



Checklist for Section 4(f) *De Minimis* for Public Parks, Recreation Lands, Wildlife & Waterfowl Refuges, and Historic Properties

Main CSJ: 0015-10-062

Select applicable Districts from this list. To select multiple Districts hold "Ctrl" when you click.
When you are finished making your selection, press the "Tab" key.

Abilene
Amarillo
Atlanta
Austin
Beaumont
Brownwood
Bryan

County(ies): Travis, Williamson

Property ID: 426172

Property Name: Upper Little Walnut Creek Greenbelt

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 9, 2019, and executed by FHWA and TxDOT.

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

What Type of Property is Being Evaluated?

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

Section 4(f) Defining Criteria for Parks, Recreation, and Refuge Properties

1. Yes Is the property publicly owned?
2. Yes Is the property open to the public (except in certain cases for refuges)?
3. Yes Is the property's major purpose for park, recreation, or refuge activities?
4. Yes Is the property significant?

Defining the Property's Significance

Note: Significance is presumed in the absence of a determination with the official with jurisdiction.

1. Yes Does the property play an important role in meeting the park, recreation, or refuge objectives for the official with jurisdiction?
2. Yes Is the property's major purpose for park, recreation, or refuge activities?



Establishing Section 4(f) Use of the Property

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

Establishing Section 4(f) De Minimis Eligibility

1. Yes Was it determined that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?
2. Yes Was a public notice and an opportunity for public review and comment provided?
(This requirement can be satisfied in conjunction with other public involvement procedures, such as those for NEPA process)
3. Yes Did the Official with Jurisdiction concur that the property was significant and that the proposed project meets ALL conditions of items above?

Section 4(f) Use:

The proposed project would acquire approximately 0.66 acre of right-of-way (ROW) from the Upper Little Walnut Creek Greenbelt. This includes 0.54 acre from the existing parkland parcel (TCAD Parcel ID 426172) on the west side of I-35 (approximately 5.27 total acres), 0.07 acre from the potential parkland parcel (TCAD Parcel ID 238710) on the east side of I-35 (approximately 0.55 total acres, see attached exhibit), and 0.05 acres from a proposed City of Austin public access easement (TCAD Parcel ID 239725) on the east side of I-35. As of the date of this letter, only the property on the west side of I-35 (Property ID 426172) is owned by the City of Austin. The City disclosed imminent plans to acquire the additional ROW and easement on the east side of I-35 at the Upper Little Walnut Creek Greenbelt; therefore, the amount of ROW TxDOT required from these parcels has been included in the 0.66 acre estimate.

The ROW would be needed to accommodate the addition of a southbound bypass lane ramp/extended direct connector and northbound bypass lane over Rundberg Lane. These improvements were determined to be necessary based on traffic modeling to improve roadway operations.

To mitigate the proposed actions, TxDOT will fund a bicycle/pedestrian crossing by utilizing a 10' by 12' box culvert near the Upper Little Walnut Creek Greenbelt that converts to a bridge structure at the proposed I-35 northbound frontage road. The crossing would be ADA accessible and would include lighting and electrical systems for safety. Drainage trunk lines and laterals would not outfall into this culvert. The crossing would connect to the frontage road SUPs, which would be built outside TxDOT ROW on City of Austin park property.

The City of Austin will fund the connection to the frontage roads SUPs built outside of TxDOT ROW. Once construction is completed, the City of Austin will maintain the SUPs, lights, and electrical systems serving the crossing.

Survey determined that the Upper Little Walnut Creek Greenbelt on which the use will take place has significance under the requirements of 23 CFR 774.3(b). In order to qualify for a Section 4(f) de minimis, it was established that the project activities will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. The function of Upper Little Walnut Creek Greenbelt (existing parcel and potential parkland parcel and easement) will not be impaired and its function will not cease. Nor will the project impair the function of the properties as a whole. Therefore, these minor changes would have no adverse effect. The properties would still possess their significance after the project is complete.



Documentation

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

- ☒ A detailed map of the Section 4(f) Property including current and proposed ROW; property boundaries; access points for pedestrians and vehicles and existing and planned facilities.
- ☒ Street level photograph of the property
- ☒ Concurrence letter from Official with Jurisdiction
- ☒ Copy of WPD I Screen from ECOS.

Upper Little Walnut Creek Greenbelt Impacts Map

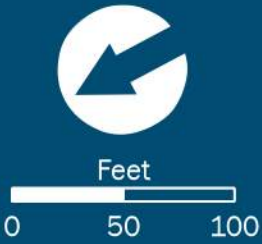


Upper Little Walnut Creek Greenbelt Impacts

I-35 Capital Express North
From SH 45N to US 290E

Travis & Williamson County, TX
CSJ: 0015-10-062 & 0015-13-389

- | | | |
|-------------------------|-------------------------------|--------------------|
| Existing ROW | Proposed Pavement | Parks/Open Spaces |
| Proposed ROW | Proposed Shared-Use Path | Potential Parkland |
| Driveway License Area | Proposed ROW in Park | Creek/Stream |
| Existing TxDOT Easement | Proposed ROW in City Easement | |
| Proposed City Easement | Parcel Boundary | |



Sources: Nearmap 2020

Upper Little Walnut Creek Site Photos



Photograph 1. A view of Little Walnut Creek, facing west.



Photograph 2. View looking north at the area of the existing easement along Little Walnut Creek.



Photograph 3. View west from Hermitage Drive at I-35 and potential parkland parcel.

Signed OWJ Letter



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

August 5, 2021

District: Austin

County: Travis and Williamson

CSJ#: 0015-10-062 & 0015-13-389

Highway: I-35

Project Limits: from SH 45N to US 290E

Section 4(f) Property: Upper Little Walnut Creek Greenbelt

**SUBJECT: NOTIFICATION OF INTENT TO PURSUE *DE MINIMIS* TO SECTION 4(f)
(23 CFR 774.3(b))**

Kimberly McNeeley
Director, Austin Parks and Recreation Department
200 S Lamar Blvd.
Austin, TX 78704

Dear Ms. McNeeley:

In accordance with 23 CFR 774.3(b), we are seeking concurrence for the above referenced project, which will be carried out with Federal funds. This letter requests review and consultation concerning the determinations of significance and findings of no adverse effects within the project's area of potential effects (APE). TxDOT also intends to pursue a Section 4(f) *de minimis*.

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 9, 2019, and executed by FHWA and TxDOT.

Introduction

The Texas Department of Transportation (TxDOT) proposes to add one non-tolled managed lane in each direction along I-35 from SH 45 North to US 290 East. The project would also reconstruct bridges, add a diverging diamond intersection at Wells Branch Parkway, add pedestrian and bicycle paths, and make additional safety and mobility improvements within the project limits. The project length is approximately 11.5 miles.

The proposed project would acquire approximately 0.66 acre of right-of-way (ROW) from the Upper Little Walnut Creek Greenbelt. This includes 0.54 acre from the existing parkland parcel (TCAD Parcel ID 426172) on the west side of I-35 (approximately 5.27 total acres), 0.07 acre from the potential parkland parcel (TCAD Parcel ID 238710) on the east side of I-35

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Connecting You With Texas

An Equal Opportunity Employer

(approximately 0.55 total acres, see attached exhibit), and 0.05 acres from a proposed City of Austin public access easement (TCAD Parcel ID 239725) on the east side of I-35. As of the date of this letter, only the property on the west side of I-35 (Property ID 426172) is owned by the City of Austin. The City disclosed imminent plans to acquire the additional ROW and easement on the east side of I-35 at the Upper Little Walnut Creek Greenbelt; therefore, the amount of ROW TxDOT required from these parcels has been included in the 0.66 acre estimate. Please refer to the attached exhibit showing the existing and potential parkland and easements referenced in this letter.

