Draft Environmental Assessment

Interstate Highway 35: Farm-To-Market 3002 to Mile Marker 1/Merle Wolfe Road

Cooke County, Texas and Love County, Oklahoma

Prepared for:
U.S. Department of Transportation
Federal Highways Administration
Texas Department of Transportation: Wichita Falls District

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1.0 INTRODUCTION

The Texas Department of Transportation (TxDOT) Wichita Falls District proposes to reconstruct and widen 21.6 miles of Interstate Highway 35 (I-35) from near Farm-to-Market Road (FM) 3002 in southern Cooke County, Texas, north to Merle Wolfe Road in Love County, Oklahoma. A project location map, typical section and project schematic can be seen on **Exhibits 1, 2, and 3** respectively.

The proposed project is located in Cooke and Love counties, which is an area in attainment or unclassifiable for all National Ambient Air Quality Standards (NAAQS); therefore, the transportation conformity rules do not apply. The Texas Rural Transportation Plan – 2035 (TxDOT 2012a), the rural component of the Statewide Long-Range Transportation Plan – 2035 (TxDOT 2012b), identifies improvements to I-35 between the Denton County line and the Texas/Oklahoma state line (Red River Bridge), as the top four ranked improvement projects for the TxDOT Wichita Falls District. A portion of the proposed project is consistent with the TxDOT 2020 Unified Transportation Program (UTP). The proposed project would be funded with federal and state funds. Final NEPA action cannot be completed unless funding for the project described in the environmental document is reasonably available. TxDOT is currently working on identifying reasonably available funding for the proposed project. FHWA will not take final action on the environmental document until reasonably available funding for the project is demonstrated.

The cost estimate prepared for the TxDOT Feasibility Study in February 2007 was approximately $230 million for Alternative 2 (2006 TxDOT average unit bid prices). This cost assumed that only one additional lane would be added in each direction (for a total of six lanes, three in each direction), that the existing pavement would be utilized to the extent possible, minimal right-of-way would be acquired to accommodate the additional lane in each direction and did not include the bridges over the Red River. A Preliminary Design Schematic (30%) and Cost Estimate was developed for Alternative 2 in May of 2007, the estimated cost was $253 million. The Value Engineering (VE) Study (June 2007) evaluated the recommendation of Alternative 2 from the Feasibility Study and May 2007 Preliminary Design Schematic (30%) and cost estimate. The VE Study had a number of recommendations including adding the Red River Bridges, using one of the Red River Bridges for a frontage road and providing sufficient right-of-way (ROW) to ultimately accommodate an eight-lane facility (maintain a LOS B). After the recommendations of the Feasibility Study, the VE Study and development of a 60% Preliminary Design Schematic (August 2007), it was determined that a six-lane facility would operate at a Level of Service (LOS) of D or F by the year 2050. Therefore, it was determined that the project would require ultimately eight lanes to operate at a LOS of B. It was also found that the addition of two lanes in each direction (rather than one) would require additional ROW, would not allow for the

widening of the roadway using the existing pavement due to the age of the pavement, and added in the bridges over the Red River. Therefore, as a result of the recommendations of VE study and development of a 60% schematic, the estimated cost increased to $437 million. Inflation and refinements from the 60% schematic estimate of $437 million with the completion of the schematic brings the 2017 estimate to $519 Million. It should be noted that the realignment of the BNSF railroad alternative has been dropped. During the plan specifications and engineering (PS&E) phases after 2017, the cost for right-of-way acquisition, utility adjustments, and construction has increased based on a tighter scope of the material quantities required for construction, an increase in ROW/Utility requirements, construction costs due to inflation and incentives that have been included to try and expedite the construction. Therefore, the total projected 2020 construction cost for the 6-lane proposed project is $675 (Ultimate 8-lane facility will be $753 million).

Due to funding constraints, construction of the proposed project would likely require two phases. The first phase would implement two of the improvements: 1) constructing one additional travel lane in each direction to create a six-lane facility and 2) converting the two-way frontage roads to one-way frontage roads. All bridges, including the proposed new Red River Bridge, would be built during the first phase of construction. The second phase would construct one additional travel lane in each direction of I-35 to increase the facility's capacity from six to eight lanes. The bridges built in the first phase would accommodate the 8-lane ultimate design but will be stripped for the 6-lanes interim until the ultimate facility is built.

2.0 NEED AND PURPOSE

2.1 Need

The proposed project is needed because the roadway's capacity is inadequate to safely meet current and future local and regional traffic volumes, resulting in congestion, and reduced mobility on this stretch of highway.

2.2 Purpose

The purpose of the proposed project is to improve mobility, add capacity, accommodate economic development opportunities (north and south of the proposed project), and improve the safety for existing and future travelers in the region by widening the roadway from two lanes to four lanes, constructing frontage roads throughout the project limits where they do not currently exist, changing two-way frontage roads to one-way frontage roads, and correcting design deficiencies.

2.2.1 Congestion

2.2.1.1 Traffic Demand

Traffic volumes along IH 35 within the proposed project limits are expected to increase substantially between 2015 and 2045 according to 2015 data from TxDOT's Transportation Planning and Programming Division (TxDOT 2015). The 2015 average annual daily traffic (AADT) volumes along IH 35 within the proposed project limits is currently 56,300 vehicles. By 2045, AADT volumes within the proposed project limits are expected to increase to 92,350 vehicles. From 2015 to 2045, this 45 percent increase in AADT volumes along the IH 35 corridor would represent a meaningful increase in travel demand.

Based on 2015 traffic data, the percentage of trucks traveling within the proposed project limits during peak hours are approximately 20.4 percent. Presently, a high percentage of trucks during peak-hour traffic contribute significantly to traffic congestion throughout the corridor. Because the corridor is an important north-south route for the distribution of goods throughout the United States (U.S.), trucks are expected to continue to make up a high percentage of the peak-hour traffic within the proposed project limits.

2.2.1.2 Population Growth

Table 2.1 presents population trends from 2000 to 2040 for cities and counties in and around the proposed project limits. As is the case in the IH 35 corridor, population growth often leads to increased traffic volumes and demand both regionally and locally.

Table 2.1: Current and Projected Population Data within and near the Proposed Project Limits

Location	Current and Projected Population Data					Growth Change 2010 to 2040	% Growth 2010 to 2040
	2000	2010	2020	2030	2040		
City							
Dallas	1,188,580	1,197,816	1,242,136	1,347,717	1,531,680	333,864	27.87
Denton	80,537	113,383	160,145	211,773	268,780	155,397	137.05
Fort Worth	534,694	741,206	953,971	1,206,920	1,490,815	8,403	101.13
Gainesville	**15,538**	**16,002**	**17,336**	**18,607**	**19,582**	**3,580**	**22.37**
Sanger	4,534	6,916	8,632	10,713	13,199	6,283	90.85
Valley View	**737**	**757**	**820**	**880**	**926**	**169**	**22.32**
County							
Cooke	**36,363**	**38,437**	**42,033**	**45,121**	**48,079**	**9,642**	**24.89**
Dallas	2,218,899	2,368,139	2,566,134	2,822,809	3,107,541	739,402	31.22
Denton	432,976	662,614	901,645	1,135,397	1,348,271	685,657	103.48
Love	**8,831**	**9,423**	**10,372**	**11,167**	**11,962**	**2,539**	**26.94**
Tarrant	1,446,219	1,809,034	2,006,473	2,281,666	2,579,553	770,519	42.59

Sources: Texas Water Resources Board [TWRB] 2015; Oklahoma Department of Commerce 2012; U.S. Census Bureau 2010a and 2010b; U.S. Census Bureau 2000.

Bolded text indicates areas within the proposed project limits.

From a regional perspective, the areas that would experience the largest population growth from 2010 to 2040 (in terms of percent increase) would be the City of Denton and Denton County, both of which would be immediately south of the proposed project limits. The City of Denton is expected to grow 137.05 percent from 2010 to 2040, while Denton County is projected to grow by 103.48 percent during that same period. In addition, the City of Sanger (also in Denton County) is expected to increase 91 percent from 2010 to 2040. Tarrant County and the City of Fort Worth are forecasted to grow at a moderate rate (42.59 percent and 101.13 percent, respectively) from 2010 to 2040.

Cooke County, Love County, and the cities of Gainesville and Valley View are growing at a slower pace than the more urbanized cities and counties to the south of the proposed project limits along the IH 35 corridor. However, the overall population growth regionally, particularly within the counties and cities noted above, currently contributes and will continue to increase travel demand along IH 35 within Cooke County and southern Love County.

2.2.2 Roadway Design Deficiencies

Existing IH 35 within the proposed project limits was constructed primarily in the 1950s and 1960s when TxDOT had different design and safety standards for its infrastructure. The existing horizontal and vertical geometry does not meet current design standards for a 70 mile-per-hour (mph) design

speed. Additionally, at least three curves along IH 35 within the proposed project limits do not meet current TxDOT design standards. One curve, located south of California Street in the City of Gainesville, has a radius of 1,885 feet, which only meets a 65-mph design speed. Located just south of the Red River, the second curve has a radius of 1,400 feet, which only meets a 60-mph design speed. A reverse curve, at the Denton County line, also does not conform to design standards and only meets the minimum required radius.

Additionally, several intersections and interchanges within the proposed project limits have outdated configurations and inadequate entrance and exit ramp lengths. Configurations north of Hockley Creek Road, County Road (CR) 218, and FM 1202 are the result of outdated two-way frontage road operations. Current intersection design and short ramp configurations do not safely support high-speed traffic movements, and the short ramps do not provide adequate distance for comfortable acceleration onto the mainlanes and deceleration onto the frontage roads.

2.2.3 Safety

According to TxDOT accident records, approximately 843 accidents have occurred within the proposed project limits since 2010. Of these accidents, approximately 71 percent were non-injury; 12 percent were possible injury; 11 percent were injury/non-incapacitating; 4 percent were injury-incapacitating; 2 percent were fatal; and 0.4 percent was reported as "unknown."

The TxDOT *Roadway Design Manual* states that the preferred operation for frontage roads is one-way because one-way frontage roads are considered safer than two-way frontage roads (TxDOT 2014). With traffic forecasts projecting increased traffic over time, the need to convert to one-way frontage roads is recommended and benefits from converting could be:

- Smoother traffic flow;
- Improved safety at entrance and exit ramps;
- Improved intersection safety and efficiency;
- A more unified statewide frontage road system; and
- Meet driver expectations by implementing consistency to the local frontage roads.

3.0 PROJECT DESCRIPTION

3.1 Existing Facility

As shown on **Exhibits 1 and 3**, the existing I-35 corridor between FM 3002 and Merle Wolfe Road is primarily rural in nature, with the exception of areas within the cities of Gainesville and Valley View, near the Texas Travel Information Center, and the WinStar World Casino and Resort. The existing

transportation facility consists of four, 12-foot wide mainlanes (two lanes in each direction). The outside paved shoulders of the mainlanes are 10 feet wide, and the inside shoulders are four feet wide. The center medians vary from grassy swales ranging up to 36 feet wide, to areas with only retaining walls. The existing facility also includes semi-continuous, two-way frontage roads that have two 11-foot wide travel lanes and one-foot wide shoulders on either side. (In Gainesville, existing frontage roads have already been converted to one-way roads with a 12-foot wide inside lane, and a 14-foot wide outside lane.) The existing facility's mainlanes are separated from the frontage roads by grassy ROW areas that vary in width. Within the proposed project limits, there are six highway interchanges, five interchanges with arterial streets, one major river crossing over the Red River, and one railway (BNSF) that crosses underneath I-35. The portion of existing two-way I-35 frontage roads between FM 1202 and the BNSF railway crossing north of Gainesville were converted to one-way frontage roads as a separate project by the City of Gainesville.

3.2 Proposed Facility

The proposed Recommended Build Alternative proposes to widen existing I-35 to eight lanes (four lanes in each direction) following the existing alignment. The proposed typical section would include four, 12-foot wide travel lanes and 10-foot wide inside and outsides shoulders in each direction (**Exhibit 2**). There would be a fixed concrete barrier in the median of I-35 to separate each direction of travel. The Recommended Build Alternative for the roadway would require a new bridge at the Red River.

Additionally, the proposed Recommended Build Alternative would convert the existing non-continuous, two-way frontage roads (currently one lane in each direction) to continuous, one-way frontage roads (two lanes in each direction). New one-way frontage roads would connect with existing one-way frontage roads located in Gainesville. There would be no changes to the frontage roads within the Oklahoma portion of the proposed project, nor would there be any new frontage roads proposed in this area. All cross streets would retain access to the frontage roads. Access O'Brien Street to the I-35 frontage road in Valley View would be closed due to their proximity to a proposed entrance ramp to I-35. The inner frontage road lane would be 12 feet wide, and the outer frontage road lane would be 14 feet wide to accommodate bicycles. Continuous sidewalks would be built on both the east and west sides of the frontage road through the cities of Gainesville and Valley View to improve pedestrian mobility. Within Gainesville, crosswalks and signals would be installed at certain interchanges to increase safe pedestrian access across I-35. The design speed along the frontage roads would be 40 miles per hour (mph). A turnaround is proposed south of the Texas/Oklahoma state line to enable vehicles traveling on the northbound frontage road to connect to the southbound, one-way frontage

road to remain in Texas. Access would also be provided to allow existing northbound frontage road travelers to continue into Oklahoma on the two-way frontage road bridge.

Crossovers providing east-west access within the proposed project limits would be constructed approximately every 1.5 miles and Texas U-turns (U-turn lanes that allow motorists to turn around at intersections without stopping at a signal and without impeding cross traffic) would be implemented for the intersections of FM 1202, Corporate Dr., the BNSF rail line crossing, U.S. Highway (US) 82, FM 51/California Street, FM 1306/CR 218, and FM 922 (**Exhibit 4**).

3.3 Logical Termini and Independent Utility

Logical termini for the project would be at FM 3002, Cooke County, Texas at the south end of the project and Mile Marker 1/Merle Wolfe Road, Love County, Oklahoma at the north end of the project. FM 3002 and Mile Marker 1/Merle Wolfe Road would be logical termini for the project because they are both functionally classified as collectors.

The project also has independent utility, in that the project would meet all aspects of the identified need and purpose without having to construct any additional improvements at either project terminus. Furthermore, the project would not restrict the consideration of other foreseeable transportation improvements in the region.

4.0 ALTERNATIVES ANALYSIS

4.1 Roadway Improvements

As part of the *I-35 Feasibility Study for Cooke County, Texas* (revised September 14, 2007), alternatives were developed and refined based on input from stakeholders living and working in and around the proposed project limits (TxDOT 2007). The stakeholders included residents, resource agencies, surrounding cities and counties, school districts, emergency service providers, and major business owners in the area. An environmental constraints map was developed to aid the project team in identifying, avoiding, and minimizing environmental impacts wherever possible, and aerial mapping was used to identify, avoid, or minimize impacts to existing developments.

The feasibility study ultimately evaluated six preliminary alternatives, including three options for the Valley View area and the realignment of the BNSF rail line (TxDOT 2007). The alternative development and evaluation process is documented in the feasibility study located on file at the Wichita Falls District Office.

Based on the evaluation provided in the feasibility study, Alternative 2 and the No-Build Alternative were selected to be carried forward for further analysis and presented to the public at the February 5, 2015, Open House.

4.1.1 Roadway No-Build Alternative

The No-Build Alternative represents the case in which the proposed improvements to IH 35 between FM 3002 in Cooke County and Mile Marker 1/Merle Wolfe Road in Love County would not be constructed. The No-Build Alternative is the baseline condition for comparison against potential impacts under the Build Alternative. Under the No-Build Alternative, all other improvement on the STIP and the *Texas Rural Transportation Plan 2035* would still be implemented.

4.1.2 Roadway Build Alternative

The proposed Recommended Build Alternative proposes to widen existing I-35 to eight lanes (four lanes in each direction) following the existing alignment (**Exhibit 3**). The proposed typical section would include four, 12-foot wide travel lanes and 10-foot wide inside and outsides shoulders in each direction. There would be a fixed concrete barrier in the median of I-35 to separate each direction of travel. The Recommended Build Alternative for the roadway would require a new bridge at the Red River.

Additionally, the proposed Recommended Build Alternative would convert the existing non-continuous, two-way frontage roads (currently one lane in each direction) to continuous, one-way frontage roads (two lanes in each direction). New one-way frontage roads would connect with existing one-way frontage roads located in Gainesville. There would be no changes to the frontage roads within the Oklahoma portion of the proposed project, nor would there be any new frontage roads proposed in this area. All cross streets would retain access to the frontage roads. Access O'Brien Street to the I-35 frontage road in Valley View would be closed due to their proximity to a proposed entrance ramp to I-35. The inner frontage road lane would be 12 feet wide, and the outer frontage road lane would be 14 feet wide to accommodate bicycles. Continuous sidewalks would be built on both the east and west sides of the frontage road through the cities of Gainesville and Valley View to improve pedestrian mobility. Within Gainesville, crosswalks and signals would be installed at certain interchanges to increase safe pedestrian access across I-35. The design speed along the frontage roads would be 40 miles per hour (mph). A turnaround is proposed south of the Texas/Oklahoma state line to enable vehicles traveling on the northbound frontage road to connect to the southbound, one-way frontage road to remain in Texas. Access would also be maintained to allow travelers on the proposed

northbound one-way frontage road, south of the state line, to continue northbound on the existing two-way frontage road to cross into Oklahoma.

Crossovers providing east-west access within the proposed project limits would be constructed approximately every 1.5 miles and Texas U-turns (U-turn lanes that allow motorists to turn around at intersections without stopping at a signal and without impeding cross traffic) would be implemented for the intersections of FM 1202, Corporate Dr., the BNSF rail line crossing, U.S. Highway (US) 82, FM 51/California Street, FM 1306/CR 218, and FM 922.

4.1.3 Backage Roads

FHWA defines a frontage road is an access roadway typically aligned parallel to a main roadway and located between the main roadway and adjacent buildings. Frontage roads provide direct access to properties adjacent to the main roadway. A "backage" road (also called a "reverse frontage road" or "reverse access") serves a similar purpose but is located behind the adjacent properties that front the main roadway.

The proposed project is located in a mostly rural area. When developing the proposed I-35 design, TxDOT took into consideration the existing facility in relation to projected growth. Portions of the project area are anticipated to continue to be rural in nature, but in areas of growth (such as Gainesville and Valley View), considerations were made to provide access or additional access to accommodate the projected growth. It is noted that the Cooke County Transportation Plan, adopted on February 13, 2017, has recommended the development of backage roads along I-35 from Gainesville south; such as providing backage roads along I-35 and US 82, the New Street A between Gainesville and Spring Creek Drive, the Pecan Street Extension north to Spring Creek and the CR 227 Extension from CR 2070 to Lone Oak Road. It should also be noted that north of US 82 approximately half of this segment has already been converted to one-way frontage roads and that the project would not change the existing access in that area.

Portions of I-35 currently have continuous frontage roads, on one or both side of the mainlanes, while other portions do not. The frontage roads in Gainesville are currently one-way; however, there are several local streets in Gainesville that run parallel to I-35 mainlanes and the existing frontage roads. These existing local roadways essentially serve as backage roads and provided additional access to adjacent properties. Valley View also has existing local roads that run parallel to the mainlanes and two-way frontage roads, which provide additional access to some of the adjacent properties and functions as a backage road. The rest of the project area is rural in nature and backage roads are not

an efficient option to access undeveloped parcels. Based on the rural nature of the project, the existing design and the proposed developments of the Cooke County Transportation Plan, TxDOT opted to develop the proposed I-35 design to provide frontage roads to meet up with existing frontage roads to provide access to adjacent properties that currently do not have access. While TxDOT will not provide backage roads as a part of the proposed project, it should be noted that Cooke County has plans to develop backage roads which would then complement the frontage roads when the need arises.

Below are areas where the proposed frontage roads would provide additional access:

- From FM 1307 to approximately 600 feet south of Spring Creek, there is an existing two-way frontage road only on the west side of the road. However, the frontage road includes a low water crossing at Spring Creek which is inaccessible during floods. Under the proposed project one-way frontage roads would be constructed east and west of I-35, providing access on the east side of the road where it didn't exist before. In addition, the low water crossing will be replaced with frontage road bridges over Spring Creek.
- Between FM 51 to just south of Elm Fork of the Trinity River, there are currently no frontage roads; therefore, the proposed design would provide access where there currently is no access.
- Between FM 372 and US 82, the existing one-way northbound frontage road approaches the BNSF rail line, where it then has a turnaround under the mainlanes and becomes the southbound frontage road. Whereas, the proposed design would extend the existing frontage roads over the BNSF rail line.
- The existing northbound two-way frontage road approaches the Red River Bridge and then becomes a turnaround under the River Bridge to become the southbound two-way frontage road. The proposed design would extend a two-way frontage road over the Red River west of the mainlanes and would tie into an existing backage road in Oklahoma.

4.2 BNSF Rail Realignment Alternative Analysis

Due to restrictions along the existing ROW within Valley View, the build alternative initially proposed that the existing BNSF rail line would be relocated for approximately 6.5 miles near Valley View to allow for enough ROW for I-35 to be widened in this area to accommodate the proposed design.

As part of the 2007 Feasibility Study, only one alignment was evaluated for the proposed realignment of the BNSF rail line. The proposed BNSF rail realignment Build Alternative identified in the 2007 Feasibility Study would require ROW from U.S. Army Corps of Engineers (USACE) Ray Roberts Fee

Property (referred to as Fee Property throughout the document), which is part of the USACE Trinity Project. Additionally, this property is also leased by the Texas Parks and Wildlife Department (TPWD). TPWD has designated this area a Wildlife Management Area (WMA) and the property is open to the public for hunting.

Impacts to this property would trigger a real estate action (Non-Recreation Outgrant) from the USACE, requiring a separate Finding of No Significant Impact (FONSI) from their agency, as well as a Section 4(f) analysis.

In 2017, coordination with the USACE and the FHWA determined the need to evaluate additional Build Alternatives, including those that would avoid all impacts to the USACE Fee Property. As a result, five additional Build Alternatives were developed in a Working Group Meeting (April 26, 2017) between FHWA, USACE, BNSF, and TxDOT and their consultants. The Alternative Analysis Technical report for the BNSF rail realignment evaluated these five preliminary alternatives, including alternatives that did not impact the USACE Fee Property (TxDOT May 2020). The alternative development and evaluation process is documented in the Alternatives Analysis Technical Report, which is available for review at the TxDOT Wichita Falls District Office, located at 1601 Southwest Parkway, Wichita Falls, Texas 76302.

Based on the evaluation provided in the Alternative Analysis, and the feedback from the public at the September 28, 2017 public meeting in Valley View, Alternative 2 and the No-Build Alternative were originally selected to be carried forward for further analysis in this EA. However, during negotiations between TxDOT and BNSF, an agreement could not be reached between the agencies to make the realignment of the BNSF existing rail line feasible. Therefore, the BNSF Rail Realignment alternative will not be carried further, and all proposed roadway improvements will be modified to fit with the existing IH 35 ROW through the Valley View area. In addition, since there will not be any impacts to the Ray Roberts Fee Area, a Section 4(f) analysis would no longer be needed.

4.3 Red River Bridge Alternative Analysis

For the crossing at the Red River Bridge, the proposed bridge would be realigned and redesigned. To achieve this realignment, alternatives were developed to try and minimize impacts to the Lake Texoma property located north of the Red River.

Current Proposed Bridge Alternative

The Current Proposed Bridge Alternative would require a minor relocation of the mainlanes at the Red River, one existing bridge will be used for a two-way frontage road over the Red River and would only require the construction of two new bridges. There are no displacements to adjacent property owners. However, this alternative would impact 5.6 acres of the adjacent Lake Texoma USACE property. During the development of the final design, latest bridge inspection reports will be reviewed to determine if any rehabilitation work is needed on the remaining existing bridge and a hydrological study will be conducted to ensure that lower elevation of the remaining existing bridge will not impede flow during flood events.

Since the Current Proposed Bridge Alternative would impact 5.6 acres of the adjacent Lake Texoma USACE property, four other alternatives were developed to see if impacts to the USACE property could be minimized or avoided. The Alternative Analysis Technical report outlines all five Red River Bridge Alternatives and is available for review at the TxDOT Wichita Falls District Office.

Red River Bridge Conclusion

After a meeting with the USACE from Lake Texoma held on August 9, 2018, where all five red River Bridge Alignments were presented to the USACE and FHWA (See **Table 4.1** for Red River Bridge Alignments), it was determined that the Current Proposed Bridge Alternative is the most reasonable and feasible alternative for the Red River crossing. The USACE asked that the 5.6 acres be surveyed for elevation to ensure that impacted 5.6 acres is above the 645' flood storage level, which it was, and to determine the type of habitat and the recreational uses of the impacted property. Based on the information collected, it was determined by FHWA that the impacted property would not be considered a 4(f) property, but mitigation would still need to be proposed for the take of federal land. Continued coordination with the Tulsa USACE will continue throughout the project to determine appropriate mitigation.

Table 4.1: Update Detailed Analysis of Red River Bridge Alternatives Carried Forward

Preliminary I-35 Realignment Alternatives	Evaluation Criteria					Environmental			Decision
	Total Length (Change in proposed alignment) Miles	New ROW Acres	*New ROW (USACE) Yes or No (acres)	Impact to Tribal Lands Yes or No	Proposed Bridges (New) #	Total Potential Displacements #	Stream Impacts to Tributary of Red River Yes or No	100-year Floodplain Yes or No	
Currently Proposed	0	39.28	Yes (5.64 acres)	Yes	2	0	No	Yes	**Carried Forward for Further Analysis**
Alternative 1	1.47	*21.52	Yes (1.9 acres)	Yes	3	1 Cell Tower	No	Yes	Eliminated from Further Analysis
Alternative 2	1.23	*33.89	No	Yes	3	0	No	Yes	Eliminated from Further Analysis
Alternative 3	2.72	*65.35	Yes (1.8 acres)	Yes	3	2 Homes 1 Cell Tower 1 Business	Yes; reroute approximately 0.9 miles of stream bed	Yes	Eliminated from Further Analysis
Alternative 4	2.16	*60.16	Yes (0.2 acres)	Yes	3	0	No	Yes	Eliminated from Further Analysis

Source: August 2018 Study Team

5.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

Project objectives, environmental issues, and public involvement were a primary focus in the planning, design, and environmental analysis process. In support of this EA, the following technical reports have been prepared and are on file at the Wichita Falls District:

- *Socioeconomic Impacts Technical Report* (Dated March 2020)
- *Water Resources Technical Report* (Dated April 2020)
- *Wetland Delineation Technical Report* (Dated May 2020)
- *Species Analysis Form* (Dated August 2020)
- *Air Analysis Technical Report* (Dated May 2020)
- *Roadway Noise Technical Report* (Dated March 2020)
- *Hazardous Materials Technical Report* (Dated December 2019)
- *Indirect and Cumulative Technical Report* (Dated June 2020)
- *Report for Archeological Survey* (Dated October 2019)
- *Geology and Soils Technical Report* (Dated December 2019)

Based on these reports, project scoping efforts, and project analysis, it was determined that the Build Alternative would have no impacts on the following resource categories: farmlands, groundwater, wild and scenic rivers, coastal coordination, and Section 6(f) properties. However, the Build Alternative could affect a number of other resources as detailed in the noted technical reports and summarized in the following sections. For the purpose of this EA and unless otherwise noted, the study area for evaluating proposed project impacts is defined as both the existing and proposed ROW that extends throughout the proposed project limits.

5.1 Right-of-Way/Displacements Summary

Build Alternative

The Build Alternative would require approximately 124 acres of new ROW. Of this acreage, the proposed roadway improvements would require 163 parcels and displace six commercial structures. All displacements would affect commercial properties, two of which are currently closed (**Table 5.1**). Although the Build Alternative would affect a number of parcels, 2019 multiple listings service (MLS) search revealed that sufficient property would be available in the study area for relocation of the displaced businesses.

TxDOT offers relocation counseling and financial assistance to residences and businesses that are displaced by the acquisition of highway ROW in accordance with the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (Public Law [PL] 91-646).

Table 5.1: Impacted Parcels and Displacements

Impact Type	Roadway Build Alternative
Displacement: Residential	0
Displacement: Commercial	6
Displacement: Ancillary Structures (barns, etc.)	0
Displacement: Church/Community Facilities	0
Number of Parcels with Proposed ROW	163

Source: Cooke County (Texas) Appraisal District 2018; Love County (Oklahoma) Tax Assessor's Office 2018; Landvision; Google StreetView 2018.

A portion of the proposed project ROW in Oklahoma (5.6 acres) is located within the USACE Lake Texoma Fee Property. This impact would require a real estate action (Non-Recreation Outgrant) with the Tulsa USACE District Office. More details regarding these impacts are discussed in the ***USACE Property Impacts Section*** of this document.

For more detailed information on displacements and relocations, please see the *Socioeconomic Impacts Technical Report* located on file at the Wichita Falls District office.

No-Build Alternative

The No-Build Alternative would not require the acquisition of ROW and, therefore, would not result in any displacements or relocations.

5.2 USACE Property Impacts

Build Alternative

The proposed project would require the construction of a new bridge at the Red River. The new bridge would require approximately 5.6 acres of new ROW from the Lake Texoma Fee Area (**Exhibit 5**). Lake Texoma was first impounded in 1944 and is owned by the USACE and operated by the USACE Tulsa District. Lake Texoma has the following primary purposes authorized by congress: flood risk management, hydroelectric power, water supply, recreation, regulation of Red River flows, and improvement of navigation (USACE 2017).

Fee Property is property acquired by the USACE through a real estate action. For non-recreational actions such as transportation projects this is called a Non-Recreational Outgrant. Through this process the USACE's intent is to meet legitimate needs for the use of their project lands and waters while sustaining our natural resources and protecting authorized project purposes (USACE 2009).

The primary rational for authorizing any non-recreations Outgrant request for use on USACE land or waters will be for one of two reasons: there is no viable alternative to the activity or structure being location on Civil Works land or waters; or, there is a direct benefit to the government. Examples of instances of no viable alternative include but are not limited to: cross-country utilities, pipelines, or roadways that must cross projects, public water intakes, or commercial mooring cells in navigable water ways. If a proposal meets one of these two criteria, it must be evaluated in light of compatibility with authorized USACE project purposes, compliance with statuary and regulatory requirements, including environmental and cultural resource laws, cumulative impacts, and overall long-term impact of a series of actions must not adversely impact the capability of the USACE project to generate the benefits for which the project was congressionally authorized, construction and is operated (USACE 2009).

No-Build Alternative

The No-Build Alternative would not require the acquisition of ROW and, therefore, would not result in any impacts to a USACE property.

5.3 Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966 (as amended) states that "the Secretary may approve a transportation program or project requiring use of publicly-owned (sic) land of a public park, recreational area, or wildlife/waterfowl refuge, or land of a historic site of National, State, or local significance…only if: 1) there is no prudent and reasonable alternative to such use, and 2) the project includes all possible planning to minimize harm." Section 6(f) of the Land and Water Conservation Act requires that recreational facilities that receive U.S. Department of the Interior funding under the act, as allocated by the TPWD, may not be converted to non-recreational uses unless approval is granted by the director of the National Park Service.

Two parks, Leonard Park and Moffett Park as well as USACE Federally owned property are located within the project area. Additionally, Gainesville High School is located adjacent to the proposed project.

Build Alternative

The proposed project would require approximately 3 acres along the frontage road would be acquired from Gainesville ISD where Gainesville High School is located. The acquisition would not affect access to the school, nor its functional use for education and recreational purposes. The construction of continuous, one-way frontage roads would change travel patterns to and from a number of public facilities. However, the Build Alternative would not permanently deny access to or prevent the use of any community facility or service.

Three parklands within the community study area were evaluated for potential impacts.

- Leonard Park is located at 1000 West California Street in Gainesville and consists of 30.05 acres between the Elm Fork Trinity River and the west side of IH 35. The recreation facilities in the park serve the entire population of Gainesville and attract people from North Central Texas and southern Oklahoma. The park is made up of four different areas: the common area, Frank Buck Zoo, the ball fields, and the swimming pool that host over 40,000 visitors per year (The City of Gainesville 2018a).

- Moffett Park is a neighborhood park located at 1003 West California Street, across from Leonard Park. The park is made up of 6.37 acres with a swing set, disc golf course, picnic tables, and grills (The City of Gainesville 2018b).

- David's Park is a city park located off of South Pecan Creek Trail in Valley View, Texas. This park is made up of 10.16 acres with playground equipment, a basketball practice pad, and baseball field.

The proposed project would not impact any parks located within the study area, outside of the Lake Texoma USACE property. In Oklahoma the proposed project would require 5.6 acres of easement from the Love Valley WMA at Lake Texoma. The Love Valley WMA is located within the Lake Texoma Fee Area and is owned by the USACE and leased to ODWC. Field studies determined that 3.2 acres of the Lake Texoma property could be characterized as bottom land hardwood forest and the other 2.4 acres would be urban low intensity (a gravel roadway and disturbed upland grasses adjacent to the gravel roadway). The road is not accessible to the general public and can only be accessed through the water plant and cannot be used for access to the Red River for fishing, boating, bird watching, or any other uses. In addition, there are no picnic tables or other recreational facilities on the property that could be used by the general public; therefore, it has been determined that the Section 4(f) would not be required.

