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of Transportation

**Federal Highway
Administration**

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August 24, 2012

Finding of No Significant Impact (FONSI)
and Section 4(f) *de minimis* Determination
Interstate Highway (IH) 35W South: From
IH 820 to IH 30
Tarrant County
CSJs: 0014-16-179 & -268

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

Dear Mr. Swonke:

We have thoroughly reviewed our records on the IH 35W South project which include, but are not limited to, the Environmental Assessment (EA) which included Section 4(f) *de minimis* documentation dated August 2012 (final EA), the revised Public Hearing Summary and Analysis (which includes responses to public comments) prepared by the Texas Department of Transportation (TxDOT) and provided by letter dated July 23, 2012, and all previous environmental studies and findings. Subsequent revisions to the aforementioned documents were later provided electronically.

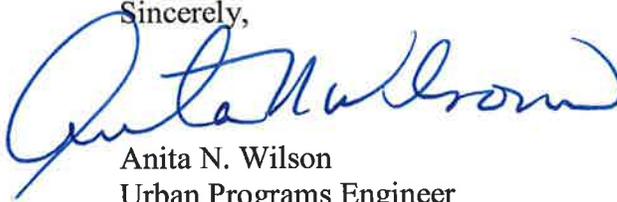
Based upon our own agency review and consideration of the analysis and evaluation contained in the final EA as documented in the enclosed Finding of No Significant Impact (FONSI) document and after further consideration of all social, economic and environmental factors, including input from the public involvement process, we hereby issue a FONSI and Section 4(f) *de minimis* determination for IH 35W South project.

We concur in the findings of the final EA in that: (1) the Build Alternative for IH35 W South project is the selected alternative for the project, (2) the Build Alternative best meets the purpose and need of the project with the least amount of impacts to the resource areas, and (3) the IH 35W South project when implemented with all the required mitigation and coordination as detailed above will have no significant impacts on the quality of the human or natural

August 24, 2012

environment under NEPA. In addition, based on this review, we find that an Environmental Impact Statement (EIS) is not required for this project. If you have any questions please contact me at (512) 536-5951.

Sincerely,



Anita N. Wilson
Urban Programs Engineer

Enclosures

FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT (FONSI) & SECTION 4(f) *DE MINIMIS* DETERMINATION

For
IH 35W: FROM INTERSTATE HIGHWAY 820
TO INTERSTATE HIGHWAY 30
CITY OF FORT WORTH
TARRANT COUNTY, TEXAS
TxDOT CSJs: 0014-16-179 & -268

INTRODUCTION

The Federal Highway Administration (FHWA) has determined, in accordance with 23 Code of Federal Regulations (CFR) §771.119 and §771.121, that the proposed project to widen Interstate Highway (IH) 35W from IH 820 to IH 30, also known as IH 35W North Tarrant Express (NTE) Segment 3A, will not have a significant impact on the human or natural environment.

This Finding of No Significant Impact (FONSI) and Section 4(f) *de minimis* determination for the preferred alternative is based on the August 2012 Environmental Assessment and Section 4(f) *de minimis* documentation (final EA). The EA dated May 2012 (draft EA) was given "Satisfactory for Further Processing" (SFP) by FHWA for a public hearing on May 1, 2012. The proposed action is consistent with the area's financially-constrained Metropolitan Transportation Plan (MTP) Mobility 2035: The Metropolitan Transportation Plan for North Central Texas (*Mobility 2035*) and with the 2011-2014 Statewide Transportation Program (STIP), as amended. The U.S. Department of Transportation (FHWA/Federal Transit Administration [FTA]) found the MTP and the 2011-2014 Transportation Improvement Program (TIP) to conform to the State Implementation Plan (SIP) on July 14, 2011. All projects in the North Central Texas Council of Government (NCTCOG) TIP that are proposed for federal or state funds were initiated in a manner consistent with federal guidelines. Additionally, the final EA includes revisions requested by the United States Army Corps of Engineers (USACE) pertaining to 33 United States Code(USC) Section 408 (Section 408) regulatory requirements.

The final EA and the June 2012 Public Hearing Summary Report have been independently evaluated by FHWA, and determined to adequately and accurately discuss the need, purpose, alternatives, environmental issues, and impacts of the proposed IH 35W widening project and appropriate mitigation measures. These documents provide sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. Finally, these documents are incorporated by reference into this decisional document.

PROJECT BACKGROUND

The Texas Department of Transportation (TxDOT) proposes to improve a 5.4-mile long section of IH 35W, approximately 1-mile of SH 121, and approximately 1- mile of US 287. The proposed project will also include an IH 35W Managed Lane Downtown Connector. The study limits for the EAs extend along IH 35W from IH 820 to IH 30, along US 287 from IH 35W to IH 30, and along SH 121 from Riverside Drive to Belknap Street/Weatherford Street in downtown Fort Worth. The proposed project construction limits extend along IH 35W from just north of Meacham Boulevard to just north of IH 30, along SH 121 from Riverside Drive west to IH 35W, along US 287 from IH 35W to IH 30, and from IH 35W west along Belknap Street and Weatherford Street to their crossing with the Burlington Northern Santa Fe Railroad (BNSF) in downtown Fort Worth. Improvements to the interchanges at IH

820 and IH 30 are not included in the proposed project, but improvements to the SH 121 and US 287 interchanges are included. The proposed improvements will result in:

IH 35W from IH 820 to SH 183: MTP Segment ID# FT1-5.50.1

- 8 general purpose lanes + auxiliary lanes
- 4 concurrent High Occupancy Vehicles (HOV)/managed lanes + auxiliary lanes
- 4/6 discontinuous frontage road lanes (that includes auxiliary lanes near ramp locations and cross streets)

IH 35W from SH 183 to SH 121: MTP Segment ID# FT1-5.50.2

- 8 general purpose lanes + auxiliary lanes
- 4 concurrent HOV/managed lanes
- 4/8 continuous frontage road lanes (that includes auxiliary lanes near ramps and cross streets)

IH 35W from SH 121 to IH 30: MTP Segment ID# FT1-5.60.1

- 8 general purpose lanes + auxiliary lanes
- 4/8 collector-distributor road lanes
- 2 concurrent HOV/managed lanes
- 4/6 discontinuous frontage road lanes (that includes auxiliary lanes near ramps and cross streets)

US 287 from IH 35W to IH 30: MTP Segment ID# FT1-52.10.1

- 6 general purpose lanes
- 2 concurrent HOV/managed lanes
- 2 discontinuous frontage road lanes (that includes two-way northbound frontage road from Cypress Street to 4th Street)

SH 121 from IH 35W to Riverside Drive:

- 8 general purpose lanes
- Continuous frontage roads for the length of the improvement on SH 121
- Direct connectors will be provided to IH 35W north and south with local access to Belknap-Weatherford Streets

Approximately 85.4 acres of additional right-of-way (ROW) and 5.77 acres of easements (Floodway and Harmon Field Park) will be required to accommodate the proposed facility.

The proposed Build Alternative is a product of public meetings, and work group/stakeholders group meetings. The project is supported by the City of Fort Worth, Tarrant County, and the NCTCOG. Based on feedback received from various stakeholder, public, and project meetings, the primary concerns expressed were impacts to the Oakhurst neighborhood related to light, noise and air pollution. Additional concerns consisted of coordinating with Butler Place community residents regarding removal and potential replacement of the existing pedestrian bridges. Based on comments received, the IH 35W pedestrian bridge will not be replaced. The US 287 pedestrian bridge is proposed to be reconstructed for connection to Harmon Field Park. The US 287 pedestrian bridge connects Butler Place to Harmon Field Park and the Bertha Collins Community Center and is used by the Butler Place residents to cross US 287.

The following areas were discussed during coordination with the Texas Historical Commission (THC), TxDOT, and FHWA: Oakhurst Historic District, Butler Place Historic District, Luella Street overpass, East Belknap Street at Trinity River Bridge, Harmon Field Park, Trinity Trail at IH 35W, and Fort Worth

Floodway system. In accordance with) Section 408, coordination is being conducted with USACE and the Tarrant Regional Water District (TRWD) concerning impacts to the Fort Worth Floodway Public Works project at the IH 35W Trinity River Bridge. USACE and TRWD will review the IH 35W final EA including a Section 408 EA Appendix documenting the proposed anticipated impacts. Detailed design elements will need to meet design requirements of the Section 408 Application before USACE can fully adopt the final EA.

Existing Facility

IH 35W from IH 820 to IH 30 is a four to eight-lane divided highway with limited access entrances and exits and discontinuous frontage roads. The existing ROW width ranges between 300 to 320 feet.

IH 35W has been a major transportation corridor for over 40 years and is one of the busiest north-south highways in the Dallas-Fort Worth (DFW) metropolitan area. Currently, IH 35W serves both local access (limited) traffic to businesses along the highway and pass-through traffic, particularly during commuter hours.