The ROW would be needed to accommodate the addition of a southbound bypass lane ramp/extended direct connector and northbound bypass lane over Rundberg Lane. These improvements were determined to be necessary based on traffic modeling to improve roadway operations.

To mitigate the proposed actions, TxDOT will fund a bicycle/pedestrian crossing by utilizing a 10' by 12' box culvert near the Upper Little Walnut Creek Greenbelt that converts to a bridge structure at the proposed I-35 northbound frontage road. The crossing would be ADA accessible and would include lighting and electrical systems for safety. Drainage trunk lines and laterals would not outfall into this culvert. The crossing would connect to the frontage road SUPs, which would be built outside TxDOT ROW on City of Austin park property.

The City of Austin will fund the connection to the frontage roads SUPs built outside of TxDOT ROW. Once construction is completed, the City of Austin will maintain the SUPs, lights, and electrical systems serving the crossing.

Determination of No Adverse Effects and Certification of Section 4(f) *De Minimis*

Survey determined that the Upper Little Walnut Creek Greenbelt on which the **use** will take place has significance under the requirements of 23 CFR 774.3(b). In order to qualify for a Section 4(f) *de minimis*, it was established that the project activities will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

The function of Upper Little Walnut Creek Greenbelt (existing parcel and potential parkland parcel and easement) will not be impaired and its function will not cease. Nor will the project impair the function of the properties as a whole. Therefore, these minor changes would have no adverse effect. The properties would still possess their significance after the project is complete.

If you feel that TxDOT has met the above requirements and have no additional comments about the project, then please endorse this letter and return it to us by August 19, 2021. This endorsement will signify your concurrence that there is no adverse effect to the above properties. Additional information about Section 4(f) requirements can be found at the following or you may request additional information from TxDOT:

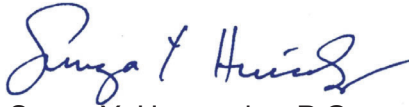
[http://environment.fhwa.dot.gov/\(S\(1vyep545s3wmhuubnvexkmm2\)\)/4f/index.asp](http://environment.fhwa.dot.gov/(S(1vyep545s3wmhuubnvexkmm2))/4f/index.asp)

Conclusion

In accordance with 23 CFR 774.3(b), I hereby request your signed concurrence with the finding of no adverse effects. Furthermore, TxDOT determined that the proposed project activities meet the requirements of a *de minimis* finding under Section 4(f).

Thank you for your assistance with the federal review process. If you need further information, please call me at (512) 649-6478.

Sincerely,



Sonya Y. Hernandez, P.G.
Environmental Program Manager
TxDOT Austin District

**CONCUR: NO ADVERSE EFFECT
DETERMINATION OF *DE MINIMIS* IMPACT UNDER SECTION 4(f) GUIDELINES**

NAME: Kimberly McNeeley Digitally signed by Kimberly McNeeley
Date: 2021.08.17 11:09:40 -05'00' DATE: _____
Kimberly McNeeley, Director, Austin PARD

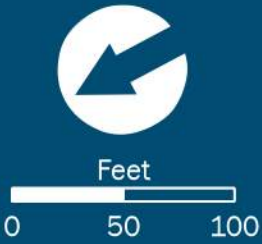


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Sources: Nearmap 2020

WPD Section 1 Page

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- [WPD Section III - Project Work Plan](#)
- [WPD Section IV - Findings](#)


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Project Definition

 Project Name:

 CSJ: - -

Anticipated Environmental Classification:

 Is this an FHWA project that normally requires an EIS per 23 CFR 771.115(a)?

☐ Project Association(s)

Manually Associate CSJ:

CSJ	DCIS Funding	DCIS Number	Env Classification	DCIS Classification	Main or Associate	Doc Tracked In	Actions
CSJ:001510065	State,Local	ROW 15-10-65	EA	ROW	Associate	Main	
CSJ:001513406	State,Local	ROW 15-13-406	EA	ROW	Associate	Main	
CSJ:001513389	Federal,State	NH ()	EA	WF	Associate	Main	

☐ DCIS Project Funding and Location

Funding

DCIS Funding Type:

☒ Federal

☒ State

☐ Local

☐ Private

Location

 DCIS Project Number:

 Highway:

 District:

 County:

 Project Limit -- From:

 Project Limit -- To:

 Begin Latitude: .

 Begin Longitude: .

 End Latitude: .

 End Longitude: .
☐ DCIS & P6 Letting Dates

 DCIS District:

 DCIS Approved:

 DCIS Actual:

 P6 Ready To Let:

 P6 Proposed Letting:
☐ DCIS Project Description

Type of Work:

Layman's Description:

 DCIS Project Classification:

 Design Standard:

 Roadway Functional Classification:

☐ Jurisdiction

Does the project cross a state boundary, or require a new Presidential Permit or modification of an existing Presidential Permit?

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

☒ FHWA - Assigned to TxDOT ☐ TxDOT - No Federal Funding ☐ FHWA - Not Assigned to TxDOT

Who is the project sponsor as defined by 43 TAC 2.7?

Is a local government's or a private developer's own staff or consultant preparing the CE documentation, EA or EIS?

Does the project require any federal permit, license, or approval?

☒ USACE ☐ IBWC ☐ USCG ☐ NPS ☐ IAJR ☐ Other

Does the project occur, in part or in total, on federal or tribal lands?

☐ Environmental Clearance Project Description

Project Area

Typical Depth of Impacts: (Feet) Maximum Depth of Impacts: (Feet)

New ROW Required: (Acres)

New Perm. Easement Required: (Acres) New Temp. Easement Required: (Acres)

Project Description

Describe Limits of All Activities:

The Texas Department of Transportation is proposing improvements to I-35 from SH 45N in Williamson County to US 290E in Travis County. The proposed improvements would add one non-tolled managed lane in each direction, reconstruct intersections and bridges to increase bridge clearances and east/west mobility, reconstruct the Wells Branch Parkway interchange to a diverging diamond intersection (DDI), and improve bicycle and pedestrian accommodations along I-35 frontage roads and at east/west crossings. Both the logical termini and limits of construction are at SH 45N and US 290. The project length is approximately 11.5 miles. The project would require the acquisition of approximately 17.0 acres of ROW, which would include approximately 10 to 15 feet of proposed ROW from various locations throughout the corridor.

Refer to 2020-10-26-M35 CapEx-N 0015-10-062 Schematic.pdf for a copy of the schematic.

Describe Project Setting:

The proposed project location is in an urban setting. The existing roadway experiences high traffic volume throughout the day, as I-35 is one of only three north-south oriented controlled-access facilities in the Austin metropolitan area. Other substantial traffic generators in the vicinity of the project area include SH 45N, Grand Avenue Parkway, Wells Branch Parkway, Howard Lane, Parmer Lane, Yager Lane/Tech Ridge Boulevard, Braker Lane, Rundberg Lane, US 183 and US 290E.

Land use in the vicinity of the project area is highly developed and comprised of a variety of commercial property types including large shopping and office/retail centers, car dealerships, hotels/motels, restaurants, governmental offices (TxDOT, TCEQ, Veterans of Foreign Wars), as well as residential subdivisions, apartment complexes, and schools. One public park, Upper Little Walnut Creek Greenbelt is located adjacent to the corridor. There are a few undeveloped parcels; however, none are being used for cropland, pasture, or range land.

Nine creeks cross the project area and include two unnamed tributaries to Gilleland Creek, Gilleland Creek, two unnamed tributaries to Walnut Creek, Walnut Creek, two unnamed tributaries to Little Walnut Creek, and Little Walnut Creek. All creeks and tributaries occurring within the project area flow from west to east and are classified by the USGS as perennial or intermittent/ephemeral streams.