Leonard Park, David's Park and the Love Valley WMA have not received funding from the U.S. Department of the Interior Land and Water Conservation Act. Therefore Section 6(f) would not apply.

No Build

The No-Build Alternative would not require the acquisition of ROW; therefore, no impacts to public lands would occur.

5.4 Land Use Impacts Summary

Build Alternative

The proposed ROW for the widening of IH 35 would require the acquisition of approximately 124 acres of land, which would be converted from the current land uses to a transportation use. As shown in **Table 5.2**, a large share of ROW for the proposed project would convert land presently used for agricultural (72.1 percent), followed by undeveloped (8.0 percent) to transportation use. Of the developed uses that would be affected by acquisition of ROW, commercial land use would be affected most (7.11 acres or 5.7 percent).

Table 5.2: Adjacent Land Uses

Land Use	Acres	Share
Agricultural	89.49	72.1%
Undeveloped	9.94	8.0%
Commercial	7.11	5.7%
Recreational	5.55	4.4%
Resort/Casino	3.68	3.0%
Government/Education	3.09	2.5%
Residential	1.81	1.5%
Transportation	1.40	1.1%
Hotel or Motel	0.80	0.6%
Industrial	0.69	0.6%
Water	0.61	0.5%
Total	124.2	100.0%

Source: Cooke County (Texas) Appraisal District 2018; Love County (Oklahoma) Tax Assessor's Office 2018; Landvision; Google StreetView 2018.

No-Build Alternative

The No-Build Alternative would not require the acquisition of ROW; therefore, no impacts to land use would occur.

5.5 Community Impacts Summary

The community resources analyzed for the proposed project included demographic characteristics, economic conditions, impacts to community facilities and community cohesion, environmental justice, and impacts on people with limited English proficiency (LEP). For detailed information on all community impacts presented below, please see the *Socioeconomic Impacts Technical Report* located on file at the Wichita Falls District office.

5.5.1 Demographic Characteristics

Build Alternative

Demographic characteristics within the study area consist of 29.6 percent minority race and/or ethnicity. This percentage represents a larger share of minorities when compared to the region, but a smaller share of minorities when compared to the City of Gainesville (Census 2010b). Approximately 22.6 percent of the households in the demographic study area earn an annual income of $24,999 or less per year (Census 2017a). The largest age groups in the study area are children (26.7 percent), followed by the elderly (13.5 percent), and approximately 14.9 percent of the population in the study area has a disability, with the most common disability being ambulatory (Census 2017c). The study area is forecasted to grow 18.4 percent between 2010 and 2040, which represents a slower growth rate compared to other regions in Texas (Texoma Council of Governments 2020). Overall, the Build Alternative is not anticipated to change the demographic distribution of people in the study area.

No-Build Alternative

The No-Build Alternative is not expected to influence demographic characteristics within the study area or contribute to increased growth.

5.5.2 Employment and Economic Conditions

Build Alternative

The dominant economic sectors in the study area are 1) manufacturing, 2) art, entertainment, and recreation, 3) accommodation and food services and 4) educational services, health care, and social services. The unemployment rate in the study area is currently 5.5 percent, which represents a larger percentage compared to the unemployment rate in both Texas and Oklahoma (Census 2013d). The major economic drivers in the area are the manufacturing employers in the City of Gainesville and the WinStar World Casino and Resort in the town of Thackerville, Oklahoma (Gainesville Economic Development Corporation 2018).

The Regional Input-Output Modeling System (RIMS II), produced by the Bureau of Economic Analysis (BEA), was used to analyze how the Build Alternative could affect both the regional economy and overall employment and earnings. The taxing jurisdictions in the region could lose approximately $53,000 in taxes annually because ROW requirements for the Build Alternative would remove taxable land from the tax rolls (Cook County Appraisal District 2014, and Love County Tax Assessor's Office 2015). However, the Build Alternative would infuse resources into the economy as a result of construction. The model predicts the economic effect of the Build Alternative would be approximately $335 million, with more than $105 million in increased profits. The Build Alternative could also generate more than 3,500 jobs and contribute more than $181 million to Cooke County's economy.

While the Build Alternative would displace six commercial properties, two are abandoned, two have already been acquired and relocated (without loss of jobs to their employees) under the early acquisition process. The last two displacements are gas stations. One gas station, the proposed ROW will impact the pumps, but not the building. During early acquisition discussion, it appears that the property owner will likely relocate the gas pumps elsewhere on the property, thus not impacting any employees. Early acquisition is on hold for the last gas station. Therefore, it is not known what the property owner will do at this time. Should the property owner choose to not relocate, there is a potential that employees would lose their job and would have to find another job within the project corridor. At this time it is estimated that there are up to eight to ten employees. The displacements are unlikely to have an adverse impact on employment or the economic conditions of the study area or larger region. The conversion to continuous, one-way frontage roads would also alter access to adjacent businesses; however, most of these businesses do not rely on passerby patronage, as a hotel or gas station would. Access modifications would result in temporary changes to business conditions as patrons adjust to the new accesses.

IH 35 is a major thoroughfare for through-traffic, particularly freight trucking that carries goods through Texas and across the U.S. The proposed improvements to IH 35 would be beneficial to both local and through-traffic by improving access and commute times within the study area and on regional and statewide levels. The Build Alternative would be designed to remove congestion along IH 35 between Valley View and Gainesville at peak traffic times, which could ease the through movement of freight within the study area.

No-Build Alternative

The No-Build Alternative would not displace any businesses and would not relocate any jobs outside of the study area. The frontage roads would remain in their present configuration, so access to adjacent businesses would not change from existing conditions. Because the No-Build Alternative would not require additional ROW, the taxing jurisdictions in the study area would not be impacted. However, the No-Build Alternative would not infuse $238.5 million into the local economy to bolster economic output, earnings, and jobs within Cooke County.

The No-Build Alternative would also not address population, traffic, and freight growth in the IH 35 corridor. As growth occurs, travel conditions on IH 35 would worsen, and congestion conditions may cause IH 35 to be less competitive for freight movement, potentially resulting in other community impacts.

5.5.3 Community Facilities and Community Cohesion

Build Alternative

Three police stations, three fire stations, one emergency medical service center, two urgent care clinics, eight schools, nine places of worship, two cemeteries, and three parklands are within the study area. Although the Build Alternative would not displace any community facilities or public services located in the study area, approximately three acres along the frontage road near the Gainesville High School would be acquired from the Gainesville ISD. The proposed acquisition would not affect access to the high school, nor its functional use for educational and recreational purposes. The proposed ROW at this location is not used for recreational purposes.

While the construction of continuous, one-way frontage roads would alter travel patterns to some facilities, the Build Alternative would not permanently deny access to or prevent the use of any community facility or public service. The improvements would ultimately increase safety and mobility in and around these facilities.

Beyond these noted impacts, the Build Alternative would be beneficial to community cohesion in the long-term by promoting safer, more efficient traffic operations. The Build Alternative would also improve mobility by: increasing capacity; maintaining access to all existing neighborhoods, community facilities, businesses, and commercial areas; and ensuring that community cohesion remains intact by not dividing, separating, or isolating any neighborhood or community. The construction of pedestrian facilities and accommodations for bicycles in the cities of Gainesville and Valley View would enhance community cohesion by providing new community connections, which may be useful for those who cannot or choose not to drive.

No-Build Alternative

The No-Build Alternative would not affect community facilities or public services and would not alter existing community cohesion in the study area. However, any safety improvements and enhanced cohesion that would result from intersection modernization; the construction of continuous, one-way frontage roads; the construction of pedestrian and bicycle facilities.

5.5.4 Environmental Justice

Executive Order 12898, Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations, mandates that federal agencies "identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs on minority and low-income populations" (59 Federal Register 7629-7633, February 16, 1994).

A minority is defined in Order 5610.2(a) as:

- Black: a person having origins from any of the black racial groups of Africa
- Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race
- Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or Indian subcontinent
- American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition
- Native Hawaiian and Other Pacific Islander: people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands

Low income is defined in Order 5610.2(a) as a person whose median household income is at or below the HHS poverty guidelines.

Build Alternative

Impacts related to environmental justice consider a proposed project's impact on minority and low-income populations. Within the demographic study area, 29.6 percent of the population identifies themselves as a minority race or ethnicity. This share is greater than other geographies studied for the proposed project, with the exception of Gainesville, which is 37.4 percent minority. Within the study area, there are 1,234 Census blocks, of which 657 blocks do not report a population. Of the 557 populated blocks in the study area, 136 had a population greater than 50 percent minority. The average household size in the demographic study area is four people per household. The 2019 HHS poverty guideline for a four-person household is $25,750. There is one Census block group with median household income below this threshold located in Gainesville.

The proposed project would result in the displacement of four active businesses and two closed businesses. None of the affected businesses are located within areas identified as predominately minority or low income. EJ communities do live nearby the displaced businesses; however, none of the displaced businesses specifically serve minority or low-income populations, nor are they major employers. The businesses could be relocated within the same area. However, there is a potential that the businesses could employ low-income or minority individuals that would be impacted by the closure or relocation of the displaced business. Of the six businesses; two are closed and have no employees that would be impacted; two have already relocated under the early acquisition process without job losses or commute impacts to their employees; one is a gas station where the pumps will be taken but not the building and the last displacement is a gas station where both the pumps and the building will be displaced. During early acquisition discussions, it appears the property owner of the gas station with the displaced pumps will relocate the pumps to another location on the property; therefore, no employees would be impacted. It is not known what the other gas station property owner will do; however, if they do not choose to relocate, it is possible the employees will lose their jobs and have to find another job. If any of the employees lived within walking distance of their job, their commute options may be limited if the gas station relocates further away, or the employee is forced to find another job further away.

The proposed project would not have an adverse impact to community facilities, nor affect community cohesion. The construction of pedestrian facilities and accommodations for bicyclists would improve cohesion by providing more transportation connections and options within the populated areas of

Gainesville and Valley View. By adding capacity to IH 35, converting to one-way frontage roads and adding up-to-date intersections, the project would provide safer transportation facilities to accommodate existing and forecasted transportation demand. These benefits would be experienced by all people, non-EJ and EJ populations alike.

The demographic study area currently experiences the effects of being adjacent to a major interstate highway. The proposed project is not anticipated to cause substantial changes that would result in other adverse impacts affecting the surrounding communities, such as adverse noise impacts, impacts to air quality, and adverse visual impacts.

After considering potential adverse and beneficial effects of the Build Alternative, disproportionately high and adverse impacts to environmental justice populations are not anticipated.

No-Build Alternative

The No-Build Alternative would not result in disproportionately high and adverse impacts to environmental justice populations.

5.5.5 Limited English Proficiency

The majority of people in the study area speak English only (84.6 percent), followed by Spanish and Spanish Creole speakers (13.9 percent) and French speakers (0.3 percent). Speakers with LEP account for 5.5 percent of the population, of which most (94.5 percent) are Spanish or Spanish Creole speakers. All public meeting notification postcards were printed in English and Spanish and distributed at public/low-income housing complexes in the demographic study area, the TLG Language Resources and Training Academy, places of worship that offer services in Spanish, the Gainesville Municipal Building, the Cooke County Library, and the Love County Library. Meeting materials were made available in the dominant language spoken (English), but Spanish translation services were available at all project meetings. Translation services for speakers of other languages were also made available upon request. The public involvement activities and communications for the proposed project were and will continue to be conducted in accordance with Executive Order 13166 to ensure full and fair participation.

5.6 Access/Pedestrian and Bicycle Facilitates Summary

Build Alternative

Related to access and pedestrian and bicycle facilities, the Build Alternative would provide continuous, two-lane, one-way frontage roads, and all cross streets would retain access to the frontage roads. The outer lane of the frontage roads would be 14 feet wide to accommodate bicycles, and continuous

sidewalks would extend on both the east and west sides of the frontage roads through the cities of Gainesville and Valley View to improve pedestrian mobility. Within Gainesville, crosswalks and signals would be installed at the certain interchanges to improve safe pedestrian access across IH 35.

Currently, a number of "jug handle" intersections (i.e., intersections that require traffic to exit the IH 35 main lanes via a ramp and then travel in a loop to access the intersecting roadways) have been installed throughout the study area. Under the Build Alternative, these intersections would be removed, and new intersections that pass under IH 35 (and meet current TxDOT design standards) would be constructed at or near the old intersections to provide the same level of accessibility throughout the area. Texas U-turns would be installed at the Build Alternative's grade separated intersections with FM 1202, US 82, FM 51/California Street, FM 1306/CR 281, and FM 922. Texas U-turns would facilitate easier turning movements by promoting a continuous flow of traffic from one frontage road to the opposite frontage road, and allowing vehicles making a U-turn to bypass the intersection traffic signals. In addition, new grade separated intersections would exist north of Exit 504, north of Exit 501, at Spring Creek Road, at Hockley Creek Road, and at CR 248.

In areas where the frontage roads are not already one-way roads (of note, the frontage roads in Gainesville are already one-way), a change in access would occur requiring motorists to travel to the next intersection to turn around. The modifications would also provide safer travel conditions for vehicles, pedestrians, and bicycles.

No-Build Alternative

While the No-Build Alternative would not alter any access in and around the study area, none of the proposed pedestrian and bicycle improvements would be implemented under the No-Build Alternative. In addition, turning movements and at-grade crossings would not be improved under the No-Build Alternative.

5.7 Utilities/Emergency Services Summary

Build Alternative

The Build Alternative may require relocating and adjusting utilities, such as water lines, sewer lines, gas lines, telephone cables, electrical lines, and other below ground and overhead utilities. All utility relocations and adjustments would be coordinated with the affected utility provider to ensure that no substantial interruptions of service would occur.

One-way frontage roads have already been implemented within Gainesville; therefore, there is no impact to Emergency Service within the Gainesville service area. The Valley View Emergency Service

providers may have to alter their routes based on changes in access. As discussed in Section 3.2, the proposed project will provide crossovers providing east-west access within the proposed project limits would be constructed approximately every 1.5 miles and Texas U-turns to provide additional access points for the use of emergency services. No comments were received during past public involvement events regarding concerns to the emergency services. In Valley View, access from O'Brien Street to the IH 35 Frontage Road would be closed due the proximity of proposed on-ramps to IH 35; however, residents and emergency crews who usually use O'Brien Street to access IH 35 would still have access via Newton Street and FM 1307. Impacts to emergency responses times are not anticipated as a result from this change.

No-Build Alternative

The No-Build Alternative would not require any utility relocations or adjustments in the study area or change current Emergency service providers' routes.

5.8 Cultural Resources Summary

5.8.1 Archeological Resources

Terrestrial Archeological studies were completed on the Texas side of the area of potential effects (APE) in October 2019. The Report for Archeological Survey reported that while the proposed project would have direct effects resulting from ground-disturbing construction actives within the APE, no previously recorded sites or historic resources were identified within the defined survey areas. Intensive archeological investigation resulted in a negative finding for the presence of cultural materials within the survey limits. Therefore, no further work is recommended for any portion of the APE within the survey project areas. Most of the APE in Texas did not warrant survey due to prior disturbances. The Texas Historical Commission concurred on August 13, 2020.

An underwater water was conducted from the Red River shoreline in Cooke County, Texas to the shoreline in Love County, Oklahoma. The Archeological Survey Report dated January 31, 2020 sited that no discrete archeological sites were identified. A linear trend of anomalies was identified that may possibly represent historic materials. The study recommends avoidance of magnetic anomalies by a radius of 30-meters each. If the recommended avoidances are adhered to during operations, there will be no adverse effect on the anomalies. Therefore, the proposed project would have no effect on archeological historic properties and/or State Antiquities Landmarks within the horizontal buffer zone. Any design change within this area would not require additional review or investigation. Design changes that either extend beyond the buffer zone or result in potential impacts deeper than the impacts considered in the Archeological Survey Report (January 2020) would require additional review.

On April 8, 2020 a State Archaeologist from The University of Oklahoma, concurred with the findings and recommendations as they pertain to the prehistoric archeological resources and defer further comment on overall project effects to the Oklahoma State Historic Preservation Office. The Oklahoma Historical Society-SHPO also concurred with these findings and recommendations on March 23, 2020.

Survey and additional review of background information was completed for the portion of the APE in Oklahoma; these investigations did not identify any archeological sites within this portion of the APE. Coordination with the Oklahoma Historic Society-SHPO was initiated on December 15, 2014 and concluded with a finding that no archeological historic properties would be affected within the Oklahoma portion of the APE on January 7, 2016. Additionally, coordination with the Oklahoma Archeological Survey was initiated on December 15, 2014 and was concluded on December 17, 2015 with a finding that no archeological sites occur within the Oklahoma portion of the APE. Final copies of documentation for proposed project archeological investigation will be sent to both the Oklahoma Historic Society-SHPO and the Oklahoma Archeological Survey once complete. For more details please see the all Archeological Background Studies and Archeological Survey Reports and copies of the coordination letters on file and TxDOT Environmental Affairs – Austin and TxDOT Wichita Falls District.

5.8.2 Tribal Coordination

Tribal coordination with federally recognized tribes was initiated on October 29, 2014 and competed on April 13, 2020. A response of no objections to the proposed project and the proposed work plan was received from the Kickapoo Tribe of Oklahoma on November 18, 2014. In the event that burial remains and/or artifacts are discovered during the development or construction of the proposed project the tribe would be notified immediately. No other responses have been received at this time. For more details please see copies of the coordination letters on file and TxDOT Environmental Affairs – Austin and TxDOT Wichita Falls District.

5.8.3 Historic Resources

In compliance with the Section 106 Programmatic Agreement (PA-TU), a TxDOT historian determined project activities have no potential for adverse effects. The area of potential effect (APE) for the proposed project is 150 feet from the new ROW on IH 35. Individual project coordination with Texas SHPO is not required. Coordination with the Oklahoma Historical Society-SHPO was initiated on December 15, 2014 and concluded on January 7, 2016 with no objections. For more details please see the Historic Reconnaissance Survey on file and TxDOT Environmental Affairs – Austin and TxDOT Wichita Falls District.

5.9 Natural Resources Impacts Summary

5.9.1 Water Quality (Surface Water)

Build Alternative

The Build Alternative would be located in the Trinity River and Red River basins. In the Trinity River Basin, the proposed project would cross: the Elm Fork of the Trinity River [segment ID 0824]); four named streams (i.e., Pecan Creek, Scott Creek, Hackley Creek, and Spring Creek), and three unnamed streams, eight swales, four ditches, and 11 unnamed tributaries. In the Red River Basin, the proposed project would cross one identified stream segment (the Red River [segment ID 0204]), five unnamed streams, and three unnamed tributaries. Additionally, three ponds would be within the roadway ROW.

The Texas Commission on Environmental Quality's (TCEQ's) *2018 Texas Integrated Report of Surface Water Quality for Clean Water Act Sections 305(b) and 303(d)* identifies impaired waters in or near a project area (i.e., water bodies that do not meet minimum standards in specific categories). All drainage in the study area flows into three major classified water bodies: the Red River, the Elm Fork of the Trinity River, and Ray Roberts Lake. A review of TCEQ's *2018 Texas Integrated Report of Surface Water Quality for Clean Water Act Sections 305(b) and 303(d) List* classifies the Elm Fork of the Trinity River as impaired within Texas. The proposed project drains to and is within 5 miles (linear miles, as the bird files) of, within the watershed of, or drain to an impaired assessment unit Elm Fork of the Trinity River (0824). This unit is listed as threatened/impaired for bacteria. Therefore, coordination with TCEQ would be required. The Red River is listed in the Oklahoma Department of Environmental Quality's (ODEQ's) *2016 Oklahoma 303(d) List of Impaired Waters*. The proposed project drains to and is within five miles and within the same watershed of assessment unit OK311100010190_00, segment OK311100010190, Red River (ODEQ 2016). This unit is listed as threatened/impaired for turbidity, enterococcus, and sulfates. Therefore, coordination with ODEQ would be required.

The Build Alternative could result in short-term (construction-related) and long-term water quality impacts. An increase in impermeable surface resulting from additional pavement could lead to direct water quality impacts by increasing stormwater runoff. Surface water runoff from roadways frequently contains automobile pollutants (e.g., fluids, particles from brake linings, and tires) and municipal trash and debris. In addition, increasing impermeable surface area, the Build Alternative could also affect surface water quality at stream and river crossings. Construction would cause soil disturbances and result in water quality impacts by temporarily increasing the level of suspended particles in stormwater runoff.

On September 14, 1998, the Regional Administrator for the U.S. Environmental Protection Agency (U.S. EPA) (Region 6) approved Texas' application to administer and enforce the National Pollutant Discharge Elimination System Program for regulating discharges of pollutants into waters of the State. (The authority to approve state programs is provided to the U.S. EPA in Section 402(b) of the Clean Water Act.) TCEQ administers the approved state program, which is called the Texas Pollutant Discharge Elimination System (TPDES) Program. As such, coordination with TCEQ is required to meet TPDES Construction General Permit requirements because the Build Alternative would disturb more than 5 acres of land. To meet these requirements, TxDOT must obtain a copy of TCEQ's Construction General Permit (TPDES Permit Number TXR150000), develop and implement a Storm Water Pollution Prevention Plan (SW3P), complete and submit a Notice of Intent to TCEQ, and submit a Notice of Termination once the construction site has reached final stabilization. Guidance documents, such as TxDOT's *Storm Water Management Guidelines for Construction Activities*, discuss the stormwater controls a contractor is to implement during construction (TxDOT 2002).

On September 9, 1997, EPA delegated all the responsibilities for storm water discharges associated with construction to the ODEQ. ODEQ administers the approved state program, which is called the Oklahoma Pollution Discharge Elimination System (OPDES). As such, coordination with the ODEQ is required to meet OPDES Construction General Permit requirements because the Build Alternative would disturb more than 5 acres of land. To meet these requirements, TxDOT must obtain a copy of ODEQ's Construction General Permit (ODEQ Permit Number OKR100000), develop and implement a SW3P and complete and submit a Notice of Intent to the ODEQ. Additionally, an Inspection Request (DEQ Form 606-009) would be required prior to the issue of a Notice of Termination once the construction site has reached final stabilization. Guidance documents, such as ODOT'S *General Permit OKR10 for Storm Water Discharges from Construction and Activities Within the State of Oklahoma,* discuss the stormwater controls a contractor is to implement during construction (ODOT 2012).

The Build Alternative must also comply with Section 401-water quality certification conditions. A Tier II 401 Certification Questionnaire and Alternative Analysis Checklist will be completed and submitted to the U.S. Army Corps of Engineers (USACE) at the time of permitting. Because the Build Alternative would require a Tier II 401 certification, coordination with TCEQ would be required per the TxDOT/TCEQ Memorandum of Understanding (MOU), as outlined in 43 TAC 2.301-2.308. Design and construction efforts would include pre and post-construction best management practices (BMPs) to manage stormwater runoff and control sediments.

This project is not located within the boundaries of a regulated Municipal Separate Storm Sewer System (MS4).

For more information on water resources please see *Water Resources Technical Report* located on file at the Wichita Falls District office.

No-Build Alternative

The No-Build Alternative would not affect any surface waters or overall water quality in the study area.

5.9.2 Floodplains

Build Alternative

The protection of floodplains and floodways is required by Executive Order 11988 *Floodplain Management* and is implemented by FHWA through 23 CFR 650 Subpart A, "Location and Hydraulic Design of Encroachments on Floodplains." Portions of the proposed project area are located within a FEMA designated 100-year floodplain. The hydraulic design of the Build Alternative would be prepared in accordance with current TxDOT and FHWA design policies and procedures. The facility would permit the conveyance of the 100-year flood, inundation of the roadway being acceptable, without causing significant damage to the facility, stream, or other property. The Build Alternative would not increase the base flood elevation to a level that would violate applicable floodplain regulations or ordinances. Coordination with the local Floodplain Administer will be required.

No-Build Alternative

The No-Build Alternative would not result in any new encroachment on the 100-year floodplain and, therefore, would have no direct or indirect impacts to floodplains in the study area and larger region.

5.9.3 Waters of the U.S., including Wetlands

The characteristics of the potentially jurisdictional waters of the U.S., including wetlands, were documented for the study area. Potential jurisdictional waters of the U.S. within the study area included five perennial streams, 10 intermittent streams, and 22 ephemeral streams, comprising 12,777 linear feet. Portions of these potential jurisdictional streams are conveyed beneath IH 35 in reinforced concrete pipes and/or single/multiple box culverts within the study area. The potential jurisdictional streams within the study area consist of 5,635 linear feet of natural stream channel and 7,142 linear feet of subsurface culverts, all of which are subject to USACE jurisdiction under Section 404 of the Clean Water Act.

Build Alternative

Table 5.3 summarizes the delineated features, direct impacts to these features, and the proposed USACE Section 404 permitting for the potential impacts. Detailed design, including design for the new

Red River Bridge, is currently not available. Therefore, full impacts within the ROW are assumed, but would likely be reduced once a more detailed design becomes available. Permitting with the USACE for the Build Alternative will not take place until completion of the design. The Build Alternative lies within both the USACE Fort Worth and Tulsa Districts.

All impacts will be authorized by the USACE Tulsa District under an Individual Permit for the whole project. For additional information please see the *Wetland Delineation Technical Report* located on file at the Wichita Falls District office.

Table 5.3: Potential Jurisdictional Waters of U.S. Located Within the Proposed Project ROW

Water Feature Name	Classification	OHWM (feet)*	Length (feet)**	Area (acres)**
I-35 Proposed ROW				
Unnamed Tributary #1 to Ray Roberts Lake	Intermittent stream	15	39	0.013
	Culverted portions of intermittent stream	--	339	--
Unnamed Tributary #2 to Ray Roberts Lake	Intermittent stream	9	139	0.003
	Culverted portions of intermittent stream	--	260	--
Unnamed Tributary #3 to Spring Creek	Ephemeral stream	6	75	0.010
	Culverted portions of ephemeral stream	--	355	--
Unnamed Tributary #3a to Spring Creek	Ephemeral Stream	3	50	0.003
Spring Creek	Perennial Stream	35	581	0.467
Unnamed Tributary #4 to John's Branch	Ephemeral stream	2.5	79	0.005
	Culverted portion of ephemeral stream	--	367	--
Stream 1	Ephemeral stream	8	45	0.008
	Culverted portion of ephemeral stream	--	261	--
Stream 2	Ephemeral stream	10	16	0.004
	Culverted portion of ephemeral stream	--	294	--
Hackley Creek	Intermittent stream	9	130	0.027

Table 5.3: Potential Jurisdictional Waters of U.S. Located Within the Proposed Project ROW

Water Feature Name	Classification	OHWM (feet)*	Length (feet)**	Area (acres)**
	Culverted portion of intermittent stream	--	403	--
Stream 3	Ephemeral stream	6	56	0.008
	Culverted portion of intermittent stream	--	304	--
Scott Creek Crossing 1	Perennial stream	18	35	0.014
Unnamed Tributary #5 to Scott Creek	Intermittent stream	6	250	0.050
	Culverted portion of intermittent stream	--	288	--
Unnamed Tributary #6 to Scott Creek	Intermittent stream	6	360	0.034
	Culverted portion of intermittent stream	--	287	--
Unnamed Tributary #7 to Scott Creek	Ephemeral stream	3	92	0.006
	Culverted portion of ephemeral stream	--	271	--
Unnamed Tributary #8 to Scott Creek	Ephemeral stream	2	66	0.003
	Culverted portion of ephemeral stream	--	289	--
Unnamed Tributary #9 to Scott Creek	Intermittent stream	12	52	0.014
	Culverted portion of intermittent stream	--	285	--
Scott Creek Crossing 2	Perennial stream	15	111	0.038
	Culverted portion of perennial stream	--	276	--
Unnamed Tributary #8 to Elm Fork Trinity River	Ephemeral stream	12	86	0.024
	Culverted portion of ephemeral stream	--	308	--
Unnamed Tributary #9 to Elm Fork Trinity River	Intermittent stream	9	106	0.022
	Culverted portion of intermittent stream	--	295	--

Table 5.3: Potential Jurisdictional Waters of U.S. Located Within the Proposed Project ROW

Water Feature Name	Classification	OHWM (feet)*	Length (feet)**	Area (acres)**
Elm Fork Trinity River	Perennial stream	35	415	0.333
Pecan Creek	Intermittent Stream	15	205	0.076
	Culverted portion of intermittent stream	--	220	--
Unnamed Tributary #10 to Pecan Creek	Ephemeral stream	2	28	0.001
	Culverted portion of ephemeral stream	--	75	--
Stream 4	Ephemeral stream	1	136	0.003
Stream 6	Ephemeral stream	1	130	0.003
	Culverted portion of ephemeral stream	--	380	--
Unnamed Tributary #14	Ephemeral stream	1	47	0.001
	Culverted portion of ephemeral stream	--	282	--
Stream 7	Ephemeral stream	3.5	101	0.008
	Culverted portion of ephemeral stream	--	329	--
Unnamed Tributary #15	Ephemeral stream	5	287	0.033
	Culverted portion of ephemeral stream	--	313	--
Unnamed Tributary #15a	Ephemeral stream	1	60	0.001
Unnamed Tributary #16	Ephemeral stream	1	690	0.015
	Culverted portion of ephemeral stream	--	303	--
Red River	Perennial stream	450	452	4.669
Stream 8	Intermittent stream (1st crossing)	8	123	0.023

Table 5.3: Potential Jurisdictional Waters of U.S. Located Within the Proposed Project ROW

Water Feature Name	Classification	OHWM (feet)*	Length (feet)**	Area (acres)**
	Intermittent stream (2nd crossing)	5	115	0.013
Stream 8a	Ephemeral stream	1	217	0.005
Stream 8b	Ephemeral stream	2	35	0.002
Unnamed Tributary #13	Intermittent stream	10	51	0.012
	Culverted portion of Intermittent stream	--	358	--
Stream 8c	Ephemeral stream	1	35	0.0005
Stream 8d	Ephemeral stream	2	30	0.001
Stream 8e	Ephemeral stream	2	110	0.005
I-35 Proposed ROW Subtotal (natural channel)			**5,635**	**5.96**
I-35 Proposed ROW Subtotal (natural channel and culverted portions)			**12,777**	

Source: I-35 Study Team 2015, 2017, 2019
* Represents an average width at the OHWM. However, actual widths are used for all calculations
**Length and area were calculated using ArcMap, a geographic information system (GIS)

No-Build Alternative

The No-Build Alternative would not affect any waters of the U.S.

5.9.4 Navigable Waters

Build Alternative

The General Bridge Act of 1946 and Sections 9 and 10 of the Rivers and Harbors Act of 1899 prohibit the unauthorized obstruction (including bridge construction) or alteration of any navigable waters of the U.S., unless the work has been authorized by permit from the U.S. Coast Guard (USCG) and the USACE. Per coordination with the USCG in January of 2015 (**Appendix A**), it was determined that the Red River is not a waterway over which the USCG would exercise jurisdiction for bridge administration purposes. Therefore, a Section 9 permit from the USCG would not be required. However, the USACE does consider the Red River navigable at this location; therefore, a Section 10 permit from the USACE would be required. The Section 10 permit will be processed concurrently with the IP for impacts to the Red River.

No-Build Alternative

The No-Build Alternative would not affect any navigable waters.

5.9.5 Vegetation

Build Alternative

The Build Alternative would be located in the Cross Timbers ecoregions (Griffith 2007). According to the vegetation mapping system of the Ecological Mapping Systems of Texas (EMST), the study area has multiple vegetation types. However, based on site visits conducted in February 2015 by qualified biologists, it was determined that vegetation with the study area is dominated by Urban Low Intensity vegetation, Edwards Plateau: Oak/Hardwood Motte and Woodland, Central Texas: Floodplain Hardwood Forest, Central Texas: Floodplain Herbaceous Vegetation, Grand Prairie: Tallgrass Prairie, and Row Crops. Vegetation types are further described and depicted as field-verified in the *Species Analysis Form* located on file at the Wichita Falls District Office.

Table 5.4 provides the field-verified EMST vegetation types identified in the Build Alternative ROW, and the ecological system type that each EMST vegetation type is classified as according to the Texas Parks and Wildlife Department's (TPWD's) *Draft Descriptions of Systems, Mapping Subsystems,* and *Vegetation Types for Phase I* (Elliott 2009). Based on the crosstab of the Threshold Table Programmatic Agreement (PA) for the MOU between TxDOT and TPWD (effective September 1, 2013), **Table 5.4** also provides the TxDOT/TPWD MOU vegetation type that corresponds with each EMST vegetation type identified in the study area.