From 1963 to 1967, the transportation facility was constructed as a four to six-lane freeway. The freeway has limited interchange access with Spur 280/US 287, Belknap-Weatherford Streets (US 377/SH 121), Northside Drive, SH 183 (Northeast 28th Street), Papurt Drive and Meacham Boulevard. Frontage roads exist in the north bound direction from US 287 to just north of SH 121 (south of the West Fork Trinity River), from SH 183 to Long Avenue and from south of Meacham Boulevard to IH 820. In the southbound direction, frontage roads exist from IH 820 to Meacham Boulevard, from Long Avenue to SH 183 and from south of the West Fork Trinity River to Belknap Street.

Much of the original IH 35W facility remains in operation today, including many of the cross street bridges and original ramping, and predates many of the requirements of current design standards. The existing SH 121 roadway, which is included in the improvements on IH 35W, is an eight-lane freeway with direct connections to IH 35W. Within the areas to be improved on SH 121 are existing frontage roads and cross streets at Riverside Drive and Sylvania Avenue.

The existing US 287 roadway, also included in the proposed improvements, is a six-lane freeway with direct connections to IH 35W and IH 30. Within the areas to be improved along US 287 is an existing two-way frontage road from Cypress Street to Fourth Street and Cypress Street.

Traffic Projections

According to TxDOT Transportation Planning and Programming Division (TPP), IH 35W from IH 820 to SH 121 has an estimated base year 2010 average daily traffic (ADT) volume of 174,900 vehicles per day (vpd) and an estimated time of completion/design year 2035 ADT volume of 284,500 vpd. This is a 62.7 percent increase over 2010 traffic volumes. IH 35W from SH 121 to IH 30 has an estimated base year 2010 ADT volume of 245,500 vpd and an estimated time of completion/design year 2035 ADT volume of 398,200 vpd. This is a 62.2 percent increase over 2010 traffic volumes. SH 121 has an estimated base year 2010 ADT volume of 94,616 vpd and an estimated time of completion year 2035 ADT volume of 124,705 vpd. This is a 31.8 percent increase over 2010 traffic volumes. US 287 has an estimated base year 2010 ADT volume of 40,100 vpd and an estimated time of completion/design year of 2035 ADT volume of 70,225 vpd. This is a 75.1 percent increase over 2010 traffic volumes.

Need and Purpose

The proposed project is needed to meet future travel demands stemming from projected population growth and traffic volumes, address operational and capacity deficiencies on IH 35W and SH 121, update the facility to current design standards, and maintain pace with the City's transportation needs

as well as the transportation needs of Tarrant County. Development in this region would occur whether or not the proposed project is undertaken.

The purpose of the proposed project is to improve mobility within the IH 35W corridor. The addition of general purpose lanes (non-toll) and managed lanes (toll) will add capacity and improve mobility. The improved design of the proposed project and addition of direct connectors will help to eliminate the operational deficiencies on IH 35W, SH 121, and US 287. The installation of new frontage roads along IH 35W will provide access to adjacent land uses and encourage development in these areas along the roadway.

The purpose of implementing concurrent managed lanes as part of the IH 35W project will be to provide congestion relief primarily within the peak hour travel times, as well as provide a revenue source to pay for the operational and maintenance costs of the facility and future rehabilitation or reconstruction of the facility. Historically, TxDOT has financed highway projects on a "pay-as-you-go" basis, using motor fuel taxes and other revenue deposited in the State Highway Fund. However, population increases and traffic demand have outpaced the efficiency of this traditional finance mechanism. The combination of traditional and toll funding will allow the proposed project to be completed earlier than previously programmed using traditional highway funds, thus adding general purpose lanes and frontage road capacity to IH 35W earlier than originally programmed using traditional funding alone.

REVIEW OF THE EA

Preferred Alternative

The Build Alternative will consist of widening the existing roadway to a 10 to 12-lane highway with eight general purpose lanes and two to four managed lanes with auxiliary lanes, reconstructing existing frontage roads, and constructing additional frontage roads. The existing facility is a four to eight-lane divided highway with limited access entrances and exits to adjacent land uses, discontinuous frontage roads, and does not meet current design standards. The proposed project is needed to address operational deficiencies on IH 35W, SH 121, and US 287. The freeway is not up to current design standards. Examples include the following:

- The IH 35W northbound left-hand off-ramp to Pharr Street and the left-hand on-ramp from Pharr Street to southbound IH 35W are counter to driver expectancy. Typically, drivers anticipate right-hand exits.
- Due to the increased demand on the existing facility, the distance from the exit ramps to the cross street intersections on IH 35W is too short, causing traffic to back up into the general purpose lanes and create congestion.
- There is inadequate capacity for the existing and projected 2035 traffic volumes. Inadequate capacity results in frequent starts and stops along the roadway decreasing air quality and increasing the likelihood of accidents.
- The inside shoulders of IH 35W from 28th Street/SH 183 to Spur 280/US 287 are substandard in some locations. The standard minimum width of the inside shoulders is 4-foot for four-lane freeways and 10-foot for six lanes or more.
- The vertical bridge clearances under IH 35W at the Meacham Boulevard U-turns, 28th Street/SH 183, 4th Street and Papurt Street, and over SH 121 at Sylvania Avenue and Riverside Drive are less than the standard 16.5 feet.

- The interchange between IH 35W, US 377/SH 121, Spur 280/US 287, and IH 30 contains merging and weaving conditions that occur within general purpose lanes. The distances provided for these maneuvers are insufficient to provide an acceptable Level of Service (LOS) and result in bottleneck situations.

The proposed project will fulfill the need and purpose through the construction of additional general purpose lanes and two to four managed lanes; improving interchanges and ramps to better handle weaving movements; removing left-hand ramps; increasing shoulder widths; increasing vertical bridge clearance; improving frontage road facilities; and, providing auxiliary lanes where needed to prevent traffic queues on through lanes on the highway and frontage road facilities.

Anticipated Impacts from the Preferred Alternative

An EA was prepared that examined the social, economic, and environmental impacts associated with the proposed project. The following impacts are anticipated as a result of the proposed improvements:

Waters of the U.S., including Wetlands

Pursuant to Executive Order (EO) 11990 (Protection of Wetlands) and Section 404 of the Clean Water Act (CWA) (Section 404), an investigation was conducted to identify potential jurisdictional waters of the U.S., including wetlands, within the proposed project limits. Areas within the proposed project ROW were identified, characterized, and delineated in order to evaluate the potentially jurisdictional status of the sites. Alternatives were reviewed as required by EO 11990 on wetlands. After avoidance and minimization of impacts were implemented, no other practicable alternatives to wetland impacts were identified.

Impacts at Crossing Nos. 1, Unnamed Tributary to Fossil Creek and 2, Unnamed Tributary to West Fork Trinity River (See Figure 2, final EA attachment) are authorized under Nationwide Permit (NWP) 14 – *Linear Transportation Projects*. Because impacts at Crossing No. 1 exceed the 0.1 acre impact threshold and there is a discharge in a special aquatic site (wetland area), a Preconstruction Notification (PCN) will be required for the proposed project corridor. Construction of the bridges over the West Fork Trinity River and levee system (Crossings No. 3 and 4, locations at West Fork Trinity River) can be accomplished using Regional General Permit (RGP) 12 – *Modifications and Alterations of Corps of Engineers Projects* in conjunction with the Section 408 approval process or by the use of NWP 25 – *Structural Discharges*. Crossing No. 5, Ham Branch will be authorized under NWP 25. If temporary fills are needed in the jurisdictional waters then the affected areas will be returned to their pre-existing elevations. Channelization will not be required to construct the proposed project. Compensatory mitigation for Section 404 impacts will be coordinated with the USACE and performed in accordance with the terms of the approved permits.

Floodplains

The proposed project crosses five water bodies and five flood zones. The hydraulic design practices for the proposed project will be in accordance with current TxDOT design policy and standards. The highway facility will permit the conveyance of the 100-year flood levels, inundation of the roadway being acceptable, without causing significant damage to the roadway, stream, or other property. A portion of the proposed project is within the Regulated Floodway Zone. The proposed project will not increase the base flood elevation to a level that would violate applicable floodplain regulations or ordinances; therefore, coordination with either the Federal Emergency Management Agency (FEMA) or the local floodplain administrator is not required. However, informal coordination with the local floodplain administrator will occur.

Water Quality

Storm water runoff from the proposed project will flow into Little Fossil Creek, an unnamed tributary of Little Fossil Creek, an unnamed tributary to the West Fork Trinity River, the West Fork Trinity River, and Ham Branch. According to the Texas Commission on Environmental Quality (TCEQ) Water Quality Inventory, all branches, creeks, and streams that cross the proposed project flow to Segment 0806 (West Fork Trinity River below Lake Worth). According to the 2010 Clean Water Act (CWA) Section 303(d) list, Segment 0806 is impaired due to dioxin and polychlorinated biphenyls in edible tissue. The proposed project is within five miles upstream of the threatened or impaired segments. The proposed project will not contribute to the constituents of concern. Best Management Practices (BMPs) will be in place to minimize the runoff from the proposed project into the impaired water body.