Vegetation in the project area consists of maintained roadside grasses and forbs within existing ROW. Landscaped grasses, forbs, and shrubs are located within developed areas. In undeveloped areas, vegetation consists disturbed pasture, Ashe juniper/live oak woodlands, and narrow riparian areas.

A review of the THC Historic Sites Atlas indicates that there are no previously designated historic districts or properties adjacent to the project area. Cemeteries adjacent to the project area include the Cook Walden Capital Parks Cemetery, Memorial Hill Park Cemetery, and Walnut Creek Cemetery.

Describe Existing Facility:

I-35 within the proposed project limits is an access-controlled interstate highway. The facility typically has three, 12-foot wide general purpose mainlanes (concrete barrier separated) with 2-foot wide inside shoulders, 4-foot wide outside shoulders, and two, 11-foot wide frontage road lanes with 2-foot wide inside and outside shoulders in each direction. Sidewalks exist intermittently throughout the project area between the frontage roads and adjacent businesses and around the intersections. No shared-use paths are located in the project area. Drainage along the roadway (mainlanes and frontage roads) is provided by open ditches. The existing ROW width is typically 300 feet but widens at the interchanges. Existing permanent drainage easements (13.5 acres total) are located at creek crossings. The posted speed limit along I-35 in the proposed project area is 70 mph on the mainlanes and 45 to 55 mph on the frontage roads.

The following existing access ramps (19 northbound and 17 southbound) and existing direct connectors (one northbound and one southbound) are located along the roadway:

Southbound

- Entrance from SH 45N
- Exit to Grand Avenue Parkway
- Exit to Wells Branch Parkway
- Entrance from Grand Avenue Parkway
- Exit to Howard Lane

Describe Proposed Facility:

The proposed facility would be concrete barrier separated and would consist of three, 11 to 12-foot wide general purpose lanes, one, 12-foot wide managed lane, a 10-foot wide outside shoulder, 4-foot wide inside shoulder, three, 11-foot wide frontage road lanes, and an 8 to 10-foot wide shared-use path in each direction. A 4-foot wide buffer would separate the general purpose lanes from the managed lanes. Auxiliary lanes would be constructed, in sections, and collector-distributor roads would be constructed at Howard Lane (northbound), Yager Lane/Tech Ridge Boulevard (northbound), and Rundberg Lane (northbound and southbound).

The proposed ROW would typically be 300 to 320 feet wide. Drainage would continue to be conveyed through open ditches. The proposed project would require approximately 17.0 acres of additional ROW, 0.2 acre of proposed permanent drainage easement, and 3.3 acres of proposed driveway license areas (i.e., temporary construction areas) to implement.

The proposed roadway would remain controlled access. Existing access to the general purpose lanes would remain, with some reconstruction of existing entrance and exit ramps. Additionally, all overpass/underpass and bridge locations would remain the same as existing, with some minor reconstruction to accommodate the proposed improvements. The following ingress/egress points to the proposed managed lanes would be provided:

Southbound

☐ Transportation Planning

 Is the project within an MPO's boundaries?

 Does the project meet the definition for a grouped category for planning and programming purposes?

The project is located in area.

This status applies to:

☐ CO - Carbon Monoxide

☐ O3 - Ozone

☐ NO2 - Nitrogen Dioxide

☐ PM10 - Particulate

☐ PM2.5 - Particulate

☐ Environmental Clearance Information

Environmental Clearance Date:

Environmental LOA Date:

Closed Date:

Archived Date:

Approved Environmental Classification: EA

☐ Project Contacts

Created By:

Date Created:

Project Sponsor: ☒ TXDOT (Or) ☐ Local Government

Sponsor Point Of Contact:

ENV Core Team Member:

District Core Team Member:

Other Point of Contact(s):

Last Updated By: Tricia Bruck-Hoyt-C

Last Updated Date: 08/04/2021 01:38:41



Checklist

Parks and Wildlife Code, Chapter 26 Compliance

Control Section Job Number (CSJ): 0015-10-062 & 0015-13-389

District and County: Austin District, Travis and Williamson Counties

Property ID: 426172

Property Name: Upper Little Walnut Creek Greenbelt

The Texas Department of Transportation (TxDOT) districts and Environmental Affairs Division (ENV) use this checklist and supporting documentation to make recommendations and determinations about compliance with Chapter 26 of the Parks and Wildlife Code (PWC). Once completed, the checklist serves as the record of the determination of compliance with Chapter 26, and both the checklist and attached documentation are retained in the project file maintained in the Environmental Compliance Oversight System (ECOS).

For each of the following steps and/or items, check the appropriate box in the columns on the left. Check one box **ONLY** (i.e., either "Yes" or "No," not both).

I. Property Type

Yes No

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A. Is the property publicly owned? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | B. Is the property officially designated as a park, recreation area, scientific area, or wildlife refuge? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | C. Is the property officially designated a historic site on the federal, state or local level (NRHP, RTHL, SAL, local zoning)? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | D. Is the property used for its designated purpose? |

II. Use and/or Take

Yes No

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A. Does the project require an acquisition of acreage from the Chapter 26 property? |
|-------------------------------------|--------------------------|---|

If so, specify the size of the acquisition: The proposed project would acquire approximately 0.66 acre of right-of-way (ROW) from the Upper Little Walnut Creek Greenbelt. This includes 0.54 acre from the existing parkland parcel (TCAD Parcel ID 426172) on the west side of I-35, 0.07 acre from the potential parkland parcel (TCAD Parcel ID 238710) and 0.05 acres from a proposed City of Austin public access easement (TCAD Parcel ID 239725) on the east side of I-35. At the time of the public hearing, only the property on the west side of I-35 (Property ID 426172) was owned by the City of Austin. The City has disclosed imminent plans to acquire the additional ROW and easement on the east side of I-35; therefore, the amount of ROW TxDOT requires from these parcels has been included in the estimated acreage listed in this checklist, 0.66 acres



Checklist: PWC, Chapter 26 Compliance

- ☐ ☒ B. Does the project require the placement of an easement on the Chapter 26 property?
- If so, explain those requirements and/or provide a reference to such an explanation in the environmental review document or other written materials retained in the project file: N/A

III. Public Hearing Notice

Once it is determined there will be a use of or take from a Chapter 26 property, a hearing is required. The Chapter 26 notice can be combined with other types of public notices as long as the other notices also address the Chapter 26 requirements.

Yes No

- ☒ ☐ A. Was written notice of the public hearing sent to the person, organization, department or agency that has supervision of the land at least 30 days prior to the hearing date?
1. Specify the date the notice was sent: March 26, 2021
2. Specify the name of the person, organization, department or agency that has supervision of the land: Ricardo Soliz, Division Manager, City of Austin Parks and Recreation Department
- ☒ ☐ B. Is the letter used to send the notice to the person, organization, department or agency that has supervision of the land attached to this checklist?
- ☒ ☐ C. Was a notice of the hearing published in a newspaper once a week for three consecutive weeks, with the last day of publication no less than one week and no more than two weeks before the hearing?
- If so, provide publication dates: Austin American Statesman on April 21, 2021; April 26, 2021; and May 3, 2021. El Mundo on April 22, 2021. Community Impact NW Austin on April 24, 2021.
- ☒ ☐ C. Did the notice of the hearing clearly state the nature of the project and how it is subject to Chapter 26?
- ☒ ☐ E. Is proof that the public notice was published attached to this checklist?

IV. Public Hearing

The Chapter 26 hearing may be combined with a hearing held to address other requirements.