Table 5.4 summarizes the potential permanent impacts to vegetation from the Build Alternative, which include all of the areas to be covered by new pavement. According to the Threshold Table PA between TxDOT and TPWD, coordination thresholds have been established for a number of vegetation types that occur in the study area. As such, any Build Alternative impacts exceeding the following thresholds would require further coordination with TPWD. The thresholds established include:

- Agriculture MOU vegetation: 10-acre coordination threshold
- Floodplain MOU vegetation: 0.5-acre coordination threshold
- Edwards Plateau Savannah, Woodland, and Shrubland MOU vegetation in the Cross Timbers ecoregion: 2-acre coordination threshold
- Tallgrass Prairie, Grassland MOU vegetation: 0.1-acre coordination threshold
- Riparian MOU vegetation: 0.1-acre coordination threshold
- Urban MOU vegetation: No established coordination threshold

Table 5.4: Potential Permanent Impacts to Field-verified EMST Vegetation

Observed Vegetation Type	Corresponding MOU Type	Ecoregion	Permanent Impacts (acres)
Row Crops	Agriculture	Cross Timbers	27.993
Central Texas: Floodplain Hardwood Forest	Floodplain	Cross Timbers	19.419
Central Texas: Floodplain Herbaceous Vegetation			2.115
Edwards Plateau: Oak/Hardwood Motte and Woodland	Edwards Plateau Savannah, Woodland, and Shrubland	Cross Timbers	34.341
Grand Prairie: Tall Grass Prairie	Tallgrass Prairie, Grassland	Cross Timbers	47.861
Open Water	Riparian	Cross Timbers	3.235
Existing Transportation	Urban	Cross Timbers	499.823
Urban Low Intensity			505.654
		Total Impact	1140.44

Source: IH 35 Study Team.

Because the Build Alternative would exceed the coordination threshold for Edwards Plateau Savannah, Woodland, and Shrubland; Floodplain; Tallgrass Prairie, Grassland; Riparian; and Agriculture MOU vegetation, coordination with TPWD for impacts to vegetation would be required.

No-Build Alternative

The No-Build Alternative would not affect vegetation in the study area.

5.9.6 Wildlife

The wildlife resources analyzed for the proposed project considered impacts related to the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and threatened and endangered species lists for Cooke County and Love County. For detailed information on wildlife resource impacts, please see the *Species Analysis Form* located study located on file at the Wichita Falls District Office.

5.9.6.1 Migratory Bird Treaty Act

Under the Migratory Bird Treaty Act, it is unlawful, "by any means or manner, to pursue, hunt, take, capture, [or] kill" any migratory birds except as permitted by regulation (16 USC 703-704).

Build Alternative

Migratory birds are known to nest within the bridges under existing IH 35, based on field observations of these structures. In the event that migratory birds are encountered onsite during construction, every effort would be made to avoid protected birds, active nests, eggs, and/or young. In the case that a bird

could nest in a structure to be affected by construction, the contractor would remove all old migratory bird nests between October 1 and February 15 from any structure where work would be done. In addition, the contractor would be prepared to prevent migratory birds from building nests between February 15 and October 1.

No-Build Alternative

The No-Build Alternative would not affect birds protected under the Migratory Bird Treaty Act.

5.9.6.2 Bald and Golden Eagle Protection Act

Within the U.S. or anywhere within its jurisdiction, the Bald and Golden Eagle Protection Act of 1940 protects bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*).

Build Alternative

According to the Texas Natural Diversity Database (TXNDD), one Element of Occurrence (EO) of an abandoned Bald Eagle nest is located within 10 miles of the study area. However, this occurrence was not located within 1.5 miles of the study area; therefore, the Build Alternative would not affect any protected eagle habitat.

No-Build Alternative

The No-Build Alternative would not affect bald or golden eagles protected under the Bald and Golden Eagle Protection Act.

5.9.6.3 Threatened and Endangered Species

Build Alternative

A review of the threatened and endangered species lists for Cooke County and Love County, maintained by the U.S. Fish and Wildlife Service (USFWS) and TPWD, identified the federal and state-listed threatened, endangered, and candidate species, as well as species considered rare within Texas that had the potential to occur in the study area (USFWS 2020; TPWD 2020). The *Species Analysis Form*, located on file at the Wichita Falls District Office, includes all of the species identified, descriptions of habitat requirements, a determination of habitat presence, and the potential impacts/effects from the Build Alternative.

The TXNDD was reviewed on August 17, 2020 (date on which data was provided by TPWD), to assess the potential for rare, threatened, or endangered species to occur within 10 miles of the Build Alternative (TXNDD 2020). The review met all the requirements of the TxDOT/TPWD Memorandum of

Agreement (MOA) for sharing and maintaining TXNDD information. The *Species Analysis Form*, located on file at the Wichita Falls District Office, includes the results of the TXNDD search.

Qualified biologists performed initial field investigations in February 2015 and March 2019 where it was determined that the study area contained potential habitat for one federal-listed endangered species, the interior least tern (*Sterna antillarum athalassos*), and one candidate for federal listing, the Sprague's pipit (*Anthus spragueii*). The Sprague's pipit is considered incidental in the study area during migration; therefore, the Build Alternative would not affect the bird. A presence/absence survey was planned for the interior least tern during the peak breeding period from May 2015 to July 2015. However, due to heavy rains in May of 2015 creating high water levels at the Red River, field surveys were not possible during that time frame. TxDOT would complete surveys and any necessary coordination with USFWS and TPWD prior to construction.

Potential habitat for four state-listed species, the Paddlefish (*Polyodon spathula*), Red River Pupfish (*Cyprinodon rubrofluviatilis*), Texas horned lizard (*Phrynosoma cornutum*), and Texas Heelsplitter (*Potamilus amphichaenus*) was present in the study area. BMPs, as outlined in the BMP Programmatic Agreement (PA) between TPWD and TxDOT and described in Section 9.2, would be in place to minimize the potential impact to the species. According to the BMP PA, surveys for state-listed mussels, including the Texas Heelsplitter, would be conducted in all perennial streams prior to construction.

In addition to threatened and endangered species, TPWD tracks species considered rare, but that do not have any formal federal or state listing status. Three of these species have potential habitat within the study area: the Silver Chub (*Macrhybopsis storeriana*), Red River Shiner (*Notropis bairdi*), and the Chub Shiner (*Notropis potteri*). No long-term or population-level impacts are expected to occur for these species in the study area. BMPs, as outlined in the BMP PA between TPWD and TxDOT and described in the *Species Analysis Form*, would be in place to minimize the potential impact to each species.

In accordance with the TxDOT/TPWD MOU (effective September 1, 2013), a Tier I Site Assessment was conducted to determine impacts and the need for coordination with TPWD. The assessment defines the type and amount of habitat that could be impacted by the Build Alternative through using information from the EMST; TXNDD; TPWD's county list of rare and protected species of Texas; USFWS county list of endangered, threatened, and candidate species; and current aerial photography. In addition, qualified biologists conducted a site visit in February 2015 and March 2019.

As a result of the Tier 1 Site Assessment it was determined that coordination with TPWD would be required and this coordination was completed on March 2019 for the proposed project, including the ROW for the proposed rail relocation. Per TPWD, re-coordination would be required if it is determined that there will be more than 2 acres of disturbance of riparian habitat in the area of the BNSF rail relocation. Since the proposed project will impact approximately 3.24 acres of riparian vegetation, further coordination should be required. Additionally, all BMPs would be met as outlined in the BMP PA between TPWD and TxDOT and described in **Section 9.2**.

No-Build Alternative

The No-Build Alternative would not affect any federal or state-listed threatened, endangered, or species of greatest conservation need in the study area.

5.10 Air Quality

The proposed project is located in Cooke and Love Counties, which are located in areas designated as attainment or unclassifiable for all NAAQS; therefore, the transportation conformity rules do not apply.

The projected design year (2045) traffic volumes within the project limits are expected to be approximately 92,350 average annual daily traffic (AADT). A prior TxDOT modeling study and previous analyses of similar projects demonstrated that it is unlikely that a carbon monoxide standard would ever be exceeded as a result of any project with an AADT below 140,000. The AADT projections for the project do not exceed 140,000 vehicles per day; therefore, a Traffic Air Quality Analysis was not required.

A qualitative Mobile Source Air Toxics (MSAT) assessment was conducted relative to the various alternatives of MSAT emissions and has acknowledged that the Build Alternative may result in increased exposure to MSAT emissions in certain locations, although the concentrations and duration of exposures are uncertain, and because of this uncertainty, the health effects from these emissions cannot be estimated. While vehicle miles traveled (VMT) is expected to rise, MSAT levels are expected to decline as a result of regulations. In addition, on a regional basis, EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than today.

For additional background information on the air quality assessment, please refer to the Air Quality Technical Report located on file at the Wichita Falls District Office.

5.11 Traffic Noise

A traffic noise analysis was conducted for the proposed project in accordance TxDOT's (FHWA approved) Traffic Noise Policy (2019a). A copy of the *Roadway Noise Technical Report* with the appended validation can be viewed at Wichita Falls District Office.

Build Alternative

Existing and predicted traffic noise levels were modeled at representative land use activity areas (receptors) adjacent to the project that might be impacted by traffic noise and would potentially benefit from feasible and reasonable noise abatement.

Modeled noise-sensitive locations were primarily residential, but also included a daycare, two schools, sports area, a cemetery, a park, and hotel pools (See **Exhibit 6**). The traffic noise analysis determined that 52 representative receivers would be expected to have a noise increase at or above the criteria for absolute or relative impacts; therefore, noise barriers were considered for the proposed project.

Noise abatement measures were considered and analysed for each impacted receptor location. Abatement measures, typically noise barriers, must provide a minimum noise reduction, or benefit, at or above the threshold of 5 dB(A). A barrier is not acoustically feasible unless it reduces noise levels by at least 5 dB(A) at greater than 50% of first-row impacted receptors and benefits a minimum of two impacted receptors. To be reasonable, the barrier must not exceed the cost reasonableness allowance of 1,500 square feet per benefited receptor and must meet the noise reduction design goal of 7 dB(A) for at least one receptor. A total of three noise barriers were found to be reasonable and feasible for the proposed project (**Table 5.5**). Noise barriers were not reasonable and feasible for the remaining impacted representative receivers, and abatement is not proposed for those locations. Additional details regarding the barrier analysis can be found in the *Roadway Noise Technical Report*.

Table 5.5: Noise Barrier Proposal (preliminary)

Barrier	Representative Receivers	Total # Benefited	Length	Height	Total Square Feet	Square Feet/Benefited Receiver
1	R7 and R8	8	275	20	5,500	688
2	R24	2	132	10	1,320	660
3	R59 to R67	13	1,380	12	16,560	1,274

Source: IH 35 Project Team 2020

Any subsequent project design changes may require a re-evaluation of this preliminary noise barrier proposal. The final decision to construct the proposed noise barrier will not be made until completion of the project design, utility evaluation and polling of adjacent property owners and residents.

To avoid noise impacts that may result from future development of properties adjacent to the project, local officials responsible for land use control programs must ensure, to the maximum extent possible, that no new activities are planned or constructed along or within the predicted (2045) noise impact contours. Contours for NAC B & C land uses ranged from 53 to 355 feet from the ROW, while contours for NAC E land uses ranged from within the ROW to 117 feet from the ROW. A more detailed table of predicted noise contours is available in the Roadway Noise Technical Report at the Wichita Falls District Office.

A copy of this traffic noise analysis will be available to local officials. On the date of approval of this document (Date of Public Knowledge), FHWA and TxDOT are no longer responsible for providing noise abatement for new development adjacent to the project.

No-Build Alternative

Under the No Build Alternative, the proposed project would not be constructed. If the No-Build Alternative were implemented, traffic noise levels at modeled receiver locations would be expected to increase due to the increase in traffic volumes.

5.12 Hazardous Materials

Build Alternative

Regulated facilities that would intersect with the Build Alternative, would be acquired through ROW acquisition. The acquisition of hazardous material sites/facilities would present a liability risk to TxDOT. Additional investigations may be required at sites determined to be of "high risk." Should any unanticipated hazardous materials and/or petroleum contamination be encountered during construction, it would be handled according to applicable federal and state regulations and TxDOT standard specifications.

An environmental investigation may be necessary for the active CES SWD Oil and Gas Well Pad site located within the proposed ROW. Additional investigations are recommended for the eight (8) "high risk" sites within the proposed ROW, prior to construction, to determine the potential of encountering hazardous materials contamination. The eight sites are Enhanced Powder Coating, Nation Supply

Division/CO, Polley, Hilltop Conoco/Truck Stop, Gainesville Truck Stop, Sherman Wire Company, Horizon C Store 4 and Alan Richey Property/Warehouse.

Additional studies may also be warranted within the existing or proposed TxDOT ROW, adjacent to the areas identified during the visual survey, to determine the potential for offsite migration of contaminants onto TxDOT ROW. If contamination exists, TxDOT would develop appropriate soils and/or groundwater management plans for activities within the identified areas.

The contractor would respond appropriately to prevent, minimize, and control the spill of hazardous materials in the construction staging area. Should hazardous materials/substances be encountered, the authorities would be notified, and steps would be taken to protect personnel and the environment. If necessary, the plans, specifications, and estimates would include provisions for the appropriate soil and/or groundwater management plans for activities within the contaminated area.

In addition to the demolition and renovation of bridges and overpasses within project area, three properties of potential concern were identified that would require the demolition of facilities within the proposed ROW: the Dairy Farmers of North America (North), Exxon Gas Station (Gainesville southbound), and Conoco Gas Station (Gainesville southbound). The buildings may contain asbestos containing materials or lead-based paint. Asbestos and lead-based paint inspections, specification, notification, license, accreditation, abatement and disposal, as applicable, would comply with federal and state regulations. Asbestos issues would be addressed during the ROW process prior to construction.

No-Build Alternative

Under the No-Build Alternative no hazardous materials sites would not be impacted.

6.0 INDIRECT AND CUMULATIVE IMPACTS SUMMARY

6.1 Indirect Impacts

The potential of the proposed project to result in induced growth and related effects was determined using TxDOT's Induced Growth Indirect Impacts Decision Tree (TxDOT 2014). An indirect and cumulative analysis was conducted for the proposed project in accordance TxDOT's (FHWA approved) Indirect Impacts Analysis and Cumulative Impacts Analysis Guidelines (2019b). A copy of the *Indirect and Cumulative Impacts Technical Report* is on file located at Wichita Falls District Office. The need and purpose of the proposed project does include accommodating economic development (north and south of the proposed project; however, it was determined a full induced growth analysis was not warranted. Slow long-term growth trends within the project area, limited points of new access, the

general lack of development demand within the project area, and physical barriers such as floodplains and the BNSF railroad line located east of the roadway suggest that the proposed project will not induce growth in and of itself but rather will facilitate traffic movement more quickly and safely to other more developed areas north and south of the project. This finding was coordinated with and approved by TxDOT Environmental Affairs Division (ENV) on April 29, 2020.

6.2 Cumulative Impacts

In accordance with TxDOT guidance, the cumulative impacts analysis focused on resources anticipated to be substantially impacted by the proposed project (either directly or indirectly), as well as resources that would be affected to any degree by the proposed project and are also considered at risk or in poor or declining health.

The proposed project may result in the direct impact to vegetation, including threatened and endangered species habitat, and water resources. The proposed project would not result in indirect impacts to any resource. It is possible that construction of the proposed project could result in the cumulative impact to habitat for vegetative habitat for one federal listed endangered species, three state threatened, and three Species of Greatest Conservation Need; however, adverse impacts to these species are considered unlikely due to the limited nature of potential habitat disturbance. The potential for impacts to threatened and endangered species related to the proposed project was coordinated with TPWD.

7.0 CONSTRUCTION IMPACTS SUMMARY

Construction impacts from the Build Alternative were considered for noise, air quality, biology, and hazardous materials.

Build Alternative

Noise

Noise associated with construction of the Build Alternative is difficult to predict. Heavy machinery, the major source of noise during construction, is constantly moving in unpredictable patterns. However, construction normally occurs during daylight hours, when occasional loud noises are tolerable. None of the identified noise-sensitive receivers would be exposed to construction noise for a long duration; therefore, any extended disruption of normal activities is not expected. Provisions would be included in the plans and specifications that would require the contractor to make every reasonable effort to minimize construction noise through abatement measures, such as work-hour controls and proper maintenance of muffler systems.

Air Quality

During the construction phase of this project, temporary increases in particulate matter (PM) and MSAT emissions may occur from construction activities. The primary construction-related emissions of PM are fugitive dust from site preparation, and the primary construction-related emissions of MSAT are diesel particulate matter from diesel powered construction equipment and vehicles.

The potential impacts of particulate matter emissions will be minimized by using fugitive dust control measures contained in standard specifications, as appropriate. The Texas Emissions Reduction Plan (TERP) provides financial incentives to reduce emissions from vehicles and equipment. TxDOT encourages construction contractors to use this and other local and federal incentive programs to the fullest extent possible to minimize diesel emissions Information about the TERP program can be found at: https://www.tceq.texas.gov/airquality/terp.

However, considering the temporary and transient nature of construction-related emissions, the use of fugitive dust control measures, the encouragement of the use of TERP, and compliance with applicable regulatory requirements; it is not anticipated that emissions from construction of this project will have any significant impact on air quality in the area.

Biology

Temporary and permanent impacts to natural resources could result from construction of the Build Alternative, which could include disturbances to wildlife and vegetative communities. Construction activities would remove grass and shrubs during the construction phase, which would affect the natural, erosion-inhibiting groundcover and lead to the loss of habitat for both resident and migratory species. Disturbed areas would be restored, reseeded, and re-contoured as necessary in accordance with TxDOT specifications, making these effects largely temporary.

Hazardous Materials

The contractor would apply 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, such as wetlands or protected wildlife habitat, would be minimized or eliminated entirely. All construction materials would be removed as soon as the work schedules permit. Any unanticipated hazardous materials and/or petroleum contamination encountered during construction would be handled in accordance with all applicable federal, state, and local regulations per TxDOT standard specifications.

No-Build Alternative

Because no construction would be performed, the No-Build Alternative would have no construction impacts.

8.0 PERMITS AND APPROVALS

The Build Alternative lies within both the USACE Fort Worth and Tulsa districts. However, per USACE Tulsa district policy, all Section 404 impacts within their district would be permitted under an IP due to the proposed impacts to the Red River. Therefore, the USACE Tulsa district has agreed to take the lead in the permit process and will cover all impacts for the whole project under one IP. USACE permitting for the Build Alternative will be completed prior to the start of construction. Per coordination with the USCG in January of 2015 (**Appendix A**), it was determined that the Red River is not a waterway over which the USCG would exercise jurisdiction for bridge administration purposes. Therefore, a Section 9 permit from the USCG would not be required. However, the USACE does consider the Red River navigable at this location; therefore, a Section 10 permit from the USACE would be required. The Section 10 permit will be processed concurrently with the IP for impacts to the Red River.

9.0 COMMITMENTS

The following describes the EA commitments to avoid or minimize harm within the study area and to the noted environmental resources.

9.1 Water Resources

As detailed in **Section 8.0**, the Build Alternative would require an IP from the Tulsa USACE and a Section 10 Permit for impacts to the Red River as well as all other impacts to waters of the U.S. along the whole proposed project will be covered under a single IP.

9.2 Threatened and Endangered Species

In accordance of the Migratory Bird Treaty Act, in the case that a bird could nest in a structure to be affected by construction, the contractor would remove all old migratory bird nests between October 1 and February 15 from any structure where work would be done. In addition, the contractor would be prepared to prevent migratory birds from building nests between February 15 and October 1.

TxDOT would complete the interior least tern species surveys and any necessary coordination with USFWS and TPWD prior to construction.

The following BMPs, as outlined in the BMP PA between TPWD and TxDOT, will be in place.

- **Texas Horned Lizard:** Contractors will be advised of potential occurrence of the lizard in the study area. Contractors will be required to avoid harming the species if encountered. This will include avoiding harvester ant mounds in the selection of Project Specific Locations.
- **Bird BMPs:** Contractors will be advised of potential occurrence of protected birds in the study area. Contractors will be required to:
  - Not disturb, destroy, or remove active nests, including ground nesting birds, during the nesting season;
  - Avoid the removal of unoccupied, inactive nests, as practicable;
  - Prevent the establishment of active nests during the nesting season on TxDOT-owned and operated facilities and structures proposed for replacement or repair; and
  - Not collect, capture, relocate, or transport birds, eggs, young, or active nests without a permit.
  - The contractor would remove all old migratory bird nests between October 1 and February 15 from any structure where work will be done. In addition, the contractor would be prepared to prevent migratory birds from building nests between February 15 and October 1.
- **Fish BMPs:**
  - For projects within the range of a SGCN or State-Listed fish and work is adjacent to water: Water Quality BMPs. No TPWD Coordination required.
  - For projects within the range of a SGCN or State-Listed fish, and work is in the water: TPWD coordination required.

- **Freshwater Mussel BMPs:**
    - Mussel surveys will be conducted at all perennial waters. When work is in the water, survey project footprints for state-listed species where appropriate habitat exists.
    - When work is in the water and mussels are discovered during surveys, relocated state listed and SGCN mussels under TPWD permit and implement Water Quality BMPs
    - When work is adjacent to water; Water Quality BMPs implemented as part of the SWPPP for a construction general permit or any conditions of the 401 water quality certification for the project will be implemented. (Note, SWPPP and 401 BMPs are not listed in this PA) No TPWD Coordination would be required.

9.3 Water Quality

The contractor will implement the following water quality BMPs:

- Approved temporary vegetation;
- Blankets/matting or mulch filter berms;
- Vegetated filter strips; and
- Silt fence, sand bag, and/or compost filter berms and socks.

Because the Build Alternative would disturb more than one acre, the contractor will be required to comply with TCEQ's TPDES and ODEQ's OPDES Construction General Permits. An NOI will be filed and posted onsite and a SW3P will be in place during construction because the Build Alternative would disturb more than 5 acres. The SW3P will utilize the temporary control measures as outlined in TxDOT's manual "Standard Specifications for the Construction of Highways, Streets, and Bridges."

TPDES and OPDES requirements will be met by implementing approved erosion controls, sediment controls, and post-construction total suspended solids controls. All temporary erosion controls, such as silt fences and rock berms, will comply with TxDOT and ODOT standard specifications and will be in place, according to the construction plans, prior to commencement of construction activities and will be inspected on a regular basis.

9.4 Archeological Resources

The Archeological Survey Report dated January 31, 2020 for underwater surveys sited that no discrete archeological sites were identified; however, a linear trend of anomalies was identified that may possibly represent historic materials. The study recommends avoidance of magnetic anomalies by a radius of 30-meters each. If the recommended avoidances are adhered to during operations, there will be no adverse effect on the anomalies. Therefore, the proposed project would have no effect on

archeological historic properties and/or State Antiquities Landmarks within the horizontal buffer zone. Any design change within this area would not require additional review or investigation. In the unlikely event that significant cultural resources are discovered during construction, TxDOT will immediately initiate cultural resource discovery procedures. All work will immediately cease until a specialist from TxDOT, Oklahoma DOT and/or the THC arrives onsite and assesses the discovery's significance and the potential need for additional investigation (if necessary).

9.5 Tribal Coordination

Coordination has been conducted throughout the environmental process and will continue as the project progresses.

9.6 Floodplains

The hydraulic design of the Recommended Build Alternative would be prepared in accordance with current TxDOT/Oklahoma DOT and FHWA design policies and procedures and coordination with the local Floodplain Administer will be required.

9.7 Hazardous Materials

Any unanticipated hazardous materials and/or petroleum contamination encountered during construction will be handled in accordance with applicable federal and state regulations per TxDOT standard specifications. Section 6.10 of the "General Provisions of the Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges," which applies to all highway projects, lists the guidelines addressing the contractor's responsibilities regarding the discovery of hazardous materials.

9.8 Noise

Noise barriers are proposed for the project and noise workshops will need to be conducted prior to construction.

9.9 Construction

The contractor will observe proper maintenance and idling of construction equipment to control emissions of particulate matter. The contractor will control the generation of dust by site watering. Disruptions will be minimized to the extent possible by the timely notification of affected residents and business owners through posted notices, personal contact, or other notification procedures. These procedures could include rerouting traffic, barricading, using traffic cones, or applying other measures deemed necessary and prudent by TxDOT and the contractor to comply with all federal, state, and local

traffic and safety regulations. Signage and barrier placement should alert motorists to the inevitable reordering of travel patterns, both during construction and over the long term, as motorists find cut-through routes to shorten travel times.

During construction, procedures to minimize traffic congestion, noise, dust, and risk to public safety should be specifically adapted to the circumstances of the Build Alternative. Provisions will be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures, such as work-hour controls and proper maintenance of muffler systems.

10.0 PUBLIC AND AGENCY COORDINATION

To date, TxDOT has held one open house for the proposed project. The open house was held on Thursday, February 5, 2015, from 5:30 p.m. to 7:30 p.m., at the First United Methodist Church, 214 South Denton Street, Gainesville, Texas, 76240. The outreach event was held in conjunction with the US 82 Improvement Project Open House. The purpose of the open house was to distribute additional project information and allow the public an opportunity to provide input on the proposed project. In addition to the open house, a virtual open house was available for those that could not attend in person.

TxDOT advertised the open house in area publications approximately 10 and 30 days prior to the meeting, noting that every reasonable effort would be made to accommodate special communication requirements. Notices were published in both English and Spanish.

A second Meeting of Affected Property Owners (MAPO) was held on September 30, 2015 for the property owners affected by the two-mile extension of the proposed project into Oklahoma. The MAPO was held in an open house format. The purpose of the open house was to distribute additional project information and allow the public an opportunity to provide input on the proposed project. For more details on the MAPO contact the Wichita Falls District.

A second, open house public meeting was held on September 28, 2017 to inform that public of the changes in the BNSF rail line alternatives and the change in access to 3rd Street in Valley View, since the public meeting held in February 2015.

A third, open house public meeting was held February 27, 2020 to inform the public of the removal of the BNSF rail alternative from the project and the change in access to O'Brien Street, since the public meeting held on September 2017.

For more details on all public meetings, please see the *Open House Pubic Meeting Summary Reports* located on the project website at http://www.txdot.gov/inside-txdot/projects/studies/wichita-falls/i35-cooke-county.html and on file at the Wichita Falls District office. Currently the Public Meeting Summary Report for the meeting held February 27, 2020 is not available on line.

A Public Hearing (PH) is planned after this Draft Environmental Assessment document is approved by FHWA as Satisfactory for Further Processing from FHWA-TX. The purpose of the PH is to further refine the project based on public input as appropriate.

In addition to coordination with the public, coordination letters were sent to TCEQ, TPWD, the USFWS, the Tulsa and Fort Worth districts for the USACE, and the Natural Resources Conservation Service. The correspondence notified each agency of the proposed project and invited each agency to the open house can be found in each summary report on file at the Wichita Falls District Office.

11.0 RECOMMENDATION OF THE RECOMMENDED ALTERNATIVE

11.1 Identification of the Recommended Alternative

TxDOT recommends that the Build Alternative be the Recommended Alternative. The Recommended Alternative would meet the public's need for increased capacity and provide for long-term management of future traffic needs throughout the region. Additionally, the Recommended Alternative would upgrade the existing infrastructure to meet current FHWA and TxDOT design standards for interstates, bridges, and frontage roads, in addition to improving roadway safety.

The Recommended Alternative would require 6 displacements, all of which are commercial properties, two of which are presently closed and two have already relocated per the early acquisition process. There would be no residential displacements. The Recommended Alternative would also acquire 14 billboards. The Recommended Alternative would convert approximately 124 acres for additional ROW to a transportation use, and the Recommended Alternative may impact, three state-listed threatened and endangered species and three Species of Greatest Conservation Need in the study area. TxDOT would complete species surveys for the interior least tern, and any necessary coordination with USFWS and TPWD, prior to construction. While the Recommended Alternative could affect approximately 5,635 linear feet (5.96 acres) of waters of the U.S., the Recommended Alternative would not affect wetlands in the study area.

11.2 Conclusion

The Build Alternative, described in Section 3.2, satisfies the project purpose and need by improving mobility and increasing safety within the corridor. Because the Build Alternative satisfies the project's

purpose and need, it is the recommended alternative. Implementation of the proposed project would not result in a significant impact on the human or natural environment. Therefore, a Finding of NO Significant Impact (FONSI) is recommended.

12.0 REFERENCES

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13.0 LIST OF ACRONYMS

AADT	Average Annual Daily Traffic
AOI	Area of Influence
APE	Area of Potential Effects
ASTM	American Society for Testing and Materials
BMPs	best management practices
BNSF	Burlington Northern and Santa Fe
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CR	County Road
CSJ	control-section-job
dB	decibel
dB(A)	a-weighted decibel
EA	Environmental Assessment
e.g.	exempli gratia ("for example")
EO	Element of Occurrence
EMST	Ecological Mapping Systems of Texas
FEMA	Federal Emergency Management Agency
FM	Farm-to-Market Road
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
i.e.	id est ("that is" or "in other words")
IH	Interstate Highway
IP	Individual Permit
L_{eq}	average or equivalent sound level
LEP	limited English proficiency
MAPO	Meeting of Affected Property Owner
MLS	multiple listings service
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
mph	miles per hour
MS4	Municipal Separate Storm Sewer System
MSAT	mobile source air toxic
N/A	not applicable

NAAQS	National Ambient Air Quality Standards
NAC	Noise Abatement Criteria
NCHRP	National Cooperative Highway Research Program
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NRHP	National Register of Historic Places
NWP	Nationwide Permit
OHWM	Ordinary High Water Mark
PA	Programmatic Agreement
PALM	Potential Archeological Liability Map
PCN	Preconstruction Notification
R	receiver
ROW	right-of-way
RTHL	Recorded Texas Historic Landmarks
SAL	State Antiquities Landmark
SHPO	State Historic Preservation Officer
STIP	Statewide Transportation Improvement Program
SW3P	Stormwater Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
THC	Texas Historical Commission
TPDES	Texas Pollutant Discharge Elimination System
TPWD	Texas Parks and Wildlife Department
TxDOT	Texas Department of Transportation
TXNDD	Texas Natural Diversity Database
U.S.	United States
US	U.S. Highway
USACE	U.S. Army Corps of Engineers
U.S. EPA	U.S. Environmental Protection Agency
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
VMT	vehicle miles traveled

Exhibits

Exhibit 1: Project Location Map

Exhibit 2: Typical Sections

Exhibit 3: Proposed Schematic

Exhibit 4: Crossover Map

Exhibit 5: LakeTexoma Fee Area Map

Exhibit 6: Noise Impact Map

Exhibit 1: Project Location Map

Legend

I-35 Project Limits

I-35 Improvement Project

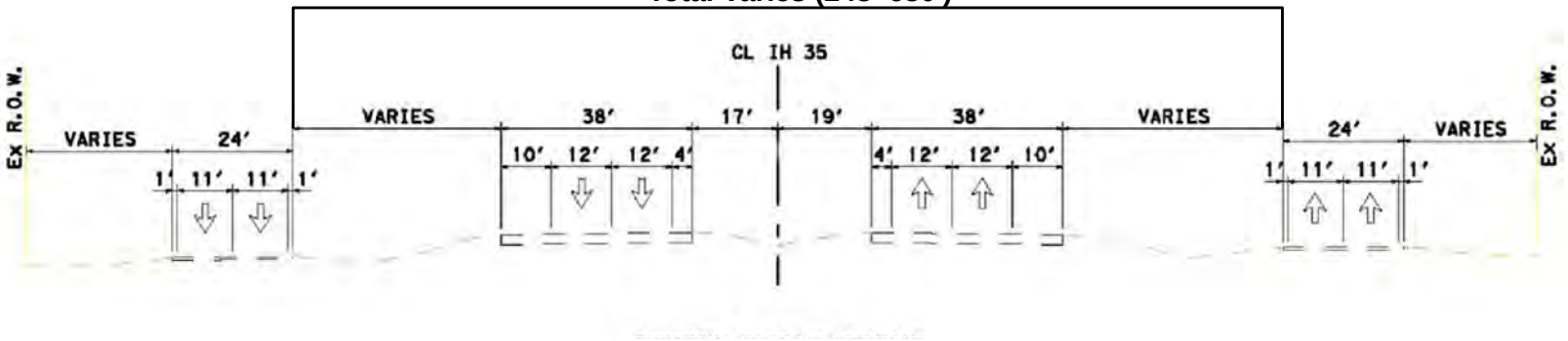
(FM 3002 to Merle Wolfe Rd)

CSJs: 0194-01-010, etc.