Section 408

The USACE, Fort Worth District and associated non-federal sponsor, TRWD, constructed the existing Fort Worth Floodway, which is a public works project within the USACE Fort Worth District Civil Works Boundary. USACE is responsible for ensuring the integrity and primary function of public works projects are maintained at all times.

The proposed IH 35W project traverses and requires alterations to the Fort Worth Floodway Public Works project at Crossings 3 and 4, both locations at the West Fork Trinity River. These proposed alterations require USACE approval. The authority for USACE approval of alterations to public works projects operated and maintained by non-Federal sponsors is 33 USC Section 408.

In accordance with 33 USC Section 408, any alteration of a USACE Public Works project requires USACE review and approval to ensure that the alteration does not adversely impact the USACE Public Work. In accordance with 33 CFR Section 230, *Procedures for Implementing National Environmental Policy Act (NEPA)* (Engineering Regulation 200-2-2), a NEPA document must be prepared to address the impacts to the environment as a result of the action. As such, USACE has acted as a coordinating agency throughout the NEPA process to assess the direct and cumulative impacts from these Proposed Actions on the human and natural environment. A Section 408 NEPA Compliance Considerations in the final EA Appendix evaluated the potential impacts to the Public Works projects at Crossings 3 and 4.

Crossing 5, Ham Branch, is part of a USACE Public Works project called the Central City Project. TxDOT and the USACE have worked together to reduce impacts to the Central City Project.

Threatened/Endangered Species and Habitat

It was determined that the proposed project will have no effect on any federally listed species, its habitat, or designated critical habitat.

During construction of the proposed project, there is the potential for temporary impacts to two state threatened species (Louisiana pigtoe and Texas heelsplitter) and two state species of concern (fawnsfoot and little spectaclecase), and their habitats from adverse water quality conditions from construction area storm water runoff. In addition to avoidance and minimization, mitigation for temporary project impacts that might occur to mollusk habitats will consist of the water quality measures.

In order to protect mussel species from permanent impacts, requirements will consist of either conducting a survey to determine the presence of the species and, if present, relocating the species and monitoring their survival for five years or prohibiting dewatering and equipment crossings within the West Fork Trinity River. No permanent impacts to these species will be forthcoming as a result of the proposed project. Also during construction, there will be temporary impacts to streams which

could serve as Texas garter snake habitat and temporary impacts to floodplains and riparian zones which could serve as timber/canebrake rattlesnake habitat.

Vegetation and Wildlife Habitat

Approximately 224.05 acres of maintained vegetation, 33.95 acres of woody vegetation, and 1.75 acres of riparian vegetation will be impacted by the proposed project.

Land Use

The land use along IH 35W from IH 820 to IH 30 consists of commercial, residential, industrial, entertainment, recreational, agricultural and floodplain with some undeveloped areas. Zoning along the proposed project corridor is consistent with the described land uses. It is not anticipated that this project would substantially affect current or future land uses.

Archeology

A survey of the project area of potential effects (APE) was conducted under Texas Antiquities Permit No 4924. TxDOT coordinated with Texas Historic Commission (THC)/Texas State Historic Preservation Officer (SHPO). Section 106 of the National Historic Preservation Act of 1966 (NHPA) (Section 106) consultation with federally recognized Native American tribes with a demonstrated historic interest in the area was initiated on April 7, 2009 and June 6, 2011. No objections or expressions of concern were received within the comment period.

Standing Structures

In accordance with 36 CFR 800.5, TxDOT Historians applied the Criteria of Adverse Effect and determined the project will have no adverse effects to the National Register of Historic Places (NRHP) eligible or listed resources in the APE except to the Oakhurst Historic District.

Fort Worth Floodway: One historic property, the Fort Worth Floodway system, will be impacted by the project. The estimated size of the property is on the order of 1,164 acres representing two levees with 200 foot wide bases on each side of the 24 miles of NRHP eligible waterway. The proposed project will require 5.57 acres of new easements from the Floodway along the crest of the right bank levee. This represents 0.47% of the historic property. Using 5.57 acres of the floodway will neither change the contours of the levee nor hinder its operation as a component of the flood control system. Thus the proposed use will have no adverse effect to the property's integrity of location, design, setting, materials, workmanship, feeling, and association. TxDOT Historians determined that the proposed project will have no adverse effect to the historic Fort Worth Floodway system and complies with Section 4(f) *de minimis* guidelines. SHPO concurred with these determinations of effect on September 12, 2011 and November 2, 2011. As a result, the proposed project will result in a Section 4(f) *de minimis* impact to this resource.

East Belknap Street at Trinity River Bridge: The project will pose no direct effects to the NRHP-eligible East Belknap Street at Trinity River Bridge as the proposed work will be limited to restriping for one way traffic. Construction of a new bridge approximately four to six feet downstream will have no direct impacts.

Oakhurst Historic District: The noise impacts to the Oakhurst Historic District described in TxDOT's April 3, 2012 letter to SHPO and FHWA has determined that it does not constitute constructive use as defined in 23 CFR 774.15 (Section 4(f) - Constructive use Determinations.)

The proposed project will not impair the aesthetic features of the Oakhurst Historic District as there will be no impacts to integrity of location, design, materials, workmanship, or association. On April 27, 2012 SHPO concurred that there will be no adverse visual effects to setting, nor restrict access or

have vibration impacts to the historic district, but there will be an adverse effect due to noise. Further in their letter, SHPO accepted TxDOT's measures to resolve the adverse effect due to noise (final EA Appendix D).

Ralston Purina Complex Historic District: The proposed activity will neither hinder current operations nor have an adverse effect on the historic elements of the NRHP-eligible Ralston Purina Complex Historic District. Proposed ROW acquisition also poses no adverse effect and no use of the facility, as no land from the contributing portion of the historic district is being incorporated into TxDOT ROW. Proximity impacts of the proposed action will not result in any substantial impairment to the activities, features or attributes of the eligible complex. SHPO concurred with a no adverse effect determination on September 12, 2011.

Public Park Properties

There are five park properties located within the study area that were assessed under Section 4(f):

- Harmon Field Park located on US 287 N, east of IH 35W
- Greenway Park located at 2000 Pharr Street, east of IH 35W and north of SH 121
- Delga Park located at 1001 Nixon Street, west of IH 35W and south of the West Fork Trinity River
- Riverside Park located at 501 Oakhurst Scenic Drive, north of SH 121
- Trinity Trails along the West Fork Trinity River at IH 35W and SH 121

There will be no impact to the use of Greenway Park and no take or constructive use of Delga Park, Riverside Park, or the Trinity Trails at SH 121; therefore, these Section 4(f) properties will not require a 4(f) evaluation. Impacts will occur to Harmon Field Park and the Trinity Trail at IH 35W. These two publicly-owned park/recreation facilities are discussed below.

Harmon Field Park: A ROW easement (ROWE) between TxDOT and TRWD for use of approximately 0.20 acre of Harmon Field Park (approximately 122.7 acres in size) will be required due to the reconstruction of the pedestrian bridge over US 287. The proposed highway improvements require that the existing pedestrian bridge be removed. The bridge connects Butler Place to Harmon Field Park and the Bertha Collins Community Center and is used by Butler Place residents to cross US 287. In order to provide a safe crossing to the park, TxDOT proposes to reconstruct the pedestrian bridge to current design and Americans with Disabilities Act of 1990 (ADA) standards. In order to be ADA-compliant, the bridge must be extended beyond its existing limits which will cause it to use 0.20 acre of the park.

Extending the pedestrian bridge into Harmon Field Park will improve access to the park without diminishing the use of the park. Because the proposed project will use less than 0.10 percent of the park and the area to be impacted will be retained by TRWD, the reconstruction of the pedestrian bridge will be a temporary use of the park and is considered a Section 4(f) *de minimis* impact.

Harmon Field Park was avoided by the proposed project in the original preliminary design; however, the introduction of improvements to US 287 required that the bridge be replaced or removed. An initial meeting with Butler Place residents held in March 2011 indicated that they use the US 287 pedestrian bridge and will like to see it replaced. A second meeting was held in January 2012 with Butler Place residents to gather residents' opinions on the design of the proposed US 287 bridge. After this meeting, TxDOT agreed to reconstruct the US 287 bridge.