- ☒ ☐ A. Was a public hearing held?
- If so, specify the date the hearing was held: May 10, 2021
- ☒ ☐ B. If a hearing was held, did TxDOT receive any comments related to local preferences regarding the Chapter 26 property?
- ☒ ☐ C. If comments related to local preferences regarding the Chapter 26 property were received, are they attached to this checklist?
- ☒ ☐ D. If comments related to local preferences regarding the Chapter 26 property were received, were the local preferences considered?

If so, explain what was considered and/or provide a reference to such an explanation in the environmental review document or other written materials in the project file: Four public comments were received requesting the project avoid or minimize impacts to the park. TxDOT responded to the comments by stating that park impacts were needed to provide the needed mobility improvements in the corridor. See Public Hearing Summary Report in the project file.

V. Determinations

The determinations in this section are made after the hearing to allow consideration of local preferences.

Yes No

- ☒ ☐ A. Was it determined that there is no feasible and prudent alternative to the use or take of Chapter 26 property?

Explain the why or why not and/or provide a reference to such an explanation in the environmental review document or other written materials retained in the project file: The additional ROW at the park would be needed to accommodate the addition of a southbound bypass lane ramp/extended direct connector and northbound bypass lane over Rundberg Lane. These improvements were determined to be necessary based on traffic modeling to improve roadway operations. Avoidance measures were investigated, including moving the proposed southbound bypass lane ramp/direct connector and northbound bypass lane further north and south of the proposed location. Although these alternate designs would have avoided park impacts, they would have resulted in commercial property displacements. As such, there was no feasible and prudent alternative to the use of parkland property while minimizing displacements and achieving the project need of improving mobility along this portion of the project corridor.

- ☒ ☐ B. Was it determined that the project includes all reasonable planning to minimize harm to the Chapter 26 property, resulting from the use or take?

Explain why or why not, describe the included plans, and/or provide a reference to such a description in the environmental review document or other written materials in the project file: The minimum amount of parkland property needed to meet the project need of improving mobility was incorporated into the project design. Coordination with the OWJ was conducted. Although monetary mitigation was not proposed for Chapter 26 impacts, TxDOT made some changes to design with input from the OWJ to offset impacts to the park and provide some benefit for property's established use. Those design changes include increasing the size of one box culvert to 10' by 12' and ensuring that drainage trunk lines and laterals would not outfall into that culvert, converting the proposed I-35 northbound frontage road to a bridge structure at that location to shorten the length of the culvert, and incorporating lighting and electrical systems for safety into the PS&E. Additionally, drainage impacts to 'potential' parkland on the east side of I-35 were avoided through design measures (incorporation of a new weir into the design).



V. Required Attachments

- Proof that the public notice was published in accordance with the requirements listed in Section III. Above
- Any comments related to local preferences regarding the Chapter 26 property that were received referenced in Section IV. above

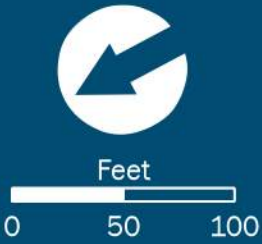


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From SH 45N to US 290E

Travis & Williamson County, TX
CSJ: 0015-10-062 & 0015-13-389

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| Proposed City Easement | Parcel Boundary | |



Sources: Nearmap 2020

ATTACHMENT A

**PUBLIC HEARING NOTICE SENT TO CITY OF AUSTIN
PARKS AND RECREATION DEPARTMENT**

Tricia Bruck-Hoyt-C

From: Sonya Hernandez
Sent: Friday, March 26, 2021 5:56 PM
To: Soliz, Ricardo
Cc: Hannah Minderhout-C; Tricia Bruck-Hoyt-C; Angela McMurray-C; Andrew Cooper-C; Scott, Randy; Grantham, Scott; Montes, Gregory; Stewart, Justin; Shirley Nichols
Subject: RE: Mobility35 - Capital Express North - Draft Section 4(f) Letter to PARD
Attachments: CapEx-N_DraftEA_NOA_2021-03-25.pdf; 2021.03.22_CapExNorth_4f Map.pdf; 2021.03.22_CapExNorth_4f OWJ Letter.docx

Ricardo,
I apologize. My hand slipped before I could finish typing out my email!

I just wanted to add that I included a question for you all as a comment box on the draft. Our consultant team prepared the letter for signature by your director. Is that appropriate? Or has signature authority been delegated? Just let us know who would be signing the concurrence letter when the time comes, and we will make the change.

Please let us know if you see that any changes need to be made or if you have any concerns you'd like to discuss during our next regularly scheduled meeting on April 5th.

Finally, I have attached a copy of the Notice of Availability for the Draft Environmental Assessment, which contains the details for the public hearing.

Thanks for your time and please reach out if you have any questions.
Sincerely,
Sonya

Sonya Y. Hernandez, P.G.
Environmental Program Manager
Austin District
Texas Department of Transportation

Sonya.Hernandez@txdot.gov
Office: 512-832-7096

From: Sonya Hernandez
Sent: Friday, March 26, 2021 5:48 PM
To: Soliz, Ricardo <Ricardo.Soliz@austintexas.gov>
Cc: Hannah Minderhout-C <HMINDE-C@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Andrew Cooper-C <ACOOPE-C@txdot.gov>; Scott, Randy <Randy.Scott@austintexas.gov>; Grantham, Scott <Scott.Grantham@austintexas.gov>; Montes, Gregory <Gregory.Montes@austintexas.gov>; Stewart, Justin <Justin.Stewart@austintexas.gov>
Subject: Mobility35 - Capital Express North - Draft Section 4(f) Letter to PARD

Good afternoon Ricardo,

I have attached a draft of the letter TxDOT will send to you all, as the officials with jurisdiction (OWJ) over the Upper Little Walnut Creek Greenbelt, for the Mobility35 - Capital Express North project. As discussed during the meeting that Justin set up for us last month, we have included the parcel on the east side of I-35 with the assumption that the City's acquisition of the parcel will be final prior to our target environmental decision date.

This letter is only a draft, since we would not send it over for a signature until after we have had a chance to consider public comments. The public hearing is being held between May 10, 2021 and June 10, 2021. We are using the hearing as an opportunity to get public input on the project's potential impacts to the park and will factor that into the Section 4(f) and Chapter 26 evaluations. After we've reviewed any comments we receive from the public, this letter will officially be transmitted to you all for review and concurrence.



Notice

Draft Environmental Assessment and Virtual Public Hearing with In-Person Option

I-35 CAPITAL EXPRESS NORTH

From SH 45N to US 290E

CSJs: 0015-10-062, 0015-13-389

Travis and Williamson Counties, Texas

The Texas Department of Transportation (TxDOT) is proposing improvements to I-35 from SH 45N in Williamson County to US 290 East in Travis County, Texas. This notice advises the public that a draft environmental assessment (EA) is available for public review and that TxDOT will be conducting an online virtual public hearing on the proposed project with an in-person option. **The virtual hearing will begin on Monday, May 10, 2021, at 9 a.m.** To log onto the virtual public hearing, go to the following web address starting at the date and time indicated above: my35capex.com. The virtual hearing will consist of a pre-recorded video presentation and will include both audio and visual components. Please note that the presentation will not be available on the website until the time and date listed above. The presentation will remain available for viewing at the web address indicated above until **Thursday, June 10, 2021** at 11:59 p.m. If you do not have internet access, you may call (512) 766-3472 between the hours of 9 a.m. and 5 p.m., Monday through Friday, to ask questions and access project materials during the project development process.

