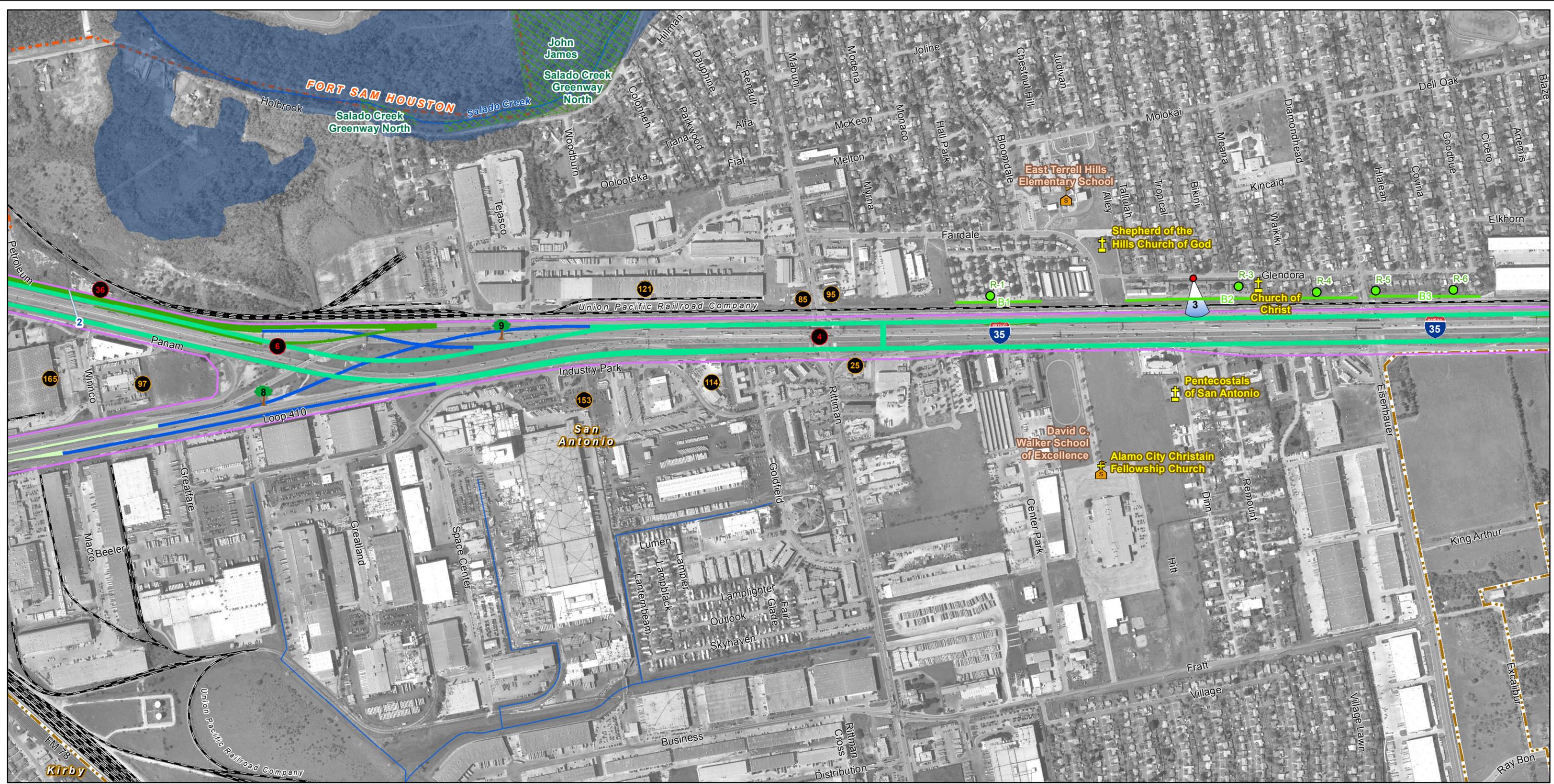
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Existing Right-of-Way	Official Texas Historic Marker	Proposed Elevated Managed Lane	Key Views/Viewsheds	Benefitted
Proposed Right-of-Way	State Antiquities Landmark	Proposed Elevated Direct Connector	Heliport	Non-Impacted
Railroad	Cemetery	Proposed At Grade Managed Lane	Park	Proposed Noise Barrier
River/Creek/Stream	HazMat-high risk	Proposed Ramp/Frontage Road Improvement	Displacement	
Military Facility	HazMat-low risk	Proposed General Purpose Lane Improvement	Church	
City Limit	Large Tree	Waters of the U.S.	Hospital	
County			School	
NRHP-Eligible				

A-4: Corridor Map from 2015 EA
Sheet 2 of 13

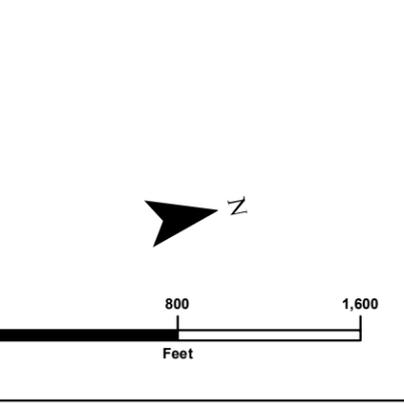
I-35 Northeast San Antonio Expansion Project
I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties





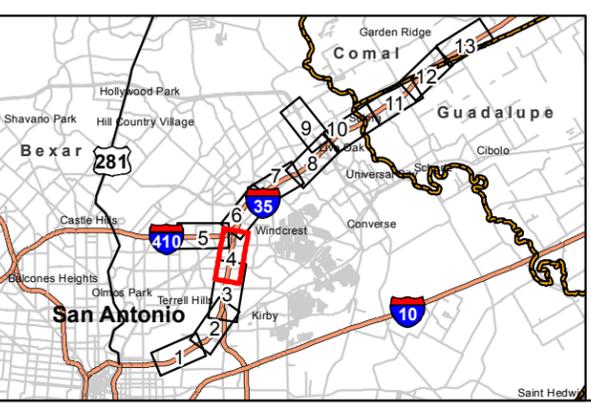
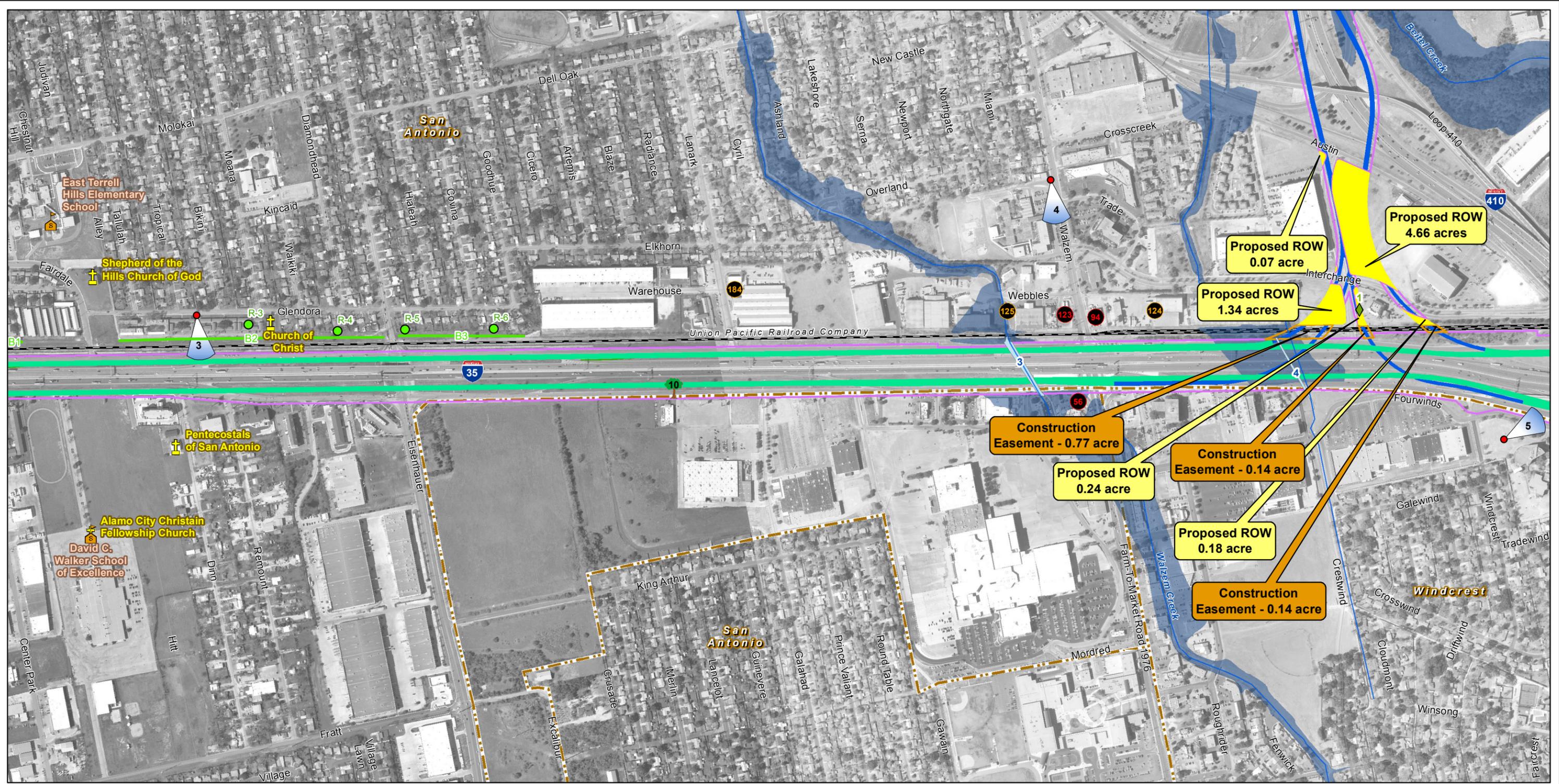
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| Construction Easement | City of San Antonio Landmark | Proposed Overpass | 100-Year Floodplain | Impacted |
| Existing Right-of-Way | Official Texas Historic Marker | Proposed Elevated Managed Lane | Key Views/Viewsheds | Benefitted |
| Proposed Right-of-Way | State Antiquities Landmark | Proposed Elevated Direct Connector | Heliport | Non-Impacted |
| Railroad | Cemetery | Proposed At Grade Managed Lane | Park | Proposed Noise Barrier |
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| Military Facility | HazMat-low risk | Proposed General Purpose Lane Improvement | Church | |
| City Limit | Large Tree | Waters of the U.S. | Hospital | |
| County | | | School | |
| NRHP-Eligible | | | | |



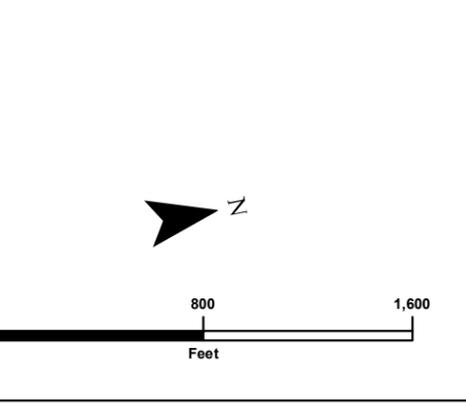
A-4: Corridor Map from 2015 EA
 Sheet 3 of 13

I-35 Northeast San Antonio Expansion Project
 I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties



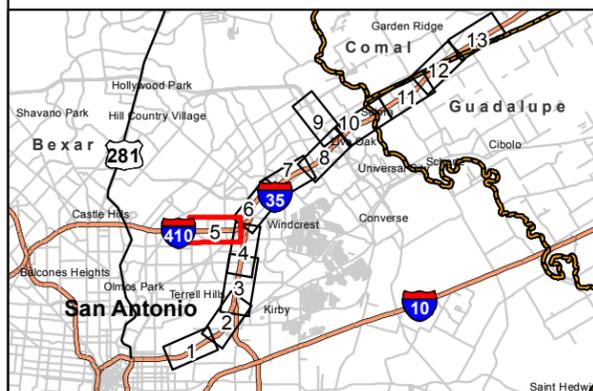
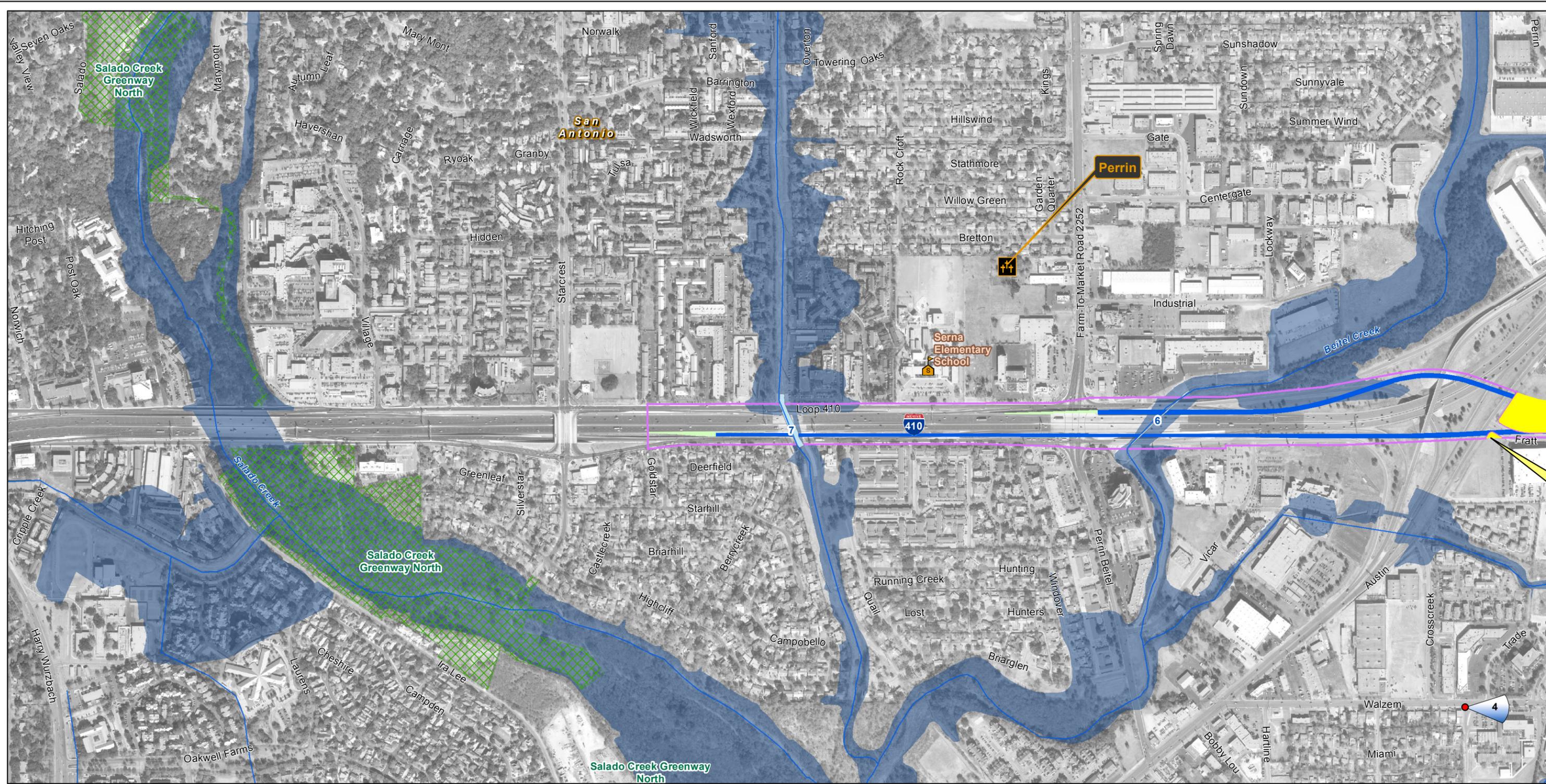
Construction Easement	City of San Antonio Landmark	Proposed Overpass	100-Year Floodplain	Impacted
Existing Right-of-Way	Official Texas Historic Marker	Proposed Elevated Managed Lane	Key Views/Viewsheds	Benefitted
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City Limit	Large Tree	Waters of the U.S.	Hospital	
County			School	
NRHP-Eligible				



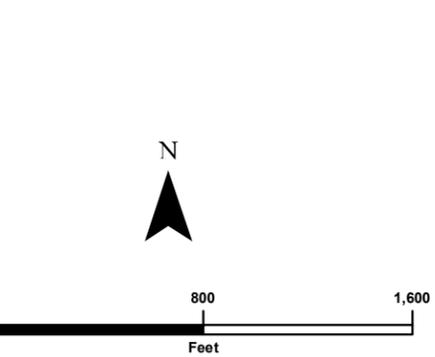
A-4: Corridor Map from 2015 EA
 Sheet 4 of 13

I-35 Northeast San Antonio Expansion Project
 I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties



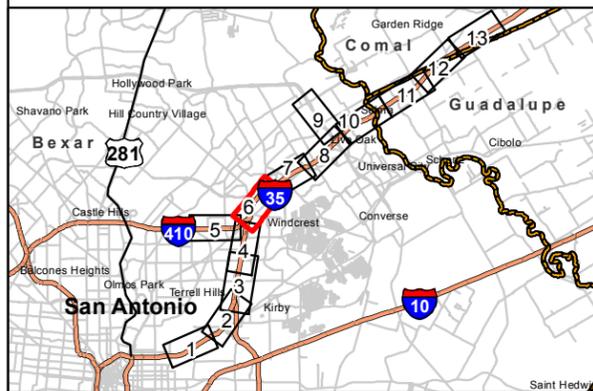
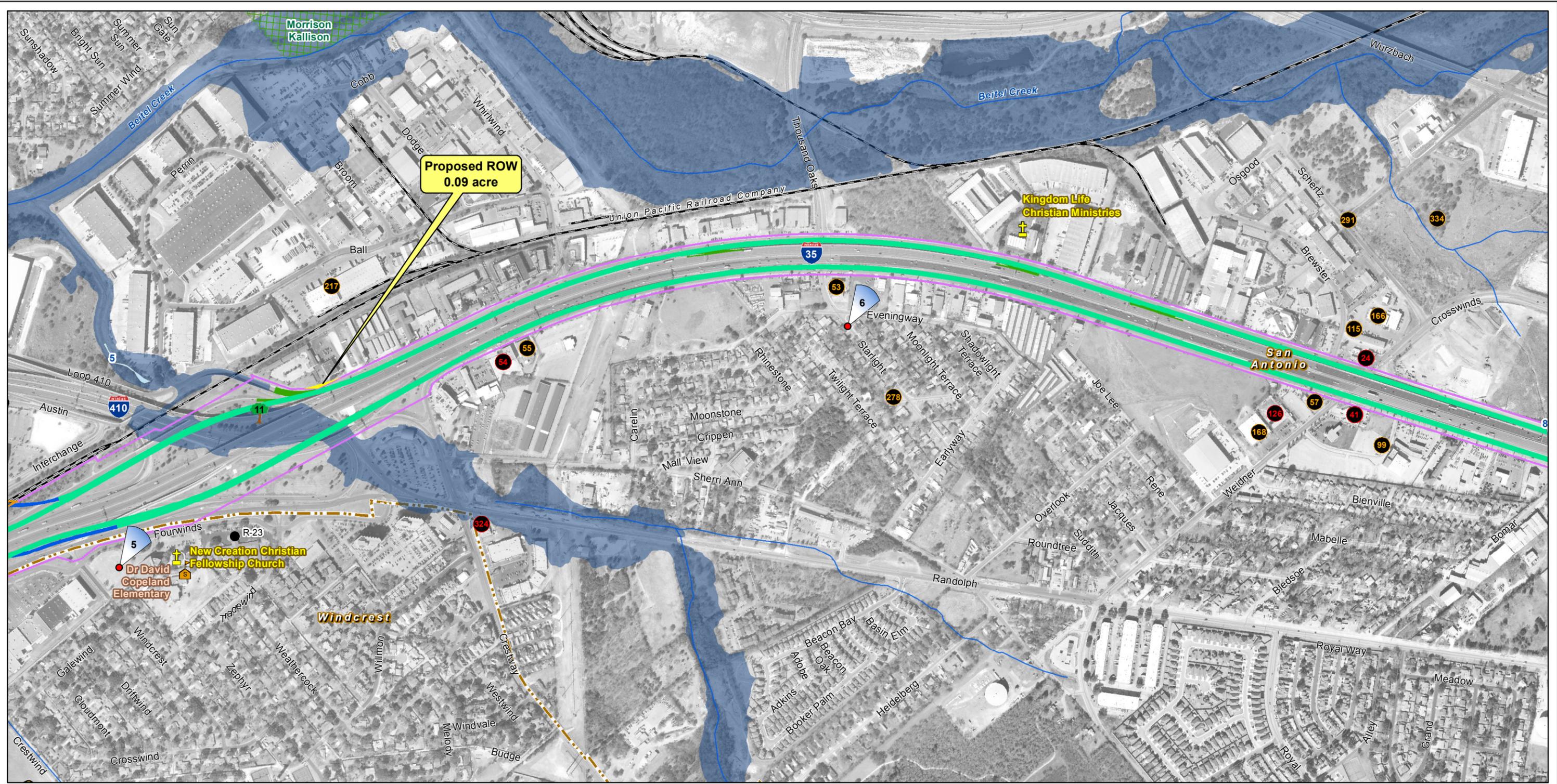
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| Construction Easement | City of San Antonio Landmark | Proposed Overpass | 100-Year Floodplain | Impacted |
| Existing Right-of-Way | Official Texas Historic Marker | Proposed Elevated Managed Lane | Key Views/Viewsheds | Benefitted |
| Proposed Right-of-Way | State Antiquities Landmark | Proposed Elevated Direct Connector | Heliport | Non-Impacted |
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| Military Facility | HazMat-low risk | Proposed General Purpose Lane Improvement | Church | |
| City Limit | Large Tree | Waters of the U.S. | Hospital | |
| NRHP-Eligible | | | School | |



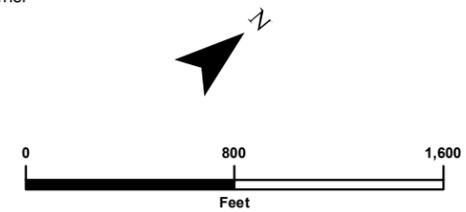
A-4: Corridor Map from 2015 EA
 Sheet 5 of 13

I-35 Northeast San Antonio Expansion Project
 I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties



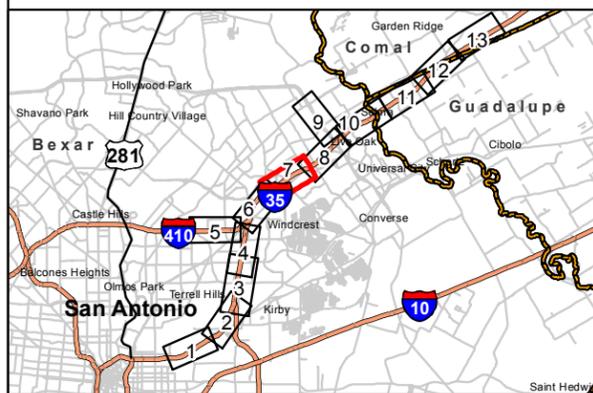
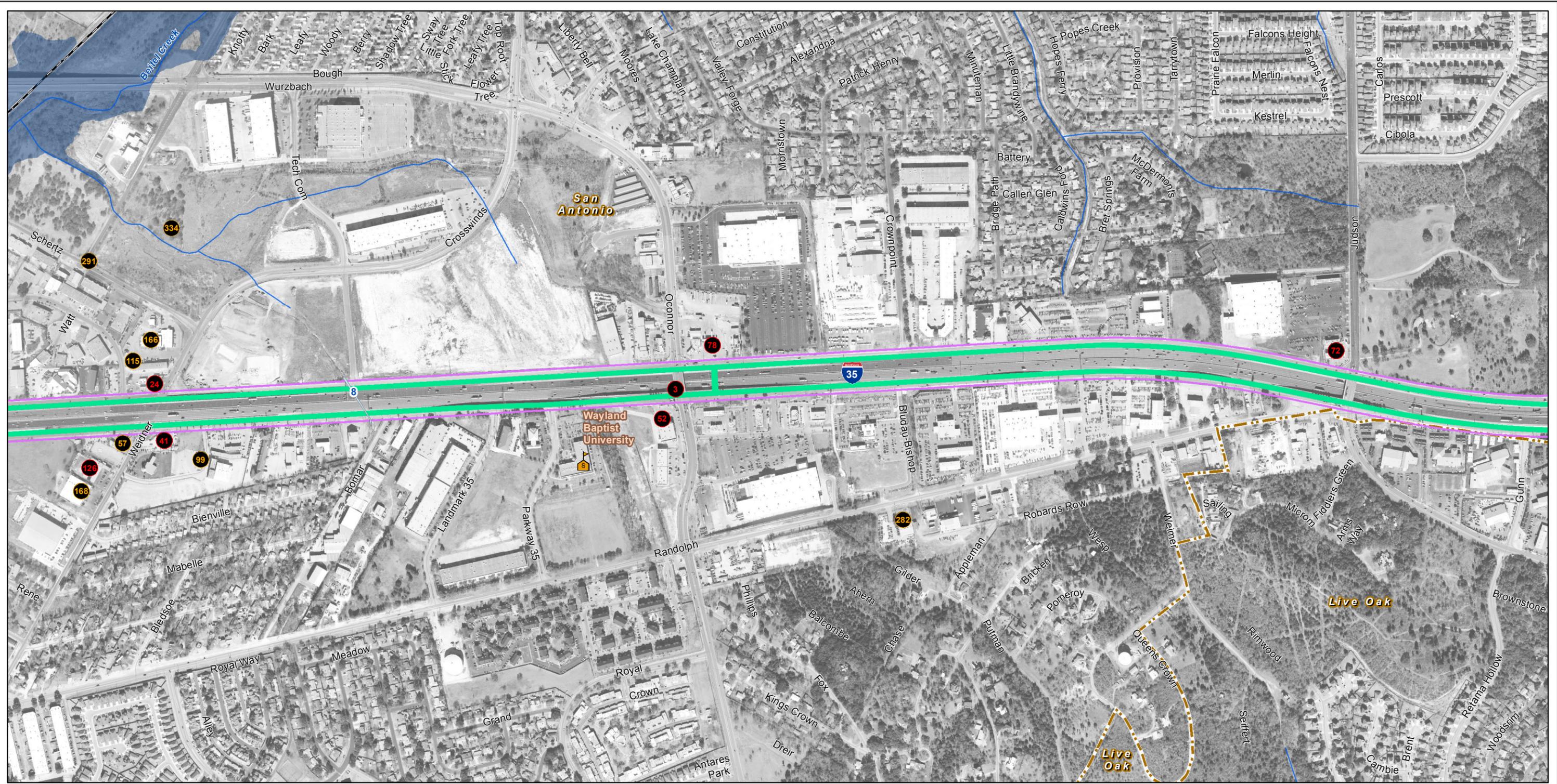
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| Construction Easement | City of San Antonio Landmark | Proposed Overpass | 100-Year Floodplain | Impacted |
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| Military Facility | HazMat-low risk | Proposed General Purpose Lane Improvement | Church | |
| City Limit | Large Tree | Waters of the U.S. | Hospital | |
| NRHP-Eligible | | | School | |



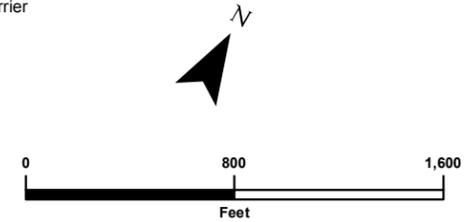
A-4: Corridor Map from 2015 EA
Sheet 6 of 13

I-35 Northeast San Antonio Expansion Project
I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties



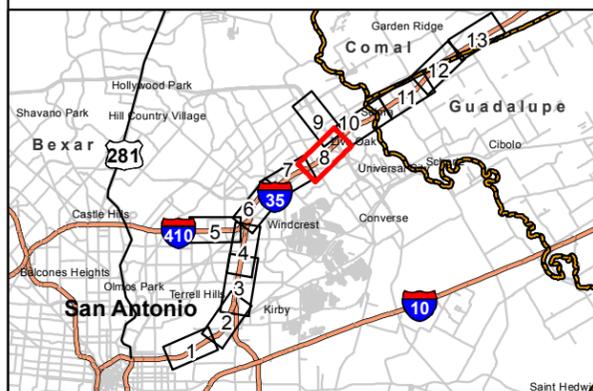
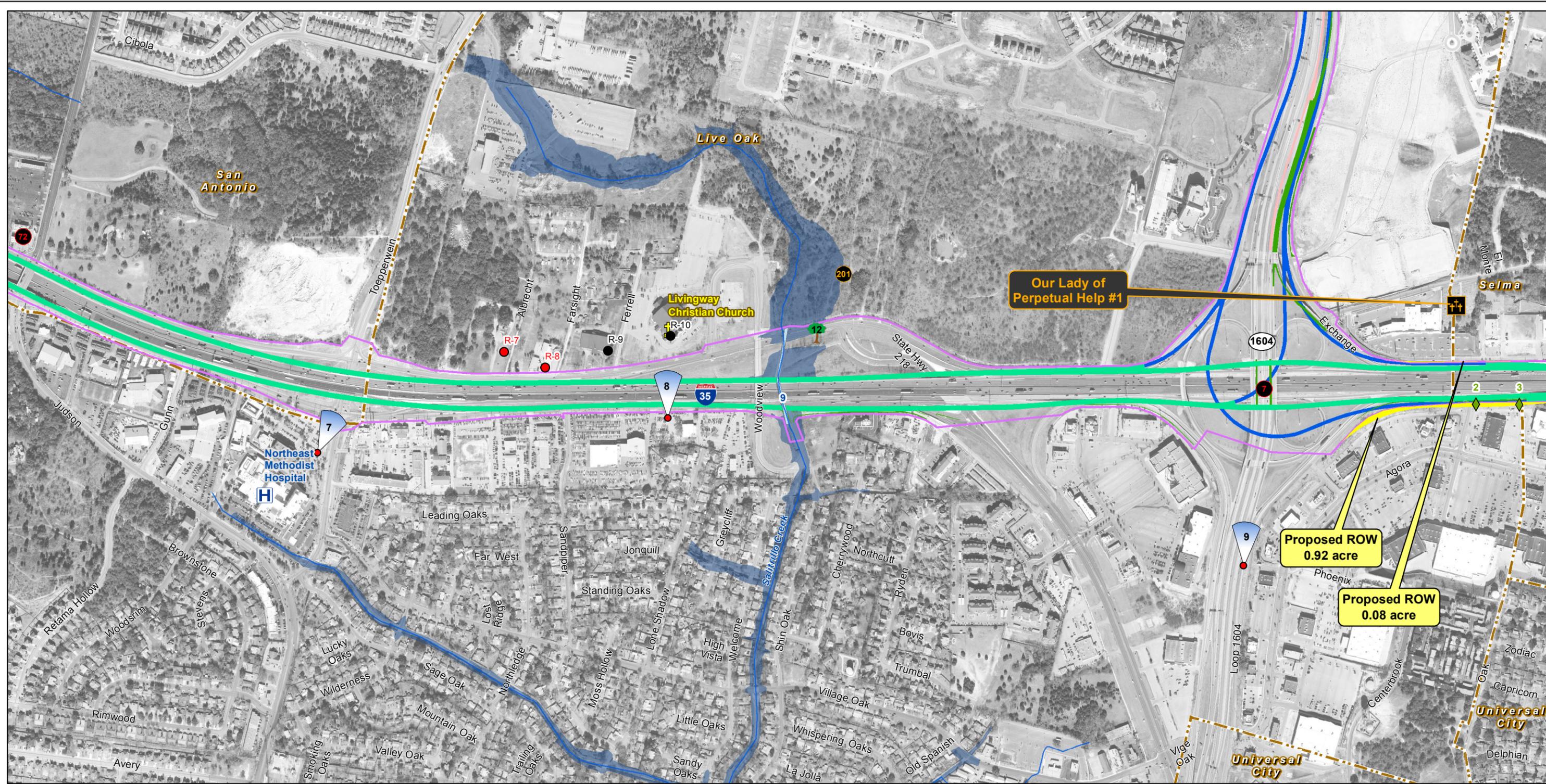
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County			School	
NRHP-Eligible				



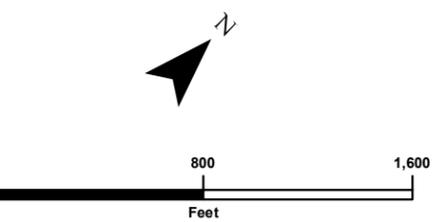
A-4: Corridor Map from 2015 EA
 Sheet 7 of 13

I-35 Northeast San Antonio Expansion Project
 I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties



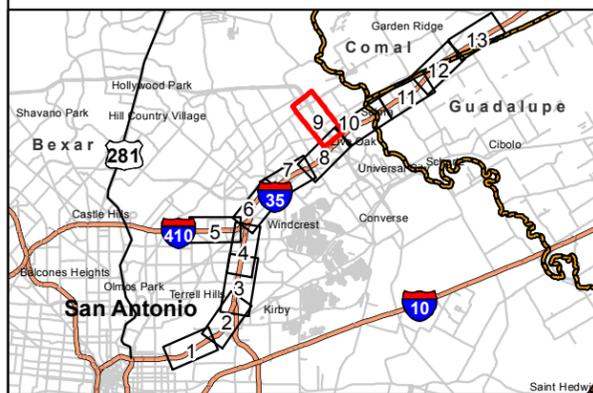
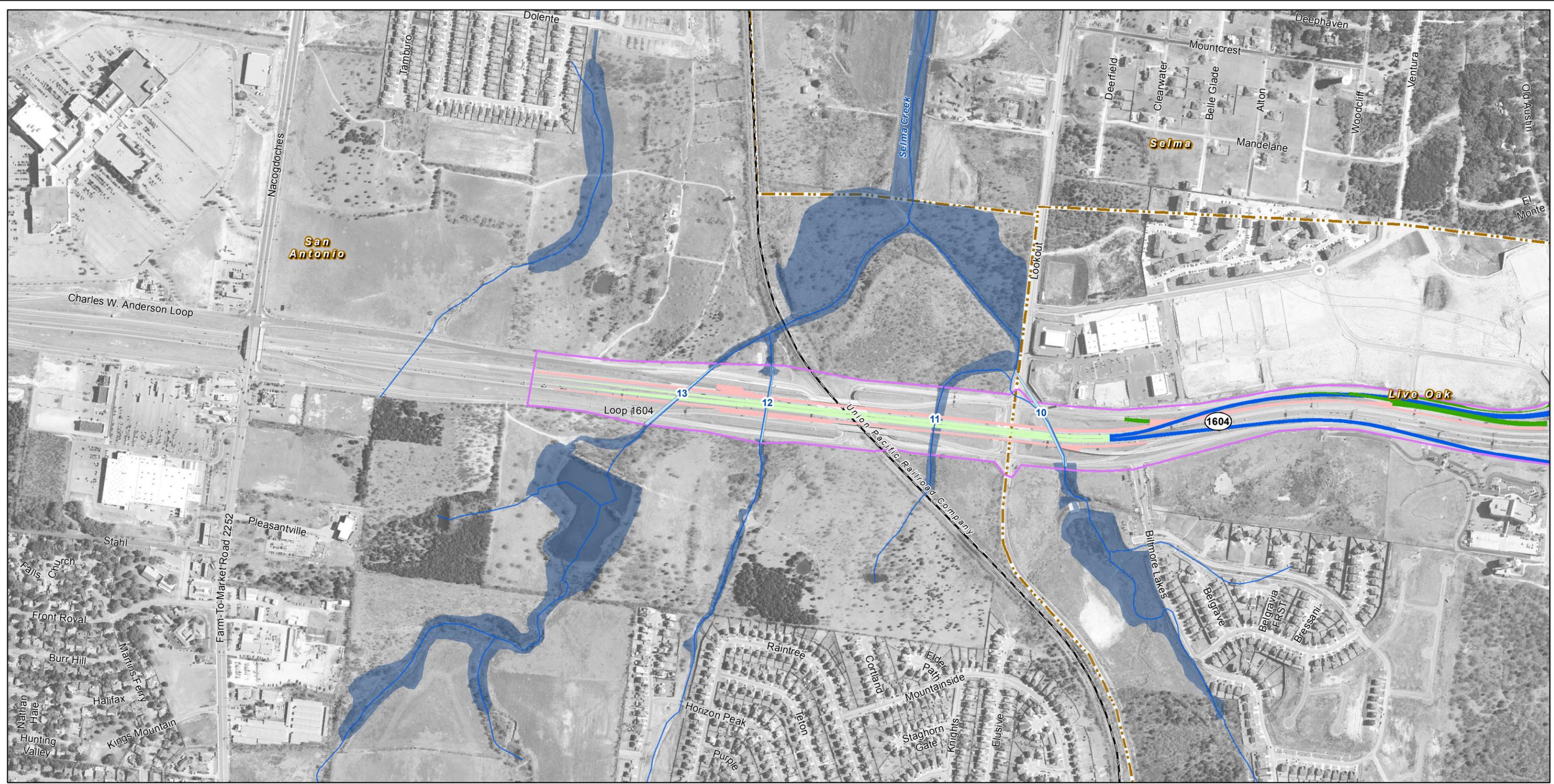
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| Construction Easement | City of San Antonio Landmark | Proposed Overpass | 100-Year Floodplain | Impacted |
| Existing Right-of-Way | Official Texas Historic Marker | Proposed Elevated Managed Lane | Key Views/Viewsheds | Benefitted |
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| Military Facility | HazMat-low risk | Proposed General Purpose Lane Improvement | Church | |
| City Limit | Large Tree | Waters of the U.S. | Hospital | |
| County | | | School | |
| NRHP-Eligible | | | | |



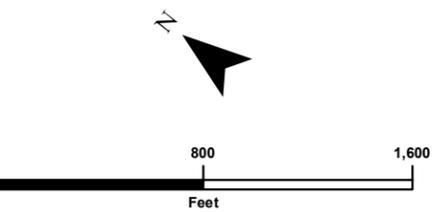
A-4: Corridor Map from 2015 EA
Sheet 8 of 13

I-35 Northeast San Antonio Expansion Project
I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties



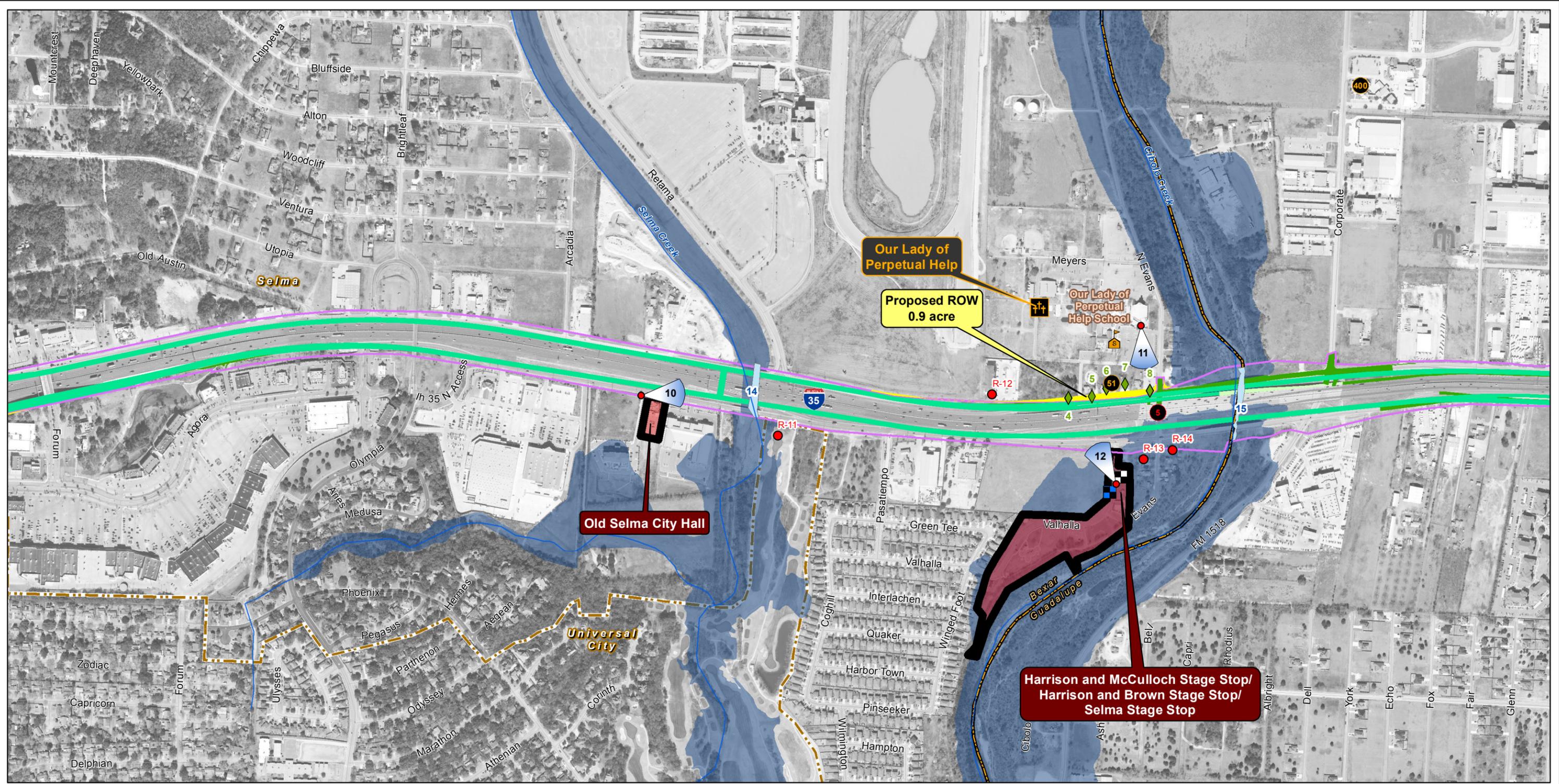
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| Construction Easement | City of San Antonio Landmark | Proposed Overpass | 100-Year Floodplain | Impacted |
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| County | | | School | |
| NRHP-Eligible | | | | |



A-4: Corridor Map from 2015 EA
Sheet 9 of 13

I-35 Northeast San Antonio Expansion Project
I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties

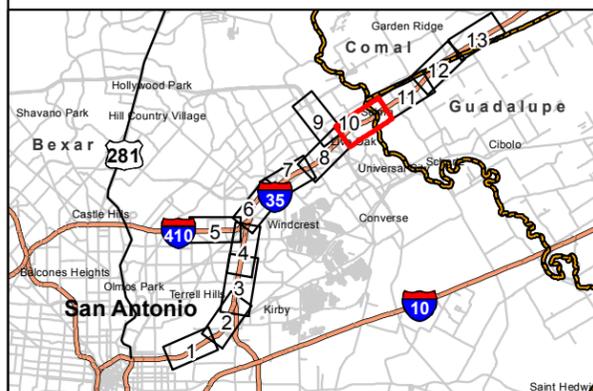


Our Lady of Perpetual Help

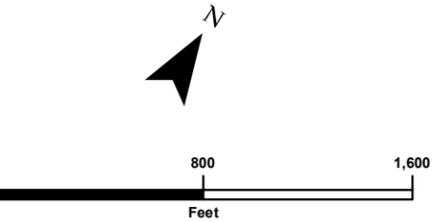
**Proposed ROW
0.9 acre**

Old Selma City Hall

**Harrison and McCulloch Stage Stop/
Harrison and Brown Stage Stop/
Selma Stage Stop**



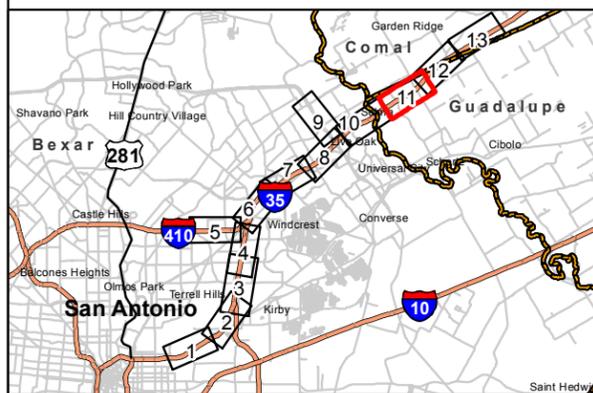
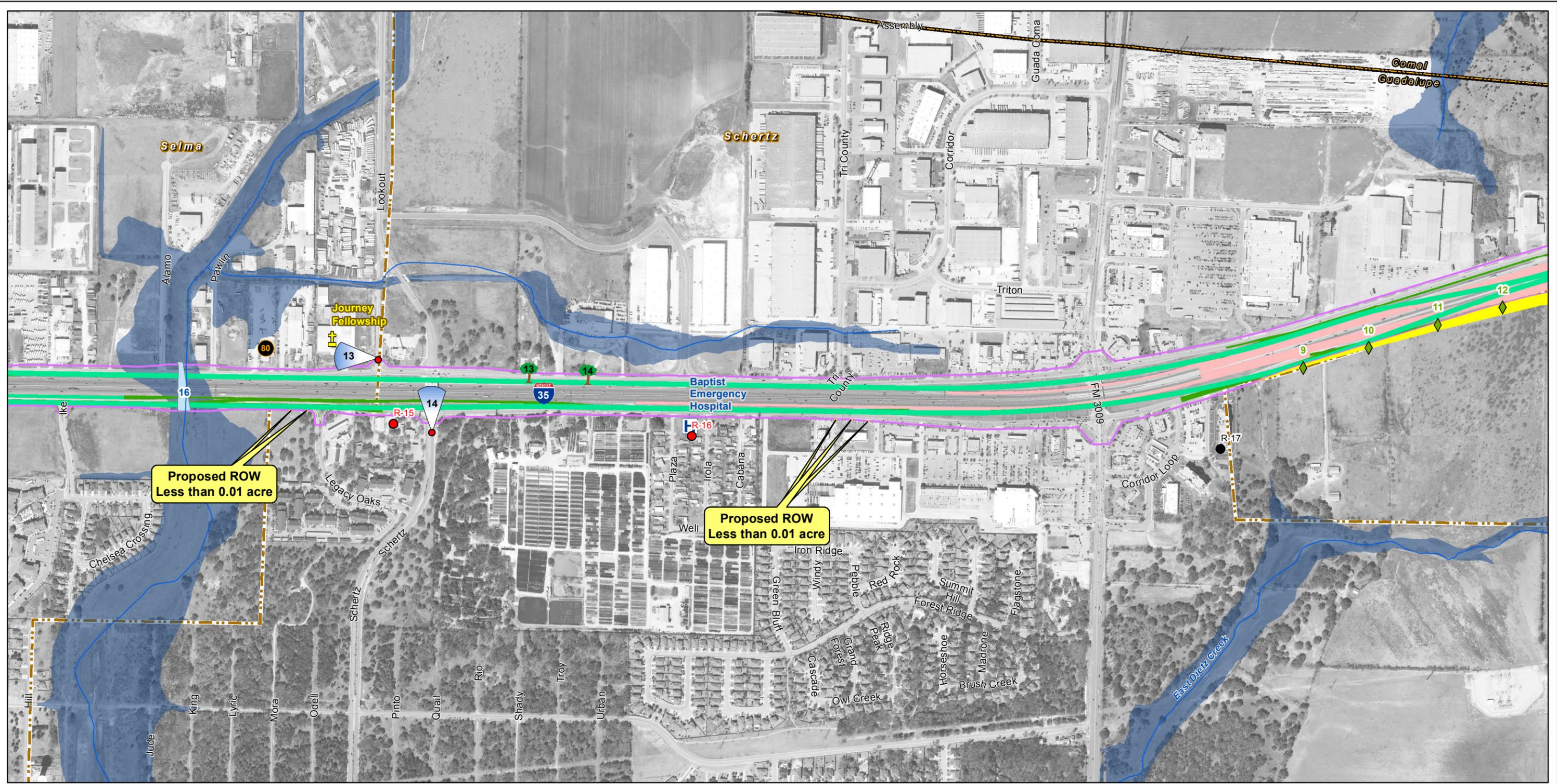
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|-----------------------|--------------------------------|---|---------------------|------------------------|
| Construction Easement | City of San Antonio Landmark | Proposed Overpass | 100-Year Floodplain | Impacted |
| Existing Right-of-Way | Official Texas Historic Marker | Proposed Elevated Managed Lane | Key Views/Viewsheds | Benefitted |
| Proposed Right-of-Way | State Antiquities Landmark | Proposed Elevated Direct Connector | Heliport | Non-Impacted |
| Railroad | Cemetery | Proposed At Grade Managed Lane | Park | Proposed Noise Barrier |
| River/Creek/Stream | HazMat-high risk | Proposed Ramp/Frontage Road Improvement | Displacement | |
| Military Facility | HazMat-low risk | Proposed General Purpose Lane Improvement | Church | |
| City Limit | Large Tree | Waters of the U.S. | Hospital | |
| NRHP-Eligible | | | School | |



A-4: Corridor Map from 2015 EA
Sheet 10 of 13

**I-35 Northeast San Antonio
Expansion Project**
I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties

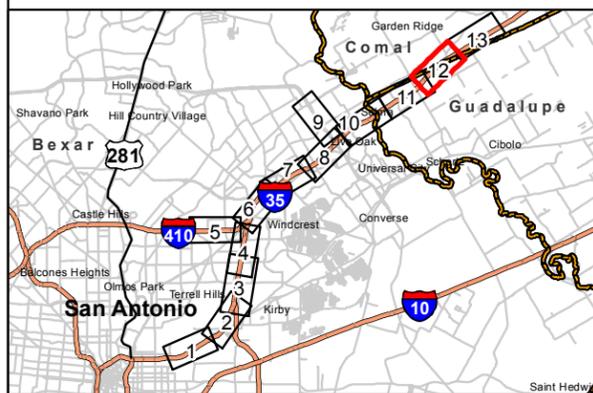
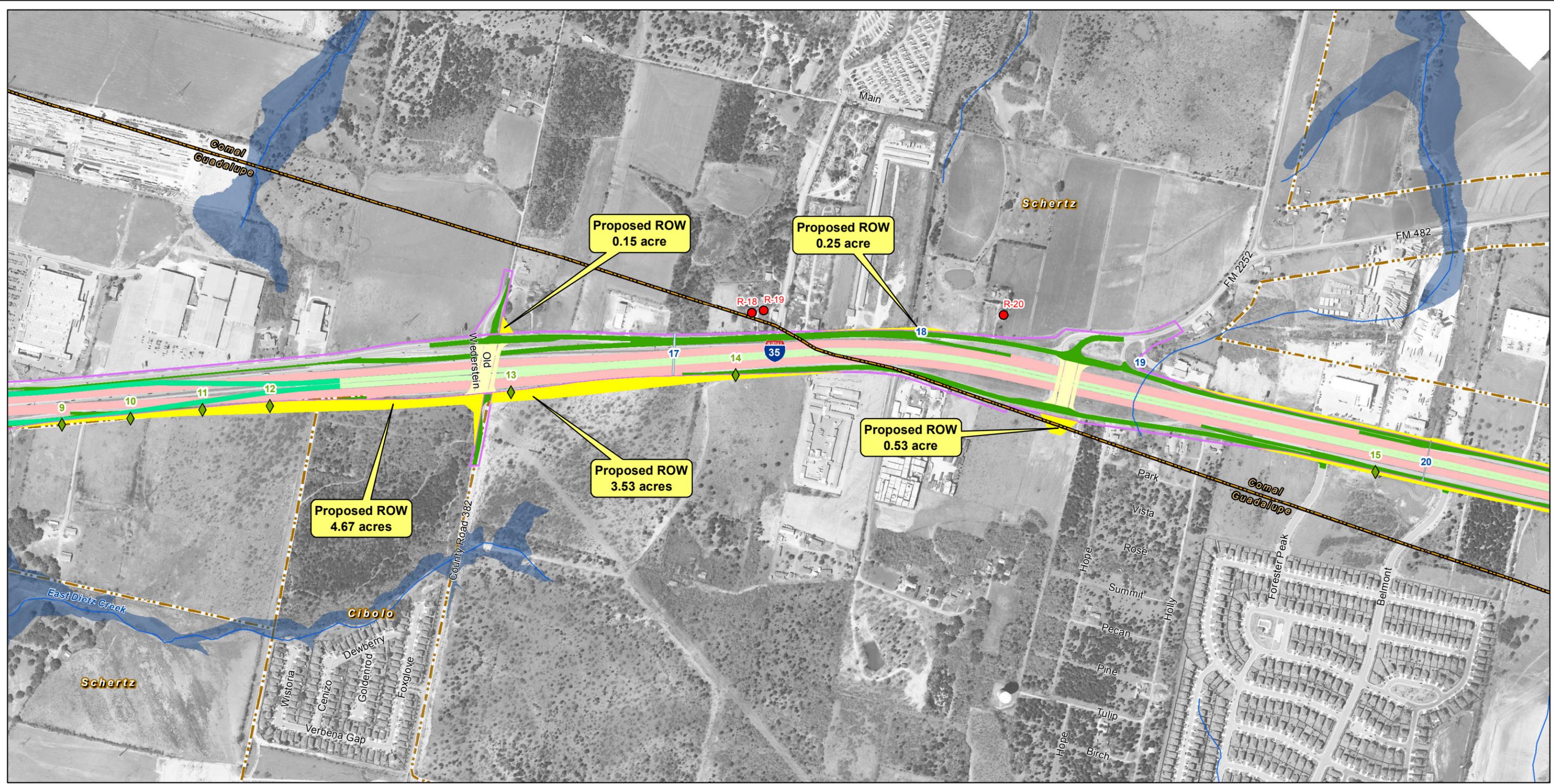


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|-----------------------|--------------------------------|---|---------------------|------------------------|
| Construction Easement | City of San Antonio Landmark | Proposed Overpass | 100-Year Floodplain | Impacted |
| Existing Right-of-Way | Official Texas Historic Marker | Proposed Elevated Managed Lane | Key Views/Viewsheds | Benefitted |
| Proposed Right-of-Way | State Antiquities Landmark | Proposed Elevated Direct Connector | Heliport | Non-Impacted |
| Railroad | Cemetery | Proposed At Grade Managed Lane | Park | Proposed Noise Barrier |
| River/Creek/Stream | HazMat-high risk | Proposed Ramp/Frontage Road Improvement | Displacement | |
| Military Facility | HazMat-low risk | Proposed General Purpose Lane Improvement | Church | |
| City Limit | Large Tree | Waters of the U.S. | Hospital | |
| NRHP-Eligible | | | School | |

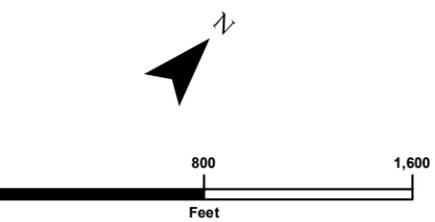
A-4: Corridor Map from 2015 EA
Sheet 11 of 13

I-35 Northeast San Antonio Expansion Project
I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties



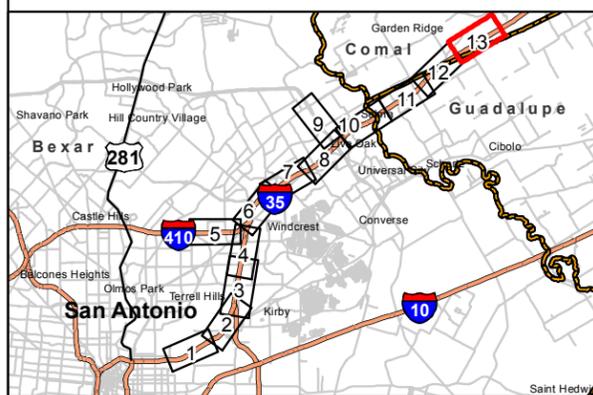
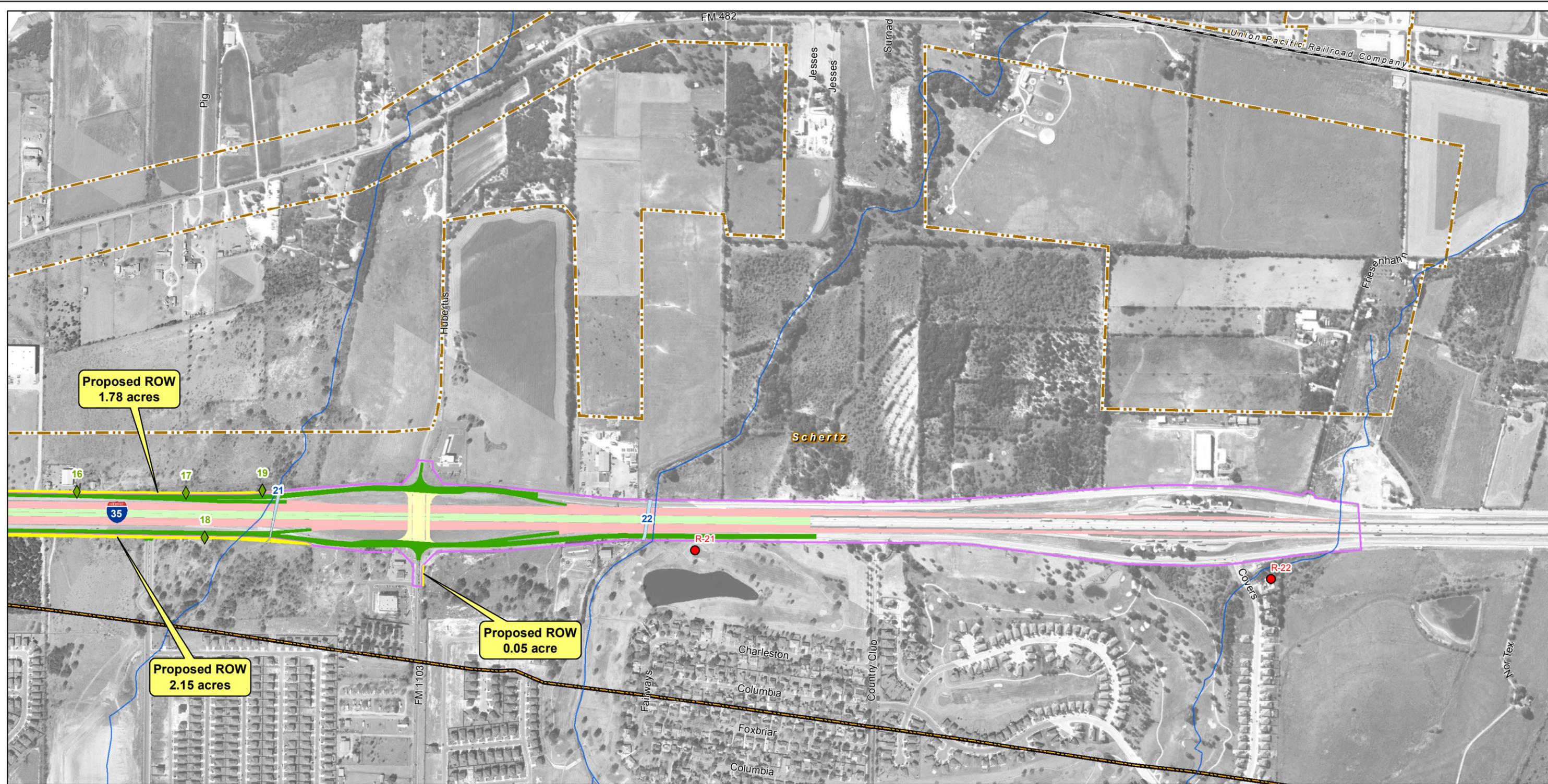
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|-----------------------|--------------------------------|---|---------------------|------------------------|
| Construction Easement | City of San Antonio Landmark | Proposed Overpass | 100-Year Floodplain | Impacted |
| Existing Right-of-Way | Official Texas Historic Marker | Proposed Elevated Managed Lane | Key Views/Viewsheds | Benefitted |
| Proposed Right-of-Way | State Antiquities Landmark | Proposed Elevated Direct Connector | Heliport | Non-Impacted |
| Railroad | Cemetery | Proposed At Grade Managed Lane | Park | Proposed Noise Barrier |
| River/Creek/Stream | HazMat-high risk | Proposed Ramp/Frontage Road Improvement | Displacement | |
| Military Facility | HazMat-low risk | Proposed General Purpose Lane Improvement | Church | |
| City Limit | Large Tree | Waters of the U.S. | Hospital | |
| NRHP-Eligible | | | School | |



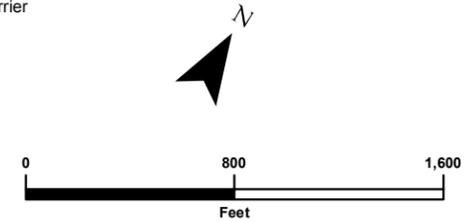
A-4: Corridor Map from 2015 EA
 Sheet 12 of 13

I-35 Northeast San Antonio Expansion Project
 I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties



Construction Easement	City of San Antonio Landmark	Proposed Overpass	100-Year Floodplain	Impacted
Existing Right-of-Way	Official Texas Historic Marker	Proposed Elevated Managed Lane	Key Views/Viewsheds	Benefitted
Proposed Right-of-Way	State Antiquities Landmark	Proposed Elevated Direct Connector	Heliport	Non-Impacted
Railroad	Cemetery	Proposed At Grade Managed Lane	Park	Proposed Noise Barrier
River/Creek/Stream	HazMat-high risk	Proposed Ramp/Frontage Road Improvement	Displacement	
Military Facility	HazMat-low risk	Proposed General Purpose Lane Improvement	Church	
City Limit	Large Tree	Waters of the U.S.	Hospital	
County			School	
NRHP-Eligible				



A-4: Corridor Map from 2015 EA
 Sheet 13 of 13

I-35 Northeast San Antonio Expansion Project
 I-35: I-410 South to FM 1103

Bexar, Comal and Guadalupe Counties

APPENDIX B
Proposed Project Information

Proposed Project Information

2.1 Proposed Action

Table 1 presents a summary of major project design changes that have occurred since the 2015 Environmental Assessment (EA)/Finding of No Significant Impact (FONSI), necessitating a Reevaluation.

Table 1: Design Changes

Design Element	EA/FONSI	Reevaluation
Elevated Lanes	Two managed lanes (tolled) - each direction	Generally, one high-occupancy (HOV) lane and two general purpose (GP) lanes - each direction
Construction Limits	See Section 2.2 below.	
ROW Requirements	See Section 2.3 below.	
Ramp/access changes	See Section 2.6 below.	
Traffic Projections	See Section 2.7 below.	
Bicycle and Pedestrian Accommodations	Pedestrian and bicycle accommodations were not included	Newly constructed frontage roads would include a 16-foot wide outer lane for shared use by bicycles and vehicles in the following limits: (1) I-35 northbound frontage road from FM 3009 to Country Club Drive, and (2) I-35 southbound frontage road from Wiederstein Road to FM 1103. New construction cross streets and frontage roads would include 6-foot sidewalks adjacent to the roadway to accommodate pedestrian travel in the following limits: (1) I-35 northbound frontage road from FM 3009 to Country Club Drive, (2) I-35 southbound frontage road from Wiederstein Road to FM 1103, and (3) Loop 1604 eastbound and westbound frontage roads from FM 2252 to Lookout Road. Pedestrian accommodations may be revised or upgraded throughout the project limits.

Design Element	EA/FONSI	Reevaluation
Height Changes	Elevated lanes at the following interchanges with I-35 ranged in height from 45 to 115 feet: I-410 South, I-410 North, Loop 1604.	Elevated lanes at interchanges would range in height from 50 to 120 feet, resulting in changes to heights proposed from the original design by up to 120 feet. Also, per the Texas Freight Mobility Plan (2017), the new vertical clearance requirement for bridges is 18 feet.
Design Year	2035	2044
Construction Work	Nighttime construction would be utilized in order to help minimize disturbance to vehicular traffic, but work-hour controls (such as reduced nighttime construction near residential areas) and proper maintenance of muffler systems would be utilized where possible to minimize construction noise.	In order to avoid lane closures, the contractor would need to conduct construction activities during nighttime hours. In order to minimize noise during nighttime construction, the contractor would be required to minimize nighttime construction noise near residential areas by using mitigation practices such as proper maintenance of muffler systems.

2.2 Project Limits

There are no changes to the project limits, or “logical termini”, from the original EA/FONSI. The project limits are on I-35 from IH 410 South to FM 1103. However, since the original EA/FONSI, there have been changes to the required construction limits for the project for transition purposes. The 2015 EA/FONSI accounted for transitions into existing I-35 and major interchanges, but the Reevaluation construction limits extend beyond those evaluated in the original EA. A map showing the difference between the proposed construction limits and the construction limits shown in the original EA/FONSI is included in Exhibit A-2.

2.3 Right of Way

The total right-of-way (ROW) required for the I-35 NEX project is 35.9 acres. Approximately 21 acres were studied and consequently cleared in the 2015 EA/FONSI. The previously cleared ROW has already been acquired by the Texas Department of Transportation (TxDOT) or is currently under acquisition. Approximately 14.9 acres of ROW are required for the Reevaluation project due to design changes since the EA/FONSI. This additional ROW generally occurs in narrow slivers along the project corridor. These 14.9 acres of ROW beyond that cleared in the EA/FONSI are shown in Exhibit A-3. The majority of the proposed project, including the extended construction limit areas, would occur within existing ROW.

As part of the new ROW requirements for the project, acquisition is proposed from one parcel that was previously identified in the EA/FONSI as a National Register of Historic Places (NRHP)-eligible historic site – the Hansmann Farm. Although the proposed project would have no adverse effect on the characteristics for which the Hansmann Farm is significant, the acquisition of new ROW constitutes a de minimis use of a historic site under the U.S. Department of Transportation Act (USDOT) Section 4(f) regulations (23 Code of Federal Regulations [CFR] 774). With the exception of this parcel, none of the other new ROW would be required from a significant publicly-owned park, recreation area, wildlife or waterfowl refuge, or historic site.

2.4 Easements

There would be no new temporary or permanent easements from that cleared in the 2015 EA/FONSI.

2.5 Displacements

No additional residential or business displacements are proposed beyond those identified in the EA/FONSI.

2.6 Access

Access changes resulting from proposed ramp modifications are presented in **Table 2**. These access changes are broken down into what was proposed in the EA/FONSI compared to what is currently being proposed as part of this Reevaluation.

Table 2 also presents potential impacts to motorists resulting from these proposed access changes. The access changes could make access to some businesses, residences/neighborhoods, and public facilities slightly more or less convenient for motorists in the area depending on their respective routes and destinations. Accordingly, motorists in these areas may experience some inconvenience if an adjustment to their travel routes are necessary. None of the proposed access changes, however, are anticipated to result in a substantial impact to motorists as ramp shifts and reversals would still provide similar access points, and in the instances where ramps would be eliminated, other nearby access points would be available for motorists to utilize.