Because the pedestrian bridge has to cross both the highway and the frontage road and the park is very close to the frontage road, it is not possible to construct a new bridge to ADA standards without impacting the park. Efforts were made to minimize the design; however, because the pedestrian bridge crosses US 287 and a connector ramp, it is higher than normal and requires more area to

safely bring the bridge back to the ground. The ramp was reduced as much as possible to lessen the impact on the park and still maintain ADA standards. No mitigation for impacting the park is currently proposed. The temporary use of the park for constructing the pedestrian bridge will not affect the use of the park and will provide improved access to the park.

Trinity Trail at IH 35W: A ROWE between TxDOT and the TRWD for use of approximately eight acres of the Fort Worth Trinity Trail (approximately 154.5 acres in this section) at IH 35W will be required to construct the proposed IH 35W bridge over the West Fork Trinity River. The placement of columns associated with the proposed IH 35W bridge will require that an access trail that connects Nixon Street to the Trinity Trail be realigned. Approximately 685 feet of the access trail will be realigned. The realignment of the existing paved trail will reduce the connection between Nixon Street and the trail from 685 to 454 linear feet. Construction of the realigned trail will occur prior to closing the section of trail to be removed in order to maintain trail access throughout construction. Occasionally factors beyond the control of TxDOT may occur during the placement of bridge beams requiring additional time to complete. To ensure the safety and mobility of vehicles along the corridor and construction personnel, beam placement may be required to extend into hours the Trinity Trail is open for public use. In the event the Trinity Trail will need to be temporarily closed due to construction activities, TxDOT will coordinate with TRWD to provide information on when the Trinity Trail will re-open. Although the proposed project will require a ROWE from the Fort Worth Trinity Trail, there will be no physical or permanent impacts to the trail prohibiting the use thereof. Based on the minimal amount of additional ROWE required from the Trinity Trail and agreement from TRWD that the proposed project will not adversely affect the activities, features, and attributes that qualify Trinity Trail for protection under Section 4(f), it is considered a Section 4(f) *de minimis* impact.

The Trinity Trail is parallel to the West Fork Trinity River and passes directly underneath IH 35W. Rerouting the entire IH 35W corridor in order to avoid the Trinity Trail is not feasible. The river and trail will be spanned to minimize permanent impacts to the facility. Another minimization measure included in the design is shifting the proposed centerline to the west of the existing centerline. This allows the proposed ROW to be centered at a point in the West Fork Trinity River that is perpendicular to the river and the trail. If the highway remained at the existing centerline, the proposed bridge will be at an angle to the river and will impact a longer length of the trail. Mitigation for the realignment of the access path is not proposed.

Because the proposed minimal impacts at Harmon Field Park and the Trinity Trail will not adversely affect the activities, features, and attributes of the open recreation areas, they are considered Section 4(f) *de minimis* impacts.

Right-of-Way/Easements/Construction License/Displacements

The proposed project will require approximately 85.4 acres of additional ROW and 5.77 acres of easements (Floodway and Harmon Field Park) to accommodate the proposed facility. One hundred and twenty six parcels will be impacted by ROW acquisition and potentially 63 establishments, including 50 business establishments (in addition to five vacant properties and one utility lift station) and 13 residential establishments, will be displaced by the proposed project. Comparable housing is available for the displaced single-family structures. Comparable housing may not be available for the displaced multi-family dwellings because available apartments could be priced higher than the units to be displaced and public housing is not readily available.

An estimated 875 plus employees could potentially be affected by the proposed project, either by job relocation or job loss. The Fort Worth Chamber's Economic Development Resource Center indicates there are adequate facilities available for the relocation of the businesses which could be displaced.

Environmental Justice/Socio-Economic Impacts

The EO 12898 term "disproportionately high and adverse effect" considers the totality of impacts to human health and environment. ROW acquisition occurs throughout the proposed project corridor and is not concentrated in environmental justice areas. Additionally, although residential displacements will occur in blocks with high minority populations, efforts were made to avoid, minimize, and mitigate impacts to these populations and no alternative to the displacements is available. The values of the homes to be displaced range from \$20,700 to \$80,900, indicating a lower socio-economic status of the property owners. However, the number of displacements is minor and the commercial/industrial nature of the corridor lends the area to lower-value residential areas.

Impacts related to tolling have been analyzed and there will be an economic impact to low-income users of the proposed managed lanes, and the potential for longer travel times on the general purpose lanes or frontage roads compared to the managed lanes. However, the improved capacity on the proposed facility will improve mobility for all users compared to the existing facility. Mitigation for noise impacts to environmental justice (EJ) neighborhoods has been proposed and improved pedestrian facilities are proposed throughout the project and specifically at Butler Place. In the past, toll gantries were built as plazas which were large areas with the potential for negative noise, light and visual effects on nearby neighborhoods. The current electronic toll collection system reduces toll gantries to the size of an overhead sign. There will be no negative noise, light or visual impacts to EJ neighborhoods from the proposed toll gantries.

Numerous public involvement activities have occurred during the planning stages of this project. Input from neighborhood associations containing EJ populations were considered by TxDOT and incorporated into the design when possible.

Based on the data provided and the analysis of the totality of effects (avoidance, minimization, and mitigation of impacts plus benefits to affected groups, e.g. Butler Place), there are no disproportionately high or adverse impacts on minority or low-income populations. Therefore, the requirements of EO 12898, pertaining to EJ, are satisfied.

Air Quality

Local concentrations of carbon monoxide are not expected to exceed national standards. Mobile Source Air Toxics (MSATs) emissions will likely be lower than present levels in the future year as a result of the U. S. Environmental Protection Agency (EPA) national control programs that are projected to reduce MSAT emissions by 72 percent between 1999 and 2050.

Traffic Noise

The proposed project will result in a traffic noise impact at 19 representative receivers. Noise barriers will be feasible and reasonable for impacted receivers at four locations: West of IH 35W, South and North of SH 121, and East of IH 35W. Any subsequent project design changes may require a reevaluation of this preliminary noise barrier proposal. The final decision to construct the proposed noise barrier will not be made until after the completion of the project design, utility evaluation, and polling of adjacent property owners.

Hazardous Materials

Four sites were identified within the project limits which have had known petroleum releases (Conoco A-1, Circle K Truck Stop, Bruckners Mack Truck, and the Shell at 1908 Yucca Avenue). All sites have received final concurrence from TCEQ; however, closures may have been achieved with substantial levels of contamination left in place. Review of TCEQ file records was conducted for the site at 1908 Yucca Avenue, and the potential for contamination impacts appears to be low. Additional

investigation, including file review, will be conducted for the other release sites within the project limits to better determine the potential for project impacts.

The proposed project includes the demolition of approximately 40 vehicular and pedestrian bridges. The bridges may contain asbestos containing materials (ACM) and shall be inspected to verify the presence or absence of ACM. Prior to the bridge demolition(s), a 10-Day Notification shall be submitted to the U. S. Department of Health and Human Services (DHHS).

Airway-Highway Clearance

There is one airport, Fort Worth Meacham International Airport, and two heliports, SW Region Federal Aviation Administration (FAA) heliport and a City of Fort Worth heliport, found within the vicinity of the proposed project area. Elevations of the airport, heliports, and the proposed project's structures (plus 17 feet per federal guidelines) were determined, as well as the distances between the airport, heliports, and proposed structures. Based on the distances and elevations current Federal Regulations for Objects Affecting Navigable Airspace (14 CFR Part 77), the proposed structures do not penetrate the 100:1 approach surface slope for airports, and one structure, penetrates the 25:1 approach surface slope for heliports.

Induced Growth

Land available for development within the area of influence (AOI) is not expected to be developed as a result of the proposed project since that land is expected to be developed with or without the proposed project. The induced growth effects resulting from the proposed project (increased rate of development) is consistent with the City of Fort Worth's Comprehensive Plan.

The potential indirect impacts on air quality and MSATs are primarily related to the increased rate of land development resulting from the project's increased accessibility to the area. The project will not be expected to result in increased development/redevelopment in the area. Any increased air pollutant or MSAT emissions resulting from development within the AOI must meet regulatory emissions limits established by the TCEQ and EPA, as well as obtain appropriate authorization from the TCEQ. Regulatory emission limits set by TCEQ and EPA are established to attain and maintain the National Ambient Air Quality Standards (NAAQS) by assuring any emissions sources resulting from new development or redevelopment will not cause or contribute to a violation of those standards. Therefore, because the project's potential direct and indirect impacts on air quality and MSATs are projected to be offset by federal fuel and vehicle control programs or state and federal regulatory programs, negative impacts on air quality are not anticipated.

Cumulative Impacts

The final EA evaluated impacts resulting from the project when added to other past, present, and reasonably foreseeable actions. Resources considered in the cumulative impacts analysis included vegetation and wildlife habitat and air quality. The final EA adequately compares cumulative impacts associated with the Build and No-Build alternatives, and no significant impacts to vegetation and wildlife habitat or air quality are expected from the proposed project.