Exhibit 1: Project Location Map

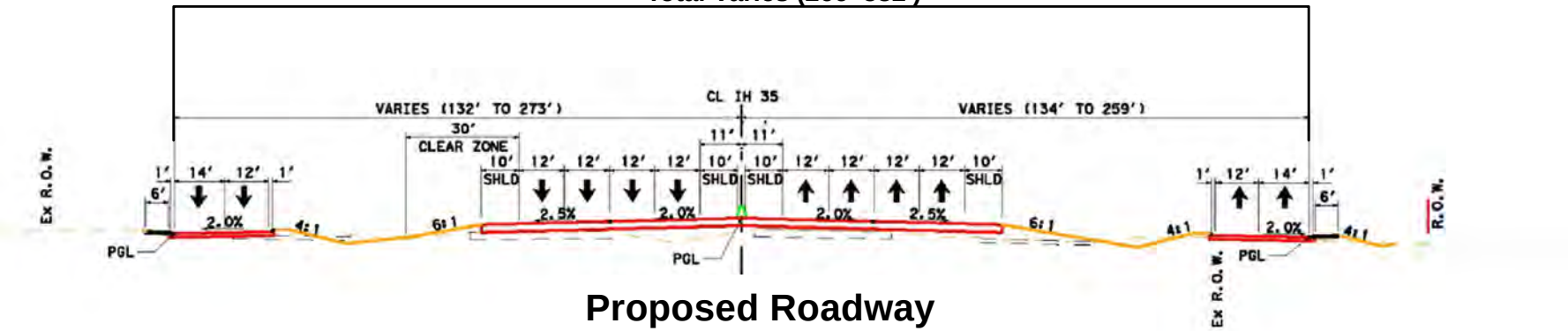
Exhibit 2: Typical Sections

Total Varies (248'-630')



Existing Roadway Typical Section

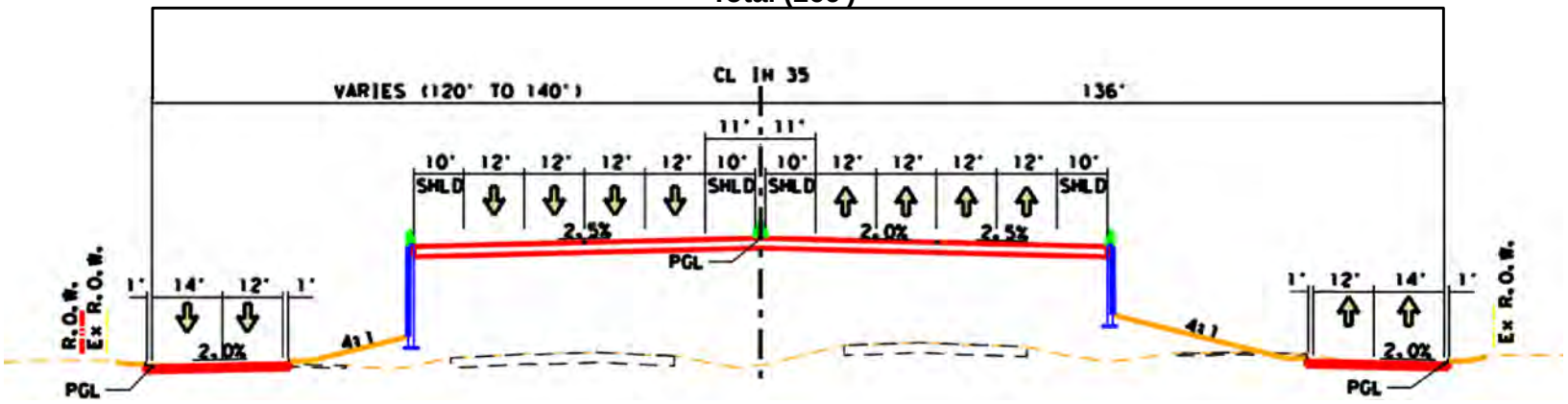
Total Varies (266'-532')



Proposed Roadway Typical Section

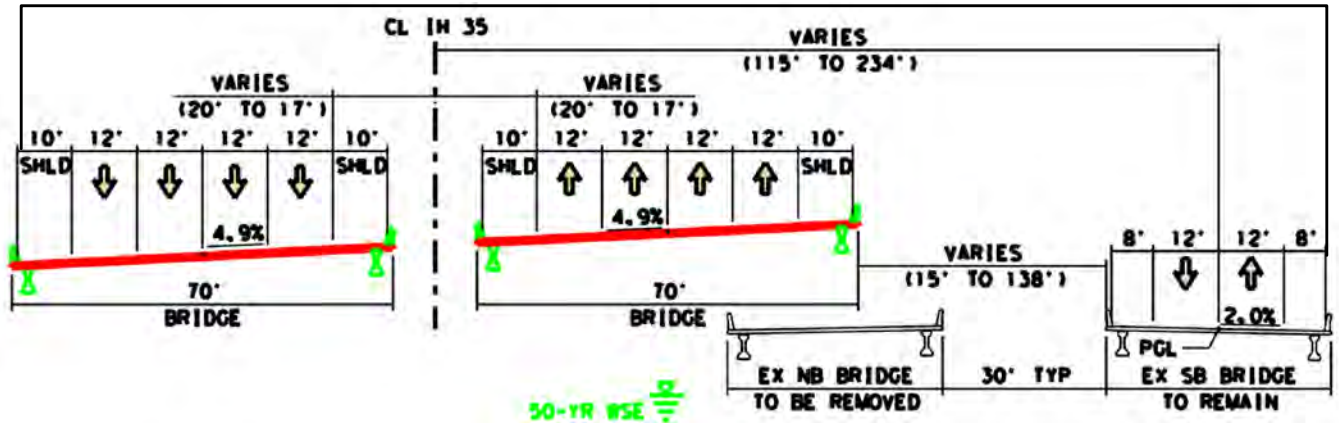
	I-35 Improvement Project (FM 3002 to Merle Wolfe Road) CSJs: 0194-01-010, etc.
	Exhibit 2: Typical Sections Page 1 of 2

Total (266')



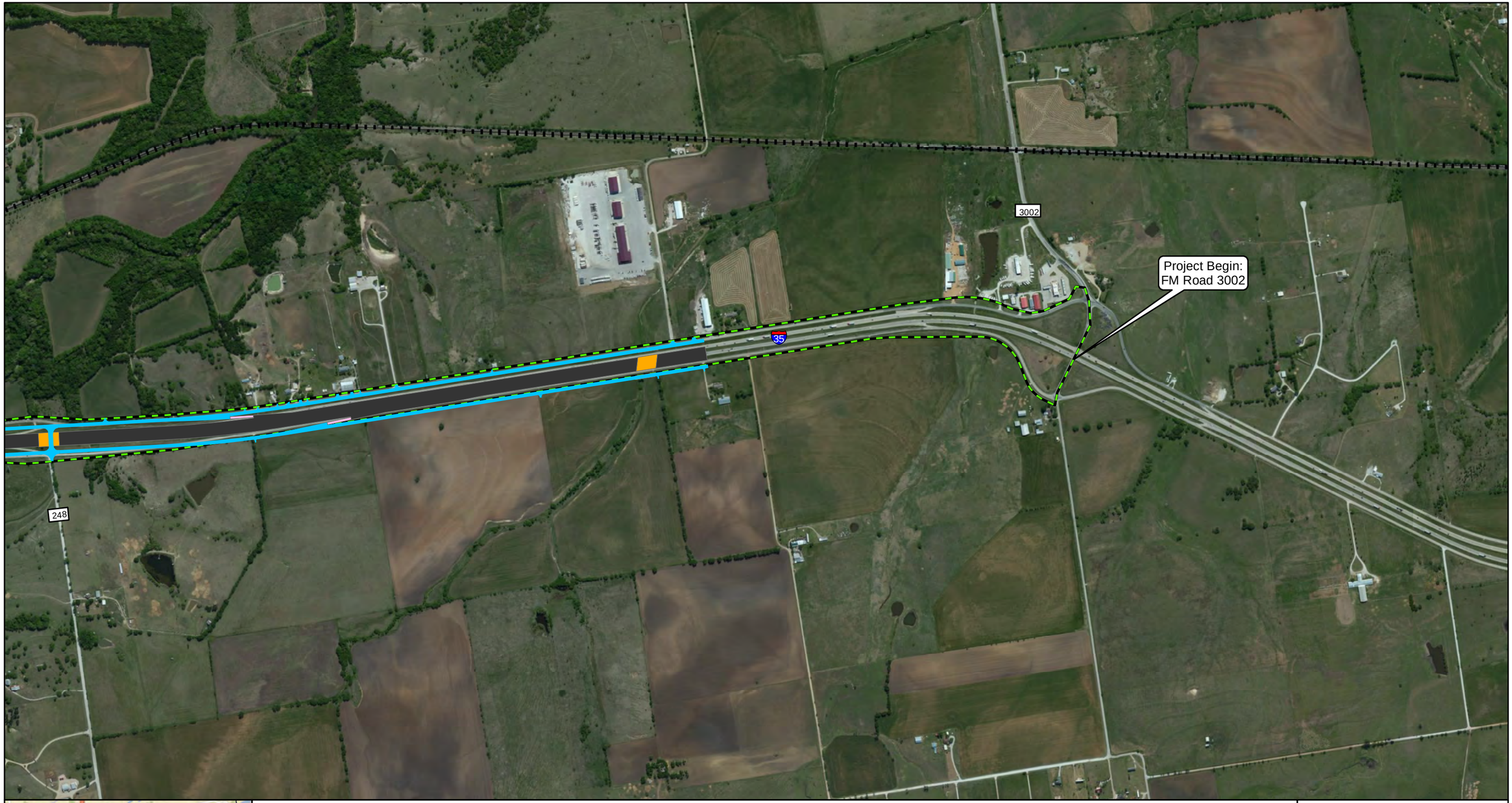
Bridge Typical Section

Total Varies (24'-70')



Red River Bridge Typical Section

Exhibit 3: Proposed Schematic



Legend

- I-35 Existing ROW
- I-35 Proposed ROW
- Main Lane
- Bridge
- Frontage Road
- Ramp
- Sidewalk

I-35 Widening and Realignment

(FM 3002 to Mile Marker 3/Rogers Road)

CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

Page 1 of 12

0 250 500 1,000 Feet

Source: TNRIS 2016

Legend

I-35 Existing ROW

I-35 Proposed ROW

Main Lane

Bridge

Frontage Road

Ramp

Sidewalk

I-35 Widening and Realignment

(FM 3002 to Mile Marker 3/Rogers Road)

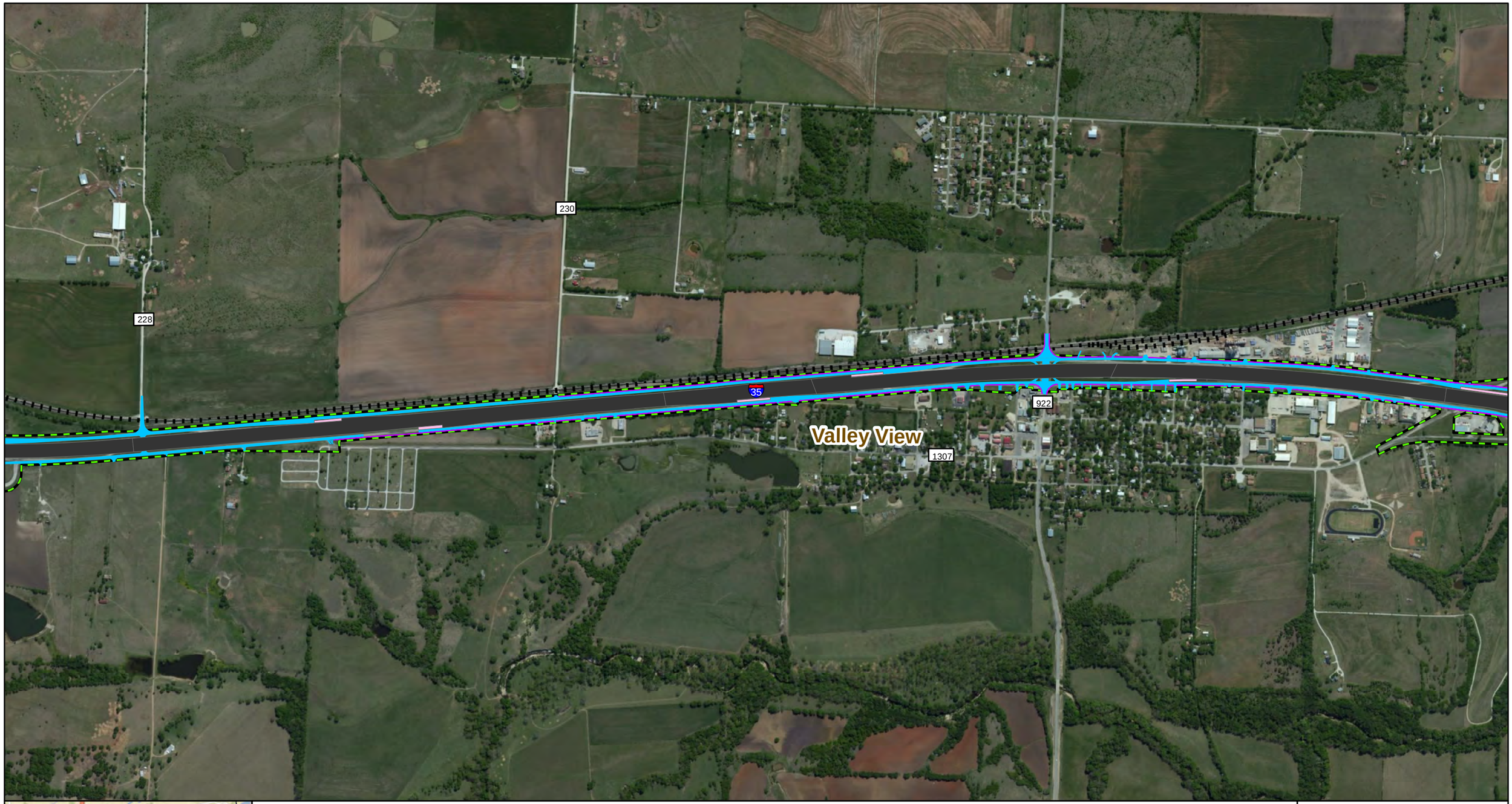
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

0 250 500 1,000 Feet

N

Source: TNRIS 2016



Legend

- I-35 Existing ROW
- I-35 Proposed ROW
- Main Lane
- Bridge
- Frontage Road
- Ramp
- Sidewalk

I-35 Widening and Realignment

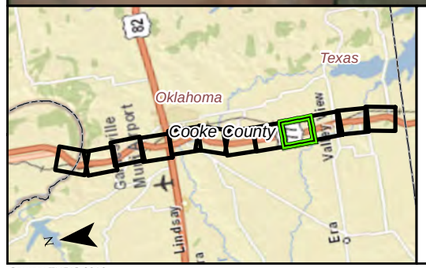
(FM 3002 to Mile Marker 3/Rogers Road)

CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

0 250 500 1,000 Feet

Source: TNRIS 2016



Legend

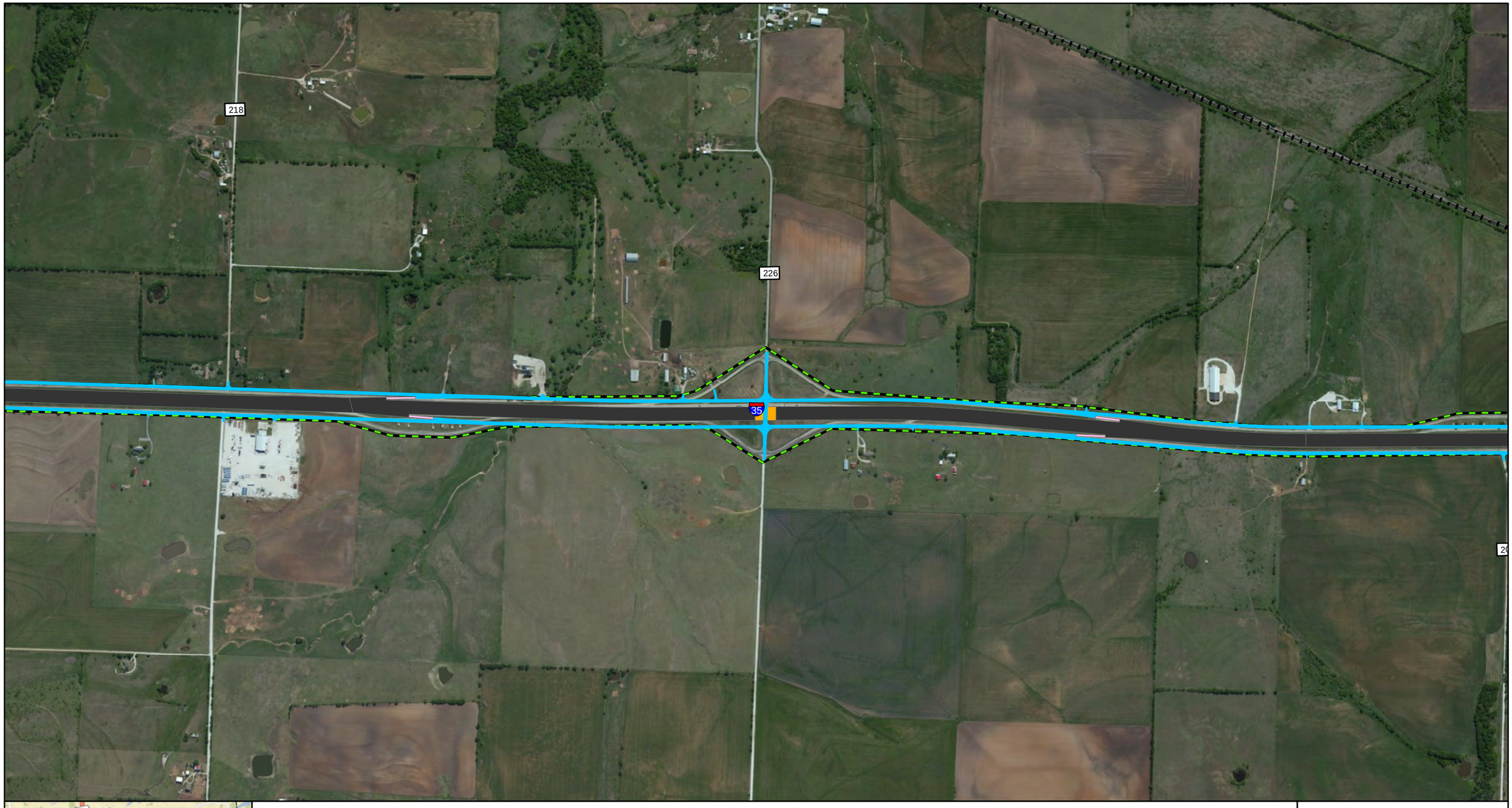
- I-35 Existing ROW
- I-35 Proposed ROW
- Main Lane
- Bridge
- Frontage Road
- Ramp
- Sidewalk

I-35 Widening and Realignment
(FM 3002 to Mile Marker 3/Rogers Road)
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

0 250 500 1,000 Feet

Source: TNRIS 2016



Legend

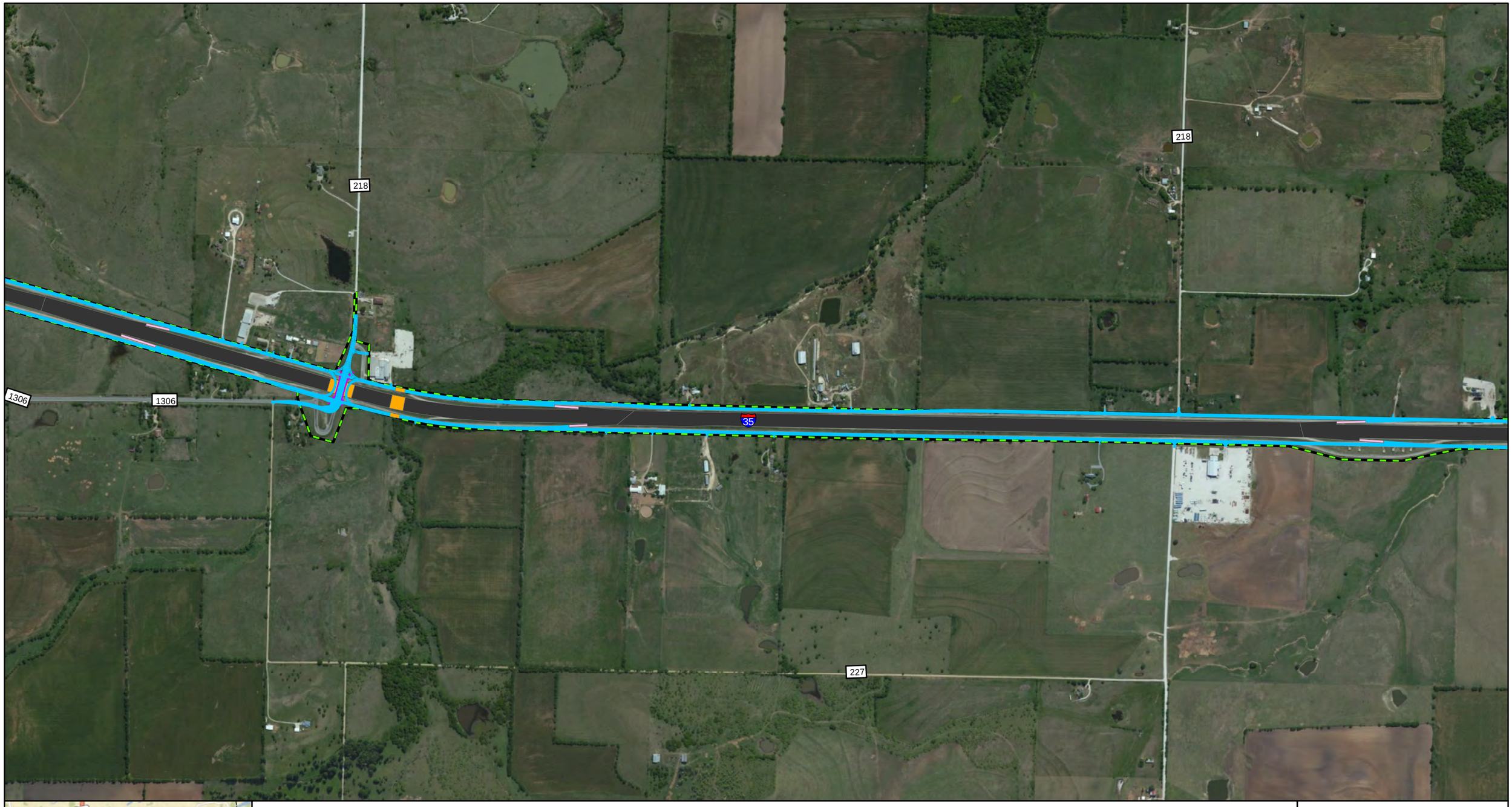
- I-35 Existing ROW
- I-35 Proposed ROW
- Main Lane
- Bridge
- Frontage Road
- Ramp
- Sidewalk

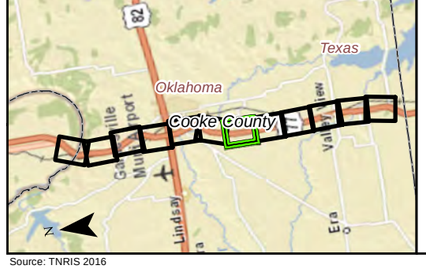
I-35 Widening and Realignment
(FM 3002 to Mile Marker 3/Rogers Road)
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic
Page 5 of 12

0 250 500 1,000 Feet

Source: TNRIS 2016





Legend

I-35 Existing ROW

I-35 Proposed ROW

Main Lane

Bridge

Frontage Road

Ramp

Sidewalk

I-35 Widening and Realignment

(FM 3002 to Mile Marker 3/Rogers Road)

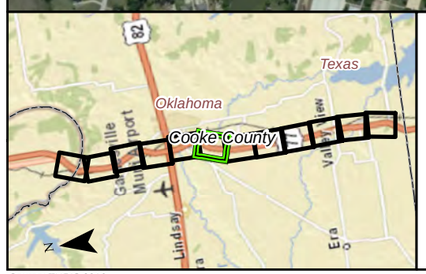
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

0 250 500 1,000 Feet

N

Source: TNRIS 2016



Legend

I-35 Existing ROW

I-35 Proposed ROW

Main Lane

Bridge

Frontage Road

Ramp

Sidewalk

I-35 Widening and Realignment

(FM 3002 to Mile Marker 3/Rogers Road)

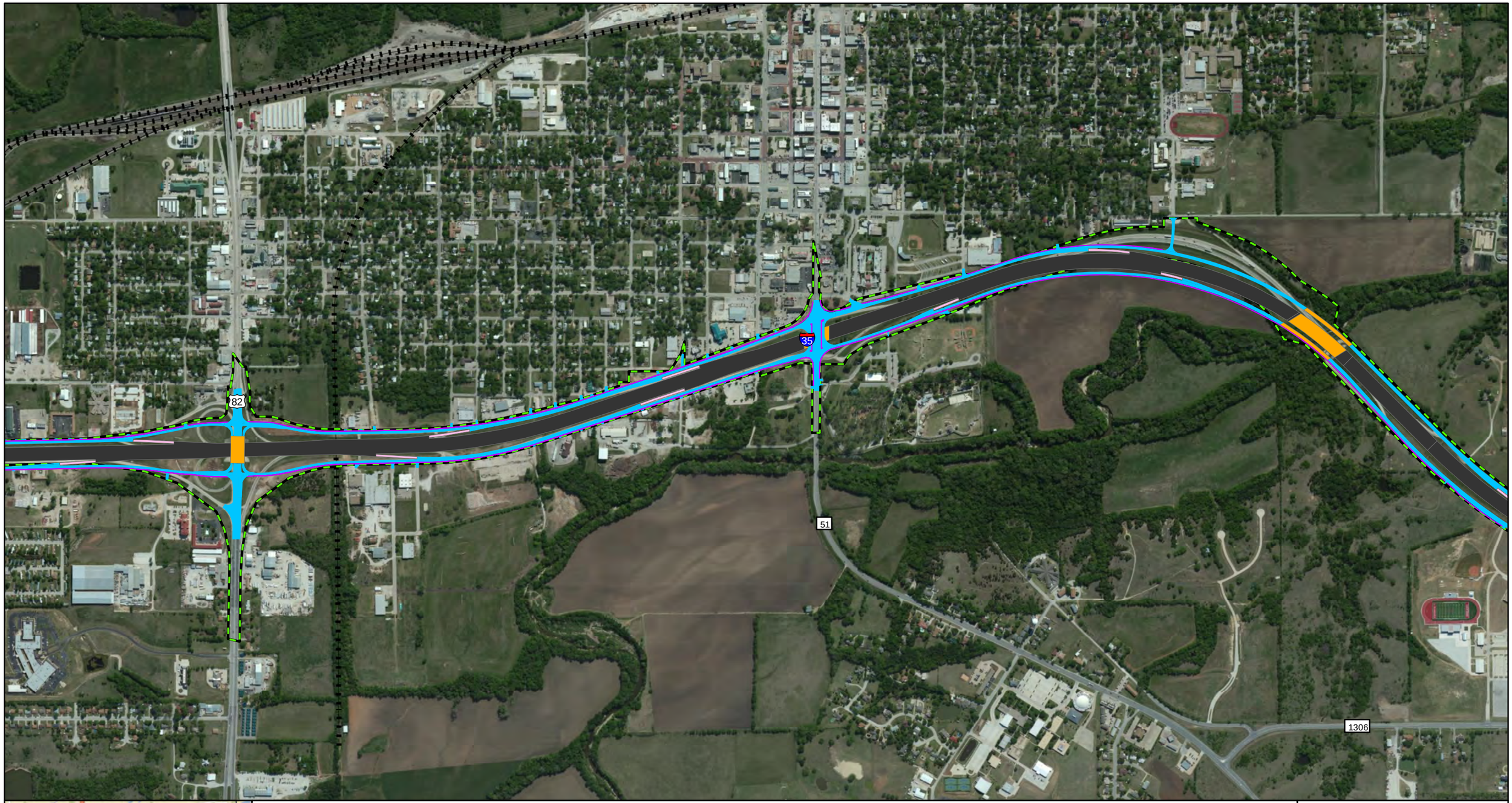
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

0 250 500 1,000 Feet

N

Source: TNRIS 2016



Legend

- I-35 Existing ROW
- I-35 Proposed ROW
- Main Lane
- Bridge
- Frontage Road
- Ramp
- Sidewalk

I-35 Widening and Realignment

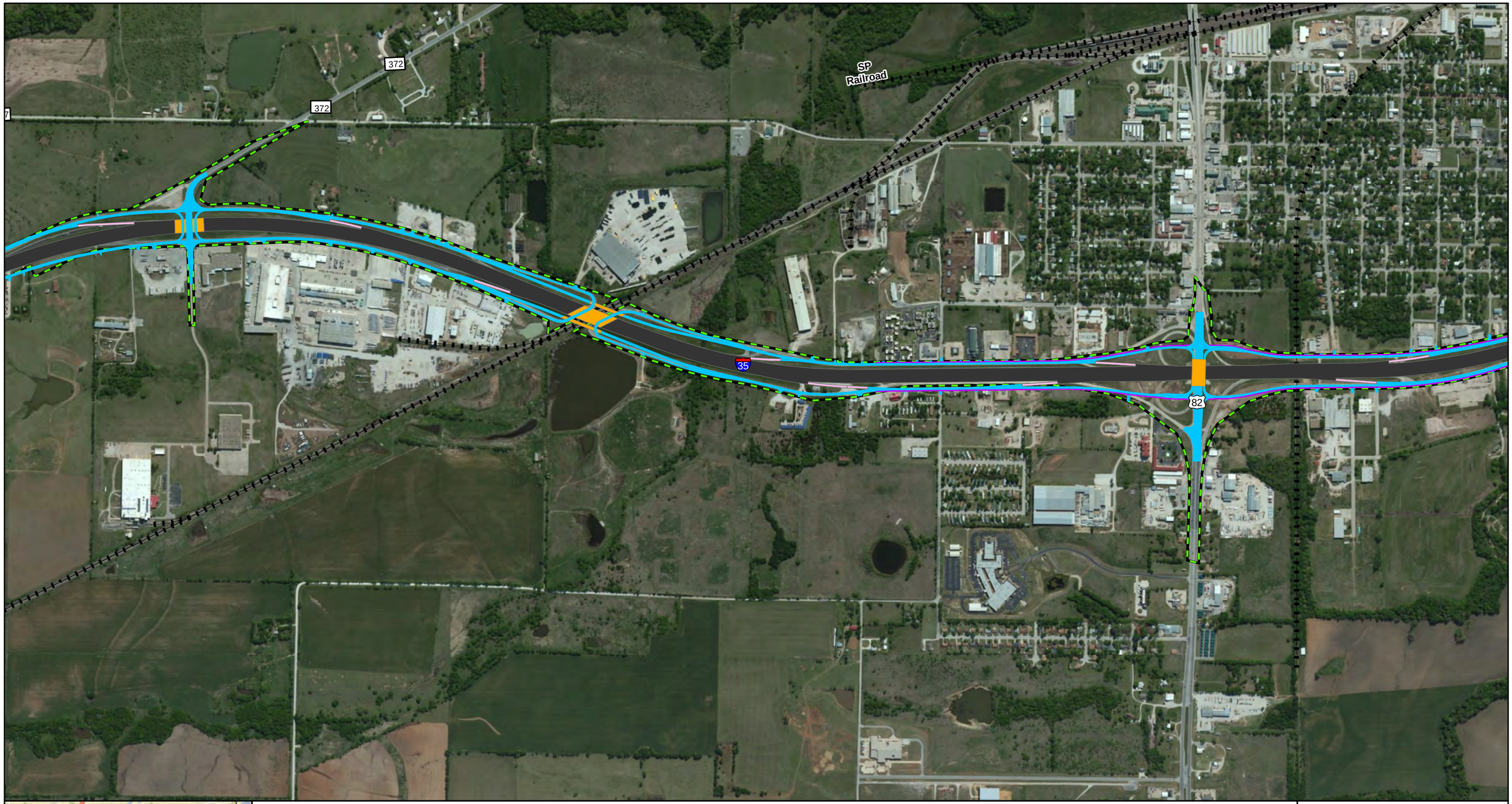
(FM 3002 to Mile Marker 3/Rogers Road)

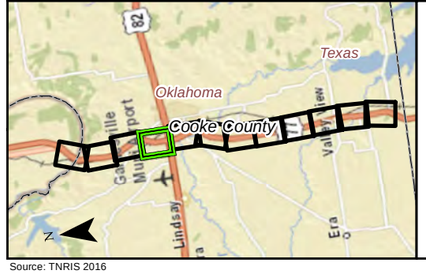
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

0 250 500 1,000 Feet

Source: TNRIS 2016





Legend

- I-35 Existing ROW
- I-35 Proposed ROW
- Main Lane
- Bridge
- Frontage Road
- Ramp
- Sidewalk

Source: TNRIS 2016

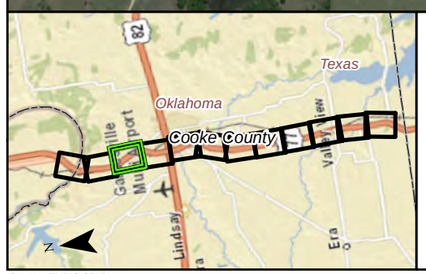
I-35 Widening and Realignment

(FM 3002 to Mile Marker 3/Rogers Road)

CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

0 250 500 1,000 Feet



Legend

I-35 Existing ROW

I-35 Proposed ROW

Main Lane

Bridge

Frontage Road

Ramp

Sidewalk

I-35 Widening and Realignment

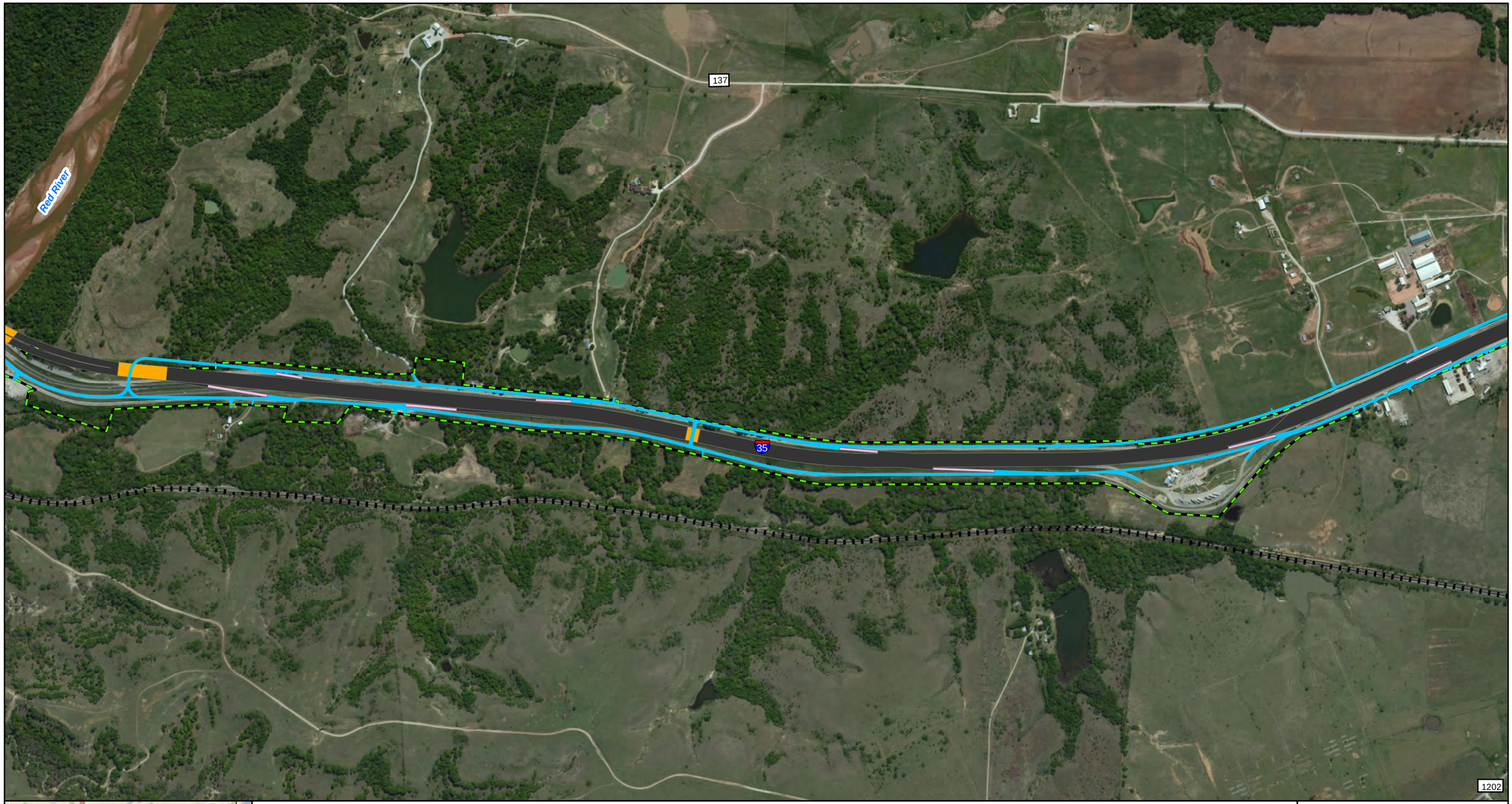
(FM 3002 to Mile Marker 3/Rogers Road)

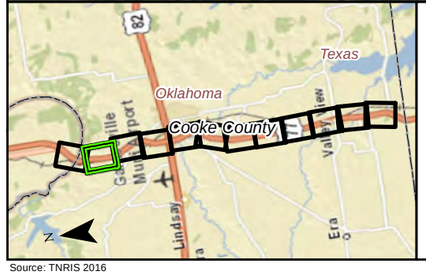
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic

0 250 500 1,000 Feet

Source: TNRIS 2016





Legend

- I-35 Existing ROW
- I-35 Proposed ROW
- Main Lane
- Bridge
- Frontage Road
- Ramp
- Sidewalk

I-35 Widening and Realignment
(FM 3002 to Mile Marker 3/Rogers Road)
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic
Page 11 of 12

0 250 500 1,000 Feet

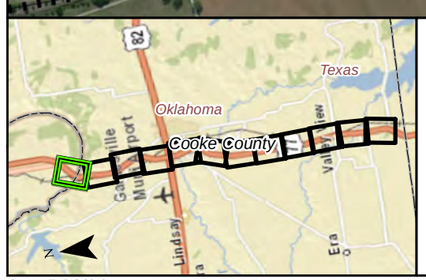
Source: TNRIS 2016

Project End:
Merle Wolfe Rd

Red River

35

AT and SF Railroad



Legend

- I-35 Existing ROW
- I-35 Proposed ROW
- Main Lane
- Bridge
- Frontage Road
- Ramp
- Sidewalk

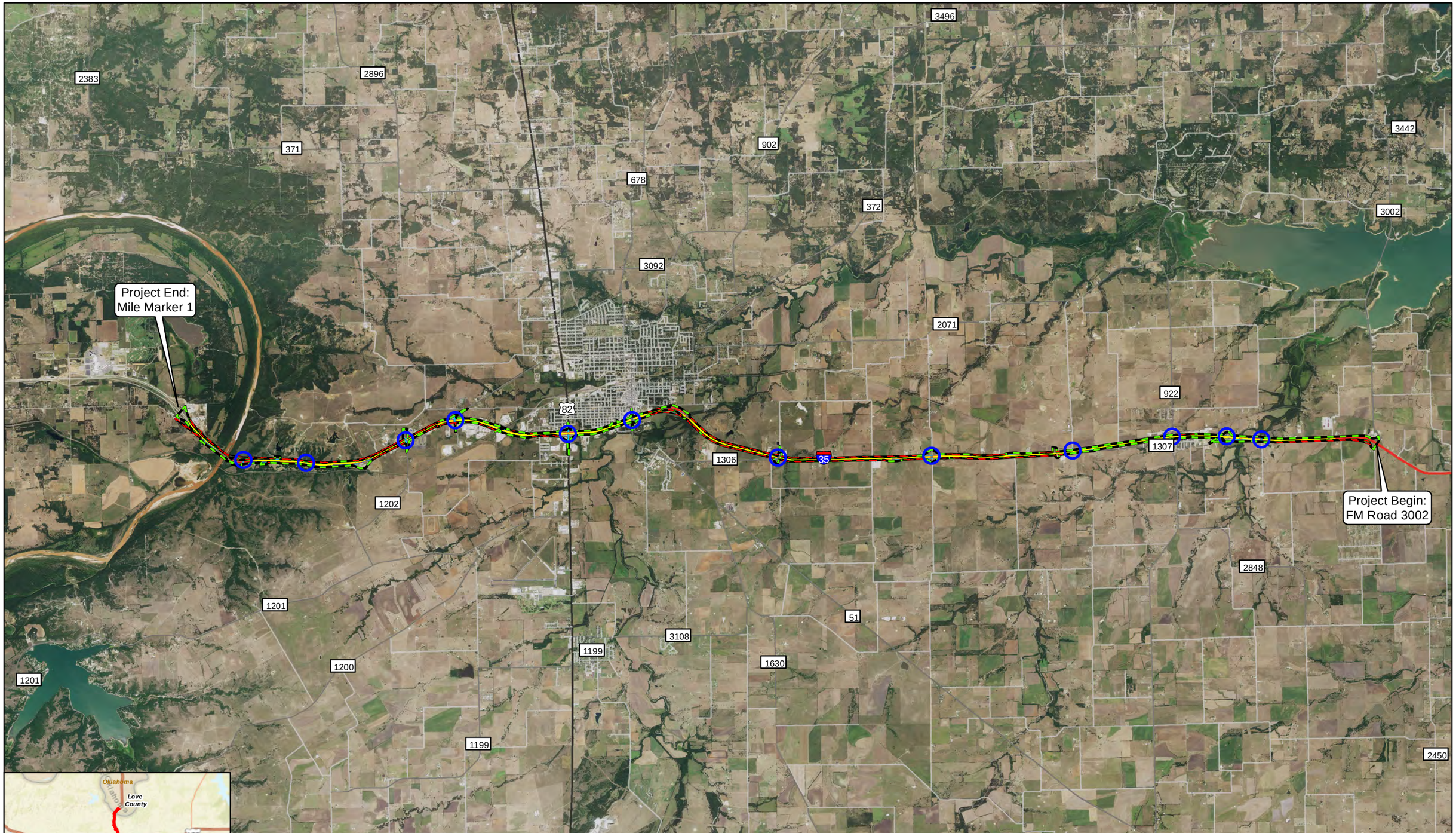
I-35 Widening and Realignment
(FM 3002 to Mile Marker 3/Rogers Road)
CSJs: 0194-01-010, etc.

Exhibit 3: Proposed Schematic
Page 12 of 12

0 250 500 1,000 Feet

Source: TNRIS 2016

Exhibit 4: Crossover Map



Legend

- Existing ROW Area
- Proposed ROW Area
- Crossover
- Ramp
- Main Lane
- Frontage Road

I-35 Widening and Realignment

(FM 3002 to Mile Marker 1)

CSJs: 0194-01-010, 0194-02-081, 0194-02-092, 0195-01-087, 0195-01-111, 0195-01-119, and 0903-15-100

Exhibit 4: Crossover Map

0 0.5 1 2 Miles

Source: TNRIS 2014

Exhibit 5: Ray Roberts Fee Area Map

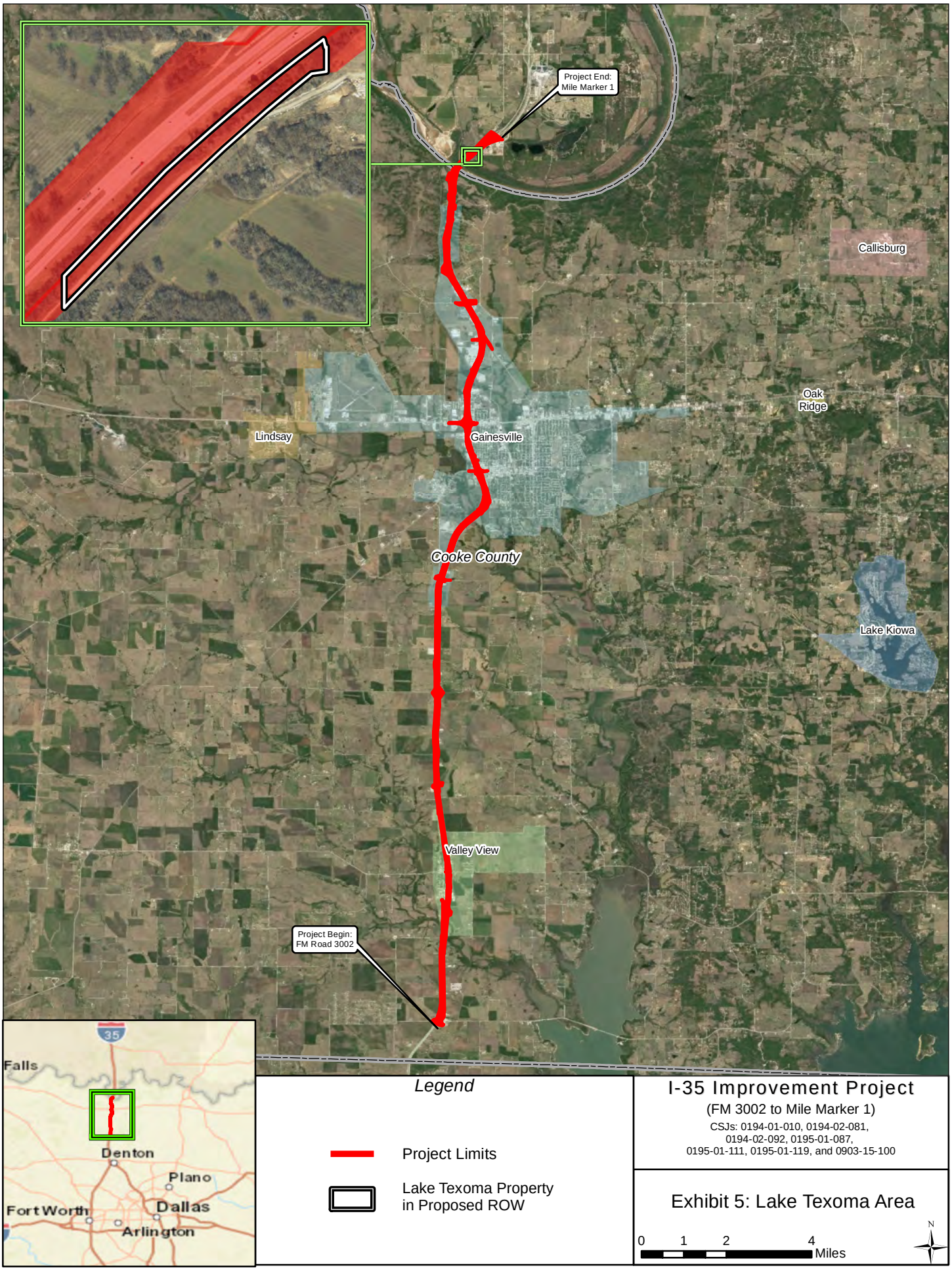
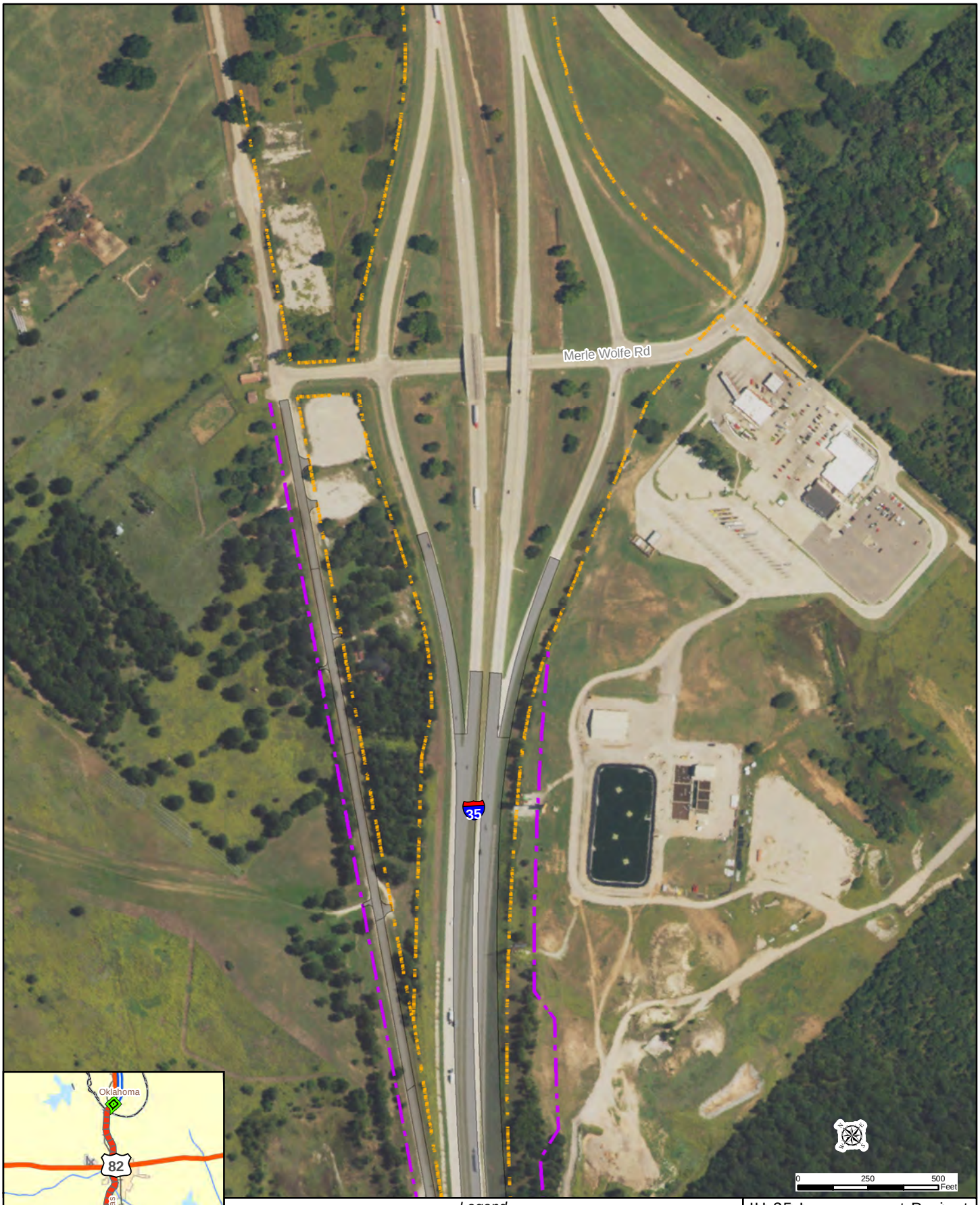

Project End:
Mile Marker 1
Callisburg
Oak
Ridge
Lindsay
Gainesville
Cooke County
Lake Kiowa
Valley View
Project Begin:
FM Road 3002
35
Falls
Denton
Plano
Fort Worth
Dallas
Arlington
Legend
Project Limits
Lake Texoma Property
in Proposed ROW
I-35 Improvement Project
(FM 3002 to Mile Marker 1)
CSJs: 0194-01-010, 0194-02-081,
0194-02-092, 0195-01-087,
0195-01-111, 0195-01-119, and 0903-15-100
Exhibit 5: Lake Texoma Area
0 1 2 4
Miles
N

Exhibit 6: Noise Impact Map



Legend

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IH 35 Improvement Project
(Farm-To-Market 3002 to Merle Wolfe Road)
CSJs: 0194-01-010, 0194-02-092, 0195-01-111, 0903-15-100, 0194-02-081, & 0195-01-087

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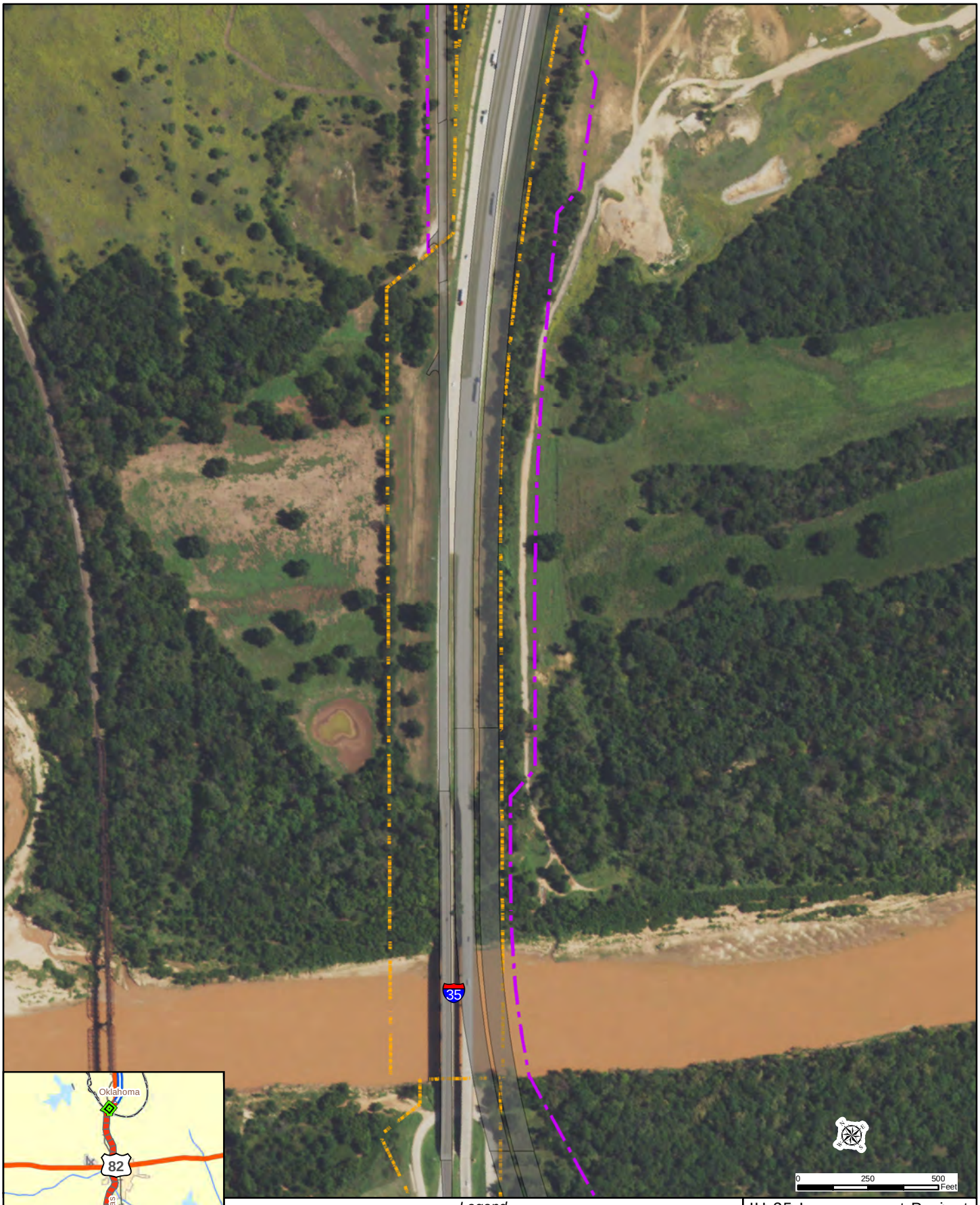

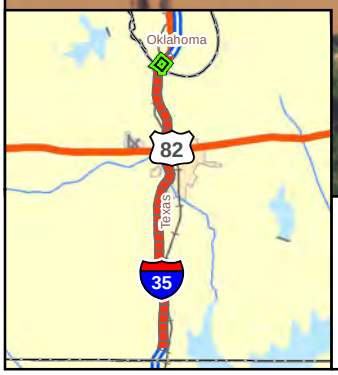

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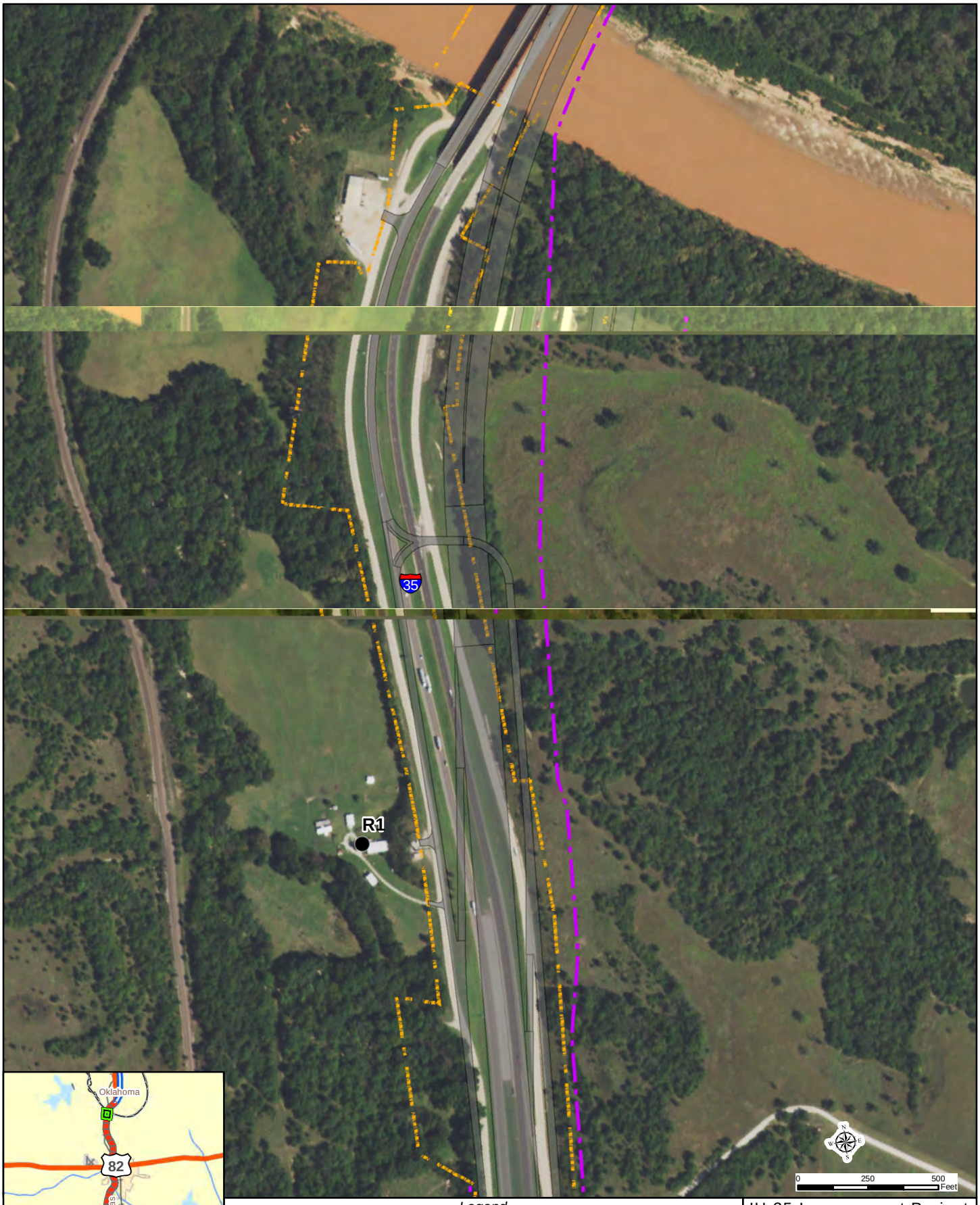

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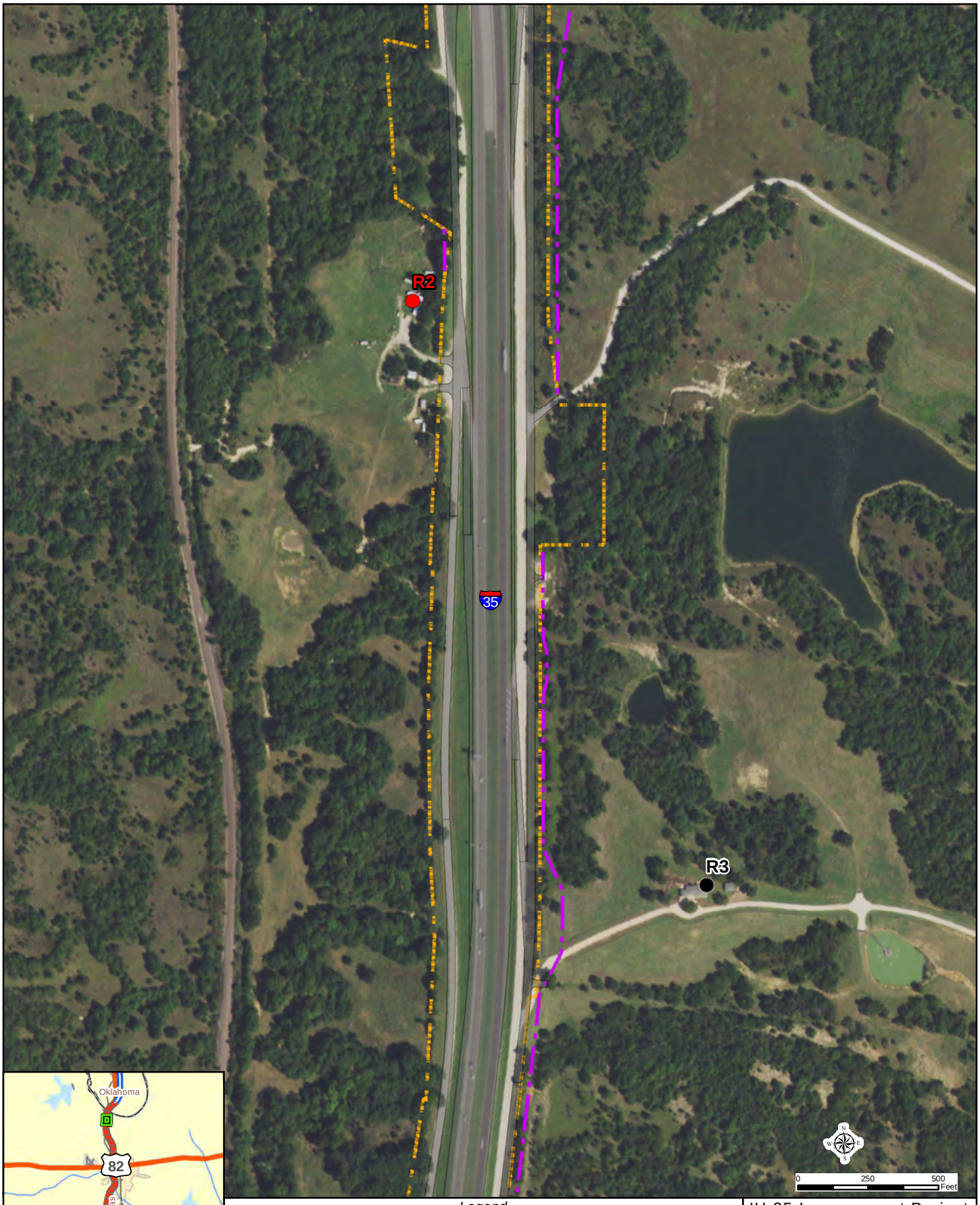

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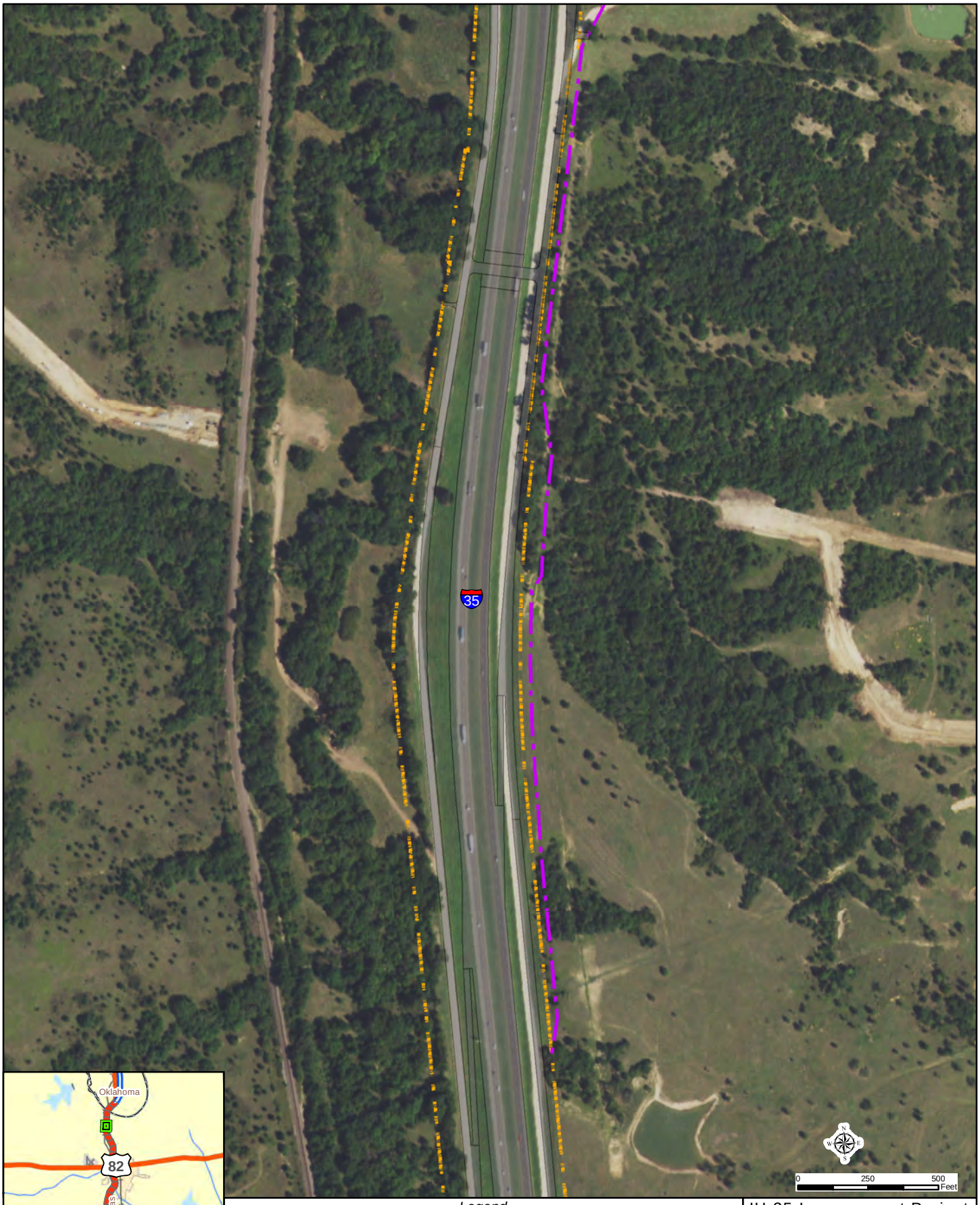