Table 2: Access Changes

Project Section Limits	Access Changes Proposed in the EA/FONSI	New Proposed Access Changes	Potential Impacts to Motorists
<i>I-35 - AT&T Parkway</i>	No access changes were proposed.	<ul style="list-style-type: none"> a. Eliminate existing southbound (SB) entrance ramp just north of AT&T Parkway. b. Shift the existing northbound exit ramp to Splashtown Drive approximately 1,300 feet to the north. 	Motorists would still be able to access I-35 from the entrance ramp just south of the I-410 South interchange or the entrance ramp north of North Walters Street. The elimination of the SB entrance ramp just north of AT&T Parkway does change the access location, but access to I-35 would still be provided by nearby entrance ramp locations.
<i>I-410 North – EB from Nacogdoches Road to Starcrest Drive</i>	No access changes were proposed.	<ul style="list-style-type: none"> c. Shift existing eastbound (EB) entrance ramp from Nacogdoches Road approximately 1,700 feet to the west, just east of Nacogdoches Road. 	The slight shifting of the entrance ramp near Nacogdoches Road would affect direct access for a few of the adjacent properties, but motorists would still be able to access the I-410 mainlanes using the ramp to the east of Starcrest Drive.
	No access changes were proposed.	<ul style="list-style-type: none"> d. Reverse existing EB entrance ramp from Harry Wurzbach Road to an EB exit ramp, just east of Harry Wurzbach Road. 	Motorists would still be able to access I-410 through ramp improvements described in letter (e) below.
	No access changes were proposed.	<ul style="list-style-type: none"> e. Reverse existing EB exit ramp to Starcrest Drive to an EB entrance ramp, just west of Starcrest Drive. 	Motorists would still be able to access the I-410 frontage road through ramp improvements described in letter (d) above.
<i>I-35 - From Olympia Parkway to Evans Road</i>	No access changes were proposed.	<ul style="list-style-type: none"> f. Shift existing northbound (NB) exit ramp north of Olympia Parkway approximately 1,200 feet to the south - remains just north of Olympia Parkway. 	The slight shifting of the NB exit ramp near Olympia Parkway would not affect motorists' ability to access the I-35 frontage road.
	No access changes were proposed.	<ul style="list-style-type: none"> g. Shift existing NB entrance ramp just south of Evans Road approximately 1,200 feet to the south - remains south of Evans Road. 	The slight shifting of the NB entrance ramp near Evans Road would not affect motorists' ability to access I-35.

Project Section Limits	Access Changes Proposed in the EA/FONSI	New Proposed Access Changes	Potential Impacts to Motorists
<i>Loop 1604W</i>	No access changes were proposed.	h. Eliminate existing westbound (WB) entrance ramp from Lookout Road, just east of Nacogdoches Road.	Motorists would still be able to access Loop 1604 from the existing entrance ramp just west of Lookout Road or just west of Nacogdoches Road. The elimination of the entrance ramp does change the access location, but access to Loop 1604 would still be provided by nearby entrance ramp locations.
<i>I-35 - From north of Schertz Parkway to FM 1103</i>	Addition of entrance ramp from I-35 NB frontage roads to I-35 northbound mainlanes, just north of FM 3009.	i. The entrance ramp proposed in the EA/FONSI has been constructed since approval of EA. The current design proposes to shift this ramp slightly to the south, but it would remain north of FM 3009.	The slight shifting of the entrance ramp just north of FM 3009 would not affect motorists' ability to access I-35.
	Reconstruction of exit ramp from I-35 SB mainlanes just south of Old Wiederstein Road to provide a combined exit to Old Wiederstein Road and FM 3009.	j. No change in design since EA/FONSI.	Reconstruction of the exit ramp would change the access location, but access to the I-35 frontage road would still be provided by the combined exit ramp to Old Wiederstein Road and FM 3009.
	Reverse the SB entrance ramp to a SB exit ramp just south of FM 2252.	k. No change in design since EA/FONSI.	Motorists would still be able to access I-35 through the ramp improvements described in letter (l) below.
	Reverse the SB exit ramp to a SB entrance ramp just north of FM 2252.	l. No change in design since EA/FONSI.	Motorists would still be able to access the I-35 frontage road through the ramp improvements described in letter (k) above.
	Reverse the NB entrance ramp to a NB exit ramp just north of FM 2252.	m. No change in design since EA/FONSI.	Motorists would still be able to access I-35 through ramp improvements described in letter (n) below.
	Reverse the NB exit ramp to a NB entrance ramp south of FM 1103.	n. No change in design since EA/FONSI.	Motorists would still be able to access I-35 through ramp improvements described in letter (o) below.

Project Section Limits	Access Changes Proposed in the EA/FONSI	New Proposed Access Changes	Potential Impacts to Motorists
	Reconstruct the NB entrance ramp to a NB exit ramp just north of FM 1103.	o. Reverse the existing NB entrance ramp to a NB exit ramp just north of FM 1103.	Motorists would still be able to access the I-35 frontage road through ramp improvements described in letter (n) above.
	Reconstruct the SB exit ramp to an SB entrance ramp north of FM 1103.	p. Reverse the existing SB exit ramp to a SB entrance ramp north of FM 1103.	Motorists would still be able to access the I-35 frontage road through ramp improvements described in letter (q) below.
	Reverse the existing SB entrance ramp to a SB exit ramp south of FM 1103.	q. No change in design since EA/FONSI.	Motorists would still be able to access I-35 through ramp improvements described in letter (p) above.

NB = northbound; SB = southbound; EB = eastbound; and WB = westbound

Direct connectors¹ at the major interchanges along the proposed project, as well as ramping at either end of the project, would provide access to and from the elevated high-occupancy vehicle (HOV) and general purpose (GP) lanes. This is the case for all the major interchanges except for Loop 1604 East, where there would be no direct connector to/from the I-35 elevated lanes. Motorists traveling on the elevated lanes could access Loop 1604 East via Loop 1604 West or via I-35 north of Loop 1604 using turnarounds along the existing mainlanes and the existing interchange access. The implementation of elevated lanes would not limit motorists' access to the I-35 mainlines. In general, it is anticipated that access would be enhanced after the completion of the project due to overall reduced traffic congestion and improved mobility along the project corridor.

2.7 Traffic

Existing (2012) and projected (2035) average daily traffic (ADT) projections analyzed in the EA/FONSI are summarized in **Table 3**. For the reevaluation effort, existing (2018) and projected volumes for the design year (2044) were analyzed, including volumes projected for the main lanes and elevated lanes.

2.8 Laws and Regulations

There have been no changes to any laws/regulations since approval of the EA/FONSI. Analyses conducted under the Reevaluation effort were prepared using the current TxDOT guidelines.

2.9 Land Use and Population

Since approval of the EA/FONSI, more recent population and economic growth data has become available, as well as updated city plans. This information was reviewed to identify economic goals relevant to the proposed project. This analysis indicates that the proposed project remains consistent with the economic development goals of surrounding communities and would complement economic development initiatives in the region. There have been no substantial changes in land use or population since the EA/FONSI, as discussed in detail in the *I-35 NEX Project Community Impacts Memorandum (April 2019)*.

¹ Design revisions were made after the August 15, 2019 Public Hearing, including the removal of a proposed direct connector at I-35 and Loop 1604 East including Pat Booker Road from I-35 to Loop 1604. The environmental technical reports prepared as part of this Reevaluation studied the Loop 1604 East direct connector and Pat Booker connection, but these connections have since been removed from inclusion in the proposed project.

Table 3: Changes in Existing and Projected Average Daily Traffic

Traffic Analysis Area	EA/FONSI		Reevaluation				
	Existing (2012)	Design Year (2035)	Existing (2018)	Design Year (2044)			
				Main Lanes (ML)	Elevated Lanes (EL)	ML + EL	% Change from EA/FONSI Design Year
<i>I-35 just north of Salado Creek</i>	136,000	176,000	136,277	172,350	59,650	232,000	31.8%
<i>I-35 just south of Walzem Road</i>	184,000	256,000	158,710	130,250	95,000	225,250	-12.0%
<i>I-35 just south of Thousand Oaks</i>	205,000	286,000	189,330	237,850	146,200	384,050	34.28%
<i>I-35 just south of FM 1518</i>	153,000	258,000	177,252	303,750	104,250	408,000	58.1%

Affected Environment and Environmental Impacts

Affected Environment and Environmental Impacts of the I-35 NEX Project¹

Resource/Setting	Changes in Affected Environment/ Environmental Setting?	Impacts Identified in the EA/FONSI	Impacts Identified in the Reevaluation	Total Proposed Project Impacts	Project EPICs	Reference Document
Environmental Justice	Yes. More recent income data was available at the block group level and additional census block groups (income data) and blocks (minority data) were included in the project due to the extended construction limits. Because this is a more recent dataset than available at the time of the Environmental Assessment (EA)/Finding of No Significant Impact (FONSI), the environmental justice (EJ) analysis was updated for the entire project corridor, not just the extended construction limits.	<ul style="list-style-type: none"> Noise impacts to four receivers located in EJ areas (East Terrell Hills and General Krueger neighborhoods). 	<ul style="list-style-type: none"> Noise impacts to 12 representative receivers located in EJ areas, including 9 residences, 1 school, 1 hotel, and 1 church. Of the 12 impacted representative receivers in EJ areas, 8 are in high minority only areas, 1 is in a low income only area, and 3 are in both high minority and low-income areas. 	<ul style="list-style-type: none"> Changes in access for residents of EJ areas in the following locations due to ramp shifts, reconfigurations, reversals, and removals: (1) I-35/I-410 South, (2) East Terrell Hills neighborhood, (3) General Krueger neighborhood, (4) I-410 North near Harry Wurzbach Road, and (5) I-410 North near Starcrest Road. 	None	<ul style="list-style-type: none"> I-35 Northeast Expansion (NEX) Project, Community Impacts Memorandum (April 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
		<ul style="list-style-type: none"> Changes in access for residents in EJ geographies in the vicinity of I-35/I-410 South, and the East Terrell Hills and General Krueger neighborhoods due to proposed ramp reconfigurations and removals. 	<ul style="list-style-type: none"> Changes in access in the extended construction limits area for residents of high minority census geographies located along I-410 North near Harry Wurzbach Road and Starcrest Road due to proposed ramp shifts and reversals. 			
Socioeconomics	Regional and Community Growth - more recent population and economic growth data was available and updated city plans were available to review economic goals relevant to the proposed project.	<ul style="list-style-type: none"> Project is consistent with economic development goals of surrounding communities and would complement economic development initiatives in the region. 			See EPICs 1 - 2 in Appendix D.	<ul style="list-style-type: none"> I-35 Northeast Expansion (NEX) Project, Community Impacts Memorandum (April 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
	Access Changes - modifications to the proposed ramps/direct connectors.	<ul style="list-style-type: none"> Ramp reconfigurations in the vicinity of the I-35/I-410 South interchange, between Schertz Parkway and the northern project terminus, and also from the proposed northbound exit ramp removal just south of Rittiman Road could make access to some businesses more or less convenient. 	<ul style="list-style-type: none"> Ramp modifications could make access to some businesses, residences/ neighborhoods, and public facilities slightly more or less convenient. Access changes not anticipated to result in a substantial impact to motorists, as other nearby access points would be available. 	<ul style="list-style-type: none"> Ramp modifications and reconfigurations could make access to some businesses, residences/ neighborhoods, and public facilities more or less convenient, but is not anticipated to result in substantial impacts to motorists as other nearby access points would be available. 		
	Community Cohesion - additional neighborhoods were included in the project area along the extended construction limits.	<ul style="list-style-type: none"> Potential, minor, negative impacts to residential communities due to traffic noise impacts, changes in aesthetics, and/or temporary construction impacts. Long-term, positive impacts to residential communities due to improved traffic operations. No distinct neighborhoods would be affected, separated, or isolated. 				
	Public Facilities and Services - additional public facilities were included in the project area along the extended construction limits.	<ul style="list-style-type: none"> Would not impact, prevent access to, or prevent the use of any public facilities. 				
	Right of Way (ROW) and Displacements/Relocations - additional ROW was required for the proposed improvements.	<ul style="list-style-type: none"> ROW acquisition of 21 acres. 	<ul style="list-style-type: none"> ROW acquisition of 14.9 acres. 	<ul style="list-style-type: none"> ROW acquisition of approximately 35.9 acres. 		
	Limited English Proficiency (LEP) - more recent data was available at the block group level and additional census block groups were included in the project area along the extended construction limits.	<ul style="list-style-type: none"> LEP populations identified using census block group data obtained from the U.S. Census Bureau 2008-2012 American Community Survey (ACS) 5-Year Estimates database. LEP study area included 35 census block groups with approximately 8.7 percent of the population speaking English less than 	<ul style="list-style-type: none"> LEP populations identified using census block group data obtained from the U.S. Census Bureau 2013-2017 ACS 5-Year Estimates database. LEP study area included 57 census block groups with approximately 8.9 percent of the population speaking English less than very well. Specific LEP languages and 	<ul style="list-style-type: none"> LEP populations present. Reasonable steps taken to ensure LEP persons have meaningful access to programs, services, and information. 		

¹ Design revisions were made after the August 15, 2019 Public Hearing, including the removal of a proposed direct connector at I-35 and Loop 1604 East including Pat Booker Road from I-35 to Loop 1604. The environmental technical reports prepared as part of this Reevaluation studied the Loop 1604 East direct connector and Pat Booker connection, but these connections have since been removed from inclusion in the proposed project. **Table C-4** summarizes the changes to impacts for each resource category from this design change.

Resource/Setting	Changes in Affected Environment/ Environmental Setting?	Impacts Identified in the EA/FONSI	Impacts Identified in the Reevaluation	Total Proposed Project Impacts	Project EPICs	Reference Document
		<p>very well. Specific LEP languages and respective percentages represented in the LEP study area included Spanish (26.2 percent), Other Indo-European (2.1 percent), Asian and Pacific Islander (1.8 percent), and Other (0.2 percent).</p> <ul style="list-style-type: none"> Reasonable steps taken to ensure LEP persons have meaningful access to programs, services, and information. 	<p>respective percentages represented in the LEP study area are as follows: Spanish (7.7 percent), Other Indo-European (0.3 percent), Asian and Pacific Islander (0.9 percent), and Other (0.04 percent).</p> <ul style="list-style-type: none"> Reasonable steps taken to ensure LEP persons have meaningful access to programs, services, and information. 			
Farmlands	Yes. A small portion of the extended construction limits are located in a non-urbanized area and contain prime farmland or farmland of statewide importance.	<ul style="list-style-type: none"> N/A –project area was exempt from the requirements of the Farmland Protection Policy Act (FPPA) because the project area was zoned for urban use. 	<ul style="list-style-type: none"> Approximately 0.7 acre of farmland could be converted by the proposed project. 	<ul style="list-style-type: none"> Approximately 0.7 acre of farmland could be converted by the proposed project. 	None	<ul style="list-style-type: none"> I-35 NEX Project, Biological Evaluation Form (July 2019) I-35 NEX Project, Tier I Site Assessment (July 2019) I-35 NEX Project, BEF & Tier I Site Assessment Supplemental Attachments Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
Threatened/ Endangered Species	Yes. Due to the extended construction limits and new ROW requirements, the additional project area was evaluated for the potential to contain habitat for state and federally listed threatened and endangered species and species of greatest conservation need (SGCNs). Since approval of the EA/FONSI, the Texas Parks and Wildlife Department (TPWD) revised the Bexar, Comal, and Guadalupe county lists to include additional protected species.	<ul style="list-style-type: none"> 12 state and federally listed threatened and endangered species and SGCN with suitable habitat in the project area. Of the 12 species with suitable habitat in the project area, the proposed project may impact eight species.² No Effect to federally protected species. 	<ul style="list-style-type: none"> 21 state and federally listed threatened and endangered species and SGCNs with suitable habitat in the extended construction limits, including nine species that were not listed at the time of the EA/FONSI. The proposed project may impact the 21 species with suitable habitat in the project area. May Effect, Not Likely to Adversely Affect the Cokendolpher Cave harvestman (<i>Texella cokendolpheri</i>) and Robber Baron Cave meshweaver (<i>Cicurina baronia</i>) in the extended construction limits area. 	<ul style="list-style-type: none"> 29 state and federally listed threatened and endangered species and SGCN species identified as potentially occurring within the project area, two of which (creeper squawfoot and ghost-faced bat) are no longer listed and one (golden orb) that is no longer considered a distinct species (see Table C-1). Of the 29 species with suitable habitat in the project area, the proposed project may impact 24 species (see Table C-1). May Effect, Not Likely to Adversely Affect the Cokendolpher Cave harvestman and Robber Baron Cave meshweaver. 	See EPICs 3 - 15 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Biological Evaluation Form (July 2019) I-35 NEX Project, Tier I Site Assessment (July 2019) I-35 NEX Project, BEF & Tier I Site Assessment Supplemental Attachments Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)

² Note: In the 2015 EA/FONSI, a “may impact” determination was made for the timber canebrake rattlesnake. However, based on coordination with TxDOT’s in-house reptile expert, it was determined that no habitat is present for this species in the project area and therefore there would be no impact to this species.

Resource/Setting	Changes in Affected Environment/ Environmental Setting?	Impacts Identified in the EA/FONSI	Impacts Identified in the Reevaluation	Total Proposed Project Impacts	Project EPICs	Reference Document
<i>Vegetation</i>	Yes. Due to the extended construction limits and new ROW, the additional project area was assessed for impacts to vegetation and habitat.	<ul style="list-style-type: none"> Total acreage of vegetation types in the project area include Urban (1,058.52 acres), Riparian (2.64 acres), and Edwards Plateau Savannah, Woodland, and Shrubland (12.29 acres). 	<ul style="list-style-type: none"> Total maximum acreage of vegetation types in the project area include Urban (452 acres), Disturbed Prairie (13.0 acres), Riparian (1.5 acres), and Tallgrass Prairie/Grassland (0.45 acre). Current design could impact up to 0.2 acre of Riparian vegetation within the extended construction limits and new ROW areas. 	<ul style="list-style-type: none"> Total maximum acreage of vegetation types in the project area include Urban (1,510.5 acres), Disturbed Prairie (13.0 acres), Riparian (4.14 acres), Tallgrass Prairie/Grassland (0.45 acre), and Edwards Plateau Savannah, Woodland, and Shrubland (12.29 acres).³ 	See EPICs 16 - 18 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Biological Evaluation Form (July 2019) I-35 NEX Project, Tier I Site Assessment (July 2019) I-35 NEX Project, BEF & Tier I Site Assessment Supplemental Attachments Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
<i>Water Quality</i>	No. No additional threatened/impaired waters are located in the extended construction limits and proposed design changes are not anticipated to result in additional impacts to water quality from those identified in the EA.	<ul style="list-style-type: none"> Runoff from the proposed project would discharge within five stream miles upstream of Segment 1811A_01 (Dry Comal Creek), which is listed as threatened/impaired for bacteria. 	<ul style="list-style-type: none"> No changes to impacts from those identified in the EA/FONSI. 	<ul style="list-style-type: none"> Runoff from the proposed project would discharge within five stream miles upstream of Segment 1811A_01 (Dry Comal Creek), which is listed as threatened/impaired for bacteria. 	See EPICs 19-23 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Water Resources Technical Report (July 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
<i>Wetlands/ Waters of the U.S. (including any changes in permitting)</i>	Yes. The need for new ROW due to the extended construction limits and design changes increased the amount of waters of the U.S. (WOUS) in the project area and potential impacts.	<ul style="list-style-type: none"> 22 potential WOUS identified in project area (labeled as "Crossings 1-22; see Table C-2") No wetlands identified within project area. Detailed design was not available at the time of the EA/FONSI and therefore the EA did not assess impacts to WOUS. The detailed construction method would be determined by the contractor. If permanent fills are to be placed within the ordinary high water mark (OHWM) of WOUS, permitting could consist of a Nationwide Permit (NWP) 14 with or 	<ul style="list-style-type: none"> Eight potential WOUS identified in the extended construction limits area, three of which (Crossings 23, 24, and 26; see Table C-2) were new crossings not identified in the EA/FONSI. Five of the nine crossings (Crossings 5 and 19-22; see Table C-2) were identified in the EA/FONSI, but new ROW requirements were proposed at these crossings. Impacts could occur at multiple crossings due to roadway construction or drainage outfalls. It is anticipated that these impacts would be authorized under one of the NWPs without PCN. 	<ul style="list-style-type: none"> 25 potential WOUS identified in the project area (Crossings 1-24 and 26; see Table C-2) 	See EPICs 24-25 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Water Resources Technical Report (August 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)

³ Note: Project impacts to vegetation were not recalculated for the removal of the Loop 1604 eastbound connection. There would be no change to riparian acreage impacts from removing this portion of the project.