Additionally, TxDOT is providing an option for individuals who would like to participate in person instead of online. In-person attendees will be able to view the same video presentation delivered in the online public hearing, review hard copies of project materials, ask socially-distanced questions of TxDOT staff and/or consultants, and leave written comments. **The in-person option will be held on Monday, May 10, 2021 from 8 a.m. to 8 p.m. at the TxDOT Austin District Office, 7901 N. I-35, Austin, Texas 78753.** Attendance at the in-person option will be by appointment only. Individuals wishing to attend in-person must call (512) 522-6949 between the hours of 9 a.m. and 5 p.m., Monday through Friday, to make an appointment. In recognition of COVID-19, enhanced safety measures will be applied at the in-person option, including a requirement to have an appointment and follow social distancing practices. If anyone arrives without an appointment they may be asked to wait outside to ensure we maintain appropriate occupancy within the hearing room.

For both the virtual public hearing and in-person option, members of the public may call (512) 721-2832 to provide verbal testimony on May 10, 2021 through 11:59 p.m. on June 10, 2021. Formal written comments may also be provided by mail or email as explained below. All verbal testimony and timely written comments will be considered by TxDOT and included as part of the official record. Responses to verbal testimony and comments will be prepared by TxDOT, included as part of the hearing and project record, and made available online at my35capex.com.

I-35 within the proposed project limits is a controlled access interstate highway within an approximately 300-foot wide right-of-way. The proposed improvements would add one, 12-foot wide non-tolled high-occupancy vehicle managed lane in each direction, reconstruct bridges, construct a diverging diamond intersection (DDI) at Wells Branch Parkway, make additional safety and mobility improvements, and add bicycle and pedestrian paths. The proposed right-of-way would typically be 300 to 320 feet wide. The project length is approximately 11.5 miles.

The proposed project would, subject to final design considerations, require additional right-of-way and potentially displace five non-residential structures. Relocation assistance is available for displaced persons and businesses. Information about the TxDOT Relocation Assistance Program and services and benefits for those displaced and other affected property owners, as well as information about the tentative schedule for right-of-way acquisition and construction, can be obtained from the TxDOT district office by calling (512) 832-7000.

The proposed project is anticipated to impact the following property protected under Section 4(f) of the Department of Transportation Act of 1966: City of Austin's Upper Little Walnut Creek Greenbelt located along I-35 south of Rundberg Lane. The proposed project would require the acquisition of approximately 0.6 acre from Upper Little Walnut Creek Greenbelt. TxDOT anticipates making a *de minimis* determination for this use under Section 4(f) of the Department of Transportation Act of 1966. Public comment on the effects of the proposed project on the activities, features, or attributes of the Upper Little Walnut Creek may be submitted as described below. This park is a designated public property subject to Chapter 26 of the Parks and Wildlife Code.

The proposed project would involve an action in a floodplain.

At least part of the proposed project would occur within the Edwards Aquifer transition zone.

The draft EA, any maps and drawings showing the project location and design, tentative construction schedules, and other information regarding the proposed project are on file and available for inspection Monday through Friday between the hours of 8 a.m. and 5 p.m. at **the TxDOT Austin District Office, 7901 N. I-35, Austin, Texas 78753**. Project materials are also available online at my35capex.com. These materials will also be available in hard copy form for review at the in-person option.

The virtual public hearing and in-person option will be conducted in English. If you need an interpreter or document translator because English is not your primary language or you have difficulty communicating effectively in English, one will be provided to you. If you have a disability and need assistance, special arrangements can be made to accommodate most needs. If you need interpretation or translation services or you are a person with a disability who requires an accommodation to attend and participate in the virtual public hearing or in-person option, please contact Nic Barbera at (512) 766-3472 no later than 4 p.m. CT, Wednesday, May 5, 2021. Please be aware that advance notice is required as some services and accommodations may require time for TxDOT to arrange.

Written comments from the public regarding the proposed project are requested and may be submitted by mail to: Michelle Cooper P.E., 1608 W. 6th Street, Austin, TX 78703. Written comments may also be submitted by email to CapExNorth@txdot.gov. **All written comments must be received on or before Thursday, June 10, 2021.** Additionally, as stated above, members of the public may call (512) 721-2832 and verbally provide testimony from 9 a.m. on May 10, 2021 to 11:59 p.m. on June 10, 2021. Responses to written comments received and public testimony provided will be available online at my35capex.com once they have been prepared.

If you have any general questions or concerns regarding the proposed project or virtual hearing or in-person option, please contact Michelle Cooper at (512) 832-7138 or Michelle.Cooper@txdot.gov.

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 9, 2019, and executed by FHWA and TxDOT.

ATTACHMENT B
NEWSPAPER PUBLICATIONS

Display Ads

Newspaper	Run Dates
Austin American Statesman	April 21 and 26, 2021 and May 3, 2021
El Mundo (Spanish)	April 22, 2021
Community Impact Northwest Austin	April 24, 2021

Austin American-Statesman

statesman.com

PROOF OF PUBLICATION

STATE OF TEXAS

PUBLIC NOTICE

Before the undersigned authority personally appeared James Mickler, who on oath says that he/she is a Legal Advertising Agent of the Austin American-Statesman, a daily published newspaper that is generally circulated in Bastrop, Bell, Blanco, Burnet, Caldwell, Comal, Coryell, Fayette, Gillespie, Guadalupe, Hays, Kerr, Lampasas, Lee, Llano, Milam, Travis, and Williamson Counties, and State of Texas, and that the attached advertisement was published in said newspaper, to wit: RJ RIVERA ASSOCIATES INC, first date of publication 04/21/2021, last date of publication 05/03/2021, published 3 time(s), and that the attached is a true copy of said advertisement.

RJ RIVERA ASSOCIATES INC
8023 VANTAGE DR
SUITE 1100
SAN ANTONIO, TX 78230

Invoice/Order Number:	0000636244
Ad Cost:	\$10,581.09
Paid:	\$0.00
Balance Due:	\$10,581.09

Signed _____

James Mickler

(Legal Advertising Agent)

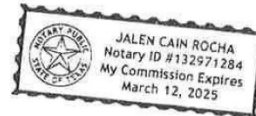
Sworn or affirmed to, and subscribed before me, this 10th day of May, 2021 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed _____

Jalen Rocha

(Notary)

Please see Ad on following page(s).





I-35 CAPITAL EXPRESS NORTH VIRTUAL PUBLIC HEARING

The Texas Department of Transportation is holding a virtual public hearing with an in-person option to discuss improvements to I-35 from SH 45 North to US 290 East. The purpose of the public hearing is to request public comment on the draft environmental assessment (EA) and the recommended alternative for improvements on the I-35 Capital Express North project.

Proposed improvements include:

- Adding one non-tolled high-occupancy vehicle managed lane in each direction
- Reconstructing six bridges
- Constructing a Diverging Diamond Intersection at Wells Branch Parkway
- Adding pedestrian and bicycle paths
- Making additional safety and mobility improvements within the project limits

The proposed project would require approximately 17 acres of additional right-of-way and would potentially displace five non-residential structures. It would also require the acquisition of approximately 0.6 acre from the City of Austin's Upper Little Walnut Creek Greenbelt. This park is a designated public property subject to Chapter 26 of the Parks and Wildlife Code and Section 4(f) of 23 CFR 774.3(b). TxDOT anticipates making a *de minimis* determination for this use under Section 4(f) of the Department of Transportation Act of 1966. Public comment on the effects of the proposed project on the activities, features, or attributes of the Upper Little Walnut Creek Greenbelt may be submitted as described below.