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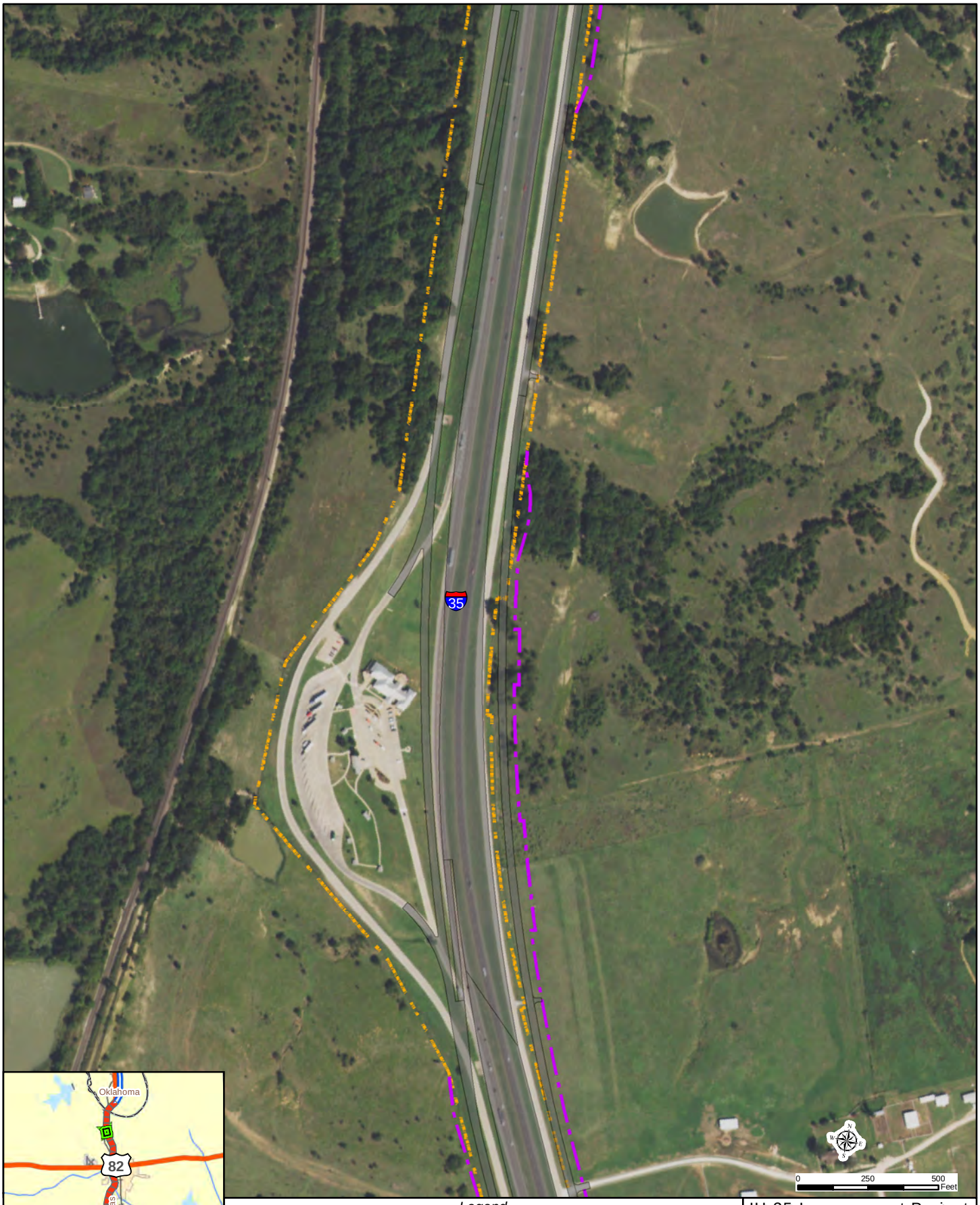

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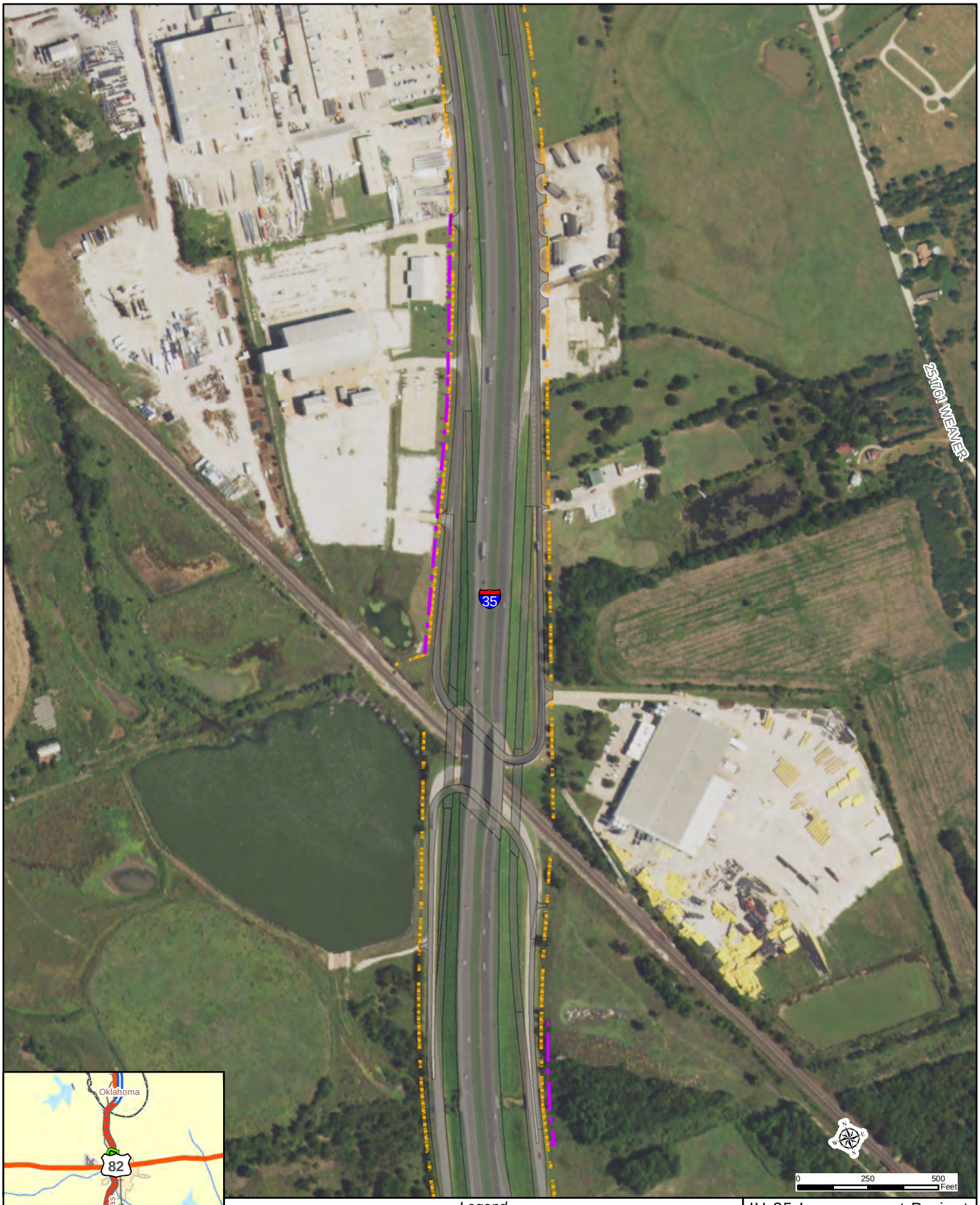

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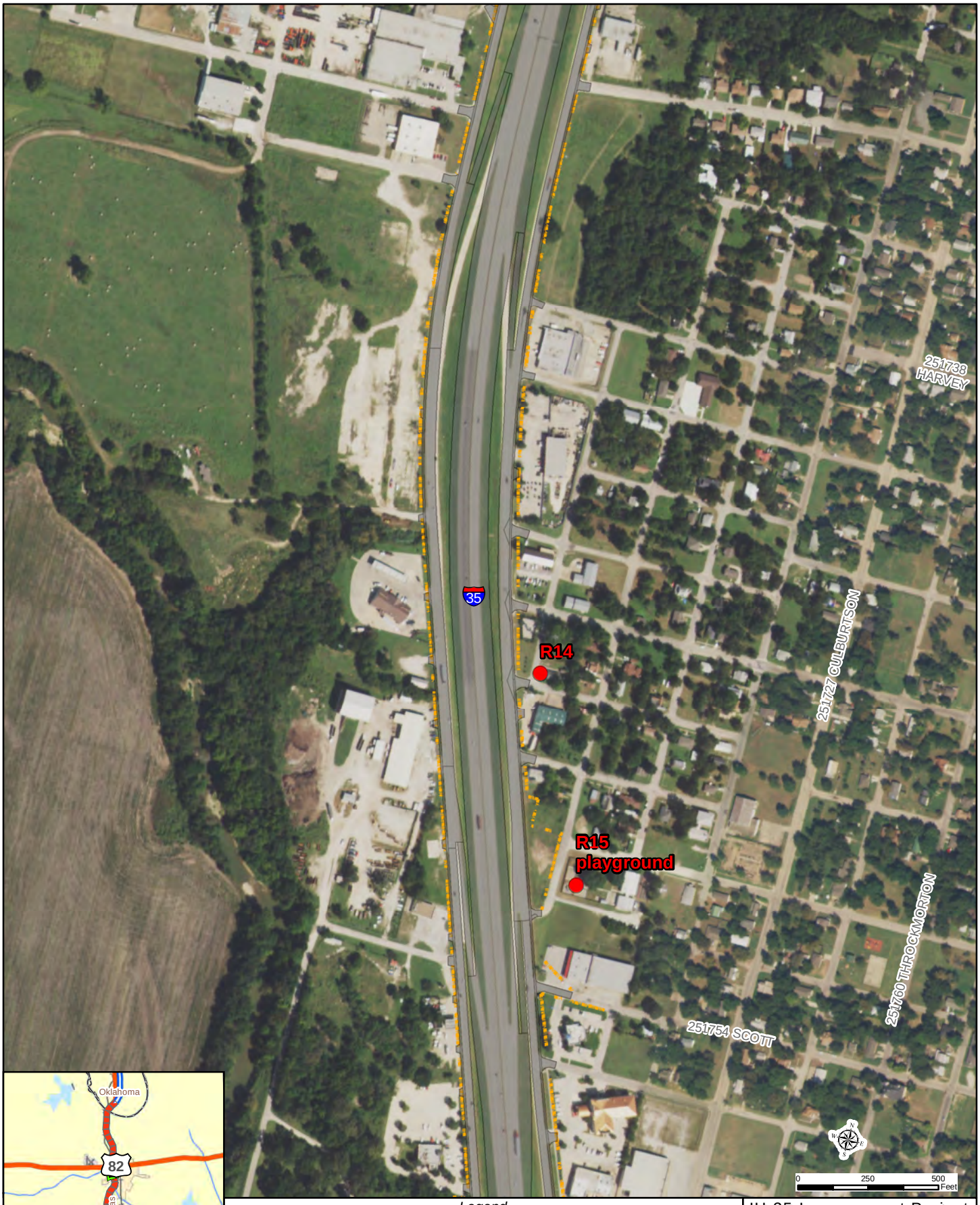

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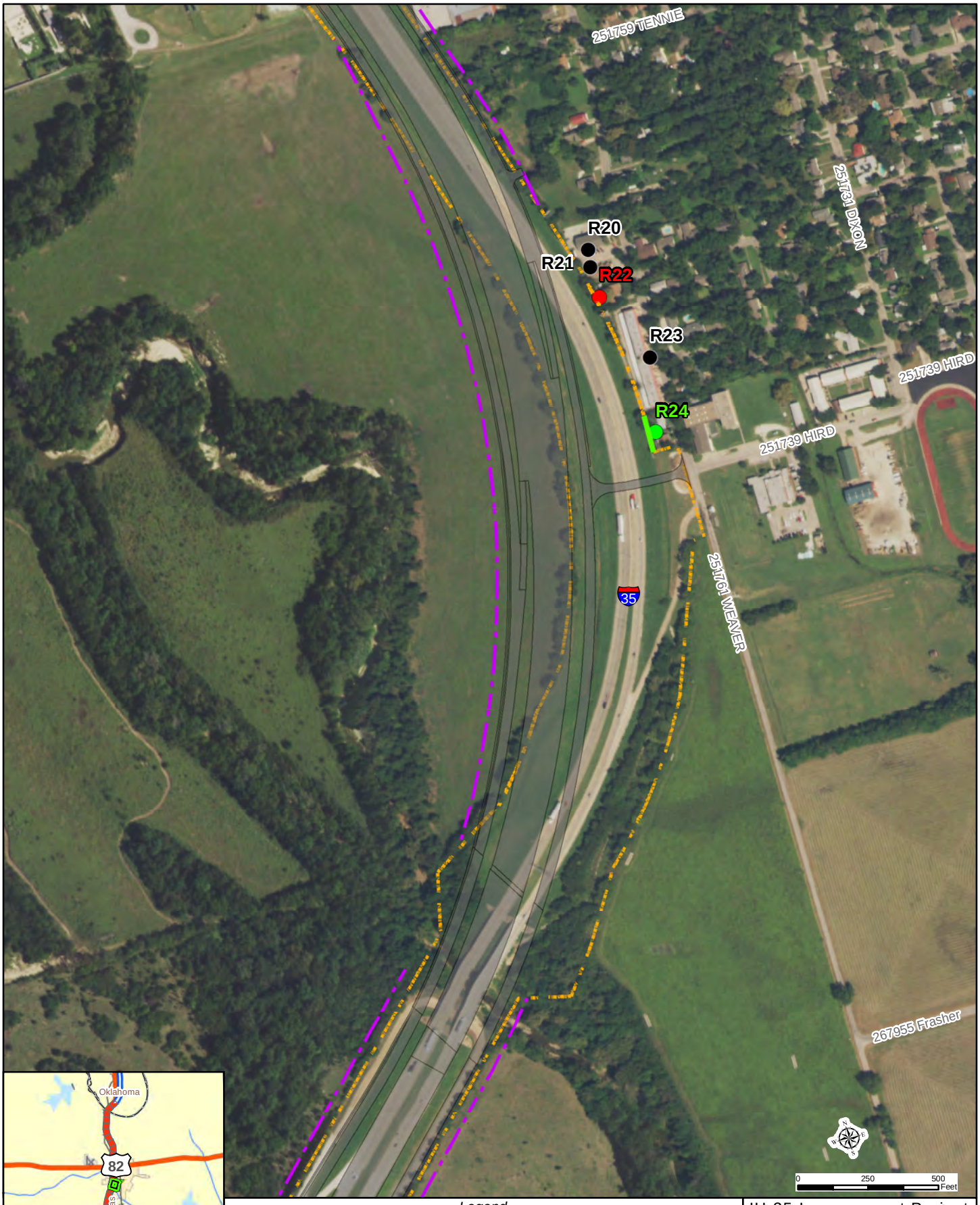

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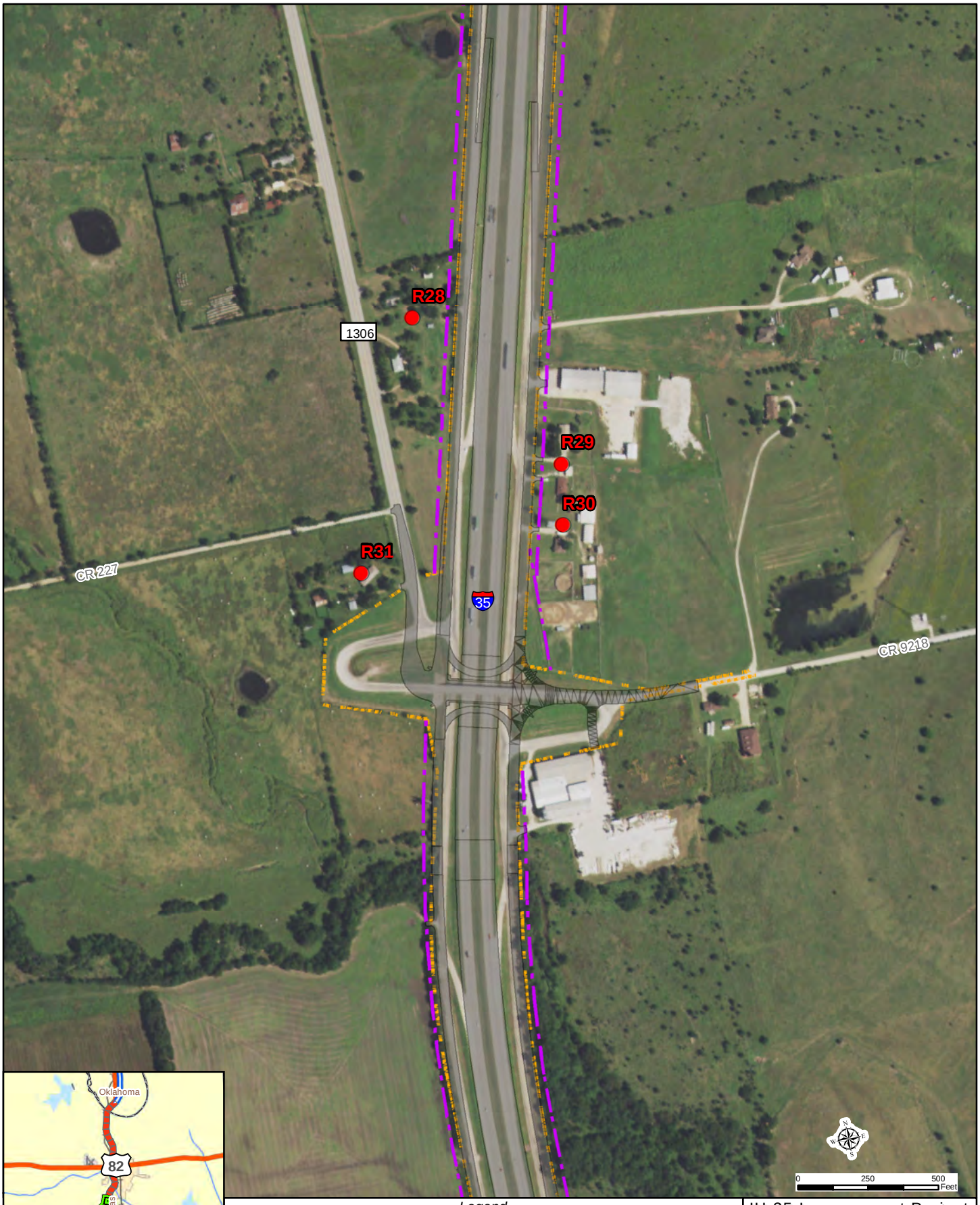

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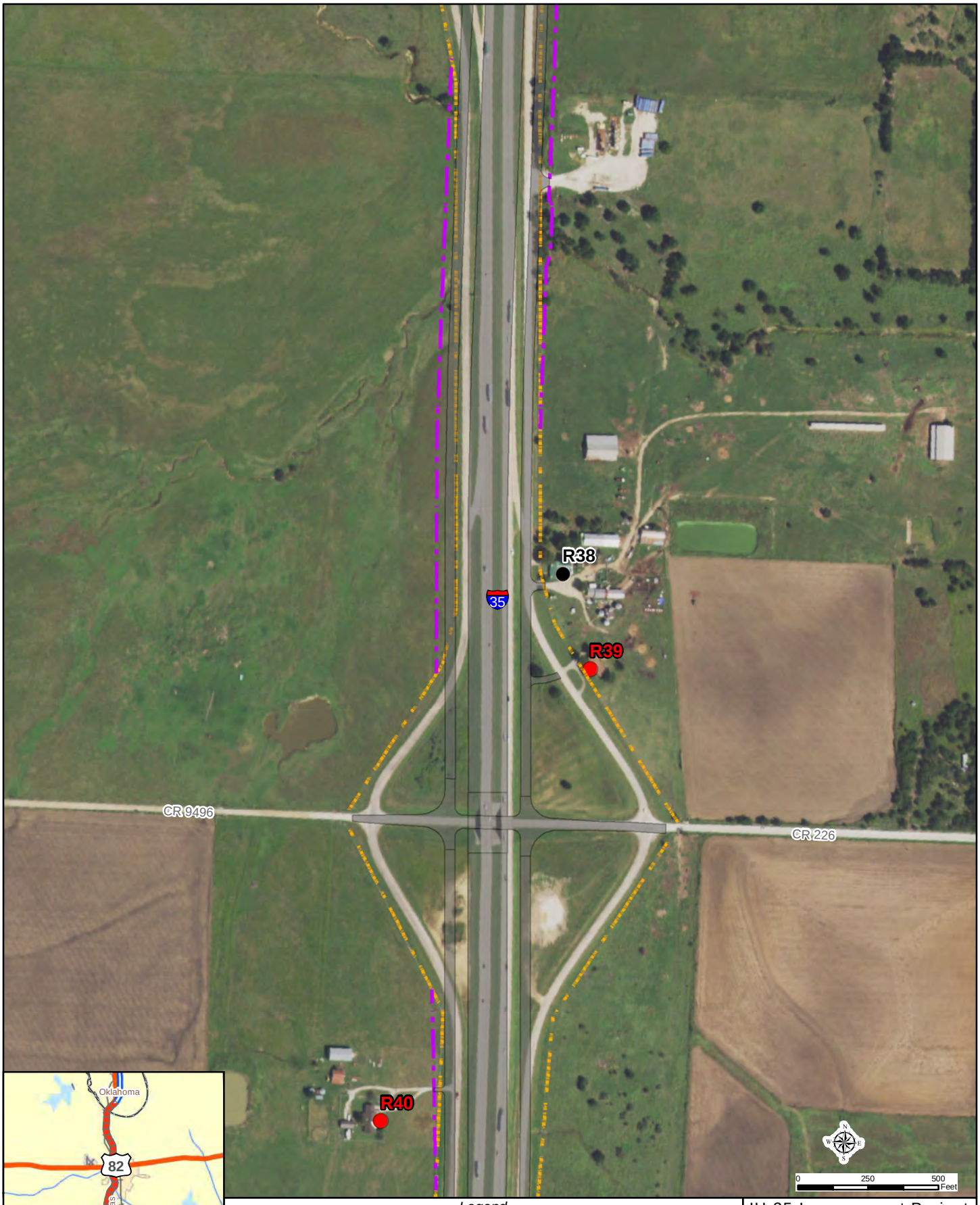

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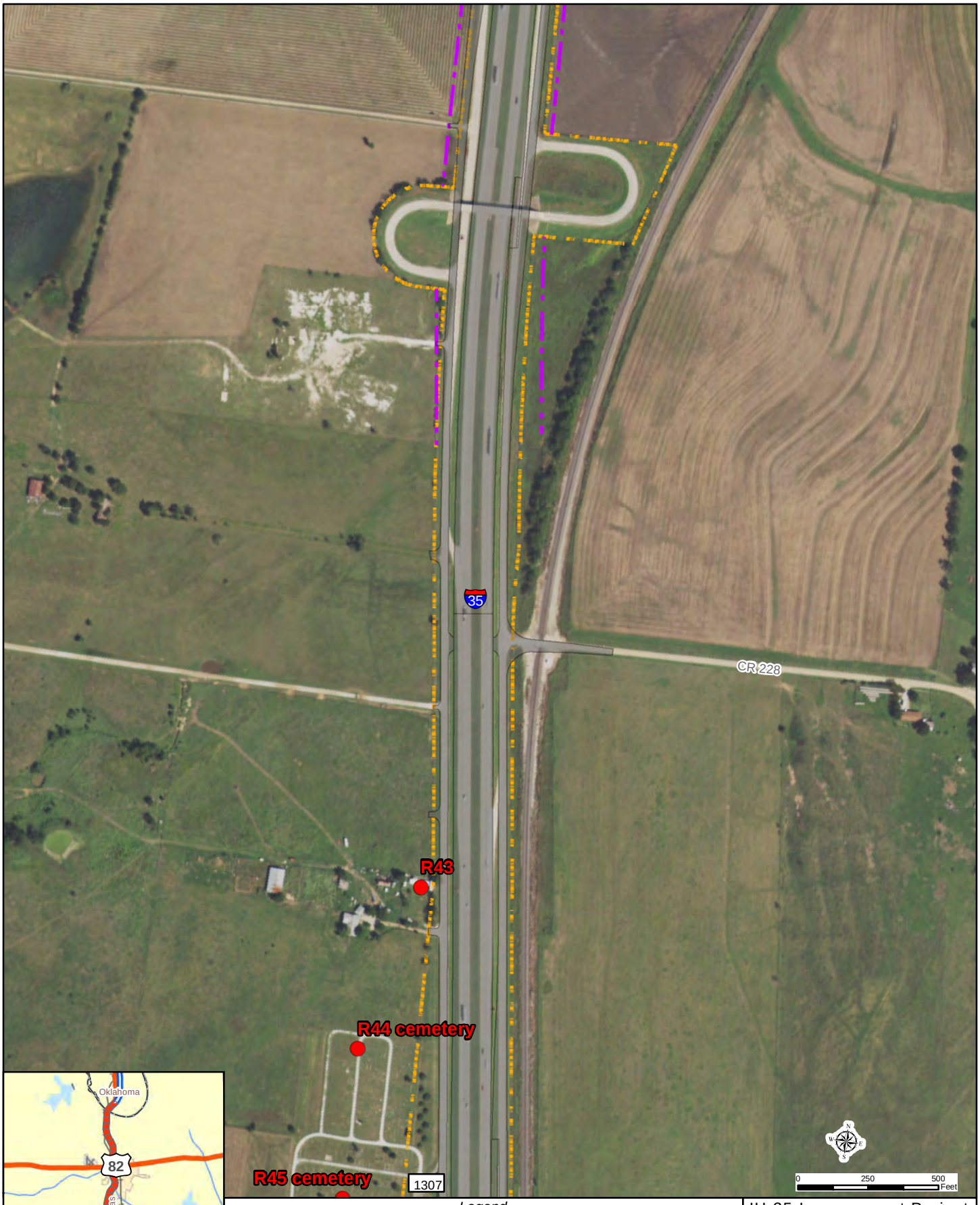

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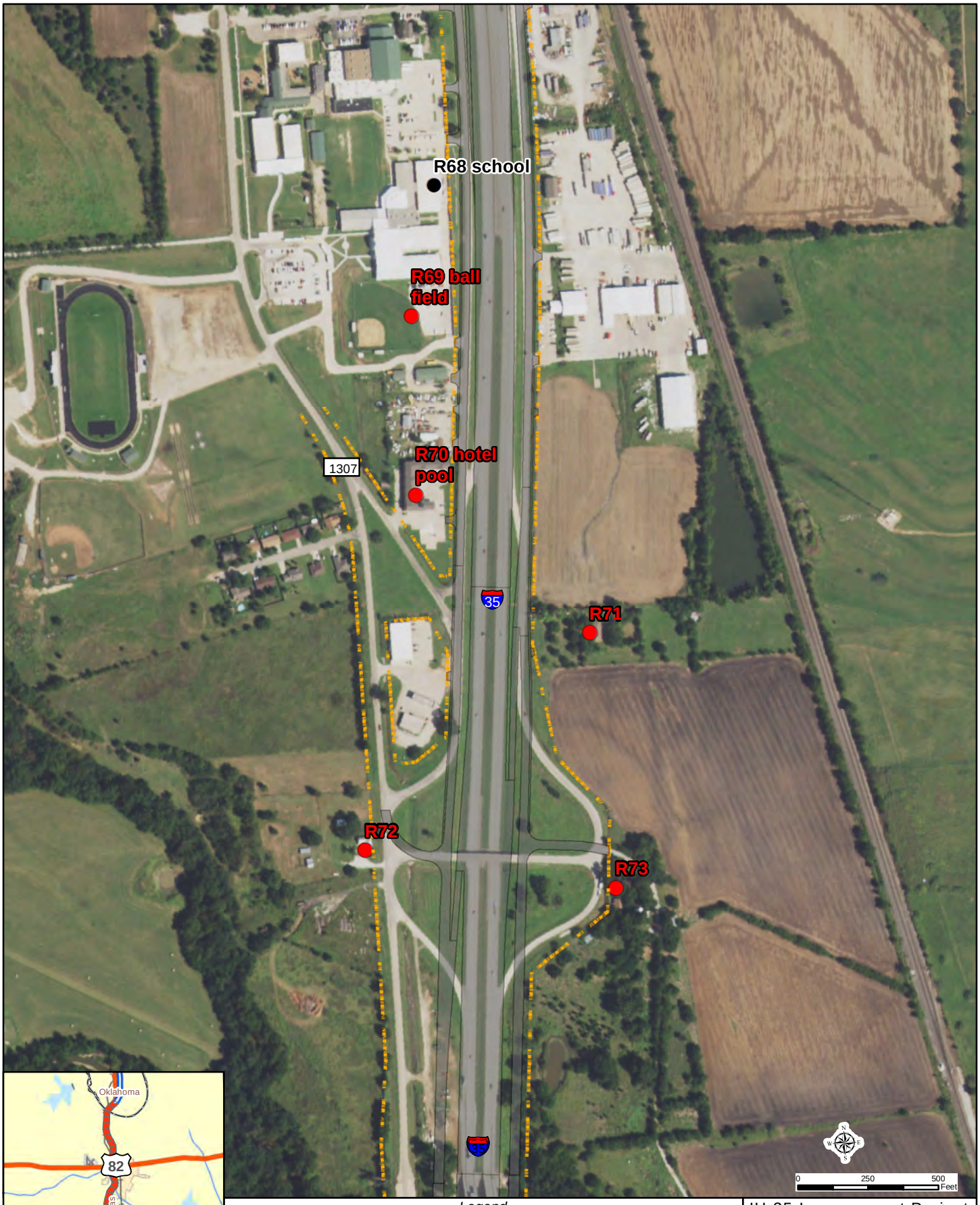

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Appendix A: Coordination

U.S. Department of Homeland Security

United States Coast Guard

Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314)269-2381
Fax: (314)269-2737
Email: rob.e.mccaskey@uscg.mil
www.uscg.mil/d8/westernriversbridges

16591.1/ +/-600 RED
January 8, 2015

Ms. Angela McMurray
Environmental Planner-Scientist
JACOBS
5995 Rogerdale Road
Houston, TX 77072

Subj: HIGHWAY 35 PROPOSED BRIDGE SITE, MILE +/-600, RED RIVER

Dear Ms. McMurray:

Please refer to your email correspondence dated January 5, 2015. Pursuant to the Coast Guard Authorization Act of 1982, it has been determined that this is not a waterway over which the Coast Guard exercises jurisdiction for bridge administration purposes. Therefore, a Coast Guard bridge permit is not required for this project.

We appreciate the opportunity to comment on the project.

Sincerely,

ERIC A. WASHBURN
Bridge Administrator, Western Rivers
By direction of the District Commander

De La Cruz, Lisa

From: Ware, Marcus A CIV USARMY CESWT (USA) <Marcus.A.Ware@usace.army.mil>
Sent: Thursday, April 23, 2020 9:41 AM
To: De La Cruz, Lisa
Subject: [EXTERNAL] RE: I-35 Section 10 question

Ms. De La Cruz,

That is correct. The Section 10 and Section 404 would be processed concurrently. I hope this helps. Mw

Marcus Ware
Regulatory Office
918-669-7403

-----Original Message-----
From: De La Cruz, Lisa [mailto:Lisa.DeLaCruz@jacobs.com]
Sent: Thursday, April 23, 2020 9:24 AM
To: Ware, Marcus A CIV USARMY CESWT (USA) <Marcus.A.Ware@usace.army.mil>
Subject: [Non-DoD Source] FW: I-35 Section 10 question

Good morning Marcus:

I am wrapping up some comments from FHWA on my I-35 Water Resources Technical Report and they asked if we had in writing, something from the USACE saying the Section 10 would be processed simultaneously with the Section 404 permit. Have searched our files and discussed with Wichita Falls and the previous project manager and everyone seems to feel this was just a statement made during our bi-weekly phone calls. Could you please confirm if this is the case via email. I feel that will suffice for our response to FHAW's comment.

Thank you and have a good day!

Lisa De La Cruz| Jacobs | Sr. Environmental Planner, Houston | Buildings & Infrastructure | 281.721.8443 | 713.299.1887 mobile | 281.721.8700 fax | Lisa.DeLaCruz@jacobs.com <mailto:Lisa.DeLaCruz@jacobs.com> | Blockedwww.jacobs.com <Blockedhttp://www.jacobs.com/>

From: Stephanie Manry <Stephanie.Manry@txdot.gov>
Sent: Wednesday, April 22, 2020 8:04 AM
To: De La Cruz, Lisa <Lisa.DeLaCruz@jacobs.com>
Subject: [EXTERNAL] RE: Section 10 question

I believe Marcus previously told us Section 10 would be taken care of with the IP but that would need to be confirmed through him.