Resource/Setting	Changes in Affected Environment/ Environmental Setting?	Impacts Identified in the EA/FONSI	Impacts Identified in the Reevaluation	Total Proposed Project Impacts	Project EPICs	Reference Document
		without a pre-construction notice (PCN) or an Individual Permit (IP), depending upon the amount of permanent impacts to occur.				
Floodplains	Yes. The need for new ROW and extended construction limits increased the amount of floodplain in the project area.	<ul style="list-style-type: none"> A total of 46 acres of the study area are located within the 100-year floodplain. The proposed project would increase impermeable surfaces and have the potential to indirectly affect sediment and pollutant loading in the 100-yr floodplain. A significant encroachment of the floodplain is not expected. 	<ul style="list-style-type: none"> Extension of the project's construction limits resulted in the project intersecting the floodplain at three additional crossings. 	<ul style="list-style-type: none"> Mapped 100-year floodplains occur within the existing and proposed ROW at 13 of the potential WOUS crossings. 	See EPICs 26-30 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Water Resources Technical Report (July 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
Air Quality	Yes. Updated traffic projections, changes in the project design, and changes to the proposed design year required an updated air quality analysis.	<ul style="list-style-type: none"> Project in attainment or unclassifiable area for all national ambient air quality standards (NAAQS). Design year traffic for the project is 286,000 vehicles per day (vpd), therefore triggering the need for a traffic air quality analysis (TAQA). Carbon monoxide (CO) concentrations for the proposed action were modeled using CALINE3 and MOVES, which showed that local concentrations of CO are not expected to exceed national standards at any time. Although the vehicle miles travelled (VMT) for the proposed Build scenario would increase approximately 88 percent by 2035 when compared to 2008, total mobile source air toxics (MSAT) emissions for the same scenario would decrease an estimated 69 percent by 2035. In 2035, total MSAT loads for the Build scenario is 2.44 tons/year higher than the No-Build scenario. 	<ul style="list-style-type: none"> Traffic counts within the project corridor for the estimated time of completion (ETC) year (2024) and the design year (2044) are: 293,400 vpd and 494,150 vpd, respectively, therefore triggering the need for an updated TAQA. CO concentrations were modeled using CALINE3, which showed that local concentrations of CO are not expected to exceed national standards at any time. 	CO concentrations predicted in the modeled scenarios are not expected to cause significant ambient air impacts on the project corridor.	See EPICs 31-32 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Mobile Source Air Toxics Technical Report (July 2019) I-35 NEX Project, Carbon Monoxide Traffic Air Quality Analysis (July 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
Noise Impacts	Yes. The Reevaluation traffic noise analysis analyzed the same or nearby representative receivers from the EA, for a total of 115 representative receivers along the project corridor.	<ul style="list-style-type: none"> Traffic noise impact at 18 of 22 representative receivers. Noise abatement proposed for five receivers, for a total of three proposed noise barriers. Noise barriers within TxDOT ROW were not determined feasible and reasonable; however, noise barrier analysis on the residential building property line (private property) for all three noise barriers accounted for the dominant rail noise source as well as existing and predicted traffic noise, and the barriers were determined feasible and reasonable. 	<ul style="list-style-type: none"> Traffic noise impact at 99 out of 115 representative receivers. Noise abatement proposed. See the I-35 NEX Traffic Noise Analysis Report for proposed barrier location(s). 		See EPICs 33-35 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Noise Technical Report (September 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)

Resource/Setting	Changes in Affected Environment/ Environmental Setting?	Impacts Identified in the EA/FONSI	Impacts Identified in the Reevaluation	Total Proposed Project Impacts	Project EPICs	Reference Document
<i>Hazardous Materials</i>	Yes. More recent hazardous materials data was available for the project area. Because this is a more recent dataset than available at the time of the EA, the hazardous materials analysis was updated for the entire project corridor, not just the extended construction limits.	<ul style="list-style-type: none"> The EA identified 23 high risk hazardous materials sites and 38 low risk sites. Specific file research was not conducted for these 61 individual sites to verify extent of potential contamination. 	<ul style="list-style-type: none"> The Reevaluation of the entire project corridor yielded 26 unresolved hazardous materials concerns. These 26 sites will need further file research, coordination with property owners, and/or a Phase II Environmental Site Assessment (ESA) to ascertain if soils and/or groundwater within the project corridor have been adversely affected by these facilities. 		See EPICs 36-42 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Hazardous Materials Initial Site Assessment (ISA) (May 2019) I-35 NEX Project, Hazardous Materials Project Impact Evaluation Report (May 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
<i>Archaeological Resources</i>	Yes. Due to the extended construction limits and additional proposed ROW areas, the project's Area of Potential Effects (APE) changed for the proposed additional project area.	<ul style="list-style-type: none"> TxDOT proposed the project would have No Effect on archeological historic sites or cemeteries and no further work was recommended in the APE and the State Historic Preservation Officer (SHPO) and the Texas Historical Commission (THC) concurred with these findings. 			See EPIC 43 in Appendix D.	<ul style="list-style-type: none"> I-35 NEX Project, Archaeological Background Study (June 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
<i>Historic Resources</i>	Yes. Due to the extended construction limits and additional proposed ROW areas, the project's Area of Potential Effects (APE) changed for the proposed project. Effects to the previously identified historic properties also required reevaluation due to the proposed project design changes.	<ul style="list-style-type: none"> A total of 44 properties (some with multiple resources) were surveyed. 	<ul style="list-style-type: none"> Three parcels were added to the APE based on design changes; only one of these properties is historic age (1968). The 2014 Historic Resources Survey Report (HRSR) included a windshield survey of the property's neighborhood and determined that the neighborhood was not National Register of Historic Places (NRHP) eligible as a district. The building was determined not individually eligible in 2019. No additional survey was recommended. 	<ul style="list-style-type: none"> All historic-age properties within the project's APE were analyzed. 	None	<ul style="list-style-type: none"> I-35 NEX Project, Historic Resources Project Coordination Request Memorandum (May 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
<ul style="list-style-type: none"> Five historic properties located in the project's APE. 	<ul style="list-style-type: none"> No additional historic properties located within the extended construction limits or additional ROW areas. 	<ul style="list-style-type: none"> Five historic properties located in the project's APE (see Table C-3). 				
<ul style="list-style-type: none"> No ROW required from any of the historic resources identified for the proposed project and therefore no direct effects to any historic resources are anticipated. Also, no adverse visual effects or other indirect effects to any historic properties from the proposed project are anticipated. 	<ul style="list-style-type: none"> Since the EA/FONSI, the parcel comprising the Hansmann Farm has been divided into two parcels. The northern parcel contains all the contributing buildings and structures identified in the previous survey and is not within the project APE. The proposed project would require a small amount of ROW (0.0692 acre) from the 	<ul style="list-style-type: none"> No adverse direct effect and no indirect adverse effects to the Hansmann Farm historic property. No direct effects and no indirect adverse effects to the remaining four historic properties. 				

Resource/Setting	Changes in Affected Environment/ Environmental Setting?	Impacts Identified in the EA/FONSI	Impacts Identified in the Reevaluation	Total Proposed Project Impacts	Project EPICs	Reference Document
			<p>southwest corner of the southern parcel. The proposed ROW acquisition would not prevent the property from continuing to convey its significance. Therefore, the proposed project would have no adverse direct effect on the historic property. Indirect adverse effects are not anticipated to this resource.</p> <ul style="list-style-type: none"> No ROW required from the remaining four historic properties located in the APE and therefore, no direct effects to these resources are anticipated. Also, no adverse visual effect or other indirect effects anticipated to these four properties. 			
Section 4(f)/6(f)	Yes. Additional ROW requirements included acquisition from a Section 4(f) property.	<ul style="list-style-type: none"> No Section 4(f) or Section 6(f) impacts anticipated. 	<ul style="list-style-type: none"> Acquisition of new ROW at the Hansmann Farm historic property constitutes a <i>de minimis</i> use of a historic site under the U.S. Department of Transportation Act Section 4(f) regulations (23 CFR 774). 	<ul style="list-style-type: none"> Acquisition of ROW at the Hansmann Farm historic property constitutes a <i>de minimis</i> use of a historic site. 	None	<ul style="list-style-type: none"> I-35 NEX Project, Historic Resources Project Coordination Request Memorandum (April 2019) Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
Visual Resources/ Aesthetics	No. Although there are proposed height changes, ramp reconfigurations, and other design changes from those proposed in the EA/FONSI, the overall visual setting of the project area or impacts to aesthetics has not changed substantially to require a reevaluation.	<ul style="list-style-type: none"> Elevated lanes would reduce the grassy areas along the corridor and some large trees may require removal during construction. Utility improvements near the ROW edges have the potential to negatively impact street yard vegetation that is located within a few feet of the property line. Placement of ramps may provide a bird's eye view to some residential properties. Elevated structures may limit views of signage from the mainlanes. 	No significant changes to impacts to visual resources from those identified in the EA/FONSI.	<ul style="list-style-type: none"> Elevated lanes would reduce the grassy areas along the corridor and some large trees may require removal during construction. Utility improvements near the ROW edges have the potential to negatively impact street yard vegetation that is located within a few feet of the property line. Placement of ramps may provide a bird's eye view to some residential properties. Elevated structures may limit views of signage from the mainlanes. 	None	<ul style="list-style-type: none"> Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)
Indirect and Cumulative Impacts	Yes. Additional direct and indirect impacts were identified in the reevaluation analysis due to the extended construction limits and proposed design changes.	<ul style="list-style-type: none"> Potential ecological encroachment-alteration effects include a change in the edge effect of the vegetation patches where one community transitions into another due to relocation of the ROW boundary in areas where proposed ROW is adjacent to undeveloped land. Ecological encroachment-alteration effects on water quality and therefore on species affected by degradation of water quality for a temporary period of time 	<ul style="list-style-type: none"> No change to potential ecological encroachment-alteration effects from that described in the EA/FONSI. 	<ul style="list-style-type: none"> Potential ecological encroachment-alteration effects include a change in the edge effect of the vegetation patches where one community transitions into another due to relocation of the ROW boundary in areas where proposed ROW is adjacent to undeveloped land. Ecological encroachment-alteration effects on water quality and therefore on species affected by degradation of water quality for a temporary period of time during pre-construction and construction activities. 	None	<ul style="list-style-type: none"> Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)

Resource/Setting	Changes in Affected Environment/ Environmental Setting?	Impacts Identified in the EA/FONSI	Impacts Identified in the Reevaluation	Total Proposed Project Impacts	Project EPICs	Reference Document
		<ul style="list-style-type: none"> during pre-construction and construction activities. Minor ecological encroachment-alteration effects to habitat from the proposed project in areas where ROW would be required next to undeveloped areas. Potential for neighborhoods to experience changes in traffic circulation due to motorists altering their commute to include side streets or parallel arterials to access entrance points for the managed lanes, which could result in decreased safety and increased traffic noise for neighborhood residents due to the increase in the number of vehicles. Positive socioeconomic impacts include that the residents of all communities adjacent to the proposed project, the non-driving public, and users of the I-35 facility would benefit from the proposed project as a result of improved mobility in the area resulting from improved traffic operations, and management of traffic congestion. Indirect impacts would likely be limited to the commercial displacements in the event that they are unable to relocate within the immediate vicinity due to the availability of commercial real estate, undeveloped parcels, or required zoning. Project would not induce growth within the majority of the Area of Influence (AOI) but could induce growth in a portion of the AOI within the City of New Braunfels city limits and extraterritorial jurisdiction (ETJ) east of I-35, which occurs in the northeastern-most section of the AOI, northeast of the proposed project terminus. Cumulative effect on environmental justice populations upon build out of the toll system. However, no adverse impacts to EJ populations anticipated. 	<ul style="list-style-type: none"> No substantial change to indirect effects to neighborhoods from that described in the EA/FONSI. No substantial change to long-term, positive, indirect socioeconomic effects from that described in the EA/FONSI. No additional displacements were included in the extended construction limits and additional ROW areas. Project not anticipated to induce growth in the extended construction limits. No expected change to induced growth effects from that described in the EA/FONSI. Removal of the tolling component of the proposed project would eliminate the potential cumulative effect tolling could have on EJ populations. 	<ul style="list-style-type: none"> Minor ecological encroachment-alteration effects to habitat from the proposed project in areas where ROW would be required next to undeveloped areas. Potential for neighborhoods to experience changes in traffic circulation due to motorists altering their commute to include side streets or parallel arterials to access entrance points for the elevated lanes, which could result in decreased safety and increased traffic noise for neighborhood residents due to the increase in the number of vehicles. Positive socioeconomic impacts include that the residents of all communities adjacent to the proposed project, the non-driving public, and users of the I-35 facility would benefit from the proposed project as a result of improved mobility in the area resulting from improved traffic operations, and management of traffic congestion. Indirect impacts would likely be limited to the commercial displacements in the event that they are unable to relocate within the immediate vicinity due to the availability of commercial real estate, undeveloped parcels, or required zoning. Project would not induce growth within the majority of the AOI, but could induce growth in a portion of the AOI within the City of New Braunfels city limits and ETJ east of I-35, which occurs in the northeastern-most section of the AOI, northeast of the proposed project terminus. No cumulative effect on EJ populations anticipated. 		
<i>Others</i>	N/A. The affected environment and environmental setting did not change for any other resource not already mentioned above or included in the original EA/FONSI.	N/A			See EPICs 44-52 in Appendix D.	<ul style="list-style-type: none"> Environmental Assessment, I-35 Northeast San Antonio Expansion Project (May 2015)

Table C-1: Threatened and Endangered Species and SGCNs with Habitat in the Project Area

Species	Federal Status	State Status	Area of Potential Impacts**	Species Impact/ Effect	Species Pertinent Information
	(based on updated species lists)				
Plants					
Big red sage <i>Salvia pentstemonoides</i>	NL	SGCN	Reevaluation Area	May Impact	This species may occur in the project area along creek banks.
Correll's false dragon-head <i>Physostegia correllii</i>	NL	SGCN	Reevaluation Area	May Impact	Streamsides, creek beds, and roadside drainage ditches occur in the proposed project area.
*Gravelbar brickellbush <i>Brickellia dentata</i>	NL	SGCN	Reevaluation Area	May Impact	May occur in streambeds and creek bottoms within the proposed project area.
*Net-leaf bundleflower <i>Desmanthus reticulatus</i>	NL	SGCN	Reevaluation Area	May Impact	Clay prairies occur in the project area.
*Osage Plains false foxglove <i>Agalinis densiflora</i>	NL	SGCN	Reevaluation Area	May Impact	Grasslands occur within the project area.
Scarlet leather-flower <i>Clematis texensis</i>	NL	SGCN	Reevaluation Area	May Impact	This species may occur in grasslands in the project area.
*Siler's huaco <i>Manfreda sileri</i>	NL	SGCN	Reevaluation Area	May Impact	This species may occur in grasslands in the project area.
*Texas barberry <i>Berberis swaseyi</i>	NL	SGCN	Reevaluation Area	May Impact	This species may occur in grasslands in the project area.
*Tree dodder <i>Cuscuta exaltata</i>	NL	SGCN	Reevaluation Area	May Impact	Stream terraces occur in the project area.
Mollusks					
†Creeper squawfoot <i>(Strophitus undulatus)</i>	NL	(no longer listed)	2015 EA Area	No Impact	Species may occur in the perennial segment of Salado Creek. In addition, crossings within the project area outfall to various perennial waters where species may occur.

Species	Federal Status	State Status	Area of Potential Impacts**	Species Impact/ Effect	Species Pertinent Information
	(based on updated species lists)				
Golden orb <i>Quadrula aurea</i>	C	T	2015 EA Area	No Effect	Since the 2015 EA/FONSI, Williams et al. (2017) ⁴ revised the golden orb genus from <i>Quadrula</i> to <i>Cyclonaias</i> . Subsequent genetic analysis by Johnson et al. (2018) ⁵ concluded that <i>C. aurea</i> was a synonym of <i>C. pustulosa</i> ; therefore, no longer a recognizably distinct species. Based on this, TxDOT has determined that this project will have no effect on the golden orb.
Texas fatmucket <i>Lampsilis bracteata</i>	C	T	2015 EA Area	No Effect	Species may occur in the perennial segment of Salado Creek. In addition, crossings within the project area outfall to various perennial waters where species may occur.
Texas pimpleback <i>Quadrula petrina</i>	C	T	2015 EA Area	No Effect	Species may occur in the perennial segment of Salado Creek. In addition, crossings within the project area outfall to various perennial waters where species may occur.
Insects					
*A Mayfly <i>Campsurus decloratus</i>	NL	SGCN	Reevaluation Area	May Impact	This species may occur in the project area in vegetation along waterways.
A Mayfly <i>Pseudocentropiloides morihari</i>	NL	SGCN	2015 EA Area and	May Impact	Several waterways occur within the project area but rarely have flowing water present. In the

⁴ Williams, J., Bogan, A., Butler, R., Cummings, K., Garner, J., Harris, J., Johnson, N., Watters, G. 2017. A Revised List of the Freshwater Mussels (Mollusca: Bivalvia: Unionida) of the United States and Canada. *Freshwater Mollusk Biology and Conservation*. 20. 33-58. 10.31931/fmbc.v20i2.2017.33-58.

⁵ Johnson, N., Smith, C., Pfeiffer III, J., Randklev, C., Williams, J., Austin, J. 2018. Integrative taxonomy resolves taxonomic uncertainty for freshwater mussels being considered for protection under the U.S. Endangered Species Act OPEN. *Scientific Reports*. 8. 1-16. 10.1038/s41598-018-33806-z.

Species	Federal Status	State Status	Area of Potential Impacts**	Species Impact/ Effect	Species Pertinent Information
	(based on updated species lists)				
			Reevaluation Area		Reevaluation Area, this species could occur in vegetation along waterways. This species is not known from Bexar or Guadalupe counties. Encountering the species is unlikely.
Arachnids					
Cokendolpher Cave harvestman <i>Texella cokendolpheri</i>	LE	SGCN	Reevaluation Area	May Effect, Not Likely to Adversely Affect	A species occurrence has been identified within 1.5 miles of the project area in Robber Baron Cave. The proposed project is located over Karst Zones 2 and 3. Consultation with the USFWS is being conducted for potential effects to this species.
Robber Baron Cave meshweaver <i>Cicurina baronia</i>	LE	SGCN	Reevaluation Area	May Effect, Not Likely to Adversely Affect	A species occurrence has been identified within 1.5 miles of the project area in Robber Baron Cave. The proposed project is located over Karst Zones 2 and 3. Consultation with the USFWS is being conducted for potential effects to this species.
Fishes					
Guadalupe bass <i>Micropterus treculii</i>	NL	SGCN	2015 EA Area	May Impact	Species may occur in the perennial segment of Salado Creek. In addition, crossings within the project area outfall to various perennial waters where species may occur.
Reptiles					
Spot-tailed earless lizard <i>Holbrookia lacerata</i>	NL	SGCN	2015 EA Area	May Impact	Preferred habitat of open prairie-brushland and areas free of vegetation and other obstructions were observed within the project area.

Species	Federal Status	State Status	Area of Potential Impacts**	Species Impact/ Effect	Species Pertinent Information
	(based on updated species lists)				
Texas garter snake <i>Thamnophis sirtalis annectens</i>	NL	SGCN	2015 EA Area and Reevaluation Area	May Impact	Suitable habitat may be present at various locations within the proposed project area. In the Reevaluation Area, the species could occur within riparian vegetation.
Texas horned lizard <i>Phrynosoma cornutum</i>	NL	T	2015 EA Area	May Impact	Suitable habitat containing open areas that are dry with scattered vegetation were found within the proposed project area.
Texas tortoise <i>Gopherus berlandieri</i>	NL	T	Reevaluation Area	May Impact	Although unlikely due to the currently understood occupied range, this species may occur in the project area in unmaintained vegetation.
Birds					
Western Burrowing Owl <i>Athene cunicularia hypugae</i>	NL	SGCN	Reevaluation Area	May Impact	Grasslands occur in the project area.
Wood stork <i>Mycteria americana</i>	NL	T	Reevaluation Area	May Impact	Ditches and shallow water occur within the project area.
Zone-tailed Hawk <i>Buteo albonotatus</i>	NL	T	Reevaluation Area	May Impact	Deciduous woodland occurs within the project area.
Mammals					
Cave myotis bat <i>Myotis velifer</i>	NL	SGCN	2015 EA Area and Reevaluation area	May Impact	Suitable habitat may be present at bridges located within the proposed project area. In the Reevaluation Area, the species could occur in association with existing culverts or other natural structures.
†Ghost-faced bat <i>Mormoops megalophyla</i>	NL	(no longer listed)			

Species	Federal Status	State Status	Area of Potential Impacts**	Species Impact/ Effect	Species Pertinent Information
	(based on updated species lists)				
Plains spotted skunk <i>Spilogale putorius interrupta</i>	NL	SGCN	2015 EA Area and Reevaluation Area	May Impact	This species may occur in unmaintained vegetation in the project area.
*White-nosed coati <i>Nasua narica</i>	NL	†	Reevaluation Area	May Impact	Riparian corridors occur within the proposed project area.

*Species not listed at the time of the 2015 EA/FONSI

†Species not listed at the time of the Reevaluation

Notes:

1. The "Reevaluation Area" is considered the extended construction limit areas not covered under the original EA/FONSI, while the "2015 EA Area" includes the proposed project area as cleared in the 2015 EA/FONSI.
2. August 2018 TPWD species lists for the project area were utilized for the Reevaluation. In April 2019, TPWD revised the county lists to include additional protected spp. Environmental scoping for the proposed project was already complete at this time and site visits had already been conducted. Per the TxDOT and TPWD MOU, changes to TPWD county lists are not required to be considered in cases in which environmental scoping has already occurred prior to the revision of the lists. In addition, SGCNs are not afforded regulatory protection under state or federal law; therefore, potential impacts to recently added SGCN species are not evaluated in the above table. State-listed threatened species added to the county lists are included and have been assessed based on a desktop analysis of suitable habitat.

Table C-2: Potential Waters of the U.S. Within the I-35 Project Area

ID	Creek Name	2015 Data		2019 Data ⁶		Notes
		Feet/Acre ⁷	Average OHWM (feet)	Feet/Acre ⁷	Average OHWM (feet)	
1	Salado (at IH 35)	509/0.31	28	418/0.36	37	Perennially flowing; natural stream bed with concrete banks
2	Salado tributary	374/0.14	18			
3	Walzem	537/0.47	44			Karst Zone 3
4	Beitel tributary	599/0.19	15			Karst Zone 3
5	Beitel tributary	480/0.18	35	92/0.05	23	Karst Zone 3
6	Beitel	704/0.12	9			Karst Zone 3
7	Quail	375/0.41	50	329/0.38	50	Natural stream bed with concrete banks Karst Zone 3
8	Beitel tributary	411/0.12	16			Karst Zone 3
9	Salitrillo	718/0.34	22			Karst Zone 3
10	Selma tributary	818/0.48	35			Karst Zone 3
11	Selma tributary	500/0.02	2			Karst Zone 3
12	Selma tributary	575/0.26	2			Karst Zone 3
13	Selma tributary	675/0.31	2			Karst Zone 3
14	Selma	398/0.48	69			Karst Zone 3
15	Cibolo	536/0.41	50	571/0.51	39	Natural stream bed Karst Zone 3
16	Cibolo tributary	358/0.52	90			
17	Dry Comal tributary	308/0.12	17			No OHWMs above downstream headwall. Only downstream border ROW has OHWM.
18	Dry Comal tributary	36/0.01	17			No OHWMs above downstream headwall. Only downstream border ROW has OHWM.
19	Dry Comal tributary	78/0.02	13	25/0.01	17	No OHWMs above downstream headwall (stream does not cross ROW). Only downstream ROW border has OHWM
20	Dry Comal tributary	303/0.05	7	51/0.01	9	No OHWMs above downstream headwall (stream does not cross ROW). Only downstream ROW border has OHWM
21	Dry Comal tributary	424/0.17	30	96/0.02	9	No OHWMs above downstream headwall (stream does not cross ROW). Only downstream ROW border has OHWM
22	Dry Comal tributary	304/0.19	28	163/0.05	13	
23	Salado (at IH 410)	Not in project area		335/0.19	25	Natural stream bed Karst Zone 3

⁶ Data collected only from natural portions of streambed

⁷ Feet/Acre – length of stream bed in feet and acre(s) of stream bed within the OHWM.