Monday, May 10, 2021

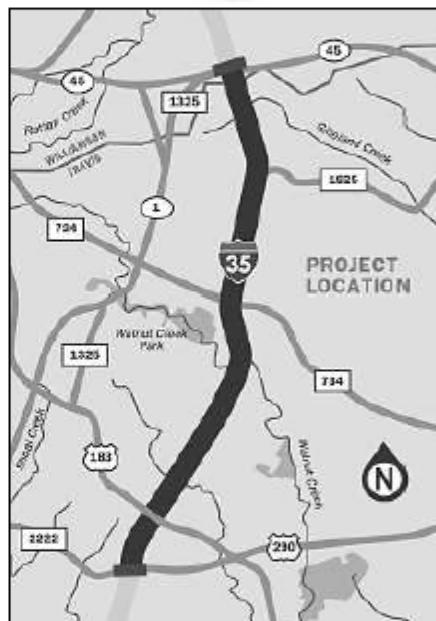
at 9 a.m.

through Thursday,

June 10, 2021

Project information
available for review

and comment at
my35capex.com.



An in-person option will be held on Monday, May 10, 2021, from 8 a.m. to 8 p.m. at the TxDOT Austin District Office, 7901 N. I-35, Austin, Texas 78753. Attendance at the in-person option will be by appointment only. Individuals wishing to attend in person must call (512) 522-6949 between the hours of 9 a.m. and 5 p.m., Monday through Friday, to make an appointment.

Public comments on the project may be submitted by email, phone, mail or online:

EMAIL: CapExNorth@txdot.gov

VERBAL COMMENT BY VOICEMAIL:
(512) 721-2832

MAIL: Michelle Cooper, RE.
1608 W. 6th Street
Austin, TX 78703

ONLINE: www.my35capex.com



Comments received or postmarked by June 10, 2021, will be included in the official hearing record.

The virtual public hearing will be conducted in English. If you need an interpreter or document translator because English is not your primary language or you have difficulty communicating effectively in English, one will be provided to you. If you have a disability and need assistance, special arrangements can be made to accommodate most needs. If you need interpretation or translation services or you are a person with a disability who requires an accommodation to attend and participate in the virtual public hearing, please contact Nic Barbera at (512) 766-3472 no later than 4 p.m. CDT, Wednesday, May 5, 2021. Please be aware that advance notice is required as some services and accommodations may require time for the Texas Department of Transportation to arrange. 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 Dec. 9, 2019, and executed by FHWA and TxDOT.

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared

Luis H. Diaz

(name of newspaper representative)

Deposes and says that (s)he is the: Circulation Manager

(title of newspaper representative)

of the El Mundo Newspaper ; that said newspaper is generally

(name of newspaper)

circulated in Travis and Williamson Counties, Texas; and

(in the municipality or the same county as the proposed facility)

is published primarily in Spanish language; and the

(alternative language)

Announcement for the **IH-35 Capital Express North/ Audiencia Pública Virtual** was published in said newspaper on the following date(s): April 22, 2021

Subscribed and sworn to before me this the 22nd day of April, 2021.

By

Luis H. Diaz
(Newspaper representative's signature)

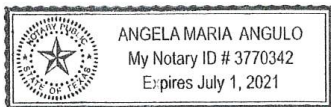
(Seal)

Notary Public in and for the State of Texas

Angela M. Angulo

Print or Type Name of Notary Public

My Commission Expires July 1, 2021



Cámara Baja propone retomar reunificación de cubanos

Proyecto bipartidista tendría el apoyo de los dos partidos. Su aprobación sería inminente

Los legisladores Mario Díaz-Salart (República) y Stephanie Murphy (Demócrata) presentaron un proyecto de ley que propone reanudar el procesamiento de los trámites migratorios para los solicitantes del Programa de Paralelo de Reubicación Familiar. El cubano (CFEP), suspendido indefinidamente desde el 2017 como consecuencia de supuestos 'ataques sónicos' contra personal de la Embajada estadounidense en La Habana.

La propuesta plantea reanudar los trámites migratorios en la Base Naval de Guantánamo ya que el Gobierno Federal cerró su misión diplomática en la capital cubana. Actualmente no se tramitan solicitudes migratorias ni visados estadounidenses en Cuba, lo cual dejó a miles de cubanos a la deriva.

El proyecto de ley titulado 'Modernización de la Reunificación Familiar para los Cubanos de 2021' codifica el Programa de Permiso de Reunificación Familiar Cubano (CPRF) para permitir que los ciudadanos cubanos puedan

A group of people, including a man in a white t-shirt and a woman in a dark top, are celebrating at night. They are holding Cuban flags and giving thumbs up. The background is dark with some lights visible.

continuar el proceso migratorio desde Cuba y no tienen que viajar a terceros países, como México o Guyana —donde Estados Unidos tiene consulados y embajadas— para realizar estos trámites de manera segura. También dictando y promueve la seguridad del personal estadounidense y prohíbe que quienes violen los derechos humanos se beneficien del programa.

La Ley de Modernización de la Reunificación Familiar para los Cubanos de 2021 permitiría que un ciudadano o residente permanentemente de este país solicitara un permiso (parole)

para que un integrante de su familia en Cuba pueda radicar en Estados Unidos.

El proyecto establece que la autorización para usar la Estación Naval de Cuatrima-mo para este propósito acaba-ría 60 días después de que el Gobierno Federal determi-ne que se han realizado otras adaptaciones para permitir el procesamiento regular y oportuno de las solicitudes.

Solo a aquellos que tienen una entrevista programada podrán entrar en las instalaciones y esto le brindará al Gobierno Federal la capacidad de preseleccionar a quienes ingresan y de man-

Nadie podrá solicitar asilo en la Estación Naval. El proyecto de ley establece que ésta no es y no será un puerto de entrada a territorio continental estadounidense. APLICAS

EL DATO

Actualmente, hay 22,000 casos de reunificación familiar pendientes para los inmigrantes cubanos y alrededor de 100,000 casos de visas pendientes.

AVISO LEGAL

Conviva Greco se MUDARÁ a 4359 Greco Drive, San Antonio, Texas, 78222 el 3 de mayo de 2021. Venga a visitarnos en nuestra nueva ubicación o programe una cita llamando al (210) 648-8200. Si usted no desea recibir atención en nuestra nueva ubicación, puede obtener una copia de su registro médico en la dirección y teléfono previamente mencionados.

PRECISION
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Precision Camera and Video ofrece servicios fotográficos incluyendo reparaciones de cámaras, revelaciones de fotos, alquileres de cámaras y mucho más! Visitenos hoy y reciba un 15% de descuento en copias fotográficas cuando usa el código "RECUERDOS" en tienda o en línea. PrecisionCameraATX.com

NORTE	SUR
2626 W Anderson Ln Austin, TX 78757 (512) 457-9570	9000 S 81-85 Freeway #4 Austin, TX 78738 (512) 343-0090

**No solo los
luchadores
usan
máscara.**

**Ponte tu
mascarilla.**

covid19.ca.gov/es

[illegible]

Llame al
3-1-1 para
reportar:
desperdicio de agua
perros sueltos
**[tiradero de basura
illegal]**
baches
hierba de 12" o más

austin **3-1-1**TM

R.J. Rivera Associates, Inc.

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared

Taylor Caranfa who swore or affirmed to tell truth, and stated as follows:

My name is Taylor Caranfa and I certify that I am an employee of the publishers of Community Impact Newspaper. I certify that the attached ad was published in the below Community Impact Newspaper edition(s).

Northwest Austin edition on April 21, 2021

At the cost of \$1,575.00.

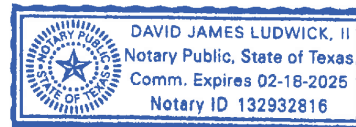
I certify that the attached tear sheet(s) is a true and accurate copy of the advertisement(s) as they appeared in the Community Impact Newspaper on the above-specified date(s).


Employee, Community Impact Newspaper

SWORN to and SUBSCRIBED before me, the undersigned authority, on this ~~25th~~ day of

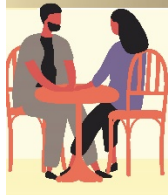
May, 2021, by Taylor Caranfa.