Regional Toll Analysis

Based on the analysis documented in the *Regional Tolling Analysis*, the 2035 build network for the metropolitan planning area (MPA), including future priced facilities, will result in a fair distribution of impacts and benefits among the regional population including environmental justice communities. The 2035 build network for the MPA, including priced facilities, will not cause disproportionately high and adverse impacts on any minority or low-income populations as per EO 12898 regarding environmental justice. Therefore, no regional mitigation measures are proposed. This regional analysis is based on the most recent policies, programs, and projects included in *Mobility 2035*. Changes in

tolling/managed lane policies could necessitate that the regional tolling analysis be revised if, after a thorough review, the changes are of sufficient magnitude. All of these elements are subject to change in future MTPs. During the development of future MTPs, new analyses of the effects of pricing to EJ and protected classes will be conducted.

The *Regional Tolling Analysis* concludes that *Mobility 2035* and the regional transportation planning process provide ways to avoid and minimize potential impacts that could occur due to transportation projects. It also indicates that NCTCOG has performed an environmental justice and Title VI of the Civil Rights Act of 1964 (Title VI) analysis, using the best available data, to ensure that no person is excluded from participation in, denied benefits of, or discriminated against in planning efforts, including the development of the MTP. This assures that *Mobility 2035* is consistent with Title VI and EO 12898 on EJ, as well as the Civil Rights Restoration Act of 1987.

PUBLIC INVOLVEMENT

Three public meetings (open house format) specifically for this project were held over the past five years in order to solicit public comments on the proposed design. The meetings were held at the Region XI Education Service Center facility and the Calvary Christian Academy because these facilities are centrally located in the project area and provide adequate space for large crowds. Registered attendance totaled 94 people in 2006, 46 people in 2007, and 121 people in 2010.

Viewing of the project exhibits and informal discussion sessions were held throughout the duration of the meetings to provide attendees an opportunity to review displays and to ask questions regarding the proposed project, including the managed lane tolling component, with project team members present. Attendees were asked to provide written comments the night of the meeting or within a ten-day timeframe after each meeting. Thirty-seven written comments were received either at the public meetings or mailed to TxDOT before the written comment period expired. These comments were reviewed and considered during the development of the project.

The main concerns expressed by citizens during the public outreach process were: future traffic volumes and associated noise levels; a desire for noise walls; ingress/egress ramps; maintaining access to downtown via Belknap; maintaining an exit for 4th Street; and, existing property access.

Based on information received by TxDOT after the November 2010 Public Meeting, it was determined that the proposed ROW would impact 10 Chesapeake gas well heads. The estimated ROW impacts to the Chesapeake gas well site based on the design presented at the Public Meeting would have dramatically increased the cost of the project. This increase in cost had the potential to make the project financially not reasonable or feasible resulting in further delays in providing safety and mobility improvements along the IH 35W corridor. The proposed design was revised at Chesapeake and the proposed roadway was shifted east toward the Oakhurst neighborhood. TxDOT met with the Oakhurst Neighborhood Association (ONA) in order to explain the new design of the proposed IH 35W facility and how the new design would affect the Oakhurst neighborhood. The proposed design would remain within existing TxDOT ROW but would shift the proposed pavement to the east.

The primary concerns expressed by ONA were impacts to the neighborhood related to light, noise and air pollution, and questioning why Chesapeake could not move their wells to maintain the November 2010 design. The homeowners were concerned about how the proposed IH 35W would affect their historic neighborhood and in order to make sure all their concerns were addressed, ONA was included as a consulting party as part of the Section 106 coordination process. The coordination process was completed on April 27, 2012 when THC determined the noise impacts would be an adverse effect to the Oakhurst Historic District.

The meetings held at Butler Place were initiated by TxDOT to discuss the removal and potential replacement of the existing pedestrian bridges with community residents. The first meeting introduced the residents to the proposed project, discussed the removal and potential replacement of both pedestrian bridges, and explained that the replacement of the pedestrian bridge over US 287 would impact Harmon Field Park. The proposed improvements to the Luella Street and Cypress Street bridges were explained and comment forms were provided for residents to voice their opinions. A show of hands at the meeting indicated a preference for the US 287 pedestrian bridge to be replaced but not the IH 35W pedestrian bridge. Based on the comment forms provided, approximately 75 percent of respondents indicated that they use the pedestrian bridges. Approximately 90 percent indicated they would use the proposed improved vehicular bridges even if the pedestrian bridges were replaced.

The second meeting at Butler Place was held to provide the residents with more detailed information regarding the proposed pedestrian bridges. An informational matrix was provided to the residents which provided data on the existing and proposed bridges, including pedestrian counts on the pedestrian bridges and vehicular bridges, height of the bridges, travel distance over the pedestrian bridges and vehicular bridges, and safety and crime data from Fort Worth Housing Authority (FWHA) and local police. Additionally, photographic renderings of the proposed pedestrian bridges and proposed vehicular bridges were displayed. TxDOT provided time for residents to review the displays and ask any questions. A comment form was provided for residents to provide their input. The IH 35W pedestrian bridge will not be replaced. The US 287 pedestrian bridge is proposed to be reconstructed for connection to Harmon Field Park. The US 287 pedestrian bridge connects Butler Place to Harmon Field Park and the Bertha Collins Community Center and is used by the Butler Place residents to cross US 287.

The proposed project was supported by the City of Fort Worth, Tarrant County and the NCTCOG at the June 12, 2012 Public Hearing. Texas Workforce Commission staff participated in the Public Hearing for the proposed IH 35W project to answer questions and present services information on behalf of the Workforce Solutions for Tarrant County. The design of the proposed project was not modified based on public comments obtained through the Public Hearing process.

MITIGATION AND MONITORING COMMITMENTS

Right-of-Way Requirements, Relocations, and Displacements

The TxDOT ROW Acquisition and Relocation Assistance Program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). For the businesses that will be impacted, contact information and employment packets for the Workforce Solutions for Tarrant County will also be distributed to each property owner during the ROW acquisition process.

Environmental Justice

As mandated by the Uniform Act, additional assistance for Housing of Last Resort will be provided should the local existing housing market be outside the financial means of a displaced owner or tenant.

Mitigation for noise impacts to EJ neighborhoods has been proposed and four noise barriers are proposed adjacent to Butler Place, Greenway Place, Scenic Bluff and United Riverside. Improved pedestrian facilities are proposed throughout the project, and improved community access via an exit ramp from the general purpose lanes is proposed at Greenway Place.

Vegetation and Wildlife Habitat

Mitigation for the loss of riparian habitat will be in accordance with Provision (4) (A)(ii) of the Memorandum of Agreement between TxDOT and Texas Parks and Wildlife Department. Riparian habitat mitigation will occur at an off-site mitigation bank. The specific mitigation bank has not yet been determined but will be selected from a list that serves the TxDOT Fort Worth District.

Permanent soil erosion control features will be constructed as soon as feasible during the early stages of construction through proper sodding and/or seeding techniques. Disturbed areas will be restored and stabilized as soon as the construction schedule permits and temporary sodding will be considered where large areas of disturbed ground will be left bare for a considerable length of time. In accordance with 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 will be done where possible.

Threatened and Endangered Species

Mitigation for project impacts that might occur to mollusk habitats will consist of the water quality measures. BMPs will minimize potential impacts. In order to protect mussel species from permanent impacts, requirements will consist of either conducting a survey to determine the presence of the species and, if present, relocating the species and monitoring their survival for five years or prohibiting dewatering and equipment crossings within the West Fork Trinity River.

Prior to construction at water crossings, the construction team will be able to properly identify the Texas garter snake and timber canebrake rattlesnake and will be instructed to avoid injury to both species. Should either species be observed, construction activities will stop immediately and the TxDOT District Biologist will be notified immediately.

Waters of the U.S.

If temporary fills are needed in jurisdictional waters then the affected areas will be returned to their pre-existing elevations. Compensatory mitigation for Section 404 impacts will be coordinated with USACE and performed in accordance with the terms of the approved permit(s).

Water Quality

General Condition 21 of the NWP Program requires applicants to comply with Section 401 of the CWA. Compliance with Section 401 requires the use of BMPs to manage water quality on construction sites. The storm water pollution prevention plan (SW3P) will include at least one BMP from the 401 Water Quality Certification Conditions for NWPs. Because the proposed project will disturb more than one acre, TxDOT will be required to comply with the Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit. The proposed project will also disturb more than five acres; therefore, a Notice of Intent will be filed to comply with TCEQ stating that TxDOT will have a SW3P in place during construction of the proposed project.

Section 408

Section 404 permitting can be accomplished using RGP 12 in conjunction with the Section 408 approval process or by the use of NWP 14 and NWP 25.

Trinity River Corridor Development Certificate

The project is within the Trinity River Corridor Development Regulatory Zone and a Corridor Development Certificate will be required.