ID	Creek Name	2015 Data		2019 Data ⁶		Notes
		Feet/Acre ⁷	Average OHWM (feet)	Feet/Acre ⁷	Average OHWM (feet)	
24	Salado tributary	Not in project area		100/0.12	52	Karst Zone 3
26	Cibolo tributary	Not in project area		23/0.01	19	Karst Zone 3

Table C-3: Effects to Historic Properties

Resource Name	Location	Effects Recommendation	
		Direct Effects	Indirect Effects
Seguin Road Bridge	Seguin Road over Salado Creek, San Antonio	No direct effect	No adverse indirect effects
Dixie Form and Steel Company	10635 I-35 North, San Antonio		
Old Selma City Hall/ WOAI Radio Building	15412 I-35 North, Selma		
Selma Stagecoach Stop and Post Office	Just west of 9374 Valhalla, Selma	No adverse direct effect	
Hansmann Farm	7205 FM FM 482, New Braunfels		

Table C-4: Differences in Impacts from the 2019 Environmental Technical Reports and the Proposed Project due to Removal of the Loop 1604 East Connection⁸

Resource/Setting	Impacts Identified in the 2019 Environmental Technical Reports	Total Proposed Project Impacts
<i>Environmental Justice</i>	<ul style="list-style-type: none"> Noise impacts to 26 representative receivers located in EJ areas, including 21 residences, 1 school, 2 hotels, and 2 churches. Of the 26 impacted representative receivers in EJ areas, 20 are in high minority only areas, 3 are in low income only areas, and 3 are in both high minority and low-income areas. 	<ul style="list-style-type: none"> Noise impacts to 12 representative receivers located in EJ areas, including 9 residences, 1 school, 1 hotel, and 1 church. Of the 12 impacted representative receivers in EJ areas, 8 are in high minority only areas, 1 is in a low income only area, and 3 are in both high minority and low-income areas.
<i>Socioeconomics</i>	<ul style="list-style-type: none"> ROW acquisition of approximately 36.5 acres. 	<ul style="list-style-type: none"> ROW acquisition of approximately 35.9 acres.
<i>Wetlands/ Waters of the U.S. (including any changes in permitting)</i>	<ul style="list-style-type: none"> 26 potential WOUS identified in the project area (Crossings 1-26; see Table C-2) 	<ul style="list-style-type: none"> 25 potential WOUS identified in the project area (Crossings 1-24 and 26). Crossing 25 is no longer in the project area due to removal of the Loop 1604 east connection.
<i>Noise Impacts</i>	<ul style="list-style-type: none"> Traffic noise impact at 110 out of 129 representative receivers. 	<ul style="list-style-type: none"> Traffic noise impact at 99 out of 115 representative receivers.

⁸ Removal of the Loop 1604 East connection from the proposed project did not result in any other changes in impacts to other resource categories not listed above.

APPENDIX D
Environmental Permits, Issues, and Commitments

Environmental Permits, Issues, and Commitments

The following environmental permits, issues, and commitments (EPICs) are required for the proposed project. These must be fulfilled prior to, during, or post-construction.

Right-of-Way (ROW) Acquisition:

- 1) Acquisition and relocation assistance would be in accordance with the Texas Department of Transportation's (TxDOT) ROW Acquisition and Relocation Assistance Program.
- 2) Consistent with the U.S. Department of Transportation (USDOT) policy, as mandated by the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 ("Uniform Act"), as amended in 1987, TxDOT would provide relocation resources (including any applicable special provisions or programs) to all displaced persons without discrimination.

Threatened and Endangered Species and Wildlife:

- 3) Karst Invertebrate Conservation Measures:
 - a. TxDOT has designed the project to maximize use of existing maintained ROW, minimize vegetation removal and new impervious cover, and minimize excavation in bedrock. The project will not acquire any new ROW in Karst Zone 2.
 - b. TxDOT will use appropriate erosion and sedimentation controls during construction to control the discharge of pollutants, in accordance with the Texas Commission on Environmental Quality (TCEQ) Construction General Permit (CGP) and Storm Water Pollution Prevention Plan (SWPPP) developed for the proposed project. See #24 below.
 - c. TxDOT will implement the following void discovery protocols:
 - i. If previously unknown karst voids or caves are encountered during excavation in previously undisturbed bedrock, TxDOT will evaluate the void for the presence of karst invertebrate habitat using reconnaissance excavation and evaluation procedures outlined by service protocols (2015), based on how and when the void is encountered during the construction process. If a feature is determined to contain potential karst invertebrate habitat, presence/absence surveys will be conducted by a 10(a)(1)(A) permitted scientist. If a discovered feature is determined to be occupied or presumed occupied by a listed karst invertebrate, then TxDOT will stop work in the area and initiate formal consultation.
 - ii. During borehole activities, voids in bedrock are usually indicated by an unexpected drop of the drill bit or a decrease in drilling pressure. If a bit drop of more than 1 foot is detected or a decrease in drilling pressure indicates a void while advancing a borehole, then the drill operator will cease operation, and the borehole will be inspected by a qualified scientist for voids using a downhole camera. If the borehole contains no voids or voids that do not meet the criteria for potential habitat, then work at that bore will continue. If the borehole contains voids that meet the criteria for potential karst invertebrate habitat, an

area will be cordoned off and protected (area to be determined by TxDOT based on safety and feature protection). All other work in the area immediately around the borehole will cease until it can be safely closed. Work stoppage near a borehole with potential habitat will be maintained during the period required for closure and the approvals of applicable protection plans. TxDOT will coordinate with appropriate regulatory agencies and provide instructions to the contractor on how to proceed. Typically, the borehole will be plugged above the void, leaving the void open for invertebrate habitat, and filled to the surface with grout or other suitable material.

- iii. If a potential karst void is encountered during excavation, work near the feature will cease until an evaluation is complete. If a karst habitat assessment is warranted, it will follow the same protocols and steps outlined above. While a feature is being evaluated, the surface expression will be covered in order to minimize the influence of diurnal variations in surface temperature. Protection of the feature may include a wood cover, plastic sheeting, and/or blanket that is weighted down with rocks around the perimeter in order to provide a moisture barrier and insulation. During periods of high temperatures (>100° F), a piece of insulation will be added to the cover. Hazard fencing or barricades may be used to protect the area if there is a fall hazard, such as the case of an open shaft. Appropriate temporary erosion and sedimentation controls will be implemented to prevent surface runoff from entering the feature.
- iv. If the feature does not meet the criteria for potential karst habitat, or is determined not to be occupied after conducting presence/absence surveys, then work will continue and disturbance to the feature will be minimized if practical on a case-by-case basis.
- d. After construction, all disturbed areas will be stabilized and re-vegetated according to standard practices for urban areas and the TCEQ CGP to the extent practicable, in compliance with EO 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping. Re-vegetation efforts will provide appropriate and sustainable cover to prevent erosion and siltation. See #19 below.

4) Freshwater Mussel Best Management Practices (BMPs):

- a. When work is in the water, project footprints will be surveyed for state listed species where appropriate habitat exists.
- b. When work is in the water and mussels are discovered during surveys, state listed and Species of Greatest Conservation Need (SGCN) mussels will be relocated under Texas Parks and Wildlife Department (TPWD) authorization and Water Quality BMPs (see #25 below) will be implemented.
- c. When work is adjacent to the water, Water Quality BMPs implemented as part of the SWPPP for a CGP or any conditions of the 401 water quality

certification for the project will be implemented. No TPWD Coordination is required. See #s 23-24 below.

- 5) Texas Horned Lizard BMPs:
 - a. Avoid harvester ant mounds in the selection of Project Specific Locations (PSLs) where feasible.
 - b. Implement Terrestrial Reptile BMPs. See #10 below.

- 6) Texas Garter Snake and Spot-Tailed Earless Lizard: Implement Terrestrial Reptile BMPs. See #10 below.

- 7) Texas Tortoise BMPs:
 - a. Contractors will be advised of potential occurrence in the project area, and will avoid harming the species if encountered.
 - b. Utility trenches should be covered overnight or visually inspected before filling to avoid burial of the species.
 - c. Implement Terrestrial Reptile BMPs. See #10 below.

- 8) Plains Spotted Skunk: Contractors will be advised of potential occurrence in the project area, will avoid harming the species if encountered, and will avoid unnecessary impacts to dens.

- 9) Terrestrial Reptile BMPs:
 - a. Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas where feasible. If hydromulching and/or hydroseeding are not feasible due to site conditions, utilize erosion control blankets or mats that contain no netting or contain loosely woven, natural fiber netting is preferred. Plastic netting should be avoided to the extent practicable.
 - b. For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Visually inspect excavation areas for trapped wildlife prior to backfilling.
 - c. Inform contractors that if reptiles are found on project site, allow species to safely leave the project area.
 - d. Avoid or minimize disturbing or removing downed trees, rotting stumps, and leaf litter where feasible.
 - e. Contractors will be advised of potential occurrence in the project area, and will avoid harming the species if encountered.

- 10) Fish BMPs:
 - a. For projects within the range of a SGCN or state-listed fish and work is adjacent to the water: implement Water Quality BMPs (see #25 below). No TPWD coordination is required.
 - b. For projects within the range of a SGCN or state-listed fish, and work is in the water: TPWD coordination is required.

- 11) Bird BMPs: In addition to complying with the Migratory Bird Treaty Act (MBTA) (see #13 below), perform the following BMPs:
 - a. Prior to construction, perform daytime surveys for nests including under bridges and in culverts to determine if they are active before removal. Nests that are active should not be disturbed.
 - b. Do not disturb, destroy, or remove active nests, including ground nesting birds, during the nesting season.
 - c. Avoid the removal of unoccupied, inactive nests, as practicable.
 - d. Do not collect, capture, relocate, or transport birds, eggs, young, or active nests without a permit.

- 12) In accordance with the MBTA:
 - a. Between October 1 and February 15, the contractor will remove all old migratory bird nests from any structures that would be affected by the proposed project and complete any bridge work and/or vegetation clearing.
 - b. Between February 15 and October 1, the contractor will be prepared to prevent migratory birds from building nests per the EPIC plans.
 - c. In the event that migratory birds are encountered on-site during project construction, adverse impacts on protected birds, active nests, eggs, and/or young will be avoided.
 - d. If species are present, work should cease at that location and TxDOT personnel should be contacted.

- 13) Bat BMPs:
 - a. To determine the appropriate BMPs or avoid or minimize impacts to bats, review the habitat description for the species of interest on the TPWD Rare, Threatened, and Endangered Species of Texas by County List or other trusted resources. All bat surveys and other activities that include direct contact with bats shall comply with TPWD-recommended white-nose syndrome protocols located on the TPWD Wildlife Habitat Assessment Program website under “Project Design and Construction.”

- b. The following survey and exclusion protocols should be followed prior to commencement of construction activities. For the purposes of this document, structures are defined as bridges, culverts (concrete or metal), wells, and buildings:
- i. For activities that have the potential to impact structures, cliffs or caves, or trees, a qualified biologist will perform a habitat assessment and occupancy survey of the feature(s) with roost potential as early in the planning process as possible or within one year before project letting.
 - ii. For roosts where occupancy is strongly suspected but unconfirmed during the initial survey, revisit feature(s) at most four weeks prior to scheduled disturbance to confirm absence of bats.
 - iii. If bats are present or recent signs of occupation (i.e. piles of guano, distinct musky odor, or staining and rub marks at potential entry points) are observed, take appropriate measures to ensure that bats are not harmed, such as implementing non-lethal exclusion activities or timing or phasing of construction.
 - iv. Exclusion devices can be installed by a qualified individual between September 1 and March 31. Exclusion devices should be used for a minimum of seven days when minimum nighttime temperatures are above 50°F AND minimum daytime temperatures are above 70°F. Prior to the exclusion, ensure that alternative roosting habitat is available in the immediate area. If no suitable roosting habitat is available, installation of alternate roosts is recommended to replace the loss of an occupied roost. If alternate roost sites are not provided, bats may seek shelter in other inappropriate sites, such as buildings, in the surrounding area. See #14c below for recommended acceptable methods for excluding bats from structures.
 - v. If feature(s) used by bats are removed as a result of construction, replacement structures should incorporate bat-friendly design or artificial roosts should be constructed to replace these features, as practicable.
 - vi. Conversion of property containing cave or cliff features to transportation purposes should be avoided where feasible.
 - vii. Large hollow trees, snags (dead standing trees), and trees with shaggy bark should be surveyed for colonies and, if found, should not be disturbed until the bats are no longer occupying these features. Post-occupancy surveys should be conducted by a qualified biologist prior to tree removal from the landscape.
 - viii. Retain mature, larger diameter hardwood forest species and native/ornamental palm trees where feasible.
 - ix. In all instances, avoid harm or death to bats. Bats should only be handled as a last resort and after communication with TPWD.

- c. Additional Bat BMPs:
 - i. Bat surveys of structures should include visual inspections of structural fissures (cracked or spalled concrete, damaged or split beams, split or damaged timber railings), crevices (expansion joints, space between parallel beams, spaces above supports piers), and alternative structures (drainage pipes, bolt cavities, open sections between support beams, swallow nests) for the presence of bats.
 - ii. Before excluding bats from any occupied structure, bat species, weather, temperature, season, and geographic location must be incorporated into any exclusion plans to avoid unnecessary harm or death to bats. Winter exclusion must entail a survey to confirm either (1) bats are absent or (2) present but active (i.e. continuously active – not intermittently active due to arousals from hibernation).
 - iii. Avoid using materials that degrade quickly, like paper, steel wool or rags, to close holes.
 - iv. Avoid using products or making structural modifications that may block natural ventilation, like hanging plastic sheeting over an active roost entrance, thereby altering roost microclimate.
 - v. Avoid using chemical and ultrasonic repellents.
 - vi. Avoid use of silicone, polyurethane, or similar non-water-based caulk products.
 - vii. Avoid use of expandable foam products at occupied sites.
 - viii. Avoid the use of flexible netting attached with duct tape.
 - ix. In order to avoid entombing bats, exclusion activities should only be implemented by a qualified individual. A qualified individual or company should possess at least the following minimum qualifications:
 - 1. Experience in bat exclusion (the individual, not just the company).
 - 2. Proof of rabies pre-exposure vaccinations.
 - 3. Demonstrated knowledge of the relevant bat species, including maternity season date range and habitat requirements.
 - 4. Demonstrated knowledge of rabies and histoplasmosis in relation to bat roosts.
 - x. Contact TPWD for additional resources and information to assist in executing successful bat exclusions that will avoid unnecessary harm or death in bats.
- 14) TxDOT would provide the Section 2: Standard Recommendations portion of the BMP Programmatic Agreement to the contractor.

- 15) If any state or federal threatened or endangered species are observed during construction, neither the species nor its habitat would be disturbed. Work would cease in the immediate area and TxDOT would be contacted immediately.

Vegetation

- 16) Where feasible, the contractor would protect trees within the 30-foot safety zone of the roadway. Twenty-eight (28) trees were identified in the EA that should be avoided (see Exhibit A-4). Trees outside of this safety zone, which are not affected by construction, would be preserved.
- 17) Any PSLs sited in the TxDOT ROW would avoid riparian areas.
- 18) In accordance with Executive Order (EO) 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping, seeding and replanting with TxDOT approved seeding specifications that are in compliance with EO 13112 would be done where possible.

Water Quality

- 19) BMPs that comply with Category I, II, and III of Section 401 Certification for Section 404 permitting would be required. Category I erosion control BMPs could include vegetation matting or blankets, mulch filter berms/socks, or compost filter berms/socks. Category II sedimentation control BMPs could include silt fencing, rock berms, sand bag berms, or sediment basins. Post-construction Total Suspended Solids (TSS) BMPs that comply with Category III requirements could include vegetative filter strips, grassy swales, constructed wetlands, sediment chambers, or extended detention basins.
- 20) TxDOT would comply with the TCEQ's Texas Pollutant Discharge Elimination System (TPDES) CGP. A SWPPP would be implemented, and a construction site notice would be posted on the construction site.
- 21) Water Quality BMPs (required in addition to BMPs required for a TCEQ SWPPP and/or 401 water quality permit):
 - a. Minimize the use of equipment in streams and riparian areas during construction. When possible, equipment access should be from banks, bridge decks, or barges.
 - b. When temporary stream crossings are unavoidable, remove stream crossings once they are no longer needed and stabilize banks and soils around the crossing.
- 22) Clearing of vegetation would be limited and/or phased in order to maintain a natural water quality buffer and minimize the amount of erodible earth exposed at any one time.
- 23) Upon completion of the earthwork operations, disturbed areas would be restored and reseeded according to the TxDOT's specifications.

Water Resources

- 24) Work in potential waters of the U.S. shall be conducted in accordance with the attached table. A Preconstruction Notification (PCN) is required due to General Condition 18.
- 25) If additional jurisdictional impacts are identified after the proposed project is let for construction due to the construction contractor's elected construction methodologies or activities, the contractor would be responsible for obtaining the appropriate Section 404 permits from the U.S. Army Corps of Engineers (USACE).

Floodplains:

- 26) The hydraulic design for the proposed project would be in accordance with current Federal Highway Administration (FHWA) and TxDOT design policies.
- 27) The proposed project would be in compliance with 23 Code of Federal Regulations (CFR) 650 regarding location and hydraulic design of highway encroachments within the floodplains.
- 28) The proposed project would comply with EO 11988, which requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative.
- 29) The proposed project would not increase the base flood elevation to a level that would violate applicable floodplain regulations and ordinances.
- 30) Coordination with the local floodplain administrator would be required.

Air Quality:

- 31) Measures to control fugitive dust will be considered and incorporated into the final design and construction specifications and included on the EPIC sheet that will be included with the final design plan set.
- 32) TxDOT encourages contractors to utilize the Texas Emissions Reduction Plan (TERP) program to the fullest extent possible to minimize diesel emissions. Information about the TERP program can be found at:
<http://www.tceq.state.tx.us/implementation/air/terp/>.

Noise:

- 33) Noise abatement is proposed for the project. See the *I-35 NEX Traffic Noise Analysis Report* for noise barrier location(s).
- 34) Depending on a design/constructability analysis, a noise workshop will be held to determine if abatement measures are desired by adjacent property owners.
- 35) In order to minimize noise during nighttime construction, the contractor will be required to minimize nighttime construction noise near residential areas by using mitigation practices such as proper maintenance of muffler systems.

Hazardous Materials:

- 36) Additional investigations and assessment of potential hazardous materials sites identified as “high risk sites” are recommended to identify if construction activities including excavation at adjacent locations may encounter contaminants.
- 37) There is a potential for contamination to be encountered during underground utility adjustments. Coordination with utility companies concerning this contamination would be addressed during the ROW stage of project development.
- 38) The proposed project may include the demolition of bridge structures. The bridges may contain asbestos containing material (ACM) and/or lead-based paint. Asbestos inspections and lead-based paint surveys, specifications, notifications, licenses, accreditations, abatement, and disposal, as applicable, would comply with federal and state regulations. TxDOT has partially surveyed the project area for ACM; surveys would be completed by TxDOT prior to construction.
- 39) TxDOT will notify the Department of State Health Services before beginning renovation of any buildings or facilities (including bridges) which includes the disturbance of ACM before the demolition of the building or facility, even when no asbestos is present. Notification shall be made no less than 10 working days prior to the start of demolition or asbestos abatement activity or any other activity that will disturb asbestos.
- 40) Should unanticipated hazardous materials/substances be encountered during construction, TxDOT would be notified and steps would be taken to protect personnel and the environment. Any unanticipated hazardous materials encountered during construction would be handled according to applicable federal, state, and local regulations per TxDOT Standard Specifications.
- 41) The contractor would take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.
- 42) All construction materials used for the proposed project would be removed as soon as the work schedules permit.

Cultural Resources:

- 43) In the event that archaeological materials are discovered during construction, construction in the immediate area shall cease, and the State Historic Preservation Officer (SHPO) would be contacted to initiate accidental discovery procedures in accordance with the terms of the Programmatic Agreement between the Texas Historical Commission (THC), the FHWA, the Advisory Council on Historic Preservation, and TxDOT.

Other:

- 44) The heliport at the San Antonio Military Medical Center is located approximately 200 feet from the proposed project corridor. This facility is within the Federal Aviation Administration’s (FAA) coordination “buffer” and therefore has the potential for obstruction of air navigation. Notice of Proposed Construction or

Alteration (Form 7460-1) would be filed with the FAA to obtain airway highway clearance for the proposed project.

Construction:

- 45) Access to businesses and residences would be maintained at all times.
- 46) Per VIA Metropolitan Transit (VIA) request, a minimum of 30 days advance notice shall be given to VIA before implementing specific construction phases with the potential to impact existing VIA bus stops. VIA would need this time to develop bus detour routes and inform the public.
- 47) City and local public safety officials would be notified of proposed road closures or detours.
- 48) Detour timing and necessary rerouting of emergency vehicles would be coordinated with the proper local agencies.
- 49) Lane closures and detours would comply with the FHWA Manual on Uniform Traffic Control Devices standards.
- 50) The contractor would be required to take every possible reasonable step and follow mitigation procedures in accordance with state and local governing regulations to avoid or minimize construction impacts. Further, the contractor would be responsible for ensuring regulatory compliance pertaining to all PSLs, such as construction staging areas, borrow sites, field office locations, etc.
- 51) Traffic delays would be minimized through coordination between TxDOT, contractors, and affected neighborhoods or landowners (in areas immediately adjacent to the proposed ROW) and by developing a construction schedule that would allow for a minimum delay for movement across the proposed ROW.
- 52) Efforts would be made to provide appropriate construction detours, informative signage, and maintenance of access to residences, farms, businesses, and community facilities.

APPENDIX E
Agency Coordination



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

June 4, 2019

**SECTION 106 REVIEW: UPDATED DETERMINATIONS OF EFFECTS
SECTION 4(f) REVIEW: NOTIFICATION OF INTENT TO RENDER *DE MINIMIS* SECTION 4(f)
FINDING**

District: San Antonio
Counties: Bexar, Guadalupe, Comal
CSJ#s: 0017-10-168, 0016-07-113, 0016-06-047, 0016-05-111
Highway: Interstate 35
Project Limits: From I-410 South to FM 1103

Justin Kockritz
History Programs Division
Texas Historical Commission
Austin, Texas 78711

Dear Mr. Kockritz,

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by the Texas Department of Transportation (TxDOT) pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT. As a consequence of these agreements, TxDOT's regulatory role for this project is that of the Federal action agency. In accordance with 36 CFR 800 and our Section 106 Programmatic Agreement for Transportation Undertakings (December 2015), this letter continues Section 106 consultation on the proposed undertaking related to non-archeological historic properties.

Project Description and Design Changes

With its I-35 NEX project, the TxDOT San Antonio District proposes improvements to I-35 for approximately 15.4 miles, from the I-35/I410 interchange in San Antonio to FM 1103 in Schertz. Construction limits, which include transitions into existing roadways, total approximately 19.5 miles. Figure 1 shows the project's length relative to the slightly larger construction limits.

TxDOT previously coordinated eligibility and effects with the Texas Historical Commission (THC) in January 2015, receiving concurrence on February 6 of that year. Since that time, the project design changed in discrete areas, requiring Right-of-Way (ROW) in different areas and including changes in proposed heights of elevated portions from what was originally cleared. The Environmental Assessment (EA) for the original project culminated in a Finding of No Significant Impact (FONSI) issued in July 2015. Since that time, project planners have made three key changes requiring a reevaluation of the 2015 EA approval.