Notary Public



GUIDE

Noncomprehensive guide to area outdoor patios



• 2021 •

OUTDOOR PATIO GUIDE

Here is a list of outdoor spaces where guests can relax on socially distanced patios across Northwest Austin. From live music to happy hours, enjoy these 15 patios at local restaurants and bars. This list is not comprehensive.

COMPILED BY IAIN OLDMAN

1 Aviator Pizza & Drafthouse

- Lunch specials Mon.-Fri.
- Happy hour Mon.-Fri. 3-6 p.m.

4005 W. Parmer Lane, Ste. E, Austin
512-582-0097
www.aviatorpizza.com
Hours: Sun.-Thu. 11 a.m.-9:30 p.m.,
Fri.-Sat. 11 a.m.-11 p.m.

2 The Boat

- Seasonal menus
- Margarita, martini and
- bloody mary menus
- Live music on weekends
- Pet-friendly

10931 Stonelake Blvd., Austin
512-956-0040

www.theboatatx.com

Hours: Sun.-Thu. 11 a.m.-10 p.m.,
Fri.-Sat. 11 a.m.-midnight

3 Culinary Dropout

- Happy hour Mon.-Fri. 3-6 p.m.
- Weekend brunch 10 a.m.-3 p.m.
- Cornhole boards

11721 Rock Rose Ave., Ste. 100, Austin
512-777-3394
www.culinarydropout.com/locations/
austin-tx
Hours: Mon.-Thu. 11 a.m.-11 p.m.,
Fri. 11 a.m.-midnight; Sat. 10 a.m.-
midnight, Sun. 10 a.m.-9 p.m.

4 The Dogwood

- Rooftop bar and patio space
- Watch parties for sports

- Happy hour Mon.-Fri. 4-7 p.m.
- Weekend brunch 11 a.m.-3 p.m.

11420 Rock Rose Ave., Ste. 130, Austin
512-330-4554
www.thedogwoodrockrose.com
Hours: Mon.-Fri. 3 p.m.-2 a.m.,
Sat.-Sun. 11 a.m.-2 a.m.

5 Emerald Tavern

- Board games and tabletop games available for play
- Full bar

9012 Research Blvd., Ste. C1, Austin
512-994-4649
www.emeraldaverngames.com
Hours: Tue.-Fri. noon-9 p.m.,
Sat.-Sun. 11 a.m.-9 p.m., closed Mon.

6 Flower Child

- Kids menu

11721 Rock Rose Ave., Ste. 160, Austin
512-777-2493
www.iamflowerchild.com
Hours: Sun.-Wed. 11 a.m.-8 p.m.,
Thu.-Sat. 11 a.m.-8:30 p.m.

7 Luisa's Patio

- Live music on Saturday nights
- Daily weekday food specials

11800 N. Lamar Blvd., Austin
512-835-2414
Facebook: Luisa's Patio
Hours: Mon.-Thu. 10 a.m.-3 p.m.,

Fri.-Sat. 8 a.m.-10 p.m.,
Sun. 8 a.m.-3 p.m.

8 Manuel's

- Sunday brunch 11 a.m.-3 p.m.
- Margarita and tequila menu

10201 Jollyville Road, Austin
512-345-1042
www.manuels.com
Hours: Sun.-Thu. 11 a.m.-8:30 p.m.,
Fri.-Sat. 11 a.m.-9:30 p.m.

9 Oakwood BBQ and Beer Garden

- Happy hour Tue.-Fri. 4-7 p.m.
- Live music stage
- Pet-friendly
- Games for kids

307 E. Braker Lane, Austin
512-520-5165
www.oakwoodbbqaustin.com
Hours: Tue.-Thu. 11 a.m.-9 p.m.,
Fri.-Sat. 11 a.m.-9:30 p.m.,
Sun. 11 a.m.-8 p.m., closed Mon.

10 Pour House

- Pet-friendly
- Drink specials

11835 Jollyville Road, Austin
512-270-4740
www.pourhousepintsandpies.com
Hours: Sun.-Thu. 3-10 p.m.,
Fri.-Sat. 3-11 p.m.

GRIMALDI'S
COAL BRICK-OVEN PIZZERIA
To-Go

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inside Kitchen United Mix

ENJOY 15% OFF
with code **COMMUNITY15**

Order Pick-Up or Delivery at
Grimaldispizzeria.com/grimaldis-to-go-austin

**I-35 CAPITAL EXPRESS NORTH
VIRTUAL PUBLIC HEARING**

The Texas Department of Transportation is holding a virtual public hearing with an in-person option to discuss improvements to I-35 from SH 45 North to US 290 East. The purpose of the public hearing is to request public comment on the draft environmental assessment (EA) and the recommended alternative for improvements on the I-35 Capital Express North project.

Proposed improvements include:

- Adding one non-tolled high-occupancy vehicle managed lane in each direction
- Reconstructing six bridges
- Constructing a Diverging Diamond Intersection at Wells Branch Parkway
- Adding pedestrian and bicycle paths
- Making additional safety and mobility improvements within the project limits

The proposed project would require approximately 17 acres of additional right-of-way and would potentially displace five non-residential structures. It would also require the acquisition of approximately 0.6 acre from the City of Austin's Upper Little Walnut Creek Greenbelt. This park is a designated public property subject to Chapter 26 of the Parks and Wildlife Code and Section 4(f) of 23 CFR 774.3(b). TxDOT anticipates making a de minimis determination for this use under Section 4(f) of the Department of Transportation Act of 1966. Public comment on the effects of the proposed project on the activities, features, or attributes of the Upper Little Walnut Creek Greenbelt may be submitted as described below.

An in-person option will be held on Monday, May 10, 2021, from 8 a.m. to 8 p.m. at the TxDOT Austin District Office, 7901 N. I-35, Austin, Texas 78753. Attendance at the in-person option will be by appointment only. Individuals wishing to attend in person must call (512) 522-6949 between the hours of 9 a.m. and 5 p.m., Monday through Friday, to make an appointment.

Public comments on the project may be submitted by email, phone, mail or online:

EMAIL: CapExNorth@txdot.gov
VERBAL COMMENT BY VOICEMAIL: (512) 721-2832
MAIL: Michelle Cooper, P.E.
1608 W. 6th Street
Austin, TX 78703
ONLINE: www.my35capex.com

Comments received or postmarked by June 10, 2021, will be included in the official hearing record.

The virtual public hearing will not be conducted in English. If you need an interpreter or document translator because English is not your primary language or you have difficulty communicating effectively in English, one will be provided to you. If you have a disability and need assistance, special arrangements can be made to accommodate your needs. If you need interpretation or translation services in any language other than English, please contact the Texas Department of Transportation at (512) 705-5472 no later than 4 p.m. CDT, Wednesday, May 12, 2021. Please be aware that advance notice is required as some services and accommodations may require time for the Texas Department of Transportation to arrange.