From: De La Cruz, Lisa [mailto:Lisa.DeLaCruz@jacobs.com]
Sent: Wednesday, April 22, 2020 7:39 AM
To: Stephanie Manry <Stephanie.Manry@txdot.gov <mailto:Stephanie.Manry@txdot.gov> >
Subject: Section 10 question

FHWA asked if there was a letter from the USACE that says we have to do a Section 10. I have searched our files and spoken with Angela and she didn't think there was a letter, but something that was discussed in a call with the USACE. I am still working my way through our meeting minutes, but I really want to get this Water Tech Report back in ASAP, so I thought I would reach out to you and see if you recall a letter.

In the end, I would like to just say with confidence in our comment response matrix that there IS NOT a letter stating a Section 10 is required, but through our conversations with the USACE we were told a Section 10 was required. I guess another option is to contact the Tulsa District via email and just ask them to send a confirmation email that a Section 10 is required.

Lisa De La Cruz| Jacobs | Sr. Environmental Planner, Houston | Buildings & Infrastructure | 281.721.8443 | 713.299.1887 mobile | 281.721.8700 fax | Lisa.DeLaCruz@jacobs.com <mailto:Lisa.DeLaCruz@jacobs.com> | Blockedwww.jacobs.com <Blockedhttp://www.jacobs.com/>

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<Blockedhttps://urldefense.com/v3/__https:/www.txdot.gov/inside-txdot/media-center/featured.html__;!!B5cixuoO7ltTeg!Tzl65bS9_U6x74HBpuRvhFMBgF5WezBnGB6_ljb-HoTGIKyFuytSSwcfKyu9Hyxqzho$>

_____

From: Stephanie Manry
To: "Sue Reilly"
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010
Date: Friday, February 19, 2016 8:14:00 AM

Thank you, Sue.

I will add a commitment in the document to re-coordinate with TPWD if it is determined there will be more than 2 acres of disturbance of riparian area for the rail project.

Thanks,
Stephanie Manry
Wichita Falls District Environmental Coordinator
Texas Department of Transportation
1601 Southwest Parkway
Wichita Falls, Texas 76302
(940) 720-7733

From: Sue Reilly [mailto:Sue.Reilly@tpwd.texas.gov]
Sent: Friday, February 12, 2016 2:29 PM
To: Stephanie Manry
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

OK. I recommend that if there is more than 2 acres of disturbance of riparian area for the rail project that you contact me to discuss that in the future. I hope that TxDOT can work with the WMA on any disturbance happening in the area, since they have a lot of expertise on the area and the value of habitat there.

Thank you for submitting the following project for early coordination: IH-35 widening in Cooke County (CSJ 0194-01-010). TPWD appreciates TxDOT's commitment to implement the practices listed in the Biological Evaluation Form and in previous emails. 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 fish and wildlife.

Thank you,

Sue Reilly
Transportation Assessment Liaison
TPWD Wildlife Division
512-389-8021

From: Stephanie Manry [mailto:Stephanie.Manry@txdot.gov]
Sent: Friday, February 12, 2016 8:19 AM
To: Sue Reilly
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

Good Morning Sue,

I am in the process of updating the schedule for this project and was hoping maybe you could give me a potential timeline as to when we anticipate coordination being complete? Any information you can give would be greatly appreciated.

Thanks,
Stephanie Manry
TxDOT Wichita Falls District

From: Stephanie Manry
Sent: Tuesday, February 02, 2016 10:51 AM
To: 'Sue Reilly'
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

We won't know the details for those impacts until we get to the PS&E process. At this time I can only estimate the potential impacts which could range from <0.5 up to 2 acres.

From: Sue Reilly [mailto:Sue.Reilly@tpwd.texas.gov]
Sent: Tuesday, February 02, 2016 10:35 AM
To: Stephanie Manry
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

That is very helpful for the IH-35 portion. Can you tell me about riparian impacts for the rail portion?

Thank you,

Sue

From: Stephanie Manry [mailto:Stephanie.Manry@txdot.gov]
Sent: Wednesday, January 27, 2016 3:55 PM
To: Sue Reilly
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

Sue,

New bridges to replace the low water crossing on the southbound side and construction of the northbound frontage road is proposed. As far as replacing the bridges of the main lanes, that is currently not proposed. Clearing of the riparian vegetation to construct the project would occur to some degree; however, we typically require they only disturb what is necessary for construction.

During the PS&E phase we would be able to better define the impacts necessary. Make sense?

Thanks,
Stephanie

From: Sue Reilly [mailto:Sue.Reilly@tpwd.texas.gov]
Sent: Tuesday, January 26, 2016 4:48 PM
To: Stephanie Manry
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

Stephanie,

Thank you for sending that information. Will there be riparian clearing up to the Spring Creek edge or will a buffer of riparian vegetation be left in place? I can't tell the extent of clearing that will be needed where the yellow lines are in the map. Is there going to be a new bridge?

Thank you,
Sue

From: Stephanie Manry [mailto:Stephanie.Manry@txdot.gov]
Sent: Tuesday, January 12, 2016 11:15 AM
To: Sue Reilly
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

Hi Sue,

See below in red and also attached documents. Let me know if this is not what you are looking for.

Thanks,
Stephanie

From: Sue Reilly [mailto:Sue.Reilly@tpwd.texas.gov]
Sent: Monday, January 11, 2016 10:41 AM
To: Stephanie Manry
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

Stephanie,

Are there going to be new impacts to the lake or the creek? It looks like there won't be a need to clear riparian vegetation in that area, since the new ROW is north of the creek. Is that the case? I would anticipated some impacts due to the railroad realignment by BNSF. See attached map.

That portion of the land is operated as a Wildlife Management Area. Yes. Can you give me a map of the impacts in that area? See attached. I'm most interested in whether there will be impacts to the riparian buffer. Has there already been clearing at Spring Creek at IH-35? I believe it was initially cleared for the construction of the bridges and roadway.

Thank you,

Sue

From: Stephanie Manry [mailto:Stephanie.Manry@txdot.gov]
Sent: Tuesday, December 08, 2015 4:33 PM
To: Sue Reilly
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

Yes there will be new ROW. We will be going through the 408 process with the USACE for this area.

From: Sue Reilly [mailto:Sue.Reilly@tpwd.texas.gov]
Sent: Tuesday, December 08, 2015 4:19 PM
To: Stephanie Manry
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

Thanks, Stephanie. The southern end of the new rail alignment is within Lake Ray Roberts State Park. Will there be new ROW for the rail in this area?

You can use the viewer here to see the property boundary. http://tpwd.texas.gov/gis/apps/lwrcrp//

Thank you,

Sue

From: Stephanie Manry [mailto:Stephanie.Manry@txdot.gov]
Sent: Tuesday, October 20, 2015 10:37 AM
To: Sue Reilly
Subject: RE: IH-35 in Cooke County, CSJ 0194-01-010

I have attached the map with the best available railroad data at this time. I've also included the most recent notes from BNSF below. If this does not answer any of your questions please let me know and I will work with the engineer to get more detailed information. Also, as far as culverts it is difficult to say at this time as we have not started the PS&E. The schematic is all we have available. During PS&E more defined details such as culverts, bridge dimensions, etc. will be determined.

NOTE:
FOR THE NEW 6.6-MILE RAILROAD ALIGNMENT:
1. STATE to provide preliminary plan to BNSF along with the Environmental Clearance documents for the 100-ft of new railroad right of way.
2. BNSF Real Estate Department to provide a Cost Estimate to the State for the land acquisition

services (i.e. surveying, appraisals, identify utility relocations, etc.) necessary to determine the purchase cost of the new right of way.
3. STATE to review cost estimate and enter into an agreement to reimburse BNSF for land acquisition services.
4. BNSF Real Estate Department to provide a Cost Estimate detailing the right of way acquisition costs.
5. STATE to review cost estimate and enter into an agreement to reimburse BNSF for the right of way acquisition costs.
6. BNSF to purchase property. BNSF and STATE to swap right of way ownerships at old and new crossings of FM Highway 922. BNSF to own the full-width of new right of way.
7. BNSF Construction Department to provide a Cost Estimate for engineering services to develop the Construction Plans and Construction Cost Estimate for the Civil Work and Railroad Work to support the new track construction, including drainage culverts/structures, embankment and sub-grade, ballast, track and signal construction, fencing new right of way, highway-rail grade crossings, and highway grade separation structures.
8. STATE to review cost estimate and enter into an agreement to reimburse BNSF for the engineering services to develop the construction plans and estimate.
9. BNSF Construction Team to provide construction plans and construction estimate.
10. STATE to review plans and cost estimate and enter into an agreement to reimburse BNSF to construct the Project.
11. BNSF to construct Project on new alignment and line-over existing track.

From: Sue Reilly [mailto:Sue.Reilly@tpwd.texas.gov]
Sent: Monday, October 19, 2015 4:49 PM
To: Stephanie Manry
Subject: IH-35 in Cooke County, CSJ 0194-01-010

Stephanie,

I'm reviewing the IH-35 project and I have a couple of questions.

What will happen to the existing railroad track and ROW after the railroad is relocated?

Are there any new culverts planned on this project?

Thank you!

Sue Reilly
Transportation Assessment Liaison
TPWD Wildlife Division
512-389-8021

De La Cruz, Lisa

From: Kucera, Charlotte <charlotte_kucera@fws.gov>
Sent: Thursday, May 2, 2019 4:13 PM
To: John Maresh
Cc: Stephanie Manry; Susan Shuffield
Subject: Re: [EXTERNAL] Technical Assistance - Interior Least Tern (ILT) WFS IH 35 Cooke 0194-01-010

Hi John,

Thanks for forwarding the early coordination information on this project. I reached out to both our Arlington and Tulsa Field Offices and they had the following recommendations:

1. Re-evaluate when the project parameters and time frame are more specific as birds have nested in several areas upstream of the site.

2. Use a 1/4 mi buffer from nesting areas for terns as 300 feet may not be adequate. Tern chicks are very mobile and can move 300 ft or more from the nest once they hatch.

We appreciate the attention to listed species and the commitment to continue surveys as you move forward with project design.

If you have any questions please let me know.

Thanks,

Charlotte Kucera
Texas Transportation Liaison
U.S. Fish and Wildlife Service
10711 Burnet Rd., Ste. 200
Austin, TX 78758
phone: 512-490-0057 ext. 224

On Wed, May 1, 2019 at 3:13 PM John Maresh <John.Maresh@txdot.gov> wrote:

> Hello Charlotte,
>
> TxDOT's Wichita Falls District is proposing improvements to IH 35 from near FM 3002 in southern Cooke Co., TX to Mile Marker 3 in Love Co., OK. The project will include a bridge replacement over the Red River. TxDOT has determined that at this time Interior Least Tern (ILT) are not present in the project area and habitat for ILT in the vicinity of the IH 35 bridge over the Red River is marginal at best. Therefore, the project would have No Effect on the ILT or any other listed species. However, the project timeline and construction details have not been completely determined at this time and the bridge replacement portion of the project will likely not occur for at least 5 or more years. TxDOT is aware that ILT habitat, and habitat use, may shift over time and is dependent on river dynamics. We will continue to monitor the ILT habitat conditions in the project area and repeat presence-absence surveys when the construction

schedule has been fully determined. If the ILT are determined to be present in the project area before construction begins, TxDOT will initiate section 7 consultation, as needed.

Please see the attached Biological Technical Report – Interior Least Tern for project details and a description of current habitat conditions. If the Service has additional relevant information or concerns about project activities and their potential impacts on listed species, please let TxDOT know at your earliest convenience.

Thank you,

John

John Maresh

Environmental Specialist

Natural Resource Management Section

Environmental Affairs Division

Texas Department of Transportation

125 E. 11th St.

Austin, TX 78701-2319

(512) 416-2582

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

March 13, 2020

RE: CSJ: 0194-01-010; IH-35; Widening and Improvements; from 1 mile north of the Denton/ Cooke County line, Texas to Mile Marker 3, Love County, Oklahoma, Wichita Falls District; Bridge Construction at IH-35 at Red River, Continuing Section 106 Consultation.

Dr. Andrea Hunter
Tribal Historic Preservation Officer
Osage Nation
627 Grandview Ave.
Pawhuska, OK 74056

Dear Dr. Hunter:

Environmental studies are in the process of being conducted for the above referenced project. 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 09, 2019 and executed by FHWA and TxDOT. We have enclosed for your review a draft report of archeological investigations for this undertaking.

Undertaking Description

The proposed project will be undertaken with federal funds and will occur in part or in whole on non-federal public lands. The Texas Department of Transportation is proposing to make improvements on IH-35 from Cooke County, Texas to Love County, Oklahoma. This involves new right of way. This letter is for a segment of the overall APE requiring marine survey, where an additional bridge will be added at the Red River. This consultation is for the marine survey investigation and the potential impacts to underwater resources at the Red River.

Area of Potential Effects

The project's area of potential effects (APE) comprises the following area.

- The project limits extend from the Red River shoreline, Cooke County, to Red River shoreline, Love County, Oklahoma, along the proposed IH-35 Route. The total project length is thus 435 feet, and the APE includes any existing ROW within these limits.
- The existing ROW comprises approximately 2.7 acres.
- Existing easements comprise approximately 0 acres.
- The proposed project would require 2 acres of new right of way.

- The proposed project would require 0 acres of new easements.
- The estimated depth of impacts is typically 1 feet with a maximum depth of impacts of 70 feet.
- The APE is further detailed and illustrated in the attached report.

Identification Efforts

For this project, TxDOT has conducted a marine survey. The enclosed report of investigations has more details regarding this work. The following bullets summarize the identification efforts. A copy of the report is attached.

- The investigations reported here concern the entire APE.
- Archeologists undertook a survey. For this survey,
    - 4.7 acres were surveyed and described in the attached report;
    - 0 acres still require survey due to access issues;
    - the current survey identified no archeological sites.

Effects Determination

The proposed project would have direct effects resulting from ground-disturbing construction activities within the APE. Given the results of the identification efforts, TxDOT proposes that the project will have no effect on archeological historic properties, as survey of the APE did not discover any archeological sites. The next section identifies the steps recommended by TxDOT based on the results of the identification efforts and this effects analysis.

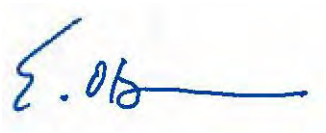
Recommendations

TxDOT seeks your concurrence on the following points:

- The identification efforts and analysis of effects completed to date are adequate.
- No ground disturbance will occur at the west end of the APE where magnetic anomalies were recorded.
- No further work or consultation with your office is required.

Thank you for your consideration of this matter. If you have any questions or have need of further information, please contact me at 512-416-2505.

Sincerely,



Eric Oksanen
Archeological Studies Branch
Environmental Affairs Division
eric.oksanen@txdot.gov
(512) 416-2505
125 E. 11th St.
Austin, Texas 78701-2483

Cc w/o attachments: ECOS Scan

Laura Cruzada
Public Involvement Specialist & Tribal Liaison
Environmental Affairs Division
125 E. 11th Street, Austin TX 78701
512-416-2638
laura.cruzada@txdot.gov

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

RECEIVED
JAN 16 2020

January 14, 2020

RE: CSJ: 0194-01-010; I-35, New Location Freeway, Cooke County,Wichita Falls District; Section 106 Consultation and Antiquities Code Coordination; Texas Antiquities Permit No.9083

Mr. Brad Jones
Division of Archeology, Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Mr. Jones:

As required by the Programmatic Agreement and the Memorandum of Understanding with your agency, we are initiating consultation on this project. Environmental studies are in the process of being conducted for this project. 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 09, 2019 and executed by FHWA and TxDOT. We have enclosed for your review a draft report of archeological investigations for this undertaking.

Undertaking Description

The proposed project will be undertaken with federal funds and will occur in part or in whole on non-federal public lands. The Texas Department of Transportation with the Oklahoma Department of Transportation is proposing to widen and make improvements on IH-35. The proposed project would widen the existing highway to eight lanes, add frontage roads and sidewalks, and construct a new bridge at the Red River.

Area of Potential Effects

The project's area of potential effects (APE) comprises the following area.

- The project limits extend from FM 3002 in Cooke County to Mile Marker 3 in Love County, Oklahoma, along IH-35. The total project length is thus 132,000 feet, and the APE includes any existing ROW within these limits.
- The existing ROW comprises approximately 1,246 acres.
- Existing easements comprise approximately 0 acres.
- The proposed project would require 135 acres of new right of way.

- The proposed project would require 0 acres of new easements.
- The proposed project would require 0 acres of additional project specific locations and/or utility installations specified by the project sponsor.
- The estimated depth of impacts is typically 3 feet with a maximum depth of impacts of 70 feet.
- The APE is further detailed and illustrated in the attached report.

Identification Efforts

For this project, TxDOT has conducted a survey. The enclosed report of investigations has more details regarding this work. The following bullets summarize the identification efforts.

- The investigations reported here concern the entire APE.
- Archeologists undertook a survey. For this survey,
    - 0 acres had been previously surveyed or otherwise evaluated for this project;
    - 1367.2 acres were identified as not requiring field survey, due to existing conditions of the setting identified through background research and described in the attached report;
    - 13.8 acres were surveyed and described in the attached report;
    - 0 acres still require survey due to access issues;
    - previous investigation within the APE identified no archeological sites; and
    - the current survey identified no archeological sites.

Effects Determination

The proposed project would have direct effects resulting from ground-disturbing construction activities within the APE. Given the results of the identification efforts, TxDOT proposes that the project will have no effect on archeological historic properties, as survey of the APE did not discover any archeological sites. The next section identifies the steps recommended by TxDOT based on the results of the identification efforts and this effects analysis.

Recommendations

TxDOT seeks your concurrence on the following points:

- The identification efforts and analysis of effects completed to date are adequate.
- No further work or consultation with your office is required.
- The attached draft report meets the reporting requirements of the Texas Antiquities Permit issued for the investigation.

CSJ: 0194-01-010, IH-35, Cooke County, Wichita Falls District
Texas Antiquities Permit No. 9083

Thank you for your consideration of this matter. If you have any questions or have need of further information, please contact me at 512-416-2505.

Sincerely,

E. Oks

Eric Oksanen
Archeological Studies Branch
Environmental Affairs Division
eric.oksanen@txdot.gov

Cc w/o attachments: ECOS Scan

Concurrence By:

William A. Martin 1/16/20

for: Mark Wolfe, Executive Director and SHPO
Texas Historical Commission

Date

DRAFT

DRAFT REPORT ACCEPTABLE
by
for Mark Wolfe
Executive Director, THC
Date 1/16/20
Track #

Texas Department of Transportation

Report for Archeological Survey

Intensive Backhoe Trenching Investigations of Two Tracts along Interstate Highway 35 South of Gainesville, Texas, Cooke County, Texas. Wichita Falls District. CSJ: 0194-01-010

Eric Oksanen, Principal Investigator; Antiquities Permit No. 9083

October 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.

Project Information

- **This survey is:**
  - ☒ the initial survey for this project
  - ☐ a continuation of previous survey(s) due to:
  - ☐ access issues and/or
  - ☐ design changes
- **Dater=**
- **Archeological Survey Type:** ☐ Reconnaissance ☒ Intensive
- **Report Version:** ☒ Draft ☐ Final
- **Jurisdiction:** ☒ Federal ☒ State
- **District:** Wichita Falls
- **County or Counties:** Cooke
- **USGS Quadrangle(s):** Gainesville South
- **Highway:** Interstate Highway 35
- **CSJ:** 0194-01-010
- **Report Author(s):** Maura Hogan
- **Texas Antiquities Permit Number:** 9083
- **Principal Investigator:** Eric Oksanen, TxDOT
- **Estimated Percentage of Time that the Principal Investigator Was in the Field:** TxDOT PI: 0 percent; AmaTerra technical expert: 100 percent

U.S. Department of Transportation
Federal Highway Administration

FEDERAL HIGHWAY ADMINISTRATION
300 EAST 8TH STREET, RM 826
AUSTIN, TEXAS 78701

Texas Department of Transportation

TEXAS DEPARTMENT OF TRANSPORTATION
125 E. 11th STREET
AUSTIN, TEXAS 78701-2483

November 6, 2014

Ms. Edwina Butler-Wolfe, Governor
Absentee Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper Dr.
Shawnee, OK 74801

RE: CSJ: 0194-01-010, 0194-02-081, 0195-01-087; IH 35, From Denton/Cooke County Line in Texas and Extends into Love County, Oklahoma, Roadway Improvements; Cooke County, Texas, Wichita Falls District

Dear Ms. Butler-Wolfe:

The above referenced transportation project is being considered for construction by the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT). Environmental studies are in the process of being conducted for this project. The purpose of this letter is to contact you in order to initiate Section 106 consultation with your Tribe pursuant to stipulations of the First Amended 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). The project is located in an area that may be of interest to your Tribe.

PROJECT LOCATION

The proposed project would provide roadway improvements on Interstate Highway (IH) 35, from approximately 1 mile north of the Denton/Cooke county line in Texas to approximately 1 mile north of the Texas/Oklahoma state boundary into Love County, Oklahoma. Maps that show the proposed project area are included in the attached Background Study report and a map of the State of Texas is attached that shows the location of Cooke County, Texas, and Love County, Oklahoma.

Area of Potential Effects

The area of potential effects (APE) would include the existing IH 35 right of way (ROW) within the defined project limits and the proposed additional ROW. The existing ROW is 1,246 acres and the proposed additional ROW would be 135 acres, for a total APE of 1,381 acres. The length of the project would be approximately 22 miles. The typical width along sections of IH 35 is 290 feet and expands to 870 feet at intersections and interchanges. The new ROW would be next to the existing ROW and increase the width at various locations within the project limits. The typical depth of impact would be less than 3 feet. In areas for grade separated interchanges and water management facilities the depth of impact would be an estimated 20 feet below ground surface. In those specific locations that require drilled shafts for bridge supports the depth of impact would be approximately 70 feet.

Project Setting

The proposed project is located in the Grand Prairie and Eastern Cross Timbers vegetation zones. The Grand Prairie is an undulating plain underlain with Cretaceous-age limestone, marl and clay. These are typically uplands, and any archeological deposits would be at or near the surface. The Eastern Cross Timbers is underlain with Pennsylvanian and Cretaceous-age sandstone and limestone. The proposed project crosses streams such as the Elm Fork of the Trinity River and the Red River and smaller streams within the Red River watershed.

Geology

The majority of the APE is underlain with ancient bedrock where any archeological material would be at or near the surface (see Table 1, page 3). Approximately 14 percent of the APE contains Holocene-age geologic deposits. These deposits have potential to contain buried archeological material and are typically found in stream valleys as alluvium and in other settings as windblown deposits.

Soils

There are 39 mapped soil families in the APE (see Table 2, pages 3-6). The variety of soils is the result of the APE transition from one vegetation zone to another. Despite the great diversity of soil types, buried archeological deposits are unlikely to occur in most of the APE, except in those locations that contain mapped Holocene-age deposits.

Archeological Records Search

TRC Inc., under contract to the TxDOT Wichita Falls District, completed an archeological background study of the proposed project area. Review of the Texas Archeological Sites Atlas for Cooke County and the Oklahoma State Archeological Records for Love County show no previously recorded archeological sites within or adjacent to the proposed APE. The records review identified 5 previously recorded archeological sites (41CO03, 41CO185, 34LV101, 34LV160, 34LV161) and 2 cemeteries mapped within 1.0 kilometer (0.62 mile) of the proposed project area. Information about the archeological sites and cemeteries is available in the attached background study (see Table 3, page 6, and Table 4, pages 8 and 11). The background study also provides a summary of the previous

investigations completed in the area of the proposed project (see Table 5, page 12). In addition, historic maps were examined to determine potential for the presence of historic-age cultural resources in the APE. The TRC Archeological Background Study is attached for your review.

Because of the potential for archeological sites to occur in the APE, TxDOT recommends that: additional archeological investigations be conducted to confirm the presence or absence of intact archeological deposits that could be adversely impacted by the undertaking. The additional archeological investigations may include activities ranging from further background study or reconnaissance survey to intensive survey, with likelihood for mechanical trenching and/or shovel testing. The minimum level of effort would be a background study of the proposed project APE. This study would include review of available maps, databases, reports, and other archival documentation. The information would be evaluated for natural conditions, results of previous archeological projects, and/or existing disturbances that could affect the presence or preservation of archeological deposits. TxDOT would continue consultation in the event that additional archeological investigations reveal archeological deposits that could be adversely impacted by the undertaking.

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 PA-TU and the Memorandum of Understanding (MOU) between TxDOT and the Texas Historical Commission.

According to our procedures and at the request of the FHWA under Section 106 of the National Historic Preservation Act, we are writing to request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed undertaking APE and the area within the above defined buffer. Any comments you may have on the TxDOT recommendation should also be provided. Please provide your comments within 30 days of receipt of this letter. Any comments provided after that time will be addressed to the fullest extent possible. If you do not object with a recommendation "no historic properties affected," please sign below to indicate your concurrence. In the event that further investigations by our office disclose the presence of archeological deposits, we will contact your Tribe to continue consultation.

Thank you for your attention to this matter. If you have questions, please contact Eric Oksanen (TxDOT Archeologist) at 512/416-2505 (email: Eric.Oksanen@txdot.gov) or me at 512/416-2638 (email: Sharon.Dornheim@txdot.gov). When replying to this correspondence, please

ensure that the envelope address includes reference to the Archeological Studies Branch, Environmental Affairs Division.

Sincerely,

Sharon Dornheim

Sharon Dornheim
Staff Archeologist / Consultation Coordinator
Archeological Studies Branch
Environmental Affairs Division

Concurrence by: _____ Date: _____

Attachments

cc w/attachments:
Scott Sundermeyer, Director, Cultural Resources Program, Oklahoma DOT
Rhonda S. Fair, Tribal Liaison, Cultural Resources Program, Oklahoma DOT
TxDOT ENV-ARCH Project File / TxDOT ENV-ARCH ECOS

The attached letter was sent by Email to the following tribes on November 6, 2014:

TxDOT Consulting Tribes for Cooke County without programmatic agreements:

Ms. Edwina Butler-Wolfe, Governor
Absentee-Shawnee Tribe of Oklahoma
2025 S. Cooper Dr.
Shawnee, OK 74801

[copied to Joseph Blanchard]

Mr. Gilbert Salazar, Chairperson
Business Committee
Kickapoo Tribe of Oklahoma
P.O. Box 70
McLoud, OK 74851

[emailed to Pam Wesley]

Mr. Juan Garza, Jr., Chairperson
NAGPRA Coordinator
Kickapoo Traditional Tribe of Texas
HC1 Route, Box 9700
162 Chick Kazen St
Eagle Pass, TX 78852

[emailed to Don Spaulding]

Ms. Stephanie A. Bryan, Chairperson
Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, AL 36502

[emailed to Megan Young]

ODOT Consulting Tribes for Love County:

Chickasaw Nation
P.O. Box 1548
Ada, OK 74821

(emailed to Historic Preservation Office)

Ms. Terri Parton, President
Wichita and Affiliated Tribes
P.O. Box 729
Anadarko, OK 73005

(copied to Gary McAdams)

Geoffrey Standing Bear, Principal Chief
Osage Nation
627 Grandview
Pawhuska, OK 74056

(emailed to Dr. Andrea Hunter)

Kickapoo Tribe of Oklahoma

P.O. Box 70
407 N. Hwy 102
McLoud, Oklahoma 74851

Administration Department
Phone: 405-964-7053; Fax: 405-964-7065
Email: kwilson@kickapootribeofoklahoma.com

November 18, 2014

Texas Department of Transportation
ATTN: Sharon Dornheim
Staff Archeologist/Consultant Coord.
Archeological Studies Branch
Environmental Affairs Division
125 E. 11th Street
Austin, TX 78701-2483

RE: Project #'s: CSJ: 0194-01-010, 0194-02-081, 0195-01-087; IH 35, From Denton/Cooke County Line in Texas and extends into Love County, Oklahoma; Roadway Improvements; Wichita Falls District

Dear Mrs. Dornheim:

Thank you for consulting with the Kickapoo Tribe of Oklahoma in regard to the above referenced site(s). At this time, the Kickapoo Tribe of Oklahoma has no objections to the proposed project(s) at the intended site(s). However, in the event burial remains and/or artifacts are discovered during the development or construction process, the Kickapoo Tribe of Oklahoma would ask for immediate notification of such findings.

Should I be of any further assistance, please contact me at (405) 964-4227.

Sincerely,

Kent Collier
NAGPRA Contact
Kickapoo Tribe of Oklahoma

Cc: File

ensure that the envelope address includes reference to the Archeological Studies Branch, Environmental Affairs Division.

Sincerely,

Sharon Dornheim

Sharon Dornheim
Staff Archeologist / Consultation Coordinator
Archeological Studies Branch
Environmental Affairs Division

Concurrence by: Kickapoo Traditional Tribe of Texas

Date: 11/18/18

Attachments

cc w/attachments:
Scott Sundermeyer, Director, Cultural Resources Program, Oklahoma DOT
Rhonda S. Fair, Tribal Liaison, Cultural Resources Program, Oklahoma DOT
TxDOT ENV-ARCH Project File / TxDOT ENV-ARCH ECOS

Oklahoma Historical Society *Founded May 27, 1893*
State Historic Preservation Office
Oklahoma History Center • 800 Nazih Zuhdi Drive • Oklahoma City, OK 73105-7917
(405) 521-6249 • Fax (405) 522-0816 • www.okhistory.org/shpo/shpom.htm

January 12, 2015

Mr. Eric Oksanen, Staff Archaeologist
Texas Dept. of Transportation Environmental Affairs
125 East 11th Street
Austin, TX 78701

RE: File #0515-15; IH-35 Improvements & New Bridge over Red River Project, #CSJ-0194-01-010. #0194-02-081, & #0195-01-087; Love County, Oklahoma

Dear Mr. Oksanen:

We have received and reviewed the documentation concerning the referenced project in Love County, Oklahoma that extends into Cooke County, Texas. Thank you for submitting the summary of the background research and the proposed work plan for the archaeological survey and test trenching at the three I-35 stream crossings located at Spring Creek, Elm Fork of the Trinity and Red River.

With regard to the archaeological work plan, we defer opinion to Dr. Robert Brooks, State Archaeologist with the Oklahoma Archeological Survey.

To assist you in completion of your background research for the portion of the project within Oklahoma, we suggest that you review the list of Oklahoma properties included in the National Register of Historic Places on our website at: http://www.ocgi.okstate.edu/shpo/allsites.htm , http://www.okhistory.org/shpo/nationalregister.org and other documented resources included in the Oklahoma Landmarks Inventory (OLI) at: http://www.ocgi.okstate.edu/shpo

You or your representative are welcome to review the hard copy files for both National Register and OLI resources in our office, and you should contact Lynda Ozan of our staff at 405/522-4478 to schedule an appointment for this purpose.

We look forward to the review of the archaeological report detailing the survey and test trenching of the three I-35 stream crossings for the proposed project. If you have any questions, please do not hesitate to contact Catharine M. Wood, Historical Archaeologist, at 405/521-6381.

For future correspondence pertaining to this project, please reference the above underlined file number. Thank you.

Sincerely,

Melvena Heisch
Deputy State Historic Preservation Officer

MH:pm

cc: Mr. Scott Sundermeyer, Oklahoma Dept. of Transportation

Oklahoma Archeological Survey
THE UNIVERSITY OF OKLAHOMA

January 21, 2015

Eric Oksanen
Staff Archeologist
Archeological Studies Program
Envirormental Affairs Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701

Re: Proposed improvements to I-35 from 1.1 miles north of the Cooke/Denton county line to 1 mile north of the Texas/Oklahoma state line. Job Numbers (CSJ): 0194-01-010, 0194-02-081, and 0195-01-087

Dear Mr. Okanen:

My apologies for the delay in responding to this undertaking. I wanted to check on the coordination of the Oklahoma portion of the project with the Oklahoma Department of Transportation's Cultural Resources Program. From this discussion, it would appear that they were aware of the project but had not received the December 15, 2014 letter describing the area of potential effect, historic properties identification methodology, and proposed work plan. Please ensure that the ODOT Cultural Resources Program receives the results of the archaeological investigations for the Oklahoma portion of the project.

I agree with the proposed work plan for the Oklahoma portion of the project. I suspect that much of the APE involving new right of way in Oklahoma consists of reworked channel deposits with high sand content. Within this context, the likelihood for prehistoric materials in a stable context is marginal at best. However, our records indicate structures in analogous settings on the 1899 GLO map. Historic materials could be present within the APE and have integrity.

This review has been conducted in cooperation with the State Historic Preservation Office, Oklahoma Historical Society.

Sincerely,

Robert L. Brooks
State Archaeologist

Cc: SHPO

111 E. Chesapeake, Room 102, Norman, Oklahoma 73019-5111 PHONE: (405) 325-7211 FAX: (405) 325-7604
A UNIT OF ARTS AND SCIENCES SERVING THE PEOPLE OF OKLAHOMA

Scott Pletka

From: Scott Pletka
Sent: Tuesday, December 08, 2015 5:03 PM
To: 'Arturo Garza'; 'Don Spaulding (don.spaulding@ktttribe.org)'; 'Edwina Butler-Wolfe (edwinaB@astribe.com)'; 'Gilbert Salazar (gsalazar@kickapootribeofoklahoma.com)'; 'Joseph Blanchard (Joseph.Blanchard@astribe.com)'; 'Megan Young (myoung@pci-nsn.gov)'; 'Pam Wesley (pamwesley@kickapootribeofoklahoma.com)'
Subject: Section 106 Consultation, Texas Department of Transportation; CSJ 019401010
Attachments: 019401010_Consultation_Request_12-08-2015.pdf

Good afternoon,

We kindly request your comments regarding a proposed undertaking. Please see the attached letter for project details and information.