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OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

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These changes include changing from tolled lanes to HOV and general purpose lanes, adding a direct connector at Loop 1604 East, and extending the construction limits to account for transitions into existing facilities. As originally coordinated, the project required 21 acres new ROW. It now requires 36.5 acres, an additional 15.5 acres. Much of the new ROW requirements are due to the addition of the direct connector at Loop 1604 East.

Project Area of Potential Effects

Per the Programmatic Agreement (PA) with your agency at the time of the original consultation, TxDOT used an Area of Potential Effects (APE) limited to the existing ROW in areas where the project requires no additional ROW. For areas with new ROW, the APE was 150 feet from those areas, within a study area of 1,300 feet. Since that time, our agencies renegotiated our PA to include allowances for changes in vertical clearance. As part of research for the Project Coordination Request (PCR) for the design changes, TxDOT's consultants prepared a detailed PCR Memorandum outlining the differences between the project APE as originally cleared and what has changed with the updated designs. Because of the depth of the parcels in the original APE, nearly everything of historic age within the updated, larger APE was already surveyed. Based on the PCR Memo, attached, and in consultation with your office, TxDOT determined the re-coordination did not require additional historic resources survey work despite the APE changing slightly in areas where ROW is now required. Appendix A-3 of the PCR Memo shows the areas where TxDOT requires new ROW not included in the original coordination.

Determinations of Eligibility

TxDOT identified five historic properties within the project APE; photos and historical information about these properties can be found in the Historic Resources Survey coordinated with the THC in 2015.

- Seguin Road at Salado Creek Bridge—NRHP-eligible, Criterion A, local level of significance.
- Dixie Form and Steel Company, 10635 I-35 North, San Antonio—NRHP-eligible, Criterion C, local level of significance.
- Old Selma City Hall/ WOI Radio Building, 15412 I-35 North, Selma—NRHP-eligible, Criterion A, local level of significance.
 - See Figures 6 and 7 to see changes that have taken place since 2015 coordination with your office. For the purposes of this re-coordination, we are not re-evaluating the property, but a close analysis might demonstrate a current lack of integrity.
- Selma Stagecoach Stop and Post Office, just west of 9374 Valhalla Drive, Selma—NRHP-listed, 2017, Criterion A, local level of significance.
 - This property has been listed in the NRHP since the initial coordination with your office.
- Hansmann Farm, 7205 FM 482, New Braunfels—NRHP-eligible, Criterion A, local level of significance.

OUR GOALS

MAINTAIN A SAFE SYSTEM ▪ ADDRESS CONGESTION ▪ CONNECT TEXAS COMMUNITIES ▪ BEST IN CLASS STATE AGENCY

Determination of No Adverse Effect

In addition to the project plans and PCR memo exhibits, we are sending you KMZ files of the project as proposed for two areas, near the Dixie Form and Steel Co. building and near the Selma Stagecoach Stop and Post Office, because of height changes in those areas from what was originally coordinated. Due to the overall file sizes, the TxDOT historians do not have the renderings as KMZ files for the full project, but the project engineers can provide additional information if you need it for your review. See pages 7 and 8 of the PCR Memo for information on roadway elevation changes proposed near each historic property.

- **Seguin Road at Salado Creek Bridge:**
 - The project poses **no direct effects and no adverse indirect effects**. The bridge, NRHP eligible under Criterion A for its significance as a component of an early highway, has already lost its integrity of setting, feeling, and association, because the original highway has long since been replaced by the Interstate corridor. Note also that our office has been consulting with you on the Seguin Road Bridge, which is proposed for replacement. Formal Section 106 coordination for that bridge project is pending.
- **Dixie Form and Steel Company, 10635 I-35 North, San Antonio:**
 - The project poses **no direct effects and no adverse indirect effects**. The project does not adversely affect the qualities that make the building NRHP eligible, namely its design and its location alongside the major transportation corridor. The project adds new elevated freeway lanes approximately 60 feet higher than the existing facility about 100 feet from the building, which will still be visible from the lower and frontage lanes as well as from the buildings across the Interstate. See Figures 3, 4, and 5.
- **Old Selma City Hall/ WOAI Radio Building, 15412 I-35 North, Selma:**
 - The project **will not directly affect** the property. The City of Selma moved into a new city hall in 2003, and since that time, the current owner has made changes that significantly diminish the property's historic integrity of design and workmanship. Given its prominent location on a transportation corridor historically, as well as its current setting and feeling surrounded by modern commercial properties, TxDOT determined that the I-35 NEX project poses **no adverse indirect effects** to the Old Selma City Hall. See Figures 6 and 7.
- **Selma Stagecoach Stop and Post Office, just west of 9374 Valhalla Drive, Selma:**
 - The project poses **no direct effects** to the Selma Stagecoach Stop and Post Office. This local park is one of the few remaining properties associated with Selma's earliest history but is largely surrounded by commercial development and automotive sales. The I-35 NEX project will not further compromise the site's historic integrity or its ability to provide visitors with a snapshot in time of the community's settlement and therefore will have **no adverse indirect effects**. See Figures 8, 9, and 10 for additional information.
- **Hansmann Farm, 7205 FM 482, New Braunfels:**
 - The project will have a direct effect to the Hansmann Farm property (see Figure 11). The boundary of what was previously determined eligible encompasses almost 40 acres. Since 2014, the property was divided into two

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parcels. The 20-acre northern parcel is largely undeveloped farmland oriented to the north, with a mailbox and "Hansmann Farm" gate on FM 482. The buildings associated historically with the farm are on the north end of the northern parcel, about 0.5 miles away from the approximately 0.07 acres of ROW needed for the TxDOT project (about 0.18% of the parcel's total acreage). The acreage TxDOT will acquire is from the southern 20-acre parcel. None of the components of the property that make it eligible for NRHP listing will be directly affected by the project, which constitutes **no adverse direct effect** on the NRHP-eligible Hansmann Farm.

- o Because the components of the Hansmann Farm property that convey its historical significance are nearly a half-mile away from the project area, and because the I-35 NEX project will not alter the setting, feeling, association, design, workmanship, location, or materials of the primary historic farm site, TxDOT determined the project will have **no adverse indirect effect** on the NRHP-eligible Hansmann Farm.

Consulting Parties

In addition to coordinating with your office, TxDOT will concurrently send a copy of this updated information to local consulting parties, including chairs of the Bexar, Comal, and Guadalupe County Historical Commissions, as well as other local consulting parties in Comal and Guadalupe counties, and the City of San Antonio's Office of Historic Preservation. We request that you review the project concurrently with them and return your office concurrence, questions, and/or comments to us within 30 days of receiving this letter. TxDOT will also hold a public hearing mid-summer, and we will also send information with event details when they are available.

Determination of *De Minimis* Finding

As part of this coordination, TxDOT determined that the proposed project meets the requirements for a Section 4(f) *de minimis* impact finding under 23 CFR 774. TxDOT based its determination on the use for the new ROW on the parcel formerly associated with the Hansmann Farm property amounting to less than 1% of the original property's overall acreage and the project having **no adverse effect** on the NRHP-eligible property.

Conclusion

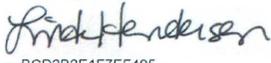
In accordance with 36 CFR 800 and our Section 106 Programmatic Agreement for Transportation Undertakings (December 2015), I hereby request your signed concurrence with TxDOT's finding of **no adverse effect** to the NRHP-listed/NRHP-eligible properties. We additionally notify you that SHPO is the designated official with jurisdiction over Section 4(f) resources protected under the provisions of 23 CFR 774 and that your comments on our Section 106 findings will be integrated into decision-making regarding prudent and feasible alternatives for purposes of Section 4(f) evaluations. Final determinations for the Section 4(f) process will be rendered by TxDOT pursuant to 23 U.S.C. 327 and the aforementioned MOU dated December 16, 2014.

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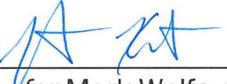
We look forward to further consultation with your staff and hope to maintain a partnership that will foster effective and responsible solutions for improving transportation, safety and mobility in the state of Texas. Thank you for your cooperation in this federal review process. If you have any questions or comments concerning these evaluations, please contact me at 512/416-2770 or linda.henderson@txdot.gov.

Sincerely,

DocuSigned by:

BQD2B251F7EF495
Linda Henderson

Cc: Bruce Jensen, Cultural Resource Management Section Director: 
Rebekah Dobrasko, Lead Reviewer: 
Jenny Hay, City of San Antonio Office of Historic Preservation
Dr. Felix Almaraz, Chair, Bexar CHC
Cindy Coers, Chair, Comal CHC
Connie Krause, resident, Comal County
Tom Dekunder, Chair, Guadalupe CHC
Kathleen Hale, resident, Guadalupe County

CONCURRENCE WITH NON-ARCHEOLOGICAL SECTION 106 FINDINGS
I-35 NEX:
HISTORIC PROPERTIES PRESENT:
NO ADVERSE EFFECT

NAME:  DATE: 7/2/2019
for Mark Wolfe, State Historic Preservation Officer

NO COMMENTS ON DETERMINATION OF DE MINIMIS IMPACT
UNDER SECTION 4(F) REGULATIONS

NAME:  DATE: 7/2/2019
for Mark Wolfe, State Historic Preservation Officer



MEMO

May 9, 2019

To: ECOS, Various Road Projects, Various CSJs, Various Districts

From: Scott Pletka, Ph.D.

Subject: Internal review under the Programmatic Agreement Among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU), and internal review under the Memorandum of Understanding (MOU) Between the Texas Historical Commission and the Texas Department of Transportation

Listed below are projects reviewed internally by qualified TxDOT archeologists. The projects will have no effect on archeological historic properties. As provided under the PA-TU, consultation with the Texas State Historic Preservation Officer is not necessary for these undertakings. As provided under the MOU, the proposed projects do not require individual coordination with the Texas Historical Commission.

CSJ	DISTRICT	COUNTY	ROADWAY	DESCRIPTION	WORK PERFORMED
1009-02-018	San Antonio	Wilson	FM 537 at Cibolo Creek	Bridge Replacement	Background Study
0016-07-113	San Antonio	Bexar	I-35	Widen Freeway	Background Study
0074-05-098	Corpus Christi	San Patricio	I-37	Widen Freeway	Background Study
0816-03-021	Dallas	Denton	FM 455 at Mustang Creek	Bridge Replacement	Background Study
0134-06-052	Fort Worth	Wise	FM 1810	Add shoulders	Background Study

Signature
For TxDOT
cc: THC

Date: 05 / 09 / 2019

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

OUR VALUES: *People • Accountability • Trust • Honesty*

OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

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125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.3001 | WWW.TXDOT.GOV

June 17, 2019

Mr. Adam Zerrenner
Field Supervisor
U.S. Fish and Wildlife Service
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, Texas 78758

RE: Request for Informal Consultation
I-35 from I-410 South to FM 1103
Bexar, Guadalupe and Comal Counties, Texas
CSJ: 0016-07-113 etc.

Dear Mr. Zerrenner:

The Texas Department of Transportation (TxDOT) is proposing to expand Interstate (I) -35 from I-410 South to Farm to Market Road (FM) 1103 (Project) in Bexar, Guadalupe and Comal Counties, Texas (**Figure 1**). TxDOT has reviewed the U.S. Fish and Wildlife Service (Service) trust resources list via the Information Planning and Consultation (IPaC) system and determined that the proposed Project *may affect, but is not likely to adversely affect* the karst invertebrates Robber Baron Cave meshweaver (*Cicurina baronia*) and Cokendolpher cave harvestman (*Texella cokendolpheri*). TxDOT requests service concurrence with the effect determination for these species. The Project will use federal funds, therefore constitutes a federal action. By this letter, TxDOT requests to initiate informal consultation under Section 7(a)(4) of the Endangered Species Act pursuant to the Federal Highway Administration (FHWA)-TxDOT Memorandum of Understanding (MOU)¹.

Description of Existing Facility and Proposed Project

TxDOT proposes to expand I-35 to improve mobility from I-410 South to FM 1103. The Project will construct two approximately 15 mile long bridges (i.e. upper decks) between the I-35 main lanes and frontage roads. These upper decks will carry one high occupancy vehicle (HOV) lane and two general purpose lanes in each direction. Additional bridges will be constructed to connect the new upper decks of I-35 to I-410 South, I-410 North, Loop 1604 West, and Loop 1604 East. The Project will also include incidental construction necessary to transition the new upper decks and connectors with the existing highways including auxiliary lanes, revisions to ramps and frontage roads, along with accommodations for drainage, utilities, commuter parking lots, lights, signs and other highway appurtenances. The construction limits of the Project are shown in **Figure 1**.

¹ The environmental review, consultation and other actions required by applicable Federal environmental laws for this project are being, or have been carried out by TxDOT pursuant to 23 USC 327 and an MOU dated December 16, 2014, and executed by FHWA and TxDOT.

The improvements will be constructed within approximately 1,546 acres of existing rights of way (ROW) and approximately 36.5 acres of new ROW (Project Area). The new ROW will typically consist of narrow strips of previously developed land between the existing frontage roads and commercial properties. A preliminary schematic is included in **Exhibit A**.

The Project will be constructed in phases. The initial phase is anticipated to include all work except the Loop 1604 East connectors, which involve portions of Loop 1604 east of IH 35 and the area along State Highway (SH) 218. TxDOT intends to construct the initial phase with a design-build contract; wherein the geotechnical study, final design and construction would all be performed by a contractor with TxDOT oversight. Substantial completion of the construction is anticipated in 2024.

Conservation Measures

TxDOT has/will implement the following conservation measures for the Project.

- TxDOT has designed the Project to maximize use of existing maintained ROW, minimize vegetation removal and new impervious cover, and minimize excavation in bedrock. The Project will not acquire any new ROW in Karst Zone 2.
- TxDOT will use appropriate erosion and sedimentation controls during construction to control the discharge of pollutants, in accordance with the Texas Commission on Environmental Quality Construction General Permit (TCEQ CGP) and Storm Water Pollution Prevention Plans (SWP3) developed for the proposed Project.
- TxDOT will implement the following void discovery protocols:
 - If previously unknown karst voids or caves are encountered during excavation in previously undisturbed bedrock, TxDOT will evaluate the void for the presence of karst invertebrate habitat using reconnaissance excavation and evaluation procedures outlined by service protocols (2015²), based on how and when the void is encountered during the construction process described below. If a feature is determined to contain potential karst invertebrate habitat, presence/absence surveys will be conducted by a 10(a)(1)(A) permitted scientist. If a discovered feature is determined to be occupied or presumed occupied by a listed karst invertebrate, then TxDOT will stop work in the area and initiate formal consultation.
 - During borehole activities, voids in bedrock are usually indicated by an unexpected drop of the drill bit or a decrease in drilling pressure. If a bit drop of more than 1 foot is detected or a decrease in drilling pressure indicates a void while advancing a borehole, then the drill operator will cease operation, and the borehole will be inspected by a qualified scientist for voids using a downhole camera. If the borehole contains no voids or voids that do not meet the criteria for potential habitat, then work at that bore will continue. If the borehole contains voids that meet the criteria for potential karst invertebrate habitat, an area will be cordoned off and protected (area to be determined by TxDOT based on safety and feature protection). All other work in the area immediately around the borehole will cease until it can be safely closed. Work stoppage near a borehole with potential habitat will be maintained during the period required for closure and the approvals of applicable protection plans. TxDOT will coordinate with appropriate regulatory agencies and provide instructions to the contractor on how to proceed. Typically, the borehole will be plugged above the void,

² U.S. Fish and Wildlife Service. 2015. Section 10(a)(1)(A) Scientific Permit Requirements for Conducting Presence/Absence Surveys for Endangered Karst Invertebrates in Central Texas. USFWS Ecological Services Field Office, Austin, Texas. 24 pp. Revised May 21, 2015.

- leaving the void open for invertebrate habitat, and filled to the surface with grout or other suitable material.
- If a potential karst void is encountered during excavation, work near the feature will cease until an evaluation is complete. If a karst habitat assessment is warranted, it will follow the same protocols and steps outlined above. While a feature is being evaluated, the surface expression will be covered in order to minimize the influence of diurnal variations in surface temperature. Protection of the feature may include a wood cover, plastic sheeting, and/or blanket that is weighted down with rocks around the perimeter in order to provide a moisture barrier and insulation. During periods of high temperatures (>100° F), a piece of insulation will be added to the cover. Hazard fencing or barricades may be used to protect the area if there is a fall hazard, such as the case of an open shaft. Appropriate temporary erosion and sedimentation controls will be implemented to prevent surface runoff from entering the feature.
 - If the feature does not meet the criteria for potential karst habitat, or is determined not to be occupied after conducting presence/absence surveys, then work will continue and disturbance to the feature will be minimized if practical on a case-by-case basis.
 - After construction, all disturbed areas will be stabilized and re-vegetated according to standard practices for urban areas and the TCEQ CGP to the extent practicable, in compliance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping. Re-vegetation efforts will provide appropriate and sustainable cover to prevent erosion and siltation.

Action Area

The Project Area consists of 1,582 acres of existing and proposed transportation ROW and easements in Bexar, Guadalupe, and Comal Counties. This is the footprint of the Project and it is where direct impacts may occur. Indirect effects to karst invertebrate species may occur beyond the Project Area. A 345-foot buffer³ was created around the portion of the Project Area that coincides with Karst Zones 2 and 3 defining a 2,169 acre Action Area, where direct and indirect effects to listed karst species may occur (**Figure 2**). Approximately 813 acres of the 1,582 acre Project Area are within the Action Area. Most of the Action Area is urbanized and consists of commercial and industrial properties. The north end of the Action Area includes suburban residential areas and agricultural land. No Service trust resources are known to be located within the action area.

Species Considered

The Service's Information for Planning and Consultation (IPaC) tool identified 26 federally listed threatened, endangered, or candidate species for the Project Area. No effect determinations were reached for 24 of the 26 species (**Exhibit B**), leaving two karst invertebrates, *Cicurina baronia* and *Texella cokendolpheri* for consideration.

Approximately 4,216 acres of critical habitat in 30 Critical Habitat Units (CHUs) were designated for all nine federally listed Bexar County karst invertebrates in Bexar County. No CHUs are within the Action Area. The closest CHU is CHU 20, designated for *C. baronia* and *T. cokendolpheri* and encompassing Robber Baron Cave, which is located approximately 0.4 and 0.58 mile south of the Action Area, respectively (**Figure 3**).

³ A buffer of 345 feet was used based on the maximum distance cave crickets were found to forage away from a cave entrance, according to Taylor et al. (2005).

The Action Area is located 2.3 miles southeast of the Stone Oak Karst Faunal Region (KFR) and immediately north of the Alamo Heights KFR (**Figure 3**). Approximately 770.7 acres of the 813 acres of the Project Area within the Action Area is within Karst Zone 3, with only 43.3 acres along I-410 North, within Karst Zone 2 (**Figure 2**). Based on all available species records, the nearest known occurrences *C. baronia* and *T. cokendolpheri* are in Robber Barron Cave, which is the only known location of *T. cokendolpheri* and one of two confirmed locations of *C. baronia*. The second confirmed location of *C. baronia* is approximately 4.1 miles south of the Project Area in CHU 25 that encompasses cave OB3. An immature *Cicurina* specimen that may represent *C. baronia* was collected from Green Mountain Road Cave 1.2 miles northwest of the Project Area.

Karst feature surveys in the Project Area revealed that no surface indications of potential karst habitat (**Exhibit C**). Karst invertebrate habitat may occur in subsurface voids lacking surface expression that may be impacted by roadway construction.

Direct Effects

The Project will have no effect on the known locations of *C. baronia* or *T. cokendolpheri* discussed above due to the distance and topography that separates them. The Project is 0.58 miles away and the entrance to Robber Barron Cave is located approximately 825 feet above mean sea level, which is 75 feet higher than the closest portion of the Project Area. Additionally, groundwater in the Project Area general flows northeast, away from CHU 20.

Though no surface expressions of karst features were identified in the Project Area, direct impacts to karst invertebrates may occur due to the disturbance and removal of previously undisturbed subsurface habitat. All activities that result in the disturbance or removal of karst bedrock are collectively referred to as subsurface impacts. By their nature, subsurface impacts also damage or remove the initial surface wherever they occur. Direct impacts to karst invertebrates may occur due to the disturbance and removal of previously undisturbed subsurface habitat. Subsurface impacts to karst habitat result from construction activities that involve removal or alteration of subsurface, such as geotechnical boreholes, roadway and utility excavation, and drilled shafts for support structures. **Table 1** characterizes the subsurface impacts of the proposed Project by activity.

Subsurface impacts may result in the partial or complete removal of karst invertebrate habitat. Complete removal of subsurface habitat results in a complete loss of habitat, while partial removal may result in alterations to subsurface drainage, changes to previously stable temperature and moisture regimes, alterations in nutrient input and outflow, and a reduction in the carrying capacity of karst habitat. In cases where intact subsurface habitat is exposed by maintenance or construction activities, climate alteration such as temperature swings, desiccation, or flooding may also result.

Table 1. Excavation Volumes

Project Element	Excavation Volume (Cubic Yards)	
	Karst Zone 2	Karst Zone 3
Roadway pavement excavation ranges from 0' to 1.5'	1,814	89,813
Geotechnical Borings (bridge) (585, 8-in. maximum, 130' deep)	0	945
Geotechnical Borings (RW) (52, 8-in. maximum, 50' deep)	0	33
Drilled shafts for bridges (36 to 120-in. diameter and 80 to 150' deep)	0	502,634
Retaining Walls (0' 4' deep)	0	45,315
Drilled shafts for signals, illumination and signs (24 to 48-in. diameter and 6 to 20' deep)	0	17,279
Drainage Excavation (5'-7' deep)	810	104,813
Utility excavation, (open trench, 24-in. width, average 5' deep and power poles 24-in. drilled shafts, average 10' deep, every 150')	0	12,986
TOTAL	2,624	773,818

¹ Excavation volumes are preliminary estimates based on the 30% PS&E design and are subject to change as Project design progresses.

² Note that while it is not possible to estimate how much of the total excavation will be in previously undisturbed limestone, it is anticipated that much of the surface excavation will be in overlying material (e.g., soil, previously disturbed fill, alluvium) with limited impacts to subsurface limestone.

³ Roadway excavations include excavation for the roadway pavement section, ditches, water quality ponds, and storm sewer.