Noise

There were four locations where noise barriers were found to be reasonable and feasible for the proposed project. Noise workshops will be offered to the eligible property owners.

Air Quality

The potential impacts of particulate matter emission will be minimized by using fugitive dust control measures such as covering or treating disturbed areas with dust suppression techniques, sprinkling, covering loaded trucks, and other dust abatement controls, as appropriate.

Archeology

The majority of the project's area of potential effects has previously been reviewed and consultation completed. Evaluation of two previously recorded prehistoric archeological sites was not completed due to denial of right of entry by a private property owner. Due to a design change, some additional survey is also required. For the sake of efficiency, consultation regarding the results of both the site evaluation and the additional survey will be conducted at the same time with THC/SHPO and Tribes. Under existing agreements with THC and SHPO/FHWA/Advisory Council on Historic Preservation (ACHP), TxDOT may continue project planning and the NEPA process as long as review and consultation are completed prior to construction.

In the event that unanticipated archeological deposits are encountered during construction, work in the immediate area will cease and TxDOT archeological staff will be contacted to initiate post-review discovery procedures under the provisions of the Programmatic Agreement and Memorandum of Understanding.

Standing Structures**Oakhurst Historic District**

To minimize light-related issues within the Oakhurst Historic District, the following design commitments in the vicinity of the Oakhurst neighborhood will be memorialized in the facility agreement to establish formal constraints for the final detailed design to not use high mast illumination systems to comply with safety lighting standards and the lighting design to comply with Texas Health and Safety Code Title 5, Subtitle F, Chapter 425. The referenced code addresses appropriate use of cutoff luminaires i.e. "dark sky" lighting for state funded outdoor lighting to help reduce light spill beyond the roadway.

To minimize visual-related issues within the Oakhurst Historic District, the TxDOT Fort Worth District will include a stipulation in the contract with any third party developer requiring the use of a Registered Landscape Architect in the development of the landscaping plan for the proposed project.

Belknap Street at West Fork Trinity River Bridge

SHPO shall be given the opportunity to comment on the detail design of the North Bound Belknap St. Bridge proposed for construction immediately downstream from the existing southbound Belknap St. at Trinity River Bridge. SHPO shall be given the opportunity to comment on any non-restriping work proposed for the Belknap Street at West Fork Trinity River Bridge.

Hazardous Materials

Additional evaluation of the Leaking Petroleum Storage Tanks/Petroleum Storage Tanks (LPST/PST) sites that pose a high risk to the project will be conducted during the ROW negotiation, acquisition or eminent domain process prior to construction. This may include conducting regulatory file reviews or subsurface sampling to further understand risk to the project. Any hazardous materials and/or petroleum contamination encountered during construction will be handled according to applicable federal and state regulations per TxDOT Standard Specifications.

The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area. The use of construction equipment within sensitive areas will be minimized or eliminated entirely. All construction materials used for this project will be removed as soon as work schedules permit.

The bridges that may contain ACM will be inspected to verify the presence or absence of ACM. Prior to bridge demolition(s), a 10-Day Notification will be submitted to the DHHS.

Airway-Highway Clearance

A FAA Notice of Proposed Construction or Alteration form (Form AD-7460-1) will be completed during the design phase and submitted by TxDOT to the FAA for their approval prior to construction of proposed improvements surrounding the heliport.

FHWA DECISION

FHWA has reviewed all of the relevant documents and materials and all of the environmental studies and findings. Based upon our own independent review and analysis we find that the final August 2012 EA for the IH 35W South project analyzed and considered all of the relevant potential environmental impacts and issues. FHWA concurs with the findings made in the final EA in that: (1) the Build Alternative is the selected alternative for the IH 35W South project, (2) the Build Alternative best meets the purpose and need of the project with the least amount of impacts to the resource areas, and (3) the Build Alternative with all the required mitigation and coordination as detailed above will have no significant impacts on the quality of the human or natural environment under NEPA.

As to project mitigation, TxDOT is hereby required to ensure completion of all mitigation outlined above and set out specifically in the final August 2012 EA for the IH 35W South project and Environmental Permits, Issues and Commitments (EPIC) sheet. TxDOT is also required to ensure that any and all local, state, or federal permit requirements and conditions are met and otherwise complied with.


For Federal Highway Administration

08/24/2012
Date

ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS

ENDANGERED AND/OR THREATENED SPECIES/WILDLIFE/MIGRATORY BIRDS

SPECIES IN PROJECT AREA	HABITAT	SPECIAL NOTES
TEXAS GARTER SNAKE	MICRO HABITATS	
TIMBER/CANEBRAKE RATTLESNAKE	MICRO HABITATS	
MOLLUSKS	SMALL/LARGE RIVERS	(SEE ATTACHED NOTE)
LOUISIANA PIGTOE	STREAMS/MODERATE SZ RIVERS	
PLAINS SPOTTED SKUNK	OPEN FIELDS PRAIRIES	

COMMENTS
 THE CONTRACTOR IS ALERTED TO THE PRESENCE OF SWALLOWS' NESTS ON THE EXISTING BRIDGE AT (LOCATION). SEE GENERAL NOTES FOR TIME RESTRICTIONS ON ACTIVITIES WHICH MIGHT DISTURB NESTING SWALLOWS.

DO NOT DISTURB OR HARM SPECIES AND/OR THEIR HABITAT IF LISTED ABOVE. VERIFY PRESENCE AND LIMITS OF HABITAT WITH AREA ENGINEER BEFORE CLEARING TREES. MINIMIZE DISTURBANCE TO AREA WILDLIFE.

HISTORICAL/ARCHEOLOGICAL:

CONTRACTOR SHALL ADHERE TO THE PROVISIONS OF ARTICLE 7.19 OF TxDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, STREETS AND BRIDGES, AND SPECIAL PROVISIONS.

KNOWN ITEMS OF HISTORICAL INTEREST IN PROJECT AREA :

- BUILDINGS (LIST IF APPLICABLE)
- BRIDGES EAST BELKNAP BRIDGE
- CEMETERIES
- HISTORIC MARKERS/PLAQUES
- OTHER OAKHURST HISTORIC DISTRICT (SEE NOTE BELOW), BUTLER PLACE, FORT WORTH FLOODWAY-LEVEES

IF HISTORICAL OR ARCHEOLOGICAL SITES ARE DISCOVERED DURING CONSTRUCTION, CONTRACTOR SHALL IMMEDIATELY NOTIFY AREA ENGINEER AND THE DISTRICT ENVIRONMENTAL QUALITY COORDINATOR.

DO NOT ENDANGER HISTORICAL BUILDINGS OR STRUCTURES (MORE THAN 50 YEARS OF AGE) OR ARCHEOLOGICAL SITES.

COMMENTS
 *SPECIAL INSTRUCTIONS FOR ARCHEOLOGICAL/HISTORICAL COMMITMENTS
 *ADDITIONAL ARCHEOLOGICAL TESTING REQUIRED-CONTACT TxDOT ENVIRONMENTAL COORDINATOR

NOISE:

THE CONTRACTOR SHALL ADHERE TO THE PROVISIONS OF ARTICLE 7.18 OF TxDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, STREETS AND BRIDGES, AND SPECIAL PROVISIONS.

NOISE LEVELS IN RESIDENTIAL AREAS AND OTHER SENSITIVE AREAS SHOULD BE KEPT TO A MINIMUM BETWEEN THE HOURS OF 7PM AND 7AM OR AS DIRECTED BY THE ENGINEER. AVOID ROUTING OF CONSTRUCTION EQUIPMENT THROUGH RESIDENTIAL OR SENSITIVE AREAS IF LISTED BELOW.

COMMENTS
 NOISE BARRIERS WERE FOUND REASONABLE AND FEASIBLE AT FOUR LOCATIONS

NOISE WALLS:

DO NOT LEAVE GAPS BETWEEN PANELS OR POSTS IN NOISE WALLS. IF NEOPRENE PADS ARE REQUIRED, ENSURE THAT THEY ARE PLACED BETWEEN PANELS. DO NOT DAMAGE OR CAUSE EROSION TO ADJACENT PROPERTIES. ENSURE COLOR CONTINUITY FOR CONCRETE MIX THROUGHOUT CONSTRUCTION.

COMMENTS
 NOISE BARRIER 1, WEST OF IH 35W(R12-R16), LENGTH 1,036 FT, HEIGHT 14 FT
 NOISE BARRIER 2, SOUTH OF SH 121(R19), LENGTH 83 FT, HEIGHT 10 FT
 NOISE BARRIER 3, NORTH OF SH 121(R20), LENGTH 1,474 FT, HEIGHT 15-16 FT
 NOISE BARRIER 4, EAST OF IH 35W(R29), LENGTH 545 FT, HEIGHT 10-12 FT

WATER QUALITY:

REFER TO STORMWATER POLLUTION PREVENTION PLAN SHEET
 AVOID SEDIMENT RUNOFF
 AVOID POLLUTION
 CONTAIN & PROPERLY DISPOSE OF POTENTIALLY HAZARDOUS SUBSTANCES.
 ALL WORK SHOULD BE PERFORMED ACCORDING TO ALL APPLICABLE STATUTES.