The environmental review, consultation and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 USC 327 and a memorandum of understanding dated Dec. 9, 2015, and approved by FTA and TxDOT. Date: 05-10-2021 6:00 PM EST

ATTACHMENT C
PUBLIC HEARING COMMENTS ON PARK IMPACTS

I-35 Capital Express North Public Hearing - Parkland Impact Comments

Sarah Simpson	5/26/2021 21:32	VOH Comment Form	This expansion project is a waste of taxpayer dollars and I do not support its progression. The addition of lanes that will only result in increased traffic; encroachment into parklands; and use of diverging diamonds that endanger non-motorist road users are all reasons why this project should be abandoned. Please reallocate funds to much needed roadway maintenance - not harmful, futile roadway expansions projects that only fuel the concrete industry.
Nathan Searcy	5/27/2021 18:32	VOH Comment Form	<p>After reviewing the proposed changes I'd like to make my thoughts known to TxDOT and other involved in the project. I don't not support the idea of removing park land to expand the highway. These added lanes will induce additional drivers and will reduce air quality in and around the park. The added capacity will be filled in a very short time and will at best be a short term band aid to the congestion. The only long term solution to congestion is providing alternative transportation options.</p> <p>I like the added bike lanes they support the city's initiatives to reduce our impact on the environment. However, the paths should not cross the highway or other intersections at grade. This creates dangerous conflict points that will reduce safety and will discourage the use of the path. Lastly, given the Texas heat shade trees should be planted along the path to make the ride quieter and more enjoyable.</p>
Tom Wald	6/7/2021 13:03	Email to: capexnorth@txdot.gov	<p>Below are the Red Line Parkway Initiative's comments for the I-35 Capital Express North project virtual public hearing closing June 10th, 2021:</p> <p>TxDOT should prioritize bicycle and pedestrian connectivity across and along the I-35 corridor for all ages and abilities: Ensure that there is an all-ages-and-abilities pedestrian and bicycle crossing across I-35 at least every half-mile. The crossings can be as part of a multi-modal crossing or as a bike-and-ped-only crossing.</p> <p>On some previous projects, TxDOT has excluded the provision of bike & ped crossings at major highway crossings. Rather, this project should include the all-ages-and-abilities pedestrian and bicycle crossings on both sides of all roadway crossings, not excluding U.S. 290 East (Spur 69), U.S. 183, SH 45 North.</p> <p>The proposed shared-use paths will be a great addition to the corridor. These should be on both sides of the highway and should extend the entire length of the corridor to cover any missing gaps, including rebuilding or supplementing (in parallel) existing sidewalks.</p> <p>I-35 bridges over major creeks should include shared-use path connections under the I-35 bridges on both the north and south sides of each creek:</p> <p>Little Walnut Creek</p> <p>Walnut Creek</p> <p>These additional shared-use paths should connect with the shared-use paths along the corridor. Completing these I-35 crossings at these creeks would help address providing a crossing at least every half-mile and help address Section 4(f) impacts.</p> <p>All shared-use paths should be at least 12' wide to allow safe and usable two-way traffic and mixed traffic. This project is within the City of Austin, which has a design standard of 12' for shared-use paths, with allowances for wider paths in some areas.</p> <p>The shared-use paths should be built for people of all ages and abilities to use. Notably:</p>

Since the observed speeds on the frontage roads are generally greater than 35 mph, the shared-use paths should be protected from the frontage roads by using a physical barrier, e.g. jersey barrier, trees, guardrails, etc.

The shared-use paths in the I-35 ROW should be as far away from the frontage roads as possible. In no case should the shared-use path be placed immediately adjacent to the frontage road without a physical barrier—such facilities do not serve users of all ages and abilities. A 6" curb is not an adequate barrier.

The pedestrian and bicycling accommodations should meet or exceed the TxDOT Bicycle Accommodation Design Guidance released April 2nd, 2021. For reference: <https://ftp.txdot.gov/pub/txdot-info/ptn/bike-acco-design-guide.pdf>

TxDOT and its contractors should publicly present and accept feedback on detailed bicycle and pedestrian accommodations. On many occasions in TxDOT and CTRMA projects, different but cost-neutral choices in design would have resulted in far superior implementations, in regards to usability and safety.

Ending traffic deaths and serious injuries needs to be among the top concerns in this project. For any managed lanes and controlled access lanes, please use safe urban design speeds appropriate for a dense urban freeway setting. Please use City of Austin multimodal urban street design guidelines for any element of the project that is not controlled access. Please use FHWA guidance on self-enforcing streets and the USLIMITS2 speed limit and safe design guidance to design for appropriate speeds.

Ensure that the project is compatible with existing local plans. The public has already approved plans by the City of Austin and other local government entities, such as the Austin Strategic Mobility Plan (ASMP) and the voter-approved Project Connect. TxDOT should help accomplish those plans.

The project's proposed motor vehicle lane capacity needs to be reevaluated in the context of the November 2020 passage of Austin Propositions A and B, which will result in substantial build out of the transit, pedestrian, and bicycling networks. These networks are projected to dramatically shift future, potential automobile trips to other travel modes.

The project needs to mitigate its environmental impacts, including climate change impacts. Those climate change impacts will affect people locally and globally, and those impacts need to be mitigated in an amount much greater than the pedestrian, bicycle, and transit components that have already been included in the project. Greenhouse gas emissions should be based on a baseline year during the life of the project, e.g. 2030, and TxDOT's analysis should state its assumptions about that year's motor vehicle fleet energy usage (e.g. what greenhouse gas emissions are produced by the vehicles using I-35). Mitigation can take the form of funding completion of nearby trails, e.g. connecting the Northern Walnut Creek Trail to the Southern Walnut Creek Trails, adding to the Red Line Trail, and completing the MoKan Trail.

The regional growth forecasting process and travel demand models do not adequately reflect a need for additional motor vehicle lanes for this corridor. The case needs to be more solid for such a large investment and such a large negative local and global environmental impact.

The Indirect Effects Technical Report is not a good precedent for the analysis of indirect effects nor for induced demand or "induced growth". Glaringly, the vast majority of the agencies with the AOI did not participate, and the points of contact chosen were often not in the study area of expertise, e.g. development or urban planning would be more appropriate. Additionally, there were other substantial methodological flaws with the study. As a result, the conclusions stated were not soundly supported.

Thank you for the opportunity to provide input on this project.

Michael Fossum Austin Heritage Tree Foundation	6/10/2021 13:30	Email to: capexnorth@txdot.gov	<p>700 YEAR OLD TREE:</p> <p>Please avoid impacting the 700 yr old tree north of Braker in the Northern Tools parking lot. Avoid disturbing (compacting, parking on, storing, regrading, pouring concrete over, allowing heavy foot or machinery, etc.) as much of the crz of that tree. Specifically avoid disturbing as much of the current grassy area in front of that tree facing IH35.</p> <p>The current plan shows pinks areas on that grassy area qualified as construction easement. See attached screenshot. Our previous discussion with TxDot was that a fence would be installed to protect that area.</p> <p>** Is that still the plan? Will that pink space be used for construction purposes?</p> <p>Try to increase that root protection are a bit more. That tree has roots in that grassy area so any work there will disturb the 700 yr old tree and may cause it to die.</p> <p>If roots are encountered have them pruned (flush sharp cut) by a certified arborist only and painted right away to prevent oak wilt. There's active oak wilt in that area. February to june is the highest risk but oak wilt could occur any other month if the humidity and temperature are high.</p> <p>Please contact landowner to see if parking lot entrance could be removed to give more open grassy area to the tree along the sidewalk. If that is done. Soil aerate the area under the removed asphalt so that roots can grow.</p> <p>If tree needs you be pruned for clearance' have a certified arborist do that work.</p> <p>HERITAGE TREES</p> <p>Similarly, protect as many healthy heritage trees as possible. Don't remove them if it's possible to adjust the design instead. But also plan the construction, parking and storage areas well so that those activities don't impact the roots in the full crz if possible, minimum in the 1/2 crz of all healthy heritage trees. Heritage tree is defined by COA as 24 inches or larger of several species. See ordinance.</p> <p>CREEK AND PARKLAND</p> <p>Minimize impact to trees, creek and wildlife when building or expanding bridges over creeks. Especially in the southern area in the Little Walnut Creek parkland that you are acquiring. That's a very wooded area. See attached screenshot.</p> <p>** Can some of the activities be moved to the northern area that has fewer trees to save some trees in the southern wooded area?</p>
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