Impacts in Karst Zone 2

The 42.3 acres of the Project Area located in Karst Zone 2 are underlain by Austin Chalk, which is second to the Edwards Limestone in terms of number of caves⁴. The Austin Chalk underlies a small portion of the Project Area along IH 410 generally between Nacogdoches Road and Starcrest Drive. The proposed work in Karst Zone 2 is minimal (**Exhibit A**), consisting of ramp adjustments, minor widening, and minor drainage work totaling 2,624 cubic yards of excavation that is typically less than 10 feet deep (**Table 1**). Most of this work would be in fill material between the frontage roads and main lanes.

Impacts in Karst Zone 3

The 770.7 acres of the Project Area in Karst Zone 3 are underlain by the Pecan Gap Chalk, which is generally not cavernous.⁵ Substantial bridge construction would occur in Karst Zone 3, as reflected by proposed 773,818 cubic yards of excavation (**Table 1**).

Marl (clayey limestone) is expected to be encountered around 50 feet deep or deeper through most of the Project Area.⁶ At these depths, it is likely saturated with groundwater which would preclude its use as karst invertebrate habitat. In the north end of the corridor, including the Loop 1604 area, marl is generally expected to be present at 10 feet deep. Much of the surface roadway work, utility work and drainage work is not likely to encounter limestone, as Table 1 shows these activities are primarily less than 10 feet deep. Geotechnical borings and drilled shafts are the most common Project elements that will exceed depths of 10 feet and will be the only Project elements that exceed 50 feet (**Table 1**).

⁴ Veni, G. 1988. Caves of Bexar County

⁵ Ibid.

⁶ HVJ & Associates 4/19/2019 memo titled "Geotechnical Assessment and Construction Recommendations". HVJ's reference to marl correlates with Pecan Gap Chalk on the Geologic Atlas of Texas.

Indirect Effects

Changes in the physical environment beneath a newly constructed road create indirect effects that extend beyond the construction timeframe. One of the possible effects is the reduction in water vapor transport into and out of the natural environment caused by the addition of impervious surfaces of roadways. Another indirect effect is the creation of heat islands, where heat stored by roadways is released after the sun has gone down, exacerbating subsurface impacts to temperature and moisture by perpetuating drying conditions. Since the Project involves modifications to an existing roadway, these indirect effects will only apply to the additional impervious cover resulting from the Project. The Project will primarily construct bridge deck over existing cover. The Action Area is already impacted by the existing roadway, utilities and urban land uses; therefore, additional indirect effects are anticipated to be minimal.

Indirect effects due to increased suspended solids and other constituents in roadway runoff from additional impervious cover may affect subsurface karst invertebrate habitat. No karst features with surface expressions are known within the action area. Should features be encountered, they will be protected as described in the void discovery protocols. Additionally, temporary and permanent erosion and sedimentation controls, and revegetation of disturbed areas implemented in accordance with the Project's SW3P are intended to mitigate for these impacts both during construction and for the duration of the facility's operation.

Conclusion and Determination

TxDOT determined that the Project may affect, but is not likely to adversely affect karst species *C. baronia* and *T. Cokendolpheri*. The justification for the effect call is discussed below.

- No karst features are known within the Action Area and no karst features that meet criteria for potential karst invertebrate habitat were identified in surveys of the Project Area (existing and proposed ROW).
- 99% of the Action Area is located outside of any of the seven karst faunal regions. Less than 1% of the Action Area (0.06 acres) is within the Alamo Heights Karst Faunal Region.
- 95% of the Project Area (770.7 acres) is within Karst Zone 3, which is defined as areas that probably do not contain listed karst invertebrates.
- 5% of the Project Area (42.3 acres) is located in Karst Zone 2, which is an area that has a high probability of containing listed karst species; however, the excavation in Karst Zone 2 is minor (2,624 cubic yards), relatively shallow (< 10 feet), predominantly in fill, and the potential to encounter limestone bedrock is low.
- The closest known occurrences of federally listed karst invertebrate species are approximately 0.58 miles from the Action Area located in CHU 20. CHU 20 is topographically higher in elevation than the Action Area; therefore no runoff from the Action Area can impact CHU 20.
- The proposed Project is not anticipated to affect the overall population size, variability, or distribution of federally listed karst invertebrates.
- Void discovery protocols will be implemented if karst features are encountered during construction.

Based on the information and voluntary measures provided, TxDOT requests the service's concurrence with its determination that the proposed project may affect, but is not likely to adversely affect *C. baronia* or *T. cokendolpheri*.

Thank you for your consideration. If you have any questions or require additional information, please contact me at 512-416-2645 or clover.clamons@txdot.gov, or John Bryant of the TxDOT San Antonio District Office at 210-615-5838 or john.bryant@txdot.gov. If you concur with our effect determination, please respond by mail to the TxDOT Environmental Affairs Division, 125 East 11th Street, Austin, Texas 78701.

Sincerely,



C. Clover Clamons, P.G.
Natural Resource Management Section Director
Environmental Affairs Division

Enclosures: Figure 1 – Project Location Map
 Figure 2 – Action Area Map
 Figure 3 – *Cicurina baronia* Range Map
 Exhibit A – Design Schematics (See separate binder)
 Exhibit B – Species Impact Table
 Exhibit C – Karst Terrain Feature Surveys

cc: Charlotte Kucera, USFWS
 John Bryant, TxDOT - San Antonio District

[ENCLOSURES PROVIDED UNDER SEPARATE COVER]



United States Department of the Interior

FISH AND WILDLIFE SERVICE

10711 Burnet Road, Suite 200

Austin, Texas 78758

512 490-0057

FAX 490-0974



JUN 27 2019

Mr. Carlos Swonke
Director, Environmental Affairs Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

Consultation Number: 2019-I-1336

RE: CSJ 0016-07-113 etc.

Dear Mr. Swonke:

This responds to the Texas Department of Transportation's (TxDOT) June 17, 2019, letter, and attached Biological Evaluation (BE), requesting informal consultation on the proposed expansion of Interstate (I) -35 from I-410 South to Farm to Market Road (FM) 1103 (Proposed Project) in Bexar, Guadalupe, and Comal Counties, Texas. TxDOT submitted supporting documentation to the U.S. Fish and Wildlife Service (Service) requesting concurrence that the Proposed Project, may affect, but is not likely to adversely affect the Robber Baron Cave meshweaver (*Cicurina baronia*) and Cokendolpher cave harvestman (*Texella cokendolpheri*), species listed pursuant to the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Critical habitat has been designated for both species but none occurs within the Proposed Project area or action area.

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that the actions authorized, funded, or carried out by such agencies do not jeopardize the continued existence of any threatened or endangered species or adversely modify or destroy designated critical habitat of such species. The Federal Highway Administration (FHWA) assigned responsibility for compliance with the National Environmental Policy Act (NEPA) and all federal resource agency consultations, including section 7 formal consultations, to TxDOT in an MOU dated December 16, 2014 (23 U.S.C. 327). TxDOT has the authority to complete consultations under the MOU.

The Proposed Project would construct two approximately 15 mile long bridges (i.e. upper decks) between the I-35 main lanes and frontage roads. These upper decks will carry one high occupancy vehicle (HOV) lane and two general purpose lanes in each direction. Additional bridges will be constructed to connect the new upper decks of I-35 to I-410 South, I-410 North, Loop 1604 West, and Loop 1604 East. The Proposed Project will also include incidental construction necessary to transition the new upper decks and connectors with the existing highways including auxiliary lanes, revisions to ramps and frontage roads, along with

accommodations for drainage, utilities, commuter parking lots, lights, signs and other highway appurtenances.

The Proposed Project will be constructed within approximately 1,546 acres of existing rights of way (ROW) and require approximately 36.5 acres of new ROW. The new ROW will typically consist of narrow strips of previously developed land between the existing frontage roads and commercial properties as shown on Exhibit 2 in the BE. Approximately 10.51 acres of additional impervious cover (0.11 acres in Karst Zone 2 and 10.4 acres in Karst Zone 3) will be added as a result of the Proposed Project.

The project area consists of 1,582 acres of existing and proposed transportation ROW and easements in Bexar, Guadalupe, and Comal Counties. The project area crosses Karst Zones 2, 3, and 5 within Bexar County. The project area includes the footprint of the Proposed Project and it is where direct impacts may occur. Indirect effects to karst invertebrate species may occur beyond the project area. A 345-foot buffer was used around the portion of the project area that coincides with Karst Zones 2 and 3 defining a 2,169 acre action area, where direct and indirect effects to listed karst species may occur. Karst Zone 5 was not buffered as this area is defined as not containing endangered species. Approximately 813 acres of the overall project area are within the action area (See Figure 2 in the BE). No Critical Habitat Units (CHUs) are within the action area. The closest CHU is located between 0.4-0.58 miles south of the action area as shown on Figure 2 in the BE. Most of the action area is urbanized and consists of commercial and industrial properties. The north end of the action area includes suburban residential areas and agricultural land.

The Proposed Project includes work in 42.3 acres of Karst Zone 2. Proposed construction in this area includes ramp adjustments, minor widening, and minor drainage work totaling approximately 2,624 cubic yards of excavation at a depth of 10 feet or less. Most of this work would occur in fill material between the IH 35 frontage roads and main lanes within existing ROW. There will be no new ROW within Karst Zone 2.

Deeper excavation for geotechnical borings, drilled shafts for bridges and signals, and utility excavation are more likely to impact bedrock and any karst features within the bedrock that lack surface expressions. These activities will take place in Karst Zone 3 with a total excavation volume of approximately 773,818 cubic yards of material within new and existing ROW.

TxDOT has designed the project to minimize impacts to listed karst invertebrates and performed karst feature surveys across the existing and new ROW. No surface expressions of karst features were identified in the project area. If any karst features are uncovered during construction, TxDOT would investigate the feature to determine if karst invertebrate habitat exists in the feature. If possible, impacts to the newly discovered features would be avoided or minimized and the feature would be permanently closed.

Species Information

The project area is located between two Karst Faunal Regions (KFRs): it is 2.3 miles southeast of the Stone Oak KFR and immediately north of the Alamo Heights KFR. The Alamo Heights KFR is known to contain *C. baronia* and *T. cokendolpheri* and is the closer of the two KFRs to the project area. A portion of the Proposed Project is within Karst Zone 2, defined as areas with a high probability to contain listed karst invertebrates. Based on available species records, the nearest known occurrences *C. baronia* and *T. cokendolpheri* are in Robber Barron Cave in CHU 20, which is the only known location of *T. cokendolpheri* and one of two confirmed locations of *C. baronia*. CHU 20 is topographically higher in elevation than the action area; therefore runoff from the action area will not impact CHU 20. Several karst surveys were performed in 2012 and 2019 in order to cover the entirety of the project area. No potential karst features were found in the existing or proposed ROW.

Voluntary Conservation Measures

TxDOT will implement the following voluntary conservation measures (VCMs) for the project:

- TxDOT has designed the Proposed Project to maximize use of existing maintained ROW, minimize vegetation removal and new impervious cover, and minimize excavation in bedrock. The Proposed Project will not acquire any new ROW in Karst Zone 2.
- TxDOT will use appropriate erosion and sedimentation controls during construction to control the discharge of pollutants, in accordance with the Texas Commission on Environmental Quality Construction General Permit (TCEQ CGP) and Storm Water Pollution Prevention Plans (SWP3) developed for the Proposed Project.
- TxDOT will implement the following void discovery protocols:
 - If previously unknown karst voids or caves are encountered during excavation in previously undisturbed bedrock, TxDOT will evaluate the void for the presence of karst invertebrate habitat using reconnaissance excavation and evaluation procedures outlined by service protocols (2015), based on how and when the void is encountered during the construction process described below. If a feature is determined to contain potential karst invertebrate habitat, presence/absence surveys will be conducted by a 10(a)(1)(A) permitted scientist. If a discovered feature is determined to be occupied or presumed occupied by a listed karst invertebrate, then TxDOT will stop work in the area and initiate formal consultation.
 - During borehole activities, voids in bedrock are usually indicated by an unexpected drop of the drill bit or a decrease in drilling pressure. If a bit drop of more than 1 foot is detected or a decrease in drilling pressure indicates a void while advancing a borehole, then the drill operator will cease operation, and the borehole will be inspected by a qualified scientist for voids using a downhole camera. If the borehole contains no voids or voids that do not meet the criteria for potential habitat, then work at that bore will continue. If the borehole contains voids that meet the criteria for potential karst invertebrate habitat, an area will be

cordoned off and protected (area to be determined by TxDOT based on safety and feature protection). All other work in the area immediately around the borehole will cease until it can be safely closed. Work stoppage near a borehole with potential habitat will be maintained during the period required for closure and the approvals of applicable protection plans. TxDOT will coordinate with appropriate regulatory agencies and provide instructions to the contractor on how to proceed. Typically, the borehole will be plugged above the void leaving the void open for invertebrate habitat, and filled to the surface with grout or other suitable material.

- If a potential karst void is encountered during excavation, work near the feature will cease until an evaluation is complete. If a karst habitat assessment is warranted, it will follow the same protocols and steps outlined above. While a feature is being evaluated, the surface expression will be covered in order to minimize the influence of diurnal variations in surface temperature. Protection of the feature may include a wood cover, plastic sheeting, and/or blanket that is weighted down with rocks around the perimeter in order to provide a moisture barrier and insulation. During periods of high temperatures ($>100^{\circ}$ F), a piece of insulation will be added to the cover. Hazard fencing or barricades may be used to protect the area if there is a fall hazard, such as the case of an open shaft. Appropriate temporary erosion and sedimentation controls will be implemented to prevent surface runoff from entering the feature.
- If the feature does not meet the criteria for potential karst habitat, or is determined not to be occupied after conducting presence/absence surveys, then work will continue and disturbance to the feature will be minimized if practical on a case-by-case basis.
- After construction, all disturbed areas will be stabilized and re-vegetated according to standard practices for urban areas and the TCEQ CGP to the extent practicable, in compliance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping. Re-vegetation efforts will provide appropriate and sustainable cover to prevent erosion and siltation.

Analysis and Conclusions

Surveys of the existing and proposed ROW did not identify karst features in the project area and no existing karst features are known within the action area. Approximately 42.3 acres of the Proposed Project area is located in Karst Zone 2, which is an area that has a high probability of containing listed karst species; however, the excavation in Karst Zone 2 has been minimized (2,624 cubic yards), is relatively shallow (< 10 feet), and will occur predominantly in disturbed roadway fill material within existing ROW. The majority of the Proposed Project area (770.7 acres) is within Karst Zone 3, which is defined as areas that probably do not contain listed karst invertebrates. The portion of the project within Karst Zone 3 is where project activities requiring deeper excavation will occur. TxDOT has minimized the amount of excavation needed to complete the portion of the project within Karst Zone 2 and proposed VCMs that would identify and survey any karst void discovered during construction for the presence of listed species.

Due to the avoidance and minimization measures proposed by TxDOT and negative habitat surveys we concur with TxDOT's conclusion that the project may affect, but likely will not adversely affect *C. baronia* and *T. cokendolpheri* pursuant to section 7 of the Act. Therefore, no further endangered species consultation will be required unless: 1) the identified action is subsequently modified in a manner that causes an effect on a listed species or designated critical habitat; 2) new information reveals the identified action may affect federally protected species or designated critical habitat in a manner or to an extent not previously considered; or 3) a new species is listed or a critical habitat is designated under the Act that may be affected by the identified action. The Service's review of this action was based on the existing project design as described and transmitted by TxDOT at the time of consultation. If the project design changes and new effects to listed species are identified in the future, the project proposal should be resubmitted to our office for further consideration.

If you have any questions, comments, or need additional information, please contact Ms. Charlotte Kucera at (512) 490-0057, ext. 224.

Sincerely,

Adam Zerrenner
Project Leader
Austin Ecological Services Field Office

cc: Clover Clamons, TxDOT ENV, Austin, TX (electronic)
John Bryant, TxDOT-SAT, San Antonio, TX (electronic)

From: [Sue Reilly](#)
To: [John Bryant](#); [Clover Clamons](#)
Subject: RE: IH 35 from IH 410 South to FM 1103
Date: Monday, August 05, 2019 11:25:29 AM

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

John,

I do not have any comments on this project.

Thank you for submitting the following project for early coordination: IH-35 from IH-410 south to FM 1103 changes from 2015 EA (CSJ 0017-10-168 and others). TPWD appreciates TxDOT's commitment to implement the practices listed in the Tier I Site Assessment submitted on July 18, 2019. Based on a review of the documentation, the avoidance and mitigation efforts described, and provided that project plans do not change, TPWD considers coordination to be complete. However, please note it is the responsibility of the project proponent to comply with all federal, state, and local laws that protect plants, fish, and wildlife.

According to §2.204(g) of the 2013 TxDOT-TPWD MOU, TxDOT agreed to provide TXNDD reporting forms for observations of tracked SGCN (which includes federal- and state-listed species) occurrences within TxDOT project areas. Please keep this mind when completing project due diligence tasks. For TXNDD submission guidelines, please visit the following link:

http://tpwd.texas.gov/huntwild/wild/wildlife_diversity/txndd/submit.phtml

Thank you,

Sue Reilly
Transportation Assessment Liaison
Texas Parks and Wildlife
Wildlife Division
512-389-8021

From: WHAB_TxDOT <WHAB_TxDOT@tpwd.texas.gov>
Sent: Friday, July 19, 2019 10:23 AM
To: John Bryant <John.Bryant@txdot.gov>; Clover Clamons <Clover.Clamons@txdot.gov>
Cc: Sue Reilly <Sue.Reilly@tpwd.texas.gov>
Subject: RE: IH 35 from IH 410 South to FM 1103

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 42233. The Habitat Assessment Biologist who will complete

your project review is copied on this email.

Thank you,

John Ney

Administrative Assistant

Texas Parks & Wildlife Department

Wildlife Diversity Program – Habitat Assessment Program

4200 Smith School Road

Austin, TX 78744

Office: (512) 389-4571

From: John Bryant <John.Bryant@txdot.gov>

Sent: Thursday, July 18, 2019 3:41 PM

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

Cc: Clover Clamons <Clover.Clamons@txdot.gov>

Subject: IH 35 from IH 410 South to FM 1103

Importance: High

Dear TPWD

This project was previously coordinated in 2015 (Sue Reilly reviewed it). The project design changed, and we changed some effect calls, and increased habitat impacts over the threshold, so we are reCOORDINATING.

This is a project that basically builds two 15 mile long bridges between the IH 35 main lanes and frontage roads beginning near downtown san Antonio and ending about halfway to new Braunfels. And it includes connectors to IH 410 and 1604. Originally the bridges were to carry 2 managed lanes each; and therefore were tolled. The tolls have been removed and now we are building 3 lane bridges (2 general purpose lanes and one HOV lane each way).

A few key points:

- The project's transitions got longer, so that brought more of the existing ROW into the project.
- Our ROW needs went from about 21 acres originally to 36.5 now. The ROW is mostly from commercial areas.
- Our riparian impacts went up by 0.2 acre (due to proposed ROW at a creek on far north end of project).
- We changed our effect call on some karst species from no effect to may affect not likely to adversely affect, and we have already completed informal consultation with USFWS.
- We have an in-house reptile expert in SAT now, and he said our prior determination that there could be canebrake rattlesnakes was a bad call; so we have changed that.
- I want to clarify something I read in the old email chain about committing to span waterways.

We are not *committing* to spanning waterways. The vast majority of the work are these very long bridges that will most likely span most (if not all) waterways. But there are some frontage road modifications that are also part of the project that will extend culverts (not spanning). One of these is where the riparian impacts come from. And we know that outfalls for storm sewers will also have to be constructed at most of the waterways. Most of the waterways are entirely lined with concrete or enclosed in culverts.

I included a copy of the Tier 1 form; its also in ECOS.

The attachments were too big to email; they are in ECOS. I can dropbox them if you like.

The form reports (tier 1 and BE) are a little confusing due to the re-evaluation approach. They don't give the big picture. There is an executive summary in the large "attachments" file that presents the information real well.

We are holding a Public Hearing on August 15.

Thanks

JB





Main CSJ: 0016-07-113
District(s): San Antonio
County(ies): Bexar, Comal, Guadalupe
Property ID: Hansmann Farm
Property Name: Hansmann Farm

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

The following checklist was developed as a tool to assist in streamlining the Section 4(f) *De Minimis* process and to ensure that all necessary information is documented in the File of Record (ECOS).

What Type of Property is Being Evaluated?

- A park, recreation land, or wildlife/waterfowl refuge
- A historic property

Section 4(f) Defining Criteria for Historic Properties

1. Yes Is the property listed or eligible for the NRHP or NHL?

Establishing Section 4(f) Use of the Property

1. Yes Does the project require a use (i.e., new right of way, new easement(s), etc.)?

Establishing Section 4(f) *De Minimis* Eligibility

1. Yes Was it determined that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?
2. Yes Did the Official with Jurisdiction concur that the project will not adversely affect the features or attributes that make the property eligible for Section 4(f) protection?

Project Description:

TxDOT proposes to expand I-35 to improve mobility from I-410 South to FM 1103. The project would not have any tolling components. The project would construct two 15 mile long bridges (i.e. upper decks) between the I-35 main lanes and frontage roads. These upper decks would carry one high occupancy vehicle (HOV) lane and two general purpose lanes in each direction. Additional bridges would be constructed to connect the new upper decks of I-35 to I-410 South, I-410 North, Loop 1604 West, and Loop 1604 East. The project would also include incidental construction necessary to transition



the new upper decks and connectors with the existing highways including revisions to ramps and frontage roads, along with accommodations for drainage, utilities, signs and other highway appurtenances.

Section 4(f) Use:

Permanent incorporation of Land. Project would acquire ROW from historic site for transportation purposes.

Documentation

The following MUST be attached to this checklist to ensure proper documentation of the Section 4(f) De Minimis:

TxDOT Approval Signatures

ENV Technical Expert Reviewer Certification

I reviewed this checklist and all attached documentation and confirm that the above property and proposed project meet the requirements of 23 CFR 774 for a Section 4(f) De Minimis finding.

BJENSEN

Digitally signed by BJENSEN
DN: dc=us, dc=tx, dc=state, dc=dot, ou=DDOs, ou=ENV,
ou=Users, cn=BJENSEN, email=Bruce.Jensen@txdot.gov
Date: 2019.08.21 16:33:50 -05'00'

ENV Personnel Name

August 21, 2019

Date

TxDOT-ENV Section 4(f) De Minimis Final Approval

Based upon the above considerations, this Section 4(f) De Minimis satisfies the requirements of 23 CFR 774.

Jenise Walton

Digitally signed by Jenise Walton
DN: cn=Jenise Walton, o=TxDOT, ou=ENV Division,
email=JENISE.WALTON@TXDOT.GOV, c=US
Date: 2019.08.29 08:54:30 -05'00'

TxDOT-ENV, PD Director or designee

August 29, 2019

Date