COMMENTS
 SEE ABOVE FOR WATER QUALITY QUALITY PRACTICES
 TRINITY RIVER COORIDOR CERTIFICATE REQUIRED

WATERS OF U. S. AND/OR WETLANDS:

THE CONTRACTOR SHALL ADHERE TO THE PROVISIONS OF ARTICLES 7.19 OF TxDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, STREETS AND BRIDGES, AND SPECIAL PROVISIONS.

NO FILLING, DREDGING OR EXCAVATING IN ANY WATER BODIES, RIVERS, CREEKS, STREAMS OR WETLAND AREAS UNLESS SPECIFICALLY AUTHORIZED BY UNITED STATES ARMY CORPS OF ENGINEERS PERMIT AND APPROVED BY THE ENGINEER. CONTRACTOR MUST OBTAIN ANY REQUIRED PERMIT FOR IMPACTS TO WATERS OF THE U.S. DUE TO CONSTRUCTION METHODS OTHER THAN THOSE SPECIFIED IN THE PLANS. CONTRACTOR MUST COORDINATE SUCH PERMITS WITH THE TxDOT DISTRICT ENVIRONMENTAL QUALITY COORDINATOR. DO NOT PLACE EXCAVATED MATERIAL, CONSTRUCTION DEBRIS, ETC., OFF-SITE WITHOUT PRIOR WRITTEN APPROVAL FROM THE ENGINEER.

- U. S. ARMY CORPS OF ENGINEERS PERMIT (See Below)
 - STREAM/WATERWAY CROSSING
 - WETLAND CROSSING
 - SECTION 408
 - U. S. COAST GUARD PERMIT

THE CONTRACTOR SHALL CONTACT THE TxDOT DISTRICT ENVIRONMENTAL QUALITY COORDINATOR IF WORK WILL RESULT IN IMPACTS TO JURISDICTIONAL WATERS OF U. S. BEYOND THOSE IDENTIFIED IN THE PLANS.

THE FOLLOWING CORPS OF ENGINEERS PERMITS HAVE BEEN IDENTIFIED AS APPLICABLE TO THIS PROJECT:

- | | |
|--|--|
| <input type="checkbox"/> NWP 3-MAINTENANCE (3) | <input type="checkbox"/> NWP 23-CATEGORICAL EXCLUSION (3) |
| <input type="checkbox"/> NWP 13-BANK STABILIZATION (3) | <input checked="" type="checkbox"/> NWP 25-STRUCTURAL DISCHARGES (3) |
| <input checked="" type="checkbox"/> NWP 14-LINEAR TRANSPORTATION (3,9) | <input type="checkbox"/> NWP 27-STREAM/WETLAND RESTORATION (3) |
| <input type="checkbox"/> NWP 18-MINOR DISCHARGES (3,9) | <input type="checkbox"/> NWP 33-TEMP. CONST., ACCESS, DEWATERING (3) |
| <input type="checkbox"/> NWP 19-MINOR DREDGING (3) | |
| <input checked="" type="checkbox"/> IN CONJUNCTION WITH RGP 12 | |

(#, **) APPLICABLE SECTION 401 GENERAL CONDITIONS:
 Gen. Cond. 3 - CATEGORY I AND CATEGORY II BMP'S REQUIRED
 Gen. Cond. 9 - CATEGORY III BMP'S REQUIRED.

COMMENTS (Specific location where each permit identified above is applicable)
 PRE-CONSTRUCTION NOTIFICATION REQUIRED FOR STREAM CROSSINGS
 CONTACT TxDOT ENVIRONMENTAL COORDINATOR

BEST MANAGEMENT PRACTICES: (TO BE COMPLETED BY TxDOT OR DESIGN BUILDER)

CATEGORY I BMP'S: (EROSION CONTROL)
 TEMPORARY VEGETATION
 MULCH
 INTERCEPTOR SWALE
 EROSION CONTROL COMPOST
 COMPOST FILTER BERMS AND SOCKS

BLANKETS, MATTING
 SOD
 DIVERSION DIKE
 MULCH FILTER BERMS AND SOCKS
 OTHER (SPECIFY)

CATEGORY II BMP'S: (SEDIMENTATION CONTROL)
 SILT FENCE
 TRIANGULAR FILTER DIKE
 STONE OUTLET SEDIMENT TRAPS
 EROSION CONTROL COMPOST
 COMPOST FILTER BERMS AND SOCKS

STRAW BALE DIKE
 BRUSH BERMS
 SEDIMENT BASINS
 MULCH FILTER BERMS AND SOCKS
 SAND BAG AND/OR ROCK BERM

CATEGORY III BMP'S: (POST-CONSTRUCTION TSS CONTROL)
 RETENTION/IRRIGATION
 EXTENDED DETENTION BASIN
 VEGETATED FILTER STRIPS
 GRASSY SWALES
 EROSION CONTROL COMPOST
 COMPOST FILTER BERMS AND SOCKS

CONSTRUCTED WETLANDS
 WET BASINS
 VEGETATION-LINED DITCHES
 SAND FILTER SYSTEMS
 MULCH FILTER BERMS AND SOCKS
 OTHER (SPECIFY)

VEGETATION:

A MIX OF GRASSES AND FORBS AS SPECIFIED IN ITEM 164 SHALL BE USED TO REVEGETATE THE R.O.W.

AVOID REMOVAL OF NATIVE VEGETATION WHEN POSSIBLE. NOTIFY TxDOT DISTRICT ENVIRONMENTAL QUALITY COORDINATOR 72 HOURS BEFORE REMOVAL OF TREES GREATER THAN 6" DIAMETER, NOT DESIGNATED FOR REMOVAL ON PLANS. DO NOT REMOVE TREES NEXT TO RIVERS, CREEKS, OR STREAMS UNLESS APPROVED BY THE TxDOT DISTRICT ENVIRONMENTAL QUALITY COORDINATOR.

FLAGGING SHALL BE USED BY CONTRACTOR TO DESIGNATE TREES TO BE REMOVED. APPROVAL FOR REMOVAL OF TREES SHALL BE OBTAINED FROM DISTRICT ENVIRONMENTAL QUALITY COORDINATOR.

DISTURBED AREAS SHALL BE RESTORED AND RESEEDED IN ACCORDANCE WITH APPLICABLE SPECIFICATION ITEMS, AND/OR AS SHOWN ON SEEDING LAYOUTS IN ACCORDANCE WITH EXECUTIVE ORDER 13112 ON INVASIVE SPECIES AND THE EXECUTIVE MEMORANDUM ON BENEFICIAL LANDSCAPING. LANDSCAPING SHALL BE LIMITED TO SEEDING AND REPLANTING THE ROW WITH NATIVE SPECIES OF PLANTS UNLESS OTHERWISE SPECIFIED IN THE PLANS.

COMMENTS
 PROPOSED IMPACTS:
 224 ACRES-MAINTAINED VEGETATION
 33.9 ACRES-UNMAINTAINED VEGETATION
 1.75 ACRES-RIPARIAN VEGETATION

VEGETATION MANAGEMENT PRACTICES:

COMMENTS
 MITIGATION REQUIRED FOR RIPARIAN IMPACTS. CONTACT TxDOT ENVIRONMENTAL COORDINATOR

HAZARDOUS MATERIAL:

CONDUCT AND DOCUMENT ALL OF THE FOLLOWING:

CONDUCT SAFETY MEETING PRIOR TO CONSTRUCTION (MAKING WORKERS AWARE OF THE POTENTIAL HAZARDS THEY MAY ENCOUNTER);

READ AND FOLLOW THE HEALTH AND SAFETY PLAN AS SHOWN IN THE SPECIFICATIONS PRIOR TO CONSTRUCTION; AND

CONTACT/COORDINATE WITH THE APPROPRIATE AGENCY 7 TO 10 DAYS PRIOR TO CONSTRUCTION.