Thank you in advance for your consideration.

Regards,

Scott Pletka
Supervisor, Archeological Studies Branch
Texas Department of Transportation

Texas Department of Transportation
125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8588 | WWW.TXDOT.GOV

December 8, 2015

RE: CSJ: 0194-01-010; Interstate Highway (IH) 35, Highway Improvement, Section 106 Consultation; Cooke County, Texas to Love County, Oklahoma; Wichita Falls District

To: Representatives of Federally-recognized Tribes with Interest in this Project Area

The above referenced transportation project is being considered for construction by the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT). Environmental studies are in the process of being conducted for this project. 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.

On December 15, 2014, your office received a letter initiating Section 106 consultation for this project. The purpose of this letter is to contact you in order to notify you about some changes to the project and to continue consultation with your Tribe pursuant to stipulations of the First Amended 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). The project is located in an area that is of interest to your Tribe.

Undertaking Description

TxDOT's Wichita Falls District is proposing to widen a 22 mile section of Interstate Highway 35 (IH 35) in Love County, Oklahoma and Cooke County, Texas. The project corridor is located in Love County, Oklahoma and Cooke County, Texas and passes through the municipalities of Gainesville and Valley View (Exhibits A and B).

The proposed project would ultimately include widening the roadway to eight-lanes (four-lanes in each direction) predominately following the existing alignment; however, the project area would initially be widened to six-lanes (three-lanes in each direction). The proposed typical section would 12-foot travel lanes and ten-foot inside and outsides shoulders with a fixed concrete barrier in the median. The project also includes the conversion of the frontage roads to one-way operation. The continuous one-way frontage roads would include two, 12-foot lanes with two, three-lane frontage roads through Gainesville. The existing right-of-way would be utilized except in cases where the existing alignment does not meet current design criteria or where interchange improvements would be required.

Area of Potential Effects

The project's area of potential effects (APE) comprises the following area.

- The project limits extend from approximately one mile north of the Denton/Cooke County line in Texas to approximately three miles north of the Texas/Oklahoma state boundary line into Love County, Oklahoma along IH35. The total project length is thus approximately 126,720 feet.
    - Previously, the project limits only extended to one mile north of the Texas/Oklahoma state line.
    - The northern project limit has thus been extended for two additional miles.
- The existing right of way is typically 290 feet in width and expands to 870 feet at intersections and interchanges. The existing IH35 ROW from Mile Marker 1 to Mile Marker 3 is typically 29 feet in width.
- The existing right of way comprises an area estimated at 1,317.5 acres.
    - Previously, the existing ROW comprised 1,246 acres.
    - The additional APE includes 71.5 acres of existing ROW.
- New ROW would be next to the existing ROW and increase the width at various locations within the project limits. The total proposed new ROW comprises 138.5 acres.
    - Previously, the proposed new ROW comprised 135 acres.
    - The proposed additional new ROW comprises a strip adjacent to the west side of the current ROW, measuring 1,800 feet long by 80 feet wide (Exhibit C). This additional proposed ROW comprises 3.5 acres.
- The estimated depths of impact are less than 2 feet for lane widening and extending the paved crown; 6 feet deep for relocating of utilities; 20 feet deep for water control infrastructure and grade-separated interchanges at select locations; and 60 feet or more where drilled shafts for bridge support piers are required.
- For the purposes of this cultural resources review, the APE also includes an additional 50-foot area around the previously-described horizontal dimensions to account for potential alterations to the proposed APE included in the final project design. Consultation would be continued if potential impacts extend beyond this additional area, based on the final design.

Identification Efforts

For the original project APE, TxDOT conducted a desktop-based study of available background information and a survey within high-potential areas to which access could be obtained. Review of the Texas Archeological Sites Atlas for Cooke County and the Oklahoma State Archeological Records for Love County show no previously recorded archeological sites within or adjacent to the proposed APE. Survey in the Texas portion of the APE has not been possible to date, due to denial of access to private property and very high water levels. Survey along the original one-mile portion of the APE in Oklahoma has been completed, however, and this survey did not identify any archeological materials.

TxDOT completed a supplementary background study for the additional APE. An examination of the records of the Oklahoma Archeological Survey for USGS 7.5 minute Gainesville North and Thackerville topographic quadrangles found no previously recorded archeological sites within or adjacent to the additional APE. The proposed additional right of way is a contiguous strip adjacent to the west side (south bound lanes) of IH 35 and is directly across from the Winstar World Casino and Resort. The tract is currently used for agriculture and historic aerial

imagery shows repeated plowing of the location. There are no streams or natural bodies of water in the added APE. The Thackerville topographic quadrangle and USDA Soil Survey map show an excavated pond or stock tank at the south end of the proposed right of way. The mapped geology (Geologic Atlas of Texas-Sherman Sheet) is Qt-Pleistocene-age fluviatile terrace deposits. Soils are mapped as Dougherty series, which forms on uplands and slopes of Pleistocene-age terraces (Attachment D). Archeologic material would be at or near the surface with these soils. The closest prehistoric site to the APE is 34LV101, located approximately 1,000 m west of the APE at a small drainage. The site is described as a prehistoric-age surface lithic scatter.

No further investigations are proposed for the additional 75 acres of APE. The 71.5 acres of existing IH 35 right of way has been extensively disturbed by construction. The proposed 3.5 acres of new right of way is in an upland setting with soils that are unlikely to contain buried intact cultural deposits, of historic or prehistoric age. An examination of the USGS 1902 Gainesville, Texas 30-minute topographic quadrangle and the Oklahoma Department of Transportation 1940 General Highway Map of Love County show no structures in the additional APE (Attachment E). The current project design will have no direct impacts to previously-recorded archeological sites in this area, and the map review shows that no historic-age archeological properties occur within this portion of the APE. The existing right of way and the adjacent proposed new right of way parcels have been extensively impacted by construction, development and agricultural activities to the extent that it is unlikely intact archeological deposits would exist at or near the surface.

Findings and Recommendations

Based on the above, TxDOT proposes the following findings and recommendations:

- Survey and desktop review within the Oklahoma portion of the APE has found that no archeological historic properties (36 CFR 800.16(l)) would be affected by this proposed undertaking. No further investigations are warranted for this portion of the APE.
- While archeological sites occur rarely even under favorable circumstances for their presence and preservation, field investigation of the Texas portion of the APE to identify potential archeological historic properties (36 CFR 800.16(l)) is still warranted to verify that archeological historic properties do not occur within the APE;
- A zone of 50 feet beyond the horizontal project limits should be considered as part of the cultural resources evaluation.
- If any future changes to the project APE extend beyond the additional 50-foot zone or if archeological deposits are discovered, your Tribe would then be contacted for further consultation.

According to our procedures and agreements currently in place regarding consultation under Section 106 of the National Historic Preservation Act, we are writing to request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed project APE and the area within the above defined buffer. Any comments you may have on the TxDOT findings and recommendations should also be provided. Please provide your comments within 30 days of receipt of this letter. Any comments provided after that time will be addressed to the fullest extent possible. If you do not object that the proposed findings and recommendations are appropriate, please sign below to indicate your concurrence. In the event that further work discloses the presence of archeological deposits, we will contact your Tribe to continue consultation.

Re: Section 106 Consultation, National Historic Preservation Act;
Proposed Texas Department of Transportation Project
CSJ: 0194-01-010; IH35, Roadway Widening, Cooke County, TX and Love County, OK

Thank you for your attention to this matter. If you have questions, please contact Eric Oksanen (TxDOT Archeologist) at 512/416-2505 (email: eric.oksanen@txdot.gov) or me at 512/416-2631 (email: Scott.Pletka@txdot.gov). When replying to this correspondence by US Mail, please ensure that the envelope address includes reference to the Archeological Studies Branch, Environmental Affairs Division.

Sincerely,

Scott Pletka, Supervisor
Archeological Studies Branch
Environmental Affairs Division

_____ _____

Concurrence by: Date:

Attachments
cc w/attachments: ENV-ARCH ECOS

Texas Department of Transportation
125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8588 | WWW.TXDOT.GOV

December 8, 2015

RE: CSJ: 0194-01-010; Interstate Highway (IH) 35, Highway Improvement, Section 106 Consultation; Cooke County, Texas to Love County, Oklahoma; Wichita Falls District

To: Representatives of Federally-recognized Tribes with Interest in this Project Area

The above referenced transportation project is being considered for construction by the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT). Environmental studies are in the process of being conducted for this project. 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.

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The proposed project would ultimately include widening the roadway to eight-lanes (four-lanes in each direction) predominately following the existing alignment; however, the project area would initially be widened to six-lanes (three-lanes in each direction). The proposed typical section would 12-foot travel lanes and ten-foot inside and outsides shoulders with a fixed concrete barrier in the median. The project also includes the conversion of the frontage roads to one-way operation. The continuous one-way frontage roads would include two, 12-foot lanes with two, three-lane frontage roads through Gainesville. The existing right-of-way would be utilized except in cases where the existing alignment does not meet current design criteria or where interchange improvements would be required.

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CSJ: 0194-01-010; IH35, Roadway Widening, Cooke County, TX and Love County, OK

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Re: Section 106 Consultation, National Historic Preservation Act;
Proposed Texas Department of Transportation Project
CSJ: 0194-01-010; IH35, Roadway Widening, Cooke County, TX and Love County, OK

Thank you for your attention to this matter. If you have questions, please contact Eric Oksanen (TxDOT Archeologist) at 512/416-2505 (email: eric.oksanen@txdot.gov) or me at 512/416-2631 (email: Scott.Pletka@txdot.gov). When replying to this correspondence by US Mail, please ensure that the envelope address includes reference to the Archeological Studies Branch, Environmental Affairs Division.

Sincerely,

Scott Pletka, Supervisor
Archeological Studies Branch
Environmental Affairs Division

Concurrence by: _____ Date: 12/22/15

Attachments
cc w/attachments: ENV-ARCH ECOS

Oklahoma Historical Society *Founded May 27, 1893*
State Historic Preservation Office
Oklahoma History Center • 800 Nazih Zuhdi Drive • Oklahoma City, OK 73105-7917
(405) 521-6249 • Fax (405) 522-0816 • www.okhistory.org/shpo/shpom.htm

January 7, 2016

Ms. Eric Oksanen, Staff Archaeologist
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701

RE: File #0296-16; IH-35 & Red River Bridge TexDot Project #CSJ-0194-01-010, in Love County, Oklahoma and Cooke County, Texas (Continued Consultation Per TexDot Letter of 12/7/2015)

Dear Mr. Oksanen:

We have received and reviewed the documentation concerning the referenced project in Love County, Oklahoma. Additionally, we have examined the information contained in the Oklahoma Landmarks Inventory (OLI) files and other materials on historic resources available in our office. We find that there are no historic properties affected by the referenced project.

Thank you for the opportunity to comment on this project. We look forward to working with you in the future.

If you have any questions, please contact Catharine M. Wood, Historical Archaeologist, at 405/521-6381.

Should further correspondence pertaining to this project be necessary, please reference the above underlined file number. Thank you.

Sincerely,

Melvena Heisch
Deputy State Historic
Preservation Officer

MH:pm

cc: Mr. Scott Sundermeyer, Oklahoma Dept. of Transportation

Texas Department of Transportation

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

January 30, 2017

Re: Expiration of Texas Antiquities Permit #7180, IH-35 Improvements, CSJ: 0194-01-010, Cooke County, Texas.

Ms. Patricia Mercado-Allinger
Division Director/State Archeologist
Division of Archeology
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711

Dear Ms. Mercado-Allinger:

The Texas Antiquities Permit #7180 for Intensive Survey with Trenching for IH-35 Improvements, CSJ: 0194-01-010, Cooke County, Texas; Principal Investigator, Eric Oksanen, is unlikely to be completed in the foreseeable future. The archeological survey for the proposed project has not progressed to survey because of denial of entry by landowners to the necessary tracts proposed project and excessive flooding along the Red River at IH-35.

Since the permit was issued to me, no survey work has been successively initiated. The only elements of the project that were successively surveyed were within Oklahoma. Because of the unknown length of the delay, I am requesting that Texas Antiquities Permit #7180 be cancelled. A new Texas Antiquities Permit number will be requested when access to the necessary properties is obtained and the archeological survey can resume.

Thank you for your consideration of this matter. If you have any questions, please contact me at (512) 416-2505 or Eric.Oksanen@txdot.gov.

Sincerely,

E. Oks

Eric Oksanen.
Archeological Studies Program
Environmental Affairs Division
Texas Department of Transportation

cc: ECOS

Concurrence By:

Mark H Wolfe 2-2-17

for: Mark Wolfe, Executive Director and SHPO — Date
Texas Historical Commission

Absentee Shawnee Tribe of Oklahoma
Cultural/Tribal Historic Preservation Department
2025 S. Gordon Cooper Dr.
Shawnee, Oklahoma 74801
Phone: (405) 275-4030 ext 6340

December 4, 2017

Re: COOKE COUNTY (PROJECT ID/CSJ: 0194-01-010) ON IH 35

To Whom It May Concern:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and implementing regulation, 36 CFR 800, "Protection of Historic Properties" the Absentee Shawnee Tribal Historic Preservation Office is responding to your request to consult on a project in Cooke County, Texas along I-35.

The Absentee Shawnee has historic ties within the area referenced in your letter of October 30, 2017. At this time, this office is unaware of properties of significance to inform you of that fall within the APE for this project.

There remains the possibility that unrecorded cultural resources, including archaeological artifacts or human remains, may be encountered during construction, demolition or earthmoving activities of this project. Should this occur, we require you contact this office in order that we may offer appropriate comments under 36 CFR 800.13. Email is the preferred method of communication.

Best Regards,

Erin Thompson
Tribal Historic Preservation Officer
Absentee Shawnee Tribe of Oklahoma
2025 Gordon Cooper Drive
Shawnee, OK 74801
405.275.4030 ext. 6340
ethompson@astribe.com

Sarah Stroman

Subject: FW: Sec. 106 consultation update for TxDOT Project: Cooke County (Project ID/CSJ: 0194-01-010) on IH 35
Attachments: 1017060.pdf; ATT00001.htm

From: Laura Cruzada [mailto:Laura.Cruzada@txdot.gov]
Sent: Monday, October 30, 2017 2:01 PM
To: darrell.huggins@ktttribe.org; kentcollier2000@yahoo.com; Erin Thompson; cwhite@pci-nsn.gov
Cc: Chantal McKenzie
Subject: Sec. 106 consultation update for TxDOT Project: Cooke County (Project ID/CSJ: 0194-01-010) on IH 35

Greetings, Colleagues:

I hope this finds you well. This email is an update to a project we previously consulted on with you in 2014 and 2015. The project is in Cooke County on I-35 in TxDOT's Wichita Falls District. We are updating the Area of Potential Effect (APE) and wanted to make sure you saw the latest information and that we received any comments from you accordingly. Please let us know if there are any sites or resources important to your tribe, or if you have any questions or concerns about the change.

Project Summary:

- The proposed project would provide roadway improvements on Interstate Highway (IH) 35, from approximately 1 mile north of the Denton/Cooke county line in Texas to approximately 1 mile north of the Texas/Oklahoma state boundary into Love County, Oklahoma.

PROPOSED CHANGE:

- The APE has been expanded from the 1,381 acres that was coordinated in 12/08/2015.
- The added APE is necessary to accommodate re-routing of the BNSF Railroad. An exact route has not been selected from six alternatives that includes the existing railroad alignment.
- The dimensions are approximate but are not anticipated to change significantly (Table 1).
- The existing route and each of the proposed routes are attached as figures.

Recommendations:

- TxDOT is proposing archeological investigations for the alignments.
- These investigations may be archival research or a combination of archival and field investigation (survey) based upon which alignment is selected (see Table 1, below).

Thank you and please let me know if you have any questions. I can connect you with the archeologist on the project if there are detailed questions.

Best,
Laura Cruzada

Table 1. Area of existing and proposed routes.

Route	Length (ft)	Estimated Width (ft)	Acreage (acres)	Proposed Investigations
1	37,706	125	108.2013	Archival and Field Investigation
2	34,577	100	79.37787	Archival and Field Investigation
3	29,800	150	102.6171	Archival and Field Investigation
4N	22,900	160	84.11387	Archival and Field Investigation
4E	34,101	130	101.7707	Archival and Field Investigation
Existing Route	45,027	100	103.3678	Archival Only

Texas Department of Transportation

MEMO

December 21, 2017

To: ECOS
Project file, CSJ 0194-01-010, IH 35, Cooke County, Wichita Falls District

From: Eric Oksanen
Staff Archeologist

Subject: Internal review under the Programmatic Agreement (PA) Among the Federal Highway Administration, Texas State Historic Preservation Office, Advisory Council on Historic Preservation, and the Texas Department of Transportation; and the Memorandum of Understanding (MOU) Between the Texas Historical Commission and the Texas Department of Transportation

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Project Description: Widening and improvements of IH 35 from Cooke/Denton County Line north to Mile Marker 3, Love County, Oklahoma.

APE Definition: The APE is defined as the existing and proposed right-of-way (ROW) and easements. The current APE is estimated at 1,456 acres. An additional amount of ROW will be required for railroad relocation; however there is no accepted route at this time. The depth of impacts area typically 2 feet or less, to 10 feet for utility installation and as deep as 60 feet for drilled shafts for bridge piers.

Records Search Results: An Archeological Background Study by TRC in June 2014 has identified several parcels within the proposed APE that have potential to contain archeological deposits and historic properties. The final report is in Archeology Documents. A review by TxDOT archeologists proposed survey of tracts identified in Exhibits B-f. A Texas Antiquities Permit obtained for the project was cancelled because of lack of access to these tracts.

Justification for Further Work: Areas identified in the Background Study have geoarcheological potential to contain intact archeological deposits.

Permission to conduct archeological investigations was denied by at least one landowner. Thus, as provided under Stipulation XI.E.1 of the PA, this undertaking may proceed with further project development, including completion of the environmental process and right of way acquisition without the concurrence of the SHPO. After obtaining access to the proposed right of way, TxDOT will complete the inventory on unsurveyed properties and conclude any additional work that may be required under the terms of the PA and MOU.

Approved by _____ for TxDOT 12/21/2017
Scott Pletka, Ph.D. Date

Attachments (Exhibits A-F, areas for survey)

CC: Stephanie Manry
Environmental Coordinator, Wichita Falls District
ECOS 0194-01-010

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.

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

RECEIVED
JAN 16 2020

January 14, 2020

RE: CSJ: 0194-01-010; I-35, New Location Freeway, Cooke County,Wichita Falls District; Section 106 Consultation and Antiquities Code Coordination; Texas Antiquities Permit No.9083

Mr. Brad Jones
Division of Archeology, Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Mr. Jones:

As required by the Programmatic Agreement and the Memorandum of Understanding with your agency, we are initiating consultation on this project. Environmental studies are in the process of being conducted for this project. 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 09, 2019 and executed by FHWA and TxDOT. We have enclosed for your review a draft report of archeological investigations for this undertaking.

Undertaking Description

The proposed project will be undertaken with federal funds and will occur in part or in whole on non-federal public lands. The Texas Department of Transportation with the Oklahoma Department of Transportation is proposing to widen and make improvements on IH-35. The proposed project would widen the existing highway to eight lanes, add frontage roads and sidewalks, and construct a new bridge at the Red River.

Area of Potential Effects

The project's area of potential effects (APE) comprises the following area.

- The project limits extend from FM 3002 in Cooke County to Mile Marker 3 in Love County, Oklahoma, along IH-35. The total project length is thus 132,000 feet, and the APE includes any existing ROW within these limits.
- The existing ROW comprises approximately 1,246 acres.
- Existing easements comprise approximately 0 acres.
- The proposed project would require 135 acres of new right of way.

- The proposed project would require 0 acres of new easements.
- The proposed project would require 0 acres of additional project specific locations and/or utility installations specified by the project sponsor.
- The estimated depth of impacts is typically 3 feet with a maximum depth of impacts of 70 feet.
- The APE is further detailed and illustrated in the attached report.

Identification Efforts

For this project, TxDOT has conducted a survey. The enclosed report of investigations has more details regarding this work. The following bullets summarize the identification efforts.

- The investigations reported here concern the entire APE.
- Archeologists undertook a survey. For this survey,
    - 0 acres had been previously surveyed or otherwise evaluated for this project;
    - 1367.2 acres were identified as not requiring field survey, due to existing conditions of the setting identified through background research and described in the attached report;
    - 13.8 acres were surveyed and described in the attached report;
    - 0 acres still require survey due to access issues;
    - previous investigation within the APE identified no archeological sites; and
    - the current survey identified no archeological sites.

Effects Determination

The proposed project would have direct effects resulting from ground-disturbing construction activities within the APE. Given the results of the identification efforts, TxDOT proposes that the project will have no effect on archeological historic properties, as survey of the APE did not discover any archeological sites. The next section identifies the steps recommended by TxDOT based on the results of the identification efforts and this effects analysis.

Recommendations

TxDOT seeks your concurrence on the following points:

- The identification efforts and analysis of effects completed to date are adequate.
- No further work or consultation with your office is required.
- The attached draft report meets the reporting requirements of the Texas Antiquities Permit issued for the investigation.

CSJ: 0194-01-010, IH-35, Cooke County, Wichita Falls District
Texas Antiquities Permit No. 9083

Thank you for your consideration of this matter. If you have any questions or have need of further information, please contact me at 512-416-2505.

Sincerely,

E. Oks

Eric Oksanen
Archeological Studies Branch
Environmental Affairs Division
eric.oksanen@txdot.gov

Cc w/o attachments: ECOS Scan

Concurrence By:

William A. Martin 1/16/20

for: Mark Wolfe, Executive Director and SHPO
Texas Historical Commission

Date

DRAFT

DRAFT REPORT ACCEPTABLE
by
for Mark Wolfe
Executive Director, THC
Date 1/16/20
Track #

Texas Department of Transportation

Report for Archeological Survey

Intensive Backhoe Trenching Investigations of Two Tracts along Interstate Highway 35 South of Gainesville, Texas, Cooke County, Texas. Wichita Falls District. CSJ: 0194-01-010

Eric Oksanen, Principal Investigator; Antiquities Permit No. 9083

October 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.

Texas Department of Transportation

1601 SOUTHWEST PARKWAY, WICHITA FALLS, TEXAS 76302 | 940.720.7733 | WWW.TXDOT.GOV

April 23, 2019

US Department of Agriculture
Natural Resources Conservation Service Texas
101 South Main Street
Temple, TX 76501

RE: Expansion of the IH 35 Corridor in Cooke County, Texas

To Whom It May Concern:

The Texas Department of Transportation (TxDOT) is planning for the expansion of the IH 35 corridor in Cooke County, Texas and Love County, Oklahoma. TxDOT is currently evaluating the area of potential affects and collecting data for the Environmental Assessment to determine potential impacts along this corridor. The project limits extend from near FM 3002 in Cooke County, Texas and extends to mile marker 3 in Love County, Oklahoma. This request is for the section located in Cooke County, Texas. The area to be converted to transportation use consists of several soil types according to the Natural Resource Conservation Service's Soil Survey of Cooke County, Texas and Love County, Oklahoma. The project location map and Form CPA-106 are enclosed.

Project Data: CSJ: 0194-01-010, etc.
Highway: IH 35
From: Near FM 3002 (Cooke County, TX)
To: Mile Marker 3 (Love County, OK)

Please include the above CSJ number in your correspondence. Should you have any questions regarding this matter or need additional information please feel free to contact me at (940) 720-7733, or via email at stephanie.manry@txdot.gov.

Sincerely,

Stephanie D. Manry
Environmental Coordinator

Attachment

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I *(To be completed by Federal Agency)*	3. Date of Land Evaluation Request	4. Sheet 1 of 1
1. Name of Project: IH 35 Widening and Realingment	5. Federal Agency Involved: FHWA	
2. Type of Project: Transportation	6. County and State: Cooke County, TX	

PART II *(To be completed by NRCS)*	1. Date Request Received by NRCS	2. Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form) YES ☐ NO ☐		4. Acres Irrigated / Average Farm Size
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS

PART III *(To be completed by Federal Agency)*	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	234.6			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C. Total Acres In Corridor	234.6			
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
PART V *(To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)*				
PART VI *(To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))* / Maximum Points				
1. Area in Nonurban Use (15)	13			
2. Perimeter in Nonurban Use (10)	8			
3. Percent Of Corridor Being Farmed (20)	15			
4. Protection Provided By State And Local Government (20)	0			
5. Size of Present Farm Unit Compared To Average (10)	7			
6. Creation Of Nonfarmable Farmland (25)	15			
7. Availability Of Farm Support Services (5)	5			
8. On-Farm Investments (20)	15			
9. Effects Of Conversion On Farm Support Services (25)	5			
10. Compatibility With Existing Agricultural Use (10)	10			
TOTAL CORRIDOR ASSESSMENT POINTS (160)	93	0	0	0
PART VII *(To be completed by Federal Agency)*				
Relative Value Of Farmland (From Part V) (100)	0	0	0	0
Total Corridor Assessment (From Part VI above or a local site assessment) (160)	93	0	0	0
TOTAL POINTS *(Total of above 2 lines)* (260)	93	0	0	0

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES ☐ NO ☐

5. Reason For Selection:

Signature of Person Completing this Part: Stephanie Manning — DATE: 4-23-19

NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?
More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?
More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?
Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with $1,000 or more in sales.)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?
Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

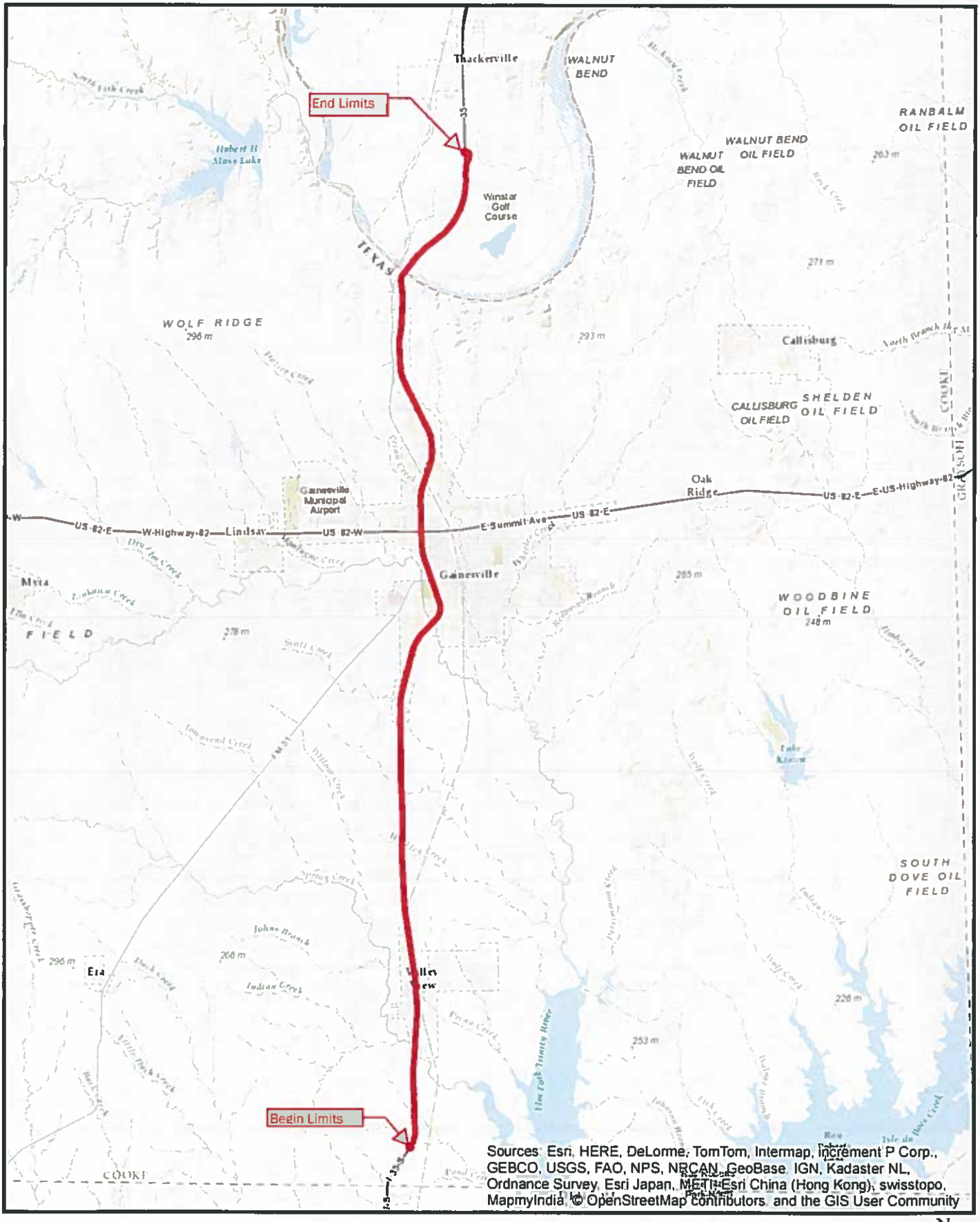
(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?
All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?
High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?
Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?
Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

IH 35: Near the Denton County Line (FM 3002) in Cooke County, Texas to MM 3 in Love County, Oklahoma
CSJ: 0194-01-010, etc. - Widening of Freeway Facility



USDA

United States Department of Agriculture

July 29, 2015

Stephanie D. Manry
Wichita Falls District Environmental Coordinator
Texas Dept. of Transportation
1601 Southwest Parkway
Wichita Falls, Texas 76302-4906

REF: Project CSJ: 0194-01-010, HWY I-35, Love County To Mile Marker 3

Dear Stephanie Manry:

Attached is the completed USDA Form AD-1006 as requested. The area evaluated for Prime Farmlands was the Proposed I-35 ROW which included approximately 23 acres. The completed section was from the State line to mile marker 3 in Love County, Oklahoma. The Texas portion should be sent to NRCS office in Cooke County, Texas as Oklahoma does not have Texas data or what kind of evaluation system they use.

If we can be any further assistance, please contact our office.

Respectfully,

Warren R Sanders

WARREN R. SANDERS
District Conservationist

Attachment

Natural Resources Conservation Service
1215 North Hwy 77
Marietta, OK 73448
Voice (580) 276-3201 – FAX (855) 421-2585

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I *(To be completed by Federal Agency)*	3 Date of Land Evaluation Request	4 Sheet 1 of 1
1 Name of Project IH 35 Widening and Realignment	5 Federal Agency Involved FHWA	
2 Type of Project Transportation	6 County and State Cooke County, Texas; Love County, OK	
PART II *(To be completed by NRCS)*	1 Date Request Received by NRCS June 16, 2015	2 Person Completing Form Warren R. Sanders
3 Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form) YES ☑ NO ☐	4 Acres Irrigated 1838 / Average Farm Size 376	
5 Major Crop(s) Wheat	6 Farmable Land in Government Jurisdiction Acres: 197,658 58%	7 Amount of Farmland As Defined in FPPA Acres: 104,166 30 %
8 Name Of Land Evaluation System Used CALES	9 Name of Local Site Assessment System None	10 Date Land Evaluation Returned by NRCS 7/29/2015

PART III *(To be completed by Federal Agency)*	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A Total Acres To Be Converted Directly	~~241~~ 23ac.			
B Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C Total Acres In Corridor				
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A Total Acres Prime And Unique Farmland	3.9			
B Total Acres Statewide And Local Important Farmland	0.0			
C Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.001			
D Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	52.6			
PART V *(To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)*	24			
PART VI *(To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))* — Maximum Points				
1 Area in Nonurban Use — 15	13			
2 Perimeter in Nonurban Use — 10	8			
3 Percent Of Corridor Being Farmed — 20	15			
4 Protection Provided By State And Local Government — 20	0			
5 Size of Present Farm Unit Compared To Average — 10	7			
6 Creation Of Nonfarmable Farmland — 25	15			
7 Availability Of Farm Support Services — 5	5			
8 On-Farm Investments — 20	15			
9 Effects Of Conversion On Farm Support Services — 25	5			
10 Compatibility With Existing Agricultural Use — 10	10			
TOTAL CORRIDOR ASSESSMENT POINTS — 160	93	0	0	0
PART VII *(To be completed by Federal Agency)*				
Relative Value Of Farmland (From Part V) — 100	0	0	0	0
Total Corridor Assessment (From Part VI above or a local site assessment) — 160	93	0	0	0
TOTAL POINTS *(Total of above 2 lines)* — 260	93	0	0	0

1 Corridor Selected	2 Total Acres of Farmlands to be Converted by Project	3 Date Of Selection	4 Was A Local Site Assessment Used?
			YES ☐ NO ☐

5 Reason For Selection

Signature of Person Completing this Part: Stephanie D Mann — DATE 6/15/15

NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?
More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?
More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?
Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with $1,000 or more in sales)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?
Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?
All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?
High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?
Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?
Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points