CONTACT AREA ENGINEER IF ANY OF THE FOLLOWING ARE DETECTED:

DEAD OR DISTRESSED VEGETATION (NOT IDENTIFIED AS NORMAL)
 TRASH PILES, DRUMS, CANISTERS, BARRELS, ETC.
 UNDESIRABLE SMELLS OR ODORS
 EVIDENCE OF LEACHING OR SEEPAGE OF SUBSTANCES

COMMENTS
 SITES IN PROJECT AREA: 222 FACILITIES, 5 HIGH RISK SITES

SPECIFIC SITE DETAILS SHOWN ON ADDITIONAL LAYOUT SHEETS
 NO SITE-SPECIAL DETAILS INCLUDED

NOTE: SEE ATTACHED CONSTRUCTION PRACTICES

DEVELOPER WOULD FOLLOW EA FOR REQUIRED COMMITMENTS



Texas Department of Transportation
 FORT WORTH DISTRICT

ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS

EPIC (FW)

IH 35W FROM IH 820 TO IH 30
 CSJ: 0014-16-179 & 0014-16-268
 SHEET 1 OF 2 SHEETS

ORIG.: DEC. 2003	DIST. NO.	PROJECT NO.	HIGHWAY
REVISIONS:	FTW		IH 35W
7/2005 - Change Hay Bale to Straw Bale	COUNTY	CONT. SECT.	JOB SHEET
1/2010 - Update Standard Specification References	TARRANT		

ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS

CONSTRUCTION PRACTICES TO FOLLOW:

THREATENED/ENDANGERED SPECIES AND HABITAT

IT WAS DETERMINED THAT THE PROPOSED PROJECT WOULD HAVE NO EFFECT ON ANY FEDERALLY LISTED SPECIES, ITS HABITAT, OR DESIGNATED CRITICAL HABITAT.

DURING CONSTRUCTION OF THE PROPOSED PROJECT, THERE IS THE POTENTIAL FOR TEMPORARY IMPACTS TO TWO STATE THREATENED SPECIES (LOUISIANA PIGTOE AND TEXAS HEELSPLITTER) AND TWO STATE SPECIES OF CONCERN (FAWNSFOOT AND LITTLE SPECTACLECASE), AND THEIR HABITATS FROM ADVERSE WATER QUALITY CONDITIONS FROM CONSTRUCTION AREA STORM WATER RUNOFF. IN ADDITION TO AVOIDANCE AND MINIMIZATION, MITIGATION FOR TEMPORARY PROJECT IMPACTS THAT MIGHT OCCUR TO MOLLUSK HABITATS WOULD CONSIST OF THE WATER QUALITY MEASURES.

IN ORDER TO PROTECT MUSSEL SPECIES FROM PERMANENT IMPACTS, REQUIREMENTS WOULD CONSIST OF EITHER CONDUCTING A SURVEY TO DETERMINE THE PRESENCE OF THE SPECIES AND, IF PRESENT, RELOCATING THE SPECIES AND MONITORING THEIR SURVIVAL FOR FIVE YEARS OR PROHIBITING DEWATERING AND EQUIPMENT CROSSINGS WITHIN THE WEST FORK TRINITY RIVER. NO PERMANENT IMPACTS TO THESE SPECIES WOULD BE FORTHCOMING AS A RESULT OF THE PROPOSED PROJECT. ALSO DURING CONSTRUCTION, THERE WOULD BE TEMPORARY IMPACTS TO STREAMS WHICH COULD SERVE AS TEXAS GARTER SNAKE HABITAT AND TEMPORARY IMPACTS TO FLOODPLAINS AND RIPARIAN ZONES WHICH COULD SERVE AS TIMBER/CANEBRAKE RATTLESNAKE HABITAT.

AIR QUALITY CONSTRUCTION EMISSIONS REDUCTION STRATEGIES

DURING THE CONSTRUCTION PHASE OF THIS PROJECT, TEMPORARY INCREASES IN AIR POLLUTANT EMISSIONS MAY OCCUR FROM CONSTRUCTION ACTIVITIES. THE PRIMARY CONSTRUCTION-RELATED EMISSIONS ARE PARTICULATE MATTER (FUGITIVE DUST) FROM SITE PREPARATION. THESE EMISSIONS ARE TEMPORARY IN NATURE (ONLY OCCURRING DURING ACTUAL CONSTRUCTION); IT IS NOT POSSIBLE TO REASONABLY ESTIMATE IMPACTS FROM THESE EMISSIONS DUE TO LIMITATIONS OF THE EXISTING MODELS. HOWEVER, THE POTENTIAL IMPACTS OF PARTICULATE MATTER EMISSIONS WILL BE MINIMIZED BY USING FUGITIVE DUST CONTROL MEASURES SUCH AS COVERING OR TREATING DISTURBED AREAS WITH DUST SUPPRESSION TECHNIQUES, SPRINKLING, COVERING LOADED TRUCKS, AND OTHER DUST ABATEMENT CONTROLS, AS APPROPRIATE.

THE CONSTRUCTION ACTIVITY PHASE OF THIS PROJECT MAY GENERATE A TEMPORARY INCREASE IN MSAT EMISSIONS FROM CONSTRUCTION ACTIVITIES, EQUIPMENT AND RELATED VEHICLES. THE PRIMARY MSAT CONSTRUCTION RELATED EMISSIONS ARE PARTICULATE MATTER FROM SITE PREPARATION AND DIESEL PARTICULATE MATTER FROM DIESEL POWERED CONSTRUCTION EQUIPMENT AND VEHICLES.

CONSTRUCTION EMISSION REDUCTION INCLUDES STRATEGIES THAT REDUCE ENGINE ACTIVITY, REDUCE EMISSIONS PER UNIT OF OPERATING TIME, SUCH AS REDUCING THE NUMBERS OF TRIPS AND EXTENDED IDLING, OR HAVE CONSTRUCTION OCCUR DURING NON-NORMAL BUSINESS HOURS. THESE STRATEGIES WOULD BE DETERMINED AND IMPLEMENTED IF FEASIBLE DURING THE PROPOSED CONSTRUCTION. HOWEVER, CONSIDERING THE TEMPORARY AND TRANSIENT NATURE OF CONSTRUCTION-RELATED EMISSIONS, AS WELL AS THE MITIGATION ACTIONS TO BE UTILIZED, IT IS NOT ANTICIPATED THAT EMISSIONS FROM CONSTRUCTION OF THIS PROJECT WILL HAVE ANY SIGNIFICANT IMPACT ON AIR QUALITY IN THE AREA.

AIRWAY-HIGHWAY CLEARANCE

A FEDERAL AVIATION ADMINISTRATION (FAA) NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION FORM (FORM AD-7460-1) WILL BE COMPLETED DURING THE DESIGN PHASE AND SUBMITTED BY TXDOT TO THE FAA FOR THEIR APPROVAL PRIOR TO CONSTRUCTION OF PROPOSED IMPROVEMENTS SURROUNDING THE HELIPORT.

LIGHTING

IN TXDOT'S SEPTEMBER 8, 2011 STAKEHOLDER MEETING WITH THE OAKHURST NEIGHBORHOOD ASSOCIATION (ONA) SEVERAL MEMBERS REQUESTED MEASURES TO REDUCE LIGHT FROM THE ROADWAY INTO THE NEIGHBORHOOD. TXDOT MADE A COMMITMENT TO ONA MEMBERS IN THE AUDIENCE NO HIGH MAST ILLUMINATION WOULD BE PROPOSED FOR IH 35W NEAR THE OAKHURST NEIGHBORHOOD. ONLY LIGHTING ALONG ENTRANCE AND EXIT RAMPS FOR SAFETY WOULD BE PROVIDED.

IN RECOGNITION OF ONA'S ONGOING CONCERN TO QUALITY OF LIFE RELATED TO LIGHTING ALONG THE IH 35W CORRIDOR, THE FOLLOWING DESIGN COMMITMENTS IN THE VICINITY OF THE OAKHURST NEIGHBORHOOD WOULD BE MEMORIALIZED IN THE FACILITY AGREEMENT TO ESTABLISH FORMAL CONSTRAINTS FOR THE FINAL DETAILED DESIGN TO NOT USE HIGH MAST ILLUMINATION SYSTEMS TO COMPLY WITH SAFETY LIGHTING STANDARDS AND THE LIGHTING DESIGN TO COMPLY WITH TEXAS HEALTH AND SAFETY CODE TITLE 5, SUBTITLE F, CHAPTER 425. THE REFERENCED CODE ADDRESSES APPROPRIATE USE OF CUTOFF LUMINAIRES I.E. "DARK SKY" LIGHTING FOR STATE FUNDED OUTDOOR LIGHTING.

TRAIL CONNECTION DELGA PARK

REALIGN ACCESS TRAIL CONNECTION TO DELGA PARK PRIOR TO CLOSING AND REMOVING THE EXISTING SECTION OF THE ACCESS TRAIL.



**ENVIRONMENTAL PERMITS,
ISSUES AND COMMITMENTS
EPIC (FW)**

**IH 35W FROM IH 820 TO IH 30
CSJ: 0014-16-179 & 0014-16-268**

SHEET 2 OF 2 SHEETS

ORIG.: DEC. 2003	DIST. NO.	FED. NO.	PROJECT NO.	HIGHWAY
REVISIONS:	FTW			IH 35W
7/2005 - Change Hay Bale to Straw Bale	COUNTY	CONT.	SECT.	JOB SHEET
1/2010 - Update Standard Specification References	TARRANT			